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OF THE

SECOND SESSION

OF THE

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OF

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PROCEEDINGS AND DEBATES OF THE SIXTY-FIFTH CONGRESS SECOND SESSION.

SENATE.

FRIDAY, *May 10, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

O God, as we come to meet the tasks of this day we look first to Thee for Thy guiding hand. Amid the confusion and violence of the world we dare not face our tremendous responsibilities and the tremendous interests without Thee. We need that wisdom which cometh from above, which is first pure, then peaceable, gentle, easy to be entreated, full of mercy and good fruit, without partiality and without hypocrisy. We need the Divine program in our plans. We need the equipment of patience and courage and unselfish devotion to the calls of duty.

O God, help us. Give us clean hearts and right spirits, and make our country a great power for pulling down the strongholds of iniquity and for building up the cause of righteousness. Have mercy upon our enemies who, before the world, have broken down Thine altars, forsaken Thy covenants, and turned aside from Thy statutes and from the Christ of Bethlehem, and have set up the god of war and frightfulness. O God, lead them to see the error of their ways and to turn back to the Christ of God through repentance in Jesus' name. Amen.

The Journal of yesterday's proceedings was read and approved.

REGENT OF SMITHSONIAN INSTITUTION.

The VICE PRESIDENT. There being a vacancy in the Board of Regents of the Smithsonian Institution, caused by the death of Hon. William J. Stone, a Senator from the State of Missouri, the Chair, as authorized by law, appoints Hon. CHARLES S. THOMAS, a Senator from the State of Colorado, to fill the vacancy.

AIRCRAFT CONSTRUCTION.

Mr. THOMAS. Mr. President, I have been furnished with a copy of the balance sheet showing the financial condition of the Aviation Section up to April 30, 1918, which I ask to have inserted in the RECORD for the information of the Senate and public.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Signal Corps—Statement of condition of current appropriations, including cash disbursements thereunder, Apr. 30, 1918.

Line.	Appropriation and allotment.	Amount of appropriation or allotment.	Orders and authorities.		Balance.	Cash disbursements.		
			Fixed price.	Cost plus.		Reported.	Unreported.	Total.
1	Increase for aviation, Signal Corps, 1918: Equipment division, including airplanes, engines, and their spare parts; transport; general equipment; special clothing; ordnance and ammunition	$518,618,440.00	$227,374,964.55		$38,633,403.21	$162,079,796.94		$162,079,796.94
	Acquisition of plants	6,000,000.00	2,520,599.83		3,479,400.17	1,036,952.54		1,036,952.54
	Total	524,618,440.00	229,895,564.38	$334,838,679.00	40,115,803.38	163,116,749.48		163,116,749.48
2	Construction division, including the purchase and lease of land, and the construction of buildings at home and abroad for schools, flying fields, storehouses, etc., total	41,456,400.00	53,441,547.43		11,985,147.43	42,268,203.32		42,268,203.32
3	Balloon division, including balloons, their accessories, balloon buildings, transport, gas, etc., total	27,119,550.00	16,302,042.91		10,817,507.09	7,674,721.16		7,674,721.13
4	Schools division (maintenance), total	1,056,000.00	850,013.01		205,986.99	293,919.11		293,919.11
5	Finance Division, including pay and expenses. Reserve Corps, students, civilian employees, experimental investigations, departments and depots, expenses of Aircraft Board, etc., total	45,749,610.00	14,691,488.56		31,058,121.44	6,956,343.18		6,956,343.13
6	Total I. A. S. C., 1918	649,000,000.00	315,180,656.29	334,833,679.00	10,019,335.29		[8] $31,175,793.61	31,175,793.61
7	Materials and Sales Section—Obligations [1]		151,031,840.57	16,021,500.00	170,053,340.57	7,705,769.21		7,705,769.21
8	Total disbursements I. A. S. C., 1918 [2]					228,015,705.46	31,175,793.61	259,191,501.07
9	Other aeronautical appropriations and allotments, including aviation seacoast defenses at home, Hawaii, Philippines, and Panama, made prior to July 24, 1917, total [3 4 5]	51,955,272.14	39,767,298.50		12,187,973.64	[6] 55,663,185.96		[6] 55,663,185.93
	Total, all aeronautical appropriations and allotments	691,955,272.14	503,979,795.36	359,860,179.00	167,881,702.22	284,678,891.42	31,175,793.61	315,851,693.93
10	Signal Service appropriations and allotments: [4 5] Total Signal Service appropriations and allotments	57,487,593.91	47,233,957.70		10,243,551.24	[7] 857,988.61		[7] 857,988.61
11	Appropriations for replacements, total	443,271.60	260,216.22		183,055.38	194,862.23		194,862.23
12	Grand total	749,886,052.63	551,478,969.28	359,860,179.00	157,453,995.60	285,342,017.75	[8] 31,175,793.61	316,517,816.35

[1] The Materials and Sales Section—Obligations include orders and authorities for equipment and instruments purchased by the "Signal Corps for resale to contractors, Navy Department and foreign governments." A small portion of this amount, to be later determined, will be an obligation of the appropriation, "I. A. S. C., 1918."

[2] Cash disbursements against materials and sales. Obligations are included under the total withdrawals of I. A. S. C. appropriations.

[3] This is an allotment given the "Signal Corps" by the "Navy Department."

[4] The total of these two items comprises one appropriation, "Signal Service of the Army, 1917-18, act June 15, 1917."

[5] The total of these two items comprises one appropriation, "Signal Service of the Army, 1918."

[6] Includes withdrawals from Treasury for Signal Service part of the appropriation.

[7] Withdrawals from Treasury for Signal Service part of the appropriation included in withdrawals under aeronautical appropriations.

[8] Unreported cash disbursements consist of cash in the hands of disbursing officers, United States Army.

Approved May 8, 1918.

S. E. WOLFE, *Major, Signal Corps, In Charge Finance Department.*

Mr. THOMAS. Mr. President, I have also a copy of an official document issued by the war cabinet of Great Britain, being a report on aviation for the year 1917. This report indicates that we are not the only Nation engaged in this war that is having trouble with an aviation program. For the information of the Senate I ask leave to have this document printed in the RECORD also.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[The war cabinet report for the year 1917, presented to Parliament by command of His Majesty.]

SUPPLY OF AIRCRAFT.

The above recital indicates generally what steps have been taken in matters of administration and control. It should be supplemented by some general account of the measures taken as regards supply of aircraft and the development of that supply.

In endeavoring to describe the measures taken to meet the aircraft needs of the navy and army, the writer is at once confronted by the fact that the information desired by the country is precisely the information desired by the enemy. What the country wants to know is what has been the expansion in our air services; whether we have met and are meeting all the demands of the navy and of the army, both for replacement of obsolete machines by the most modern types and for the increase of our fighting strength in the air; what proportion of the national resources in men, material, and factories is being devoted to aviation; what the expansion is likely to be in the future. These are precisely the facts which we should like to know with regard to the German air service, and for that reason it would be inadmissible for us to supply Germany with corresponding information about ourselves by publishing a statement on the subject.

It can be said that the expansion of our air services is keeping pace generally with the growing needs of the navy and the army.

The brilliant part played by the Royal Flying Corps and the Royal Naval Air Service in the battles of the Somme, Vimy, Messines, and Ypres has been described by the commander in chief, who has also borne frequent testimony to the inestimable value of the work performed daily and nightly by the two air services. It is fair to say that not even the well-known superiority of our airmen over those of the enemy would have enabled them to have earned the commander in chief's praise in so unstinted a measure unless they had been supplied with satisfactory machines and equipment from home. It is rather the fashion to criticize the quality of our machines. Most of the critics, however, are ignorant of the technical and manufacturing difficulties which have to be overcome in order to keep up a constant and increasing supply of the most up-to-date machines. Not only are the technical difficulties and the resultant research and experimental work formidable in themselves, but the task of building up in war time, without seriously affecting the requirements of other services, a new industry of a most highly skilled character necessarily puts a heavy strain upon the organizing and manufacturing ability of the country. The growing realization of the increasing importance of aviation as an artificer of victory has recently been reflected by the concession of first priority to labor and materials required for aircraft production.

The nature of the duties performed by the Royal Naval Air Service, both in conjunction with the fleet and from naval bases, makes secrecy essential to success. It is, unfortunately, inevitable, therefore, that the public should remain in the dark on this subject; but the Germans, who in this matter are perhaps the best judges, have good reason to know and to regret the great and growing activities of the Royal Naval Air Service. All that has been said regarding the difficulties of supplying the requirements of the air forces operating over the land applies equally to the supply of those which operate over the sea. In both cases difficulties are being overcome, and the outlook is improving.

The science of aeronautics is in a state of constant and rapid development; improvements in engines, aeroplanes and their numerous accessories are constantly being worked out. But the interval between the discovery of an improvement and its introduction into the service is, owing to technical considerations, very much longer than is commonly supposed. Experience shows that, as a rule, from the date of the conception and design of an aeroengine to the delivery of the first engine in series by the manufacturer more than a year elapses; the corresponding period for an aeroplane is about one-half as long. Consequently plans have to be laid for a long period ahead, and these plans are liable to be upset by many uncertain factors. The hopes based upon the promising results given by the first experimental engines of a new design are frequently disappointed owing to difficulties of bulk manufacture or to defects only developed after long trial in the air; new types of aeroplanes favorably reported on when first tried are found on longer experience not to give complete satisfaction, and yet it is impossible, if we are to keep ahead in the keen struggle for aerial superiority, to wait for full experience before placing orders. Risks must be run, and new types must be adopted at the earliest moment consistent with reasonable assurance that they will constitute a substantial improvement on what is already in use. Orders must be placed, moreover, for considerable numbers and for delivery over many months, as the large output required for our present flying services can only be obtained by bulk orders permitting a high degree of subdivision of work.

The next step in the problem is the balancing of the engine and the aeroplane programs. Owing to the much longer period required for the production of engines than of aeroplanes, orders for the former must be placed for relatively long periods ahead, before it is known what types of aeroplanes will be required when the engines become available.

The problem is complicated by the fact that manufacture and delivery rarely, if ever, proceed in accordance with anticipation. The output of a particular type may be delayed for weeks or even months owing to some technical difficulty of manufacture. Moreover, as replacement of losses and expansion are proceeding simultaneously in the flying services, and the rate of wastage in different types of engines and of aeroplanes varies considerably according to circumstances, it is impossible to forecast with accuracy what engines will be available for the equipment of new types of aeroplanes after wastage has been made good. Nor is it possible to any great extent to adjust the program by modifying orders once placed without disorganizing supply. The problem does not end here. Whenever a new type is introduced provision must be made for accumulating a sufficient "head" of spare engines, spare aeroplanes, and spare parts of innumerable kinds, to keep the squadron to be equipped with that type in a condition to make good the day-to-day wastage and carry out the constant repairs required.

Such being the nature of the problem, it is satisfactory to be able to record that during the year 1917 not only was the number of squadrons of aircraft on the various fronts increased in a notable degree, but there was a complete replacement of machines and engines of the older types. The very great increase in output which is being obtained has placed a considerable strain on the workers in the aircraft and aeroengine factories of the country, a strain which is being met on the whole in a satisfactory manner.

The difficulties in connection with production are aggravated by the competing claims of many different types of aeroengines Standardization is the ideal, but it is obviously difficult of attainment, having in view the importance of not losing time in production and at the same time of keeping abreast with the very latest developments necessitated by the need for constant increase of horsepower and higher performance. The air council are most keenly impressed by the need for concentration on a few approved engines, and they have the whole question of the reduction of numbers of types under constant and careful consideration.

Attention was drawn on more than one occasion by manufacturers to the importance of maintaining the interest of workers in aircraft factories in the highly important but generally monotonous work on which they are employed. Engaged, as they frequently are, on the production by a repetition process of some small part of an aeroplane, these men and women find it difficult to realize that they are contributing effectively to one of our most valuable instruments of warfare. It was accordingly arranged that Capt. Ewart, R. F. A., well known as a writer by the name of "Boyd Cable," should visit various squadrons at the front and gather materials and photographs for lectures concerning the exploits performed with various types of aircraft for delivery to the workpeople engaged on the manufacture of those particular types. Capt. Ewart delivered several series of lectures which, judging from the reports received from the factories concerned, proved a very great success.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House recedes from its amendment to the joint resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

The message also announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registra-

tion for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

The message further announced that the House further insists upon its amendments to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DENT, Mr. FIELDS, and Mr. KAHN managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House has signed the enrolled bill (S. 3402) to fix the age limits for candidates for admission to the United States Naval Academy, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. HOLLIS. I present a telegram from the Central Labor Union of Portsmouth, N. H., which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PORTSMOUTH, N. H., *May 10, 1918.*

Senator HENRY F. HOLLIS,
Washington, D. C.:

We take this means of protesting against the removal of the so-called antiefficiency rider in the naval appropriation bill. We also request that you use every effort in having it retained, and that you secure the same publicity for this telegram as Senator GALLINGER obtained for the opposition.

ROBERT V. NOBLE,
Secretary-Treasurer Portsmouth (N. H.) Central Labor Union.

Mr. CALDER. I present a resolution adopted by the Brooklyn Chamber of Commerce in opposition to the provision in the naval appropriation bill prohibiting the use of time-saving devices. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

[Brooklyn Chamber of Commerce, 127 Remsen Street.]

At a meeting of the committee on legislation of the Brooklyn Chamber of Commerce, held on May 7, 1918, at 5 p. m., pursuant to notice, the following resolution was unanimously adopted by the committee:

Resolved, That we oppose the provision of the naval appropriation bill reading as follows: "That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonuses or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant," upon the ground that in the present crisis it is absolutely necessary for the Government to accelerate naval construction by every possible means, and that in our judgment the adoption of the above-quoted provision would undoubtedly retard instead of accelerate such work.

We therefore believe that in the interests of patriotism and the prompt and successful prosecution of the war this provision should be eliminated from the naval appropriation bill.

Resolved, That the Senators and Representatives in Congress from New York State be urged to vote against the adoption of the above-quoted provision and that a copy of this resolution be sent to the Senators and Representatives from Kings County.

Mr. SHIELDS. I present and ask to have printed in the RECORD a petition from some estimable gentlemen and ladies of Athens, Tenn., urging one of their Senators to vote for woman suffrage.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

To Hon. JOHN K. SHIELDS,
Senator from Tennessee:

Realizing that we are not a democracy, since half our citizens are unenfranchised; and

Whereas the burdens of war fall as heavily upon the womanhood of our Nation as they do upon the manhood, and believing that those who bear a full share of the burdens of a nation in war as in peace should have a voice in the government which imposes those burdens; and

Whereas the United States has joined this great world's war for democracy and it is looked upon as the leader in all that is just and right, and believing that the enfranchisement of women in America will bring to our Nation a twofold strength in this great war; and

Whereas by the passage of the Susan B. Anthony amendment now in the Senate the bill can be passed to the States for ratification;

Therefore we, the undersigned, earnestly implore you to cast your vote for the amendment.

C. L. Hardwick, Mrs. Theodore E. Stivers, Dessie Chapman, R. B. Hurt, Charles Frost, Carl Grigsby, C. O. Brock, J. M. Carl, O. C. Ragsdale, E. E. Wells, Mrs. L. L. Woollen, L. L. Woollen, Mrs. H. E. Haggard, John C. Moore, E. S. Petty, Nell Payne, W. H. Wells, J. T. Huffin, May Fraker, Mrs. Carl Grigsby, Mrs. N. M. Haggard, Ada Fraker, H. E. Haggard, J. N. Taylor, E. T. Campbell, L. S. Yearson, J. J. Schultz, J. E. Helms.

Mr. PHELAN presented a petition of sundry citizens of Napa, Cal., praying for an increase in the salaries of postal employees, which was ordered to lie on the table.

He also presented a memorial of the congregation of the First Friends Church, of Pasadena, Cal., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

Mr. KNOX presented petitions of sundry citizens of Pennsylvania, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Easton, Pa., and a petition of the Westminster Presbytery, of Lancaster, Pa., praying for the adoption of an amendment to the Constitution of the United States to prohibit polygamy, which were referred to the Committee on the Judiciary.

THE ALABAMA APARTMENT HOUSE.

Mr. JONES of Washington. Mr. President, a few days ago I presented a petition together with a letter in reference to the apartment house the Alabama. I left the name of the apartment house out, but the petition I presented did refer to it. That petition was sent to me with a letter by Hon. C. J. Blanchard, of the Reclamation Service.

I think day before yesterday I quoted in the RECORD an extract from a letter relating to this same apartment house. That letter was from Hon. W. P. Witton, former chief law clerk of the Land Office, a man whom I have known for a great many years and thoroughly reliable and responsible. I thought and still think I had a right to rely upon the statements he made. But in justice and fairness to the owners of the Alabama I ask to have printed in the RECORD a letter which I have received from them this morning in reference to the situation there. I also present a letter without the signature from a party who claims to know the conditions in reference to the matter of subletting in the Alabama and ask that it be printed. Assuming the statements made as correct in this letter, it indicates that the tenants are subletting to a very great exent, and that they are even greater profiteers than anyone else proposes to be. The bill which the Senator from Ohio [Mr. POMERENE] has in charge, and which is before the Senate for consideration, will prevent the things mentioned in this letter.

The VICE PRESIDENT. Without objection, that action will be taken.

The communications referred to are as follows:

WASHINGTON, D. C., *May 8, 1918.*

Senator WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR JONES: We have read in to-day's Washington Post a statement reported to have been made by you in the Senate on May 7 with reference to the Alabama apartment house, as follows:

"It is proposed," continued Senator JONES, "to raise the rent for apartments in this house, or under the guise of a sale, to throw all of the tenants out, including the families of the 27 men who are fighting on the battle front in France for liberties of the people of the whole country and of the District of Columbia, in order that some man may secure a little more money.

"Congress, if it can stop anything of that kind, ought to do it, and I believe it can. Although these people have been living there for from 8 to 13 years and their means of support in many instances are fighting on the battle line in Europe, the owner of this property must take advantage of conditions now to enrich himself at their expense. That is but one example of the kind in the city."

Before making such a statement it would seem fair and just that you should make some attempt to verify the facts in this case, especially since a true statement of the facts in the case would have shown that there is no basis for your conclusions. The facts in the case are as follows:

1. No proposal to raise the rents has been suggested by us or anyone authorized by us to any tenant in the Alabama.

2. There has been no proposal under the "guise of a sale" to throw all of the tenants out in order that we may accomplish the same end.

3. All of the leases in the Alabama apartment house are drawn to expire September 30, 1918, and no tenant could be dispossessed prior to the expiration of his lease, either by the present owners or any purchaser thereof.

4. The Alabama apartment house has been for sale for some time prior to the war, during which time we have had numbers of possible and probable purchasers who have been shown through the building from

time to time. The idea of selling the apartment is not a new one by any means; it was built for sale. We will certainly be justified in making a sale to a bona fide purchaser.

We had every opportunity to raise the rents last October; we refrained from taking this action, although we were well aware that there would be a tremendous increase in the cost and upkeep of this building.

The questionable schemes to raise rents attributed to us are not supported by facts or reason. Your informants, if they made the statements attributed to them, falsely represented to you that we are proposing to raise the rents, and not believing this representation strong enough to move you to action, they charge, contrary to facts, that we tried under the "guise of a sale," to accomplish the same end. No reasonable person could believe that the sale of the property could put him in any better position to raise the rents, as a purchaser would have to face the same situation that now exists.

Are we to believe that such inflammatory statements without verification are to be the basis of legislation in Congress? Do you think it fair dealing to the citizens and property owners of the District to prejudge them without giving them the slightest show?

We are constrained to believe that the information communicated to you is but a fair sample of a large proportion of the communications, signed and unsigned, which have been made to the Members of Congress, and it is unfortunate that they should be acted upon and made the basis of legislation by Congress without the slightest effort at verification.

It would appear to us, that where so much was involved that at least you could have first verified the facts or given the opportunity to us to explain conditions before publicly branding us, in effect, frauds and profiteers.

We wish you would be good enough to correct the Senate record in accordance with the facts as given herewith. If there are any further facts which you would like to have in the matter, we will be only too glad to furnish them.

Very truly, yours,

BATES WARREN,
JOHN L. WARREN,
Owners of the Alabama Apartment House.

RECORD DIVISION, PENSION BUREAU,
Washington, May 8, 1918.

Hon. WESLEY L. JONES,
United States Senate, City.

MY DEAR SENATOR: This account of the patriotic (?) and sorely abused (?) tenants of the Alabama has attracted my attention, because for the past six months I have been an interested observer of the conditions there.

One abused owner of an apartment rents a dark room lighted mostly by electricity to two enlisted men for $25 per month. He himself pays $35 per month for his entire apartment. I can not vouch for what he pays, but I can for what he gets. Ask this man what rent he got for his room up to June, 1917.

Three patriotic women and a child live in the dining room and kitchen of one apartment in order to sublet the other rooms at fancy prices. Not satisfied with doing this themselves, they are urging their next-door neighbor to raise the rent on the only room she sublets. However, the neighbor has her own idea as to how to run her own apartment. All honor to her. Let the agent learn how many people are living in that apartment, how many are occupying one room, what price each subtenant is paying now, and what price was received June, 1917. In fact, let him take each apartment in turn, ask "owner" of apartment and subtenant in turn the same questions. I think what he would learn would be a revelation to him and how few subtenants have the blessed privilege of privacy for the rent they pay.

This is my own experience. In September, 1917, I rented a room in an apartment in the Alabama, paying $15 per month, the price for which it had been rented the previous year. The furniture in the room originally cost about $150, some has been in use 12 years, all of it 4 years. So there was no especial consideration for fine furniture. My verbal contract was very clear. I was not to be disturbed during the period, September, 1917, to June, 1918. I expected to go to Seattle about the 20th of June, 1918. About April 1, 1918, I received notice that the room was wanted May 1. This was breaking the contract. Upon going into the matter with my landlady I was informed she had an offer of $30 per month for my room from an Army man and wife, who would take their meals with her mother, who lived in a different house, paying therefor $64 per month. In that way the room would yield them $94 per month. (Pure patriotism, wasn't it?) Also she was considering an offer of $125 per month for the entire apartment for the summer months. Heretofore she has never been able to get more than $40 per month, furnished, for the summer months, and glad to get it.

She admitted that she was breaking the contract (I have this in writing); told me there was nothing personal, said that in many ways it had been very nice to have me during the winter, but gave me to plainly understand she must have the room May 1, as she wished to work in conjunction with her mother, etc. Later, when I found I was so rushed with my charitable and office work that I could not find time to hunt other quarters, she graciously permitted me to stay until June 1. I to pay $22 per month for the privilege. It looks as though she agrees with the Germans that an agreement is a mere bit of nothingness. Her action has upset every plan I had and but for the fact that a friend is going to take care of me until I can get located, the situation for me would be serious. This is my experience, and I think you could find others who have had the same.

The owner of the Alabama has been rather bitterly berated by the press, yet it is his tenants who are really doing the profiteering. There is his side of it, which has impressed me the past six months. The tenants by overloading their apartments make it harder for the telephone and elevator girls, and these people "quit" when overworked. Halls are harder to clean, an enormous quantity of hot water must be provided, and coal has increased in price. There is extra wear and tear on apartments, paper and paint become used up more quickly, plumbing gives out, and the wear and tear on hardwood floors, which are especially nice in the Alabama. From what I can learn there has been very little, if any, increase in rents all these years to the long-term tenants.

I do not wish to imply that all tenants are bitten by the profit bug, and there is only one way to stop it, that is for the owner to have the right to say to his tenants who abuse the subletting privilege, or who profiteer, that they can not renew their leases. Also the owner should not be permitted to rent apartment after apartment to people who want to use them solely for profit, as is being done in some of the apartment houses in this city. I have talked with the tenants in the Cecil, Ontario, and Wardman Courts, and they all say the same thing—rents are not unduly high, but the people who sublet are making the profit at the expense of and reputation for fair dealing of the owner.

I do not know the owner of the Alabama. I have no ax to grind in writing this, but it seems to me the owner and agent are not getting a square deal.

BUREAU OF WAR-RISK INSURANCE.

Mr. WILLIAMS. Mr. President, I ask, out of order, to call up for immediate consideration the bill (H. R. 11245) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917. It was reported unanimously by the Finance Committee, and was passed by the House without objection. A report accompanies the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 13, article 1, of the act approved October 6, 1917, entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," be, and is hereby, amended by striking out the following words in the last sentence: "To regulate the matter of compensation, if any, but in no case to exceed 10 per cent, to be paid to claim agents and attorneys for services in connection with any of the matters provided for in articles 2, 3, and 4," and insert at the end of the sentence the following words: "*Provided, however*, That payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers shall not exceed $3 in any one case: *And provided further*, That no claim agent or attorney shall be recognized in the presentation or adjudication of claims under articles 2, 3, and 4, except that in the event of disagreement as to a claim under the contract of insurance between the bureau and any beneficiary or beneficiaries thereunder, an action on the claim may be brought against the United States in the district court of the United States in and for the district in which such beneficiaries or any one of them resides, and that whenever judgment shall be rendered in an action brought pursuant to this provision, the court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed 5 per cent of the amount recovered, to be paid by the claimant in behalf of whom such proceedings were instituted to his attorney.

"Any person who shall directly or indirectly, solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive, any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than $500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment," so that the section as amended shall read as follows:

"SEC. 13. That the director, subject to the general direction of the Secretary of the Treasury, shall administer, execute, and enforce the provisions of this act, and for that purpose have full power and authority to make rules and regulations, not inconsistent with the provisions of this act, necessary or appropriate to carry out its purposes, and shall decide all questions arising under the act, except as otherwise provided in section 5. Wherever under any provision or provisions of the act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director, subject to the general direction of the Secretary of the Treasury. The director shall adopt reasonable and proper rules to govern the procedure of the divisions and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of allowance, allotments, compensation, or insurance provided for in this act, the forms of application of those claiming to be entitled to such benefits, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards: *Provided, however*, That payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers shall not exceed $3 in any one case: *And provided further*, That no claim agent or attorney shall be recognized in the presentation or adjudication of claims under articles 2, 3, and 4, except that in the event of disagreement as to a claim under the contract of insurance between the bureau and any beneficiary or beneficiaries thereunder an action on the claim may be brought against the United States in the district court of the United States in and for the district in which such beneficiaries or any one of them resides, and that whenever judgment shall be rendered in an action brought pursuant to this provision the court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed 5 per cent of the amount recovered, to be paid by the claimant in behalf of whom such proceedings were instituted, to his attorney, said fee to be paid out of the payments to be made to the beneficiary under the judgment rendered at a rate not exceeding one-tenth of each of such payments until paid.

"Any person who shall, directly or indirectly, solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than $500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment."

SEC. 2. That Article IV of said act, approved October 6, 1917, entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," is hereby amended by striking out section 405 thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIGNATURES ON BANK NOTES.

Mr. SHAFROTH. I ask unanimous consent for the consideration of the bill (S. 3900) to amend and reenact section 5172 of the Revised Statutes of the United States. It is a bill relating to the signatures on the $1 and $2 bills which have been required to be issued in lieu of the $350,000,000 of silver cer-

tificates that are to be retired. It provides that the signature can be lithographed instead of actual signing.

Mr. CURTIS. I ask that the bill be read.

The VICE PRESIDENT. It will be read.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. JONES of Washington. I wish to ask the Senator whether it will lead to any discussion?

Mr. SHAFROTH. No; I do not think it will.

Mr. JONES of Washington. If it leads to any discussion I want it put over until the morning business is closed. I have no objection to it myself.

Mr. SMOOT. I will state to the Senator that I do not think it will lead to any discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with amendments, on page 1, line 4, to strike out the words "and reenacted so as," and on page 2, line 1, after the word "blank," to insert a comma and the words "or bearing engraved signatures of officers as herein provided," so as to make the bill read:

Be it enacted, etc., That section 5172 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 5172. In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes in blank, or bearing engraved signatures of officers as herein provided, of the denominations of $1, $2, $5, $10, $20, $50, $100, $500, and $1,000, as may be required to supply the associations entitled to receive the same. Such notes shall express upon their face that they are secured by United States bonds, deposited with the Treasurer of the United States, by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury; and shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the written or engraved signatures of the president or vice president and cashier; and shall bear such devices and such other statements, and shall be in such form as the Secretary of the Treasury shall, by regulation, direct."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 5172 of the Revised Statutes of the United States."

COMMITTEE SERVICE.

Mr. MARTIN. Mr. President, I send to the desk an order, which I ask may be entered by unanimous consent. It is to fill certain committee vacancies, which it is important to have filled at once.

The order was read, as follows:

Ordered, That the membership of the Committee on Military Affairs be increased from 17 members to 19 members, and that Senator SMITH of Georgia be, and he is hereby, assigned to membership on the Committee on Military Affairs; that Senator HITCHCOCK, of Nebraska, be, and he is hereby, assigned to the chairmanship of the Committee on Foreign Relations; that Senator ROBINSON, of Arkansas, be assigned to membership on the Committee on Foreign Relations; that Senator LEWIS, of Illinois, be assigned to membership on the Committee on Finance.

Mr. SMOOT. Mr. President, I should like to have the Senator from Virginia accept an amendment in behalf of the minority members.

Mr. MARTIN. Very well.

Mr. SMOOT. In behalf of the minority, I move that the name of Senator KNOX be added as a member of the Committee on Military Affairs.

Mr. MARTIN. I am very glad to accept the amendment offered by the Senator from Utah, adding the name of the Senator from Pennsylvania [Mr. KNOX].

The VICE PRESIDENT. Without objection, the amendment will be made, and the order as amended will be agreed to.

WOMAN SUFFRAGE.

Mr. SMITH of Arizona. Mr. President, I beg the indulgence of the Senate for just a minute, as I am compelled to return to Kentucky at 2 o'clock. I came from there last night for the purpose of casting a vote in favor of the proposed amendment to the Constitution giving suffrage to the women of the country. I left the sick bed of the person nearest to me now living. As I said, I shall return at 2 o'clock.

I should like in this connection to read the following telegram:

DETROIT, MICH., *May 8, 1918.*

Senator SMITH of Arizona:

The following resolution was unanimously passed at Woman's Party meeting at Detroit, May 7:

"Whereas, when the vote was taken in the United States Senate May 6 on question whether Senate should proceed on May 10 to debate woman suffrage amendment 19 Senators pledged in favor of amendment were absent.

"*Resolved*, This meeting express indignation at absence of pledged supporters and urge speedy return to work for immediate passing of suffrage amendment."

I received half a dozen telegrams telling me that the vote would be taken on to-day. I responded for the purpose of casting my vote. I am disappointed in not being able to do so.

I hope the next time Senators who are absent on matters of necessity are notified to be here there will be some definiteness in the reports. I received from Senators and from Members of the House messages that the vote would be taken to-day. As I said before, I have returned here in response to the call, and I shall leave at 2 o'clock, and if the joint resolution comes up within the next 10 days I shall not be here. The long trip and the necessity of my immediate return will be somewhat trying on me at this time, but I can never feel regret at having tried to help the great cause, but only regret being disappointed at the end of my effort.

Mr. SMITH of Michigan. Mr. President, the telegram just read by the Senator from Arizona moves me to say a word.

As my colleagues know, I obtained a formal leave of absence from the Senate in order to visit my son, who was on sick leave from the Army in southern California, and my aged mother, who was about to pass her 83d birthday in that State. Advised that a vote would be taken to-day upon the constitutional amendment referred to by the Senator from Arizona, I am here and in my seat and ready to vote. In fact, I am anxious to vote for that amendment in accordance with the pledge of my party and the pledge of all parties. I should regard it as a very unfortunate event in the history of the Senate if it failed to take up this important question now and settle it, and settle it rightly.

I am, as I said, anxious to vote for the passage of what is known as the suffrage constitutional amendment, and not having been advised that it would be called up earlier than to-day I have no apology to make to anyone for my absence. I would absent myself again under similar circumstances. Nevertheless, I am now here ready to vote and have been ready ever since the session began. I shall feel a deep sense of regret if the measure that has challenged the attention of the Senate so long is not promptly put upon its immediate passage.

Mr. THOMAS. Mr. President, in view of the fact that explanations are in order this morning, I desire to say that I notice the return to the Senate of my very genial friend and distinguished colleague, the Senator from North Carolina [Mr. OVERMAN], and I feel sure that he also has returned for the purpose of casting his vote for this amendment, and I think the Senate will so determine, unless he assumes a contrary attitude. [Laughter.]

Mr. JONES of New Mexico. Mr. President, I have listened to the expressions of the Senator from Arizona [Mr. SMITH] and the Senator from Michigan [Mr. SMITH] regarding the vote upon the woman-suffrage amendment. This occasion is not only disappointing to them but it is one of keen disappointment to me and to the vast majority of the Members of this body. It is also the occasion of keen disappointment to millions of men and women in the United States. On Monday last, by the direction of the Committee on Woman Suffrage, which has had this amendment under consideration, I gave notice that on to-day, at the conclusion of the morning business, I would move to take up that amendment for consideration. At that time the committee felt that it had reasonable grounds to believe that, if brought to a vote, the amendment would receive the affirmative votes of at least two-thirds of this body. Since that time information has been received that causes the committee to doubt that fact. It is not believed that there are one-third of the Members of this body irrevocably committed to the defeat of the amendment, if brought to a vote; in the opinion of the committee, nearly two-thirds of the Members of this body would cast at this time affirmative votes; but it is so important that the amendment be not brought to a vote until there is a reasonable assurance of its passage that the committee has decided not to ask immediate action by the Senate.

The amendment has been passed by a two-thirds vote of the House of Representatives. If brought to a vote at this time and defeated, it would mean that no further action could be taken upon it during this Congress. So important is it that this amendment be adopted when brought to a vote, that the members of the committee deem that it should not be brought to a vote until there be reasonable assurance of its passage here.

When I said that I did not believe one-third of the Members of this body were irrevocably committed to the defeat of the amendment, I based that statement upon information obtained from Senators themselves, not necessarily by me directly, but by those who have been in close touch with this movement. There are Senators here who seek to register the will of their constituents upon this subject, and I think rightly so. I mean

by saying "rightly so," that their position can be justified to the minds of reasonable men. Whether or not I should take that position is beside the point at this time.

The movement in favor of woman suffrage is proceeding with increased force every day that passes. This is an era not only of revolution in the nations of the world, but it is an era of evolution and of progress. Wherever you turn, to the remote corners of the earth, you find that this question of enfranchising the women is one of the most seriously considered of all questions. Enfranchisement does not necessarily mean the ability to cast the ballot, but it means enfranchisement in its broader sense; the freedom, the liberty which the female sex may obtain, the removal of the bondage which has been put upon them for generations and centuries.

This movement in the United States has been progressing even more rapidly than many Senators in this body possibly appreciate. Within the last year many things have happened in connection with woman suffrage in the United States. I have a table here which shows the various things which have been done in the United States during the year 1917, looking toward the ultimate enfranchisement of the women of this country, and I ask, Mr. President, that the table may be inserted in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

THE UNITED STATES.

THE WOMAN CITIZEN—SUFFRAGE VICTORY CALENDAR FOR 1917.

January 14—North Dakota. Presidential and local suffrage bill passes senate (37–11).
January 16—North Dakota. Presidential and local suffrage bill passes house (88–19).
January 23—North Dakota. Presidential and local suffrage bill signed by Gov. Frazier.
February 2—Ohio. Presidential suffrage bill passes house (72–50).
February 7—Nebraska. Presidential and local suffrage bill passes house (73–24).
February 8—Indiana. Presidential and local suffrage bill passes (32–16).
February 14—Ohio. Presidential suffrage bill passes senate (20–16).
February 20—New York. Amendment passes house (127–10).
February 21—Maine. Amendment passes house (113–35).
February 21—Ohio. Presidential suffrage bill signed by Gov. Cox.
February 22—Maine. Amendment passes senate (unanimous).
February 22—Indiana. Presidential and local suffrage bill passes house (67–24).
February 27—Ontario (Canada). Provincial suffrage bill passes.
February 28—Indiana. Presidential and local suffrage bill signed by Gov. Goodrich.
March 5—Arkansas. Primary suffrage bill passes senate and house (54–24).
March 6—Arkansas. Primary suffrage bill signed by Gov. Brough.
March 9—Vermont. Municipal suffrage bill passes house (104–100).
March 12—New York. Amendment passes senate (39–7).
March 21—Vermont. Municipal suffrage bill passes senate (16–11).
March 21—Michigan. Presidential suffrage bill passes senate (22–7).
March 30—Vermont. Municipal suffrage bill signed by Gov. Graham.
April 11—Rhode Island. Presidential suffrage bill passes senate (32–3).
April 17—Rhode Island. Presidential suffrage bill passes house (71–20).
April 18—Rhode Island. Presidential suffrage bill signed by Gov. Beekman.
April 18—Michigan. Presidential suffrage bill passes house (64–30).
April 19—Nebraska. Presidential and local suffrage bill passes senate (20–13).
April 21—Nebraska. Presidential and local suffrage bill signed by Gov. Neville.
May 8—Michigan. Presidential suffrage bill signed by Gov. Sleeper.
June 20—Great Britain. Woman suffrage clause in representation of people bill passes third reading in House of Commons (214–17).
September 15—Canada. Dominion suffrage bill passes Parliament.
September 24—Congress. Raker resolution forming a Woman Suffrage Committee passes House (181–107).
November 6—New York:

Yes	673,389
No	584,549
Majority	88,840

Soldier vote:

Yes	17,139
No	8,753
Majority	8,386
	88,840
Majority in New York	97,226

Mr. CURTIS. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Kansas.

Mr. CURTIS. I thought the Senator had concluded. I merely want to get the floor for a few moments after he shall have concluded.

Mr. JONES of New Mexico. I am therefore, Mr. President, gravely and keenly disappointed to make the announcement to the Senate that on to-day the motion to take up this amendment for consideration will not be made by me.

Mr. SMITH of Georgia. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I suppose those of us who are opposed to this amendment may rely upon its advocates to give us due notice of their purpose to call up the bill, so that we may certainly express the opposition that exists to it when a vote will be asked.

Mr. JONES of New Mexico. I assure the Senator from Georgia that reasonable notice will be given.

Mr. SMITH of Georgia. Just one word more. I merely wish to add that I regret very much we will not have a vote to-day. I think if we had a vote to-day it would effectually dispose of the subject for this Congress.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. JONES of New Mexico. I yield to the Senator from Missouri.

Mr. REED. When the next notice is given that we will vote on a given day, as the Senator has promised, will it be understood then that the notice is upon the condition that we will vote provided the Senator has enough votes to win; and if he has not, we will not vote, as appears to be the case to-day? [Laughter.]

Mr. JONES of New Mexico. The remark of the Senator from Missouri is very entertaining, as usual. Answering it seriously, however, I desire to say that notice will not be given unless we feel reasonably assured that we have votes enough to carry the joint resolution, and that when notice is given the motion will be made, unless something occurs in the interim, such as has occurred since the last notice, which would warrant the committee in deferring action.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Massachusetts?

Mr. JONES of New Mexico. I yield to the Senator from Massachusetts.

Mr. WEEKS. I want to ask the Senator if he can give the Senate any assurance as to whether the corridors of the Senate will be flooded with attractive lobbyists until he is ready to call up the joint resolution? [Laughter.]

Mr. JONES of New Mexico. Mr. President, I sincerely hope they will, and I not only hope that, but I hope that the citizens in the States represented by Senators who are disposed to vote against this motion will make it so warm for such Senators that they will not dare to vote against the proposed constitutional amendment when it comes up for consideration and action.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Idaho?

Mr. JONES of New Mexico. I yield to the Senator from Idaho.

Mr. BORAH. I wish to say to the Senator from New Mexico in regard to this question of "making it warm" that there are some Senators on this floor who have been advocating woman suffrage for the last 25 years, long before the late New York election. Those Senators have some convictions of their own. They believe each State should settle the matter for itself and are opposed to forcing it upon States that do not want it or by reason of peculiar local conditions are not prepared for it. I say, therefore, in answer to the Senator's suggestion, that no amount of telegrams which can be poured in here will have any effect upon the Senator from Idaho. Upon this subject he has views which are not subject to change.

Mr. SMITH of Georgia. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I wish to suggest to the Senator that, whenever the people of the State I in part represent desire suffrage, they will not need an amendment to the Constitution to obtain it. Our legislature meets in the summer; and, if they desire woman suffrage, the question can be submitted to the people of Georgia, and this fall they will obtain it, without any interference with their wishes, through national legislation. If they do not wish it, I prefer to leave them to their preference.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from New Hampshire?

Mr. JONES of New Mexico. I yield to the Senator from New Hampshire.

Mr. GALLINGER. May I ask the Senator from Georgia a question?

Mr. SMITH of Georgia. Certainly.

Mr. GALLINGER. If that shall be permitted, will the women be allowed to vote as well as the men?

Mr. SMITH of Georgia. No; and women do not vote now in the other States which still may consider the subject.

Mr. GALLINGER. But the vote of the men of the State would not by any means show that a majority of the citizens are for or against the joint resolution.

Mr. SMITH of Georgia. In every State the vote of those with suffrage is first required to determine whether the requirements for suffrage shall be changed—those who have it must pass upon the increase or decrease—and the same rule will apply in my State that is applied in all the other States.

Mr. GALLINGER. That is, the men of the State will decide whether or not the women shall vote?

Mr. SMITH of Georgia. That is true; but I will go further and say that I believe whenever the men of my State are satisfied that the majority of the white women of the State wish suffrage they will give it to them without outside interference.

Mr. MARTIN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Virginia?

Mr. JONES of New Mexico. I yield to the Senator from Virginia.

Mr. MARTIN. I ask the Senator to yield to me for just a second. I simply desire to say that I would be delighted to see a referendum of the women of Virginia alone, and I would be glad to have the women of my State determine this matter for the State of Virginia. Whenever I am satisfied that the majority of the white women of Virginia desire the vote, I will support the proposed constitutional amendment; I will vote to give them the vote. I repeat, I would be delighted to see a referendum, not of the men, but of the women alone, and I will follow the wishes of the women, regardless of what the men think and say about it.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. JONES of New Mexico. I yield.

Mr. THOMAS. Let me suggest that such was not the course pursued in the Senate with reference to the prohibition amendment. Consistency should require that we should have acted the same way in the imposition of prohibition upon the United States as it is now proposed to submit the question of universal suffrage to the people of the United States.

Mr. JONES of New Mexico. I think the remarks of the Senator from Colorado are indeed timely.

Mr. SMITH of Georgia. Mr. President, I think the Senator from Colorado and the Senator from New Mexico can find a vast distinction between those two questions.

Mr. THOMAS. But not as to the method of their constitutional regulation?

Mr. SMITH of Georgia. Yes; I think they can find a vast difference as to constitutional features. It is a very different proposition to insist upon the right to determine by the votes of your State what shall be the requirement for suffrage of your own State and to insist upon forbidding in an adjoining State the production of intoxicating liquors which may be shipped into your State, to the detriment of your people.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question, with the consent of the Senator from New Mexico.

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. JONES of New Mexico. I yield.

Mr. SHAFROTH. I wish to ask the Senator from Georgia a question as to his offer to vote in favor of the proposed constitutional amendment whenever the women of his State desire that privilege. I will ask the Senator whether he has ever made any effort——

Mr. SMITH of Georgia. I said nothing of the kind.

Mr. SHAFROTH. What was the statement of the Senator?

Mr. SMITH of Georgia. I said that the men of my State this summer and this fall could adopt woman suffrage if they wished; and when I was asked about the attitude of the women toward the question of voting I added that I was sure the men of my State would give the women the right of suffrage as soon as they were satisfied a majority of the white women of Georgia desired it.

Mr. McCUMBER. Mr. President, a parliamentary inquiry.

Mr. SHAFROTH. The Senator will recognize that there is no provision whatever made——

The VICE PRESIDENT. Just a moment. The Senator from North Dakota will state his parliamentary inquiry.

Mr. McCUMBER. I desire to inquire what matter is before the Senate now.

The VICE PRESIDENT. There is nothing before the Senate so far as the Chair is aware.

Mr. McCUMBER. Then I ask for the regular order.

The VICE PRESIDENT. The presentation of petitions and memorials is in order.

Mr. GALLINGER. I ask unanimous consent that the Senator from Kansas [Mr. CURTIS] may be permitted to say a word, as he indicated some time ago that he wished to address the Senate briefly at the conclusion of the remarks of the Senator from New Mexico [Mr. JONES].

The VICE PRESIDENT. Is there objection?

Mr. McCUMBER. I object.

Mr. THOMAS. I object for this reason: I think the Senator from New Mexico should have been permitted to complete his remarks upon this subject——

Mr. GALLINGER. I think so, too.

Mr. THOMAS. And he not being allowed to do that, I am obliged to object.

The VICE PRESIDENT. We are under the heading of morning business, and, except by unanimous consent, no Senator can proceed unless there is something before the Senate. The presentation of petitions and memorials is in order.

INDIAN APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 223).

Mr. ASHURST. I submit the conference report on the Indian appropriation bill, and I ask that the formal reading of the report be dispensed with. It is a somewhat lengthy report and I ask that it be printed.

Mr. GALLINGER. Mr. President, will not the Senator consent that it go over?

Mr. ASHURST. I was just about to make that request.

The PRESIDING OFFICER. Without objection, the conference report will be printed and also printed in the RECORD.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 12, 13, 15, 28, 29, 40, 41, 47, 50, 55, 72, 82, 85, and 89.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 9, 14, 16, 17, 18, 19, 20, 21, 22, 31, 34, 35, 36, 37, 39, 42, 43, 45, 46, 48, 52, 53, 56, 57, 58, 62, 63, 66, 67, 68, 69, 71, 73, 74, 78, 81, 84, 87, 88, 90, and 91, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3 and agree to the same with an amendment as follows: In line 2 of the amendment proposed, after the word "That," insert the following: "on and after September 1, 1918"; and in line 3 of the amendment proposed, before the word "country," insert the word "Indian"; and in line 3 of the amendment proposed, after the word "is," insert the words "or was"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 5 of the amendment proposed strike out the following figures and word: "$400,000: *Provided*," and insert the following: "$350,000: *Provided*, That not to exceed $40,000 of said amount may be expended in the construction and equipment of new hospitals at a unit cost of not exceeding $15,000: *Provided further*"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "$1,650,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "That $5,000 of this amount shall be immediately available: *Provided further*, That not to exceed $15,000 of this appropriation shall be used for continuing the work of the competency commission to the Five Civilized Tribes in Oklahoma"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$150,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the completion of the enrollment of the allottees within the White Earth Reservation, in the State of Minnesota, required by the act of June 30, 1913, as amended by this act, $3,000, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That not to exceed $80,000 of the funds derived from the sale of timber from the Red Lake Indian Forest, Minn., under authority of the act of May 18, 1916 (39 Stat. L., p. 137), of which amount $50,000 shall be immediately available, may be expended by the Secretary of the Interior in payment of the expenses authorized by said act, and in the logging, booming, towing, and manufacture of timber at the Red Lake Agency sawmill: *Provided*, That not to exceed $15,000 of said amount may be used to reimburse the tribal fund known as 'Indian money, proceeds of labor, Red Lake Indians,' heretofore actually expended in said operations."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That of the unexpended appropriation of $5,000 authorized to be withdrawn from the tribal funds of the Chippewa Indians of Minnesota for the construction of a bridge across the Mississippi River on the Cass Lake Reservation by the Indian appropriation act approved March 2, 1917, $4,000 may be expended for improving the road between the Cass Lake Indian school and the village of Cass Lake upon the condition that the counties of Cass and Beltrami, in the State of Minnesota, shall file with the Secretary of the Interior a written agreement to reimburse the United States, for the benefit of the Chippewa Indians, within two years to the extent of one-half of the amount expended upon said road."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 10 of the amendment proposed, after the word "the," insert the words "actual and necessary"; and in line 13 of the amendment proposed, before the word "expenses," insert the words "actual and necessary"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all after the word "*Provided*," in line 12 of the amendment proposed, and insert the following:

"That $4,000 of said amount, or so much thereof as may be necessary, may be used in the construction of a suitable school building at the town of White Earth: *Provided further*, That the State school district in which the town of White Earth is located contributes a like amount to be used in the construction of a building, the total cost of which shall not exceed $8,000, the said appropriation to remain available until expended: *And provided further*, That when said building is completed it shall be turned over to the local school authorities of the said town of White Earth, and shall thereafter be operated and maintained by them, and Indian children shall at all times be admitted to said school on the same conditions as white children."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"MISSISSIPPI.

"SEC. 9. For the relief of distress among the full-blood Choctaw Indians of Mississippi, including the pay of one special agent, who shall be a physician, one farmer, and one field matron, $5,000; for their education by establishing and maintaining day schools, including the purchase of land and the construction of necessary buildings, $20,000; for the purchase of lands, including improvements thereon, not exceeding 80 acres for any one family, for the use and occupancy of said Indians, to be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, under such rules and regulations as he may direct, $25,000; for the purpose of encouraging industry and self-support among said Indians and to aid them in building homes, in the culture of fruits, grains, cotton, and other crops, $25,000, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable said Indians to become self-supporting, to be expended under conditions to be prescribed by the said Secretary for its repayment to the United States on or before June 30, 1925; in all, $75,000, to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 3 of the amendment proposed strike out the figures "$250,000" and in lieu thereof insert the figures "$375,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For continuing construction, maintenance, and operation of the irrigation systems on the Fort Peck Indian Reservation, in Montana, $50,000 (reimbursable), which shall be immediately available and remain available until expended."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the word "approximately," and in line 5 of the amendment proposed strike out the word "approximately"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For one-half the cost of constructing a wagon road between Tularosa, Otero County, N. Mex., and the Indian agency on the Mescalero Indian Reservation, in said State, in conformity with plans approved by the Secretary of the Interior, $16,000, or so much thereof as may be necessary, to be immediately available, reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Mescalero Tribe of Indians, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the figures "$10,000; in all, $36,600," and insert "$6,000; in all, $32,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Strike out all of the amendment proposed after the word "acts," in line 10 thereof, down to and including the word "Indians," in line 11, and insert in lieu thereof the following: "or to use said moneys for the benefit of the Indians entitled thereto"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In line 9 of the amendment proposed, strike out the words "said moneys may be" and in line 10 of the amendment proposed, strike out the words "expended without limitation and shall include" and in lieu of the matter stricken out in lines 9 and 10, insert the following after the word "That" in line 9: "the expenditure of said money shall include the St. Louis Mission Boarding School and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 3 of the amendment proposed, before the word "surplus" insert the word "unencumbered"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $185,000: *Provided*, That a report shall be made to Congress by the Superintendent of the Five Civilized Tribes, through the Secretary of the Interior, showing in detail the expenditure of all moneys appropriated by this provision: *Provided further*, That hereafter no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases, excluding oil and gas leases, made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases, except oil and gas leases, now required to be approved under

existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however*, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 12 of the amendment proposed, after the word "amounts," insert a comma and the following: "not exceeding $1,050"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$250,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the word "five" and in lieu thereof insert "four"; and in line 7 of the amendment proposed strike out the figures "$20,000" and insert the figures "$17,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$400,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lines 3 and 4 of the amendment proposed, and after the figures "$200,000," in line 3, strike out the following: "to be immediately available and to remain available until expended"; and in line 17 of the amendment proposed, after the word "hereby," strike out the words "made available until expended" and insert the following: "reappropriated"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That the sum of $2,801.50, being the unexpended balance of the sum of $5,000 appropriated by the Indian appropriation act approved May 18, 1916, as a proportionate share of the cost of constructing a wagon road or highway through the Standing Rock Indian Reservation in Corson County, S. Dak., be, and the same is hereby, made available upon the same terms and for the same purposes as provided in said act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"TEXAS.

"SEC. 22. For the education of the Alabama and Coushatta Indians located in Polk County, Tex., by the construction of a school building, including equipment, upon land belonging to said Indians, $5,000; and by aiding the public schools established by the State or local authorities to the extent of 10 cents per day for each Indian child who attends such schools, $2,000, to be expended under the direction of the Secretary of the Interior; and the Secretary of the Interior is hereby authorized and directed to cause an investigation to be made as to the necessity and advisability of purchasing lands for said Indians and to make report thereon to Congress on or before the first Monday in December, 1918, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of such investigation; in all, $8,000, to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the figures "$12,600" and insert the figures "$12,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the construction of a wagon road through the Shivwits Indian Reservation, Utah, $5,000; for the construction of a steel bridge and approaches across the Santa Clara River on the Shivwits Indian Reservation, $10,000; in all, $15,000, reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Shivwits Tribe of Indians, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 5 of the amendment proposed strike out the word "expense" and insert in lieu thereof the following: "actual and necessary expenses"; and in line 7 of the amendment proposed, after the word "attorneys," insert the following: "from the State of Washington"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In line 4 of the amendment proposed, strike out the word "directed," and in lieu thereof insert the word "authorized"; and in line 5 of the amendment proposed, after the word "sum," insert a comma and the following: "not exceeding $25,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out the amendment proposed and insert the following:

"SEC. 28. That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to withdraw from the United States Treasury and segregate the common, or community funds of any Indian tribe which are, or may hereafter be, held in trust by the United States, and which are susceptible of segregation, so as to credit an equal share to each and every recognized member of the tribe except those whose pro rata shares have already been withdrawn under existing law, and to deposit the funds so segregated in the banks to be selected by him, in the State or States in which the tribe is located, subject to withdrawal for payment to the individual owners or expenditure for their benefit under the regulations governing the use of other individual Indian moneys. The said Secretary is also authorized, under such rules and regulations as he may prescribe, to withdraw from the Treasury and deposit in banks in the State or States in which the tribe is located to the credit of the respective tribes, such common, or community, trust funds as are not susceptible of segregation as aforesaid, and on which the United States is not obligated by law to pay interest at higher rates than can be procured from the banks: *Provided*, That no tribal or individual Indian money shall be deposited in any bank until the bank shall have agreed to pay interest thereon at a reasonable rate and shall have furnished an acceptable bond or collateral security therefor, and United States bonds may be furnished as collateral security for either tribal or individual funds so deposited, in lieu of surety bonds: *Provided further*, That the Secretary of the Interior, if he deems it advisable and for the best interest of the Indians, may invest the trust funds of any tribe or individual Indian in United States Government bonds: *And provided further*, That any part of tribal funds required for support of schools or pay of tribal officers shall be excepted from segregation or deposit as herein authorized, and the same shall be expended for the purposes aforesaid: *Provided, however*, that the funds of any tribe shall not be segregated until the final rolls of said tribe are complete: *And provided further*, That the foregoing shall not apply to the funds of the Five Civilized Tribes, or the Osage Tribe of Indians, in the State of Oklahoma, but the funds of such tribes and individual members thereof shall be deposited in the banks of Oklahoma or in the United States Treasury and may be secured by the deposit of United States bonds."

And the Senate agree to the same.

HENRY F. ASHURST,
CHARLES CURTIS,
ROBT. L. OWEN,
Managers on the part of the Senate.
C. D. CARTER,
CARL HAYDEN,
P. P. CAMPBELL,
Managers on the part of the House.

METHODIST EPISCOPAL CHURCH, BOWDOIN, MONT.

Mr. MYERS. From the Committee on Public Lands I report back favorably with an amendment the bill (S. 4154) granting to the trustees of the Methodist Episcopal Church of Bowdoin, Mont., for the benefit of the Methodist Episcopal Church at Bowdoin, Mont., lots 12 and 13, in block 21, town site of Bowdoin, State of Montana, and I submit a report (No. 434) thereon. I

ask that the bill be read, and then I shall ask unanimous consent for its immediate consideration. It provides for the sale at the appraised value of a couple of lots to the trustees of a church who desire to build right away.

The VICE PRESIDENT. Is there any objection?

Mr. TOWNSEND. Mr. President, I shall not object to the consideration of this bill, but I think it is a pretty wise plan to have bills printed——

Mr. MYERS. This bill is printed.

Mr. TOWNSEND. And to have the reports printed, so that we may know exactly what is going on.

Mr. MYERS. The bill is printed and there are not over a dozen lines in it.

Mr. TOWNSEND. But the Senator making the report of the bill this morning asks us to vote upon it without our knowing anything about it. Now, I shall not object to this request, but during the morning hour hereafter I shall object to these requests for unanimous consent to consider bills that have not been printed.

Mr. McCUMBER. Mr. President, I object to the consideration of this bill.

Mr. MYERS. I think we ought to have a call of the calendar some day, but it seems that we can not do it.

The VICE PRESIDENT. There is an objection, and the bill will go to the calendar.

Mr. MYERS. Is there an objection to the consideration of this bill?

The VICE PRESIDENT. There is. Are there further reports of committees?

Mr. MYERS. I make a report, and I should like to be indulged sufficiently to ask what Senator objected?

The VICE PRESIDENT. The Senator from North Dakota [Mr. McCUMBER].

Mr. MYERS. I ask the Senator from North Dakota to withdraw his objection. The bill is simply to sell to a church close to the North Dakota line a couple of town lots at the appraised value, so that the church people may build on them. They want to build right away.

Mr. McCUMBER. Mr. President, if the Senator will allow me, advantage will be taken of the bill for a further discussion of the suffrage question, which is not before the Senate. I think we have had enough of it.

Mr. MYERS. I will guarantee that that will not be done.

Mr. McCUMBER. The Senator can not guarantee it.

Mr. MYERS. Mr. President, I want to take occasion to say that I do think we ought to have a call of the calendar at some time. The calendar has only been called once this session; and I still ask the Senator from North Dakota to withdraw his objection.

Mr. TOWNSEND. I call for the regular order.

Mr. McCUMBER. We can reach the bill on the calendar.

Mr. MYERS. No; the calendar will not be called any more at this session.

The VICE PRESIDENT. Reports of committees are still in order.

LANDS IN ARIZONA.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 3914) authorizing a right of way for the transportation of water for improvement of grazing and development of the live-stock industry upon public and national forest lands in Arizona, reported it with amendments and submitted a report (No. 435) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 4522) to provide for an exchange of certain lands in the Flathead Reservation, Mont. (with accompanying paper); to the Committee on Indian Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 4523) to transfer the tract of land known as the Lighthouse Reservation at North Point, Md., from the jurisdiction of the Department of Commerce to the jurisdiction of the War Department (with accompanying paper); to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 4524) to validate the homestead entry of Lizzie G. Garin; to the Committee on Public Lands.

A bill (S. 4525) to provide for the construction of an automobile road in Yellowstone National Park, and for other purposes; to the Committee on Appropriations.

By Mr. SWANSON:

A bill (S. 4526) for the relief of the Arundel Sand & Gravel Co.; to the Committee on Claims.

REGENTS OF SMITHSONIAN INSTITUTION.

Mr. LODGE. I introduce a joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, and I ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 155) providing for the filling of a vacancy which will occur July 2, 1918, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur on July 2, 1918, by reason of the expiration of the term of the Hon. Charles W. Fairbanks, of Indiana, be filled by the appointment of Charles W. Fairbanks for the ensuing term.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. The morning business is closed.

RENT ADMINISTRATOR FOR THE DISTRICT OF COLUMBIA.

Mr. POMERENE. Mr. President, I ask unanimous consent that the Senate proceed to the further consideration of House bill 9248.

Mr. MYERS. Mr. President, I object, and I ask for the regular order—the calling of the calendar under Rule VIII.

Mr. POMERENE. Then, Mr. President, I move that the Senate proceed to the further consideration of House bill 9248.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from New York [Mr. CALDER] to the amendment of the committee.

Mr. CURTIS obtained the floor.

Mr. GALLINGER. Mr. President, first let the pending amendment be stated.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the amendment of the Senator from New York [Mr. CALDER] to the committee amendment, as follows:

On page 12, line 6, after the word "Government," insert "or has been disposed of to a bona fide purchaser for his own occupancy."

Mr. CURTIS. Mr. President, first I want to thank the senior Senator from New Hampshire [Mr. GALLINGER] for asking that I be given unanimous consent to occupy the floor for a few minutes to discuss the woman-suffrage question. I shall not detain the Senate a minute. As a friend of the amendment and one who has worked hard to bring it to a vote, I am very sorry indeed that we could not have a vote to-day; but I do not feel that it would be just to this side of the Chamber to let this occasion pass without stating that on this, the Republican, side more than two-thirds of the Members are in favor of the Federal amendment for woman suffrage. We have 32 Members on this side who are ready to vote for the amendment at any time. There is 1 doubtful vote and 11 votes against it.

With this statement as to the position of this side, I will let the case rest. I do hope the chairman of the committee will insist upon a vote on this amendment before the session is over, and I feel confident that when the vote is taken some of the Senators who have been so jubilant this morning may be laughing out of the other side of their mouths.

Mr. REED. Mr. President, the Senator from Kansas remarks that those who are now smiling may soon laugh out of the other corner of their mouths. Really nothing amusing has occurred this morning, except the fact that after a notice had been solemnly given that to-day a vote would be demanded upon the suffrage amendment; and after several Senators had traveled hundreds of miles to vote upon the question, the chairman of the committee blandly announces that what he meant was that there would be a vote this morning provided he had enough votes to win for his side, but that otherwise the matter would go over until some more fortuitous hour.

I think we ought to take the vote now. The matter has been thoroughly canvassed. The Senate ought not to be required to constantly dance attendance upon this particular bill. We are entitled to vote now or to know that we will not be required to vote at this session. The vote should not be delayed in the hope that somebody may die, or somebody grow sick, or some-

body be temporarily absent, and thus the necessary majority be secured.

Mr. GALLINGER. Mr. President, may I interrupt the Senator?

Mr. REED. Certainly.

Mr. GALLINGER. I simply want to concur in what the Senator from Missouri has said. I believe we ought to vote on this amendment to-day. Notice was given that we were going to vote on it, and, whether it goes up or goes down, in my judgment, it ought to be voted on.

Mr. REED. That would seem to me to be the fairest way. There are a number of Senators who are here at real inconvenience. The Senator from North Carolina [Mr. OVERMAN] returned, although he was not in good physical health. He returned, I think, to vote against the amendment. On the other hand, the Senator from Arizona [Mr. SMITH] left the sick bed of a near relative and came here, himself out of health, intending, I feel very sure, to vote for the amendment. There are other cases in the Senate of a similar nature; and I think the fair thing to do is to go on and vote and let the question be settled. The notice was brought up by the proponents of the measure. They ought to keep faith with their own proposition and vote now.

Mr. McCUMBER. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. REED. I do.

Mr. McCUMBER. I want to ask the Senator if he does not think that those Senators who found that they could come here to vote on one question could probably remain here when we are considering probably the most momentous questions that were ever before any Congress—questions with regard to the proper and necessary legislation to win this war?

Mr. REED. Mr. President, I hardly think that puts the Senators in just the light that the Senator would like to place them. It is entirely conceivable that a Senator might leave the bedside of a sick child or a sick relative and come here to vote upon an important constitutional amendment and then desire to hurry back, and yet be justified in remaining away when there was only ordinary business before the Senate.

The Senators I happen to have mentioned by name have been among the best attendants upon the body. No one would accuse them of having ever neglected their duties.

I think we ought to vote on this question. I am quite willing to take the full responsibility of my vote to-day. I have no idea that my mind will be changed between now and the day when the vote is to be taken. I believe everybody in the Senate has his mind made up, and in view of the fact that the Senator from Kansas [Mr. CURTIS], who is one of the most gallant champions of the rights of the fair sex that there is upon the floor of the Senate, states that before the question is ended we may be laughing out of the other corners of our mouths. I all the more desire a vote, so that we may escape the anxiety incident to the consciousness that dire fate is at some indefinite hour sure to overtake and consume us. I therefore trust that we may now know what is going to happen to us.

Mr. SHAFROTH. Mr. President, it seems strange to me that the Senator from Missouri should be insisting upon a vote now, in view of the fact that when the vote was taken the other day on the question as to whether the amendment should be made a special order for to-day I find in the RECORD that he voted against it.

Mr. REED. Certainly I did.

Mr. SHAFROTH. I can not see the consistency of the position the Senator has taken.

Mr. REED. I can make it quite plain. I voted against that motion, believing that that would dispose of the matter; that an adverse vote against taking up the proposition would be regarded by its proponents as settling the question as to whether there was any use or any sense in attempting to pass the resolution at this Congress. Those who opposed the measure debated the motion to take the measure up, but that did not satisfy its advocates. They at once gave us notice to meet them here to-day for the final contest, so we got ready for to-day, and here we are. Now it transpires that as soon as our opponents found we were ready they discovered they were not ready. So they now blandly inform us that they will not permit a vote until they can have an advantage they do not now possess. Now, I think we are all here on due notice; the ropes are all strung, the posts are up, the sponges and the pails are here, and the towels, and everything that goes with the battle. Why not have it out?

Mr. TILLMAN. I say so, too.

Mr. SMITH of Georgia. Mr. President, the Senator suggested that some other day, when we were not ready, the proponents of the amendment would bring it up. In the first place, I understand that they have assured us that we will have full notice; and outside of that I think we can assure them that if they bring it up some day unexpectedly, when we are not ready, we will not vote that day, and probably we will not vote for several days thereafter, until we get ready.

Mr. MYERS. Mr. President, on Wednesday of this week the Senate Committee on Public Lands met and made a unanimous order for the reporting out of two bills. One was to be reported by the Senator from Utah [Mr. SMOOT]. It was a bill that was of interest to Utah. The other was a little bill that I reported out this morning, of some small interest to a few church people in Montana. It was agreed that the Senator from Utah [Mr. SMOOT] was to report the Utah bill and that I was to report the Montana bill. It was agreed that each of us was to ask unanimous consent, upon making the report, for the immediate consideration of his bill.

I was unable to be here Wednesday during the morning hour, being kept away by official business; but I find, by referring to the RECORD of that day, that the following occurred:

> Mr. SMOOT. From the Committee on Public Lands I report back favorably without amendment the bill (S. 4244) for the relief of entrymen within the Castle Peak irrigation project in Utah, and I submit a report (No. 432) thereon. As it is an emergency matter and a very short bill, I ask unanimous consent for its present consideration.
>
> The VICE PRESIDENT. Is there objection?
>
> Mr. SHAFROTH. I should like to hear the bill read.
>
> The VICE PRESIDENT. It will be read.
>
> The Secretary read the bill, as follows:
>
> Then the bill was read.
>
> Mr. SHAFROTH. I have no objection, Mr. President.
>
> There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.
>
> The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

There was no Senator on this side of the Chamber who objected to the request made by the Senator from Utah for the consideration of that bill. As I say, unfortunately I was not able to be here at that time, being deluged with official business, and was not able to make my report at that time. To-day is the first day since then that I have been able to be here during the morning hour; and, being my first opportunity, I asked that my bill be acted upon immediately, but did not get the necessary consent. That only confirms what I have long believed, that in this body there are two sets of rules—one set for certain Senators and another set for certain other Senators.

Mr. GRONNA. Mr. President, I suggest to the Senator from Montana that he ask unanimous consent now to pass that bill, and I can not conceive that there will be any objection to it.

Mr. MYERS. I have asked unanimous consent three times this morning, and there is another bill before the Senate now. I am not permitted by the rules to ask unanimous consent at this time.

Mr. POMERENE. Mr. President, I do not want in the least to interfere with a bill of the kind mentioned by the Senator from Montana, but at the same time we have a very, very important matter here that concerns not a few people—and I say that with all due respect to the good people who are interested in that church proposition—but the whole people of the District are interested in it. My judgment is that we will be able to complete the consideration of this bill within a very short time, and I assure the Senator from Montana that so far as I am concerned I shall be very glad to help him to get up his bill and have it disposed of at the proper time.

Mr. GRONNA. I want to assure the Senator I do not wish to see his bill blocked; I want to see it disposed of; but I am also quite sure it would not take two minutes to pass the bill of the Senator from Montana, because there can be no possible objection to the bill itself.

Mr. MYERS. I think the Senator is not authorized to say that there can be no objection to it. I think there will be objection.

Mr. GRONNA. The Senator might try. We are permitted under our rules to transact any business by unanimous consent, and if it leads to discussion let——

Mr. POMERENE. Mr. President, I feel that the rent bill, so called, has the right of way, by the courtesy of the chairman of the Committee on Post Offices and Post Roads. Under the circumstances, I think we ought to dispose of it first.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from New York [Mr. CALDER] to the amendment of the committee.

Mr. FLETCHER. Let the Secretary state the amendment to the amendment.

The VICE PRESIDENT. The Secretary will restate it.

The SECRETARY. In the committee amendment, page 12, line 6, after the word "Government" and before the semicolon, insert "or has been disposed of to a bona fide purchaser for his own occupancy," so that if amended it will read:

Or that the premises are reasonably required by a landlord for the occupation by himself or his family while in the employ of or officially connected with the Government, or has been disposed of to a bona fide purchaser for his own occupancy.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. THOMAS. I should like to suggest, inasmuch as an amendment has just been made to the text on page 12, that on line 5 of the same page, after the word "or," it be amended by the insertion of the words "the actual members of," so as to read: "reasonably required by a landlord for the occupation by himself or the actual members of his family." The term "family" is a very general term. It can be made to cover a multitude of individuals.

Mr. POMERENE. So far as I am individually concerned, I have no objection to the amendment.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 12, line 5, after the word "or," insert the words "the actual members of."

Mr. SAULSBURY. If I may call the attention of the Senator from Colorado to an amendment which has been made to the rent joint resolution which passed here, I think it might be well for us to conform to a phrase which means the same thing, so that we may save any discussion hereafter upon it.

Mr. THOMAS. I have no objection to the phraseology, but unless the word "family" is qualified it may prove to be too broad to subserve the purposes of the bill.

Mr. SAULSBURY. The phraseology adopted by our committee with reference to the resolution was "either by himself or his wife, children, or dependents while he is in the employ of the Government."

Mr. THOMAS. I am perfectly satisfied to accept the suggestion of the Senator from Delaware, because it means the same thing.

Mr. SAULSBURY. It seems to me it might be better to adopt that phraseology.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment as modified.

The SECRETARY. In line 5, strike out the word "family" and insert "wife, children, or dependents," so as to read:

For the occupation by himself or his wife, children, or dependents while he is in the employ of or officially connected with any branch of the Government.

Mr. THOMAS. That is satisfactory.

The amendment to the amendment was agreed to.

Mr. THOMAS. Now, on page 13, line 3, after the word "maintenance," I move to amend by inserting the words "actually incurred," so that the clause will read:

In fixing rents of real estate there shall be taken into account the taxes and assessments thereon, the cost of reasonable repairs and maintenance actually incurred.

The amendment to the amendment was agreed to.

Mr. THOMAS. On line 19 of the same page, after the word "Columbia," I move to amend by inserting the clause which I send to the desk.

The SECRETARY. After the words "District of Columbia," on line 19, page 13, insert:

Apartment houses which have been or may be converted into single rooms or suites furnished by or for the owner or lessee and rented for transient occupation shall be classed as hotels and be subject to all the ordinances, rules, regulations, and laws of the District of Columbia relating to hotels.

Mr. THOMAS. My purpose, Mr. President, in offering that amendment is to meet a condition that I am informed exists to some degree and which will probably be extended, and that is the transformation of apartment houses into rooms for transient lodgers. My information is that one or two of the large apartment houses are now or soon will be undergoing that transformation. The kitchen and other fixtures needed for housekeeping in the apartments are to be removed, the apartments themselves are to be done away with, and suites of rooms are to be substituted for them. They are then to be furnished and placed in the charge of a keeper or janitor and rented to transients at so much per day per room. Of course, the revenue will be very much larger than will be obtained otherwise, and at the same time the buildings so transformed will come in competition with hotels.

Mr. POMERENE. Does the Senator have in mind this fact? Assuming the bill substantially as it is now drawn should become a law of the District, then all occupying tenants would be permitted to continue in possession of the premises so long as they paid the rent and complied with the other terms of the lease.

Mr. THOMAS. Yes; I take that into consideration; but at the same time I recall that while the provisions of the bill to which the Senator refers might prevent the consummation of the present purpose with regard to apartment houses, other apartment houses are in course of construction, while still others are being occupied by the Government and will become vacant as soon as the barracks that are now in process of construction down at the Mall are completed, and, of course, those houses would not be included within the operation of the bill, so far as that feature of it is concerned without something additional.

Mr. POMERENE. May I interrupt the Senator long enough to ask that the amendment be read again? I am not quite sure that I understood it.

Mr. THOMAS. Certainly.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The amendment to the amendment will be again read.

The Secretary again read the amendment to the amendment.

Mr. THOMAS. The Senator from Ohio will recall that the Government now occupies two large and entirely new apartment houses on Fifteenth Street near Massachusetts Avenue. It is contemplated to vacate them just as soon as the construction now going on in the Mall will accommodate the business now lodged in those apartment houses. They will, therefore, be vacant and subject to any change that the owner may desire to make for the purpose of carrying out the condition which this amendment is designed to regulate, and there are others, of course, besides the two to which I have referred.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado [Mr. THOMAS] to the amendment.

The amendment to the amendment was agreed to.

Mr. POMERENE obtained the floor.

Mr. THOMAS. On page 9——

Mr. McCUMBER. Mr. President——

Mr. THOMAS. I will take as brief time as possible.

The PRESIDING OFFICER. The Senator from Ohio has been recognized. Does he yield to the Senator from Colorado?

Mr. POMERENE. I yield.

Mr. THOMAS. On page 9, line 17, after the word "therefor," I move to insert the folowing:

Elevator and other service as furnished upon said date shall continue.

This amendment was suggested to me by a tenant——

Mr. KELLOGG. Will the Senator please read it again?

Mr. THOMAS (reading)—

Elevator and other service as furnished upon said date shall continue.

I was informed by a tenant of an apartment house on Fourteenth Street that since early last winter the elevator service has been discontinued by the landlord because of the alleged expense due to the very great rise in the cost of fuel.

Mr. POMERENE. May I ask how many stories there are in the building?

Mr. THOMAS. There are, I believe, five—five or six. I think that provision should be made for the continuance of such service as has been furnished, because in these days it is not an easy task to be compelled to take an apartment near the roof of these modern buildings and be dependent upon your own powers of locomotion to reach it.

Mr. POMERENE. Mr. President, if I may make a suggestion it seems to me that that is a matter which could be provided for in the lease, and I think it is provided for in most leases. I am afraid if we go too much into details here we may multiply our troubles.

Mr. THOMAS. It may be that the phraseology of the bill is sufficiently broad to comprehend these conditions. This legislation, however, is not at all popular with landlords. If I were a landlord, I certainly would not feel at all enthusiastic over the propect which this bill presents. That is human nature. That is nothing for which the owner of the property can be criticized.

Mr. POMERENE. There has been a great deal of that here, as well as elsewhere in the country.

Mr. THOMAS. It is quite probable, if we enact legislation which is regarded by landlords as extra drastic or more drastic than it should be, inconveniences not hitherto existing may either be created or be permitted to develop, and this is designed to meet that situation. I suggest if the Senator will accept the amendment and it is too drastic it can be taken care of in conference.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. THOMAS. I yield, if I have the floor.

Mr. POMERENE. I yielded to the Senator from Colorado, and I think he has the floor.

Mr. THOMAS. I yield.

Mr. HOLLIS. I sympathize with the purpose the Senator from Colorado wishes to reach, but does it not strike the Senator that we are going too far when we undertake to place our hands upon the neck of the landlord and say he shall do something that it may be beyond his power to do? It may well be that it will be impossible to get men to run elevators for anything like a reasonable pay. I realize that if we permit them to rent in the District we may annex certain conditions and fix the price that may be charged for the rent, but to make a bald, flat, blunt proposition that they must furnish elevator service it appears to me is going further than we ought.

Mr. THOMAS. Of course, this bill is drastic. It is admittedly drastic, and it must be drastic, else it would not accomplish the purpose for which it is designed. Inasmuch as that is the case, why should we not draft a bill and enact a law that will meet conditions as far as they can be foreseen? I am not one of those who believe it is beyond the power of Congress to enact legislation of this sort for the District of Columbia. I think it is a war measure. Those who are here in the District, and necessarily here, doing the work of the Government in the time of the war are just as much a part of the force engaged in carrying on the war as the soldiers in the cantonments and at the front, and if the Government has not the power to shelter them as well as to care for soldiers and others who are wearing the uniform of the United States it is a Government which needs strengthening in one very important particular.

Mr. SAULSBURY. Mr. President——

Mr. THOMAS. In just a moment. So the objection to the proposed amendment does not appeal to me, in view of the fact that we are taking extraordinary steps in this legislation. I now yield to the Senator from Delaware.

Mr. SAULSBURY. I only want to suggest to the Senator from Colorado that in a way the proposition which he suggests has been cared for in the bill by allowing the landlord to charge as rental a certain net sum, 7 per cent, or practically 105 per cent of the value of the property.

Mr. THOMAS. Which is too much.

Mr. SAULSBURY. Well, without discussing the question as to its being too much, he is allowed to deduct from his gross rent everything that he pays for elevator service. Doubtless he will run the elevators if he can get the service. It seems to me when we go into the details of tenancy and place duties on the landlord in such detail by statute and put a penalty on him for not performing them, we are going far beyond the necessity of the case.

Mr. THOMAS. Where would the Senator draw the line?

Mr. SAULSBURY. There is always a shadowy zone, as the Senator knows, and because the bill must necessarily be drastic is no reason why it should be unnecessarily drastic. I think the provisions of this act comply with every reasonable complaint that a tenant can make against a landlord or a landlord against a tenant in an adherence to the principle here.

Mr. THOMAS. I quite agree it should not be too drastic. If I did not think this provision was necessary, I certainly would not introduce it and would not insist upon it. The elevator service is to-day as much an essential part of a building used for public services or for collective residential purposes as heat, ventilation, and light.

Mr. KELLOGG. Mr. President——

Mr. THOMAS. I yield to the Senator from Minnesota.

Mr. KELLOGG. I wish to ask the Senator from Colorado a question. I understood the Senator to say that as a war measure the Government has a right to provide for taking property for housing these employees?

Mr. THOMAS. Yes.

Mr. KELLOGG. But has it a right to take that property or to take the use of that property without just compensation?

Mr. THOMAS. No; neither has a landlord the right to hold up an employee of the Government for more than just compensation.

Mr. KELLOGG. Quite so.

Mr. THOMAS. When he does that, then one of the war powers of the Government, in my judgment, should be exercised for the protection of that employee.

I submit the amendment, as far as I am concerned.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado [Mr. THOMAS] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. STERLING. Mr. President——

Mr. THOMAS. I have not yielded the floor quite yet.

The PRESIDING OFFICER. The Chair was under the impression that the Senator had yielded the floor.

Mr. THOMAS. I know the Chair had that impression. I have just one more amendment that I will offer. I wish to add as a new section to the bill the following:

The provisions of this act shall not apply to leases to tenants who are not actual residents of the District, who are not employees or officers of the Government or Members of Congress, and who have no business actually requiring their presence in the District.

I offer this, Mr. President, because there are a large number of people in the District of Columbia who have no business whatever that justifies their presence here. I do not mean that they are here for an improper purpose or that they have not, as American citizens, the right to be here; but I do not think it is our business to protect the leases of individuals who come here from curiosity or for the excitement which present conditions afford to them, or for any other purposes except those requiring their absolute necessary presence. For example, let me state this: Suppose I am here without any business, without anything which absolutely requires my presence in the District, and I have a lease from the owner of an apartment house; why should the war powers of the Government be exerted to protect me as against my landlord? Should we go further, in other words, with this bill than to make it effective for the necessary purpose of the Government, which is to furnish——

Mr. KENYON. Mr. President——

Mr. THOMAS. Just a moment—to furnish shelter for its own employees and to see to it that that shelter is obtained at a price within their means? That is all right.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I will yield in just a moment. That is all right; but when we go beyond that and make this law so universal as to give to individuals who are merely here for purposes of their own and not for purposes of the Government, so that they may have the right to dictate to landlords, and the landlords submit to them, it is stretching the power of government, in my judgment, beyond its legitimate boundaries.

Mr. NEW. Mr. President——

Mr. THOMAS. I must first yield to the Senator from Iowa.

Mr. KENYON. Under the plan now suggested by the Senator from Colorado the landlord could rent to a person not connected with the Government at any price he chose.

Mr. THOMAS. He could do so to any person who is not required to be here; yes. At the same time he could cancel the lease; and I know of a number of landlords who would be glad to do so in order to furnish a larger amount of space for those who are obliged to be here.

Mr. KENYON. I agree with the Senator that such people ought to be ousted and ought not to be here at all during the war; but will not that result in the landlord preferring to lease to such people and charging them any amount he pleases, thus making less the chance of those connected with the Government to get accommodations?

Mr. THOMAS. There is, of course, the possible danger which the Senator from Iowa suggests; but, Mr. President, we can meet that, and meet it very summarily, if necessary.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. THOMAS. I yield to the Senator.

Mr. NEW. I rose to inquire of the Senator from Colorado if his amendment, which I did not clearly hear as it was read, would include those who are here now in the service of the Red Cross, for instance? They are not, strictly speaking, employees of the Government, and yet they are connected with a very useful organization.

Mr. THOMAS. I thank the Senator from Indiana for his suggestion. Of course, the amendment was not designed to interfere with them; but I do not believe the Government has the power to fix rents or rates in this District for people who have no business here; who simply come and go, and who are here for purposes of pleasure. I will, however, modify the amendment so as to exclude from its operation those people who are here with the Red Cross, with the Young Men's Christian Association, the Young Women's Christian Association, and so forth.

Mr. NEW. That will be satisfactory.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. THOMAS. I yield.

Mr. LODGE. There are a great many people in Washington who are not engaged in Government work who, however, are citizens of Washington, who live here, and whose vocations are practiced here.

Mr. THOMAS. This amendment does not refer to them. They are expressly excluded from its operation.

Mr. LODGE. How are they expressly excluded?

Mr. THOMAS. They are expressly excluded from its operation because my proposition refers to nonresidents who are here and who have no business here. Of course, I did not and I do not think that legally I could so frame an amendment as to interfere with actual residents; people who live here and who have made their homes here. But suppose some family is here from the city of Boston——

Mr. LODGE. I am surprised at the Senator's moderation.

Mr. THOMAS. So was Lord Clive surprised at his own moderation. It may be that the time will come when I will remedy that which would draw surprise from my distinguished friend.

Mr. LODGE. If we are engaged in this bill in confiscating everybody's property and turning all of the doctors, lawyers, clergymen, tradesmen, and everyone else out of their houses in order to give homes to valuable clerks who are working in the different offices——

Mr. THOMAS. My amendment does not propose to do that.

Mr. LODGE. It seems to me the valuable clerks would find themselves without the ordinary machinery of life.

Mr. THOMAS. The Senator's apprehensions are altogether too lively concerning the purposes of the amendment.

Mr. LODGE. I was not speaking of the amendment; I was speaking of the general bill, which made me think that the amendment was probably in keeping with it.

Mr. THOMAS. The amendment is designed to be in keeping with the bill, which I heartily favor. It is designed also, so far as my poor judgment can determine my action, to supplement and improve that bill. I do not propose by the amendment to interfere with any lawyer who is an actual resident of the District or with any minister who is an actual resident of the District or with any other actual resident of the District; far from it; but if some lawyer from Boston or some minister from Denver or some physician from Richmond, or all of them combined, are in the city of Washington occupying apartments or houses under lease, and they have not any business on earth here except the gratification of their own selfish interests and pleasures, I do not think we should so legislate that they can keep those leases and extend those leases almost at their own price, so to speak, under the protection of the Government, which ought not to give any such protection to that class of people.

Mr. GALLINGER. May I ask the Senator a question?

Mr. THOMAS. Certainly.

Mr. GALLINGER. The Senator, I apprehend, is aware of the fact that there are scores of physicians and lawyers in this city who have legal residences in the States of Maryland and Virginia, but who also are residents of the District. Surely the Senator would not turn those men out of the District of Columbia?

Mr. THOMAS. That would depend, Mr. President, entirely upon whether or not they have their regular practice here; whether they are established professional men in the District. I certainly would not want to interfere with lawyers if they are simply here for the trial of cases; but then they do not take leases of houses or apartments; they go to hotels.

Mr. GALLINGER. I have reference to professional men who have offices here, but whose homes are in Maryland and Virginia, and possibly in other States.

Mr. THOMAS. But where is their practice?

Mr. GALLINGER. They have their practice here in Washington.

Mr. THOMAS. If their practice is here, then they ought not to be excluded.

Mr. GALLINGER. But they may have more or less practice in their home States.

Mr. THOMAS. In such case they ought not to be excluded, and they are not to be excluded by the amendment, for it reaches only those who have no business requiring their presence here in Washington.

Mr. GALLINGER. I will say to the Senator from Colorado that I was called out of the Chamber and did not hear the amendment read. I should like to have it read.

Mr. THOMAS. I will read the amendment. I shall modify it to include a suggestion made by the Senator from Indiana [Mr. NEW] regarding people representing the Red Cross and similar associations. The amendment, as drawn, provides:

The provisions of this act shall not apply to leases to tenants who are not actual residents of the District, who are not employees or officers of the Government, nor Members of the Congress, and who have no business actually requiring their presence in the District.

Mr. GALLINGER. The amendment is somewhat different from what I had imagined.

Mr. THOMAS. It clearly eliminates the class of people to whom the Senator refers.

Mr. GALLINGER. Well, if the Senator will permit me one other question, does the Senator think we ought to go to the extent of disturbing any citizen—a law-abiding man or woman—who is living in the District?

Mr. THOMAS. I think the Senator from New Hampshire misunderstands the purpose of the amendment. The purpose of the amendment is to exempt such persons entirely from the operation of the bill. We should not legislate concerning people of that character who are here; let the ordinary conditions apply to them; let us confine the bill, in other words, to actual employees and officers of the Government, members of the Red Cross, and similar associations, and provide in the bill that leases held by people who have no business here shall go right on as they have gone on before. I think the Senator and I are in entire accord.

Mr. GALLINGER. I am inclined to think so, from the statement the Senator has just made.

Mr. THOMAS. And unless this amendment is inserted that class of people will be just as amenable to the drastic provisions of this proposed law as will be all other people.

Mr. TOWNSEND. Mr. President——

Mr. THOMAS. I yield to the Senator from Michigan.

Mr. TOWNSEND. If I understand the amendment of the Senator from Colorado, it seems to me that it will probably cause new difficulties or increase those already existing more than it will relieve the situation. For instance, there are a great many people in the District of Columbia who have no business here, I agree with the Senator from Colorado, and I wish some way could be provided that would induce such people to stay away from here, but they are here. Now, if they are not subject to the provisions of the bill—and many of them care nothing about that; they do not care to be subject to them—they will pay any price that is asked of them; and it seems to me that it would lessen the chances of the real clerks, of those who have real business here, because the landlords and apartment owners will prefer to lease their property to those who are not connected with the Government, and therefore not subject to the limitations of the bill.

Mr. THOMAS. Well, Mr. President, of course, there is that danger. On the other hand, I know of at least two landlords who will refuse to extend leases now in existence to that class of people. I think that this amendment is one that should be inserted in the bill. I do not care to discuss it further; I will submit it to a vote.

Mr. LODGE. Mr. President, I confess that I do not understand the amendment.

Mr. THOMAS. I am sure that that is my fault.

Mr. LODGE. If it bears the interpretation which the Senator last gave to it, I think I am in accord with it, but it does not seem to me to read in that way.

Mr. THOMAS. I do not think it can bear any other interpretation. I will read it again.

Mr. LODGE. The Senator has not an extra copy of it. I think it ought to be printed.

Mr. THOMAS. It reads:

The provisions of this act shall not apply to leases to tenants who are not actual residents of the District, who are not employees or officers of the Government, nor connected with the Red Cross, nor Members of Congress, and who have no business actually requiring their presence in the District.

I hope the Senator will be still more astonished.

Mr. LODGE. It says it shall not apply to people not residents of the District. Therefore it applies to residents of the District.

Mr. THOMAS. No; it does not. It says the provisions of the bill shall not apply to tenants who are not actual residents of the District.

Mr. LODGE. They are an exempted class?

Mr. THOMAS. The actual residents are exempted, of course.

Mr. LODGE. I thought, as the Senator read the amendment, that persons who were not actual residents were the ones exempted.

Mr. THOMAS. They are the only ones who have leases, so far as I know; they certainly constitute a large part of that class.

Mr. LODGE. Does the Senator mean that the leases are held only by persons not residents of the District of Columbia?

Mr. THOMAS. No; I think that a great majority of the leases, however, are held by nonresidents of the District, both in the service and out of the service of the Government.

Mr. LODGE. I still do not see just who is exempted and who is affected by the amendment.

Mr. THOMAS. The purpose of the amendment is to confine the operation of the bill entirely to employees of the Government, to Members of Congress, and to those having business which actually requires their presence in the city. I do not think this bill ought to go any further; in other words, the war powers of the Government ought not to expend themselves upon a lease between a citizen of Boston not an employee of the Government and his landlord here in the city.

Mr. LODGE. I think that is right, as I understand it.

Mr. DILLINGHAM. Will the Senator read the first line of his amendment again?

Mr. THOMAS. I will:

The provisions of this act shall not apply to leases to tenants who are not actual residents of the District, who are not employees or officers of the Government, nor connected with the Red Cross, nor Members of the Congress, and who have no business actually requiring their presence in the District.

Mr. POMERENE. Mr. President, assume, by way of illustration, that residents of Ohio or Massachusetts are here temporarily as Members of Congress or in some other capacity or are here engaged in legitimate business, and so forth, does the Senator construe his amendment so that it would not apply to cases of that kind?

Mr. THOMAS. Certainly. If an employee of the Government needs shelter, the bill is designed to give it to him within his means; and that applies, as the bill is drawn, to everybody whether employees of the Government or not. The purpose of my amendment—it may not accomplish it—is to limit the bill to those for whom the Government should act or to whom it owes a duty to protect.

Mr. POMERENE. Mr. President, let me ask the Senator a further question?

Mr. THOMAS. Certainly.

Mr. POMERENE. I realize that this is rather drastic legislation, but it does seem to me that we ought not to have two classes of tenancies here. Either this bill is right or it is wrong; and if we are to have legislation of this kind, it should apply to all tenancies within the District or it should not. I am afraid that we would involve this matter a good deal if we should attempt to distinguish, as the Senator does, if I understand properly his amendment, between different classes of tenants.

Mr. THOMAS. I do not think the Government has any business in the exercise of its war powers to interfere with contracts between outsiders, neither party to such contract having any connection with or relation to the Government.

Mr. POMERENE. Well, Mr. President, as a general proposition, I agree with the Senator, but if we are going to divide tenancies into classes and are going to permit the increase of rentals to one class of tenancies, it is going indirectly to affect the other class of tenancies, and I should doubt the wisdom of that.

Mr. THOMAS. No, Mr. President; I think if it results in increase of rents to one class of tenancies, that class will leave the city. That is exactly what they ought to do, and, to be perfectly frank, that is the underlying motive which caused me to prepare and offer this amendment.

Mr. LODGE. Mr. President——

Mr. POMERENE. If the Senator from Massachusetts will pardon me, what I am fearing is that the tendency will be to increase the rentals of those who are in the District on legitimate business.

Mr. THOMAS. Then, the Senator's bill is inoperative. I do not think that this amendment would make it so.

Mr. LODGE. Mr. President, the point I wish to make in reference to what the Senator from Ohio has said, is that it seems to me his argument is that the Government ought to step in and protect the tourist or the man who comes here and uses Washington as a winter resort. I have no objection in the world to his coming here, but why should he have governmental protection under a war power and have his rent kept low? There is some excuse, of course, in the case of Government employees, although it is a very poor one.

Mr. POMERENE. With all due respect to the view which the Senator from Massachusetts has expressed, I am not concerning myself about the tourist; but it is the tourist who has come here and has paid the fabulously high rents who has been in part responsible for the increase in rent to those generally here. It seems to me that if we are going to control this situation, we have got to adopt some rule which will apply equally to all.

Mr. LODGE. The Senator's knowledge is much wider than mine, but the fabulously high rents which I have heard being paid in every instance were paid by somebody holding an appointive office under the Government.

Mr. POMERENE. That is true in a good many instances.

Mr. TOWNSEND. May I interrupt the Senator from Ohio?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. THOMAS. I yield to the Senator from Michigan.

Mr. TOWNSEND. I wish to suggest a point to the Senator from Ohio in line with his thought. Suppose that the amendment of the Senator from Colorado were adopted, and suppose that two people come to the city of Washington, one a nonresident without any business here and the other a Government employee. Now, the landlord is restricted, so far as his rent is concerned and can not increase it beyond a certain amount, but if the restriction does not apply to the tourist, who is going to get the rooms?

Mr. POMERENE. That is a very pertinent inquiry.

Mr. TOWNSEND. The object of this bill is to provide quarters for people who are needed here. Now, it seems to me that this is an invitation to rent these rooms to people who have no business here, because the landlord is under no restriction.

Mr. THOMAS. Mr. President, if this bill is to be effective, that situation can be met by the Government, which is given the power to take that home, if needed, for its own employees.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. THOMAS. I yield, with pleasure.

Mr. KELLOGG. Without considering the question of the power of the Government, which is, of course, a very grave question, there are thousands of employees living in Washington——

Mr. THOMAS. Tens of thousands.

Mr. KELLOGG. Or tens of thousands, who are not in the employ of the Government, but who are absolutely necessary to the maintenance of the establishments of those who are in the employ of the Government and to running the city.

Mr. THOMAS. Then they are the families of Government employees, and they are protected by this bill.

Mr. KELLOGG. No; they are not the families of Government employees. They are employees in the stores, and so on.

Mr. THOMAS. They live here.

Mr. KELLOGG. They may live here or they may live outside of the District and do business here.

Mr. THOMAS. If that is the case, then my amendment is so drawn as to exempt them from the operation of the bill.

Mr. KELLOGG. Possibly it is.

Mr. THOMAS. Or, at least, that is what it is intended for.

Mr. POMERENE. Mr. President, I want to say to the Senator from Colorado that I quite misapprehended the purport of his proposed amendment, and after the explanation which the Senator has made, I am very cordially in favor of it. I think it is a good amendment.

Mr. THOMAS. I am ready to submit it, Mr. President.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Colorado to the amendment of the committee.

On a division, the amendment to the amendment was rejected.

Mr. POMERENE. Mr. President, I offer the amendment which I send to the desk, to be inserted on page 16, line 9, after the word "final"

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 16, line 9, after the words "shall be final," it is proposed to insert:

Provided further, That if the landlord or lessor be not satisfied with the orders, findings, or decisions of the board of rent appeals, he shall have the right to begin suit in the Supreme Court of the District of Columbia against the tenant for such modification of said orders, findings, or decisions, or for such further sum as he may deem himself entitled to, and if said tenant be not satisfied with said orders, findings, or decisions, or if he shall claim that the rent paid by him has been excessive, he shall have the right to begin suit in said court against the landlord or lessor for such modification of said orders, findings, or decisions, or for such excess rent, and jurisdiction is hereby conferred upon the said Supreme Court of the District of Columbia to hear and determine all such controversies, and said orders, findings, and decisions shall be prima facie evidence of the correctness and reasonableness thereof and of the rent charges so fixed and of the facts therein contained.

Mr. GALLINGER. Mr. President, if that be agreed to, ought not the words "which decision shall be final" be stricken out? If it is final, I do not see how they can proceed in court.

Mr. POMERENE. It is final so far as the administrative machinery provided in this bill is concerned, and then we say, "*Provided, however*, that each shall have the right of review." That is the purpose of it.

Mr. GALLINGER. Well, I presume it is all right.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "act," on page 9, line 2, it is proposed to insert the following proviso:

Provided, That nothing herein contained shall be construed to affect or bring within the scope of this act properties wherein, during the period of its limitations, the character of the same has been changed or converted from dwelling to business use.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. GALLINGER. Certainly.

Mr. SIMMONS. I have to leave the city this afternoon, and I want very much to have a short executive session before going. If the Senator does not object——

Mr. GALLINGER. Will the Senator allow a vote to be taken on this amendment? I think it will not be debated.

Mr. SIMMONS. Certainly.

Mr. POMERENE. Mr. President, I do not quite understand the purpose of this amendment.

Mr. GALLINGER. I will say to the Senator that it will go to conference at best, and if it is not right the Senator can whip it into shape. I think it is an important matter. I view it so.

I will say to the Senator that there are buildings that on the 1st day of October, 1917, were dwellings. They have been entirely changed since that time and made into business property—stores, and that sort of thing. If only the same rentals should be allowed for buildings that have been converted into stores that were allowed when the buildings were residences, great injustice might be done.

Mr. POMERENE. I think the Senator perhaps does not fully appreciate the fact that discretionary power is given to the administrator here, as well as to the rent appeals board, so that they can take complete charge of that situation and regulate those rates. There can not be any doubt at all about that, I am quite sure, if the Senator will read the bill.

Mr. GALLINGER. I have read the bill pretty carefully, and this matter was called to my attention by a party who, I think, understands the situation. The amendment is an important one. If the Senator will not oppose it and will let it go into the bill, the Senator can strike it out in conference if he wishes, and I will not make any contention in regard to it.

Mr. POMERENE. With that understanding, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Mr. President, I had intended to offer another amendment, but I will yield now to the Senator from North Carolina if I may be permitted.

Mr. SIMMONS. Mr. President, I am told that the probabilities are that this matter can be disposed of in a few minutes, and I will not interpose the motion just now.

Mr. GALLINGER. Very well. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. At the end of line 3, page 15, it is proposed to strike out the period and insert a comma and the following words:

And who is not engaged, directly or indirectly, in the business of buying, selling, leasing, or renting real estate in the District of Columbia.

Mr. GALLINGER. Mr. President, for the time being I will let that amendment remain in abeyance and offer another amendment which I intended to offer.

On line 2, page 15, after the word "appoint," I move to insert the words "to be confirmed by the Senate," so that this rent administrator shall be confirmed by the Senate.

Mr. POMERENE. We have no objection to that.

Mr. GALLINGER. I offer that amendment first.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Now, I offer the other amendment. I will say to the Senator from Ohio that it simply prevents the appointment of a man who is in the real estate business, which I think is an important matter.

Mr. POMERENE. Oh, I did not so understand it. I have no objection to it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. KENYON. Mr. President, I should like to make a suggestion to the chairman of the committee. On page 11, lines 10 and 11, should not the word "no," in line 10, be stricken out and the word "such" inserted, and then the word "not" inserted after the word "case," so that it would then read:

So that the rent shall in such case not exceed 7 per cent.

It seems to me that we have a contradiction there. We provide that the rents charged shall be on the basis of 7 per cent of a value which is the assessment for taxation, plus 50 per cent, making 105 per cent. When that basis as it is now fixed by the the assessor is changed, we provide that the rent shall in no event exceed 7 per cent. That means only where the basis as fixed by the assessor has been changed.

Mr. POMERENE. I understand that it is not the Senator's purpose to change the provision, but simply to improve the language.

Mr. KENYON. To improve the language and to get rid of the apparent conflict.

Mr. POMERENE. I see no objection to that.

Mr. KENYON. Then, I move to strike out, on line 10, page 11, the word "no" and insert the word "such," and after the word "case" and before the word "exceed," on the same line, I move to insert the word "not," so that the lines will read:

So that the rent shall in such case not exceed 7 per cent per annum on the actual value of the property.

Mr. POMERENE. I think that improves it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. SAULSBURY. Mr. President, I move to strike out, on page 12, line 13, beginning with the word "*Provided*" and going to the end of the section, and to insert in lieu thereof the matter which I send to the desk. In order to explain it, I will say that in my judgment it is practically the same provision, except that it is phrased better than the one to which the committee agreed originally. I call the attention of the Senator from Illinois [Mr. SHERMAN] to it particularly, because of his knowledge of that proviso.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 12, line 13, after the word "act," it is proposed to strike out the proviso down to and including the word "act," on line 19, and to insert:

and all remedies at law or in equity of the lessor based on any provision in any oral or written agreement or written lease that the same shall be determined or forfeited if the premises shall be sold are hereby suspended while this act shall be in force; and every purchaser shall take the conveyance of premises subject to the rights of all tenants in possession thereof under the provisions of this act.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Delaware to the amendment of the committee.

Mr. SHERMAN. I do not desire to say anything if the amendment is to be adopted. If it is likely to be rejected, I have something to say.

The amendment to the amendment was agreed to.

Mr. McCUMBER. Mr. President, I now desire to offer the amendment, somewhat modified, which I offered yesterday afternoon.

On page 13, line 22, I move to strike out all after the word "rental," the first word on line 22, down to and including the word "furnished," on line 5 of page 13, and to insert in lieu thereof the following: "for the furniture, in addition to the rental for the real estate, not exceeding 30 per cent of the value of such furniture," so that it will read:

That when the real estate is rented furnished the rent administrator shall authorize a fair and reasonable rental for the furniture in addition to the rental for the real estate, not exceeding 30 per cent of the value of such furniture.

The Senator from Georgia [Mr. SMITH] suggested 25 per cent as being perfectly fair. I have made it a little higher than that. I certainly think that the landlord ought not to charge for the furniture which he places in any one of these apartments, in addition to what he would charge for the unfurnished apartment, a sum greater than 30 per cent of the value of the furniture. That would practically pay for the furniture in three

years. As the section now stands, as was stated yesterday, it is rather a suggestion to the administrator that if the apartment is furnished the landlord may charge in one instance not exceeding 100 per cent more than the rental unfurnished, and in the other instance mentioned in the bill 50 per cent more, and this without reference to the value or character of the furniture employed.

As stated yesterday, I think that in the case of the average one-living-room apartment, which consists of a small living room with a bed couch which may be folded up, a bathroom, a kitchenette, and a single closet, the furniture ordinarily would not exceed in value about $60, even if purchased new, and many of these apartments are furnished with secondhand furniture, which probably did not cost more than half of that. That being the case, taking an apartment that rents, we will say, for $30 unfurnished, which such an apartment certainly ought to rent for, to allow them to put in $60 worth of furniture and charge $60 per year additional for it because it is furnished seems to me to be so unjust that there is no excuse for it. It certainly does open up a wonderful opportunity for the landlord to say to his tenant who has furnished a room, "I can make a great deal more out of this room if I furnish it myself." The tenant can not go anywhere else, and must sell to the landlord the little furniture that he or she may have for whatever he or she can get out of it, because possibly there would be no other place in town where he or she could find an unfurnished apartment.

It does seem to me that this amendment is carefully guarded, because in every instance it will leave to the rent administrator the right to determine what is a reasonable and just rental for the furniture which is placed in a room.

I hope the Senator in charge of the bill will accept the amendment.

Mr. HOLLIS. Will the Senator kindly read the amendment again?

Mr. McCUMBER. I will read it as it would read when amended.

Mr. HOLLIS. Yes.

Mr. McCUMBER (reading)—

SEC. 7. That when the real estate is rented furnished the rent administrator shall authorize a fair and reasonable rental for the furniture in addition to the rental for the real estate, not exceeding 30 per cent of the value of said furniture.

Mr. HOLLIS. The committee considered this matter very carefully. We had testimony about it. The Senator's amendment proposes not exceeding 30 per cent on the value of the property?

Mr. McCUMBER. Not exceeding 30 per cent on the value of the furniture, not of the property.

Mr. HOLLIS. Of course, the value of the furniture is a very difficult thing to fix. The amendment does not say the value new, or the selling value, or what value. Under the bill as drawn, the rent administrator can not allow more than twice as much for a furnished apartment as for the same apartment unfurnished, and he is to fix a reasonable value. I have in mind the case of an apartment that rented for $60 unfurnished, and it was furnished at a cost of $1,000, and under the Senator's proposition $300 could be charged for it. That might be too much. I agree with the Senator that whatever we put in as a limit will probably be fixed as the value. There will be special reasons in every case brought to the administrator. We inquired carefully and we found that it is the usual rule in the District to charge twice as much for a furnished apartment as is charged for the same apartment unfurnished.

The PRESIDING OFFICER. The Senator will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. VARDAMAN. I do not see the chairman of the committee present, but I think he has an understanding with the Senator from Ohio that the unfinished business shall be temporarily laid aside pending the consideration of the rent bill. Therefore I make that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLIS. In renting furnished apartments the income on the amount invested is not a fair measure of the value, because the superintendence, the looking after the furniture, the risk of its being damaged, is a large item. In this city there are many women who have been left without support but who had furniture, and they make it a business of renting apartments, furnishing them, and they actually get their living out of what comes to them for the rent of their furniture in that way. That is not for the return on their investment, it is for the trouble and the time it takes to see that things are kept in order and that the public is served. I hardly feel that 30 per cent return would be enough in some cases, and in other cases it might be too much. It may be that the Senator is right.

Mr. McCUMBER. I am afraid the Senator does not understand the amendment. It simply provides in effect that such charges shall be made on the basis of what is just and fair for the unfurnished apartment, and then the 30 per cent is in addition for the furniture that may be used by the landlord.

Mr. HOLLIS. Yes; I understand it. It may be that the Senator is right. I am merely stating what considerations moved the subcommittee in fixing it this way. They thought it would be fair to all concerned.

Mr. McCUMBER. Let me explain it to the Senator. I am not attempting to protect those who are able to pay enormous prices, who wish to remain in the city for only a short time, but the vast number of tenants are clerks. Those clerks occupy apartments that consist, as I have stated, as a rule of only one living room, a small kitchenette, a closet, and a bathroom, and in many instances there will be two living in such a small apartment. The next class is where there are two living rooms, where the occupant can have a separate bedroom and then a folding couch in the living room. That constitutes probably 75 or 80 per cent of all the apartments.

The Senator has suggested himself that if we fix a limit ordinarily that limit will be regarded as expressing the intent of Congress rather than any lower sum; and when you say that you fix a limit where the charges for furnishing, irrespective of the character of the furniture shall be only 100 per cent, when, in other words, they can double the rent on those small apartments, the Senator will see that it opens up a wonderful opportunity for every one of this tenant class of landlords to say "instead of accepting a reasonable rent for an unfurnished apartment and an additional rent for the real value of the furniture, I can impose 100 per cent and 500 per cent, according to whether the building was constructed prior to October 1, 1917, or after that date."

Now, this provides for a reasonable return. They have no right to charge more than 30 per cent for the use of the ordinary furniture in those buildings. The furniture will last almost forever, and if they get 30 per cent on their investment for furniture in addition to their 7 or 8 per cent on the value of the room exclusive of the furniture, they certainly ought to be satisfied. I have put a limit here so that it can not run above 30 per cent on the value of the furniture. I hope the amendment will pass, because I am sufficiently well acquainted with the methods used and the charges that are made to know that there will be a great amount of imposition upon the tenants if they are compelled to pay 50 or 100 per cent more simply because the rooms happen to be furnished.

Mr. POMERENE. Will the Senator yield for a question?

Mr. McCUMBER. I yield.

Mr. POMERENE. I am not quite sure, in view of the statement the Senator has just made, whether I have his amendment correctly in mind. Do I understand that the increased rent for the furnished room shall be 30 per cent of the amount of the rent or 30 per cent of the value of the furniture?

Mr. McCUMBER. Thirty per cent of the value of furniture per year, so that if an apartment rented for $30 and then there was put in furniture that amounted to $60, as 30 per cent of $60 would be $18, the landlord could not charge more than $18 in addition on account of furnishing it with $60 worth of furniture.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. McCUMBER] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. STERLING. Mr. President, I should like to invite the attention of the Senator in charge of the bill to some of the provisions of section 5. I want to say that I am in sympathy with the general purposes of the bill, but there are two or three features of section 5 that seem to me to be unnecessarily drastic. Permit me to read section 5 in order that I may lead up to the particular provision:

That no judicial order for the recovery of possession of any real estate, now or hereafter held or acquired by oral or written lease, or for the ejectment or dispossession of a tenant therefrom, shall be made, and all leases thereof shall continue so long as the tenant continues to pay rent at the agreed rate, or as it may be modified under the provisions of this act—

That is parenthetical, as I understand it—

and performs the other conditions of the tenancy—

Now comes the part to which I wish to call especial attention—

except on the ground that the tenant has failed to take reasonable care of the premises, or has committed waste, or has been guilty of conduct which is a nuisance or amounts to a disturbance of the peace of adjoining or neighboring occupiers or a violation of law—

So far I have no particular objection to the provisions of section 5, because those are conditions that would be inserted in an ordinary lease, and if a judgment or an order for possession was sought it would be some violation or breach of one of the conditions of the lease, and this may be found, expressed or implied, in the ordinary lease. But now comes this provision—

or that the premises are reasonably required by a landlord for the occupation by himself or his family while in the employ of or officially connected with the Government.

Then follows the amendment added this morning on motion of the Senator from New York [Mr. CALDER]. After the word "Government," it is proposed to insert "or has been disposed of to a bona fide purchaser for his own occupancy." It seems to me that those two clauses, the one in the original bill and the amendment of the Senator from New York, work an unnecessary hardship.

Here is a landlord who may have leased the premises for one, two, three, or five years, as the case may be, and simply on the assertion now that he is in the employ of the Government or is officially connected with the Government he can bring his action for the possession of the premises. Likewise under the amendment of the Senator from New York, if he has become a purchaser of the premises in good faith and is employed by the Government, he can bring an action for ejectment, or I do not know just what the practice would be here in the District, for the possession of those premises.

It seems to me, Mr. President, that a landlord owning a building he can lease and has leased for a term of years ought not, on the mere assertion that he is now an employee of the Government, be allowed to dispossess his tenant or obtain an order of dispossession or ejectment from the premises; that as a landlord he may be as well able or better able to provide himself with other premises for his occupancy during the time or temporarily than to oust a tenant who is in possession under a lease of the premises.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. I yield to the Senator.

Mr. POMERENE. Of course he can only dispossess under the provisions of the bill in the event that the lease has expired by its terms.

Mr. STERLING. But this does not say so.

Mr. POMERENE. Oh, yes; I do not see how any other construction can be placed upon it. In the event the lease has expired he can exercise his right as a lessor, provided he needs the property for his own possession or that of his family, and provided further that he is in the employ of the Government.

Mr. STERLING. Then I think the words ought to be inserted to make that plain. I thought of offering an amendment to that effect.

Mr. POMERENE. I am quite sure that that was the intention of the committee, but if there is any doubt about it we would be very glad to have it made perfectly clear. I believe if the Senator will read it again he will find that it is plain.

Mr. STERLING. I read it somewhat with that in view and thought of words that ought to be added as an amendment of the provision. If I may be allowed, I will say to the Senator from Ohio, I will try and prepare an amendment that will meet the situation, and later offer it.

Mr. POMERENE. Speaking for myself, I have not had any doubt as to what was meant; but I, of course, have very great respect for the Senator's judgment as a lawyer.

Mr. STERLING. These words are very general, and there are no words preceding these two clauses, nor are there words following the two clauses that lead to the inference that it applies only to those cases where the lease has expired.

Mr. SAULSBURY. I wish to suggest to the Senator from South Dakota that possibly these words might cover his desire as to a change in the amendment. If the Senator will turn to page 11, line 24, strike out what occurs after "except" down for some lines—the Senator will understand as I read—and insert in lieu thereof the words:

And perform the other conditions of the tenancy—

Then go on, "which are not inconsistent herewith unless the tenant has committed waste or has been guilty on the premises of conduct which constitutes or amounts to a breach of the peace or of a misdemeanor or of a crime, or that the premises are necessarily required by a landlord or bona fide purchaser for occupation either by himself or his wife, children, or dependents while he is in the employ of or officially connected with any branch of the Government, or where the property has been sold to a bona fide purchaser for his own occupancy."

Would that cover the view of the Senator?

Mr. STERLING. I will say to the Senator from Delaware I hardly think that it would, or that it would make it quite plain. If the Senator will permit me, I think of words now and the place at which they might be inserted which would make the provision clear. The suggestion I would make is this: In line 3, after the word "or," insert "the lease having expired, that the premises are reasonably required."

Mr. POMERENE. In what line?

Mr. STERLING. In line 3, page 12, after the word "or," so as to read "or the lease having expired, that the premises are reasonably required by a landlord for the occupation," and so forth.

Mr. POMERENE. I have no objection to that.

The PRESIDING OFFICER. Does the Senator from South Dakota offer that as an amendment to the amendment?

Mr. STERLING. I offer it as an amendment to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota to the amendment.

The amendment was agreed to.

Mr. WEEKS. Mr. President, in line 13, page 9, after the words "equal to," I move to strike out the word "seven" and insert in lieu thereof the word "eight," and to make a similar amendment applying to any other place in the bill where that change would have application.

Mr. President, my purpose in making that motion is that I think a 7 per cent rate, even having in mind the purposes of this bill, is too low to prevent a hesitation on the part of builders in continuing construction or undertaking new construction. Of course, the Senate does not intend that there shall be anything done which will tend to decrease new building undertakings. The bill not only continues during the war, but one year thereafter, and naturally there are going to be a good many vacancies, based on the present population of the District of Columbia, after the war is over; so 7 per cent, instead of being a guaranteed return, is simply a maximum return. It may be for the term of years which the law remains in force very much less than 7 per cent, and it does not seem that 8 per cent is an unreasonable maximum return on a real estate investment.

I hope the amendment will appeal to the judgment of those in charge of the legislation. I offer it without any intent to defeat its purposes—I approve of the general purposes—but I think this would add strength to it and would satisfy a condition which otherwise may not be satisfied.

Mr. POMERENE. I do not feel that I would be authorized on the part of the committee to accept that amendment. It must be borne in mind that under the provisions of the bill this is 7 per cent net; 7 per cent over and above all taxes, all assessments, all returns, all cost of maintenance, all cost of light, heat, water, elevator, and other service, and a proper charge for depreciation and nonoccupancy. It seems to me the property holders of this city will be very fairly cared for in these war times if they can get 7 per cent net.

I am not unmindful of the fact that it has been the policy of the Government to discourage unnecessary building. It is true it has become necessary to put up certain structures here in the District, and it probably will be in the future, but there are certain real estate people here who, of course, are of a speculative bent of mind. I am not finding fault with them, but they can suspend their operations without very much loss to the public for the time being. With the accommodations we have here now, after the war is ended—and may that be very soon—my belief is that a good many of these properties that were vacant during the year 1916 may again become vacant. I do not think that there is any real necessity for our exerting ourselves here to make conditions such that there will be an opportunity for speculation. I think when we have fixed 7 per cent net over and above all these expenditures we have done fairly well.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. WEEKS] to the amendment of the committee.

On a division the amendment to the amendment was rejected.

Mr. GALLINGER. When the joint resolution dealing with this matter was under consideration a few days ago I called the attention of the Senator from Ohio to phraseology which I thought was not happy where it says "oral or written lease." I move to insert the word "agreement" after the word "oral," so as to read "oral agreement or written lease." The same occurs in line 19, on page 11, and on line 13, page 12.

Mr. POMERENE. While I do not think it is necessary, I believe this legislation should be in harmony with the other.

Mr. GALLINGER. Yes; I think so.

Mr. POMERENE. We have already adopted that phraseology. So we accept, as far as we may, the proposed amendment.

Mr. GALLINGER. I move that amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. The Secretary will kindly run the bill over and see if it occurs in any other place. I think it does not.

Mr. LODGE. Mr. President, I desire to ask the Senator in charge of the bill in regard to section 13. It seems to me very blind, and I can not see what good purpose is served by it.

That any house or building not occupied by the owner or a tenant for a period of three months immediately preceding the passage of this act, or—

Which is the alternative—

for a period of five months after the passage of this act, may be commandeered.

A man who has occupied a house for three months prior to the passage of this act under that provision can go away and leave it for a year, if he wants to do so. On the other hand, suppose a man comes here like Mr. Schwab or Mr. Ryan or some one recently appointed in that way. He comes here a month after the passage of the act. He is debarred from taking a house practically because he is liable to have it commandeered at any moment. He will be utterly unable to fulfill these conditions. I do not see what good purpose is served by the section in any event, but as it is now it would work great injustice, it seems to me.

Mr. HOLLIS. I was a member of the subcommittee, and I drafted this paragraph. If the Senator from Massachusetts is in doubt as to the object of it, it must be badly drawn, and it should be redrafted. I will explain why it was drafted. When we took testimony we were informed that there were hundreds of houses in the District of Columbia not occupied. I have seen many houses myself not occupied, and which have not been for a long period.

Mr. LODGE. If the Senator will excuse me a moment, we had testimony, and very elaborate testimony, before the committee investigating the fuel situation, on that point, and there were very few houses then unoccupied for a city of this size. We had a list presented by the Fuel Administrator.

Mr. HOLLIS. I have the exact figures here. They are found on page 131 of the testimony of Mr. Baldwin. In February and March the census was taken.

Mr. POMERENE. In March of this year?

Mr. HOLLIS. Of this year.

There were a total of 889 houses in the streets—

That is, leaving out those in the alleys not occupied; those were actually fronting on streets—

of which 190 were reported as dilapidated, and so might be neglected. Out of 699 remaining, 245 were reported as being in poor repair. That left 454 houses for both white and colored, and 244 only of those were in good repair, referring to houses for white people; that is all that were left on the 3d of March last.

Then, a little later Mr. Baldwin says:

You could say that there were about 700 houses for white people on the 1st of November, as compared with 244 on the 1st of March.

Mr. LODGE. That does not differ widely from the statement of the Fuel Administrator, who said, as I recall it, that there were between four and five hundred houses available for rent still unrented. There have been something over 5,000 rented during the war.

Mr. HOLLIS. If there is a good reason why these houses should not be occupied, of course the President could not commandeer them, but it was the feeling of the committee that if there were houses that were not being occupied either by the owners or by tenants for a period of three months before the passage of this act and for a period of five months after the passage of the act, the administration should have authority to commandeer those houses and put them to war or Government use. That is the object. Does not the Senator understand that that is the effect of it?

Mr. LODGE. I understand the purpose that the Senator intends to accomplish.

Mr. HOLLIS. No; but I am asking the Senator if he does not understand that that is what this language means.

Mr. LODGE. I do not, because it seems to me to have a very different effect.

That any house or building not occupied by the owner or a tenant for a period of three months immediately preceding the passage of this act, or for a period of five months after the passage of this act.

You must fulfill one or the other of those conditions or your house is liable to be commandeered whether you are in it or not.

Mr. HOLLIS. Yes.

Mr. LODGE. It may be impossible for some people to fulfill either of the conditions I have just mentioned.

Mr. HOLLIS. Yes; and if it is impossible and reasonable it would not be commandeered, but if it stands empty after the passage of this act for a period of five months they are put on notice that it may be commandeered. Why is not that thought clearly expressed? It may be the Senator does not agree with the thought, but I am interested to see——

Mr. LODGE. I do not disagree with the thought. I think the unused houses should be used.

Mr. HOLLIS. I do not understand what——

Mr. LODGE. This does not give the power to take only vacant houses; it gives the power to take occupied houses if they have not fulfilled one of those conditions. A man may be here who has taken a house in good faith and it will be absolutely impossible for him to fulfill either of those conditions.

Mr. HOLLIS. He would occupy it.

Mr. LODGE. I mean a man who comes here who has received an appointment. I believe Mr. Schwab is going to have his office elsewhere, but assume that he comes here to carry on the great work with which he has been charged, and he takes a house a month after this bill is passed; he can not possibly fulfill the conditions of this act.

Mr. HOLLIS. Then, of course, the President would not commandeer the house.

Mr. LODGE. Oh, well, it is not a question of what the President will do; it is a question of what the rent administrator will do and also a question of legislating properly. It is the rent administrator, whoever he may be, who will have the say.

Mr. HOLLIS Has the Senator from Massachusetts any suggestion to make as to how it could be more clearly expressed?

Mr. LODGE. Well, I think it ought to be so phrased that it would permit the taking of only unoccupied houses.

Mr. HOLLIS. That is the intention.

Mr. LODGE. It is now putting on a condition. See how it would work the other way. Suppose a man has occupied a house for three months up to the passage of this proposed act, and then he goes away and leaves the house closed for a year, but does not rent it. You can not touch it, because he has fulfilled one of the conditions.

Mr. HOLLIS. In my judgment, though I may be entirely wrong——

Mr. LODGE. He has fulfilled one of the conditions. There are alternative conditions.

Mr. POMERENE. May I offer a suggestion, Mr. President?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. HOLLIS. I yield.

Mr. POMERENE. Would it not meet the objection which the Senator from Massachusetts [Mr. LODGE] has in mind if before the words "house or building," in section 13, line 21, the word "vacant" was inserted, so as to read:

That any vacant house or building not occupied by the owner or a tenant for a period of three months immediately preceding the passage of this act, or for a period of five months after the passage of this act—

May be commandeered?

Mr. LODGE. I should say "any vacant house or building that has not been occupied by the owner or a tenant for a period of three months." I think that would cover the most serious objection to it.

Mr. POMERENE. If I understand the thought that is in the minds of both the Senator from Massachusetts [Mr. LODGE] and the Senator from New Hampshire [Mr. HOLLIS], it is that the President shall have the right to commandeer, or ought to have the right to commandeer, any house vacant at the time he commandeers it, provided it has been vacant three months prior to the passage of this act or for a period of five months thereafter.

Mr. LODGE. I think that it is entirely proper, but I think that as it is now worded it might let certain people go entirely free and put other people who are occupying their houses at the mercy of the rent administrator.

Mr. POMERENE. The amendment may be redrafted in just a moment so as to meet that.

Mr. LODGE. I think it could be rephrased, so that it could be made reasonably safe, and reach the point that the Senator from New Hampshire desires to reach.

Mr. HOLLIS. I have no doubt that any court would construe it as we have been construing it here. I do not myself see that it could mean anything else. Still I may be wrong, and I want to express a definite idea in a definite way. I will address myself to it and see if I can not do so if there are any other amendments to be offered to the bill at this time.

Mr. LODGE. My main object is that the bill should be so phrased that the rent administrator shall not have the right to commandeer a house because its owner had not complied with

those two conditions. The possibility of an owner complying with them will expire at the end of five months.

Mr. HOLLIS. In order to cure that, I think it can be done easily by inserting, in line 22, after the word "tenant," the words "and which has not been so occupied," so that it will read:

That any house or building not occupied by the owner or a tenant and which has not been so occupied for a period of three months.

I think that would make it clear.

Mr. LODGE. I think that the language which the Senator from Ohio [Mr. POMERENE] has suggested is very necessary, making it read "any vacant house."

Mr. HOLLIS. It is so described. The bill says "any house or building not occupied by the owner or a tenant." That language describes a vacant house.

Mr. LODGE. But I want to limit it to houses which are vacant at the time they are commandeered. I want to provide that the house shall be vacant when commandeered. I do not want to give the rent administrator the power to turn people out who are here on Government business or for anything else.

Mr. HOLLIS. I think the Senator from Massachusetts will agree that the words "not occupied by the owner or a tenant" mean vacant; so that if the bill reads "that any house or building not occupied by the owner or a tenant and which has not been so occupied for a period of three months," that language will cover it.

Mr. LODGE. There you come up against another very serious objection, and that is the definition of the word "occupation."

Mr. HOLLIS. That is an entirely different thing. When I propose to say "occupied by the owner or a tenant," that is what I mean.

Mr. LODGE. Suppose the owner of the house is compelled to go away for a month or something of that kind, that he leaves people in the house, who remain in it and keep it open until his return—a caretaker, if you please, or a family—does that constitute vacancy?

Mr. HOLLIS. That is exactly what we wanted to avoid, and it was phrased in that way so that it would avoid it; that a man by leaving a caretaker could not keep the house from being occupied.

Mr. LODGE. Exactly; I rather thought that was the plan.

Mr. HOLLIS. Certainly.

Mr. LODGE. It is to prevent a person retaining his house, if it can possibly be done?

Mr. HOLLIS. Hardly that. I do not know why the Senator from Massachusetts should say that. But there might be houses that could be used, and the owner would prevent their being so used by putting a caretaker in. That would not be a useful purpose; that would be merely protecting the house.

Mr. LODGE. Take, for instance, this case: No doubt many Senators and Representatives occupy their houses continuously, as it has happened for a good while; but suppose Congress adjourns, as it may very well do on the 1st of July, for five months; they leave their house occupied and cared for, and yet those houses are to be taken from them, so that when they come back on public business next winter they can not have them.

Mr. HOLLIS. I anticipated exactly that objection. That is why I put in "five months after the passage of this act," so that it would take care of exactly that point.

Mr. LODGE. You can not tell when the adjournment of Congress may occur. I am not making this point in the interest of Representatives or Senators, but——

Mr. HOLLIS. Exactly the point which the Senator raises is the one which I want to meet.

Mr. LODGE. I only used that as an illustration.

Mr. HOLLIS. And I only use it as an illustration and to show that we have taken care of it.

Mr. LODGE. It occurred to other Senators; but I think you propose to put a provision in the bill which takes from anyone the house in which he lives and in which he intends to live because he may be absent from it for a short time; and you propose to allow it to be occupied by the Government or to be occupied by anyone the Government chooses. I think to take a house from its owner in that way would be high-handed and unnecessary.

Mr. HOLLIS. I understand the Senator believes that; but I want the thought very clearly expressed. That is exactly what the committee intended to do. If a house is not actually occupied by the owner or by a tenant, if it is left in charge of a caretaker for a period of five months after the passage of this act, that then it might be commandeered.

Mr. LODGE. No matter whether it is furnished or not?

Mr. HOLLIS. Exactly.

Mr. LODGE. You are going to put some tenant in a house with the furniture of the man who owns the house, who intends to live there, and who may come here on public business—you are going to give the tenant possession of the house and of the furniture that is in it——

Mr. HOLLIS. Not at all.

Mr. LODGE. For the use of Government clerks.

Mr. HOLLIS. The Senator from Massachusetts is entirely mistaken.

Mr. LODGE. I think there is only one way to deal with this matter, and I move to strike section 13 from the bill.

Mr. HOLLIS. The Senator from Massachusetts is entirely mistaken about the furniture, Mr. President, because there is nothing in the bill which allows any furniture to be taken. If the house is taken, the Government will take care of the furniture. That is exactly the proposition.

Mr. KENYON. I want to make a suggestion there. That is optional with the President. We shall have to trust the President.

Mr. LODGE. Yes; "trust the President to win the war."

Mr. HOLLIS. I think the issue is clearly defined. How the Senate will vote on it, of course, I have no idea, but this paragraph was drafted purposely so that a man might not leave a caretaker in charge of his house for a period of five months and go away, if that house might be useful to the Government for war purposes. I think that, in view of the Senator from Massachusetts moving to strike out the section, I shall not move to offer the amendment which I suggested, because now the issue is clearly defined, and we may as well vote on it as not.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. I yield to the Senator.

Mr. SMOOT. I did not hear what the proposed amendment of the Senator from New Hampshire was, but I shall not ask him at this time until the vote is taken upon the section. Then I shall desire to ask him what was the proposed amendment. But, as I understand the amendment, it is that if Congress adjourns on March 4—that is, at the end of a short session, when it would be compelled to adjourn at that time—and there was no extra session, five months after March 4 the homes of Senators and Representatives could be commandeered.

Mr. HOLLIS. Yes.

Mr. SMOOT. And the Government could put anybody into such homes and use the furniture which is in those homes?

Mr. HOLLIS. No; they could not use the furniture; they could not take that. If the furniture were not removed it would be taken care of by the Government.

Mr. SMOOT. What would the Government do with it?

Mr. HOLLIS. It would store it. That would frequently have to be done.

Mr. LODGE. Throw it out on the street?

Mr. HOLLIS. Mr. President, I do not know whether or not I have the floor. If so, I shall not yield to more than one Senator at a time. I am not sure as to whether or not I have the floor.

Mr. SMOOT. I thought the Senator from New Hampshire yielded to me to ask a question.

Mr. HOLLIS. I did. My remark was not addressed to the Senator from Utah, but to other Senators who were talking about being recognized.

Of course, if a Senator or a Representative were absent and left his home, he might easily put in it a tenant who was agreeable to him. If he did not, and had good reason why he should not, the President would not commandeer it. But this is a serious time; these houses in the city of Washington are needed, and if they are vacant for a period of five months some one ought to be put in them. That would relieve the pressure on the humble homes; it would relieve the pressure all along the line. That is what the amendment is intended to do. Whether the Senate is for it or not, I do not know.

Mr. SMOOT. Mr. President, I simply wish to say that, so far as my own home is concerned, I would not want to put a tenant in it for two months or three months or five months. I think that would be a very unwise thing to do. I want cases of that kind to be covered by this bill, and I was wondering whether the amendment the Senator intended to suggest would take care of just such a case. I rose to ask the question of the Senator because of the statement he had just previously made, that inasmuch as the motion was made to strike out the section he did not intend to offer the suggested amendment; but I wanted to know what the suggested amendment was.

Mr. HOLLIS. I will be very glad to inform the Senator. On page 17, line 22, after the word "tenant," it is proposed to insert the words "and which has not been so occupied."

Mr. SMOOT. Of course, that would not cover a case like the one to which I have referred.

Mr. HOLLIS. No; and it ought not to do so.

Mr. SMOOT. There is a difference of opinion as to that.

Mr. HOLLIS. We ought not to have a law that would help Senators and Representatives and would not help other people. If we make it broad enough to protect Senators and Representatives who wish to be away for five months, we will make it broad enough to let out other people, and we ought to do so.

Mr. LODGE. Mr. President, we could amend that by inserting the word "vacant" before the words "house or building," which was the amendment suggested by the Senator from Ohio [Mr. POMERENE], and also by inserting, after the words "not occupied by the owner," the words "or representative of the owner."

Mr. HOLLIS. That would be letting out people who can afford to maintain two or three homes and to have caretakers in them, but would not let out the man who can not afford to keep a caretaker.

Mr. LODGE. I will withdraw my motion to strike out, and offer this amendment, namely, to insert the word "vacant" before the words "house or building," and, after the words "not occupied by the owner," to insert "or representative of the owner."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts.

Mr. POMERENE. Mr. President, ought not that amendment to be divided?

Mr. LODGE. Certainly; it can be divided.

Mr. POMERENE. I suggest that it be divided.

The PRESIDING OFFICER. It will be divided. The Secretary will state the first question.

Mr. LODGE. The first question would be to insert before the word "house," the word "vacant."

The PRESIDING OFFICER. The question is on the first branch of the amendment offered by the Senator from Massachusetts.

Mr. HOLLIS. One moment. I have not the remotest idea of what the amendment is. I could not hear it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 17, line 21, before the word "house," it is proposed to insert the word "vacant," so as to read "any vacant house or building."

Mr. HOLLIS. Mr. President, the effect of that amendment will be that if the owner should go away and leave a caretaker in charge, this section would not apply to him; and it is undoubtedly, beyond everything else, the purpose to take care of people who can not afford to keep caretakers, because a house that has a caretaker in it is not a vacant house. That is why the phrase "not occupied by the owner or tenant" was used. I do not know, as I have already said, how the Senate will vote, but I want them to vote advisedly. The amendment now proposed will exempt the houses of those who are prosperous enough to maintain caretakers in them when the owners are living somewhere else.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts. [Putting the question.] The ayes seem to have it.

Mr. McKELLAR. Division!

Mr. HOLLIS. I call for a division.

The PRESIDING OFFICER. A division is called for.

On a division the amendment of Mr. LODGE was agreed to.

Mr. LODGE. Now, I move to insert after the word "owner," the words "or representative of the owner."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts. [Putting the question.] The ayes seem to have it.

Mr. KIRBY. Division!

The PRESIDING OFFICER. A division is called for.

On a division, the amendment of Mr. LODGE was rejected.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. LODGE. I move now to strike out section 13 as amended; and I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	France	Jones, Wash.	McCumber
Beckham	Gallinger	Kellogg	McKellar
Borah	Gerry	Kendrick	McNary
Calder	Hale	Kenyon	Martin
Curtis	Hardwick	Kirby	New
Dillingham	Henderson	Knox	Norris
Fall	Hollis	Lenroot	Nugent
Fernald	Johnson, Cal.	Lewis	Overman
Fletcher	Jones, N. Mex.	Lodge	Page
Phelan	Shafroth	Smith, Mich.	Trammell
Poindexter	Sheppard	Smoot	Vardaman
Pomerene	Sherman	Sterling	Walsh
Ransdell	Shields	Sutherland	Watson
Reed	Simmons	Thomas	Weeks
Robinson	Smith, Ga.	Thompson	Wilfley
Saulsbury	Smith, Md.	Tillman	Williams

Mr. McNARY. I wish to announce that my colleague, the senior Senator from Oregon [Mr. CHAMBERLAIN], is detained on official business.

Mr. BECKHAM. My colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

The VICE PRESIDENT. Sixty-four Senators have answered to their names. There is a quorum present. The pending question is on the amendment of the Senator from Massachusetts to strike out section 13.

Mr. LODGE. Mr. President, I called for a quorum because it seemed to me we ought to have a fuller Senate decide on section 13 of this bill after the explanation of its purpose had been given by the junior Senator from New Hampshire [Mr. HOLLIS]. Section 13 provides:

SEC. 13. That any house or building not occupied by the owner or a tenant for a period of three months immediately preceding the passage of this act, or for a period of five months after the passage of this act, may be commandeered by the President of the United States for the period of the war and six months thereafter, and used for war or Government purposes, the rentals and conditions of tenancy to be fixed by the rent administrator in his discretion.

It will be seen that the section applies only within the next five months, assuming that the act passes at once; that is, after the expiration of five months it is impossible to fulfill the conditions. It appears that the purpose of it is to prevent any one who lives in Washington, and whose house and furniture are here, from going away for a period on a vacation or business, or anything you please, and leaving in charge of his house a caretaker. If he does that his furniture is to be taken out and put in a storehouse and the house commandeered for the use of anybody whom the rent administrator thinks proper. It seems to me that that is rather severe. We have inserted the word "vacant," which makes it impossible, I think, to take a house that a man rents a month after the passage of the act when he is wholly unable to fulfill the conditions. Had the word "vacant" not been put in, then, to use the illustration I have heretofore used, Mr. Schwab or Mr. Ryan or anybody who came here and took a house a month after the passage of this act, who would not and could not possibly show five months' tenancy, would be turned out under this clause. I think the word "vacant" that was put in at the suggestion of the Senator from Ohio meets that evil.

According to the junior Senator from New Hampshire, occupation must be the occupation by the owner himself. He can not leave his family in the house; he can not leave his representative there; he can not leave a caretaker there; but he must occupy it himself; otherwise, although it contains all his household goods and other property, under this clause, the rent administrator is to come in and put his furniture, his books, or whatever he has, into the street or into a storehouse and rent the house to any Government employee. It seems to me that is a pretty serious and a wholly needless power.

We are all agreed that the President should have the power, or that the rent administrator should have the power, to take vacant houses and make use of them, if they can be made use of, but to grant a power like this which could be used merely for the purposes of persecution and annoyance seems to me extremely undesirable. It is for that reason that I move to strike out section 13 of the bill, because the few Senators who were in the Senate then declined to put in the words "representative of the owner."

Mr. HOLLIS. Mr. President, the picture painted by the distinguished Senator from Massachusetts is purposely lurid, and his statement contains many inaccuracies. He says, in the first place, that this section of the bill will require a house not occupied by the owner five months after the passage of the bill to be taken over. It requires no such thing. It merely permits the President to commandeer it.

Mr. LODGE. I did not say it required him, of course.

Mr. HOLLIS. I understood the Senator to so state, and I think the record will so show if the record is left the way it has been taken down. The second mistake is that the rent administrator may put anyone into a house that he sees fit. The rent administrator has no power to put anyone in a house; the President is the one who is to commandeer it and, of course, the President is the one to say who shall go into it.

An occupied house is a house which has furniture in it, so that some one is interested in seeing that it is properly taken care of. That is the definition of the courts. A house is not unoccupied that has furniture in it; and for that reason the phrase is used "not occupied by the owner or a tenant," so that it would be

understood that if the house and the furniture in it were left with a caretaker it might be taken.

The bill does not provide that the rent administrator shall take the furniture out or that those who go into shall use the furniture. The President is not allowed to commandeer the furniture. If an agreement can not be made with the owner, then the furniture would have to be carefully stored for the benefit of the owner, or he might take it out himself.

If the section were amended as the Senator from Massachusetts desired to amend it, it would have applied to people who can not afford to have a caretaker in possession as the representative of the owner. We made it apply to every one who did not have his house in use for useful purposes as a residence. That is the effect of it.

It may be that the Senate does not want such a drastic provision, but the provision is plain on its face; it means that if a house hereafter is not occupied by a tenant or by the owner for a period of five months, then the President may commandeer it for war or Government purposes.

Mr. REED. Mr. President, during a good deal of the discussion I have been absent in attendance upon a committee. I wish, therefore, to inquire as to the nature of the amendment providing for a day in court. Does that affect section 13?

Mr. POMERENE. Oh, no; it provides for a right of review or a right of action on the application of a landlord or a lessor or a tenant to have reviewed any finding or order which may be made by the board of rent appeals.

Mr. REED. But does that apply to section 13?

Mr. POMERENE. I do not believe it is broad enough as it is written to apply to section 13.

Mr. REED. Then, Mr. President, in my opinion section 13 is clearly and absolutely unconstitutional, provided we indulge the somewhat violent presumption that the Constitution still exists.

The fifth amendment to the Constitution, with which all are familiar, and which I read only for the purpose of calling attention to its peculiar phraseology, reads, with some omissions:

> No person shall be * * * deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

That raises the question, of course, of what is just compensation. If I understand the genius of the decisions that have been rendered touching that matter, no man is held to have just compensation who is not given his day in court.

Mr. HOLLIS. Mr. President, if the Senator will permit me, it is very clear that he would have. The Senator does not want to argue that, I think, for we would all agree with him. The President may commandeer for public use. The rentals and conditions of tenancy are fixed by the rent administrator. The orders and findings of the rent administrator are appealable to the board of rent appeals, and the amendment offered by the Senator from Ohio gives an appeal from the board of rent appeals to the court; so that undoubtedly the compensation would be fixed by the court in the last resort. I think that is taken care of.

Mr. REED. Then the Senator from New Hampshire does not agree with the Senator from Ohio.

Mr. POMERENE. Mr. President, I made the statement that I did to the Senator from Missouri not having in mind the last clause of that sentence, which provides that the rentals and conditions of tenancy shall be fixed by the rent administrator in his discretion. Of course, under the provisions of this act, the right of appeal lies from the rent administrator to the board of rent appeals, and then a further review is provided by the courts of any order or finding of that board.

Mr. REED. I am going to accept, for the purposes of what I have to say, the conclusion that is now arrived at, that the right is reserved to appeal from the rent administrator's decrees to a court. But, Mr. President, assuming that, may I now ask another question—if it is proposed, after this property is commandeered and taken over by the Government for the Government then to rent it to private parties who will proceed to move into it and occupy it for private homes? Is the President to take it and then rent it to citizens for occupancy? That is the purpose of the amendment, is it not?

Mr. HOLLIS. Yes.

Mr. REED. Now, I assert that that is unconstitutional. That is not taking property for a public use but it is taking property for a private use.

Mr. HOLLIS. Mr. President, if the Senator will permit me, it is expressly confined to taking it for war or Government purposes.

Mr. REED. Oh, yes; they are to pretend to take it for war or Government purposes, but it is in fact to be taken over to be rented to private individuals. My friend from Iowa [Mr. KENYON] shakes his head, but the statement just made by the author of this section was that the purpose was for the President to take it, and, having taken it, then to rent it out to private individuals.

Mr. HOLLIS. For war or Government purposes.

Mr. REED. Yes; to rent it out for war or Government purposes to a private individual, and collect rent back from the private individual.

Mr. KENYON. It would have to be somebody connected with the war purposes of the Government, not private individuals.

Mr. REED. And it is provided that it shall be rented—I read the language:

> The rentals and conditions of tenancy to be fixed by the rent administrator in his discretion.

Mr. KENYON. But it must be for war purposes.

Mr. REED. No, Mr. President; the statement of the Senator from Iowa and the position of the author of section 13 are irreconcilable with each other and are alike irreconcilable with the Constitution. The position of the author of section 13 is that the President will take over this property and then he will rent it to a private individual, who will in turn pay rent for it. Now, the Senator from Iowa seems to be of the opinion that that transaction, by which the property of one private citizen is turned over to another private citizen without the consent of the owner of the property, can be made a war purpose by the simple finding on the part of the President that it will in some way aid the war to take one man's property and give it to another man. On the contrary, it can only be taken for a public use, when the public must have it for a public use, which is only another way of saying when the public must itself use the property taken by the public for the public. The moment the necessity for the Government to use the property ceases, the right to take the property ends. It follows that property can not be taken by the public for the purpose of renting it to private citizens for homes. Such a transaction is the taking by the Government of the private property of one citizen, not for the public use, but for the private use of another citizen. You can not succeed by such a subterfuge of words. A court will drive straight through the verbal pretense to the real purpose of the transaction.

There was a time when courts held that they could not look back of a legislative veil, and that they would accept whatever the legislature had declared as the reason for a law; but there is a new line of decisions on that point; they go to the effect that the real purpose will be looked into by a court; that a legislature will not be permitted to practice a fraud upon the Constitution or a fraud upon the law by a false declaration. But in the pending bill the purpose appears manifest, and if the authors of this measure are perfectly frank this is what they will say they mean: That a war is now on; that it is desirable for people to have houses in Washington in which to live; and that they propose to authorize a rent administrator to seize the property of any citizen who does not happen to be home at some particular time and to turn it over to some other individual who wants the house. The fortunate individual may be one of the hundreds of clerks working down in the Fuel Administrator's office or in some other similar department. When the man who owns the property, who has bought it and paid for it, who has the right to control it, returns he will be told his property was taken for war purposes, although it is occupied by a gentleman who never smelled gunpowder and who is paying rent to the rent administrator, and paying rent solely because he is occupying the property for his private use.

Mr. President, I say that if you can do that with the citizen under the pretext that it is for a war purpose, then there is nothing that the Government can not do. The Government can seize every farm in the United States, and say: We are seizing these farms for a war purpose. True, we do not intend to occupy them by any governmental activity; we merely propose to leave them to people to occupy as private farms exactly as they were occupied before we evicted the owners, but by this admirable device we will gain control over all the farms of the United States and likewise we will control the people who must live by farming. We will be able to stipulate that the Government's tenants shall sell their wheat and corn and rye and oats and barley and other products in the manner and form and at the prices dictated by some man who may have been appointed for the purpose of doing these illegal and unconstitutional things.

If the construction is correct, for which Senators contend, then the Congress can pass a law by which they can take the watch from the pocket of one citizen for the express purpose of selling it to another citizen for his private use. If this be possible, then a Government agent can be authorized to take

the watch from the pocket of the Senator from Iowa and turn it over to the Senator from Missouri.

Mr. KENYON. Mr. President, could not Congress take the watch of the Senator from Iowa—they would not want it, probably; it is an Ingersoll—and turn it over to the soldier if that was essential as a war matter?

Mr. REED. The Congress of the United States could pass a law authorizing the taking of private property for a public use, and that is limited by the rule that it must be actually for a public use, but they can not take the watch of the Senator from Iowa and turn it over to the Senator from Missouri. The Senator agrees to that by the motion of his head. What are you proposing to do here? The Senator from Iowa is in the employ of the Government. The Senator from Missouri is in the employ of the Government. The Senator from Iowa states that the Government can not take his watch and give it to the Senator from Missouri, as a war measure. How, then, can they take the house of the Senator from Iowa, merely because he happens to be temporarily absent, and turn it over to the Senator from Missouri?

Your bill, sir, proposes here in the Capital of this Nation to provide that if a man is absent from his home for a given period of time his home can be taken by the President of the United States, and not used and occupied by the Federal Government for a governmental purpose, but turned over to another private citizen, to be occupied by that citizen.

I am aware that the fact that such a law will be a rape upon the Constitution will not make a bit of difference. You will pass this legislation. You will sit here and deliberately help to destroy the Constitution of the United States, that it took 6,000 years of human travail to establish, every line of which is written in the blood that has poured from the veins of patriots through the long centuries, every paragraph of which is the ultimate result of wars that have whitened the plains of Europe with the bones of men who went down to their death in the cause of human liberty. You will set aside the Constitution of the United States, that represents the tears and the prayers of all the brave men and women who have died in the cause of human right, because rents are temporarily high in Washington. You will hunt for pretexts, you will employ subterfuges, you will devise false preambles and fraudulent recitals in order that you may, if possible, cheat the Constitution and accomplish your ends, which are to bring yourselves technically within the Constitution while you are outraging its spirit; and you have the effrontery to call yourselves guardians of the Constitution!

What is there within the four corners of this amendment? In the Soviet of Russia, set up by that compound of anarchy and imbecility known as the Bolsheviki, they have had similar legislation. In Russia were wicked bankers who had money, and there was a great mass of people who said they needed it. The representatives of the needy decreed, "Open the vaults of these banks and pour forth this money; the people need it." The argument of necessity was theirs; but back of that argument of necessity in Russia was a condition that does not here exist. I refer to the fact that the money in the Russian banks had perhaps been wrung, by hard and brutal processes, from an oppressed people. They said: "We will divide up this money. We will divide up all property. We will have a carnival of loot."

Here sits the Senate of the United States. The modern reformer is among us just now. He is in the very zenith of his glory; the flood tide of his power. Rents have been raised by some Washington landlords; some rent hogs have developed—some fellows who are entitled to the contempt of all decent men because they are taking advantage of necessity; and because that is true, in order to affect a few of such cases, we will strike down the old Constitution that is and has been the sublimest bulwark of human liberty ever conceived by the brain of man. Because of a temporary annoyance confined to a few people we will do this indescribable wrong to the great cause of freedom. And why? The reasons have come out here at times in the course of this debate. There are some landlords who have raised rents. There are also some men of property who have bought homes in Washington in other years. They live here part of the time. They live in New York part of the time, or in Chicago, or elsewhere. They have really two homes, and their Washington homes are not occupied part of the year, but they are, nevertheless, their homes. They bought them. They own them. Now, the real purpose of section 13 is to take these homes and turn them over to certain other people who happen to want to occupy them. That is the real purpose; and the justification for it is that rents have been raised in Washington, not by the owners of these homes but by certain landlords who rent other property.

If it were the purpose of this amendment that the Government, in order to meet an actual necessity, should take vacant houses and occupy them for governmental purposes, the argument I am advancing would not be made; but the purpose is to take these properties from their private owners and to turn them over to some other private citizens who do not own them, under the false pretense, the fraudulent recital, that they are being "taken for war purposes." They are not being taken for war purposes, except as you may say that the Government can take every farm in the United States and say, "There is a war on, and we are going to take it, and then we are going to deliver it over to other people to do with as they see fit or as we see fit to tell them to do." That is not a war purpose. You might as well say that it is part of the war purpose for the Government of the United States to take over every clothing store in the United States, and then proceed to sell the clothing out again to private citizens. You might as well say that it is part of a war purpose for the Government of the United States to seize every law library in the United States and to proceed to rent the books to the lawyers of the United States. If you give war purposes such a scope and breadth as that, then, of course, all you have to do is to declare war and at once all property becomes subject to seizure and can be taken from its owner and handed over to another under the pretext that a war is being waged. This, indeed, is the exact doctrine of that eminent Mexican bandit, Pancho Villa, whose processes, while more direct, were not different.

Let us see where this new doctrine takes us. Let us see how far this amendment goes.

> That any house or building not occupied by the owner or a tenant for a period of three months immediately preceding the passage of this act—

And so forth, may be taken over.

Ninety days ago a man left the city of Washington because he was sick, to go to California for his health, expecting to return as soon as nature would permit. He comes back the day after to-morrow, having been gone 91 days, and he finds that the Senator from New Hampshire has legislated him out of his house and home. Now, that may be a good Socialist doctrine, it may be a good bolsheviki doctrine, it may be a good anarchist doctrine, but it is not a doctrine that I have understood to prevail where human rights were under the protection of the old Constitution. I can find some Socialist platforms that go almost to that length, but I do not think I can find one that goes quite so far. We must cross socialism with anarchy to get such an offspring.

To gain attention at such a time as this everything must be considered in its connection with the war. I therefore so conform my illustration. Imagine the case of a widow's son drafted into the Army and sent to a camp somewhere in the South; the mother knowing that her son will soon be ordered to the bloody plains of France, perhaps never to return, locks up her house in Washington and follows her darling boy to the southern camp; there she has established an abode so located that she can occasionally see her soldier son when off duty.

The boy is sent to France, the mother returns to Washington, and finds that the Senate of the United States has taken over her property, not for the Government to occupy, but for a bevy of blond-haired beauties who work in the Food or Fuel Administration, or perchance for some of the intellectual Bolsheviki who, under the direction of Mr. Creel, form public opinion in the censor department, to occupy. She also finds that the Government has fixed and is collecting a rent, thereby demonstrating the property is for the private use of the individual who pays the rent. Perhaps also she will find an individual like Fuel Administrator Weaver has taken possession of her and of other people's property—Weaver, the gentleman who left this city in the grip of winter's cold without any fuel, who issued an order closing the churches and opening the theaters on Sunday, and then hied himself to Florida, there to bask in the golden sunshine and to enjoy the sweet breezes of that salubrious climate while Washington shivered and prayed for a hot wave. A rent administrator!

Beware, my friends. You may legislate yourselves out of your own homes, those of you who have been foolish enough to buy property in Washington or have to rent it for any length of time; for, behold, the day may come when Congress again will recess for a longer period than 90 days. In that event, when you return here, you may find that some rent administrator has broken down your doors and installed a lot of tenants of his own selection. They may have kicked holes in the plaster, broken windows, and torn out the plumbing, but you can not even get a writ of ejectment against the rent administrator, because he represents the sovereign Government of the United States. You can not recover damages. All you can do is to go to the court mentioned in this bill and ask to have the rent raised.

The only time that legislation like this has been really duplicated was during the French Revolution. I said the other day, when we moved back the hands of the clock and thereby tried to

arrest the march of time, that there were two or three things yet that the French revolutionists did that had been overlooked, but that our reformers would find them in a short time. They have discovered one more, and that is a means to take somebody's property, take it over to the Government—not to take it over to the Government in good faith for a governmental purpose, for none of us question that right—but to take it over for the purpose of renting it to private individuals, thus taking the property of one private citizen not for a public use but for the use and benefit of a private citizen.

That has been tried before. During the French Revolution they were a little more direct. They were also a little more frank. In the French Revolution they confiscated the estates of the nobility; they not only confiscated the real property, but they confiscated the personal property. The harridans of the streets went about wearing the finery of ladies. The unshaven reformers moved into the homes of other men. Sometimes they ordered it sold and bought it in themselves. They, too, had administrators who administered in a summary way upon the property of other people. It was this disregard for law and fundamental rights that destroyed the Republic. Those things brought "the man on horseback." Those things finally reestablished the monarchy in France, because the people came to learn that any government that made life and property secure was to be preferred to any government that plundered the people at will and that itself engaged in robbery and thievery. For, mark you, a government can be a thief as well as an individual. Just as the soul of man abhors the wretch who takes the property of another man at the point of a pistol, so does the conscience of man revolt at any government that takes from a citizen his property, except it be for a public purpose and upon just and fair compensation.

I said the other day in substance what I am going to say now, and with this I shall close what I have to say about this bill and its purpose. All over this world in every land there is a propaganda being secretly preached. It is the propaganda of anarchy and socialism coupled with anarchy. It is a propaganda that proposes to destroy rights of property. It is a propaganda that proposes to destroy the solemnity of judicial decree. It is a propaganda that proposes to set up the will of men temporarily in power as superior to the principles of constitutions and of laws. When that propaganda is in full force and effect and when it has been nurtured and aggravated by the hard industrial conditions that are certain to follow this war, when factories are closed, as they must close, and when the man who has been earning $10 a day in war times finds himself reduced to $3 or $4 a day, and realizes that he must come to a lower level of living, when, indeed, in some cases there will be actual want, when the pinch of poverty comes, this feeling of unrest will grow until it will be a thing that must be carefully and patiently dealt with.

The cry that will be upon the lips of the propagandists who will then be preaching the doctrine of the I. W. W., the doctrine of the anarchist, will be "that the rights of the people are superior to written constitutions, or courts, and to law," and they will interpret their own desires and passions as the rights of the people. In that day, which I believe will come, I hope we can say to all misguided people who may then arise the old Constitution has survived every attack; even during the stress of a great world war, though often tempted, we maintained its sacred principles; it stands now, as it always has, the citadel of human liberty. This is a government of law and not a government of mobs. This is a government of constitutions and not a government of men. This is a government based upon principle and not upon caprice and passion and venom and hatred and eager desire to rob and plunder. So we plant ourselves upon the Constitution and say that it shall be maintained.

That is the argument I hope to make. But what shall I say if the leader of the mob can hurl back in our teeth the statement, "Behold, when there was a little stress, when there was no suffering, when there was no hunger, you in the Senate of the United States treated the Constitution as a rope of sand, binding upon no one. You treated it as a worthless scrap of paper, not entitled to the decent respect even of the men who had solemnly sworn to maintain it sacred and inviolate"? What shall we say then to these people who come clamoring, declaring that the Constitution should be set aside or ignored if we ourselves have established the fatal precedent?

There never was a time in the history of this world when those who believe in established governments ought to so carefully guard the Constitution of liberty. There never was a time when this Republic, the only real republic there is on earth, ought to demonstrate to the world two things: First, that we can make war better than any monarch on earth; that we can make war better than any Kaiser, because our people's loyalty is superior to his people's slavery; that we can make war better than any despot, because the soldier who goes over the top with a cheer on his lips fights better than the man who goes over because an officer has driven him to his death; we can make war better than any monarch, because there is back of it the soul and the heart and the purpose of a people willing to die for liberty.

I want to be able to say that, and to also say that the Republic went through this war, this cataclysm of the ages, this bloody sea in which all the nations of the earth are struggling, now scarce able to keep their heads above its crimson waves, without a single human right having been impaired, with the old Constitution of the fathers maintained sacred and inviolate—holier than ever before because rebaptized in the blood of freemen. So let it continue throughout the ages, the most majestic monument man has ever erected to the divine doctrine of human liberty.

Mr. KELLOGG. Mr. President, I know it is customary now to cry down anyone who raises a constitutional question, but for one I believe that infractions upon constitutional rights are not usually made boldly with that intention, but under the guise of great public necessity. I do not believe it is necessary in carrying on this great war any more than it was necessary in carrying on the War of the Rebellion to disregard constitutional rights. It is not always popular to stand for constitutional rights, especially if we happen to be protecting those who have wealth, but it is just as right to do it.

I do not wish to vote for a bill or a provision in a bill that the committee on the floor of the Senate concedes to be unconstitutional. Section 13, of course, without the amendment offered by the Senator from Ohio is clearly unconstitutional, because private property can not be taken even for public use without just compensation and an opportunity to have that fixed in the courts of the land under the system of due process of law. If the amendment of the Senator from Ohio grants that right, and if the provision only goes to taking private property for a public use I concede it is constitutional.

The Senator from Missouri [Mr. REED] is undoubtedly right when he asserts that Congress can not provide for taking dwellings or any other property to be rented for private use, and the most that Congress could do in any event—the decision I will briefly mention later—is to provide for the taking of vacant unoccupied property or any other property for Government offices or for housing Government employees where it is a public necessity. I do not believe that Congress can take over houses and rent them out to private individuals who are not employees of the Government whom it is the Government's duty and possibly necessity to house.

Now, as to section 13, I doubt its necessity. In any city, however overcrowded, there is bound to be from time to time a certain percentage of unoccupied property. The statistics show that the number of vacant properties since December has been reduced from something like 800 to 200 and odd.

Now, let us not forget that through all Anglo-Saxon history the laws have thrown around the home every protection possible. Do not invade that home unless it is an absolute war necessity. If it is, of course we will do it. No one here is going to hesitate to take every man's home if it is necessary for shipyards, for making munitions, or lending strength to the arm of the Nation; but I do not believe this is necessary for those purposes.

Now, let us see about some other provisions of the bill. The main feature of the bill as to the power of Congress to regulate rentals within the District of Columbia is, of course, an entirely different proposition.

For a few moments this morning I gave a little attention to the legality or constitutionality of the main feature of the bill. Aside from the question of the war power, which nobody seems to be able to define, this statute can only be sustained on the theory that it is a regulation of a business affected with the public interest, and I believe that is the theory on which the able lawyers upon the committee expect it will be sustained.

In so far as it is necessary to house all these employees of the Government and to protect them against extortion it may be an exercise of constitutional power. It is, of course, impossible for me and would be a waste of time to go over the numberless authorities involving the question of regulation of business in a discussion of a few moments in the Senate. The authorities are very largely collected in the case of Budd v. New York (143 U. S., 517). It is there laid down as a general principle:

> Under the powers of government inherent in every sovereignty "the Government regulates the conduct of its citizens one toward another and the manner in which each shall use his own property, when such regulation becomes necessary for the public good"; and that, "in their exercise it has been customary in England from time immemorial and in this country from its first colonization to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold." It

was added: "To this day statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property." It announced as its conclusions that down to the time of the adoption of the fourteenth amendment it was not supposed that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner of his property without due process of law; that when private property was devoted to a public use it was subject to public regulation; that Munn and Scott, in conducting the business of their warehouse, pursued a public employment and exercised a sort of public office, in the same sense as did a common carrier, miller, ferryman, innkeeper, wharfinger, baker, cartman, or hackney coachman; that they stood in the very gateway of commerce and took toll from all who passed; that their business tended "to a common charge" and had become a thing of public interest and use; that the toll on the grain was a common charge; and that, according to Lord Chief Justice Hale, every such warehouseman "ought to be under a public regulation, viz," that he "take but reasonable toll." (Budd *v.* New York, 143 U. S., 517, 535–536.)

See also Brass *v.* Stoeser, 153 U. S., 405.

Reaffirmed in German Alliance Insurance Co. *v.* Kansas, 233 U. S., 309.

Now, then, if in the District of Columbia, where Congress has the power to legislate exclusively as the States may legislate within their borders, a business affected with a public interest may be regulated, the charges for the property may be fixed with one condition—that those charges are reasonable and constitute a reasonable compensation for the use of the property.

The court in one of these cases said:

The underlying principle is that business of certain kinds holds such a peculiar relation to the public interests that there is superinduced upon it the right of public regulation.

It may be, therefore, that, especially in time of war, when there is a sudden and very great influx of population in the District of Columbia, engaged in the various activities of war, that it may be necessary not only to procure means for housing the employees, but to protect them from extortion in rental charges.

I do not believe that this legislation can be sustained upon any other ground.

Now, the legislation goes a step further, and the power to enact it in that regard is at least extremely doubtful. I have become a little cautious in 40 years' experience at the bar in dogmatic statements as to the legality of legislation.

It is possible that by reason of the large percentage of the population engaged in Government work that the Congress may make the act general to all the inhabitants of the District, because to regulate the rents of employees alone would perhaps subject the balance of the inhabitants to added extortion.

I think we can admit that that is traveling a pretty long way in constitutional law. Quite likely the court would limit this act in its scope so as to make it constitutional, because it is a rule of construction that that construction shall be placed upon an act which will render it constitutional if possible. It may be with that in view the court would say that as the act is general in terms we give it the construction that it applies only to Government employees, employees engaged generally in Government work, or who are necessary to the prosecution of this great enterprise.

Mr. HARDWICK. Mr. President——

Mr. KELLOGG. I yield to the Senator from Georgia.

Mr. HARDWICK. I merely wish to suggest to the Senator that when Congress passed the first employers' liability law relating to railroads the Supreme Court refused to do that, in that case, because the description of the employees was so general that those who were engaged exclusively in intrastate commerce were included in the term as well as those engaged in interstate commerce. I wondered if we would not run against that decision.

Mr. KELLOGG. The Senator is entirely correct. In that case the court did hold that, as the act was general and applied to employees who were engaged in intrastate commerce as well as interstate commerce, it was clear from the act that it was so intended, and the court held the act unconstitutional.

Mr. HARDWICK. That will be true here. The language is broad enough to include every inhabitant of the District. There would not be any way of getting out of it.

Mr. KELLOGG. The language is very broad, and it is possible that a court might say that, as this is the seat of government, as it is absolutely necessary to bring here thousands of employees to maintain the departments and to carry on the war, Congress must take charge of the entire rental conditions in this city in order not only to control the rentals of those who are actually engaged in Government work, but of various employees who are working for other people and not directly engaged in Government employment. I do not say that the act would be unconstitutional on that ground, but it at least is on the very border, and it is a question of some doubt as to whether it is wise to go that far.

I do not wish to give it as an opinion that it would be unconstitutional in that regard, but this power to fix rates, even if we concede it to be a business devoted to public use, of course is not an unlimited power. Congress has no right to fix a compensation which will not yield a fair income upon the property devoted to public use. This, of course, has been settled by the authorities so many times that it is unnecessary for me to repeat it to the lawyers of the Senate. Two cases I might briefly mention—an early case in Minnesota which went to the Supreme Court of the United States, known as the Chicago, Milwaukee & St. Paul Railway *v.* Minnesota (134 U. S., 418), and Reagan *v.* Farmers' Loan & Trust Co. (154 U. S., 362).

In the former case, a Minnesota statute which gave the Minnesota Railway Commission absolute power to fix rates and made the decision of that commission final, the court held that statute was unconstitutional.

In the Reagan case, the statutes of Texas provided that if the railroad company was dissatisfied it might file a petition in a court of competent jurisdiction in Texas against the commission. The court held the statute constitutional.

It is undoubtedly true that fixing of tariffs or rentals of property devoted to public use is a legislative power, subject to the right of the owner or lessor of the property to go into a competent jurisdiction to review the reasonableness of such charge. The conclusions of the courts generally are very clearly stated by the circuit court of appeals of the eighth circuit, in the case of Missouri, Kansas & Texas Railway Co. *v.* Interstate Commerce Commission (164 Fed., 646):

1. Neither Congress nor any legislative or administrative board acting by its authorization can competently establish rates for the transportation of property in interstate commerce that will not admit of the carrier earning such compensation for the service rendered as under all the circumstances is just and reasonable to it and to the public, for that would be depriving the carrier of its property without due process of law, and would be taking its property for public use without just compensation, in violation of the fifth amendment to the Constitution.

2. Power to determine and prescribe what are just and reasonable maximum rates to be charged in interstate commerce is, in a limited way, conferred upon the Interstate Commerce Commission by existing statute law; but as the commission acts only as a legislative or administrative board and not judicially (Western Union Telegraph Co. *v.* Myatt (C. C.), 98 Fed., 335, 344), its determination or action does not and can not preclude judicial inquiry into the justness and reasonableness of the rates within the meaning of the constitutional guaranty, for that is a judicial question.

3. To be just and reasonable, within the meaning of the constitutional guaranty, the rates must be prescribed with reasonable regard for the cost to the carrier of the service rendered and for the value of the property employed therein; but this does not mean that regard is to be had only for the interests of the carrier or that the rates must necessarily be such as to render its business profitable, for reasonable regard must also be had for the value of the service to the public. And where the cost to the carrier is not kept within reasonable limits, or where for any reason its business can not reasonably be so conducted as to render it profitable, the misfortune must fall upon the carrier, as would be the case if it were engaged in any other line of business.

* * * * * * *

6. The statute under which the Interstate Commerce Commission derives its power to prescribe rates at all unequivocally recognizes, and, if there be need therefor, it plainly declares, that the circuit courts, sitting in equity, are vested with jurisdiction to entertain, hear, and determine suits to compel obedience to orders of the commission prescribing rates and also suits to annul or enjoin the enforcement of such orders. This is shown (a) by the provision in section 15 (act Feb. 4, 1887, ch. 104, 24 Stat., 384 (U. S. Comp. Stat., 1901, p. 3165), as amended by act June 29, 1906, ch. 3591, sec. 4, 34 Stat., 589 (U. S. Comp. Stat. Supp., 1907, p. 900)).

I understand that the object of the amendment offered by the Senator from Ohio was to make sure that if the rent administrator fixed the compensation unreasonably low and denied to the owner of the property reasonable compensation so that it would be a taking of his property without compensation, he should have his day in court, because it is perfectly clear that to take the use of property without paying just compensation is just as much taking property as to take the physical property.

As to the main features of the bill, I shall not stop to discuss them. I do not believe generally in price-fixing legislation. We have not been very fortunate in the experiments we have tried since the beginning of the war. I do not believe they would naturally encourage us to extend the field of activity in this regard. I have not discussed those acts, but I think it is pretty evident to everyone that, generally speaking, they have been failures; that in a great country like ours the laws of supply and demand are sufficient. There may be exceptions, and it is claimed by reason of the extraordinary circumstances in the District of Columbia there is an exception. I shall not speak against the bill on that phase. The members of the committee have given it very careful consideration and I have not; but I thought I should at least submit these few observations upon the constitutionality of the bill, because I do not like to vote for a bill or any clause in a bill which I know or believe to be unconstitutional.

AIRCRAFT PRODUCTION.

Mr. THOMAS. Mr. President, in to-day's final edition of the Washington Times there appears a facsimile statement of Mr. Henry Harrison Suplee, of the Military Intelligence Section, upon the front page. It concerns Mr. Gutzon Borglum, about whom and from whom much has been recently heard. I shall not read the statement of Mr. Suplee, but refer to it, because I feel it my duty, in view of its unexpected appearance, to give the public all documentary matter in my possession relating to the connection of Mr. Gutzon Borglum with his so-called investigation of the aviation program.

I do this, Mr. President, primarily because, in view of the prominence that has been given to Mr. Borglum's charges, it is due to the country that the facts embodied in these documents be known. I do it also because I took occasion to say, during the discussion of Mr. Borglum's statement last week, that I had received information regarding that gentleman's personal activities in conjunction with his alleged public service which reflected upon his motives and tended to discredit his assertions.

Copies of certain correspondence relating to this subject were given to me this morning, which contain the facts upon which I founded that reflection. I had no intention of bringing the matter to the notice of the Senate to-day, possibly not at all, but the unexpected appearance of the statement of Mr. Suplee in a prominent newspaper requires that I should ask consent to insert these documents in the RECORD, including that of Mr. Suplee, before the adjournment of the Senate.

With this preliminary statement, Mr. President, I ask leave to insert in the RECORD without reading: First, copy of a letter from Mr. Gutzon Borglum of the 14th of September, 1917, to Gen. Squier; second, copy of a letter from Mr. Borglum to the President of the United States of date September 16; third, copy of a letter from Mr. Borglum to the Secretary of War, September 16, 1917; fourth, copy of a letter dated August 30, 1917, from Mr. Borglum to Prof. W. F. Durand, chairman of the National Aeronautic Advisory Committee; fifth, copy of letter from Mr. Borglum to Prof. Durand of date the 4th day of November, 1917; sixth, copy of a letter to Mr. Borglum from Dr. Durand of date the 17th of November, 1917; seventh, copy of a telegram to Dr. Charles D. Walcott from one C. H. Peabody, of date May 3, 1918; eighth, a photographic copy of the statement of Mr. Henry Harrison Suplee appearing in this afternoon's Times; ninth, a letter from Mr. M. W. Mix, representing the Dodge Manufacturing Co., of Indiana, to myself, bearing date the 10th of May, 1918; tenth, a statement of Mr. Kenyon Mix, of the same company, containing a résumé of his association with Mr. Borglum, and bearing date 17th of January last. This statement is not signed. Eleventh, a letter from Mr. Kenyon W. Mix to Mr. Hardesty, dated Ithaca, N. Y., the 30th day of January, 1918; twelfth, a photographic copy of a telegram from Mr. Borglum to Mr. Mix, dated December 31, 1917, together with a photographic copy of Mr. Borglum's card; thirteenth, copy of a letter of Hugo C. Gibson, referred to in the statement of Mr. Mix and addressed to Kenyon Mix, of date the 31st of December, 1917; thirteenth, a photographic copy of a communication of the 4th of January, 1918, of the Dodge Manufacturing Co. to Mr. Gutzon Borglum, but which was never mailed; also a photographic copy of a telegram to Mr. Kenyon Mix from Mr. Borglum on the 4th day of January, 1918; fourteenth, second telegram between the same parties, on the 6th of January, 1918; fifteenth, copy of telegram, Borglum to Mix, dated January 7, 1918, together with a diagram which I think is designed to outline the assemblage of buildings composing or to compose a manufacturing plant. Lastly, a photographic copy of an autograph letter from Mr. Gibson to Mr. Mix of January 16, 1918.

I do not care to take the time of the Senate now to discuss the merits or the demerits of the matters to which this correspondence relates, but I am satisfied that their contents will fully sustain my assertion of last week that Mr. Borglum's charges against the aviation program, whether true or not, come from a source that is wholly unworthy of credit.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

STAMFORD, CONN., *September 14, 1917.*

Brig. Gen. SQUIER,
Chief Signal Corps, Washington, D. C.

MY DEAR GEN. SQUIER: In connection with the aeroplanes that I am making, I have developed an air brake which I intended for their exclusive use. Extraordinary as it may seem, I have created an excellent working model of a brake that can be used, built, or applied on any aeroplane. It is flexible and reliable, breaks the speed of the machine to any extent you wish without interfering with its power. It acts as a stabilizer, increases enormously the safety of the machine, and forms a powerful right and left control and protects any car, even the British narrow-bladed war machine or the swift, heavy Italian triplane absolutely from any danger in alighting or making a landing. The brake responds instantly to the control and controls instantly the plane and enables the aviator to bring his car to any speed and sustain it without interfering with the engine or, in other words, his power.

It is probably not claiming too much to say this invention is the only one in the field making any claim as a speed regulator, and after innumerable experiments I venture to say it is the only principle applicable to a swift, gliding plane, without changing or interfering in the least with its definite function as a glider, accomplishing for the present aeroplane, in effect, the long coveted feat of hovering. The brake has no connection with the power or the life of the machine; it is applied definitely to the control of the load.

If this interests you, I shall be glad to hear from you.

Yours, very truly,

GUTZON BORGLUM.

P. S.—I have developed many models of my tube plane shown to you and Col. Williams at the Shoreham. I have three standard forms—forms which, as I understand, the needs of war should be standardized—a small, swift, high-powered, quick-turning, safe scouting car for two men; a long (48 feet) fighting car, carrying machinist, gunman, and aviator, can carry from three to five hundred gallons of gas, has 800 feet of lifting surface, and has less head resistance than the standard plane of to-day, and wastes none of its propeller power; it will weigh, as near as I can figure, about seventeen fifty and carries two engines.

The third is a double tube or battle plane for bombardment, carrying 2,200 lifting feet, less than double the head resistance of the single fighting car; has cabin and engine room between the tubes 22 feet long. Of course, I need not tell you it can carry four engines, a great quantity of gas and high explosives, and it should have two aviators, two gunners, two machinists for relay service. It should cross great distances and carry supplies for its fleet of smaller cars, which can readily land on its back and get away.

I have perfected the major problems of each of these cars and believe no time should be lost in converting our aeronautics into aerodynamics. I think three to four hundred million flung to principles, which are at best but swallows and flycatchers and are instruments which kill mainly those who use them, is about enough, and the exploitation of the gliding kite (the plane), which avoids the element it assumes to invade and live in, has had its day and been given its opportunity. Three years and three or more billions have been spent to exploit an instrument that has grown old before its principles are old enough to have been known. The world grabbed the plane and stopped thinking.

I will not burden you with the valuable by-products of my experiments, which include, with the air brake, a propeller which uses completely and gives the same efficiency to the dead core of air about the axle of all propellers without the screw or turbine principle. I have also a definite invention which gives the same lifting power to planes entering the air endwise, which alone will revolutionize aeronautics and add 75 per cent to safety.

Now, I have but one idea in mind in all this work, and that is to turn aeronautics of peace into aerodynamics in war—convert sniping and peeking into organized invasion with positive measurable results obtainable in at least 50 per cent of our ventures. It is time we entered the air as men, as warriors, as a fighting Nation, and did something else besides kiteflying and sacrificing our best men eavesdropping.

I believe, and am prepared to make good that belief, that 20 of my battle planes, 40 of my fighting planes, and 20 of the smaller, swift, scouting machines could be built and delivered to the Government within six months. Such a fleet could deliver 100,000 pounds of high explosives on either Zeebrugge or Heligoland or Kiel Canal nightly for a week without especial danger to itself.

I will go further. I will, if the Government will order such a fleet, agree to deliver such a fleet a thousand miles by continuous flight from the base of manufacture ready for duty and provide bonds for the faithful performance of all agreements.

Sincerely, yours,

GUTZON BORGLUM.

I am writing to the President to-day. I inclose a copy of this letter.

STAMFORD, CONN., *September 16, 1917.*

To His Excellency WOODROW WILSON,
President of the United States.

MY DEAR MR. PRESIDENT: I am sending to you herewith a copy of a letter just sent to Brig. Gen. Squier, not to secure your urge upon this good officer, who is greatly interested in my labors and in sympathy with any sound development, but to inform you and also to arrest your attention at this time, when the clumsy, unmanageable triplane is being vigorously exploited, and state we have designed many models, the basic principles they proclaim proven and developed, ready for building.

We can build cars safe, stable in storm, incapable by their own caprice of plunging to earth, capable of carrying tons, serving each other in flight, giving rest and comfort to aviators in flight, remaining in the air 24 hours, which gives them the radius of Europe, Zeebrugge, the Kiel, and the Krupps. The navies have not accomplished the destruction of a single base, nor have three years of French, British, and German aeronautic activities, with billions behind them and the bravest souls on earth to go where ordered, accomplished potentially more than sniping and eavesdropping upon each other.

Mr. President, the plane in its present form is a glider; it is no more. With all it has done, it is incapable as at present constructed of being more than a kite run wild. It is like a playing card spun from the hand into space; it is no more; any multiple of it has proven no more. A hundred million packs spun in the same way will be at the same mercy of the elements as one, and, strangely, any additional blade to the plane adds to its certain destruction if it slips.

Our scouting radius should cover the shores of Europe. America's aircraft should push the boundaries of France and England and Petrograd and the Black Sea, including the Mediterranean. That is an American-sized job, and I believe one easily accomplishable. I would put a fleet of scouts in Europe with bases in south France, south Russia, north France, east England, and Scotland that would literally remap Europe.

STAMFORD, CONN., *September 16, 1917.*

Hon. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I am inclosing a copy of a letter just sent to Gen. Squier, not to seek your aid in developing my plans proposed, but, as I have suggested to the President, to whom I have also sent a copy, to urge a better plan and do what I can at this time to stop the

United States from buying or ordering the lumbering, uncontrollable triplanes of the Italians.

We can do better, infants though we are. Asleep as we have been since Wright gave us the glider, we have slept at the wheel and rather retrogressed than otherwise. I mean the perfection of turnbuckles, additions of wind-pressure gauges, petty tricks related to petty parts have nothing to do with the success of aerodynamics.

I want to protest against any great outlay of money for the Italian planes, if we can create a better, more efficient, safer instrument to do the same thing they propose.

Sincerely, yours, (Signed) GUTZON BORGLUM.

STAMFORD, CONN., *August 30, 1917.*

MY DEAR PROF. DURAND: I received last week a letter from Prof. Alexander Klernin, of the Massachusetts Institute of Technology, regarding the tests of my models. He, however, suggested a model smaller and weighing less than the one you had advised my making. Consequently, I made a couple of smaller models, and am now awaiting an opportunity to go to Boston and test them out.

You will be interested to know that I have made several unofficial tests here, all of which have been most gratifying and exceeding my anticipations. I shall report to you immediately when I have been to Boston.

Faithfully, yours, GUTZON BORGLUM.

Prof W. F. DURAND,
Chairman National Aeronautic Committee,
Munsey Building, Washington, D. C.

NEW YORK, *November 4, 1917.*

MY DEAR PROF. DURAND: There has been some delay caused in making the tests that you requested me to have made at the Massachusetts Tech on account of the fragility of my models. They were made of fiber, bamboo, and such materials, and were not believed to be strong enough to hold their position with sufficient accuracy to make a fair test. I am consequently meeting their wishes, having made two aluminum models. I am exceedingly sorry about this delay, because I wanted to meet your wishes in the matter, although the principles I hold are rather in opposition to the virtues of the present aeroplane. I mean that I am making use of a definite grip upon the air, and, while I may require an increase of power, I get stability in such degree that I believe I can afford to pay that small price for that great gain. When I am ready and have made the tests, you will learn the results.

Meantime, I have a definite request to make of you. I have perfected a brake or retarder which is applicable to any aeroplane. It is very easily operated. It will prevent side slipping, plunging, tail diving, and will act as a right and left control, in no way interfering with the natural function of the gliding plane, nor arrest violently or dangerously its speed. But it will bring any car down to its rising speed and hold it in space without throttling down the engine or in any way meddling with the power. I have been seeking a high-power and first-class plane for the purpose of applying this brake. I want the plane to be put at my disposal for about a month and then returned to the Government and thoroughly tested out. I have been unsuccessful in my application to private factories. Their planes are either too slow, worthless, or they are in hopes of getting rid of them at some fabulous price, or were held by the Government. I will come to Washington at your telegraphic call or meet your wishes in any way that you may require if I can make this demonstration. Of course, what I claim here will not only make any car hover while circling at 30 or 40 miles but will hold the machine over a 30-acre lot, and my retarder will make danger in landing almost nil.

The other request is, will you kindly send to me the regulations or specifications that the Government requires or has adopted as its best propeller? I am anxious to know the pitch, if uniform or variable—if variable, the stem pitch at, say, four radii—width of blade at four radii section; or if there are general specifications, they may cover my requirements.

I am under the impression that I can add a valuable percentage of efficiency to the best propeller that has been made. The tests I have made show this, but I am anxious to compare with official tests.

Will you also tell me if the Government is prepared to test propellers?

Sincerely, yours,

GUTZON BORGLUM.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS,
Washington, D. C., November 17, 1917.

Mr. GUTZON BORGLUM,
166 East Thirty-eighth Street, New York, N. Y.

MY DEAR MR. BORGLUM: Replying to your letter under date of November 4, and telegram of November 9, I would say that earlier attention has been delayed by reason of my absence from the city on a visit of inspection among various plants manufacturing aircraft and aircraft materials.

Regarding your request in relation to propellers, I would say that there are no specifications regarding a so-called "best" or standard propeller. Present practice, however, circles closely about the following proportions:

(1) Ratio of pitch to diameter of .7 to .9, according to circumstances of speed.

(2) Average width of blade as a fraction of the radius .15 to .20.

(3) Form of blade oval, somewhat tapering toward the tips in the form which is doubtless familiar to you.

(4) Distribution of pitch either uniform or increasing from a minimum value at about .25 radius to a maximum at the tip, the amount of variation being 10 to 15 per cent of the tip value.

(5) Such propeller under best conditions of slip—that is, relation between speed of plane and revolutions—may be expected to give about 80 per cent efficiency.

I have just completed the report on an extensive series of investigations on model propellers, 48 in number, carried on at Stanford University, the result of which shows very plainly that the maximum efficiency does not vary widely for any propeller of the above general form and characteristics. We are just now planning to carry out in the same way a series of tests on models representing recent specific designs for the War Department, which will furnish a good comparison with the standard forms represented by our models.

Regarding your request for the use of a high-powered first-class plane for the purpose of applying your brake, I would say that there is very little hope of obtaining any such plane from the Government at the present time. If you knew of the number of inventors who are making similar requests to your own, you would appreciate the difficulty of meeting all of the requests of this nature. Furthermore, as a matter of fact, the Government has no such planes at its disposal at the present time. The planes which we are now actually making in quantity are of the training type and they are demanded more rapidly than they can be turned out, but a plane of this character would hardly meet your requirements. The factories are now only just beginning to get started on a program of fast high-powered machines, one or two samples having been turned out. It is, of course, quite impossible that you could expect to be loaned a sample of this type for the purposes indicated. The only way in which your brake device could be tried out in the immediate future would be by attachment to one of the planes at the temporary experimental field at Dayton, Ohio, where, in the very near future, they will have a number of such types of machine for purposes of experiment and development.

If you will come to Washington and give us an opportunity here of examining your device, with a view to its adaptation to such planes as are now contemplated of the fast, high-powered type, I shall be glad to assist you in every way toward placing your device before the authorities of the Signal Corps, with a view to making possible an investigation of its operation at Dayton. No other course seems practicable at the present time.

Sincerely, yours, (Signed) W. F. DURAND,
Chairman.

[Telegram.]

CAMBRIDGE, MASS., *May 3, 1918.*

CHARLES D. WALCOTT,
National Advisory Committee for Aeronautics,
Munsey Building, Washington, D. C.:

Borglum model was too large for this tunnel and was never tested. Borglum proposed to make smaller one but never did so.

C. H. PEABODY.

MEMORANDUM FOR THE CONFIDENTIAL INFORMATION OF MILITARY INTELLIGENCE SECTION, UNITED STATES ARMY.

1. That in all of the relations concerning the matter of promotion of stock company for the manufacture of airplanes, during which I was present at several conferences with the projectors of this enterprise as a consulting engineer, I desire to state that there was never any other understanding of this project but that Mr. Borglum was to be represented in the corporation by Mr. Harris, and that his sole asset in the transaction was to be, first, his personal friendship and association with President Wilson, whom he stated he could do anything he wanted with.

2. As a further asset in this commercial venture, Mr. Borglum stated, and gave everyone concerned in this matter to understand, that his position with the Aircraft Production Board and the Aerial Section of the Signal Corps, United States Army, was such that he could obtain for their use plans and technical details which this company could use and thus save considerably both in time and money in beginning operations.

3. That one of the partners of this concern was to have been Mr. Hugo C. Gibson, who is connected with the British Ministry of War in the United States, offices at 120 Broadway, New York City, who proposed that certain patents which he controlled would be used by this company, and who also stated that he would be able to influence orders for airplanes in such a way that this company might receive the benefit therefrom.

4. That I was given to understand by Mr. Borglum that the present personnel of the Aircraft Board was highly distasteful to him, and he was constantly criticizing their work. That he definitely proposed to change this personnel by virtue of his friendship with President Wilson, and that he asked me to suggest members for the new board which would be more friendly to him in his projects. That I avoided giving him any definite answers along this line. That in the event of a newly constituted Aircraft Board being formed, there would then be no difficulty in securing advantage to the proposed organization.

HENRY HARRISON SUPLEE.

JANUARY 30, 1918.

MISHAWAKA, IND., *May 10, 1918.*

Hon. CHARLES S. THOMAS,
United States Senate.

MY DEAR SENATOR: Referring to your remarks in the CONGRESSIONAL RECORD of May 7 regarding charges of Mr. Gutzon Borglum, in which the Dodge Manufacturing Co. is somewhat interested, I have the honor to transmit herewith correspondence and report of my son, Kenyon W. Mix, and statement of H. H. Suplee, our consulting engineer, regarding certain transactions which our company was having with Mr. Borglum and his associates, which may throw some material light on the conduct of Mr. Borglum, and which resulted in our company promptly terminating such negotiations when we discovered Mr. Borglum's duplicity.

Very respectfully,

DODGE MANUFACTURING COMPANY,
M. W. MIX, *President.*

JANUARY 17, 1918.

On December 8, 1917, I left Dayton en route for Washington. In the Pullman smoking compartment I noticed two gentlemen talking aviation who had apparently been to the Wright-Dayton field and who were discussing the inability of the Dayton-Wright Aircraft Co. to raise the new De Havilland No. 4 machine from the ground with the present propellers in hand.

These two men continued their discussion covering aircraft practice in general, and I decided to know them. Later on, entering into a conversation with them, I brought the discussion around to the subject of laminated-wood bodies, wing ribs, and wings for aeroplanes, and stated to them that, inasmuch as there seemed to be some hesitancy on the part of the American aircraft builders to construct single or double seated high-speed scouts, we, the Dodge Manufacturing Co., being in possession of the latest Albatross designs, intended to build one for trial, providing we could get some one to furnish us with the power plant.

The train being 18 hours late, I had considerable conversation with the two men, who turned out to be Mr. Gutzon Borglum, whose address is No. 166 East Thirty-eighth Street, New York City, and Mr. H. C. Gibson, an engineer in the employ of the British Ministry of Munitions, whose address is that office on the sixteenth floor of No. 120 Broadway.

These two men intimated to me that they could produce designs for a plane which would be faster and steadier in the air than the Albatross and which would weigh less.

Having at that time the interest of the Dodge Manufacturing Co. in mind, and being particularly anxious to become a part of any organization which would go into the manufacture of aeroplanes having

monocoque fuselages, I led these gentleman to believe that we would welcome any suggestions from outsiders which would furnish the design and power plant for high-speed scouts.

Mr. Borglum and Mr. Gibson were very insistent that I call upon them in New York on my way up from Washington, which I did on December 18, 1917. I did not see Mr. Borglum, but talked to him over the long-distance telephone at Stamford. He insisted that I see Mr. Gibson at once. I did so, and learned from Mr. Gibson that Mr. Borglum had certain confidential connections with the Government which would be to our advantage as well as to his own.

I approached Mr. Gibson on the subject of building aeroplanes, and he suggested that I prepare in detail a report of the Dodge Manufacturing Co. and its subsidiary organizations for their consideration. Returning to Mishawaka, I did so, and wrote Mr. Gibson a letter, with the intention of drawing him further into a commitment. In this letter I stated that it had been intimated to us that high-speed scouts would be looked upon with favor by governmental authorities and again brought up the fact that design and power plant were the factors which the Dodge Co. lacked to begin immediate manufacture.

On December 31, 1917, a telegram (marked "Exhibit A") was received by me from Mr. Borglum. Mr. Gibson had apparently shown Mr. Borglum my letter, as I had asked him to do, and as is evident from Mr. Borglum's telegraphic response, which follows. I was led to believe that between them Messrs. Borglum and Gibson could provide a staff of experts with the best foreign experience on plane design.

"STAMFORD, CONN., *December 31, 1917.*

"Like your suggestion to Gibson. Write me fully part you and your company can play. I have a staff of experts with the best foreign experience who can come close to delivery 100 per cent article. Necessary, can arrange finances also with the best New York banks. Washington is watchful but waiting overtime. Your idea and mine should be rushed to the limit. We should guarantee the boys in France 500 of swiftest machines in the world by May 1, but not a minute can be lost, not a minute, during the next 90 days. A happy New Year to you.

"(Signed) BORGLUM."

Their confidence of being able to build speed scouts that would be acceptable to the Government was such as led me to believe that here was an opportunity to hook up with certain people who had the points of airplane building that we lacked and to their ability add our manufacturing facilities, with a view of producing high-speed scout planes which would be beyond the experimental stage and which could be submitted in the concrete to the Signal Corps rather than as designs on paper, which would be subject to criticism and change before the practical test could be made.

On January 2, 1918, I received a letter from H. C. Gibson, a copy of which (marked "Exhibit B") it attached hereto, which further led me to believe that our combined efforts could be used to produce aircraft, first in the experimental stage, and then, if approved by the American Government, in great quantities with the smallest possible delay of time.

I replied to Mr. Borglum's telegram on January 4, 1918, a copy of which letter (marked "Exhibit C") is attached hereto. I did not send this letter, but it explained fully our part in the manufacture of airplanes, either with our present facilities and under the name of the Dodge Manufacturing Co. or under a new company to be formed, which would consist of those manufacturers of the component parts of an airplane who might bring to the new organization a certain experience in the building of the units which they already understood and thus form a combination of experience and interest which would allow the new organization to pass quickly over the primary stages of experiment.

In suggesting the formation of a new company at that time it was my thought that the Dodge people would not care to share their ownership in the patents and processes surrounding the veneer industry any more than would Mr. Borglum and Mr. Gibson and their interests care to share permanently such interests as they might have in the design and power plant of such a machine with the Dodge organization, because of necessity they would become small factors in an organization the size of Dodge, which is composed of many branches foreign to aircraft production, and in which they could have no possible interest.

On January 4, 1918, and before mailing this letter, I received a telegram from Mr. Borglum, as follows (marked "Exhibit D"):

"Did you get my wire? Have you replied? When are you in New York or Washington? Reply Stamford, Conn."

I then decided not to send the letter but wired him instead, as follows:

"Your wire and letter from Mr. Gibson received on my return from Dayton. Your second wire received last night. Was preparing a letter to you fully covering situation. Have just bought plant of Gillette Motors Co., which adjoins property of veneer plant and which presents additional opportunity in way of machine tools and assembling space. Believe we have now provided for all body and wing construction, landing, and assembly; also metal fittings and accessories. If you can supply design, as mentioned in your wire, and propeller, there seems to be no reason why immediate operations could not be started. I can leave here Tuesday night, if you think it advisable.

"(Signed) KENYON W. MIX."

On January 6, 1918, I received the following telegram from Mr. Borglum (marked "Exhibit E"):

"I leave for Washington on serious business. Can you see me there at earliest possible date? Address me Metropolitan Club."

To which I replied, stating that I intended to come to Washington by way of New York, and asked him if that would be satisfactory.

On January 7, 1918, I received the following telegram from Mr. Borglum (marked "Exhibit F"):

"Am here indefinitely. Bring drawing, photos, or other portable data of swift foreign planes. See Gibson in New York"—

and left for New York the night of January 8, 1918.

On January 9, 1918, I called Mr. Gibson at the British ministry by telephone, and was instructed to meet him in the afternoon at the office of Mr. Compton, an engineer, on the eighteenth floor of the Hudson Terminal Building. Mr. H. H. Suplee accompanied me on this visit. Arriving at that office, we were introduced to Mr. Compton, a designer of aircraft propeller and parts, who we understood was in the employ of Mr. Borglum and Mr. Gibson, and was engaged in the work of preparing drawings for experimental propeller business. We also met Lieut. Roberts, of the British Army, who stated that he had been invalided out of service and was available to private enterprises.

Mr. Suplee and Mr. Roberts then discussed the comparative values of American and foreign planes. Mr. Gibson and myself retired to Mr. Compton's private office and discussed the matter of the new company.

Mr. Gibson stated to me in this conference that Mr. Borglum's connection was with the highest authorities in the American Government, and showed me a telegram from a man by the name of Nichols stating that Mr. Borglum could put through anything that had merit. Mr. Gibson also stated that Mr. Borglum could not in any way be identified with the new company openly, and that his interest would be represented by a Mr. Harris, who he wished me to meet on the following day. He told me that Mr. Borglum was doing big things in Washington, but that it was up to Mr. Borglum to explain for himself what they were, after which he left the conference, leaving Lieut. Roberts, Mr. Suplee, Mr. Compton, and myself together. We discussed the relative value of various planes for an hour or two and adjourned to meet on Saturday.

On Saturday morning, January 12, 1918, I called at Mr. Gibson's office in the British Ministry, having instructed Mr. Suplee to meet me at half-past 2 in Mr. Compton's office.

Mr. Gibson introduced me to Lieut. Sykes, of the British Navy, with whom I had about a half hour's conversation on the subject of furnishing laminated-wood veneer for the British Government.

Mr. Gibson endeavored to get Mr. Borglum on the telephone, but was unable to do so. About noon Mr. Benjamin Harris, president of the Standard Smelting & Refining Co., in company with Mr. Grant, an attorney, called at Mr. Gibson's office and the four of us went to lunch together.

Immediately following lunch we proceeded to Mr. Compton's office, and although Lieut. Roberts was missing, he being compelled to go to Chicago on urgent business, we proceeded to discuss either the use of the present Dodge equipment for the building of speed scouts, or the formation of a new company to do this work, along the lines indicated in the letter written to Mr. Borglum and which was not sent (known as Exhibit C herein).

Present at this meeting were Mr. Benjamin Harris, representing Mr. Borglum, Mr. H. C. Gibson, Mr. Compton, Mr. Grant, above referred to, Mr. H. H. Suplee (present as consulting engineer of the Dodge Manufacturing Co.), and myself.

After giving an entire outline of the Dodge Manufacturing Co. and displaying blue prints of the ground plans, locations, photographs of plants, processes, machines, etc., I thoroughly explained the reasons why laminated wood made on the Indestructo process (similar to the German veneer process) was particularly adaptable to the building of monocoque fuselages and wings, such as were now being used in the best German practice. It was then suggested that a new company be discussed and the plan suggested above was gone over thoroughly, Mr. Gibson and Mr. Compton making a diagram as we went along, which is herewith submitted as Exhibit G.

The relative proportion of stock in the company was not discussed, it being the opinion of Mr. Gibson and Mr. Harris that Mr. Borglum should be consulted before this apportionment was made.

It was suggested that contracts should be entered into with the Dodge interests for the furnishing of such parts of the aircraft as they were able to manufacture, which contracts, along with those made with the propeller and motor interests, should constitute a portion of the assets of the construction company. An amount was decided upon necessary to start the company under way.

At this time I did not as yet know Mr. Borglum's connections in Washington, nor what his ability to furnish designs would be, and consequently I hesitated at making a final commitment of our position beyond saying that should such a company be created the Dodge Manufacturing Co. stood ready to furnish to the construction company all experimental work on the first plane and all laminated-wood materials, in addition to a plant necessary for the assembling of the plane.

This meeting adjourned pending my visit to Washington to see Mr. Borglum.

On Monday, January 14, 1918, an additional meeting with Mr. Harris developed the fact that as Mr. Borglum's agent he was not sure of the part Mr. Gibson or Mr. Compton was to play in the organization, although he seemed reasonably certain of the ability of the Dodge Manufacturing Co. to deliver as represented.

I arrived in Washington January 15, 1918, and called upon Mr. Borglum in his rooms at the Albany apartment house, second floor, in the afternoon.

Mr. Borglum's first question to me was, "Mr. Mix, do you know what I am doing in Washington?" My reply was, "Not exactly; but I have a good idea." Whereupon Mr. Borglum produced a letter, addressed to him and signed by Woodrow Wilson, President of the United States, which extended to Mr. Borglum official permission and authority to proceed upon some investigations which had been mentioned in Mr. Borglum's letter to the President and which was dated December 2, 1917, which letter was only mentioned in the President's communication, shown to me.

The letter to Mr. Borglum, and signed by the President, went on to state that he, Mr. Borglum, would have the cooperation of the Secretary of War and that Mr Stanley King, one of Mr. Baker's assistants, would be assigned to his use until investigation was completed and the facts ready for presentation to the White House.

Mr. Borglum then went on to state that he had been given room No. 225 of the War Department and corps of assistants, among whom were Mr. Nichols, whose identity I have not yet discovered other than that he was formerly connected with the Aeromarine Plane & Motor Co., of New York, and a second lieutenant of the United States Army, acting as stenographer.

Mr. Borglum then informed me that they had uncovered enough rottenness in the Signal Corps and in the Aircraft Production Board to make impossible the success of the American air program under the present régime. He informed me that he had but to requisition correspondence, orders, foundation plans, etc., from any department of the Signal Corps and they would be forthwith placed in his hands. He stated, however, that he was having considerable difficulty in getting this material, owing to the reluctance of Army officers to let him see it. He seemed to particularly condemn Col. E. A. Deeds, making various extreme charges against him, and also Col. Montgomery.

He referred to conference had with Maj. Gen. Squier, and went on to say, further, in connection with this gentleman that he had found nothing against him in his investigation.

Mr. Borglum stated that the Navy Department was the only department of the Aviation Section in which he had found efficiency, and spoke in very high terms of Rear Admiral Taylor. He stated that he had enough information on Col. Montgomery's activities to have him displaced on the Aircraft Board.

On the evening of Tuesday, January 14, 1918, Mr. Borglum, Mr. Nichols, Mr. Suplee and myself dined at the Metropolitan Club and afterwards remained in the library of the club for conference. I asked Mr. Borglum just what was to be gained by an exposition of these men

and just wherein he thought he might serve the country by tearing down that for which he had no substitute to offer. Mr. Borglum protested he did not want to tear down the present organization of the Aircraft Board, but that he would build up a structure around it composed of men of unquestionable business methods and who would rush American air program to a rapid completion.

Mr. Borglum stated that he did not know at that time how to build scout planes or any other aircraft which could be depended upon to surpass those now being constructed, but that through his friendship with the White House and acquaintance with Mr. Gibson, the engineer in the employ of the British ministry of munitions, he would have access to the best foreign and American designs and practices. He then asked me to make suggestions as to a new personnel for the Aircraft Board and to suggest such men as I thought would be able to carry through the program rapidly and efficiently.

At this point I became suspicious, not of Mr. Borglum's methods but of his ability to aid the country by working along the lines he had suggested during the afternoon and evening conferences.

It is a mystery to me why a man vested with this high authority should make a confidant of me in matters of such extreme importance and secrecy, and why he should desire my opinion, which must of necessity be a very weak one, upon the personnel of a new Aircraft Board.

I decided something was radically wrong. The thought occurred to me that possibly this man, through his friendship with the President, had obtained authority which makes him decidedly dangerous to the interests of the country, in that he might remove from activity those people now responsible for the industrial development of aircraft without a hope of substituting in their stead a new working force.

It occurred to me that much valuable time might be lost; it further struck me that if he would take me into his confidence in this matter, he might take others less cautious of their country's interests and he might give wide publicity to the matters discussed with me and that he might show to others his credential from the President as evidence of his authority.

Such a method, to my mind, would be fatal, particularly if it became public property, and through the medium of gossip our aircraft program become known to the enemy.

I discussed this matter with Mr. Suplee, and stated to him on the conclusion of that meeting that, so far as the new company was concerned, I thought it best to drop all discussion of it, inasmuch as Mr. Borglum did not have the designs to submit for construction but was probably relying upon his official powers to requisition and get certain information from the Government which could be turned over to the new company for construction.

Upon leaving Mr. Borglum, and while escorting Mr. Suplee home, I stated that I was going to take the position of being very anxious to start the company, was going to call for designs, and was going to suggest to Mr. Borglum that it might be entirely possible for him to get these designs along the lines indicated, with the purpose in mind of seeing whether or not Mr. Borglum was willing to use his official authority as a means to further a privte interest.

After leaving Mr. Suplee I went back to Mr. Borglum's room and discussed the new company with him further, hinting at the matters above referred to, and upon being questioned by Mr. Nichols as to just what I meant, Mr. Borglum spoke up, stating to Mr. Nichols, "Don't you see what he is suggesting? He means can not we get the designs from which planes might be constructed at once." He assured me this might be entirely possible and again impressed upon my mind that he, of course, could not be identified with the new organization; that Mr. Harris, of New York, would have to represent him in all negotiations.

The following day, Wednesday, January 16, 1918, I decided that here was a matter which should be looked into at once and went to Mr. F. S. Hardesty, who is my father's confidant and a friend of Mr. Coffin, and put the case squarely before him, asking him what I should do. Mr. Hardesty hesitated for some time because he did not, I believe, appreciate the seriousness of the situation should Mr. Borglum misuse his authority. Mr. Hardesty finally consented to place a portion of the facts before Mr. Coffin without disclosing his source of information, and did so in the afternoon. Mr. Hardesty then reported to me that Mr. Coffin seemed interested, and after consulting Mr. C. A. Kenyon, an attorney and my uncle, and as a result of further consultation with Mr. Hardesty it was decided that it were best to lay the facts before Mr. Coffin without reserve. Consequently, I went to Mr. Coffin's office with Mr. Hardesty on the morning of January 17, 1918, where I met Col. Deeds, Gen. Squier, Col. Montgomery, and other members of the Aircraft Board. I did not, however, talk to any one other than Mr. Coffin and Gen. Squier, and then only in the briefest possible manner acquainted them with the situation as I have written it herein, stating also to Gen. Squier that on the night of January 15, 1918, at 6 o'clock, I had been in Mr. Borglum's rooms at the New Albany and had seen a United States Army officer, with the grade of second lieutenant, taking dictation from Mr. Nichols on the typewriter.

While writing this a letter arrives from Mr. H. C. Gibson, on the stationery of the British minister of munitions, and marked Exhibit "H," which speaks for itself.

Written in Mr. Hardesty's office at his suggestion.

—

UNITED STATES POST OFFICE.

DEAR MR. HARDESTY: The postmaster here thinks that this letter will get through to you by Thursday morning in good shape, and as I feel it necessary to see my father before I return to Washington I think it will go on to Mishawaka to-night. I can return at any time you think it wise for me to be there, either on the Borglum matter or on the other things which we have under consideration just now.

In regard to the Borglum matter and the papers inclosed. I think it would be all right to show these to whomever you think should see them, but do not believe that they should go out of your hands, as they are all the evidence that I have that we were not a part of the intrigue, but rather an interested party only so long as we knew it to be open and aboveboard. We most naturally withdrew at the first suspicion of intrigue and furthermore lay the whole matter before the proper authorities so far as we were able. After your man has seen the originals and knows that they will be open to him at any time, he should be satisfied with copies, don't you think? Please write me at Mishawaka just the result of your conference with him and what you have learned about this officer. That may be the Lieut. Roberts referred to in the manuscript. His address, by the way, is 50 West Thirty-eighth Street, New York City. Kindest regards.

KENYON W. MIX.

ITHACA, N. Y., *January 30, 1918.*

STAMFORD, CONN., *December 31, 1917.*

Mr. MIX, Jr., *Mishawaka, Ind.:*

Like your suggestion to Gibson. Write me fully part you and your company can play. I have a staff of experts with the best foreign experience who can come close to delivery 100 per cent article. Necessary, can arrange finances also with the best New York banks. Washington is watchful but waiting overtime. Your idea and mine should be rushed to the limit. We should guarantee the boys in France 500 of swiftest machines in the world by May 1, but not a minute can be lost, not a minute, during the next 90 days. A happy New Year to you.

BORGLUM.

—

NEW ROCHELLE, N. Y., *December 31, 1917.*

KENYON MIX, Esq.,
Mishawaka, Ind.

MY DEAR MR. MIX: Mr. Borglum, discussing your interesting letter of December 28 with me, is, I understand, to write you in the endeavor to have a conference in New York as soon as possible.

I am entirely at one with you in the general suggestion that you make and it would seem that with all the facilities available we could not fail to obtain a really satisfactory result, which will have a most important bearing on the future of this country.

Does paragraph 3 of your letter mean that the new organization would have to look elsewhere for space, tools, etc., or have you them available for the suggested organization?

Your suggestion that this should not be discussed except between Mr. Borglum and myself is appreciated.

I hope to see you very soon so as to have the matter disposed of in one way or another in the shortest possible time.

It is my belief that we three would have little difficulty in assembling the necessary ability for a large productive program.

Reciprocating your cordial good wishes for the future, I am,

Sincerely, yours,

HUGO C. GIBSON.

—

This letter was not mailed:

MISHAWAKA, IND., *January 4, 1918.*

Mr. GUTZON BORGLUM.
166 East Thirty-eighth Street, New York City.

DEAR MR. BORGLUM: Returning from Dayton, I find your wire and a letter from Mr. Gibson. Thank you very much for your New Year's greetings; they are certainly appreciated, and my best wish for you in 1918 is that your best wish comes true.

I am glad to know that you are interested in the plane project suggested to Mr. Gibson. I have given the matter considerable study for some months, but not until we acquired the plant of the Gillette Co., which we did last week, did it seem entirely feasible. Even now there are some elements of the manufacture missing, unless between us we can arrange for their inclusion.

We own and operate four plants, whose facilities are available for this type of work. It is not my idea, however, that the assembly of the finished plane should be done in any one of these, but rather in a separate building and by a separate organization yet to be formed, and of which I will speak further.

Our four plants consist of:

Dodge Manufacturing Co., a plant of considerable size, employing more than 2,000 men, whose industry is practically unlimited along lines of iron and steel. We have complete wood and metal pattern room, extensive iron foundry, sheet-steel work plant, and a complete wood shop, with considerable dry-kiln capacity. In peace times our output comprises everything for the mechanical transmission of power. At present we are pretty well loaded with Government business, comprising shot trucks, rammers, ordnance equipment, and marine engines for the Emergency Fleet Corporation, in addition to extensive orders for the regular orders from arsenals, new Government shops, and independent concerns who are thus forced to increase their products.

There is the National Veneer Products Co. division of the Dodge Manufacturing Co., a complete pressing and woodworking establishment of considerable size. We have practically every type of hydraulic press known for the formation of laminated-wood shapes and, in addition, are just installing the largest veneer press ever built in this country for flat sheets. While in the past our industry in this plant has comprised that of trunks, barrels, hampers, boxes, casks, grain elevator legs, boots, heads, flour bins, seats of all kinds, etc., our facilities are now practically limited to the production of aeroplane parts, such as box beams, compression ribs, interribs, struts, spars, cowlings, fuselage coverings, and afterdeck coverings, wing coverings, engine bearers, skids, landing-gear parts, transverse girders for dirigibles, etc. This is all in addition to the production of flat glued-up panels for the Philadelphia naval aircraft factory, the United States Government experimental station at McCook Field, and others, whose uses prevent the forming of parts away from the place of assembly. In connection with the veneer plant we operate a complete die-press room, which in the past was used for the manufacture of metal hoops and box and trunk hardware, etc.

The Dodge Steel Pulley Corporation is a separate plant of considerable size, which operates exclusively in pressed-steel pulleys, hanger frames, etc. We are practically unlimited as to the size of pressing in this plant, and I believe that it is one wherein aeroplane hardware could be successfully manufactured.

We have just purchased the Gillette Motor Co., formerly the Amplex Motor Car Co. This plant is equipped for complete motor-car building, including that of motors, although we had no intention at the time of purchase of going into the motor industry; it was bought because of its unusually complete tool equipment and the facilities it presented for assembling the shot-truck order recently gotten.

The Gillette plant and the veneer plant are about 1 mile apart. The majority of the intervening ground belongs to these plants. There is, however, a small establishment, known as the Premier Bed Co., located at one end and next to the veneer plant, which could undoubtedly be acquired quite within reason, and which might be used for a designing and experimental laboratory.

Let us now consider the building of scout planes from the following standpoints:

DESIGN AND EXPERIMENTAL WORK.

A corps of engineers and draftsmen could be immediately installed in the old drafting rooms of the Gillette plant. There is also a portion of the same plant which could be set aside as an experimental laboratory.

GLUED-UP VENEER STOCK.

To be manufactured in the veneer plant.

FABRICATION OF WOOD PARTS.

For the present these parts could be manufactured in the veneer plant itself along with the present orders from Dayton-Wright, the Navy aircraft factory, and others. Later, however, it would probably be advisable to do this fabrication in the new plant.

LINEN COVERING.

The work on wings and fuselage if wrapped in linen would undoubtedly have to be done in the new establishment, except on the first few planes, when the old assembly rooms of the Gillette plant could be used.

METAL FITTINGS AND STAMPINGS.

Such as is possible for us to manufacture could be turned out in the die rooms of the veneer plant or steel pulley shop.

BODY ASSEMBLY.

This work would undoubtedly need to be done in the new shop because of the extreme space required.

MOTORS.

Here is one of the unsolved links of the whole problem, and the question naturally arises, Are we to make this plane according to Government design or according to a design which we know will do the business and then sell it to the Government in its finished state? If the former case is decided upon, we would undoubtedly be asked to use the Liberty motor. In case of the latter, it would seem to me that the ideal condition would be to make arrangements whereby some representative motor manufacturer should become a stockholder in the new company and his motor plant enter into a contract to produce certain types of motors for their needs. I have in mind one particular motor, but I would be interested in hearing your experience as to what you believe would be the ideal motor for such a plane.

PROPELLER MANUFACTURE.

This is another unsolved point so far as we are concerned, but one which, I understand, you have the solution to.

FINAL ASSEMBLY.

The assembly, instruments, tanks, controls, guns, mountings, bomb carriers, etc., should undoubtedly be done in the new plant; testing will be covered later.

My first idea in this matter which I would offer is that of a new company organized to manufacture completed planes of certain types. It would be composed of certain individuals from our plants, certain individuals representing other branches of the art in which they have specialized, and regarding which they will bring to the final organization an experience which will enable the company to pass the stage of the usual primer experiments.

Midway between the Gillette plant and the veneer plant a new building could be erected of the Austin standard type, covering approximately 120,000 to 200,000 square feet of space, which, we understand, can be completed within 45 days from the date of order, and which is the establishment referred to above as the "new plant."

This company would be organized for the purpose of operating under the patent rights already developed in wood veneer as applied to aviation processes, together with other inventions and patents covering other details of the work, which may be brought to the new organization by other members of the company. Under the original patents and processes covering our end of the business, together with such later developments already under consideration, the immediate control of this department of industry would be assured, just the same as I presume would apply in your case or in the case of others whose patent rights were necessary in the assembly of the final plane. Whether or not it would be advisable to go into this phase of the question, I am not sure. I would rather have your opinion on the subject.

The whole proposition looks to me as though we have at present ample space and tools to start manufacture. We can have within 60 days an assembly plant equal to the task of producing 500 planes by the 1st of June. By virtue of our combined processes, inventions, and patent rights we have passed largely over the stage of experimental delays, and would be ready from the formation of the company to tackle the actual task of producing.

To our minds, the designing and aeronautical engineering ability is lacking. Your telegram states that you can supply this. Mr. Gibson and yourself, from what I gather, are also in a position to solve the propeller question. Why not, then, put our ideas together and see if some common basis can not be found upon which we may pool our assets, our ideas, and aspirations in the new company to the end that the aircraft shortage may be relieved, at least so far as one type of plane is concerned, and incidentally that we may each profit from our mutual associations.

I have had a complete set of drawings, blue prints, list of tools and machines, available properties, floor space, heating establishments, and other facilities, with an additional itemization of the combined possibilities of our end of the negotiations, which I am intending to bring on to New York whenever you are ready to undertake their consideration. In other words, we will be ready in the course of a few days to lay our cards on the table face up before some one who can consider the proposition from the standpoint mentioned herein, who are willing to go the route with us, just as we are willing to do the same with them.

I have sent Mr. Gibson a copy of this letter that he may be in full touch with the situation. I await with interest your reply either by letter or wire.

Very sincerely, yours, DODGE MANUFACTURING CO.

NEW YORK, N. Y., *January 4, 1918.*

KENYON MIX,
Care Dodge Manufacturing Co., Mishawaka, Ind.:

Did you get my wire? Have you replied? When are you in New York or Washington? Reply Stamford, Conn.

GUTZON BORGLUM.

STAMFORD, CONN., *January 6, 1918.*

KENYON W. MIX,
Mishawaka, Ind.

I leave to-night for Washington on serious business. Can you see me there at earliest possible date? Address, Metropolitan Club.

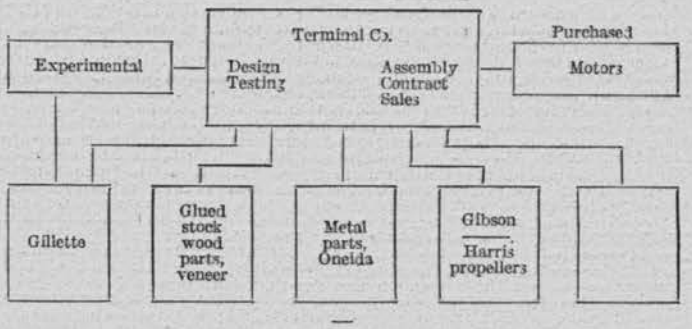
GUTZON BORGLUM.

WASHINGTON, D. C., *January 7, 1918.*

KENYON W. MIX,
Mishawaka, Ind.:

Am here indefinitely. Bring drawing photos or other portable data of swift foreign planes. See Gibson in New York.

BINHAM [BORGLUM].



BRITISH MINISTRY OF MUNITIONS OF WAR IN U. S. A.,
New York, January 16, 1918.

DEAR MR. MIX: Dusenberg states that it is Italian, about 550 pounds, being built to special order of Government of the United States, and won't say any more.

This looks interesting. No doubt you and Mr. B. can get the rest of the information.

Hope to hear as to how you are progressing.

Good luck,

Sincerely, HUGO C. GIBSON.

EXECUTIVE SESSION.

Mr. SIMMONS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in exective session the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 11, 1918, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 10, 1918.

CAPITAL ISSUES COMMITTEE.

James B. Brown to be a member of the Capital Issues Committee.

Frederic A. Delano to be a member of the Capital Issues Committee.

John S. Drum to be a member of the Capital Issues Committee.

Henry C. Flower to be a member of the Capital Issues Committee.

Frederick H. Goff to be a member of the Capital Issues Committee.

Charles S. Hamlin to be a member of the Capital Issues Committee.

John Skelton Williams to be a member of the Capital Issues Committee.

POSTMASTERS.

ILLINOIS.

George W. Halm, Peru.

TENNESSEE.

Joel F. Ruffin, Cedar Hill.
Sam M. Barnett, Lexington.
John E. Pullen, Waverly.
Ras C. Boatman, Algood.
F. L. Tardy, Gainesboro.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 10, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our Heavenly Father, without whom nothing is strong, nothing holy, we thank Thee for the spirit which brings us to Thee in prayer, since it stirs the soul, quickens the conscience, purifies the heart, and clears the mind for action; that Thou being our Ruler and Guide, we may take up the work Thou hast given us to do and consecrate ourselves to its prosecution, with the same determination which characterizes our soldiers and sailors, the conquer-or-die, survive-or-perish spirit, leaving the results to the overruling of Thy wisdom, power, and goodness; for Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. The Chair designates the gentleman from North Carolina, Mr. KITCHIN, as Speaker pro tempore to-morrow, Saturday, May 11, 1918.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 10264) to prevent in time of war departure from or entry into the United States contrary to the public safety, had asked a conference with the House of Representatives on said bill and amendments thereto, and had appointed Mr. SHIELDS, Mr. KING, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following House concurrent resolution:

House concurrent resolution 40.

Resolved by the House of Representatives (the Senate concurring), That with the approach of Mothers' Day the attention of the Nation be directed to the patriotic sacrific made by the mothers of our land in freely offering their sons to bear arms, and, if need be, die in the defense of liberty and justice. That, in appreciation of this great sacrifice, the President of the United States be, and he is hereby, respectfully requested to recommend in the observance of Sunday, May 12, 1918, as Mothers' Day, that the people of the United States offer fervent prayers to Almighty God for His divine blessing on the mothers of our country, especially those having sons serving under our flag throughout the world.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

The Committee on Enrolled Bills reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 8753. An act to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, and for other purposes.

"FOR GOD'S SAKE, HURRY UP!"

Mr. POU. Mr. Speaker, I ask unanimous consent to address the House for eight minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, the other day I undertook to answer the intimation that had been spread broadcast throughout the country that the House was deserving of censure because it had wasted time in disposing of the great measures necessary for the prosecution of this war. In those remarks I challenged any man to mention one single measure which had the backing of the American people which had been unnecessarily delayed by this House. It remained for one newspaper, and just one, so far as I have been able to ascertain, throughout the Nation to take up that challenge. That paper is the Raleigh (N. C.) Evening Times, I may say a very well-edited, very useful, progressive, and patriotic afternoon paper. The Times says in its editorial columns of the issue of May 6 the following:

GLAD TO OBLIGE; HERE ARE TWO THINGS DELAYED.

Congressman EDWARD W. POU, galled by the "For God's sake, hurry up!" cards addressed to the Members of Congress by the people back home, demands to be informed of any one thing which the people were solidly behind delayed by Congress.

Mr. Speaker, I did not say delayed by Congress; I said delayed by this House of Representatives. The editorial then continues:

The Overman bill, to empower the President to coordinate war agencies, is one of these "any one things." The espionage bill is another.

[Laughter.]

Back of the first measure we believe there are a hundred million people, for the Nation perceives that the Commander in Chief is the logical man to boss the war job. Who has heard an objection raised to the Overman bill, save by sore-headed Members of Congress? All are not agreed on the exact phrasing of the espionage bill, but all want a bill with teeth in it, and want it now. If Congress had devoted more time aiming the measure at pro-Germans rather than in an attempt to keep some disgruntled politician from bawling out a more successful politician, the espionage bill, too, would have had the undivided support of the American people. Have these measures been delayed? The best friends of Congress can not say that they have not. Anything of this kind that we can do for you, Mr. POU, will always be done gladly.

Surely the editorial writer on this paper does not keep up with the current events of the day. Surely he does not read the proceedings of Congress or even the digest of the proceedings published every day in many newspapers of the country. Why, Mr. Speaker, the Overman bill did not get here until last week. Everyone, except the gentleman who wrote the editorial I have read, knows that the Overman bill has been held up in another body for three or four weeks. The measure has not even been before the House of Representatives. As I have said, it was only sent to this House last week, and I am told that on the very day following its reception by the House it was taken up by the Committee on the Judiciary and put on the calendar with a favorable report on the 9th of May, and on yesterday my colleague, the leader of the majority, Mr. KITCHIN, of North Carolina, obtained unanimous consent for the consideration of this measure in the near future.

Mr. GARNER. On Monday of next week.

Mr. POU. Yes; on Monday next.

Mr. LAZARO. Mr. Speaker, will the gentleman yield for a question?

Mr POU. Yes.

Mr. LAZARO. Is it not a fact that this bill was considered and reported favorably by the Committee on the Judiciary in an hour and twenty minutes?

Mr. POU. Yes; I was coming to that. I am glad the gentlemen mentioned it. After consideration of 1 hour and 20 minutes by the Judiciary Committee the bill was reported favorably.

Mr. LAZARO. By a vote of 15 to 1.

Mr. POU. By a vote of 15 to 1, as the gentleman says.

Immediately the gentleman from North Carolina [Mr. KITCHIN], with his usual promptness, upheld, as he always is, by every patriotic man in this Chamber—Democrat as well as Republican—because we are all cooperating in doing what we can to put through without delay all of these great war measures, asked and obtained unanimous consent for the consideration of this measure, and it will be considered on Monday of next week. There will be no delay; certainly there will be no unnecessary delay. That is my answer with respect to our action on the Overman bill, to which the editor of the Raleigh Times points me with an assurance and confidence born of ignorance.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. COX. Does not the gentleman think these cards that are coming to us should be addressed rather to some branches of the executive department asking them to hurry up with aircraft production, ship construction, and the manufacture of heavy artillery? [Applause.]

Mr. POU. I will say to my good friend from Indiana that I can not go into a discussion of those matters here and now. I will say, however, that I believe somebody has committed a crime against the American people in the manufacture of aircraft, but the House of Representatives can in no wise be held responsible. We were asked to appropriate $640,000,000 about a year ago, and a bill making the appropriation asked for was promptly passed. What I undertook to prove, and what I believe I have proven, was that this House is not responsible for any delay in passing any one of these great measures necessary to carry on the war and demanded by the American people. Where men have done everything humanly possible to put through these measures it is nothing short of insult to put in motion a post-card chain addressed to those men telling them "For God's sake, hurry up!"

Now, how about the espionage bill pointed out by the editor of the Times? Why, it was put on the calendar of the House on April 17. We all know it has been in conference for some days. The article I have read appeared on May 6, and on the very day after the article appeared the conference report on the espionage act was agreed to in this House by a vote of 292 to 1. [Applause.] No man can charge there was any unnecessary delay. The conferees agreed as promptly as any reasonable man could expect on a bill of such importance.

Mr. MADDEN. I suppose the editor will think he did that.

Mr. POU. Perhaps so. In any event, we acted on the very next day after the article appeared, but I imagine no one here at that time had read the editorial.

Mr. Speaker, I am not going to charge the writer of the article with intentional unfairness, but he never even alluded to some statistics from the Committee on Rules which I quoted showing that the Committee on Rules had authorized during this Congress 26 favorable reports, and that the discussion on all the reports presented to the House did not consume one legislative day. In fairness, the writer might have said something of those statistics, for I believe I am safe in saying no former House has acted with greater promptness or with so little debate upon an equal number of special rules.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. GARNER. In substance, the whole offense of the gentleman the editor referred to is that he is wanting in knowledge.

Mr. POU. In language sometimes employed by the courts, I will say it would seem so. In the article I have read the writer says Congressman EDWARD W. POU is "galled," and so forth. Why, Mr. Speaker, there is no reason on earth for me to feel galled about anything. I have no grievance. Personally, I care nothing about the post-card offensive. They do not concern me personally and they do not reflect in any way on the committee of which I have the honor to be chairman. Now, it is seldom in good taste to inject one's personality into a discussion here, but inasmuch as I am charged with being galled into reply-

ing to this post-card offensive, I think I may be excused for asking the Clerk to read a letter I received a few days ago from the Commander in Chief of the Army and Navy, the President of the United States, to show what he thinks of my course as a Member of this House in helping as best I can to put through promptly measures deemed necessary for the prosecution of the war.

The Clerk read as follows:

THE WHITE HOUSE,
Washington, May 3, 1918.

MY DEAR MR. POU: You are always generous and helpful and I thank you warmly for your letter of yesterday. Undoubtedly you know the best way to handle H. R. 10264, the passport bill, and I am more than willing to trust entirely to your judgment.

Thanking you again for your very great generosity in cooperating,
Cordially and sincerely, yours,

WOODROW WILSON.

Hon. EDWARD W. POU,
House of Representatives.

[Applause.]

Mr. Speaker, no man has any right to intimate that I am galled about anything. Indeed, such intimation is entirely gratuitous. In conclusion, let me say this: There is a cheap and common practice among certain gentlemen of the press—few in number, I am glad to say—to reflect upon Congress upon any slight pretext, no matter what we do or how hard we strive to do our full duty. It is thought by some to be popular to take a fling at Congress any old time. Something goes wrong, Congress is to blame. As a private citizen you may have the confidence of all your people, but as soon as you get to be a Congressman you are ready to put in pawn your immortal soul to stay here. I am not saying this as applying to the editor of the Raleigh Times. I know the proprietor of the paper personally, and take pleasure in saying he is not a man who would do intentional injustice to anyone. But we all know there is a sentiment that it is reasonably safe to knock your Congressman. There are people, and they are not a few in number, who affect to believe that as soon as a man becomes a Congressman he keeps his ear to the ground eager to catch any change in popular sentiment, ever ready to change his course to square with any shift in the wind. If we do not defend ourselves when we know unjust charges are printed, who is there to see that we get a square deal? The point I am making is that the membership of this body have every reason, every incentive, every possible stimulus to speed up all measures necessary to win this war. There is no reason why we should be legislative slackers, and I say we are not. I see men on all sides who have boys on the firing line. The membership of this body are represented in France just as other American fathers are represented there. And I say in conclusion, Mr. Speaker, that the membership of this body loyally upholds the hands of the constituted authorities to see that the war is conducted vigorously. This House, without regard to party, standing together almost as one man, more than 400 strong, willing to risk all, willing to do all, willing to stay in session night and day indefinitely, if necessary, will in the future, as in the past, uphold the hands of the Commander in Chief and all other constituted authorities in bringing this war to a speedy and victorious end. [Applause.]

CONFERENCE REPORT ON HOUSING BILL.

Mr. CLARK of Florida. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 10265) providing housing facilities for war needs.

The SPEAKER. The gentleman can not do it without unanimous consent.

Mr. CLARK of Florida. Then, Mr. Speaker, I ask unanimous consent to take it up.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the conference report on the housing bill. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask what has become of the penitentiary measure reported under a special rule? Apparently that very important war measure is to be further delayed. I do not think it ought to be delayed under these circumstances by conference reports or appropriation bills, particularly in view of the fact that it was urged as a war measure and was made immediately in order after the adoption of a special rule. Along that line, I would like to ask the distinguished chairman of the Committee on Public Buildings and Grounds about how long he thinks action on the conference report will take, if it is taken up.

Mr. CLARK of Florida. It ought not to take 10 minutes.

Mr. WALSH. What is it?

Mr. CLARK of Florida. The housing bill.

Mr. WALSH. The $60,000,000 housing bill?

Mr. CLARK of Florida. Yes.

Mr. CANNON. Is there a full agreement between the House and the Senate?

Mr. CLARK of Florida. Yes; an absolute agreement.

Mr. CANNON. When was the report made?

Mr. CLARK of Florida. On May 7, I think. It has been printed, and the statement has been printed.

Mr. CANNON. Yes; but there is so much doing that we have to get reports on the fly unless we can multiply ourselves by 2 and 3.

Mr. CLARK of Florida. If consent is given, I will ask to have the statement read.

Mr. GARNER. There was no real difference between the House and the Senate?

Mr. CLARK of Florida. No; they have come to an absolute agreement.

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Does a conference report take precedence over a special rule?

The SPEAKER. No; it does not, and the Chair required the gentleman from Florida to ask unanimous consent, and that is what he is doing now.

Mr. KITCHIN. Mr. Speaker, reserving the right to object, as I understand, the main difference between the House and the Senate was that the House placed the power and complete authority with the Secretary of Labor to use this building fund. The Senate changed it by putting the power and authority in the hands of the President. That was the main difference.

Mr. CLARK of Florida. There were two or three things, but the main difference was as the gentleman from North Carolina has stated. There was another difference—the Senate struck out the power to take over electric railway transportation and other facilities, and after the House had agreed to the substitution of the President the Senate had no objection to putting that back.

Mr. KITCHIN. The House gets what it passed, except the transfer of the power to use the money from the Secretary of Labor to the President.

Mr. CLARK of Florida. That was the main difference.

Mr. STAFFORD. Reserving the right to object, I wish to inquire of the chairman of the committee whether I am right as to that amendment which was strenuously pressed by the chairman of the Committee on Appropriations, that so far as the $10,000,000 appropriation for the housing in the District of Columbia is concerned that the House conferees receded from its position and agreed to strike that out.

Mr. CLARK of Florida. The House did.

Mr. STAFFORD. Can the gentleman inform the committee whether that action has the approval of the gentleman who sponsored it, the chairman of the Committee on Appropriations?

Mr. CLARK of Florida. I do not know.

Mr. COX. Mr. Speaker, I can not allow this to come up by unanimous consent until the gentleman from Kentucky [Mr. SHERLEY] comes in.

The SPEAKER. Is there objection?

Mr. COX. I object.

PENSION APPROPRIATION BILL.

Mr. GALLIVAN. Mr. Speaker, I ask unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union on the pension appropriation bill. I understand that that has been agreed to by the gentleman in charge of the penitentiary bill.

The SPEAKER. But the gentleman in charge of the penitentiary bill can not control it. The gentleman from Massachusetts [Mr. GALLIVAN] asks unanimous consent to take up the general pension bill, the special rule to the contrary notwithstanding. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, this, of course, is the annual measure that is passed each year, and certainly there is no urgency about that and no particular reason why it should be given preference over this great emergency war measure, for which we adopted a special rule the other day, and I will object.

MANUFACTURE OF SUPPLIES FOR GOVERNMENT AT ATLANTA PENITENTIARY.

The SPEAKER. The gentleman from Massachusetts objects. The House resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8938.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8938) to equip the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes, with Mr. RUBEY in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 8938, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8938) to equip the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes.

Be it enacted, etc., That the Attorney General of the United States is authorized and directed to establish, equip, maintain, and operate at the United States Penitentiary, Atlanta, Ga., a factory or factories for the manufacture of cotton fabrics to supply the requirements of the War and Navy Departments, the Shipping Corporation, cotton duck suitable for tents and other army purposes, and canvas for mail sacks, and for the manufacture of mail sacks and other similar mail-carrying equipment for the use of the United States Government. The factory or factories shall not be so operated as to abolish any existing Government workshop or curtail the production within its present limits of any such Government workshop.

SEC. 2. That from and after July 1, 1918, articles so manufactured shall not be purchased from any source other than governmental for the United States Government, or any department, bureau, or other agency thereof, unless the Attorney General or his authorized agent shall certify that the same can not be furnished by such prison factory or factories, and no claim shall be audited or paid without such certificate.

SEC. 3. That articles so manufactured shall be sold at the current market prices as determined by the Attorney General or his authorized agent, and all moneys or reimbursements received from such sales shall be deposited to the credit of the working capital fund created by this act.

SEC. 4. That the Attorney General is hereby authorized and empowered to provide for the payment to the inmates or dependents upon inmates of said penitentiary such pecuniary earnings as he may deem proper, under such rules and regulations as he may prescribe. Such earnings shall be paid out of the working capital fund.

SEC. 5. That there is authorized to be appropriated the sum of $650,000 for the purchase of machinery and other equipment to carry out the purposes of this act.

SEC. 6. That there is created a fund, to be known as the working capital, which shall be available for the carrying on the industrial enterprise authorized herein or which may be authorized hereafter by law to be carried on in said penitentiary. The working capital shall consist of the sum of $350,000, which sum is authorized to be appropriated. The receipts from the sale of the products or by-products of the said industries and the sale of condemned machinery or equipment shall be credited to the working capital fund and be available for appropriation by Congress, annually, for the purposes set forth in this act.

SEC. 7. That said working capital shall be disbursed under the direction of the Attorney General and shall be available for the purchase, repair, or replacement of machinery or equipment, for the purchase of raw materials or parts, for the employment of necessary civilian officers and employees at the penitentiary and in Washington, for the repair and maintenance of buildings and equipment, and for all other necessary expenses in carrying out the provisions of this act.

SEC. 8. That the products of said industries shall not be disposed of except as provided in this act.

SEC. 9. That all laws and parts of laws to the extent that they are in conflict with this act are repealed.

The committee amendments were read, as follows:

Page 2, after line 7, at the end of paragraph, add a new paragraph to section 1, as follows:

"The Attorney General is hereby further authorized and directed to acquire, by purchase or condemnation proceedings, such tracts of land at such points as he may determine, which may be cleared, graded, and cultivated. And the Attorney General is authorized to employ the inmates of the institution herein mentioned under such regulations as he may prescribe in the work of clearing, grading, and cultivation of such acquired tracts of land. The products of any such agricultural development shall be utilized in supplying such correctional institutions as the Attorney General may designate, or in his discretion may be sold."

Page 2, lines 8 to 15, inclusive, strike out all of section 2.

Page 2, line 16, strike out after "Sec." the figure "3" and insert the figure "2."

Page 2, line 21, strike out after "Sec." the figure "4" and insert the figure "3."

Page 3, line 3, strike out after "Sec." the figure "5" and insert the figure "4."

Page 3, line 6, strike out after "Sec." the figure "6" and insert the figure "5."

Page 3, line 17, strike out after "Sec." the figure "7" and insert the figure "6."

Page 4, line 1, strike out after "Sec." the figure "8" and insert the figure "7."

Page 4, line 3, strike out after "Sec." the figure "9" and insert the figure "8."

The CHAIRMAN. Under the rule adopted there will be one hour of general debate, one half to be controlled by those in favor of the bill and the other half by those opposed. The Chair supposes the gentleman from North Carolina would control half of the time, but would like to be informed who will control the other half.

Mr. WEBB. If the gentleman from Missouri [Mr. DYER] is opposed to the bill, he would be entitled to control that side.

Mr. CANNON. If there is anybody opposed to it, they ought to have half of that time.

Mr. DYER. I am opposed to the bill.

Mr. GARNER. Who is going to control the opposition time?

Mr. WEBB. The gentleman from Missouri [Mr. DYER].

Mr. GARNER. Will the Chair make inquiry to see whether there is anyone in the House opposed to the bill?

Mr. MOORE of Pennsylvania. I am opposed to the bill.

Mr. WALSH. The gentleman from Missouri, a member of the committee, is opposed to the bill, and is the senior member of the committee——

Mr. WEBB. It is my understanding the gentleman from Missouri would control the time.

Mr. GARNER. I am trying to ascertain whether the gentleman from Missouri was opposed to the bill, and I have not heard him say so up to date.

Mr. DYER. I stated to the Chair; I have not stated it to the gentleman.

Mr. GARNER. Did the Chair understand the gentleman from Missouri was opposed to the bill?

The CHAIRMAN. The Chair understood the gentleman from Missouri [Mr. DYER] was opposed to the bill, and, as he is a member of the committee, will control the time in opposition to the bill. With that understanding the Chair will recognize the gentleman from North Carolina to control the other half of the time.

Mr. WEBB. Mr. Chairman, I would like to be notified when I have used 10 minutes. Mr. Chairman and gentlemen of the committee, about three years ago the question of what should be done with the Federal prisoners in the Atlanta Penitentiary, where about 1,400 are now kept, and at the Leavenworth Penitentiary, where about 1,600 are kept, became a grave and acute question with the Government of the United States. Congress realized the gravity of the situation, because at that time the vast buildings which have been in course of construction at the Leavenworth and Atlanta Penitentiaries were nearing completion, and it was the desire of the Congress that some work should be given those prisoners, who had heretofore been employed in the construction of the penitentiary buildings, in the nature of a useful and a gainful occupation inside the walls or as near to the penitentiary as proper. Yielding to this feeling, Congress, in 1916—I think it was September 8—passed a law providing for a commission which was in substance as follows:

To be composed of the Chief of Ordnance of the United States Army, the Chief of Ordnance of the United States Navy, and the purchasing agent of the Post Office Department, and the superintendent of prisons of the Department of Justice, as a commission to investigate and report detailed estimates and plans for equipping the United States penitentiaries for the manufacture by prisoners of the various articles used by the Government. Such report shall indicate what articles it is thought desirable to be there manufactured, the cost of equipping existing buildings, and the construction and equipment of any other necessary buildings recommended.

Now, that commission immediately went to work—and I should say it was composed of Gen. Crozier, Gen. Strauss, Mr. Edgerton, purchasing agent of the Post Office Department, and Mr. Duehay, superintendent of prisons. These four commissioners investigated the conditions of McNeil Island Prison, where there are about 200 prisoners, Leavenworth, and Atlanta. They filed their report, dated December 2, 1916. I believe the law required them to report at the December session; and they recommended that in the Atlanta Penitentiary there should be constructed a plant for the manufacture of textile goods, largely, if I remember, for the purpose of making mail sacks for the United States Government. At the Leavenworth Penitentiary they recommended the erection of a furniture factory, to be used in the manufacture of furniture to be used exclusively by the Government. Now, in response to the recommendation, this Congress a year ago passed an act appropriating enough money to erect a building at Leavenworth and one at the Atlanta Penitentiary, the one at Leavenworth to be used for the manufacture of furniture and the one at Atlanta for the manufacture of textiles.

Mr. AUSTIN. What was the recommendation as to the prison on the Pacific coast?

Mr. WEBB. At McNeil Island? They made no recommendation as to that point. They first considered the question of the manufacture of munitions of war there, but they said it would not be a wise thing to allow prisoners to handle such dangerous and high explosives as munitions, and therefore they made no recommendation in view of the fact that the prison was a very small one, only having about 200 to 250 prisoners.

Mr. NOLAN. If the gentleman will permit, since that time recommendation has been made for the penitentiary at McNeil Island to be utilized for the manufacture of pulp and paper.

Mr. WEBB. I understand so, but I am speaking of the report upon which Congress acted. Now, last year this Congress appropriated $129,000 for these buildings as recommended. The authorities went to work immediately in Atlanta and Leavenworth and inside of 60 or 90 days the laborers and prisoners in the Atlanta Penitentiary, together with such outside help as was necessary to be employed to build this structure, erected a concrete building 210 feet wide by 465 feet long, with a sawtooth roof and a concrete floor, and in all respects a modern, up-to-date building suitable for the manufacture of cotton tex-

tiles. The building stands there idle now. There are 1,400 prisoners in that penitentiary now idle. These prisoners have been for the last 15 or 20 years erecting buildings in the Atlanta Penitentiary which are now worth from three and a half to four million dollars, but that work is done and those prisoners now have nothing else to do.

Mr. HICKS. Will the gentleman yield?

Mr. WEBB. I will.

Mr. HICKS. Under what authority were these buildings erected of which the gentleman speaks?

Mr. WEBB. The Atlanta Penitentiary buildings?

Mr. HICKS. The new ones to be used as a workshop.

Mr. WEBB. The authority of Congress a year ago.

Mr. HICKS. Did we pass it?

Mr. WEBB. This Congress passed it a year ago.

Mr. CANNON. From what appropriation and at what cost?

Mr. WEBB. One hundred and twenty-nine thousand dollars.

Mr. CANNON. And prison labor utilized in the construction so far as it could be?

Mr. WEBB. Yes, sir.

Mr. CANNON. How much is the additional cost now? Is this just the mere building?

Mr. WEBB. I am coming to that, and I will tell the gentleman. What I wanted to impress on the committee is this: That acting upon the mandate of Congress the authorities have already erected a magnificent building of concrete, 465 feet long and 210 feet wide, for the purpose of accommodating machinery to manufacture cotton duck for the use of the United States Government.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. WEBB. Yes.

Mr. SLAYDEN. I am a little concerned about these matters, because I do not like to see the Government going into competition with citizens in any lines of business where it is unavoidable. Are the products of this plant to be used exclusively for the Government?

Mr. WEBB. Absolutely. The bill confines them absolutely to Government uses—the Army, Navy, Shipping Board, and for mail bags.

Mr. SLAYDEN. Suppose we supply all the Government needs in six months?

Mr. WEBB. Then, under this bill, they will have to shut down.

Mr. SLAYDEN. I am glad of it.

Mr. WEBB. I want to say to the gentleman——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. MOORE of Pennsylvania. Did the gentleman read section 2 of the bill, which fixes the sales at the current market prices?

Mr. WEBB. Absolutely.

Mr. MOORE of Pennsylvania. That does not mean outside?

Mr. WEBB. Not at all. That was carefully considered and gone over. I will say to the gentlemen of the committee that since war was declared there has occurred in the United States a most acute and grave shortage of cotton duck, of heavy cotton goods which they call ducking. I have a letter here from the War Industries Board of the Council of National Defense which I will not take the time to read, because it is in the hearings, and I put it in the RECORD day before yesterday, in which this board, through Mr. Scott, says there will be for 1918 a shortage of 5,000,000 to 6,000,000 yards of this ducking; that it can not be furnished by any private enterprises in the United States to the Army for its tents, the Navy for its sails, or to the Shipping Board, or for mail sacks for the Post Office Department, which can not possibly be supplied through commercial production of duck in the United States.

Mr. MADDEN. Will the gentleman yield?

Mr. WEBB. For a question.

Mr. MADDEN. What about the truth of the statement that was made on the floor to the effect that private manufacturers of duck, capable of supplying 5,000 yards of ducking a week to the Government of the United States, have been endeavoring for more than two or three months to get a reply to their suggestion that they could do that from the Government authorities, and have not been able to get it?

Mr. WEBB. I saw that statement in the RECORD by Mr. Snell. I do not know anything about it. I called up the textile board, and they said that the shortage now is as acute as it ever was. I know this, that they are needing it, and that machinery for manufacture of carpet is endeavored to be used for manufacture of duck which is for the use of the United States—for the Army and Navy and the Shipping Board.

Mr. HUSTED. Will the gentleman yield?

Mr. WEBB. I will.

Mr. HUSTED. What is the estimate of time for equipping this building with machinery and actually getting it in such shape that a quantity of production of duck could be had from it?

Mr. WEBB. Six months. The tentative contracts have already been made, and we are told by gentlemen who ought to know that within 1 year or 18 months, with the price that duck is now bringing, the institution will pay for itself. That is the financial side of it. It ought to be put in, because there is an acute Government shortage in this particular kind of goods greatly needed for the Army and Navy. The proposition is to put 500 looms in this building and 78 twisters.

The CHAIRMAN. The gentleman from North Carolina has consumed 10 minutes.

Mr. WEBB. I will use five more. They do not propose to spin any cotton, but they propose to buy it already spun and twist it with these twisters and weave it into duck with the 500 looms. We are sure it can be done, and the mill will be runnnig within six months.

Mr. STAFFORD. Will the gentleman yield for an interruption for information?

Mr. WEBB. Yes; I will yield for a question.

Mr. STAFFORD. I wish to inquire whether the amounts as carried in the bill are for the equipment to the maximum capacity or whether the committee followed the recommendations of the commission that it should be merely an experiment? I notice that in the report, in the amount of the appropriations recommended by the commission, they are nearly one-half of those carried in the bill. Is it the purpose of the bill under consideration to establish this on a permanent, full-equipped basis or merely as an experiment as recommended by the commission that investigated this subject?

Mr. WEBB. I think the commission recommended $625,000. It is an experiment, because these 500 looms can be operated by 250 men; but it is proposed that 400 out of the 1,400 prisoners be used in running these looms, because they do not propose to work the prisoners the same length of time as they would outside men.

Mr. SHERLEY. In order that the gentleman may get the information, I wish to state that the original plan contemplated 359 looms. That was the number in the former estimate. The present one, as has been stated by the gentleman, contemplates 500 looms. To that extent it is an enlargement of the original plan.

Mr. WEBB. In view of the great war emergency.

Mr. STAFFORD. The bill as recommended by the commission and printed in the report carried amounts much less than are recommended in the bill under consideration.

Mr. SHERLEY. The original plan contemplated 359 looms. The present appropriation carried in the bill is for 500 looms and 78 twisters. That will be found in the hearings.

Mr. STAFFORD. May I inquire whether this number of looms will equip the plant so as to utilize the labor of all of the confined prisoners?

Mr. WEBB. No. Only 400 prisoners will be used for that work. If you should use them all it would probably take 1,000 looms. But it is thought best that a part of them, 250 prisoners, should work out on the farm and 250 in the yard and 450 on this duck manufacture, and about 25 per cent would be unfit for any kind of work.

Mr. DOMINICK. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. DOMINICK. I would like to ask the gentleman whether or not in the hearings it was developed that any investigation was made by the health authorities or by anyone familiar with health conditions in the prisons as to the effect upon the health of inmates of textile manufactures within prison walls?

Mr. WEBB. Yes, sir; and I unhesitatingly say that within this great concrete building, with perfect sanitation and perfect ventilation throughout, with its humidifiers and every up-to-date improvement, the prisoners will be maintained under just as about as healthy a condition as we have in the Hall of the House of Representatives.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. HUSTED. What is the estimated capacity of the looms?

Mr. WEBB. From five to six million yards yearly.

Mr. AUSTIN. It is not proposed to work the convicts on four looms apiece?

Mr. WEBB. No. It is proposed to let a prisoner operate two looms instead of four.

Besides that, labor has indorsed this movement, and all advanced prison reformers have indorsed it. It is also a step forward in modern humanitarianism that we propose, so that when they get out of prison they will have something to give

to their wives and children and at the same time will have learned a profession. [Applause.]

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. FESS. There has been some objection to this on the ground that we could not get the machinery in time to use it?

Mr. WEBB. Yes. I have a statement from this commission and from Mr. Duehay, the superintendent of prisons, saying that the machinery manufacturers in Massachusetts have promised to deliver the machinery in six months after the contract has been let.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. COOPER of Wisconsin. What is the average number of prisoners in that institution?

Mr. WEBB. It has grown from a thousand about four years ago to 1,400 at present at Atlanta, and it is 1,600 at Leavenworth.

Mr. COOPER of Wisconsin. What is the number of men proposed to be employed on the machines?

Mr. WEBB. Four hundred to do the work in this textile plant.

Mr. WATSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. WATSON of Pennsylvania. "Cotton fabrics" covers a great many materials, as carpets and sheetings, and so forth. Is it the object of the Government eventually to manufacture all cotton materials?

Mr. WEBB. No. This bill confines it to cotton duck and material suitable for tents and mail sacks, and so forth.

Mr. WATSON of Pennsylvania. It says "cotton fabrics."

Mr. WEBB. Cotton duck suitable for tents. The language of the bill, if you will look at the bottom of the first page, is "cotton duck suitable for tents and other Army purposes and canvas for mail sacks."

Mr. WATSON of Pennsylvania. It says "cotton fabrics." Now, cotton fabrics include carpets and all kinds of material for sheeting.

Mr. WEBB. If the gentleman will look at the bill, on line 8, of the first page, he will see the language there is "cotton duck suitable for tents and other Army purposes and canvas for mail sacks and for the manufacture of mail sacks and other similar mail-carrying equipment."

Mr. WATSON of Pennsylvania. What does it mean—"a factory or factories for the manufacture of cotton fabrics"? That is very plain.

Mr. WEBB. It is confined to cotton duck for those purposes. Now, Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from North Carolina reserves the balance of his time.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes.

Mr. AUSTIN. Mr. Chairman, a bill similar to this was offered to this House in normal times prior to the war, so that this is simply a continuation or renewal of a proposition to bring convict labor into competition with free or paid labor. The laboring people of this country, organized and unorganized, have been appealing to Congress for 10 years to pass a bill to prohibit the transportation of convict-made goods in interstate commerce. This House has passed such a measure once or twice, but it has never succeeded in getting through the Senate, so that instead of going forward with the legislation seeking to put an end to the competition of convict labor with free labor, this House is now urged to inaugurate a precedent, establish a precedent, for this great Government to do what this House in a previous Congress decided should not be done by the States, namely, to bring their convicts in competition with honest free labor.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Not in five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. AUSTIN. Now, this bill is not necessary to supply the Army's or Navy's equipment, for it only means one plant employing 420 people.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. No. I have not time. In five minutes I can not do it.

The CHAIRMAN. The gentleman declines to yield.

Mr. AUSTIN. I represent a textile district, and I will guarantee to furnish the Government of the United States with the amount of ducking from a private plant in my town—Knoxville, Tenn.—equal to the output of the proposed penitentiary mill. There are thousands of textile mills in the United States, and I doubt not many in the district represented by the gentleman from North Carolina [Mr. WEBB], the chairman of this Committee on the Judiciary, having this bill in charge.

Mr. WEBB. There are 220 in my district.

Mr. AUSTIN. If the Government needs these supplies, mill owners can afford to lay aside some of their outside business and come to the aid of the Government. Why not use the convicts, if their services are needed, in the construction of military roads in this country? They are absolutely essential, and we have already appropriated money which is now being expended in the construction of roads down in the neighborhood of Norfolk and Newport News. We can find a place and necessity for the work of convicts in the open air, where their labor will not come in competition with that of the skilled mechanics in the industrial plants of the South and other sections of the United States.

This great Government owes a duty to the men who have gone forward in investing their money in creating an industrial system in the United States which has given employment at good wages to a great industrial army, and Congress has enacted laws here which are requiring these men to pay income and excess-profits taxes, and thus aid in financing this war. We ought to protect their investment and the honest, deserving people who work for them. We ought not at this time or at any time—for there is no real necessity for it—inaugurate a vicious system which commits the American Congress to the encouragement of competition between convict labor and honest free labor.

This House has been practically unanimous on all war legislation; but I draw the line against this unpatriotic legislation, for it is not war legislation. It is proposed legislation which was attempted here in times of peace. It is not necessary, and while there has been a united Congress in favor of war legislation, I believe there ought to be united action against committing our Government to this vicious system of bringing convict labor in competition with the labor of our own constituents, and I hope the Republican and Democratic Members will do what they have done in the past when similar legislation was brought forward, and will defeat it for the honor of the American Congress, defeat it for the welfare of organized and unorganized labor, defeat it in the interest of invested capital and in behalf of loyal and patriotic employees who are doing their full share in the vigorous and successful prosecution of this war. [Applause.]

Mr. WEBB. I yield 10 minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman and gentlemen, I hope in this brief time to remove several misconceptions touching both the origin and purpose of this bill.

More than 10 years ago in this House I called attention to the fact that the Congress of the United States could not justify its then and its present system of treatment of convicts. I believe that the Government of the United States owes something more to a convict than to turn him out at the expiration of his service with a new suit of clothes and the brand of a felon upon his back. [Applause.] I believe that a humane Government owes to him a chance in life, and I have always believed that there was nothing so destructive of the character of a man as having him perform useless labor. Convicts in the penitentiaries of the United States have been required to pick up building stone and carry it from one side of a yard to another and then carry it from that side back to the side from which they took it in order that they might not be absolutely idle.

Mr. ANTHONY. Will the gentleman state where that happened?

Mr. SHERLEY. It happened in a United States penitentiary at times when the work was not sufficient to keep all the men employed.

Mr. ANTHONY. My understanding has been that there was work in constructing these penitentiaries.

Mr. SHERLEY. There was, but there was not always enough to keep all the men employed. Therefore, irrespective of any war emergency, and long before the war was thought of, I introduced a provision, which was carried in an appropriation bill, for the appointment of a commission to report on how to use the labor in the Government penitentiaries, knowing that with the completion of the work of construction of prison buildings hundreds of the prisoners would be kept in idleness. That commission was composed of men who were chosen presumably because of their knowledge of the matter that they were to deal with. It was composed of the ordnance officer of the Navy, the ordnance officer of the Army, the superintendent of prisons, and the purchaser of supplies in the Post Office Department.

If you will consider that personnel you will see that it carried an officer from the Army and an officer from the Navy who were manufacturers, who had been engaged for the Government in manufacturing work. It carried a representative from the Post Office Department, because at that time it was believed that that department would have most need for supplies which could be manufactured in this way, and it carried properly the man who had charge of the penitentiaries. They were not required to report in favor of or touching any particular industry, but they were called upon as follows. This is the language:

There is created a commission, to be composed of the Chief of Ordnance of the United States Army, the Chief of Ordnance of the United States Navy, the superintendent of prisons of the Department of Justice, and the purchasing agent of the Post Office Department, who shall serve without additional compensation and who shall report to Congress not later than the first Monday in December, 1916, detailed estimates and plans for equipping the United States penitentiaries for the manufacture by the prisoners of various articles used by the Government. Such report shall indicate what articles it is thought desirable to be so manufactured, the cost of equipping existing buildings and the erection and equipping of any other necessary buildings, the probable cost of manufacture of such articles and the price now paid under contract, and such other data as may be pertinent to the general inquiry. For expenses of the commission, to be paid on vouchers to be approved by the chairman, who shall be selected by the members thereof, $5,000.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SHERLEY. Briefly.

Mr. MADDEN. Does the report show the cost of manufacturing the commodities they recommend?

Mr. SHERLEY. There is a very full report, which is found in Document No. 1762, Sixty-fourth Congress.

Mr. MADDEN. Does the report compare the cost of manufacturing in prison with the cost of similar articles purchased outside?

Mr. SHERLEY. It undertakes somewhat in detail to state something of the cost. That commission reported in favor of a cotton factory at Atlanta. They reported in favor of a furniture factory at Leavenworth, and they reported the details of the buildings and the cost of equipment and the amount of money that was necessary as a working capital. I then carried in the sundry civil bill a provision for both the buildings and the factories.

The proposition came onto this floor. A point of order was made by the gentleman from New York [Mr. SNYDER], who stated that he did not believe it was fair to put the Government, as he thought, in competition with furniture manufacturers, some of whom were his constituents, and, naturally, he felt that he must make the point of order. He did make it, whereupon this House adopted a rule making these provisions in order on the sundry civil bill, and the House, practically without dissent, passed an appropriation in the sundry civil bill carrying the money for both the building of the factories and the equipment of them. The bill went to the Senate. There was considerable opposition to it by certain Senators from the South, who were opposed to having a cotton factory which they thought would be in competition with some factories that would furnish the Government with this material. They struck the matter out. It came into conference. As one of the conferees on the part of the House I made the best fight I could in conference for the provision that the House had put in, and succeeded in retaining that part of it which related to the construction of the buildings, but that part for the purchase of the machinery went out. These buildings have been constructed. I then introduced a bill for equipping the factories and subsequently the present bill. Meanwhile the war broke, and there came a situation where the Government was scouring the country for the purpose of getting cotton duck. I do not know the facts of my own personal knowledge, but I do know of the representations that have been repeatedly made to me, and some of which are of record, by gentlemen of the Council of National Defense dealing with cotton fabrics, and by other officials of the Government, stating that they were unable to obtain in America the output that they need for governmental purposes at this time.

Mr. MADDEN. I would like to ask the gentleman a question.

Mr. SHERLEY. I will yield to the gentleman briefly.

Mr. MADDEN. The statement has been made on the floor to the effect that there are cotton-duck factories enough now.

Mr. SHERLEY. I know; I have heard that statement. All I can say is that I do not know of such factories. I am satisfied, however, that the statement made by the gentleman from Tennessee, if accurate, will not be accurate long, because I know that the Government is anxious to get an additional output of cotton fabrics, and they would not have gone to the extent of inducing and putting pressure on the manufacturers of carpets to convert their looms from carpet making into cotton-duck making if there had not been a tremendous demand over and beyond existing capacity.

Now, I must hurry along, for I want to say a few words about competition. This bill is so drawn as to prevent competition in the sense that the laboring men have objected to in the past and do at present. I sympathize thoroughly with their opposition to being put in active competition, affecting prices, with prison-made articles. That proposition is not involved in this proposal, and no man who wants to be fair to the House can claim that it is. What is involved in it is this, that the goods shall be made exclusively for the Government. It does mean, of course, that to the extent they are made for the Government by convict labor they would not be bought from private manufacturers. But it does not mean that the goods are to go on the market to be competitive against free-labor goods, and that is a distinction that is fundamental.

There is another thing—I do not want this factory created for the sake of saving money. I want it created for the sake of saving lives. We want to help these poor unfortunates who are in the penitentiaries. Men talk about putting them on the roads. A certain number of men can be put into that service and employment, but all of them can not. A certain number of men can be worked on the farm, but all of them can not. A certain number can be worked in the factories, but all of them can not.

This bill stood the scrutiny of prison-reform men who have given their lives to the study. It stood the scrutiny of organized labor in this country. They are not on record as being against it, but just the contrary is true. The bill makes provision for payment to the prisoners employed, or to their dependents, of wages that represent the value of their work over and above their cost of maintenance. It offers an opportunity for real work of a real value under conditions that will be sanitary and not unhealthful. It does not represent the last word in prison reform, but it does represent a step forward. It is not a thing thought out suddenly. It is not a thing that is done haphazardly. It is a thing being done as the real judgment of men who have been engaged in manufacture and who know something of the case. And its need is further emphasized now by virtue of the Government's need. I urge it, not simply as a war measure, although it has the right to that title; I urge it as a humanitarian measure, as something better than the do-nothing policy that has characterized this Government for many years past touching prison labor. [Applause.]

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I can not agree with my distinguished friend from Kentucky [Mr. SHERLEY] that this bill does not involve the principle of competition between prison and free labor. It does involve that question, and for that reason I can not give it my approval. For many years it has been a principle of organized labor that this very kind of competition should not be encouraged. Congress has recognized that fact, and if I am not very much mistaken the gentleman from Kentucky and many of his colleagues who now advocate this particular prison measure have stood here strongly advocating the passage of interstate-commerce laws preventing the passage from one State to another of convict-made goods.

Mr. SHERLEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SHERLEY. The difference between that proposition and this is simply that that bill was to throw convict-made goods into general competition in commerce.

Mr. MOORE of Pennsylvania. The gentleman has supported measures in this House to prevent the passing from one State to another of goods made by convict labor.

Mr. SHERLEY. Not to prevent the passage only, but to prevent competition in commerce.

Mr. MOORE of Pennsylvania. I know the gentleman's position, but he will not carry that point so far as one day following the termination of this war, for then free labor will be brought into competition with the prison labor of Georgia. This bill provides for permanent law. The prison labor in the Atlanta Penitentiary is to be used presumably for the purposes of the Government during the war, but when the war closes and free labor returns to the mills and asks for fair employment this competition will be evident.

Mr. SHERLEY. If the gentleman will permit, we do not propose that this shall be in competition; it is to supply the Government to the extent that it can.

Mr. MOORE of Pennsylvania. Exactly; but the provision in the bill is for annual operation.

Mr. SHERLEY. Of course. What would the gentleman do with these convicts?

Mr. MOORE of Pennsylvania. I have not the time to keep up this controversy, but the gentleman asks me what I would do with them?

Mr. SHERLEY. Yes.

Mr. MOORE of Pennsylvania. I think the suggestion of the gentleman from Tennessee [Mr. AUSTIN] is a good one.

Mr. SHERLEY. How about competition there?

Mr. MOORE of Pennsylvania. We could use them in open-air work on the roads.

Mr. SHERLEY. How about competition with the road makers?

Mr. MOORE of Pennsylvania. That is a different kind of labor. This involves the principle of taking convicts and training them to take the place of free labor. That is what this involves.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. LAZARO. Is it not a fact that whatever you work them at you are bound to come in competition with somebody?

Mr. MOORE of Pennsylvania. You may somewhere; you probably will; but I would like the gentleman from Louisiana [Mr. LAZARO], as well as the gentleman from Kentucky [Mr. SHERLEY], to help protect free labor. I would like them to produce some evidence of approval of this bill by free labor. You may have that voice stilled now during the progress of the war, but you do not bring the testimony that free labor is in favor of this measure or the principle that this bill involves. This bill means that you start prison-labor competition in the Atlanta Penitentiary, and there inaugurate it for all penitentiaries throughout the country.

Mr. LAZARO. Does the gentleman take into consideration those who are not organized?

Mr. MOORE of Pennsylvania. I am always considering men who are not organized and want one man to have an equal chance with another.

Mr. LAZARO. How can you work them at all without competition somewhere?

Mr. MOORE of Pennsylvania. I want to say to my friend from Louisiana and to my friend from Kentucky that I am so broad in my industrial beliefs that I would like to see, though I come from a manufacturing center in the North, an extension of those industries in the Southern States. I should like to see the cotton mills placed side by side with the field upon which the raw cotton is produced. I believe the future of the South depends upon the encouragement of industry in the South. The South has been enslaved to its raw production. It has limited its energy to the raising of cotton. The moment the South understands the manufacture of cotton and places the mill by the plantation then the South will understand what it will mean to put a factory in a penitentiary, where the convicts are made to compete with free labor. [Applause.]

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman, and gentlemen of the House. one of my principal reasons for opposing this measure at this time is that the people of the country are being taxed to the extreme limit for money to carry on this war, and now it is proposed to take $1,000,000 out of the Treasury, raised for the purpose of carrying on the war, and under such pretense, establish an industry in the South to come in competition with every cotton-mill spindle in the land. No man can justly say these goods will not compete with the products of cotton mills. This institution is to be permanent, and whether it is permanent or not, if it supplies the Government of the United States with cotton goods, it comes in competition with every industry in that line. What is the use of talking such nonsense as to say that it is not a competing industry? I have a telegram which I received here not five minutes ago, giving the names of the cotton mills of this country engaged in the manufacture of ducking, and they have not been requested by the Government to make a single yard of these goods because the Government needs them so badly. What is the use of this buncombe that this thing is being created because of the great need of Uncle Sam to carry on this war? I am getting tired of this nonsense of gentlemen coming in here and asking for measures to aid in carrying on the war when they are brought in for no other purpose than political reasons. You have captured the railroads by your theory that the Government needed the railroads in carrying on the war. Now comes the Secretary of the Treasury, in addressing an audience of railroad men down in Texas, he said—or at least is reported as saying, "You are my boys, and I am going to take care of you through thick and thin." That is all the Government took over the railroads for, in my judgment—to control the votes of 2,000,000 railroad employees in the next general election, and that is what you are trying to do here. Talk about what you want to do for these men in the prisons. I will tell you what to do for them. Teach them to keep away from anarchy, from I. W. W.-ism, from murder and burglary; teach them to be good citizens and to stay out of the prisons and you will need no employment for them there.

Mr. LAZARO. Would the gentleman work them at all?

Mr. FORDNEY. I know we need prisons in this country, and God knows there are a lot of fellows on the outside that in my opinion ought to be on the inside right now, but they are in the class that I just mentioned.

Mr. LAZARO. Would the gentleman work them at all?

Mr. FORDNEY. Yes; but I do not believe in working the taxpayer whom you are calling upon for money to carry on the war, in order to in an underhanded way establish an industry in the South.

Mr. LAZARO rose.

Mr. FORDNEY. Mr. Chairman, I regret that I have only five minutes, and I can not yield any more. We have about 33,000,000 spindles in the cotton mills of this country, and no request from Uncle Sam to any of the entire number to make ducking, now claimed to be so necessary in carrying on the war to support our boys in the trenches over the sea. What tommy-rot! It is nothing short of that. Gentlemen talk here about giving the convicts outdoor exercise. Are you going to make a pleasure resort of Atlanta, Ga., for convicts?

There is nothing in that proposition.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. FORDNEY. I will.

Mr. JOHNSON of Washington. This million dollars which it is proposed to appropriate would buy a considerable amount of cotton duck, would it not?

Mr. FORDNEY. Oh, yes. This talk about the Government making anything as cheaply as the individual or a set of individuals can is only nonsense. If you establish this industry the Government will not show any overhead expense, just as the Brooklyn Navy Yard has shown in the construction of battleships. The cost of constructing battleships is somewhere from 20 to 30 per cent more than in private yards, and this does not give interest upon the capital invested, no overhead expenses, no charge for draftsmen, who are paid through the Navy or the Army, none of those expenses added to the cost, and yet the cost of construction under the Government control and the cost of operation is from 20 to 30 per cent greater than in the private yards of this country. I am opposed to it; I am unalterably opposed to it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DYER. Does the gentleman on that side desire to use some time?

Mr. WEBB. I would like the gentleman to use the remainder of his time; there will be only one speech on this side.

Mr. DYER. I yield five minutes to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, this bill comes before the committee under false pretenses. It comes here as a war measure. My understanding is that long before the United States entered this world conflict this same proposition was being pressed upon the attention of the Committee on the Judiciary for consideration at its hands. Failing to get that consideration, as in a great many other cases and with a good many other propositions, the war has been made the excuse for bringing it before this House. I am absolutely opposed to the principle of it, and I am glad of an opportunity not only to vote against it, but to voice my opposition to it on the floor of this House. [Applause.] The South is to become the great manufacturing center of this country. She is entitled to become it, because the very logic of things brings the manufacturing end of it in contact with the raw material; but I am not willing to make the South, and I do not believe the people of the South themselves are willing to make it, the cotton-manufacturing center of the Nation by the employment of convict labor. [Applause.] I am opposed to this proposition because it is not limited to the war. Its provisions carry it beyond the period when peace has come. In that event you will force convict labor—convict-made goods—in competition with free labor. I am against that principle, and I have always been against it.

I am against it for a higher reason even than that. The experience in my own State, when at one time we worked convicts in a hosiery mill, was that it tends to promote tuberculosis and to increase it, and I believe that the State owes to its convicts that humanitarian treatment which our civilization should give to those whom the law of the land has found necessary to imprison for the protection of others. [Applause.] And I am not willing by my vote or by my voice to give the sanction of

the Federal Government to the proposition of employing Federal convicts in cotton-mill work when experience conclusively has been—the experience of my own State has been—that it has tended to increase tuberculosis in those mills. You say, "What are we going to do with them?" My own proposition would be, and I think every progressive State in the Union has tended in that direction, to employ these convicts in such work as will give them the most air, sunshine, and outdoor exercise. The man who is to survive the rigors of life must have fresh air and sunshine. I would work these men on the public roads if that were necessary, and other lines of industry that they may go into without affecting their health; but, in any event, I would try to place them in such industries and in such work as will give them the most of free sunshine and free air. I shall vote against this bill. [Applause.]

Mr. DYER. Mr. Chairman, did the gentleman yield back any time?

The CHAIRMAN. The time of the gentleman had expired.

Mr. DYER. I yield five minutes to the gentleman from Massachusetts [Mr. WALSH], a member of the committee.

Mr. WALSH. Mr. Chairman, I am opposed to this bill not because I am opposed to putting convicts to work but I do not think as a humanitarian measure in these modern days it is wise for the Government to embark upon a program of shutting convicts up in cotton factories in order to save their lives, as the gentleman from Kentucky [Mr. SHERLEY] intimated was one of the purposes of this measure. I advocated before the committee that we should provide that they might be given outdoor work, clearing land and engaging in agricultural pursuits, and the testimony that we had, and the admission of gentlemen who appeared in favor of this plan, was to the effect that that was the modern tendency in prison reform. Now, a great deal has been said about equipping these men for following these pursuits in after life. The textile industry of this country is one of the most closely organized of any of the industrial activities and, in my opinion, you need have no fear that these gentlemen who have spent a term within prison walls, working in textile pursuits, will be welcomed with open arms into the manufacturing establishments by their fellow workers after their term of service has expired. We all know how hard it is for those gentlemen to get into industrial activities thereafter. Now, Mr. Chairman, I submit that if the Government is in need of this cotton duck, which need has been pressing, we are advised, for months, because we were so informed last December, that need is not so great when they are willing to wait six months—because that is the period that must elapse before they can install the equipment and have it running so as to manufacture a yard of cotton duck at Atlanta if this bill passes—it is not so great but that they can wait that time for it; and if it is so urgent why have not the authorities commandeered some of the cotton mills in the South or in the North and put them at work manufacturing cotton duck? Another thing. If this plant is established, and this war continues, it will result in taking the cotton which has been made into yarn by other mills for furnishing this penitentiary and which is needed for other classes of goods, because, mind you, they do not intend to spin yarn down at Atlanta but they intend to take the yarn that has been spun elsewhere and then convert it into a coarser yarn in order to make cotton duck, mostly sacking, and other character of material.

Mr. COX. Will the gentleman yield?

Mr. WALSH. I will.

Mr. COX. Is there anything that appeared before your committee which would show that this mill or plant could be equipped with cotton machinery within the amount appropriated here?

Mr. WALSH. No; at the time the hearings were held it was assumed that the sum of money that they now ask for would be sufficient to equip the building which was asked for at that time; but, of course, considerable time has elapsed since the hearings and since the estimates were made, and I believe it was admitted at the hearings that prices had advanced appreciably. And, of course, since the bill was reported——

Mr. COX. Has anyone appeared before your committee who knew what he was talking about on that line?

Mr. WALSH. There was a superintendent of prisons, who had a very carefully detailed estimate which he submitted, and that estimate was prepared by a firm of competent cotton mill engineers who knew how much machinery was required for a certain space and the kind and character of the different machines needed to make this particular class of goods.

Mr. COX. If this machinery is once installed, what will be the maximum output of the mill?

Mr. WALSH. They think that they can make 6,000,000 yards of cotton duck annually with the 500 or 450 looms that would be installed in this building. The modern tendency, Mr. Chairman, has been—and it has been followed, not only in my own State but in other States—to establish what we call in our State a State farm, and they have converted what has been heretofore a wilderness and barren land into most fertile agricultural farms, and they are cultivated and cared for by the convicts. Those convicts are kept out of doors, and even in the severe rigors of winter they find outdoor work for them.

Mr. SHERLEY. Was not the testimony before your committee that only a certain percentage of these men could be employed outside?

Mr. WALSH. I will admit that. The testimony was that only a certain percentage was suitable for agricultural work and only a certain percentage would be suitable for textile work, and that some men could not be put at any work. The vicious prisoners would have to be kept in close confinement.

Mr. DYER. Mr. Chairman, I have two other gentlemen who want to speak upon this, and the debate heretofore has been entirely upon this bill, and it is new practically to most of the Members, and I would like to know if the gentleman from North Carolina would consent, which motion I make, that the time be extended 10 minutes on this side, and if anyone wants additional time over there that it be extended 10 minutes more.

Mr. NOLAN. I would like to have 10 minutes.

Mr. WEBB. I have no objection to that, if it is agreeable to the committee.

Mr. COX. Reserving the right to object, Mr. Chairman——

The CHAIRMAN. The Chair will state that the gentleman from Missouri asks unanimous consent that the time be extended 20 minutes.

Mr. DYER. I hope, Mr. Chairman, there will be no objection, because everything that has been said upon this bill to-day has been entirely relative to it and its merits.

Mr. COX. Does the gentleman propose to occupy the 20 minutes in a general debate on some other matter?

Mr. DYER. Not at all. I will yield to no one on this side unless he will discuss the bill itself.

Mr. COX. There is another measure here of great importance, and while I regret very much to do it I will surely be compelled to object.

Mr. WEBB. I propose to move that the committee rise as soon as this debate is exhausted and ask that the pension bill be taken up.

The CHAIRMAN. Does the gentleman from Indiana object?

Mr. COX. Let me see if I understand the request of the gentleman from Missouri. It is to extend the time of debate 20 minutes, 10 minutes to be used on each side?

Mr. DYER. That is all.

Mr. COX. I think it is a useless consumption of time, but I will not object; but if any more requests for time come up I will do so.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. DYER]? [After a pause.] The Chair hears none.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. DOMINICK].

Mr. DOMINICK. Mr. Chairman, my State is second only to Massachusetts in cotton manufacturing. The district which I have the honor to represent contains about one-fourth of all the textile manufacturing institutions in South Carolina. I am not basing my opposition to this bill solely on the ground of competition, but, as was suggested by the gentleman from South Carolina [Mr. LEVER], who has just preceded me, I am opposing it upon the higher ground—that is, the humanitarian ground—a ground upon which the gentleman from Kentucky [Mr. SHERLEY] also said he was supporting the bill.

What are the humanitarian questions in this bill? The gentleman from Kentucky said that this bill is not the last word in prison reform. No, Mr. Chairman and gentlemen; it is not the last word. It is from way back yonder, almost, in the Dark Ages, and this plan that is now proposed for working prisoners in cotton manufacturing is out of date, and it is shown to be out of date by the advanced thought of to-day.

Mr. BLACK. Will the gentleman yield for a question?

Mr. DOMINICK. For just a brief one. I have only five minutes.

Mr. BLACK. Is not the difference here: That work in cotton mills by convicts would be more conducive to tuberculosis than anything else?

Mr. DOMINICK. I will get to that in a moment.

The gentleman from Kentucky [Mr. SHERLEY] refers to a commission that has examined into and made recommendations as to the employment of prison labor. He has read a list of those who composed that commission. There is not one single member of the health department of this Government on that commis-

sion, as I heard it read. Not a single member of the health department, so far as I know, testified as to health results on prisoners in the hearings on this bill before the committee.

What were the conditions in South Carolina? We had a hosiery mill there within the prison walls. It became notorious that tuberculosis was being hatched in that hosiery mill, and it became known in South Carolina as a tuberculosis incubator. Gov. Blease, who was then governor of South Carolina, made a determined fight for the abolition of that mill being then operated within the prison walls. He met stubborn opposition, but finally the House of Representatives of South Carolina, by unanimous vote as I now recollect it, voted to abolish it, and the senate concurred in that action with only one dissenting vote; and that mill has been abolished.

Now, my friend from Texas asked why the difference between working prisoners in these textile manufactories and in the ordinary cotton mills? It is this: This mill in South Carolina was abolished after thorough investigation and condemnation by the State board of health and other health authorities. The difference is this: When your prisoner within your prison walls is marched into that factory in the morning, he is kept there until luncheon, and he is crowded there within those walls, brought out in the afternoon, has a few minutes' recreation in the open prison yard, and then is marched to his prison cell for the night. For the cotton-mill operative and cotton-mill families, as we have them in the South to-day, they have good, comfortable homes, churches, schoolhouses, amusement halls, and magnificent recreation parks in all the communities. They have such hours that when they get off from their work they can enjoy recreation at these parks. They may work in their gardens, visit and mingle with their friends and neighbors, enjoy fresh, free, and health-giving air, and attend amusement places. They are free men. They have their half holidays on Saturday; they have all of Sunday to enjoy themselves and keep them in health, while the prisoners have not.

Now, I am not unduly concerned entirely from the humanitarian standpoint and the standpoint of justice to the prisoners, but you must remember one thing, that we are fighting and have been fighting the white plague, one of the most destructive pests that has ever ravaged this country, and when these prisoners contract tuberculosis in these indoor mills in the penitentiary they not only injure themselves, but when they are released from these prison walls they carry out the disease with them and spread it broadcast throughout the State and in the communities to which they go.

Now, my friends, that is my position in this matter. If you will notice the hearings, you will find that the committee did not have one single representative from the health department to tell them as to the bad effects of working prisoners in such factories. If they had, I am satisfied the committee would have been told that it is not the proper thing to do, and what is now proposed is a step backward and not forward in prison reform. The representatives from the department of prisons say that the increasing weight of opinion is that convicts should be worked in the open and in agricultural pursuits.

The present solution of the problem in South Carolina is to work all able-bodied prisoners on the public roads and the State farms. Those prisoners who are so dangerous that close confinement is necessary are worked within the penitentiary walls in sewing, repairing, gardening, and chair making. No one in South Carolina having in mind the conditions once prevailing in that penitentiary hosiery mill would for a moment seriously consider a return to that system.

I hope that the bill will be defeated, as it ought to be.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. DOMINICK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. NOLAN].

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. NOLAN. Mr. Chairman, it is rather singular that gentlemen from South Carolina are so solicitous about the health and welfare of men in the penitentiaries who might be compelled to work in the cotton mills provided for in this bill, being afraid the confinement at this kind of employment might be productive of an epidemic of tuberculosis. If my recollection serves me aright, practically the entire South Carolina delegation in the Sixty-fourth Congress voted against the Keating child-labor bill. They did not seem to be so solicitous about the health and welfare of the children in the cotton mills in South Carolina, or as fearful of the little children in the cotton mills of that State contracting tuberculosis as they are about the health of the inmates of the penitentiary at Atlanta, Ga.

I am surprised to see that there is so much opposition to a measure of this kind. These gentlemen say it is not the last word in prison-labor reform. The best posted people in this country advocate this system as the ideal system for the employment of convicts. The principle involved here has the support of the National Prison Labor Committee. The bill itself has the support of the National Prison Labor Committee. It has the support of the American Federation of Labor. It has the support of every organization in this country that has given any serious thought to prison-labor reform. It has already been adopted by a number of States. Not one man interested in prison-labor reform, unless he was in some way or other connected with contract labor, appeared before the Committee on Labor when it had under discussion the Booher bill, which would have provided for the manufacture of mail sacks, cotton duck, and tenting at Atlanta, furniture at Leavenworth, and pulp and paper at McNeils Island.

When you talk about entering into competition with free labor—this system is noncompetitive and the least objectionable of all—let me call your attention to the fact that there are three systems connected with convict labor. First take the contract system. That is almost wholly abolished in this country, except in a few States. The product of the convicts enters actively into competition with the products of free labor, because the product is sold in the open market in competition with the product of free labor, and thereby determines the price of the class of goods on the market and is unfair competition.

There is another system adopted by a number of States, particularly in the Middle West, what is known as the State-account system, where the State penitentiaries manufacture, it may be, canned goods, it may be binding twine, or it may be farm implements. They manufacture these articles and sell them to the consumers and producers of the State. That is known as the State-account system, and it also goes into competition with free labor. You do not hear any complaint about that from the gentlemen who are opposing this bill. The principle involved in this bill is what is known as the State-use system. It was first adopted by the State of New York and it is in active operation there now. Everything that is made in the State penitentiaries of New York is made for the State itself or for one of its municipalities or political subdivisions. It can not go outside into the channels of trade in competition with free labor.

That is all there is in this bill. They intend to establish down at Atlanta a cotton mill with 500 spindles. They will operate two spindles with one convict. Two hundred and fifty convicts would be employed in one shift if they have two shifts. They will probably divide it up into shifts of five hours each. There are 1,600 convicts there now. Some useful employment should be found for the eleven or twelve hundred extra men outside of the cotton mill. In addition to that, you must expect to get back during this war from the front, both as Army and Navy prisoners, thousands of men who are court-martialed and convicted of infractions of military rules. Are you going to send these men into your Federal prisons and have them eat their heads off? This bill will initiate a system whereby they will be employed at useful work, and compensate them for it; our military prisoners can not be classed with convicts in the State prisons who are sent up for all sorts of crimes. Many of these men will get long sentences for offenses that in ordinary times would be overlooked, but in war times are considered seriously. They are entitled to better consideration than ordinary convicts.

The gentleman from Michigan [Mr. FORDNEY] talked about teaching the men in the penitentiaries to keep away from the I. W. W. What are you going to do with the I. W. W.'s when you send them to the penitentiary? They have over 100 of them on trial in Chicago now. If they are convicted, they will have to be kept employed; and if you do not keep them steadily employed they will make I. W. W.'s of nearly everybody else in the penitentiaries to which they are sent. Idle and discontented men are virgin soil for I. W. W. propaganda, but fairly treated prisoners steadily employed in the prisons will pay no attention to the preachings of these industrial outlaws.

If you want to do the right thing, adopt this principle. It will employ only four or five hundred men, but it will be an experiment in Federal prisons with the labor of our Federal prisoners, and the same system must be extended to Leavenworth, and it must also be extended to McNeil Island.

I did not entirely agree with the employment found at Alcatraz Island in San Francisco Bay for the military prisoners out

there. I agreed, however, that they should be employed at some useful occupation, at some work that they could be able to make a living at on the outside, and they can be employed in the textile mills after they have worked at this trade and have been released from prison.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. NOLAN. May I have one minute more?

Mr. WEBB. I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman is recognized for one minute more.

Mr. NOLAN. Out in San Francisco Bay they are using the military prisoners as laundry workers. In the absence of machinery and some other form of employment that is the best thing they can do with them. But if they make textile workers of them, the gentlemen from Massachusetts need not be afraid that the textile factories of their districts will be brought into competition with the products of convict labor. No protest has been received here from any textile workers. The employment of 450 men on 500 spindles is not going to affect the textile industry one bit. You may have to extend and diversify the employment of convicts, but if you want to do the right thing do not look upon it as a war measure; look upon it as something for the good of the convict and something for the good of the State.

You are entitled to the labor of those convicts. They are entitled to be paid something for it. This bill provides for their compensation, either directly or to their dependents. But above all, you will give those men and women a chance when they enter into private life again to take up some sort of a useful vocation.

Mr. WALSH. I understand the gentleman in advocating this bill does not oppose putting them into agricultural work when it can be done.

Mr. NOLAN. No; but I think there are too many of them; unless you sell the product of the farm in competition with outside farmers. They can not use all the product.

Mr. WALSH. They can use it in the prison.

Mr. NOLAN. But they can not use all that 500 or 600 men will produce, and if it is right to raise agricultural products to be consumed by the inmates of the prisons apply the same principle to the textiles used by the Government.

Mr. WALSH. They can use it in every prison in the country.

Mr. NOLAN. There are only three Federal prisons in the country where this farm produce could be used, but we can use the labor of all the Federal, State, and county prisoners in useful and gainful labor in producing war material.

There is a labor shortage now in some sections of the country, and as millions of men are sent to France, as they will be, this shortage will become serious and the labor of every prisoner in this country will be necessary in some line or another. Let us start in for that time right now, pass this bill, and follow it up immediately with the passage of the Booher bill.

By unanimous consent, Mr. AUSTIN, Mr. SHERLEY, and Mr. FORDNEY were given leave to extend their remarks in the RECORD.

Mr. DYER. I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I think every man in this House is cordially in sympathy with the argument that the convict should be given every possible consideration, in order that he may go out of the prison door a useful citizen with a trade learned to which he may put his hand to good account. I am, however, irrevocably opposed to this bill. I find myself unable to agree with some of the arguments which have been made against it. Coming from the great textile section of the United States, I do not think that a cotton mill is not good enough for a convict. I can not see how we of New England, at least, who know what cotton-mill labor means, can indorse that argument, even though it is made by those who, like us, are opposed to the bill. My objection is, in part, based on a statement in the committee report itself, which seems to be a fundamental argument with those who favor this measure. There are to be 500 looms in this Atlanta prison. The report states:

> This number of looms would require about 250 employees to operate them in a well-operated private plant, but 450 persons could be employed by this work in the penitentiary, which would make the work on each person very light and give abundant opportunity for outdoor exercise and recreation.

Mr. Chairman, the plan of this bill is to install a cotton plant in Georgia, to put convicts at work in that cotton plant, with the expectation that two of those convicts shall do about the same work that one man or woman in a New England factory is doing to-day. To my mind it is perfectly ridiculous to come before this House with a proposal that only half as much work shall be done by a convict laborer as is the standard for free labor to-day in the most enlightened labor States in the Union. That argument is an affront to the intelligence of the House.

Nor can I see any possible force to the argument that these products will not come into competition with free labor. It is the old question of supply and demand all over again. There is just so much demand for cotton duck or any other commodity. If the convicts make a portion of that cotton duck, there is just so much less to be made by free labor.

It is true that this bill does not go very far. It is true that there will be involved here only the labor of 500 men. But it is the entering wedge that every thoughtful man ought always to watch for and attempt to guard against. This, undoubtedly, is the entering wedge. And, Mr. Chairman, there is no question that it involves competition with free labor. There is no question that the product of the labor of these convicts will come into direct competition with the free labor in the cotton mills of the North, of the South, and of the West. And, as an entering wedge, I submit it seriously menaces free labor wherever it may be in this country. I fear the principles which underlie the bill. No one can foresee what will grow out of their application. I believe every man and woman, employer or employee, who has at heart the interest and prosperity of the textile industry will shudder at the prospect which the passage of this bill will unfold.

Mr. ALEXANDER. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Missouri.

Mr. ALEXANDER. Is the gentleman in favor of employing prison labor, or of having convicts maintained at the expense of the State?

Mr. ROGERS. I am in favor of employing prison labor in useful vocations. Who is not? I am in favor of having our prisons managed in such a way that the needs of the prison shall be met by its own labor as far as possible; I favor the manufacture by prisoners of their own utensils, shoes and clothing, the raising of their own vegetables, the cooking of their own food. I firmly believe that everything possible that can be done within the walls of the prison shall be done. By these means can the convicts learn useful occupations. Those outside vocations also that do not come into competition with free labor should be encouraged. Roadmaking is the most conspicuous of these. There are others which I could cite.

Now, there are two arguments for this bill. One is that it is necessary for the good of the convicts. That I deny for the reasons just given. Even if it were sound, my first interest must be to protect free labor outside the prison walls. The other is that, as a war emergency, we need cotton duck and can get it in no other way. I can assure the House confidently and with all emphasis that the existing duck-making mills of the United States can supply all the duck that this country will want to-day or will want in the near future. There is no question about the ability of the duck-making concerns of this country to supply the war needs or the peace needs of the country, and we must not vote for this bill under the apprehension that it is needed as a war measure. That is a subterfuge. It has no relation to the true facts. This bill is a threat directed against every free worker in the United States. It should be defeated.

Mr. WEBB. I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, in the meeting of the Rules Committee I voted to bring this legislation before the House, because I had the document in my possession which was referred to by the gentleman from Kentucky [Mr. SHERLEY], and was acquainted with the progress of this legislation, especially the appropriation to erect the buildings, and I recognized that it was simply to carry out legislation that had already reached all but the last stages, having the buildings erected and ready for occupancy; this was simply to equip them or to utilize the structure for which we authorized last year the expenditure of $130,000.

Mr. WALSH. Will the gentleman state what that document was?

Mr. FESS. House Document No. 1752, Sixty-fourth Congress, second session. The gentleman may have it if he will step here.

Mr. WALSH. I have seen that. I thought the gentleman was referring to another one.

Mr. FESS. I was referring to the document that relates to this measure, not to something else.

I am not going to address the House on the industrial or economic side. As a rule I will oppose the Government doing in industry what private enterprise can do. That is why I opposed the armor-plate bill; also the nitrate bill and measures like them. Neither will I discuss the effect that it might have in the competition between convict labor and free labor. That is a very important item in the discussion of the employment

of convict labor. I will allow, however, the gentleman from California [Mr. NOLAN] to take care of that as he has. He has taken the broad view and has shown the attitude of labor toward this measure, which is commendable to labor. But, members of the committee, there is a humanitarian side that ought to have some recognition in a legislative body. We must not exclude from our consideration all elements of the human side in our legislation. If the opposition to this bill should become the law, the poor unfortunates behind the prison bars would be confined under the curse of idleness, which, in my judgment, is the greatest sin that would be enforced upon a human being. The time has come in the humanitarian movement of the world, and I wish to say to my colleagues there is no more far-reaching nor important reform in the last quarter century than prison reform; that when the Government closes the door of the prison upon an unfortunate, the function of the Government is not performed simply by holding him within prison walls. He is denied his freedom for public reasons, it is true, but these include with the punishment the best possible efforts to save him from the life of a criminal to that of a useful citizen. His suffering is demanded as an example, a deterrent to others who might otherwise commit the crime. It is also protection of the public by denying him freedom to repeat the crime. But it must also extend to the welfare of the criminal, if possible, to reform him, because he is still a citizen of the Republic and must be a part of it. It is a duty of the State to by whatever training possible to return him to the public a better man, trained to be a better citizen if possible than when he went to prison. This can never be done if his treatment while in prison hardens his criminal instincts and no step is taken to enable him to face the world again with some hope.

I was strikingly surprised at the utterance of my friend from Pennsylvania [Mr. MOORE], whom I love, that this bill would train these men to enter in competition with free labor when they get out. That is precisely what we want to do. We want to open up a vista for the poor devil who has now the condemnation of the world against him, to enable him to look the world in the face when he comes out and be a man again, and be able to do something for which he was trained while he was in prison. [Applause.]

It is the humanitarian side, and not the industrial, which appeals to me. Neither have I been convinced that it is necessarily a war measure. I share in more or less disgust of the attempt to make every issue a war measure. But, aside from that, I will say that universal idleness of prisoners by order of this Government is an injury to the Government and a wrong to the unfortunate that can not be appeased. If a man is imprisoned, he should be employed where it can be done without injury to the public. This Government ought to take steps to make them self-supporting and self-respecting, and thus treat these unfortunate men as subjects for such legislation, so that when the prison doors open for their return to their communities they need not continue the lives of the criminal, but realize that mistakes may be overlooked and they come out again men, not mere convicts. For that purpose the Government should permit them to earn a wage either to support their dependents or serve as a new start in life. For that reason, the humanitarian specially, I shall vote for the bill, as I voted to report it from the Rules Committee. I am quite certain when Members soberly weigh the sordid business impulse over against the human demands not many votes will be cast against it. [Applause.]

Mr. DYER. Mr. Chairman, how much time is left?

The CHAIRMAN. Five minutes on each side.

Mr. DYER. Mr. Chairman, the demands as set forth in this bill and those who support it, the hearings and the available facts, show that the measure is not needed or demanded. It has been said here repeatedly and not denied, and stated at other times in this House, that all the duck needed can be furnished and could have been furnished time and again. There is no question as to that fact; there is no need, so far as the humanitarian standpoint is concerned. To put these men in the penitentiary to doing this work has never yet in all the history shown that it has tended to development and improving of their health, but it is conceded by all who know that the open air and an opportunity to work in the open is what is best for those who are sent to prison.

There has been and is to-day plenty of opportunity for that work, not only in building roads which the country needs so much and for which money is expended, but for other needs throughout the country for which there is great demand for outside work. All through the Mississippi Valley, in my own State and other States, there is great need for labor on levee work in connection with the improvement along the Mississippi River and reclaiming of the million of acres of swamp land.

Mr. WINSLOW. Will the gentleman yield?

Mr. DYER. I will.

Mr. WINSLOW. I have just come in and have not had the benefit of the discussion on the floor, but a neighbor of mine has made the statement that those who are advocating this bill have insisted that there is no opportunity to get duck. I have in my desk and should have here letters from a large carpet manufacturer in the State of Massachusetts, which state that he has been since last January coquetting with the Quartermaster's Department, trying to close an order for this material, of which they will be able to make 5,000 yards a week indefinitely, and could increase it if wanted.

Mr. DYER. That is ample testimony that there is no need of this as a war measure. The labor men of the country do not want this legislation, and I do not care what some gentleman on the floor say, I know that the laboring men, the men who work in the mills, do not want this legislation and are opposed to it.

The precedent would be most dangerous. Here is the great Government of the United States passing a law to enable convicts to go in and work and compete with labor. You are opening up an opportunity to every State in this Union, you are opening up an opportunity for the municipalities of this country to pass similar legislation and thus start the wheels to moving wherein men charged with any crime or misdemeanor will be put to work in competition with free labor, and it is going to result in the greatest possible injury to the entire working force of the country. It is going to be bad for the whole system, and I hope that the bill will not pass. [Applause.]

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman and gentlemen of the committee, the debate on this measure has been greatly diversified. Some have told you that the convict should be employed where he could get the most light and air and have suggested aeronautical observation. Others have said that the bill should not be passed because it violates one's own idea of the propriety of public ownership, that it is a branch of public ownership and therefore it should not be agreed to by this committee. Some of the gentlemen have said that it makes the convicts work too much. The gentleman from Massachusetts [Mr. ROGERS] has candidly said that he is opposed to it because it makes them work too little, because it made two convicts do what one man on the outside can do. And, finally, the frank observation is made that the bill should not be passed because the duck-making mills of the country can supply the existing needs, and that the passage of this bill will operate against those owning fabric mills.

Mr. Chairman and gentlemen of this committee, this bill should be based on a higher idea than the welfare of the duck-making interests of the United States. It is a measure which should have for its purpose the rebuilding of man. It has two material applications—one is that there is a factory at Atlanta Penitentiary all ready for the installation of this machinery.

Mr. WALSH. Will the gentleman yield?

Mr. GARD. Yes.

Mr. WALSH. Why then should the need of duck be urged as an argument in favor of the bill?

Mr. GARD. I was about to come to that. I say there are two material things, and one is that at Atlanta Penitentiary we have a building ready to be equipped with machinery. If we have not the machinery the building is useless.

Mr. WINSLOW. Will the gentleman permit an interruption?

Mr. GARD. No; I have not the time. The other is that the Government is said to need duck, and that as a means of fulfilling that need we are about to install this machinery. Mr. Chairman, I go further than that. I go further than the need, even if it be an immediate need, of producing duck for governmental purposes, even at this essential time. I stand for the principle that there should be work for convicts which will rebuild the convict physically, mentally, and morally, afford him a proper environment for his work, and when his term expires permit him to go back to society as a useful citizen and not as a derelict. It is upon that idea that I think this bill should be supported. It is this principle that is involved. If you take a number of men and put them behind prison bars and place them in what you call the "idle house," in a little while you have not a number of convicts, odious as that name may be, but you have practically a number of insane men, whom the Government must treat in hospitals with but little hope of restoration to reason.

On the other hand, the modern idea is to take care of the unfortunates who have transgressed the rules of society and have been made to suffer incarceration. To him is to be given the employment he can best perform. Some men can be em-

ployed on the farm, some on the roads, some in one capacity, and some in another. To say that the result of this employment comes in contact with the products of free labor is absurd. Anything that they do, any potatoes they grow, and furniture they make, any shoes they make are in some very minor degree in conflict with free labor; but, as the gentleman from California [Mr. NOLAN] has well said, this is not something of which free labor is afraid, because free labor, I am sure, has that high ideal in the service of humanity that it wants to rebuild the unfortunate quite as much as those who are not engaged in manual labor, and this is the test. This is the thing the bill does. It will give employment to men in work where they can render effective service, give them good environment, make them helpful citizens, and release them equipped with an occupation so that thy may return to society useful and helpful people.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. WEBB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUBEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8938 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DEWALT for five days, to attend to business at home.

PENSION APPROPRIATION BILL.

Mr. GALLIVAN. Mr. Speaker, notwithstanding the special order for the consideration of the bill H. R. 8938, I ask unanimous consent for the present consideration of the bill H. R. 12000, the pension appropriation bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the pension appropriation bill, notwithstanding the special order. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, in view of the unusual conditions that now prevail and the ruling of the Chair that the Atlanta Penitentiary bill has precedence under the rule, I object.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. CANNON. One moment, if the gentleman will permit, the gentleman from Massachusetts is called home——

Mr. MOORE of Pennsylvania. Oh, if it is a matter of personal convenience, I withdraw the objection.

Mr. CANNON. He is the chairman of the subcommittee, and I fancy the bill will not take a very great while. It will be finished during the afternoon.

Mr. MOORE of Pennsylvania. In view of the explanation, and as this appears to be a matter of personal convenience to the gentleman from Massachusetts, I withdraw the objection.

The SPEAKER. Is there objection?

Mr. FESS. Mr. Speaker, reserving the right to object, I should like to ask whether there is to be a limitation of time, so that we can have some assurance that the Atlanta Penitentiary bill, which we are laying aside, will be voted upon this afternoon.

Mr. GALLIVAN. I can say to the gentleman that so far as this side of the House is concerned we have no desire to use any time in general debate.

Mr. FESS. What about the other side?

Mr. CANNON. I have some applications for time, but not many. The gentleman from Kentucky [Mr. LANGLEY], who does not seem to be here, desires some time; but if he is not here we will mark him off.

Mr. GALLIVAN. We will not take up much time.

The SPEAKER. Is there objection?

Mr. FESS. Mr. Speaker, reserving the right to object, I am not inclined to object, but I want to know whether there is any desire to prevent a vote upon the other bill this afternoon?

Mr. KITCHIN. Oh, no.

Mr. WALSH. How does the gentleman know that under the five-minute rule we will get to a vote this afternoon upon that bill?

Mr. GALLIVAN. The pension bill is only 19 lines long.

Mr. CANNON. Is it important that the penitentiary bill should be passed to-day?

Mr. FESS. Mr. Speaker, in view of the fact that the appropriation bill is not long and that nobody will have a desire for extended debate, and that we can hold people down to the five-minute rule, I shall not object.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I regret to inject myself again; but I did not know at the time I withdrew the objection that there was to be any general debate upon the pension appropriation bill or that much time was to be consumed. My judgment is that the Atlanta Penitentiary bill should be voted on while the matter is fresh in the minds of the Members of the House. Therefore I object.

MANUFACTURE OF SUPPLIES FOR GOVERNMENT AT ATLANTA PENITENTIARY.

The SPEAKER. The gentleman from Pennsylvania objects. Under the rule the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8938.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8938, with Mr. RUBEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8938) to equip the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Attorney General of the United States is authorized and directed to establish, equip, maintain, and operate at the United States Penitentiary, Atlanta, Ga., a factory or factories for the manufacture of cotton fabrics to supply the requirements of the War and Navy Departments, the Shipping Corporation, cotton duck suitable for tents and other army purposes and canvas for mail sacks and for the manufacture of mail sacks and other similar mail-carrying equipment for the use of the United States Government. The factory or factories shall not be so operated as to abolish any existing Government workshop or curtail the production within its present limits of any such Government workshop.

The committee amendment was read, as follows:

Page 2, after line 7, at the end of paragraph, add a new paragraph to section 1, as follows:

"The Attorney General is hereby further authorized and directed to acquire, by purchase or condemnation proceedings, such tracts of land at such points as he may determine, which may be cleared, graded, and cultivated. And the Attorney General is authorized to employ the inmates of the institution herein mentioned under such regulations as he may prescribe in the work of clearing, grading, and cultivation of such acquired tracts of land. The products of any such agricultural development shall be utilized in supplying such correctional institutions as the Attorney General may designate, or in his discretion may be sold."

The CHAIRMAN. The question is on the committee amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I believe that amendment should not be adopted.

Mr. GOODALL. What is that?

Mr. MOORE of Pennsylvania. The amendment providing that the Attorney General is hereby further authorized and directed to acquire, by purchase or condemnation proceedings, such tracts of land at such points as he may determine, which may be cleared, graded, and cultivated. If that amendment goes in the bill, it proves the general allegation made in respect to the purposes of this bill, that it proposes to enter upon a general industrial prison system throughout the United States. This gives power to the Attorney General, not to buy nor to take nor to condemn tracts of land in the vicinity of the Atlanta Penitentiary, but any tracts of land at any points he may determine, which may be cleared, graded, and cultivated. There is a meritorious provision in the amendment later on in regard to farm products for penal institutions, but that does not change the effect of the amendment, which is to give to the Attorney General power to purchase or condemn tracts of land at such points as he may determine, which may be cleared, graded, and cultivated. At the Atlanta Penitentiary? No; anywhere. At the Leavenworth or any other penitentiary? No; at any point he may see fit. He is not limited to these particular institutions, therefore it opens up a wide field and gives to the Attorney General an unnecessary discretion and power as to our correctional institutions.

Mr. WALSH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. WALSH. If that amendment were amended along the line the gentleman suggests, would the gentleman have any objection to it?

Mr. MOORE of Pennsylvania. I will vote against the amendment as it is, but if it is voted in the bill I shall ask to have it amended to provide that these pieces of land shall be in the immediate vicinity of the Atlanta Penitentiary. I have such an amendment to the amendment ready.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. JOHNSON of Washington. At the McNeil Island Penitentiary, in the State of Washington, for some time the warden of that penitentiary and others have been endeavoring to secure from Congress some $10,000 to buy the rest of the island on which that penitentiary is situated——

Mr. MOORE of Pennsylvania. I would suggest to the gentleman that his course, if he wants to have this power conferred in reference to McNeil Island, would be to introduce an amendment to the section and include McNeil Island along with the United States Penitentiary at Atlanta, and if Leavenworth wants to come in let it come in, or any other section that has a penitentiary.

Mr. WALSH. But you can not get any land in the immediate vicinity of the Atlanta Penitentiary for agricultural purposes.

Mr. MOORE of Pennsylvania. I do not know about that.

Mr. WALSH. It was testified by the superintendent of the prison, but it depends upon how you define the word "immediate." If the gentleman means adjacent and adjoining the prison grounds, you can not get it, for you must go several miles away.

Mr. MOORE of Pennsylvania. That is exactly what I mean. It should be in the vicinity of or appurtenant to the Atlanta Penitentiary; otherwise this is a general blanket power we are giving to the Attorney General to locate tracts of grounds anywhere. My judgment is, Mr. Chairman, that this amendment ought to be defeated, because it is far above and beyond the immediate purpose of this bill, the purpose of which is the locating of an industrial institution within the walls of the Atlanta Penitentiary.

Mr. WALSH. Mr. Chairman, I am opposed to the pro forma amendment. I hope the amendment will be permitted to remain in the bill, because this is in the nature of an alternative plan. Where land is available in the vicinity of these institutions, and where it is suitable for this sort of work, it will permit its acquirement by the Government in order that such of the convicts, or all inmates of those institutions that are suited for outdoor agricultural work, may be assigned to that work. Therefore this amendment was put in it, and it is similar to the amendment incorporated in the bill when it was reported in the Sixty-fourth Congress. As I recall the testimony given, in the immediate vicinity of the Atlanta Penitentiary there is no land available which would be suitable for agricultural purposes, but in the general vicinity of both the penitentiary at Atlanta and Leavenworth, and I think the penitentiary in the far West, land could be procured by the Government which could be cleared up, cultivated; and put to useful purposes in the development along agricultural lines. This has been done, as I stated in general debate, in several other States. In my State they have acquired property in the vicinity of what is known as the State farm.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WALSH. I will.

Mr. MOORE of Pennsylvania. Would it not be possible, if this amendment stayed in the bill, for the Attorney General to locate a piece of ground in Florida for the use of the inmates of the Atlanta Penitentiary?

Mr. WALSH. If the Attorney General did that under this paragraph in the bill, when there was land nearer the Federal prison, I would think that he might be more properly an inmate of the institution than the Attorney General of the United States.

Mr. MOORE of Pennsylvania. The gentleman has already stated, and he seems to be more familiar with the testimony than I am, that there is no land adjacent to the Atlanta Penitentiary that could be available?

Mr. WALSH. I said under a definition of the gentleman's term "immediate vicinity" there is no land immediately adjoining and bounding on the penitentiary grounds which would be suitable, but within a short distance, a few miles, both at Atlanta and, I believe, at Leavenworth, particularly at Leavenworth, there is a large tract of land there, as brought out by the testimony, which was suitable for agricultural purposes.

Mr. MOORE of Pennsylvania. I know the gentleman, being a good lawyer, knows more about the Atlanta penitentiary than I do.

Mr. WALSH. Well, every good lawyer has to know something about penitentiaries, but not always from having been an inmate thereof.

Mr. Chairman, I trust that for the reasons which I have stated, and which I trust will be more intelligently and perhaps more forcibly supplemented by other members of the committee, this amendment will not be voted out of the bill. That is all I have to say with reference to the views of the gentleman from Pennsylvania [Mr. MOORE] in opposing this provision. It permits the alternative, and, to my mind, it permits the more desirable view being put into operation, namely, to get these men out into the open air, to keep them at work in agricultural pursuits, and the crops which they raise can be used to furnish food supply to the penitentiaries, reformatories, and the other correctional institutions operated under Government auspices. And while it may be said they would come in competition with free labor, I think that the matter of competition in these war times may be waived, because we all know that the demand for food far exceeds the visible supply.

Mr. GREENE of Massachusetts. Mr. Chairman——

Mr. BLAND. Mr. Chairman, I voted yesterday in favor of reporting this bill out. Ordinarily I am very much opposed to this character of legislation. I have never believed it fair to free laboring men to enact such legislation as will put their product into competition with convict labor. For that reason I have always opposed this character of legislation. Yesterday and to-day we were told that the President of the United States wants this legislation, because they need cotton duck and cotton cloth in connection with the prosecution of this war. I know they need it, and I know they have been needing it for quite a while.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLAND. I have not the time.

Mr. JOHNSON of Washington. Have we any letter from the President saying that this is needed?

Mr. BLAND. I think there has been a letter written.

Mr. JOHNSON of Washington. Who has it?

Mr. BLAND. I do not know. I have not. I have not been so honored with an epistle from the President of the United States. However, I am reliably informed that he has expressed a desire for this legislation. I have so far voted for every measure the President or the administration has asked for, if they claimed it was for the prosecution of the war, and I intend to continue to do so. I am also informed that the American Federation of Labor and the heads of labor organizations have affirmatively given their sanction to this legislation. Is that true, Mr. Chairman of the committee?

Mr. GARD. I would like to state that the gentleman from California [Mr. NOLAN] said that the bill was entirely agreeable to organized labor, as I understand it.

Mr. BLAND. Is there testimony before your committee to the effect that union labor is in favor of this bill at this time? I was told yesterday that labor favored this bill.

Mr. WEBB. My recollection is that a year ago, when we had this bill up, and when it was reported favorably by the committee, but when it did not pass because we did not have a Calendar Wednesday, Mr. Holden, representing union labor, appeared before the Judiciary Committee and indorsed it.

Mr. NOLAN. I will state that, as to the proposition at McNeils Island, Mr. Morrison, the secretary of the Federation of Labor, approved it, and Mr. Grant Hamilton, also representing union labor, appeared before the committee and made an exhaustive argument in favor of it, which appears in this hearing.

Mr. BLAND. In supporting the rule yesterday I acted upon that theory. I come from a labor district, and they regard me as their friend and I have always tried to be their friend. Since the President of the United States wants this legislation, and since he believes it is essential to the conduct of this war, and since organized labor and other laboring men of this country are in favor of it, I see no reason why I should not willingly give it my support. I do not think, Mr. Chairman, that it is treating labor right to take the products of the Federal prisons and put them in free competition with the products of free men; but as I understand this bill, it provides for the products of this prison, which the Federal Government will run itself, to be used by the Government. That being true, I can not see any objection to its passage.

Mr. JOHNSON of Washington. Mr. Chairman, I wish to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] is recognized.

Mr. GREENE of Massachusetts. Mr. Chairman, for four years and a half I was general superintendent of prison labor in the State of Massachusetts. The legislature of that State in the year 1877 decided to abolish all contract labor in prisons, and I was appointed by Hon. Oliver Ames, governor, as general superintendent to put the new law into effect, which was to provide for the labor of prisoners outside of contract work in the State prison, all State reformatories for men and women, and county houses of correction throughout the State. The same work was done as formerly in the institutions, only the contract system was abolished. The prisoners were employed

by the day. However, they did but very little work, and I never knew any prison laborers that would do a great amount of work. The State obtained but very little money for the product, and they were obliged to provide for the deficiencies, because the prisoners did not wish to exert themselves. My duties did not include the discipline of the prisoners. Some of the county institutions had large areas of farming lands, and the labor in these institutions proved helpful to the prisoners and financially showed good results. To put prisoners to work on machinery will prove, in my judgment, absolutely a loss of efficiency. These men and women are not of a mechanical disposition of mind or character. The party now in power may bring in some new kind of a scheme here—and I know the party on the other side of the House seem to have any number of schemes which they evolve nearly every day—they may bring in some new kind of a scheme to get labor out of people who do not work.

They may succeed with the proposition contained in this bill. But I want to say that the only way to employ prisoners is to employ them on farm work. You can not employ them with any satisfaction working on machinery. Most of the men who become prisoners, except those few select ones that get into Atlanta because of having robbed banks and committed similar offenses, do not want to work for a living. The moment they get into prison they begin to connive and maneuver to discover how they can get a living without work when they get out. And they plan all their schemes along the line of avoiding any labor for the purpose of obtaining a living. They think the world owes them a living and they do not want to work.

This scheme for establishing a plant at Atlanta for manufacturing cotton-duck cloth is one of the most outrageous and chimerical of anything I have ever had brought to my attention. There is no call for it. There are plenty of mills throughout the country who manufacture duck who have been trying to obtain contracts with the Government without being successful in obtaining the same.

I will add here that while I live in the city of Fall River, Mass., where I reside, which has a larger number of cotton spindles than any city in the United States, none of these mills manufacture cotton duck, so that I do not base my opposition to this measure on any political, personal, or local grounds; but there are many other manufacturing plants throughout New England who should not be subjected to the competition which this measure foreshadows. I presume many uninformed persons believe that anybody can successfully work in a cotton mill, and many of these theoretical persons never saw a cotton mill in operation.

Now they have got a scheme where they want to do something or other that is conceived in somebody's mind as practical, and so they have started out to have a new scheme for a duck factory so they can make the canvas bags for the use of the Post Office Department and provide cotton duck for the use of the Army. Now, if we are to have an Army of millions of men, all the duck made in Atlanta will not cover many of these men unless the prisoners at Atlanta are more advanced in mechanical genius and adaptability than any prisoners that I have ever seen or heard of. As I have heretofore stated, I served four years and a half as superintendent of prison labor in the State of Massachusetts and visited all the prisons of the State and established all the industries in them, and did everything I could to accomplish something for prison labor, and I never was criticized for any shortcoming. My friend from Ohio [Mr. FESS] has, of course, read a great deal, and theoretically he seems to be very much interested in prisons. But I was in these institutions every day when I was general superintendent, and I have never been in any prison since; and, as I have stated, I served in that capacity four and one-half years and went from prison to prison and attended to the business of those institutions, but I never had the curiosity that a great many people have in this country to visit a prison simply for the sake of a visit, simply in order that I may see how prisoners appear. [Laughter.] Massachusetts never has its prisoners wear stripes nor does it allow corporal punishments. Its reformatories are models of their kind. And so far as I have known anything about labor men, organized labor has been steadily opposed to projects of this kind until this democratic scheme was evolved, and when this present democratic scheme was brought up many of these men prominent in labor organizations have indorsed the project and say, "We like it. It tastes good. It spells democracy." Therefore, they say they like it and they want to swallow it. [Laughter.]

I believe that the money that will be spent in this project will be wasted, and while money may be plentiful and easily disposed of, it is the hard-earned money of the honest business man and laborer outside of prison that is to be recklessly and wastefully expended, and it is almost a crime to use the money provided for in this bill in such an experiment when this Congress and the executive departments are providing for new issues of bonds and new methods of taxation to burden the American people and deprive them of their means of existence.

I would not vote for this bill simply because the President has indorsed it, because he might change his mind upon it. He has many burdens to carry and it is not unreasonable for him to say that if he had more time to consider bills he might have a different view. I voted against the rule providing for this infamous, unnecessary bill, and hope it may be defeated.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Mr. JOHNSON of Washington moves to amend the committee amendment, as follows: Page 2, line 12, after the word "institution," strike out the words "herein mentioned" and insert the words "and other Federal penitentiaries."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is that offered as an amendment to the amendment?

The CHAIRMAN. It is offered as an amendment to the amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I suspect that this amendment is subject to a point of order, because the rule provides for the consideration of this Atlanta Penitentiary bill only, and the amendment provides for the possible extension of activities at another Federal penitentiary.

The thing that I can not quite understand is why there was slipped into the sundry civil bill a year ago an appropriation of $129,500 for the erection of certain shop buildings and factories and appurtenances at the Atlanta, Ga., Penitentiary and at the same time it has been impossible to secure consideration in the Committee on Appropriations, or even on the floor of this House, of a bill to appropriate the comparatively small sum of $10,000 to enlarge the McNeil Island grounds so that the prisoners there can produce their own garden truck and supplies.

The McNeil Island Penitentiary is famed as one of the model penal institutions of the country. The work performed there by the Federal prisoners is of the order outlined by the gentleman from Massachusetts [Mr. ROGERS]; that is, they do everything that can be done to keep the prison and the men inside going. I have heard the debate here on the proposition to put a paper mill there. If a paper mill should ever be put at the McNeil Island Penitentiary, with the swift waters of the narrows of Puget Sound running on both sides of it, the paper mill will be an experimental proposition of doubtful value. I think this textile mill at Atlanta is a doubtful proposition instead of a revenue producer; it is more likely to be a money loser. True, it would utilize the time of the men, but that is hardly a good reason for calling the plan a war necessity. This is a poor time to appropriate another million dollars for either experimental or prison humanitarian purposes.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. I will yield to the gentleman for a question.

Mr. MOORE of Pennsylvania. Can anyone conceive of anybody working in prison at work that can be done outside where that work done inside to that extent does not take that much labor that can be done outside from the free laborer?

Mr. JOHNSON of Washington. Undoubtedly not; but men in a prison should be entitled to do all the work possible to keep the prison going. Few object to that. They might work at building military roads.

Mr. Chairman, we are putting the Government into business pretty fast all along the line, and every step we take along that line calls for a great big appropriation of the people's money which we have no right to appropriate either so freely or so wildly. This million will go out of Uncle Sam's war chest at once, and it will be a long time before any cotton duck comes out of that prison for war use. When it does it will have cost the Government twice what it could have been made for outside. I suppose the next step will be to commandeer some looms on the outside now at work.

We have a Government military saw mill out West, and the cost of getting out spruce in that mill is more than the cost of

getting it out privately. Certain overhead charges are not counted at that.

I think most gentlemen here will agree that that is usually the case in the effort on the part of the Government to go into business. The Government can not save money, and it will be that way in this Atlanta cotton-duck mill. It is that way in the Government spruce saw mills; it is that way on the Government railroad in Alaska; it is that way in the case of other Government activities carried on under certain disguises, and it will be that way in making cotton duck in the Atlanta Penitentiary.

Mr. WINSLOW. Mr. Chairman and gentlemen, I agree with all those who have expressed themselves in favor of profitable and upbuilding occupations for prisoners, and for everybody else for that matter. So it is not necessary for me to argue that point. There is a phase of this question, however, which seems to me to be worthy of consideration. Anybody who knows anything about the production of machinery in this country knows that it is well-nigh impossible to buy a machine for any purpose with any reasonable time set for its delivery. Anybody who is familiar with machinery knows perfectly well that no private owner, skilled in the art, would expect to equip a factory in the next year with looms to make any sort of textile fabric. All the looms which can be produced for months ahead in this country have long since been on order. The call is for more textile machinery than is being made, and yet the Government presumes to come to us asking for an appropriation to equip a new business with machinery which can not be found in the market, a preposterous industrial idea at the outset. Unless the Government is prepared to say that it will rob the private concern of its rights and its machinery there is no merit in the opinion that the Government can forthwith equip a plant to make any textile product.

This bill has been brought forward as a war measure. The supposition is that the Government needs duck, and whatever bagging, and so forth, are provided for in the bill. If the Government needs duck, one would think it would buy it when the chance is afforded. But, lo and behold! I have here a collection of letters which represent the ideas and experience of a concern in Worcester, Mass., owned by Mr. M. J. Whittall, the largest private manufacturer of carpets in the United States, a concern of the highest commercial rating, well able to perform its contracts and willing to make duck for the United States Government. As far back as last January this concern, after being urged to undertake the task, tried to close contracts with the Quartermaster's Department to make duck, but up to this time they have not been able to do so, although they have several times offered, after four weeks of preparation, to turn out 5,000 yards a week. If that department had seen fit last January to accept Mr. Whittall's offer, our Army could have been in possession of more than 100,000 yards of the very material for which they now want to build and equip a factory at the Atlanta prison. If the Government pretends it is going at this matter as a commercial proposition, it is easy enough to see that there is "a nigger in the woodpile" somewhere.

Furthermore it is a rank imposition on our people in this day when we are peddling out billions of dollars and expect to peddle out billions more to be appropriating even the insignificant sum of $1,000,000 for the purpose of doing something at some time—God only knows when—in the face of the fact that we can have the same work done at once by somebody else; and that, too, by people who will run machinery now made and on hand, and a concern, too, which is contributing very largely to the funds from which these billions of dollars will be paid.

Why should the Government go into this duck business? They do not know how to make duck any more than they have known how to make aircraft, or cannon, and other things that they have undertaken to specify and direct. In fact, they have no training along this line. Yet they come to the Congress of the United States and ask it to appropriate a cool million to undertake a new job for which there is no good place, in the face of the perfect willingness of reputable manufacturers to make the same material.

Mr. SLAYDEN. Will the gentleman yield?

Mr. WINSLOW. I yield to the gentleman from Texas.

Mr. SLAYDEN. Do I understand my friend from Massachusetts to say that this private concern in Worcester can begin to turn out duck after four weeks' time?

Mr. WINSLOW. If I can get the time I will be delighted to have the Clerk read the communications I have here, which show that fact.

Mr. SLAYDEN. I ask that the gentleman's time be extended.

Mr. MADDEN. I ask unanimous consent that the gentleman have five minutes additional.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Massachusetts be extended five minutes. Is there objection?

There was no objection.

Mr. WINSLOW. As soon as I heard of the existence of this bill I sent a telegram to Mr. Whittall, of Worcester, Mass., with the result that the letter about to be read was sent to me. I ask the Clerk to read the letter.

The Clerk read as follows:

WORCESTER, MASS., *April 30, 1918.*

Hon. SAMUEL E. WINSLOW,
House of Representatives, Washington, D. C.

DEAR COL. WINSLOW: We are in receipt of your telegram and have answered as per confirmation inclosed.

We are inclosing copy of our letter of January 5 to the Quartermaster Department at Washington, copy of which we also mailed you at that time, and which you no doubt still have in your file.

To this letter we have never had a reply, nor have we had any replies to our letters of April 15 and April 18, copies of which we inclose.

With kind regards, we are,

Very truly, yours,

M. J. WHITTALL.

Mr. WINSLOW. This is the telegram referred to in that letter.

The Clerk read as follows:

WORCESTER, MASS., *April 30, 1918.*

Col. S. E. WINSLOW,
711 New Hampshire Avenue NW., Washington, D. C.:

We have offered to make duck at the same price as last, plus advance of price in cotton yarn, and so far offer has not been accepted. See letter.

M. J. WHITTALL.

Mr. WINSLOW. Now, will the Clerk please read these letters?

The Clerk read as follows:

JANUARY 5, 1918.

Col. H. J. HIRSH,
Quartermaster's Purchasing and Manufacturing Office,
Eighteenth and D Streets NW., Washington, D. C.

DEAR COLONEL: We are sending you by Adams Express the first sample of No. 4 duck, which we have just made, and we are ready to go ahead and fill the order for 10,000 yards of this quality, provided the sample meets with your satisfaction, and also providing that Catlin & Co. will give us the balance of the cotton yarn to make it. We have been on order with them for 10,000 pounds since November 24, and all we have received so far from them is a little over 1,000 pounds, and this came to us by express.

We have 20 looms that we can make this quality of duck on. So far we have only changed 2 of these looms over from carpets, but we can change the other 18, provided that you give us the order and we can procure the cotton.

The cotton yarn from which we made this sample, and for the 10,000 pounds that we have an order for, costs us 46 cents a pound, and we are charging you 70 cents per yard for the cloth, whereas the quotation which we gave you last summer of 70 cents a yard was based on the cost of cotton yarn to us at that time, at 36 cents a pound. We are willing, however, to take an additional order for duck, with the understanding that whatever the cotton yarn costs us over the 46 cents price of to-day shall be added to the price that we shall charge per yard for the duck.

We might further say that it would not pay us to change these looms over unless you can assure us of a good order, as it is a very expensive operation, and we will have to weave many thousands of yards of duck before we can cover this extra expense.

We can weave about 5,000 yards a week, but we could only reach this amount gradually. To illustrate: The first week we can weave 500 yards; the second week, 1,000 yards; the third week, 1,500 yards; and so continue up to the 5,000 yards a week limit, so please let us know what your pleasure would be relative to an additional order, as we have considerable preparations to make in the way of securing options on sufficient cotton yarn and the work of changing over the additional looms.

We can also weave the 12.9 duck, which, we understand, is 30½ inches wide, or any other fabric ranging in width from 22 inches to 27 inches, especially a fabric calling for less weight of cotton per yard, which naturally would make the cost to the Government less.

If you require khaki color, we can do this work for you, as we have a fully equipped dye house of our own, wherein we can dye the cotton yarn in skeins, which, we think, is quite equal, if not better, than dyeing the cloth by the piece. Our dye house is now dyeing worsted and woolen yarn for Government use.

We wrote you on January 1 that we thought that our looms could be adapted to the manufacture of a great many textile fabrics, providing that the Government would let us know what they require, but we have not yet had the pleasure of your reply.

If there is any further information that you desire and if it would be of any benefit to the Government or ourselves to make a personal trip to Washington, we will do so, provided you will make a time for an appointment.

Will you kindly advise us promptly relative to the sample of duck which we are sending you and an additional order on same.

Very truly, yours,

M. J. WHITTALL.

Mr. TOWNER. Will the gentleman yield?

Mr. WINSLOW. There are two other letters to be read, but I yield to the gentleman.

Mr. TOWNER. I would like to know whether the information regarding this offer was conveyed to the Government?

Mr. WINSLOW. These letters were written to the Quartermaster's Department, not to me.

Mr. TOWNER. The letter of which this is a copy was sent to the Quartermaster's Department?

Mr. WINSLOW. Yes.

Mr. TOWNER. What can the gentleman say regarding the responsibility of these men to make their offers good?

Mr. WINSLOW. It is only a question of how many millions they own. They are of the highest rating provided for in commercial agency books.

Mr. TOWNER. In other words, then, there is no question at all about their ability to fulfill their offer to the Government?

Mr. WINSLOW. That is beyond all question. There are two more letters which I ask the Clerk to read.

The Clerk read as follows:

APRIL 15, 1918.

Col. H. J. HIRSCH,
Quartermaster's Purchasing and Manufacturing Office,
Eighteenth and D Streets NW., Washington, D. C.

DEAR COLONEL: We have made one shipment of about 2,400 yards of No. 4 duck on our order No. 71–B, and have about 1,200 yards or more ready for delivery.

We can put in 20 more looms on this fabric, and will be glad to take an order for 100,000 to 200,000 yards at a price that will be the difference between the cost of cotton yarn on our former contract and the price which we have to pay for cotton yarn to-day.

We have several inquiries from cotton-yarn houses and have a promise from one house for delivery starting latter part of June or the first part of July on the yarn, and this would mean deliveries of duck possibly the latter part of August, with the supposition that the yarn reaches us promptly from the spinner.

We wrote you under date of January 5, and are inclosing copy of our letter to which we can not find your reply. Will you not take this matter up quickly as we have a chance to sell all these looms to a Philadelphia party. We will not sell them if the Government requires them for duck, and this is something we would like to know as quickly as possible.

Very truly, yours, M. J. WHITTALL.

APRIL 18, 1918.

Col. H. J. HIRSCH,
Quartermaster's Purchasing and Manufacturing Office,
Eighteenth and D Streets NW., Washington, D. C.

DEAR COLONEL: Referring to our letter of April 15, to which we have not yet had a reply, it has taken us a full week to secure options and time of delivery from the cotton-yarn people, and we have found one mill who can deliver up to 200,000 pounds of 7.4-ply yarn commencing June 1. This is the Alpine Cotton Mills at Morgantown, N. C., through their agency, the Erwin Yarn Co.

We are inclosing a sample of this yarn so that you can see for yourself it is of the very best quality. The lowest quotation given us on this yarn is 66 cents per pound, which is exactly 20 cents per pound higher than the contract we made with Catlin & Co. for the 10,000 yards of duck which we are now delivering to you at 70 cents a yard.

We will be very much pleased to accept an order up to 200,000 yards, delivery, as mentioned in our previous letter, to commence about September 1.

As there is 15 ounces of cotton to the yard of No. 4 duck, this would mean 19 cents a yard more on the difference in the price of cotton yarn, bringing quotation on the duck to 89 cents a yard, which would give us a profit of about 10 per cent or a little under.

Immediately upon advice from you we will have these looms set up and start to work on them. We would like to have some information from you as soon as possible as we have had an offer from another party to buy the looms.

We trust, therefore, that you will give our letter your quick attention. With kind regards, I am,

Very truly, yours, ——— ———.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. WINSLOW. The letters, gentlemen, were read not for my edification but for those who did not have this information. I think it is time to begin to go to the bottom of bills which are offered here. We find a letter written as late as the 18th of April, 1918, covering correspondence from January 5, 1918, and during all that time not only has the writer of the letter failed to get any response whatever from the Quartermaster Department, but meanwhile cotton yarn has gone up 19 cents to a yard of duck, and to-day we have a bill brought in here with the statement that it is a war measure in order that the Government may get duck. Some one said a few moments ago that the President had written a letter in which he favored this bill. I do not know whether he has or not, but I hope he has not. I have recently followed him up on one letter and down on another, and I find the backward somersault is not intended for one of my shape. [Laughter and applause.]

The idea is simply this, that we had better get down to business. The people of the land are beginning to get their ears to the ground and they are hearing noises which sound like some funny things going on around Washington, and those of us who go home from now on will be asked questions unlike those we have been asked hitherto. We will have to tell them why things are not, when people supposed they were. Is it not a very good time now, when we find that a bill has been brought in here under a misapprehension—to be kind—calling for a simple million, to refuse to pass the bill so long as it only comes as a war measure, in order that we may not only save the million but get the duck quicker? For my part, I hope that the bill will be beaten whether as a war measure or a commercial undertaking.

When you talk about the bill as a matter of humanitarian interest it has no business to become a part of the legislation of this House at this session by general agreement. I think it would be nothing but rank policy for this Congress to legislate in favor of this bill which takes a million to establish a new line of enterprise, difficult in itself, and which apparently is not needed, and which will add nothing to the production possibilities of the machinery of the country. I dare express the hope that we will look upon this legislation in the light in which it was presented, namely, as a war measure, as a business proposition. We here have a chance to assure the country, even at this late day, that there is enough nerve left here to sometimes begin to analyze bills, in our effort to save some of the country's money which we have long since been so lavishly expending. [Applause.]

Mr. WEBB. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WEBB. Mr. Chairman, I hope very much that the amendment proposing to strike out the section providing for the purchase of land will not be adopted. I do not think the Judiciary Committee would have reported the bill favorably without this provision. It will be utilized for the growing of cotton, grain, potatoes, and so forth, for the use of the Government and the prisoners. I hope the provision will not be stricken out. We are trying to provide diversified work for all the prisoners. We can not put them all in factories, but we thought if the Government would buy enough farm land it would be a humanitarian act and profitable to the Government.

Mr. BURNETT. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. BURNETT. Would this include the alien enemies interned there? Would they be put to work also?

Mr. WEBB. If they are prisoners it would.

Mr. CANNON. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. CANNON. I notice the amendment to which the gentleman has called attention, but I do not find that there is any limit either in amount of money or quantity of land, or any given location of land. What price is to be paid for the land, and how much is it—a million, a million and a half, or two millions?

Mr. WEBB. We could not give the location of the land, because every landowner would jump his price up immediately. We thought it would be better for the Attorney General's Department to go out and buy it, select it in the most suitable location.

Mr. CANNON. There is no limit. There is as much limit to spend ten millions as there is to spend one.

Mr. WEBB. There is no appropriation in the bill; it is only an authorization. There will be no appropriation until the gentleman's committee comes to handle it.

Mr. CANNON. But anything would be in order. Is there any amount appropriated in the bill that is available?

Mr. WEBB. No.

Mr. CANNON. Nothing available but a general authorization without minimum and without maximum. It may be a township or it may be a county.

Mr. WEBB. That is all right if the gentleman wants to limit it; the committee will accept an amendment. This is not our legislation alone; it now belongs to the House.

Now, what I want to call attention to is this: When our committee had its hearings we had before us this letter from the War Industries Board of the Council of National Defense, the committee on supplies of cotton-goods section, written by Albert L. Scott. I do not know anything about the troubles of the gentleman from Massachusetts [Mr. WINSLOW]; I do not know that his man has duck that the Government wants. In fact, I conclude that he has not got it, because the thing the Government is in great need of is heavy duck for Army, Navy, and Shipping Board use.

Here is a letter written to the Attorney General:

Mr. GOODALL. Mr. Chairman, will the gentleman yield?

Mr. WEBB. I want to read this letter first:

I wish to urge upon you the necessity of increasing the supply of looms in the country capable of producing numbered duck at the earliest possible moment. The demand for such duck for paulins, escort-wagon covers, transport covers, and for the Emergency Fleet Corporation is far beyond the capacity of the country to supply.

If the Atlanta Penitentiary could install 500 looms to produce these goods it would tend to greatly ease a very tense situation.

Generally speaking, the quantity of numbered duck yet to be purchased from an already overburdened industry is over 31,000,000 yards.

On February 26 the committee had the following letter, addressed to me as chairman of the committee by the Attorney General:

The situation is this: The committee on supplies of the Council of National Defense says that there will be a very large shortage of heavy cotton duck, and that is one of the important war problems to provide an increased supply; that the Government departments face a deficit of from five to six million yards during 1918, in addition to the requirements of the Navy and the Shipping Corporation, which in themselves are heavy. The committee says that if the Atlanta Penitentiary could install 500 looms to produce cotton duck it would tend to greatly ease a very tense situation.

I called up this cotton-goods section of the Council of National Defense a day or two ago and asked the gentleman in charge, Mr. Bailey, what the situation was now. I read him this letter, and he said it is just as tense now as it ever was. Pray tell me why it is not a war measure? I take the position that it is a good measure, and men ought not to get up on the floor of this House and object to the convicts of the country getting into some gainful occupation for the Government during this war because it might come in conflict with some manufacturer from their section. I have 125 cotton mills in my district, more than any other district in the United States, and they are not protesting against this bill, which the President so urgently indorses.

Mr. GREENE of Massachusetts. I beg to differ with the gentleman, but I have more than that in mine. I have 114 in one city.

Mr. WEBB. This is a humanitarian bill. It is recommended by the American Federation of Labor, by the Council of National Defense, by the Attorney General, and by the President of the United States, and I can not see why all this fight should be waged against a measure as to which no one seems to lodge a real, just objection. All say that these prisoners ought to be employed, and some say put them on a farm. A gentleman has to have a mighty fine pair of metaphysical scissors to show me the difference between competition with a farmer and with a manufacturer. If the convict grows a bushel of potatoes and either eats or sells them, he is in competition to that extent with the farmer; and if he makes a yard of duck and the Government uses it, he is to that extent in competition with the man who is making duck. Will somebody please point out what ought to be done with these 1,400 men? We had four of the best-qualified men in the country go over this situation and recommend to this Congress what should be done, and we are carrying out their recommendations. It seems to me that men ought not to use the selfish argument. I have yet to hear from the first manufacturer in America who objects to this bill. I take it they are too big for that sort of little business, especially when the country is demanding for the Army and the Navy and the Shipping Board and for covered wagons this very sort of goods and the trade can not meet the demand. It ought to be made by somebody, and we have the men, 1,400 of them, and why should they not work to supply the Government with one of these very necessary war materials, in which everybody agrees there is a deficit of 6,000,000 yards?

Mr. GOODALL. Mr. Chairman, will the gentleman yield now?

Mr. WEBB. Yes.

Mr. GOODALL. I want to say something about the looms owned by Mr. Whittell. I have been in his factory, and they made the heaviest kind of duck in the world. In Heaven's name, why does not the Government let him make that duck?

Mr. WEBB. You tell him to go down to the Council of National Defense. They make the contracts.

Mr. GOODALL. How about the letters?

Mr. PLATT. Does not the gentleman think that the Quartermaster General's office ought to answer the letters?

Mr. WEBB. Of course they ought to answer the letters.

Mr. PLATT. The gentleman knows the reason why the Government does not get a lot of these things. It is because the Government does not proceed on business principles and because the Government has not a competent Secretary of War.

Mr. WEBB. I deny emphatically the suggested incompetency of our able Secretary of War. Men who want contracts usually come here and see the men who make the contracts. They do not write about what machines they have and what they possibly can do, and so forth, but they come down here and tell them what they can do and close their contracts.

Mr. BURNETT. He ought to get his Congressman to do it.

Mr. WEBB. Yes; Mr. WINSLOW could do that and do it well, no doubt.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word. When this bill was introduced and brought into the House it was claimed by the advocates of the measure that it was a war measure. Now it is based on humanitarian grounds. For Heaven's sake hurry up and pass the bill, or we will have a letter from the White House saying that the psychological conditions are such that they demand the passage of the bill. All sorts of excuses are brought in here for a bill that has no merit. There has been no merit yet offered for this bill. There is every evidence that the Government has made no attempt at all to obtain duck from the cotton factories of the country to-day. I do not believe the gentlemen on the Democratic side of this House realize just what they are doing. I want to call their attention to what they have done and what they are doing. Out of a little over 32,000,000 spindles in the country in the cotton mills, about 55 per cent are located in the South. If any gentleman in this House will take the census report, he will find that the average wage scale in the cotton mills south of Mason and Dixon's line was 86 cents a day, while the average wage scale in the cotton mills north of that line was at the time of taking the census $1.42 a day.

Mr. GOODALL. And shorter hours.

Mr. FORDNEY. Yes; and shorter hours in the North than in southern mills. About the lowest scale of wages of any important industry in the country, and at the same time, when the census was taken, our Democratic friends were shouting themselves hoarse for free trade, free trade on everything—and you have come pretty near getting it. The imports into the United States for the last year were the greatest in value of any year in our history by nearly a billion dollars. The average ad valorem is 7 per cent on imports the last year, and just in seven more short jumps you will have free trade. I visited a cotton mill in a town in Mississippi four or five years ago, and while going through the mill I saw labor employed in making cotton goods. I saw hauled to the door of that factory cotton raised in that county in which that mill was located, Jones County, Miss., brought there by the farmers and sold by them to the factory. There was American labor employed in that mill in the State of Mississippi converting the raw material into the finished product, a very happy situation, indeed. I went to the depot to secure transportation to my home in Michigan, and at the depot I saw cotton being loaded on cars to be shipped out of the city of Laurel, Jones County, Miss. I made inquiry as to where that cotton was being shipped to and found it was going to Belgium, going to New Orleans to be put on board ships to be transported to Belgium. I came home, my friends, and I investigated and I wrote to the American consul in Belgium and found that the wage in the cotton mills in Belgium was 18 cents a day, and the highest wage paid out of 12,000 people in the cotton mills in Belgium on investigation was 38 cents a day. I examined our imports and I found we had imported that year from Europe $71,000,000 worth of manufactured cotton goods. Free trade! Raw cotton raised in the State of Mississippi by American labor, getting the American scale of wages, transported to Europe, where it found cheaper labor, brought right back, and let me go further. I went that very day to a store in the city of Laurel, Miss., and I made inquiry for imported goods, and I found goods in that store in the city of Laurel, Miss., imported from Belgium. Right under my observation there was cotton raised by American labor transported to Belgium to foreign 18 cents per day labor and brought back and sold through the stores of Laurel, Miss., to the very farmer who raised the cotton, and yet you are shouting yourself hoarse for free trade on cotton, and now you want to establish prison labor to come in competition with your 18,000,000 spindles in the South.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

Mr. FORDNEY. Let me go a little further. Gentlemen, if you will investigate you will find that high-class duck is not made totally of American-grown cotton. It is made largely of the long-staple cotton, imported Egyptian cotton, the high-grade cotton.

Mr. KEATING. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. KEATING. The gentleman's statement concerning the sale of imported cotton goods in this country interested me, and I wondered if the gentleman had any figures showing the amount of American-made cotton goods sold in foreign countries?

Mr. FORDNEY. I did have, sir; and I can state truthfully that it was a mere trifle at that time as compared with imported cotton goods.

Mr. KEATING. The gentleman from North Carolina tells me that certain cotton mills in his State have made fortunes in the sale of cotton to China and other countries.

Mr. FORDNEY. I do not think there is a cotton spindle in the State which I call my home.

Mr. KEATING. No; I said North Carolina.

Mr. FORDNEY. I am not a North Carolinean, thank God.

Mr. KEATING. I said the gentleman from North Carolina; the gentleman misunderstood me. I did not charge the gentleman up against the State of North Carolina.

Mr. FORDNEY. No; but I love the boys from North Carolina.

Mr. KEATING. But the gentleman from North Carolina, which is a cotton-manufacturing State, tells me there is a vast quantity of cotton goods being manufactured in that State which is sold abroad.

Mr. FORDNEY. There are now very great quantities, because the cotton mills of this country are practically taxed to their limit, both cotton mills and woolen mills, so far as they are able to obtain raw materials, because, my friend, war has brought about an abnormal condition which now prevails, but in normal times our imports of cotton goods far exceed our exports of cotton goods.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. MOORE of Pennsylvania. Does not the gentleman think if the Government in exercising its war powers had commandeered two or three of the cotton mills in North Carolina or elsewhere it could have met the cotton-duck deficiency?

Mr. FORDNEY. Yes; but everybody on the face of the earth who has a teaspoonful of brains in his noddle above his eyes knows that the Government can not do anything as cheaply or as economically as individuals can do it. Everybody knows that it costs the Government two or three times as much to do anything as it costs the individual or a set of individuals to do the same work.

Mr. BURNETT. Will the gentleman yield?

Mr. FORDNEY. In a moment. Only three days ago I was in the War Department and was told that men out here at Camp Meigs, where the camp is just about being completed, are receiving $12 a day. Any man who can use a saw who is not even a practical carpenter is paid $12 a day. I love to see men obtain good wages. The price of everything we consume, both in food and clothing, is excessively high, and the poor people ought to enjoy as much of the prosperity of the country because of this great war as people of wealth do. I am opposed to great profits during the time of this great war, when our boys are suffering on the battle fields of Europe, but notwithstanding everybody engaged in business of every conceivable kind is trying to make profit. So it goes without saying that wages are high, but the Government never has and never will operate any great industry in this country as economically and as efficiently as the individual or a set of individuals can.

The CHAIRMAN. The time of the gentleman has again expired. The Chair desires to say, before he recognizes anyone else, that he has been very liberal in this debate, and that the debate has long since been exhausted on the pending amendment. The Chair desires to see if he can straighten the parliamentary situation out. There is pending a committee amendment, and to that an amendment offered by the gentleman from Washington, and upon that a point of order has been reserved. Does the gentleman from Wisconsin desires to press the point of order?

Mr. STAFFORD. If the Chair makes the point of regular order and calls upon me to press or withdraw my reservation of the point of order, I wish to say, Mr. Chairman, that the question as to additional acreage to the penitentiary at McNeil Island, Wash., has been a subject under consideration for the last two or three years by the Committee on Appropriations. This question of increased acreage was not given any consideration by the commission that was appointed two years ago to investigate the question as to how the Government could most profitably utilize prison labor in its three penitentiaries.

Under the circumstances, Mr. Chairman, I feel constrained to make the point of order on the ground that it is not germane.

Mr. JOHNSON of Washington. Will the gentleman withhold it?

Mr. STAFFORD. I will withhold it.

Mr. JOHNSON of Washington. I realize that the point of order is well taken. Rather than endeavor to enlarge the scope of this bill, I am convinced that if this reckless appropriation of money is to continue I can offer a bill to provide for the establishment of a Government salmon cannery at McNeils Island, and the identical argument, both humanitarian and war emergency, put forward in behalf of this bill can be used in behalf of that, and the indorsement of the President, which will, of course, be necessary, should easily be secured. Besides, canned salmon has gone up to an unheard-of price, and neither the civilians of the United States nor the Army or the Navy can get as much salmon as they need. Now, will such a bill as that have the indorsement of the chairman of the Judiciary Committee as a war measure?

Mr. WEBB. The committee will have to consider it, I will say to my friend, before I can indorse it.

Mr. JOHNSON of Washington. Identically the same arguments would apply.

Mr. WEBB. The gentleman would run against the same point of order, though.

Mr. JOHNSON of Washington. The same wording of the rule that brought up the Atlanta Penitentiary cotton-factory bill will suffice as a rule for a McNeils Island salmon cannery.

Mr. WEBB. Let the gentleman introduce the bill and we will give consideration to it.

Mr. JOHNSON of Washington. With the permission of the House, I will withdraw my amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. BLACK. I object, Mr. Chairman. Let us decide this amendment first, and then go to another paragraph.

Mr. VOLSTEAD. Mr. Chairman, I move to strike out the last three words.

Mr. STAFFORD. Mr. Chairman, we had some tacit understanding here providing that there would be some liberal debate under the five-minute rule. The debate that has been proceeding here has been all bona fide, and I think the ranking member of the Committee on the Judiciary ought to be recognized.

Mr. BLACK. I think so, too, and I will withdraw my objection.

Mr. WEBB. The gentleman is the ranking Republican on the committee and has not addressed the House. I will ask that after he finishes speaking we take a vote on the amendment.

Mr. VOLSTEAD. Mr. Chairman, I supported this bill in the committee and I intend to support it here. The question of whether this is a war measure or not does not concern me at all. It did not concern me when considering it in the committee. Here is the situation: We have a building down there at Atlanta erected for the purpose of a cotton mill. It is there and we ought to make use of it. There are a large number of prisoners at that point. The prison officials tell us they have no way of employing them. It is not only inhuman but barbarous to have them in idleness. It has been suggested we ought to employ them upon a farm or upon the roads. Now, while that can be done to some extent, anyone who knows anything about prison matters knows that that is not practical as to all prisoners. A few of them may be so employed, but it is not the best way to employ prisoners. We put men in prison for the purpose of reforming them, or at least that ought to be our object. Society should not be vindictive. You take a man and work him on the road, and as a rule you humiliate him in the most outrageous fashion. I have seen prisoners at work in the South upon the roads, and if there could be anything more degrading it is hard to imagine what it can be. I have seen there gangs of shackled prisoners, followed by men with rifles or clubs to keep them in line, gazed at by every passer-by. The same will in a measure be true if you attempt to work the men in the Atlanta prison on a farm. It is not possible to so employ them near the prisons, because there is no land available for that purpose near there, and you would have to shift them from the prison to the farm and back from time to time, and thus constantly expose them to the public gaze. Such a course as that certainly does not appeal to me.

We have in the State of Minnesota a prison system in which we take much pride. The system has been strongly commended by the highest authorities on prison reforms, and I can not help but feel that it is a proper system. We have a farm and employ as many on that as we conveniently can, but have other industries for them. We manufacture the binding twine that is used on the farms in that State, and sometimes we have a surplus. We employ them also in the making of farm machinery of various kinds. None of these industries come in competition with other industries in that immediate vicinity except farming. It has been claimed here over and over again that we can not successfully conduct a business of that kind. The records of that State prison absolutely destroys any such contention as that. We have not only been successful in employing these men,

but we have been successful in making a considerable amount of money for the State. There is no doubt about that. Anybody that will investigate will find that is true.

But that is not what I wanted to call to your attention principally. Here is what we do with these men. When they first go into that prison they may be sent to the farm. The labor there is not of an expert class. They are in no position to earn much when released if farm labor is the only thing they can perform. The farmer, as a rule, does not want the convict. He must usually seek employment in the cities, where he is an impersonal cog in a great machine. Consequently he drifts to the cities. There, if his capacity to earn is small, temptation to relapse into crime is great. In our prison, if he shows any disposition to be decent and has any aptitude to learn some trade, he is made to do so, to the end that he has some trade to enable him to easily make a living after he has been released.

And we do another thing—and I take pride in the fact that I originally suggested section 4 of this bill—we pay that man as long as he is in that prison if he behaves himself, and as he improves in skill his pay is increased. When the prisoner leaves the prison walls he has not only money with which to take care of himself, but he has a trade. And it is true that we have been able to build up a great many of those people—make them good and useful citizens. Very few of them go back to a life of crime and degradation, while under the system that some of you gentlemen have been advocating, you are almost forcing them to again become criminals. It is a disgrace to this country that our Federal prisons have no adequate means of caring for its inmates. I am not sure whether it is parsimony or politics that has left our prisons in their present deplorable condition. I am inclined to think it is the latter. It is time we do something.

Mr. STAFFORD. Mr. Chairman, I offer an amendment to the amendment.

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 2, line 9, after the word "determine," insert "at a total cost of not to exceed $200,000."

Mr. STAFFORD. Mr. Chairman, there is no testimony of the report of the commission——

Mr. WEBB. Mr. Chairman, I do not think the committee has any objection to that amendment. I am inclined to accept the amendment.

Mr. GARD. The bill carries no appropriation for the purchase of a plant now. It is for later consideration by the Committee on Appropriations.

Mr. STAFFORD. The gentleman, who is a very good lawyer—one of the House's best lawyers, in my opinion, if he will permit me to say it—will notice that this amendment grants authority to the Attorney General to enter into contracts for the purchase of land. I wish to ask him whether there is any limit in this bill whatsoever on the authorization that he may go to in the purchase of land to bind the Government without any direct appropriation from Congress? I am asking that of the gentleman from Ohio.

Mr. GARD. There is no limitation that I see in the bill, I am frank to say to the gentleman. The limitation would be the necessary limitation of the lack of appropriation, because if there is no money to buy the property with, you could not make the purchase.

Mr. STAFFORD. Under this general language, as you will notice, you vest the Attorney General with the authority to purchase land to any extent, and then after entering into a contract the Committee on Appropriations would necessarily be obliged to recommend the appropriation of the money because it would be a binding obligation of the Government under an authorization by Congress.

Mr. WEBB. I was impressed with the objection of the gentleman from Illinois, and so far as I know the committee has no objection to putting a limit on it.

Mr. STAFFORD. Apart from the amendment, I wish to inquire what the word "such," in line 9 of page 2, refers to? You are granting to the Attorney General authority to purchase such tracts of land.

Mr. WEBB. Any tracts that might be proper.

Mr. STAFFORD. It does not say in language in the paragraph "any such tracts as he may decide to condemn," but it refers to something in the air, something which can not be located.

Mr. GARD. The word "such" can be eliminated without damage. It will have the same meaning that it now has.

Mr. AUSTIN. Mr. Chairman, is it in order now to strike out all after line 3, on page 1, and offer a substitute for this bill?

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. I believe I had the floor for the purpose of offering an amendment and speaking to it. Has any action been taken on that amendment?

The CHAIRMAN. That amendment is pending now. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Was the Chairman about to state the amendment offered by the gentleman from Wisconsin?

The CHAIRMAN. The Chair put the question on the amendment offered by the gentleman from Wisconsin.

Mr. MOORE of Pennsylvania. And not the main question?

The CHAIRMAN. No. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, it seems to me that before we fix the amount, which is very large, we ought to have some information from the committee, if any is available, as to the acreage to be bought. Is there any testimony before the committee as to the amount of the land to be purchased? We may be fixing this amount very much higher than is necessary. We all know that placing money in the hands of some officials is an invitation to them to expend it. Two hundred thousand dollars to buy farm land will buy a very large tract in Georgia, I believe, where farm land is not very high in price. It seems to me we should have some information from the committee. It can not be that they put this in without any consideration whatever. They must have put it in at the suggestion of those who will have the execution of the law on their statement that it will be necessary to buy land. What land? How much? What will it cost? What is the committee able to tell us about the amount of money needed? We are in the dark when we are voting $200,000. It may be far too much or it may not be enough. I should like to have some information before I vote.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. STAFFORD. I was about to state, immediately after the amendment was reported, that there was nothing in the report of the commission or in the hearings from which anyone could get an idea of the amount of land that would be necessary or the price of land in the territory tributary to the Atlanta prison.

I did not wish to fix too small an amount, so that sufficient land could not be acquired in which to keep occupied these thousand prisoners who will not be engaged in the mill. I estimated that the land might be purchased at $50 an acre down there, and some 4,000 acres or more might be acquired at that rate. I have no information that could be obtained from the hearings or the report of the commission by which I would be guided, and I was about to proceed on those lines when the gentleman from North Carolina [Mr. WEBB] said he was willing to accept the amendment. I am in the dark so far as the amount that the amendment carries.

Mr. McLAUGHLIN of Michigan. It strikes me, Mr. Chairman, that when the sum of $200,000 is suggested, it is suggested because we have got into the habit of dealing with large figures. Under ordinary circumstances we would not think of suggesting $200,000 for this purpose, we would not think of fixing any price without definite limitation. I am not favorably disposed toward this bill anyway. I think it proposes an improper or unnecessary use of a million dollars, and if we can cut it down in any way properly we ought to do it. Certainly we ought not to vote in the dark and spend $200,000, or invite an officer of the Government to spend $200,000, if it is not absolutely necessary.

Mr. STAFFORD. Does not the gentleman believe that there should be some limitation on the amount which he might spend, rather than the blanket authority as carried in the committee amendment, without any limitation at all, even though that amount may be too large?

Mr. McLAUGHLIN of Michigan. I think there ought to be a limitation. But I would like to know what I am doing when I am fixing the limitation. Two hundred thousand dollars is not a limitation at all; it is, I believe, very much too high.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Mr. MOORE of Pennsylvania offers the following amendment: Page 2, line 9, after the word "points," insert the words "in the vicinity of the Atlanta Penitentiary."

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment is offered for the purpose of limiting the power of the Attorney General in the purchase or condemnation of land to the vicinity of the Atlanta Penitentiary.

Mr. WEBB. Will my friend yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WEBB. If the gentleman can use some word which will localize it in place of the word "vicinity," I shall be glad to have it done.

Mr. STAFFORD. "Vicinage" might be a good word.

Mr. WEBB. That would be a little dangerous, because we made an investigation and found that the land immediately around the Atlanta Penitentiary is held at so high a price that nobody ought to buy it for farming purposes. It is right in the edge of the city of Atlanta, as the gentleman knows, if he is familiar with the geography of the place.

Mr. MOORE of Pennsylvania. No; the gentleman's information is more up to date than mine on that subject. [Laughter.]

Mr. WEBB. It is in the suburbs of the city of Atlanta; and if they are required to buy the land immediately around the penitentiary, it will cost too much money for farming purposes. Therefore we gave them this leeway. We thought that out 4 or 5 or 10 miles they could buy land suitable for the purpose.

Mr. MOORE of Pennsylvania. I am perfectly willing to limit it to a radius of 10 miles from the penitentiary.

Mr. WEBB. I will accept that, as far as I am concerned. That was the object of the committee.

Mr. McLAUGHLIN of Michigan. How much land are you going to buy?

Mr. WEBB. I do not know, and nobody else knows.

Mr. MOORE of Pennsylvania. I ask unanimous consent to modify my amendment by inserting after the word "points" the words "within a radius of 10 miles of the Atlanta Penitentiary."

Mr. WEBB. I think that is acceptable to the committee.

Mr. MOORE of Pennsylvania. Or I would limit it to 15 miles.

Mr. WEBB. I think 15 miles will be better.

Mr. MOORE of Pennsylvania. I ask unanimous consent to modify it so as to make it "within a radius of 15 miles of the Atlanta Penitentiary."

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

Mr. MOORE of Pennsylvania. The purpose of the amendment to the amendment is plain. As the amendment reads, it gives the Attorney General the power to purchase or condemn land anywhere in the United States and not necessarily for the purposes of the Atlanta Penitentiary. I am opposed to the whole proposition; but if we are going to locate an industrial establishment at the Atlanta Penitentiary and then give the Attorney General power to condemn land or to purchase land in the furtherance of that purpose, he ought to be limited in the exercise of his power to a radius of 15 miles at most from the Atlanta Penitentiary. I do not think he ought to have power to buy land in Texas or to buy land in Florida or to buy land in Pennsylvania with which to serve the purposes of the Atlanta Penitentiary.

Mr. BLACK. Mr. Chairman, I think that the amendment offered by the gentleman from Pennsylvania [Mr. MOORE] would be an unwise amendment to adopt, because there is absolutely no testimony before the committee as to the nature of the land around Atlanta. I take it that if the Federal Government spends the amount of money authorized in this bill for land on which to work its convicts it will want to buy productive land. In other words, that it will want to make the best bargain that it can. Our penitentiary system in the State of Texas several years ago abandoned the lease system. We no longer work our convicts under the lease system, but the most of them are worked on farms owned by the State in places where we think the productive area of the soil is the best. For instance, we have one large State farm on Red River up in northeast Texas. We have another State farm on the Brazos River; and I think still another one in another part of the State. If we tie the hands of the Attorney General as to where he may spend this money and say that he shall purchase the land within 15 miles radius of Atlanta, what evidence have we that productive soil can be purchased? If we operate a Federal convict farm, it would not necessarily follow that the prisoners who work on it would have to be brought in to the Atlanta Federal Penitentiary each night from their work and lodged there. That is not generally the way these prison farms are operated. The usual way is to build quarters for the men on the farms, and during the farming season they live out there on these farms, where they are convenient to the land. The location need not necessarily be close to the penitentiary at all. We ought not to tie the hands of the Attorney General and say, "You shall buy land within 10 or 15 miles of Atlanta, or even within 20 miles of Atlanta." We ought to permit him to have the discretion and the power to investigate the situation and spend the money where the best soil can be bought, that will yield the best returns. I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question being taken, the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the committee.

Mr. AUSTIN. Mr. Chairman, I desire to present my amendment to strike out all after line 3, page 1, and insert the following——

Mr. WATSON of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WATSON of Pennsylvania. I have an amendment to page 1. Does that come before the committee amendment?

The CHAIRMAN. The question is first on the committee amendment.

The question being taken, on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 37, noes 17.

Accordingly the committee amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 2, line 6, after the word "shop," strike out the period and insert a comma and the words "and the articles so manufactured shall be sold only to the Government of the United States."

Mr. FRENCH. Mr. Chairman, I think it is the purpose of the committee in reporting this bill to provide that what I have indicated in the amendment shall be the condition. However, I think the language is rather ambiguous; and, in fact, I was talking with one Member of the House who is in favor of the bill, who believes that my amendment ought not to be adopted, because he thinks there ought to be the option of selling the articles manufactured to others than the United States if there is an opportunity. For my part I would oppose that, and it is for that reason I offer this amendment. Perhaps I should say that I am in favor of the measure. I am in favor of it, first of all, because those who have had the hearings on the question and have gone into it urge it as a war proposition. I am in favor of it, most of all, from the standpoint of humanity and that which we ought to afford the inmates of a great penal institution. The time has passed when men who graduate from the penitentiaries throughout the country should graduate to be more proficient in crime. Rather, they should be graduated so that they will be useful citizens, and the percentage should be less and less every year of those who would go back to a criminal career. It is true to-day as it was when first said, "The idle man's brain is the devil's workshop." It is absolutely true, and we ought to provide some way by which the men who must be kept in penal institutions for a time shall be kept busy, and that when we turn them forth they will be fitted for a useful occupation.

The question of prison labor competing with free labor is an important one. I am opposed to letting criminals engage in work which directly competes with labor. On the other hand, in a large sense there is nothing the inmates of a penitentiary can do that does not compete with labor in some degree. Yet most of us approve of prison labor when prisoners are engaged in working upon the roads, when they are engaged in working upon the highways, when they are engaged, as they have been for years in my State, in building the walls of the penitentiary in which they are inclosed, and in many kinds of labor I could mention. But even so, the building of the walls of a penitentiary is to engage in competition with the labor of the stonemason and of the quarryman, and the growing of vegetables for the prison table is to compete with the market gardener. Yet this is legitimate. It is labor for the State, for society. But if we go beyond that and say that they may even place the products on the market you immediately place the labor of the convict in competition with the market gardener and the farmer. So then I would oppose the engagement of inmates of penitentiaries in the construction of buildings to be used as offices and resi-

dences over the State, although I would favor prison labor in getting stone from the quarry and putting up buildings that would be for the prison's own use.

There is a line that we can draw between the kinds of labor in which men may engage. All labor to some degree is in competition with other labor. There is a kind of labor which we are glad to welcome because it adds to the world's wealth.

I believe another thing. It is a fortunate time to establish this plant for another reason. Now is the time when the world wants labor, the United States wants labor. In all the papers there is evidence of the great demand for labor. If normally this labor would impinge on private business, now is the time most of all when it will not or scarcely at all. There will be other markets and other demands for those in private lines capable of producing things that the inmates of the penitentiary can produce. For these reasons I am in favor of not only the amendment but the bill itself. [Applause.]

Mr. CANNON. Mr. Chairman, I rise to oppose the amendment. Matter is useful to the human animal only after labor has been bestowed upon it. There is much talk about competition, much talk about not interfering with labor, and that it does not interfere much. Now, in the main agriculture employs one-third of the American people. It is not unionized. I think it is said that the nonpartisan people up in North Dakota and perhaps getting over into Minnesota are unionized, but substantially farm labor is not unionized, and therefore we will have prison farms and authorize the purchase of land as it does in the bill. To do what? To raise cotton, to raise corn, to raise vegetables, and so on. Oh, well, they will not kick, they are not unionized, and it will not affect our votes. That is the way to do it. Somebody else says put them on the roads. Good heavens, roads are made to travel upon, and certain seasons of the year they require repair; in fact you have to do work on a road before it is of much account either in dry or wet weather. Well, put the convicts on the road; that gives them plenty of fresh air, as it does on the farm or in the vegetable garden. That would compete a little more with people who work for day wages or for monthly wages, so that we might be a little more embarrassed than if they were put on the farm. And so it goes.

Now, this amendment is to the effect that the products of this institution are to be sold to the United States only. The United States buys a good many things. It buys furniture. It does not buy vegetables to any great extent, but it buys all kinds of textiles, hardware, and a great many things, so that wherever you get an article that is manufactured by these convicts it comes into competition. These convicts, oh, how sorry we are for them. My God, we are so sorry for them, but we are taking pains to see that they do not compete with anybody that is engaged in labor that is unionized and has got a vote. [Laughter and applause.] So let us not fool ourselves. It may be that we can fool our constituents. The truth is that in this time of war I hate to see this million dollars spent. I think I shall vote against this bill, because when you come to expend it who pays the taxes that raises the money? Union labor, labor of unionized men on the railways, men doing all kinds of things, they have to contribute this million dollars, to do what?

Why, to support these people that will compete in their products with the product of these others. Say—let us wait now a little bit; as we are going to double expenditures for the coming fiscal year, according to the newspapers, as we are going to double taxes for the coming year, and are going to put a million and a half or two million men additional to the soldiers we already have in France, with our great pension roll, with our great insurance roll, with the great amount that it takes to support our soldiers and the amount that it takes to support their dependents at home—let us wait until the war closes before we spend this million.

Mr. SMITH of Michigan. Mr. Chairman, I am opposed to this bill at this time, because we need the money, which I would sooner see expended for bullets under present conditions. The principle of this bill was first introduced by the gentleman from Texas [Mr. SLAYDEN] in the Fifty-seventh Congress. It has come up repeatedly since that time, until they think now they have a good prospect for its passage on the ground of its necessity as a war measure. Anyone who heard those letters read this afternoon about the making of duck by men who can not get an order out of the Government with an ox team will be satisfied that there is opportunity for making duck, that there is now plenty of help and plenty of machinery to manufacture duck by private firms, provided the Government wants it and can cut out this principle of prison labor. The Government can not get the machinery inside of a year, anyway. I have a letter here from the warden of one of the largest prisons in the United States, and he says that it is apparent to anyone who has given the matter a thought that it would be impossible to equip a prison for munition work; that machinery for that purpose is not to be had; that plants producing machinery are years behind with their orders. Mr. Chairman, this is simply an opening wedge to get legislation for the working of prison convicts.

I want to say just a word about these dear prisoners. I have been on both sides in the trial of capital offenses. Every time a man is convicted the court takes him in his office and inquires about his character, habits, and antecedents. I have stood beside the widowed mother dressed in mourning. I have seen good people carrying flowers into jail and give them to the prisoner that put that mother in mourning. I have seen the man fêted and covered with sympathy in jail who knocked out the brains of a peaceful slumberer to get his money. I want to tell you something about the humanity part of it. Our good colleague, Dr. FESS, of Ohio, wishes criminals to be prepared for future life. Anybody who wants to look up the career of 43 prisoners, every one of whom escaped from the State prison in Michigan or broke his parole in the year 1917, can do so. I have here the list and the amount of the reward that is offered for the return of every one of them. Perhaps some of us could make more money at that occupation than we do now. Those in favor of this bill want these prisoners to make duck. My friends, I am not currying any friendship or favor from these men who have committed these deeds in the dead hour of night. I am for establishing justice. Prisoners are put in prison for the purpose of punishment, and are reformed incidentally. All of us want to see men do well.

Mr. MOORE of Pennsylvania. Can the gentleman state whether this new idea of prison reform prevails in Michigan?

Mr. SMITH of Michigan. Yes; they work them in the gardens and let them have their liberty and eventually——

Mr. MOORE of Pennsylvania. Does the gentleman know whether there is any prison reform sentiment in Michigan such as this Atlanta Penitentiary proposition?

Mr. SMITH of Michigan. There may be a few humanitarians that have big, soft hearts like some of our colleagues.

Mr. FESS. Mr. Chairman, the gentleman's State is one of the most advanced in prison reform of all the States of the Union.

Mr. SMITH of Michigan. I think the prisoners are the most advanced of any in the Union. [Laughter.]

Mr. FESS. That is a document to prove the nature of their treatment.

Mr. SMITH of Michigan. Yes. And they give from $25 to $100 reward for the return of each one of them. Here is a picture of each one of them—they are all good looking.

Mr. HICKS. Does not the gentleman think if all those men escape, the authorities of Michigan should be investigated?

Mr. SMITH of Michigan. Oh, no; we have fine men in Michigan. And our prison wardens are among the most prominent men in the State.

Mr. FESS. Those men do not represent all of the prisoners they have in that State?

Mr. SMITH of Michigan. No; this is just from one prison. One evening I went over to make a speech in a city in my home county when I was trying to get the nomination the first time for this great office that I am now honored with. A few of my friends came from around the county to hear me; on account of friendship for me I always thought, because I do not think that I could either entertain or instruct them. While we were standing in the hotel office we heard a loud applause outside where I was to speak on the street at half-past 7——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman be given more time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH of Michigan. Some one went out to find out if the crowd was getting impatient and what caused the handclapping, and reported that there was a speaker out there on a soap box who stated that he was in favor of demolishing every State prison in the United States, and they were applauding that ridiculous statement to make fun of him.

Now, I will tell you something more. We must have some law. I am in favor of law; I am in favor of order; I am in favor of a more perfect Union, to establish justice, to insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity and your posterity. I am willing to dedicate my life to those principles and my fortune and my sacred honor as truly as our forefathers did. I tell you, my colleagues, that to-day, just as our colleague from Massachusetts has said, it

is no time to bring up this legislation. In the Fifty-seventh Congress it was brought up by the gentleman from Texas [Mr. SLAYDEN], and a bill has continued to be before us ever since upon the calendar or in the committee, and a bill for prison labor is now fathered by the gentleman from Missouri [Mr. BOOHER], and I want to tell you what he says:

I can not imagine of anybody wanting the convict labor of this country, the labor of men inside the penitentiaries and reformatories coming in contact with the labor of free men who are on the outside, who are honest, upright, and industrious working men, who have families to support.

He further said, on page 3 of the hearings before the Labor Committee, January 20, 1916, on this question:

Mr. VAN DYKE. May I ask you a question there, Judge? What would you do in States where it would be impossible to build roads in the winter?

Mr. BOOHER. Well, let the convicts do as the men outside do in the wintertime. The great mass of the laboring people of this country that are not in manufacturing institutions can not labor in the wintertime; they can not go out in the field and work; they can not go out and pursue the usual avenues of industry; but there is always something that they can find for the convicts to do in the penitentiary. But suppose they can not. Now, just take the other side of the question. Suppose they can not be occupied in the wintertime, all of them. Is it not better for those men to be unemployed in the wintertime and employed in the summer time than to drive out of employment and out of existence the laboring man outside and the small manufacturing institution? That is my position on this matter.

Some gentleman stated that prisoners objected to working on the roads because it humiliated them so as to make it painful. That they were ashamed to be seen going and coming to and from their work in the prison gang.

Why, just think of that! Think of the prisoner who has murdered your wife or child being humiliated because he has to work on the road, feeling ashamed of his employment, and you have such regard for his feelings you do not want to hurt them. At the present time, if we want to employ prison labor, let us put them in the mines digging coal, so that the mother and the babe will not have to go to bed next winter to keep life in their bodies. That would not compete with free labor any more than making duck. Besides we have plenty of duck makers, while the supply of coal is short. Let us put them on the road, and what is the use of being touchy about their feelings? If it came home to you and they had committed this crime against you or a member of your family, you would not stand for this humanity and sentimentality a second. Humanitarianism works all right if you are not touched by it, but I say to the gentleman from Ohio [Mr. FESS] that if a base criminal entered your house at night and murdered your wife or daughter, you would not want him to get imprisonment only. That is all right. [Applause.] Criminology may be all right when it comes to the proper time for considering it as an economic question. We have got the factories now for the manufacture of this duck. They have offered to manufacture it for the Government. The offer has been presented here on the floor of the House. Now, the machinery for equipping this prison can not be gotten for two years, but in the meantime we should support our soldiers and spend our money for our Army and Navy. They can not fight if they think we are not doing our part. The morale of our people here must be equal to the morale of the men behind the guns. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BLACK. Mr. Chairman, I am in favor of this bill not so much because I regard it as a war measure but because I favor the proposition on its merits, and I would vote for it as readily in peace times as I would under present conditions. The very logic of the argument of the gentleman from Michigan proves that his own position is illogical. He says, "Put these men to work in the coal mines; put them to work on the farm." Well, gentlemen, do not we know that you can not use all of this prison labor in any one avocation? It would not be proper or feasible to work all of them on a farm or all in a coal mine or in any one particular line of industry, and the argument of the gentleman from Michigan supports the proposition that they ought to be worked somewhere, and, to my way of thinking, one of the proper activities would be a cotton-duck manufacturing enterprise such as we propose to establish under authority of this bill. Now, several different kinds of arguments have been offered against this measure. The gentleman from Massachusetts [Mr. WINSLOW] submits a considerable file of correspondence here for the purpose of showing that certain manufacturing establishments in Massachusetts could not secure a contract with the Quartermaster Department to sell the Government a certain amount of cotton duck. Well, I am not able to see what that has to do with the proposition under consideration. Nothing whatever. There has been no argument here, even by those in opposition, that the passage of this bill will put any cotton factory out of business. There is no argument here that it will close up a single spindle——

Mr. SLAYDEN. Will the gentleman yield?

Mr. BLACK. I will.

Mr. SLAYDEN. Mr. Chairman, I would like to ask my colleague, or rather suggest in reply to his question of what this has to do with it, that the manufacturer in Massachusetts, whose name I have forgotten——

Mr. BLACK. Whittall.

Mr. SLAYDEN. Did offer the Quartermaster Corps an opportunity to secure duck with reasonable dispatch; that he pleaded on the 18th of April for an answer to letters written in January offering to do it. Now, the excuse for this bill is that we want to get duck to meet the necessities of the Government in connection with the Army, and if this is true why not get it the quickest way?

Mr. BLACK. That is not my excuse for advocating this bill.

Mr. SLAYDEN. Two excuses.

Mr. BLACK. That is not my reason. The facts brought out in the hearing show there are about 700 men in the Atlanta Penitentiary who are unemployed; and my reason for supporting this measure is that they ought to be given wholesome and useful employment. It is bad for them that they should be idle, and it is unjust to tax the people to support them in idleness.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLACK. I will.

Mr. JOHNSON of Washington. Is the gentleman in favor of an eight-hour day for prison employees in the Federal workshops in prisons?

Mr. BLACK. Perhaps the hours of labor would best be determined by the nature of the employment. I will say to the gentleman from Washington, however, that I think the hours of labor ought to be reasonable and humane.

Mr. JOHNSON of Washington. The report intimates that about half the rate of union-labor hours will be required of prison laborers.

Mr. BLACK. I do not know what hours of labor are contemplated to be used in this prison factory. It is not specified in the bill; but I think they ought to be reasonable and humane, giving to the prisoners time for healthy recreation. Now, I listened to the argument of the two gentlemen from South Carolina [Mr. LEVER and Mr. DOMINICK], who said we ought not to put convicts to work in this cotton-duck factory, because it would tend to increase tuberculosis. In support of their contention, they cite the experience of South Carolina; and what are the facts in the case? The facts in the case, as I understand them, are that the convicts of South Carolina were worked in a factory owned by a private concern, and the prisoners were worked under a leasing system.

And I submit that there is a great deal of difference between working convicts under the leasing system and in working them in a factory owned and operated by the Federal Government, surrounded by the sanitary and healthy conditions which I am sure will be rigidly maintained.

Mr. FESS. Will the gentleman yield there?

Mr. BLACK. I yield.

Mr. FESS. I understand the gentleman is not in favor of private enterprise exploiting prison labor?

Mr. BLACK. I certainly am not.

Mr. FESS. But in the Government working them for the benefit of the laborer?

Mr. BLACK. Exactly.

Mr. FESS. The prisoner himself?

Mr. BLACK. Exactly; and with this further statement that the system should be made self-sustaining as nearly as possible. In the State of Texas we formerly had the leasing system, and the convicts were leased to large plantation owners, and a great deal of complaint followed this leasing system. It was alleged that they were sometimes worked in the rain, that they were worked in the cold, and that very often, from unnecessary and inhumane exposure, they contracted pneumonia and tuberculosis and other diseases. I think some of these facts were established by investigations which were made.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent for three minutes more in order to complete this statement.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLACK. And we abandoned the leasing system. But because those men contracted tuberculosis and pneumonia and diseases of that kind under the leasing system was no evidence that farming was a dangerous or hazardous occupation and that prisoners should not be worked on the farm. It was simply proof of the impropriety of the leasing system. So we have done the proper and logical thing and have purchased State farms.

These farms are owned by the State of Texas and are operated by the State officials with prison labor, and we have done away with the evils of the leasing system. And, therefore, I say that it is in entire harmony with justice and reason and common sense to build these factories, to purchase these farms, and to train these men in useful avocations, and not only to train them, but to get the benefit of their labor while they are incarcerated.

Now, it is immaterial to me as to who favors the bill or who does not favor it. I am glad that union labor indorses it, but that absolutely has no bearing on my advocacy of the measure. I would be for it just the same, even if union labor was solidly opposed to it. I have never agreed with union labor's position to the effect that convict-labor work by the Government would compete with free labor to any considerable extent, because it is inconceivable to me that any State or the Federal Government will ever have enough convicts in its prisons to seriously compete with free labor. I do not think there is any merit in that contention. And I think we ought to pass this bill. [Applause.]

The CHAIRMAN. There is an amendment pending, offered by the gentleman from Idaho [Mr. FRENCH].

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, I wish the protagonists of this bill would not leave us in doubt as to what argument should persuade us to support it. My colleague from Texas [Mr. BLACK] says that he is for the bill not because it is primarily intended to provide duck that they need in the Quartermaster Corps to supply deficiencies in the Army but because he is sorry for the convicts. He wants them provided with congenial and profitable employment under sanitary conditions.

Mr. BLACK. I think the gentleman misunderstood my position, or does not state it fully. My reason is that for the benefit of the convicts and for the people we ought to work them in useful employment.

Mr. SLAYDEN. I do not think, Mr. Chairman, any convict ought to be kept in idleness. It is a cruel punishment that I do not believe in, but there are lines of work in which they may be employed that will compete less with the people who are engaged in industrial enterprises than in the manufacture of textile fabrics, and I would like to see them so employed—on the highways, for example. But, Mr. Chairman, the purpose of the bill, as I understood the distinguished gentleman who is the chairman of the committee, is to provide speedily to the Government its requirements in the way of heavy cotton duck for tarpaulins, wagon covers, mail sacks, and things of that kind.

What amazed me in that connection was that there should have been a tender from a manufacturer in the city of Worcester, a man of large capital and large experience, of cloth to be supplied within a few weeks and in increased quantities and that he should have addressed the communication to the Quartermaster Corps in January and have had no reply to his suggestion in April.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. SLAYDEN. I have not time. My time is about out.

Mr. Chairman, if the desire of the proponents of this measure is to get the cotton duck, which I understand we need now, then the thing to do is to close with the offer of a practical manufacturer, and do it promptly, because under the most hopeful conditions possible, if we are yet to buy machinery that is only promised to be delivered in six months—and it will not be, in my judgment—and install it and begin the manufacture of goods, it is safe to say that a year will have elapsed before any will be delivered, and our Army and Navy will have gone without the use of this duck which they say is so essential to their comfort and to the proper prosecution of the war. Therefore, there being two reasons advanced, one of which can not be honestly made, or else these offers would have been closed with, and the other sentimental, I can not see how I can possibly support the measure.

Mr. HUSTED and Mr. BANKHEAD rose.

The CHAIRMAN. Debate has been closed on this amendment. The question now is on the amendment offered by the gentleman from Idaho [Mr. FRENCH].

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent that it be reported.

The CHAIRMAN. Without objection, it will be again read.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment of the gentleman from Idaho [Mr. FRENCH].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BLACK. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 43, noes 2.

So the amendment was agreed to.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair is informed that there is an amendment pending at the desk. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. WATSON].

The Clerk read as follows:

Amendment offered by Mr. WATSON of Pennsylvania: Page 1, line 6, after the word "factories," strike out "for the manufacture of cotton fabrics."

Mr. WATSON of Pennsylvania. Mr. Chairman, the chairman of the Committee on the Judiciary, upon answering an inquiry propounded by me, stated that the sole object of this bill was to manufacture cotton duck. Now, if those words remain in the bill which I have asked to be stricken out, it seems clear that the penitentiaries will have the privilege of manufacturing all cotton fabrics, because the bill clearly states that the Attorney General is authorized and directed to establish, equip, maintain, and operate a factory or factories for the manufacture of cotton fabrics.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. WATSON of Pennsylvania. Just a moment. "For the manufacture of cotton fabrics to supply the requirements of the War and Navy Departments, the Shipping Corporation, cotton duck suitable for tents and other Army purposes." Now, it is possible, if these words remain, that all the Federal prisons can be used to manufacture cotton products required in the Army, Navy, and in the Post Office Departments.

Now I yield to the gentleman from Wisconsin.

Mr. STAFFORD. As I understand the purpose of the gentleman's amendment, it is to strike out the limitation as carried in the bill restricting these factories in the manufacture of cotton fabrics, and allows them to manufacture anything they see fit which are supplies for the requirements for the War and Navy Departments.

Mr. WATSON of Pennsylvania. It is just the opposite.

Mr. STAFFORD. The effect of the gentleman's amendment will be to strike out the limitation and allow them to manufacture all sorts of supplies. If the gentleman will read it, he will come to that conclusion himself.

Mr. WATSON of Pennsylvania. It reads "cotton duck."

Mr. STAFFORD. No. If the gentleman's amendment is adopted there is authorization for the establishment of a factory or factories—to supply what? "Cotton fabrics to supply the requirements of the War and Navy Departments" and the requirements of the Shipping Corporation. What next? "Cotton duck suitable for tents and other Army purposes, and canvas for mail sacks, and for the manufacture of mail sacks and other similar mail-carrying equipment for the use of the United States Government." You have broadened that rather than limited it.

Mr. WATSON of Pennsylvania. I differ with the gentleman. The language in the bill permits the Government to manufacture all kinds of cotton fabrics.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. WATSON of Pennsylvania. Yes.

Mr. FESS. Will the gentleman admit that the words he strikes out are a limitation?

Mr. WATSON of Pennsylvania. No. They broaden it.

Mr. FESS. It seems to me they confine it.

Mr. WATSON of Pennsylvania. The bill reads "a factory or factories for the manufacture of cotton fabrics to supply the requirements of the War and Navy Departments, the Shipping Corporation," and so forth.

Mr. FESS. It seems to me that here is a limitation that defines the power. If you strike it out, then they can manufacture anything.

Mr. WATSON of Pennsylvania. Suppose the language I move to strike out remains in—"for the manufacture of cotton fabrics to supply the requirements of the War and Navy Departments." Does not that mean cotton fabrics? And to supply the Ship-

ping Corporation, and the other objects, supplying everything necessary for the Post Office Department. It is broader than I would have it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. CAMPBELL of Kansas. Mr. Chairman, I am at a considerable loss to know whether this is a war measure or a bill inaugurating prison reform at the Federal prison at Atlanta, Ga. The President stated to us when the bill was pending in the Committee on Rules that it was essentially a war measure. The impression was made on the Rules Committee that the Government must have heavy ducking and there was no other way of getting it.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. Do I understand the gentleman to say that the President stated that to the committee?

Mr. CAMPBELL of Kansas. The President wrote a letter to the chairman of the committee.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. I have not really the time to yield.

Mr. MOORE of Pennsylvania. Was that letter on this bill?

Mr. CAMPBELL of Kansas. The letter was on this bill, yes; certainly. I suppose it can be produced. Probably some member of the committee has it at hand.

Mr. WEBB. I can use the language. It is addressed to Mr. Pou. He says, "I regard it of genuine pressing public importance."

Mr. CAMPBELL of Kansas. And as a war measure? Does he not state that it is a war measure?

Mr. WEBB. Not in that letter.

Mr. CAMPBELL of Kansas. Well, we may have another one before night. [Laughter.]

Now, my sympathies for the inmates of the Federal penitentiaries are not exercised at this time. The inmates are there because they have committed crimes against the laws of the United States. They should, however, be employed in some way so that they could be earning something and usefully occupying their time. But there is another lot of fellows down in Georgia who ought to be employed. They are alien enemies, and every one of them ought to be made to produce something upon which he could live; either that or starve. [Applause.] If I had my way about it I would take every alien enemy under the control of the United States to-day and put him out in the semiarid country, where there is irrigation, and I would simply say, "You root, hog, or die, right here." [Applause.] I would not feed or keep him in luxury and in ease, with bands of music, with reception committees, and speakers to deliver eulogies upon the cause of the central powers when new alien enemies are brought in to the detention camps. I would separate them and keep them at work away out in the mountain country, where they could not do any harm as spies, or in any other way aid the enemy of the United States.

Now, I do not know whether to support this bill because it is of pressing necessity or as a war measure. That has been denied. It has been stated here that we can get all the ducking we need, that contractors are offering it to the Government, and that the Government is refusing to close contracts. This is no time to start out on a philanthropic crusade to reform prisoners.

Mr. BAER. Or on a duck hunt. [Laughter.]

Mr. CAMPBELL of Kansas. No; or anything of that sort. We are engaged in a most serious business at this time; and I, as a member of the Committee on Rules, would never have voted to bring this bill on the floor of the House if it had not been impressed upon me from the language of the President's letter that this was a matter that was pressing on the country at this time and should have the attention of Congress now, because it was a war measure. Prison-reform measures have been slumbering in committee for years and years. This is no time to take the attention of the country and of Congress to embark upon the enterprise of prison reform.

If prison labor is needed in the production of necessary war material, I am in favor of employing it. Upon the other hand, if it is merely to give wholesome, healthful employment to men who have violated the laws of their country, I would let them wait until after the war is over; but I would immediately give wholesome employment to every alien enemy that we have in the United States and require them to earn their living, and that is the kind of bill we should be considering at this time, rather than this one.

The CHAIRMAN. Debate on this amendment has been exhausted.

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. Has the committee amendment, beginning in line 7, page 2, been voted upon?

The CHAIRMAN. It has. That language has been inserted by the amendment which has been adopted.

Mr. GOOD. I move to strike out the last word. I had intended—rather reluctantly—to vote for this bill. If it is necessary to employ the convicts in this penitentiary to produce this cotton cloth I am willing to vote for the proposition; but I want to call the attention of the committee to one thing. Section 4 authorizes an appropriation to the extent of $650.000 for the purchase of machinery and other equipment to carry out the purposes of this act. Section 5 provides for an authorization of $350.000 for working capital; but the provision which has been voted in takes the lid off, and there is no limit to which the Attorney General can not go in the purchase of land to carry on agricultural pursuits.

Mr. WEBB. By a committee amendment the amount has been limited to $200,000.

Mr. GOOD. I did not understand from the answer of the chairman that a limit had been placed upon it. That was the reason for my inquiry. I am glad, indeed, to learn that some limit has been placed on that authorization. It seemed to me very strange that there was absolutely no limit in the bill as reported which the Attorney General could expend in the purchase of land. I think the amount of $200.000 is altogether too much, and, to my mind, it will be wasted, because anybody who knows anything about farming knows that you can not take prisoners from the penitentiary and carry them in a conveyance 10 miles to a farm and operate that farm successfully from a financial standpoint. That can not be done. For every dollar those men will produce on the farm it will cost the Government $5 in getting the work done. It is a piece of the biggest folly I ever heard of, and I have yet to hear a good, reasonable, sound argument for placing that provision in the bill, which is calculated for another purpose altogether.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. The gentleman expressed some satisfaction that the amendment limiting the amount of the expenditure for land to $200.000 had been adopted. I presume the gentleman's approval will be somewhat qualified when he knows that the committee, in answer to inquiries, told us that they do not know how much land is needed; that they do not know where available land is located; and that they do not know the price of land down there. They do not know anything about the value of it or how much it will be necessary to pay for what they want.

Mr. GOOD. I think it would be good economy if the Attorney General should purchase land at $5.000 or $10,000 an acre, because then he would not purchase much, and the after expense would be comparatively small. If he purchases a large tract and attempts to farm it, we are engaging upon an enterprise that means a waste of hundreds of thousands of dollars, and I do not know why we are doing it.

Mr. WALSH. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman from Massachusetts.

Mr. WALSH. Why would not the gentleman's criticism apply to the cotton manufactory in the prison just the same?

Mr. GOOD. I do not know as much about the manufacture of cotton as I do about agricultural pursuits. I think I know something about agriculture. I have observed agriculture all my life, and I know you can not do the sort of thing proposed here.

Mr. WALSH. What information has the gentleman that the land will be 10 miles away?

Mr. GOOD. It was stated in the debate here that land near Atlanta could not be bought, but that they would have to go out some 6 to 10 miles to get it at a reasonable price.

The CHAIRMAN. The time of the gentleman has expired, and the question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 1, line 6, after the word "cotton," strike out the word "fabrics" and insert in lieu thereof the word "duck"; same page, line 8, after the word "corporation," strike out the words "cotton duck suitable for tents."

Mr. MOORE of Pennsylvania. Mr. Chairman, if the amendment is adopted it will carry out the purpose the gentleman

from Pennsylvania [Mr. WATSON] had in mind in offering an amendment a few moments ago. It will confine the manufacturing activity at the Atlanta Penitentiary to the manufacture of cotton-duck supplies for the War and Navy Departments, Shipping Corporation, and other Army purposes, and canvas for mail sacks for the Post Office Department, and so forth.

It has been stated here time and again to hasten the passage of this bill through the House, that the President has written a letter to favor of the bill, and that it has been approved by Samuel Gompers, the president of the American Federation of Labor. I am inclined at present, although some one may have a letter up his sleeve, to challenge that statement. I am inclined to believe the President's indorsement was of another bill, and had reference to the general scheme of prison reform to which reference has been made. The gentleman from North Carolina [Mr. WEBB] reaches his hand in his pocket at this opportune moment, I observe, and produces a letter.

Mr. WEBB. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; I will yield if the letter comes from the President.

Mr. WEBB. I have a letter addressed to Mr. POU, chairman of the Rules Committee.

Mr. MOORE of Pennsylvania. Will the gentleman send it to the Clerk's desk to be read?

Mr. BUTLER. Is the letter to Congress or to some Member of Congress?

Mr. WEBB. It is a letter written to the chairman of the Rules Committee when the rule was under consideration.

The Clerk read as follows:

THE WHITE HOUSE,
Washington, D. C., 27 April, 1918.

MY DEAR MR. POU: As you know, I am as much interested as the Attorney General is in House bill 8938, providing for a cotton factory at the Atlanta Penitentiary. Indeed, I regard the measure as of genuine and pressing public importance. I trust, therefore, that you will think me justified, in view of this conviction on my part, in asking if in your opinion it will be possible to put this bill on the preferred calendar following the bills which the Committee on Rules has already listed for preferred action? I am sure you will believe that I would not ask this if it were not a matter of real concern to me.

Cordially and sincerely, yours,

WOODROW WILSON.

HON. EDWARD W. POU,
House of Representatives.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would be the last man on this side of the House to suggest that a bill to encourage prison labor at the Atlanta Penitentiary as against free labor outside would emanate from any political party. I do not think it possible that any wide-awake Democrat could vote for a measure indorsing the suggestion that we should discourage the cotton mills of the South by putting in competition with them men who have been convicted of murder, possibly, or counterfeiting, larceny, or other crimes against the Federal Government. This letter of the President does not indorse any such suggestion, and yet it is advanced as a reason for the votes of Congress. You will observe that not one word in that letter refers to the "necessities of war." The President says he would like to have the bill pass. That's all.

What is it that brings the pressure upon this body of representatives of the people? The gentleman from Kentucky [Mr. SHERLEY] a short time ago, a little more earnestly than is usual for him, told us that the appropriation, which many of us had forgotten, for the construction of the buildings had been rushed through the House last year under a rule. That indicated a certain premeditation.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I will not say that this is a political move. It may not be, but we have been assured that it is a "war measure" in spite of the fact that manufacturing concerns outside of prison have offered to make all the cotton duck the Government needs. I am not convinced that these men in the Atlanta prison can be trained in time nor that the machinery with which to train them can be procured in time to be of any real service in the prosecution of this war.

What are the facts and what is at the bottom of this movement? The gentleman from Missouri [Mr. BOOHER] and a Senator whom I dare not name—not that I would not, but under the rules I can not—have jointly introduced bills looking to a universal prison-reform system in the United States, by which system for all time to come hereafter we are to put the men in jail, behind iron bars, in competition with those outside who have to labor for their daily wage.

Gentlemen who have been talking for labor in this House may well ponder over what they now propose to do. Does the President say this is a war measure? Read again that letter that the gentleman from North Carolina fished out of his pocket a moment ago. Does the President say this is a war measure? No. I do not so read that letter. He says the bill is important, and should be passed, but he does not say it is a war measure. This bill is not new; it has been on the calendar in one form or another ever since I came to Congress. It was here long before the war, long before Mr. Wilson became President. Evidently it has been seized upon here as the forerunner of industrial establishments within the walls of every penitentiary in the country—not for the period of the war, but for all time. Gentlemen say we must look to the humanitarian side of this question. I am willing to look on the humanitarian side of the question, and if I were inclined to be as emotional and sympathetic as some of my friends—and I hope I do not lack in sympathy for the unfortunate—I would look upon the poorly clad widow with her two children whom I saw yesterday knocking at the door of the War Department, with an unanswered inquiry for the husband who is gone, gone, I presume, in the service of his country. I can imagine that same widow and her children knocking at the door of a cotton-duck factory in North Carolina or in Massachusetts, and I can hear the watchman say, "This mill is closed to you," and when she asks, "Where may I go, even with my feeble hands, to obtain an honest day's work?" I am sure it would sadden my friend from North Carolina [Mr. WEBB] or my good friend from Ohio [Mr. FESS], as I know it would me, to hear the answer, "You can go to the Atlanta Penitentiary; they have moved the cotton-duck factory to that point." God forbid that such a condition may ever arise to plague the man who votes for this bill.

Prison reformers for this bill? I asked the gentleman from Michigan [Mr. SMITH] a little while ago if his State was in sympathy with this measure. I asked him that because I had before me a message from the warden of the Michigan State penitentiary opposing this whole prison-reform program as "a camouflage." If I have time, though I may not indorse the argument of the writer, I shall have it read. It shows that while there is a tendency to throw bouquets at some of our convicts at this particular time the managers of our penal institutions are not unanimous upon the reformation measures proposed.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that this letter may be read.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

MICHIGAN STATE PRISON,
OFFICE OF THE WARDEN,
JACKSON.

One of the cleverest camouflages brought about by the war is contained in Senate bill 3076 * * * and House bill No. 9683, introduced by Representative BOOHER. These bills, professing to offer aid and assistance to those who are trying to build up a legitimate prison industry to take the place of the old contract-labor system, are in reality intended as the last nail in the coffin of all reformatory and penitentiary activity——

Mr. KEATING (interrupting the reading). Mr. Chairman, I rise to a point of order. The letter has reference to another bill, but the point of order I desire to make is in its reference to a Member of another body.

The CHAIRMAN. The point of order is sustained.

Mr. MOORE of Pennsylvania. I ask that that be stricken from the letter.

Mr. KEATING. I think the message is clearly out of order.

Mr. WEBB. How much time has the gentleman from Pennsylvania remaining.

The CHAIRMAN. The gentleman's time has expired.

Mr. MOORE of Pennsylvania. But I obtained consent to have the letter read.

Mr. KEATING. I make the point of order that the language of the letter is out of order and of such a character that it can not be permitted to go into the RECORD.

Mr. CAMPBELL of Kansas. That referred merely to the reference to a Senator, and the gentleman from Pennsylvania asks to have that stricken out.

The CHAIRMAN. That part of the letter will be stricken out.

The Clerk concluded the reading of the letter, as follows:

It behooves every friend of reform in the United States to write his Congressman to oppose this measure. The two bills have gained for themselves a considerable following by suggesting a new means of speeding up war-munitions production. It is provided that the Government shall enter into a contract with any Federal or State prison that so desires for the production of military supplies. The price to be paid shall be as nearly as possible the price prevailing on other contracts of the kind. So far these provisions sound well.

The trouble is, in the first place, that only two or three prisons have any equipment with which to produce supplies. Outside of a few small prison harness shops, there are no facilities and no men versed in that sort of production. Machinery would have to be ordered, manufactured, and installed, and a force then developed to use the machinery. This fact makes obvious the insincerity of the proposed law. It is apparent to anyone who has given the matter a thought that it would be impossible to equip the prisons for munitions work. Machinery for this purpose is not to be had. Plants producing it are years behind with their orders. Not a lathe or a bench or a sewing machine could any of the prisons get.

A close reading of the bills show that the real import of them is contained in the clause forbidding the shipment of prison-made goods into any State forbidding their manufacture. As the enemies of prison industry and prison reform have already outlawed prison work in 23 States and hope to add most of the rest to their list within a year or two, it is evident that this clause would put out of business every prison industry in the Union.

The Booher-Smith bill is nothing new. For six years the interests behind this measure have been trying to secure its enactment. In 1916 it was the Booher-Hughes bill and did not masquerade as a war-measure bill. The patriotic camouflage was an afterthought, but it makes the present bill trebly dangerous.

Very truly,

EDWARD FRENSDORF,
Acting Warden Michigan State Prison.
Making Money and Remaking Men.

Mr. MOORE of Pennsylvania. Mr. Chairman, that letter is signed by Mr. Frendsdorf, whom the members of the Michigan delegation tell me is a good Democrat and a very warm friend of the President.

Mr. KEATING. Mr. Chairman, I move to strike out the last two words. The letter just read refers to the so-called Booher bill and does not refer to the measure now before the House. The Booher bill was reported to this House by the Committee on Labor. It provides for the equipment of all the Federal penitentiaries for the purpose of manufacturing cotton goods, furniture, paper, and various other things. In addition to that, it makes prison-made goods subject to the laws of the various States to which they may be shipped, and that is the real reason why the gentleman who wrote the letter which you have just heard, and those who are cooperating with him, oppose the bill. Various States have enacted laws forbidding the sale of convict-made goods within their borders, and the Booher bill would make it impossible to ship convict-made goods into those States.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. KEATING. I do.

Mr. CAMPBELL of Kansas. Was it under the provisions of the Booher bill that the authorization or appropriation was made some years ago providing for a cotton factory in Atlanta and a furniture factory at Leavenworth?

Mr. KEATING. No; the Booher bill has never been enacted.

Mr. CAMPBELL of Kansas. I understand; but was it in keeping with the principles of what was formerly the Hughes-Booher bill?

Mr. KEATING. The old Hughes-Booher bill merely provided for placing convict-made goods under the jurisdiction of the States to which they might be shipped. I will give the particular provision, so Members may understand it:

SEC. 3. That all goods, wares, and merchandise manufactured, produced, or mined wholly or in part by prison labor, except paroled prisoners or in any prison or reformatory, transported into any State or Territory of the United States, or remaining therein for use, consumption, sale, or storage, except those disposed of by sale to the Federal Government as above provided for, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original packages or otherwise.

The protest that this gentleman enters in the letter just read by the gentleman from Pennsylvania is against the principle that the people of a sovereign State may say that convict-made goods, whether made in the State or out of it, shall not be sold within that State.

Mr. CAMPBELL of Kansas. Now, another question in reference to the bill now under consideration. As a humanitarian proposition, why was the Leavenworth Penitentiary furniture factory left out of the consideration in this bill? If it is a humanitarian proposition for Atlanta, why not for Leavenworth?

Mr. KEATING. In reply to the gentleman's inquiry permit me to call the attention of the committee to a curious situation which has arisen because of the fact that one of these bills, the bill introduced by the gentleman from Kentucky [Mr. SHERLEY], was referred to the Committee on the Judiciary, and the bill introduced by the gentleman from Missouri [Mr. BOOHER], both dealing with the same subject, was referred to the Committee on Labor.

The bill by Mr. BOOHER, which is now on the calendar and which I think should be under consideration to-day, provides not only for the factory at Atlanta and for a factory at Leavenworth, but another at McNeill Island in Washington. The Booher bill came before the Committee on Labor with the indorsement of the national administration as a war measure. It was regarded as a war measure because behind the prison walls of this country are more than 100,000 able-bodied men. You can not send them into the Army, you can not send them into the various industries of the country, yet this great army of men—able to work and to render very important service—is being held in the prisons of this country, and the suggestion made by the Secretary of War, and indorsed by the President of the United States, was that an effort should be made to give those men employment which would assist in the prosecution of the war.

Mr. CAMPBELL of Kansas. Then why has the matter been localized at the Atlanta Penitentiary, where it is proposed to establish a duck factory and a cotton farm?

Mr. KEATING. Simply because——

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEATING. I ask for five minutes more; I may not use it all.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none.

Mr. CANNON. Will the gentleman yield?

Mr. KEATING. The gentleman will pardon me, I desire first to answer the gentleman from Kansas. The reason was that the gentleman from Kentucky succeeded in getting his bill before this House.

Now, I think the Booher bill is to be preferred to the Sherley bill. The Sherley bill is, at least, one step in the right direction, and therefore I shall support the Sherley bill; but if it were possible I would offer the Booher bill as a substitute for the Sherley bill, because I believe as a war measure—and as a peace measure, too—these 100,000 men in the various prisons of this country should be put to some beneficial labor.

Mr. MADDEN. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. MADDEN. We have only three penitentiaries under the control of the Government of the United States. How many men are in those?

Mr. KEATING. I do not know the exact number, but the Booher bill authorized the War Department and the Navy Department and the various other departments of the Government to enter into contracts with the State authorities, providing the State authorities were agreeable, by which the prisoners in the State prisons might be employed.

Now, gentlemen, one word more. Certain gentlemen have pleaded for the defeat of this bill on the ground that it brought the convicts in competition with free labor. So far as free labor has had an opportunity to express itself, and that has been through its chosen representatives, the leaders of the great labor organizations of this country, free labor favors this bill; and free labor is not a recent convert to the proposition.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KEATING. Free labor, as represented by its organizations, has advocated for a great many years the employment of convicts upon the farms, the roads, or in the manufacture of goods for State use. This bill and the Booher bill both recognize that principle and provide that the things manufactured shall be for the exclusive use of the Government.

Mr. MOORE of Pennsylvania. The gentleman is a spokesman for labor——

Mr. KEATING. The gentleman does me too much honor. I represent a congressional district in the State of Colorado.

Mr. MOORE of Pennsylvania. Because the gentleman speaks well and ably whenever he speaks for labor; but does the gentleman with his knowledge of labor conditions say that free labor is in favor of interstate commerce in convict-made goods?

Mr. KEATING. No. I am trying to make clear the attitude of free labor. The principle is easily understood. It is that convicts shall be placed at some useful employment; on roads, if you will, on farms, if you will—and right there permit me to say that the gentleman who said that convicts can not be used to advantage on farms is not familiar with the experience of some of the States, notably my own State—or in various manufacturing activities. Always having in mind not only the return to the State, but the benefit to the convict himself.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KEATING. Yes. But one point on which labor lays emphasis is that the product shall be sold to the State, county, municipality, or to the Federal Government. This is what is known as the State-use system. It gives the convict his chance to learn a useful trade and prevents greedy private interests exploiting him.

Mr. MOORE of Pennsylvania. The gentleman was the author of the child-labor bill. It bears his name. It prevented the

passing between the States of the products of child labor. Does not the gentleman know that the product of every convict, so far as commodities are concerned, displaces the labor of one free laborer outside of prison?

Mr. KEATING. The gentleman evidently favors the Booher bill. So do I.

Mr. MOORE of Pennsylvania. If there are 400 convicts in the Atlanta Penitentiary making cotton goods, I will ask the gentleman whether that does not mean 400 free laborers outside will be displaced?

Mr. KEATING. Oh, no; that does not necessarily follow at all. The gentleman is speaking in the terms of about the eighteenth century. That is the trouble. I hope gentlemen on the Republican side of the House will not permit themselves to be led into the false position of opposing the State-use system.

Mr. MOORE of Pennsylvania. I am speaking in the terms of organized labor of four or five or ten years ago and in the language of the gentleman himself when he was advocating laws here forbidding interstate commerce in convict-made goods and in child-labor goods.

Mr. KEATING. I would be glad to have the gentleman quote my language, but he can not find any language that I ever used to sustain the statement he just made, and he can not name a responsible labor leader who supports the position he takes.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Tennessee asked for recognition a moment ago for the purpose of offering an amendment. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. AUSTIN: Strike out all after line 3, page 1, and insert in lieu thereof the following:

"That the United States convicts shall be used as follows: In the construction of such military roads as may be designated by the Secretary of War, or on the redemption of swamp lands to be selected by the Secretary of the Interior, or on levee work on rivers to be named by the Secretary of War."

Mr. WEBB. Mr. Chairman, I make a point of order against the amendment.

Mr. AUSTIN. Mr. Chairman, I wish to be heard.

Mr. GOODALL. Mr. Chairman, I have an amendment at the desk, and I would like to have it read.

The CHAIRMAN. The Chair will state that there is an amendment pending to perfect the text, offered by the gentleman from Maine [Mr. GOODALL]. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. GOODALL: Page 1, line 4, after the word "establish," insert the word "and," and after the word "equip," on the same line, insert "and only for the duration of the present war to," so that the sentence as amended would read:

"That the Attorney General of the United States is authorized and directed to establish and equip, and only for the duration of the present war to maintain and operate," etc.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maine.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MADDEN. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 20, noes 44.

So the amendment was rejected.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from Tennessee [Mr. AUSTIN].

Mr. WEBB. Mr. Chairman, the amendment has been read, and I made a point of order against it.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. AUSTIN. No. I am willing to leave it to the Chairman, in whom I have every confidence.

The CHAIRMAN. Does the gentleman from North Carolina wish to be heard on the point of order?

Mr. WEBB. It changes the whole purpose of the bill.

Mr. AUSTIN. The purpose of the bill is to provide work for the convicts.

The CHAIRMAN. The point of order made by the gentleman from North Carolina is sustained.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last three words.

Mr. AUSTIN. Mr. Chairman, I am surprised that any opposition should be made to my substitute, because it provides for and takes care of this humanitarian feature of this bill by working the convicts in the open and not in competition with paid or free labor.

In the discussion here this afternoon, when the gentleman from Michigan [Mr. FORDNEY] was opposing this measure, he was asked by the gentleman from Colorado [Mr. KEATING] about the value of the exports of cotton goods and the imports. I have the figures here for normal or peace times. For the fiscal year ending June 30, 1914, we purchased from abroad manufactured cotton goods to the value of $70,704,823 and we exported American manufactured cotton goods to foreign countries to the value of $51,467,233, showing a balance in favor of the foreign manufacturers of cotton goods of $19,237,950.

Mr. WEBB. Will not the gentleman be frank enough to state that those imports of cotton goods were composed of the finest kind of laces and things of that kind that we do not make in this country?

Mr. AUSTIN. Oh, we are making those fine cotton goods in this country in American mills. I am surprised that a gentleman representing 129 cotton mills located in his district should not know it. That was in normal times, prior to the war. Last year we purchased $4,144,500 more of foreign manufactured goods abroad than we did prior to the war—for the year ending June 30, 1914. What is this proposition? It is not to stop this convict cotton mill at the close of the war. It means to put the United States convicts in the manufacturing business for all time.

What else does it do? And let me especially have the attention of the gentleman from North Carolina [Mr. WEBB]. The people who work in his cotton mills and in the textile mills in the district I represent are natives of North Carolina and Tennessee. They are the plain, honest, common people, and in many of the towns where textile plants are located the employees are the daughters and sons of the very best citizens that we have.

You propose to take the Federal criminals and give them an industrial education in the manufacture of textile goods; and when you turn your industrial classes adrift in the South every year they are going to seek employment in our southern textile mills, and you are going to have your constituents and my constituents, of splendid character, working alongside of men who have been convicted in the Federal courts. And who are they? They will be murderers, robbers, burglars, post-office thieves, defaulters, counterfeiters, deserters, traitors, rapists, and white slavers. Those are the people whom you are going to train industrially and turn out, several hundred every year, to seek employment in the textile mills in the Southern States. You can not do this without the votes of southern Members of Congress, and I protest against it in the name of my constituents and the constituents of my colleagues from the South.

Mr. FESS. Will the gentleman yield for a question?

Mr. AUSTIN. No; I have not time in five minutes. Every time one of our brave and honest soldiers is sheltered by an Army tent, he will have the knowledge that his tent was the work of convicts. By and by every time you walk into an office building in Washington City the furniture will be the handiwork of convicts and not of free American citizens. This is the entering wedge and the beginning to inaugurate a prison-manufacturing system in the United States in competition with honest, free, paid labor, and I enter my earnest protest against it.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. FESS. I ask unanimous consent that the gentleman may have one minute more in which to answer my question.

Mr. MADDEN. I ask unanimous consent that the gentleman have five minutes.

Mr. WEBB. It will not require more than one minute to ask a question.

Mr. AUSTIN. It may require four minutes to answer it.

Mr. MADDEN. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Tennessee be extended to five minutes. Is there objection?

There was no objection.

Mr. FESS. A parliamentary inquiry, Mr. Chairman. I ask whether the gentleman from Illinois can take me off my feet when I have preferred a request for unanimous consent?

Mr. MADDEN. I can offer an amendment.

Mr. FESS. There is no such thing as an amendment to a request for unanimous consent.

Mr. MADDEN. Oh, yes; there is.

The CHAIRMAN. The Chair put the request of the gentleman from Illinois [Mr. MADDEN], because it asked for the more generous allowance of time.

Mr. AUSTIN. I thank the gentleman from Ohio and I thank the gentleman from Illinois. Now, I yield to the gentleman from Ohio.

Mr. FESS. What is the gentleman's objection to vocational training of the men who are in prison? And would the gentleman prefer to have returned to his district a vocationally trained

man or a criminal who will always be regarded as an outcast and a convict?

Mr. AUSTIN. I am perfectly willing that my colleague from Ohio shall have every one of these Federal prisoners go to his district instead of mine after they leave the prison. I do not want any of them.

Mr. FESS. I want those who come to my district to be trained, efficient men, and not criminals.

Mr. AUSTIN. Yes; but many of them will always be criminals after they leave the walls of the penitentiary. If you want people of that kind associated with the boys and girls in the cotton mills of your district, people of standing and respectability, you are welcome to them.

Mr. FESS. They certainly will be criminals if my friend has his way, but they will not be criminals if they are trained vocationally.

Mr. AUSTIN. Oh, the gentleman is talking about a theory. He is dreaming.

Mr. FESS. I am not dreaming.

Mr. AUSTIN. Let us get down to earth. I would put these convicts at work on the construction of military roads. I would use them in the building of levees on the Mississippi River. I would utilize their labor in reclaiming countless thousands of acres of fertile and valuable swamp lands throughout this country.

We have tried the detestable convict-labor system in Tennessee, in the coal mines. We have had within the walls of our penitentiary factories which have been manufacturing furniture, stoves, and so forth, and in normal times they have undersold the goods manufactured by honest labor. They have always succeeded in underbidding the manufacturers in all these lines, and the coal operators, because the convict labor costs far less than free labor.

The counties have worked them on the road; States have worked them on the public road. The union and nonunion people in Tennessee are against the use of convict labor in mines and in factories. I consider one of the proudest acts of my life since early manhood was in fighting the vicious convict-lease system in Tennessee. I appeal to Members of the South. This evil is coming home first to us if this bill passes. This is not a war-emergency case, and the President does not so state in his letter. We have the proof here that factories are thoroughly equipped and ready to furnish all the cotton goods the Government needs. I have textile mills in the district I represent which can make all the Government needs. There is no sensible, just, or patriotic reason for the support of this miserable bill, which deserves the strongest condemnation and opposition of every man who respects the true interests of labor. [Applause.]

Mr. VENABLE. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VENABLE. Mr. Chairman, I was impelled to take this five minutes of time by the remarks of the distinguished gentleman from Tennessee [Mr. AUSTIN] partly by his appeal to the Members of the South to vote against this bill, and, as I understood him, on the ground that these men, if they become industrially qualified, might in all probability come to work in our factories and in our industrial plants, and by so doing, according to his position, contaminate our population. To my mind—and I speak with all respect to the gentleman, whom I hold in the highest esteem—he is speaking out of an impulse and not from critical analysis. To my mind his position is monstrous, morally monstrous, and for this reason: The purpose, as I understand it, of penalizing certain citizens for transgression of the law is not one of revenge—not visiting pain because pain has been visited—but is, on the contrary, for two purposes: First, as a deterrent, by restraining the dangerous individual so he can not commit a crime if he has a criminal impulse, and, in the second place, to restrain others by holding up to the noncriminal the result of criminality, the painful result of wrongdoing, and thus teaching them while still noncriminal what a criminal course will bring.

The next great purpose, as I understand it, should be the reformation of the convict. Now, there is nothing in punishment per se that is reformatory. There is nothing in punishment that can reform. The natural tendency of punishment itself is to harden, and it can only be justified on the ground of its restraining influence, the actual restraint of the criminal, and the moral restraint upon the noncriminal by the object lessons of the result of wrongdoing.

So if society is going to avoid the repetition of crime by men society must for the time the man is undergoing punishment bring to bear upon him those influences which are reformatory in character, and then, after he has been turned out of the penitentiary make the way as easy as possible for him to live correctly and not driving him back into a course of criminality.

Now, if you make a pariah out of a man once convicted of crime, if you shut all the doors of industrial activity in his face, though he may yearn to walk the straight and narrow path, very soon you have the man in such a desperate frame of mind that he comes to the conclusion that criminality and lawbreaking is the only source of livelihood left to him. This means the expenditure of millions of money, and the loss of an industrial unit that, if saved, would be productive to humanity as a whole. In addition to this it denies the teaching of every respectable religion in the world. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WALSH. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VENABLE. Mr. Chairman, I thank the gentleman from Massachusetts. Now, this is the situation: We are to deal with these unfortunates, many of whom are criminals because society itself is responsible.

Take the negroes of the South for illustration. Freed after the war, and because of bad management in the horrors of reconstruction, alienated from their white friends of the South, their former masters, they were left to largely take their own course. Here is a picanniny in Mississippi, possibly an illegitimate, starting out under the handicap of the sins of his father and mother, living in insanitary surroundings. The first sound that he hears, instead of being a mother's lullaby, soft with the intonations of love, is the ribald song of a brothel. The first prose he hears is a curse. From infancy to manhood he has no one to teach him, no one to guide his faltering steps. Society permits this condition, and when the man reaches the logical result of his environment, he becomes a criminal and society locks him up. What is true of that pickanniny in the illustration is largely true of many of the members of your criminal classes of the white race in the United States and the world over. What is to be gained in punishment? Unless during the process of punishment methods and influences of reform are brought to bear that man can not go out into the world a helpful, useful citizen, and when you close the door of hope in his face, when you deny him the right to make an honest living, society forces the man to continue in criminal pursuits, and then repeats the great injustice of punishing him for a thing for which society is possibly responsible.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. VENABLE. Yes.

Mr. MADDEN. If the logic of the gentleman's argument is good, then no man ought to be put in the penitentiary, because if he is affected by his environment he certainly will not gain anything by being associated with criminals in the penitentiary. My judgment is that you do not reform men by sending them to the penitentiary, and I have been trying to do that for a good many years as a manager of one of the penitentiaries.

Mr. VENABLE. The gentleman and I are in accord. I said there was nothing in punishment which was reformatory.

Mr. MADDEN. You do not accomplish the purpose sought to be accomplished by adding to the rigor of the employment of the convict.

Mr. VENABLE. I stated this, that while you have him in punishment, which system society must adopt on the principle of self-defense, those influences must be brought to bear which will reform, because there is nothing inherent in punishment of a reformatory character. You can do this. You can bring the reformatory agencies to bear upon him; you can equip him for honest employment, and then if you do that you must open the avenue for honest employment for him when he goes out into the world. Otherwise you, perforce, drive him back into criminal pursuits.

Mr. BAER. Does the gentleman not think that society owes a greater debt to these people to whom the gentleman refers, by trying to make them better before they get arrested. Does the gentleman not think society should start the reform before they get into jail?

Mr. VENABLE. Undoubtedly. I said society, and by society I do not mean the Government. I mean you and I and the rest of us, all humanity—that we are largely responsible for our neglect of the other fellow, which neglect develops him into a criminal.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. VENABLE. I would like to have a minute more.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VENABLE. The great argument, it strikes me, for equipping these men for industrial life, whether it takes them to the North or the South or the East or the West, is this, and it is founded upon the verities of true morality, the teaching of every religion that is worthy of the name, namely, that you and I are our brother's keeper. We are commanded to love our neighbors as ourselves, and even our enemies, and if that have a correct definition, it is surely that you and I should desire the highest good of our fellow creatures and have the will to bring that good about wherever we have the opportunity. [Applause.]

Mr. WALSH. Mr. Chairman, I rise to propound a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. Was the committee amendment comprehended between lines 7 and 17, on page 2, adopted by the Committee of the Whole?

The CHAIRMAN. It was.

Mr. PLATT. Mr. Chairman, I ask unanimous consent to speak for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to speak for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PLATT. Mr. Chairman, it seems to me that some of the ideas which have been expressed on this bill, I am sorry to say, on my side of the House, are worse than medieval and would tend to keep a man who was once a convict always a criminal. Now, it is an entire fallacy, it seems to me, that anybody is harmed if a convict works and produces something; that instead of being a harm to the country it is a good to the country, and his competition is no greater inside a certain set of walls, where he has been sent by the Government, than outside somewhere else. He has got to get a living somewhere, and he does far more harm outside in getting it in the way that he has been doing than he does inside. This prison subject seems to be a subject on which men go to extremes. In the first place, there are men who speak extremely sentimentally about it, who favor the treating of prisoners as if they were——

A MEMBER. Company.

Mr. PLATT. Yes; treating them as if they were company, so to speak, give them the best there is and coddle them. On the other hand, there are men who want them to be kept in perpetual idleness, learning nothing. It certainly is a good thing for the prisoners, the best thing for them, to do work, and to work as nearly as possible under commercial conditions. Now, the labor unions to-day are not opposed to bills of this kind. They formerly did oppose them, but being composed of reasonable people, some years ago they got together and decided that such plans for prison work as this bill proposes do not harm labor. You could not blame them for opposing some of the former convict-labor systems, where contracts were made for prison labor and prison-made goods were sent out and sold at lower prices than other similar goods, for such competition was unfair.

One idea that has been expressed here, I am sorry to say by the gentleman from Tennessee [Mr. AUSTIN], was to the effect that he did not want to see criminals trained to do any work and come back and work in his part of the country. He apparently would prefer to have them come back untrained and keep on in their criminal pursuits.

It is absolutely proven that a great many men are criminals because they have never learned to do anything useful or to do anything well. They are not so different from other people. You give them something to do and teach them to do it well and teach them habits of industry and they can go out and work most anywhere and do it very well. The so-called graduates of Sing Sing, under the régime of Thomas Mott Osborne, a régime which I think was extreme and with some of which I disagreed strongly, often did well. They learned how to work, and apparently few people had any serious objection to working alongside of them, which shows they are not so different from other people. Now, so far as taking care of the prisoners who are habitual criminals is concerned, that is being done through the indeterminate sentences, which keeps the incorrigibles in prison right along. There is no reason why that should not be done. I think this bill is only remotely a "war measure," but I think there is every reason why it should be passed on general principles. [Applause.]

Mr. MADDEN. Mr. Chairman, I make the point of order there is no quorum present.

Mr. WEBB. Will not the gentleman permit us to read the first line of the next section, and then I will move to rise.

Mr. MADDEN. All right.

The Clerk read as follows:

SEC. 2. That from and after July 1, 1918, articles so manufactured shall not be purchased from any source other than governmental for the United States Government, or any department, bureau, or other agency thereof, unless the Attorney General or his authorized agent shall certify that the same can not be furnished by such prison factory or factories, and no claim shall be audited or paid without such certificate.

Mr. MADDEN. Mr. Chairman, I make the point of order there is no quorum present.

Mr. MOORE of Pennsylvania. I hope the gentleman will withdraw that for a minute.

Mr. MADDEN. Yes.

Mr. MOORE of Pennsylvania. Has the section been read?

Mr. MADDEN. No; we only wanted to read one line.

Mr. MOORE of Pennsylvania. This is open to amendment to-morrow if adjournment takes place now?

Mr. WEBB. Has the section been read?

The CHAIRMAN. Only part of it.

Mr. WEBB. Is there objection to reading the section through and leaving it open to amendment to-morrow? Let us finish the section.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and finished the reading of the section.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

Mr. MADDEN. This is going to be open to amendment.

Mr. MOORE of Pennsylvania. I understood that only one section was to be read.

The CHAIRMAN. It is only one section.

Mr. MOORE of Pennsylvania. The Clerk read section 3.

The CHAIRMAN. No; section 2.

Mr. WEBB. Mr. Chairman, I move the committee do now rise.

The CHAIRMAN. The gentleman from North Carolina moves that the committee do now rise.

The motion was agreed to; and Mr. GARRETT of Tennessee having assumed the chair as Speaker pro tempore, Mr. RUBEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8938, to equip the United States penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. ROSE. Mr. Speaker, I desire to extend my remarks in the RECORD by inserting a letter from a young man who is now in France, showing the treatment of our boys there, and as a comfort to the mothers of our land.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing the matter indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Atlanta Penitentiary bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. STINESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address of President Edwards of the Rhode Island State College.

The SPEAKER pro tempore. The gentleman from Rhode Island asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. WATSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD on the Atlanta Penitentiary bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks in the RECORD upon the Atlanta Penitentiary bill. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Saturday, May 11, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Department of the Interior for payment of Army and Navy pensions for the fiscal year 1919 (H. Doc. No. 1099), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 11408) to amend section 4516 of the Revised Statutes of the United States, as amended by sections 1 and 2 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915, reported the same with amendment, accompanied by a report (No. 549), which said bill and report were referred to the House Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 5786) to incorporate the Medical Society of the District of Columbia, reported the same with amendment, accompanied by a report (No. 551), which said bill and report were referred to the House Calendar.

Mr. STEELE, from the Committee on the Judiciary, to which was referred the bill (H. R. 11999) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, reported the same without amendment, accompanied by a report (No. 550), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 11628) to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914, reported the same without amendment, accompanied by a report (No. 552), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 7362) to authorize construction of a lock and dam in Old River, in the State of Texas, and the making of improvements enabling the passage of fresh water from a portion of Trinity River above the mouth of Old River into Old River above such lock and dam, and for the protection of rice crops against salt water, reported the same with amendment, accompanied by a report (No. 554), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11709) granting the consent of Congress to the village and township of Halstad, Norman County, Minn., and the township of Herberg, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States, reported the same with amendment, accompanied by a report (No. 555), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Nebraska, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11826) granting the consent of Congress to the Sonoma Land Co., a corporation, to construct a bridge across Second Napa Slough, reported the same with amendment, accompanied by a report (No. 556), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 3820) for the relief of Charles A. Carey, reported the same without amendment, accompanied by a report (No. 553), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 12031) to give preference right of employment on construction work on United States reclamation projects, and preference right of entry on the public lands within such projects, to honorably discharged soldiers, sailors, and marines; to the Committee on Irrigation of Arid Lands.

By Mr. GALLIVAN: A bill (H. R. 12032) authorizing the Secretary of the Interior to make investigations through the Bureau of Mines of peat to determine the practicability of its utilization as a fuel and a source of other commercial products; to the Committee on Mines and Mining.

By Mr. SLEMP: A bill (H. R. 12033) to authorize the W. M. Ritter Lumber Co., a corporation, to construct bridges across the branches and tributaries of the Big Sandy River and their tributaries in the counties of Buchanan and Dickenson, in the State of Virginia; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: A bill (H. R. 12034) to regulate the personnel of the Coast Guard; to the Committee on Naval Affairs.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 12035) to provide an additional method for enforcing and foreclosing tax sales and tax deeds in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: A bill (H. R. 12036) to grant half railroad rates to enlisted men in the military or naval service; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 12037) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING: A bill (H. R. 12038) to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a minimum-wage board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes; to the Committee on the District of Columbia.

By Mr. HASKELL: A bill (H. R. 12039) restricting transfers of real estate occupied by Government employees; to the Committee on the District of Columbia.

By Mr. HAYES: A resolution (H. Res. 344) requesting the Secretary of the Treasury to advise the House of the amount, severally, of commercial and financial bills payable in terms of the currency of neutral nations of Europe bought and sold by the Federal Reserve System, etc.; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 12040) granting a pension to Hattie C. Huntington; to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 12041) granting a pension to Charles Waide; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 12042) for the relief of William Sennhenn and Borris M. Spector; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 12043) granting a pension to John M. Graham; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12044) granting an increase of pension to Lithco S. Van Anda; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 12045) granting an increase of pension to Andrew M. Dershimer; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 12046) granting an increase of pension to Edward Hostutter; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 12047) granting an increase of pension to William J. Whipple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12048) granting a pension to Emsley A. Lassiter; to the Committee on Pensions.

By Mr. REED: A bill (H. R. 12049) granting a pension to Elizabeth F. Humbert; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 12050) granting a pension to George Bowen; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 12051) granting an increase of pension to Orleans W. Smith; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 12052) granting an increase of pension to James Turnmire; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 12053) for the relief of John J. Alley; to the Committee on Claims.

By Mr. TOWNER: A bill (H. R. 12054) granting a pension to Mary M. Watson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COOPER of Wisconsin: Petition of citizens of Elkhorn, Wis., asking for repeal of the zone system for carrying second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. DALE of Vermont: Petition of Green Mountain Council, No. 5, Sons and Daughters of Liberty, Newport Center, Vt., favoring the bill (H. R. 10846) fixing a one-third fare rate to enlisted men on furlough; to the Committee on Interstate and Foreign Commerce.

Also, petition of Barbara Frietchie Council, No. 2, Sons and Daughters of Liberty, of Lyndon, Vt., favoring passage of bill fixing a one-third fare to enlisted men on furlough; to the Committee on Interstate and Foreign Commerce.

By Mr. DRANE: Evidence to accompany H. R. 12008 to increase the pension of Charles C. Crockett; to the Committee on Invalid Pensions.

By Mr. ELSTON: Resolution signed by citizens of Oakland, Cal., urging repeal of zone system postal law; to the Committee on Ways and Means.

By Mr. ESCH: Resolution of the legislative and resolution committee of the Trades and Labor Council, La Crosse, Wis., protesting against the second-class postage provisions of the war-revenue act and urging their appeal; to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of the Woman's Christian Temperance Union, urging the immediate adoption of the woman suffrage amendment; to the Committee on Woman Suffrage.

By Mr. HAYES: Resolutions of the Trinity Episcopal Church and the First Baptist Church of San Jose, Cal.; also the resolution of the United Presbyterian Woman's Missionary Societies of California, all urging immediate prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Resolutions of Woonsocket (R. I.) Chapter, Daughters of the American Revolution, favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Memorial of Sons of Temperance of Connecticut, favoring prohibition during the war; to the Committee on the Judiciary.

By Mr. OLIVER of Alabama: Petition of American College at front, asking prohibition during the war; to the Committee on the Judiciary.

By Mr. OSBORNE: Memorial of the Chamber of Mines and Oils, of Los Angeles, Cal., advocating the creation of a department of mines and the portfolio of secretary of mines; to the Committee on Mines and Mining.

By Mr. RAKER: Letter from the Woman's Christian Temperance Union of California, urging support of complete prohibition during the period of the war; to the Committee on the Judiciary.

Also, petition signed by about 70 citizens of northern California, urging repeal of the zone-system law; to the Committee on Ways and Means.

Also, a letter from William Mitchell, of Vallejo Trades and Labor Council, protesting against the zone system and urging its appeal; to the Committee on Ways and Means.

By Mr. TILSON: Petition of Sons of Temperance of Connecticut, favoring prohibition during the war; to the Committee on the Judiciary.

SENATE.

SATURDAY, *May 11, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

We thank Thee, O God, for the spirit of helpfulness which prevails throughout our great country to-day. More and more are we seeking to benefit mankind. Our millions are being piled up on the altar of sacrifice and service. Our thought is going out to the world. We have world problems, and we are thinking and speaking in world terms. We thank Thee that we are not living for ourselves alone but are seeking to save other nations from ruin and slavery. It is a mighty task we face, but Thou hast made us a mighty people. We are conscious of our limitations, but we can do all things through Him who strengtheneth us.

O Thou omnipotent one, do Thou stretch out Thy hand and arrest the onrushing tide of slaughter and desolation on the battle fields of Europe to-day. Judge Thou among the nations and rebuke the guilty. Command that they beat their swords into plowshares and their spears into pruning hooks, so that they shall not again lift up the sword against nations, neither learn war any more. We ask it for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. STERLING. Mr. President, I have here a numerously signed petition relating to the development of power sites upon the Missouri River in South Dakota. The petition is signed by hundreds, perhaps the names will run into the thousands, and they include the governor of the State and all the State officials. I ask that the petition, which is brief, may be read by the Secretary, and then, because of the relation of the development of these power sites to navigation, I ask that the petition may be referred to the Committee on Commerce.

There being no objection, the petition was read and referred to the Committee on Commerce, as follows:

To the SOUTH DAKOTA DELEGATION IN CONGRESS.

GENTLEMEN: Your petitioners, citizens of South Dakota, most earnestly request you to use every influence in your power to secure provision from this Congress for the survey of the power sites upon the Missouri River in South Dakota. We represent that even if provision is made this year that actual expenditure of money under such act will necessarily be delayed several months, if not for a year or more, and we ask for congressional action at this time, that there may be no unnecessary delay in the accomplishment of the work when the war is over.

Mr. GERRY. I present a resolution adopted by the Legislature of the State of Rhode Island which I ask may be inserted in the RECORD.

The resolution is as follows:

[State of Rhode Island, etc., in General Assembly. January session, A. D. 1918.]

Resolution relating to certain measures now pending in Congress.

Whereas the House of Representatives of the United States has passed a proposed amendment to the Constitution of the United States extending equal suffrage to the women of our Nation; and

Whereas the proposed amendment is now before the Senate of the United States for consideration; and

Whereas all the political parties of Rhode Island have declared in their platforms for equal suffrage; and

Whereas the Legislature of Rhode Island at its last session passed the presidential suffrage bill; and

Whereas equal suffrage has been indorsed by the President of the United States: Therefore be it

Resolved, That our Senators in Congress be requested to vote for the equal suffrage amendment; and be it further

Resolved, That copies of this resolution be sent to the President and Vice President of the United States and to the representatives of our State in the Senate of the United States.

STATE OF RHODE ISLAND,
Office of the Secretary of State, Providence:

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 19th day of April in the year 1918.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Rhode Island this 22d day of April in the year 1918.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. CURTIS presented a resolution adopted by the Southwestern Millers' League, of Wichita, Kans., favoring legislation providing for the establishment of standard weights and measures for flour, meal, and commercial feeding stuff, which was referred to the Committee on Standards, Weights, and Measures.

He also presented a petition of the Congregation of the First Methodist Church, of Winfield, Kans., and a petition of the Commercial Association, of Winfield, Kans., praying for the enactment of legislation to provide arrangement with the allied nations for the setting aside of a day for fasting and prayer, etc., which were referred to the Committee on the Judiciary.

He also presented a petition of Pap Thomas Post, No. 52, Grand Army of the Republic, Department of Kansas, of Great Bend, Kans., praying for an increase of pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. SHEPPARD. I present a resolution adopted by the Association of Woman Suffrage of the District of Columbia, favoring the passage of the so-called Susan B. Anthony amendment now pending in the Senate. The resolution is brief, and I ask that it be printed in the RECORD without reading.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution favoring the Anthony amendment now in the Senate.

Whereas the Anthony amendment enfranchising all the women of the United States, passed the House of Representatives by a two-thirds majority on January 10, 1918; and

Whereas it is now before the United States Senate, to be acted upon by that body; and

Whereas the women of the Nation are anxiously watching the action of the Senate on this amendment; and

Whereas, if it should not pass the Senate, there would be great disappointment to the people of the country, and President Wilson's advocated broader democracy would be lost: Therefore, be it

Resolved, That the Federal Suffrage Association of the United States request the United States Senate to act upon this amendment as soon as possible and secure its passage.

OLYMPIA BROWN, *President*.
Mrs. CLARA W. MCNAUGHTON,
Chairman Executive Committee.

Passed by the association May 4, 1918.

Mr. SHEPPARD. I also present a resolution adopted by the Hawaiian Protective Association, favoring prohibition in Hawaii. The resolution is brief, and I ask that it may be set out in the RECORD without reading.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution.

Whereas the "Ahahui Puuhonua o na Hawaii" (Hawaiian Protective Association), representing the Hawaiian race, is endeavoring in every way to protect the Hawaiian people from everything that is disastrous to their life and general welfare, thereby continuing the struggle of Hawaii's early leaders to maintain and to promote the best traditions and principles of their forefathers; and

Whereas experience and facts have shown and proven that alcoholic drinks are an evil and a menace to the social, educational, physical, moral, and spiritual welfare of the Hawaiian as well as of the other races in this Territory; and

Whereas alcoholic drinks have been proven to be detrimental and perilous to the mental, moral, and physical welfare of the fighting men of our country, thus making the elimination of the same a proper and effective war measure at this time when our country is engaged in the world-wide war; and

Whereas the war conditions in our country are demanding with imperative force the immediate application of all effective means for the successful carrying out of our country's war measures, and that from such a standpoint prohibition in Hawaii is an immediate necessity, imminent; and that while we do believe in and adhere to the home-rule doctrine, we do recognize that the emergency occasioned by the war must be met now, and in order to accomplish it the home-rule doctrine must be suspended: Now, therefore, be it

Resolved, That the Hon. J. K. KALANIANAOLE, Delegate to Congress, be petitioned by the Ahahui Puuhonua o na Hawaii (Hawaiian Protective Association), through its officers, to obtain in the Congress of the United States the passage of a Federal prohibition bill for Hawaii; that a copy of this memorial and resolution be spread on the minutes of this association; that attested copies of the same be forwarded to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, and to Hawaii's Delegate to Congress.

Signed by its officers and directors

J. K. KALANIANAOLE, *President*.
JOHN C. LANE, *Vice President*.
JESSE ULUIHI, *Secretary*.
HENRY KAPELA, *Auditor*.
SAMUEL C. DWIGHT, *Treasurer*.
AKAIKA AKANA, *Director*.
WM. JARRETT SHELDON, *Director*.

Mr. NELSON presented a petition of sundry citizens of Litchfield, Minn., praying for national prohibition as a war measure, which was ordered to lie on the table.

DISTRICT NATIONAL GUARD.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 3735) to provide for enlistments in the National Guard of the District of Columbia, and for other purposes, reported it with amendments, and submitted a report (No. 436) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HITCHCOCK:

A bill (S. 4527) to authorize the payment of indemnities to the Government of Greece for injuries inflicted on its nationals during riots occurring in South Omaha, Nebr., February 21, 1909; and

A bill (S. 4528) for the control and regulation of the use of boundary waters of the United States for power purposes, and for other purposes; to the Committee on Foreign Relations.

A bill (S. 4529) granting a pension to George F. Steffens (with accompanying papers); to the Committee on Pensions.

By Mr. KELLOGG:

A bill (S. 4530) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. FERNALD:

A bill (S. 4531) granting an increase of pension to Byron H. Purrinton (with accompanying papers); and

A bill (S. 4532) granting an increase of pension to Charles F. Millett (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $15,000 for the maintenance of a dispensary or dispensaries for the treatment of persons suffering from tuberculosis and of persons suffering from venereal diseases, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. UNDERWOOD submitted an amendment proposing to appropriate $3,820 to pay Thomas W. and Alice N. Keller for ground taken and damaged on account of condemnation proceedings in square 2338, Washington, D. C., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment providing that hereafter the height of buildings erected on Sixteenth Street or on Massachusetts Avenue, or on any street or avenue hereafter designated by the Commissioners of the District of Columbia, in the city of Washington, is hereby limited to 70 feet, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

INCREASE OF PENSIONS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 9959) increasing rates of pensions of soldiers and sailors of the Civil War, which was referred to the Committee on Pensions and ordered to be printed.

COMMITTEE SERVICE.

Mr. HITCHCOCK was, on his own request, relieved from further service as chairman (but not from membership) on the Committee on the Philippines.

Mr. SHAFROTH was, on his own request, relieved from further service as chairman (but not from membership) on the Committee on Pacific Islands and Porto Rico.

Mr. SAULSBURY was, on his own request, relieved from further service as chairman and member of the Committee on Coast and Insular Survey.

Mr. REED was, on his own request, relieved from further service on the Committee on the Philippines.

On motion of Mr. MARTIN, and by unanimous consent, it was

Ordered, That Senator WILFLEY be assigned to the chairmanship of the Committee on Industrial Expositions, and to membership on the following committees: The Library, Claims, Immigration, Post Offices and Post Roads, the Philippines, and Expenditures in the Department of State; and that Senator GUION be assigned to the chairmanship of the Committee on Coast and Insular Survey and to membership on the following committees: The Census, Fisheries, Post Offices and Post Roads, Public Buildings and Grounds, and Expenditures in the Navy Department; and that Senator SWANSON be assigned to membership on the Committee on Rules; and that Senator RANSDELL be assigned to membership on the Committee on Naval Affairs; and that Senator SAULSBURY be assigned to the position of chairman of the Committee on Pacific Islands and Porto Rico; and that Senator SHAFROTH be assigned to the position of chairman of the Committee on the Philippines.

POSTAL RATES ON SECOND-CLASS MATTER.

Mr. WATSON. Mr. President, I desire to give notice of a motion to suspend the rules.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

I hereby give notice in writing that on Monday, the 13th day of May, 1918, I shall move to suspend rule 16 of the Standing Rules of the Senate, which provides that "No amendment which proposes general legislation shall be received to any appropriation bill," in order that I may present the following amendment to H. R. 7237, an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, etc.:

On page 32, line 14, add the following new section:

"SEC. 13. The operation of sections 1101, 1102, 1103, 1104, 1105, and 1106 of an act entitled 'An act to provide revenue to defray war expenses, and for other purposes,' approved October 3, 1917, which said sections refer to postal rates on second-class mail, be, and is hereby, postponed from July 1, 1918, as in such sections provided, to July 1, 1919."

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

The VICE PRESIDENT. Is there further morning business?

Mr. ASHURST. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments

of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

The VICE PRESIDENT. If there is no further morning business, the morning business is closed, and the Senator from Arizona moves that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

Mr. POMERENE. If I may ask the Senator, I realize, perhaps, that the conference report would have the right of way, but can the Senator give me an assurance as to how long it will be likely to take? I am very anxious to have the pending bill providing a rent administrator for the District of Columbia disposed of as promptly as possible.

Mr. ASHURST. Let me say to the Senator from Ohio I appreciate his desire for haste, and I share the desire with him; yet this conference report, Senators will bear in mind, was made some three weeks ago, and one item in it caused the Senate to send it back to the conference committee. I am sure there will be no great controversy over it. I do not apprehend that it will take over 15 or 20 minutes, because the report has been printed in the RECORD for nearly a month and those interested in the subject are familiar with it.

Mr. POMERENE. I know the Senator's desire to have the appropriation bill finally disposed of, and I am not disposed to object.

Mr. ASHURST. I thank the Senator.

The VICE PRESIDENT. Does the Senator from Arizona wish to have the report read?

Mr. ASHURST. I do not care to have it read. It was printed in the RECORD three weeks ago and printed again yesterday.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. ASHURST subsequently said: Mr. President, about an hour ago the Senate agreed to the conference report on the Indian appropriation bill. I have been asked by a number of Senators with reference to amendment No. 60. I wish to say that the only substantial change in amendment No. 60 is the striking out of the last proviso. The said proviso is merely a repetition of existing law. Under existing law the removal of restrictions, the loaning of money, and the investing or depositing of Indian funds must be done under rules and regulations prescribed by the Secretary of the Interior and be approved by him.

Amendment No. 60, as agreed upon in conference, in no way changes the right of the Secretary of the Interior as to the removal of restrictions, the loaning, investing, and depositing of Indian funds of the Five Tribes.

Mr. CURTIS. Mr. President, I do not care to take any time of the Senate. I merely wish to say that the statement made by the Senator from Arizona is, in my judgment, correct.

RENT ADMINISTRATOR FOR THE DISTRICT OF COLUMBIA.

Mr. POMERENE. I move that the Senate proceed to the consideration of House bill 9248.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Massachusetts [Mr. LODGE].

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones, Wash.	Norris	Sterling
Bankhead	Kellogg	Nugent	Sutherland
Colt	Kendrick	Overman	Swanson
Culberson	Kenyon	Page	Thomas
Curtis	King	Phelan	Thompson
Fall	Kirby	Poindexter	Tillman
Fernald	Lenroot	Pomerene	Townsend
Gallinger	Lewis	Ransdell	Trammell
Gerry	Lodge	Robinson	Underwood
Gronna	McCumber	Saulsbury	Vardaman
Hale	McKellar	Shafroth	Wadsworth
Hardwick	McNary	Sheppard	Walsh
Hitchcock	Martin	Sherman	Watson
Hollis	Nelson	Smith, Mich.	Wilfley
Johnson, Cal.	New	Smoot	Williams

Mr. McNARY. I desire to announce that my colleague [Mr. CHAMBERLAIN] is unavoidably absent on official business.

Mr. SUTHERLAND. I announce the absence of my colleague [Mr. GOFF] on account of illness.

Mr. LEWIS. The senior Senator from Kentucky [Mr. JAMES] is detained by illness, and the junior Senator from Kentucky [Mr. BECKHAM] is absent on official business.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

Mr. HOLLIS. Mr. President, the pending amendment is the amendment offered by the Senator from Massachusetts [Mr. LODGE] to strike from the bill section 13. Section 13 provides that if a house is not occupied for three months before the passage of the act or for five months after the passage of the act by the owner or a tenant, it may be commandeered by the President for war or Government purposes. We were edified yesterday afternoon by a long and somewhat heated argument as to the part the Constitution would play in connection with this section. It would be tempting to reply to that argument if it had anything to do with the case, but it has not; and as I am anxious to get the bill passed as soon as possible, I shall not go into that part of it. Suffice it to say that no one has attacked the Constitution. This section is made absolutely constitutional, and it is merely a question of whether or not the Senate desires to adopt the section. The bill came over from the other House a few weeks ago in a very drastic form. The suggestion of a rent administrator came from the real estate interests in this District, who felt that the bill passed by the other House was more drastic than they could live under. The bill was referred to the Committee on the District of Columbia, not composed of statesmen and orators and constitutional lawyers, but of men who were left over after the more important committees were taken care of. However, I have not found those men to be socialists, or anarchists, or bolshevists, or anything else that it is fashionable at the time to call the man who does not agree with you. I have found them to be rather conservative, dignified, intellectual gentlemen who want to do the right thing. I have never known one of them to suggest taking anything away from anyone without giving him full compensation.

These gentlemen did adopt the rent-administration idea. They took testimony; they found that there were several hundred houses in the District of Columbia not occupied, and they thought it wise either to commandeer those houses for war or Government purposes or else to persuade the owners to have them occupied. Tears are not to be wept here for those men who are deprived of their homes because they choose to go away and leave their homes for five months. A man may love his home and leave it for five months and allow a friend or some one else to occupy it in war times. This bill does not provide that a house is to be taken from the owner and rented to some one else. In my judgment, such action would not be legal under the section. It does provide, however, that the President, if he sees fit, may commandeer a house for war or Government purposes. The rent administrator is to fix the rental and the conditions under which the house shall be used by the Government for war or Government purposes. The rentals are to be paid by the Government to the owner. The owner is not remitted to sue some one who may be put in as a tenant. That language can not be found in the bill.

I do not think the proposition can be defended that we are to say what rent may be charged and at the same time permit houses to remain idle in the District of Columbia, not occupied by anyone. In order that we may have a vote, I shall not pursue this matter further, so far as I am concerned.

Mr. NORRIS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I want to ask the Senator a question in reference to the language of the bill which is contained in line 21, 22, and 23, on page 17, which reads as follows:

> SEC. 13. That any house or building not occupied by the owner or a tenant for a period of three months immediately preceding the passage of this act, or for a period of five months after the passage of this act, may be commandeered by the President of the United States.

I have not been able to hear all of the discussion upon the bill, but in what I have heard I have not heard any Senator give any reason why that language should be in the bill. I therefore ask the Senator from New Hampshire, if a person had a house in Washington which was vacant, and he had not occupied it himself or by a tenant for a period of three months just preceding the passage of this act, but if he moved into it and occupied it, or if it was occupied by a tenant the next day after the act went into force, could not the President in that case commandeer the house just the same as though it were vacant?

Mr. HOLLIS. There has been an amendment inserted in line 21 which makes the language read:

> That any vacant house or building not occupied.

Mr. NORRIS. Yes; I understand that.

Mr. HOLLIS. If the house has not been occupied for three months prior to the passage of the act—which we all concede will be a very busy time—or five months after the passage of the act—which may not be so busy, because Congress may adjourn—if that period is continuous for three months in one case or for five months in the other, then, after such three months' continuous nonoccupancy or five months' continuous nonoccupancy, as the case may be, such house may be commandeered, if that answers the Senator's question.

Mr. NORRIS. I am not sure that I have made myself plain to the Senator from New Hampshire. I can see clearly why, if a house is vacant for a specified time after the law is passed, as the bill fixes it, for five months, that there is reason why, under existing conditions, it should be used for some purpose; but I do not understand why, if a house is occupied immediately after the passage of the act and remains occupied by the owner or by a tenant, the President should be given authority to take that house simply because some time before the act was passed the house was vacant for three months.

Mr. HOLLIS. I understand what the Senator means, and that is why I said that the bill had been amended so as to read:

That any vacant house or building not occupied—

And so forth.

Mr. NORRIS. But that would not change the condition I have stated.

Mr. HOLLIS. If a house is occupied, it could not be commandeered even if it had been vacant for three months or five months previously.

Mr. NORRIS. The insertion of the word "vacant," as I understand, at least would not change the condition supposed in the illustration which I have given. Let us take a concrete case as an illustration. Suppose that the Senator from Nebraska owned a house, or anyone else owned a house, in Washington and it was vacant for three months; but the day this act is passed or the next day after it is passed and goes into effect the Senator occupied the house himself, or that he leased it so that it was occupied or in use, would we want to give the President the right to commandeer that house simply because at some time in the past it had been vacant?

Mr. HOLLIS. No; we would not; and the President would not have the right to commandeer it, because at that time it would not be vacant. The act as amended provides for the commandeering of a vacant house or building.

Mr. NORRIS. If the word "vacant" has the meaning for which the Senator from New Hampshire contends, then certainly the language I have called attention to has no place in the bill. I am assuming that the house is vacant before the law went into effect.

Mr. HOLLIS. Let us make the Senator's case a little more definite. We will assume that this bill passes and becomes a law on the 1st day of July; that for three months preceding the 1st day of July a house has been vacant, but that on the 2d day of July, or before the President can act, the house is occupied. Then, of course, the house could not be commandeered, because it would not be a vacant house.

Mr. NORRIS. Well, let us see whether that would be true if the word "vacant" were inserted after the word "any." It would then read:

That any vacant house or building not occupied by the owner or tenant for a period of three months immediately preceding the passage of this act, * * * may be commandeered by the President.

Why could not the President commandeer the house?

Mr. HOLLIS. Because the house that has been vacant for three months before the passage of the act is occupied before the President commandeers it; it is not vacant. There must be both vacancy and the existence of the three months' period of nonoccupancy before the house can be commandeered or at the time the house is commandeered. It seems to me that is very clear. I can not believe that the Senator's mind and mine have met on this subject, it seems so clear to me. Certainly if any house is occupied when the President undertakes to commandeer it, he can not commandeer it.

Mr. THOMAS. Mr. President, I have listened with attention to the addresses of the Senator from Missouri [Mr. REED] and the Senator from Minnesota [Mr. KELLOGG] upon the pending measure yesterday afternoon, and was both edified and instructed by their comments upon its constitutionality.

The Senator from Missouri has been perfectly consistent in his attitude upon all, or practically all, of the measures which we have had under consideration since our entry into the war. His argument, from the standpoint of his premises, is always conclusive, and he always has the courage of his convictions; but inasmuch as the discussion has in some degree led to the conclusion that those of us who propose to support this bill must do so in defiance of our oaths to support the Constitution, I am not willing that we shall come to a vote without replying, as best I can and very briefly, to the fundamental question presented and affecting the validity of the bill.

We have sworn to support the Constitution of the United States, and our oaths are, or they should be, absolutely binding upon our conscience and our official conduct. No man who apprehends this bill to be in conflict with the provisions and requirements of the Constitution should vote for it, nor do I believe he will. I do not think it offends that instrument.

It is very difficult, Mr. President, and especially during times of war, to draw a distinct line of division between that which is and that which is not forbidden by the organic charter of the Republic; indeed, if we follow the course of congressional legislation and apply to that legislation the various decisions of the court of last resort, we must conclude that the popular conception of and the actual authority conferred upon us by the Constitution even 30 years ago have been materially changed and extended. During our 125 or 130 years of national life this change has been far-reaching and in some respects revolutionary. A great British statesman has said that constitutions are not written but they are made; and the truth of the reflection is amply illustrated by the development of the Constitution of the United States, whose implied powers and those conferred upon Congress under the general clause have been more formidable—certainly more ample—than those expressly enumerated.

Mr. President, it is difficult, as I have said, to attempt to define with any degree of satisfaction the extent to which the crises of war suspend or alter constitutional provisions and limitations; but we do know, as was said by Mr. Lincoln during the Civil War, that the President should have the power to do whatever may be necessary to bring war to a successful conclusion. Of course, it may be urged that if this suggestion is to be accepted without qualification it might result in substituting the will of the Executive not only for the Congress but also for the Constitution. Nevertheless, I accept that statement. The assertion of Mr. Thaddeus Stevens, made during the consideration of the bill for the admission of the State of West Virginia in 1862 or 1863, that the laws of war prevailed in times of war, and that the laws of war are what the Congress determines to be necessary, so long as they do not conflict with the rights of humanity, may be too extreme.

That is another general expression, the literal acceptance of which might lead to the same result, and to substitute the whim or the will of Congress or the administration or of both for the written charter of our powers, the Constitution of the United States.

But, Mr. President, this bill does not confront us with the necessity of determining whether we are proceeding beyond the boundaries of the Constitution. If it were of general application we might be required to do so. I am free to say that if this bill were designed to be of universal application, affecting the home cities of the Senator from Missouri and the Senator from Minnesota as it does the District of Columbia, I should be inclined to agree with their views regarding our power to enact it, and particularly regarding our power to enact section 13. I was aware—and I am glad the Senator from New Hampshire [Mr. HOLLIS] has emphasized it—that section 13 does not assume to do more than to invest the President with the power to commandeer vacant buildings for public purposes. That makes it harmonize, I think, with the criticisms which have been made of the bill as well as of the section, from the constitutional standpoint.

Mr. President, this bill is a local one; it affects only the territory known as the District of Columbia and property rights in that District. The Constitution gives in express terms to Congress exclusive control and jurisdiction over the District. That control is absolute, except as it may be limited by those general principles of justice and of constitutional power affecting the rights of persons and of property. Ever since the decision of the Supreme Court in the great case of Cohens *v.* Virginia (6 Wheaton, 264), during the first quarter century of the Nation's existence, absolute power of control over the District of Columbia by the Congress of the United States, subject, of course, to these limitations, has been an established principle of law, which indeed, Mr. President, logically proceeds from the purposes for which the District was provided for in the Constitution and afterwards created in pursuance of it. That purpose is that it shall be the seat of government. The segregation from the States of Maryland and Virginia of a certain portion of their respective territories, placing it at the disposal of the newly-created Government, was for its purposes fundamentally and primarily, and as a consequence, Mr. President, the framers of the Constitution very naturally and very properly clothed the legislative department of the Government

with absolute control of it. Residence here by those whose presence is not required for governmental purposes is perfectly proper and lawful, but it is entirely secondary to the object in view when the segregation took place and since that time. I may own a residence in the city of Washington. That, however, is an incident to the creation of the District and the laying out of the city. Both were for governmental purposes, and, in my judgment, it must follow as a necessary corollary that, subject to the indestructible rights of person and property, the Government, whenever it becomes necessary for its purposes, in the opinion of its representatives, may take over every acre of territory in the District and dispossess, subject to proper compensation, every resident in it.

Mr. KELLOGG. Mr. President——

Mr. THOMAS. I yield to the Senator from Minnesota.

Mr. KELLOGG. Is it the position of the Senator from Colorado that the fifth amendment, guaranteeing that no person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation, is not in force in the District of Columbia?

Mr. THOMAS. It is absolutely in force in the District of Columbia, as a matter of course. I have just stated that this power was subject to the indestructible rights of person and property, some of which are safeguarded by the provisions of the amendment which the Senator has just read.

Mr. KELLOGG. Then I think the Senator must have misunderstood the position which the Senator from Minnesota took.

Mr. THOMAS. That is possible.

Mr. KELLOGG. Because it was stated, as I recollect it:

> It may be, therefore, especially in time of war, when there is a sudden and very great influx of population in the District of Columbia engaged in the various activities of war, that it may be necessary not only to procure means for housing the employees but to protect them from extortion in rental charges.

In which event it would be a public purpose, and Congress could regulate the charges, but the charges must be reasonable.

Mr. THOMAS. Mr. President, if I even indirectly misrepresented what the Senator stated I am very sorry. I recognized his position and intended referring to it just a little later. I may say here, Mr. President, that the arguments of the two Senators to whom I have referred were very different in their character, one going very much further than the other. Generally speaking, I feel in accord with many things asserted by the Senator from Minnesota on yesterday, except in so far as peculiar conditions here would limit the application of some of them. I do not for a moment maintain that any personal or real property can or should be taken over by the Government anywhere without making just compensation, but that compensation must be determined not by the opinion of the owner as to what it should be, but by methods either existent or to be created for its fair determination.

Mr. FLETCHER. Mr. President——

Mr. THOMAS. I yield to the Senator from Florida.

Mr. FLETCHER. Then may I ask the Senator whether his view is that any property and all property may be taken over for war purposes in the District of Columbia, and that Congress should determine whether that taking is for war purposes, or whether it is also competent for Congress to delegate to some one else the determination of the question whether the taking is for war purposes; and, if so, would that be the wise course to pursue, or ought Congress to determine it?

Mr. THOMAS. In times of war, Mr. President, I have no doubt but that the Executive has the power to take over upon his own initiative whatever property in this District he thinks is necessary for the proper prosecution of the war. In times of peace, there being no such emergency, the subject should be regulated by legislation. But I think there can be no doubt, Mr. President, that should the needs of the Government, in the opinion of the Government authorities, become commensurate with the territorial jurisdiction known as the District of Columbia, the Government, through legislation, can repossess itself of it all, even in times of peace, subject, of course, to the constitutional limitations which safeguard the rights of person and of property.

Mr. President, I do not think that is a startling doctrine, nor at all new. During the last Congress we enacted a measure of absolute prohibition in this District. It was assailed, as this bill is assailed, upon constitutional grounds; but we did it, and by that means we deprived of their property citizens of the District engaged in the pursuit of what before the enactment of that law was a perfectly legitimate industry, an industry sanctioned by law, an industry subject to taxation. We destroyed it overnight and made no pretense of compensation, except in so far as the postponement of the time when the act was to go into effect enabled those owning the property affected by the law to dispose of it. I believe we had the power to do that. Of course, when the subject is fully analyzed, liquor occupies a different status from almost every other article of merchandise, but the fundamental fact is that legislation affecting the District of Columbia and destroying personal property utterly, thus depriving a good many of the citizens of this District of absolute value, was enacted under the provision of the Constitution giving us exclusive control and authority over this District. I might mention other instances where this power has been exercised, but it is not necessary. Suffice it to say that all we attempt to do here is to meet an existing crisis and meet it in the best way.

Mr. President, what is the situation in the District of Columbia? Since the beginning of this war I think it is safe to say that the population of the city of Washington has increased 40 per cent, but during the same time its housing capacity has perhaps increased less than 10 per cent. The increase is abnormal, it is unnatural, it is artificial, but it is the inevitable and necessary consequence of our declaration of war. Two of our departments have expanded perhaps two or three hundred per cent, and new bureaus of activity have been created in the interval. In times of war, therefore, the Government located at Washington is not only engaged in those activities which are designed to directly prosecute and carry on the war, but in others which, though operating indirectly to that end, are quite as important. We are controlling now the transportation system of the United States. The Government has taken charge of our food problems and of our fuel problems. We have a huge bureau of public information here, and all these agencies have necessitated this abnormal increase in population.

Mr. President, these Government employees and officials who have thus been brought here, adding to a congestion that was already acute, are in the service of the United States in time of war. A great many of them may be supernumeraries; I think they are; but, nevertheless, they are here, in the Government service, for the purpose of aiding the Government in the prosecution of the war. Many of them are without shelter. Many of them find it difficult to live within their means. Some of them perhaps find it difficult to make compensation for the absolute necessities of life, exclusive of shelter. How can they carry on their work effectively unless they are sheltered, unless they are fed, and unless they are relieved of the apprehensions consequent upon the danger that they will fail in either of these requirements, which necessarily interfere with and diminish their efficiency?

Why, Mr. President, this is just as much of a war measure, just as much of a necessity, as though we were speeding up a mobilization because the German Army, or some portion of it, were upon our territory and marching toward the Capital. The Army is not the only agency in war. It has been said on this floor a number of times, and it is true, that modern war consists in marshaling against the enemy every asset and resource of the Nation; these people who must be here, whose activities are absolutely essential to the prosecution of the war, whether successfully or not, must be taken care of, and the only way in which it can be done is through a measure of this sort, which is as completely within the power of the Congress of the United States, in my judgment, as though the authority were expressly written in the Constitution. Indeed, I go further. I think that if we fail to pass a measure like this in such an emergency, the war power of the President is sufficiently extensive to justify him in taking possession of such structures as may be necessary for the sheltering of the civic army in Washington, subject, of course, to compensation by the Government of those whose property is thus acquired. Of course, it is better, Mr. President, to do it in this way; but when it comes to the constitutional power of meeting such an emergency in time of war my opinion is that it is not only within our lawful right, but that it is our duty to act affirmatively and to enact a measure of this kind; and we can not wait.

Mr. FLETCHER. Mr. President——

Mr. THOMAS. I yield to the Senator from Florida.

Mr. FLETCHER. I quite agree with the position taken by the Senator, and I am under the impression that that course has already been pursued by the President and the War Department. Before this matter was up at all they actually did take over certain properties. I do not know what arrangements were made.

Mr. THOMAS. I am obliged to the Senator for the suggestion.

I say we can not wait, Mr. President, because the exigency is right upon us. It is all very well, in a crisis of this kind, to talk about providing for condemnation or contracts, and for the marshaling of the usual agencies in time of peace to secure what is now needed; but we can not wait for that. Just before

the Battle of New Orleans Gen. Jackson, having declared martial law in that city and its surroundings, confronted interference with some of his plans by a writ of habeas corpus issued by the United States district judge. Gen. Jackson had no time to consider the legality or the merits of the writ. His business at that moment was to whip the British Army. As a consequence he imprisoned the judge, metaphorically tore his writ of habeas corpus to pieces, and threw it in his face.

He then met the emergency, won a great victory, abolished martial law, after which he went as a citizen of the United States to the court room, plead guilty to a charge of contempt, paid his fine, and went on his way rejoicing.

Suppose Gen. Jackson had been halted in the operations essential to the accomplishment of that great and notable victory by going into court with his return to the writ and suspending the activities of his army until it could be determined whether this writ of habeas corpus had been properly or improperly issued? Now, of course this emergency is not so great as the one cited; but it indicates the conditions with which we are confronted, and fairly illustrates the powers and the necessity of the exercise of the powers of authority, however arbitrary they may be, in times of war, when the emergency demands it.

Nor, Mr. President, am I very much disturbed by the very eloquent and somewhat mournful prophecies of what is to become of the Constitution of the United States and to the people of this great Republic if acts like this be passed. It is perfectly natural to imagine and prophesy such things with the utmost earnestness and conviction; and sometimes they materialize; but we must remember that such are the forebodings whenever a measure demanded by an extraordinary emergency in times of war is proposed by a constitutional government. The CONGRESSIONAL RECORD from 1861 to 1864 is replete with similar statements, similar reflections, similar predictions, coupled unfortunately with much epithet and personal abuse which those indulging in that sort of so-called argument must have sincerely regretted in after years.

Mr. President, Senator James A. Bayard, of Delaware—the father of Thomas F. Bayard, who was afterwards Secretary of State of the United States, one of the most eminent and patriotic statesmen who ever adorned public life, one of the ornaments of the Senate in his time, a man whose death is not so remote but that some of us remember his personal charm, his ability, and his courage, was a Member of the Thirty-seventh Congress.

Senate joint resolution No. 1 of Congress was designed to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion. It was vigorously and vindictively opposed by the minority then in the Senate, and if I remember the history of that resolution it was also opposed by some of the majority Senators. It may not be instructive but it is comforting to refer to some of the criticisms of a distinguished statesman of another generation during his discussion of that resolution and to realize that his fears were pronounced unsubstantial by the verdict of time. On page 17 of the appendix to the CONGRESSIONAL GLOBE of the Thirty-seventh Congress, first session, appears Mr. Bayard's argument against the resolution. Among other things he said:

> Mr. President, there is no other distinction between the condition of France under Louis XIV and the present condition of these United States, if this resolution be passed. The Bastile had its dungeons; the forts have none. Louis XIV alone issued his lettres de cachet, but the President of the United States delegates a general power to 1 or 10 different officers to arrest and imprison guiltless men whenever the officer chooses to suspect them of criminal complicity; and all this is to be sanctioned and continued in the face of a Constitution which we had supposed gave us, as citizens of a free country, free institutions, in contradistinction to the absolutism which reigned in France under Louis XIV.

And on page 18:

> An honorable Senator has told us that he would be willing at this time to yield almost unlimited power to the Executive. Sir, if you pass this resolution you give unlimited power to the President of the United States; you take away the last remnant of liberty in this country; you abandon to him the great judicial right which protects the liberty of the citizen, in the face of the Constitution, without judging of the exigency for yourselves or avowing to the people, by direct legislation that you have parted with that right. Suppose that Abraham Lincoln was a man of great force of will, of great military talent, great ambition, and with sufficient capacity as a statesman to govern and discretely control the career of his ambition in the pursuit of permanent power. I ask you if a Cromwell or a Bonaparte were invested with the powers you now propose to place in the hands of the President of the United States, if the liberties of this country would not lie at his feet? Sir, for one, without regard to the man, I will look upon anyone in reference to the grant of such unlimited power as a Cromwell or a Bonaparte. I can not expect from the past history of humanity that the next 18 centuries will produce the equal of George Washington.

That, Mr. President, has a very familiar sound in these days. I might quote similarly from many other distinguished statesmen of the war period, but it is unnecessary. This was uttered by Senator James A. Bayard, and his son, Thomas F. Bayard, who succeeded him March 4, 1869, in the Senate lived to see the memory of Abraham Lincoln enshrined in the hearts not only of the people of the North but of the South. His son has paid to Mr. Lincoln a great tribute of appreciation. He realized long before his death that absolute power in this country is with the people ultimately, and that we as its Representatives, in meeting the supreme needs of a war crisis, do not abandon our authority nor permanently delegate it. That which we have given we can take back whenever the emergency requiring it has passed. This bill is a temporary war measure. It is as much needed, in my judgment, Mr. President, as reenforcements in France. Therefore I hope that it will meet with the approval of a majority of this body.

Mr. STERLING. Mr. President, I desire to speak for a moment in regard to section 13. As I expressed it on yesterday, I am in sympathy with the general purposes of the bill, but it seems to me that section 13 is in a class by itself, and neither in the subject matter of the section itself nor in the power it confers on the rent administrator is it like anything else in the bill.

The question of the taking of property without just compensation is involved, and my contention is that instead of this section 13 being plainly constitutional, as asserted by the Senator from New Hampshire [Mr. HOLLIS], it, on its face, ignores the fundamental proposition that private property shall not be taken for public use without just compensation.

But what does it in terms permit? It takes the dwelling left vacant for three months prior to the passage of this act, or vacant for five months after the passage of the act, and puts it in the power of the rent administrator to take possession of that property, to take its use and fix the rental and determine the conditions of the tenancy in his absolute discretion. Under it he may take a dwelling the ordinary rental of which would be $100 per month, and in his discretion may pay $5 per month in behalf of the Government.

Mr. President, since this section stands alone, since it relates to a subject different from any other in the bill, it is very doubtful, to say the least, whether the general provisions of the bill in regard to a review by a board of appeals and a final review by the court will apply. There is very high and respectable authority to the effect that where discretion is given to a public functionary in regard to the acts and duties of that functionary it is beyond the control of any other body to review or interfere in any way whatever with the exercise of that discretion.

So I contend, Mr. President, that section 13, on its face, absolutely ignores the question of just compensation and permits the taking of the use of the property without any provision whatever for the payment of an equivalent of the value of that use, which is just compensation.

I wish now, Mr. President, just to call attention to other commandeering acts or provisions that have been enacted by this Congress and in other bills. The power to commandeer or requisition is given the President in many instances, but always the principle of just compensation is recognized and provided for. Let me read from the food-control act, section 12, for example. It provides:

> SEC. 12. That whenever the President shall find it necessary to secure an adequate supply of necessaries for the support of the Army or the maintenance of the Navy, or for any other public use connected with the common defense, he is authorized to requisition and take over, for use or operation by the Government, any factory, packing house, oil pipe line, mine, or other plant, or any part thereof, in or through which any necessaries are or may be manufactured, produced, prepared, or mined, and to operate the same. Whenever the President shall determine that the further use or operation by the Government of any such factory, mine, or plant, or part thereof, is not essential for the national security or defense, the same shall be restored to the person entitled to the possession thereof.

And now comes the particular provision relative to the compensation.

> The United States shall make just compensation, to be determined by the President, for the taking over, use, occupation, and operation by the Government of any such factory, mine, or plant, or part thereof.

Then, as Senators will remember, it is provided that if the compensation determined upon by the President is not accepted by the owner of the property, 75 per cent of that compensation so determined by the President shall be paid him, and he shall have his remedy in the court to recover the balance of what he claims to be just and equitable compensation.

Mr. President, I grant that we are in a state of war, and the fact that we are in a state of war is the occasion and the reason for the enactment of this legislation. But, Mr. President, it is not permissible in war even that private property shall be taken for public use without just compensation and it can not be. Compensation must sometime be made. The principle of just compensation for property taken for public use is a very old one. It antedates our Anglo-Saxon jurisprudence by hundreds of years. It was in the civil law and laid down in terms not very

different from those embodied in State and Federal constitutions. Quoting from Watson on the Constitution, he says:

It was a provision in the Napoleonic Code that "no one can be compelled to give up his property, except for the public good and for a just and previous indemnity."

This, permit me to say, contemplates an ascertainment and a payment of compensation before the property is taken, and many State constitutions, my own included, provide that before the property is taken there must be ascertained and paid a just compensation for the same.

So universal is the recognition of this principle that in addition to its incorporation into our Federal Constitution there is probably not a State in the Union whose constitution does not embody it. It will not, therefore, be said that inserting this provision in the amendment established any new principle of law or justice, but, on the contrary, it was only recognizing in a constitutional form what had existed at common law and in equity for a very long time and had been an established principle of the civil law.

Referring to that class of cases in which property may be first taken on the part of the Government or for the Government without compensation having been made and referring to the same authority and quoting therefrom:

In Mitchel v. Harmony it was held:

"There are, without doubt, occasions in which private property may lawfully be taken possession of or destroyed to prevent it from falling into the hands of the public enemy and also where a military officer, charged with a particular duty, may impress private property into the public service or take it for public use. Unquestionably, in such cases, the Government is bound to make full compensation to the owner. The officer is not a trespasser. But in all these cases the danger must be immediate and impending or the necessity urgent for the public service, such as will not admit of delay and where the action of the civil authority would be too late in providing the means which the occasion calls for."

The cases cited do not fall within the class of cases provided for in section 13, there being no such immediate and impending necessity here as to require the taking of the property without some effort on the part of the authorities to ascertain what would be just compensation or the equivalent of the value of the use of the property by the Government. And yet, by the terms of this section, the rent administrator is given the power without qualification to take private property and fix rentals and determine conditions of tenancy as in his discretion he sees fit, and there is apparently no remedy.

So, Mr. President, I think section 13 as its stands, without any modification at all in regard to the compensation to be paid to the owner of the property for its use on the taking of it by the rent administrator, is unconstitutional and that it would be so held by a court having it under consideration.

Mr. NORRIS. Mr. President, I understand the Senator bases the claim that it is unconstitutional on the ground that no provision is made for compensation, or does he base it on the ground that the property is not to be taken for a proper purpose?

Mr. STERLING. No; on the ground that there is no provision made for just compensation, as required by the Constitution. I am not disputing but that it might be taken for such a purpose, and that it would be a proper purpose.

Mr. NORRIS. I wanted to get the Senator's idea. I listened to an argument yesterday where the Senator stated in effect he did not think the language implied the taking for a proper purpose.

Mr. STERLING. I recall that.

Mr. NORRIS. The Senator, I understand, concedes that the language of the bill would be constitutional if there were proper provision made in the bill applying to this section by which compensation in the meaning of the Constitution was provided for.

Mr. STERLING. I think so, taking the purposes of the bill generally and the purpose which is manifested in this one section.

Mr. NORRIS. I want to inquire of the Senator, if we have it narrowed down to that one proposition, does he not think the provisions of the bill applying to compensation, where it is provided that after the rent administrator fixes the price, anyone, indeed even including a mortgagee, has the right to apply for an appeal and can take it into court, would make it constitutional if they were applied by section 13?

Mr. STERLING. If they were made to apply to section 13, I think it probable that it would then be constitutional. There would be a way provided whereby just compensation could be ascertained.

Mr. NORRIS. Then, taking the Senator's own theory, it would require but a very slight amendment to section 13 to meet his objection, although I do not agree with the Senator that section 13 is so separate and distinct from the subject matter that the general provisions of the bill do not apply to it.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. STERLING. Certainly.

Mr. HOLLIS. I have great respect for what the Senator from South Dakota said. We want this section constitutional and we do not want any doubt about it, because, in the first place, that is our intention, and, in the second place, if it is not constitutional it will be worthless. I will ask the Senator if, in his judgment, this amendment to the section would meet the case? Perhaps the amendment can not be accepted except by unanimous consent, because I understand the motion to strike out would be first in order. I suggest, in line 4, page 18, before the period, to insert:

Subject to appeal to the board of rent appeals and to the Supreme Court of the District of Columbia, as provided in section 9 of this act.

Mr. STERLING. That will materially improve the section; and it is just such an amendment as I intended to propose in the event the motion to strike out section 13 should not prevail.

Mr. NORRIS. Let me ask the Senator from New Hampshire where he proposes to apply that amendment to section 13?

Mr. HOLLIS. At the end of section 13, before the period.

Mr. NORRIS. Then, why does the Senator say he will have to wait until the motion to strike out is voted on? His amendment, as a parliamentary proposition, would take precedence over the motion to strike out, because it is proposed to perfect the text.

Mr. HOLLIS. The motion to strike out has already been made, and that motion, I think, would have to be voted on.

Mr. NORRIS. The motion to strike out has been made, but if the Senator makes a motion to perfect the matter which it is sought to strike out, there should first be a vote on that, because it is a proposition to perfect the matter proposed to be stricken out. Such a motion would certainly be in order, even though made after the motion to strike out.

Mr. HOLLIS. In order to avoid all difficulty, I ask unanimous consent, first, to perfect the section by inserting what I send to the desk.

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. STERLING. I would simply like to say at this point that my remarks have been made on the theory that the motion to strike out was the only motion in order, and that it could not be superseded by any other motion.

Mr. NORRIS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will kindly state it.

Mr. NORRIS. Is it not in order, before a motion to strike out is voted on, to offer any motion to amend the language which it is sought to strike out?

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that when a motion to strike out has been made a motion to perfect the part proposed to be stricken out is in order.

Mr. NORRIS. And such a motion takes precedence?

The PRESIDING OFFICER. It takes precedence.

Mr. NORRIS. I think there is no doubt about it.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. HOLLIS] offers an amendment to the amendment of the committee, which will be stated.

The SECRETARY. On page 18, line 4, after the word "discretion" and before the period, it is proposed to insert the following:

Subject to appeal to the board of rent appeals and to the Supreme Court of the District of Columbia, as provided in section 9 of this act.

The PRESIDING OFFICER. The question is on the amendment to the amendment proposed by the Senator from New Hampshire.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Massachusetts [Mr. LODGE] to strike out section 13 as amended.

Mr. LODGE. Mr. President, of course, I favor the passage of this bill—it has become necessary—and I favor giving the President the power to take vacant and unoccupied houses or buildings. The Senator from Colorado [Mr. THOMAS] said when he was speaking that this is a provision to take vacant houses or buildings. Why not say so? This is burdened with conditions which are so framed, as I said the other day, that they might cause great injustice. It is no answer to that to say that injustice will not be done. We must pass laws under which injustice can not be done.

There is no use masquerading behind the President. Of course, we give this authority to the President, but we know the President is going to appoint a rent administrator, or whatever he is to be called, to deal with the subject. The President is not going about Washington looking for vacant houses and deciding whether or not he will take them and

give them to clerks. It would be very wrong for him to do anything of the sort. The President is going to appoint some suitable and competent man to do this work. Necessarily, the houses that are unrented are mostly small and unimportant houses, but if they are vacant it is very reasonable to take them.

But what I object to is the extreme looseness with which this section is drawn, as to the periods of three months or five months. There is, as has already been pointed out, the danger that might occur from the operation of those conditions. On the other hand, a man fulfills the three months' condition or the five months' condition, and then can go away and leave his premises unoccupied indefinitely, and he has fulfilled one of the two conditions. Under this section, with the interpretations that have been placed upon it by the Senator from New Hampshire [Mr. HOLLIS], actual occupation of the owner in whom the title is vested is necessary to relieve the property from being commandeered. If an officer goes to France and leaves his house here in possession of his wife and family, that house may be commandeered under this provision, because the owner in whom the title is is not resident there. That seems to be the interpretation given to it. I put the case yesterday of the occupation of a house by a family——

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. I do.

Mr. HOLLIS. I do not understand that that was agreed to by anyone. Certainly the occupation of a man's family is the occupation of the owner; or they are his tenants at will. There is no doubt about it.

Mr. LODGE. Yesterday I understood the Senator from New Hampshire to deny that precise proposition.

Mr. HOLLIS. I beg the Senator's pardon; there was no such intention. That is a matter which I have litigated in court several times. I know that the occupation by a man's family is occupation by him or that they are his tenants at will. There can be no doubt about that.

Mr. LODGE. What objection, then, can there be to saying "the owner or the owner's family"?

Mr. HOLLIS. I have no objection to inserting the words "or his family"; but it is absolutely unnecessary to do so.

Mr. LODGE. Where do you draw the line as to what constitutes a family?

Mr. HOLLIS. That will have to be left with the courts; we could not undertake to define that here.

Mr. LODGE. Exactly. A man has got to go into court to have defined whether or not the occupation is in accordance with the act. I suggested the insertion of the word "representative," but the Senator seemed to think that that would mean a caretaker. My own belief is that a furnished house occupied by any representative of the owner would be held to be the owner's occupation; but the language is entirely too loose, and different interpretations are given to it. If it could be better defined I should have no objection to it, and I should withdraw my motion to strike out the section if the words "owner or his representative" were inserted.

The periods of three months and five months, it seems to me, are more likely to lead to the easy evasion of the act than anything else; but if the committee is contented with those phrases or those conditions, of course I have no objection to make.

I want the authorities to have the power to take vacant houses, but I do not want them to have a power which could be easily abused and afford an opportunity for the exercise of favoritism or prejudice or hostility of a personal kind. It seems to me we ought to be able to give this authority, if it is necessary, in such a way as to do justice to the people who are unfortunate enough to own houses in Washington.

Mr. WADSWORTH. Mr. President, will the Senator from Massachusetts yield to me?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. I do.

Mr. WADSWORTH. Does the Senator from Massachusetts believe that the problem of the vacant houses in Washington is of the slightest importance?

Mr. LODGE. It is a perfectly insignificant thing. The houses that are now unrented are very few in number, perhaps 600 or 700, and most of them are very small. I believe that a considerable portion of that number are occupied by colored people. I think, from the figures that were read on yesterday, there are 240 which are occupied by colored people. They are not important houses; most of them probably would be of little use for the purposes of this bill.

This is merely one of those provisions, which if put in the bill, an incompetent administrator or a man with hostilities or favoritism could use to harrass people. That is the truth of it.

Mr. POMERENE. Mr. President, the Senator from Massachusetts [Mr. LODGE] and the Senator from New York [Mr. WADSWORTH] are perhaps more familiar with war legislation than am I, as the one is on the Naval Committee and the other is on the Military Affairs Committee; but may I ask, Is there not some legislation which already gives the President the power to commandeer any property that may be necessary for military purposes?

Mr. LODGE. Yes; he may commandeer all property. There is no limitation, no conditions about occupation or anything of that sort. The President may commandeer such property for military and naval purposes.

Mr. POMERENE. Then, if that be so, is it not a matter of slight moment whether or not this section is retained?

Mr. LODGE. It seems to me that the section is a needless one, as to the efficiency of the act; I have thought so all along, and as so many different opinions have been expressed about it on the floor, and as Senators in charge of the bill seem to interpret it in different ways, and, as I could not get it amended so as to make it, as it seems to me, safe for people who would be the subject of the legislation, I have moved to strike it out; but I think it could be made perfectly reasonable and perfectly safe, and retain the power which I should be very glad to grant to the proper authorities, to take genuinely vacant houses. There should be no difficulty, it seems to me, in deciding as to that.

Mr. GALLINGER. Mr. President, may I interrupt the Senator?

Mr. LODGE. I yield to the Senator.

Mr. GALLINGER. Mr. President, I am surprised to hear it stated that there are even five or six hundred vacant houses in the city of Washington—that is, houses that are fit for human habitation. I go about this city every day. Not long ago on whole rows of houses there were signs "For rent," but it is a rare thing to see such a sign now on any block in the city. If there are a few unoccupied houses that are fit for occupancy and the necessity is so great and the pressure so irresistible to provide quarters where men and women may lodge, why on earth are those houses not rented? It seems to me absolutely beyond comprehension that this condition can exist to any considerable extent, certainly to an extent that requires us to provide in the bill that houses may be commandeered. I wish that every Senator would go about the city as much as I do—and I am in the habit of doing that, having a very deep interest in the city of Washington and in the District of Columbia, and having served on the Committee on the District of Columbia for so long—and see how few signs for rent they can discover in an hour or two hours' ride about this District.

Mr. LODGE. Mr. President, in connection with what the Senator from New Hampshire has said—I mentioned it yesterday, and I will mention it a little more fully to-day—when we were investigating the coal situation we had before us the fuel administrator of the District of Columbia. He was testifying as to the increased coal consumption in this city, and stated that a canvass of houses had been made to ascertain how many houses had been occupied which were not occupied the previous winter. It had been found that just before the outbreak of the war in the winter of 1917 there were some 5,500 houses in Washington unrented, whereas at the time he testified, which was last January, over 5,000 of them had been rented and that only a very few, about 500—he said he could not state the number with absolute accuracy, but about 500—remained unoccupied, and those undoubtedly were houses such as were described in the detailed figures which the Senator from New Hampshire gave, and included houses hopelessly out of repair and unfit for occupancy, houses in bad repair, and houses of a character which could not be used for the persons for whom it is desired to provide in this bill.

The section deals with a very trifling matter, which could easily be disregarded without in the least, I think, interfering with what we all desire to do in the bill; but the section would enable the rent administrator, if ill disposed—and such a person is conceivable—to harrass a great many people who are honest residents of Washington and who live here genuinely, but may go elsewhere for a few months in the summer or may be called away on business. There is no sense in harrassing or bothering those people about their houses; they are furnished houses; they are homes where people live.

Mr. GALLINGER. Mr. President——

Mr. LODGE. I yield to the Senator.

Mr. GALLINGER. The Senator has suggested that the fuel administrator said in his testimony that there were some 5,500 unoccupied houses of a certain kind some time prior to his testimony, and that at the time of his testimony there were between 500 and 600 of all kinds of houses many of them, beyond a doubt, not fit for tenancy.

Mr. LODGE. Undoubtedly.

Mr. GALLINGER. Since that time, if we have been properly informed, there probably has been an addition of 5,000 or 6,000 people to the population of the District; and, if those houses are unoccupied and are fit for occupancy the owners want, of course, to rent them. I see no reason why a single one of them should be unoccupied in the near future.

Mr. LODGE. I think we may rest assured that practically every rentable house in this city has been rented and that no one is holding back houses for the pleasure of keeping them vacant; the opportunity to rent them and to derive a good income from them is altogether too tempting to permit of their being held unoccupied. It is against the owner's interests to leave them vacant.

My objection, however, to this section is that it opens the door, as I have said, to harassing people who are genuine residents and have no idea of keeping their houses unoccupied or off the market, but who wish to live in them themselves. The same thing is equally true in regard to tenants. If what is meant by occupation could be made definite and clear in some way, I should have no objection to the section, although I think it is not an important one, except in that it may be abused. If an amendment could be agreed to providing that the section would not apply to houses occupied by representatives of the owners or members of their households, I should be very glad to cease any resistance that I have made to the measure; and I will suggest, as a perfecting amendment, to insert, after the word "tenant"—and this is different from the amendment I offered yesterday—the words "or the representatives of such owner or tenant," so that it will read:

That any vacant house or building not occupied by the owner or a tenant or the representatives of such owner or tenant——

Mr. HOLLIS. Mr. President, I make the point of order that that is the same amendment that was offered yesterday, inserting the word "representatives," as I recall, although I may be mistaken.

Mr. LODGE. Oh, no; it is an amendment offered at a different place, and the word "tenant" is added; it is a wholly different amendment.

Mr. HOLLIS. I make the point of order, and ask the ruling of the Chair, that, while it may not be inserted in the same place, it is the same amendment as that offered yesterday and inserted in a place where it will have exactly the same effect.

Mr. LODGE. I ask the Chair to do me the kindness to hear my amendment read.

The PRESIDING OFFICER. First, the Chair would like to have the RECORD of yesterday read.

Mr. LODGE. My amendment yesterday was to insert, after the word "owner," the words "or representative of the owner." The amendment I offer to-day is to insert, after the word "tenant," the words "or the representatives of such owner or tenant."

The PRESIDING OFFICER. Does the Senator from New Hampshire wish to be heard?

Mr. HOLLIS. No; I thought that it merely provided for the representatives of the owner; I did not understand that it included tenants.

The PRESIDING OFFICER. The Chair understands the Senator from New Hampshire withdraws his point of order.

Mr. HOLLIS. I withdraw the point of order.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

Mr. FALL. Mr. President, I am not particularly interested in the constitutional argument with reference to this section, but I am fundamentally opposed to the proposition. I spoke at length on the housing bill, and in the course of my remarks I devoted some little time to a discussion of the theory of government which, under the plea of war necessity, is being advanced from day to day in the legislative halls of this country. This, to my mind, is one of those attempts, made, of course, in good faith, to fasten a certain theory of government upon us under the plea of war necessity. However, it is not coordinated with the other attempts of the same character which have been made, some of which have been suggested.

We have already provided by law, in so far as this body could go, for the securing of all necessary houses for all workers engaged in any war occupation of any kind or character, not only throughout the United States generally, but in the city of Washington. In dealing with private dwellings the Senate engaged for some considerable time—one or two days—in the discussion of the proper methods to be adopted; and the original committee amendment, as well as the text of the bill, was amended in several different respects, and finally came out in approximately this form: The President was authorized to purchase, lease, requisition, or acquire, by condemnation or otherwise, any improved or unimproved land, or any right, title, or interest therein, on which such houses, buildings, improvements, and parts thereof have been or may be constructed, provided that with reference to private dwellings—this was placed in the bill by an amendment—and the furnishings of private dwellings, colleges, museums, and so forth, such dwellings should not be acquired except by contract with the owner or by semicondemnation proceedings. By amendment it was provided that in the attempt to take over an occupied private dwelling a certain procedure should be followed; in other words, that as a preliminary the President must present his reasons, the necessity for such taking over, before a judge of the district or circuit court in the district in which the house was situated, and must have the judgment of the judge upon the necessity. I opposed this legislation generally, and was opposed to the bill after the amendments were adopted.

Under section 13 of the act which is now under discussion, this particular section to which the amendment has just been offered by the Senator, there is no necessity whatsoever for the President making any representations to any person, a judge of a court, or anyone else, that there is any war necessity or any necessity for the taking over or commandeering of this house. There is a provision that he can not rent it except for war purposes. There is no provision whatsoever that he may take it over for war purposes; simply that he in his pleasure may take it over, commandeer it.

Mr. HOLLIS. Mr. President, will the Senator permit me to interrupt him?

Mr. FALL. Certainly.

Mr. HOLLIS. It is distinctly provided that the house may be commandeered by the President and used for war or Government purposes. I take it that would mean the same thing.

Mr. FALL. I will read the provision:

SEC. 13. That any house or building not occupied by the owner or a tenant for a period of three months immediately preceding the passage of this act, or for a period of five months after the passage of this act, may be commandeered by the President of the United States for the period of the war and six months thereafter——

Mr. HOLLIS. Will not the Senator read a little further?

Mr. FALL. Oh, I will read it.

Mr. HOLLIS. "And used for war or Government purposes."

Mr. FALL. I will be perfectly frank with the Senator. I am not in the habit of making consciously a special plea or quibble on a proposition of this kind; but I am pursuing the course of my argument logically as I see it, and I will state the matter with perfect fairness in so far as my limited ability will allow me to do so.

There is nothing requiring the President to make a statement to a judge or anyone else, such as is contained in the law already passed by this body with reference to an occupied dwelling. The preliminary before he can commandeer or take over an occupied dwelling, under the housing bill already passed, by which we have given $60,000,000 for the housing of all those engaged in any war necessity, whether in Washington or elsewhere, is that the President, before he takes over the house, must go before a district judge and must show that it is necessary for war purposes. Under this bill there is no necessity for doing that. The President himself simply says that this house has been vacant for three months or for five months, as the case may be, and that he takes it over. The bill imposes a limitation, to which the Senator has called my attention, that after so taking it over he can not use it except for war or Government purposes. That is the only limitation upon it. There is no prerequisites; there is nothing in the law itself to require that it shall be taken for war purposes, but simply that it shall have been vacant for a certain length of time. The President takes it over. Presumably, of course, the President himself, if he were able to act as his own real estate agent, would not take it over unless it were absolutely necessary for war purposes; but the point I am making is that after full discussion the Senate has seen fit to provide as to exactly this class of houses that they could not be taken over except upon a petition setting forth the necessity for war purposes, and then that the necessity must be passed upon by a judge and that there must be a hearing.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from New Hampshire?

Mr. FALL. I yield.

Mr. HOLLIS. Does not the Senator think there is a distinction between taking an occupied house and taking an unoccupied house?

Mr. FALL. The distinction is very plain, but it is not made in the two bills to which I refer, because I am speaking now of private dwellings furnished. The distinction which the Senator seeks to draw, to my mind, is one that he might urge in a question of tenancy or a question of ouster in legal proceedings, but not in a matter of legislation.

Mr. President, I have said that my objection to this was fundamental. I am one of those who have always believed, and yet do, in the old Anglo-Saxon doctrine which I have understood was at the very foundation of our boasted civilization, that a man's house is his castle, and that no great lord or king or potentate or power could violate the sanctity of the private dwelling of the humblest citizen of the United States or in any portion of the world where Anglo-Saxon civilization prevails. That is the foundation of my opposition to legislation along this line, authorizing or directing any power whatsoever or whomsoever to take over private dwellings unless for purely governmental purposes. For instance, if it is necessary to erect an arsenal or a Government work of some kind, and the only available site is occupied by private houses, then, of course, the private interest must give way to the public welfare; but in this case, as was so ably pointed out on yesterday by the Senator from Missouri [Mr. REED] and others, and, as is so apparent to me upon the face of it, there is such a vast distinction that it impresses me as one of those insidious attempts to fasten socialism upon this country under the plea of war necessity.

Many of us are in sympathy with many of the socialist doctrines. I frankly say that I am. We are all in sympathy with one of the matters that we are compelled to meet here and discuss from day to day—the welfare work, the uplift work. The majority of this Congress was in sympathy with the striking down of what had been recognized as State rights in the enactment or passage of such legislation as the child-labor law; and I am frank to say that under the principle of that legislation, for which I voted, if the Supreme Court of the United States finds that it is constitutional, in my judgment, to-morrow we can go into any State of the Union, to any private property whatsoever, and under the plea of the welfare of those engaged in work constituting any portion, directly or indirectly, of interstate commerce, we can take charge of the houses in which those workmen are compelled to live and we can see that they are constructed along the lines which would be insisted upon by Mr. Eidlitz or some one else. Possibly we may go to that extent; but if we do so, if we are going into this great uplift or welfare work to do away with State lines and our old theories of government here, then let us do so consciously and knowingly, and endeavor to guard ourselves against going to the other extreme, which is being preached by some of the men who are cooperating to-day apparently with these Salvation Army people who are continually singing about welfare in the legislative halls of the country.

Mr. President, it is only a step across an imaginary line, practically, from the ordinary socialist doctrine to the other form of socialism, which a great portion of the world, or at least 180,000,000 of the people of the world, are now confronting. Some socialists in this country have been preaching very recently the doctrine that to work out this welfare, uplift work to the benefit of mankind in general, it was absolutely necessary to overturn all forms of government, to overturn and revolutionize the entire world, and get rid of all that has been done during the last 6,000 years or more; that all the experience of past generations must be lost sight of in order to work out their objects.

I have here an extract from a speech made recently in New York at a semisocialistic meeting, in which one of the speakers, one Isaac Bainbridge, from Canada, stated their position; and I am frank to say that sometimes I am rather inclined to think that possibly some of the Senators here may be in sympathy, to some extent at least, with the statement:

We must destroy—

Said Mr. Isaac Bainbridge—

the very elements of the world's civilization before we can begin to revolutionize the world.

That is the position held by the Lenines and the Trotzkys of Russia. Who the Lenines and Trotzkys, or Lehhmans and Braunsteins, may be in our midst we might ascertain by looking with some little care into a list of some of those close around the administration, and the similarity of names is striking. In this country Lenine was Lehhman. In this country Trotzky was Braunstein. Now, whether we have Lenines and Trotzkys here remains to be seen; but if we go along a little further I am afraid that we are going to uncover some of them, and I am uneasy, I must admit, as to what the results may be, because there must be reconstruction after this war is over. I do not want to see fastened upon the people of this country without our knowing exactly what we are doing, and doing it consciously, with clear minds and after mature deliberation, socialism of the Lenine or Trotzky character under the plea of war necessity.

The very first stroke at civilization, the most vital blow which we can strike at the accumulated work of the world, is the unwarranted stroke at the private property of the individual. We have a Secretary of Labor who has announced publicly that the Government of the United States has the right to take private property simply because of the profits which it may be earning—not because of public necessity, not because of public welfare—but we have a Secretary of Labor who measures the governmental right to go into a man's private house, home, factory, or farm, and take his property by the amount of profit which he may be deriving from it. This has not been and can not be denied. This is one of the theories held by some of those or one of those close to the administration.

If we have any pride in our civilization as we have recognized it in our form of government as it has come down to us, we might at least hesitate and consult together before we go further along the lines which we have already been pursuing in fastening socialism upon this country and in striking at the very root of civilization itself as we have always known it—the sacred right of private property in the individual.

As I have said, Mr. President, this attempted legislation is not only not coordinated with that already adopted by the Congress in the housing bill, it is not only not attempted to be coordinated, but it is in direct conflict with it. In the one bill you provide that you can take an occupied dwelling by a plea first made of war necessity before taking it over, and then by showing the necessity for the taking of such property before a United States judge and having him acquiesce in such necessity. In this other case, the most insidious yet, in section 13 of this bill, all the law which you have already adopted, after consultation and consideration and action, is done away with, and in taking over such property, under the plea that he is only going to hold it during the term of the war and for six months thereafter, the President need not even say that it is for war purposes or because of any war necessity, but, as I have pointed out, he may only say that it has been vacant for three months prior to the passage of the act, or for five months after the passage of the act. It is true that he can not rent it unless he rents it ostensibly for war purposes. Of course, I do not mean to say that he would use a subterfuge, but he can not rent it unless it is rented for war purposes—to some one engaged in war work.

Mr. President, I am not speaking of the constitutionality of the measure now. That does not frighten me any more than did the constitutionality of the child-labor act. I am not one of those who think that we should all rally around the Constitution upon every occasion. But, in so far as the policy of this Government is concerned, I do plead with Senators here that we shall not pass one law to-day on one line and pass another law to-morrow overturning what we have done and adopting absolute socialism, such as the bolsheviki—with all due respect to my friend here, who seems to object to the term—such as the bolsheviki have established in Russia, where they recognize no right of ownership whatsoever in property of any kind or character.

The PRESIDING OFFICER (Mr. NUGENT in the chair). The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. LODGE] to the amendment of the committee.

Mr. GRONNA. May I ask to have the amendment stated.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 17, line 22, after the word "tenant" insert the words "or the representative of the owner or tenant," so as to read:

That any vacant house or building not occupied by the owner or a tenant or the representative of the owner or tenant for a period of three months immediately preceding the passage of this act—

And so forth.

Mr. WADSWORTH. Did I understand the Secretary to read in line 21 the word "vacant"?

Mr. LODGE. That has been adopted already.

The PRESIDING OFFICER. That word was inserted in line 21, the Secretary advises the Chair.

Mr. WADSWORTH. Is it not a contradiction of terms to say any vacant house not occupied? Why put in the words "not occupied" if we are going to put in the word "vacant"?

Mr. HOLLIS. We have been over that several times. The point raised by the Senator from Massachusetts was that it must be vacant at the time it was taken. One applies to the time at which it was taken and the other to the time preceding or succeeding the passage of the act.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment of the committee. [Putting the question.] The ayes seem to have it.

Mr. HOLLIS. I call for a division.

On a division, the amendment to the amendment was agreed to.

Mr. LODGE. I withdraw the motion to strike out the section.

Mr. FALL. I give notice that I shall renew the motion to strike out section 13.

Mr. POMERENE. On page 13, line 3, after the words "and of," I move to insert the word "insurance," so as to read:

Repairs and maintenance actually incurred and of insurance, light, heat, water, and elevator, etc.

There is a comma to be inserted after the word "insurance."

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be agreed to. It is agreed to.

Mr. GALLINGER. Mr. President, when the bill was under discussion a few days ago I ventured to suggest that among the offenders in the matter of so-called profiteering were men who came into the city of Washington and offered enormous rentals for private property, so high, indeed, that it was a suggestion, if not an encouragement, to the owners of property to advance their rentals. This morning a gentleman who owns, I think, two comparatively small apartment houses, who has not increased the rent at all, and who does not intend to do that, called my attention to the fact that apartments which he has let in his houses with a provision in the leases that they shall not be sublet without the consent of the owner has been disregarded absolutely, and men connected with the Government in one capacity and another have sublet those apartments, paying three or four times as much, and, I think, in one case five times as much as he receives from the tenant. He can not well enforce the provision that they shall not be sublet without his consent. The tenant moves out and another family moves in and takes possession.

In conversation with him I was impressed with the feeling that possibly we might remedy that in this bill, and I am going to suggest an amendment. I drafted it hurriedly, and likely it is not in good shape; but, as I said to the Senator from Ohio the other day, even if an amendment is not perhaps in the best form the conferees will have the power to correct it. As I said, I have hurriedly prepared an amendment that I think has merit in it, and I am going to submit it and ask the opinion of the Senator from Ohio about it. Let it be read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. It is proposed to add, at the end of section 5, following the amendment to the amendment already agreed to, the following additional proviso:

Provided further, That any tenant who, in the opinion of the rent administrator, is charging exorbitant rents in subletting the premises or any part thereof occupied by him, either furnished or unfurnished, shall be deemed an undesirable tenant within the meaning of this section and shall be liable to forfeiture of his lease.

Mr. POMERENE. I do not know that I see any special objection to the amendment, except that I believe it is not necessary. In the first place, nearly all the leases in the District, as we were advised before the committee by the real estate brokers, who are familiar with the subject, contain a provision against subletting. If so, then the original lessor could take advantage of that fact, and if his conduct has been such as to amount in equity to a waiver of that particular provision, if the rents being charged by the tenant to the subtenant are in excess of the rate herein provided, the matter can be cared for by the rent administrator under the rules of the bill.

Mr. GALLINGER. Does the Senator think the administrator would have full authority——

Mr. POMERENE. I have no doubt about it.

Mr. GALLINGER. To protect the owner of the property?

Mr. POMERENE. I am quite certain about that. At the same time, if the Senator prefers to have this amendment made so that the conferees may consider it further, I shall not offer any objection.

Mr. GALLINGER. I would like to have it go in with that understanding.

Mr. McCUMBER. Before it is passed on finally I should like to have it read again for the purpose of making a suggestion as to the closing sentence.

Mr. GALLINGER. Let it be read again.

The Secretary again read the amendment to the amendment.

Mr. McCUMBER. I should like to ask both Senators, as far as that is concerned, why it would not be far better to simply provide that the tenant subletting shall be governed by the same rules under the provisions of this bill as relate to the landlord?

Mr. POMERENE. The reason for that is this: In the earlier portion of the bill we speak of landlords and lessors or tenants. In one of the last sections of the bill you will find a definition of the words "landlord, lessor, and tenant" as embracing everyone who claims title under the original landlord. So the word "tenant" as used here includes the word "subtenant" as well.

Mr. McCUMBER. According to that argument the amendment would be unnecessary, because the tenant subletting is under the provisions of the bill governed by the same rule as the landlord.

Mr. POMERENE. Undoubtedly so.

Mr. McCUMBER. That is all that could be asked.

Mr. GALLINGER. I should like to have the amendment go in for the consideration of the conferees. I think perhaps there is a little more to it than that.

Mr. POMERENE. With the understanding we have, I would not want it to seem that later, in the event there would be some objection to it, we would be guilty of any infringement of the conference rule by rejecting it.

Mr. GALLINGER. No; it could be struck out.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. FALL. I move to strike out section 13.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Mexico to the amendment of the committee to strike out section 13.

On a division the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. POMERENE. I wish to say that one of the Senators asked me a short time ago, in the event the bill came to its final passage, to have a roll call, and I feel, out of respect to his wish, that we should have a roll call.

Mr. HOLLIS. There is no reason why that should be done. No one has asked for it; and if asked for, probably the demand would not be seconded.

Mr. POMERENE. I have sent for the Senator to every place where I thought he might be, and I have not been able to find him.

The PRESIDING OFFICER. The bill has been declared passed.

Mr. GALLINGER. The bill has been passed.

I call the attention of the Senator from Ohio to the necessity of amending the title.

Mr. POMERENE. That is the amendment the Senator suggested the other day that he was going to offer?

Mr. GALLINGER. Yes.

The title was amended so as to read: "A bill to provide further for the national security and defense by controlling and regulating rents of real estate in the District of Columbia."

Mr. POMERENE. I move that the Senate request a conference with the House of Representatives on the bill and amendment and that the Presiding Officer appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMITH of Maryland, Mr. POMERENE, Mr. HOLLIS, Mr. DILLINGHAM, and Mr. JONES of Washington conferees on the part of the Senate.

REGISTRATION FOR MILITARY SERVICE.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," and further insisting upon its amendments to the joint resolution and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate further disagree to the amendments of the House, agree to the further conference asked for by the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the chair.

The motion was agreed to; and the Presiding Officer appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN conferees at the further conference on the part of the Senate.

LAND AT BOWDOIN, MONT.

Mr. McCUMBER. I ask unanimous consent for the consideration of the bill (S. 4154) granting to the trustees of the Methodist Episcopal Church of Bowdoin, Mont., for the benefit of the

Methodist Episcopal Church, at Bowdoin, Mont., lots 12 and 13 in block 21, town site of Bowdoin, State of Montana. It is a bill which was reported yesterday by the senior Senator from Montana [Mr. MYERS], and it is a little bill affecting a couple of lots in this town in Montana. I objected to the consideration of it yesterday, because I thought it would be used as a handle to hang on a long argument upon another subject. It seems to be very close to the heart of the Senator from Montana, and it certainly can be passed, although he is absent at the present time, in just a minute. As I was responsible for not having it considered yesterday, I ask unanimous consent that it may be put on its passage at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 1, line 4, after the word "patent," to insert "upon the payment of the appraised price thereof," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey by patent upon the payment of the appraised price thereof lots 12 and 13, in block 21, town site of Bowdoin, State of Montana, to the trustees of the Methodist Episcopal Church of Bowdoin, Mont., to be held by them, their successors and assigns forever, for the use and benefit of the Methodist Episcopal Church, at Bowdoin, Mont., said property to be used by said church for religious purposes in the town and State aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POST OFFICE APPROPRIATIONS.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	New	Smoot
Beckham	Johnson, Cal.	Norris	Sutherland
Borah	Jones, Wash.	Nugent	Thomas
Chamberlain	Kendrick	Overman	Tillman
Colt	Kenyon	Page	Townsend
Culberson	King	Phelan	Trammell
Curtis	Kirby	Poindexter	Underwood
Fernald	Knox	Pomerene	Vardaman
Fletcher	Lenroot	Robinson	Wadsworth
Gallinger	Lewis	Shafroth	Walsh
Gronna	Lodge	Sheppard	Watson
Hale	McCumber	Shields	Weeks
Hardwick	McKellar	Smith, Md.	Wilfley
Henderson	Nelson	Smith, Mich.	Williams

The PRESIDING OFFICER (Mr. KIRBY in the chair). Fifty-six Senators have answered to their names. There is a quorum present.

Mr. BANKHEAD. Mr. President, I do not feel inclined to ask the Senate to proceed with the consideration of the unfinished business to-day. The clerk of the committee is absent, and he has amendments we have prepared, data, and so forth. I ask that the bill be temporarily laid aside, and give notice that on Monday morning I shall ask the Senate to resume its consideration, and it is my purpose to keep the bill before the Senate until it is passed.

Mr. McKELLAR. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, March 13, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 11, 1918.*

The House was called to order at 12 o'clock noon by Mr. KITCHIN, as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we lift up our hearts in gratitude to Thee for all the manifestations of Thy love displayed in the works Thou hast wrought—the sunshine and the rain, the day and night, the change of seasons, seedtime and harvest, the wonderful faculties of mind and soul bestowed upon us; for home and all that makes it dear; especially for the mother love, the purest, sweetest, fullest reflection of Thy love.

We thank Thee that by common consent a day has been set apart in her memory, that her children may pour out their affections for her and express their gratitude for her loving service to them.

It was mother who went down into the valley of death that they might live. She it was who succored them, comforted them in sorrow, and taught them the larger life. No sacrifice seemed too great in the solicitude, care, and love she poured out for them.

Especially do we pray for the mothers who have given their sons in the terrible crisis which has been thrust upon the world. Be with them, uphold and sustain them in their anxiety and loneliness, her sacrifice on the altar of liberty.

May the mails bring millions of letters from abroad to cheer and comfort her in the Name of Him who died that we might know Thy love in all its fullness. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment the bill (H. R. 11245) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917.

The message also announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

An act (S. 3900) to amend section 5172 of the Revised Statutes of the United States, and

Joint resolution (S. J. Res. 155) providing for the filling of a vacancy which will occur July 2, 1918, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

The message also announced that the Senate had further insisted upon its disagreement to the amendments of the House of Representatives to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN as the conferees on the part of the Senate.

EXTENSION OF REMARKS.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of spies and alien enemies.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection?

Mr. MOORE of Pennsylvania. May I ask the gentleman if these are his own remarks?

Mr. CLARK of Florida. I want to put in two or three lines of a petition from some constituents, and follow it with my own remarks.

Mr. MOORE of Pennsylvania. With the gentleman's own remarks?

Mr. CLARK of Florida. Yes; with my own remarks.

Mr. MOORE of Pennsylvania. I want to say a word—and it has no application to the gentleman's request at all—but during the last few days quite a number of outside addresses have been slipping into the CONGRESSIONAL RECORD. I think, to a certain extent, the privilege has been abused.

Mr. CLARK of Florida. I know the gentleman will acquit me of anything of that sort.

Mr. MOORE of Pennsylvania. I say this has no reference whatever to the request of the gentleman from Florida. It has a general application.

Mr. CLARK of Florida. I have been here about 14 years, and during my service I have never abused that privilege yet.

Mr. MOORE of Pennsylvania. Speeches made by entire strangers to Congress have been circulated as if printed in the RECORD. The purpose is to have them sent through the mails

free. Of course, the gentleman from Florida would not sanction anything of that kind, and this has no reference to him. I am only taking advantage of his request, to which I do not object, to give notice that some of us will watch the situation a little more attentively in the future.

Mr. BARNHART. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Florida what is the nature of his remarks?

Mr. CLARK of Florida. I stated that I wanted to extend my remarks on the subject of spies and alien enemies in this country who are plotting the destruction of this country.

Mr. BARNHART. Is it the gentleman's own production?

Mr. CLARK of Florida. All but about four lines.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short editorial on the life and public services of a former Representative in this House, Hon. Edward C. Kehr.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by inserting an editorial as indicated. Is there objection?

Mr. BARNHART. I object.

Mr. DYER. Mr. Speaker, I make the point that there is no quorum present.

Mr. MADDEN. I ask unanimous consent that the gentleman be permitted to speak for three minutes.

Mr. DYER. I have never known a request of that kind to be denied heretofore. This gentleman was a former Member of this House.

Mr. MADDEN. I ask unanimous consent, Mr. Speaker, that the gentleman from Missouri may be given three minutes in which to address the House.

Mr. BARNHART. I do not wish to withdraw my objection, because I uniformly object to the insertion of editorials in the CONGRESSIONAL RECORD. If the gentleman wants a few minutes in which to read his editorial, I have no objection.

Mr. DYER. This is an editorial on the life and character of a former Member of this House.

Mr. GARNER. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. DYER] makes the point of order that there is no quorum present and the gentleman from Texas moves a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ayres	Flynn	LaGuardia	Sanders, N. Y.
Bacharach	Focht	Larsen	Sanford
Beshlin	Foss	Lazaro	Saunders, Va.
Blackmon	Foster	Lehlbach	Schall
Brodbeck	Frear	Linthicum	Scott, Pa.
Browning	Freeman	Little	Scully
Buchanan	Fuller, Ill.	Littlepage	Sears
Butler	Fuller, Mass.	London	Shouse
Caldwell	Gallagher	Longworth	Siegel
Campbell, Pa.	Gallivan	McCormick	Sinnott
Carew	Garland	McLaughlin, Mich.	Sisson
Carlin	Graham, Pa.	McLaughlin, Pa.	Slemp
Carter, Mass.	Gray, Ala.	Maher	Sloan
Chandler, Okla.	Gray, N. J.	Mann	Smith, Idaho
Coady	Griest	Mason	Smith, T. F.
Connelly, Kans.	Griffin	Meeker	Snell
Cooper, Ohio	Harrison, Va.	Miller, Minn.	Snyder
Costello	Heaton	Miller, Wash.	Steele
Crago	Heintz	Morin	Sterling, Pa.
Curry, Cal.	Helvering	Mott	Strong
Dale, N. Y.	Holland	Mudd	Sullivan
Darrow	Hollingsworth	Neely	Sumners
Davis	Hood	Nichols, Mich.	Sweet
Delaney	Howard	Oliver, Ala.	Swift
Dempsey	Humphreys	O'Shaunessy	Talbott
Denison	Husted	Paige	Templeton
Dewalt	Hutchinson	Platt	Thomas
Dies	Jacoway	Porter	Thompson
Dillon	Johnson, S. Dak.	Powers	Timberlake
Donovan	Kahn	Pratt	Treadway
Dooling	Keating	Rainey, H. T.	Vare
Drukker	Kelley, Mich.	Ramsey	Waldow
Dupré	Kelly, Pa.	Riordan	Ward
Elliott	Kettner	Rose	Wason
Estopinal	Key, Ohio	Rowe	Watson, Pa.
Fairchild, B. L.	King	Rowland	White, Ohio
Fairchild, G. W.	Knutson	Rucker	Williams
Fairfield	Kreider	Sanders, La.	Young, N. Dak.

The SPEAKER pro tempore. Two hundred and seventy-seven Members, a quorum, have answered to their names.

Mr. WEBB. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

LEAVE OF ABSENCE.

Mr. STERLING of Illinois. Mr. Speaker, my colleague [Mr. MASON] went to New York on Thursday to visit his son, who is a volunteer in the United States Army, and who will sail for France in a few days. My colleague asked me at that time to request leave of absence for him, but I neglected to do so. I make that request now.

The SPEAKER pro tempore. Without objection, the request will be granted.

There was no objection.

By unanimous consent, leave of absence was granted to Mr. SINNOTT for three days, on account of illness in his family.

LEAVE TO EXTEND REMARKS—WAR-RISK INSURANCE BUREAU.

Mr. STERLING of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the War-Risk Insurance Bureau, with a letter from Mr. De Lanoy relating to the work of that bureau.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the subject of the War-Risk Insurance Bureau and to insert a letter. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, I did not understand the name of the writer of the letter.

Mr. STERLING of Illinois. Mr. De Lanoy, the Director of the War-Risk Insurance Bureau.

The SPEAKER pro tempore. Is there objection?

There was no objection.

TREASURY BALANCE ON APRIL 1, 1918.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of a privileged resolution which I sent to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 345.

Resolved, That the Secretary of the Treasury be requested, if not incompatible with the public interest, to report to the House the amount of the Treasury balance on the 1st day of April, 1918, where the same is on deposit, and the rate of interest being received from each depository.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution which has just been read. Is there objection?

Mr. GARNER. Reserving the right to object, has the gentleman sought this information from the Treasury Department by letter or otherwise?

Mr. MADDEN. No; I have not.

Mr. GARNER. This resolution has not had the consideration of any committee?

Mr. MADDEN. No.

Mr. GARNER. I wish the gentleman would let it go over until Monday.

Mr. MADDEN. All right. I am perfectly willing to have it go over until Monday.

The SPEAKER pro tempore. The gentleman from Illinois withdraws his request for the present.

MANUFACTURE OF GOVERNMENT SUPPLIES AT ATLANTA PENITENTIARY.

Mr. WEBB. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 8938.

Mr. WALSH. The House resolves itself automatically.

The SPEAKER pro tempore. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 8938, and the gentleman from Missouri [Mr. RUBEY] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8938) to equip the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes, with Mr. RUBEY in the chair.

The CHAIRMAN. When the committee rose yesterday the Clerk had finished the reading of section 2, to which there is a committee amendment. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike out all of the matter between lines 18 and 25, inclusive.

The matter proposed to be stricken out is as follows:

SEC. 2. That from and after July 1, 1918, articles so manufactured shall not be purchased from any source other than governmental for the United States Government, or any department, bureau, or other

agency thereof, unless the Attorney General or his authorized agent shall certify that the same can not be furnished by such prison factory or factories, and no claim shall be audited or paid without such certificate.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 3. That articles so manufactured shall be sold at the current market prices as determined by the Attorney General or his authorized agent, and all moneys or reimbursements received from such sales shall be deposited to the credit of the working capital fund created by this act.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 5, after the word "act," insert the words "and no raw material entering into such manufactured articles shall be purchased at more than current market prices."

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not want to stir my friends from the cotton-growing States, but if a suggestion that this might affect prices in the South will attract the attention of the gentlemen on the other side, I will suggest that this might involve a cotton price-fixing proposition. Section 2 of the bill gives to the Attorney General or his authorized agents the power to sell the products of the convict laborers in the Atlanta Penitentiary at current market prices. Presumably those friends of the labor movement in the House, who have spoken in favor of convict labor as herein proposed, may see a saving clause in this section which provides that the goods made by the convicts shall not be sold at less than current market prices. That may suit them. It may suit those even who are competitors of the convict-labor system which this bill authorizes; but I question whether the omission of the amendment which I have suggested will satisfy purchasers of cotton in other sections than the vicinity of the Atlanta Penitentiary who have to enter into competition with the convict labor in this penitentiary. I am sure they will not be satisfied unless it is provided by law that the Government shall not pay higher prices or different prices for the raw cotton used for manufacturing purposes in the Atlanta Penitentiary than free manufacturers have to pay. It is possible there may be a snake in this section as written; I do not know; but I call the attention of representatives of cotton-manufacturing districts that it may be within the power of the Government to fix cotton prices under this provision. It may be that if the Government decides to buy raw cotton at 30 cents a pound for the purposes of the Atlanta Penitentiary, in order that convicts may be employed, that every cotton operator outside of the Atlanta Penitentiary would be obliged to pay the same price for all raw material. It may be that such an influence would be brought to bear to lower the price for raw materials entering into cotton manufacture.

If the amendment I have offered is adopted the cotton manufactures made by convicts in Atlanta shall not be sold at less than the prevailing market price thereof, and the raw material purchased by the Government for the use of the Atlanta Penitentiary shall not be bought at more than the prevailing market prices. What is fair in one instance is fair in another. Let us put them on an equality since you are putting free labor in competition with convict labor. I do not see how the proponents of this bill can object to this amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WEBB. Mr. Chairman, I want to say a word in opposition to the amendment. In the first place, the amendment of the gentleman from Pennsylvania [Mr. MOORE] is entirely useless, because the bill is so framed as to prohibit the sale of this product except to the Government of the United States, and this clause is put in the bill as a matter of bookkeeping to enable the Attorney General to determine whether the institution is making money or losing money. In order to do that we provide that current prices shall be allowed for the duck.

Now, as to the gentleman's solicitude about the price of cotton; that is wasted, because there is no provision in the bill for machinery to spin the yarn, and hence no cotton can be bought. Privately owned mills will spin the cotton into yarn, and then the Government will buy the yarn from such mills and weave it into duck in the prison factory. They are not going to buy raw cotton at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and on a division (demanded by Mr. MOORE of Pennsylvania), there were—24 ayes and 67 noes.

So the amendment was rejected.

Mr. WALSH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 2, strike out the words "the current market," and the word "as" and insert the words "to be," so as to read "prices to be determined."

Mr. WALSH. Mr. Chairman, I offer this amendment in order to give the Attorney General a wider latitude in fixing prices for these products. It seems to me that if the Government is going into the manufacture of cotton duck, producing it with convict labor, and the Government is going to be the only customer, that the Government ought not to pay excessive prices for a product produced by itself. The Attorney General ought to have the discretion of fixing it at the lowest market price in view of the great need there may be for the product. While it might liven up a little the competition between the plants and private mills, I do not think, in order to facilitate the bookkeeping and making a creditable showing, that the Attorney General ought to be compelled to fix prices at the current price for a particular product, because no matter how many men they employ, or how many machines they have, or the amount of product that they will turn out in this penitentiary, it will not be up to the standard of that turned out by private concerns, and the Attorney General ought not to be compelled to fix prices for an inferior product at the price of better goods provided by private individuals.

Mr. WEBB. I am afraid if the gentleman's amendment is adopted it will allow the Attorney General to do just what the gentleman from Massachusetts does not want him to do; and that is, let him fix any price he pleases for an inferior article.

Mr. WALSH. There is no current price for an inferior product.

Mr. WEBB. Oh, yes; there is.

Mr. WALSH. There is not in textile goods.

Mr. WEBB. We ought to require him to figure on current prices so that Congress will know if it is making or losing money. If you give him the power to fix any price he pleases he can make it appear that the institution is making big money, or that it is losing money. I think the current price is important for the benefit of Congress to see whether we are making or losing.

Mr. WALSH. Of course, the Attorney General is going to be responsible for the operation of this plant. We are going to put the responsibility on him for the conduct of this cotton manufacture, and we ought to give him discretion with reference to the fixing of prices.

It is not as though we had to fix these prices in order to show a profit or so that we can pay these convicts the eight-hour wage that is paid in private establishments, because if they strike down there and will not work unless they get the wage that is paid in private institutions, they will find a way of making them work, I assume, and we ought not to tie him up to one standard of prices simply because we want to facilitate the factory or because we want to preserve intact this working fund which is appropriated here. If they make a superior product, we ought to let him fix the price so they may pay a little bonus, or we ought to fix it so that if they make an inferior product he can sell to the Government at a little less rate.

Mr. COOPER of Wisconsin. Will the gentleman yield for an interruption?

Mr. WALSH. I will.

Mr. COOPER of Wisconsin. Where is any provision in the bill allowing the Attorney General in his discretion to sell any of these manufactured products?

Mr. WALSH. Sold to the Government.

Mr. COOPER of Wisconsin. Sold to the Government? The Government appropriated the money and owns the machinery.

Mr. WALSH. We adopted an amendment here yesterday providing it should be sold to the Government. We adopted an amendment the effect of which was to make the Government the only customer for the product of this cotton manufactory at the Atlanta Penitentiary.

Mr. COOPER of Wisconsin. Well, Mr. Chairman, then I want to ask the gentleman another question. If he will turn to page 2, line 14, he will see it says:

The products of any such agricultural developments shall be utilized in supplying such correctional institutions as the Attorney General may designate, or, in his discretion, may be sold.

Now, the language to which the gentleman is referring, on top of page 3, is this:

The articles so manufactured shall be sold at the current market prices as determined by the Attorney General—

And so forth. The language on page 2, to which I have directed attention, referred to the products of agricultural development. These are not manufactured products——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Now, I ask the gentleman from Massachusetts [Mr. WALSH] where there is any provision in the bill regulating the price for agricultural products to be raised there?

Mr. WALSH. There is no provision in the bill applying to agricultural products.

Mr. COOPER of Wisconsin. And where is there any provision by which the Attorney General, in his discretion, can sell the manufactured cotton products?

Mr. WALSH. That was done by amendment in line 6, I think, on page 2, on yesterday.

Mr. McLAUGHLIN of Michigan. If the gentleman will permit, an amendment was offered by Mr. FRENCH on page 2, line 6, after the word "shop," to strike out the period and insert a comma and the words "and the articles so manufactured shall be sold only to the Government of the United States." That is the amendment which was adopted.

Mr. WALSH. Mr. Chairman, I have nothing further to add, except it seems to me, if we are going to impose this responsibility for the conduct of this institution on the Attorney General, that we can give him this discretion as to fixing prices and not tie him down to current prices for cotton duck of a certain weight or a certain kind when in this institution they might make something entirely different, and then, of course, there would not be any current market prices for it. Certainly it can do no harm to show our confidence in the Attorney General, whoever he may be, to fix these prices. He has got to sell them to the Government anyhow.

Mr. WEBB. Will the gentleman permit me?

Mr. WALSH. Certainly.

Mr. WEBB. I think it would be bad business to allow one man to fix any prices for a product made at a Government plant, when we ought to know whether the plant is or is not making or losing money.

Mr. WALSH. Would it be any worse business than for Congress to try and fix the prices on other products?

Mr. WEBB. That may be, but there are current prices for first and seconds and everything of the kind practically in the textile business, and current prices are those that regulate it throughout the country, and I do not think we are justified in disturbing——

Mr. WALSH. Does not the gentleman think the Attorney General might fix the prices on this product as well as the President should fix the price on wheat? There one man fixes the price.

Mr. WEBB. This is a question of good business for the Government itself, and we do not want to give——

Mr. WALSH. I do not think it is good business.

Mr. WEBB. It certainly is good business to keep the Congress informed about the financial success or failure of the institution.

Mr. WALSH. Mr. Chairman, I have nothing further to say except to await action on this amendment.

Mr. HELM. Mr. Chairman, I want to ask the chairman of the committee a question. The Government of the United States runs and operates powder plants, manufactures powder, and it owns and operates some plants for the manufacture of shells. This is a war measure. I do not think that a Government powder plant is required to sell its output at the market value. The purpose of establishing a powder plant by the Government was to reduce the price of powder, and as a result it did reduce the price of powder to the Government from $1.25 to 53 cents per pound. Now, I think that one of the best features of this bill is that when it is in operation that in these days of high frenzied finance and profiteering it would be a wholesome means of holding down the price of those plants that are perhaps engaged in a similar business and that are asking extortionate prices for their output, and it occurs to me, instead of the Government having to market its output at the market value, whatever that would be, I do not know what the price of this ducking is on the market now—if it has moved as other commodities have moved, it is two or three hundred per cent higher than it was in peace times—but if this plant is to be serviceable at all to the Government, the best feature in the bill, from my comprehension of it, would be as a lever to hold down the prices of these individuals or private plants that are asking extortionate prices for their goods.

Mr. REAVIS. What is the answer of the gentleman to that?

Mr. WEBB. My answer is, first, that this is an experimental proposition, as has been shown and recommended by this distinguished commission, and the Congress ought to be informed whether or not as an institution it is making money or losing money; and when the Army or the Navy or the Shipping Board or the Post Office Department buys this product the penitentiary gets the current prices, so that we know how much these departments use and what the product is worth at current prices.

Mr. HELM. How does it operate its powder plant? It owns the plant and employs the labor, and it certainly ought to know whether it is losing or making money, and it seems to me they might apply the same business method to this kind of a plant as it does to the powder plant.

Mr. WEBB. The powder plant has gone beyond the experimental stage.

Mr. HELM. It did experiment with it, and by reason of that they reduced the price of powder from 80 cents to 50 cents.

Mr. WEBB. But it is proposed here that out of the 400 men to employ only 250 to 400. And one of the best ways to find out the cost is to have the institution given credit at the current market price.

Mr. FESS. Would the gentleman object to striking out that section?

Mr. WEBB. The section entirely?

Mr. FESS. Yes. All of this product is intended for the Government. It is either for the Army or Navy or the Shipping Board or the Post Office Department, specifically designated in section 1. Now, why should we write something in the bill to indicate we are making things for the Government to sell in the open market for somebody and not for the Government. In the first place, it is the Government making them, and if they are made for the Government and sold to the Government the Government would be both the maker and seller and buyer.

Mr. WEBB. Absolutely. It is just a question of bookkeeping for the information of Congress. The only institution that can get a yard of this cloth is the Government of the United States, to be used by the Army or Navy or the Post Office Department.

Mr. FESS. But according to this you can sell it in the open market.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HELM] has expired.

Mr. WEBB. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. WEBB. If the Congress desires to throw the thing wide open and be almost unable in the future to tell whether this institution is making or losing money, we might strike out this section. But this section is inserted in the bill in order to furnish information from year to year to the Congress and to the public.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. WEBB. I will.

Mr. COOPER of Wisconsin. The current market price includes a profit to the owners of stock, does it not?

Mr. WEBB. Yes, sir.

Mr. COOPER of Wisconsin. What the Government is interested in is finding out what its actual outlay is, and without any regard to dividends.

Mr. WEBB. Precisely.

Mr. COOPER of Wisconsin. Then, why do you say "current market price" if the Government is not in it to make money for itself? It is in it to make money regardless of outside manufactories.

Mr. WEBB. The Government ought not to lose money on the institution if it can be made self-sustaining, but we certainly should know at the end of each year how this is, whether it is losing or making money.

Mr. COOPER of Wisconsin. If a man invests all his money in an establishment, and owns it all, pays the labor and buys the material, and uses it all himself, he does not sell it to anybody.

Mr. WEBB. No; he does not. As I said before, my understanding is that the object of the section was for the purpose of keeping the books so that the Congress could find out whether the Government at current prices was making or losing money.

Mr. REAVIS. How can the Government purchase something that it already owns?

Mr. WEBB. Very easily—that is, the departments of the Government can do so. I think they do it every day.

Mr. REAVIS. If the Government is still owner of the product, how can it purchase its own product?

Mr. WEBB. One department can sell to another if we provide that it be done, and the purchase price charged to the appropriation set aside for these departments.

Mr. REAVIS. Does not the amendment of yesterday, making the Government the sole purchaser and user and sole owner of the product, make section 3 unnecessary?

Mr. FESS. That amendment adopted yesterday was totally unnecessary. It did not change the wording of the law.

I would like to ask the chairman if the striking out of section 2, which would have permitted the sale in the open market, does not make section 3 entirely useless?

Mr. WEBB. Section 3?

Mr. FESS. Yes; we struck out section 2.

Mr. WEBB. Section 3 provides for paying the inmates some sort of wages.

Mr. FESS. I mean section 3 of the old bill.

Mr. WEBB. I do not think I caught the gentleman's question.

Mr. FESS. Section 2, that the committee struck out, would indicate that the Government was to have the monopoly in the manufacture of this article, and would carry with it the inference that it could sell in the open market. By striking that out does not it make the next section entirely useless?

Mr. WEBB. I can not understand it that way, I will say to my good friend. My idea all along has been that this section 3 was put in for the purpose of giving Congress the information as to whether or not at current prices this institution is a losing or a gainful business.

Mr. FESS. Then it does not carry the idea which my friend from Kentucky [Mr. HELM] has, that the Government is going to sell in a market that is competitive, so as to keep the price of an article down?

Mr. WEBB. No; it does not carry that idea.

Mr. GARD. Will the gentleman yield?

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. WEBB. My colleague on the committee asked me a question first. Then I will yield to the gentleman.

Mr. WALSH. I want to ask the chairman of the committee if at current prices this business proves to be a losing venture, will the Government continue it? Is that the idea?

Mr. WEBB. It will give the Government information upon which it can act when it comes to consider its plans for the further conduct of the institution.

Mr. WALSH. And disregard the humanitarian purposes for which it is proposed to be established, because the Government is losing money?

Mr. WEBB. Is it not advisable for the Government to determine whether it is losing or making money?

Mr. WALSH. I do not think it is important whether the Government is losing money or making money, but the Government has it in its control and has a working capital, if it is keeping that working capital intact.

Mr. WEBB. You can find out whether at current prices this business is losing or making money.

Mr. WALSH. If the Attorney General fixes the prices as he sees fit, we can get the same information from him.

Mr. WEBB. He might make it appear, if you gave him the power, as though it were a paying proposition when it might be a losing proposition.

Mr. WALSH. We have not that kind of an Attorney General, have we?

Mr. WEBB. I did not say he would do so; but I was speaking of the power you propose to give.

Mr. WINSLOW. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. WINSLOW. I would like to ask the gentleman whether in the hearings a statement has been produced as to the number of looms now in this country which are available and which could be turned about and put to weaving this duck?

Mr. WEBB. I do not think so; at least, I have not heard it. I know, at least, that a member of the Council of National Defense stated that a great many carpet manufacturers had converted their looms so as to make this very heavy duck.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. Mr. Chairman, the adoption of the amendment of the gentleman from Massachusetts would destroy the harmony and the whole theory upon which this bill is framed. It is the idea of this bill to form a corporation in a way, so far as bookkeeping is concerned, and to keep an account of the products that are manufactured and sold, just as any outside agency would. It is proposed in this bill for the Government to manufacture supplies not only for the Army and the Navy, but for the Post Office Department. At the present time different departments of the Government are purchasing supplies needed for their respective departments from other bureaus of the Government. I need only cite one instance, that of the Post Office Department, in securing its supplies of post cards from the Government Printing Office. The Government Printing Office has a certain appropriation for carrying on its work. The Post Office Department has another appropriation for carrying on its work. The Post Office Department advertises for bids for the supply of post cards. Post card bids are submitted from outside sources and also from Government sources. In the last bidding the Post Office Department selected the bid of the Government Printing Office. When the Post Office Department secures its supplies of post cards, true, it is a bookkeeping arrangement in a way, but nevertheless it goes through the same method of payment for these supplies as if it were paying for them to a private contractor, and that is necessary in order to keep the business accounts of the respective departments of the Government, the Government Printing Office and the Post Office Department, separate and distinct.

More than twelve or fourteen years ago, when I first began service on the Committee on the Post Office and Post Roads, we were purchasing our mail bags, which it is proposed here to manufacture at the Atlanta Penitentiary, from a private contractor, who had them manufactured by convict labor. That was later, by an act, forbidden, because we did not believe it was right for the National Government to secure the manufacture of any article it needed by convict labor through a private contractor. Now we propose to have those bags, that are manufactured by private manufacturers, manufactured at the penitentiary at Atlanta. The Post Office Department in the Post Office appropriation bill has a certain amount of money for the purchase of mail bags, running into the neighborhood of three or four hundred thousand dollars. A few years ago it was $400,000. I believe it is now between three and four hundred thousand. The department will purchase these bags manufactured at the Atlanta Penitentiary from this Government agency at the market prices. That penitentiary will be credited with that amount in its working capital, in order to purchase the raw cotton necessary to make the bags and also to pay the convicts directly, or to their families, for the work performed on the bags.

It is proposed that that method of keeping account of the transactions between the respective establishments should be followed, as it has been heretofore. It is a question of bookkeeping and accounting, so that we can go on in the orderly method pursued in the past, so that we can keep account of the expenses and operation of this plant.

Mr. WALSH. I am surprised that the gentleman would say that the Government prints post cards down at the Government Printing Office. I suppose he meant governmental postal cards.

Mr. STAFFORD. Everybody but the gentleman from Massachusetts would know what I meant.

Mr. WALSH. The gentleman is always so accurate and keen in his statements that I wanted to call his attention to that.

Mr. STAFFORD. I am not comparable to the gentleman from Cape Cod.

Mr. WALSH. When the Government Printing Office is engaged in the manufacture of post cards, how many other manufacturers in the country are engaged in that same business?

Mr. STAFFORD. None at all.

Mr. WALSH. That is so; but in this case how many hundreds of manufacturers will be engaged in the manufacture of cotton duck?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask to proceed for two minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STAFFORD. The War and Navy Departments will have a certain fund at their disposal for the purchase of duck. True, this penitentiary will not be equipped to supply all that is necessary for the War and Navy Departments, but the departments will pay to this manufacturing corporation, on paper, it is true, the market prices for this duck, as they do to private manufacturers, and it will be credited on the books of the corporation as working capital, in order that they may continue this corporation as a going concern, without coming every year to Congress and asking for an appropriation for that purpose. This bill is founded on good business principles and good governmental principles, as well, and I do not think the amendment of the gentleman from Massachusetts, who is not acquainted with the business practices of the Government in the various departments, should be supported.

Mr. WALSH. He is acquainted with the business practices of the Post Office Department.

Mr. JOHNSON of Washington. This is not planned to save any money for anyone, is it?

Mr. STAFFORD. Mr. Chairman, this bill has been attacked in this House by Representatives who believe they should conserve the interests of the private manufacturers and not give consideration first to the humanitarian side, to the welfare of the convicts.

Mr. WALSH. Will the gentleman name them?

Mr. STAFFORD. Oh, the Massachusetts regency has been here in force.

Mr. GREENE of Massachusetts. Will the gentleman yield to me?

Mr. STAFFORD. The distinguished gentleman who now asks me to yield to him, who years ago was at the head of the prison in Massachusetts, before they had the modern idea of paying convicts their just compensation for the work they perform, as this bill proposes to do, argued in opposition to this bill.

Mr. GREENE of Massachusetts. Convicts are unchanged. I know them well.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Wisconsin be extended two minutes. Is there objection?

There was no objection.

Mr. STAFFORD. The gentleman argued against this bill on the ground that you could not get convicts to work.

Mr. GREENE of Massachusetts. You can not.

Mr. STAFFORD. Why, out in my State and in the States of North Dakota and Minnesota we have no difficulty whatsoever in having convicts employed in gainful occupations, in the manufacture of binding twine. Another gentleman from Massachusetts, the honorable and ancient JOHN JACOB, comes here and says, "Yes; I am in favor of the humanitarian policy"——

Mr. WALSH. Mr. Chairman, I do not think that is a respectful way to refer to one of my colleagues. I ask the gentleman to modify his language.

Mr. STAFFORD. JOHN JACOB ROGERS, the gentleman from Massachusetts. I certainly did not intend to describe him as John Jacob Astor, because we all know he is not comparable to the distinguished Astor family, whose progenitor bore the name of John Jacob. He says he believes in the humanitarian principle of keeping convicts employed, but he believes they should be employed only in matters that are needed for their own welfare, when everyone knows that it is absolutely impracticable to keep convicts employed in the manufacture of their own necessities.

Mr. GREENE of Massachusetts. Will the gentleman yield to me?

Mr. STAFFORD. Not just at present. Another gentleman from Massachusetts—not to offend the sensibilities of the gentleman from the Cape Cod district——

Mr. WALSH. The gentleman has apparently driven him from the floor.

Mr. STAFFORD. He claims that there is no reason for this bill because there are plenty of manufacturers to supply the necessities of the Government for duck. No one has justified this bill on the ground that there are not plenty of manufacturers at present to supply the necessary requirements. This bill had its genesis two years ago when the Committee on Appropriations felt the necessity of trying to find some employment for Federal convicts. A commission was appointed, and that commission has made its report, and that report is to the effect that we do need, in times of peace and in times of war, certain cotton fabrics, namely, duck for the Army and Navy and mail bags for the Postal Service, and that we should go ahead with the execution of this plan. The last Congress provided an appropriation for the building at Atlanta. After that the question is purely whether we shall go ahead with that policy, having the buildings erected, even though it may take some time to obtain the looms; whether we should allow the buildings to remain vacant, or whether we should go ahead with this humanitarian and utilitarian policy.

Mr. JOHNSON of Washington. This war measure!

Mr. STAFFORD. Oh, no one has claimed it is a war measure except the enemies of the bill. They have been the only ones who have emphasized that phase of it. There has been no pretense here that it is a war measure.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. GREENE of Massachusetts. I ask that the gentleman may have time enough for me to ask him if he includes me among the Members who he says have spoken in behalf of the manufacturers in their district.

Mr. STAFFORD. No; I do not.

Mr. GREENE of Massachusetts. I do not know what the gentleman means.

Mr. COX. Mr. Chairman, I move to strike out the last word. With the quarrel between the gentleman from Wisconsin [Mr. STAFFORD] and the honorable gentleman from Massachusetts [Mr. GREENE] I have no concern whatever. Many arguments have been advanced to support this bill. I join with every Member of the House who placed necessity of its passage on the humanitarian side of life. A man who is confined in a penitentiary is a human being after all, and it is the hope of all that to a certain extent a large number of them may be reclaimed. But I do not care so very much about that, because from my viewpoint I think it is not the controlling element that induces me to vote for it. I am not much in favor of the Government going into the general manufacturing business; I am to a certain extent in favor of the Government partially going into the manufacture of the material to supply particular branches of the Government.

Less than 20 years ago the Navy and the War Departments were paying $1.23 a pound for their smokeless powder. About 16 years ago Congress made a little appropriation of $250,000 for the establishment of a powder plant down here on the Potomac River. Within six months after Congress made that appropriation, and before the Government had made a single pound of powder, the price dropped from $1.23 to 80 cents a pound. From time to time Congress continued to make appropriation to enlarge the plant until a few years ago the Du Pont people, who had a complete monoply of the manufacture of all the powder in the United States, were perfectly willing to come here and enter into an agreement with the Government to sell powder to the Government at 53 cents a pound. The argument has been made here time and again that the Government can not make things as cheaply as private individuals can make them. Granting that to be true, by the Government being in certain lines of manufacture it has compelled private interests to reduce the price of their finished commodity. Now, if that is true of powder, if it is true of small arms, that private manufacturers cut their price to the Government from 25 to 33⅓ per cent, is it fair and reasonable to assume that if the Government goes into the manufacture of this kind of material we will see a reduction in the price of duck and cotton bagging and things of that kind which the Government must buy.

Mr. JOHNSON of Washington. If the gentleman will permit, it says, in section 2, "that articles so manufactured shall be sold at the current market prices."

Mr. COX. That make no difference at all. We will get a record for the first time in the United States of what cotton duck can be manufactured for.

Mr. JOHNSON of Washington. No; because you will have it done by prison labor.

Mr. COX. Because down to this time the Government has never entered on this line of manufacture. It has entered on the line of the manufacture of powder and small arms, and, to a large extent, in the manufacture of cannon. When this plant once gets into operation, when it gets to going, the Government will begin to get a line quick and fast upon what this material can actually be made and manufactured for, and if it costs the Government more to manufacture than it does a private individual, the Government will be in a position to learn for the first time in its existence whether it has been overcharged by private manufacturers in this line of work. I think the amendment offered by the gentleman from Massachusetts to strike out the current price ought not to prevail. True, it will be nothing in the world but a question of bookkeeping, but it will tell the country exactly what it can be manufactured for. That will give the Army and the Navy and the users of this kind of material the opportunity, and the first opportunity they have had, to know whether or not heretofore they have been overcharged for this material.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Will the gentleman yield for a question?

Mr. COX. For a question.

Mr. FESS. If the purpose of the bill is to bind the market so as not to allow some article manufactured by private enterprise to sell at a higher rate, you have the question of labor enter into it, because you are putting your convict labor in competition with free labor outside. If you do that, you ought to pay the convicts the same price as free labor is paid, and work

them the same length of time. I confess that that is not my view of this bill at all.

Mr. COX. I am sorry the gentleman from Ohio does not agree with me. We are told everywhere, and everybody is making a speech about profiteering. I thoroughly join in the view that this is no time for profiteering. If the manufacturers have and are profiteering by overcharging the Government, they belong to that class of profiteers which deserve censure, and neither you nor I nor any other person will ever know whether they are overcharging until we get the plant in operation and see what it could be manufactured for. You will never know what it can be manufactured for unless the Attorney General of the United States is given the right to fix the price of cotton duck made in the penitentiary at the current market prices.

For eight years I was a member of the Post Office and Post Roads Committee. I know it has been a serious and vital question in that committee that the manufacturers of cotton mail bags have overcharged the Post Office Department, and yet the department has no way of determining exactly what is a fair and reasonable profit for manufacturing and making that kind of goods, because the Government has no plant in operation to manufacture cotton-bagging goods.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GOOD. Mr. Chairman, I ask that the gentleman's time be extended one minute in order to ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOOD. There is something in what the gentleman says, but the Government has the power now to take over any plant or manufacturing institution that is established, that has the machinery, and find out what it will cost to make these articles.

Mr. COX. Yes; but I imagine that neither the gentleman from Iowa nor anyone else would be willing for the Government to commandeer the spindles and looms of these mills and employ convict labor therein.

Mr. GOOD. What would be more fair, to take one plant with the force there employed and manufacture duck, rather than to erect a new plant and put convicts at work in manufacturing the article?

Mr. COX. It is not a question with me to-day as to being fair or unfair. It is a question of getting the cotton duck that is so much needed by the Army and the Navy, and second, the only way to get at it quickly is to see what that stuff can actually be made and manufactured for by the Government. This may not be a full and fair test of the cost of manufacture of cotton duck and canvas, but it will be an approximation of the cost. It will be enough to show the Government whether it is now overcharged by private manufacturers for this kind of material.

Mr. WEBB. Mr. Chairman, I ask unanimous consent that all debate on this section be now closed.

Mr. JOHNSON of Washington. Mr. Chairman, I desire——

Mr. MOORE of Pennsylvania. I move to strike out the section.

Mr. JOHNSON of Washington. I intended to make that motion at the proper time.

Mr. COX. Is that a proper motion until the amendment is disposed of?

The CHAIRMAN. It is not. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken; and on a division (demanded by Mr. WALSH) there were—ayes 12, noes 34.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, strike out section 3.

Mr. MOORE of Pennsylvania. Mr. Chairman, the defeat of the amendments that have been offered leaves the bill now so that the Attorney General or his agent can buy or sell substantially as he pleases. He may not sell the product of the convict labor of the Atlanta Penitentiary at less than the prevailing market prices, which to a certain extent would tend to protect outside free labor, but he is permitted to buy the raw material at any price he sees fit; and if he turns the work over, as he undoubtedly will, to some skillful cotton manufacturer or to some skillful cotton manipulator who knows more about the business of disposing of raw cotton and fixing market prices than he does, it may be that the Atlanta Penitentiary, where convict labor is to be employed in competition with free labor outside, may be used for the purpose of bolstering up the price of cotton or of bearing the price down.

I can not agree with some of the suggestions thrown out by the gentleman from Indiana [Mr. Cox] as to the advisability of this paragraph. He has indicated that we ought to use convict labor—use it for the purpose of testing out whether or not convict labor may bring down the prices of commodities. Neither can I agree with my eloquent and forceful friend from Wisconsin [Mr. STAFFORD] that the opposition of this bill and this particular paragraph comes wholly from a few selfish manufacturers who desire to monopolize the cotton-manufacturing business. I can not take that narrow view of the situation. I might join him in his broad humanitarian views if he would come in with a measure that did not have special significance and privileges for the convicts of the Atlanta Penitentiary. When the gentleman from Indiana states that to experiment in the manufacture of cotton duck at the Atlanta Penitentiary would result in giving to the Attorney General and the public information as to the profiteering of outside cotton manufacturers I again disagree with him. That plan would work out because the Government would have an undue advantage over the private manufacturer. The Government owns the Atlanta Penitentiary. The Government reared the buildings. The Government maintains the convicts. It gives them their board. The Government has erected new buildings in which this factory is to go. By this bill it is providing the machinery which the mill hands there are to operate. The Government will pay all the expenses. There is not a private manufacturer in the land who would not jump instantly at the opportunity to compete with an outside public if the Government would bear all his overhead charges. The gentleman from Indiana fails to take this into account.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. GRAHAM of Illinois. If the gentleman will permit me to make a suggestion, that would not be a fair test of the cost of the product if you figure on convict labor because the same test of efficiency can not be applied to men who are doing work because they have to and men who are working because they want to.

Mr. MOORE of Pennsylvania. Exactly, and there is another point which the gentleman from Indiana forgets——

Mr. COX. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I am afraid I will not have the time; they are going to draw the line to-day, but I will yield to the gentleman.

Mr. COX. I want to correct the statement made by the gentleman. I did not state that the Government could manufacture cheaper than private individuals. I said that statement had been made here time and again, but I do say this, that because the Government had gone into the manufacture of certain things it had demonstrated that private enterprise was largely overcharging the Government for the same commodities and the result of that was private enterprises reduced their prices.

Mr. MOORE of Pennsylvania. I think that has been done——

Mr. WALSH. Not with convicts.

Mr. MOORE of Pennsylvania. In certain enterprises with which the gentleman and myself are familiar, but in every instance the Government pays everything, all the overhead charges, and now controls the raw material——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent——

Mr. COX. It controls raw materials in the market just like private individuals, absolutely.

Mr. MOORE of Pennsylvania. I ask unanimous consent for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman to proceed for two minutes? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. I want further to answer the gentleman from Indiana if I may——

Mr. BANKHEAD. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I do.

Mr. BANKHEAD. The gentleman has not argued the merits of the motion to strike out the section. I would like to know what his real objection to the section is.

Mr. MOORE of Pennsylvania. That it will enable the Government through the Attorney General to fix the price of cotton, which I think might be disastrous to the cotton planter in certain instances and to the manufacturers in certain other instances.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Wisconsin, and then I desire to proceed.

Mr. COOPER of Wisconsin. For one question. It has been said here repeatedly that this is a mere matter of bookkeeping. I would like to ask the gentleman's opinion as to the proper way to interpret this language in lines 3, 4, and 5, page 3:

And all moneys or reimbursements received from such sales shall be deposited to the credit of the working capital fund created by this act.

Does not that mean that there is to be an actual sale?

Mr. MOORE of Pennsylvania. That may mean profiteering. The Government is going into the business of making money to add to the $360,000 capital appropriated.

Mr. COOPER of Wisconsin. It is not a mere matter of bookkeeping by the owner of the property if there is to be a sale for cash and that is to be deposited.

Mr. MOORE of Pennsylvania. It is not a benevolent enterprise. The Government is going to put a practical cotton manufacturer in charge of this business to compete with outsiders, because he knows the cotton trade. But the gentleman from Indiana was endeavoring to show that we ought to use convicts—use them in competition with free labor to demonstrate certain theories. I can not agree with the gentleman in those premises. It seems to me we ought to protect free labor and let the convicts do other work which does not compete with free labor. The gentleman does not want to put manufacturing institutions out of business; he does not want to put free labor upon the street. It seems to me the whole object of the bill is wrong, and therefore I am justified in moving to strike out the paragraph.

The CHAIRMAN. The question is on striking out the paragraph.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 14, noes 35.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 3, line 1, after the word "section" strike out "3" and insert "2."

The question was taken, and the amendment was agreed to.

Mr. DYER. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. Upon the motion which was just voted upon I did not hear the vote.

The CHAIRMAN. The ayes were 14 and the noes were 35.

Mr. DYER. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. WEBB. Mr. Chairman, I make the point that that is too late.

The CHAIRMAN. On that question it is, but if the gentleman desires to make a point of no quorum——

Mr. DYER. I was trying to get recognition and the Chairman asked me to wait.

The CHAIRMAN. The gentleman has a right to make the point of no quorum at any time. The gentleman makes the point of no quorum, and the Chair will count. [After counting.] Eighty-three Members are present, not a quorum.

Mr. WEBB. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from North Carolina moves that the committee do now rise.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WEBB Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 14, noes 54.

Mr. WEBB. Tellers, Mr. Chairman.

Tellers were ordered.

Mr. WEBB and Mr. DYER took their places as tellers.

The committee again divided; and the tellers reported—ayes 1, noes 103.

So the motion to rise was rejected.

The CHAIRMAN. A quorum is present. The Clerk will read.

The Clerk read as follows:

SEC. 4. That the Attorney General is hereby authorized and empowered to provide for the payment to the inmates or dependents upon inmates of said penitentiary such pecuniary earnings as he may deem proper, under such rules and regulations as he may prescribe. Such earnings shall be paid out of the working capital fund.

Mr. ROBBINS and Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 3, line 11, after the word "fund," insert the following words: "but such rules and regulations shall under no circumstances give to the inmates of the Atlanta Penitentiary any advantage in wages or hours of employment over free labor similarly employed in Government institutions or independent manufacturing establishments.

Mr. MOORE of Pennsylvania. Mr. Chairman, that amendment speaks for itself.

The majority is embarking in the convict-labor business and doing it on the strength of a letter from the President of the United States which does not establish the bill as a war measure. This is a serious piece of economic and political business. It is legislatively immoral to pay to convicts in a penitentiary higher wages or give them more favorable hours of employment than are enjoyed by free labor outside. It is unfair to assume for a minute that the Government of the United States under the operations of any administration would give to criminals an unfair advantage over free labor.

There are no conditions with regard to the rules and regulations that the Attorney General may establish for the practical operation of this convict mill at the Atlanta Penitentiary. It may be that the suggestion of the gentleman from Indiana [Mr. COX] will be proven, that goods can be manufactured cheaper in a penitentiary than they can be manufactured by free labor outside. The Attorney General or his expert cotton-manufacturing adviser will have power to fix the rules and regulations. That may be. But I would have it certain that outside labor is to be fairly treated.

My amendment brings the House face to face with the proposition whether you propose to prefer a convict in the matter of wages and hours over the free labor outside.

It presents to you squarely the question of whether you propose, under the pretense of Government operation, to put out of business by cheap convict labor or overpaid convict labor the industrial establishments in competition with the penitentiary. [Cries of "Vote!"]

Yes, you cry "vote;" you will have trouble if you force it. I do not object to your crying "vote," because I want to emphasize, and have it emphasized to the public, that the party in power is cramming down the throats of Members of Congress, some of them avowed advocates of free labor in this country, a bill which proposes to give a preference to the criminals of the country working under the Government in a penitentiary. If gentlemen can stand for it, it is up to them. My amendment proposes that there shall be no favors to the convict which free labor does not enjoy. It is an amendment in the interest of free labor everywhere. It is an amendment in favor of honest work. It is an amendment in favor of fair and free competition.

Mr. WEBB. Will the gentleman permit a question? Do you want to make the labor in the penitentiary work the same number of hours as labor on the outside?

Mr. MOORE of Pennsylvania. I do not care, provided the terms are not more favorable than to men outside. They get board on the inside. The gentleman is aware that certain restrictions have been placed upon manufacturing establishments, due to regulations put in Army and Navy bills, and that there are certain disadvantages under which free labor and employers of free labor now work. And he does not propose to provide in his bill that the same conditions and restrictions which hold as to outside establishments shall prevail in the Atlanta Penitentiary, where it is proposed to give favors to the convicts.

Mr. Chairman, I ask for a vote.

Mr. GARD. Mr. Chairman, the gentleman from Pennsylvania, I fear, entirely misunderstands the purpose of the bill when he proffers this amendment. I think I am very frank when I say that there should be no desire upon the part of anybody to bring convict labor in competition with free labor. There can be rightfully no such competition. The object of this bill is to afford to those who are serving penal sentences some way of maintaining themselves and their dependents and some way of paying their debt to society. There is not the slightest pretense that the Government is trying to enter into any industrial operation against free labor. It is only an idea of affording employment to men incarcerated in a penal institution, either by working in fields, on roads, or in factories, in order that the work they are engaged in may lead to their upbuilding, may lead them to become useful and helpful citizens in society again.

I do not view this question as a sentimentalist. I have viewed this question with the utmost practicality. I believe imprisonment means two things. First, it means that when a man is imprisoned because of a crime, society is temporarily protected against a vicious man; secondly, it means a deterrent for those who might commit crime. But it also means when imprisonment is imposed that it should be attended with reformatory ideas, so that the man when released can sustain himself; can be an honest and useful member of society. If that is not true, when he is released he is thrown upon the body politic as a charge. He leaves a penal institution and

enters on almshouse or enters a penal institution again, because he can not make a living.

Now, the modern idea—and I welcome it as one of the best of ideas—is that the man who is paying the penalty of the law and who is in a penal institution, if he has dependents, shall have the compensation for his labor applied to the care of his dependents. It takes into consideration the fact that otherwise society at large is compelled to take care of the family of a man who is in a Federal prison.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. GARD. I will yield, but I have not very much time to discuss this question.

Mr. DYER. Does the gentleman believe that this principle embodied in this bill should be followed in the manufacture of every article in all of the Federal prisons?

Mr. GARD. I did not understand the gentleman.

Mr. DYER. Does the gentleman favor the principle embodied in this bill to the extent that it shall be taken up in all the prisons and have everything manufactured there?

Mr. GARD. I have advocated the principle advanced in this bill because it is the idea of equipping a building that we already have with machinery so that prisoners in this penal institution may be employed in making cotton fabrics, which in turn may be made into tenting and mail sacks and other things used by the Government.

Mr. DYER. Does not the gentleman also favor the manufacture of furniture and other things in the Federal prisons?

Mr. GARD. I have no objection to the manufacture of furniture. There was a suggestion that furniture should be made in the Leavenworth prison. Of course, these things are all matters of locality. Where lumber is and may properly be used, as in Leavenworth, of course it would be more appropriate to manufacture furniture at Leavenworth than to attempt to manufacture cotton duck at Leavenworth.

Mr. DYER. Does the gentleman also favor in State penal institutions the carrying out of this principle and putting in factories, and that the paid earnings in those institutions shall go to the families of the inmates?

Mr. GARD. I think so. It is one of the most advanced ideas in the treatment of prisoners who are confined in institutions, either penal or charitable, that if they are able to work they should be made to work, and their earnings applied to their families, because it helps a man's self-respect and relieves the burden of support from the State. If you put a man in prison it may be his first offense. Give him a chance to work and to be reasonably paid for his best effort. He is paid a certain amount of money, and it is sent to his wife and children. I say that that is one of the best forward steps that we are adopting in the treatment of prisoners; thus we redeem manhood and relieve society.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more. I took up a part of his time.

Mr. GARD. I do not want that much. I simply want to answer questions. I prefer three minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. NOLAN. I suggest to the gentleman that the gentleman from Missouri [Mr. DYER] can find, in the hearings before the Committee on Labor, where it was proposed to establish this duck factory—that is on the Booher bill—this duck factory at Atlanta, and a furniture factory at Leavenworth, and a pulp and paper mill at McNeil Island, a letter from the governor of Missouri, Gov. Gardiner, offering the Government of the United States the services of 2,000 prisoners in Missouri penitentiaries, to work on this sort of work.

Mr. DYER. What is the gentleman's point in reference to that?

Mr. NOLAN. The gentleman was asking the question of the gentleman from Ohio [Mr. GARD] as to whether he favored the establishment of a furniture factory at Leavenworth or any kind of establishment, and the governor of Missouri is offering the services of 2,000 convicts.

Mr. DYER. Does the gentleman favor that?

Mr. NOLAN. Absolutely, in every State of the Union.

Mr. GARD. Mr. Chairman, I do not yield further.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield for a question?

Mr. GARD. I will yield to the gentleman for a question.

Mr. ANTHONY. This section of the bill seems to provide compensation only for the inmates of the Atlanta Penitentiary. Why not provide compensation for the inmates of all the penitentiaries? The inmates of some of them labor twice as much as the inmates would do in a cotton factory.

Mr. GARD. This bill supplies only the equipment of the present building at Atlanta with machinery for the manufacture of cotton fabric, manufactured from yarn, to be converted into cotton fabrics there.

Mr. ANTHONY. Does not the gentleman see that he is making a discrimination between one class of convicts and another class?

Mr. GARD. There is no intentional discrimination. Where convicts are put to work during their imprisonment and do work and receive reasonable compensation, the money they make shall be sent to their dependent families, wherever they may be. But this is necessarily limited in this bill to the Atlanta Penitentiary. It is one step in the right direction.

Mr. ANTHONY. The gentleman is correct. But he would authorize the payment of compensation in this bill only at the Atlanta Penitentiary, and he would pay a man in this cotton mill for his labor, but a man at the Atlanta Penitentiary working in a brickyard or perhaps in some other employment may work at twice as hard a task and will not get any compensation.

Mr. JOHNSON of Washington. Or he might work at farm labor.

Mr. ANTHONY. I will offer an amendment to authorize the Attorney General to establish the principle of compensation for all United States prisoners.

Mr. WEBB. This section provides that the Attorney General may provide for the payment to the inmates or their dependents of such pecuniary earnings as he may deem proper.

Mr. ANTHONY. Why does the gentleman pick out only the inmates of the Atlanta Penitentiary?

Mr. WEBB. Because that is the only institution we are dealing with in this bill.

Mr. ANTHONY. Why does not the gentleman broaden his provision and take in the inmates of all the penitentiaries?

Mr. WEBB. The turn of your institution will come next.

Mr. ANTHONY. I desire to have them all get a square deal.

Mr. ZIHLMAN. I offer a substitute for the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Substitute amendment offered by Mr. ZIHLMAN: Strike out section 4 and insert the following in lieu thereof——

The CHAIRMAN. The Chair will state that the first amendment offered by the gentleman from Pennsylvania is an amendment to perfect the section. That will be acted upon before the amendment of the gentleman from Maryland can be offered.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask to have my amendment read. Several gentlemen have requested this.

The CHAIRMAN. Without objection, the Clerk will report the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 3, line 11, after the word "fund," insert the following words: "But such rules and regulations shall, under no circumstances, give to the inmates of the Atlanta Penitentiary any advantage in wages or hours of employment over free labor similarly employed in Government institutions or independent manufacturing establishments."

The CHAIRMAN. The question is on the amendment.

The question being taken, on a division (demanded by Mr. WEBB) there were—ayes 33, noes 52.

Accordingly the amendment was rejected.

Mr. ZIHLMAN. Mr. Chairman, now I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: Page 3, strike out section 4 and insert the following in lieu thereof:

"SEC. 4. The compensation and hours of labor for inmates at the above institution shall be based upon the standard hours and wages prevailing in the vicinity in which the institution is located. The pro rata cost of maintaining the inmates so employed shall be deducted from their compensation. Such earnings shall be paid out of the capital working fund."

Mr. ZIHLMAN. Mr. Chairman and gentlemen of the committee, I wish to say that the language employed in the amendment offered by me is taken from section 1 of the Booher bill, introduced by the gentleman from Missouri, which bill has been indorsed by Gen. Henry G. Sharpe, late Quartermaster General of the Army, and by the Secretary of War. I hold in my hand a facsimile of the letter written by the Secretary of War indorsing the language of the Booher bill, which contains the O. K. of the President of the United States, and from which bill my amendment is taken. This amendment provides that the inmates of this penal institution shall have the same wages and hours of labor as are received by free labor in the vicinity

of the institution. I might say that a great deal of this cry which has been raised about free labor being injured by this bill does not apply to some of the employees of some of these cotton-duck factories. There was a strike in my own State of Maryland a few months ago by the employees of a cotton-duck factory, who received only $7 per week for 50 hours of labor. So that if the Government of the United States pays to the inmates of this institution the same rate of wages and gives them the same hours of labor as are paid and given in the great majority of the cotton-duck factories, they will not be paid an exorbitant price for their labor.

Mr. COX. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. COX. Were those employees men or women?

Mr. ZIHLMAN. Women, principally.

Mr. COX. About how many employees did the mill operate?

Mr. ZIHLMAN. I would say approximately—without knowing the exact figure—about 600 employees.

Mr. COX. Getting only $7 a week?

Mr. ZIHLMAN. I would say again for the gentleman from Indiana's information that the employees of a large cotton-duck factory in Maryland struck for higher wages and better hours, and they received $7 a week for 50 hours work per week.

Mr. COX. Was that the final compromise?

Mr. ZIHLMAN. No; I do not say that was the final compromise. I do not know what the final adjustment was, but the grievance of the employees was that they were working 9 or 10 hours a day for $7 a week.

Mr. COX. I do not want to bother the gentleman, but this is very interesting to me, the idea of anybody working in these days for a dollar a day. How much were they getting before they struck?

Mr. ZIHLMAN. Those were the wages and hours before they struck. I do not know what the final adjustment was.

Mr. COX. How much have they been receiving since the settlement of the strike?

Mr. ZIHLMAN. I do not know.

Mr. MOORE of Pennsylvania. Did I understand the gentleman to say that the principle embodied in his amendment has the approval of organized labor?

Mr. ZIHLMAN. The language of my amendment is taken from the Booher bill, which has been indorsed by the American Federation of Labor, by the Quartermaster General of the Army, by the Secretary of War, and the letter of the Secretary of War, which I have here in facsimile, contains the O. K. of the President of the United States.

Mr. MOORE ot Pennsylvania. Then that looks like an official amendment. I am very glad the gentleman has offered it. [Laughter.]

Mr. ZIHLMAN. I just want to say that I am in favor of this bill. I am in favor of the working of convicts. I do not think it is humane, I do not think it is just. to continue these men in idleness, especially at this time when the women of America are being called upon to go into the factories and the workshops and when you can go out from the city of Washington and within 25 miles can find women working on the railroad as laborers and section hands. We are certainly putting no imposition on the convicts or on the manufacturers of this country when we attempt to utilize the men. who are confined in Federal or State prisons. And it must be remembered that America has now nearly 2,000,000 men under arms, and that the great majority of these men are unused to military discipline, so there will be many violations of military regulations and many of the men in the military service of the United States will be incarcerated in these Federal prisons. The labor of these men should be utilized, and not only should their labor be utilized, out the money they earn should be distributed to their dependents. I can see nothing unreasonable in this proposition. We have already appropriated the money to build the building. Why should we not equip it with machinery and utilize the labor of these 1,400 men who are now confined in the Federal prison at Atlanta?

Mr. RAGSDALE. Which does the gentleman think is the greatest menace to the happiness of America to-day, the German enemies who are interned here or the men whom we have incarcerated in prison?

Mr. ZIHLMAN. I would say the German enemies, if they be prisoners.

Mr. RAGSDALE. Is any effort made to utilize our interned German enemies for any purpose? Are they not put down at some of the most magnificent summer resorts and maintained by the people of the United States, who are taxed to sustain them?

Mr. ZIHLMAN. I am not in the confidence of this administration, as the gentleman is, and will leave that question to him.

Mr. SIMS. They are not prisoners.

Mr. RAGSDALE. What are they?

Mr. SIMS. Interned men.

Mr. VOLSTEAD. Mr. Chairman, I do not believe the House should adopt this amendment. If the goods which it is proposed to manufacture in this prison were to be sold on the market in competition with other like products it would be a proper amendment; but this bill does not permit the products of prison-made goods to come in competition with goods made by free labor. The goods are all to be used by the Government and not sold. We should not burden the Government by compelling it to pay the highest wage or a large wage to the prisoners; there is no necessity for that. In my State we have a system under which we pay our prisoners, but we do not pay them the going wage. When they first enter the prison, especially if hardened criminals, they do not get a large wage. But we hold out to them the hope that if they will behave themselves, and do good work, they will get higher and better wages from time to time. It seems to me that the Attorney General in administering this law ought to have the discretion and power to say to the men on entering the prison, "If you will try to get along here, if you will observe the rules of the prison, and endeavor to improve in the work that we ask you to perform, we will increase your pay from time to time." I think it is important that prisoners be paid. Many of them have families or other dependents.

The payment in my State is made to the prisoner, or, if he has dependents, it is made to his dependents. That gives him an interest in life, something to work for. There is a great difference in the guilt of prisoners. Some men are convicted of offenses involving no serious moral wrong. It seems to me that the Government ought to have power to determine who shall receive pay and how much. Some ought to receive more pay than others. We ought not take from the Government discretion to pay the men who are there only for misdemeanor or minor infractions of the law more than the men who have committed murder, arson, or other serious offense. I think it is important that we should leave in the hands of the Government discretion in cases of this kind. [Applause.]

Mr. SMITH of Michigan. Mr. Chairman, this is a proposition to expend at this time $1,000,000 for machinery to equip a building that is vacant and empty at Atlanta, Ga.

Mr. FESS. A portion of it goes for a farm.

Mr. SMITH of Michigan. A part, it is said, goes to buy a farm; but the point I make is that there is not a man in this House who has not an empty building in his district who would not be glad to have the Government equip it with machinery, and, in addition, to buy a farm and operate it for the manufacture of duck. So there is nothing in the fact that the buildings are there.

I want to say that I am not a man with a perverse heart. I am not an enemy of humanity. I am not ashamed to say that I have worked at the hardest kind of menial labor in order that I might go to school and educate myself for after life; and, further, I know that a part of the greatest book that was ever written—the Bible—as well as Pilgrim's Progress, were written in prison, and others I might name; so that a prisoner can profitably employ his time if he is so disposed or inclined.

Mr. MOORE of Pennsylvania. If the gentleman will permit, I want to say that it 's just this homely story that the gentleman is telling that endears him to every Member in the House.

Mr. SMITH of Michigan. I thank the gentleman. No one knows the benefit of education better than I do. If I had thousands of dollars which I could leave to my son for profitable investment in the world, I would not leave him one farthing if I had to choose between that and an education for him.

Ignorance blots out the beauties of the universe and leaves us in darkness. Education is the greatest boon to the human race. Give these unfortunates learning and you lift them out of the criminal class.

The trouble with this bill is that you are starting on this problem of equipping our penal institutions at the wrong time under world conditions. We have so great a need for money to sustain our Military Establishment that we ought not to use this money for prison purposes just now. We need the money for Army uses. God bless the boys that are carrying the guns. [Applause.]

I want the same spirit, the same morale, back here at home that the boys are exercising in the ranks, and we are doing wrong in taking this money for this civil employment when there is factory after factory that could make this particular product and all that the Government needs.

They say that the prisoners should have labor. That is all right. Is there a man that says that the prisoners are too proud to break stone? Is not that legitimate work? Is it not legitimate work building roads? One of the best penal institutions in the United States works its prisoners and they do not

come into competition with a day's free labor. I call attention to the prison in the State of Minnesota. They do not come into competition with a day's work of any laboring man.

Mr. FESS. Will the gentleman yield?

Mr. SMITH of Michigan. Yes, with pleasure, to my friend.

Mr. FESS. How is it possible that a man who works on the road as a prisoner is not in competition with the man who would work on the road if the prisoner was not doing it?

Mr. SMITH of Michigan. Well, he does come in competition that far. But there is no great competition in breaking stone. Road building seems to be profitably done by prisoners. It has grown into a customary employment for them. Every State in the Union has a statute to work prisoners on the highways. It requires very little or no capital, and at this time we need all our money to lick Germany and win the war. My colleague wants the prisoners to be educated. He can do that by turning over to these men in their cells books where they can educate themselves.

Mr. BANKHEAD. Will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. BANKHEAD. Does the gentleman from Michigan advocate absolute idleness of these prisoners?

Mr. SMITH of Michigan. Far from it. I advocate work for them, but I do not advocate appropriating a million dollars out of liberty loan and tax money to buy machinery we do not need at this time when we do need it for powder and bullets.

Mr. BANKHEAD. What kind of work would the gentleman employ the prisoners about?

Mr. SMITH of Michigan. Any kind of work—they could make binder twine and work on the highways and prison farms.

Mr. BANKHEAD. Would not that require machinery?

Mr. SMITH of Michigan. Yes; but let me tell the gentleman that you can not get the machinery to equip this building within a couple of years' time. I want to say further that there are a number of factories in the United States that will make all the cotton duck that the Government needs, and the necessity of this expenditure of money is not apparent. Let us get into the war game and win that before we take up these economic society-welfare prison-reform and criminal humanitarian questions. The winning of this war is a real undertaking, demanding all our resources and supreme efforts. Lay this prison reform on the shelf; sidetrack it. The future of our country is in the scales. Let us fight our enemy; pave the way for our Army and equip it. Some of the boys over there will say, "What is Congress doing? Passing laws to buy machinery to make duck after one or two years. Where are the aeroplanes? Where are the ships? Where are the guns?" Some one over there is calling "Hurry up!" Let us obey.

We do need the money to help put down this war and clean up on our enemy.

Mr. MOORE of Pennsylvania. Will the gentleman put in his remarks at this time that the Chamber of Commerce of the United States is now petitioning the Government of the United States to give better roads for war purposes, and that seems to be recognized as a war measure?

Mr. SMITH of Michigan. I shall be very glad to adopt that suggestion of the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask that the gentleman be given further time, in order to ask a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. MADDEN. I would like to ask the gentleman from Michigan, to whose talk I have listened with a great deal of interest for the last few minutes, if he does not think there ought to be an amendment put on this bill to enable the department to unwind the red tape that is being employed so much every day?

Mr. SMITH of Michigan. I am in most hearty sympathy with the suggestion of the gentleman, and next week we will be given an opportunity in a bill which is coming up, and for which I shall be glad to use what ability I have to see pass, for that purpose. [Applause.]

Mr. MADDEN. I would like to ask the gentleman whether he did not think that these convicts ought to be put to making rolls, and that they will not be so large but what we can wind this red tape on somewhere or somehow?

Mr. SMITH of Michigan. There are many employments on which these men can be put that is needed worse than this. [Applause.]

Mr. NOLAN. Mr. Chairman, I can not understand why men will advocate the use of a system in their own State that brings the products of convict labor in competition with the products of free labor and then in the House of Representatives oppose a measure that utilizes the labor of convicts for the most beneficial use for the Government. Now, the State of Michigan not alone has the State-account system but they still have the contract-labor system. I understand that the knitting contract at one of their penitentiaries is still in effect up there, and that as soon as that contract is finished they intend to abolish the contract-labor system.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. NOLAN. Just let me go on for a moment.

They also have the State-account system. Now, I do not know why the gentleman from Michigan—Judge SMITH—ought to be so solicitous about the textile manufacturers, or more solicitous about them——

Mr. MADDEN. Did the gentleman say Judge SMITH or Banker SMITH?

Mr. SMITH of Michigan. Farmer SMITH. [Applause.]

Mr. NOLAN. Well, Judge SMITH, or Farmer SMITH——

Mr. SMITH of Michigan. Attorney SMITH.

Mr. NOLAN (continuing). Than he would be about the farmers of Michigan. Now, they have a canning factory in their prison; they also have a prison farm in Michigan. They can the products of this farm. They not alone sell that product in competition with other manufacturers in the State of Michigan but they sell them in Indiana, Ohio, and other adjacent States, in competition with the products of free labor.

Mr. MADDEN. The gentleman means they sell the farmers from Michigan in other States?

Mr. ZIHLMAN. Does the gentleman know anything about the per diem paid to the inmates of these prisons?

Mr. NOLAN. Of course, they do not pay anything.

Mr. ZIHLMAN. They do not pay anything?

Mr. NOLAN. They do not pay anything.

Mr. SMITH of Michigan. They are not sent there for that purpose.

Mr. NOLAN. While the gentleman objects to the Government of the United States utilizing the labor of their convicts in producing something that we are going to use and that does not go on the market in competition with free labor at all. Is there any consistency in that?

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. NOLAN. I do.

Mr. SMITH of Michigan. I want to ask the gentleman a question. I want to ask the gentleman if there is a penal institution in the United States that does not work their convicts, and, further, if there is anything in this bill or in this question, except the purchase of machinery, that they can not get for two years while there is a contract now wanting to be made by dozens of institutions of the United States?

Mr. NOLAN. There are hundreds of canneries in this country that would sell the products of their factories down in Indiana and Ohio, and they would be selling there if the Michigan State Penitentiary was not going into that market and competing and putting down prices.

Mr. WEBB. The gentleman from Michigan states there are hundreds of factories anxious——

Mr. SMITH of Michigan. I beg the gentleman's pardon; not hundreds, I said dozens.

Mr. NOLAN. I will say to the gentleman from North Carolina, what difference is there if there is——

Mr. WEBB. But I wanted that put in the RECORD. The Council of National Defense says that they are 6,000,000 yards short of this stuff, and any gentleman who has got this to sell could sell it there.

Mr. SMITH of Michigan. They will not get a contract.

Mr. MADDEN. What about those letters?

Mr. WEBB. They did not write to the Council of National Defense.

Mr. MADDEN. The man at the head of the bureau ought to have sense enough to refer a communication to somebody who has authority.

Mr. WEBB. That does not answer it. The Council of National Defense are very sure that this machinery would be secured in six months.

Mr. NOLAN. I will say that, possibly, I could put in the RECORD here the complaint of 40 men on the Pacific coast that have been here in reference to contracts. It may not be textiles, it may apply to something else. Now, why should not the Government of the United States be permitted to utilize the labor of convicts in the penitentiaries the same as the States are using them. The State-use system is in effect in the State of New York. If they want to manufacture shoes for the use of the State or clothes for the use of the State, or anything else for the use of the State, they go ahead and do it, and that is exactly what this bill provides for that the prisoners at Atlanta

will be used to manufacture cotton cloth for the Army and Navy and Shipping Board, and as labor becomes scarcer and scarcer this mill be running and producing cotton duck for these departments, as well as for the Post Office Department.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. NOLAN. I yield.

Mr. GRAHAM of Illinois. What do you mean by the State-use system? Do you mean the manufacture of stuff that the State uses in its State capacity?

Mr. NOLAN. Yes; or any other governmental use they might have.

Mr. GRAHAM of Illinois. Let me ask you a question in order to see that if I caught your position right. The Government to-day needs guns, it needs harness, it needs food, it needs various kinds of supplies of steel and iron; are you in favor of convicts manufacturing all of that stuff?

Mr. NOLAN. Yes.

Mr. GRAHAM of Illinois. You are in favor of it?

Mr. NOLAN. Yes.

Mr. GRAHAM of Illinois. And ammunition?

Mr. NOLAN. Yes. But I would diversify it. I would give every man in the penitentiaries a chance to become a useful citizen when his term expired, and I would compensate him, not alone by money, but in time off, and arrange it so that no particular line of business nor no particular class of labor would be seriously affected.

Mr. GRAHAM of Illinois. I think the gentleman stated the other day, and if I am in error he will correct me——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GRAHAM of Illinois. I think the gentleman from California stated the other day, and if I am in error he may correct me, that the Federation of Labor was in favor of this particular bill, as he understood it?

Mr. NOLAN. Yes; the principles involved in this bill. This bill is virtually taken from the Booher bill—a section of it. The Booher bill provides for the establishment of three plants, this cotton-duck plant at Atlanta, Ga., a furniture factory at Leavenworth, Kans., and a pulp and paper mill at McNeill Island, Wash.

Mr. GRAHAM of Illinois. Do you think that union labor is in favor of the proposition now advanced by the gentleman in the manufacture of cotton that the Government might use?

Mr. NOLAN. As far as the labor of convicts can be utilized, every one of them; yes. That is their position. They contend that, and not alone the Federation of Labor, but everybody who has given this thing any study and is sincerely interested in prison reform, is behind the State-use system, and that means that the State or the Government can utilize the labor of the convicts in producing anything the State uses. It takes out from the open market the element of competition. There is a difference between that and the State account system, where the State takes the place of the old prison-labor contractors and manufactures itself and puts the products of the convict in the open market in competition with free labor. Now, that is the difference between the two systems.

Mr. SMITH of Michigan. They can do it now under the law?

Mr. NOLAN. Who?

Mr. SMITH of Michigan. Any penitentiary.

Mr. NOLAN. Any State can adopt any system it wants. The most progressive States in the Union, though, have adopted the principles involved in this bill—that of State use.

Mr. CARTER of Oklahoma. Did I understand the gentleman to say the policy of union labor and of the Federation of Labor is that the State might manufacture anything by convict labor for the State use?

Mr. NOLAN. Yes.

Mr. CARTER of Oklahoma. So that it does not come in competition with free labor in the open market?

Mr. NOLAN. Not to be sold in the open market. Any form of prison labor displaces outside labor if they use it in any sort of useful or gainful employment. You can not apply the labor of a convict in any way in a penitentiary unless he displaces some one. If you did not have him, free labor would have to take his place. Now, unless you want to keep them in idleness, the people that are most interested in this great subject of advocating the State-use system——

Mr. GRAHAM of Illinois. Will the gentleman yield for a moment?

Mr. NOLAN. I yield.

Mr. GRAHAM of Illinois. Society is divided into two classes—one that keeps the law and one that breaks the law. If either one of them is to be idle any portion of the time, you would be in favor of the criminal being idle, would you not?

Mr. NOLAN. Under certain conditions I would. I will say this: A man may be idle on the outside, but can find something to keep him employed. Inside of a prison wall, if he is kept in complete idleness, he will go insane—either that or he becomes a great problem. The last thing in the world we should do is to legislate in any way that would mean that prisoners would remain idle. There is no way in which students of penology in this country have ever devised a plan for taking care of criminals in idleness.

Mr. GRAHAM of Illinois. I will admit that. For eight years of my life I was prosecuting attorney of my county and had a good deal of experience in this line, of course. My experience, however, taught me this, that if one of the two classes that society is divided into had to be favored it ought to be the man that had kept the law and observed the decrees of the society in which he lived.

Mr. NOLAN. Of course, that is true. But we have never conceived—and I have heard a good many men that came before the committees of which I am a member, and I have read a good many books on the question of unemployment—of how to solve that problem. I have not found anybody who had a panacea for that ill.

I want to call the attention of the House to another consideration. It would probably not be good policy to talk about the men we are sending to the front at the present time or to predict that any of them will come back as prisoners. But you might as well face this situation in a common sense way. In every war in which we have engaged we have had a lot of men that have been sentenced to hard labor for infraction of the rules of war. In ordinary times a man will commit an offense which would not be serious; but a man that is insubordinate in the Army in time of war commits a serious offense, for which he is court-martialed and sentenced to hard labor. Some of these men are coming back to this country by the thousands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NOLAN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DYER. I wanted to ask the gentleman what evidence he had that tens of thousands of soldiers are coming back in irons and chains?

Mr. NOLAN. I did not say that our men were coming back in irons or chains. I said if our experience in the past is any indication of the future, when we are going to have millions of men involved instead of thousands before, they are going to come back by tens of thousands. And you have got to have some place in which to put them, and some occupation for them when they get there. Why not face this situation? Down here at Atlanta you are starting a cotton-duck factory in which you employ 500 men. You are going to acquire some land, too, if you pass this bill. There will be some place to put these young men who are not criminals in the ordinary sense but who have committed a breach of military discipline.

This is the first step in taking care of a situation of that kind. The Booher bill provides that the Attorney General shall have the power to contract with all of the penal institutions of this country—State, county, or any sort of correctional institutions—for the labor of all of those prisoners, figuring that we will have a labor shortage during this war. Does anyone believe that, with millions of men taken out of industry during the next two or three years, we shall not have a serious labor shortage? England has had it, and France and Italy have had it, and Germany has had it, and they have had to use the labor of women in employments that are ordinarily occupied by men.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. JOHNSON of Washington. As to what England does with her military prisoners, is it not a fact that she puts them in the workhouse and makes them pick oakum?

Mr. NOLAN. She has released prisoners from the prisons in order to send them to the front to fight.

Mr. JOHNSON of Washington. The gentleman can find a man in the list of killed to-day who is of that class.

Mr. WEBB. In England they make the prisoners make all the mail sacks.

Mr. NOLAN. You will be obliged to find some way to utilize the services of convicts. Such a power as that is conferred on the Government by the Booher bill. Some bill of that kind should be passed. If you do not pass a measure of that kind

at this session of Congress you will have to pass it at the next session.

Mr. MOORE of Pennylvania. I would like to ask the gentleman a question about competition after he has sufficiently developed his argument along the line he has selected. The Government needs cotton duck. There are two places to obtain that cotton duck. One is from private establishments and the other is from the Atlanta Penitentiary. If the Government buys it from the Atlanta Penitentiary and does not buy it from private establishments, will not the question of competition enter at once?

Mr. NOLAN. No. The question of the displacement of labor does enter. The question of competition does not, because the product of the Atlanta Penitentiary will not be sold in the open market. It is a displacement of labor.

Mr. MOORE of Pennsylvania. Then the man who labors in prison displaces the labor outside?

Mr. NOLAN. Yes. That is the point. If you can show me any system where you can employ your convicts on any kind of work whereby they will not displace the labor outside, I will be for that.

Mr. MOORE of Pennsylvania. In the case of labor on good roads and on other public works——

Mr. NOLAN. Oh, that is not the point. The poor itinerant laboring fellow on the outside has not as many friends as the cotton manufacturer. He has not anybody to speak for him.

Mr. MOORE of Pennsylvania. He has not the necessary training. It will take time to train these men to work in a cotton factory.

Mr. NOLAN. Well, if the gentleman does not think it will require labor and skilled labor to make good roads, he should look into the matter more carefully. They have engineers to plan and execute the roads, and they have skilled labor to operate road-building machinery and also to lay the concrete and bitumen necessary in building up-to-date roads. You are displacing them all the time with convicts.

Mr. MOORE of Pennsylvania. The Government is seeking men now to build roads. They could work on roads without displacing anybody.

Mr. NOLAN. You can not find a character of labor that any prisoner can be employed at where the prisoner will not displace free labor. The question is to do it in the fairest and squarest way. That is the State-use system, whereby the Government gets the only benefit of the labor of convicts, and no private individual or private contractor is permitted to exploit them. In the RECORD yesterday it appears as if I meant to convey the idea that no one appeared before the Labor Committee in favor of the Booher bill except those connected with the contract convict labor plan. What I meant to say was that no one appeared in opposition to the Booher bill unless he was in some way connected with a prison having contract prison labor or else some prison where the State sold the product of their penitentiaries in the open market.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. ZIHLMAN].

Mr. JOHNSON of Washington. Mr. Chairman, may the amendment be again read?

The CHAIRMAN. Without objection, the amendment will again be read.

The amendment was again read.

Mr. WINSLOW. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CANNON. Mr. Chairman, is an amendment now in order?

The CHAIRMAN. An amendment to the amendment will be in order.

Mr. CANNON. Then I suppose an amendment to strike out the last word would be in order?

The CHAIRMAN. That would be a pro forma amendment.

Mr. CANNON. The right of amendment has not been curtailed? That is, there has been no order closing debate on this amendment?

The CHAIRMAN. The last word has been stricken out several times.

Mr. CANNON. Let us strike out the last word, and then it will be subject to further amendment. I rise to ask this question: Has the debate been closed?

The CHAIRMAN. The debate has not been closed.

Mr. CANNON. Well, until the debate is closed it is subject to amendment. Now what is the amendment upon which the vote is to be taken?

The CHAIRMAN. The debate has not been closed, but the debate on this amendment has been exhausted. The debate on the amendment to strike out the last word has been closed. The gentleman can get time for discussion on the next paragraph.

Mr. WEBB. And the gentleman from Massachusetts [Mr. WINSLOW] can get time on the next paragraph.

Mr. CANNON. I would like to have the amendment again read before a vote is taken on it.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. WINSLOW] may have opportunity to speak now for 10 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Massachusetts be permitted to proceed for 10 minutes. Is there objection?

Mr. WEBB. Reserving the right to object, there is quite a desire here on the part of Members to get through this bill as quickly as possible, and I know that my friend from Massachusetts will help it along. I wanted to ask if he could reduce his time to five minutes?

Mr. WINSLOW. If I should review all the misstatements that were made, I should need an hour. I would like to refer to a few of them, to set the Members right.

Mr. WEBB. Is the gentleman willing to take five minutes now and five minutes later?

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri that the gentleman from Massachusetts may proceed for 10 minutes?

There was no objection.

Mr. WEBB. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

Mr. CANNON. For the present I will object. I will not say that I would object after the gentleman from Massachusetts is through, but he might say something that would require an answer.

The CHAIRMAN. Without objection, the gentleman from Massachusetts will be recognized for 10 minutes.

There was no objection.

Mr. WINSLOW. Mr. Chairman and gentlemen of the House, yesterday I spoke on this subject and caused a few letters and documents to be read to the House. It did not occur to me then that I should want to use much more time, but statements made since have made me feel that I would be lax in my duty if I did not rise to the occasion.

Yesterday the gentleman from North Carolina [Mr. WEBB], chairman of the committee, made some statements which I fully believe he thinks are entirely correct, suggesting that manufacturers, if they had chosen to do so, might have obtained orders for cotton duck. He has further stated that a lot of cotton duck has been wanted in 1918, making that statement on the authority of one Mr. Albert L. Scott, chief of the division of cotton purchases, or something of that sort.

I want to give you a little history of this cotton-duck business. Last summer, in the month of August—possibly in September—I was in the office of the Quartermaster Department and there saw Gen. Sharpe. I come from a community which turns out in the way of manufactured articles something over 3,000 different items. With what I trust might be regarded as a commendable interest in my neighborhood, I proposed to the Quartermaster General that he let me know what articles he needed, in the hope that I might be able not only to get business for my own friends and constituents and citizens of this Republic, but also to help the Government in obtaining its needed supplies. Among the articles he mentioned as being most seriously desired in the immediate future and at the moment was cotton duck for tents and blankets. I thereupon communicated with the same Mr. Whittall, of whom I made mention yesterday, and he said: "It will be perfectly possible for me and for almost any other carpet maker to manufacture cotton duck by simply readjusting our machinery in order that we may comply reasonably with the requirements of the Government."

It resulted in my being pushed along the line step by step, tediously enough, but finally I wound up in what is known as the Munsey Building, that then beehive of nonaccomplishment, which we all came to know so well. [Laughter.] In due time I arrived at a department which then was presided over by Mr. Rosenwald, of Chicago, and I was ushered into the presence of Mr. Eisemann, who controlled the department which I had to deal with. He and his assistant and a couple of other men who came in intermittently said they did need tenting, and they wanted to know who this man Whittall was. I proceeded to demonstrate that he was a man capable of making duck. That resulted in Mr. Whittall being referred to a committee which did not seem to have anything to do with the Munsey Building, but had meetings in New York whenever the chairman or the secretary saw fit to hold a meeting. They had a meeting, and

as the result of Mr. Whittall's suggestion a number of carpet makers assembled there and they talked the subject over, not with the chairman of the committee, who that day was unfortunately ill, but the secretary was on the job. As I remember it, the secretary was a dealer in cotton yarn. He was there and he knew that cotton yarn was what duck had to be made of, of course, and he also found that the carpet makers could make it. That had not occurred to him before. I would not make any reference at all to what took place at that meeting with the idea of suggesting that I really know, but from hearsay I was led to believe that it was clearly understood that the carpet makers were willing to undertake to make some cotton duck. The only point of real interest in connection with that, besides the opportunity for the Government to get some duck, is the fact that shortly after cotton yarn went up several cents a pound. [Laughter.] Speaking of that, while I am on the subject, it may be interesting to the Members to hear the contents of this letter which I will ask the Clerk to read.

The CHAIRMAN. Without objection, the Clerk will read the letter.

The Clerk read as follows:

WORCESTER, MASS., *April 25, 1918.*

Hon. SAMUEL E. WINSLOW,
House of Representatives, Washington, D. C.

DEAR MR. WINSLOW: Doubtless your attention has already been called to the inflation in the price of cotton yarn compared with the price of the raw material.

One year ago, or, to be precise, April 1, 1917, cotton was selling in the neighborhood of between 18 and 19 cents per pound and we were paying at that time 25½ cents for 8/3-ply cotton yarn.

On July 1 we were paying 31 cents, and this price continued, with a little variation, until the fall, when prices commenced to soar.

November 1 we were paying 35 cents; December 1, 42 cents; January 1, 1918, 43 cents; February 1, 46 cents; March 1, 53 cents; and now, April 1, 1918, 57 cents.

At the time of the recent slump in the price of cotton, when spot cotton dropped below 30 cents, we were quoted the exorbitant price of 66 cents per pound on some 7/4-ply yarn for weaving duck for Government purposes.

We are offering these figures to you for your consideration, as we think some action should be taken by the Government to regulate the price of cotton yarn.

Very truly, yours, M. J. WHITTALL.

Mr. WINSLOW. The point of interest to those who raise cotton and vote cotton and otherwise handle cotton is that when cotton goes down cotton yarn goes up. [Laughter.] That may be a pertinent suggestion as to why some argue that we should run this plant in Atlanta.

Now, we come along to an utterance made by the gentleman from North Carolina [Mr. WEBB], in which he quotes as his authority for the fact that we are shy on cotton duck in 1913 one Albert L. Scott. The gentleman from North Carolina [Mr. WEBB] merely produces Mr. Scott as making the statement that we have been shy all the year and will be shy many millions of yards. Yet I find that in my interest to do something for the Government—yes; and for the WINSLOW constituency, so that you do not have to refer to that again—I wrote a letter to the Council of National Defense on January 9 warming up the cotton-duck dish. I will ask the Clerk to read that letter.

The CHAIRMAN. Without objection, the Clerk will read the letter.

The Clerk read as follows:

JANUARY 9, 1918.

Col. H. J. HIRSCH,
Council of National Defense, Washington, D. C.

MY DEAR COL. HIRSCH: As of the 5th of January, 1918, Mr. M. J. Whittall, a carpet manufacturer of Massachusetts, wrote a letter to you in reference to duck, etc.

I know Mr. Whittall and his manufacturing plant thoroughly. The plant is of the first order and the largest carpet mill owned by any individual in this country. Its credit and quality of management are of the best. Mr. Whittall, the head of the business, knows it as a master of his art and can and will do whatever he undertakes.

I want to commend his communication to your most careful consideration if you are in need of anything which he can make. You would be mighty fortunate if you can get him started in the production of materials of which your department stands in need, and I hope for the sake of the Government that you may be able to find a chance to associate him with the undertakings of your department.

Believe me, with compliments,

Very truly, yours, SAMUEL E. WINSLOW.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent that the gentleman be given five minutes more, so that he may complete his statement.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Massachusetts may be extended five minutes. Is there objection?

There was no objection.

Mr. WINSLOW. Twelve days later the department of which Mr. Scott is the head got around to make an answer, which I will ask the Clerk to read.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, January 21, 1918.

From: Acting Quartermaster General.
To: Hon. Samuel E. Winslow, House of Representatives, Washington, D. C.

DEAR SIR: We have your letter of January 9, addressed to Col. H. J. Hirsch, regarding the facilities of Mr. M. J. Whittall, of Worcester, Mass., as a manufacturer of duck.

Our cotton-goods section has already been in communication with Mr. Whittall and we believe that he is now making samples for the Quartermaster Corps.

We sincerely hope that the facilities which Mr. Whittall has and his abilities can be of large use to the Government at this time.

Truly, yours,

ALBERT L. SCOTT,
Chief of Division.

By direction of the Acting Quartermaster General.

Now comes Mr. Scott in a letter to the Attorney General saying that they can not get the duck. You will note Mr. Scott admitted in January, 1918, that Mr. Whittall was making samples. Mr. Whittall has written Mr. Scott and the department several times, but could get no answer from January to the latter part of April. There is rank inconsistency here somewhere; there is a deplorable state of business somewhere. It may be that Mr. Whittall did not make the right kind of material, but if he did not the department has never notified him. They have used him to make samples and then used the samples as a basis of specifications. They have never notified him that the product was not right nor that his price was not proper, but they have howled and howled and howled again, through men on this floor, that they have not been able to get duck. They do not say that it was because the price was too high or because the quality has not been satisfactory nor that they have not had the proper samples.

Mr. MADDEN. Will the gentleman permit an interruption?

Mr. WINSLOW. Yes, indeed.

Mr. MADDEN. The failure to get a reply to the correspondence indicated by the gentleman from Massachusetts can be verified by a statement I propose to make. On the 26th of March I wrote a letter to the War Trade Board. On the 6th of May I got a reply in which they complained because I had the audacity to ask them for information. They said—not in this exact language—that they did not understand why a Member of Congress should interfere with their business; that they had been instructed not to reply to letters because they wanted to conserve the use of stationery. [Laughter.]

Mr. WINSLOW. No; like the gentleman from California, I believe in a humanitarian and fair consideration for prisoners, but when it comes to the question of war necessity, on which the chairman and the committee have based their plea in one breath, following it in another by a statement to the effect that this is a humanitarian bill—if they want to discuss it as a humanitarian bill—it is to offend the good will of this House in view of our agreement not to inject nor consider bills which were not war measures during this session. If this is a proposition in which the Federation of Labor or any organization is interested in starting a propaganda, it is unfair. The discussion of such an aspect of the bill has no proper place here in a war-time period. If they bring it in as a war measure, that is another thing. I am not wishing to discuss it as a humanitarian proposition or on a general or economic basis, but I am quite prepared to show that if the Government wants to get duck, and needs it, they can get it of proper quality at a proper price and more quickly than through the establishment of a plant at the Atlanta prison.

As to quality, the Government ought to know what it wants, and as to price it has the right to control that, and is doing it in more cases than one. Instead of that the Government comes here with a proposition to establish a new mill, with 500 looms and the necessary complement of other machinery, which can not be bought and delivered for at least a year or a year and a half. All the looms—and I say it advisedly—which are to be made in this country have been ordered for upward of a year ahead.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection.

There was no objection.

Mr. WINSLOW. More than 90 per cent of the looms made in this country are made in the congressional district in which I live. On my last visit home, in connection with several lines of investigation I was making, I took up the loom proposition with the managers of the great plants there, and I found that all the machinery which they could make was spoken for and they were building over three-quarters of it for business of the

Government. If the Government can get 500 looms in the United States, they will either get secondhand discarded looms, which well-informed manufacturers would not use, or else they will go boldly to these loom works and say, "You stop making them for a private manufacturer and turn them over to us." For what purpose? Not to increase the gross output in the United States but for some reason or other, which I do not undertake to state as reflecting my judgment, and merely to establish a cotton mill in a prison as a war measure. It is the difference between tweedledum and tweedledee.

To start up a mill means to take the skilled help from some other man's mill, where skilled help is needed—a foreman here, a superintendent there, a general manager somewhere else, when every man qualified is needed where he now is for an indefinite period.

This is not a good commercial proposition. If you will meet the question fairly as a war proposition, regardless of humanitarian impulses or pretensions, regardless of political consideration, regardless of whomsoever writes letters for or against it, you have only one course, and that is in fairness to the manufacturers of this country, in fairness to general business, to vote the bill down and let existing mills which can and will manufacture duck furnish that commodity. They subscribe to the loans; they subscribe to the Red Cross. Why rob them? [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WINSLOW. They pay the taxes; they should not be pestered at this time, when we can not get along without them.

I believe I am right in saying that the business community will regard this as a direct legislative attack on the integrity of themselves, as manufacturers and producers, if, when you can add nothing to the gross production of the country, you are willing to divert machinery, skilled men, and others from private business to a Government prison plant in Atlanta. [Applause.]

Mr. REAVIS. Will the gentleman yield?

Mr. WINSLOW. With pleasure.

Mr. REAVIS. The gentleman stated this would not increase the production. As a matter of fact, would it not decrease production inasmuch as it is the intention to use these looms only to half capacity?

Mr. WINSLOW. Well, that is a mathematical proposition—it surely would. We do not want to work these boys overtime. [Laughter.]

Mr. REAVIS. Would it not further decrease production by the fact that these looms will be put in the hands of inexperienced labor?

Mr. WINSLOW. You can not tell; this is a wonderful administration, and they may fill the prison up with skilled loom operators. Who knows? [Laughter.]

The CHAIRMAN. The time of the gentleman has again expired.

The question is on the amendment offered by the gentleman from Maryland.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. ZIHLMAN) there were—ayes 38, noes 54.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. There is a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 6, strike out the figure "4" and insert the figure "3."

The amendment was agreed to.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Page 3, line 11, after the word "fund" insert the following: "and when not employed under the provisions of this section such inmates of the Atlanta Penitentiary as may be physically fit shall be assigned to work on military roads."

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. WEBB. Mr. Chairman, I make the point of order the amendment is not germane to the bill and therefore is not in order.

The CHAIRMAN. The point of order is sustained.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. It seems to me perhaps the decision was a little precipitous——

The CHAIRMAN. The gentleman will pardon the Chair; debate has been exhausted on this amendment and the amendment to strike out the last word.

Mr. MOORE of Pennsylvania. I thought the Chair recognized me, and I had started——

Mr. BLACK. Mr. Chairman, I make the point of order debate is exhausted by unanimous consent.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

SEC. 5. That there is authorized to be appropriated the sum of $650,000 for the purchase of machinery and other equipment to carry out the purposes of this act.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. ROBBINS. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Which gentleman from Pennsylvania?

The CHAIRMAN. The gentleman from Pennsylvania, Mr. ROBBINS.

Mr. ROBBINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 13, after the word "of" strike out "$650,000" and insert "$315,500."

Mr. ROBBINS. Mr. Chairman and gentlemen of the committee, it is very evident that this bill was drawn with some regard to a report filed by a commission appointed by the President of the United States under an act of the Sixty-fourth Congress, second session, which is found in House Document No. 1752. In following out that report, on the 12th of June, 1917, an act was passed appropriating $129,500 to construct a building to house this proposed cotton factory that we are going to install in the Atlanta Penitentiary. Now, that commission went into this whole question of establishing industries in Federal prisons, not only in regard to the Atlanta Penitentiary but as to the Leavenworth Penitentiary and the McNeil Island Penitentiary, and they proposed in regard to the Atlanta Penitentiary to erect a building there at a cost of $129,500, and, following that recommendation, we appropriated the money on the 16th day of June, 1917, by an act of Congress. It is proposed in this bill also to appropriate $350,000 as a working capital. Now, you come in with this bill with an appropriation of $650,000 for the purpose of purchasing machinery and equipment. If it was a good recommendation for the cost of the building, why is it not a good recommendation as to the working capital? Congress followed the recommendation of the commission as to the cost of the building, but refused to do so in other particulars.

Mr. BLACK. Will the gentleman yield?

Mr. ROBBINS. Not now; in a moment. I know the gentleman is going to get up and argue that the high cost of living comes in, but it does not come in to the extent of doubling the working capital that is needed here for this enterprise.

Working capital? Why, this committee went into the question of working capital, and it is said that the stock ought to be turned over every three months. And therefore you do not need a large working capital. This is nothing but a raid on the Treasury.

Mr. BLACK. Will the gentleman yield?

Mr. ROBBINS. No; not now. In the next item, $350,000——

Mr. BLACK. I wanted to call the gentleman's attention to the error.

Mr. ROBBINS. It was $250,000 in the report for working capital, but it is increased to $350,000 in this bill.

Mr. WEBB. Will the gentleman permit me to state——

Mr. ROBBINS. And when you come down——

Mr. WEBB. Will the gentleman permit me to state that we have provided for 140 more looms in this bill than we provided in that recommendation?

Mr. ROBBINS. That has nothing to do with working capital.

Mr. WEBB. Certainly. It requires more material to work the looms?

Mr. ROBBINS. It does not require twice as much. You are simply going ahead here to spend money recklessly. You are embarking the Government in an enterprise here to spend over $1,000,000 at this time, and to be followed by an expenditure in the other penitentiaries by establishing factories——

Mr. AUSTIN. One million two hundred thousand dollars. We added $200,000 yesterday.

Mr. ROBBINS. That is true. Now, there is not any ground for the expenditure of this large sum of money. The gentleman from California [Mr. NOLAN] makes a distinction here that this is not competition with free labor, but is a displacement of free labor. I happen to have some constituents over here in the mail-bag manufacturing and repairing department, drawing the munificent sum of $2 a day, two women, one of them having worked there for the past 12 years. She wanted a transfer

after working 12 years on repairing the dusty mail bags. I could not get anything done for her. This bill proposes, on page 2, line 1, to "manufacture mail sacks," not only make cotton duck but mail sacks as well, and, of course, it will put these people all out of employment. Whether you compete with wages or put a man or woman out of employment it has the same effect. It drives them out; it takes away their work and deprives them of their living.

There is one thing I want to say before I leave this bill in answer to the gentleman from California [Mr. NOLAN]. He made the statement that the real purpose of establishing this industry was to get a place for the soldier prisoners who will be found guilty of some crime or infraction of military law while serving abroad and who will come back after or during this war for punishment. He said that tens of thousands would come back here and serve sentences in these penitentiaries. I want to resent that statement. I have a service back of me of 16 years in the National Guard of Pennsylvania and of 11 months in the Spanish-American War, and I want to protest against the idea that anybody will be sent back under sentence for crimes committed in the service. It is a stricture on the soldiers that I resent. The statement is made without information.

And I want to say something more about the armies of the United States—and I know something about them—in this war. I have visited a number of cantonments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBBINS. Mr. Chairman, I ask unanimous consent for five minutes more. I have not taken any time on this bill before.

The CHAIRMAN The gentleman from Pennsylvania asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. ROBBINS. Last week, gentlemen of the committee, I went down to Quantico, along with a committee, to visit the camp of the Marines, a branch of the Navy of this country—8,000 of them—and when they took us from place to place around that encampment we finally passed the guardhouse, and some of us asked why they did not take us in there. We were told by the commander of those troops and by the officer of the day that they had no use for a guardhouse; that in all this tour of duty they had not had a man in it. [Applause.] Here is a branch of the United States Navy in which the discipline is so perfect, the personnel so high in character, their patriotism so great that they have no use for guardhouses or prisons. And I say here and now to the leaders of the majority of this House that Congress need not establish these prisons, need not install cotton looms in them, need not establish a cotton-duck industry in the South with the expectation that the soldiers of the United States will be sent back here and put in them to work out sentences for infraction of duty—military duty—"over there." We have gotten along very well all these years without prisons, without establishing these industries in them to compete with free labor outside.

Under the existing law, by the provisions of the act of 1900—and I refer to the Federal Statutes, on page 36—these men that serve terms in Federal prisons are furnished with a suit of clothes when they are discharged and railroad fare to their residence and $5 in money. And that is enough. And not only that; we have on the statute books a system of parole, recognized throughout the United States, and a similar provision in all the States, whereby a prisoner for good conduct reduces the sentences imposed on him. And here we propose to set all that aside.

And another matter that goes far toward the good faith of this proposition is that in this same report of the committee appointed under the act of September 8, 1916, it is proposed to pay these people who make this cotton duck and practically make the United States buy these goods, saving public money very little, if at all. This committee that had this matter in charge and investigated it under the act of 1916 reported that before you can dispose of these prison-made goods under the system that is mentioned and described in this report that it will be necessary to repeal the various laws prohibiting the sale of convict-made goods. I read from page 8 of that report:

> The various laws and Executive orders which now prohibit or restrict the purchase of prison-made goods by the Government then will have to be repealed or amended in order to make these prison industries effective.

Is there any proposition in this bill or any other bill to wipe out these laws that forbid the purchase of prison-made goods by the United States Government? Oh, no. Why not? Simply because you are going ahead here to establish an industry by the expenditure of the public money, and you do not care whether you are going to put it into effect or not. The real purpose of this bill is to create a lot of places, launch the Government on a scheme here that will not stop with the end of the war, but go on, costing the taxpayers untold thousands and thousands of dollars.

Gentlemen, the proposition is wrong. It is wrong in principle. It is bringing in competition with the free labor of the United States prison labor. More than that, it is spending in time of war large sums of the public money that is collected by the sale of bonds, by the sale of war stamps—and for what purpose? To equip penitentiaries to weave cotton duck that will come upon the public market in great abundance and thereby destroy that industry. To equip penitentiaries for the purpose of using convict labor simply to bring it into competition with the free labor and thereby degrade the free labor of our country. And to that proposition, Mr. Chairman, I am unalterably opposed.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I am in sympathy with the amendment offered by the gentleman from Pennsylvania, for the reason he has given and for others that I shall try to express.

It seems that the committee that made an investigation of this matter, and whose report has been read, recommended a much smaller amount, but the committee reporting the bill, with the feeling that now so often pervades the House—that money is coming in in immense sums, and coming easily, and other committees are recommending large appropriations, and they are being made—has thought it a good time to ask for more money than is needed.

I am a member of a committee that considers bills recommending large appropriations, and it has been our constant care to look over the estimates and make recommendations of amounts just as low as will properly meet the situation. A year ago we had before us a bill prepared by the department demanding appropriation of something like $25,000,000. The investigations of our committee showed conclusively to our minds that about $11,000,000 was all that could be properly used, and a bill carrying that amount was recommended to and passed the House. If we had listened to the recommendations of the department, if we had met their demands, we would, I believe, have wasted upward of $14,000,000, or if we had joined the rush and grab for money and more money, we would have yielded to the demand of the department and taken advantage of the careless attitude of Congress and put across an immense, an unreasonable, appropriation.

We are spending money so fast these days, appropriating much of it without proper consideration, as to appall the country, attracting the serious attention of the country, making the people resentful of the action of Congress, because it is necessary for them to go into their pockets and meet these expenditures with a heavy burden of taxation laid upon them.

I was talking only a few days ago with a distinguished gentleman from one of the Southern States who told of immense Government work going on in his district, where money was being wasted, extravagant wages paid, and extravagant profits reaped by contractors—waste everywhere. His people said to him, "Is this the wasteful way that money gathered by taxation from the people and the business of the country is being spent? And does the Government expect the people to continue to pay taxes and otherwise contribute money promptly and cheerfully? There will be loud and serious complaint if waste like this continues." It will certainly affect the morale of the people, and it will make it much more difficult for us to execute the revenue laws that we enact from time to time as it becomes necessary for us to raise and spend immense sums of money during this war. We ought to curtail expenditures wherever we can. We can do it, first, by making proper appropriations, following the reports of committees and commissions whose investigations have been thorough and proper and whose findings are not and can not be disputed. In my judgment this bill—similar bills having been before the House in times past—would not be before us now but for the feeling that this is a time to get easy money from the Treasury. Other committees are recommending large amounts. We have become accustomed to dealing with large sums of money. Money is coming in freely; it is going out freely—carelessly, even. This is evidently a time to put forward a bill and secure its enactment into law that would not be looked upon with favor at any other time. If this bill must be passed—and there seems to be a determination to pass it—we ought to scrutinize very carefully the amount it carries. Certainly we ought not to exceed the amounts estimated by those who have made calculations and know what they are talking about.

I heartily support the amendment offered by the gentleman from Pennsylvania, and trust that it will be adopted. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WEBB. Mr. Chairman, I desire to oppose the amendment with just a brief statement. It is true that the recommendation of this commission in 1916 was as has been read; but since that time the Department of Justice and those interested in this project thought that we ought to put twisters into this institution as well as looms, because twisters are easily run, and prison help can do this. The estimates call for 78 twisters in addition to what the report recommended, and those 78 twisters will cost $135,000. In addition to the 359 looms recommended by the commission this bill upon estimates provides for 500 looms. The building is ready for these looms. That is what increased the estimates beyond those recommended by the commission. Further, the cost of machinery, of course, has advanced 25 per cent since the recommendations of that commission were made.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. McLAUGHLIN of Michigan. Does not the gentleman think this is a poor time to build, then?

Mr. WEBB. No. It is the best time. Here is the Shipping Board and the War Department and the Navy Department in urgent need of cotton duck, and——

Mr. McLAUGHLIN of Michigan. And waiting four months to answer a communication in which people offered to furnish the same kind of goods.

Mr. WEBB. I do not think they are the same kind of goods needed at all.

Mr. ROBBINS. I wish to call attention to the recommendation of this commission on page 6, at the bottom of the page, where they state that "the financial interests of the Government as well as the immediate interests of the prisoners should be considered, in prudence, and the commission recommends, therefore, a start on a comparatively small scale, but with the idea of enlarging the industries as rapidly as prudent."

Mr. WEBB. This is a small scale. If there were a proposition here to work all the 1,400 prisoners in manufacturing duck, there might be some kick about it on the part of private manufacturers; but 450 men to do work that 250 men can do on the outside is a small matter to make all this talk about. It is a small experiment. You are going to work only one-sixth of all the persons in this penitentiary. I hope this experimental plant will not be further curtailed. Everybody knows that there is an acute shortage of duck down in this country. The Army has got to have it to cover the wagons and make tents, and the Navy needs it and the Shipping Board needs it. Tell me why, when everybody demands that every man who can work ought to work, the convicts ought not to be made to work to help in equipping our Government for a successful prosecution of the war? Why should not the prisoners in the penitentiaries, who are now "eating their heads off," be obliged to work to help carry on this war and support themselves?

Mr. DYER. Would the gentleman be willing to offer an amendment, or a committee amendment, limiting this project to six months after the war?

Mr. WEBB. No. As I stated a little while ago, other countries put their prisoners to work. The prisoners in England make all the mail sacks. As far as the constituents of my friend from Pennsylvania [Mr. ROBBINS] are concerned, this will not interfere in any way with them. The Atlanta Penitentiary is not going to make all the mail sacks needed.

Mr. ROBBINS. This bill proposes that it shall make mail sacks.

Mr. WEBB. Not at all. It is proposed that it shall make duck for mail sacks.

Mr. ROBBINS. Read line 9, at the bottom of page 1—"and canvas for mail sacks and for the manufacture of mail sacks."

Mr. WEBB. It would take all the 1,400 prisoners, and then you would not have enough to make the duck and the mail sacks for the Government.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word. I do not want to occupy much time on this subject, but it seems to me that it is a matter of very great interest to the people.

I have stated before that we are exacting from the people of the United States large sums of money to carry on this war. We are appealing to them to give up their money to aid the Red Cross in taking care of the sick and wounded soldiers. We are asking them to subscribe to the liberty bonds to their limit, and the administration—so I am informed through the press—are now beginning to advocate another tax law to get more money. I want to serve notice on them right now that they will get my opposition to a proposition of that kind to the fullest of my ability. We are taxing the people of this country more now in proportion to our expenditures in this war than any other people in the world are being taxed. As an illustration, from reliable estimates we will raise from taxing the people under existing law this year at least 35 per cent of our expenditures and borrow the balance of the money. Great Britain has taxed her people but 25 per cent of her expenditures. Canada has taxed her people 18½ per cent up to the 1st of January of this year, France 11 per cent, and Italy 9 per cent, while we, as I say, are raising 35 per cent of our expenditures in this war by direct taxes.

Mr. KEATING. Will the gentleman yield for a question?

Mr. FORDNEY. I will.

Mr. KEATING. What will be the total expenditures for this year?

Mr. FORDNEY. An estimate has been furnished by the administration that our expenditures will be $12,067,000,000. I think the expenditures will exceed that sum.

Mr. KEATING. Does not the gentleman know that these estimates have been tremendously increased since Secretary Baker returned from Europe?

Mr. FORDNEY. I just said that in my opinion our expenditures will exceed that sum.

Mr. KEATING. But they will very greatly exceed it.

Mr. FORDNEY. But it is conceded by the administration right now the money that will be raised under existing laws this year will far exceed the estimates made when the laws were passed nearly one year ago.

Mr. KEATING. If the gentleman will bear with me just a moment——

Mr. FORDNEY. I will.

Mr. KEATING. The gentleman is a very distinguished Member of this House, the leader of the Republican side, so far as the Committee on Ways and Means is concerned.

Mr. FORDNEY. The gentleman is very complimentary.

Mr. KEATING. I am not complimentary. I am merely stating the truth.

Mr. FORDNEY. Thank you, sir.

Mr. KEATING. And the gentleman's statement, going out to the country, deserves to carry weight. Now, the gentleman has just stated that this Government is raising, through taxation, 35 per cent of the amount that will be expended during the present year or the coming fiscal year. I think the gentleman ought to consider that statement carefully.

Mr. FORDNEY. I did carefully consider it before I made the statement.

Mr. KEATING. In view of the fact that in all probability our expenditures will be $18,000,000,000 instead of $12,000,000,000?

Mr. FORDNEY. Suppose our expenditures are $18,000,000,000?

Mr. KEATING. That would change the gentleman's 35 per cent very materially.

Mr. FORDNEY. I would not make a statement under any circumstances that I thought to be incorrect.

Mr. KEATING. I merely want to call the gentleman's attention to the figures, so that he may correct his statement.

Mr. FORDNEY. The estimates at the time these laws were passed did show that we would raise in excess of $4,000,000,000 in 1918 by taxation from the people under existing tax laws. It is now conceded the amount of money that will be paid in taxes this year will exceed those estimates from $500,000,000 to $800,000,000 without any doubt. I do not base that on theory. Therefore, the taxes that will be exacted from the people this year will be between four and a half and five billion dollars. So if our expenditures this year in this war are $18,000,000,000—and it is not yet conceded that they will be—think of the proportion that we are raising by taxes as compared with other countries in the world; and again, the gentleman must bear in mind expenditures and appropriations are two things. This $18,000,000,000 appropriations will not all be spent this year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. FORDNEY. To be exactly correct, our representatives in England report that in Great Britain 25.7 per cent of Great Britain's expenses have been raised by taxation and borrowed the balance. There is no occasion for taxing our people beyond what we have already taxed them; that has been given by the administration. It never has been done by any people of any country in the world. I have stated before on this floor, and I wish to repeat now, because some gentleman may not have heard the statement, that during the Civil War in this

country for every dollar of taxes exacted from the people of the North there were $5.09 of borrowed money.

Mr. BAER. Will the gentleman yield?

Mr. FORDNEY. I will yield to the gentleman for a brief question.

Mr. BAER. Is not the taxation lower in England because they take a greater proportion of the excess profits there than they do here in the United States? I should like to understand that, and I do not understand it.

Mr. FORDNEY. The total amount of money spent from the beginning of the war to the 1st day of January, 1918, by Great Britain is above $33,000,000,000, of which 25.7 per cent has been raised by taxes from the people for all purposes, and the remainder borrowed. Their war-profit taxes are no greater than ours. The percentages I gave for Canada, France, and Italy are correct. The balance of these expenditures has been met by borrowed money. Now, it is folly to propose to tax our people a still greater amount now, when these taxes will not be receivable until June, 1919. Why not wait until next winter or the next session of Congress, when we will better know the amount of money that will be required by our Government for the coming year before we pass such legislation?

Mr. GOOD. Will the gentleman yield?

Mr. FORDNEY. If the gentleman will be brief.

Mr. GOOD. The gentleman from Colorado must be mistaken in his estimate that we will raise 35 per cent of our expenditures by taxation.

Mr. KEATING. The "gentleman from Colorado" did not make any such statement. The gentleman from Michigan made the statement, and the "gentleman from Colorado" suggested that he might have occasion to correct that.

Mr. FORDNEY. Let me add further to my reply to the gentleman—I want to be courteous—that $18,000,000,000 the gentleman referred to includes the amount of money we are expecting to loan to the allies and covers also appropriations for the future. No, all this sum will be paid out in 1918.

Mr. KEATING. No; I do not think so.

Mr. FORDNEY. Twelve billion sixty-seven million is estimated for this fiscal year. That includes our loan of $6,000,000,000 to the allies.

Mr. KITCHIN. To be accurate, I think if you deduct the loan to the allies it will be $12,000,000,000, which was the estimate of the department 30 days ago when we had the bill up. The expenditures, including the loan to the allies, was $16,112,000,000.

Mr. FORDNEY. Let me call attention to the fact that it has been stated by the administration—and I have the figures direct—that our expenditures in round numbers are $20,000,000 a day. Figure that up and you will see that the loans to the allies are included in the estimates above given.

Mr. KITCHIN. I gave the gentleman the estimate 30 days ago; they are more now. It was $16,112,000,000, and that included the loan to the allies.

Mr. FORDNEY. Yes; in round numbers, the loans to the allies are $6,000,000,000 this year, and therefore our entire expenditure is $10,000,000,000, not including our loans to our allies, and you are going to raise half by taxes.

Mr. GARNER. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GARNER. I agree with the gentleman from Michigan that revenue legislation ought not to be had at this time.

Mr. FORDNEY. The gentleman is always right when he agrees with me.

Mr. GARNER. The gentleman is in error, however, in reference to the amount of appropriation and expenditures for the next fiscal year. In my judgment it will be over $30,000,000,000 when Congress adjourns.

Mr. KITCHIN. Thirty-one billion dollars.

Mr. GARNER. The gentleman is arguing indirectly here that we ought not to levy any more taxes. I disagree with him, but I think we can better levy the taxes at the next session, with a greater knowledge of our necessities, than we can now. I do say that in order to carry out his suggestion that 25 per cent should be raised by taxation—and I think it should be more, at least 33⅓ per cent—you will have to levy at least $2,000,000,000 more in taxes.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GARNER. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FORDNEY. Mr. Chairman, I fully agree with the gentleman from Texas, but I said 35 per cent, not 25 per cent, and he will agree with me, and does agree with me, that we ought not at this time to legislate to get money for the next fiscal year, but that we should wait, and not cross that bridge until we come to it. Now, let me go a little further. This bill at last has simmered down to this, that the advocates of this measure put the establishment of this cotton-mill plant in a Federal prison for humanitarian purposes. Oh, how generous you seem to have become to the criminals! Just at this time when we need the money so badly to support our Army in France you want to make a pleasure resort of Atlanta, Ga., for the criminals of this country, the poor devils in prison shut out from all pleasures of this earth. You want to make it as pleasant as possible for those people down there. Perhaps you figure that some of these I. W. W.'s that are running at large now will land in this prison, and you want to make a palace for them.

Mr. AUSTIN. The gentleman means a Federal prison.

Mr. FORDNEY. Yes. And you want to make a palace of the Federal prison at Atlanta, Ga., for these people. I could name a great many of them. The McNamaras are in prison. Before they were captured these men confessed to the destruction of 150 great buildings, bridges, and structures in this country, and the destruction of hundreds of lives. You want to make a summer resort for that class of criminals.

Down here at Hillsville, Va., a short time ago a family of Allens walked into the court when the law was being administered to some of their friends who had violated the law, and without a word of warning shot down the judge and the sheriff, several people in the court room, and one bullet pierced the body of a little 17 year old girl, a bystander, an innocent child. Two of these men, a son and a father, were executed; another father was sentenced to prison for life, and his boy to 20 years, and the remainder of the gang escaped. You would make Atlanta, Ga., a pleasure resort for that class of people. I only mention these things as they come to my mind quickly. The James brothers and their gang of the West who robbed one bank after another for years, shot down innocent men as they would shoot down a dog, when captured by the officers of the law and imprisoned, you in this great volume of kindness in your soul, in the goodness of your heart, for the sake of humanity, want to appropriate a million dollars of the people's money, wrung from them at this time when we are in the midst of this great war, to make a summer resort down at Atlanta, Ga., for criminals of that kind. Oh, in the language of the common people, in a slang way, you make me tired. [Laughter.] Gentlemen, I thank you.

Mr. DEMPSEY. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen, I have been in grave doubt as to how I would vote on this measure, but if there does exist, if it appeared that there did exist the emergency, the claim of the existence of which brought this measure before the House, there would be no opposition to it. Yesterday, however, we learned when the gentleman from Massachusetts was heard upon this floor, that such an emergency does not exist. We learned that no effort had been made to obtain these textiles from the mills which produce them regularly. But it seems to me that the gentlemen who have this measure in charge have made a graver failure than that of not showing it to be a military necessity. They were bound to show, in order to convince this House that this measure should pass, first, that we needed these textiles, and second, that they could be produced in this way. The weaving industry is a skilled and technical industry. Men who follow that industry follow it throughout their lives. They send way over to Scotland, England, and Ireland for trained men who do this work and bring them here and keep them for years in order that they may see that work of this kind is well done. The committee has not made a case for this reason. They have not shown the average length of the term of imprisonment of these convicts. To-day we have launched on a new method of treating criminals, the probation system; the system of allowing the prisoner at large, under the eye of the probation officer, is in vogue in our land. It is a new system; it is the system of the prison reformer. It results in indeterminate sentences, and men are kept in prisons for very short periods. They are not kept there as a rule long enough to enable them to learn such a technical business as that of weaving, and yet we propose, with no figures before this House showing the average length of term of imprisonment in the Atlanta Penitentiary, with no proof before us showing that there is one man in the Atlanta prison who knows how to weave, with no proof how long it would take a man to learn that skilled and technical business, with no proof that a man could become proficent in this work within the average length of imprisonment of these convicts, we are asked without any proof of this kind to appropriate a million dollars. I say that that shows an utter lack of foundation; of anything upon which

this committee can build any substantial basis to ask any such appropriation.

Mr. REAVIS. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. REAVIS. On the thought of equipping these men after they are out of prison, I think it is generally conceded that the most highly organized business is the cotton-textile industry.

Mr. DEMPSEY. Yes.

Mr. REAVIS. It is one of the rules of organized labor that no ex-convict can become a member. Where are they going to get a job after they are through?

Mr. DEMPSEY. That is true. That is an entirely different aspect of it, whether it is justified on humanitarian grounds of preparing the prisoner for his future life, but I say primarily they have made no case because they have not shown what the average length of imprisonment is, whether any of these prisoners are fitted for this work, what the average age is and whether at the average age they can become expert in an employment of this kind, whether they stay there long enough to learn it, and whether you can do anything whatever with this appropriation. With an utter lack of any tangible proof, without showing that the appropriation of this million dollars would be of any use whatever, with the complete failure of all these things, every item of which is necessary to make even a primary case, these men come before this committee and ask for this appropriation. I say, gentlemen, that at least this bill should be defeated now and sent back to them to take this proof and find whether there exists any one of these things upon which to base such an application. Until we have that proof we have nothing to consider. Until they come before us and present the facts there is nothing upon which to found an opinion. They come here without anything and ask that a million dollars be appropriated in these times of excessive expenditures, when each item should be scrutinized with most diligent care, and I say that under these circumstances the bill, at least for the present and until they present the proof, should be defeated. [Applause.]

Mr. TOWNER. Mr. Chairman——

The CHAIRMAN. The Chair will state that all debate on this amendment seems to be exhausted.

Mr. TOWNER. Mr. Chairman, I oppose the formal amendment which was offered by the last gentleman who offered it. Mr. Chairman and gentlemen of the committee, I want to call attention just for a few moments to some of the facts with regard to our taxation referred to by the gentleman from Michigan [Mr. FORDNEY]. The gentleman from Texas [Mr. GARNER] says that it is probable that for the next fiscal year we will be required to raise $30,000,000,000. I ask the attention of the committee to the fact that these general estimates that have been made ought to be taken with a very large grain of allowance. For the present fiscal year the estimates which were made and the appropriations and the authorizations which were made were for $21,390,000,000. Those figures were gone over carefully, and it was supposed that amount would be needed for the present fiscal year. But when the bond bill was brought in, nearer the close of the fiscal year, those estimates were reduced from $21,390,000,000 to $16,116,000,000, a reduction of over $5,000,000,000 from the estimate.

Mr. GORDON. Will the gentleman yield?

Mr. TOWNER. In just a moment, if the gentleman pleases. Now, then, of that amount of $16,116,000,000, $6,115,000,000 was loaned to foreign countries; so that the actual expenditures of the Government for all purposes was only a little over $10,000,000,000 this year. So, when the gentleman suggests that we will need $30,000,000,000, let us consider that proposition for a moment. We have agreed—and it is the general understanding and arrangement—that we are to furnish foreign nations $500,000,000 every month. That will amount to an expenditure during the next year of $6,000,000,000.

That will reduce the estimate that has been made of $30,000,000,000 to $24,000,000,000 that will be required for expenditures during the fiscal year. Now, consider $10,000,000,000 the amount that we will have expended this year, and how can it be argued that we will need to expend $24,000,000,000 next year? Gentlemen, we will not expend that amount of money. It is impossible to do so and spend it legitimately. I know expenditures will be increased over the amount expended this year. They ought to be increased. We have not spent the amount of money appropriated this year, not because we did not need the materials for which the appropriations were made, but because we could not or did not produce the material needed. I presume there is no patriotic American but would have rejoiced if the materials needed could have been provided. The reason the money was not spent was because the aeroplanes so much needed, the big guns and the machine guns we ought to have but could not get, were not obtained. The ships promised were not paid for because they were not provided.

Mr. MADDEN. They spent the aero money, did they not?

Mr. GORDON. A third of it.

Mr. TOWNER. About half of it.

Mr. GORDON. I saw a statement from the department that they spent $139,000,000.

Mr. TOWNER. The amount that was altogether appropriated was about $750,000,000. They have spent so far about $350,000,000 and the balance is unexpended.

So, gentlemen, we need not anticipate the expenditure of $24,000,000,000 for the coming fiscal year. I doubt if we will expend, and my judgment would be that we could not expend, more than $15,000,000,000 or $16,000,000,000. We shall make a large increase in the productive capacity of the Nation during the next year, but there is a limit beyond which we can not go. Besides, a large part of our expenditures made during the present year will not have to be repeated during the next year. Cantonments and training camps and shipyards will not have to be rebuilt.

Mr. GORDON. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. GORDON. Right upon that point the gentleman is now discussing, is it not just possible the increase in the Army, making a maximum of 3,000,000 men, for which the committee is asked to appropriate $15,000,000,000, may be found to be unnecessary?

Mr. TOWNER. I will say to the gentleman that we can not measure the expenditure of money beyond the productive capacity of the country. That is the thing that measures expenditures. We may say that we will have 3,000,000 men but we can not produce any more than we can produce, and that is the measure of our expenditures. We may enroll the men, but unless we arm and equip them and can transport and sustain them across the seas they will not be soldiers. But if we could arm, equip, and put in the field 3,000,000 men we would not need $30,000,000,000. Our military expenses this year will be above $8,000,000,000. With this we are promised 1,500,000 men in the field. If we double the number of men and double the expenditures we will require only $16,000,000,000 for war expenditures. If we add $6,000,000,000 for loans to our allies, we will have $22,000,000,000, or just about what was expected for this year. But if this liberal estimate is required, it will be $8,000,000,000 less than the $30,000,000,000 estimate. We can not justify piling $8,000,000,000 more taxes on the people than is needed.

Mr. WEBB. Mr. Chairman, I move that the debate on this section and all amendments thereto be now closed.

The CHAIRMAN (Mr. HAMLIN). The gentleman from North Carolina moves that the debate on this section and all amendments thereto be now closed.

Mr. MOORE of Pennsylvania. I move to strike out the section.

The CHAIRMAN. The gentleman from Pennsylvania will have the right to move to strike out the section after this motion is disposed of.

The motion is to close all debate on this section and all amendments thereto.

The motion was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The question will first come on the amendment of the gentleman from Pennsylvania to perfect the section.

The question is on the amendment of the gentleman from Pennsylvania.

Mr. ROBBINS. Mr. Chairman, if that is my amendment, I wish it to be reported again.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. ROBBINS. Division, Mr. Chairman.

The committee divided; and there were—ayes 38, noes 44.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The Chair has just been informed that there is a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 12, strike out the figure "5" and insert the figure "4."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the section. I would not want this section passed without a full understanding as to its import.

Mr. WEBB. I make the point of order that there can be no debate on this, Mr. Chairman.

Mr. MOORE of Pennsylvania. I think the gentleman is in error. I gave notice I intended to move to strike out the section, and certainly have a right to debate that, and I have been recognized for that purpose.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that the Chair stated in answer to his inquiry that he certainly would have the right to offer the motion to strike out the section, but the Chair did not say that he would have the right to debate it, because the motion pending was to close the debate on that section and all amendments thereto.

Mr. MOORE of Pennsylvania. If the Chair so holds, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, I shall urge the striking out of this section, because I would not want to have it passed without the House thoroughly understanding the effect of its action. It may be a surprise to some of the gentlemen on the other side to know that they have actually voted against the President of the United States on this section. The gentleman from Maryland [Mr. ZIHLMAN] a while ago, following an amendment offered by myself to put free labor on a fair basis with the convict labor that is to be encouraged by this bill, offered an amendment which provided that the wages paid and the hours of employment for these convicts at the Atlanta Penitentiary should be on the basis of the hours of employment in the vicinity of the penitentiary and on the basis of the wages paid outside. That was an important amendment. It was an amendment that contemplated fair treatment for free labor. It was an amendment which, as the gentleman from Maryland [Mr. ZIHLMAN] said, had the approval of Samuel Gompers, the president of the American Federation of Labor; it had the approval of Gen. Sharpe, the Quartermaster General at the time he was conferring with Mr. Gompers and other labor leaders upon this subject; it had the indorsement, by letter, of the Secretary of War, Mr. Baker, and it was passed up to the President of the United States and had his approval, his signature, in facsimile, being shown here by the gentleman from Maryland.

Mr. WEBB. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WEBB. The gentleman is discussing a section that we have already passed over.

Mr. MOORE of Pennsylvania. We have to vote upon the question of striking out the section, and I think the section should be stricken out in order to support the President of the United States. The gentleman from Maryland showed conclusively, although the majority evidently was napping at the time, that the amendment he had offered was the amendment that had the approval of organized labor, of the Secretary of War, and of the President of the United States, who attested by his signature his approval of that amendment.

Now, on yesterday the gentleman from North Carolina [Mr. WEBB]—and I do not wonder that he is concerned when we raise these questions—produced a letter from the President of the United States, saying to Mr. POU, a Member of this House, in substance, "I would like to see this bill passed." As a war measure? No; just because the President would like to see it passed; just as any Member of Congress, writing to the head of a department, would say, "I would like you to appoint this man," not for war purposes, "but because I would like to have it done." "It would please me, Mr. POU, if you would use your influence with Congress to pass this bill" was about all there was to it.

The gentleman from North Carolina yawns because of this apparent contradiction in his hitherto fine direction of this important bill in its rapid course through the House. [Laughter.] But I beg the gentleman to understand that he does not always stand with the President. Yesterday he was with him; to-day he is against him. Are we loyal to the President in this matter?

Mr. MADDEN. Would that mean that the gentleman was inconsistent or the President?

Mr. MOORE of Pennsylvania. That's a pertinent question. The gentleman from Maryland [Mr. ZIHLMAN] produced a photographic copy of a letter, signed by the President, favoring the amendment to give fair and decent treatment to labor outside of the prisons. It was dated September 17, 1917. The gentleman from North Carolina [Mr. WEBB] produced a letter yesterday that was intended to sweep the House. It was the President's letter to Mr. Pou saying this Atlanta Penitentiary bill was "an important measure" and should pass.

The secret about this measure, gentlemen, is that we are inaugurating a system of prison reform under the guise of a war measure. At the beginning we were told that we were to deal only with war measures at this Congress. But the gentlemen who want to start industries in penitentiaries in competition with free labor outside see here an opportunity to secure an appropriation of $1,300,000, or thereabouts, for the Atlanta Penitentiary, and they are willing that convict labor shall be put on an equality with free labor rather than lose it.

I wish you to take note of the scene in this House to-day when, in spite of the great game of baseball being played yonder, Members wait patiently to vote over to convict labor the privileges hitherto enjoyed by free labor in this country. [Applause.]

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the section. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That there is created a fund, to be known as the working capital, which shall be available for the carrying on the industrial enterprise authorized herein or which may be authorized hereafter by law to be carried on in said penitentiary. The working capital shall consist of the sum of $350,000, which sum is authorized to be appropriated. The receipts from the sale of the products or by-products of the said industries and the sale of condemned machinery or equipment shall be credited to the working capital fund and be available for appropriation by Congress annually for the purposes set forth in this act.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows.

Amendment offered by Mr. MOORE of Pennsylvania: Page 3, line 23, after the word "act," insert the words "until six months after the termination of the war with Germany, when the powers conferred by this act shall cease."

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment is offered for the purpose of proving this up as a war measure. [Laughter.] It has been represented as such by the committee in charge. If this is not to be permanent legislation; if the effects of it are not to pass from the Atlanta Penitentiary to the Leavenworth Penitentiary and to the other penitentiaries of the United States, then this amendment should prevail, because all war measures up to the present time, including those supported by the President, by letter or otherwise, have had some limitation placed upon them. The War Finance Corporation bill was so limited, and the other big bills brought in as war measures have been limited to a period following the close of the war, generally a six-month period. All functions were to cease within that limit of time. Now, is this a war measure? If so, what is the objection to the amendment? Why should we continue this business of setting up convict labor in the Atlanta Penitentiary to manufacture cotton duck against the free labor of the country six months after the war?

My contention is that good Democrats as well as good Republicans can not afford to take their stand to-day with the convicts against the free labor outside of the penitentiaries; but if they do this amendment will mean that the damage done by this bill, passed by an insistent majority, will be wiped out six months after the war. Convict labor will then stand as it has stood heretofore and may be given employment, but not in competition with free labor. Much of that free labor, returning from the battle fields of Europe to the United States, six months after the war, should be given a chance to earn an honorable living in an honorable way without convict competition. It doubtless will need it, and we should keep the opportunity open for it.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Pennsylvania.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 36, noes 52.

Mr. MOORE of Pennsylvania. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania demands tellers.

Tellers were ordered; and the Chairman appointed Mr. WEBB and Mr. MOORE of Pennsylvania to act as tellers.

The committee again divided; and the tellers reported—ayes 35, noes 50.

So the amendment was rejected.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Illinois moves to strike out the paragraph.

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, reference has been made quite freely in this discussion to the Booher bill. During the progress of the discussion I sent to the document room and got a copy of this Booher bill, and I have it here.

It is interesting to see just exactly what the provision is in this bill about labor in these various penitentiaries. Section 6 of the Booher bill (H. R. 9683) provides:

SEC. 6. That the Attorney General of the United States is authorized and directed to establish, equip, maintain, and operate at the United States penitentiary, Atlanta, Ga., a factory or factories for the manufacture of textiles, mail sacks, tenting, and other equipment for the use of the United States Government; and at the United States penitentiary, Leavenworth, Kans., a factory or factories for the manufacture of furniture and office equipment for the use of the United States Government; and at the United States penitentiary, McNeill Island, Wash., a pulp and paper mill for the manufacture of print and other kinds of paper for the use of the United States Government.

That bill was reported back to the House by the gentleman from New York [Mr. MAHER], chairman of the Committee on Labor, on February 22, and is report No. 336. I hold in my hand the calendar of the Committee of the Whole House on the state of the Union, and I find that this bill is No. 135 on that calendar. Five numbers further down on the calendar is the bill reported by the gentleman from North Carolina [Mr. WEBB] from the Committee on the Judiciary, which is the bill that we are now considering to-day, and which was reported to this House on the 9th day of March, at least half a month after the Booher bill was reported back to this House. The bill which we are considering provides only for the building of a cotton mill at the Atlanta Penitentiary, or the installation of the machinery there. It has been said that this bill was reported because the gentleman from Kentucky [Mr. SHERLEY], who drew it, appeared before the Committee on Rules and insisted on his bill being reported to the House, and that therefore the Committee on Rules prepared a special rule and reported it back to the House. It is fair to presume, gentlemen, that the majority party of this House, controlling the Committee on Rules, knew very well what legislation along this line was pending, and that that majority party are responsible for the presentation of this bill proposing the installation of a cotton mill at Atlanta, Ga., and disregarding the penitentiaries at Leavenworth, Kans., and at McNeill Island, Wash. The responsibility for that rests upon the majority party in this House, and it is fair to assume that it is the policy of the majority to propose that there be installed in the South, at Atlanta, Ga., this institution for humanitarian purposes, as they say, but that the penitentiary at Leavenworth, Kans., and the penitentiary at McNeill Island, Wash., shall be disregarded.

Mr. WEBB. I understand that the Republican members of the Committee on Rules voted for this rule.

Mr. GRAHAM of Illinois. I can not disagree with the gentleman as to that, because I do not know anything about the facts; but I do know that your side of the House are chargeable with the formation of the policy of this House, and that your Rules Committee, dominated by your party, have brought in this rule and have asked us on this side of the House, and the representatives of the people here, to adopt a policy putting into operation what you say are humanitarian principles down at Atlanta, Ga., and disregarding other parts of the United States where the same argument applies just as well as it does at Atlanta, Ga.

Mr. DEMPSEY. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. DEMPSEY. I desire to say that during the noon hour I took lunch with a distinguished Federal officer, about whose veracity and ability no gentleman on this floor would have any doubt, who has had joint charge with others of Federal prisons, and he said to me that the chief difficulty that they had with their labor problem where anything technical was involved was that the prisoners left about as soon as they were able to teach them how to do their work. That is just your problem here—that you are not sure that you can teach these men how to weave cotton duck within the time of the average sentence in the Atlanta Penitentiary.

Mr. SIMS. It has been said here by Mr. FORDNEY that they were put in for life.

Mr. DEMPSEY. Yes; and the probation board has the right to let them go.

Mr. GRAHAM of Illinois. I do not care to yield for general speech making. I have only a little time.

Now, let me say something else. Gentlemen, if this plea that you make here is good, it should apply everywhere. If it is good for the manufacture of cotton duck, it is good for these other things that are mentioned in this Booher bill. For instance, let me call your attention to the fact that the original proposition in the Booher bill calls for the manufacturing of textile fabrics at the Atlanta Penitentiary. It calls for the manufacture of furniture and office equipment at the Leavenworth Penitentiary for the use of the United States Government. I have gone through these new temporary and the permanent buildings here in this town, and I have seen thousands and thousands of loads of furniture delivered there, purchased some of it perhaps in Racine and at other points where there are furniture factories in this country. I dare say that the Government has paid more for desks for the use of clerks since this war began than it has paid out for cotton duck for the use of the Army. I dare say that the expenditures on that account have been greater. The same argument that applies to cotton duck also applies to furniture that is used in the offices of the Government here at Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Illinois. I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. At the United States penitentiary at McNeill Island the Booher bill provides for a pulp and paper mill for the manufacture of print and other kinds of paper. I imagine that if the figures were before us we would find that we have paid out as much for paper during the last year, or since this war broke out, as we have paid for cotton duck. I am informed that the information committee, headed by Mr. Creel, has bought and is using about 4 tons of paper a day, and that $5,000,000 has been spent for that purpose since this war broke out in the purchase of paper. It is just as essential, therefore, as a war necessity that these things be looked after; and when provision is made by the Rules Committee for the reporting of the rule making this bill in order it is just as important that the majority party in urging the advisability of adopting this legislation should also care for these other things that are also war necessities and that ought to be cared for if the argument is good at all. Now, I suggest a good thing for this House to do would be to reject this bill, and then if the Booher bill is brought in here by the Rules Committee under a special rule the matter can be considered on its merits and on the proposition to extend it to the whole country and to all the penal institutions in the United States. [Applause.]

Mr. BARNHART. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. BARNHART. It has been said that at the Leavenworth prison the building is not ready. Would the gentleman be ready to vote for an appropriation for a building that has not been built?

Mr. GRAHAM of Illinois. As to that, I am uninformed and will have to take the gentleman's word for it, but I am informed by older Members that the original building at Atlanta Penitentiary was not understood, at the time it was built, to be for the purpose of being used as a cotton mill.

Mr. BARNHART. But the building at Atlanta is ready, and they want the machinery to equip it to make duck needed by the Government. This building at Leavenworth is not ready, but as soon as it is ready probably a bill will be reported.

Mr. GRAHAM of Illinois. At the same time the argument made for this would apply to Leavenworth.

Mr. BURNETT. Will the gentleman from Illinois vote for the Leavenworth proposition?

Mr. GRAHAM of Illinois. I do not believe that is a relevant inquiry, and I do not believe it is a question that calls for a categorical answer at this time. I am attempting to discuss the bill as it stands before the House, and the question whether I would or not accept some other bill for something else has nothing to do with whether I think it advisable to adopt this bill. The question is put only to confuse and not for any purpose in assisting in the determination of the matter.

Mr. REAVIS. Mr. Chairman, I would like to be recognized in opposition to the amendment. I am a member of the Judiciary Committee and have not taken any time on the bill either in general debate or under the five-minute rule. In the committee I was opposed to this bill, and I am opposed to it now. I believe that the information given to the committee by the gentleman from Massachusetts [Mr. WINSLOW] leaves it utterly impossible for anyone to advocate the passage of this bill as a war measure. If the factories of which he told are able to furnish the duck required by the Government, there is no necessity for the equipment of this mill with machinery to utilize at the Atlanta Penitentiary. It would take several months at least, and the Government can procure the duck elsewhere without making this large expenditure.

I therefore want to devote a moment or two to the humanitarian side of this measure. I have always believed, and believe now, that penal institutions should be in harmony with the

spirit of the age; that they should be something more than a penal institution. I have always believed that it was the duty of society in general to give the inmates of the penitentiaries such care and treatment that would tend in some measure to reform them, if there is anything in the character or personality of the convict to work upon.

But, gentlemen, I have never thought that the work of convicts in a closed factory was conducive to moral improvement on the part of the convict. There are many young men, men of immature years, who are admitted into penitentiaries because of some crime that did not arise out of a criminal instinct on the part of the criminal, that involved no moral turpitude, but came from the accident of circumstance for which he was not responsible. To place a boy of that kind in a closed factory, in intimate and close relationship with hardened criminals, men who are criminals by instinct, will not reform the boy but turn him out more of a criminal than when he entered the institution.

I believe in the employment of convicts; but I believe in their employment, so far as is possible, out in the open and not in the closed factory. [Applause.] I believe it is conducive to criminality rather than reformation to employ them in a closed factory. I am not able to speak from personal knowledge. I was not in the House yesterday, having reached Washington late in the afternoon, but I read certain statements from Members of the House representing the State of South Carolina that are in harmony with the views that I have. I have read in the newspapers and heard from well-informed people that those who were accustomed to the open, who live largely in the open, whose liberty has not been taken away from them, that the experience of labor of such character in the cotton textile mills has been anything but conducive to good health.

Mr. STEVENSON. Will the gentleman yield?

Mr. REAVIS. Yes; with pleasure.

Mr. STEVENSON. Has the gentleman had his attention drawn to the fact that convicts that work in hosiery mills were under the contract system? They were hired to the contractor, which is materially different from the situation proposed here.

Mr. REAVIS. I admit the difference, but I will say that there is no one who is denied the privilege of the open air, who is incarcerated in a penitentiary and who is taken from a dark and gloomy cell, put into a textile mill, worked there during the daylight hours, hurried from there back into the cell, who can possibly be a healthy man. It is not conducive to good health. I have heard it said and have read many times that those who work in the textile mills have their health impaired, probably from the lint in the air and probably from insanitation and many other things that conspire against health.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAVIS. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. REAVIS. If a man who, after his work is over in a mill of this kind, is privileged to go to his home and work in his garden or walk on the streets with his children, who has the benefit of the sunshine and open air, if his health is impaired—and I think it very often is—what would be the effect on a man who is incarcerated in a penitentiary, herded from a cell to the factory and from the factory back to the cell?

Mr. STEVENSON. Will the gentleman yield once more?

Mr. REAVIS. I will.

Mr. STEVENSON. Speaking of the health being impaired of those who work in factories, in my district there are an enormous number of people who work in the cotton factories.

When the call to arms was made a great per cent of the young men who went as volunteers went from those factories. Those factory young men were raised right in the factory, and I want to say to you that they outclassed, according to the record of the officials who passed on and examined them, those from the farms. The surgeons passed a greater percentage of the boys who had worked in the factory every day and had begun their work there than those who came from the farms.

Mr. REAVIS. Then the logic of the gentleman's statement is that work in a textile mill is more heathful than work on a farm.

Mr. STEVENSON. I am stating that the gentleman's conclusion that it is unhealthful is not borne out by the facts.

Mr. REAVIS. My conclusion that it is unhealthful to work in mills of this kind has been repeatedly stated in textile journals and in the press.

Mr. BURNETT. Will the gentleman yield?

Mr. REAVIS. For a short question.

Mr. BURNETT. Does the gentleman quote the gentleman from South Carolina [Mr. LEVER] as having admitted that it is unhealthful to work in the textile mills?

Mr. REAVIS. No; I do not wish to be so understood. Mr. LEVER'S remarks, as I read them in the RECORD, were that he referred to the fact that work in a hosiery mill in a penitentiary had proven deleterious to the health of the convicts. That is as far, I think, as he went. Now, there is one other suggestion I want to make. I do not know that I am entirely correct in the information that has come to me, there are those on this floor who know more about it than I do—the gentleman from Colorado [Mr. KEATING] and the gentleman from California [Mr. NOLAN]—and if I am incorrect I want to be corrected. I have heard it stated repeatedly that these convicts ought to be educated in some line of employment that they could follow after they have been released from the penitentiary. I think that is a most excellent idea, but I have understood that the cotton-textile business is one of the most highly organized businesses that there is in this country, and I have understood further that it is one of the rules of organized labor that an ex-convict can not become a member of its organization. Now, if it be true that the cotton-textile business is highly organized, if it be further true that an ex-convict can not become a member of organized labor, what good will it do the convict to educate him in a business that circumstances will not permit him to follow when he is released from the penitentiary? Why not educate him, if we are to educate him at all, in an employment and business that he can follow after his release?

I believe, upon the grounds of humanitarianism, that any bill that tends to furnish employment to the convict while incarcerated is a good bill and its purpose is a good purpose; but I believe that a measure that puts those convicts in a closed factory in a textile mill, that brings into intimate association a lad who is not a criminal by instinct with a man who is a hardened criminal will absolutely destroy the boy who has gone into that penitentiary because he is a victim of circumstances. I believe for that reason, and for the further reason that the time is inopportune for a measure of this kind, that the bill should be defeated. I opposed it in the committee; I oppose it here. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WEBB. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois [Mr. GRAHAM] to strike out the section.

The question was taken, and the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. GRAHAM of Illinois), there were—ayes 37, noes 54.

So the amendment was rejected.

Mr. ROBBINS. Mr. Chairman, I have an amendment pending at the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 20, after the word "of," strike out "$350,000" and insert in lieu thereof "$250,000."

Mr. ROBBINS. Mr. Chairman and gentlemen of the committee, this amendment is offered to bring your attention back to the recommendation of this congressional commission that had this matter in charge in 1916. I want to call your attention to the men who composed this commission. It was composed of Gen. Crozier, Chief of Ordnance of the United States Army; Gen. Joseph Strauss, Chief of Ordnance of the United States Navy; J. A. Edgerton, purchasing agent of the Post Office Department; and Francis H. Duehay, superintendent of prisons of the Department of Justice. They had this matter before them. They had an appropriation of $5,000 to bear the cost of their investigation. They made a complete investigation of this whole subject, and they recommended that this item of working capital, which you have here in this paragraph, in line 20, page 3, placed at $350,000. In their report they recommended that it be fixed at $250,000. And on that item they had something to say more at length, and I read from page 7 of their report, and I call on the majority of this House here who have furnished no information whatever to us on how they had arrived at this very question of the working capital before them.

The commission say:

The commission's engineer says that the textile plant will be required to pay out for materials 60 per cent of its annual production. On the basis of one and one-half million dollars annual production this would amount to $900,000. It is reasonable to assume that this plant will be able to turn over its raw material about once every three months. The industry should have sufficient capital to carry it along for that period, namely, $225,000. To this should be added $25,000, on account of the mail-sack manufactory—

And they say they do not want to establish the mail-sack factory—

making a total capital of $250,000 for the Atlanta industries.

Now, you propose to increase this item, and I challenge the attention of the majority of this committee whether in this time of stress, in this time of collection of exorbitant taxes, to the fact that you propose to place on the taxpayers here one of these three factories that this commission recommends, at a total cost of $1,130,000. Here is what you propose to do with this one industry at Atlanta. You already appropriated $240,000 for purchase of land. Under the act of 1916 there has been appropriated $129,000 for building. You are here appropriating $650,000, under section 4, for the purchase of machinery; and $350,000 you here propose to appropriate under this section of this bill—as you intend to vote this amendment down, I know—for the working capital, making a total of the enormous sum of $1,329,000 for the establishment of this single industry in the Atlanta Penitentiary, against $695,000 that is recommended by the congressional commission appointed by this House, who, at an expenditure of $5,000, investigated the facts, or an increase in this one item, gentlemen, of $634,500 to establish a cotton-duck factory in Atlanta prison alone, to say nothing about the furniture factory that you are to establish later on over at Leavenworth, and nothing about the paper and pulp factory that you are to establish later on in the prison at McNeil Island. Because these latter two are northern industries you are throwing them out now, and spending all this money on this southern industry. What I want to challenge the attention of the majority of this committee to, and the attention of the country also to, is that you are taking war revenues that are collected here for the purpose of prosecuting this war, arming our men in the trenches, and sending them doctors and medicine, and building ships in which to carry them food, and wasting it at the rate of $1,329,000 on this single item in the very teeth and contrary to the recommendations of the commission that spent months investigating this matter, and who say, as the result of their investigation, that $695,000 is sufficient to establish this duck industry in the prison at Atlanta. If you can justify that extravagance, gentlemen, it is up to you to do so.

Mr. WEBB. I wish to say to the gentleman that it was brought out in testimony before the committee that the price of this duck is such, and that there is such a great demand for it, that this institution would pay for itself in a year and a half, and then it could be torn down, and the Government would not be out 1 cent.

Mr. ROBBINS. It was shown here by letters from gentlemen in New England, Mr. WINSLOW, and Baltimore, Mr. ZIHLMAN, that you do not need this factory at all.

Mr. WEBB. Why do not those gentlemen go down and ask for this business and get the orders?

Mr. MADDEN. Why does not the Council of National Defense answer the letters?

Mr. ROBBINS. When the Council of National Defense get letters from the private manufacturers stating that they can furnish this duck, these Government officials will not answer them. This whole scheme is a piece of useless and wasteful extravagance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ROBBINS].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. ROBBINS. Division, Mr. Chairman.

The committee divided; and there were—ayes 38, noes 57.

So the amendment was rejected.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan: Page 3, at the end of line 25 add the following as a new section:

"That at the opening of each regular session of Congress the Attorney General shall make a detailed report to Congress of the receipts and expenditures made hereunder, the quantity of material of different kinds bought or otherwise acquired and used, the number of persons employed, the hours of labor and the wages paid, the amount and kind of goods manufactured and the prices paid therefor; also, the agricultural products grown or produced on land owned or cultivated by or under the direction of the Attorney General or by the authorities of said penitentiary, the amount used therein, the amount sold, the prices and total amount received therefor.

Mr. WEBB. Mr. Chairman, I think that is a very good amendment. I have no objection, so far as the committee is concerned.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. There is a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 3, line 5, after the word "Section," strike out the figure "6" and insert in lieu thereof the figure "5."

The CHAIRMAN. Without objection, the committee amendment changing the number of the section is agreed to.

There was no objection.

The Clerk read as follows:

SEC. 7. That said working capital shall be disbursed under the direction of the Attorney General and shall be available for the purchase, repair, or replacement of machinery or equipment, for the purchase of raw materials or parts, for the employment of necessary civilian officers and employees at the penitentiary and in Washington, for the repair and maintenance of buildings and equipment, and for all other necessary expenses in carrying out the provisions of this act.

Also, the following committee amendment was read:

Committee amendment: Page 4, line 1, after the word "Section," strike out the figure "7" and insert the figure "6."

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That the products of said industries shall not be disposed of except as provided in this act.

Also the following committee amendment was read:

Committee amendment: Page 4, line 10, after the word "Section," strike out the figure "8" and insert in lieu thereof the figure "7."

The amendment was agreed to.

Mr. AUSTIN. Mr. Chairman, I would like to have the attention of the gentleman from North Carolina having this bill in charge. I wish to know if he would not accept an amendment to the effect that if the machinery and equipment can not be procured within 12 months this bill will be inoperative?

Mr. WEBB. No, sir; I could not do that.

The Clerk read as follows:

SEC. 9. That all laws and parts of laws to the extent that they are in conflict with this act are repealed.

Also the following committee amendment was read:

Page 4, line 12, after the word "Section," strike out the figure "9" and insert in lieu thereof the figure "8."

The amendment was agree to.

Mr. WEBB. Mr. Chairman, I think under the rule it is now proper for the committee to rise.

The CHAIRMAN. The Chair will suggest to the gentleman from North Carolina having charge of the bill that the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN] puts in a new section. I suggest that the gentleman ask unanimous consent——

Mr. WEBB. I think it should be at the end of the bill. The Clerk can arrange it.

The CHAIRMAN. The committee automatically rises.

Thereupon the committee rose; and Mr. KITCHIN, as Speaker pro tempore, having resumed the chair, Mr. RUBEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 8938) to equip the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Under the rule the previous question is ordered.

Mr. AUSTIN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Tennessee makes the point of order that there is no quorum present.

Mr. AUSTIN. Mr. Speaker, I withhold it for the present.

Mr. MOORE of Pennsylvania. I give notice, Mr. Speaker, that I shall offer a motion to recommit at the proper time.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. MOORE of Pennsylvania moves to recommit the bill to the Committee on the Judiciary, with instructions to report the bill back forthwith with the following amendment: Page 3, line 11, after the word "fund," insert the following words: "but such rules and regulations shall under no circumstances give to the inmates of the Atlanta Peni-

tentiary any advantage in wages or hours of labor over free labor similarly employed in Government institutions or independent manufacturing establishments."

Mr. MOORE of Pennsylvania. On that I demand the yeas and nays.

Mr. WEBB. I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania to recommit with the instructions read.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. MOORE of Pennsylvania. On that I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the yeas and nays. As many as favor taking the vote by yeas and nays will stand and remain standing until they are counted. [After counting.] A sufficient number have risen.

The yeas and nays were ordered.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. How many rose in favor of demanding the yeas and nays?

The SPEAKER pro tempore. I think about 40.

Mr. STAFFORD. That is not a sufficient number under the rules of the House.

Mr. CRISP. Under the Constitution there is required one-fifth of those present.

The SPEAKER pro tempore. There was more than one-fifth of those present.

Mr. BARNHART. I demand the other side, Mr. Speaker.

Mr. AUSTIN. I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Tennessee makes the point of no quorum.

Mr. STAFFORD. On that I make a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. The yeas and nays having been demanded, the question being taken as to whether the vote was sufficient to warrant the yeas and nays, a parliamentary inquiry was made as to whether there was a sufficient number.

The SPEAKER pro tempore. The Chair declared that there was a sufficient number.

Mr. STAFFORD. And the gentleman from Wisconsin inquired of the Chair as to what that number was, and he said "40." That was not a sufficient number if there was a full membership, and then the other side was demanded.

The SPEAKER pro tempore. The Chair was satisfied that there was more than one-fifth of the Members present in the House.

Mr. GARNER. A point of no quorum is in order at any time.

Mr. STAFFORD. I take issue with the gentleman from Texas. If the yeas and nays are refused upon demand, it is too late to make a point of no quorum to secure a record vote on the question.

The SPEAKER pro tempore. The yeas and nays were ordered. As many as favor the motion to recommit the bill will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 117, nays 142, answered "present" 2, not voting 169, as follows:

YEAS—117.

Anderson	Francis	Lonergan	Sanford
Austin	French	Lufkin	Scott, Mich.
Ayres	Glynn	Lundeen	Sells
Baer	Good	McKenzie	Smith, Mich.
Bland	Goodall	McLaughlin, Mich.	Steenerson
Brumbaugh	Graham, Ill.	Madden	Sterling, Ill.
Burroughs	Green, Iowa	Mapes	Stiness
Campbell, Kans.	Greene, Mass.	Miller, Minn.	Switzer
Cannon	Hadley	Mondell	Tague
Cary	Hamilton, Mich.	Moore, Pa.	Temple
Clark, Pa.	Hamilton, N. Y.	Moores, Ind.	Thomas
Classon	Hawley	Mott	Tilson
Cooper, W. Va.	Helvering	Nichols, Mich.	Tinkham
Cooper, Wis.	Hersey	Nolan	Towner
Cramton	Hicks	Norton	Vestal
Crosser	Hull, Iowa	Parker, N. Y.	Volgt
Currie, Mich.	Ireland	Peters	Walsh
Dale, Vt.	Johnson, Wash.	Phelan	Wheeler
Dallinger	Juul	Platt	White, Me.
Dempsey	Kearns	Purnell	Wilson, Ill.
Dominick	Keating	Ragsdale	Wingo
Dunn	Kelley, Mich.	Ramseyer	Winslow
Dyer	Kennedy, Iowa	Randall	Wood, Ind.
Ellsworth	Kennedy, R. I.	Rankin	Woods, Iowa
Elston	King	Reavis	Woodyard
Emerson	Kinkaid	Reed	Young, N. Dak.
Esch	Kraus	Robbins	Zihlman
Farr	La Follette	Roberts	
Fields	Langley	Rogers	
Fordney	Littlepage	Sanders, Ind.	

NAYS—142.

Alexander	Eagle	Lea, Cal.	Russell
Almon	Ferris	Lee, Ga.	Sabath
Ashbrook	Fess	Lesher	Scott, Iowa
Aswell	Fisher	Lever	Shackleford
Bankhead	Flood	Lobeck	Shallenberger
Barkley	Gandy	Lunn	Sherley
Barnhart	Gard	McAndrews	Sherwood
Beakes	Garner	McKeown	Sims
Black	Garrett, Tenn.	McLemore	Small
Blanton	Garrett, Tex.	Mansfield	Snook
Borland	Glass	Martin	Stafford
Brand	Godwin, N. C.	Mays	Steagall
Buchanan	Goodwin, Ark.	Merritt	Stedman
Burnett	Gordon	Moon	Sterling, Pa.
Byrnes, S. C.	Gregg	Morgan	Stevenson
Byrns, Tenn.	Hamill	Nelson	Taylor, Ark.
Candler, Miss.	Hamlin	Nicholls, S. C.	Taylor, Colo.
Caraway	Hardy	Oldfield	Thompson
Carter, Okla.	Harrison, Miss.	Oliver, Ala.	Tillman
Clark, Fla.	Hastings	Oliver, N. Y.	Venable
Claypool	Hayden	Osborne	Vinson
Cleary	Heflin	Overmyer	Volstead
Collier	Helm	Overstreet	Walton
Connally, Tex.	Hensley	Padgett	Watkins
Copley	Hilliard	Park	Watson, Va.
Cox	Houston	Polk	Webb
Crisp	Huddleston	Pou	Welling
Decker	Hull, Tenn.	Quin	Welty
Dent	Igoe	Rainey, J. W.	Whaley
Denton	Johnson, Ky.	Raker	Wilson, La.
Dickinson	Jones	Rayburn	Wilson, Tex.
Dill	Kehoe	Robinson	Wise
Dixon	Key, Ohio	Romjue	Wright
Doolittle	Kincheloe	Rouse	Young, Tex.
Doughton	Kitchin	Rubey	
Drane	Larsen	Rucker	

ANSWERED "PRESENT"—2.

Booher	Dowell

NOT VOTING—169.

Anthony	Estopinal	Kiess, Pa.	Sanders, N. Y.
Bacharach	Evans	Knutson	Saunders, Va.
Bell	Fairchild, B. L.	Kreider	Schall
Beshlin	Fairchild, G. W.	LaGuardia	Scott, Pa.
Blackmon	Fairfield	Lazaro	Scully
Bowers	Flynn	Lehlbach	Sears
Britten	Focht	Linthicum	Shouse
Brodbeck	Foss	Little	Siegel
Browne	Foster	London	Sinnott
Browning	Frear	Longworth	Sisson
Butler	Freeman	McArthur	Slayden
Caldwell	Fuller, Ill.	McClintic	Slemp
Campbell, Pa.	Fuller, Mass.	McCormick	Sloan
Cantrill	Gallagher	McCulloch	Smith, Idaho
Carew	Gallivan	McFadden	Smith, C. B.
Carlin	Garland	McKinley	Smith, T. F.
Carter, Mass.	Gillett	McLaughlin, Pa.	Snell
Chandler, N. Y.	Gould	Magee	Snyder
Chandler, Okla.	Graham, Pa.	Maher	Steele
Church	Gray, Ala.	Mann	Stephens, Miss.
Coady	Gray, N. J.	Mason	Stephens, Nebr.
Connelly, Kans.	Greene, Vt.	Meeker	Strong
Cooper, Ohio	Griest	Miller, Wash.	Sullivan
Costello	Griffin	Montague	Sumners
Crago	Harrison, Va.	Morin	Sweet
Curry, Cal.	Haskell	Mudd	Swift
Dale, N. Y.	Haugen	Neely	Talbott
Darrow	Hayes	Olney	Templeton
Davidson	Heaton	O'Shaunessy	Timberlake
Davis	Heintz	Paige	Treadway
Delaney	Holland	Parker, N. J.	Van Dyke
Denison	Hollingsworth	Porter	Vare
Dewalt	Hood	Powers	Waldow
Dies	Howard	Pratt	Walker
Dillon	Humphreys	Price	Ward
Donovan	Husted	Rainey, H. T.	Wason
Dooling	Hutchinson	Ramsey	Watson, Pa.
Doremus	Jacoway	Riordan	Weaver
Drukker	James	Rodenberg	White, Ohio
Dupré	Johnson, S. Dak.	Rose	Williams
Eagan	Kahn	Rowe	
Edmonds	Kelly, Pa.	Rowland	
Elliott	Kettner	Sanders, La.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. COADY with Mr. DILLON.

Mr. HOLLAND with Mr. FREAR.

Mr. SCULLY with Mr. DENISON.

Mr. STEPHENS of Mississippi with Mr. TIMBERLAKE.

Mr. EAGAN with Mr. CARTER of Massachusetts.

Mr. HOOD with Mr. HEATON.

Mr. ESTOPINAL with Mr. WALDOW.

Mr. KELLY of Pennsylvania with Mr. JAMES.

Mr. BOOHER with Mr. TREADWAY.

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. TALBOTT with Mr. BROWNING.

Mr. SEARS with Mr. DOWELL.

Mr. BESHLIN with Mr. ANTHONY.

Mr. BRODBECK with Mr. BOWERS.

Mr. CAMPBELL of Pennsylvania with Mr. BRITTEN.

Mr. CANTRILL with Mr. BROWNE.

Mr. STEELE with Mr. BUTLER.

Mr. CALDWELL with Mr. CHANDLER of New York.

Mr. CAREW with Mr. CHANDLER of Oklahoma.
Mr. CARLIN with Mr. COOPER of Ohio.
Mr. CHURCH with Mr. CRAGO.
Mr. CONNELLY of Kansas with Mr. COSTELLO.
Mr. DELANEY with Mr. DARROW.
Mr. DEWALT with Mr. DAVIDSON.
Mr. DIES with Mr. DAVIS.
Mr. DOOLING with Mr. ELLIOTT.
Mr. DOREMUS with Mr. BENJAMIN L. FAIRCHILD.
Mr. FLYNN with Mr. FAIRFIELD.
Mr. FOSTER with Mr. FOCHT.
Mr. GALLAGHER with Mr. FOSS.
Mr. HARRISON of Virginia with Mr. FREEMAN.
Mr. JACOWAY with Mr. GARLAND.
Mr. HUMPHREYS with Mr. GILLETT.
Mr. KETTNER with Mr. GOULD.
Mr. LINTHICUM with GRAHAM of Pennsylvania.
Mr. MCCLINTIC with Mr. GRAY of New Jersey.
Mr. GRAY of Alabama with Mr. GREENE of Vermont.
Mr. LONDON with Mr. HAUGEN.
Mr. MAHER with Mr. HAYES.
Mr. MONTAGUE with Mr. MAGEE.
Mr. NEELY with Mr. MASON.
Mr. OLNEY with Mr. MEEKER.
Mr. PRICE with Mr. HUSTED.
Mr. HENRY T. RAINEY with Mr. MORIN.
Mr. RIORDAN with Mr. HUTCHINSON.
Mr. SAUNDERS of Virginia with Mr. MUDD.
Mr. SCHALL with Mr. PAIGE.
Mr. SHOUSE with Mr. KAHN.
Mr. SLAYDEN with Mr. PORTER.
Mr. CHARLES B. SMITH with Mr. KIESS of Pennsylvania.
Mr. STEPHENS of Nebraska with Mr. PRATT.
Mr. SULLIVAN with Mr. LEHLBACH.
Mr. SUMNERS with Mr. LONGWORTH.
Mr. VAN DYKE with Mr. MCARTHUR.
Mr. WALKER with Mr. MCFADDEN.
Mr. WHITE of Ohio with Mr. MCKINLEY.
Mr. O'SHAUNESSY with Mr. SANDERS of New York.
Mr. SHOUSE with Mr. SLOAN.
Mr. DONOVAN with Mr. SNELL.
Mr. DALE of New York with Mr. STRONG.
Mr. EVANS with Mr. SWEET.
Mr. GRIFFIN with Mr. WASON.
Mr. THOMAS F. SMITH with Mr. WILLIAMS.
Mr. HOWARD with Mr. FULLER of Illinois.

On this vote:

Mr. MCCULLOCH (for) with Mr. DUPRÉ (against).

Mr. WATSON of Pennsylvania (for) with Mr. WEAVER (against).

Mr. RAMSEY (for) with Mr. ROWE (against).

Mr. GALLIVAN (for) with Mr. SIEGEL (against).

Mr. BLACKMON (for) with Mr. LAZARO (against).

Mr. BELL (for) with Mr. BACHARACH (against).

Mr. DOWELL. Mr. Speaker, I desire to inquire if the gentleman from Florida, Mr. SEARS, has voted?

The SPEAKER pro tempore. He has not.

Mr. DOWELL. I am paired with the gentleman from Florida, Mr. SEARS. I desire to withdraw my vote of "yea" and to be recorded "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors. The question is on the passage of the bill.

Mr. WEBB and Mr. DYER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 181, nays 74, answered "present" 4, not voting 171, as follows:

YEAS—181.

Alexander	Carter, Okla.	Doughton	Good
Almon	Cary	Drane	Goodwin, Ark.
Anderson	Clark, Fla.	Eagle	Gordon
Ashbrook	Classon	Ellsworth	Gregg
Aswell	Claypool	Elston	Hamill
Ayres	Cleary	Emerson	Hamlin
Bankhead	Collier	Esch	Hardy
Barkley	Connally, Tex.	Ferris	Harrison, Miss.
Barnhart	Cooper, Wis.	Fess	Hastings
Beakes	Copley	Fields	Hawley
Black	Cox	Fisher	Hayden
Bland	Cramton	Flood	Heflin
Blanton	Crisp	Francis	Helm
Borland	Crosser	French	Helvering
Brand	Decker	Gandy	Hensley
Brumbaugh	Dent	Gard	Hilliard
Buchanan	Denton	Garner	Houston
Burnett	Dickinson	Garrett, Tenn.	Huddleston
Burroughs	Dill	Garrett, Tex.	Hull, Tenn.
Byrns, Tenn.	Dixon	Glass	Igoe
Candler, Miss.	Doolittle	Godwin, N. C.	Ireland
Johnson, Ky.	Miller, Minn.	Randall	Thomas
Jones	Mondell	Rayburn	Thompson
Keating	Moon	Roberts	Tillman
Kehoe	Moores, Ind.	Romjue	Van Dyke
Kelley, Mich.	Morgan	Rouse	Venable
Kennedy, Iowa	Nelson	Rubey	Vinson
Key, Ohio	Nichols, Mich.	Russell	Volstead
Kincheloe	Nolan	Sabath	Walton
King	Norton	Scott, Iowa	Watkins
Kinkaid	Oldfield	Scott, Mich.	Watson, Va.
Kitchin	Oliver, Ala.	Shackleford	Webb
La Follette	Oliver, N. Y.	Shallenberger	Welling
Larsen	Osborne	Sherley	Welty
Lea, Cal.	Overmyer	Sherwood	Wilson, La.
Lee, Ga.	Overstreet	Sims	Wilson, Tex.
Lobeck	Padgett	Small	Wingo
Lunn	Park	Snook	Wise
McAndrews	Platt	Stafford	Woods, Iowa
McKeown	Polk	Steagall	Wright
McLemore	Pou	Stedman	Young, N. Dak.
Mansfield	Quin	Stephens, Miss.	Young, Tex.
Mapes	Ragsdale	Stevenson	Zihlman
Martin	Rainey, J. W.	Taylor, Ark.	
Mays	Raker	Taylor, Colo.	
Merritt	Ramseyer	Temple	

NAYS—74.

Austin	Greene, Mass.	Lundeen	Sterling, Ill.
Baer	Hadley	McKenzie	Sterling, Pa.
Byrnes, S. C.	Hamilton, Mich.	McLaughlin, Mich.	Stiness
Campbell, Kans.	Hamilton, N. Y.	Madden	Switzer
Cannon	Hersey	Moore, Pa.	Tague
Clark, Pa.	Hicks.	Mott	Tilson
Cooper, W. Va.	Hull, Iowa	Nicholls, S. C.	Tinkham
Dale, Vt.	Johnson, Wash.	Parker, N. Y.	Towner
Dallinger	Juul	Peters	Vestal
Dempsey	Kearns	Phelan	Whaley
Dominick	Kennedy, R. I.	Purnell	Walsh
Dunn	Kiess, Pa.	Reavis	Wheeler
Dyer	Kraus	Reed	White, Me.
Farr	Langley	Robbins	Wilson, Ill.
Fordney	Lesher	Rogers	Winslow
Glynn	Lever	Sanders, Ind.	Wood, Ind.
Goodall	Littlepage	Sanford	Woodyard
Graham, Ill.	Lonergan	Sells	
Green, Iowa	Lufkin	Smith, Mich.	

ANSWERED "PRESENT"—4.

Britten	Currie, Mich.	Dowell	Rankin

NOT VOTING—171.

Anthony	Elliott	Kettner	Rucker
Bacharach	Estopinal	Knutson	Sanders, La.
Bell	Evans	Kreider	Sanders, N. Y.
Beshlin	Fairchild, B. L.	LaGuardia	Saunders, Va.
Blackmon	Fairchild, G. W.	Lazaro	Schall
Booher	Fairfield	Lehlbach	Scott, Pa.
Bowers	Flynn	Linthicum	Scully
Brodbeck	Focht	Little	Sears
Browne	Foss	London	Shouse
Browning	Foster	Longworth	Siegel
Butler	Frear	McArthur	Sinnott
Caldwell	Freeman	McClintic	Sisson
Campbell, Pa.	Fuller, Ill.	McCormick	Slayden
Cantrill	Fuller, Mass.	McCulloch	Slemp
Caraway	Gallagher	McFadden	Sloan
Carew	Gallivan	McKinley	Smith, Idaho
Carlin	Garland	McLaughlin, Pa.	Smith, C. B.
Carter, Mass.	Gillett	Magee	Smith, T. F.
Chandler, N. Y.	Gould	Maher	Snell
Chandler, Okla.	Graham, Pa.	Mann	Snyder
Church	Gray, Ala.	Mason	Steele
Coady	Gray, N. J.	Meeker	Steenerson
Connelly, Kans.	Greene, Vt.	Miller, Wash.	Stephens, Nebr.
Cooper, Ohio	Griest	Montague	Strong
Costello	Griffin	Morin	Sullivan
Crago	Harrison, Va.	Mudd	Sumners
Curry, Cal.	Haskell	Neely	Sweet
Dale, N. Y.	Haugen	Olney	Swift
Darrow	Hayes	O'Shaunessy	Talbott
Davidson	Heaton	Paige	Templeton
Davis	Heintz	Parker, N. J.	Timberlake
Delaney	Holland	Porter	Treadway
Denison	Hollingsworth	Powers	Vare
Dewalt	Hood	Pratt	Voigt
Dies	Howard	Price	Waldow
Dillon	Humphreys	Rainey, H. T.	Walker
Donovan	Husted	Ramsey	Ward
Dooling	Hutchinson	Riordan	Wason
Doremus	Jacoway	Robinson	Watson, Pa.
Drukker	James	Rodenberg	Weaver
Dupré	Johnson, S. Dak.	Rose	White, Ohio
Eagan	Kahn	Rowe	Williams
Edmonds	Kelly, Pa.	Rowland	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ROBINSON with Mr. GRIEST.

Mr. RUCKER with Mr. STEENERSON.

Mr. CARAWAY with Mr. WARD.

Mr. LINTHICUM with Mr. TIMBERLAKE.

On this vote:

Mr. SIEGEL (for) with Mr. GALLIVAN (against).

Mr. DUPRÉ (for) with Mr. MCCULLOCH (against).

Mr. BACHARACH (for) with Mr. BELL (against).

Mr. ROWE (for) with Mr. RAMSEY (against).

Mr. WEAVER (for) with Mr. WATSON of Pennsylvania (against).

Mr. LAZARO (for) with Mr. BLACKMON (against).

Mr. HICKS. Mr. Speaker, the gentleman from New York [Mr. SNYDER] is unavoidably absent. If present he would vote "no."

Mr. BRITTEN. Mr. Speaker, I was not in the Hall when my name was called, and I wish to be recorded as present.

Mr. CURRIE of Michigan. Mr. Speaker, I was not in the Hall when my name was called, and I wish to be recorded as present.

Mr. CARAWAY. Mr. Speaker, I wish to vote "aye."

The SPEAKER pro tempore. Was the gentleman in the Hall and listening when his name was called?

Mr. CARAWAY. I was not.

The SPEAKER pro tempore. The gentleman has not qualified himself to vote.

The result of the vote was then announced as above recorded.

On motion of Mr. WEBB, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE HOUSING BILL—CONFERENCE REPORT (NO. 539).

Mr. CLARK of Florida. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 10265, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 40.

That the House recede from its disagreements to the amendments of the Senate numbered 3, 6, 7, 9, 13, 14, 16, 18, 19, 20, 21, 22, 23, 24, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Amend title of bill to read as follows: "An act to authorize the President to provide housing for war needs"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment, after the word "dwelling," insert the following: "or place of abode"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: On page 3, line 2, of the bill, after the word "thirty-three," insert the following: "except the Maltby Building"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: ": *Provided*, That before any sale is consummated the same must be authorized by Congress"; and the Senate agree to the same.

FRANK CLARK,
JOHN L. BURNETT,
R. W. AUSTIN,
Managers on the part of the House.
CLAUDE A. SWANSON,
JAS. A. REED,
CHARLES CURTIS,
Managers on the part of the Senate.

STATEMENT.

Senate amendment No. 1 clothes the President with authority to administer the law instead of the Secretary of Labor, as the original House bill provided. Nos. 18, 19, 21, 23, 30, 31, 32, 34, and 35 were absolutely necessary to carry into effect the change made by amendment No. 1.

Senate amendments Nos. 2, 8, 10, 12, 15, 25, and 26 were amendments striking from the bill the authority to provide "local transportation and other community facilities" in the several ways stated in the bill. Your conferees agreed to recede from the House disagreement to these several amendments with an amendment as follows: To restore the matter stricken out by the Senate amendment in each case so as to read as follows: "local transportation and other general community utilities." The original bill provided for the authority to purchase, lease, etc., "local transportation and other community facilities," and the bill as now agreed on by the conferees provides the authority to purchase, lease, etc., "local transportation and other general community utilities."

Senate amendment No. 11 provides that colleges, museums, libraries, State or municipal buildings, the furnishings in private dwellings, and occupied dwellings or places of abode shall not be taken under the powers granted in the bill except by contract, unless the necessity therefor shall be determined by the judge of a circuit or district court having jurisdiction on petition filed, due notice given, etc.

Amendment No. 16 provides that no loan under the act shall be made for less than 5 per cent per annum, and that no loan shall be made, or house or money given to anyone not an American citizen.

Amendment No. 22 strikes out the proviso to the effect that the powers authorized in the bill should not be exercised in the housing of Government employees in the District of Columbia, except upon detailed estimates and appropriations for such purpose. As the bill, in another portion, provides for detailed reports of all acts under the bill, this was not deemed necessary, and particularly when the President is to administer the law himself.

FRANK CLARK,
JOHN L. BURNETT,
R. W. AUSTIN.
Managers on the part of the House.

Mr. CLARK of Florida. Mr. Speaker, I desire to state that this report is a unanimous agreement by all the conferees.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. MOORE of Pennsylvania. A large number of Members have gone away with the understanding that there would be no further business following the Atlanta Penitentiary bill. I do not want to raise the question of no quorum, but I want to know if the gentleman would state that there is any urgency for the consideration of the report at this late hour.

Mr. CLARK of Florida. This matter has been pending here several days. There is absolutely no objection to the bill now

on the part of anybody. I do not know of any opposition to it. The organization for carrying into effect the provisions of the bill has been practically perfected. Many persons have been engaged, and they are ready to go to work. The whole business is at a standstill.

Mr. MOORE of Pennsylvania. Is there any reason why, if the gentleman has precedence on Monday, it can not go over?

Mr. CLARK of Florida. I can not see any possible reason why it should go over. I think there is another matter of very great importance set for Monday.

Mr. MOORE of Pennsylvania. Is it a matter of convenience to the gentleman or his committee?

Mr. CLARK of Florida. No; I do not want to put it on that ground. I will stay here as long as it is necessary. It is for the interest of the public business that the bill should be disposed of as early as possible, and, as I say, I know of no opposition to it on either side of the House.

Mr. GARNER. May I say, without the permission of the gentleman from Florida, that it would be of very great convenience to him if the matter could be agreed to to-day? It is a unanimous report of the conferees of both House and Senate, and no fundamental difference between the two Houses.

Mr. WALSH. The gentleman does not mean to say that there was no opposition to it in the House?

Mr. GARNER. No; but there was a complete agreement between the conferees of the Senate and the House.

Mr. WALSH. That was between the conferees, but when it was up in the House there was opposition to it.

Mr. SMITH of Michigan. I call for the regular order.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to address the House for one minute.

Mr. CLARK of Florida. I will yield to the gentleman from Tennessee.

Mr. AUSTIN. When the bill was disposed of in the House there were only 17 votes against it. When it went to conference Senator CURTIS, of Kansas, and myself were the two Republican members of the conference committee. There was a full, complete, and unanimous agreement on all items passed upon by the conferees, and this bill is an improvement over the bill we passed in the House.

Mr. GREEN of Iowa. Very much.

Mr. AUSTIN. Very much.

Mr. SMITH of Michigan. That bill was passed upon full hearings which had been had for a long time and available, and still there is no objection?

Mr. AUSTIN. That covered several days and were very exhaustive, and there is a pressing and immediate necessity for action on this measure. I know that from information furnished me by various Government officials.

Mr. MOORE of Pennsylvania. The gentleman was a minority conferee?

Mr. AUSTIN. I was.

Mr. MOORE of Pennsylvania. Will he permit me to ask the gentleman from Florida in his time if the gentleman from Florida intends to briefly explain the changes which have been made?

Mr. CLARK of Florida. I do not want to take any more time than is necessary.

Mr. MOORE of Pennsylvania. I said "briefly," although there are two or three changes which are important.

Mr. CLARK of Florida. The statement explains it and it has been read. The main point at issue was the question of who should administer the law. The House bill provided that the Secretary of Labor should administer it, and the Senate struck out the Secretary of Labor and substituted the President. The other amendments were more particularly to the frame of the bill itself with reference to the choice of words. For instance, the Senate thought that the word "otherwise" in one part of the bill should be stricken out and the word "gift" should be substituted. In that section of the bill which provided for the acquiring of property the House bill provided that we acquire by purchase, lease, requisition, condemnation, or "otherwise." The Senate took the position that there could be no other way except by gift, and they struck out the word "otherwise" and substituted the word "gift." Now, there was another proposition. The House bill provided for the acquiring of "local transportation and other community facilities." The Senate struck that out of the bill and in conference the House receded with an amendment and we made it to read, "local transportation and other general community utilities," leaving out the word "facilities," which was objected to. Now, those are the main questions which were in issue.

Mr. BURNETT. And it was also provided that there should be no private residences taken?

Mr. CLARK of Florida. Yes.

Mr. BURNETT. So as to prevent the commandeering of private residences?

Mr. MOORE of Pennsylvania. In the case of private dwellings there must be court proceedings before the property is taken?

Mr. CLARK of Florida. In the case of occupied private dwellings, they could not be taken without due notice and proceedings in court and a hearing.

Mr. MOORE of Pennsylvania. Private owners are protected in that respect?

Mr. CLARK of Florida. Yes.

Mr. MOORE of Pennsylvania. May I ask as to one other amendment. I understand that permanent as well as temporary buildings are now provided for, is that correct?

Mr. CLARK of Florida. Yes; if the President, in his judgment, thinks it for the best interest of the Government, permanent buildings can be constructed.

Mr. RAKER. The conferees agreed to the Senate amendment, line 3, page 1, striking out "the Secretary of Labor" and putting the whole control of the bill in the hands of the President?

Mr. CLARK of Florida. Yes.

Mr. RAKER. When the gentleman started to make his explanation of the report, he stated that the organization had already been completed to carry out the purposes of this bill?

Mr. CLARK of Florida. Practically, as I understand.

Mr. RAKER. That means that the work really will be done by the Department of Labor?

Mr. CLARK of Florida. I think the President will use the organization which has been provided to carry out the purposes of the bill.

Mr. RAKER. So, as a matter of fact, the House idea and the Senate idea are practically carried out in this, and the Department of Labor will be called upon to assist the President?

Mr. CLARK of Florida. Exactly.

Mr. COOPER of Wisconsin. The gentleman has omitted to make mention of amendment 36, which to me seems one of the most important in the whole bill, and which I think ought to be retained:

> And all contracts to be awarded to the lowest responsible bidder, the Government reserving the right to reject any and all bids.

I think that is one of the most important in the bill.

Mr. CLARK of Florida. Yes. I want to state, Mr. Speaker, that the House provision was that the Secretary should notify and consider at least three responsible bidding contractors. The Senate amended that so as to require that the contracts should be let to the lowest responsible bidder. That was considered, and the House agreed to it. Mr. Speaker, I move that the conference report be adopted.

The question was taken, and the conference report was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, Mr. DOMINICK was granted leave of absence for one week.

ADJOURNMENT.

Mr. GARNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until Monday, May 13, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury transmitting copy of a communication from the Secretary of War submitting deficiency estimates of appropriation required by the War Department for the fiscal year 1918 (H. Doc. No. 1100); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation required by the Treasury Department for the fiscal year ending June 30, 1919 (H. Doc. No. 1101); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of War, submitting a deficiency estimate of appropriation required by the Medical Department of the Army for the medical necessities of the military forces for the fiscal year 1918, and to remain available during the fiscal year 1919 (H. Doc. No. 1102); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10748) to repeal section 896 of the code of law of the District of Columbia, reported the same without amendment, accompanied by a report (No. 557), which said bill and report were referred to the House Calendar.

He, also, from the same committee, to which was referred the bill (H. R. 10893) to repeal and annul certain parts of the charter and lease granted and made to the Washington Market Co. by act of Congress entitled "An act to incorporate the Washington Market Co.," approved May 20, 1870, reported the same without amendment, accompanied by a report (No. 558), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10230) granting a pension to Henry T. Kinkade; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11840) granting a pension to Eugenie Schottmueller; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOTT: A bill (H. R. 12055) to grant furloughs and free transportation to enlisted men in the military service to visit their homes; to the Committee on Military Affairs.

By Mr. KEHOE: A bill (H. R. 12056) requiring all registered alien enemies to wear an identification button; to the Committee on Military Affairs.

By Mr. CONNALLY of Texas: A bill (H. R. 12057) providing for the forfeiture of naturalization of naturalized aliens who may be convicted for the violation of any provision of the act of April 20, 1918, or the act of June 15, 1917, or acts amendatory of either of said acts, and declaring any alien convicted for a violation of either of said acts or amendments thereto ineligible for naturalization; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 12058) to prohibit the sale of intoxicating liquors on trains of railroads while under Federal control; to the Committee on Interstate and Foreign Commerce.

By Mr. SLOAN: A bill (H. R. 12059) giving certain soldiers and sailors of the Civil War a pensionable status and granting them pensions; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 12060) granting an increase of pension to John Tish; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 12061) granting a pension to Katie B. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12062) granting an increase of pension to Nancy Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12063) granting a pension to Moses Cunningham; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 12064) granting a pension to Laura A. Ooley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12065) granting an increase of pension to William H. Rodenbeck; to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 12066) granting a pension to John Collins; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 12067) granting an increase of pension to Edward Schrum; to the Committee on Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 12068) to correct the military record of Edward C. Jacobs; to the Committee on Military Affairs.

Also, a bill (H. R. 12069) for the relief of Harry E. Fisk; to the Committee on Claims.

Also, a bill (H. R. 12070) granting a pension to Bessie A. Whipple; to the Committee on Pensions.

By Mr. HADLEY: A bill (H. R. 12071) granting a pension to Mary E. Heywood; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 12072) granting a pension to Mrs. Orrange Florence Lucile Powell; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 12073) granting an increase of pension to Mathew Gullett; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 12074) granting a pension to John N. Ritchie; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 12075) granting an increase of pension to Francis M. Hawkingbery; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 12076) granting a pension to Peter Urban; to the Committee on Pensions.

Also, a bill (H. R. 12077) granting a pension to Eby A. Tillery; to the Committee on Pensions.

Also, a bill (H. R. 12078) granting a pension to Henry Flachmeyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12079) granting an increase of pension to Robert G. Ardrey; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 12080) granting an increase of pension to William L. Pratt; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 12081) granting an increase of pension to Martha R. Been; to the Committee on Invalid Pensions.

By Mr. BARNHART: Concurrent resolution (H. Con. Res. 41) authorizing the printing of the journal of the national encampment of the Grand Army of the Republic; to the Committee on Printing.

By Mr. McLEMORE (by request): Concurrent resolution (H. Con. Res. 42) authorizing the appointment of Arthur MacDonald as statistician of Congress; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DRUKKER: Memorial of the Common Council of the city of Elizabeth, N. J., favoring legislation prohibiting the publication and distribution of newspapers, periodicals, and pamphlets in the German language for the duration of the war; to the Committee on the Judiciary.

By Mr. ESCH: Resolutions of the Washington Board of Trade, relative to the policy of the Government as to Federal appropriations for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of many citizens of Taylor, Wis., asking for prohibition as a means of saving foodstuffs; to the Committee on the Judiciary.

By Mr. HUTCHINSON: Memorial of the Common Council of the city of Elizabeth, N. J., favoring legislation prohibiting the publication and distribution of newspapers, periodicals, and pamphlets printed in the German language for the duration of the war; to the Committee on the Judiciary.

By Mr. LINTHICUM: Memorial of the Boston Federation of Labor, asking for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, petition of the J. G. Valiant Co., Baltimore, Md., against the passage of Senate bill 3076 and House bill 9863, proposing to establish furniture factories in prisons; to the Committee on Labor.

By Mr. REED: Evidence to accompany House bill 12049, granting a pension to Elizabeth F. Humbert; to the Committee on Invalid Pensions.

By Mr. SABATH: Resolutions of the Allied America Association and of the Press Club of Chicago, favoring House bill 3233 or other legislation establishing an agricultural reserve force; to the Committee on Agriculture.

Also, resolution of the Chamber of Commerce of the United States of America, favoring the installment payment of income and excess-profits taxes; to the Committee on Ways and Means.

Also, memorial and resolutions of the Chamber of Commerce of the United States of America, urging the development of the water power of the country; to the Committee on Water Power.

Also, resolution of the Chicago Federation, replying to the charges made by Senator Sherman concerning loyalty of labor; to the Committee on the Judiciary.

By Mr. SANDERS of New York: Petition of the Methodist Episcopal Church of Pavilion, N. Y., urging the passage by Congress of a national war prohibition measure, preventing the use of foodstuffs for the manufacture of intoxicating beverages, and limiting liquors on hand to nonbeverage uses; to the Committee on Military Affairs.

Also, petition of the Mutual Friends Club, of Perry, N. Y., composed of 50 ladies, protesting against the zone system of postage for periodicals; to the Committee on Ways and Means.

SENATE.

MONDAY, *May 13, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

We thank Thee, our Heavenly Father, for the consolations of Thy grace. At this time of great anxiety, with the increasing burdens and distress of nations, we rejoice that we can turn to Thee and find comfort in that grace which is able to help in time of need. Thou art our refuge and strength, a very present help in trouble. O God, do Thou make us profoundly grateful for our exalted privileges and may we never fail to lay claim upon the provisions of Thy grace. Give us good cheer amid the world's dread frown. Give us calm composure amid the strife and tumult of nations. Give direction to all our efforts, and do Thou rule and overrule all the affairs of the nations at war for the betterment of mankind and for the extension of Thy Kingdom. We ask it for Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

The message also announced that the House had passed a bill (H. R. 8938) to equip the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. FLETCHER. I present a petition of citizens of Tallahassee, Fla., and also of the Orlando Board of Trade, of Florida, which I ask to have printed in the RECORD.

There being no objection, the petition and resolution were ordered to be printed in the RECORD, as follows:

TALLAHASSEE, FLA., *May 7, 1918.*

Hon. DUNCAN U. FLETCHER, Hon. PARK TRAMMELL, Hon. WALTER KEHOE, Hon. H. J. DRANE, Hon. FRANK CLARK, Hon. W. J. SEARS,
Washington, D. C.:

We, the undersigned citizens of Tallahassee and Florida, hereby urge you to use every means within your power to oppose the passage of the following provisions in the pending naval appropriation bill, viz:

"That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonuses or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

We feel that the United States Government should be free to take any action which will speed up the work at the munitions plants, shipbuilding plants, and various industries manufacturing war materials of any and every description, and if it be necessary to stimulate production to offer any cash or other bonuses as rewards of merit and patriotism, this matter should be left entirely within the jurisdiction of the proper officials, who shall act only under the authority of President Wilson.

We deprecate any attempt, under whatever guise, to hamper or cripple the efforts of our Government at this critical time, and urge you, as true Americans, to stand by the President in this matter and to oppose any bill which carries within its provisions any power whatsoever that can lower the efficiency and retard the speed of war preparations. The honor of our country must be backed by our every dollar and our utmost personal support.

W. CLAY CRAWFORD,
Secretary of State
(And others).

THE ORLANDO BOARD OF TRADE,
Orlando, Fla., May 9, 1918.

Hon. D. U. FLETCHER,
Washington, D. C.

DEAR SIR: At a meeting of the directors of the Board of Trade of Orlando, Fla., it was resolved that we urge upon you the necessity of defeating that provision of the pending naval appropriation bill which has for its object the nullifying of any efficiency methods affecting employees engaged on Government work, and you are hereby urged to use your best efforts to that end.

H. H. DICKSON, *President.*
W. S. DE WITT, *Secretary.*

Mr. SMITH of Georgia. I present resolutions of the National Woman's Party of the ninth congressional district of Georgia, which they ask to have printed in the RECORD, and I ask it, also.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

Whereas the women of this country are called upon to cooperate in war for democracy, and our allies, deep in this war, are enfranchising women:

Resolved, That we, in mass meeting assembled, May 2, 1918, believing in a "government of the people, by the people, and for the people," call upon you to vote in favor of the Susan B. Anthony amendment.

Mrs. W. I. HOBBS,
Chairman National Woman's Party,
Ninth Congressional District, Georgia.

Mr. SMITH of Georgia. I present a memorial of the Rome (Ga.) Chamber of Commerce, which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

Resolution of the Rome Chamber of Commerce.

Whereas the Chamber of Commerce of the United States, assembled in its war convention in Atlantic City last September, urged as a war measure the prompt improvement of public highways; and

Whereas the transportation requirements of the country, due to the war, can be only met by complete coordination of the carrying capacities of railroads, highways, and waterways; and

Whereas there has developed in our country a tremendous increase in highway transportation for the haulage of munitions, foodstuffs, and essential supplies; and

Whereas we recognize the necessity of a Federal war-time policy in respect to highway improvement, permitting the various States to immediately formulate a definite highway program: Therefore be it

Resolved, That we urge upon the Federal Government and the several States the importance of adopting a program that will insure adequate highway construction and maintenance, so that our highways may properly carry their share of the burden of transportation; and be it further

Resolved, That we urge upon the President and the Members of Congress the creation of a centralized Federal authority to determine the highway policy of our Government, with power to determine the highway administration of that policy.

Mr. VARDAMAN. I ask to have inserted in the RECORD, without reading, resolutions adopted at a meeting of De Soto Camp, United Confederate Veterans, No. 220, of Hernando, Miss., indorsing the administration.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

HERNANDO, MISS., *May —, 1918.*

At a regular meeting of De Soto Camp, United Confederate Veterans, No. 220, May 6, 1918, the following resolution was adopted by rising vote:

We, the De Soto County Confederate veterans, in annual meeting assembled, resolved, and we do hereby reaffirm and reiterate, that we tender our services and every energy to President Woodrow Wilson in his noble and patriotic defense of our Government in the defense of right and justice of humanity, in democratic promises of freedom and liberty, against absolutism, monarchy, materialism, and atrociousness of German despotic Kaiserism.

W. L. GLENN, *Commander.*

Mr. NELSON presented resolutions adopted by the Slovenian Republican Alliance, of Eveleth, Minn., pledging allegiance to the United States, the President, and the Government in the prosecution of the war, which were referred to the Committee on Foreign Relations.

He also presented a petition of George A. Morgan Post, No. 4, Grand Army of the Republic, Department of Minnesota, of Minneapolis, Minn., praying for an increase of pension to veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Rochester, Minn., and the petition of W. E. Ziegler, of Aurora, Minn., praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. TOWNSEND presented a petition of the Chamber of Commerce, of Jackson, Mich., and a petition of the Rotary Club, of Ypsilanti, Mich., praying for the enactment of legislation to provide adequate construction of public highways, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of James B. Brainerd Post, No. 11, Grand Army of the Republic, Department of Michigan, of Eaton Rapids; of Farragut Post, No. 32, Grand Army of the Republic,

Department of Michigan, of Battle Creek; and of Joseph R. Smith Post, No. 76, Grand Army of the Republic, Department of Michigan, of Monroe, all in the State of Michigan, praying for increase in pensions to veterans of the Civil War, which were referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Chicago, Ill., praying for enactment of legislation to provide adequate construction of public highways, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Federation of Woman's Clubs, of Detroit, Mich., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was ordered to lie on the table.

Mr. THOMPSON presented a petition of the Brotherhood Sunday School Class of the Methodist Episcopal Church, of Winfield, Kans., and a petition of the Commercial Association, of Winfield, Kans., praying that Congress arrange with the Governments of all the allied nations for a day of fasting and prayer, which were referred to the Committee on the Judiciary.

Mr. FERNALD presented a petition of the faculty and students of Bates College, of Lewiston, Me., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. COLT. I present a resolution adopted by the General Assembly of the State of Rhode Island and Providence Plantations, which I ask to have printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

[State of Rhode Island and Providence Plantations. January session, A. D. 1918. H. 866. (Mr. Peck, of Barrington.) Approved Apr. 19, 1918.]

Resolution indorsing the proposed council of States on the establishment of a definite relationship between sources of Federal and State revenues and providing for official representation therein.

Whereas at a congress of States convened at Atlanta, Ga., in connection with the Eleventh National Conference on Taxation, in November, 1917, a resolution was adopted favoring the organization of a council of States for the purpose of considering the relationship between Federal and State sources of revenue, with a view to determining what sources should be reserved for State purposes and what sources should be regarded as exclusively for the purposes of Federal Government; and

Whereas the said congress of States, with an official representation from 43 States, was convened with the sanction of the President of the United States; and

Whereas it is designed that the proposed council of States shall be convened under the authority of the State legislatures in order that its conclusions can be presented to the several States and to the Congress of the United States with the force of official authority and with better prospects for the enactment of the necessary legislation for carrying its recommendations into effect; and

Whereas the preparations for the said council of States, including the selection of a suitable date, have been placed in charge of a general committee, of which Hon. Walter E. Edge, governor of New Jersey, is chairman; Hon. Hugh Dorsey, governor of Georgia, is first vice chairman; Hon. Carl E. Milliken, governor of Maine, is second vice chairman; Edward A. Dixon, chairman of the California State Tax Commission, is treasurer-secretary; and Charles J. Tobin, secretary-treasurer of the New York State Tax Association, is assistant secretary: Therefore be it

Resolved, That the General Assembly of the State of Rhode Island hereby respectfully urges upon the Congress of the United States and upon the legislatures of the several States the passage of the necessary legislation to insure a representation on behalf of the Federal Government and of the several States at the proposed council of States.

Resolved, That his excellency the governor be, and he hereby is, authorized and empowered to appoint delegates to represent the State of Rhode Island officially at said proposed council of States.

Resolved, That a copy of these resolutions be forthwith transmitted by the secretary of State to the President of the United States, to the Members of the Congress of the United States from the State of Rhode Island, and to the chairman of the general committee.

A true copy.

Attest:

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. COLT presented resolutions adopted by the General Assembly of the State of Rhode Island, favoring the repeal of the present zone system of postage rates on second-class mail matter, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 4498) to amend section 13 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, reported it without amendment and submitted a report (No. 438) thereon.

Mr. WEEKS, from the Committee on Military Affairs, to which was referred the bill (S. 1879) for the relief of John C. Hesse, reported it without amendment and submitted a report (No. 439) thereon.

He also, from the same committee, to which was referred the bill (S. 3410) for the relief of Charles Mace, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (S. 72) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States, reported it with an amendment.

Mr. WADSWORTH, from the Committee on the Library, to which was referred the bill (S. 4423) relating to the deposit of copyrighted books upon medical and allied subjects, reported it without amendment and submitted a report hereon.

BRIDGE IN SOUTH CAROLINA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 4445) granting the consent of Congress to Marion and Horry Counties, S. C., to construct a bridge across Little Peedee River, and I submit a report (No. 437) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. SMITH of Georgia introduced a bill (S. 4533) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which was read twice by its title and referred to the Committee on the Judiciary.

SCHOOL LAND IN SANDERS COUNTY, MONT.

Mr. MYERS. Mr. President, on Saturday afternoon in my absence, at the request of the esteemed Senator from North Dakota [Mr. MCCUMBER], the Senate very kindly, by unanimous consent, took up and passed a little bill of mine to sell at their appraised value some town lots in Bowdoin, Mont., to a church organization at that place for church purposes, Senate bill 4154. I desire to express my very warm appreciation for the great kindness of the distinguished Senator from North Dakota and to the Senate as well. The most kindly action of the Senator from North Dakota is very warmly appreciated by me, as is the kindness of the Senate. I take this occasion to thank the Senators, and particularly the Senator from North Dakota. It was very good of all concerned.

The Senate was so good to me on Saturday in passing my bill for the sale of some town lots to a church that I am encouraged now to ask of it another favor—one very similar. There is a little bill on the calendar, Senate bill 933, to authorize the Secretary of the Interior to issue patent for certain land to school district No. 9 of Sanders County, Mont. The land is by existing law set aside for public purposes. The Secretary of the Interior is in favor of giving the land for school purposes, but says it requires an act of Congress to cause the land to be conveyed to the school district and to be dedicated to that particular use—education. The citizens there want to build a schoolhouse and they are ready and anxious to begin, but they can not until authority is given. I ask unanimous consent for the immediate consideration of the bill.

Mr. GALLINGER. I shall not object to the Senator's request after the routine morning business is completed, but I must object now.

Mr. ASHURST. Mr. President, I do not rise to object, but I think by objecting we may go to the calendar when the morning business is closed. I hope that we may have an hour and a half for the consideration of the calendar this morning, because there is a large number of bills on the calendar similar to this one that ought to have attention.

Mr. GALLINGER. The regular order!

Mr. ASHURST. I hope this bill will go through; but I trust we may have an hour and a half for the calendar this morning after we get through with the morning business.

Mr. MYERS. I would not make my request if I thought there would be any chance for a call of the calendar this morning, but I do not believe there will be. I have given up hope of the calendar being called again this session.

COST OF AGRICULTURAL IMPLEMENTS.

Mr. THOMPSON. Mr. President, I should like to call up Senate resolution 223 for completion. It is a resolution to require the Federal Trade Commission to investigate the high cost of farming implements. I have had it up twice, but certain objections were raised to some features of the resolution on the Republican side of the Chamber, which I have agreed to eliminate in order to get it passed, although I would prefer to leave the resolution as originally drawn. The resolution as

amended simply states in general terms what I tried to describe specifically. If I can get the resolution up, I think it can be put to a vote and carried speedily.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I have no objection to taking up the resolution provided the Senator will accept the amendment I suggested.

Mr. THOMPSON. I am willing to do that to get it passed speedily, as I deem it of great importance to get the information called for as soon as possible. After conference I have agreed to the amendments suggested by the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Utah [Mr. SMOOT]. It is only a question of making those amendments and getting a vote.

Mr. FLETCHER. I do not desire to object, but I wish to give notice that following the unfinished business, the Post Office appropriation bill, I shall move to take up the river and harbor bill.

The VICE PRESIDENT. Is there objection to the consideration of Senate resolution 223? The Chair hears none.

Mr. THOMPSON. I send to the desk the amendments I have agreed upon with the Senators on the other side who objected to certain provisions in the resolution. I am willing to make the amendments.

Mr. GALLINGER. Let the resolution be read as the Senator from Kansas proposes to amend it.

Mr. THOMPSON. The Senator from New Hampshire will observe, and also the Senator from Utah, that I have amended the resolution in accordance with my verbal agreement with them.

The Secretary proceeded to read the resolution as amended.

Mr. SMOOT. The word "manufacture" should be stricken out before "production, or supply of any of the articles enumerated."

Mr. THOMPSON. The word "manufacture" makes it plainer.

Mr. SMOOT. No; I do not think it will make it plainer.

Mr. THOMPSON. Production includes manufacture.

Mr. SMOOT. Then let it include it, if it does so. Let it read "prices, production, or supply of any of the articles enumerated as follows."

Mr. THOMPSON. Very well.

The Secretary resumed and concluded the reading of the resolution as proposed to be amended, which is as follows:

Resolved, That the Federal Trade Commission be, and it is hereby, directed, under the authority of the act entitled "An act to create a Federal Trade Commission, to define its purposes and duties, and for other purposes," approved September 26, 1914, to investigate and report to the Senate the cause or causes for the high prices of the articles hereinafter mentioned required to be bought and used by the farmers of the country on the farms, and to investigate and report the facts relative to the existence of any unfair methods of trade or competition by manufacturers and dealers in any of the articles hereinafter mentioned in respect to any act, combination, agreement, or conspiracy to restrict, depress, or control the prices, production, or supply of any of the articles enumerated as follows, to wit:

Agricultural implements and machinery of every kind and description.

And that the Federal Trade Commission report whether, under the facts found, the farmers are required to pay an unreasonable price for the things they are required to purchase and use on the farms in the production of food products, and whether they are thereby prevented from making a fair profit for their labor and money expended toward production.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

WAR-RISK INSURANCE.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended. The bill was unanimously reported with certain amendments by the Finance Committee of the Senate, and it is a matter of great importance.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. JONES of Washington. The bill ought to be read.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment was, on page 1, line 11, after the word "Samoan," to strike out "armed" and insert "native," and in the same line, after the word "guard," to strike out "of the Navy" and insert "and band," so as to read:

That section 200 of the act entitled "An act to authorize the establishment of a bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, is hereby amended to read as follows:

"SEC. 200. That the provisions of this article shall apply to all enlisted men in the military or naval forces of the United States, except the Philippine Scouts, the insular force of the Navy, and the Samoan native guard and band."

The amendment was agreed to.

The next amendment was, in section 9, page 6, line 23, after the word "children," to strike out the numerals "$47.50" and to insert "$42.50," so as to read:

(c) if there is a widow and two children, $42.50, with $5 for each additional child up to two.

The amendment was agreed to.

The next amendment was, in section 11, page 9, after line 2, to insert:

(h) To an injured person who is totally disabled and in addition so helpless as to be in constant need of a nurse or attendant such additional sum shall be paid, but not exceeding $20 per month, as the director may deem reasonable: *Provided, however*, That for the loss of both feet, or both hands, or both eyes, or for becoming totally blind or helpless and permanently bedridden from causes occurring in the line of duty in the service of the United States, the rate of compensation shall be $100 per month: *Provided further*, That no allowance shall be made for nurse or attendant.

The amendment was agreed to.

The reading of the bill was continued to the end of section 13, page 9, line 19.

Mr. SMOOT. After the section just read I move to insert, after line 9, the amendment I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. On page 9, after line 19, it is proposed to insert as a new section the following:

SEC. 14. That section 312 of said act is hereby amended to read as follows:

"SEC. 312. That compensation under this article shall not be paid while the person is in receipt of service or retirement pay. The laws providing for gratuities or payments in the event of death in the service and existing pension laws shall not be applicable after the enactment of this amendment to any person in the active military or naval service on the 6th day of October, 1917, or who thereafter entered the active military or naval service, or to their widows, children, or their dependents, except in so far as rights under any such law have heretofore accrued."

Mr. SMOOT. I will say to the Senator from Mississippi that the only amendment of the present law proposed by the amendment which I have offered is the insertion of the word "active" before the word "military."

Mr. WILLIAMS. Mr. President, I understand the amendment which is proposed by the Senator from Utah. The Committee on Finance has agreed to such an amendment, and has merely left it to the Senator from Utah to draw it. On behalf of the committee I accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

Mr. LEWIS. Mr. President——

Mr. WILLIAMS. We are not yet through with the bill.

Mr. LEWIS. I want to address myself to a feature of the bill. I shall only occupy a moment of time. I merely wish to do so when it is agreeable to the Senator. I thought the Senator had concluded this bill for consideration.

Mr. WILLIAMS. The reading of the bill has not yet been finished.

Mr. LEWIS. I understood the reading of the bill had been concluded. Am I in error?

The VICE PRESIDENT. The reading of the bill has not yet been concluded.

The next amendment of the Committee on Finance was, in section 14, page 10, line 23, after the word "paid," to insert "and in that event the amount of the monthly installments shall be apportioned between them as may be provided by regulation," so as to make the proviso read:

Provided, however, That not more than 240 of such monthly installments, including those received by such person during his total and permanent disability, shall be so paid; and in that event the amount of the monthly installments shall be apportioned between them as may be provided by regulation.

The amendment was agreed to.

The next amendment was, in section 15, page 11, line 1, after the word "section," to strike out "17" and to insert "14," and in line 15, after the word "section," to strike out "17" and insert "14," so as to make the section read:

SEC. 15. That section 14 of this act amending the automatic insurance provisions of section 401 of the act approved September 2, 1914, as amended, shall be deemed to be in effect as of October 6, 1917: *Provided*, That nothing herein shall be construed to interfere with the payment of monthly installments, authorized to be made under the provisions of said section 401 as originally enacted, for the months up to and including June, 1918: *Provided further*, That all awards of automatic insurance under the provisions of such section 401 as originally enacted shall be revised as of the 1st day of July, 1916, in accordance with the provisions of said section 401 as amended by section 14 of this act.

The amendment was agreed to.

The next amendment was, in section 16, page 11, line 17, after the word "effect," to strike out "on the 1st day of July, 1918," and to insert "upon and from the date of its passage, except that sections 1 to 5, both inclusive, shall take effect upon the 1st day of July, 1918," so as to make the section read:

SEC. 16. That this act shall take effect upon and from the date of its passage, except that sections 1 to 5, both inclusive, shall take effect upon the 1st day of July, 1918.

The amendment was agreed to.

Mr. LEWIS. Mr. President, I have prepared an amendment to this measure, and had intended to press it, when I discovered that it embodies much which might occupy time this morning, and that would be rather unfair to other business.

I desire now to say that I feel this bill as now presented ought to comprehend all the employees of the Government, particularly those in shipyards, and those in munition plants, and that it should cover the employees of the Government to the same extent and with the same advantages that now apply to soldiers. I shall not press the amendment, but I will give notice that I shall tender a bill to extend this soldiers' risk insurance to all the employees of the Government. I also give notice that I shall follow that bill with a bill to extend the system to all wage earners of the United States of America, and shall present it later on the floor in full; but because of the consideration of the conference report, as well as of the desire of the Senator from Mississippi to press this particular measure at this time, I withhold the amendment which previously I had given notice that I would now present. I do so for the reasons I have stated.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARTICLE BY CHARLES WARREN.

Mr. SWANSON. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

Mr. THOMAS. Will the Senator yield to me?

Mr. SWANSON. I yield.

Mr. THOMAS. Mr. President, the New York Times yesterday contained an article from the pen of Mr. Charles Warren, formerly Assistant Attorney General of the United States, entitled "Lincoln's despotism as critics saw it in 1861." In view of the present tendency to assail the President of the United States and to object to the conferring upon him of needed war powers, a contrast is presented by this article in that it gives the experiences of Abraham Lincoln at a similar crisis in our country's history. I ask unanimous consent, therefore, that the article be inserted in the RECORD without reading.

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. I will ask the Senator if he has looked into the matter at all to know whether it is a fair presentation of the subject?

Mr. THOMAS. I have read it with a great deal of interest. I know a good part of it to be authentic, and I have no doubt the remainder is.

Mr. GALLINGER. Some of us who lived in the days of Lincoln did not suppose he was a despot, which, I judge from what the Senator has stated, is indicated in this article.

Mr. THOMAS. Well, that is true; and yet a great many Members of Congress, both Republican and Democratic, the latter preponderating, thought so then.

Mr. GALLINGER. Yes, of course; they thought a great many bad things about Lincoln.

Mr. THOMAS. As they are now thinking a great many bad things about the present President of the United States.

Mr. GALLINGER. Just one other observation. I do not know anybody who is making an attack upon the present Chief Executive. I do not discover it.

Mr. THOMAS. There have been such attacks.

Mr. GALLINGER. They are not made here; they are not made in the other House; and they are not made in the public press.

Mr. THOMAS. There have been no personal characterizations of the President up to this time, fortunately, as there were of the acts of Mr. Lincoln; but the tendency is in that direction. In any event, I regard this article at present quite opportune.

Mr. GALLINGER. Well, Mr. President, I do not object to it going in for what it is worth; but I have some doubt as to its authenticity.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 12, 1918.]

LINCOLN'S "DESPOTISM" AS CRITICS SAW IT IN 1861—CRITICISM OF MR. WILSON'S VAST WAR POWER RECALLS ATTACK ON CIVIL WAR PRESIDENT—BLOCKADE, MARTIAL LAW, AND SEIZURE OF RAILROADS AND TELEGRAPH LINES WERE ASSAILED, BUT CONGRESS RATIFIED THEM.

(By Charles Warren, ex-Assistant Attorney General of the United States.)

[Charles Warren, the writer of this article, ceased to be Attorney General Gregory's assistant after showing active interest in Senator CHAMBERLAIN'S court-martial bill, which Mr. Wilson strongly opposed. Senator CHAMBERLAIN withdrew the bill after the President had denounced it in a letter to Senator OVERMAN.]

Frequent criticism is heard to-day of "arbitrary power" given to or asked by the President. Talk is rife of "one-man power," "dictatorship," "autocratic government," and the like.

Political memories in this country are short. Few recall that similar criticisms, charges, and attacks were made, 55 years ago, upon President Lincoln, though they were more violent and expressed in far more savage and unrestrained language.

Who now recalls that on the floor of Congress Lincoln was termed again and again "tyrant," "usurper," "despot"—as "absolute as the Czar of Russia"? Senator after Senator charged that for much less arbitrary acts kings of England and France had lost their heads. One of them termed Lincoln "the most weak and imbecile man" he had ever met. Benjamin R. Curtis, a former justice of the United States Supreme Court, described Lincoln's powers as "a military despotism." (Curtis pamphlet on Executive Power, Oct. 18, 1862.) And Joel Parker, a former chief justice of the Supreme Court of New Hampshire, wrote, November 1, 1862, that "the President is not only a monarch, but that he is an absolute, irresponsible, uncontrollable government; a perfect military despotism."

A foreign observer, Schleiden, wrote to Charles Sumner: "One of the most interesting features of the present state of things is the unlimited power exercised by the Government. Mr. Lincoln is, in that respect, the equal, if not the superior, of Louis Napoleon. The difference consists only in the fact that the President rests his authority on the unanimous consent of the people of the loyal States, the Emperor his on the army." (Rhodes's History of the United States, III, p. 442.)

WHY CONGRESS YIELDS.

The fact was (and probably always will be in time of war) that while the President then was strong with the Congress, he was stronger still with the people, and that Congress, while balking at the grant of the wide and "arbitrary" powers asked for, knew that the people demanded that Congress should back up the people.

Who now recalls that it was prophesied in the Senate that when Abraham Lincoln should go out of office "the whole country, except thieves, public plunderers, officeholders, and the tools of powers, will rejoice"?

Who now recalls that the national-bank act was attacked because it concentrated "the money power" in the hands of the President?

Who now recalls that President Lincoln was charged with either remaining purposely in ignorance or else disregarding the sentiment of the country? Yet Senator Grimes, of Iowa, wrote to Secretary Chase, July 29, 1862 (Salter's Life of James W. Grimes):

"I need not tell you that the expressions of confidence in the management of the President, his prudence, sagacity, etc., are in a measure enforced, and proceed from the confessed necessity of supporting him as the only tangible head of the loyal Government, and not from any real confidence in his wisdom. * * * It is folly to disregard the sentiment of the country in such time as this—it is worse; it is wickedness. Either Mr. Lincoln disregards it or else he willfully keeps himself in ignorance of it."

What most extreme pessimist of to-day could more despair of war conditions than did Grimes in a letter to Senator Fessenden, November 13, 1861?

"The truth is we are going to destruction as fast as imbecility, corruption, and the wheels of time can carry us: * * * the flood of corruption that is sweeping over the land and perverting the moral sense of the people. The Army is in most inextricable confusion and is every day becoming worse and worse."

POWER NOT PERPETUATED.

The following is a brief summary of congressional attacks upon President Lincoln in the Thirty-seventh Congress (1861–1863) for the "arbitrary" powers which he asked from Congress, and which he did not hesitate to exercise when necessity demanded, even without congressional legislation. Those who fear loss of American liberties at the present time may note that in a government by the people Executive power in time of war does not tend to perpetuate itself on the return of peace, for none of the direful prophecies as to the permanent results of Lincoln's acts upon the framework of our liberities were ever realized.

Four statutes gave rise to special condemnation in the Thirty-seventh Congress:

First. The railroad and telegraph act of January 31, 1862, chapter 15 (12 Stat. L., 334), by which the President was authorized to take possession of any or all the telegraph lines and railroads, and to place under military control all their officers, agents, and employees, and under which persons attempting to interfere with their use or to injure their property in places where the laws of the United States were opposed or obstructed by insurgents too powerful to be suppressed by the ordinary course of judicial proceedings, were triable by court-martial. Under this act a military director and superintendent of railroads was appointed February 11, 1862, and 2,600 miles of railroad were operated.

Second. The confiscation act of July 17, 1862, chapter 195 (12 Stat. L., 589), by which penalties were prescribed for treason and giving aid and comfort to any rebellion, and the slaves of persons convicted were freed, and under which property of all persons giving such aid and comfort was to be confiscated.

Third. The conscription act of March 3, 1863, chapter 75 (12 Stat. L., 731).

Fourth. Suspension of the habeas corpus act of March 3, 1863, chapter 81 (12 Stat. L., 755), authorizing the President to suspend the privilege

of the writ of habeas corpus and requiring discharge under certain conditions of all persons held prisoners by order of the President, Secretary of State, or Secretary of War.

In addition to opposition to these legislative measures, bitter attacks were made upon President Lincoln's censorship of the telegraph, censorship of the press, and military arrests.

CENSORSHIP IN 1861.

As early as April, 1861, the Government assumed conclusive control of telegraph lines leading from Washington, at first through the Treasury Department, later through the War Department, and finally through the State Department. By his order of July 8, 1861, the Secretary of War forbade any dispatches relative to the operations of the Army not permitted by the commanding general. By his order of October 22, 1861, the Secretary of State prescribed that all telegraphic dispatches from Washington "which relate to the civil or military operations of the Government," excepting Associated Press dispatches, should be prohibited. (See House Rept. No. 64, Mar. 20, 1862, 37th Cong., 2d sess.) By his order of February 25, 1862, the Secretary of War forbade all newspaper editors and publishers to publish any intelligence received by telegraph or otherwise respecting military operations, unless expressly authorized by the War Department or commanding generals. The newspapers were also dealt with under the fifty-seventh article of war, which was directed against "holding correspondence with, or giving intelligence to, the enemy, either directly or indirectly."

The acts of President Lincoln which occasioned the most bitter onslaughts were the arrests made under his authority, on orders from the Secretary of State and the Secretary of War, and the refusal of the military guards of prisoners so arrested to recognize writs of habeas corpus. Arrests of this nature were deemed necessary by the President at the outset of the war, and were continued until by Executive order of February 14, 1862, issued in the name of the Secretary of War, all political or State prisoners then held in military custody were ordered to be released on subscribing to a parole to render no aid or comfort to the enemy, and it was provided that "extraordinary arrests will hereafter be made under the direction of the military authorities alone." On September 24, 1862 (two days after his Emancipation Proclamation), President Lincoln, without any congressional authorization, issued a proclamation suspending the writ of habeas corpus in respect to all persons arrested by any military authority, and providing for trial by court-martial of all persons "discouraging volunteer enlistments, resisting militia drafts or guilty of any disloyal practice, affording aid and comfort to rebels against the authority of the United States."

LIMBERING UP THE GUNS.

The attacks upon the President began as soon as the Thirty-seventh Congress convened in extra session on July 4, 1861. Senate resolution No. 1 was introduced to ratify various acts of the President since the outset of the war—one of these acts being his authorization, April 27, 1861, of the commanding general to suspend the writ of habeas corpus "at any point on or in the vicinity of any military line" between Philadelphia and Washington.

Senator Kennedy, of Maryland, July 10, termed it "an exercise of arbitrary power."

Senator Polk, of Missouri, said:

"This plea of necessity is the tyrant's plea the world over, and has been in all ages the tyrant's plea for the prostration of civil liberty."

Although the actions of the President in calling out troops and increasing the size of the Regular Army, and enforcing blockades, were vigorously criticized, Congress finally confirmed them in a short statute—the act of August 6, 1861, c. 63 (12 Stat. L., 326), legalizing and making valid all the acts, proclamations, and orders of the President after March 4, 1861, "respecting the Army and Navy of the United States, or calling out or relating to the militia or volunteers from the States."

At the second session of the Thirty-seventh Congress a resolution was introduced December 16, 1861, by Senator Trumbull, of Illinois, calling upon the Secretary of State for information as to persons arrested. Senator Trumbull said: "The despot creeps upon the people unawares * * * under the plea of necessity."

Senator Grimes, of Iowa, said, January 14, 1862: "When, for the first time in six months, I attempted to approach the footstool of the power enthroned at the other end of the Avenue, I was told that the President was engaged."

In debates on the confiscation bill, which became the act of July 17, 1862, Senator Saulsbury, of Delaware, said:

"Under the pretense of suppressing a causeless rebellion, the executive and legislative departments of this Government are, in my opinion, daily engaged in the grossest violations of the fundamental law. * * * Authors and abettors of my country's ruin."

"IRRESPONSIBLE DESPOT."

Senator Wade, of Ohio, said:

"I could never justify it to the people I represent that I had sat silent while I heard it rung in my ears from morning till night that the President of the United States was by some mysterious power invested with despotic authority to trample upon the rights of the people and the rights of Congress, and that there was no barrier betwixt him and utter despotism the moment you declare war. I ask of Senators who preach this miserable, slavish doctrine where they got it."

Senator Wade also spoke of the "slavish doctrine, which is unworthy the American Senate—that the President of the United States, the moment we are involved in a war, is a despotic magistrate and is subject to no control from any quarter. * * * This attempt to magnify the President into an irresponsible despot, with power to prescribe rules and regulations by which the estates, real or personal, of men can be forfeited."

Senator Trumbull denounced the "assumption of unlimited power by the President" in appointing military governors.

At the same session Senator Powell of Kentucky introduced a resolution, April 24, 1862, asking for information from the State Department as to arrests of Kentucky citizens, speaking of them as having "languished for months in northern bastiles."

"I but simply ask that the tyrant," he said, "that the usurper who thus overthrows the Constitution and laws and violates the personal rights and takes away the liberties of citizens without law, without warrant, shall give us their names."

At the third session of the Thirty-seventh Congress (after President Lincoln had issued his proclamation of September 24, 1862, authorizing arrest by the military, and his emancipation proclamation of September 22, 1862) various bills were introduced providing for release of State prisoners, for indemnification of the President and of persons acting by his orders, and for specific authority to the President in the future to suspend the writ of habeas corpus. These bills gave rise to heated and sometimes savage debate.

At the outset of the session Senator Saulsbury, of Delaware, introduced a resolution calling on the Secretary of War for information as to the arrest of certain Delaware citizens. Senator Bayard said in debate: "We are living under just as despotic a Government as existed in France in the time of Louis XIV," and he charged the President with "gross oppression." The President's order to the Secretary of War, he said, was "nothing more than the establishment of a dictatorship in this country."

Senator Trumbull spoke of the "exercise of an arbitrary and unnecessary power."

"CABINET OF A TYRANT."

Senator Powell said that "secrecy might well become the cabinet of a tyrant, but it ill becomes the cabinet of a free, constitutional government." And he continued:

"The Senator from Maine says all this is done under the war power. * * * He resorts again to that old plea of tyrants, necessity. * * * [The President] has exercised usurped power and violated the Constitution of the country, which he has sworn to support."

Senator Saulsbury, in an elaborate speech on habeas corpus on January 8, 1863, said:

"Even the great wisdom of the framers of the Constitution could not foresee that it was possible that a man might be placed in the presidential chair in less than 80 years from the adoption of the Constitution who should so play the tyrant as to arrest peaceable citizens in States not refusing submission to the General Government and bastile them during his pleasure 'in the remotest part of the Union.' Sir, had our fathers known that such acts of intolerable oppression could be practiced in the name of liberty and would be submitted to by the people, I very believe they never would have formed the Federal Union.

"The patient and long-suffering people of this country have tamely submitted to this exercise of despotic power."

Later he said, January 27, 1863:

"Thus has it been with Mr. Lincoln—a weak and imbecile man; the weakest man that I ever knew in a high place, for I have seen him and conversed with him; and I say here, in my place in the Senate of the United States, that I never did see or converse with so weak and imbecile a man as Abraham Lincoln, President of the United States. * * *

"[This bill] proposes to legalize the most despotic exercise of power that was ever practiced in any Government since the institution of human society. Talk not to me about lettres de cachet; talk not to me about the espionage of Napoleon; talk not to me about any of the arbitrary exercises of despotic power in this country * * *; they are all buried beneath the wave of oblivion in comparison to what this man of yesterday, this Abraham Lincoln, that neither you nor I ever heard of four years ago, has chosen to exercise. * * * If I wanted to paint a despot, a man perfectly regardless of every constitutional right of the people, whose sworn servant, not ruler, he is, I would paint the hideous form of Abraham Lincoln. If that be treason"——

LINCOLN AS CONJURER.

Senator Davis said that the President was "trying to conjure up out of a thing so insignificant and evanescent as military necessity, of which I have not been able to find a single word in any book, a power as gigantic and quite as atrocious as the rebellion itself * * * myrmidons of the palace and war offices * * * expenses of all their nefarious service. Under the orders of Mr. Lincoln and his Secretary of War this lawless organization has boldly and contemptuously trampled under foot the writ of habeas corpus and the laws and the Constitution both of States and of the United States."

Senator Bayard said that the habeas corpus bill, which became the act of March 3, 1863 (c. 81, 12 Stat., 755), was "a sheer lawless despotism and no more, a despotism unequaled in the annals of the world, unless you go to the King of Dahomey for an example." * * * Senator Powell reechoed this, saying: "You propose to clothe the President with a power that will make him as absolute a despot as the Czar of Russia ever was."

Senator Wall, of New Jersey, said March 2, 1863: "I look upon this bill as fraught in its consequences with more terrible mischief to the best interests of this country than any of the dangerous projects that have sprung, like Minerva, but without her wisdom, full armed from the busy brain of the chairman of the Military Committee. * * * This bill clothes the President of the United States, with the aid of the conscription bill passed on Sunday morning, with the panoply of the vast powers and functions of a dictator. The dictator, who in the hour of a nation's peril came forth from the Roman Senate with absolute will over the life, liberty, and property of the Roman citizen, never had any more power than this bill confers upon the President of the United States."

PLEA FOR IMPEACHMENT.

Senator Powell stated that Lincoln should be impeached, and made the following prophecy that the country would rejoice when his term of office ended: "Why, sir, these gentlemen go on as if they were absolute monarchs forever. Is it not true that the power of these men is of very brief duration? In two years and two days more Abraham Lincoln will go out of office; and I have no doubt the whole country, except thieves, public plunderers, officeholders, and the tools of power, will rejoice when the day shall arrive. * * * Why, sir, for one-tenth of the infractions of the constitution of the British Empire that Abraham Lincoln and those who are at the head of the departments of this Government have inflicted upon this Constitution of ours, one British King lost his head and another was sent a wanderer and an exile from his home and his throne."

In the House the most extreme attack upon Lincoln was made by Congressman Voorhees, of Indiana, February 18, 1863. He spoke of the President's proclamation of September 24, 1862, as to martial law, as "the unblushing assumption of power which has ceased to respect or fear the Constitution or laws. * * * It throws aside all disguise, tears off its veil, and displays the horrible features of despotism to American citizens. * * * The nineteenth century and the land of much-vaunted freedom have produced a President and Cabinet who, in a species of delirium, have defied, spurned, and sought to crush and humiliate the legal decisions of centuries made in behalf of personal liberty and personal independence. * * *

"In defiance of all law, in contempt of the judiciary, in derision of the teachings of history, and in scorn and mockery of the holy principles of personal liberty, the writ of habeas corpus stands suspended. The will of the Executive has for more than a year been the sole law of the land to which the outraged citizen has been permitted to appeal. * * *"

On the militia law (S. 493) Senator Richardson, of Illinois, said February 4, 1863:

"No bill has ever been introduced into Congress of such fearful import as the one now under consideration. It confers upon the President of the United States power to make all rules and regulations for the enrollment of the militia. * * * This bill proposes * * * to confer upon the President of the United States more power than belongs to any despot in Europe or anywhere else. * * *"

The conscription bill (which became the act of Mar. 3, 1863) was also the subject of violent attack because of the arbitrary powers which it placed in the hands of the President.

TO ENSLAVE THE NATION.

Senator Saulsbury said February 28, 1863: "I regard this measure as the crowning act which gives to the Executive of this Nation the power to enslave the entire body of the citizens of this land. * * * The bleeding, mangled body of the Constitution of your country lies in your pathway. * * * Surrender no other liberty or right which the American citizen has to the absolute will of any man."

Senator Kennedy, of Maryland, said: "I regret that I stand in the midst of the ruins of the Republic. * * * As to the bill itself, I look upon it as odious and despotic. It goes further to subjugate the people of a free country than any I have ever read of in history or known in the present day."

Congressman Biddle, of Pennsylvania, February 23, 1863, said that the conscription bill was "part of a series of measures which, to my mind, seem materially to alter the structure of the Government under which we live."

Congressman Cox, of Ohio, said:

"Never in the history of this or any other government has such a stupendous power been reposed in one man as the power reposed by this bill in the President of the United States. It makes this Government * * * an irresponsible despotism, worse than that of France and more tyrannical than that of Russia. You have already given to this administration the purse; you now throw the sword into the scale, and nothing is left to the people but abject submission or resistance. * * * For my part, sir, I do not trust the present Chief Magistrate."

The reference to the "purse" and the "sword" recalls the fact that the act establishing the national banking system (act of Feb. 25, 1863; 12 Stats. L., 665) at this same session of Congress, was subjected to frequent attack because of its centralization of power in the Executive.

BANKING AND WAR.

Senator Powell, of Kentucky, on February 10, 1863, said of the bank act: "It is a grand scheme of consolidation; one that, in my judgment, will become dangerous to the public liberties."

Senator Collamer, of Vermont, on February 11, 1863, said that the bill was not a war measure:

"I have observed that almost everything that is asked for * * * is put upon that ground; it is either a military necessity or a political necessity, or you can not keep the Union together without it, or something of that kind, by which we are appealed to to let our conscience and our discernment go and obey the dictates pressed upon us. If it has come to this, that it is to be more than intimated that we are not to consult our understandings, not to indulge ourselves in reasoning about a matter, but we are to be told ex cathedra by the organ of the administration that the Cabinet desires and are all in favor of a certain thing as an argument to induce us to cave into, it seems to me that implies a degree of subserviency that can hardly be expected."

Senator Davis said, February 11, 1863, "Against such a union of the power of the purse and the sword I will enter my protest, at least. I think it is the most dangerous scheme of policy that was ever introduced into any deliberative assembly."

Congressman Steele, of New York, in the House February 23, 1863, also attacked the centralizing of power, and said that by the national-bank act "the whole currency of the country is to be placed in the hands of the Executive department, * * * a mammoth institution, with its thousands of tributaries scattered over the whole country, all under the control of the Executive department."

WHITE HOUSE SENTINELS.

As an example of the extremes to which Senators were willing to go, it may be noted that Senator Richardson, of Illinois, February 28, 1863, attacked the employment of sentinels around the White House and War Department, saying:

"These emblems of regal power, placed there to familiarize our people with them, filled me with sorrow and sadness. For the first time in our history these things have occurred. Washington had no sentinel while President. Adams had none, Jefferson none. * * * The ruins of this Republic will be scattered along the highway of nations where lie the ruins of all the republics that have gone before us."

LINCOLN OR JEFF DAVIS?

And Senator Davis said, on the same day, "Such have been the infractions of the Constitution and the oppressive abuses and the usurpations of power, both by the President and his party in Congress, that a large majority of the Union people of America are at a loss to determine which threatens the greatest evil, the administration of Jeff Davis or Abraham Lincoln."

Senator Nesmith, of Oregon, spoke, February 4, 1862, of "the imbecility and inefficiency of the head of this Government."

While sustaining attacks of this nature, President Lincoln was confronted on the other hand with a certain degree of criticism from some of his own supporters, who expressed their belief that our President, so far from being a "despot," had not been vigorous enough in his treatment of the war, of the enemy, and of those who were giving aid and comfort to the enemy. To point the moral in this direction, Senator Doolittle, of Wisconsin, May 2, 1862, narrated the following striking anecdote of Andrew Jackson:

"I have been told upon authority upon which I rely that during the last days of Gen. Jackson at the Hermitage, as he was slowly sinking under the ravages of consumption—that mysterious disease which, while it wastes the body, leaves, if possible, the mind more clear and more near to inspiration—he had a most remarkable conversation with his family physician and friend. While lying upon his bed one day and speaking of his past administration, he inquired: 'What act of my administration, in your opinion, will posterity condemn with the greatest severity?'

"The physician replied that he was unable to answer; it might be the removal of the deposits. 'Oh, no,' said the general.

"'Then, it may be the specie circular.'

"'Not at all.'

"'What is it, then?'

"'I can tell you,' said he, rising in his bed, his eye kindling up. 'I can tell you; posterity will condemn me more because I was persuaded not to try and hang John C. Calhoun as a traitor than for any other act of my life.'"

As early as the debate on July 11, 1861, Senator Lane, of Indiana, stated that the Government had shown "great forbearance."

Senator Wilson, of Massachusetts, December 16, 1861, thus defended the arrests of persons who were holding "secret conclaves" and "peace meetings" after the Union defeat at Bull Run, "giving aid and comfort" to the enemy:

"In Northern cities and villages newspaper presses were publishing treason, proclaiming treasonable purpose, encouraging the rebellion. The Government thought it was necessary, and it laid its hands on the conductors of these presses. * * *

"The President of the United States, through his head clerk, the Secretary of State, had these persons arrested; and, sir, the turning of the doors of Fort Lafayette and Fort Warren upon their hinges silenced the innumerable traitors in the loyal States of the Union. They are silent to-day, but they are silent through fear. * * *

"There has been quite too much * * * kindness of heart in this war, quite too much charity, and it is time that sterner and more determined action should be had both in the civil and military power of the country."

And in the debate on the House bill (H. R. 362) to discharge State prisoners, Wilson again said, July 16, 1862, that the Government had acted with more humanity than any Government had ever done, "too leniently."

ARRESTS NECESSARY.

Senator Doolittle, of Wisconsin, said, December 8, 1862, that the Government "has been too lenient toward men who have been notoriously engaged, in sympathy and in act, too, with the traitors against the Government; and the complaint has been, not because suspected persons have been arrested, but because the guilty have not been shot or hung; that the prison door has been opened too easily to many of these men."

Senator Field, of New Jersey, said the suspension of the writ in Maryland absolutely saved the State to the Union and that the Government had erred, if at all, on the side of leniency.

Earnest defense of the President's alleged "arbitrary" acts was made on the ground that in time of urgent necessity individual rights must sometimes be sacrificed to preserve the country.

Senator Nesmith, of Oregon, said: "I am not ignorant of the sacredness of personal liberty; but I think this Government, this Constitution, this Union, are paramount to all other considerations, and I think their preservation is far above the personal liberty of any single individual or any 50 individuals."

Senator Morrill, of Vermont, said, December 11, 1862: "The President is charged as a violator of the Constitution and the laws—a usurper.

"It is the right and bounden duty of the President to put his hands upon whoever sympathizes or whoever gives aid or comfort to the rebels."

Senator Fessenden, of Maine, said, December 11, 1862, that it was the duty of the President to sacrifice individual rights to due process and liberty for a time if necessary to preserve the Constitution itself. And that, though the President may have exceeded his powers or made mistakes, there has been no case in which he had acted wantonly or to wreak private malice.

MORAL TREASON.

Senator Dixon, of Connecticut, December 16, 1861, in upholding the President's arrests, said that if he, the President, had not pursued this course he would have been guilty of "moral treason." He referred to the arrest of various Connecticut citizens who had been holding "falsely called 'peace meetings,'" and continued:

"It is enough for me to know that the public safety demands extraordinary powers, vested in and exercised by the Executive; and I shall not embarrass his bold and patriotic actions by any nicely balanced scruples or subtle distinctions. * * * In my judgment he has erred, if at all, on the side of lenity and indulgence." * * *

Senator Wilson, of Massachusetts, February 21, 1863, speaking of men whom he described as "tainted with the leprosy of moral treason," said that "the denunciations of the President as tyrant and usurper * * * raise cheers of triumph around rebel camp fires."

Senator Browning, of Illinois, said December 16, 1862, that war should be made on the enemy and not on the Executive:

"If he [the President] becomes, as he is charged with having become, a usurper; if he becomes a tyrant; if he uses this constitutional power as a mere pretext for oppression, his judgment is not an ultimate one. When the appropriate time comes we can investigate his conduct and punish his derelictions; but this is not the appropriate time. Let us now concentrate our efforts against the rebels; let us fight them; let it not go to the country that we have ceased to make war upon them and have turned our batteries upon a coordinate department of the Government. When we do that we become the aiders and abettors of treason and we give aid and comfort to rebellion everywhere."

The futility and unfairness of criticism upon the President in time of war was most eloquently set forth in a striking and little-known speech by Representative Riddle, of Ohio, in the House February 28, 1863, a part of which is as follows:

"How easy it is to abuse, traduce, and denounce! Sir, the Executive is the arm of the people under our Constitution, and with it only can we deal a blow upon the rebellion. * * * Whoever strengthens this arm strengthens the national cause; whoever weakens it strengthens the enemy. For the time being the other branches of the Government might well be in abeyance, that all our energies might go to swell the mighty muscles of that arm. To save all, all must be risked. You can not separate the Executive from the personale of the President; and whatever detracts from him personally weakens the Executive force, as whatever elevates him gives it added strength. So that whatever shakes the confidence of the people, or any of them, in the capacity or integrity of the President by just so much aids the rebellion, as that which strengthens confidence in him gives vigor to the national cause."

THE NEED OF FAITH.

And Riddle pointed out the necessity of faith by the people in the man, Lincoln, in the following remarkable depiction:

"He may not have in excess that ecstatic fire that makes poets and prophets and madmen; he may not possess much of what we call heroic blood that drives men to stake priceless destinies on desperate ventures and lose them; he may not, in an eminent degree, possess that indefin-

able something that schoolboys call genius, that enables its possessor through new and unheard-of combinations to grasp at wonderful results and that usually ends in failure; or if he possesses any or all of these qualities they are abashed and subdued in the presence of a danger that dwarfs giants and teaches prudence to temerity. He is an unimpassioned, cool, shrewd, sagacious, far-seeing man, with a capacity to form his own judgments and a will to execute them; and he possesses an integrity pure and simple as the white rays of light that play about the throne."

Finally there may be cited as intensely pertinent to the impatient mood of the country to-day the following remarks of Senator Grimes, February 17, 1863, as to his view of the requisite power and the corresponding responsibility of the President of the United States in time of war:

"I am aware that this bill confers extraordinary powers upon the President. It grants no power, however, that I am not anxious to bestow upon him. I wish to confer upon him ample means to restore the Union and to defend the national honor abroad, and I will hold him and his immediate constitutional advisers responsible for the manner in which that power shall be exercised."

On the same patriotic lines were Senator Sherman's remarks in the Senate on February 5, 1863, when he said:

"We do no good to our cause, no good to our country, by a constant crimination of the President, by arraigning him here, as I have heard him arraigned, as a tyrant and an imbecile. * * * If we allow his authority to be subdued and overrun, we destroy the authority of the Government of the United States."

PRINTING OF NEWSPAPER ARTICLES, ETC., IN THE RECORD.

Mr. SWANSON. Mr. President——

Mr. WADSWORTH. Mr. President, will the Senator from Virginia yield to me for a moment?

Mr. SWANSON. I yield to the Senator from New York.

Mr. WADSWORTH. In connection with the introduction of matter of the sort presented by the Senator from Colorado [Mr. THOMAS] for insertion in the RECORD, I, and I think a good many other Senators, were informed, some time ago to be sure, that an agreement of some sort had been reached to prevent the crowding of the CONGRESSIONAL RECORD with matter not having anything to do with the proceedings of the Senate and not forming a part of the remarks of any Senator. In accordance with my understanding of that agreement, which has been repeated to me on many occasions, and upon which I have consulted other Senators, I have from time to time informed constituents of mine that it was impossible to obtain the printing in the RECORD of matter which they had sent to me—newspaper articles, magazine articles, and resolutions adopted by societies and organizations of which they are members. It seems that that understanding, which certainly existed here, has been abandoned and thrown to the winds. A Senator may rise now and introduce into the RECORD an entire page from a Sunday newspaper.

Mr. THOMAS. Not quite.

Mr. WADSWORTH. If it had been an entire page, Mr. President, I imagine there would have been no more objection than there has been upon this occasion.

I do not want to throw monkey wrenches into the cylinder or be classed as an objector, even a conscientious objector on a matter of this sort, but I think, Mr. President, this practice should cease. Extraneous matter takes up a tremendous space in the RECORD; it is seldom, if ever, read by Senators. I venture to say that not more than a dozen Senators will read the matter inserted in the RECORD at the request of the Senator from Colorado. They are too busy to read that kind of stuff, important though it may be in an academic sense. In the future I hope that those who guide the Senate in a sense with respect to the CONGRESSIONAL RECORD and its contents will insist upon the agreement which was reached early in this session and prevent the introduction of such matter into the RECORD.

Mr. THOMAS. May I ask the Senator before he takes his seat when the agreement to which he refers was made? I have no recollection of an agreement, and I certainly do not want to be put in the attitude of even seemingly transgressing an agreement of the Senate upon any subject.

Mr. SMOOT. Mr. President, if the Senator will yield to me——

Mr. SMITH of Georgia. It was an agreement made by the chairman of the committee, the Senator from Arizona [Mr. SMITH]——

Mr. SMOOT. No.

Mr. SMITH of Georgia. Not with Members of the Senate but with members of his committee, I think.

Mr. THOMAS. The Senator from Arizona served notice upon the Senate that he would be in his seat to object to everything of this sort. He has not been very diligent in his attendance since then, because he is suffering from ill health.

Mr. SMOOT. Mr. President, I will say that the Committee on Printing of the Senate and also the Committee on Printing of the other House have held meetings a number of times in regard to this question. It comes up sporadically every month or so, and everything is excluded from the RECORD in the shape of newspaper and magazine articles. Then the agitation generally dies down, and one article slips into the RECORD one day without notice, the next day another one follows, and so forth. I should like to see the Senate on some occasion express themselves as to whether they want newspaper or magazine articles to appear in the RECORD. If the Senate will express themselves as opposed to that practice, then I assure the Senate that there will be no more newspaper articles go into the RECORD while I am in the Chamber, and that is generally from the time the Senate convenes until it adjourns.

Mr. THOMAS. I should like to ask the Senator if he means by that that he would prevent his associates from reading articles into the RECORD?

Mr. SMOOT. I could not do that; but I think that the Senate would correct that sooner or later. I do not believe that there are many Senators who will undertake to do that many times. I do know, however, Mr. President, that this practice ought to be stopped. The paper bill of the Government in 1916 was $917,000, while for 1917 it was nearly $5,000,000; and, Mr. President, at a later day, I hope within a very few days, I am going to call the attention of the Senate and of the country to how and where this extra paper has been used.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. SWANSON. I must insist on the consideration of the conference report on the housing bill.

Mr. BORAH. Will the Senator yield for just a moment?

Mr. SWANSON. I will yield for a few minutes more.

Mr. BORAH. I merely wanted to ask the Senator a question; that is all. Do I understand the Senator to say that the paper bill was nine hundred and some odd thousand dollars in 1916?

Mr. SMOOT. The paper purchased for the Government of the United States in 1916 cost $917,000, whereas for 1917 it cost nearly $5,000,000.

Mr. SMITH of Georgia. Mr. President, the Senator does not mean that that is by reason of the increase in the size of the RECORD?

Mr. SMOOT. No; I do not mean that.

Mr. SMITH of Georgia. Or because of publications made at the instance of Senators?

Mr. SMOOT. I did not so intimate.

Mr. SMITH of Georgia. I know the Senator did not mean to do so, and yet in this connection I think the statement ought to be made lest a false impression might go out to the country.

Mr. SMOOT. I thought my statement that followed what I said in regard to the paper bill, namely, that I intended in a very few days to show how that increase had been occasioned.

THE LIBERTY MOTOR.

Mr. BRANDEGEE. Mr. President, I have here a letter from Mr. Leon Cammen, who is a member of the American Institute of Electrical Engineers, of the Aeronautical Society of America, of the New York Academy of Sciences, and of the Society of Automotive Engineers. I do not know the gentleman, but he writes me the letter. It is a criticism or a disquisition with relation to the Liberty motor. I will not take the time of the Senate to ask to have the letter read, but I should like to have it printed in the RECORD, and I should like to have it printed in brevier type, so that it can be more easily read.

The PRESIDING OFFICER (Mr. WALSH in the chair). Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

29 WEST THIRTY-NINTH STREET,
New York, May 12, 1918.

Hon. FRANK B. BRANDEGEE, of Connecticut,
United States Senate, Washington, D. C.

DEAR SENATOR BRANDEGEE: There has appeared to-day in all newspapers a statement made before the Senate with respect to the Liberty motor in the Bristol plane, of great significance as throwing a vivid light on the entire subject of this unfortunate adventure in engineering design.

It is stated that the motor overheats; to a layman this means next to nothing; to an engineer it tells a big story, and raises questions pregnant with importance.

These questions are:

(1) Does this overheating indicate a basic defectiveness of design, or can it be corrected by some expedient?

(2) Why was it not discovered on the testing stand long before the motor was put into the Bristol machine, and was it not due to improper methods of testing the motor?

I shall try and answer these questions in their order. First, the overheating indicates that the design of the motor as it

stands is incorrect. The following calculation will prove it (I venture to submit it so that you might have your own engineers pass upon it):

Nearly half a century ago the great physicists, Dr. Joule and Lord Melvin, have shown that a certain number of heat units has to be consumed in an engine in order that the engine should produce a certain amount of power. Thus, to produce one horsepower (1 hr.) output the engine has to consume roughly 42.5 B. t. u. (British thermal units) per minute.

If we had an engine working at 100 per cent efficiency, without any losses, we could produce a horsepower output on 42.5 of heat, and then would have no need for any radiators. Unfortunately, we can not yet do it, and about the best that a large high-speed gasoline engine can do in a long run is to work on about 20 per cent efficiency; that is, to employ usefully only 20 per cent of the heat developed in the cylinders, and lose the rest in various ways. This means that in order to produce a mechanical output of 1 horsepower the engine, if of good design and in perfect condition, develops in the cylinders not 42.5 British thermal units, but five times as much, or say 212.5 British thermal units. Of this amount 42.5 units are usefully converted into power, and the rest is lost in various ways, such as internal frictions, exhaust, to cooling water, and so forth.

The cooling-water loss is what interests us now, since, after all, the radiator has to dissipate the heat lost from the cylinders to the cooling water. In a well-designed high-speed engine the loss to the cooling water should not exceed 30 per cent (all these figures are based on reliable tests by independent engineers of the highest standing), and 30 per cent of 212.5 British thermal units means 63.65 British thermal units.

Sixty-three and sixty-five one-hundredths British thermal units per horsepower per minute is the amount which a properly designed engine should lose to the cooling water, and this is the amount which the radiator has to take care of. This is also the amount for which the radiator in the original Bristol machine was designed. Now, let us see what happens in a machine not properly designed. It does not take much to throw out this calculation.

Assume that the motor works at 16 per cent, instead of 20, efficiency. Then to develop 1 horsepower 265 British thermal units of heat have to be produced in the cylinders of the engine. Assume further that instead of a loss of 30 per cent 35 per cent are lost to the cooling water, as is the case with some aeroplanes and a good many automobile motors on the market. This means that 92.75 British thermal units will be lost to the cooling water per horsepower minute, and that it will be this amount that the radiator has to dissipate.

Now, please compare the amount of needful radiation (per horsepower minute):

In good engines, 63.65 British thermal units.

In inferior engines, 92.75 British thermal units.

Whether the figures given for the second case apply to the Liberty engine in toto, I do not know, as "Liberty engine" is a very generic term which applies to nearly every engine that the Signal Corps is experimenting with, and covers about as many types as there are sins in the calendar. But these figures do explain why the radiation is not sufficient, because it was designed for an engine more efficient and better designed than the Liberty motor which was tried with it. And this is the big lesson.

But you may ask, in nontechnical language, is it such a very serious thing. Why not put on the plane a bigger radiator? It can, and may, be done, but with very disastrous results from a military point of view.

In the first place, employment of a bigger radiator (in this case, about 50 per cent) changes the distribution of weight in the plane, and hence requires an entire change in the design of the plane, and it is very likely that if this were done it would be found that the power delivered by the engine is insufficient. Besides, such a basic change of the Bristol plane would require many months of work and experimentation, and in the meantime, What?

Next, a radiator 50 per cent bigger than the present one would at a speed of 90 miles per hour increase the power consumption roughly by more than 75 per cent. I have not had time to make the exact computation, but you will find the proper formula in my paper before the Society of Automobile Engineers, December, 1915, Bulletin.

Second question: Why was not the fact that the Liberty motor needs more radiation than the Bristol plane can give discovered long before the engine was put into the plane?

This is a fact which could have been very easily established in any decent laboratory, with such equipment as any gas engineer ought to know how to use. In fact, tests of this nature are being carried out as day's work by automobile, and especially tractor, engineers all over the country.

Why was it not done in this case? Because the standard test adopted for aeroplane engines by the Society of Automotive Engineers, and presumably used by the Government engineers (the Society of Automotive Engineers repeatedly advertised its collaboration with the Government in the working out of their standards), is designed so as to make the discovery of this particular fact impossible.

The Society of Automotive Engineers standard test for aeroplane engines permits to make cooling water adjustments in the course of the test; that is, to test the engine under conditions very materially different from those in actual flight when, of course, no such adjustments are possible.

That a test in which "adjustments" of this kind are permitted will lead to grief in actual flights ought to be clear to any unprejudiced person. It is unfortunate for our fighting prospects that in the production of aircraft engineering methods are permitted which would not be tolerated in the manufacture of milk bottles. (This comparison with milk bottles is used advisedly, as a cold fact, and not as a rhetoric form of speech.)

May I add that as an engineer I am deeply sorry that the entire matter of the Liberty motor and plane production is being handled as a political question of veracity between various individuals instead of as a matter of technical records and tests. This can be done very easily, and the whole matter disposed of in not more than three days.

Respectfully,

L. CAMMEN.

HOUSING OF GOVERNMENT EMPLOYEES—CONFERENCE REPORT.

Mr. SWANSON. I move that the Senate proceed to the consideration of the conference report on House bill 10265, known as the housing bill.

Mr. LODGE. Let it be read, and let us see what it is about.

Mr. SWANSON. It was printed a week ago.

Mr. LODGE. I ask that the report be read.

The VICE PRESIDENT. The Secretary will read the report.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 40.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 9, 13, 14, 16, 18, 19, 20, 21, 22, 23, 24, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Amend title of bill to read as follows: "An act to authorize the President to provide housing for war needs"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general communities utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment, after the word "dwelling" insert the following: "or place of abode"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter stricken out by

said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: On page 3, line 2, of the bill, after the word "thirty-three," insert the following: "except the Maltby Building"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "*Provided*, That before any sale is consummated the same must be authorized by Congress"; and the Senate agree to the same.

CLAUDE A. SWANSON,
JAS. A. REED,
CHARLES CURTIS,
Managers on the part of the Senate.

FRANK CLARK,
JOHN L. BURNETT,
R. W. AUSTIN,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On May 10, 1918:

S. 3803. An act authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war; and

S. 4208. An act authorizing postage rates on aeroplane mail.

On May 11, 1918:

S. 1545. An act to amend the act of March 3, 1913, entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States."

ORDER OF BUSINESS.

Mr. ASHURST. Mr. President, I do not know whether I am in order or not, but I wish to ask the indulgence of the Senate for an hour this morning to take up the calendar. A large number of Senators have bills on the calendar that they wish to have brought before the Senate and passed.

The VICE PRESIDENT. The Chair has been trying to close the morning business. The Chair does not know just what is the matter. For two or three weeks it seems to have been impossible to close the morning business.

Mr. MYERS. Mr. President, understanding that the morning business is about to close, if not formally declared closed, I renew my request for unanimous consent to consider immediately Senate bill 933. It is to enable a school district in Sanders County, Mont., to build a schoolhouse on a block of public land in the town of Dixon. The people there are very anxious to build it this summer. The bill passed the Senate at the last Congress, but did not get through the House. The bill is favorably recommended by the Secretary of the Interior and by the Senate Committee on Public Lands.

Mr. ASHURST. Mr. President, I do not want to object, but that is the very vice of the thing. Senators rise and ask unanimous consent here and over there, and that prevents the calendar from being called.

Mr. WEEKS. Mr. President, it is impossible to hear what is being said.

Mr. MYERS. The calendar will not be called. There is no way of having it called.

The VICE PRESIDENT. Is there any further morning business? [A pause.] The morning business is closed.

CONVICT-MADE GOODS.

H. R. 8938, an act to equip the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes, was read twice by its title and referred to the Committee on Education and Labor.

Mr. OVERMAN. Mr. President, in the House that bill was referred to the Judiciary Committee. I therefore move that it be referred to the Committee on the Judiciary of the Senate unless the Senator objects.

Mr. SMITH of Georgia. I am not very particular, Mr. President. I should like to read it before the reference is determined upon, and I will agree with the Senator from North Carolina as to which committee it ought to go to. I should give attention to it in either committee. It is not necessary to decide the matter at once.

Mr. OVERMAN. I ask that it go over.

Mr. SMITH of Georgia. And have the assignment made to-morrow? That is perfectly satisfactory to me.

The VICE PRESIDENT. It is perfectly easy to make a motion to refer the bill to some committee. The Chair has referred it to the Committee on Education and Labor.

Mr. SMITH of Georgia. Then, Mr. President, I will confer with the Senator from North Carolina; and if we agree that the bill ought to go to the Committee on the Judiciary, I will move to reconsider the reference.

The VICE PRESIDENT. It is perfectly easy to send it there.

ORDER OF BUSINESS.

Mr. SHEPPARD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. SHEPPARD. I wish to ask what action was taken on the request for unanimous consent made by the Senator from Montana?

The VICE PRESIDENT. It has not been preferred since the closing of the morning business.

SCHOOL LANDS IN SANDERS COUNTY, MONT.

Mr. MYERS. Mr. President, I renew my request.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. SMITH of Georgia. What is the request?

Mr. GALLINGER. What is before the Senate, Mr. President?

The VICE PRESIDENT. The request of the Senator from Montana to take up a bill, the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 933) to authorize the Secretary of the Interior to issue patent for certain land to school district numbered 9, of Sanders County, Mont.

Mr. GALLINGER. Let it be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Interior, upon proper application, to issue patent to school district No. 9, of Sanders County, Mont., for block 8, designated as "Public reserve," upon the approved plat of the town site of Dixon, Mont., provided that title to the land so granted shall revert to the United States if the said school district attempts to alienate or use the land for other than school purposes.

Mr. GALLINGER. Mr. President, I will ask the Senator from Montana why this municipality, whatever municipality it may be, does not purchase a site for a schoolhouse?

Mr. MYERS. Mr. President, the town is not incorporated. It is only a village. The town site is on public land, embraced in the Flathead reclamation project. The town site was laid out on public land in accordance with the law which provided for certain town sites being laid out on the Flathead reclamation project. In every town site on the project a block was reserved by law for public purposes, and it was intended for whatever purpose the community might desire to put it to; but the Secretary of the Interior holds that it can not be put to the particular purpose of building a school upon it unless

Congress so directs. There is no other purpose to which this particular block could be put. The town is not a county seat and does not need a courthouse, but does need a good school building. Practically all the vacant land of the town site is owned by the Government. There is no opportunity to purchase. The real intent was to put aside one block in every town site for a courthouse, schoolhouse, or whatever use of a public nature the people of the community might indicate, and they need a schoolhouse there very badly. This building site is the only one available.

Mr. GALLINGER. Is there a provision of the statute that certain lands shall be appropriated for that purpose?

Mr. MYERS. Oh, yes. The general statute set aside one block in each town site for whatever public purpose the people might prefer.

Mr. GALLINGER. The thing that has been troubling me is this: I am not going to be factious about anything that our western friends want, but I am pretty rapidly coming to the conclusion that about the only relief we will get will be to turn over the public lands to the States and let them do with them what they please. We are picking them away day by day, favoring certain States and not others, and giving away the public lands. But this is a small matter, and if it will tend to educate the people of that community I certainly shall not object to it.

Mr. FALL. Mr. President, will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. Certainly.

Mr. FALL. I think it is proper to state to the Senator, in order that he may understand just what this is, that there is general town-site law applicable to all the public land in all of the public-land States in the entire United States.

Mr. GALLINGER. Yes.

Mr. FALL. They are all in exactly the same condition. The law provides for town sites which may be taken up on the public domain. This is an effort to get from under the general provisions of the law with reference to a certain town site in a certain district in the State of Montana.

Mr. GALLINGER. I thought likely something of that kind was at the bottom of it.

Mr. FALL. The suggestion that the Senator made, of course, strikes very favorably those of us who are compelled, in the public-land States, to labor under the difficulties of attempting to make general legislation applicable to a particular condition. If the lands were turned over to the States under restrictive legislation that Congress might see fit to pass, the local people, understanding those conditions, would understand how to administer the law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of Senate bill 4185. In order that Senators may understand what it is, I will state that this is the bill recommended by Secretary Lane to authorize a small appropriation to the Bureau of Education to cooperate with the States in an effort now being made to teach English everywhere and to remove illiteracy. The appropriation for the first year is only $100,000, and $50,000 for the next two years.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia.

Mr. ASHURST. I wish to be heard. I happen to be a member of the committee that reported this bill, and I wish to pay my tribute of respect and admiration to the Senator from Georgia, the chairman of the committee. I think it is a very worthy bill and it ought to pass; but this only emphasizes, I repeat, the vice of the situation in respect to the calendar. The esteemed Senator on my right [Mr. MYERS] has a bill, and it is passed by unanimous consent, and he loses interest in promoting the calling of the calendar.

Mr. MYERS. Oh, Mr. President, I have not lost interest——

Mr. ASHURST. I do not yield. The esteemed Senator from Georgia [Mr. SMITH] has a bill which ought to pass. He gets unanimous consent and that is passed, and he loses his interest in promoting the calling of the calendar. Another Senator has a bill and it is passed by unanimous consent, with the same result; and those of us who never ask unanimous consent do not get an opportunity to have our bills considered. If I may be pardoned for a personal reference, I never have asked unanimous consent but once, and I am sorry that I asked that, since I have been a Member of the Senate.

The way we ought to do is, when the hour of 1 o'clock arrives, or when the morning business is closed, to call the calendar. While I shall not object to the consideration of the bill for which the Senator from Georgia asks unanimous consent, I do think the practice is a bad one. Let us finish the morning business and then call the calendar.

Mr. MYERS. Mr. President, I beg to say that I have not lost my interest in calling the calendar. I have on the calendar a large number of other bills which are very important to the State of Montana, and I should like to have the calendar called. If I had thought the calendar would be called soon, I would not have made the request that I made this morning. However, I have no faith in the calendar being called. I do not expect it to be called soon, and think probably no more this session. I have been making earnest efforts to have it called, but without success.

Mr. GALLINGER. Mr. President, I rise to a point of order. The motion is not debatable.

The VICE PRESIDENT. It is not debatable until the morning business is closed, or until the hour of 1 o'clock has arrived.

Mr. SMITH of Georgia. If the Senator from New Hampshire will allow me to make a statement, by unanimous consent we have already discussed this bill. I think we are through with the discussion of it. I want to say to the Senator from New Hampshire that I am going to take off one more year and leave it until 1920, so that it will be running through the immediate war period; and I hope he, too, will support it now.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia that the Senate proceed to the consideration of Senate bill 4185, the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 4185) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States.

On a division the motion was lost.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

REGISTRATION FOR MILITARY SERVICE—CONFERENCE REPORT.

Mr. CHAMBERLAIN. I present a conference report on the disagreeing votes of the two Houses upon Senate joint resolution 124, and I ask for its immediate consideration.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, 5, 6, and 7, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert: "and all male persons." Also amend the title by striking out the word "or" in line 2 and insert in lieu thereof: "and all male persons"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the House and insert the following: "*Provided*, That students who are preparing for the ministry in recognized theological or divinity schools, and students who are preparing for the practice of medicine and surgery in recognized medical schools, at the time of the approval of this act shall be exempt from the selective draft prescribed in the act of May 18, 1917"; and the House agree to the same.

GEORGE E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

S. HUBERT DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

Mr. GALLINGER. Has the report been printed?

Mr. CHAMBERLAIN. I will state that Senate joint resolution 124 passed the Senate and went to the House, and the House amended it by striking out that portion of the joint resolution which exempted from the draft medical students and divinity students. It went into conference, and we agreed in conference, but when it went back to the House they disagreed to the report and asked for another conference, which we have had, and this is a full agreement.

Mr. GALLINGER. Does the report still strike out medical students?

Mr. CHAMBERLAIN. It leaves in divinity students and medical students who have now matriculated and strikes out the provision which exempted from registration and draft those who might enter these schools during the war.

Mr. JOHNSON of California. Mr. President, I do not wish at all to delay the adoption of the conference report, but I think, in view of the situation that confronts some of the States, particularly the State of California, a few observations upon the mode of levying the next quota in the draft may not be inappropriate.

What I wish particularly to call to the attention of the Senate and to the attention of the country is what I think is the inequitable mode that has now been determined upon embraced in this conference report, and which has received the sanction of the President, the Secretary of War, and the Provost Marshal General.

It is very strenuously insisted in the State of California and in many other States that in making up the quota for the next draft credit should be allowed for all the enlistments that have been made in our State, and indeed in all the States. The Senate will recall and our people will remember, of course, that when the draft went into operation contemporaneously with it the Government asked for voluntary enlistment. I remember at that time the posters in this city during the time when we were administering the draft:

Be a went,
Not a sent.

I remember, too, the appeals that were made all over the land to volunteer and enlist, and in response to what I assume was the Government's own direction our people in California and in many other States in the Union volunteered in very, very large numbers.

When the invitation was thus extended by the Nation and when the Government itself thus asked for voluntary enlistments, it would not be unjust, I am sure, in making up the next quota of the draft that those voluntary enlistments should be accorded to the States and the States be given credit for them.

Last night I had very pointedly presented again to me this situation. I read once Hornung's "Raffles," and I was very much interested and entertained, and when I saw last night advertised at the Strand Theater that somebody was going to present "Raffles" I wandered over there. In the course of that film entertainment there was an appeal thrown upon the screen, and that appeal was substantially in this language:

"Enlist in the Naval Reserve.

"Enlist and if you are within the draft age due credit will be given."

I do not state with exactness the appeal, but I state it substantially.

It was an appeal to our people to enlist even if within the draft age. For the men enlisted the credit presumably is to be given to the particular locality. Now, when the Government thus appeals, when it asks and begs States for these voluntary enlistments, when the particular locality responds, and responds overwhelmingly, it is not entirely just, it seems to me, to put the entire quota of the draft upon those who have thus responded to the Government exactly the same as that quota in the draft is charged to those who have not responded to the Government.

That you may understand the disparity in figures I read the percentages of class 1, which will be required in various States if credit be given unto the States that have had many voluntary enlistments. You Senators who are from different States, I think, will with very great profit and interest follow the tables which have been provided by the Provost Marshal General.

Mr. LODGE. These are the percentages that would exist if credits were given?

Mr. JOHNSON of California. Exactly, sir. Here are the States, and here are the percentages which would be required if credit were given:

Louisiana——

Mr. POMERENE. From what does the Senator read?

Mr. JOHNSON of California. I am reading from the CONGRESSIONAL RECORD, page 6287, which contains the official tables given to Chairman DENT, of the House, by Provost Marshal Gen. Crowder:

Percentages of class 1 to be levied on the States.

Louisiana	76
South Dakota	70
Mississippi	68
Arkansas	67
Alabama	65
Wyoming	65
Wisconsin	63
Florida	61
Georgia	61
South Carolina	61
North Carolina	60
Kentucky	57
Missouri	56
West Virginia	55
Virginia	54
Tennessee	53
Oklahoma	53
Michigan	51
Kansas	50
Minnesota	50
Iowa	48
North Dakota	47
New Mexico	44
Maryland	43
Montana	40
Nebraska	40
New Hampshire	39
Ohio	37
Texas	37
Illinois	35
Idaho	35
Delaware	34
Indiana	33
Oregon	33
District of Columbia	27
New Jersey	26
Vermont	24
Pennsylvania	21
Colorado	19
New York	16
Arizona	12
Massachusetts	10
Maine	8
Connecticut	4
Utah	4
Washington	3
California	0
Nevada	0
Rhode Island	0

It has been suggested to me that I explain again what these figures mean. They mean this, that if, in the draft that is about to be levied, credit were given for enlistments that have been asked by the Government and enlistments by the various States in the Army of the United States in response to the Government's appeals, then these percentages would be taken of the class 1 men in the various States. The question simply is this, Ought States to be credited with the men who have gone to the war? That in the last analysis is simply the problem and the question that I present to you.

We insist in our State, where there has been a rush of enlistments in response to the invitation and the appeal and the request of the Federal Government, where we have done our full duty in that regard, that those enlistments should be credited to our State, and that we should not be required now to add a number which will make us wholly disproportionate in the number of men that we furnish in this war, as compared with States where there have been little or no voluntary enlistments.

Mr. VARDAMAN. May I ask the Senator if he has the facts at hand showing what percentage of soldiers in the States volunteered and what percentage were drafted?

Mr. JOHNSON of California. I have not the particular percentages, but I will say to the Senator that the tables from which I read are very full tables, and are found on pages 6286 and 6287 of the CONGRESSIONAL RECORD. I have not attempted to read all those tables.

Mr. FALL. Will the Senator yield to me for a moment?

Mr. JOHNSON of California. Certainly.

Mr. FALL. As throwing some light on the question he has discussed, I find from the official figures published in the New York Times of March 30, the date of the end of the volunteer-enlistment period, the quota of voluntary enlistments in the State of California was 4,774 and the enlistments of the State of California were 17,017.

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. JOHNSON of California. Certainly.

Mr. CHAMBERLAIN. In order that the Senate may not be confused as to the proposition which the Senator from California is discussing so ably, and with much of which I am disposed to agree, I desire to say that the resolution the Senator is discussing is not the one now before the Senate and is not the one involved in this report. The Senator is discussing the provisions of Senate joint resolution 123, which passed the

House after passing the Senate, and which will become a law as soon as the President signs it.

This conference report, I desire to have the Senate understand, has nothing to do with the particular proposition the Senator from California is now discussing.

Mr. JOHNSON of California. Mr. President, as I stated in the beginning, I do not desire at all to suggest a delay of the conference report or opposition to it; and I would not suggest, indeed, an endeavor to overturn—although I think it ought to be overturned—the rule that has been announced and the decision of the President and the Secretary of War and Provost Marshal Gen. Crowder. Nevertheless, I wanted to make plain the injustice that was done in various States, including the State of California, and thus present the subject matter to the Senate, and I took this as an appropriate time and an appropriate method in which to present it in this fashion.

If the Government continues to make its calls as it has made in the past, "if it continues to make its appeals as it has made those appeals in the past," if States which are enthusiastic respond to the call and appeal as some of these States have done, and then there is no recognition of that enthusiasm and response but quite a contrary view taken by the department, it seems that it will penalize enthusiasm and militate more or less against voluntary enlistments in the future. There ought to be one course or the other. If you require, for instance, so many men from a particular locality, and those men are produced by that locality, that ought to be the end of it; either one mode or the other should control. If the draft alone is to control, this should be made plain. If the Government, however, begs for volunteers, appeals for enlistments, and adopts the volunteer system in conjunction with the draft, as it has done, then full credit should be given for the numbers received from both draft and voluntary enlistments.

Mr. CHAMBERLAIN. May I interrupt the Senator for just a minute? There is much of justice in the contention of the Senator, and yet this condition might prevail: California and the West generally volunteered most generously at the first call. Assuming that the California volunteers were between 18 and 21 and over 30 there would be the whole quota made up of men between 18 and 21 and men above 30. It might be that every man between 21 and 30 would be exempt from the draft under the rule the Senator contends for in the next call, while in other States they would have to go into the service. Your volunteering, it is true, was most patriotic, yet under the rule the Senator contends for, under the next draft, all of draft age between 21 and 30 might be entirely exempt.

Mr. JOHNSON of California. I concede the argument that has just been suggested by the Senator from Oregon is extremely persuasive. At first, when it was suggested to me, I thought possibly it ought to be conclusive, but upon mature reflection I reached the opinion, first, that you take from the man power, after all, and when you have taken from the man power that which you ask in numbers it ought to be amply sufficient and credit given therefor; and, secondly, the answer is found in appeals such as that thrown upon the screen here, and which I have no doubt was but a replica of similar appeals all over the country, asking men within the draft age to enlist and to volunteer in the Naval Reserve. In the system that has been adopted you penalize enthusiastic States, and you are penalizing localities that have responded at once and furnished their men by both voluntary enlistment and the draft. You have penalized them by saying, "You volunteered in answer to our fervid appeal, but we are not going to consider you as a part of your State's contingent at all." I call the inequitable condition to the attention of the Senate and to the fact—settled now, I presume, by the President, the Secretary of War, and Gen. Crowder—that to those States which have most readily and enthusiastically responded to the country's call a great injustice is done.

Mr. TOWNSEND. Mr. President, I have felt very much in accord with what the Senator from California has stated. I have never been able to understand the cause for excluding credit, inasmuch as those credits were largely used as a basis for obtaining enlistment at the beginning.

In this connection I desire to insert in the RECORD, because it is pertinent and bears on the very point to which the Senator from California has referred, a statement showing the quota that was accorded to each of the States in the Regular Army and the number of enlistments. From this can be readily determined by deducting from the total enlistments and drafts from the States how many actually were drafted and how many enlisted. I ask that this may be incorporated in the RECORD.

The PRESIDING OFFICER (Mr. WALSH in the chair). Is there objection? The Chair hears none.

The statement referred to is as follows:

[From the New York Times.]

WASHINGTON, *March 30.*

The year of intensive recruiting for the Regular Army by voluntary enlistment ended with the close of business at the recruiting offices to-day. Figures of to-day's enlistments will not be available until Monday, but the showing up to the close of business on Friday night brings the total enlisted strength of the Regular Army to more than 500,000.

The recruiting campaign was begun shortly before the United States entered the war. Recruiting was begun in earnest on April 1, five days before the declaration of war and one day prior to President Wilson's appearance before Congress to deliver the address which resulted in that declaration. The Regular Army then consisted of 121,797 enlisted men, and in order to bring it to full war strength it was necessary to obtain 183,898 additional soldiers for all branches of the service.

So successful have been the efforts of the recruiting officers that they have more than doubled the number of recruits which they started out to get. Including the figures of Friday's enlistments, the number of recruits obtained since April 1 was 398,105. This figure, added to the enlisted strength on April 1, gives a total of 519,902, but this must be reduced by about 18,000 due to deaths, expiration of enlistments, etc.

Since the United States entered the war the President has received authority to organize new units and to enlist men for them within his discretion. This authority has lifted the lid off the prior fixed limit, and recruiting officers are accepting recruits physically and otherwise fit without regard to any set total of strength.

When the recruiting campaign was begun on April 1 each State and the District of Columbia was allotted a certain quota of enlistments based on population and prior enlistments. Only eight States have failed to complete their quotas. Six of them are in the South. Vermont is the only Northern State to fail, lacking 74 to fill its allotment of 710 up to yesterday. Wisconsin is the only Western State that has not filled its quota. It was allotted 4,666, and is still shy 332.

The other States which have failed to fill the allotted quotas are Arkansas, allotted 3,148, lacks 738; Louisiana, allotted 3,312, lacks 73; Mississippi, allotted 3,634, lacks 1,933; North Carolina, allotted 4,412, lacks 1,469; South Carolina, allotted 3,030, lacks 1,345; and Virginia, allotted 4,122, lacks 1,288.

Some of the States have far exceeded their allotments. Pennsylvania, with an allotment of 15,330, has furnished 45,266. New York, with an allotment of 18,226, has furnished 43,438. Illinois has furnished 28,336 on a quota of 11,276. Texas is numerically the banner Southern State, with 11,931 recruits on an allotment of 7,792, unless Missouri is classed with the South and gets credit for its showing of 6,534 allotted and 15,214 obtained.

The result of the Regular Army recruiting in other States that went far beyond the number of recruits allotted is shown in the following table:

State.	Quota.	Enlistments.
California	4,754	17,015
Connecticut	2,228	4,946
District of Columbia	662	1,465
Florida	1,504	3,315
Georgia	5,218	7,672
Idaho	650	2,505
Indiana	5,400	18,254
Iowa	4,400	12,163
Massachusetts	6,732	19,127
Michigan	5,620	17,739
Minnesota	4,150	9,567
Montana	752	5,912
Nebraska	2,854	8,186
Nevada	162	1,537
New Jersey	5,074	10,023
Ohio	9,534	19,767
Oregon	1,344	6,569
Utah	746	4,180
Wyoming	290	1,316

On April 1 the total strength of all the Army was as follows: Regular Army—Officers, 5,791; enlisted men, 121,797. National Guard in Federal service—Officers, 3,733; enlisted men, 76,713. Regular Army Reserve—Officers, 2,573 (including members of Officers' Reserve Corps not of regular service); enlisted men, 4,000. Total officers, 12,097; enlisted men, 202,510; grand total, 214,607.

The approximate strength of the Army of the United States, as shown by figures prepared in the office of The Adjutant General, on March 26 was as follows:

	Officers.	Enlisted men.
Regular Army	11,003	501,218
National Guard	15,438	410,652
Reserve Corps	101,268	78,250
National Army	.....	515,964
Total	127,712	1,503,084

Officers of the National Army are included in those listed as Reserve Corps officers.

Mr. LODGE. Mr. President, the extract which the Senator from Michigan presented was from a newspaper, but I have in my hand from the department the quotas of each State in the Regular Army, and the very last returns of enlistments up to April 30. I think it is a little more explanatory than the percentages which were given in the RECORD. I think if Senators will take the trouble to examine those returns, which I ask to have printed, first, the quota and then the volunteer en-

listments in the Regular Army, they will understand the system perfectly.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Massachusetts? The Chair hears none, and the request is granted.

The matter referred to is as follows:

[War Department. The Adjutant General's Office. Washington.]

Daily statement of recruiting for Regular Army.

State.	Regular Army war quota.	Forwarded to depot Apr. 30, 1918.	Previously forwarded since Apr. 1, 1917.	Total to include Apr. 30, 1918.
Alabama	4,275	6	4,433	4,444
Arizona [1]	408	4	650	654
Arkansas	3,148	11	2,563	2,574
California [1]	4,754	19	17,665	17,684
Colorado [1]	1,594	23	4,468	4,491
Connecticut [1]	2,228	13	5,189	5,202
Delaware [1]	404	1	831	832
District of Columbia [1]	662	2	1,518	1,520
Florida [1]	1,504	10	3,423	3,433
Georgia [1]	5,218	14	7,897	7,911
Idaho [1]	650	4	2,658	2,662
Illinois [1]	11,276	46	29,374	29,420
Indiana [1]	5,400	54	18,830	18,884
Iowa [1]	4,448	73	12,800	12,873
Kansas [1]	3,380	12	6,518	6,540
Kentucky [1]	4,578	38	6,414	6,452
Louisiana	3,312	15	3,373	3,388
Maine	1,483	9	2,614	2,623
Maryland [1]	2,590	13	4,168	4,181
Massachusetts [1]	6,732	42	19,662	19,704
Michigan [1]	5,620	41	18,511	18,552
Minnesota [1]	4,150	35	10,347	10,382
Mississippi	3,594	8	1,780	1,788
Missouri [1]	6,585	103	16,199	16,302
Montana [1]	752	6	6,118	6,124
Nebraska [1]	2,581	76	8,549	8,625
Nevada [1]	162	1	1,613	1,614
New Hampshire	880	26	1,404	1,430
New Jersey [1]	5,074	36	10,544	10,580
New Mexico	654	3	856	859
New York [1]	18,221	125	46,139	46,264
North Carolina	4,412	8	3,155	3,163
North Dakota	1,154	22	2,111	2,133
Ohio [1]	9,534	82	20,722	20,804
Oklahoma [1]	3,314	17	7,222	7,239
Oregon [1]	1,344	10	6,741	6,751
Pennsylvania [1]	15,330	99	47,051	47,150
Rhode Island [1]	1,084	5	2,550	2,555
South Carolina	3,030	1	1,733	1,734
South Dakota [1]	1,166	16	2,946	2,962
Tennessee	4,358	30	6,187	6,217
Texas [1]	7,792	23	12,408	12,431
Utah [1]	746	19	4,440	4,459
Vermont	710	----------	668	668
Virginia	4,122	5	2,918	2,923
Washington [1]	2,282	3	8,663	8,666
West Virginia [1]	2,442	13	3,837	3,850
Wisconsin	4,666	19	4,629	4,648
Wyoming [1]	290	8	1,409	1,417

[1] Quota secured.

Mr. PHELAN. Mr. President, I gather from the discussion that there is an inequality in the contribution of man power among the States, and that under the resolution which has been adopted some States are required to contribute more than others. I sympathize entirely with the reflections of my colleague, and I should like to ask the chairman of the Military Affairs Committee to advise the Senate more specifically what is the justification of the recommendation of the Military Affairs Committee to the Senate to enact the law by which there is such a manifest inequality. I should like, Mr. President, the attention of the chairman of the committee.

Mr. CHAMBERLAIN. I was trying to give the Senator my attention but was interrupted by others.

Mr. PHELAN. I said that I sympathize with the reflections made by my colleague, and it seems to me a gross injustice that there should be required a greater contribution of man power proportionately from some States than from others. I should like to know why the Military Affairs Committee advised the Senate to pass such an enactment where such an injustice may be wrought. I did not understand the Senator when he addressed the Senate to answer, nor did it appear to me that he wholly answered the contention of my colleague [Mr. JOHNSON].

Mr. CHAMBERLAIN. Mr. President, I did not go into a full discussion of the subject that had been so ably presented by the Senator from California [Mr. JOHNSON], because, as I said a while ago, the bill that the Senator was discussing had already passed the Senate and the House of Representatives, and it only awaits the signature of the President to become a law. The conference report which is now before the Senate has not the question that is now being discussed involved in it at all.

The Senator from California asks me why the Military Affairs Committee suggested the enactment of such a law, which, as he claims, is so unjust. I will simply say, in reply to that, that the bill came to our committee from and with the approval of the War Department. I am now referring to the bill which has passed Congress and not to the one involved in the conference report. The position which the President took on the measure in the first instance, when it was before the House of Representatives, was the same as that which is now being insisted upon by the Senators from California. Later, and I think properly, the President receded from that position, and took the position which is embodied in the bill as it finally passed. If the Senator from California will look at the last Official Bulletin, he will find the last letter of the President on the bill in question.

Mr. President, I am not willing to concede the injustice of the proposition involved in the bill as to the quotas of the States. While I agree with the Senator from California that it does work a hardship in some instances, it is not because the principle is unjust. I think that the Senate will bear me out that I was one of the few men in the Senate who always opposed anything like a volunteer law, simply because the duties of citizenship devolve upon every man a duty to his country. My position always has been, Mr. President, that because a man is protected in life, in limb, and in property, a reciprocal obligation demands that whenever the country's call comes he must render service to it. If the insistance which some of us made here when the draft law was under discussion had been adopted, and if, instead of having any volunteer system whatsoever, we had made it incumbent upon everybody within certain ages and in certain classes to serve, we would not have this question of injustice, or apparent injustice, now.

The result now is, under the operation of a volunteer system and the draft law, that we have young men between 18 and 21 years of age, and men with families whose patriotic hearts were reached by the appeal for service to their country between 31 and 45 years of age, who have gone into the National Guard and later been drafted into the Regular Army and who are now fighting the battles of their country, when I claim that those men ought not to have and would not have been called upon under the draft law. Men from 31 years and upward with families ought not to have been permitted to enlist, but all between certain ages ought to have been placed upon exactly the same plane of equality and all ought to have been compelled, on the basis of population or some other proper and uniform basis, to have been called upon to serve their country.

Now, we will take California—than which there is no more patriotic State in the Union, unless it be Oregon; and I believe California did beat us with reference to its volunteering—and under the rule the Senator now invokes there would be no more men called from California. In that State men went into the Army even under 18 years of age, with the consent of their parents, and I doubt not if the records were examined it would be found that the same thing occurred in the case of the young men of Oregon and of Nevada, both of which States stood near the top of the list for volunteers.

Mr. President, I say that if there was any injustice at all, the injustice existed in allowing men of the ages mentioned to volunteer. As some of us inquired at the time the draft law was enacted, why not wait until the draft law takes effect and then call upon all equally to render military service to the country instead of permitting volunteers?

Under any volunteer system there are bound to be injustices, Mr. President. What would be the result of the rule which the Senator insists upon if it were to be adopted? Many men between 21 and 30 in California and other States where volunteering has been most generous will entirely escape the service. In other words, these men who, but for the patriotism of the volunteers would be compelled to serve, would under the rule insisted upon escape service entirely at the second draft in many or in some of the States of the Union.

Mr. JOHNSON of California. Will the Senator from Oregon yield to me?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from California?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. JOHNSON of California. That can not be so, if with the authority of the Government such appeals are made as I last night saw at the Strand Theater. You can see there thrown upon the screen appeals to men within the draft age to enlist. If that sort of appeal—I am very careful, if you observe, conditionally to state it—if that sort of appeal is made with governmental authority, the Senator is in error in what he says.

Mr. WADSWORTH. Will the Senator from Oregon permit me to ask a question of the Senator from California?

Mr. CHAMBERLAIN. I will.

Mr. WADSWORTH. Is the Senator from California sure that the appeal was directed at men of the draft age?

Mr. JOHNSON of California. I am positive of that. I talked with the distinguished Senator from Oregon [Mr. CHAMBERLAIN], who is now upon his feet, very briefly concerning this matter upon one occasion, but the matter had passed with me until last night, when in front of me I saw flashed on the screen an appeal for men of draft age.

Mr. WADSWORTH. Does the Senator from California say that this appeal was flashed upon the screen under the auspices of the Committee on Public Information?

Mr. JOHNSON of California. I will not say; I do not know. I assume, however, that it was done under governmental authority.

Mr. WADSWORTH. Let me observe, Mr. President, with the permission of the Senator from Oregon [Mr. CHAMBERLAIN], that the War Department has long since issued the most specific rule forbidding the voluntary enlistment of men within the draft age. I assume the recollection of the Senator from California is correct. I have every reason to believe it is. It is another instance of the Committee on Information giving misinformation.

Mr. TOWNSEND. I understood the Senator from California to refer to men to be enlisted in the Navy?

Mr. JOHNSON of California. It was the Naval Reserve; that is true.

Mr. WADSWORTH. I was speaking of the Army; I thought the Senator from California meant the Army.

Mr. JOHNSON of California. I mentioned in my remarks specifically the Naval Reserves, enlistment in which was appealed for; and the Senator will find in my remarks that that was what I first spoke of.

Mr. WADSWORTH. Then, I was mistaken. I thought the Senator was speaking of the Army.

Mr. JOHNSON of California. But what is the difference, whether it is for the Naval Reserves or for the Army, if they are asking for men to enter in the Naval Reserves who are within the draft age?

Mr. PHELAN. Mr. President, may I interrupt the Senator from Oregon?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. PHELAN. Mr. President, the Senator from Oregon, when interrupted, was about to enter into a very interesting discussion of a point which is in my mind. Does he say that when we use the words "man power" there is a differentiation between the men of draft age and the men under and over draft age—that is, volunteers?

Mr. CHAMBERLAIN. I think not.

Mr. PHELAN. It is all man power?

Mr. CHAMBERLAIN. It is all man power. But to illustrate what I mean let me give a very simple illustration: We will say that California had to furnish 50 men in the first instance and that 50 men between 18 and 21 volunteered. Now, she has furnished her quota outside of the draft age. We will say that Alabama had to furnish 50 men, and that she furnished only 25 men of all ages. Then comes the second call. Now, when it comes to that call, California we will say, is exempted under the rule that the Senator would invoke, because she has furnished her quota, all, however, between 18 and 21; and, therefore, Mr. President, the men between 21 and 31 in California escape the second call, because the State has already furnished her quota outside of the draft age entirely. Why should her men between 21 and 30 escape the service? They have simply been furnished substitutes by operation of law. Alabama will have to furnish 25 men within the draft age, which is proper, while the men of California within that age escape entirely. As a question between the States that may be just, but as between the individual citizens of the Nation it is unjust.

Mr. PHELAN and Mr. POMERENE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield and, if so, to whom?

Mr. CHAMBERLAIN. I yield, first, to the Senator from California.

Mr. PHELAN. There seems to be a disparagement in the mind of the Senator in regard to men who enlist between 18 and 21. Is it not a matter of fact that the battles of the Civil War were won by men between 18 and 21?

Mr. CHAMBERLAIN. Oh, Mr. President, if the Senator had been here while the draft law was being discussed he would have known that the Senator from Oregon insisted morning, noon, and night upon fixing the age of service in this country between 18 and 25. I stated then, and I state now, that the Civil War was fought by young men from 14 to 18. I have no disparaging word to say about the young men; they are the best soldiers in the world, and I only regret now that the ages for service are not the ages between 18 and 25, instead of between 21 and 31, for the simple reason that whenever you get above 21 you begin to reach the men with families, the men who have conditions at home requiring their presence, and the younger the age is, leaving out the question of sentiment, if you please, the less likely you are to disturb industrial, commercial, and social life.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. POMERENE. It seems to me perfectly clear that it must be the policy of the Government to distribute equitably calls for man power. Under the present law, as I understand, we draft some men and we accept volunteers. Why should the Government continue that system when it is their desire equitably to distribute the call for men? Why should we continue a system which will permit of the taking of two men from one locality when it only takes one man from another? It seems to me that, so long as the Government permits that condition to continue, a gross injustice will be committed against certain communities. I do not see how it can be explained; I have seen no explanation that satisfies me.

Mr. CHAMBERLAIN. It is hard to work out a system that will not work injustice in individual cases or injustice in a great many cases, and when the Senator can evolve a system that will avoid the very difficulty of which he now complains, he will have performed a work which will entitle him to a monument at the hands of his countrymen.

Mr. NORRIS. Mr. President——

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. NORRIS. I wish to ask the Senator a question with regard to the figures that he gave when interrupted by the Senator from California. He took California and Alabama, and to illustrate the point said that under the contention made, if California had furnished a sufficient number of men under the volunteer system, it would not be required to furnish any men under the next draft call, whereas if Alabama had not done that Alabama would have to furnish a quota under the draft. Is there any injustice about that? I should like to ask the Senator if that is not, after all, fair?

Mr. CHAMBERLAIN. It is fair to the State, but is it fair as to the individual? Suppose all the men in California who had enlisted were young men, for instance, is it fair that all the men who are above the age of 21 and between 21 and 31 in California should escape in the next draft?

Mr. NORRIS. I think that is answered by the suggestion of the Senator from Ohio [Mr. POMERENE]. The law provides—it has not been done illegally; it has been done under the law—that men may enlist anywhere between the ages of 18 and 45; they can be drafted only between the ages of 21 and 31. Now, so long as the law is complied with, and California, we will say to illustrate, has furnished a thousand men under the volunteer system, when a thousand men are called for, and Alabama has not furnished any, under the volunteer system, and then you draft a thousand men out of Alabama and none out of California, is not that equitable? Is not that absolutely fair, and is it not legal? Would it be right in that case to say to California, "You have already supplied a thousand men, although they may be young men"—and the Senator says that they make better soldiers or just as good soldiers at least as the older men—would it be right to say to California, "A thousand of your men have enlisted, yet we will give you no credit for those thousand men. We are going to take under the draft just as many from California as though none had volunteered"?

Mr. CHAMBERLAIN. Mr. President, there is merit in the contention of the Senators, and there is very much to be said on both sides of the proposition; there is no question about that; but I do not know how it is going to be remedied without amending the law that has already passed Congress. It can not be done on the pending motion to confirm the conference report upon a measure which does not involve the question at issue.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. CHAMBERLAIN. I yield.

Mr. POMERENE. If the Senator will permit me, as I understand the Senator from Oregon, he is basing his argument in favor of this system on the fact that it is not just to take a man between 21 and 31 from one State and not take a man of the same age from another State. If the Senator would stop there, I would agree with his logic and agree with what seems to be his feeling of justice and equity; but, if we are going to do equity, would not equity suggest that we surrender the man

between 18 and 21 back to the State and not compel that State to furnish at the same time a man between 21 and 31 and also a man between 18 and 21?

Mr. CHAMBERLAIN. I might say to the Senator now that if he will undertake to formulate a law that will place all the man power of this country on exactly the same footing as to age, I will assist him as best I can to enact such a law, even if it goes to the extent of releasing to the States the young men between 18 and 21, because for the life of me I can not see why we should call upon young men of this age to serve their country under the volunteer system which we had in vogue before the war and make others serve under a conscript system. All should be treated exactly alike.

Mr. POMERENE. Mr. President, I, of course, could not perhaps suggest a measure that would work absolute justice under all the circumstances, but I will undertake to devise a system that will be more just than the one we now have.

Mr. CHAMBERLAIN. Mr. President, it is very much easier to talk about formulating a just system than actually to crystalize one into a statute. The laws that we have, have been worked out after very great pains and great effort upon the part of the War Department, and I think it has been attempted to do exact justice.

The law we have as to age limits is a compromise, as Senators know. The House insisted upon applying the draft between the ages of 21 and 45, and the Senate insisted upon 18 and 25. What we have was a compromise; neither body got what it wanted.

All I have to say, in conclusion, is that, while there is merit in the viewpoint of the Senators from California, in so far as this conference report is concerned, it is entirely aside from the record. The report which is now asked to be confirmed does not bear upon that proposition at all.

Mr. PHELAN. Mr. President, does the Senator say that the bill which provides for this inequality is now in the hands of the President?

Mr. CHAMBERLAIN. Yes, sir; but I do not admit its injustice or inequality.

Mr. PHELAN. Then it would be in order to appeal to the President to withhold his signature?

Mr. CHAMBERLAIN. Absolutely.

Mr. PHELAN. I shall petition him to that effect.

Mr. CHAMBERLAIN. That is all right; but I want to say to the Senator, as I said a while ago, that the view of the President now is different from the view entertained by him when the bill fixing the quotas of the several States first passed the Senate; and if the Senator will remember, the House amended the Senate bill to conform to the wishes of the President, and later receded from that very proposition, basing its recession, as I understand it, upon his second letter of advice.

Mr. PHELAN. I have in my hand here the letter of the President, who is generally a very positive man, and who expresses his convictions in very forcible language, and generally justifies himself, at any rate.

Mr. CHAMBERLAIN. May I ask the Senator what is the date of that letter?

Mr. PHELAN. This is dated May 7th and is addressed to Mr. DENT; and this letter contains no information whatever. He simply says that he has changed his mind because somebody better informed had so advised him—the Secretary of War, I presume, or the Judge Advocate General. I have been in communication with competent authorities, who regard the creation by Gen. Crowder of the draft legislation as of the highest quality and monumental, and yet they disagree with him on this particular matter.

Mr. CHAMBERLAIN. May I interrupt the Senator just a moment? I ask him if he will kindly read the first letter of the President, which was read into the RECORD in the House, in connection with the last one which he has just referred to, where the President, as I recall now, in general terms agreed with the viewpoint of the Senator from California, but later changed his mind, and acting upon his second letter, the House receded from the position which the Senator from California advocates.

Mr. PHELAN. But I do not see why the President should have changed his mind, and I think it is quite fair to him to petition that he reconsider his letter of May 7.

Mr. CHAMBERLAIN. Mr. President, the Senator has said that the President is a very firm and a very positive man. To that I agree. But I can not answer why he changed his mind. That was a matter of his own conscience. I am not the President's conscience keeper. I suggest to the Senator that he himself ask the President why this last letter and why the first, and if the Senator thinks he can get him to change his mind and write a third letter that is for him to decide upon.

Mr. PHELAN. As Emerson says, "Consistency is the hobgoblin of little minds," and his is not a little mind. I feel quite confident that he will receive such a petition respectfully and give it at least careful consideration.

Mr. CHAMBERLAIN. I have no doubt of that. And I have no doubt but that he will do what he thinks is just and proper.

Subsequently, Mr. PHELAN asked to insert his petition to the President, which is as follows:

MAY 13, 1918.

To the PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: There was a discussion to-day in the Senate on the subject of the bill now in your hands providing for further draft of troops without allowing credit to the several States for volunteers. I am aware that you have expressed yourself upon this subject; first, in your letter addressed to Mr. DENT under date of March 26, where you thought it would be perfectly proper to include such allowances in the new draft law; and again on May 7, when, addressing the same gentleman, you took, doubtless for reasons satisfactory to you, a contrary view. The States of California, Nevada, and Rhode Island, on account of the large number of volunteers, if credits were allowed therefor, would not be called upon at once for more men under the first draft if your first view prevailed; but under the bill now before you for action these States will be called upon to fill up their quotas under the draft as though they had not made their contribution in volunteers. This seems to establish an inequality between the States. While the three States referred to are doubtless willing to make a larger contribution of man power, if necessary, there does not appear to be any necessity. As a result California will be deprived of the services of her men out of proportion to other States necessary for industrial and agricultural employment in what may be called war industries. She is penalized industrially, in other words, because of her excess of patriotism, in so far as the boys rushed to the colors before required by the draft. In the case of California there was a total in class 1 between the ages of 21 and 31 of 58,666 men. The first call brought to the Army 23,060 men and the total number of volunteers to all branches of the service was 68,205. These volunteers ranged in age from 18 to 40. As I understand it, if the war lasts for several years the volunteers under 21 years of age would be required to become eligible for draft, but the men in excess of 31 years of age would still be the extra contribution of California. The discussion in the Senate convinced me, so far as it went, that there are two good reasons why credit should be allowed to States for volunteers: First, in order that there might be a perfect equality as between the States in their contribution of man power; and, secondly, that the States having patriotically contributed volunteers should be allowed to use the men who would now be called to the camps under the proposed law for necessary industrial and agricultural purposes. In other words, the States which have made few contributions in volunteers have an unequal industrial advantage. I take from the official records, page 6286 and page 6287 of the CONGRESSIONAL RECORD, the following statistical data, which by comparison shows the inequality of which I complain. The following States are of about equal size:

State.	Total number in class 1 between 21 and 31.	First Army draft.	Total credits for all branches of service.
California	58,666	23,060	68,205
Alabama	52,815	13,612	26,938
Louisiana	56,781	13,582	23,685
North Carolina	55,682	15,974	30,837
Iowa	56,938	12,749	38,124
Indiana	60,937	17,510	48,083
Minnesota	65,084	17,778	48,852

Perhaps the matter has gone too far, and that Congress should have itself to blame for not proceeding with more caution, but if you regard it of sufficient importance, and the bill is returned without your approval, Congress will have an opportunity to consider a modification of the act.

The reason why the draft law is accepted generally by the country is that it stood, before this recent bill, on a basis of perfect equality as between the States as well as among the people.

I am, respectfully, yours,

JAMES D. PHELAN.

Mr. LODGE. Mr. President, I think there is a fundamental mistake in the law. We are trying to run two different systems side by side. We are drafting a number of the men, and we are allowing others to volunteer, and constantly swelling the ranks of the Regular Army and making it larger by the volunteers. That inevitably produces the situation that a large majority of the States have not only furnished their quotas to the Regular Army but they have furnished twice and three times and sometimes four and five times their quotas to the Regular Army. They are not all boys between 18 and 20, either. They have furnished them, and, of course, if you give credits the States that have furnished the most men will get the largest credits, and the States that have furnished the fewest men will get the smallest credits, and will be required to bring forward more drafted men—men who would not volunteer. Now, that is the plain English of it.

The reason the Senator from Oregon gives for the bill is that the States should not be allowed to fill the place of a slacker with a young fellow between 18 and 20. I do not think that is the only reason. I see the force of that difficulty, and I have put into the RECORD just the quotas demanded and against them the men furnished in the several States. I commend those dry figures to the consideration of the Senate, and I think after they have read them they will see several reasons why we landed on "no credits." But, Mr. President, those of us who come

from States which have furnished many times their quotas, as well as the full draft, of course, have the consolation of knowing that if they do not get credit here they get credit elsewhere.

I ask that the little paragraph which I send to the desk be read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

NEW ENGLAND HAS 1,103 CASUALTIES.

BOSTON, *May 9.*

The names of 1,108 New England men have appeared on casualty lists since American forces landed in France a tabulation of reports from the front showed to-day. There were 293 deaths, 789 wounded, 20 missing, and 6 reported as prisoners; 153 were killed in action, 35 died of wounds, 86 of disease, and 19 of other causes.

Of the total, 738 New England casualties were reported since April 15, or during the time American troops were taking an active part in operations against the enemy. A large proportion of the casualties were from distinctively New England units.

Mr. TOWNSEND. Mr. President, our Army to-day is made up of volunteers and conscripts. The more volunteers the fewer conscripts that will be required. Both of these classes of soldiers are provided for and approved by the Government. The draft law as originally passed was understood by Congress to provide for an equitable apportionment among the various States. It was to be apportioned according to population; but, owing to a decision of the Provost Marshal or the Judge Advocate General, the population was not fixed upon the basis of the number of people who lived in the States but according to some other plan which I never have been quite able to understand. I know, however, that it took from Michigan several thousand more soldiers than would have been required from that State if population had been the basis of apportionment.

Michigan is not complaining. Her young men have responded willingly, eagerly, to their country's call. When volunteers were asked for Michigan's quota was something in excess of 5,000, but over 17,800 young men volunteered, a majority of whom were within the draft age. As I understand, it is proposed now that, notwithstanding there has been a large number of volunteers, far beyond the quota apportioned by the Government, yet those sections of the country whose sons were patriotic enough to enlist are not to be given any credit for such enlistments. I insist, Mr. President, that the original notion should be carried out and that those States which did not volunteer ought not to have their sons protected now because of the excessive number of volunteers in other sections of the country. Certain it is that a State should be credited with its volunteers within the conscription age.

The Senator from Oregon calls "slackers" the men in the draft age in California and Michigan and Pennsylvania and New York and Massachusetts and other States who neither enlisted nor were drafted in the first call, and others charge that the advocates of proper credits are speaking at the request of these men. Senators are mistaken. I insist, however, that men of the draft age shall be treated alike in all States and that the patriots of one State shall not be substituted for the "slackers" of another State. Under this new plan the thousands of volunteers from California and Michigan and other States will lessen the number of conscripts from other States which have already benefited by an unjust and unjustifiable apportionment.

There is a glorious disposition in many parts of the country of men to enter the Army in this time of necessity, but I submit that the Federal Government ought not to propose or permit discrimination which encourages slacking in some sections of the United States and fails to reward those other sections whose people spring forward at the call of duty and enlist to preserve our common country in its present supreme hour of peril.

I do not understand the philosophy of Senators. There may be some force in the argument, and I have great respect for the opinion of the Senator from Oregon, than whom no more patriotic, no more earnest, no harder-working Senator exists; but I think the President was right before he changed his mind the last time. I would have liked to have seen, and I would like to see now—if this is not the measure, and another one is still to come on, following it—justice done to every State of the Union. I ask for nothing else. I shall be satisfied with nothing less.

Mr. NELSON. Mr. President, what is this justice that the Senator wants to have done? It is justice to a lot of men who are subject to the draft, and it is to relieve them. God bless the boys who had patriotism enough to volunteer all over the country, no matter where they came from! Why should these stay-at-homes who are subject to the draft bank upon the patriotism of these men, and say: "For God's sake, relieve us from the burden, because we have had some patriotic boys who enlisted?" I can not see the philosophy of it.

One beauty of the present law, as distinguished from the draft law we had in the days of the Civil War, was that in those days men could hire substitutes; and we who remember those days remember what a speculation there was in substitutes, how they were paid five hundred and a thousand dollars and even fifteen hundred dollars. Rich men got immunity. Now, this is not a speculation of money, but it is speculation upon the patriotism of the men who volunteered and have gone into the Army. These men who stay at home, who are subject to the draft, say: "In order to diminish the pressure and demand upon us, we should have credit for these men who have been patriotic enough to volunteer."

Mr. KING. Mr. President——

Mr. NELSON. I yield to the Senator from Utah.

Mr. KING. I ask for information. Is there anything to indicate whether the volunteers are within the draft age, or above or below the draft age, or what proportion of the volunteers are amenable to the draft?

Mr. NELSON. Most of those who have enlisted since the registration took place are outside of the draft age.

Mr. KING. If they were within the draft age, then, of course, the argument that has been made, as I understand, by the Senator from Oregon, would not be applicable.

Mr. NELSON. I have been much discouraged at the sentiment that has been manifested in some quarters. I get imploring letters from men who say they are 32, 33, or 34 years of age, and they say: "Why, Mr. Nelson, here I have been trying for three months or for six months to get into the Army and I can not." What are those men trying for? Why, for a commission—nothing else. Sometimes I write to some of these men, and say to them: "You can get into the Army the way I got in. Go and volunteer as an enlisted man"; and once in a while I tell these men who come begging for a commission that I will recommend them for privates.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. I do.

Mr. WILLIAMS. Does the Senator get any letters now and then from highly patriotic individuals who tell him that, while they are above the draft age, and therefore can not serve their country in war, they would like to serve it in some department in Washington?

Mr. NELSON. Yes; oh, yes. I get any amount of letters of that kind. I have known college men who are so anxious to avoid the fighting line that they will enlist in the Quartermaster Corps and camp out here, with a view of going over to Europe to do God knows what—chop timber, run sawmills, or something else—any way to get out of the fighting line. It is very curious. You get these letters, and they say: "Oh, I am so patriotic! I am anxious to do my bit in this war. I have been pining and yearning for it. I am so anxious to do my bit, and I want you to help me." And when you get to the end of the long letter, they want a commission somewhere.

Mr. WILLIAMS. By the way, generally their letters are preceded by a very high compliment to the Senator, are they not?

Mr. NELSON. Oh, yes; to be sure.

Mr. WILLIAMS. Telling the Senator how they consider that he has always been a leader in the best thought of the day, and so forth.

Mr. NELSON. That goes without saying; but, fortunately, I am in a position that some of you are not. I tell them boldly what I did when I was 18 years of age, and I say to them, "Go, thou, and do likewise."

Mr. WILLIAMS. There is no other resemblance between the Senator and his correspondents.

Mr. NELSON. So, Mr. President, while looking at this question from a narrow standpoint, you may say that the States should have credit for the volunteers; looking at it from a broad, patriotic standpoint, I insist that these men who are subject to the draft and are within the draft age have no business to ask for this credit. They have no business to bank on the patriotism of the men who have seen fit to enlist voluntarily in the Army and the Navy of the United States. For that reason I heartily agree with the Senator from Oregon.

As I said a moment ago, the beauty of this draft law, compared with the old one, is that under the old law they could get substitutes—buy substitutes. Now you want these men to get substitutes in another way—not for money, but by banking on the patriotism of their fellow citizens who have had the gumption and the courage to enlist.

Mr. GALLINGER. Mr. President, I will take just two minutes to call attention to the conference report.

When the bill was before the Senate I submitted an amendment excluding medical students from the operation of the law. It seems that the other House did not agree to that in the first place, but finally consented to a modification of it, and there is an exclusion now so far as students are concerned who have already matriculated. I want to call attention to the fact that while that gives some relief it does not go far enough, and in the near future we shall have to legislate so as to give a further exemption.

The medical profession is being drawn on to a very great extent, and to such an extent that at the present time our hospitals are unable, in some instances, to get internes; and they have made the suggestion that medical students in their last year may be admitted as internes, which is an unusual thing. If we should send as many more soldiers to the field as we have already in service, it will be very necessary, indeed, that we educate a much larger number of young men to the medical profession than we have been doing in the past.

However, the provision in the conference report that those who have already matriculated shall be exempted will be of some assistance. I congratulate the Senate conferees on securing that concession from the other body, and, of course, I shall be content to vote for the conference report as it stands.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. CHAMBERLAIN. I ask the Senator from Alabama to allow the unfinished business to be temporarily laid aside in order to complete the consideration of the conference report.

Mr. BANKHEAD. I ask the Senator how long he thinks it will take.

Mr. CHAMBERLAIN. I believe a vote can be reached in a few minutes.

Mr. BANKHEAD. Very well.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Mississippi has the floor.

Mr. WILLIAMS. Mr. President, if I were to express a desire to conserve from my income tax or from any other tax because somebody in my community had donated a million dollars to the United States Government, I do not think anyone would feel very much sympathy with me. When I find a man wants to be relieved from his duty under the selective-draft law to defend his country with his body upon the ground that somebody outside of the draft law has necessarily offered his body I do not think there is any need for any great sympathy, either, from the right-thinking sort of a man.

I do not see any patriotism, I do not see any common sense, in the idea that I, living in a certain community, should be relieved from a common burden of citizenship upon the ground that the Senator from New Hampshire, Mr. GALLINGER, or the Senator from Minnesota, KNUTE NELSON, had done unnecessary service. The supererogation of work whereby men can gain salvation, according to a certain religious faith, would be carried a little bit too far if we carried that into operation. I might count my patriotism, then, by the fact that either one of those two other men had exceeded his duty of patriotism. I can not understand for the life of me why any man should be relieved from his duty by urging the fact that somebody else has done more than his duty.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

PARITY OF THE AMERICAN DOLLAR ABROAD.

Mr. OWEN. Will the Senator from Alabama yield to me for just a moment? I want to ask action upon Senate resolution 238, asking for certain information.

Mr. BANKHEAD. I ask the Senator how long he thinks it will take?

Mr. OWEN. If there is any objection to it at all, I will withdraw it.

Mr. BANKHEAD. I will yield, if there is unanimous consent.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent for the consideration of Senate resolution 238.

Mr. GALLINGER. Let it be read.

Mr. KENYON. Let us understand what it is.

Mr. OWEN. The resolution is one of inquiry in regard to certain national exchange matters. I think no one will have any objection whatever to anything in it. If there is, I will withdraw it.

The PRESIDING OFFICER. The resolution will be read.

The resolution was read and agreed to, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to advise the Senate of the amount severally of commercial and financial bills payable in terms of the currency of the neutral nations of Europe which have been bought and sold severally by the member banks of the Federal Reserve System and other banks and banking houses dealing in foreign exchange in the city of New York from January 1 to April 1, 1918, and the amount of profit in such transactions, and to advise the Senate what steps have been taken to protect the par value of the American dollar in the neutral countries of Europe, and what is the amount of foreign balances held in the United States at this time by such neutral nations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, further insists upon its disagreement to the amendments of the Senate numbered 38 and 90, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BYRNS of Tennessee, Mr. EVANS, and Mr. FIELDS managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10264) to prevent in time of war departure from or entry into the United States contrary to the public safety.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," and it was thereupon signed by the Vice President.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, further insisting upon its disagreement to the amendments of the Senate numbered 38 and 90, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN. I move that the Senate agree to the further conference asked for by the House and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN, Mr. OVERMAN, Mr. UNDERWOOD, Mr. WARREN, and Mr. SMOOT conferees at the further conference on the part of the Senate.

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. BANKHEAD. I believe when the pending bill was temporarily laid aside we were considering section 7. We are ready to proceed now with that section.

Mr. HARDWICK. Mr. President, section 7 of the bill which is under consideration by the Senate provides:

That to promote the conservation of food products and to facilitate the collection and delivery thereof from producer to consumer, and the delivery of articles necessary in the production of such food products to the producers, the Postmaster General is hereby authorized to conduct experiments in the operation of motor-vehicle truck routes in the vicinity of such cities of the United States as he may select, and under such rules and regulations as he may prescribe, and the cost of such experiments, not exceeding $100,000, may be paid by the Postmaster General out of any unexpended appropriations of the Postal Service, and the Postmaster General shall report the result of such experiments to the Congress at the earliest practicable date.

Let me say in explanation of this section that more than a year ago, after extended and thorough discussion of this subject, the United States Senate adopted substantially if not identically this proposition in the form it now appears. It went to the House and was there favorably reported from the Committee on the Post Office and Post Roads, but the bill was not acted upon in the pressure of business there. However, the House of Representatives has recently passed this same proposition by a unanimous vote, I think, except that instead of appropriating $100,000 as we suggest here they appropriated $300,000, and provided a revolving fund.

Mr. President, the Fourth Assistant Postmaster General, within the operation of whose bureau this service comes, has already conducted considerable experiments under the authority of the star-route legislation, enough to convince that official of the Government that that is a very good service and has very great possibilities. I am going to ask the Secretary of the Senate to read his report on this subject to the Senate. Then I shall have a few words more to say and will be ready for the Senate to vote on the proposition.

The PRESIDING OFFICER (Mr. TRAMMELL in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, May 8, 1918.

Hon. THOMAS W. HARDWICK,
United States Senate.

MY DEAR SENATOR HARDWICK: The parcel-post motor-truck service between large postal centers, and to and from producing territory in the vicinity thereof, has been so successful within the limited zone where the attempt to establish such service has been made as to be worthy of particular attention and definite legislative action.

As you are aware, six routes are in operation, as follows: Between Philadelphia and Baltimore, Annapolis and Washington; Baltimore and Solomons Island, Md.; Baltimore and Lancaster, Pa.; Washington and Leonardtown, Md.; Philadelphia and Atlantic City, N. J.; and Washington and Frederick, via Mount Airy, Md.

Thus a connecting route operates between the three large market centers of Philadelphia, Baltimore, and Washington, and feeder routes radiate out of Philadelphia, out of Baltimore, and out of Washington.

On the trunk line, or connecting route, between Washington and Philadelphia the mail transported is so heavy that it was necessary to increase the number of cars out of Philadelphia to West Grove, Pa., and return, and in the immediate future an additional car will have to be utilized.

On this route the total annual receipts at the post office at Kennett Square, Pa., a third-class office, did not exceed $15,791.03 for 1917, whereas the present income of this office indicates earnings will be considerably over $22,000 per annum, or a gain of approximately 50 per cent, entirely due to the introduction of motor-truck service between this small village and the market in Philadelphia.

The earnings on the Baltimore-Solomons Island route average nearly $350 a day, at an expense of not more than $25 a day, thus indicating earnings of more than $110,000 a year, or an expense of not to exceed $7,500 a year, including all direct and indirect expenses incident to the operation of the route. A detailed cost sheet is attached hereto and marked Exhibit A.

It is conceded that a portion of the earnings of this route must be distributed to the incoming and outgoing operations to or beyond the terminus at Baltimore, and to that end 66⅔ per cent of the postage revenue could be applied, and there remain net earnings of approximately $35,000 a year, against which the total operating expense would not exceed $7,500. I have deliberately increased the indirect, or overhead, operating expenses, in order that no possible question could be raised as to the profitable possibilities involved.

There is no rail or water service anyhere in the vicinity of the territory served by this route, consequently it is not only noncompetitive but is a feeder to such railway or boat service as may be established from Baltimore to points where the mailable matter that appears on the route may be destined.

I emphatically assert that there are numerous localities within the United States where identical conditions prevail and where the establishment of transportation facilities from the producers domiciled thereon to the nearest large market center would result in earnings and expenditures in the same proportion as prevail between Baltimore and Solomons Island, Md.

From Fredericksburg, Va., into southeastern Virginia, between the York and James Rivers, is a type of territory of this variety. From Gettysburg to Bedford, Pa., along the Lincoln Highway, no transportation facilities of any kind exist, and this large farming territory could be connected direct with the markets in Pittsburgh and Philadelphia and Baltimore, and eventually produce results similar to those on the Baltimore and Solomons Island route.

Senators and Representatives in Congress are in a position to indicate where at the present time there exist no adequate direct means of contact between producers and consumers or vice versa.

Connecting routes can be established between Portland, Me., and Nashua, N. H.; thence from Nashua to Worcester, Mass.; from Worcester to Hartford, Conn.; from Hartford to New York City; from New York City to Philadelphia; from Philadelphia to Baltimore; from Baltimore to Washington; from Washington to Richmond, Va.; from Richmond to Lynchburg, Va.; from Lynchburg to Raleigh, N. C.; from Raleigh to Columbia, S. C.; from Columbia to Augusta, Ga.; from Augusta to Macon; from Macon to Columbus, Ga.; from Columbus to Montgomery, Ala.; from Montgomery to Jackson, Miss.; from Jackson to Baton Rouge, La.; from Baton Rouge to New Orleans.

Likewise from Baton Rouge to New Grenada, Miss.; from New Grenada to Memphis, Tenn.; from Memphis to Nashville; from Nashville to Louisville, Ky.; from Louisville to Indianapolis, Ind.; from Indianapolis to Chicago, Ill.

In another direction: Between Indianapolis, Ind., and Columbus, Ohio; from Columbus to Zanesville, Ohio; from Zanesville to Wheeling, W. Va.; from Wheeling to Pittsburgh, Pa.; from Pittsburgh to Bedford, Pa.; from Bedford to Gettysburg, Pa.; from Gettysburg to Philadelphia; also from Gettysburg to Baltimore, Md., where the western line would connect with the eastern line, heretofore outlined.

It is also possible to operate from Columbus, Ohio, to Cincinnati, Ohio; from Cincinnati to Louisville, Ky.; from Louisville to Lexington, Tenn.; from Lexington to Chattanooga; from Chattanooga to Atlanta, Ga.; from Atlanta to Columbus, Ga., where, again, a connection is made with the eastern line, operating between Portland, Me., and New Orleans, La.

Naturally it is possible to operate many other connecting links, and from each of the market centers at the end of the connecting links herein mentioned feeder routes, operating into producing territory within 100 miles, could easily be established and would unquestionably transport mailable matter the postage on which would not be less than $20,000 annually per route.

To provide for the service outlined in the connecting links heretofore mentioned would require approximately 300 motor cars, the purchase price of which would be in the neighborhood of $750,000 to $1,000,000 and on which the operating cost would not exceed $3,000 per annum per car, or approximately $900,000 a year. At the minimum earnings stated above the 300 motor cars would earn $6,000,000 a year, and if they earned as much as the cars now operating between Baltimore and Solomons Island they would produce a revenue of about $33,000,000 a year.

It is not expected, however, that every motor route established would be as profitable as this one, but when mentioning the minimum figures it is worth while also to set forth what is the possible maximum income.

It is agreed when such earnings are apparent that the rates should be reduced. In doing this, however, the rates should not only include the cost of operation as a postal proposition but a certain amount of the net revenues from every route should be set aside for the improvement of the highway over which trucks travel. The net earnings on the Baltimore-Solomons Island route would easily maintain the highway in a splendid condition, and a similar possibility is self-evident in the territory along the coast and east of the Mississippi River, as outlined in the program herein set forth. Every foot of the highway over which this service may be established could, no doubt, be kept in splendid condition from the revenues derived from the operation of the parcel-post motor-truck routes thereon.

Under any and every condition the roads traveled between the termini herein mentioned should be selected exactly, as the routes now established between Philadelphia and Washington. The cars on this route leave Philadelphia by way of Oxford and the Conowingo crossing of the Susquehanna River, and are consequently from 20 to 25 miles distant from the railroad that travels directly between Philadelphia and Baltimore. From Baltimore to Washington the cars travel via Annapolis and Upper Marlboro, Md., and are, therefore, from 20 to 25 miles distant from the direct rail line between Baltimore and Washington. In similar manner the lines elsewhere should travel through territory not immediately adjacent to rail facilities, and thus the producers domiciled in such territory would be in direct contact with the parcel-post route, and it would be unnecessary for such producers or consumers, located on roads covered by parcel-post motor trucks, to transport their produce many miles to market or to available lines of transportation to market.

I invite particular attention to the numerous handlings necessary to convey produce under any system now in vogue from producer to consumer. While apparently there is little expense involved in such handlings, nevertheless, whether it is 10 per cent or one one-hundredth per cent of the cost of the produce, when multiplied by the millions of different operations necessary in the treatment of produce between the domicile of the producer and the table of the consumer it mounts into staggering sums, and the elimination of any of these operations will eventually affect the cost of delivery from producer to consumer to such an extent as will materially influence the cost of living.

A parcel-post motor truck made an experimental trip from Lancaster, Pa., to New York City, a distance of 182 miles, in 12 hours. The truck was loaded with 30 crates of eggs of 30 dozen each, or 10,800 eggs, 500 pounds of butter, 500 pounds of fresh sausage, 200 pounds of honey, and 4,000 one-day-old chicks. It arrived in New York City with but nine eggs broken and 2 chicks suffocated. But two handlings were involved—one at the domicile of the producer and the other at the warehouse of the addressee—as over against not less than 8 to 12 handlings under any other system of transportation now in existence.

It is not presumed that such a method can be derived in every case, this being the best possible collection and delivery service that could be performed by truck.

I trust that some definite legislative authority for the establishment of the particular service herein outlined may be assured and the purchase and operation of approximately 300 motor cars be provided for in order that a complete demonstration of the meritorious possibilities of this service may be presented to the Congress for further consideration at the earliest possible date.

It is vital to the welfare of the Nation that some direct means of communication between producers and consumers, and vice versa, be established. The patron in the city of Washington to-day pays 43 cents a dozen for eggs that are selling in the open market at York, Pa., not 100 miles from this city, at less than 36 cents a dozen. A motor-truck parcel-post service in operation between the cities will be taken advantage of by consumers when such possible economy is known to them.

Believe me to be,
Sincerely, yours,

JAS. I. BLAKSLEE,
Fourth Assistant Postmaster General.

Mr. HARDWICK. I ask that the statement accompanying the letter be printed in the RECORD without being read. I do not care to burden the Senate with details.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

EXHIBIT A.

Statement showing revenue receipts and expenditures on motor vehicle truck star route No. 13283, Baltimore to Solomons, Md.

MAY 9, 1918.

Average daily revenue as of May 4, 1918, based upon 3-cent rate first-class postage One cent per pound for second and fourth class.	$334.07
Average daily direct expense as of May 4, 1918: Gasoline, drivers, repairs, garage, includes all actual cost paid	12.45
Average daily indirect expense as of May 4, 1918: Includes depreciation 33⅓ per cent, interest 4 per cent, supervision, etc	10.09
Total daily expense	22.54
Receipts, 313 days (average)	104,563.91
Annual expenses direct, 313 days	3,795.85
Annual expenses indirect, 313 days	3,158.17
Total expense, 313 days	6,954.02
Net revenue	97,609.89

The receipts on April 1, 1918, amounted to $518.82.
NOTE.—Considerably higher than the average quoted.

Mr. HARDWICK. Mr. President, I wish to say just a word in support of this proposition, and then I am prepared to take the sense of the Senate upon it.

It seems to me, in times like these, when an already mounting cost of living is lifted still higher by war conditions, we ought to experiment in every practical way to bring the producer in close and direct touch with the consumer, and it seems to me like anything that will accomplish that result ought to be carefully considered and ought to be tried out.

It does appear to me that if the country produce around these great cities could be carried into those cities by the simplest and shortest and most direct process, dispensing with as many middle men and with as many different kinds of processes as are possible, we will have accomplished a great deal toward the relief of the people in the great cities from the high cost of fruit and vegetables and all sorts of country produce, and at the same time we will have accomplished a great deal for the country people in giving them a direct and reasonably cheap method of communicating with the town customers in getting their produce, which might otherwise go to waste and much of which does otherwise go to waste, to a city market that is absolutely in need of it.

The Senator from Utah [Mr. KING], in opposing this matter the other day, voiced some objections that were not without their weight with me. He objected, and objected very strenuously, to putting the Government into so many kinds of business. So do I; and yet we are confronted here by a condition and not by a theory. We know that this produce is raised all around the great cities, where the distress is greatest and the most general and the prices are the highest and the most unendurable. We know that the Government is already engaged at this moment in the transportation business on land and sea, by railroads and by ships. We know that we already have a parcel post which, beginning with a weight limit of 20 pounds in the more distant zones and 50 pounds in the first three zones, has within the past few weeks been raised to 70 pounds in the first three zones and 50 pounds all over the country, so that to-day by parcel post you can send merchandise not exceeding 50 pounds in weight from here to San Francisco if you want, and merchandise not exceeding 70 pounds in weight to any place not more than 150 miles distant from Washington.

I can not for the life of me see the difference between that proposition and this. This is nothing in the world but a country express service. If we are to transport merchandise on the trains to the people in the towns and from one town to another up to the weight limit of 70 pounds for the first 150 miles and 50 pounds for the entire country, what possible objection can there be on principle from doing exactly the same thing with motor trucks in the rural sections of the country, especially when great practical work is to be accomplished thereby and when the people of the great cities may have their cost of living reduced by the effort?

At any rate, Mr. President, we thought it was worth while, and the Post Office Department thought it was worth while, to ask the Senate to let the Post Office Department experiment with this matter. The Senate agreed more than a year ago that it would do it. The experiment has been delayed except so far as it could be conducted under the provisions of the law relating to star-route service, but the experiments directly authorized by Congress have been delayed because the proposition has not passed both Houses in one and the same bill.

I said just now this proposition had not only passed the Senate but it passed the House of Representatives only a few weeks ago as one of the sections of the Madden bill relating to increase of salary of employees of the Post Office Department, except that the House appropriated a sum three times as great as the Senate committee has recommended and, besides that, made a revolving fund out of all the funds which would come in from the operation of this service. We did not think a revolving fund was best and did not care particularly about how great the amount was. So we have reported it in the form in which it passed the Senate and for the same amount we put in when the Senate passed it before.

On principle, I can see no reason why this should not be done. The parcel post in connection with the rural route has not been the success we hoped for. The figures show that on each rural route, taking all the rural routes in the United States and averaging them up, there is only one parcel-post package a day. The result of too much parcel-post business is to slow the mails too much, and besides the expedition of the mail on rural routes has a tendency to discourage the slowness that is necessary to operate a freight express. So we concluded that it was wise and best and most practical to some extent to separate this service in the rural sections and endeavor to give to the country people and to the town people, too, because they get the benefit, a country express service exactly like we have provided for the people who live in towns and cities and who have railroad connection. That is all there is to it. It is only an experiment, and I think we can well afford to make it.

Mr. VARDAMAN. Mr. President, I agree with the able Senator from Georgia [Mr. HARDWICK] as to the good results which will come from this service. I am not opposed to the principle underlying this system which is sought to be established. I am in favor of the Government doing anything that the Government can properly do by which all the people or a greater majority of them may be benefited. I believe that governments are made for men rather than men for governments.

If this system will bring the farmer, the truck grower, closer to the consumer in the cities it benefits both parties to the transaction. The farmer gets a better price for the products of his soil, the consumer gets a better variety of food to eat and pays less for it. The only person who is injured by the establishment of this system of transportation is the middleman, who makes the profit on the goods he sells in the cities.

I hardly think it is an experiment. It has passed the experimental stage, and I hope sincerely that the amendment may be agreed to by the Senate. It is good for the farmer, better for the town man, and good for everybody.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. VARDAMAN. I yield.

Mr. KING. I regret having been obliged to be absent from the Chamber and therefore am compelled to ask, Was the Senator from Mississippi just discussing section 7?

Mr. VARDAMAN. Yes; I was discussing section 7, the section with reference to motor trucks.

Mr. KING. Have any data been furnished to the Senate concerning the operations of the department under this plan?

Mr. VARDAMAN. The Senator from Georgia [Mr. HARDWICK] has just had read by the Secretary a statement from the Post Office Department, was it not, in regard to the matter?

Mr. BANKHEAD. It was a statement of the Fourth Assistant Postmaster General.

Mr. KING. I should like to inquire if there is any other Senator who desires to speak on this matter?

Mr. BANKHEAD. I do not know of anyone who desires to speak. I do not think it needs any argument.

Mr. VARDAMAN. I think it is a self-evident proposition and needs no argument.

Mr. BANKHEAD. Mr. President, I should like to say to the Senator from Utah [Mr. KING] that the Secretary has just read quite a long explanation of this whole subject, covering six or seven typewritten pages, which goes very fully into the whole question. I am sure, if the Senator from Utah would read that statement, he would quite agree that this is a proper provision in the bill.

I desire to say further, Mr. President, that this section does not carry any appropriation for this work. It merely authorizes the Postmaster General to expend $100,000 out of the postal revenues—that is all—in experimentation. It does not increase the appropriation.

Mr. GALLINGER. Mr. President, will the Senator from Utah yield to me?

Mr. KING. I yield.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	McNary	Sherman
Bankhead	Henderson	New	Smoot
Beckham	Hollis	Norris	Sterling
Calder	Johnson, Cal.	Nugent	Sutherland
Colt	Jones, Wash.	Overman	Swanson
Culberson	Kellogg	Page	Thomas
Cummins	Kendrick	Phelan	Tillman
Curtis	Kenyon	Poindexter	Trammell
Fall	King	Pomerene	Underwood
Fernald	Kirby	Ransdell	Vardaman
France	Knox	Robinson	Weeks
Gallinger	Lenroot	Saulsbury	Willey
Gronna	Lewis	Shafroth	
Hale	McKellar	Sheppard	

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, a quorum is present. The question is on the adoption of the committee amendment, which is section 7.

Mr. GALLINGER. Mr. President, I have not had the privilege of reading this amendment until a moment ago, but it strikes me as a very extraordinary provision. It is called an experiment, and it certainly is an experiment in every sense of the word. A hundred thousand dollars is to be provided in this

bill, at the expense of the taxpayers of the country, to carry garden truck from the farmers adjacent to the cities of the United States. It will be but a trifle of what will be necessary if we are going into this matter and do justice to all sections of the country; but it does seem to me that there is little if any foundation, for the contention that the Government ought to engage in this business.

Mr. HARDWICK. Will the Senator from New Hampshire allow me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. HARDWICK. There will not be any loss from this appropriation. The report of the department shows that they have operated these six routes, which they have already had, and they are making a profit out of them. We are not going to spend any of the taxpayers' money in this business, no matter what other things may happen.

Mr. GALLINGER. They have got to take $100,000.

Mr. HARDWICK. But we will more than get it all back in the service that we are conducting from the operation of the business.

Mr. GALLINGER. Now, let me ask the Senator as to the modus operandi of this business. There is a farm, we will say, 20 miles outside of Washington, where a man is raising produce which the people of Washington are in need of and the Government hauls it into Washington. How is it then to be disposed of?

Mr. HARDWICK. It is to be transported to whomsoever it is consigned in Washington.

Mr. GALLINGER. To the individual family?

Mr. HARDWICK. To the individual, whether it be a merchant or a householder or what not.

Mr. GALLINGER. And who settles with the man who raises the produce?

Mr. HARDWICK. That is a matter entirely between the seller and the buyer.

Mr. GALLINGER. I presume it would be; but just how is the adjustment to be made?

Mr. HARDWICK. It might be made by money order or it might be made by check or in any other way; I do not know how.

Mr. GALLINGER. Can the Senator from Georgia tell me where these three routes are that are now in operation?

Mr. HARDWICK. There are six of them. One is from Baltimore to Philadelphia.

Mr. GALLINGER. The Senator must excuse me for asking the question. I did not hear the Senator's statement.

Mr. HARDWICK. I am glad to give the Senator the information. One of these routes is between Philadelphia and Baltimore and Annapolis and Washington; another from Baltimore to Solomons Island, Md.; another from Baltimore to Lancaster, Pa.; another from Washington to Leonardtown, Md.; another from Philadelphia to Atlantic City, N. J.; and another is between Washington and Frederick, Md., by way of Mount Airy, Md.

Mr. GALLINGER. Do I understand the Senator from Georgia that there has been a route established by the Government, and controlled by the Government, between Washington and Frederick, Md.?

Mr. HARDWICK. Yes, sir.

Mr. GALLINGER. A route which carries produce into the city of Washington?

Mr. HARDWICK. Yes, sir.

Mr. GALLINGER. I am glad to hear that. I never heard of it before. I might possibly have been patronizing it had I known of it.

Mr. HARDWICK. The Senator from New Hampshire will understand, I will say, if he did not hear the statement from the Post Office Department read, that the Post Office Department has established the six routes which I have been naming to the Senator under the provisions of the law authorizing star-route service.

Mr. GALLINGER. I had supposed that the star-route service related to the mails.

Mr. HARDWICK. Those routes do carry mail, but every one of them——

Mr. GALLINGER. And the Postmaster General has assumed authority to add a truck service to the mail service?

Mr. HARDWICK. Why should he not, when the law authorizes it?

Mr. GALLINGER. Why should he? The Postmaster General does not permit the rural carrier to carry anything of that kind on any route.

Mr. HARDWICK. Oh, yes; the law authorizes the carriage of parcels up to the 70-pound limit in the first three zones, or 300 miles, all over this country; and there have been no parcels carried on any one of these routes exceeding in weight that limit. They are held down to the limits of cost which are established by law for the carrying of parcels. They are merely transporting the parcels on these six routes in automobile trucks instead of on railroad trains.

Mr. GALLINGER. Has the Senator from Georgia any statistics to show how much of this business has been done and what the profits, if any, have been?

Mr. HARDWICK. Yes. I read them to the Senate before the Senator came in.

The average daily revenue as of May 4, 1918, based upon 3-cent rate first-class postage on the route from Baltimore to Solomons Island—we will take that, for example, as that is the one the Assistant Postmaster General uses. The average daily revenue has been $334.07; the average daily direct expense—gasoline, drivers, repairs, garage, which includes all actual costs paid—has been $12.45 as against $334.07. The indirect daily expense as of May 4, 1918, includes depreciation 33⅓ per cent on trucks, and interest 4 per cent, supervision, and so forth, $10.09. Total daily expense, $22.54. The receipts for 313 days were $104,563.91; and the annual expense direct for 313 days was $3,795.85. The annual expense indirect for 313 days—that is a year, of course, omitting Sundays—was $3,158.17. The total expenditure for a year of 313 days was $6,954.02, and the net revenue was $97,609.89.

That is just one of the routes. They are good money makers.

Mr. GALLINGER. Did the Senator say that was on one route?

Mr. HARDWICK. On one route. In fact, I think we shall be able to pay some of the salary increases for which we are providing if we let the Post Office Department do a little of this work.

Mr. KELLOGG. Mr. President, will the Senator from New Hampshire yield to me?

Mr. GALLINGER. Certainly.

Mr. KELLOGG. I should like to ask the Senator from Georgia whether any allowance was made for depreciation?

Mr. HARDWICK. The allowance for depreciation was 33⅓ per cent. They carry this produce on motor trucks, and they have made a wonderful showing. I can not see that it is any more socialistic to have an express service running along the country roads, handling parcel-post business up to a 50 and 70 pound limit, than it is to have a parcel-post express going along on railroads from town to town or from city to city. The governmental principle is the same.

Mr. GALLINGER. Mr. President, there is a good deal of force in that suggestion; but what surprises me is that the Government is engaged in an activity that is as profitable as the Senator from Georgia suggests this experiment has been. We assume governmental control of railroads, and immediately the cost to the public has been increased, while the service has been very much depreciated. That has been about the experience that other countries have had, as can easily be shown in the matter of governmental activity in the conduct of business.

Mr. HARDWICK. I quite agree with the Senator from New Hampshire, as he knows, in that regard, but let me tell the Senator what I think is the real explanation of that difference. These country express routes—I will call them that, so that the Senator may understand what I mean—traverse a territory and handle goods and produce of various sorts that otherwise would find no market at all in many cases, and that in other cases would have a more indirect and expensive method of transportation. Therefore I think they have attracted a good deal of business. I believe there is a great future for this service. I think it will really accomplish what we thought we were accomplishing when we established the rural parcel-post system.

Mr. GALLINGER. I am very sorry to trouble the Senator from Georgia with questions——

Mr. HARDWICK. I am very glad to help the Senator from New Hampshire all I can.

Mr. GALLINGER. Because I ought to have heard his statement in the first place. I desire, however, to ask exactly how is this business conducted? The Government is in the business?

Mr. HARDWICK. Yes, sir.

Mr. GALLINGER. The Government is making the profit?

Mr. HARDWICK. The Government is in the express business.

Mr. GALLINGER. It is in the express business. The Government sends trucks to Frederick, Md., and the produce of the farm and the garden is collected. Does the Government become in any way obligated so far as that produce is concerned?

Mr. HARDWICK. For its safe delivery?

Mr. GALLINGER. For its safe delivery. Does the Government invest anything in it? My thought is—and it is a practical thought—exactly what is the modus of getting the material from the producer to the consumer?

Mr. HARDWICK. I will tell the Senate what I know about it, and of course that is the best I can do. I imagine, and this is my imagination, and not my knowledge, for I have not inquired about it, but I presume they regulate the question of liability just as they do in the case of the parcel post. I think in the general parcel-post business a small extra charge is made when it is desired to guarantee safe carriage.

Mr. BANKHEAD. Insurance.

Mr. HARDWICK. Insurance, as my colleague from Alabama suggests. I assume that, of course, the same method would be applied, because it could be applied to this character of business.

The proposition, when it comes to its actual or practical working out, is this: Say a merchant in Frederick, Md., wants to consign to a merchant or a produce dealer or a market man here in Washington any considerable amount, or any amount of merchandise, any kind of merchandise, up to the weight limit; he merely sends it in this way, and makes whatever arrangement he pleases with his Washington customer, and in that way gets a somewhat better price—I presume the result will be that he will get a somewhat better price than he would at Frederick—and at the same time the Washington man could sell at a smaller price than heretofore prevailed at Washington. That is the theory of it; there probably would be some concession.

Mr. GALLINGER. Mr. President, does the Senator really think that the ultimate consumer is going to get any benefit out of it?

Mr. HARDWICK. I have no doubt of it, because the ultimate consumer can avail himself of the privilege afforded, and will undoubtedly do so when the service gets beyond the experimental stage. For instance, there are many country stores scattered around all the cities, and people who are shrewd and prudent about their household affairs could very well place orders with them for eggs, chickens, and other things and have them brought in over these routes.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me, I know of an instance where a man living in the city has placed a regular order with a farmer in the country, and receives eggs, chickens, and vegetables in that way. They are brought to him three times a week.

Mr. GALLINGER. He can do that by parcel post now.

Mr. VARDAMAN. Well, he can do it by truck transportation; and, as I said a moment ago, it gives the town man better food; it gives the country man better prices, and it gives the town man cheaper prices than he would have to pay if he bought direct from a town dealer.

Mr. GALLINGER. Mr. President, I have had a little experience—not much—in regard to such matters in my own section of the country, and I have made the discovery that the average farmer now has a telephone and knows exactly what eggs, poultry, and other articles raised on his farm are worth in the nearest market; and if anyone is shrewd enough to get them from the farmer at a much less cost than he can get them at the nearest market, he has had better luck than I have had.

Mr. HARDWICK. I think the Senator is right about that; but the larger the supply, the lower the price is likely to be.

Mr. GALLINGER. I will not pursue the matter. I am against Government ownership and shall vote against this section; but if it is agreed to, as probably it will be, I hope it will work as well as the Senator from Georgia contends it will.

Mr. KELLOGG. Mr. President, may I ask the Senator from Georgia a question.

Mr. HARDWICK. The Senator has the floor, and of course I will be glad to answer any question that I can in his time.

Mr. KELLOGG. Is it proposed under section 7 that the transportation of products shall be confined to the Parcel Post System under the law as it now exists, or is there to be an authorization to engage in the transportation of products at the will of the Postmaster General?

Mr. HARDWICK. I will say to the Senator that I have no doubt myself that the department will be confined to the general law regulating the parcel post even under this section.

Mr. KELLOGG. Well, at this stage of the proceeding, does not the Senator think it would be wise to confine it to the parcel post—that is, to transportation as it is now carried on under the Parcel Post System? The Senator is aware that if Congress undertakes to establish a system for the transportation of all products from the producer to the consumers of this country, it will involve a task greater than carrying on the war.

Mr. HARDWICK. There must be limits to it, of course. I understood that they would apply the same limits and the same regulations to this form of transportation as are applied to the parcel post generally, whether the packages are transported on the railroads or street cars or steamboats or anything else; in other words, a 70-pound limit for the first three zones, or 300 miles, and 50 pounds for the remaining zones. I think the Senator will quite agree with me that logically there is no distinction between having a parcel post in the rural sections of the country and having a parcel post on the railroads between towns and cities. I can not draw the distinction between the two.

Mr. KELLOGG. I quite agree with the Senator; but that is not the point I am raising. I am asking whether this transportation that the Postmaster General is authorized to establish is to be confined to the Parcel Post System?

Mr. HARDWICK. I will tell the Senator. I think the language of the section ought not to be amended, because it is a mere experiment, and the Postmaster General is directed to report to Congress. I should like the Postmaster General to have some latitude when he is investigating. When it comes to enacting a permanent law, I quite agree with the Senator that we ought to establish the same limits here that we have established elsewhere; but while we are experimenting with the question and trying to get light I do not like to put express limits on the provision that might interfere with our getting the fullest light that is obtainable on the entire subject.

Mr. KELLOGG. I fully agree that the parcel post is a good thing, and I quite agree with the Senator that anything that facilitates transportation of produce from the farmers to the cities is a good thing; but it is transported now on the railways and to some extent on rural routes——

Mr. HARDWICK. Very little.

Mr. KELLOGG. Under the Parcel Post System. Now, if we are going to enlarge the system as to motor-truck deliveries, we will also have to enlarge it as to the railways, because we shall have to have the same system in existence as to the railways that we have as to motor trucks.

Mr HARDWICK. I would agree with the Senator about that if this were a proposition to establish the system permanently; but this is not a proposition to establish it permanently, but merely to authorize the experiment.

Mr. KELLOGG. But to experiment is to establish——

Mr. HARDWICK. No.

Mr. KELLOGG. And when it is established in some places every other place will have to have it.

Mr. HARDWICK. But, if the Senator will pardon me, there is only a limited amount of money appropriated; the Postmaster General is directed to report to Congress the result of the experiment, and the language of the section will not authorize any further expenditure as to the fiscal year covered by this bill. Therefore it is impossible that the section should grant authority for anything except for operations during the fiscal year covered by the bill, not to exceed in cost the limit fixed. The reason why I object to tying it down is because when we are experimenting and trying to get light, and are closely limiting the amount of the appropriation and the time during which the money can be expended, it looks to me as if we might tie it up a little too tight if we were to do more than leave it to the discretion of the Postmaster General.

Mr. KELLOGG. Of course, if the Government goes into the business of transporting products in competition with the railroads——

Mr. HARDWICK. It has already gone into that business.

Mr. KELLOGG. That is true——

Mr. HARDWICK. So that it should not be said "if the Government goes into the business," because it has already gone into it. If the Senator will pardon me for taking a little more of his time, the trouble is this: We thought we had established a Government express in the rural sections of this country in connection with the parcel-post law on rural routes, but the fact is we have not established any such service as that; the fact is that from the rural routes of this country to the offices which serve them there is coming to-day from the rural sections of the Republic only one package per day per route, showing that the service has utterly failed in doing what we expected of it.

Mr. KELLOGG. Yes; that is quite right.

Mr. HARDWICK. Therefore we have got to try this, unless we are going to abandon the system.

Mr. KELLOGG. I did not intend to make a speech on the subject, but I wished to ask a few questions of the Senator, because I know he is thoroughly informed on the subject.

Mr. HARDWICK. I thank the Senator.

Mr. KELLOGG. Has the Government made any experiment to compare the cost, say between Baltimore and Philadelphia—I notice one of the routes has been established between those points—of transporting the mails and parcel post by this route with the cost on railroad routes?

Mr. HARDWICK. I do not think so; but so far as I know they have not. They gave us the figures they have, which show how much direct expense for gasoline, drivers, oil, and such

things as those has been incurred in operating these trucks; how much indirect expense, depreciation, and other items, that should properly be considered, was involved, and then they set against those items the total revenue obtained from the operation.

Mr. KELLOGG. But, so far as the Senator knows, no estimate or experiment has been made as to the comparative cost of the service by motor truck and railroad?

Mr. HARDWICK. I assume that when the experiment is made, if the Congress authorizes it, that the Government will be able to give us all the figures as the result of the experiment, and will be able to show us exactly what the service costs and how it compares with railroad costs, and everything else.

Mr. GALLINGER. Mr. President, if the Senator from Georgia will permit me, I am still a little hazy about this matter, and I should like the Senator to clear up the fog. Will these trucks deliver produce to the householder?

Mr. HARDWICK. Wherever the produce is consigned to him; yes.

Mr. GALLINGER. The truck would go over the city as a huckster?

Mr. HARDWICK. It will go anywhere in Washington, as I understand, to any householder who wants it.

Mr. GALLINGER. It will go into the huckster business, as a matter of fact?

Mr. HARDWICK. I imagine that anywhere along the line or at one of the terminals where a parcel is consigned the truck will deliver it.

Mr. GALLINGER. One other matter. As the Postmaster General figures it, there is a very large profit to the Government from the routes that have already been established, but does not that profit largely come from the sale of stamps for the carriage of mail?

Mr. HARDWICK. Some considerable part of it—I would have to examine the figures to know how much—comes from the carriage of mail.

Mr. GALLINGER. Outside of that, how does the Government get a profit? I may be stupid about this, but how does the Government derive revenue from it?

Mr. HARDWICK. By charging so much per pound for produce or merchandise that is hauled. That is where it gets the revenue.

Mr. GALLINGER. And collects it from——

Mr. HARDWICK. From the sender.

Mr. GALLINGER. From the man who sends it?

Mr. HARDWICK. Yes, sir.

Mr. GALLINGER. It goes to the farm and takes the package, weighs it, and collects the money?

Mr. HARDWICK. Yes.

Mr. GALLINGER. I think, if the Senator will look into it carefully, he will find that a very considerable portion of the money comes from the transportation of the mails. As I said a moment ago, I am entirely against the principle of the Government going into the business of the private citizen——

Mr. HARDWICK. Did the Senator favor the establishment of the parcel post?

Mr. GALLINGER. In a modified form; yes.

Mr. HARDWICK. What is the difference between this and that?

Mr. GALLINGER. Well, that is a mail matter, largely.

Mr. HARDWICK. No.

Mr. GALLINGER. Originally it was.

Mr. HARDWICK. Does the Senator think so when it comes to 50 and 70 pound packages?

Mr. GALLINGER. We did extend the weight limit, and I think the system has worked out very well, but I can not see why it can not be utilized to do that business.

Mr. HARDWICK. It can——

Mr. GALLINGER. I can not see why we should have another instrumentality.

Mr. HARDWICK. It can, so far as it reaches the places where this business is waiting to be done; but this is a proposition to apply to the rural sections immediately adjacent to some of our larger cities the same system that we apply between railroad station and railroad station.

Mr. GALLINGER. There is no rural station that has not some system of mail delivery.

Mr. HARDWICK. No; but the trouble has been, if the Senator will pardon me for repeating, that there has been such a tendency to slow up the mails if much parcel-post business is handled on the rural routes that the people who are patrons of the routes—or possibly it is because the carriers in some cases discourage it—have not used the Government express service known as the rural parcel post, for, as I said a little while ago, there is only one package a day on each route. This provision is designed to give them a freight service that will not necessarily be hampered by too great a connection with the mail service.

Mr. GALLINGER. I think I have asked all the questions I wished to ask.

Mr. KING. Mr. President, section 7 of this bill, in my opinion, is filled with lurking dangers and the possibilities of serious consequences in the precedent which it will establish. Sometimes measures, not only innocent on their face but apparently altruistic, bearing the legend for the "public weal" are pregnant with the greatest dangers, and sow the seeds of political and social destruction. Indeed, some of the most baneful legislation has been clothed in the most beautiful colors. It has come as if it were "gifts from the Greeks," and the people have forgotten the old saying to beware of Greeks when they come bearing gifts. In the experience of most Senators they will recall measures that received support upon the pretext that they were for the benefit of the people, and yet it soon became manifest that the measures were hurtful to the last degree. It is claimed that this section provides for the conservation of food products and to facilitate the collection and delivery thereof from producer to consumer. The section then provides that the Postmaster General is authorized to conduct experiments in the operation of motor vehicle truck routes in the vicinity of such cities of the United States as he may select, and under such rules and regulations as he may prescribe, and there is a further provision that he shall report the result of such experiments to the Congress. This, it would seem, is an experiment, and yet, as it appears from the report submitted by the Senator from Georgia emanating from the Fourth Assistant Postmaster General, experiments have been conducted between near-by cities and under the most favorable auspices. Of course, I appreciate that it is difficult for one, not a member of the committee which has had this bill and all the questions involved under investigation, to discuss it intelligently. The committee has spent weeks and months in the consideration of the questions presented by this measure. They know all that can be said in favor of the propositions contained in the bill, and have anticipated any possible objection that can be urged against them. I can only submit a few thoughts gathered from my own experience and try to apply the fundamental principles of legislation and of governments, as I comprehend them, to the proposition and theories and schemes contained in proposed legislation. I know that the able Senator from Georgia [Mr. HARDWICK] is a profound student of our Government and of constitutional question, and I am a humble follower of the Senator in his interpretations, in his construction of the Constitution, and particularly as it applies to the powers and functions of the Federal Government, its rights, and its limitations, and the powers and prerogatives of the States, and the rights which the people have reserved to themselves. I confess that I am frequently surprised, if not shocked, at the evident purpose of many leaders in political thought to change not only the letter and form but also the spirit of our Government.

We do not often nowadays speak of the Federal Government as a Government of enumerated and limited powers. There is seldom a defense of the rights of the States and an exposition of the powers of the States which is in conformity with the voice of the fathers. We seldom speak of the individual as sovereign, as the chief unit in our form of government, of the important necessity of developing self-initiative and the strong and virile individualism which develops character and produces men and women competent to bear the burdens of local self-government and to enjoy and carry forward the purpose of a true democracy. In my limited study of the Constitution of our country, of its history, and of its development I have reached the conclusion that the functions of government are materially different from the activities of the individual. Freedom and liberty and genuine progress result from the development of the individual. The struggle in all the ages has been to put hooks in the jaws of individuals and governments that sought despotic power. Progress and civilization are the sunlight coming from the darkness of autocratic centralized government. When government controlled everything there was ignorance and poverty and servitude for the people, resulting from a cruel and oppressive absolutism. As men were freed from the domination of governments and permitted to go out into the field of individual effort there arose within them hopes and aspirations and ambitions which led them into a fairer and brighter day. Kings and rulers and emperors of antiquity controlled all enterprises, directed the efforts and labors and lives of their subjects, and gathered the products of their toil and their labor, built the roads and highways and bridges, controlled all transportation facilities, became the dispensers of all gifts, denied individual initiative, private endeavor, prevented personal development, stifled the hopes and joys and ambitions that lead

to liberty and manhood, and covered the nations, the millions of their groaning subjects, with the dark mantle of omnipotent power. Even in Cæsar's time the government built and controlled the highways and all means of transportation. The government was the godfather, bestowing its gifts and placing its burdens as it chose. For centuries Rome was a huge autocracy or a tyrannous paternalism. It gathered the crops and brought them to Rome to feed the people, it laid its paralyzing and clammy hand upon the individual, dwarfed him into littleness, and robbed him of that spirit of independence which is the glory of uplifted manhood, and prepared him for the conquest of the wild hordes that poured out of the north and over the Alps into the fertile fields and plains of Italy. We hear around us constantly the old cries of governmental ownership and governmental control, of the necessity of the Government controlling business and taking charge of the industrial life and economic concerns of the people. And when the cries of war are loudest these demands for governmental usurpation are strongest.

Mr. President, I believe that the Government as it came from the fathers is the greatest and best Government that the world has ever seen. I believe that our form of government has never been surpassed, and that under it there will come the greatest progress and the greatest liberty and the highest advancement of which humanity is capable. In my opinion, when we depart from the spirit that animated the fathers and that finds expression in our Constitution such departure will be attended with dangers, and if persisted in will end in disaster. This Republic was made possible because of the independence, the courage, and individualism of those who founded it. They believed that governments had their sphere of activity and that they should be strictly limited to the orbit prescribed for them. They learned from the dark and somber pages of history the importance of individual freedom and the possession of a broad field for individual effort. They were not asking the Government for power or humbly beseeching the Government for gifts and bounties and gratuities, and to assume the burdens and responsibilities of private individuals and of private enterprise. They saw a continent before them; they saw that States were to be builded, rivers were to bridged, streams were to be harnessed, factories were to be erected, and towns and cities and sovereign States to be established. With courage and bravery and those lordly qualities that develop strongly in the Anglo-Saxon race they builded the great structure in which we live. There are those now who would tear down what they have builded. It is brutal iconoclasm that is attempted. This measure which we are now discussing is but a little thing, it is merely a straw upon the surface, but it is one of those symptoms which so often appear now in legislation. It shows that there is a disease invading the Nation.

Mr. President, it needs no prophetic power to prognosticate that when any Government lays its hand upon the private enterprises and activities and pursuits of the people, and takes over the business of the people and controls the sources and fountains of production and distribution, it means paralysis, atrophy, stagnation, and ultimately industrial and political destruction. A paternalistic form of government or a socialism, whether it be called the purified socialism spoken of by Dr. Scaffle, or Marxian socialism, or the extreme, poisonous, revolutionary, and nihilistic socialism of some Germanistic and Russian schools in our country, was not made for a free people.

It is the antithesis of our majestic Republic. Industrial or political liberty, when enjoyed, and if enjoyed, then lost, are not overthrown in a day or in a year. Socialistic attacks are always insidious; so also are bureaucratic and paternalistic assaults. Intrigues develop slowly, but move with dynamic and persistent effort. There are so many excuses and pretexts urged, so many of them plausible and alluring, for governmental control of matters and questions that are purely local or exclusively within the realm of individual effort! In this hour, when war is upon us and when the products of mill and mine and farm are mounting in cost to the consumer, to urge a proposition which it is claimed will cheapen the price to the consumer is to make a prima facie case. The question is asked, Do we not need transportation facilities? Is it not desired to have food products brought to the cities and the products of the mill and the factory taken to the doors of the consumer? The answer, of course, is in the affirmative. The conclusion, then, it is asserted, is inevitable and irresistible that the Government should assume this duty.

Mr. President, I do not have the time nor would it be profitable to enter into a philosophical or political discussion of individualism and collectivism, or the question of social justice and the duty of the State to interpose in the interests of social welfare. Of course, extreme individualism is not found in our democratic form of government. Social justice, to secure the rights of the individual and the rights of the people was the object of this Republic, and the maintenance of those rights will best be secured by the adherence to the form and the spirit of our Federal Constitution.

Addressing myself to the question before us, I venture to assert that the same reason which would justify the Government embarking upon the business contemplated in the committee amendment would warrant the Government in undertaking the performance of substantially any private business. Already this wave of State socialism is finding expression in demands made by some that the Government shall take over all of the coal mines and own and operate them. Some of the proponents of these schemes do not seem to understand that these great properties possess value, and that to deprive the owners of their properties they must be compensated for the same. They seem to forget that there could be compensation only by taxation and that the people would have to bow their necks to meet the burdens that such taxation would involve.

A distinguished Member of the other branch of Congress has demanded that the Federal Government take over and operate the copper mines. Let us pause to inquire who is to pay for them, where are the vast sums to come from with which to discharge the obligation which would result from such a course? Perhaps some who are demanding this policy would go a step further and insist that the Government rob the owners of their property. It is insisted by many that the Government shall acquire, by purchase or otherwise, all sources of power for the generation of electric energy and build hydroelectric plants and furnish power to the people. Still others insist that the National Government shall take over, own, and operate all packing plants, all warehouses, particularly those used for storage of grain, all steel and iron plants, all powder factories, all manufacturing plants employed in producing agricultural implements, all factories engaged in the production of aeroplanes, automobiles, woolen and cotton fabrics. Some insist that the lumber industry should be owned and controlled by the Government; and there is a swelling chorus that the Government shall own and control all railroads, not only the transcontinental and trunk lines, but subsidiary, and even interurban railroad lines, all canals, and all means of transportation whatever. It will be said that this scheme is so stupendous that it becomes preposterous, and yet it is manifest that if the Nation embarks upon the plan of governmental ownership and control of enterprises or pursuits that belong to the domain of individual effort, that if the Government goes outside of the field of governmental function and once enters the domain of private enterprise, no one can determine what the end will be. The dam that holds back the great reservoir is not secure if only a little stream finds its way through the crevice or some interstice in the structure. The development of transportation facilities in the United States during the past 50 years has been unprecedented in the history of any nation. We have nearly 300,000 miles of steam railroads; there are thousands, and, indeed, tens of thousands, of miles of interurban railroads. These great transportation companies have been the result of private endeavor.

The American business man is courageous and adventuresome. The American business man loves an enterprise calling for skill and courage and daring. The hope of reward, the desire to do big things have been incentives leading to the establishment of great industrial enterprises in our country. If the Government enters into the field of private endeavor, of course, it crowds out the individual, destroys further effort upon his part. Who would build railroads in the United States now, either steam or electric? It is true the electric roads have not yet been taken over by the Government, but with this rising tide of socialism no one would venture the construction of an interurban road of any consequence. Who would dare to develop big coal fields or great copper mines or great hydroelectric plants when the threatening hand of the Government is raised above his head? A policy that leads to these demands for Government control and ownership of the enterprises and industries of the country will paralyze business and bring distress, if not bankruptcy, to the people. One of the reasons that has led to the rapid extension of interurban roads in our country has been the desire of getting the freight from the rural districts and of serving the farms and the suburban population. There is no question but what the interurban railroads have been of immense benefit to the people. They have linked remote parts of the States together and have brought the farm and the rural population into close relation with the cities. Their operation has resulted in reducing freight rates and passenger rates. Indeed they have seriously cut into the profits of the steam railroads. Transportation facilities follow the demands of the people. The railroad goes where there is trade and traffic. If a new oil or coal field is

opened up, the railroad speedily enters it. Out in the deserts of the West if a mine is discovered of any magnitude a railroad is soon there and the ore is carried to smelter and mill for the benefit of all. But, as I stated, if the Government takes over the transportation facilities of the country there will be no further effort by private enterprise to find investment in this field.

I recall that a number of years ago in my own State an interurban railroad was constructed from the capital of the State to Ogden, a city 40 miles to the north, and later the road was continued from Ogden to the northern part of the State, and within the past two or three years an electric road has been constructed from the capital southerly for more than 80 miles. These roads pass through farming sections, and have proved of great advantage to the agriculturist. They cheapened freight and passenger rates within the State, and were particularly beneficial to the farmers. Under a proper policy these and other interurban roads will be extended, and private enterprise will provide the necessary transportation facilities to meet the demands of the people. It is no answer to say that private enterprise has not in the past fully accomplished this. That may be true, but yet the growth of our country and the products of farm and field and mine have not been sufficiently great to warrant the construction of these instrumentalities to every part of our land. As stated, transportation facilities come as the needs of the people demand. The great State of Montana a few years ago was regarded as only fit for the grazing of cattle and because of its mineral production. It has now developed into a great agricultural State. Cities and towns are yearly being builded. Railroads and transportation facilities will be extended into all parts of the State to meet the needs of the people; and so it is in other States and in all sections of our land. In many parts of our country farmers have organized for the purpose of caring for their products and transporting them to the points of consumption. In California the orange growers, those who produce lemons and grapes and olives and other tropical and semitropical fruits, have formed associations to handle, care for, and transport the products of their vineyards and orchards and fields.

The American people can be trusted to meet their economic and social needs. They will build factories and develop industries and create transportation instrumentalities whenever and as soon as they are required. I might say in passing that if the Government shall enter into the business of conveying from farm and field and mine and factory all of the products of the people and distribute them at the points of consumption, millions of men will be required, hundreds of millions of dollars will be needed for the required transportation facilities, and an annual outlay of hundreds of millions of dollars will result, and in carrying out this project the railroads, now controlled by the Government, will be robbed of much freight and the Government will pro tanto be deprived of revenue which the railroads otherwise would have earned, and thus the deficit for operating the railroads will be augmented.

Mr. President, it is claimed in the report just read that the experiment so far conducted shows a profit to the Government. That is quite possible. I remember a few years ago, when a number of gentlemen wanted to get a franchise for a street railway company, that they secured figures showing the number of people that would be carried between two populous districts of the city. Of course, the number of passengers carried between such points would be great and the profits large. They did not show the great expense of operating a street car system into other parts of the city, nor mention the small number of passengers that would be carried in sparsely settled portions when the road was to be extended. Some railroads in this city are prosperous. Others that extend into the rural districts are unprofitable.

So it is here. The Postmaster General has selected, as the report indicates, routes between Philadelphia and Baltimore, between Annapolis and Washington, between Baltimore and Solomons Island, Md., between Baltimore and Lancaster, Pa., between Washington and Leonardtown, Md., between Philadelphia and Atlantic City, and between Washington and Frederick by way of Mount Airy. Within this area there are millions of people, the roads are excellent, and everything is conducive to economy and to cheapness in transportation.

Of course, between these points trucks could be run at a minimum of expense and a maximum of freight, and conditions highly favorable. I can conceive of a motor truck carrying freight between two large cities, or along a route where there are a large number of farmers who have a vast amount of products which they desire to send to market, and yielding large profits on the investment. There is no doubt but what in many instances it would be profitable for the Government to engage in the freight business by means of motor trucks, but when it goes beyond the thickly populated districts, beyond the favored points, out into the agricultural districts of the States, and attempts to establish the system in the country generally, then a different result will follow. The costs on such circumstances would be enormous, the receipts less, and the Government in the end would have a deficit.

So that, to my mind, these figures tendered to us, based upon the routes which have been suggested, are meaningless. They do not prophesy profits to the Government if a general plan is inaugurated. They are not fair for the purpose of determining whether this system is going to be profitable or unprofitable. Without being so intended, they are descriptive, and will lead to baseless conclusions.

Mr. President, it seems to me that if you start upon this scheme, just as the Senator from Minnesota [Mr. KELLOGG] has suggested, as an experiment, leaving to the Postmaster General, or those who are called upon, to carry out this plan, the determination of where the routes will be, they are bound, not necessarily unfairly or dishonestly, to make a good schedule that will yield a profit if possible, and present to Congress a good balance sheet. It would be foolish for them to do otherwise. They are going to take the cream, if I may be permitted the expression, of the country to justify the scheme. They are going to select those points where there will be a profit, if it is humanly possible to produce a profit. They are not going to impose the system upon the rural districts, upon districts where the population is not congested, upon districts where the roads are bad, or where there are difficulties to be encountered. They are going to select the best roads, in the most favored sections, where there will be the most freight, and where there will be possibly the least competition, and, of course, under the favorable conditions selected by them they are bound to present a favorable balance sheet.

But, if we start this system, what does it mean? If the farmers in Calvert County, in which Solomons Island is located, or in Frederick County have the right to have the Government carry their produce into Washington, then the farmers in the State of Minnesota will have an equal right to have the Government come to their homes and collect their freight and garden truck and agricultural products and transport the same to the centers where it is consumed; and the Senator from South Dakota and the Senator from New Hampshire will be importuned by their constituents to procure motor-truck routes to meet their demands. They will say in substance that if the people of Maryland, in the vicinity of Washington, and the people in the vicinity of New York and Philadelphia, are entitled to have the Government send vehicles or other means of transportation to their farms every day to gather the milk and the butter and the vegetables and take them to the cities, why should not we, far removed from the centers of population and from the Capital of the Nation, have the same privileges?

Mr. KELLOGG. Mr. President——

Mr. KING. I yield.

Mr. KELLOGG. I notice that the scheme of the Postmaster General, in his recommendations, is not to include any of the country west of the Mississippi River.

Mr. KING. Of course not.

Mr. BANKHEAD. Mr. President——

Mr. KING. I yield to the Senator from Alabama.

Mr. BANKHEAD. This is not anything more than an extension of the present parcel-post system. Replying to the suggestions of the Senator from Utah, all over this country, from every courthouse, from every town, the parcel-post system now goes out, regularly organized and regulated by the Post Office Department. I venture the assertion that there is not a courthouse or a town of 500 or 1,000 people in this country along a railroad that has not a rural route running out every day, carrying and bringing parcel post, extending itself to every community. This is simply a proposition to relieve the congestion that the regular parcel post, under its present operations, can not meet; that is all. There is no appropriation made here. The amendment simply permits the Post Office Department to expend $100,000 from its postal revenues, coming perhaps from the very receipts from bringing in these parcels.

If the Senator will excuse me one minute further——

Mr. KING. Yes; to be sure. I am glad to hear the Senator.

Mr. BANKHEAD. Take one of these established routes that the Postmaster General talks about: What is the process? They do not go out and go to a farmer's house and say: "If you have any eggs or chickens or butter or vegetables, we will take them in for you"; but they will establish stations along that route, perhaps every mile, or at convenient places, just as they establish mail boxes now for the rural mail service.

Mr. KELLOGG. Mr. President——

Mr. BANKHEAD. I yield.

Mr. KELLOGG. If the Senator from Utah will allow me——

Mr. KING. Certainly; I shall be glad to yield.

Mr. KELLOGG. But it is not proposed, under this bill, to confine the transportation to the present system of parcel post. If it is, why not say so in the bill?

Mr. BANKHEAD. There is no objection to saying that, Mr. President; but I did not suppose anybody would conceive that the Post Office Department would go beyond their regulations, made in pursuance of law, with reference to the parcel post. I thought perhaps everybody would assume that the Post Office Department would confine itself in its operations and its regulations to the law as it now exists; that is all.

Mr. HARDWICK. Mr. President, if the Senator will allow me——

Mr. KING. I yield.

Mr. HARDWICK. Not only that, but we have left it to the Postmaster General to raise the weight limit whenever he wants to. He has raised it once, almost doubled it, within the past few weeks, and he can raise it again. So, after all, it is a matter of discretion with the Post Office Department, even as to the things established by law.

Mr. KELLOGG. So far as the limit is concerned, yes; that is true.

Mr. BANKHEAD. Mr. President, for fear some Senator may misunderstand the suggestion of the Senator from Georgia, let me say that that discretion is not given to the Postmaster General in this bill. It is given in the original parcel-post law, which has been in operation for years.

Mr. HARDWICK. Exactly.

Mr. KING. Mr. President, I shall not be diverted by anything that the Senator from Alabama says into a discussion of the parcel post. This bill calls the scheme which we are discussing "an experiment." It is not the parcel post extended; but whatever label may be placed upon it, it does not command my support.

Mr. BANKHEAD. I just wanted to give the Senator a little information.

Mr. KING. I am very glad to receive it, because I stated at the outset that, not being a member of the committee reporting this bill, I did not have the advantage that the members of the committee had in the way of investigating this subject. This proposed legislation is sought to be justified by reference to the parcel post.

Mr. President, if it is a proper function of the Government and if it be wise and proper to embark the Nation upon the scheme of transporting all of the people's products from the producer to the consumer, why not inaugurate it in those sections of the country where it will accomplish the most good and serve those who suffer most from lack of transportation facilities? If the Government is going into the business of carrying the food products of the farmers to the consumer, why not install this system in some of the great agricultural districts of the country? Why not apply it in Iowa, Wisconsin, Minnesota, and some of the States beyond the Mississippi River?

Mr. HARDWICK. Mr. President, it is already installed in all of them.

Mr. KING. Then, if it is installed, why appropriate $100,000 for an "experiment"?

Mr. HARDWICK. Oh, we do not appropriate $100,000 at all.

Mr. KING. I have understood the Senator from Georgia and the Senator from Alabama to say that this was an "experiment."

Mr. HARDWICK. Exactly.

Mr. KING. If it is an experiment, then it is untried, new.

Mr. HARDWICK. No.

Mr. KING. A tried system, one that is in operation, is not an experiment.

Mr. HARDWICK. But the Senator wants to extend this service to the people in all of these States. Now, of course, the Senator ought not to take that position, because this is impartial with respect to the whole country, and it is not fair to suppose that the Postmaster General will not apply it impartially to the country. As far as the parcel post is concerned, with its 50 and 70 pound weight limits, the Government transportation of freight, against which the Senator is inveighing, is already in force throughout this Republic by law. This is merely a different method of handling it; that is all.

Mr. GALLINGER. Mr. President, will the Senator from Utah permit me to ask a question of the Senator from Georgia?

Mr. KING. I yield.

Mr. GALLINGER. It is being insisted that no appropriation is made for this purpose. If $100,000 is diverted from the revenues of the Post Office Department, is not that equivalent to an appropriation? In other words, if it is not used for that purpose it will be a surplus that will go into the Treasury.

Mr. HARDWICK. Undoubtedly if this experiment were conducted at a total loss it would come out of the postal funds, and in a way that would be indirectly at the expense of the taxpayers; but I do not think it is fair to assume that there is going to be any loss when the experiments so far show a large profit, and, of course, unless there is a loss in the establishment of these routes, there will be no expense attached to anybody.

Mr. GALLINGER. Mr. President, if the Senator from Utah will permit a further observation, I am very clearly of the opinion that if this is to go along the same line that the Rural Delivery Service has gone, and is extended into the rural districts, there will be a loss. We all know that when we established the Rural Delivery System we thought we would confine it to a small section of the country; but immediately every community demanded it, and practically every community in the United States has it at the present time. I do not for the life of me understand why this is confined to the territory east of the Mississippi River.

Mr. HARDWICK. Not at all. If the Senator from New Hampshire will permit me, and the Senator from Utah——

Mr. KING. I yield.

Mr. HARDWICK. The proposition is, and I think it is pretty clearly stated in express language, that this experiment shall be conducted within a reasonable radius or circuit of the larger cities—North, East, South, and West. I do not suppose there is to be any partiality or favoritism in the matter. I certainly would not make that assumption, and I hope the Post Office Department would not be guilty of it. But it is not to duplicate existing rural routes, of course.

I suppose that one of these routes, with a circuit, possibly, of 100 miles, would touch and cut perhaps a dozen rural routes or more. It is a freight service from the rural sections of the country to these cities—the larger cities particularly—and I think it is well worth trying in these times of high prices and high cost of living.

Mr. KING. Mr. President, if this is merely the parcel post, then why this appropriation and why this "experiment"? This plan contemplates, when perfected, the purchase of hundreds of thousands of motor trucks, the securing of all kinds of transportation instrumentalities, the employment of tens of thousands of drivers, agents, car repairers, and other servants necessary to carry out the plan; the establishment of machine and repair shops, the creation of new bureaus, more governmental machinery—all of which will demand tens of millions of dollars annually, with the usual result—imperfect and expensive service and loss to the Government.

The Senator from Georgia [Mr. HARDWICK] states that this plan is largely to serve the rural districts in the neighborhood of the cities, if I correctly understood him; that this bill necessarily will destroy, in a measure, the profits of the interurban railroad lines. We all know that the interurban railroad lines now and for a number of years have been laboring under many difficulties and many burdens.

Mr. HARDWICK. Mr. President, if the Senator will again pardon me, if the Senator will go to the Post Office Department he will find that the Postmaster General or his associate dealing with this matter insists that he has been able to put these routes in operation in territory where they were not served by any transportation facilities at all, either railroads or other lines, I should think. While I do not hold any brief—and I know the Senator does not—for these interurban carriers, I should think the first duty of the Government would be to try to select territory that was not otherwise served for the purpose of the experiment.

Mr. KING. The routes pointed out in the report submitted by the Post Office Department show that they are all in a thickly populated part of the country. The amount appropriated for this "experiment" will preclude the extension of the scheme to other points, or, if to others, to comparatively a few only.

Mr. President, if the scheme were wise and prudent in peace times, it is unsound and improper now. We require all of our resources for the war; all the trucks that can be produced for military purposes. We need all men in the Army, or in the production of the things necessary for the Army, for our allies, and for the American people. We are restricting production in nonessentials. We need all our resources of men and treasures and material things for the war. This is no time for experiments.

Mr. GALLINGER. Mr. President——

Mr. KING. I yield to the Senator from New Hampshire.

Mr. GALLINGER. In view of the fact that the Postmaster General has figured out a very considerable profit to the Gov-

ernment on the routes that he has established, does not the Senator think that the Postmaster General ought to deduct the amount received from postage, inasmuch as they carry letters and newspapers on these routes?

Mr. KING. Most certainly, I answer the Senator.

Mr. GALLINGER. Because if they were not carried in this way they would be carried in other ways, without any additional cost to the Government.

Mr. KING. There is no question but that the Senator is right.

Mr. GALLINGER. The showing is really a very fallacious one in that regard, to say the least.

Mr. KING. I think the figures submitted here by the Fourth Assistant Postmaster General are fallacious and support a view which is sophistical. I do not think they fairly present the case. I think they are misleading and will produce erroneous conclusions. I object now to a policy that projects the Government of the United States persistently and constantly into the private activities of the people, a policy that lays the clammy, paralyzing hand of the Federal Government upon individual initiative and upon enterprises that should be and will be carried on by the people when the war is ended; and when we come to the consideration of the mighty problems that will then demand solution we can then consider this question more fully upon its merits. If the Parcel Post System has failed to meet the expectations of the people and it is deemed proper to extend its operations, that can be done. If the Government is to be the owner and operator of all railroads and all transportation instrumentalities, then a broad and comprehensive scheme will have to be worked out. But now we are at war. Every dollar we need for war. Economy in all things else, but ample money to fight the war to a glorious and a triumphant end.

I hope the committee amendment will not be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee. [Putting the question.] The Chair is unable to decide.

Mr. HARDWICK. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Henderson	New	Smoot
Beckham	Hollis	Norris	Sterling
Borah	Johnson, Cal.	Nugent	Sutherland
Calder	Jones, Wash.	Overman	Thomas
Chamberlain	Kenyon	Page	Thompson
Curtis	King	Poindexter	Underwood
Fall	Kirby	Pomerene	Vardaman
Fernald	Lenroot	Ransdell	Wadsworth
Fletcher	Lewis	Saulsbury	Walsh
France	Lodge	Shafroth	Weeks
Gallinger	McKellar	Sheppard	Wolfley
Hale	McNary	Shields	Williams
Hardwick	Martin	Smith, Ga.	

Mr. SUTHERLAND. I announce the necessary absence of my colleague [Mr. GOFF] by reason of illness.

Mr. KIRBY. I announce the unavoidable absence of my colleague [Mr. ROBINSON] on public business.

Mr. MARTIN. I wish to announce that my colleague [Mr. SWANSON] is necessarily detained from the Senate.

Mr. BECKHAM. I announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The pending amendment is section 7 of the bill.

Mr. BANKHEAD. Mr. President, before the vote is taken I desire to make a short statement in reference to the provisions of the proposed amendment and the purpose intended to be accomplished by it. It is nothing more nor less than the extension or enlargement of the present service as it is now operated by the Post Office Department in the rural service of the country, that goes out from every town in the country, as I have formerly expressed it.

The purpose of this amendment is to relieve as far as possible the congestion that still surrounds the larger cities and towns of the country and to extend the operations of the parcel post under the conditions and regulations prescribed by the Post Office Department that apply to the parcel post as it is now operated. There is no purpose on the part of the department, and could be no purpose on the part of the department, to make some new departure and to engage in the transportation of some kind that is not authorized by the law establishing the parcel post and its regulation as it is now operated.

It is the purpose of the Post Office Department, if these experiments are successful, if they meet the conditions that they are intended to meet, and if they serve the purposes that they are intended to serve at a profit to the Government or at least without loss to the Government, to extend them to other communities and cities over the country where like conditions exist. For instance, as I recall the letter from the Fourth Assistant Postmaster General, it proposes to establish two or more of these systems in the city of St. Paul, a number of others in the Western States, and a number in the Southern States, or wherever the conditions warrant or justify the experiment.

No one proposes to appropriate any money out of the Treasury for these experiments. The bill provides that the Post Office Department may expend $100,000 of the postal revenues, and I assume, and I think it is fair to assume, that the $100,000 will come from profits accruing in the operation of the system which the department seeks to inaugurate, because their experiments already show and the official figures show that it is exceedingly profitable.

Mr. BORAH. Mr. President——

Mr. BANKHEAD. I yield to the Senator.

Mr. BORAH. Then, I understand this is in the nature of an experiment?

Mr. BANKHEAD. Yes; purely.

Mr. BORAH. Of course, if the experiment does not prove successful, the subsidy will be discontinued?

Mr. BANKHEAD. Certainly; I think it ought to be.

Mr. BORAH. Does the Senator undertake to guarantee that it will be discontinued in case it should not be successful?

Mr. BANKHEAD. I could not do that, but I say to the Senator I will guarantee, as far as the Senate is concerned, that there will be no further effort on the part of the Senate to provide any funds for additional experiments.

Mr. HARDWICK. The department could not carry it on because the appropriation of $100,000 is simply made for the coming fiscal year.

Mr. BORAH. But would the Senator contend that Congress should continue to appropriate notwithstanding the fact that it had not proved very successful?

Mr. BANKHEAD. I am sure I would not be in favor of the continuation of the appropriation.

Mr. KING. Will the Senator yield to me?

Mr. BANKHEAD. Certainly.

Mr. KING. In reply to the Senator from Idaho, I can assure him from figures which will be produced, based upon the plans now in the mind of the Fourth Assistant Postmaster General, it will show a profit.

Mr. BANKHEAD. I hope so.

Mr. KING. They are bound to produce a profit because this scheme is to be superimposed upon us between two different points in a congested part of the country where there is an abundance of agricultural products. Between these favorable points and under the most favorable conditions there is bound to be a profit.

Mr. BANKHEAD. I am sure the Senator from Utah would not care to have the Government establish a service like this on all the rural routes of the country, of which there are 40,000. There is no more necessity for that than there is for building a railroad along each one of the rural routes.

Mr. KING. If the Senator will allow me, I will say that I do not regard the establishment of this system, at least at the present time and under the conditions now prevailing, as wise or expedient. Moreover, the question of the proper functions of the Government is one that can not be ignored.

Mr. BANKHEAD. I see the Senator has that view of it exactly. It is his contention that you ought not to establish it in the congested districts and around the cities unless you are going to give the entire country the benefit of it. That is what he says. Now, how are you going to do that? If this experiment is not a successful one it ought to be discontinued, and I have no doubt it will be successful.

Mr. FLETCHER. If the Senator will allow me, I wish to inquire of the Senator from Alabama in charge of the bill if it is not the object of section 7 to promote direct dealing between producer and consumer in farm products as far as possible?

Mr. BANKHEAD. That is the purpose.

Mr. FLETCHER. I think that is a very important matter. It ought to be done.

Mr. BANKHEAD. There is no question about that being the real purpose and effect.

Mr. FLETCHER. It seems to me to provide for facilitating the collection and delivery thereof of food products from producer to consumer directly is the object. I think it highly important that some provision of this sort be made.

Mr. KING. Will the Senator yield? In view of what the Senator said, I assume he feels that the Government should take over all transportation facilities, that the Government

should embark, for instance, upon the business of handling the freight and operating all the transportation agencies of the country, and see to it that every farmer in every remote part of the country, every cotton planter, every live-stock producer, and all others who produce anything that enters into human consumption or use, should have railroads or canals or motor trucks to carry to market all these varied products.

Mr. McKELLAR. May I interrupt the Senator?

Mr. FLETCHER. May I answer that, if the Senator will allow me? I, of course, do not go to that extent. The observations of the Senator would seem to lead us into an absurdity. This only applies to such articles as may be carried by parcel post, small packages of products of the farm. Instead of going to some market place or being peddled about, a relation can be established between the housekeeper in the city and the producer on the farm. I think conveyances may be made of the product by parcel post, and it seems to me to be entirely within the field of the activity of the Post Office Department.

Mr. KING. Will the Senator yield? Does the Senator know in various parts of the United States they are carrying coal, sugar, lumber, live animals, and everything that can be conceived of by parcel post?

Mr. HARDWICK. That is done by the existing law by the parcel post, and it will be done right on whether we pass this proposition or not.

Mr. BORAH. What is the necessity of this provision if all these other things are already provided for.

Mr. HARDWICK. I will tell you. The parcel post in the rural sections has not been a success from the country into the town. It has averaged but one package per day.

Mr. BORAH. That is supposed to be the case around the large cities?

Mr. HARDWICK. Yes.

Mr. BORAH. The idea is to get garden contents immediately to the people in the cities?

Mr. HARDWICK. Yes; to see if they could not cut the cost of living to some extent in the great centers of population, where the need is greatest.

Mr. McKELLAR. Mr. President, I am in favor of this section 7, and I call the attention of the Senate to its provisions. I also want to take issue with my distinguished friend from Utah [Mr. KING] again about the principle involved in it. Several days ago the Senator from Utah opposed another section of the bill. I said it seemed to me then that he was putting himself across the path of progress, and with all due respect to him I believe that that is exactly what he is doing when he opposes this section.

Since that colloquy took place several days ago between the distinguished Senator and myself on this subject I have had occation further to investigate, and I find upon investigation that the Senator from Utah is now lined up with some other very distinguished authorities in this country. Upon an examination of the Congressional Globe of 1872 and 1873 I find that such men as Senators Anthony, of Rhode Island; Carpenter, of Wisconsin; Chandler, of Michigan; Morrill, of Vermont; Allen G. Thurman, of Ohio; and Senator Tipton, of Nebraska, discussed a similar question in this body, and several of them were on the side the Senator is now taking. The particular question that arose at that time was wireless telegraphy, and I believe all those Senators pursued the matter in the same vein that the Senator from Utah pursues this matter. They laughed at it; they scorned it; they said it was absolutely impossible, and applied many epithets to it, and even quoted poetry about it, just as the Senator from Utah quoted poetry about aircraft two or three days ago on a similar subject. However, since 1873 we have found that those objecting Senators were wrong, just as I think the distinguished Senator is now, and wireless telegraphy is one of the most useful inventions of the present day, notwithstanding their jokes and jibes and opposition.

I think it will be interesting to the Senate; I am not going to read excerpts from the speeches of those gentlemen at that time about wireless telegraphy, but I am going to ask unanimous consent of the Senate to insert some very short excerpts from the debate that took place in the Senate in 1873 on what was then called the Loomis aerial telegraph. I am sure that tomorrow morning Senators will find it very interesting reading, especially when viewed in connection with this and similar provisions in the bill.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

LOOMIS AERIAL TELEGRAPH CO.

The next bill on the calendar was the bill (H. R. 772) to incorporate the Loomis Aerial Telegraph Co.

Mr. ANTHONY. Mr. President, that bill is reported upon, I believe, adversely; but I saw the Senator (not now in his seat) who had charge of the report, who says that he has no objection to its passage. It is simply to incorporate a company for an invention of telegraphing. There is a man in this city who thinks he has invented, and some other people think he has invented, a new system of telegraphing which will be much cheaper—I do not know that anything can be more expeditious—than the existing system, and he simply asks for an act of incorporation. I think we had better give it to him.

Mr. FRELINGHUYSEN. What is the scope of it? Is it a charter for the District of Columbia or for the United States?

Mr. ANTHONY. A charter for a company. It is a company to be incorporated, I suppose, to sell the patent right. It is for telegraphing without the intervention of wires, telegraphing without any material communication between the points. I have listened to the inventor's story. I do not wish to repeat it, for I do not think there will be time to do so before we shall adjourn for to-day. I think the scheme is as absurd as anything I ever heard except the invention of Morse. The existing telegraphic invention was, everybody agreed, the most absurd thing that could be conceived. We know what that invention is now, and I am in favor of giving this poor fellow a chance and see if he can do something. I hope the bill will pass.

Mr. FRELINGHUYSEN. Does he live here?

Mr. ANTHONY. Yes; he is a citizen of this District.

Mr. SCOTT. The bill has passed the House.

The PRESIDING OFFICER. The bill will be read for information.

The Chief Clerk read the bill.

Mr. THURMAN. I ask that the first section of that bill may be reported again.

The PRESIDING OFFICER. The first section will be read again.

The Chief Clerk read as follows:

"*Be it enacted, etc.*, That Mahlon Loomis, Alexander Elliott, jr., and William N. Chamberlain, of Washington, D. C.; P. R. Ammidon, of Boston, Mass.; and Isaiah Lukens, of Delaware, and their associates and successors, are hereby incorporated and made a body politic and corporate by the name of the Loomis Aerial Telegraph Co., and by that name may sue and be sued, plead and be impleaded, in any court of law or equity of competent jurisdiction, and may have and use a common seal, and be entitled to use and exercise all the powers, rights, and privileges incident to such corporation: *Provided*, That the corporate powers created by this act shall not be exercised by said company within any State except by the consent of the legislature of such State, and under such rules and regulations as such State may prescribe."

Mr. THURMAN. I believe that is the only section that gives any corporate power, and I suggest to my friend from Rhode Island whether it really confers any corporate powers at all.

Mr. CONKLING. It authorizes them to telegraph and be telegraphed to, does it not?

Mr. THURMAN. I do not know what corporate powers are granted by that bill. I wish the Senator from Rhode Island to understand that I am not going to object to the consideration of this bill, because I was understood at the last session to oppose its consideration for which I got blown up by the Senator and also by the promoter of the bill. [Laughter.] And I do not intend to be blown up again. Now, I want to perfect this measure as well as I can, which, I am assured by the promoter of it, the discoverer of some new mode of telegraphing, will enable him to telegraph all around the world without any wires at all, with not the slightest necessity for a cable or anything of that kind. I have not the least objection to his doing it; and if so great a feat as that can be performed, and we have the power to grant an act of incorporation for that purpose, let us see that he has the necessary corporate powers. I am very much inclined to think that the bill does not give him any corporate power whatsoever, except to sue and be sued.

Mr. ANTHONY. Mr. President, does it not give corporate powers in this District?

Mr. THURMAN. Corporate powers to do what?

Mr. ANTHONY. To sue and to be sued.

Mr. THURMAN. Yes; it does that.

Mr. ANTHONY. Well, give him that. [Laughter.]

Mr. THURMAN. Now, I hope my friend is not going to make a jest of genius and undertake to ridicule discovery. I am going to be very careful about it, because I have been charged by my friends here with being opposed to education and I do not know how many things in the last two days. I am going, therefore, for all measures that appertain to education and science, no matter what they are. I am going for this bill; but I want to make the bill perfect.

Mr. ANTHONY. I do not mean to make a jest of it, although I believe, as in the case of nine-tenths or ninety-nine one-hundredths perhaps of all great discoveries, the chances are very much against its success. I believe it was Pope—if I am not right the Senator in the chair can correct me—who said:

"Great wit to madness nearly is allied."

I think there is as reasonable a chance of something coming out of this as there is in the case of most inventions. If this bill does not give him the corporate powers that the corporation ought to have, if the Senator from Ohio will indicate an amendment, I shall be very glad as a friend of the promoter of the enterprise to accept it.

Mr. THURMAN. The Senator does not understand the point. If Congress were to pass an act, or any legislature were to pass an act, declaring A B, C D, and E F to be a body politic and corporate and were to confer upon them no corporate power except that to sue and be sued, they would have no other power, because an artificial body like a corporation has only such powers as are conferred upon it by its charter. The point that I suggest to my friend is whether there is any power to telegraph across the ocean or around the world by this bill. Is there any machinery for that purpose?

Mr. CARPENTER. Allow me to make a suggestion to the Senator from Ohio. The first section of the bill where it authorizes these persons to sue and to be sued also allows them to telegraph and to be telegraphed to.

Mr. THURMAN. Does it?

Mr. ANTHONY. There is a subsequent section which defines the object of the corporation, and there is a section which allows them to subscribe and enjoy certain capital.

Mr. THURMAN. Let us have that read, because that is as great a curiosity as the other.

Mr. ANTHONY. There is a section that allows them to have capital. I did not know but that there might be some objection to the large amount allowed as an increase of capital. I have no objection to having that stricken out.

Mr. THURMAN. No; I have not the least objection to that. Let that part about utilizing electricity be read.

The Chief Clerk read as follows:

"SEC. 3. That the business and objects of said corporation shall be to develop and utilize the principles and powers of natural electricity, to be used in telegraphing, generating light, heat, and motive power, and otherwise make and operate any machinery run by electricity for any purpose."

Mr. ANTHONY. There is an object.

Mr. TIPTON. Mr. President, I am well satisfied that it is a safe rule to leave to the States everything that can be properly attended to by them, and as no power can be exercised under this charter except by permission of the States I think we have gone far enough, and this is a good time to stop. I object.

Mr. ANTHONY. I wish to appeal to my friend from Nebraska——

Mr. TIPTON. No; I insist on the objection.

The PRESIDING OFFICER. The bill goes over under the objection of the Senator from Nebraska.

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LOOMIS AERIAL TELEGRAPH.

Mr. ANTHONY. Now, let us go back to the Loomis aerial telegraph bill, the objection to which the Senator from Nebraska has withdrawn.

The PRESIDING OFFICER. If there be no objection, the Senate will consider, as in Committee of the Whole, the bill (H. R. 772) to incorporate the Loomis Aerial Telegraph Co.

Mr. MORRILL of Vermont. I think this bill is so interesting in its character that the Senate will desire very much to hear it read.

Mr. ANTHONY. It was read yesterday.

Mr. MORRILL of Vermont. I ask that it be read now.

The PRESIDING OFFICER. The bill will be read at length.

The Chief Clerk read the bill.

Mr. MORRILL of Vermont. I ask the chairman of the Committee on Commerce, which reported this bill, to explain something of its character. I see it is entitled an aerial telegraph company, and yet the third section asserts that the chief business and occupation of the corporation shall be to utilize the principles and powers of natural electricity, to be used in telegraphing, generating light, heat, and motive power, and otherwise make and operate any machinery run by electricity for any purpose. I desire to know whether the chairman of the Committee on Commerce has thoroughly studied this subject, so that he has confidence in the results, and whether it is a fit subject for Congress to embark in. I have no doubt he will be able to give us a flood of light on this subject.

Mr. CHANDLER. Mr. President, I am not specially familiar with the subject. My honorable friend the Senator from Rhode Island [Mr. ANTHONY] gave me a great deal of information about it, and I think he is perhaps better advised as to the scientific methods of performing the several acts proposed than anyone else here. I understand that you only have to get up fourteen or fifteen thousand feet above the earth when you can commence telegraphing if you have the instruments; but the precise methods of getting up I have never arrived at. I think my friend from Rhode Island will be able to give the information.

Mr. ANTHONY. This is not a proposition for the Government to embark in anything. It is simply to give an act of incorporation to a scientific man who thinks he has made a great invention; I do not know that he has. If there is anything in the bill itself that is improper, I should like to have it corrected; but if we are to refuse to incorporate a company because we believe they can not accomplish the object they undertake, I think we are embarking into all sorts of business. Yesterday it was complained by the Senator from Ohio that there was nothing for this corporation to do. Now, the Senator from Vermont says there is too much for them to do; they are to generate heat, light, electricity, and run machinery. I think that is considerable for one company.

I do not see anything objectionable in the bill. It is merely to incorporate a few men to do what any one of them can do alone, and if there is nothing objectionable in the bill I hope it will be allowed to pass.

It is very common to laugh down great inventions, or what their originators think are great inventions, and I dare say I join in it myself sometimes; but all great inventions have been illusions to begin with. The most charming of all American poets has said:

"But sneer not thou at those who rise to loftier illusions.
Great truths are oft, the Sage replies, foreshadowed by delusions."

Dr. Loomis thinks he can telegraph without intervention of wires, and he thinks he has made experiments which prove it, and if he can get persons to contribute money to test the question, where is the harm in giving him the opportunity to do it? He asks nothing from the Government.

Mr. THURMAN. Mr. President, a very singular incident once occurred in the Senate of the United States that has often been mentioned as illustrative of, I was going to say, the impudence—but perhaps that is not the proper word—of one of the most distinguished Members this body has ever contained, the Senator from Kentucky, Mr. Clay. He made a speech in which he assailed the Democratic leaders, as he called them, in the Senate, and all the time he spoke he looked at the then Senator from Pennsylvania, who had a certain squint in his eye. That Senator rose to reply to him. After the Senator had stated the fact that he was replying, and was evidently taking the remarks to himself, Mr. Clay rose and said that the Senator was entirely mistaken, that he spoke of "the leaders of the party." The Senator from Pennsylvania was deeply abashed at that remark, and he said, "Why, the Senator looked at me." "There again," said Mr. Clay, "the Senator is entirely mistaken. That was entirely owing to the obliquity of his vision." [Laughter.]

Now, when the Senator from Rhode Island said there was an attempt to laugh this bill out of existence and ridicule it, he looked at me, if I have no obliquity of vision that misled me. I assure him that I am not attempting to laugh his bill out of existence; but if we are to treat it seriously I must say that it does not stand upon any such foundation as any other bill of this kind ever has that has come before the Senate.

The Senator alluded to Morse's invention yesterday. Why, sir, Morse demonstrated in this very Capitol Building, or in the old building, before the eyes of every Senator and Representative who saw fit to look at him, that his invention was a useful invention, that there was nothing imaginary about it. With his wires laid in this very Capitol and with his machinery in operation in the Rotunda of the Capitol, before the eyes of every Senator and Representative in Congress he demonstrated that his was not a visionary scheme; and then Congress did what? Then Congress gave him a small appropriation to try whether it would operate between here and the city of Baltimore; but before that little appropriation of $30,000 was made he had demonstrated with his instruments and with his wires in this very building in which we stand that it was not an imaginary thing at all, but that it was capable of doing what he claimed it would do.

I do not think that there has been any such demonstration by Mr. Loomis. Mr. Loomis, as I understand, claims that he can telegraph through the air without any wire or cable or anything at all; that just as the earth serves for a conductor with the telegraphic apparatus that we have, so far as the return of electricity is concerned in one direction, so he can dispense with the other wire and make the atmosphere do what the earth does now. That is his claim; but has he demonstrated it? Has he ever in any instance telegraphed a hundred yards, much less a hundred miles? Not so far as I know; not so far as is shown to us. Still I say I am not going to oppose this bill, although I do think it is a very singular thing for Congress to pass such a bill without one single experiment, so far as we know, ever having been successful in this novel mode of telegraphing.

Mr. ANTHONY. If the Senator will allow me, when Mr. Morse demonstrated the feasibility of the electric telegraph we gave him an appropriation. This man does not ask for any appropriation. He asks for facilities to allow other people to test; that is all. I grant freely that it would be very improper, and I would not myself vote for an appropriation to this man for this purpose, but he only asks us to give him such facilities as will enable other people to contribute their money to see if anything can come out of his invention.

Mr. THURMAN. Is that all we propose to do? The Congress of the United States are asked to grant a solemn charter which really I can not understand, for it does not provide that he shall set up any telegraph anywhere, or maintain any telegraph line anywhere, and gives him no authority to establish telegraph lines anywhere; but we are asked to pass this charter—for what purpose?

Mr. ANTHONY. To test the experiment; nothing more.

Mr. THURMAN. To test the experiment. Well, I do not know that a charter is necessary in order to enable him to do that; but, as I said yesterday, I am not going to oppose the bill. I shall not vote against it, but I can not vote for it; and I really do fear it would be making Congress a little bit ridiculous to grant a solemn charter providing for $2,000,000 of capital to test an experiment which, if it is feasible, ought to have been tested long ago.

Mr. CAMERON. I think this bill has already interrupted the regular business too long, and I therefore object to its consideration unless we can get a vote at once upon it.

The PRESIDING OFFICER. The Chair is of the opinion that the Senator is too late in making his objection to the bill.

Mr. CAMERON. I think not. I have very good authority for believing not.

The PRESIDING OFFICER. A motion to postpone would be in order.

Mr. CAMERON. I do not wish to make that motion.

Mr. ANTHONY. I do not want the Senator from Pennsylvania to object, and I hope he will not; but I am bound to say that according to the manner in which this rule has been administered an objection made at any time during the progress of a bill is in order. I made one myself the other day after a debate had been going on for two hours on a bill. I hope the Senator will not object, however, but will let us take a vote upon it.

Mr. CAMERON. I have no objection to that.

Mr. ANTHONY. Still, if the Senator objects he has a right to do so, and it is in order.

Mr. CAMERON. I shall not insist on the objection if we can have a vote; but if there is to be further discussion I shall object.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. TIPTON. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and being taken, resulted—yeas 29, nays 12; as follows:

Yeas.—Messrs. Alcorn, Anthony, Boreman, Buckingham, Cameron, Chandler, Cole, Corbett, Davis, Edmunds, Fenton, Ferry of Michigan, Flanagan, Gilbert, Harlan, Hitchcock, Kelly, Machen, Morton, Pratt, Ramsey, Ransom, Sawyer, Sherman, Stevenson, Stewart, Vickers, West, and Wilson—29.

Nays.—Messrs. Ames, Casserly, Ferry of Connecticut, Hamilton of Texas, Hamlin, Howe, Morrill of Maine, Morrill of Vermont, Robertson, Saulsbury, Tipton, and Trumbull—12.

Absent.—Messrs. Bayard, Blair, Brownlow, Caldwell, Carpenter, Clayton, Conkling, Cooper, Cragin, Frelinghuysen, Goldthwaite, Hamilton of Maryland, Hill, Johnston, Kellogg, Lewis, Logan, Norwood, Nye, Osborn, Patterson, Pomeroy, Pool, Rice, Schurz, Scott, Spencer, Sprague, Stockton, Sumner, Thurman, Windom, and Wright—33.

So the bill was passed.

Mr. McKELLAR. This section of the bill provides for an experiment upon a vital thing to the people of this country, to wit, transportation facilities around the cities. There is not a more vital internal proposition before the American people today than transportation, and especially the transportation from producer to consumer. A comparatively small appropriation is made in this bill to try out this method of transportation.

Mr. KING. Will the Senator yield?

Mr. McKELLAR. I will in just a moment. I believe it is going to work for good. I believe the experiment will be a success. I believe it is a progressive step. I believe this kind of transportation will help solve the problems that are now before us on the subject of transportation. Surely there can not be any large loss, and I see no reason why the amendment should not be adopted. I now yield to the Senator from Utah.

Mr. KING. In my own time I will take the floor.

Mr. McKELLAR. I shall not pursue the matter further. I rose for the purpose of first defending the proposition of the committee and in the second place to call the attention of the Senate to the progressive feature of this provision of the bill. The provision is in the right direction. It is a matter that we ought to experiment about and that we ought to know about. We ought to know whether it is a feasible and economical method of transporting goods directly from the producer to the consumer, and after a careful trial if it is found economical we ought to adopt it. I believe the time will come when it will be in general use along the lines the Senator from Utah has argued that it could be used, if at all. I hope the Senate will adopt this provision.

Mr. GALLINGER. Mr. President, a few minutes ago I suggested the showing the Postmaster General had made was fallacious, inasmuch as he did not differentiate between the income derived from the transportation of mails and the transportation

of farm products. For instance, if the mail had not been transported in these trucks it would have been transported either by rural delivery carriers or star route, without any added expense to the Government.

I move to amend the amendment after the word "date," in line 9, page 30, to add the following words, where it is provided that the Postmaster General shall make a report to Congress:

Separately stating the income derived from the transportation of mail and the transportation of farm products.

Mr. HARDWICK. I do not see any particular objection to that amendment. I think it is all right.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GALLINGER. After the amendment that has just been adopted I move to insert a proviso as follows:

Provided, That in establishing the routes the Postmaster General shall distribute the routes equitably among the several States.

Mr. HARDWICK. That is all right. The committee has no objection to that, as far as I am concerned.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, the Senator from Tennessee [Mr. MCKELLAR] says that this is an experiment; that if it proves to be unprofitable to the Government, doubtless it will be abandoned. Obviously it is bound to be profitable. According to the plans which have been proposed to establish these truck routes between the cities indicated, as I said a moment ago, it can not result other than in a profit. The jitney bus is profitable between given points within the thickly congested parts of the city, but when it continues its operations into the rural districts it is unprofitable. There is no necessity of an experiment. The figures submitted by the Postmaster General indicate that between here and Baltimore and between Philadelphia and New York there is a profit.

So if it is an experiment, as I said a moment ago, there is no necessity of making a further appropriation. Obviously if we are to experiment in an extensive way in the rural districts, $100,000 is inadequate. We know that to carry freight between rural districts and to convey the farm products of all the farmers to the point of consumption at rates anywhere reasonable there must be a loss. The appropriation is insufficient for rural experiments and to meet losses, and as it is unnecessary to experiment between points when it is seen to prove profitable, then it would seem to me, Mr. President, that there is no necessity of making this appropriation.

I do not agree with the deduction drawn by the Senator from Tennessee with respect to my opposition the other day to the provision of the bill relating to carrying the mail by aeroplanes. I was not opposed at the proper time to the utilization of aircraft for all legitimate purposes. I did oppose, and I oppose now, the appropriation of a single dollar for the building of aircraft to carry mail in the United States while the war is on. While we do not have an adequate supply of aircraft for our soldiers to fight with across the sea, I think it is an absurd Utopian scheme to talk now about establishing mail routes across the continent or between here and New York and carrying mail by airplanes.

Mr. MCKELLAR. Will the Senator yield?

Mr. KING. Let me complete the thought I have in my mind. I noticed in a number of papers that already the routes have been surveyed across the continent and stations located, if not established, at various points between the Atlantic and the Pacific coasts. Who has authorized the establishment of routes and stations from the Atlantic to the Pacific and from the Gulf to the Canadian border? Where is the appropriation for such purpose?

Mr. HARDWICK. The last appropriation bill carried an appropriation of $100,000.

Mr. KING. For what?

Mr. HARDWICK. For airplane mail service.

Mr. MCKELLAR. The same as in this bill.

Mr. KING. I did not make myself clear. I understand that there was an appropriation of $100,000 heretofore made for airplane service, but the question that I intended to ask—probably it was my infirmity in expressing myself—was, Who authorized the Post Office Department or anybody else to establish stations from the Atlantic to the Pacific for airplane routes and stations for airplanes?

Mr. HARDWICK. That was exactly the object of the appropriation of $100,000, to do whatever they could within the limits of that amount to establish an airplane system.

Mr. KING. Does the Senator say the $100,000 was for the purpose of acquiring fields and stations and for establishing routes across the continent?

Mr. HARDWICK. I think that could be deduced as one of the purposes.

Mr. KING. Mr. President, I did not so understand the other day, from the statement made by Senators who discussed this bill, that the appropriation was for that purpose. I understood that the appropriation of $100,000 was for the purchase of machines and for experimental work between here and New York or, as one of the Senators said, in Alaska.

Mr. HARDWICK. Some experiment was made in Alaska and some here; but there was no such limit as that expressed in the law. It was merely for aeroplane service anywhere in the United States. Of course, I think that would include the preparation of stations and the laying out of routes. The language was broad enough to do that.

Mr. MCKELLAR. Will the Senator yield?

Mr. KING. I yield.

Mr. MCKELLAR. The Senator understands that the kind of aeroplanes to be used in this service are wholly different from anything that can possibly be used in the battle front?

Mr. KING. I think the perfection of aircraft in this country has not reached that point where it would be wise or prudent to embark upon the policy of carrying mail by means of aircraft.

Mr. GALLINGER. Mr. President——

Mr. KING. I yield to the Senator.

Mr. GALLINGER. Does it occur to the Senator that possibly when we get around to the appropriation bill next year we will provide for carrying garden truck by aeroplane or motor truck?

Mr. KING. I am not sure what will be recommended by the officials of the Government. When some persons get into office and get a bureau established they want to aggrandize that bureau and make it so potential for good, but it is often for evil, that the most extravagant, absurd, of Utopian schemes are proposed and Congress is asked to ratify the propositions and make great appropriations to carry them into effect.

Mr. MCKELLAR. If the Senator will yield to me to reply to the Senator from New Hampshire——

Mr. KING. I yield.

Mr. MCKELLAR. I do not think if the question was answered in the affirmative it would be any more unusual or remarkable than the result has been in regard to wireless telegraphy, about which various Senators in this body laughed very heartily in 1873. They laughed about that in the same way they are now laughing about the use of the aeroplane service of this date.

Mr. HARDWICK. If the Senator will pardon me, the same sort of laughter was used when we established the Rural Delivery System.

Mr. MCKELLAR. Precisely the same, and in every progressive service the Government has established.

Mr. GALLINGER. Assuming that to be true, then no proposition that is labeled "progress" should be opposed in this body.

Mr. MCKELLAR. Oh, no.

Mr. GALLINGER. I quite agree with the Senator from Tennessee that it is possible to convey garden truck by aeroplane. I am not fearing the possibility of ever doing that, but I merely suggested if these motor trucks should not succeed as well as hoped for, probably the next experiment would be that it should be increased on the ground of progress, and they will try the aeroplane. But I agree with the Senator from Utah we had better take care of our soldiers, so far as that is concerned, before we go to carrying mail between here and New York by aeroplane.

Mr. KING. I do not want my good friend from Tennessee to put me in a false light, and I know he would not intentionally.

Mr. MCKELLAR. Of course I would not.

Mr. KING. I do not oppose the proposition that at the appropriate time experiments shall be made with aircraft for use in carrying the mail. What I objected to the other day, and when the question shall come up for consideration again I shall object to it then as strenuously as I did last week, was to the making of an appropriation now for experimental purposes in carrying mails by aircraft. This morning's paper chronicles the fact that the Bristol plane that we had expected so much of is perhaps a failure. With all the appropriations we have made, and with the demands which are so imperative for aircraft to fight across the sea, we have been unable to supply the troops we have sent to Europe.

I am not now placing the blame upon anybody. I merely state that we understood that by this time our country was to have constructed thousands of fighting planes for use upon the battle fields where our soldiers and our allies are so bravely fighting for liberty and for the life of free peoples. We have, however, built but a few.

Mr. SMITH of Georgia. We have not shipped any that have arrived there.

Mr. KING. The distinguished Senator from Georgia, a member now of the Military Affairs Committee, says we have not shipped any that have arrived there.

Mr. SMITH of Georgia. I refer to fighting planes. We have shipped one or two, but we have no report that either of those two fighting planes has yet reached France.

Mr. KING. Mr. President, we are now engaged in fighting the greatest war of all time. It is a struggle between democracy and the cruelest and most brutal nation developed in modern times. We are fighting for our Nation's life and for the liberties of many peoples This war requires all of our attention. We need billions of dollars for the prosecution of the war. We may have difficulty in raising the amount of money to meet the stupendous and staggering appropriations that will be demanded for the current year. I do not mean that there will be a lack of patriotism or any unwillingness to make sacrifices by the people. But the demands for the war will be so enormous it will tax the resources of the people. The savings of the people are limited, and only from them will the money come for taxes and for loans.

Mr. GALLINGER. Mr. President——

Mr. KING. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The Senator from Utah doubtless has observed that while $980,000,000 have already been appropriated for airplanes, the modest sum of $1,000,000,000 in addition is now asked for by the department.

Mr. KING. I recall what the Senator from New Hampshire states to be the fact. Mr. President, we know that we shall have to increase the taxes, for the fiscal year of 1919, 50 per cent, at least, in excess of what they were for the fiscal year 1918. We will be compelled to cut to the bone in order to raise six or seven billion dollars by taxation. That will perhaps not be more than 33 per cent of the amount that will be required to meet the expenditures for the year 1919. It requires, therefore, utmost economy. Every dollar which we appropriate should be scrutinized and not one cent should be appropriated for any purpose that is not imperatively demanded. I know that a hundred thousand dollars here and a million dollars there, or a few millions, seem to be inconsequential measured by the great torrent of appropriations demanded and the great floods of appropriations which are made; but when we go into the realm of experimentation now, no matter how useful the purpose may be, how utilitarian the scheme may be, it is unwise. Let us conserve our resources; conserve our energies, not diffuse our power and diffuse our energies; let us concentrate everything to the one end of winning this war, to beating down Prussian militarism. Cato of old closed every speech by saying, "Delenda est Carthago." Our every thought now must be, "Prussian autocracy must be destroyed," and every plan desired must look to the defeat of our deadly foe.

Every dollar will be required to carry on this war and to meet the heavy exactions that are made upon this Government. I am not opposed at the proper time to appropriating for the purpose of experimenting with aircraft as an instrumentality for the carrying of mails, but the experiences we have had to date in building aircraft have been so tragic and disappointing, it seems to me that the plan of using airplanes for the carrying of the mails at the present time is improper and absurd.

With the developments that will flow from the war, with the individual inventions that are being made, when the war is over we shall know something about aircraft and be in a position to utilize them in many ways. Let us spend our money, devote sufficient of our resources and our inventive genius, in devising aircraft for fighting purposes instead of following some chimerical scheme that needs time and improvement to make it of value.

But, to come back to the question before the Senate now for consideration, Mr. President, of course it is important to get the products of the farm to the ultimate consumer. It is important to have the cotton planter get his cotton to market as cheaply as possible, and for the woolgrower to have his wool brought to market with as little expense as possible. The farmer who grows wheat and produces other agricultural crops is interested in having his agricultural products carried to the centers of consumption with as little cost as possible. What does that argue? It would seem that the Senator from Tennessee [Mr. McKELLAR] draws the conclusion that the Government must embark upon the business of carrying the products of the farm and the field, of the mine and the smelter, and of the mill, to the ultimate consumer.

I grant that the Government, with an overflowing Treasury, with its tremendous powers, can engage in the business of building and operating railroads, interurban or otherwise, steamship lines, motor trucks, and all other instrumentalities for transportation, and can perform the duties of a common carrier; but does that mean that in the long run it will be beneficial to the people? Does that argue that the Government will do it cheaper than individuals will? It argues, of course, that if the Government does it, it drives individuals out of the market; if the Government engages in railroading, private individuals will not; if the Government engages in carrying the products of the farm and the mill and the mine from the producer to the consumer, individuals will not. Everybody knows that whatever the Government undertakes it costs more than if private individuals performed the same work. It has been conceded that the statement of the former distinguished Senator from Rhode Island, Mr. Aldrich, now deceased, was correct when he remarked that the work of the Government, if it were in the hands of private individuals, could be done annually for $300,000,000 less than what it was costing the Government. It is recognized that when the Government undertakes the prosecution of work the expense of doing it is enormous; that it is greatly in excess of the cost of the same work if it were done by private individuals.

Take it in the prosecution of the war. Whatever the Government touches, as if by magic the prices rise and the cost to the Government of constructing anything is infinitely greater than if it were constructed by private individuals. We shall find that the Government in the operation of railroads, as was said by the distinguished Senator from New Hampshire [Mr. GALLINGER], will lose money; that is to say, it will cost more to the people, and there will not be corresponding benefits. Already we are reading in the newspapers that the loss to the Government is very great; that it was over fifty millions of dollars last month, and there will be millions of loss this month, notwithstanding the economies that have been put into operation by the Director General of the Railroads.

I concede that it is something to be desired by the producer to have some agency come to his door and carry to market all of his surplus products; it may result temporarily in benefit to the producer and to the consumer, but in the long run, when the system is put into operation, when it becomes coextensive with the territorial boundaries of the Nation, it will be found that the cost of operating this system is infinitely greater than the cost would be if the transportation instrumentalities were left in the hands of private individuals. Europe has demonstrated that.

It is easy to make an appeal now, when we are at war, for governmental control of all things, and an appeal will not fall upon deaf ears; it is as a siren voice sounding sweet to the ear to say, "Why not have the Government solve this question of transportation by going out to the farmers, gathering up the farmers' products, and carrying them into the cities, where they can be consumed by the people?"

But those who so speak do not present to us the other side of the picture. They do not tell of governmental inefficiency, of the increased cost which the taxpayer must pay, of the evils of bureaucracy, of increased officeholders, so that in the end we will have but two classes—those who hold office and those who toil for them.

They do not tell us of the perils that will result to our Government, of the evils flowing from a consolidation of all powers in the Federal Government, of the condition that will follow the loss by the States of their prerogatives, and the incalculable harm that must follow the destruction of the spirit of independence and self-effort flowing from a tyrannous paternalism or an oppressive socialism. If we establish lines between Washington and Baltimore, then we must establish them everywhere in this broad land. We can not discriminate. When we let the camel put its nose inside the building, the entire body will be forced into the room. If the Government enters upon the plan of transporting the people's products, soon there will be no private transportation companies, no private enterprises devoted to this important business. Little by little the Government will crowd out private enterprise and assume the functions of the States and the duties of the citizens. When this is accomplished there will be no Republic, our Government will have been destroyed.

Mr. SMITH of Georgia. Mr. President, during the remarks of the Senator from Utah [Mr. KING], I interrupted him; and, in order that there may be no inaccuracy in the statement, I wish to say that during last month one fighting airplane started to France. Within the past few days several others have started. Up to the latter part of last week no report had been received of the arrival of the first fighting airplane. I do not mean by that statement to question the fact that a number of practice planes and observation planes have been sent from the United States abroad. I wish thus clearly to differentiate between the fighting planes, the observation planes, and the practice planes.

Mr. President, under the circumstances I feel that all of the energy of the United States with reference to flying machines ought to be devoted to supplying machines for use on the battle

field. I feel that it would be a mistake to adopt section 8. If we were not at war, and our Government desired to experiment with some flying machines for the purpose of transporting mail, I would not object; but now I do not think that any attention should be given to flying machines for mail carriage, but that every energy in the direction of the construction of flying machines should be devoted to preparations for war.

What I wished to refer to really was section 7. I was on the Committee on Post Offices and Post Roads when the parcel post was adopted, and I know we all hoped then, and believed then, that the adoption of the parcel post would bring the rural sections and the cities of this country closer together; that it would furnish better markets to the farmers and better food supplies to the people in the cities. I can see no possible objection to this provision.

I understand the argument made by the Senator from Utah [Mr. KING], that if the camel's nose got inside the tent, soon the body would be there. That argument was presented to us as an objection to any kind of parcel-post legislation. I believe in the parcel post. Mr. President, in the cities of our land we find a dense population, especially at this time. We find it very difficult to obtain readily and at fair prices small products that grow upon the farms within 25 and 50 miles of our great cities and within 25 miles of our smaller cities.

The Senator from Utah says that this should be left to private undertaking. We have been leaving it there for a century, and private enterprise has not met the demand. Instead of unified private organization to carry the products of the many farmers to our cities, each man, with his little peddling wagon, comes in at great loss, with slow time, and with unsystematic delivery, with waste to the farmer and unnecessary consumption of the money of the man who is to use his supplies. There has never been an organized effort to handle this question, and this proposition is that a small amount of money be used by the Post Office Department to begin a system of delivery of those things so essential to the health of the people in the cities, so essential to the humble and poorer classes. I believe that by this system the Government can bring within the reach of the poorer classes in the cities vast quantities of most healthful food at prices cheaper than bread; I believe it can relieve the demand for bread and flour; I believe it can help us substantially in meeting the demand for food supplies required during the war. It will stimulate the small farmer and add to his profits; it will supply the consumer in the city and lessen his cost.

Mr. VARDAMAN. And give him fresh, pure food.

Mr. SMITH of Georgia. And, as the Senator from Mississippi says, guarantee to him fresh and wholesome food. I cordially commend section 7 and shall vote for it with a great deal of pleasure.

The VICE PRESIDENT. The question is on the amendment incorporated by the committee as section 7.

Mr. VARDAMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK]. He requested me to observe the pair during his absence. I therefore withhold my vote.

Mr. FERNALD (when his name was called). I have a pair with the junior Senator from South Dakota [Mr. JOHNSON]. As he is not present, I withhold my vote.

Mr. JONES of Washington (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent for the day. I am paired with him for the day. I understand if he were present that he would vote as I intend to vote on this amendment, and therefore I feel at liberty to vote and vote "yea."

Mr. LENROOT (when his name was called). I have a pair with the junior Senator from Louisiana [Mr. GUION]. I understand, however, that I am at liberty to vote on this amendment, and I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I understand that, if present, he would vote as I expect to vote. Therefore I feel at liberty to vote, and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the Senator from North Dakota [Mr. MCCUMBER], who is absent from the Chamber. In his absence I withhold my vote; but I ask to be counted for a quorum.

Mr. WALSH (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Virginia [Mr. SWANSON] and vote "yea."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES], which I transfer to the senior Senator from Wyoming [Mr. WARREN] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The roll call was concluded.

Mr. MARTIN. I announce the absence of my colleague [Mr. SWANSON], who is necessarily detained from the Senate.

Mr. BECKHAM. I wish to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Delaware [Mr. WOLCOTT] with the Senator from Indiana [Mr. WATSON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED].

Mr. CALDER. I transfer my pair with the junior Senator from Rhode Island [Mr. GERRY] to the junior Senator from New Jersey [Mr. BAIRD] and vote "nay."

Mr. DILLINGHAM. Owing to the absence of the Senator from Maryland [Mr. SMITH], with whom I have a general pair, I withhold my vote.

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. KIRBY. I wish to announce that my colleague [Mr. ROBINSON] is necessarily absent on public business. If present, he would vote "yea."

The result was announced—yeas 42, nays 9, as follows:

YEAS—42.

Bankhead	Hitchcock	Norris	Sutherland
Beckham	Hollis	Nugent	Thompson
Borah	Johnson, Cal.	Overman	Townsend
Chamberlain	Jones, Wash.	Page	Trammell
Culberson	Kirby	Poindexter	Vardaman
Curtis	Knox	Ransdell	Walsh
Fletcher	Lenroot	Saulsbury	Weeks
France	Lewis	Shafroth	Wilfley
Hale	McKellar	Sheppard	Williams
Hardwick	McNary	Sherman	
Henderson	Martin	Smith, Ga.	

NAYS—9.

Calder	King	New	Sterling
Gallinger	Lodge	Smoot	Wadsworth
Kenyon			

NOT VOTING—45.

Ashurst	Gronna	Nelson	Smith, Mich.
Baird	Gulon	Owen	Smith, S. C.
Brandegee	Harding	Penrose	Swanson
Colt	James	Phelan	Thomas
Cummins	Johnson, S. Dak.	Pittman	Tillman
Dillingham	Jones, N. Mex.	Pomerene	Underwood
Fall	Kellogg	Reed	Warren
Fernald	Kendrick	Robinson	Watson
Frelinghuysen	La Follette	Shields	Wolcott
Gerry	McCumber	Simmons	
Goff	McLean	Smith, Ariz.	
Gore	Myers	Smith, Md.	

So the amendment was agreed to.

Mr. BANKHEAD. I ask to return to the provision at the top of page 17, commencing in line 1 and going down to and including line 14. This is the provision on airplane mail service, and I wish to dispose of it.

Mr. President, when we had this provision of the bill under consideration some days ago it was suggested that we pass it over with a view of getting some information from the Post Office Department. I wrote to the department and asked for the information which it appeared the Senate wanted and which I think they were entitled to have. I have a letter——

Mr. THOMAS. Before the Senator refers to the letter, may I ask him whether we did not pass a bill a few days ago relating to this identical subject—a bill offered by the Senator from Texas [Mr. SHEPPARD]?

Mr. BANKHEAD. I do not remember as to that.

Mr. VARDAMAN. We passed a bill authorizing a charge of 24 cents an ounce for mail carried by airplanes.

Mr. BANKHEAD. We passed that; but that is not the same as this provision.

Mr. THOMAS. It is supplemental to it, I apprehend.

Mr. BANKHEAD. Mr. President, I am going to ask the Secretary to read the letter to which I have referred; and when it has been read, so far as I am concerned, I am ready to vote. The letter contains all the information, I presume, that can be had on the subject. I am entirely willing that the Senate should decide whether or not they want this provision to remain in the bill. I ask the Secretary to read the letter.

The VICE PRESIDENT. The Secretary will first state the amendment.

The SECRETARY. The amendment of the committee is, on page 17, line 11, after the word "determine," to insert the following proviso:

Provided further, That the Postmaster General, in his discretion, may fix the amount of postage on mail carried by aeroplane at not exceeding 24 cents an ounce or fraction thereof.

The VICE PRESIDENT. The Secretary will read the letter as requested.

The Secretary read the letter, as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 9, 1918.

Hon. JOHN BANKHEAD,
United States Senate.

MY DEAR SENATOR BANKHEAD: The item in the Post Office appropriation bill authorizing the expenditure out of the appropriation for "inland transportation by steamboats or other power boats or by aeroplanes" of the sum of $100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service seeks to repeat the authorization carried in the appropriation act for the fiscal year ending June 30, 1918. Practically all of this appropriation has been expended, a part in the purchase of aeroplanes, spare parts, and hangars, and putting in condition landing fields for the aerial mail service.

In 1916 the Post Office Department was informed that an aeroplane passenger and express service would be established in Alaska, and inquiry was made whether arrangements could be perfected for carrying the mail by aeroplane in that territory. Accordingly, bids were invited for aerial mail transportation in Alaska, but no results were obtained. The parties who had expected to introduce this service in Alaska assigned for the reason that the aeroplanes at that time were not sufficiently high powered, nor reliable enough, to cope with the weather conditions in that territory.

The appropriation of $100,000 available during the current fiscal year enabled the Post Office Department to enter upon the work of inaugurating its present aerial mail program. This is the first money expended by the Post Office Department for aeroplane service, it being the first appropriation by Congress. Heretofore Congress had not appropriated money, but had permitted aeroplane service by contract under the appropriation for inland transportation by steamboats or other power boats or aeroplanes. The experiments in carrying mail by aeroplane in the past have been purely voluntary by fliers and have not cost the Government any money. The results, however, are not satisfactory, as they give no indication of the ability to maintain a daily service.

Construction of aeroplanes, and specially of aeroplane motors, has reached such development as to make it reasonably certain that a daily dependable aerial mail service can be maintained. The department is advised that Italy has already established such a service, which is so successful that it is being rapidly extended in that country. In developing its aerial mail program, the Post Office Department conferred with the National Advisory Committee for Aeronautics, with the Aircraft Board, and with the War Department. All of these Government agencies approved the proposal of the Post Office Department to enter upon the operation of its aerial mail service at this time, and the release to manufacturers of the necessary equipment for the service was given, as the problems which the operation of a daily aerial mail service will help to solve, and the cross-country training it will give to aviators is regarded as being distinctly helpful to the Government air-service program.

On March 21, 1918, the National Advisory Committee for Aeronautics addressed the following letter to the Secretary of War on the subject of the aerial mail service:

"NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS,
"Washington, D. C., March 21, 1918.

"The honorable the SECRETARY OF WAR,
"Washington, D. C.

"DEAR SIR: I have the honor to transmit herewith copy of a resolution adopted by the executive committee of the National Advisory Committee for Aeronautics on March 15, 1918, recommending cooperation between the Aviation Service of the Signal Corps and the Post Office Department in the experimental development of an aerial mail service between Washington, Philadelphia, and New York. Congress authorized the Post Office Department to establish such an experimental service and made an appropriation of $100,000 for the purpose.

"Under existing conditions practically all aircraft manufacturing facilities are being utilized by the War and Navy Departments, and all capable aviators are in the service of these departments. In view of the further fact that it is exceedingly desirable that Army aviators be regularly and systematically trained in long-distance flying, it would appear to be to the advantage of the Government and of the War Department that military airplanes and aviators be used to render practical and effective service to the Nation in the manner proposed. It was with this in view, and after careful consideration, that the committee passed the following resolution:

"'*Resolved*, That the National Advisory Committee for Aeronautics recommends to the Secretary of War that, if practicable, active cooperation be established between the Aviation Service of the Signal Corps and the Post Office Department in connection with the proposed experimental aerial mail service between Washington, Philadelphia, and New York.'

"Respectfully,
"CHARLES D. WALCOTT,
"Chairman Executive Committee."

So well did the Post Office project appear to lend itself to war training plans that the Signal Corps offered to weave the Aerial Postal Service into its training work and furnish the planes, mechanics, and fliers for the route between Washington and New York. In a memorandum dated March 1, from the Chief Signal Officer to all divisions of the Signal Corps, it is announced: "The Signal Corps is interested in this project (operating aerial mail service), because of the experience it will give pilots in cross-country flying and will give an opportunity to make endurance tests in actual service."

The service between New York and Boston will be operated with aeroplanes purchased and maintained by the Post Office Department for that purpose out of the appropriation for the current fiscal year. Six machines and duplicate parts were purchased as the result of advertisements inviting competitive bids. Those purchased, together with the acquirement of hangars and the preparation of landing fields, and other equipment in connection with the Aerial Mail Service and its operation until June 30, 1918, will consume approximately the entire appropriation.

A great advancement in the mails will result from the route between New York and Washington. Besides accomplishing the delivery of letters on every carrier delivery in New York City and by immediate-delivery service in Washington on the same afternoon that the letter is mailed from either terminus or from Philadelphia, connections are made at New York for the larger cities in Pennsylvania, Delaware, and New Jersey; at Washington for Pittsburgh, Cincinnati, St. Louis, and intermediate points; and Charlotte (N. C.), Atlanta, and Birmingham, and intermediate points. Important connections are also made at Philadelphia. In order to have made these connections by railroad it would have been necessary to have had a letter in the post office in time to leave on the 8 o'clock morning trains.

The aeroplanes to operate the Washington, Philadelphia, and New York route I am advised have been set up by the Signal Corps at Mineola, N. Y., and that branch of the War Department will be ready to operate this route on May 15.

Sincerely, yours,
A. S. BURLESON,
Postmaster General.

Mr. BANKHEAD. Mr. President, I believe the question before the Senate now is the motion of the Senator from Utah [Mr. KING] to strike out, beginning with line 7, down to and including line 14. I should like to have the Secretary read the amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17 it is proposed to strike out all of lines 7, 8, 9, 10, and 11 and to disagree to the proposed amendment of the committee. Lines 7, 8, 9, 10, and 11 read:

That out of this appropriation the Postmaster General is authorized to expend not exceeding $100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service between such points as he may determine.

And the committee proposed amendment follows:

Provided further, That the Postmaster General, in his discretion, may fix the amount of postage on mail carried by aeroplane at not exceeding 24 cents an ounce or fraction thereof.

The VICE PRESIDENT. The Chair understands that there is no objection to the amendment if the provision is to stay in. The Senate has already passed a bill like it. Without objection, the amendment is agreed to. Now, the Senator from Utah——

Mr. BANKHEAD. Oh, no, Mr. President. Does the Chair mean the amendment of the Senator from Utah?

The VICE PRESIDENT. No; the Chair means the committee amendment.

Mr. BANKHEAD. Oh, yes. There is no objection to that.

The VICE PRESIDENT. Now, the Senator from Utah proposes to strike out the whole thing.

Mr. BANKHEAD. Mr. President, I call the attention of the Secretary to the fact that the motion of the Senator from Utah includes two words on line 5: "*Provided further.*" They ought to come out. So far as I am concerned, I am ready to vote.

Mr. HARDWICK. Mr. President, as I remember, the Senator's motion also includes the words "or by airplanes" in line 2.

Mr. KING. Yes; that is correct.

Mr. HARDWICK. Before the vote is taken—I think the matter has been discussed sufficiently—there is at the desk a telegram from the Aero Club of America on this subject, and I think it might as well be read.

Mr. WEEKS. It has been read.

Mr. HARDWICK. Oh, no; not that telegram. It is the concluding telegram, at the end of the communication of the Postmaster General. His letter contains some resolutions adopted by the National Defense Committee on Aeronautics. This is another proposition.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

NEW YORK, *May 8, 1918.*

Mr. W. H. L. HOWARD,
Secretary National Aerial Coast Patrol Commission,
Washington, D. C.:

Necessity great of having the appropriation for mail carrying by aeroplanes increased to $500,000. Present appropriation is not large enough to pay cost of running mail line for one year and establish two additional lines to give advance cross-country flying training to military aviators who will pilot the postal aeroplanes. It is absolutely necessary that this cross-country flying training be given to our aviators before sending them overseas, and while getting this training their services can be utilized to carry mail. Had we done this in the past two years we would have had several hundred fully trained aviators to send to France upon our entry in the war, which would have given a sufficient balance of power to insure aerial supremacy to the allies. The least that we can do now at this critical time is not to make this

same mistake again. The machines to be used for carrying mail will afford training to military pilots which, so far, they have not gotten in any other way. France Italy, and England use aeroplanes for mail carrying to hasten delivery of military correspondence.

Cordially,

ALAN R. HAWLEY,
President Aero Club of America.

Mr. SMOOT. Mr. President, I doubt very much whether the President of the Aero Club of America has had his attention called to section 8 of this bill. If he had I hardly think he would have thought it necessary to ask for the $500,000.

I want to call the attention of the Senate to section 8 in connection with the matter now before the Senate:

SEC. 8. That the Secretary of War may, in his discretion, deliver and turn over to the Postmaster General from time to time, and without charge therefor, for use in the Postal Service, such aeroplanes and automobiles or parts thereof as may prove to be, or as shall become, unsuitable for the purposes of the War Department.

In other words, Mr. President, it seems from this section that whenever any part of an aeroplane becomes obsolete and the War Department can not use it, or any airplane breaks down and proves unfit for the use of the War Department, it is to be turned over to the Post Office Department.

Mr. GALLINGER. In other words, if the Senator will permit me, they can unload their junk on the Post Office Department.

Mr. SMOOT. The employees of the Post Office Department who may be assigned to carry mail by aeroplane must carry it in aeroplanes or automobiles that have been discarded by the War Department, and they can take their chances as to whether they can get to their destination or not.

Mr. THOMAS. Mr. President, if the Senator will permit me to interrupt him——

Mr. SMOOT. Yes.

Mr. THOMAS. Of course, the Senator has noticed that the expression is "unsuitable for the purposes of the War Department."

Mr. SMOOT. Yes.

Mr. THOMAS. That does not necessarily mean that the airplanes and automobiles to be turned over are junk. The planes suitable for war purposes are changing every week or so and giving way to some improvement for that purpose. For example, within the last six months, I think, the little Nieuport fighter was a machine which appeared to be the last thing in fighting airplanes. It is now obsolete. That occurs with reference to other types; and I think the purpose of this section is to make machines perfectly suitable for the transportation of the mail, but unsuitable for war purposes, subject to the disposition of the Post Office Department.

Mr. SMOOT. The little fighting machine of which the Senator speaks will never be suitable for carrying the mail.

Mr. THOMAS. The Senator misunderstands me. I mentioned that merely by way of illustration. Of course, it is good for nothing for that purpose; but there are other planes that would be serviceable for the purpose, suitable perhaps to-day for war purposes, which three months from now would be obsolete for war purposes.

Mr. SMOOT. Mr. President, I think that whenever the War Department turns them over they will be obsolete for almost every purpose; or, in other words, there will have been improvements made upon the airplanes such as will justify the scrapping of all that they undertake to turn over to the Post Office Department. That is all that I can see that will come from section 8. I simply call attention to it now, not with an idea of having the Senate pass upon the amendment that is before the Senate with that in view, but in answer to the telegram from the president of the Aero Club of America that was read here from the desk.

Mr. President, I do not think there are any Senators who would object to carrying mail by aeroplanes if they thought it would be of advantage to our country, or that the time had arrived when the airplane had reach such a period of perfection that the service could be rendered successfully and approaching the cost to the Government; but at a time when we are straining every nerve possible to secure airplanes for the use of our Army in France, and every one of them that is produced may mean the preservation of the lives of hundreds of our soldiers, it does seem to me that we could at least forego this experiment for another year. That is the only reason why I call attention to this matter at this time.

Mr. BANKHEAD. Mr. President, will the Senator excuse me a moment?

Mr. SMOOT. Yes.

Mr. BANKHEAD. If the motion of the Senator from Utah prevails, and this appropriation is stricken out, section 8 may as well go out, too.

Mr. SMOOT. I think that is true.

Mr. KING. Yes.

Mr. BANKHEAD. Let us dispose of this, and then come to section 8.

Mr. SMOOT. So far as that is concerned, it seems to me that both sections are related. I wanted to call attention to the fact that if the Post Office Department is going into this business, the Post Office Department ought to have the very best planes that can be made in the world; and unless they do, not only is life jeopardized but the success of the project itself is jeopardized.

Mr. HARDWICK. Mr. President, let me suggest this to the Senator: The Senator from Utah moves to strike out, on line 2, the words "or by airplanes."

Mr. SMOOT. Yes.

Mr. HARDWICK. Now, as the Senator has heard, we already have six of these machines, just recently manufactured for the department. Other legislation than this bill provides for this service between here and New York, via Philadelphia; and I am afraid that if all of the Senator's motion were to prevail we would be left with these airplanes on our hands, and without any money to operate them even if we are to build or to buy no further airplanes.

Mr. SMOOT. What appropriation was made authorizing the purchase of those six airplanes?

Mr. HARDWICK. The same appropriation, namely, $100,000, was carried in the last annual Post Office appropriation bill; and under that appropriation, as the Postmaster General explains, he bought these six airplanes. Now, if the entire motion of the Senator from Utah should prevail, he not only could not buy any more, or even take any more from the War Department when they did not think they could be used for military purposes, but we would cripple him so that he could not use what we have already bought and paid for.

Mr. SMOOT. I think the Senator is correct.

Mr. HARDWICK. So the motion certainly ought to be changed in that respect before we vote on it.

Mr. SMOOT. That is, the Senator thinks we ought to retain the words "or by airplanes," in line 2, page 17, even though the balance goes out?

Mr. HARDWICK. I think those words ought to be left in the bill, even though we do not pursue the project any further.

Mr. SMOOT. Although the balance of the amendment was agreed to?

Mr. HARDWICK. I think so; undoubtedly.

Mr. SMOOT. I am quite sure that the Senator's statement is correct. If those words went out, there would be no provision for operating the six planes that have already been purchased.

Mr. KING. Mr. President, may I ask the Senator from Georgia a question?

Mr. HARDWICK. Yes. If I have the floor, I yield.

Mr. KING. Where is the appropriation for the expense that will be necessarily incurred in operating the six planes which the Senator says are now constructed? I ask the question because it is clear, from what little I know of the operation of these machines, that the expense of maintaining and operating the six airplanes will be tremendous. It is stated that for every machine that is used upon the field some 15 or 20 mechanics of skill—great skill, let me say—are required to keep the plane in order.

Mr. HARDWICK. That would be true of a fighting plane, but not of these.

Mr. KING. I fancied that the expense of keeping these in order would be considerable.

Mr. HARDWICK. Let me explain to the Senator what the situation would be if his motion should prevail as he makes it.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. HARDWICK. Yes.

Mr. GALLINGER. I should like to suggest to the Senator from Utah that he need not be disturbed about that. We will have some more deficiency bills before we get through with this session.

Mr. KING. I have no doubt about that.

Mr. SMOOT. Four or five of them.

Mr. HARDWICK. That would not make any difference.

Mr. GALLINGER. It can be provided for.

Mr. HARDWICK. Now, let us see exactly what the situation will be, Mr. President, if the Senator's motion prevails as he makes it. I do not believe he wants to insist on it in the form in which it now is.

The bill reads:

For inland transportation by steamboat or other power-boat routes or by aeroplanes, $1,185,000.

And then, at a later period, there is a limitation on the amount of that sum which may be used for transportation by airplanes, in the following language:

Provided further, That out of this appropriation the Postmaster General is authorized to expend not exceeding $100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service between such points as he may determine.

My recollection is that the bill offered by the Senator from Texas passed this body; but I do not know whether it has passed the other body, too, or not.

Mr. SHEPPARD. Yes; it has passed the House, Mr. President, and is now a law.

Mr. HARDWICK. It is now a law. We have already established this service by law, and the Postmaster General is authorized to operate between these places. Under an appropriation that we made a year ago we have spent practically $100,000 in purchasing and equipping six airplanes, with the full consent of the War Department and under circumstances which induced them to say that it not only did not interfere with their program, but was an affirmative aid to them in the execution of their program.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARDWICK. Certainly.

Mr. KING. What do these words mean, in the light of the statement of the Senator—and, of course, he is familiar with this subject, and most of us are not:

Provided further, That out of this appropriation the Postmaster General is authorized to expend not exceeding $100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service between such points as he may determine.

Does not that mean that $100,000 is to be devoted by him to further experimental purposes and to the purchase of additional planes?

Mr. HARDWICK. I think that is a limitation on the language first employed. My own judgment is—I am just giving the Senator my opinion now—that the language in section 2 would have authorized the Postmaster General to expend any portion of the $1,185,000 that he wanted to expend for airplane service if it had not been for the limitation contained in the proviso to which the Senator refers, but that the proviso is to be construed as a limitation on the language first employed, and that under that language he could not employ more than $100,000 of this sum for this particular purpose. My construction of the language is further borne out by the fact that that is the way the department itself has construed exactly similar language in the last Post Office appropriation bill.

Now, we have got to what I want to call the Senator's attention. Under legislation that we passed the other day, originating in this body, introduced by the Senator from Texas [Mr. SHEPPARD], and concurred in by the other House, and now become a law, we have authorized this sort of service between New York, Philadelphia, Baltimore, and Washington. I hope some Senator will correct me if I have not stated it right. I was not here when that bill was passed. That is correct, is it not?

Mr. SHEPPARD. The bill to which the Senator refers authorized the fixing of postal rates for the service.

Mr. HARDWICK. Did it authorize the service itself?

Mr. SHEPPARD. It did not.

Mr. VARDAMAN. Oh, no.

Mr. HARDWICK. Then that is not quite as bad as I thought; but the situation is bad enough. I mean by that, we would not be in quite as much difficulty as I thought we would if we go along here and pass other legislation refusing to give the Postmaster General power to establish and operate the service that we previously authorized in another bill, and that Congress authorized, and that has become the law. But under the appropriation we made a year ago the department has already purchased and equipped and is ready to operate six of these planes. Now, what are we to do with them? Of course, the suggestion of the Senator from New Hampshire [Mr. GALLINGER] is one that we might take, but it seems to me that that is mere procrastination. If we are going to have the service at all, and are going to use these airplanes at all, there is no need to wait for a deficiency appropriation. Here is the place where the appropriation ought to be made, if we are going to provide for it at all; and if it is not made here I do not know that it ought to be made anywhere else, because this is the committee that deals with postal affairs, and the Senate now is engaged in disposing of postal affairs according to its views.

I do not think it is exactly sound to say that when we have spent $100,000 to purchase these six airplanes we are not going to operate them at all, and we are going to throw them away. I do not care what becomes of this appropriation, so far as I am concerned. I do not know a great deal about it. If I thought, as some Senators have expressed themselves, that there was the slightest danger that this appropriation could interfere in the smallest degree with getting airplanes for fighting purposes and sending them to the battle lines in France, I should say cut it out and run no risk. But when I am advised by the Post Office Department, by these various bodies that deal with the subject, including the National Defense Committee, and by the Secretary of War, in conference with the Postmaster General, that no conflict of that character is possible, and that there has been none; that the machines that are adapted to that purpose are not used at all for fighting purposes, and are not suitable for fighting purposes; when that showing is made I confess that I can not see very much in the argument.

My view of the question is still further strengthened when I realize that this aeronautical association, no matter how ambitious they are about amounts—I do not pay much attention to that; the Senator from Utah got some comfort out of what he thought was the extravagance of their demands, but I am not concurring with them on the amount—this aeronautical association seems to agree with the Post Office Department, and the Post Office Department seems to agree with the War Department and with the Navy Department, that by experimenting with these machines that they have and with the machines that are perfectly useless to the War Department, if you let section 8 stay in the bill they can give our fighting aviators and pilots actual and practicable cross-country training in flying before they go abroad.

Now, if that can be done, and we have the opinion not only of the Post Office Department but of the War Department and the Navy Department and the Council of National Defense, if it not only can be done but it is true, I do not see why we could not use the machines that are not fighting machines that are already built and which already belong to the Post Office Department for this service in this country without interfering in the smallest degree with the operations over there. Still it is a matter, I think, for the judgment of each Senator.

Mr. KING. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. KING. What does the Senator say to the suggestion made by the Aeronautical Society that $100,000 is wholly inadequate, that it must be increased to at least $500,000?

Mr. HARDWICK. I have just told the Senator I did not favor going into it to any such extent as that. I would rather stick by the amount recommended by the committee if we are going to do it at all by the Post Office Department. I want Senators to understand that it is held by the War Department and the Navy Department and all the balance of them, and if there was any conflict between the departments on this question I would unhesitatingly follow the ideas of the fighting department of our Government. But when the Post Office Department comes in and says that the War Department and the Navy Department are anxious for them to go ahead with this thing, and are detailing men for the practice the men will get in helping to put on these routes, I can not see why, whatever our preconceived opinion might be as to whether there might be some possibility of interference, we should not overcome that entirely; although, as I said, the committee merely followed the recommendation of the department and it is perfectly willing to accept whatever the judgment of the Senate is about it.

EDUCATION OF ILLITERATES.

Mr. SMITH of Georgia. Mr. President, I had intended this afternoon to move to take up Senate bill 4185 to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States. The bill provides for a small appropriation of $100,000 the first year, $50,000 the second year, and $50,000 the third, to go to the Bureau of Education to aid in certain very important work now going on. But my object in making the motion would have been to utilize the time of day when I would have the right to discuss it. There are so few Senators here this evening that it would be hardly worth while to present my views, and I shall not do so. I wish, however, even to those present, to say that this bill came to me from the Secretary of the Interior with an appeal for its passage because he needed it in the direction of certain important work he was doing. He has since sent me the action of the Council of National Defense expressing the desire for work in the cantonments and for work among the illiterates, and especially those who can not speak English who are in the draft age.

The Secretary of the Interior called a convention of governors here, and he has, with the aid of the Bureau of Education, mapped out a line of work in the various States seeking especially to overcome the lack of knowledge of English, that the men going into the cantonments may be taught at least to understand the orders they are given. I have quite a record showing a splendid plan of work that is contemplated. The great object of it is, first, to teach English to those who are to go into the cantonments and to teach some capacity to read to the 700,000 illiterates who are within the draft age.

I want to present this to the Senate the first opportunity I can get before 2 o'clock. I can only make a motion to take up the bill, but I can not argue the motion. I expect if I get the floor again to-morrow morning to make the motion. If the motion does not prevail after 2 o'clock I shall make the motion again until I know that Senators understand what is in the bill. If they understand what is in the bill and want to beat it, I can not help it. I am sorry that they do not appreciate it. I am sure that it is wise and desirable, and I am going to persist with the bill until I know that Senators understand what is in it and beat it, knowing what is in it or else adopt it.

I will not make the motion now.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. SMOOT. I wish to ask my colleague, Mr. KING, if he will not divide his motion first by striking out all after the word "*Provided*," in line 6, down to and including the word "thereof" in line 14, and then if that prevails take a vote on striking out the three words in line 2.

In explanation of my request, I desire to say that I am in favor of striking out after the word "*Provided*" the balance of that paragraph, but I believe that we ought to leave in the words "or by airplane" in the bill, seeing that we have six purchased already, and it will not take any further increased appropriation to allow them at least to experiment with the six airplanes that they already have purchased.

Mr. KING. In the light of the explanation which was made by the Senator from Georgia [Mr. HARDWICK] a moment ago, namely, that six airplanes have been constructed and, as I understood him, are ready for service, I intended to divide the motion, as suggested by my colleague, and I further intended to ask the Senator in charge of the bill to let this section go over until to-morrow. If certain information which was suggested by the Senator, when I have a chance to look up the matter a little further, is of the character I anticipate, I may supplement the motion by moving to transfer these machines to the War Department for service there.

I ask the Senator if he is willing that the vote upon this section may go over until to-morrow. I fancy there are other matters here that can be considered.

Mr. BANKHEAD. It must be borne in mind that this matter has been passed once.

Mr. KING. I appreciate that fact.

Mr. BANKHEAD. And we want to get along with the bill.

Mr. HARDWICK. What is the Senator's purpose?

Mr. KING. I wish to make some further inquiry as to the six machines to which the Senator from Georgia referred.

Mr. BANKHEAD. I ask that it may go over until to-morrow.

Mr. SMOOT. Does the Senator want to have an executive session to-night?

Mr. BANKHEAD. No; I do not know of any necessity for an executive session.

Mr. SMOOT. It is now after 5 o'clock.

Mr. SHEPPARD. Will the Senator yield to me for a moment?

Mr. BANKHEAD. I yield to the Senator from Texas.

THE CALENDAR—AMENDMENT OF THE RULES.

Mr. SHEPPARD. I wish to submit a written notice of an amendment to the rules.

Mr. BANKHEAD. If it leads to no debate, I will yield.

Mr. SHEPPARD. It will lead to no debate.

Mr. SMITH of Georgia. It really ought to come in the morning hour when we will all know about it, but I shall not object.

Mr. SHEPPARD. It is a written notice of an amendment of the rules that I shall offer to-morrow.

Mr. SMITH of Georgia. Very well. I will not make a point of order.

The VICE PRESIDENT. The notice will be read.

The Secretary read as follows:

I hereby give notice that it is my intention to introduce an amendment to paragraph 3, Rule VII, of the standing rules of the Senate.

The purpose of the amendment is to make certain the consideration of bills on the calendar, during the time between the expiration of morning business and the hour of 2 o'clock p. m., unless there should be unanamious consent for other action.

The proposed amendment is to substitute "2 o'clock" for "1 o'clock" in section 3, Rule VII, and to substitute the word "and" for the word "or," so that as amended the rule would read as follows:

"3. Until the morning business shall have been concluded and so announced from the chair, and until the hour of 2 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar, shall be entertained by the Presiding Officer, unless by unanimous consent; and if such consent be given the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subjects proposed to be taken up."

RECESS.

Mr. BANKHEAD. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, May 14, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 13, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Be graciously near to these Thy servants, Almighty Father, as they thus enter upon a new congressional week. Inspire their hearts with patriotic zeal and fervor, that their work may reach the highest level of statesmanship and redound to the good of our great Republic in this hour, which taxes our resources in means and men, at home and abroad, to uphold and sustain our God-given rights; in the Spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, May 11, 1918, was read and approved.

TREASURY BALANCE ON APRIL 1, 1918.

Mr. MADDEN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MADDEN. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution:

Resolution by Mr. MADDEN:

House resolution 345.

Resolved, That the Secretary of the Treasury be requested, if not incompatible with the public interest, to report to the House the amount of the Treasury balance on the 1st day of April, 1918, where the same is on deposit, and the rate of interest being received from each depositary.

Mr. MADDEN. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I do not know what the Speaker's construction of it is, but it does occur to me that it is not a privileged resolution, as suggested by the gentleman from Illinois, until it has gone to a committee and remained there for seven days, as I understand the rules.

The SPEAKER. That is correct, but the gentleman asks unanimous consent for its consideration.

Mr. GARNER. I want to say, Mr. Speaker, that on last Saturday I objected to the consideration of the resolution because the Treasury Department had not been consulted, and neither had any committee examined the resolution. Since that time I have talked to the Treasury people having charge of this information which this resolution seeks, and they say there is no objection to the passage of the resolution except the tremendous amount of labor that will be involved in reporting the 4,600 depositaries, the names of them, and the amount in each one. I do not object to the resolution if the gentleman from Illinois desires to take upon himself the responsibility of asking for the information, in view of the tremendous amount of labor that will be involved in furnishing it. As I remarked, I shall not object to it, though I doubt the advisability of having this amount of work performed for mere information. I can not imagine what the gentleman's purpose is in getting it.

Mr. MADDEN. Mr. Speaker, if there is anybody connected with the Government of the United States that ought to be in possession of the information sought in this resolution, this is the body, and I am not asking for any information that ought not to be in possession of the Congress; neither am I asking for information with any purpose except that we may be properly informed. And the mere question that it requires a little more work to furnish it ought not to enter into the consideration of the problem at all.

Mr. GARNER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARNER. If it is good policy to have this information, why not have a general law requiring the Secretary of the Treasury to report to Congress every 30 days how much money he has on hand at the first of each month, the name of the depositaries, and the amount of interest he is getting from each one. I merely mention that to indicate that the gentleman must have some public service in view; and would he mind detailing to the House what it is?

Mr. MADDEN. I will. I am very anxious to find out, so far as this information will help to convey the knowledge, whether, in the face of the present situation, we need the new revenue law. That is one of the things about which I am anxious to find out, and I think this will help in that direction.

Mr. GARNER. Will the number of depositors and the amount of interest help the gentleman to determine the fact of whether there should be a revenue bill or not?

Mr. MADDEN. According to my judgment, it will help. I have no way of——

Mr. GARNER. Is that the only reason?

Mr. MADDEN. That was the only reason, and I think it is a very important one.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The question is on agreeing to the resolution.

The resolution was agreed to.

PASSPORTS.

Mr. FLOOD, Mr. BYRNS of Tennessee, and Mr. KAHN rose.

The SPEAKER. For what purpose does the gentleman from Tennessee [Mr. BYRNS] rise?

Mr. BYRNS of Tennessee. To call up the conference report on the legislative, executive, and judicial appropriation bill.

The SPEAKER. If the gentleman will wait a minute, the Chair will recognize him later. The gentleman from Virginia [Mr. FLOOD] is recognized.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10264, known as the passport bill, for the purpose of moving to concur in some unimportant amendments adopted by the Senate, so that the bill can go to the President.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the passport bill and agree to the Senate amendments. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I assume the gentleman intends to explain the minor differences in the measure.

Mr. FLOOD. Yes. There are just some differences in language; some of it has been transposed. It does not affect the measure.

Mr. JOHNSON of Washington. I would like to ask just one question.

Mr. WALSH. Will the gentleman do that if consent is secured?

Mr. FLOOD. Certainly.

Mr. JOHNSON of Washington. Will the gentleman permit a question?

Mr. FLOOD. I will.

Mr. JOHNSON of Washington. I would like to ask one question. I received a telegram from a citizen of Honolulu, asking about this new passport law, and asking if travelers to and from the United States and Honolulu would have to have passports?

Mr. FLOOD. Yes; certainly.

Mr. JOHNSON of Washington. Does the gentleman think any plan can be devised by which they could be issued on the Pacific coast and in Honolulu?

Mr. FLOOD. Yes. The State Department expects to authorize officials on the Pacific coast to issue passports.

Mr. JOHNSON of Washington. That is very important, because it will be impossible to say what vessel will be sailing at an advance date necessary for the transmission of the mail. I thank the gentleman.

Mr. KITCHIN. I suggest to the gentleman from Virginia that until the regular order is demanded he explain these differences now, while the gentleman from Massachusetts [Mr. WALSH] reserves the right to object. It will save time in that way, I think.

Mr. STAFFORD. Maybe the gentleman might wish to defer that to some future time.

Mr. GARNER. There is no real difference between the House and the Senate?

Mr. FLOOD. None whatever.

Mr. GARNER. It is a mere transposition of language. It does not change the House resolution as it went over there one whit?

Mr. FLOOD. No.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WALSH. Did not the Senate put in an amendment to take care of some people in this country who might wish to travel to Alaska?

Mr. FLOOD. No; they did not. All the change they made was in reference to the use of language in one place, where the Senate thought it ought to be in another place.

Mr. KITCHIN. As I understand the gentleman, there is no material difference?

Mr. FLOOD. None whatever.

Mr. WALSH. I shall not object if that is the case.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

EXTENSION OF REMARKS.

Mr. KAHN rose.

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. KAHN. I desire to ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by Representative CHANDLER of New York, a Member of this House, at the Town and Country Club in this city a few nights ago.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks by inserting a speech delivered by Mr. CHANDLER of New York at the Country Club here not long ago. Is there objection?

There was no objection.

The SPEAKER. This is the day set apart for the consideration of the Overman bill.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL—CONFERENCE REPORT (NO. 547).

Mr. BYRNS of Tennessee. Mr. Speaker, I wish to call up the conference report on the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes.

The SPEAKER. The Clerk will report it.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 19, 20, 23, 45, 47, 48, 56, 57, 59, 74, 75, 78, and 88.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 42, 43, 44, 49, 50, 51, 52, 53, 54, 55, 61, 62, 63, 64, 66, 67, 68, 69, 71, 72, 73, 76, 77, 79, 80, 81, 82, 85, 86, 87, and 89, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "assistant clerk, $1,440; assistant clerk during the period of the war, $1,440"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$144,720"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "exchange, care, and maintenance of motor-propelled delivery vehicle"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "$11,075" and insert in lieu thereof "$10,850"; and, in the same line, strike out "$2,075" and insert in lieu thereof "$1,850"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$3,500"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu

of the sum proposed in said amendment insert the following: "$3,500"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: On page 110 of the bill, in line 3, strike out "$3,000" and insert in lieu thereof "$3,750"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$3,500"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: On page 120 of the bill, in line 16, strike out "$1,575,790" and insert in lieu thereof "$1,682,990"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$3,500"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the following "$20,000"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$3,500"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 38 and 90.

JOSEPH W. BYRNS,
JOHN M. EVANS,
WILLIAM H. STAFFORD,
Managers on the part of the House.

THOMAS S. MARTIN,
O. W. UNDERWOOD,
F. E. WARREN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of said amendments, namely:

On Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, relating to the Senate: Appropriates for the employees and for expenses of the Senate in the manner proposed by the Senate, with the following exceptions: An additional assistant clerk, at $1,440, is provided for the Committee on Military Affairs during the period of the war, and the appropriation of $4,327.50 to increase the compensation of certain Senate employees up to $1,440 per annum is omitted from the bill.

On Nos. 19 and 20: Strikes out the 50 additional privates in the Capitol police force proposed by the Senate.

On Nos. 21 and 22: Increases the allowance of the Clerk of the House of Representatives for hire of horse and wagon from $900 to $1,200.

On Nos. 23 and 24, relating to the Library of Congress: Strikes out the appropriation of $500 for temporary services for use in connection with the Library Building, and appropriates $18,500, as proposed by the Senate, instead of $18,000, as proposed by the House, for maintenance of the Library Building.

On No. 25: Inserts authority, as proposed by the Senate, for the exchange, care, and maintenance of a motor-delivery vehicle for the Botanical Garden.

On Nos. 26, 27, and 28, relating to the State Department: Appropriates for two additional switchboard operators at $720 each, as proposed by the Senate, and broadens the restriction on the use by the State Department of appropriations for personal services in the District of Columbia so as to except from its operation sums in the Diplomatic and Consular act available for that purpose.

On Nos. 29 and 30: Appropriates $4,000 for the salary of the Government actuary, as proposed by the Senate, instead of $3,500, as proposed by the House.

On Nos. 31, 32, 33, 34, 35, 36, and 37: Appropriates, as proposed by the Senate, for the following additional employees in the office of the Auditor for the War Department:

3 clerks, at $1,800 each	$5,400
3 clerks, at $1,600 each	4,800
4 clerks, at $1,400 each	5,600
10 clerks, at $1,200 each	12,000
4 clerks, at $1,000 each	4,000
2 clerks, at $900 each	1,800
26	33,600

On No. 38, relating to the abolition of the Subtreasuries: The committee of conference have been unable to agree.

On No. 39: Appropriates, as proposed by the Senate, for the pay of the Second Assistant Secretary of War and the Third Assistant Secretary of War, authorized by the act of April 6, 1918, from the dates of their qualification to June 30, 1919.

On No. 40: Inserts the paragraph, proposed by the Senate, authorizing the Chief of Ordnance to appoint an Army officer in his bureau to act as disbursing officer to pay civilian employees in that office.

On Nos. 41, 42, and 43, relating to the contingent expenses of the War Department: Authorizes the use of $3,500, instead of $4,000 as proposed by the House and $3,000 as proposed by the Senate, for an automobile for the use of the Secretary of War; inserts, as proposed by the Senate, authority for the purchase and maintenance of motorcycles.

On No. 44: Appropriates for the employees to maintain and protect the new office buildings in the Henry Park reservation in the number and salaries proposed by the Senate.

On No. 45: Strikes out the authority, inserted by the Senate, for the purchase of additional printing presses in the Hydrographic Office of the Navy Department and restores the language, proposed by the House, for the purchase of a hand press.

On No. 46: Authorizes the expenditure of $3,500, instead of $4,000 as proposed by the House and $3,000 as proposed by the Senate, for an automobile for the official use of the Secretary of the Navy.

On Nos. 47 and 48: Strikes out the increase of $500, proposed by the Senate, in the pay of the medical expert in the office of the Solicitor for the Interior Department.

On Nos. 49, 50, 51, 52, 53, and 54: Appropriates for the following additional employees in the General Land Office, as proposed by the Senate:

1 law examiner	$2,000
4 clerks, at $1,600 each	6,400
6 clerks, at $1,400 each	8,400
4 clerks, at $1,200 each	4,800
4 clerks, at $1,000 each	4,000
19	25,600

On No. 55, relating to the Pension Office: Provides, as proposed by the Senate, that not more than 50 per cent of the vacancies occurring in the $1,200 grade, and not more than 25 per cent of the vacancies in other grades between $2,250 and $1,000, and all of the vacancies above $2,250 or below $1,000 may be filled by original appointment or promotion in lieu of the House provision, which required that not more than 25 per cent of the vacancies occurring in any of the grades below $2,250 should be filled by original appointment or promotion.

On Nos. 56 and 57: Strike out the proposal of the Senate to transfer the expenses of transporting publications of patents from the appropriation for the purchase of books to the appropriation for the production of copies of patents.

On Nos. 58 and 59: Restores the increase, stricken out by the Senate, in the pay of the chief electrical engineer in the office of the Superintendent of the Capitol Building and Grounds.

On No. 60: Authorizes the use of $3,500, instead of $4,000 as proposed by the House and $3,000 as proposed by the Senate, for an automobile for the official use of the Secretary of the Interior.

On Nos. 61, 62, 63, 64, 65, 66, 67, and 68, relating to the Post Office Department: Appropriates, as proposed by the Senate, for the following additional employees in the office of the Postmaster General:

2 clerks, at $1,800 each	$3,600
4 clerks, at $1,600 each	6,400
8 clerks, at $1,400 each	11,200
30 clerks, at $1,200 each	36,000
44	57,200

Inserts the paragraph, proposed by the Senate, authorizing the Postmaster General to adjust the salaries of employees $100 above or $100 below statutory provision therefor; appropriates $50,000, as proposed by the Senate, for the enforcement of the

provisions of the espionage and trading with the enemy acts intrusted to the Post Office Department; and appropriates $500, as proposed by he Senate, for rent of stables.

On Nos. 69 and 70, relating to the Department of Justice: Appropriates $37,000, as proposed by the Senate, instead of $30,000, as proposed by the House, for miscellaneous and contingent items, and authorizes the expenditure of $3,500, instead of $4,000 as proposed by the House and $3,000 as proposed by the Senate, for an automobile for the official use of the Attorney General.

On Nos. 71, 72, and 73, relating to the office of the Solicitor of the Treasury Department: Increases the pay of the chief clerk from $2,000 to $2,250, and provides that the chief clerk shall also discharge the duties of chief law clerk, and eliminates one law clerk at $2,000 per annum, as proposed by the Senate.

On Nos. 74, 75, 76, 77, and 78, relating to the Census Office: Strikes out the statistical and technical expert at $3,000, proposed by the Senate; provides 10 special agents, as proposed by the Senate, instead of 7, as proposed by the House; and increases the amount for the collection of information for census reports, as proposed by the Senate, from $450,000 to $490,000, and strikes out the increase of $10,000, proposed by the Senate, in the appropriation for punching machines for use in the Fourteenth Census.

On Nos. 79, 80, 81, and 82, relating to the Shipping Service: Appropriates $1,500, as proposed by the Senate, for a shipping commissioner at Newport News, Va., and increases the amount for clerk hire from $45,000 to $47,700, and the amount for contingent expenses from $7,500 to $8,365.

On No. 83: Appropriates $20,000 instead of $30,000, as proposed by the Senate, for the standardizing and designing of sugar-testing apparatus by the Bureau of Standards.

On No. 84: Authorizes the use of $3,500 instead of $4,000, as proposed by the House, and $3,000 as proposed by the Senate, for an automobile for the official use of the Secretary of Commerce.

On No. 85: Limits the operation of the paragraph, proposed by the House, authorizing the Department of Commerce to make purchases in amounts not exceeding $25 without previous advertisement, to the period of the war, as proposed by the Senate, instead of making it permanent law, as proposed by the House.

On Nos. 86 and 87: Strikes out the increase, proposed by the House, in the pay of the chief statistician in the Bureau of Labor Statistics.

On Nos. 88 and 89, relating to the contingent expenses of the Department of Labor: Strikes out the authority, proposed by the Senate, for the purchase or exchange of a motor truck, and inserts the paragraph, proposed by the Senate, authorizing the Department of Labor during the period of the war to make purchases in amounts not exceeding $25 without previous advertisement.

On No. 90, relating to the $120 increase to certain Government employees and regulating hours of labor: The conferees have been unable to agree.

JOSEPH W. BYRNS,
JOHN M. EVANS,
WILLIAM H. STAFFORD,
Managers on the part of the House.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On May 6, 1918:

H. J. Res. 284. Joint resolution making an appropriation for contingent expenses of the House of Representatives.

On May 9, 1918:

H. R. 3132. An act to amend the naturalization laws and to repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization, and for other purposes.

On May 10, 1918:

S. 3803. An act authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property heretofore or hereafter purchased, acquired, or manufactured by the United States in connection with or incidental to the prosecution of the war; and

S. 4208. An act authorizing postage rates on aeroplane mail.

On May 11, 1918:

S. 1545. An act to amend the act of March 3, 1913, entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments Nos. 38 and 90 and agree to the conference asked for.

The SPEAKER. The gentleman from Tennessee moves that the House further insist on its disagreement to Senate amendments Nos. 38 and 90 and agree to the conference asked for. The question is on agreeing to that motion.

Mr. MOORE of Pennsylvania. Will the gentleman tell us what those amendments are? What are they?

Mr. BYRNS of Tennessee. The Senate amendment numbered 38 strikes out the provision inserted by the House discontinuing the Subtreasuries six months after the war.

Senate amendment numbered 90 is the amendment relating to the compensation of employees. There are three differences between the action of the House and the action of the Senate. One of them applies to the maximum salaries to which this increase shall apply. The gentleman will remember that the House fixed the maximum salary at $2,000. The Senate has fixed the maximum at $2,500.

One of the other differences is with respect to the class of employees to whom this extra compensation will apply. The House made no distinction between employees who are paid from lump sums and those paid specified salaries. The Senate excepts from the provision allowing this increase of compensation to the employees of those commissions or governmental activities which have been created since the 1st of January, 1916. In other words, it would apply, among others, to the Food and Fuel Administration, the War Trade Board, the Alien Property Custodian, the Shipping Board, the Bureau of War-Risk Insurance, and possibly some others.

The third difference between the House and Senate lies in the Borland amendment, touching the eight-hour day, which was fixed by a provision of the House. The Senate has eliminated that particular provision from the amendment which it adopted.

Mr. MOORE of Pennsylvania. The effect of the gentleman's report is to have the House stand by the House propositions on those subjects—on those three questions?

Mr. BYRNS of Tennessee. That is the effect.

Mr. COX. Mr. Speaker, will the gentleman yield to me?

Mr. BYRNS of Tennessee. Yes.

Mr. COX. I want to ask the gentleman a question for information. The Senate has increased the salary to the maximum limit of $2,500. Would that increase apply to clerks of the committees of the House and Senate?

Mr. BYRNS of Tennessee. It would apply to all employees of the House and Senate who are on the roll.

Mr. COX. It would not apply to clerks of committees in the House?

Mr. BYRNS of Tennessee. It would apply to clerks of committees in the House, and, as I understand, to all employees of the Senate, because they are all on the roll. It would not apply to secretaries of House Members, because they are not on the rolls.

Mr. COX. I do not know whether this is true or not, but the word reaches me rather accurately that the clerks to committees in the Senate got exceedingly busy when this proposition was under consideration over there, and it might or might not be due to their activity that this increase was raised to $2,500. It would evidently be unfair to entail two or three million dollars, in all human probability, on the Treasury of the United States in order to take care of a few clerks to committees over in the Senate who, I think, are largely overpaid already.

Mr. BORLAND. Mr. Speaker, will the gentleman yield to me for a question?

Mr. BYRNS of Tennessee. I yield.

Mr. BORLAND. My understanding is that a motion to recede from the disagreement and to concur with an amendment would take precedence of the gentleman's present motion, and that would be one way, and practically the only way, for the House to get a test vote on the question of the Borland amendment for eight hours' work; but, as I understand it, that would entail an agreement by the House to this raise in the limit to $2,500, to which the increased compensation would apply, so as to take in the Senate clerks. In other words, the only way we can get a test vote on the eight-hour amendment would be to concur in the balance of the amendment with an amendment settting out the House language on the eight hours. That is the parliamentary situation, is it not?

Mr. BYRNS of Tennessee. If I understand the gentleman correctly, unless the House chooses to instruct the conferees.

Mr. BORLAND. I am not willing to agree to the position of the Senate in raising the limit within which the increases of salary will be effective, up to $2,500, and I think a great many Members of the House would not be willing to do that. I would be glad to have the House in a position to express its sentiments on the question of the eight-hour day, because with this increase of salary and the present attitude in regard to allowing the clerks Saturday afternoons, and everything of that kind, I do not think the clerks are very badly oppressed, and I really think they ought to work eight hours, and I believe most of us think that. But I would rather leave it to the gentleman's committee with a full disagreement, with the House standing squarely behind the conferees of the House upon all these matters of disagreement. I think I prefer to do that, and I believe the gentleman himself would prefer to have the House do that, would he not?

Mr. BYRNS of Tennessee. Of course, so far as I am concerned, there could not be any objection to the House expressing its opinion upon any of the matters involved, because that is what the conferees wish to know. They will try to carry out the wishes of the House, and that is what they have endeavored to do with respect to these two amendments up to this time, but without success.

Mr. KEATING. I share the desire of the gentleman from Missouri to get a vote on the so-called Borland amendment, but for an entirely different reason. I think the House should reverse the action which it took on the Borland amendment, and should concur in the Senate amendment so far as it affects the Borland amendment.

Now, I think a direct vote on the Borland amendment may be secured in two ways. We can offer an amendment to concur in the Senate amendment with an amendment, this latter amendment being the House proposition minus the Borland amendment. This will bring the issue directly upon the Borland amendment.

I should like to offer that amendment, but I do not happen to have the language here, so I can not offer it unless the Clerk can read the part of the amendment which has been stricken out. I think the House should have a record vote on the Borland amendment. The vote of the Senate to strike out the Borland amendment was unanimous, and I do not think the two Houses should remain in a deadlock over so trivial a matter.

Mr. BORLAND. The two Houses are not liable to remain in a deadlock over the Borland amendment.

Mr. GREENE of Massachusetts. Would not a motion to recede and concur with the Senate on the subject of the Borland amendment be in order?

The SPEAKER. Nobody has made any such motion.

Mr. GREENE of Massachusetts. I will make it if nobody else does. I desire to make a motion to recede and concur in the action of the Senate in striking out the Borland amendment.

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BORLAND. Would it be in order to move to recede and concur with an amendment, the amendment being the original text of the House provision?

Mr. GOOD. No; that is not receding.

Mr. GREENE of Massachusetts. I make a motion to recede and concur with the action of the Senate. I move that the House recede and concur with the Senate on the striking out of the Borland amendment.

Mr. KEATING. Mr. Speaker, if I may suggest to my friend from Massachusetts, the Borland amendment is a part of another amendment. It is not a separate amendment, and if the gentleman desires to get a separate vote on the Borland amendment, his motion should be to concur in the Senate amendment with an amendment, the amendment being the text of the House amendment minus the paragraph containing the Borland amendment. That will bring up the issue squarely between the two Houses.

Mr. GREENE of Massachusetts. I accept that as my motion and desire to present it—that the House recede and concur, with an amendment to strike out the Borland amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, will I lose the floor?

The SPEAKER. No; the gentleman has not lost the floor.

Mr. GARRETT of Tennessee. But if he yields for the presentation of the motion——

Mr. BYRNS of Tennessee. If I yield for the motion to concur with an amendment, I think I still have the floor.

The SPEAKER. The chairman of the Committee on Appropriations has control of it.

Mr. MADDEN. Will the gentleman yield to me?

Mr. BYRNS of Tennessee. Yes.

Mr. HAMLIN rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. HAMLIN. A parliamentary inquiry. While I do not favor the motion of the gentleman from Massachusetts [Mr. GREENE], it is a preferential motion, is it not?

The SPEAKER. The Chair has decided three or four times that it is.

Mr. HAMLIN. Then he would have the right to make that motion whether the gentleman from Tennessee wanted to yield the floor or not, would he not?

The SPEAKER. The gentleman from Tennessee was not trying to keep the gentleman from Massachusetts from making the motion.

Mr. HAMLIN. The gentleman from Tennessee was raising the point, and I understood the Chair to agree with him, that he had the floor.

The SPEAKER. He has the floor in control of this thing clear to the end, unless he lets his hour run out without moving the previous question.

Mr. HAMLIN. That is all I wanted to know.

Mr. GREENE of Massachusetts. I ask the gentleman to yield to me to make a motion to recede and concur with an amendment striking out of the House provision the Borland amendment. What I want to get at is the Borland amendment. It never ought to have been passed, and I want to knock it out, if I can.

Mr. GARRETT of Tennessee. The gentleman from Massachusetts should send his motion to the desk.

Mr. CRISP. Mr. Speaker, is not this the parliamentary situation of the present case: That the gentleman from Tennessee calls up the conference report and moves that the House further insist on its disagreement, and that motion is in order? Is it not also in order for a motion to recede to be made and a motion to recede with an amendment, and these motions to be pending and to be submitted to the House in the order of preference? Under clause 4 of Rule XVI:

> When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question (which motion shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely, which several motions shall have precedence in the foregoing order.

Is it not in order in the present case for all motions to be pending, the gentleman from Tennessee to have the floor for his hour, and when the time comes to vote on the motion of the highest order which in the present case is a motion to recede?

The SPEAKER. The gentleman from Georgia is correct. The motion of the gentleman from Massachusetts has precedence over the motion of the gentleman from Tennessee. If any gentleman had made a motion to simply recede, that would have a preferential right over the motion of the gentleman from Massachusetts, but nobody has made that motion.

Mr. STAFFORD. Mr. Speaker, I wish to raise a point of order on the motion of the gentleman from Massachusetts. I would like to know what the motion of the gentleman from Massachusetts really is.

Mr. GREENE of Massachusetts. The motion of the gentleman from Massachusetts is to wipe out the Borland amendment and regret that we ever put it in. [Laughter.]

The SPEAKER. But the gentleman can not put that language into his motion.

Mr. WINGO. A parliamentary inquiry, Mr. Speaker?

The SPEAKER. The gentleman will state it.

Mr. WINGO. Do I understand that whether or not the gentleman from Tennessee is willing any Member has a right to make a motion like that of the gentleman from Massachusetts?

The SPEAKER. This situation is not like a Member having the floor for an hour's debate. There are certain motions in order in a situation like this, like a motion to concur, or concur with an amendment, or recede, and so forth.

Mr. WINGO. I understand that; but the point I want to get at is, can not the gentleman from Tennessee shut off these motions by making the motion he has just made and then move the previous question?

The SPEAKER. No.

Mr. KEATING rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. KEATING. I rise to endeavor to clarify the motion made by the gentleman from Massachusetts, and I am acting at his request. The gentleman moves that the House recede and concur in the Senate amendment 90, with an amendment, the latter amendment being the language of the original section as contained in the House bill, with the exception of the concluding paragraph, which paragraph has to do with what is

called the Borland amendment. If adopted the result will be that the House will stand on the original proposition adopted by the House, having to do with the bonus for Government employees, with the exception of the Borland amendment.

Mr. BORLAND. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. BORLAND. It would be necessary, as I take it, for the gentleman from Massachusetts to move to strike out all of the language in the Senate amendment. I doubt whether he can do that under the rules of this House, I doubt whether he can move to concur and at the same time strike out all the language of the Senate amendment and insert the language of the House amendment.

Mr. CARTER of Oklahoma. That would be tantamount to amending the conference report.

Mr. BORLAND. It does not add new language to the Senate amendment. His motion is to substitute for the Senate amendment the original language of the House amendment.

The SPEAKER. Does the Senate amendment cut out all of that substitute?

Mr. KEATING. The Senate amendment cuts out the entire section 6 of the House bill. Section 6 had to do with the increase of compensation of Government employees. The concluding paragraph of section 6 was the Borland amendment. The Senate struck out the entire section and substituted certain language. Now, I move to strike out the Senate language and substitute the House language, with the exception of the last paragraph—that is, the paragraph containing the Borland amendment.

Mr. STAFFORD. Mr. Speaker, that motion is not in order.

The SPEAKER. Why not?

Mr. STAFFORD. For this reason: He is not moving to concur in the Senate amendment, because the Senate amendment leaves out the very matters which the gentleman from Colorado and the gentleman from Massachusetts are seeking to omit. It prolongs the disagreement rather than arriving at an agreement. The House amendment provided that we should make increases of salary of $120 in salaries up to $2,000, and excepted from its provision certain classes, and also, in addition, incorporated the limitation requiring eight hours of labor, known as the Borland amendment. The Senate adopted a different provision, not only eliminating the Borland amendment but extending to higher salaried classes of employees to which the salary increase is to be granted, and also making further limitation as to certain additional classes that should be excepted. The suggestion or motion of the gentleman from Colorado and the gentleman from Massachusetts is not to bring the two Houses together.

If the gentleman from Massachusetts or the gentleman from Colorado would move to concur in the Senate amendment it would leave out the Borland amendment, because the Senate amendment leaves it out. What are they trying to do by indirection? They are trying to move to disagree to the Senate amendment, not only as to the various differences in dispute—namely, increasing the classes to whom this extra compensation may be paid from $2,000 to $2,500—but also as to the excepted classes to whom it shall not be given. That does not bring the two Houses any nearer together; you can not do that by moving as a substitute the House provisions with a portion of it stricken out, when the Senate amendment leaves out the very provision that they wish to have eliminated. There are in disagreement two other provisions in the Senate amendment which are not included in the House amendment. You can not obtain this by indirection, by a motion to recede and concur, when you do not in effect concur at all, but merely put the two Houses back into the original stage of disagreement. This puts them back into this stage under the color of a motion to recede and concur with an amendment, but which, in fact, does not concur.

Mr. GREENE of Massachusetts. Mr. Speaker, I made the motion with the intention of getting at the Borland amendment, and I am not going to yield on that.

Mr. BORLAND. I understand the gentleman wants to increase expenses.

Mr. GREENE of Massachusetts. Oh, the gentleman need not bother about that; I shall attend to that.

Mr. KEATING. Mr. Speaker, I think the motion made by the gentleman from Massachusetts [Mr. GREENE] does bring the two Houses much nearer an understanding. There are three points in controversy in this Senate amendment.

Mr. CRISP. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. KEATING. Certainly.

Mr. CRISP. I think I can suggest a remedy to gentlemen which will terminate this discussion and give everyone an opportunity to put the House on record as to the Borland amendment. Why not let the motion of the gentleman from Tennessee [Mr. BYRNS] prevail—that the House further insist on its disagreement and ask for a further conference, and, pending the appointment of the conferees, let a motion of instruction be made, instructing the House conferees to recede from the Borland amendment; and if a majority of the House wants to recede, it can so instruct the conferees and they will recede.

Mr. KEATING. Mr. Speaker, that was the thought I had in mind from the beginning—to endeavor to instruct the conferees to drop the Borland amendment—but my friend from Massachusetts [Mr. GREENE] made his motion, and I thought it might be well to bring it up in that form. The suggestion of the gentleman from Georgia will reach the point, and if the Speaker will recognize the gentleman from Massachusetts at the proper time to make the motion to instruct the conferees to drop the Borland amendment, I think it would be well to accept the suggestion and end this controversy.

The SPEAKER. The Chair will do that.

Mr. BORLAND. Would it be in order to instruct the conferees to insist on the Borland amendment? Would not an affirmative instruction be in order as well as negative instruction?

The SPEAKER. It is as broad as it is long. If the motion suggested by the gentleman should prevail, then the motion of the gentleman from Massachusetts would be superfluous; and if the motion of the gentleman from Massachusetts should prevail, the suggested motion of the gentleman from Missouri would be superfluous. Let us get through with this other first. The question is on the motion of the gentleman from Tennessee that the House further insist on its disagreement to Senate amendments numbered 38 and 90, and ask for a conference.

The motion was agreed to.

Mr. GREENE of Massachusetts. Mr. Speaker, I move to instruct the conferees to recede from the Borland amendment.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the conferees be instructed to recede from the Borland amendment.

The question was taken.

Mr. BORLAND. Mr. Speaker, is it in order to move to amend the motion of the gentleman from Massachusetts, that the conferees shall further insist on the Borland amendment?

The SPEAKER. That has all been passed. That was included in the motion of the gentleman from Tennessee.

Mr. BORLAND. Is the motion of the gentleman from Massachusetts debatable?

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry. Was not the House dividing?

The SPEAKER. Yes; the House had begun to divide. It is too late to debate the motion.

Mr. BORLAND. I should like to be heard upon the gentleman's motion.

The SPEAKER. The House had begun to divide.

Mr. BORLAND. I was on my feet calling the attention of the Speaker——

The SPEAKER. The Chair is not a mind reader and he can not tell what a Member is up for unless the Members says it.

Mr. BORLAND. Well, never mind.

Mr. JOHNSON of Washington. Mr. Speaker, I demand the regular order.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. KEATING) there were—ayes 149, noes 77.

Mr. KEATING. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Colorado makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors; the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 131, nays 159, answered "present" 3, not voting 137, as follows:

YEAS—131.

Ashbrook	Crosser	Ferris	Hollingsworth
Austin	Dale, Vt.	Fess	Huddleston
Baer	Dallinger	Focht	Hull, Iowa
Beakes	Davidson	Fordney	Igoe
Bland	Delaney	Freeman	Ireland
Britten	Dempsey	French	Johnson, Wash.
Burroughs	Denton	Gallagher	Juul
Campbell, Kans.	Dill	Glynn	Kearns
Cannon	Dowell	Good	Keating
Cantrill	Dupré	Graham, Ill.	Kennedy, R. I.
Carlin	Dyer	Greene, Mass.	Kraus
Cary	Ellsworth	Hadley	Lehlbach
Clark, Pa.	Elston	Haskell	Linthicum
Coady	Emerson	Hawley	Littlepage
Cooper, Wis.	Esch	Hersey	London
Copley	Evans	Hilliard	Lonergan
Crago	Farr	Holland	Longworth

Lundeen	O'Shaunessy	Rogers	Tilson
McAndrews	Paige	Sabath	Tinkham
McArthur	Parker, N. J.	Sanders, Ind.	Towner
McCulloch	Parker, N. Y.	Sanford	Vestal
McKinley	Peters	Schall	Volstead
McLemore	Phelan	Scott, Iowa	Walton
Madden	Pou	Sherwood	Watkins
Martin	Pratt	Smith, Mich.	Watson, Va.
Meeker	Purnell	Smith, C. B.	Wheeler
Merritt	Ramsey	Steenerson	White, Me.
Mondell	Ramseyer	Stiness	Williams
Morgan	Randall	Sweet	Wilson, Ill.
Nelson	Rankin	Switzer	Wood, Ind.
Nolan	Reavis	Tague	Young, N. Dak.
Olney	Roberts	Temple	Zihlman
Osborne	Rodenberg	Thompson	

NAYS—159.

Alexander	Drane	Langley	Shackleford
Almon	Dunn	Larsen	Shallenberger
Anderson	Eagle	Lazaro	Sherley
Anthony	Fairfield	Lobeck	Shouse
Aswell	Fisher	McClintic	Sinnott
Ayres	Flood	McCormick	Slayden
Bankhead	Gandy	McKenzie	Slemp
Barnhart	Gard	McKeown	Small
Bell	Garner	McLaughlin, Mich.	Snook
Beshlin	Garrett, Tex.	Magee	Stafford
Black	Gillett	Mansfield	Steagall
Blackmon	Godwin, N. C.	Mapes	Stedman
Blanton	Goodwin, Ark.	Mays	Stephens, Miss.
Borland	Gordon	Moon	Stephens, Nebr.
Brand	Gould	Moore, Pa.	Sterling, Ill.
Browne	Green, Iowa	Moores, Ind.	Sterling, Pa.
Brumbaugh	Greene, Vt.	Mott	Stevenson
Buchanan	Gregg	Nicholls, S. C.	Taylor, Ark.
Burnett	Hamlin	Nichols, Mich.	Taylor, Colo.
Byrnes, S. C.	Hardy	Norton	Thomas
Byrns, Tenn.	Harrison, Miss.	Oldfield	Tillman
Candler, Miss.	Harrison, Va.	Oliver, Ala.	Venable
Caraway	Hastings	Overmyer	Vinson
Carter, Okla.	Haugen	Overstreet	Waldow
Classon	Hayden	Padgett	Walker
Claypool	Heflin	Park	Walsh
Cleary	Helm	Platt	Weaver
Connally, Tex.	Helvering	Quin	Webb
Cooper, W. Va.	Hensley	Raker	Welling
Cox	Hicks	Rayburn	Welty
Cramton	Houston	Reed	Whaley
Crisp	Hull, Tenn.	Robbins	White, Ohio
Currie, Mich.	Johnson, Ky.	Robinson	Wilson, La.
Decker	Jones	Romjue	Wilson, Tex.
Dent	Kehoe	Rouse	Wingo
Dickinson	Kennedy, Iowa	Rubey	Wise
Dixon	Kincheloe	Rucker	Woodyard
Doolittle	Kinkaid	Russell	Wright
Doremus	Kitchin	Scott, Mich.	Young, Tex.
Doughton	La Follette	Sells	

ANSWERED "PRESENT"—3.

Booher	Lee, Ga.	Talbott

NOT VOTING—137.

Bacharach	Fairchild, G. W.	Kelly, Pa.	Rowe
Barkley	Fields	Kettner	Rowland
Bowers	Flynn	Key, Ohio	Sanders, La.
Brodbeck	Foss	Kiess, Pa.	Sanders, N. Y.
Browning	Foster	King	Saunders, Va.
Butler	Francis	Knutson	Scott, Pa.
Caldwell	Frear	Kreider	Scully
Campbell, Pa.	Fuller, Ill.	LaGuardia	Sears
Carew	Fuller, Mass.	Lea, Cal.	Siegel
Carter, Mass.	Gallivan	Lesher	Sims
Chandler, N. Y.	Garland	Lever	Sisson
Chandler, Okla.	Garrett, Tenn.	Little	Sloan
Church	Glass	Lufkin	Smith, Idaho
Clark, Fla.	Goodall	Lunn	Smith, T. F.
Collier	Graham, Pa.	McFadden	Snell
Connelly, Kans.	Gray, Ala.	McLaughlin, Pa.	Snyder
Cooper, Ohio	Gray, N. J.	Maher	Steele
Costello	Griest	Mann	Strong
Curry, Cal.	Griffin	Mason	Sullivan
Dale, N. Y.	Hamill	Miller, Minn.	Sumners
Darrow	Hamilton, Mich.	Miller, Wash.	Swift
Davis	Hamilton, N. Y.	Montague	Templeton
Denison	Hayes	Morin	Timberlake
Dewalt	Heaton	Mudd	Treadway
Dies	Heintz	Neely	Van Dyke
Dillon	Hood	Oliver, N. Y.	Vare
Dominick	Howard	Polk	Volgt
Donovan	Humphreys	Porter	Ward
Dooling	Husted	Powers	Wason
Drukker	Hutchinson	Price	Watson, Pa.
Eagan	Jacoway	Ragsdale	Winslow
Edmonds	James	Rainey, H. T.	Woods, Iowa
Elliott	Johnson, S. Dak.	Rainey, J. W.	
Estopinal	Kahn	Riordan	
Fairchild, B. L.	Kelley, Mich.	Rose	

So the motion to recede was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. BOOHER with Mr. TREADWAY.

Mr. TALBOTT with Mr. BROWNING.

Mr. DALE of New York with Mr. DENISON.

Mr. CHURCH with Mr. CHANDLER of New York.

Mr. LUNN with Mr. ELLIOTT.

Mr. GRIFFIN with Mr. GRIEST.

Mr. HOOD with Mr. HEATON.

Mr. HOWARD with Mr. FOSS.

Mr. SCULLY with Mr. KNUTSON.

Mr. JACOWAY with Mr. HAYES.

Mr. KETTNER with Mr. LITTLE.

Mr. LEE of Georgia with Mr. MCFADDEN.

Mr. POLK with Mr. MILLER of Minnesota.

Mr. PRICE with Mr. ROWLAND.

Mr. RAGSDALE with Mr. SANDERS of New York.

Mr. VAN DYKE with Mr. DILLON.

Mr. HENRY T. RAINEY with Mr. FREAR.

Mr. SEARS with Mr. STRONG.

Mr. SANDERS of Louisiana with Mr. GRAY of New Jersey.

Mr. BARKLEY with Mr. CARTER of Massachusetts.

Mr. CLARK of Florida with Mr. COOPER of Ohio.

Mr. CONNELLY of Kansas with Mr. BACHARACH.

Mr. BRODBECK with Mr. CHANDLER of Oklahoma.

Mr. DEWALT with Mr. COSTELLO.

Mr. COLLIER with Mr. BOWERS.

Mr. STEELE with Mr. BUTLER.

Mr. CAMPBELL of Pennsylvania with Mr. GRAHAM of Pennsylvania.

Mr. GALLIVAN with Mr. DAVIS.

Mr. DOMINICK with Mr. GOODALL.

Mr. CAREW with Mr. BENJAMIN L. FAIRCHILD.

Mr. DONOVAN with Mr. EDMONDS.

Mr. DOOLING with Mr. DARROW.

Mr. FIELDS with Mr. GARLAND.

Mr. FLYNN with Mr. FRANCIS.

Mr. ESTOPINAL with Mr. HAMILTON of Michigan.

Mr. GLASS with Mr. HAMILTON of New York.

Mr. FOSTER with Mr. FULLER of Illinois.

Mr. GRAY of Alabama with Mr. KAHN.

Mr. HAMILL with Mr. HUTCHINSON.

Mr. HUMPHREYS with Mr. HUSTED.

Mr. KELLY of Pennsylvania with Mr. JAMES.

Mr. LEA of California with Mr. KING.

Mr. LESHER with Mr. MCLAUGHLIN of Pennsylvania.

Mr. LEVER with Mr. KELLEY of Michigan.

Mr. OLIVER of New York with Mr. MASON.

Mr. MAHER with Mr. KIESS of Pennsylvania.

Mr. NEELY with Mr. MUDD.

Mr. RIORDAN with Mr. KREIDER.

Mr. SAUNDERS of Virginia with Mr. ROWE.

Mr. SISSON with Mr. LUFKIN.

Mr. THOMAS F. SMITH with Mr. SIEGEL.

Mr. SUMNERS with Mr. SLOAN.

Mr. SIMS with Mr. SWIFT.

Mr. SULLIVAN with Mr. SNELL.

Mr. JOHN W. RAINEY with Mr. TIMBERLAKE.

Mr. CALDWELL with Mr. WARD.

Mr. EAGAN with Mr. WASON.

Mr. DIES with Mr. WINSLOW.

Mr. TALBOTT. Mr. Speaker, did the gentleman from New Jersey [Mr. BROWNING] vote?

The SPEAKER. He did not.

Mr. TALBOTT. Mr. Speaker, I desire to withdraw my vote of "aye" and answer "present." I am paired with the gentleman from New Jersey [Mr. BROWNING].

The name of Mr. TALBOTT was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors. The Chair announces the following conferees:

The Clerk read as follows:

Messrs. BYRNS of Tennessee, EVANS, and STAFFORD.

LEAVE OF ABSENCE.

Mr. FORDNEY. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. EDWARD L. HAMILTON, because of sickness in his family.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORDNEY] asks unanimous consent for indefinite leave of absence for his colleague from Michigan [Mr. HAMILTON] on account of illness in his family. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. DYER. Mr. Speaker, in connection with the conference report I have a letter from the subtreasurer at St. Louis. Mr. Vandiver, concerning the Subtreasuries and their work. I would like to insert that in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to print a letter from the Hon. W. D. Vandiver, Subtreasurer at St. Louis. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

TREASURY DEPARTMENT,
UNITED STATES SUBTREASURY,
St. Louis, Mo., April 23, 1918.

Hon. L. C. DYER,
House of Representatives, Washington, D. C.

DEAR MR. DYER: Complying with your request, I drop you a line regarding the Subtreasuries.

This office alone last year handled $350,000,000 of actual cash, receipts and disbursements. The appropriations for salaries of the office being only $31,500, you will see that the cost is considerably less than one one-hundredth part of 1 per cent of the money handled. I think I am safe in saying that no other institution of any kind in the country can show a better record than this, even if as good, and the other Subtreasuries have about the same record as this one.

Two mistaken impressions seem to have prevailed among Members of the House of Representatives who had not carefully studied the situation:

First. That the Subtreasuries are an advantage only to the cities in which they are located. The truth is that this Subtreasury serves most of the banks in seven States, besides a number of others outside, and each of the other Subtreasuries serves a corresponding territory, so that altogether they serve practically all of the banks in the United States, and in serving the banks, of course, they serve the business public; and it would be a great hindrance and delay to their business if it had to be sent to Washington, as a large part of it would necessarily have to be sent there if the Subtreasuries were abolished, because no well-informed person would be willing to have the trust funds of the Government held in private institutions.

Second. It seems to have been assumed that striking out an appropriation for the Subtreasuries would just save the Government that much money. On the contrary, that part of the work which would be done in Washington would cost at least as much, if not more, besides the inconvenience and delay in the transaction of business, and that part of it which would be transferred to the Federal reserve banks would be done by money counters and tellers who are drawing about 25 per cent higher salaries than those who are now doing it in the Subtreasuries; and as it is strictly Government work would have to be paid for by the Government, no difference where it is done, and hence would cost in the end considerably more than it is costing now. In short, I am convinced that the change instead of saving the Government a dollar would cost $100,000 more than it now costs.

This, in brief, is the true situation with reference to the Subtreasuries. If there is any point about it that is not clear, I will be glad to make it so.

Very truly, yours, W. D. VANDIVER.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed, with amendments, the bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. SMITH of Maryland, Mr. POMERENE, Mr. HOLLIS, Mr. DILLINGHAM, and Mr. JONES of Washington as the conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 4154) granting to the trustees of the Methodist Episcopal Church of Bowdoin, Mont., for the benefit of the Methodist Episcopal Church at Bowdoin, Mont., lots 12 and 13, in block 21, town site of Bowdoin, State of Montana, in which the concurrence of the House of Representatives was requested.

LEAVE OF ABSENCE.

By unanimous consent, Mr. KEHOE was granted leave of absence until June 12 on account of important business.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. No. 123. Joint resolution providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10265) to authorize the President to provide housing for war needs.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

EXTENSION OF REMARKS.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a copy of a letter written to a constituent of mine in regard to war measures.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate numbered 38 and 90 to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, and had appointed Mr. MARTIN, Mr. OVERMAN, Mr. UNDERWOOD, Mr. WARREN, and Mr. SMOOT as the conferees on the part of the Senate.

CONSOLIDATION OF EXECUTIVE BUREAUS, ETC.

The SPEAKER. This is the day set apart to consider the bill S. 3771, which is on the Union Calendar.

Mr. WEBB. Mr. Speaker, I want to see if we can not agree on time for debate.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry. Is this bill properly on the Union Calendar? Should it not be on the House Calendar?

The SPEAKER. The Chair is inclined to think that it ought to be on the House Calendar.

Mr. WEBB. Mr. Speaker, before moving to go into Committee of the Whole I would like to have some agreement as to time for general debate.

Mr. GARNER. If it is on the House Calendar, you are not going into Committee of the Whole.

The SPEAKER. If it is on the House Calendar, the House will not go into the Committee of the Whole.

Mr. GARNER. I did not make the point. I made an inquiry.

Mr. GILLETT. I make the point.

The SPEAKER. The Chair sustains it, and the bill is referred to the House Calendar.

Mr. WEBB. If it is going to be discussed in the House, I want to see if we can not agree on time for general debate, and I would like to ask my brethren on the other side if they will agree to as much as five hours? I do not know that we will use it. I suggest that, however. If they want to cut it, I am willing to cut it lower.

Mr. GILLETT. I would like to suggest to the gentleman that this bill is now on the House Calendar, and therefore there is, technically, no general debate. I am inclined to agree with the gentleman that it may be well to come to an agreement that it shall be considered, as far as debate goes, as if it were in the Committee of the Whole and have general debate. But of course, technically, that can only be done by unanimous consent.

Mr. GARNER. Mr. Speaker, may I make the suggestion——

Mr. KITCHIN. The gentleman from North Carolina [Mr. WEBB], as I understand, is going to ask unanimous consent that general debate continue for so many hours.

Mr. GILLETT. That there shall be general debate?

Mr. KITCHIN. Yes.

Mr. GARNER. Let me suggest to the gentleman that we have general debate and that he control one half the time and some gentleman on the other side control the other half of the time. That would be the orderly course of procedure.

Mr. WEBB. That would be the orderly course. And I ask unanimous consent that general debate on this bill shall not exceed five hours, one-half to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD], the ranking Republican member of the committee, and that the other half be controlled by myself, and debate shall be confined to the bill. That is agreeable to gentlemen on the other side with whom I conferred, and I would not want to take advantage of any body by moving the previous question after an hour's debate or two hours' debate. I want proper debate on the bill.

Mr. VOLSTEAD. Mr. Speaker, since having the conversation with the gentleman in reference to time, I find there are quite a number of others who would like to speak, and who were not taken into consideration in making that agreement. And I would like to ask that the whole day be taken up with general debate.

Mr. WEBB. That would not go more than five hours, I will say to the gentleman.

Mr. GILLETT. Let me suggest to the gentleman that this is a bill that, of course, we all appreciate is of great importance, and there ought to be, as already agreed, ample debate on the bill itself. I suggest we go on to-day, the time being controlled by the gentleman from North Carolina [Mr. WEBB] and the gentleman from Minnesota [Mr. VOLSTEAD], and then when we meet to-morrow we will know whether the time is concluded or not. I think men who want to discuss it ought to have an opportunity to do so.

Mr. WEBB. I will say to my friend that I would much rather that the House agree upon some definite time limit for general debate.

Mr. GILLETT. We do not know how many men want time in general debate.

Mr. WEBB. And if at the end of that time any men desire to seriously discuss the bill, I will have no objection to some extension of the time.

Mr. GILLETT. With that understanding it is all right.

Mr. WEBB. I have so stated to the gentleman from Minnesota and other gentlemen. That is my feeling about it.

Mr. STAFFORD. Will the gentleman yield?

Mr. WEBB. With pleasure.

Mr. STAFFORD. Of course, at the end of that time it is the privilege of the gentleman having charge of the bill to move the previous question. Would it not be more satisfactory in the consideration of a bill of this importance, to at the conclusion of the so-called general debate ask that it be considered under the five minute rule for amendment?

The SPEAKER. Has the gentleman from North Carolina [Mr. WEBB] any request to make?

Mr. WEBB. I ask, Mr. Speaker, that general debate be limited to not exceeding five hours, and that the debate be confined to the provisions of the bill, one-half of the time to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and one-half to be controlled by myself.

The SPEAKER. The gentleman from North Carolina asks unanimous consent, the general rules of the House to the contrary notwithstanding, that the general debate on this bill shall not exceed five hours, one-half to be controlled by himself and one-half by the gentleman from Minnesota [Mr. VOLSTEAD], and that the debate be confined to the bill. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, I think it only fair to state to the House that the gentleman from North Carolina [Mr. WEBB] and the gentleman from Minnesota [Mr. VOLSTEAD] are both in favor of this bill. Now, I do not know whether it should be thought proper that some one opposed to the bill should have something to do with controlling the time. I only make that suggestion. I have no desire——

Mr. CANNON. Is there anybody opposed to it?

Mr. GREENE of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GREENE of Massachusetts. Reserving the right to object, I would like to make the point of order that it would be contrary to the rules of the House to limit the general debate simply to the bill.

Mr. GARNER. That is only in Committee of the Whole.

The SPEAKER. This bill is a House bill, and the gentleman from North Carolina has an hour, which he can yield in that time, and the debate would have to be confined to the bill. Is there objection?

Mr. GREENE of Massachusetts. I object to limiting it to the bill.

The SPEAKER. The gentleman objects, and the Clerk will report the bill.

Mr. WEBB. Mr. Speaker, I move that the general debate on this bill shall not exceed five hours, and that one-half of the time shall be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and one-half by myself.

Mr. GREENE of Massachusetts. I do not object to that.

Mr. STAFFORD. Mr. Speaker, that is out of order. The Speaker could not recognize such a motion.

Mr. KITCHIN. As I understand it, Mr. Speaker, it would have to be by unanimous consent.

Mr. MOORE of Pennsylvania. I hope the gentleman will be reasonable.

Mr. WEBB. We are willing to have general debate. The gentleman from Massachusetts [Mr. GREENE] apparently wants to cut it off.

Mr. GREENE of Massachusetts. If we are to have general debate, let it be general debate.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. I want to make a parliamentary inquiry for the benefit of the gentleman from Massachusetts, but I do not believe I can get his attention.

Mr. GREENE of Massachusetts. Of course you can.

Mr. GARNER. If the gentleman from North Carolina [Mr. WEBB] in charge of the bill, should see proper to debate it five minutes and then move the previous question on the bill, what would be the result?

The SPEAKER. The result would be that the Chair would put the motion.

Mr. WEBB. We want to have five hours' debate.

Mr. GREENE of Massachusetts. I am willing to have it. I do not object to five hours. I do object to limiting general debate.

Mr. WEBB. I make that request for unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that, the rules of the House to the contrary, there shall be five hours' general debate on this bill and no more, and that he shall control half the time and the gentleman from Minnesota [Mr. VOLSTEAD] the other half, and that the debate be confined to the bill.

Mr. LONGWORTH. I simply want to understand from the gentleman that in case gentlemen who are not members of the Committee on the Judiciary desire to speak, they shall have opportunity.

The SPEAKER. Is there objection? The gentleman from North Carolina asks unanimous consent that five hours shall be devoted to general debate, notwithstanding the rule, and that he shall have control of one half the time and the gentleman from Minnesota the other half.

Mr. LONGWORTH. I understood the gentleman would be liberal in extending time.

The SPEAKER. Is there objection?

Mr. HASTINGS. Mr. Speaker, do I understand, if this request is agreed to in that form, the debate will not be confined to the bill?

The SPEAKER. Yes.

Mr. HASTINGS. Then I object.

The SPEAKER. The gentleman from North Carolina is recognized for one hour. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Be it enacted, etc., That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record: *Provided* That this act shall remain in force during the continuance of the present war and for six months after the termination of the war by the proclamation of the treaty of peace, or at such earlier time as the President may designate: *Provided further*, That the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to this act and during the time that this act is in force: *Provided further*, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

SEC. 2. That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

SEC. 3. That the President is further authorized to establish an executive agency which may exercise such jurisdiction and control over the production of aeroplanes, aeroplane engines, and aircraft equipment as in his judgment may be advantageous; and, further, to transfer to such agency, for its use, all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment.

SEC. 4. That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

SEC. 5. That should the President, in redistributing the functions among the executive agencies as provided in this act, conclude that any bureau should be abolished and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper.

SEC. 6. That all laws or parts of laws conflicting with the provisions of this act are to the extent of such conflict suspended while this act is in force.

Upon the termination of this act all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this act to the contrary notwithstanding.

Mr. WEBB. Mr. Speaker, I think there has been much said really of a nature to misrepresent the objects and purposes of this bill. I want to be brief, because I believe that nearly every Member of the House has made up his mind how he expects to vote upon it. The bill passed the Senate by a vote of 63 to 13. It was adopted after it was debated off and on over there for six weeks, and it has been discussed in the public press fully, and I think the House is determined now as to how it shall vote upon this measure.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). Does the gentleman yield?

Mr. WEBB. Yes.

Mr. LONGWORTH. I want merely to suggest this: The gentleman gave the figures by which the bill passed the Senate by a very large majority. It would be well to state that the vote on several of the amendments to the bill were very narrow. In fact, one was defeated by only one vote.

Mr. WEBB. I do not know as to that.

Now, Mr. Speaker, this bill gives the President the power simply to redistribute and coordinate or consolidate the functions, powers, and offices of the executive and administrative branches of the Government in the interest of the national defense, the successful prosecution of the war, and for the more efficient administration of the executive branches of the Government. That is as complete a statement as I can make of the purposes and provisions of the bill in that brief compass.

It will be seen, to detail them just briefly, that in the first section it is provided that for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of the resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is authorized to make such redistribution of functions among executive agencies as he may deem necessary, and so forth.

Then there is a proviso in that section to this effect, that the act shall not continue in force longer than six months after the war is ended. Then there is a second proviso to the effect that the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to the act during the time that the act is in force. The third proviso is that the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

Section 2 provides that the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law; to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another; to transfer the personnel thereof or any part of it, either by detail or assignment, together with the whole or any part of the records or public property belonging thereto.

Section 3 was adopted on the floor of the Senate and provides that the President is authorized to establish an executive agency which shall exercise such jurisdiction and control over the production of aeroplanes, aeroplane engines, and aircraft equipment as in his judgment may be advantageous, and to transfer to such agency all or any moneys heretofore appropriated for the production of airplanes, aeroplane engines, and aircraft equipment.

Section 4 of the bill provides that all money heretofore and hereafter appropriated for use of any executive department, commission, bureau, agency, office, or officers shall be expended only for the purpose for which it was appropriated under the direction of such other agency as may be directed by the President to perform and execute said function.

Section 5 provides that the President, in redistributing the functions among the executive agencies, as provided in this act, if he concludes that any bureau shall be abolished and its duties and functions conferred upon some other department or bureau, or eliminated entirely, he shall report his conclusions to Congress with such recommendation as he may deem proper.

Section 6 repeals all laws and parts of laws contrary to this act and provides that upon the termination of the act all executive and administrative agencies, departments, commissions, and so forth, together with their duties and powers as heretofore or as hereafter provided by law, any authorization of the President under this act to the contrary notwithstanding, shall terminate and go back to the status quo before the bill was passed.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. RAMSEYER. Under the next to the last section, do I understand the gentleman's interpretation of the bill to be that the President can not abolish a bureau without the consent of Congress?

Mr. WEBB. That is the correct interpretation. He can abolish a bureau temporarily, during the existence of this act. In case he thinks a bureau should be abolished permanently, he is only given the power to report to Congress, with the recommendation as to why he thinks it should be permanently abolished.

Mr. RAMSEYER. He has the power to take one bureau and put it into another or to take two or more and combine them.

Mr. WEBB. That is all, and he is requested to report to Congress if he thinks it should be permanently abolished.

Mr. McCORMICK. Is he requested or required?

Mr. WEBB. The language is "shall report to Congress."

Mr. RAMSEYER. Could the President abolish a department?

Mr. WEBB. Does the gentleman mean permanently?

Mr. RAMSEYER. No; during the war.

Mr. WEBB. He could suspend a department to that extent; yes.

Mr. RAMSEYER. But within six months after the war all the original powers of the department would be restored to it.

Mr. WEBB. Would be restored just as they were before the act was passed.

Now, Mr. Speaker, this House realizes that some such measure as this not only ought to be passed now, but ought to have been passed long ago. The Congress has been trying in some way or other to pass a measure which would enable somebody to coordinate the multifarious administrative and executive branches of our Government, to bring them to a standard out of which we may get the greatest efficiency. Mr. Taft, Mr. Hughes, the Efficiency Board, and Congress itself have realized that situation. There are numerous duplications of work in the departments. Senator Aldrich a few years ago said that the administrative part of this Government ought to be run with a saving of $300,000,000 a year. He did not mean to criticize Congress for appropriating too much money. His idea was that if good business principles were applied in the executive departments of this Government and if the Government were run as a big business institution $300,000,000 could be saved annually.

Mr. SMITH of Michigan. When did Senator Aldrich say that? I heard that repeated a great many times, even before I came to Congress. How long ago was it?

Mr. WEBB. It was since I have been a Member of Congress. It must have been 6 or 8 or 10 years ago.

Mr. SMITH of Michigan. What was the amount of the annual expenditure at that time?

Mr. WEBB. I do not remember. I suppose we had gotten up to pretty nearly a billion dollars a year.

Mr. SMITH of Michigan. As much as $750,000,000?

Mr. WEBB. Somewhere along there.

Mr. SMITH of Michigan. Was not that a pretty large saving to be expected?

Mr. MOORE of Pennsylvania. If that was true then, it is certainly true now.

Mr. WEBB. I think so, because we are spending more money, and the proportion of saving ought to be the same.

Mr. MOORE of Pennsylvania. I want to hear the gentleman's statement. Is the gentleman going to explain these sections a little more in detail? If not, I should like to have some further explanation of section 3, wherein the President is authorized to establish an executive agency in connection with aeroplane production.

Mr. WEBB. I will have to refer my friend to Senator WADSWORTH's speech in the Senate on that subject. I believe he was the author of the amendment, and it was adopted by the Senate. While I do not know the details of his reasons for it, it seems to me a very good provision. The Senate adopted it, I think, by a very large vote.

Mr. MOORE of Pennsylvania. Is it the gentleman's impression that if such an executive agency—because that is the term used—were created, it would take it away from the supervision and oversight of Congress?

Mr. WEBB. Oh, no. As long as Congress has the power under the Constitution to appropriate money, nothing is to be taken away from the Congress, and nothing ought to be. Congress still has control over them all.

Mr. MOORE of Pennsylvania. Throughout the bill I observe there is no provision for a report to Congress of any of the orders or regulations that the President may make under this bill.

Mr. WEBB. No; unless he thinks some department ought to be abolished. Then he shall report to Congress his reasons for it, and let Congress act upon it, to determine what shall be done.

Mr. MOORE of Pennsylvania. Under section 5, if he should deem it wise that Congress should abolish a certain bureau,

he would report to Congress, but in no other instance is he to report to Congress.

Mr. WEBB. No; and they are making transfers every day in the executive departments under authority heretofore granted by Congress. We have given the President and some heads of departments the power to make transfers for the last 10 or 15 years, and have not required them to report to Congress.

Mr. MOORE of Pennsylvania. Suppose the President should transfer the Bureau of Mines to the Food Administration, Mr. Hoover being a mining engineer?

Mr. WEBB. Oh, I hope my friend will not ask any such unreasonable questions as that. The President has both sense and patriotism.

Mr. MOORE of Pennsylvania. I am not asking anything unreasonable any more than the report does, for it offers certain suggestions on this line. I want to know whether the committee would have any objection to providing for a report to Congress by the President of such changes as he may make.

Mr. WEBB. I would object to it.

Mr. MOORE of Pennsylvania. The gentleman would object to it?

Mr. WEBB. Yes. I do not think the President or anybody under him, in a time of war like this, when everybody is straining every nerve to win this war, ought to be required to make a detailed report of every little change that may be made among the 300,000 employees of the Government.

Mr. MOORE of Pennsylvania. If he consolidates two departments, ought not Congress to be informed?

Mr. WEBB. Congress would be informed. There will be a public record of his act and the gentleman can go and examine it after it is filed.

Now, when I was interrupted I was about to say that there is a general acknowledgment of the necessity for some such law as this. Congress has recognized it. Public men generally have recognized it, and this Congress has recognized it. Now, the question is, what is the best way to do it? This bill may not be a perfect solution of the question, but it is the best thing we have had before us so far. The gentlemen who sponsored what was known as the war-cabinet bill realized that something of this sort ought to be done. On January 21, 1918, there was introduced in the Senate by Senator CHAMBERLAIN a bill known as the war-cabinet bill, which among other things provided that this war cabinet should be composed of three distinguished citizens, and so forth. Subsection b under section 2 provides for giving these three distinguished gentlemen the following powers.

I hope gentlemen will listen to this, because the bill was indorsed by Republicans and Democrats alike in the Senate, and it contains this power which was proposed to be used by "three distinguished gentlemen":

To supervise, coordinate, direct, and control the functions and activities of all executive departments, officials, and agencies of the Government in so far, in the judgment of the war cabinet, as it may be necessary or advisable to do so for the effectual conduct and vigorous prosecution of the existing war.

The gentlemen who drew the bill now being considered might have covered the whole material ground by using that language. That was advocated by many distinguished Republicans in the Senate, and I read it for the purpose of showing that the gentlemen who drew and sponsored this bill recognized the necessity of some means of coordinating and redistributing and readjusting the departments of the Government that are numerously duplicated.

Mr. JOHNSON of Washington. What became of that bill?

Mr. WEBB. It is still pending in the Senate, I believe.

Mr. JOHNSON of Washington. But it has no indorsement.

Mr. WEBB. Yes; I think there was liberal hearings on it, and I think speeches have been made on it. I know the distinguished Senator from New York [Mr. WADSWORTH] made a strong speech favoring it.

Mr. FOCHT. Will the gentleman yield right there?

Mr. WEBB. Yes.

Mr. FOCHT. The gentleman having alluded to this in the course of his argument, does the gentleman believe we should have a war cabinet?

Mr. WEBB. No; I do not think it is necessary. The President is war cabinet enough under the Constitution, and he does not need "three distinguished citizens" to divide his duties.

Mr. FOCHT. Then what becomes of the gentleman's argument upon this bill?

Mr. WEBB. This is the only thing we have looking to the coordination and redistribution of the administrative departments of the Government, and therefore we ought to vote for it. It is the only bill we have before us. Now, Mr. Taft in his message in 1911, as President of the United States, saw the necessity of some such legislation as this. On March 13, 1911, he sent a message to Congress in which he says:

There has been inadequate means whereby those who serve with fidelity and efficiency might make a record of accomplishment and be distinguished from those who were inefficient and wasteful; functions and establishments have even been duplicated, even multiplied, a useless conflict and unnecessary expense; lack of full information has made intelligent direction impossible and cooperation between different branches of the service difficult.

Senator LODGE offered other reasons, as follows:

In the past, services have been created one by one as exigencies have seemed to demand, with little or no reference to any scheme of organization of the Government as a whole. I am convinced that the time has come when the Government should take stock of all its activities and agencies and formulate a comprehensive plan with reference to which future changes may be made. The report of the commission is being prepared with this idea in mind. When completed, it will be transmitted to the Congress. The recommendations will be of such a character that they can be acted upon by one if they commend themselves to the Congress and as action in regard to any one of them is deemed to be urgent.

Now, the Congress provided for the establishment of a commission, or Bureau of Efficiency and Economy. You will find it in Document 1552, Sixty-second Congress, wherein this efficiency board reports:

This vast organization has never been studied in detail as one piece of administrative mechanism. Never have the foundations been laid for a thorough consideration of the relations of all its parts. No comprehensive effort has been made to list its multifarious activities or to group them in such a way as to present a clear picture of what the Government is doing. Never has a complete description been given of the agencies through which these activities are performed. At no time has the attempt been made to study all of these activities and agencies with a view to the assignment of each activity to the agency best fitted for its performance, to the avoidance of duplication of plant and work, to the integration of all administrative agencies of the Government, so far as may be practicable, into a unified organization for the most effective and economical dispatch of public business.

Now, in 1918, this Congress, still reaching out and trying to meet the very situation in the executive departments we are confronted with now, passed the legislative appropriation bill, which contains a provision in section 8 as follows:

The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized after such report shall have been made to him, wherever he finds such duplications to exist, to abolish the same. Report of the action taken hereunder shall be made to Congress at its next regular session.

Now, Mr. Speaker, I shall not quote what the distinguished citizen, Mr. Hughes, said on this subject, but he in public speeches has pointed out the necessity for coordination and redistribution of the functions, powers, and offices of the executive and administrative branches of the Government.

I shall also, with the permission of the House, insert some editorials from leading papers—I think most of them Republican papers—but they are to the point and cover the ground very clearly.

Here is a portion of an editorial from The Journal of Commerce and Commercial Bulletin of New York, of March 22, 1918. I will read a part of it:

[Editorial from The Journal of Commerce and Commercial Bulletin (N. Y.), Mar. 22, 1918.]

No doubt a variety of objections will be raised to this, or to anything else making executive action more effective, but it seems to be believed at Washington that it will be passed without material change or any considerable negative vote. It ought to be without any prolonged debate or the too familiar use of excited language. There is really in it no occasion for getting excited. It confers no increased executive power, and would only concentrate its direction and use, so as to make it more prompt and effective instead of running over red tape through a complex variety of machines and coming out in a snarl. The various parts of this machinery are created by legislative action and may be increased or diminished in number or capacity and modified in functions. The great need is to have them work in harmony to accomplish the desired results as perfectly and promptly as may be in a continuous and necessary service. If it were a private business, there would be no doubt or difference of opinion about it. Why in a public service of so much consequence? Are private business men so much more trustworthy than public servants?

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. OLIVER of Alabama. Is it not a fact that practically all of the leading newspapers and magazines have indorsed the bill?

Mr. WEBB. I think that statement is generally true.

Mr. SNOOK. Mr. Speaker, will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. SNOOK. In section 1 there is the usual provision, which is carried in all of the war bills, that this shall remain in force during the continuance of the present war and for six months thereafter. Then follows the provision that the termination of the act shall not affect any act done or right or obligation accruing or accrued pursuant to this act. Is it the gentleman's understanding, notwithstanding the first provision in the bill,

that when the war terminates all of these consolidations will continue as they have been consolidated?

Mr. WEBB. Oh, no; they will go back just as they were before the act is passed, unless in the meantime Congress, on the recommendation of the President, has abolished some department or branch.

Mr. SNOOK. This consolidation will exist only during the term of the war unless we have permanent legislation otherwise?

Mr. WEBB. Absolutely. That is what the bill means. Mr. Speaker, some men in an excited moment have argued that this is giving the President too much power; that it makes him an autocrat, and all that sort of thing. I do not think their language is justified, in the least. It certainly is not deserved, because there are distinguished lawyers in the Senate and throughout the country who believe that the President of the United States has now the power to do just exactly what we propose to give him the power to do in this bill, and I desire to read what Senator KNOX said in the Senate upon this question, and we all recognize him as one of the leading lawyers of the country. Here is what he said——

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). Of course, the Chair has no objection to the gentleman reading what a Senator said——

Mr. WEBB. I propose to read from the CONGRESSIONAL RECORD. I am not criticizing what the Senator said, but commending him.

The SPEAKER pro tempore. It is made the duty of the Chair under the rules of the House to direct attention to the fact that what has been said in the Senate in an official way shall not be commented upon on the floor of the House.

Mr. WEBB. I think that is so, and I am not intending to comment upon it. I merely propose to read what he said as reported in the CONGRESSIONAL RECORD.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit, in order to save time I ask unanimous consent that the gentleman from North Carolina may read, as he suggests, from the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

Mr. WEBB. Mr. Speaker, I would not, of course, consciously violate even technically any of the rules of the House, but I know the Members of the House know Senator KNOX to be a distinguished lawyer, and I desire simply to quote from the CONGRESSIONAL RECORD, and I am obliged to the House for giving me the privilege of doing so. He said:

I think the President of the United States has the authority to require every executive officer and every department of the Government to do anything that he directs to be done in order to prosecute this war to a successful conclusion. I think he has the power to delegate from one Cabinet officer to another the discharge of any particular duty that he thinks such a Cabinet officer can discharge better than the one upon whom it would normally be incumbent. I do certainly think that the President has all those powers.

If the President of the United States had any autocratic feeling in his bosom, if he desired to run over, as we would say, the wishes of this Congress that by appropriations have established these various branches of the Government, he would do like Abraham Lincoln did—he would cut the red tape without consulting Congress, he would do as Senator KNOX has suggested he has the power to do; and I can not speak too highly of his act or too highly commend the President of the United States in these days, when we talk so much about centralization of power and when the people want to retain in their hands as much as is proper to make this war successful, for his coming to Congress and saying that he would like to have this power granted to him, which great men say that he already has; but instead of ignoring Congress he comes to us and says, "If I did so I would probably be criticized for it, and I would like to have you give me the express and clear power to make these coordinations and redistributions wherever they may be proper and necessary to help win the war. I would like to have your authority." As I say, I can not too highly praise the President of the United States for doing that, rather than taking the step of his own motion, which some Senators and some public men think he has the right to do.

I want now to read what Senator MCCUMBER says:

Mr. President, I shall vote for this bill, and I shall vote for it either with the proposed amendments or without the proposed amendments. I think it but fair, however, to say that I do not attach the importance to this bill that has been indicated by the long period of time it has been before the Senate and the long and earnest speeches that have been made both for and against its provisions. All of the important powers that are granted in this bill are either powers that are already inherent in the Chief Magistrate or powers that have been granted specially by the Constitution or powers which we, during this last Congress, have especially delegated to the President. When we examine the full scope and extent of those powers we will find that there are few left to be covered by the provisions of this bill.

I repeat, I can not regard this bill as of the same degree of importance as do many Senators in this body. I am not fearful of the authority that will be exercised under it; but as the President seems to think that he needs the additional authority, as he seems to believe that he can better carry this war to a successful issue if the bill be passed, I am willing to grant the power to him, so that, at least, I shall not be criticized and shall not allow Congress to be criticized by reason of my vote in not supporting the President in everything that he or Congress can possibly deem necessary for the successful prosecution of the war.

Mr. Speaker, there is no unusual power granted in this bill. I can not understand how gentlemen will complain of the power we grant here when they have already within the last 12 months voted to give the President a thousand times greater and more important power to exercise at his discretion. It will not do for men who voted to conscript two or three million of the boys of the country to be turned over to the direction of one man—the President—to say now, "While I voted to trust all of these boys in his care, I am not willing to trust him with the coordination of a few of the executive functions of the Government of the United States." In the food-control bill we gave the President far greater power than it is proposed to give him in this bill. Listen to this language:

Whenever during the present war the President shall find that the public safety shall so require and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation.

That is one of the most magnificent tributes that a Congress ever paid to a President of the United States. We turned over to him the power to practically starve the United States, if he were a bad man and wanted to do it—to absolutely stop all exportations of manufactured or raw material produced in this country. You put it in his discretion to say what articles shall or shall not be exported or received. Let us not now strain at gnats when we have already swallowed camels. We trusted the President then in big things and we will trust him now.

Mr. IGOE. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. IGOE. I would like to call the gentleman's attention to the fact that in section 2 of the food-control bill, authorizing the carrying out of the purposes of the act, the President was given the power to utilize any department or agency of the Government and to coordinate their activities so as to avoid any preventable loss or duplication of effort.

Mr. WEBB. Yes; I am very glad my friend called the attention of the House to that provision. Now, there is another provision of the food-control bill which provides—

That whenever the President finds it essential in order to prevent undue enhancement, depression, or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called evil practices, he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit, operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices.

Gentlemen, if there was to be any talk about a dictatorship, if there was to be talk of the question of powers granted to the Chief Executive, the time was then if there was any time at all, but we trusted the President then as we are going to trust him now. Civilization is so constituted that you must trust somebody in every step in life. You can not sit down and eat a meal without trusting the cook not to put something in it that will kill you. Every time you walk across the street you trust somebody, and in this great war of the world, out of 1,600,000,000 peoples 1,444,000,000 are engaged, the most stupendous and tremendous war that has ever taken place since the morning stars sang together, it is imperative that we trust the Executive head of this great Government, which is now a part and parcel of this conflagration. I appeal to Members on both sides of the House, I appeal to my Republican friends not to vote against this bill on the ground that you can not trust the President whom you so fully trusted before, because you fear he may make some wrong distribution of an executive branch of the Government. I commend Republicans for the splendid patriotism that they have shown since war was declared and I know that they will show the same patriotism now that they have shown heretofore. I have no criticism of the Republican patriotism in their splendid expressions of loyalty to our Chief Executive, the President, who happens to be from a party different from theirs. I appreciate their attitude and I appreciate the attitude of the Republicans on the Committee on the Judiciary, and, as I said in the beginning I can not understand why there should be so much talk and objection to a bill that appears to be so useful and necessary in these serious times and at the same time so harmless, in the hands of a wise man like the President of the United States. He has not abused the power we have given him before and I do not believe there is a man in this Congress who would be willing to say he be-

lieves the President would abuse this power or that he has abused the powers given him by us in the past. Now, that is all that I care to say at the present, unless some gentleman desires to ask me a question.

Mr. ROBBINS. I would like to ask the gentleman what is the purpose of the proviso in line 17, page 2, which reads:

That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

Are not there many other departments of the Government from which this bill is intended to remove the so-called red tape, duplication, and delays?

Mr. WEBB. I think the bill should cover other departments; but this is a war-time measure, and let us confine it to that phase.

Mr. ROBBINS. Then why——

Mr. WEBB. I think all the executive branches ought to be gone over with a fine-tooth comb by some splendid efficiency board and a comprehensive recommendation made to this Congress, so that duplication may be abolished. Why have six or eight auditors in the various departments and many departments doing the same work that other departments are doing? I have printed in the report which I presented on the part of the Judiciary Committee a brief memorandum showing some of the duplications now in the executive branches of the Government.

Mr. FESS. Will the gentleman yield?

Mr. WEBB. With pleasure.

Mr. FESS. Section 5 provides that in case any bureau should be abolished the President could make recommendation here. Section 2, it seems to me, gives him the power virtually to abolish the bureau by transferring all its elements to some other function. Is not that possible?

Mr. WEBB. I think that a bureau can be abolished during the life of this act, but it can not be abolished longer than that unless when the President thinks the bureau ought to be abolished he then shall report to Congress his recommendation, and Congress then must pass a law saying that it shall be abolished; otherwise it would go back as it was before any action was taken by the President under the provisions of the bill.

Mr. FESS. Then, in the gentleman's judgment, there is no irreconciliability of the element——

Mr. WEBB. No; I do not think so. I think it is clear that during the life of the act the President can abolish or suspend the functions of the various executive departments and that his action can not be made permanent until he reports to Congress and Congress ratifies his action in this respect.

Mr. LOBECK. Will the gentleman yield?

Mr. WEBB. For a question.

Mr. LOBECK. This power would cover these commissions and boards which have been made since the war commenced, in some of which work is being duplicated?

Mr. WEBB. It will cover every executive and administrative function of the Government now existing under authority of law passed by Congress.

Mr. LOBECK. It takes in these boards created since the war began?

Mr. WEBB. Which are now established by law. Of course it will not take in executive branches established after this bill is passed, because this bill refers only to those branches now established by law.

Mr. LOBECK. I shall be very glad to vote for the bill.

Mr. WEBB. Before sitting down I believe I will renew my request. I think it is the almost unanimous desire of the Members of the House that we shall have five hours of general debate on this bill, two hours and a half of that to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and two hours and a half by myself——

The SPEAKER pro tempore. The gentleman has occupied 35 minutes.

Mr. WEBB. I desire to have that charged up to me, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that there may be five hours of general debate, one-half of that time to be controlled by himself and one-half by the gentleman from Minnesota [Mr. VOLSTEAD] and the 35 minutes used by the gentleman from North Carolina to be charged to him.

Mr. WEBB. And, of course, I want to include in that the request that the debate shall be confined to the bill.

The SPEAKER pro tempore. And that debate be confined to the bill, and at the end of the general debate——

Mr. WEBB. I will have another unanimous-consent request to make.

The SPEAKER pro tempore. The gentleman to retain the right to the floor. The gentleman from North Carolina asks unanimous consent that there may be not exceeding five hours of general debate, one-half of that time to be controlled by himself and one-half by the gentleman from Minnesota [Mr. VOLSTEAD]; that debate be confined to the bill; and that at the conclusion of general debate he may have recognition to prefer a further request if he may desire, or move the previous question. Is there objection?

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WEBB. With pleasure.

Mr. WALSH. Does that include that there will be opportunity to discuss this measure under the five-minute rule as in the committee?

Mr. WEBB. It is my purpose at the end of general debate to make such request, if this request is granted for general debate.

Mr. MOORE of Pennsylvania. That would give opportunity to offer amendments?

Mr. WEBB. Yes.

Mr. NORTON. It is not the intention to close general debate to-day, is it?

Mr. WEBB. It depends on whether the House would stay here to-night. Of course, I can not say. I hope to get through with the bill by to-morrow night, anyway.

The SPEAKER pro tempore. Of course, the gentleman will understand that in consideration of the House bill there is really no five-minute rule. The Chair understands the gentleman from North Carolina [Mr. WEBB] desires to arrange that later?

Mr. WALSH. Ordinarily there is no general debate, but just debate.

Mr. SMITH of Michigan. Is it the understanding that the time used by the gentleman from North Carolina [Mr. WEBB] shall be taken out?

Mr. WEBB. Oh, yes.

The SPEAKER pro tempore. That was included. Is there objection to the request of the gentleman from North Carolina [Mr. WEBB]? [After a pause.] The Chair hears none. The gentleman from North Carolina is recognized for 2½ hours, less the 35 minutes which he has used.

Mr. WEBB. Mr. Speaker, I shall occupy no more of the time at present, and I am much obliged to the House for the attention they have given me. [Applause.]

I would like if the gentleman from Minnesota [Mr. VOLSTEAD] would use some of his time.

Mr. VOLSTEAD. Mr. Speaker, I yield 20 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, the bill under consideration (S. 3771) is entitled "An act authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government."

The object of the bill is stated in the first section. It is—

for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces.

With this object in view, the bill authorizes the President—

to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act.

There are several limitations in the bill. Among these may be mentioned the following:

First, the act shall remain in force only during the continuance of the present war and for six months after its termination.

Second, the authority granted by the act shall be exercised only in matters relating to the conduct of the present war.

In carrying out the purposes of the act, the President is authorized—

(a) To utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law.

(b) To transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another.

(c) To transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

AIRCRAFT EXECUTIVE AGENCY.

Section 3 of the act authorizes the President—

to establish an executive agency which may exercise such jurisdiction and control over the production of aeroplanes, aeroplane engines, and aircraft equipment as in his judgment may be advantageous; and, further, to transfer to such agency, for its use, all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment.

A WAR MEASURE.

In determining whether or not this bill should be passed we must take into consideration the position in which the country is now situated. We are engaged in war. The prosecution of this war to a speedy, successful, and victorious conclusion is now the one great task before the American people. War is now more than our chief business. It overshadows and dominates everything else. We have staked everything upon the defeat, the overthrow, and the annihilation of the Imperial German Government. The work before us is by far the greatest undertaking in which the American people have ever been engaged. The situation is such as to demand the utilization of all of our wealth, all our resources, all our institutions, and all the physical, intellectual, and moral strength and power of the American people. Nothing should be reserved in this struggle. The duty and obligation to aid in the prosecution of this war falls upon all alike. Those who can not fight in the trenches must fight at home. War necessarily interferes with the normal business of the country. In like manner, the business of war places new, difficult, and extraordinary activities upon the machinery of our National Government. In considering this bill, we must therefore bear in mind that we are not legislating for times of peace. In granting the power which this bill confers upon the President, we must have in mind the crisis which now confronts the Nation; we must remember the great danger which overshadows the American people; we must recognize the supreme importance of making the National Government as efficient as possible; and we must realize that by every appropriate means we must uphold the hands of the Commander in Chief of the land and naval forces of the United States.

NO TIME TO PLAY POLITICS.

Mr. Speaker, I have studied this bill somewhat carefully. I have read the most of the speeches made on the bill during its lengthy discussion in the Senate. As a member of the Judiciary Committee, I was present and listened to the discussion of the bill there. In reaching a conclusion to support the bill I have not taken in consideration the interests of my party. I am a Republican. I am a strong believer in the principles and policies of the Republican Party. But during the continuation of this war it is the duty of both the great political parties to hold their peculiar political principles and policies in abeyance. All minds and all political parties and all the energies of the Nation should be concentrated on winning the war. We can all stand on a platform of loyalty and patriotism. In accepting volunteers for the Army and Navy we put no political test. In selecting men for the National Army we accepted no one on account of his political faith, and we excused no one because of his party affiliations. Republicans, Democrats, and Socialists are in our training camps, on our warships, in the trenches, and on the firing line. Our brave soldiers and sailors and their officers are not divided into political camps. The fathers and mothers who gave these boys to the country are rightfully thinking of their safety and success on the battle field. That is what they are thinking about. The people at home who are doing war work in numerous lines of activity are not thinking of political campaigns or party success. The nearly 20,000,000 of persons who subscribed to the third liberty loan did not buy bonds as a political contribution. Those who are supporting the Red Cross, the Y. M. C. A., and the splendid activities of the various fraternal and religious organizations are not doing it in behalf of any party or political organization. So Members of Congress, in enacting war legislation, should say to their political prejudices, "Get thee behind me, Satan," move out into the higher and purer atmosphere of loyalty, and stand squarely upon the solid, immovable, and imperishable rock of patriotism.

PROPOSED AMENDMENTS.

I am for this bill as it stands, and I am for it with any amendments that will improve it. But I will not vote for amendments which are based upon the idea that the President can not be trusted with the power herein granted. I will not vote for any amendment which is founded upon the fear that the President will abuse the power herein granted. I will not vote for any amendment which reflects upon the ability, the judgment, or the patriotism of the President. [Applause.]

I regard it as very important that during this war the people shall have confidence in our Chief Executive. It would greatly weaken our Nation in the prosecution of this war if a very considerable percentage of our citizens should lose faith in the man whom they have chosen as the Chief Executive, and who, by virtue of the provisions of the Constitution, is the Commander in Chief of our land and naval forces. To win this war there must be great unanimity of sentiment in favor of its prosecution. A divided nation can hardly conduct a war successfully. Whoever does anything or says anything to shake the confidence of the people in the man who directs the affairs of the Nation, and commands our Army and Navy, however good his motives may be, is nevertheless detracting from the efficiency and potency of the American people in the prosecution of the war.

What I shall constribute to help win this war probably will not be worth mentioning. But one thing I shall not do. I shall not knowingly do anything that will hinder those who have the responsibility of directiong the war. I may not be able to push much, but I shall not pull back. If I can not be a propelling force, I can avoid, and I will avoid, being an obstructionist. [Applause.]

CONSTITUTIONALITY.

It has been charged that some of the provisions of this bill are unconstitutional. It is said that Congress, by passing this bill, would be abdicating its power. It is asserted that the provisions of this bill confer legislative power upon the Executive. I shall not undertake to discuss, at any length, the constitutionality of the provisions of this bill. I revere the Constitution. I do not believe we should vote for laws that are unconstitutional. For myself, however, I do not believe the provisions of the bill are unconstitutional.

I have been in Congress now more than nine years. During this time, in the consideration of almost every important measure, some one has asserted that it was unconstitutional. It is a charge that is frequently made against pending legislation. I do not criticize those who are champions of the Constitution or those who are in the habit of scrutinizing every measure carefully to see that it is not in conflict therewith. In the nine years which I have been in this House many important measures have been passed. Few of them have been held unconstitutional. Even in peace, I think the Congress of the United States can enact almost any legislation that it deems necessary for the public welfare.

I do not believe in the doctrine that in time of war the Constitution is silent, but there are war powers granted in the Constitution. These grants of power should be given the most liberal construction. They apply to a time of great peril. The laws enacted for war purposes are only temporary. They are to cease when peace is restored. I want to preserve the Constitution; I want to perpetuate all of our free institutions; I want to maintain the rights and privileges of every citizen; but defeat in this war would mean the overthrow of our Constitution, the destruction of our free institutions, and the loss of the very rights, privileges, freedom, and liberties which the Constitution vouchsafes to every American citizen.

The Constitution specifically authorizes Congress to raise and support armies; to provide and maintain a Navy; to provide for the common defense and general welfare of the United States; and, further, it specifically declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any deparment or officer thereof." These provisions are clear, specific, broad, and all comprehensive. What is known as the general-welfare clause of the Constitution, in my opinion, was not placed in the Constitution by accident. It was wisely placed there so that Congress would have the power to meet every emergency which would arise. It was placed there in order that the Republic should at all times, and under all circumstances, and in every emergency, have the power of self-preservation. As Members of the Congress, charged with the duty and responsibility of war legislation, it should be an inspiration to us that our forefathers, through the Constitution, did not authorize the Chief Executive or the judiciary to provide "for the common defense and general welfare." That great duty, power, and responsibility was placed upon Congress. We should have this in mind when considering so-called war legislation. I have the greatest confidence in Congress. I believe that Senators and Representatives are doing their utmost to faithfully perform all the sacred duties which the Constitution confers upon them. I do not question the good faith, loyalty, or patriotism of those who do not agree with me. But, for myself, I do not believe that now is the time to split hairs over the constitutionality of proposed war legislation. Doubtful constitutional questions shall not deter me from voting for this bill, which I believe, in some measure, will aid those in authority to lead the American people to the goal of victory. I have great veneration for the Constitution, but while this war lasts, on war measures I shall take a chance on their constitutionality if I am convinced that thereby I can save the life of one American soldier or sailor.

INTERSTATE COMMERCE COMMISSION AND OTHER GOVERNMENTAL AGENCIES.

Since this bill has been under consideration by Congress there has been a demand that certain governmental commissions and boards should be exempted from its provisions. It has been

strenuously argued that its provisions should not apply to the Interstate Commerce Commission, the Federal Reserve Board, the Federal Trade Commission, the Federal Farm Loan Board, the War Finance Corporation, the Government Printing Office, and the Library of Congress. The arguments presented in favor of such exceptions have not appealed to me strongly. To make any exception is to question the judgment and ability of the Commander in Chief of the Army and Navy. This Congress should not do. I was not a Member of Congress when the act was passed creating the Interstate Commerce Commission; but since I have been a Member of this House I have voted for a number of acts largely increasing the power and jurisdiction of this great commission. I believe it has been an efficient and potential agency in the proper regulation and control of our great railways. I believe it has been a most valuable governmental instrument in the interest of the people. I would not vote to abolish it or curtail its power. Indeed, I would prefer to enlarge its authority, extend its power, increase its jurisdiction, and multiply its activities. But the Government has taken over our great railways. They are under the management of the Director General of Railways. Congress by the recent railway act relieved the commission of some of its important duties. The President now has the power to initiate railway rates. The commission may only on petition and hearing modify the rates fixed by the President.

The members of the Interstate Commerce Commission are recognized as able and experienced men. They are well equipped to discharge their duties. They have under them a large force of capable, highly trained employees. If the President, upon whom more than any other man rests the responsibility of winning the war, believes he can utilize the Interstate Commerce Commission or any of its employees to aid in winning this war, I am in favor of him using it. I shall vote to give him the power to do so. I would go further. I would vote to suspend all the activities of the Interstate Commerce Commission during the war if I thought that would hasten victory for our cause or lessen the sacrifices which our soldiers and sailors must make to win that victory.

I am not one who would do aught to hamper the Federal Trade Commission in its work. I have great confidence in this commission. If you will pardon a personal reference, I will state that I was the first in the House of Representatives to introduce a bill to create a Federal commission to regulate and control the great business corporations. I was the first Member in the House to make a speech advocating the establishing of such a commission. The bill was introduced in January, 1912, and the speech was made in February, 1912. This was before any political party in its national platform had proposed, indorsed, or mentioned such a measure. It was nearly three years before the bill was passed creating the Federal Trade Commission. I took great interest in that measure when it was under consideration. Naturally, I would not like to see the work of this great commission halted. Nevertheless, until our foe shall have been vanquished, until our brave troops shall have returned home waving the banner of victory, I am willing, if the President thinks it necessary, that the Federal Trade Commission shall be utilized solely in the work of subduing German autocracy.

There is probably not a single Member of this House who would vote to abolish the Federal Reserve Board. Only a comparatively few would be in favor of abolishing the Federal Farm Loan Board or the War Finance Corporation. The majority of both Houses of Congress have faith in all these great independent commissions. They regard them as permanent governmental agencies. They believe they will serve a highly useful purpose in the years to come. But when the life of the Nation is at stake, when our free institutions are in jeopardy, when all our personal rights and all our property interests are in danger, when we have nearly 2,000,000 men, comprising our bravest and best citizens, under arms confronting the enemy, ready, if need be, to make the supreme sacrifice for their country's sake, let us not waste time and energy and thought and effort in trying to protect any one or all of these commissions from a possible mistake of our President. If the Chief Executive should make a mistake in using the power given him in this bill it would be no killing thing. It could not seriously affect the public at large, because it would be only a temporary loss.

Mr. Speaker, it is seldom that any important matter of legislation comes before Congress that some one does not predict that dire calamities will follow. Generally these predictions do not come true. The most inefficient and dangerous Congress is one that does nothing through fear of evil consequences. The individual who is afraid to act and take the responsibility of his act seldom accomplishes anything worth while. So it is with nations. Our forefathers took a chance when they promulgated the Declaration of Independence. Lincoln took a chance when he declared himself unreservedly for the preservation of the Union. So Congress may well take a chance in trusting the President. So I say to President Wilson, here is the Interstate Commerce Commission, here is the Federal Reserve Board, here is the Federal Farm Loan Board, here is the War Finance Corporation, and here are all the other governmental commissions, bureaus, and agencies—trusting in your wisdom, trusting in your statesmanship, trusting in your patriotism—here are all these governmental agencies, take them and use them as weapons with which to whip Germany. [Applause.]

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. IGOE], a member of the committee.

Mr. IGOE. Mr. Speaker, there has been much criticism of the bill as one conferring tremendous powers on the President. It is said also that it confers legislative functions on the Executive. I feel that these criticisms are unwarranted. Many of the things that could be done under this bill the President now has power to do, and as for the rest, even if the authority asked in this bill did not exist, there is no question but that any changes which the President might deem necessary would be authorized by Congress in individual bills. It does not authorize the creation of additional agencies, so there is no merit in the contention that it confers legislative functions, since all the powers, duties, and offices affected have all been conferred, determined, and authorized by legislative enactment. Some one says, however, he might disturb the Government Printing Office, the Congressional Library, or the Interstate Commerce Commission. Well, we have given to the President the power to draft men of the Nation for military service. We have placed in his hands the control of the food, fuel, railroads, and ships of the country. Why hesitate to give him authority to use existing Government agencies, and powers in the way which will enable him to get the best results in administering the affairs of the Nation?

This war is one between groups of Nations, and the battles are to be won or lost not only in France and Flanders, but in the fields, mines, factories, and homes of the United States as well. We have learned that the most ardent supporters, prior to the war, of preparedness for the Nation, never suggested a program that even remotely approached the preparation which we have found it necessary to make since our entrance into the war. We see clearly that we must centralize and organize if we would bring our efficiency up to the point where the Nation will prove to be the determining factor in the war. What we do, however, must not only be done well, but must be done quickly. Under this bill, if the President believes that the transfer of duties, officers, or powers will promote the efficiency of the Government, he can act immediately. Why should it be necessary to refer each case to Congress for action when time is of vital importance and extended debate and discussion may not be helpful, to say the least? All through the war we have dreaded the cry "Too late"; we have been impatient because results were not more quickly achieved, and yet when this bill, which authorizes quick action is presented, the severest critics of the administration are not willing that the bill shall pass, but would have Congress debate and consider every change that this bill would permit.

Lloyd George, in his famous speech made shortly after the beginning of the present German drive, quoted the Kaiser as having said that the allies would be defeated because they lacked united command.

Allied soldiers and statesmen have at last become convinced that national pride and ambition, and the pride and ambition of individuals, must give way before the admitted need of the hour—a central commander for the allied military forces. This action, long delayed, seems now to be an accomplished fact. Opposing the organized central powers, we now have an organization of the military resources of the nations at war with them, united in purpose and command. Shall not we, the Congress of the United States, profit by this experience and decision? If unity of command and quick decision is necessary on the battle front in France and Flanders, is it not necessary that within our own country we should place in the hands of the President, the Commander in Chief of the Army and Navy and the responsible head of the Nation, all the power and authority we can constitutionally grant, to bring us to that state of efficiency and organization which will make our resources and energies felt to the utmost in this struggle.

I shall support this measure, because it rightfully places and confirms in the hands of the President necessary powers to promote the efficiency of the Government in carrying on this war and to enable us to better meet emergencies as they arise. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield 20 minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, as a member of the committee which reported this bill I desire to present briefly a few observations upon the measure. In the troublous times in which the Nation now finds itself we must see to it that our preparation for and participation in the great struggle is in no way handicapped or hampered by reason of any lack of power or by reason of any duplication of effort. The Chief Executive, as I understand the situation, has asked for this legislation or for legislation of a purport similar to that included within this measure. In my opinion the powers granted are extremely broad, and I have some doubt as to whether or not in their application we do not confer power and authority upon the Executive which was not contemplated by the Constitution and which perhaps may be in violation of its provisions. When we come to transfer, not the personnel, not the officials, but when we come to boldly grant by legislation the right to transfer the functions and authority of boards or departments, which are the creatures of the legislative branch, to individuals or to other boards or departments, that transfer to be brought about by the Executive, it seems to me that we are attempting to confer on the Executive legislative prerogatives, or at least investing him with the power to do what, in creating these boards and defining their functions and authority, was purely a legislative act.

Mr. STEELE. Will the gentleman yield at that point?

Mr. WALSH. Yes.

Mr. STEELE. Will the gentleman be kind enough to refer to what feature of the transfer would be unconstitutional, in his judgment?

Mr. WALSH. Well, for instance, under this bill the Executive could transfer the functions and authority of the Interstate Commerce Commission to the Comptroller of the Currency. He could vest them in one man or in some separate department or in some specific individual. Now, it seems to me, inasmuch as the Interstate Commerce Commission was created by an act of Congress, for us to give the Executive the power to take over something that we have created and say to the Comptroller of the Currency, "These functions, duties, and powers I hereby vest in you"——

Mr. DUPRÉ. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. DUPRÉ. Does not the gentleman answer his own objection when he states that the Interstate Commerce Commission is a creature of Congress? Can not the Congress lodge in some other person the powers that it at first granted to the commission?

Mr. WALSH. I think undoubtedly Congress could pass an act to transfer the functions, duties, and powers of any board or commission to anybody or any other board it saw fit. Congress could pass an act transferring those powers; but for us to grant that power to the Executive, it seems to me would be conferring legislative authority and functions upon the Executive. Congress certainly could repeal the laws creating all these commissions, but I doubt if we can say to the President, "You, sir, can, if you desire, repeal these laws or multiply them to such extent as you wish." It is, in my view, a question involving grave doubts as to its constitutionality.

But I will say to the gentleman from Louisiana that, inasmuch as the question is a doubtful one, and inasmuch as a number of my colleagues upon the committee, who are most distinguished as constitutional lawyers, have seen fit to give the measure the benefit of the doubt, I do not seek at this time to argue at any greater length the constitutional questions involved.

Mr. DUPRÉ. Will the gentleman receive my commendation in that respect, in regard to his course?

Mr. WALSH. Of course, and while I am very much pleased to have the gentleman's commendation, I assure him it would make no material difference whether I had it or not in making up my mind what to do in regard to this measure. But I assure him that I am deeply grateful to know here and now that my attitude on this important bill meets with his distinguished approbation.

I think, Mr. Speaker, that the measure as framed should be amended. I think we ought not to put into the measure two or three of the administrative branches of the Government which might be included. I will enumerate those that I think ought to be excepted, and I trust that the House will see fit to amend the bill in that respect.

In the first place, we have recently by an act of Congress created what is known as the War Finance Corporation. That is a recent piece of legislation that has been passed during this session of Congress but a few weeks ago. We conferred upon it vast powers and grave responsibilities. It is so recent a creation that it would seem more proper that we should not now say, after having set up this machinery to control the industrial activities and render financial assistance to those activities in preparing for and carrying on our war program, "All your authority, duties, and functions may by a single stroke of the pen be transferred to one individual or to some other tribunal or board."

The same reason, I think, would apply to the Interstate Commerce Commission. We have recently in this House preserved in large measure the rights and the duties of the Interstate Commerce Commission in the amendment which was included in the Railroad Administration bill, in effect preserving its functions as to the rate-making power. Now, having passed upon that question so recently, I submit we ought not to permit the functions of that commission to be transferred to any individual and that power to be divested.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to my colleague.

Mr. MORGAN. I am very much interested in the address that the gentleman is making. I serve with him on the Committee on the Judiciary, and I have learned to appreciate his industry and his judgment upon legal matters, as well as his sincerity in all the positions that he has taken. I understand that the suggestions he is making now are really what he thinks will make for the improvement of the measure. But is his objection to placing within this bill the War Finance Corporation based upon the theory that he thinks the President might make a mistake and do the wrong thing and that he might abuse this power and that he can not be trusted? Is that the gentleman's ground?

Mr. WALSH. Well, Mr. Speaker, in reply to my distinguished colleague from Oklahoma, I think the President is just as likely to make a mistake as any Member of Congress. Not a great many days ago we had read to us a very interesting communication which was signed by the Executive, in which he said practically that he had made a mistake in sending to us formerly and formally by means of a letter views which he had upon a certain measure.

Mr. MORGAN. Pardon me just a moment. Does not the gentleman think that is really a recommendation of the President; that he is willing to change his mind and admit that he has made a mistake?

Mr. WALSH. I say that we know he is likely to make a mistake and he is courageous to acknowledge it. But here is a serious situation, and I do not believe that Congress, having created this tremendous corporation with its vast powers and responsibilities, should say within two months practically after that measure becomes a law, "Mr. President, we might have been mistaken in passing that measure, and if you want to capsize it, if you want to distribute its functions and confer its responsibilities upon certain individuals, you are at liberty to do so." There is a further reason which applies to these boards or commissions which I think ought to be borne in mind: They are not wholly executive departments of the Government.

Mr. FESS. Before the gentleman leaves that will he yield to a question?

Mr. WALSH. I will.

Mr. FESS. Section 2, line 21, authorizes the President to utilize the commissions. Under that power I would like to ask the gentleman's opinion. Could the President use the Interstate Commerce Commission by utilizing the power we granted to the Interstate Commerce Commission to fix the rates? Could he so interpret this law that he could fix the rates on the railroads?

Mr. WALSH. I think practically he could, under a fair interpretation of that language.

Mr. FESS. The reason I ask is we had a very specific, discriminatory discussion on that very particular point in Congress and decided one way as against the other. Now, my idea is, Is it possible under the law here to do what Congress refused to allow to be done?

Mr. WALSH. The President under this act that was passed could, I think, directly do that; but he certainly could indirectly divest the Interstate Commerce Commission of its rate-making power and transfer it to some subordinate official or some other department of the Government, and thereby have the rates made that might meet with his approval, which rates might even have been disapproved of by the commission. For instance, he could say to the Director General of Railroads, "I transfer to you, the Secretary of the Treasury and Director General of the Railroads, the power to make rates and regulations respecting the railroads and divest the Interstate Commerce Commission of that power."

Mr. FESS. I think, if the gentleman will permit, that that is very clear in this provision. The question with me was whether under this law we are giving the power indirectly to the President to do precisely what we formerly refused to do?

Mr. WALSH. I believe the gentleman is correct in that, and that he could utilize the commission for that purpose as he suggests.

Mr. SWITZER. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. SWITZER. Has not the President the power, under the railroad bill that we passed, practically to fix the rates?

Mr. WALSH. No. I think the amendment that was adopted still leaves that authority with the Interstate Commerce Commission to a certain extent.

Mr. SWITZER. They can merely appeal from the decision, but nobody can enforce anything over his decision, can they?

Mr. WALSH. I think so.

Mr. IGOE. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. IGOE. I want to assure the gentleman that under the railroad bill the President may call upon the Interstate Commerce Commission for advice and assistance and cooperation, and then further there is this blanket authority. He may also call upon any department or commission or board of the Government for such service as he may deem expedient.

Mr. WALSH. Certainly. That is one of the arguments I intended to advance a little later as to why this power should not be given.

Mr. IGOE. But under the railroad-control bill he can do it only as to the powers granted in that bill; but under this act he might, for instance, transfer the food control to some other department of the Government.

Mr. WALSH. That is just the point I was attempting to make. Perhaps I did not make myself clear to my colleague on the Judiciary Committee, the gentleman from Missouri [Mr. IGOE]. The railroad bill gave the President authority to call upon the Interstate Commerce Commission for assistance and information. He has that power now. I also believe that if the President desires he can under existing law make this sort of a transfer: If there is in the Interstate Commerce Commission a chief examiner, I believe that by an Executive order he can say to this chief examiner in the Interstate Commerce Commission, "You are transferred from the Interstate Commerce Commission and are made chief examiner in the Civil Service Commission under the civil-service statute." But that is a different thing than saying to the Interstate Commerce Commission, "Although the statute creating you gave you certain authority, certain duties, and certain functions, we will take those away from you as the Interstate Commerce Commission, and will confer them upon the Secretary of the Treasury," or upon the Assistant Secretary of Agriculture.

There is a further point which, I think, should be borne in mind in connection with this proposed legislation: That these departments of which I have spoken are not purely executive departments of the Government. They are departments that have been created and set up by Congress. They have certain administrative functions, and at least two of them—the Federal Reserve Board and the Interstate Commerce Commission—have semijudicial functions to perform. They hold hearings and hand down decrees or orders; and, in fact, in many of the statutes, and in construing some of the appropriation bills, they are considered as independent Government establishments.

Mr. MORGAN. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Oklahoma.

Mr. MORGAN. Does the gentleman take the position that Congress can not confer judicial or semijudicial power upon an executive body?

Mr. WALSH. There is a difference between judicial power and semijudicial power, just as there is a difference between creating a court and creating a board which may hold a hearing and make a finding. Of course, the gentleman is too keen a lawyer not to appreciate that distinction.

Mr. MORGAN. I know the gentleman is familiar with the Constitution, and he recognizes that there are three kinds of power—legislative, judicial, and executive. There is no such thing as administrative power in the National Government. Administrative power can not be anything unless it is under executive power. There is no such thing as administrative power in the Federal Government, because there are only three powers.

Mr. WALSH. I agree with the gentleman that there are only three classes comprehended within the Constitution, but I will not admit that we do not have boards and tribunals which have been created by Congress that to a certain extent are vested with quasi judicial functions. For instance, the Interstate Commerce Commission is an administrative board and an independent establishment of the Government. It holds hearings upon rate questions and upon other matters and makes findings. Now, while it is not a court, it is not an executive body.

Mr. MORGAN. To be in harmony with the Constitution, must we not regard these semijudicial bodies, as the gentleman calls them, as inferior courts?

Mr. WALSH. No; we can not regard them as inferior courts, because we run up against the gentleman's friend the Constitution in another respect, if you regard them as inferior courts, since their term of office is fixed. If they were a court, we could not limit their term of office.

Mr. FESS. If the gentleman will permit, in the debate in both the Senate and House on the rate-fixing function that was given to the Interstate Commerce Commission, the lawyers of both Houses pointed out that that was judicial, and questioned whether it would be constitutional or not, establishing clearly that there is a judicial function outside of the Supreme Court.

Mr. WALSH. I think it is pretty clearly agreed that that is true. It has come to be recognized in these later days. It is a judicial function exercised by an independent administrative board.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. I should like five minutes more.

Mr. MORGAN. I hope the gentleman from Minnesota will yield to the gentleman from Massachusetts the five minutes which I failed to use.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Massachusetts.

Mr. WALSH. I thank the gentleman. Now, Mr. Speaker, further in connection with what I have said with reference to the purposes of the bill. Since this Congress declared war, in April, 1917, we have embarked upon a program of legislation which has not only evoked the admiration of the world, but it has been the wonderment of even Members of the legislative branch. Scarcely an act passes this Congress without conferring additional powers and duties. We all appreciate that in order to wage the war successfully the Commander in Chief of our forces must not be hampered, and he must not lack any power and authority to get results, and if he and his advisers feel that effort is being wasted, or that he lacks the authority and power to accomplish results owing to legislative restrictions hitherto imposed, then I say the Congress should see to it that the restrictions are removed.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I do.

Mr. MOORE of Pennsylvania. Why is not some provision made in this bill for the President to report to Congress such transactions as occur under the authority herein granted?

Mr. WALSH. The reason is that the appropriations that are made for these various departments will continue to remain available, and while the transfers may be made, they are only for and during the continuance of the war. If in making the transfers the Executive should hit upon a plan which he felt ought to be made permenent, he is required under section 5 to report his conclusions to Congress with his recommendations. Now, I have no doubt that in readjusting certain of the bureaus, commissions, or boards he will ascertain coordinations that ought to be made permanent, but before they can be made permanent he is required to report to the Congress with his recommendations. Certainly there are many boards or bureaus that could be dispensed with during this war, and their personnel transferred to more essential work.

Mr. MOORE of Pennsylvania. That is only as to offices that may be abolished.

Mr. WALSH. Yes; abolished or transferred, in whole or in part.

Mr. MOORE of Pennsylvania. I was inquiring with reference to such a consolidation as that of placing the Interstate Commerce Commission under the Director General of Railroads, or such a case as I referred to in my question to the gentleman from North Carolina [Mr. WEBB], the placing of the Mining Bureau under the Food Administration.

Mr. WALSH. I do not think there is anything that requires him to report to Congress.

Mr. MOORE of Pennsylvania. Does not the gentleman think that Congress ought to maintain its status to that extent?

Mr. WALSH. I have grave doubts as to whether that is of very much importance. Of course, the President in the War and Navy Departments can make transfers of heads of bureaus or officials of the line without reporting to Congress, and I assume that when this is done it will be done by Executive order, of which we will have notice.

Mr. MOORE of Pennsylvania. It is provided in section 1 that he shall make regulations and orders in writing to the heads of departments, and that the regulations and orders shall constitute a public record. But that means only that newspapers

may have access to the records, if they want to, and if they do not Congress is not informed.

Mr. WALSH. I suppose in case one bureau was transferred or abolished, and the gentleman from Pennsylvania had some business with it and attempted to transact it, he would soon find out that it had been either abolished or transferred.

Mr. MOORE of Pennsylvania. That is true, as far as the individual is concerned, but I would think it well to maintain the right of Congress to know what business is transacted even by the President of the United States.

Mr. WALSH. The jurisdiction and rights the gentleman seeks to have preserved are of so little consequence if this measure becomes a law, Congress having released its right to legislate, as far as this measure is concerned, it would not do much good to mourn or grieve over what loss it may sustain in that respect.

Mr. MOORE of Pennsylvania. Surely, if the powers of the Interstate Commerce Commission were placed under the Director General of Railroads, and he was given the power to fix rates, Congress should be informed of it.

Mr. WALSH. That might be of sufficient importance for an amendment.

As I have said, Mr. Speaker, I shall support the measure, but I shall offer an amendment to exempt the Interstate Commerce Commission, and shall also favor propositions which I understand will be offered to exempt the War Finance Corporation and the Federal Reserve Board. I do not believe if these amendments are adopted that we are in any way hampering the power which it is necessary for the President to have to properly direct the war to the victory which we know awaits us. But, Mr. Speaker, I see that my time has about expired, and I ask leave to extend and revise my remarks in the RECORD.

The SPEAKER pro tempore (Mr. VENABLE). Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, when this bill was first proposed I had not fully comprehended all that was intended to be done, and was impressed that it was some sort of a revolutionary movement in the disturbance of the coordinate relations of the three departments of the Government. Upon that impression I was very much averse to a favorable consideration of it. I have probably unfortunately lived considerable of my mental life in the study of political science, and am therefore likely to resist any change by legislation that might fundamentally change the organic features of our Government. One of the characteristc features of our form of government that contradistinguishes it from all other governments is the nice relationship between the three coordinate departments—and we use the word "coordinate" advisedly, because each is equal to the other.

In the Sixty-third Congress I felt that the executive was extending its functions over the legislative, as an expression of the present President's political theory of the superior influence of that department. I addressed myself to that subject for an hour in this House, calling attention of the Members to the trend toward initiation of legislation by the Executive, making him a legislator rather than an administrator. I provoked considerable adverse criticism from Members on the Democratic side of the House, who seemed to more or less resent my suggestion that the executive was extending its functions over the legislative. I at that time urged that legislation was a matter of Congress and administration of the Executive.

I am just as zealous to-day that each department be inherently permitted to go on with its constitutional functions and not be interfering with the other, as I was then. I read in that discussion from the present President's series of lectures delivered in 1908 in the University of Columbia. Among his utterances was this remarkable statement:

> The personal force of the President is perfectly constitutional to any extent to which he chooses to exercise it.

That is, in substance. The President is limited in the exercise of his legitimate functions only by his ability. He should make himself as strong as his ability will permit. Further on, he said:

> The law-making part of the Government should be very hospitable to the suggestions of the planning and the acting part of the Government.

I criticized those statements. I know that we are in the cycle of thinking to-day, where if the Executive or anyone else should lash the legislative branch, the Congress, as it has been shown many times during the past few years, it would be rather popular in the country. That is largely due to the indiscriminate and irresponsible criticism of Congress by the press, especially that part of it that has no regard for either the truth of the statements or the results of misrepresentation and other agencies. They are themselves making appeal to the sensation monger, and too frequently assisted by irresponsibles in high place for just such opposition and such bitter attacks upon Congress. It has long been the fashion for Congress to be used as the scapegoat for the shortcomings of others. If the public thinks the Congress derelict, anything the Executive might demand from Congress would probably be applauded by the public.

That is why I discussed that question before there was any question of war and warned the Members against the dangers of loss of prestige through indiscriminate criticism of the penny-a-liner and the sensation monger. But we are now in war. We must depend for efficiency upon, first, undivided responsibility, and, second, quickness of decision. War demands concentration of power in direction, and that necessitates undivided responsibility. Therefore we must not withhold any necessary power, as I see it, from the President that would seek to demand efficient service in the prosecution of the war, and especially quickness of decision when it is necessary.

For that reason I have voted for measures that are bewildering, and so have you. We have put the entire production of the country under the head of one man because we are in war. We have given over into his hands the power of regulating our everyday food requirements. We have passed over into the hands of one person powers scarcely limited on the food question. We have seen in the exercise of that power a total disarrangement of industry, much of it greatly disquieting. We have passed over into the hands of another man the fuel situation, and nobody would think of doing it if we were not in a crisis. Under the exercise of this dictator we have noticed a total paralysis of the country's business. It was apparent that much of the suffering was due to a failure to grasp the situation, yet no one contends that the power should not be lodged somewhere.

We have passed over into the hands of one man the control of transportation, comprehending an industry of $20,000,000,000 and an articulate force of nearly 20,000,000 people, or a fifth of our population. I am simply bewildered when I think of the power that man has to-day, and what it will mean if he chooses to abuse it for any ulterior purpose, yet we did it by our vote, with our eyes wide open to what we did and the possible consequences. Yet in the face of this war I think if we had to consider it over again we would do the same thing. We have passed over into the control of the Attorney General's office under the espionage act pretty nearly the freedom of speech for the protection of the country. All of us hesitated. For one of the principles for which mankind has fought and died is to secure this freedom. The chapter of history that records that struggle is our brightest. We have given in a semiofficial way—at least the President has found a way to make this officer his official censor—the power to give out information and to withhold information, pretty nearly determining what the press shall carry in its columns, judged from the material that it prints. Some time ago we passed into the hands of a capital commission power or ability to say whether any industrial organizations shall issue bonds to improve the community or to establish an industry, which virtually controls public as well as private expenditure in every community in the Nation, and when I think of the power that committee has over the funds of the country it is bewildering. Had any citizen ever suggested that the time would come in this democracy where such surrender of the citizens' rights would be done he would have been called hard names. Yet we did it with our eyes wide open. These are but a few of the powers passed over to the President in the last year.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes; I will yield to my friend.

Mr. BANKHEAD. Is it not the opinion of the gentleman from Ohio that the powers conferred upon the Executive by the acts to which he has referred are much more vital and tremendous than are the powers sought to be conferred by this bill?

Mr. FESS. In a careful reading of the bill which I have made, having read it and reread it several times, I do not believe that we are passing over power in this bill that is equal in any way to what we have already done. We have given the President commandeering power of private wealth in a certain degree. However, I think that in this bill we are doing some things that are unnecessary, and I shall vote for two amendments if they shall be offered. I sincerely urge the House to accept these proposals to omit certain institutions.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes; I yield to my colleague.

Mr. LONGWORTH. The gentleman will recall that the bill creating the War Finance Corporation, as originally brought to this House, left the functions both of the loaning of money and of supervising securities in the hands of one committee?

Mr. FESS. Yes; I recall it distinctly.

Mr. LONGWORTH. The House, however, deliberately separated those functions, and gave to one particular committee the power of loaning money and to another committee the power of supervising securities.

Mr. FESS. Yes; and I think wisely so.

Mr. LONGWORTH. Under this bill the President might coordinate those powers back into one committee.

Mr. FESS. I think that is possible, although I had overlooked that. I had called attention, however, in another place, when the gentleman from Massachusetts [Mr. WALSH] was on the floor, where the decree of the House on the railway bill could be made inoperative by this measure.

Mr. GARNER. What will be the material difference if that power should be placed in the hands of one committee?

Mr. FESS. We had some objections to it when it was up as a matter of discussion, thinking it would be better because the two functions were totally different.

Mr. GARNER. I recall that I was one of those who objected, and who thought it ought to be in two different hands; but, essentially, what is the difference between five men controlling the entire outfit or two separate committees?

Mr. GORDON. Both being appointed by the President.

Mr. GARNER. There is an amendment to be offered to this bill excepting two departments of the Government from the operation of it; and I would like the gentleman from Ohio, whose judgment I value very much, to discuss those features if he has the time. One activity of the Government to be excepted is the Federal Reserve System and the other is the Interstate Commerce Commission; and in that connection I want to ask the gentleman, if the House should decide to except those two branches of Government from the effects of this bill would it not be tantamount to saying to the President that with all other branches of the Government he can do as he pleases?

Mr. FESS. I would say to my friend from Texas, in connection with that, that the two institutions that have been created by Congress that are somewhat intermediary—in a sense, administrative, having also the element of the judicial, the Federal Reserve Board, and the Interstate Commerce Commission—I would hesitate to include within the powers of this bill, for they are functions that I do not think should be exercised by the Executive. It is true they are not legislative but, rather, administrative, but so apart as separate institutions that no Executive order should be allowed to change them. I would much prefer to omit from the operations of this bill the Federal Reserve Board and the Interstate Commerce Commission. The financial question, in my mind, is probably one of the most sensitive. It does not appeal to so many people as directly affecting their pocketbooks, as does the Interstate Commerce Commission, because it is a principle rather than a commodity; and the financial situation is such that I have always been afraid that we might go to a fiat basis in our circulating medium. I have always been afraid of the soft-money commotion that is being displayed in the demands now for the expansion of credits.

Mr. GARNER. I agree with the gentleman in reference to the timidity of money, but I again call his attention to the fact that if you exempt these two activities of the Government, you virtually say to the President, these are the only two that Congress wants to jealously guard from your interference, whereas I believe that if you leave the bill as it is the President would not dare—I use that word advisedly—interfere with those two functions of the Government to which I have just referred.

Mr. FESS. I would say to my friend that it has been currently stated that, although the bill covers those two organizations, it is not thought that the President will exercise power over them. Indeed, we have been assured that such a thing is not in his mind. I have heard that said. But I do not see why it is any reflection upon the Executive for us to except those two particular institutions, and perhaps also the Finance Corporation, a recently created Government institution.

Mr. GARNER. Under the well-known rule, if you except two, by making those two exceptions you say to the President, for all other purposes you can do as you please, and nobody can anticipate that the President will disturb all the other functions of the Government.

Mr. FESS. I can see that possibility. But I certainly see no unwisdom in thus protecting Government agencies we do not expect to disturb.

Mr. PLATT. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes. I yield to my friend from New York.

Mr. PLATT. Is there any authority granted in this bill to the President to abolish anything?

Mr. FESS. He can abolish by recommending the abolition to the Congress, and Congress, of course, must act before the abolition takes place, which makes Congress the abolition body in the final analysis. But in section 2 he is authorized to so transfer or suspend the function of any bureau, which I think is tantamount to the abolition of it. However, the chairman of the committee and members of the committee say that that abolition would have to be temporary—a mere suspension of the operations of the bureau for a period of time. They insist that this simply suspends the operation during the war, and the suspended bureaus would be reinstated at the close of the war. I am not entirely convinced of the correctness of that statement.

Mr. PLATT. It seems we ought to strengthen some of these things so as to encourage the President to abolish some of the bureaus, boards, and commissions absolutely for the time being at least. There are too many of them.

Mr. FESS. The sentiment which the gentleman from New York has just now expressed is one of the things that will induce me without much relutance to vote for the bill, especially if certain amendments can be made. I do think there is duplication and reduplication.

Mr. PLATT. There is no question of that.

Mr. FESS. I think there is an immense amount of lost motion. I know that we are not getting the maximum of efficiency out of the departments simply because of a lack of coordination which permits of undue duplication of the various departments. That has been one of the sources of criticism by those of us who have studied into the mechanism of our Government, and is really one of the strongest arguments for the adoption of the budget system, if we could some way or other hit upon a legitimate plan for a budget system, in order to save lost motion and waste of money and energy. That approaches only to the financial, and when we come to the service element, to get the largest results of efficient service out of the money we are expending through these agencies we ought to give the power somewhere to eliminate a great deal of the deadwood and to bring out a better coordination.

Mr. PLATT. I agree with the gentleman absolutely, and I think also that a great deal of the work that is being done in the way of manufacturing great volumes of different statistics might as well be stopped. At the present time we have learned all we can from those statistics and there is no use of continuing them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FESS. Will the gentleman from Minnesota yield me more time?

Mr. VOLSTEAD. I will yield the gentleman five minutes.

Mr. FESS. I thank the gentleman; he looked pleasant enough to give it to me. The query propounded by the gentleman from New York about the multiplicity of our statistics is quite pertinent. I think that has come to be a joke. Every desk in the House Office Building is flooded with material that is positively fit for nothing save the waste basket. In conversation with a Senator recently who was checking up this very matter I was astonished at his figures which point to this very item of waste. It has gotten to be such a joke that I doubt very much whether very many of our Members read the merest portion of it. Some of it good, no doubt of that; but the truth is it is so profuse, as well as prolix, if not wholly useless, that you do not have the time to discriminate the good from the bad, and most of it goes to the scrap heap. If you undertake to sift it, how much time would you have for anything else? I think that the energies of our Government in the administrative features can be put to a good deal better purpose than simply this publicity business that induces departments to send out representatives to Congressmen's offices and ask them, for example, as I was asked recently, whether they observe the food regulations and all such tommyrot as that. I do not think it is creditable to any body or bureau to have such things as that done. [Applause.]

Mr. PLATT. Does not the gentleman think the Interstate Commerce Commission does rather more than its share in getting out useless statistics, statistics which are useless at this time?

Mr. FESS. Well, I could not speak definitely of that particular organization, because it so occurs that I have not had connection with it so much as I have with some other departments. I think the Agricultural Department here, while it is doing an immense amount of good in publications, especially in instructing the public on the latest in production and caring for products, a great many statistics are being sent

out under its management which are not of value. The marketing feature, for example, has become very profuse in its publicity department, much of which I doubt whether it pays for the paper it is put on.

Mr. PLATT. The Interstate Commerce Commission is still asking for more and more statistics from the railroads as to whether the conductors wear No. 9 shoes or No. 7 shoes, and whether they cut their toenails three times a week or only once a week, and a whole mass of stuff for which there is absolutely no use.

Mr. FESS. Mr. Speaker and Members of the House, I have been one of the Members of the House who have fretted considerably over what seemed to be a useless tardiness in our equipment for war. We are now in the fourteenth month of war, and in some phases of it the situation is not reassuring. I realize how difficult it is to come from nothing to everything. I know how tremendous—I do not know, but I have some notion—what a tremendous problem it is to place the Nation in arms to meet the foe we must face. I do not discount the task. I had an interview very recently with a committee that knows the situation in some of the war work. The interview was sought by me to get at the core of the situation. That committee said that very largely our ineffectiveness in that particular department which is getting so much publicity just now is due, in their judgment, to the fact that we failed in our organization to secure the maximum ability of the country. It appeared we did not have the ability to use what ability we have. That is, the fault is not a lack of ability so much as failure to effect an organization to utilize what we had. That is, they are in one another's way. There is no coordination. This is very apparent to any observer. We have the raw material, the money, and the brains, but lack the management to use what we have. I know the administration is trying to cure this palpable mistake. It at last is accepting leaders, and the entire country applauds that fact, as was displayed when we found Gen. Goethals put at the head of one of the great departments. The whole country immediately felt a confidence and settled down at once in the belief that the maximum result now would be realized, because a builder had taken the place of a mere officer. When Stettinius was given a position which demanded a genius who had proved his work, while I did not know anything about his ability, yet I read in the press everywhere that we would have better results, and everyone readily sensed the confident air which settled on the public mind. Mr. Speaker, no appointment since the war began gave such relief to the country as that of head of shipbuilding. I am absolutely certain that the appointment of Charley Schwab at the head of the shipbuilding movement was regarded Nation-wide as the best thing that could have been done at this hour, when the one need is ships, and yet more ships. The country knows Schwab. It knows him as the genius in building that knows the game from bottom to top. It has settled down to the belief that if ships can be built they will certainly be built. The latest appointment, that of Mr. Ryan, has given further confidence. I do not know anything about him except his reputation, but when he was placed at the head of the aeronautic work the country felt at once that now we will utilize the ability we have in this field of war activity.

Mr. Speaker, on the aircraft situation I have been in sympathy with those who insist we must have better results than are now apparent. If lack of power is the cause, as some pretend to assert, I can not withhold voting the President greater power, when convinced he believes the lack of it cripples efficiency. I will vote him power to coordinate when he says he needs it, and at the same time I am thereby taking the steps necessary to hold him responsible for what is not done where he has the power to do it. I am going, therefore, to vote him this power he has asked Congress to give him, and then we will hold him responsible for what is not done as well as for what is done. In an hour like this, with the inefficient situation complained of, I can not withhold my vote from this measure. [Applause.]

Mr. WEBB. Mr. Speaker, I yield 20 minutes to the gentleman from Ohio [Mr. GARD], a member of the committee.

Mr. GARD. Mr. Speaker and gentlemen of the House, I should support what I deem to be the purpose of this measure in time of peace. I shall support its present expression in time of war. I make the distinction because I think one part of the bill will have a good effect; at least, I hope it will have a good effect when war's horrors shall have passed. That is in reference to the number of bureaus, commissions, and governing bodies which our body politic at this time has for the performance of its official business. We have bureaus for this, we have bureaus for that, we have bureaus and commissions galore, and we have been drifting, not unconsciously, but we have been drifting consciously into a position, it seems to me, where we are asking, where we are seeking the General Government to assume the duty of the individual, the community, and the State, because it has always been easy to say in either branch of the Congress of the United States that here is this great United States of ours, something is wanted by this man or this community or this State; let the United States from its vastly superior revenues do the work.

I think that this bill, with the suggested powers it has, of the abolishment of the unnecessary commissions and bureaus, may perform a very useful public service. In this connection, too, I give my individual expression toward the installation of a regularly appointed system for the proper expenditure of our public money. A budget system or some such system as will take into consideration the proper expenditure of our public moneys is one of the things of possible recommendation within this bill. And I am indeed hopeful that when the President of the United States has considered, as of course he will consider, whether any of these bureaus should be abolished, whether upon final consideration it be found that their usefulness no longer exists, then we may have in this Congress a report which will enable us to do that which I think should have been done long ago, and that is to place our financial system of appropriation upon a definite, a distinct, and a proper basis.

Now we come to consider the bill. I said I would support it in time of peace. I support it in time of war because it is highly necessary, I think, that absolutely every department of the United States be placed in a position of responsibility to its utmost endeavors. I favor this law, which will apply the maximum of effort of every department toward the one great task we have in hand and that is the winning of this war. And I think it is that which is expressed in this bill. And I desire briefly to comment upon the bill from a legal standpoint as I see it.

The bill provides for a redistribution of functions among executive agencies Now, the gist of the whole bill, Members of the House, is that, namely, the redistribution of functions among executive agencies. In the Century Dictionary the word "redistribution" is said to mean "a dealing back; a second or new distribution." I take it that each of us wishes to intelligently formulate in his mind and to give expression thereto by his vote his opinion as to the meaning of this bill, so that he understandingly may vote either for it or against it. And I desire to give you my observations of what this bill means.

I do not think this bill confers a single power of creation upon the Executive. I am of those who believe that the safety of our institutions demands the separation of our governing departments into the executive, the legislative, and judicial. And I think that to endure as we have endured, a Nation of peace, seeking to promote peace, it is essential that the integrity of the Executive, the legislative, and the judiciary be always preserved. In this bill, as I read it, we have an assembling for the redistribution of functions among executive agencies. Now, when we say that what do we mean? Do we mean that something new, unexplored, vast, unknown is given to the President of the United States? Not so. I say it simply means that to the President, to the Commander in Chief of our Army and Navy, is given the power of distribution and redistribution of executive and administrative agencies for the purpose of obtaining the maximum of efficient service.

When we say "redistribution," which is, of course, another way of affirming a distribution, we can not imply the creation of any new body. It seems to me absolutely illogical that anyone here or elsewhere assumes that from the words of this bill are created new offices by the President of the United States.

Mr. GILLETT. Will the gentleman allow a question?

Mr. GARD. Surely.

Mr. GILLETT. Does not the gentleman think that under this bill the President could take away certain duties from an official who by law is given certain duties, and who has to be confirmed by the Senate, and give them to an official who is not confirmed by the Senate, and thereby change our Government and practically nullify the power of confirmation by the Senate?

Mr. GARD. I do not know the particular instance to which the gentleman refers. Will he kindly specify?

Mr. GILLETT. For instance, could he not take away from the head of the Department of Justice, from the Attorney General, his duties, and give them to Mr. Baruch, for instance? I do not know just what his title is.

Mr. GARD. I would not think so, unless it be an executive or administrative function.

Mr. GILLETT. Why not?

Mr. GARD. My idea, I am frank to say to the gentleman from Massachusetts, whose judgment I very much admire and

respect, is that it contains in its language a limitation of redistribution, that there is nothing in the procedure which would be held to increase any existing powers, but that if there be a power, for instance, vested in the Attorney General as the head of the Department of Justice, and for a war purpose, the President of the United States, by proclamation, could say that that power, already vested—no new power—shall be exercised by the Secretary of the Treasury or any other Cabinet officer.

Mr. GILLETT. Or any other executive agency?

Mr. GARD. Or any other executive agency. I go that far. It seems to me that that is absolutely not creating any new power; it is not making any change in recognition of the divisions—legislative, executive, and judicial. It is simply the proper assembling of power.

Now, the bill has been assailed——

Mr. MORGAN. Will the gentleman yield?

Mr. GARD. Yes; I will yield.

Mr. MORGAN. The gentleman has referred to the fact that the chief part of this bill is authorizing the distribution of executive power.

Mr. GARD. Yes.

Mr. MORGAN. Now, then, in section 2 of the bill it refers not only to executive powers, but it says, "Any executive or administrative commission, bureau, agency, and so forth."

Does the gentleman make any distinction between the executive power and administrative power; and if so, what is the distinction?

Mr. GARD. Oh, the words "executive" and "administrative," I assume, in this instance, are held to be almost entirely synonymous, since the first section, which is the power-carrying section, relates to executive agencies. To say in the second section that it relates to executive or administrative commissions is to me saying quite the same thing.

Mr. MORGAN. Does not the gentleman think that the "administrative" must be subsidiary or a part included under "executive"?

Mr. GARD. I do. Of course, the executive is first. The administration is that which acts under the executive power.

When I paused to answer a question a moment ago I was proceeding to discuss objections which I had heard against this bill, they being in effect two in number. One is that the bill is unconstitutional as proposed, because of a delegation of executive power. Now, I do not think the bill carries in a single line of it the delegation of legislative power. It merely provides for a distribution of executive powers, no delegation of legislative powers.

Of course, we are all familiar with the decisions of the Supreme Court, which have recognized that in the upbuilding of this great country of ours it becomes necessary for certain work to be done by bodies having immediate supervision of the same. Therefore the distinction is recognized that while we may not confer legislative authority, still we may confer authority which, under a given state of affairs or conditions, may be exercised. We have this in the commission known as the Interstate Commerce Commission, which, in some degree at least, possesses judicial functions, and in other commissions or departments of the Government we have that particular thing.

Mr. TOWNER. Mr. Speaker, will the gentleman yield.

Mr. GARD. Very gladly.

Mr. TOWNER. I entirely agree with the gentleman that there is no creation of legislative powers under the operation of this bill, but there is a transference of legislative powers, as I think the gentleman will agree with me. For instance, the Supreme Court held, in supporting the rate-making power in the Interstate Commerce Commission, that while that power of making rates was a legislative power, it might be and should be properly delegated to the commission acting for the purpose of doing that administratively and acting under the authority of the legislative power. Now, under the provisions of this bill, that legislative power of making rates, which is now vested in the Interstate Commerce Commission, may be transferred by the President to the Director of Railroads by his order, so that that would be a transference of legislative power under the provisions of this bill, as I think the gentleman will agree.

Mr. GARD. I am very happy to give the gentleman and other Members of the House my own idea as to what the gentleman refers to.

Mr. TOWNER. I do not myself question the transference by Congress of that exercise of power. I think the Congress has the right to say to what body it shall be transferred.

Mr. GARD. Undoubtedly the Congress which created a commission has the right to say whether any other person or any other commission shall exercise its authority. That is entirely constitutional. It is my opinion that the Congress, having conferred upon the Interstate Commerce Commission the rate-fixing power and having most recently, at the time the control of the railroads was transferred to the Director General of Railroads, still contained in that legislative transfer an adherence to the right of the Interstate Commerce Commission to review railroad rates. Under this bill the power of determining rates must remain where it is, as this Congress has put it, in the hands of the Interstate Commerce Commission, and that the bill does not contain in any provision any authority to create a new board appointed from any outside source to do the work which the Interstate Commerce Commission has been by this Congress legally made potent to do.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. CAMPBELL of Kansas. Is it the gentleman's contention, then, that the President, under the provisions of this bill, could not transfer the rate-making functions of the Interstate Commerce Commission to the Director General of Railroads?

Mr. GARD. It is my contention that that is true.

Mr. GILLETT. Is the gentleman going to explain why that is true?

Mr. GARD. I thought I had done so, but I will try again.

Mr. GILLETT. I confess I did not understand that the gentleman had done so.

Mr. GARD. The expression I sought to convey was this, that the Congress of the United States, having said that to the Director General of Railroads is delegated the management of railroads, giving him the right to initiate rates and having retained, as it has, the power in the Interstate Commerce Commission to review the rates, that is a power that can not be disturbed until this Congress by its act affirmatively transfers the rate-reviewing power to somebody else. I say this Congress can do it, but not under this bill nor by any other authority can the Executive do it.

Mr. GILLETT. Mr. Speaker, will the gentleman yield further?

Mr. TOWNER. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield; and if so, to whom?

Mr. TOWNER. I do not want to interrupt the gentleman from Massachusetts.

Mr. GILLETT. The gentleman can go ahead.

Mr. GARD. I yield to the gentleman.

Mr. TOWNER. I want to make this suggestion to the gentleman: The gentleman says that Congress can do it. When we pass this bill, will not Congress do it? That is the proposition. For instance, let me ask the gentleman this: Supposing that when we passed the other act we had said that that shall be the body that shall exercise the power until the President by executive order transferred it to some other department or independent commission of the Government, would not the gentleman hold then that the President could transfer it? And are we not doing now just what we would have been doing then if that amendment had been adopted? Are we not now saying that we will amend that law and modify it, so that instead of leaving with the Interstate Commerce Commission the function of fixing rates, we give the President the power to transfer that function to whatever other body he desires to transfer it to?

Mr. WEBB. Mr. Speaker, if the gentleman will permit, the President told me that I could tell the House that he had no notion of ever doing what has been referred to.

Mr. GILLETT. That makes no difference, whether he intends to or not. The question is, Are we giving him the power?

Mr. GARD. Yes; we are discussing the question of power.

Mr. GILLETT. Has the gentleman considered the line at the top of page 2, "including any functions, duties, and powers hitherto by law conferred upon any executive department"? The power of the Interstate Commerce Commission was a power conferred by our law, and this gives him the right to transfer that power. Considering that, how does the gentleman except the Interstate Commerce Commission from that provision?

Mr. GARD. I do not make any exception of the Interstate Commerce Commission or any other commission.

Mr. GILLETT. I understood the gentleman to say that he thought this law did not allow the rate-fixing power to be taken away from the Interstate Commerce Commission.

Mr. GARD. My contention is that there is and should be no exception of the Interstate Commerce Commission, or the Federal Trade Commission, or any other of the so-called commissions, because I say that this bill merely gives the power to the President to assemble their executive and administrative powers and duties for a proper distribution. But where Congress has said affirmatively that a right shall exist, that right must endure. If the gentleman will pardon me, there is a distinction between the interdepartmental exchange of activities and rights vested by law. With the interdepartmental exchange

of activities I assume that everyone here is in accord, since that is a matter which is a proper and necessary adjustment of present utilities—things which have been conferred by this Congress upon certain bureaus and commissions and persons.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman may have 10 minutes more, regardless of the time fixed for general debate.

Mr. GARD. If the gentleman makes that request, I ask that he limit it to five minutes.

Mr. STAFFORD. I will make it 10 minutes. I think the House wishes to hear the gentleman.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Ohio [Mr. GARD] be extended 10 minutes, regardless of the time fixed for general debate. Is there objection?

Mr. MADDEN. I object to that. The gentlemen in charge of the time have plenty of time.

Mr. STAFFORD. Neither gentleman has time. The time is more than taken.

Mr. MADDEN. If that is so, I do not object.

Mr. GARD. I do not desire to take the time of the House unduly, but merely wished to afford my explanation.

Mr. MADDEN. I objected only on condition that there was time that could be yielded.

Mr. CANNON. I hope the gentleman will take the 10 minutes. This is a most interesting discussion of the bill.

The SPEAKER pro tempore. There being no objection, the gentleman from Ohio is recognized for 10 minutes.

Mr. BANKHEAD. Will the gentleman yield?

Mr. GARD. I yield to the gentleman from Alabama.

Mr. BANKHEAD. Does the gentleman regard the Interstate Commerce Commission, established by act of Congress, as an executive agency? Would it not be immune from the provisions of this bill, under its language?

Mr. GILLETT. It says—

> including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act.

It certainly would be covered under one of these expressions.

Mr. GARD. In answer to the question of the gentleman from Alabama [Mr. BANKHEAD] and the interpolation of the gentleman from Massachusetts [Mr. GILLETT], I will say that I think the bill is sufficiently broad to give the President of the United States, if he deems it necessary, the right to ask and have the assistance and cooperation of the Interstate Commerce Commission for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy. But if the gentleman will kindly permit, I desire to return to the point of a moment ago, because some may contend, and perhaps rightfully contend, that there is a distinction between the interdepartmental exchange of activities and the creation of a new right which affects something vested by law. I confess I think there is such a distinction and difference.

Mr. CANNON. Will the gentleman allow me just there?

Mr. GARD. Surely.

Mr. CANNON. The Director of Railways, as I understand, has increased the pay of railway employees about $300,000,000. Has not the Interstate Commerce Commission heretofore been doing that work?

Mr. GARD. I confess that I am unable to fully answer that question.

Mr. MADDEN. That has not been done by the Interstate Commerce Commission, but by the Wage Board, which the President of the United States appointed to consider the question of a raise of wages.

Mr. ROBBINS. They have made the recommendation.

Mr. MADDEN. They have made the recommendation, and the Director General of Railroads has carried out the recommendation.

Mr. CANNON. As commissions are expressly referred to in this bill, does the gentleman claim that the President can not have the power to designate somebody else, if he sees proper, to increase freight rates, for instance, as somebody else has been designated to increase the wages of employees?

Mr. GARD. I do contend that the President has no power to designate some other person to do that which the Congress necessarily must do; that if there be a change in designation over and above anything vested by law, in so far as the relations of a judicial or a legislative interpretation is concerned, apart from a mere assembling of executive or administrative agencies, the President is without that power and would remain without it under this bill.

Mr. CANNON. Is it possible that I am mistaken when I say that the Interstate Commerce Commission has increased freight rates time and again, after full investigation?

Mr GARD. The gentleman is correct about that. They have done so. The railroads have initiated the rates, and the commission has reviewed and determined them.

Mr. CANNON. Precisely. And have they not also increased the wages of railway employees?

SEVERAL MEMBERS. Oh, no!

Mr. MADDEN. The Wage Board have done that.

Mr. GARD. I am glad to have the question of any gentleman, and will answer, provided I have the time.

Mr. HICKS. Do I understand the gentleman to make the statement that there is no provision in this bill which will give the President the power to nullify any commission or board created by act of Congress?

Mr. GARD. Oh, no; I do not say that.

Mr. HICKS. What is the gentleman's interpretation?

Mr. GARD. The interpretation of this bill is that, to use the words of the bill, the President has the power to take commission, bureau, agency, office, or officer and assemble the executive or administrative powers of that agency for one purpose, and that purpose is briefly expressed when I say for the national security and defense, because the national security and defense at this time, I assume, is understood to comprehend the administration under legal forms of the Government of the United States during this war emergency.

Mr. CANNON. Will the gentleman yield just there? The wages have been increased by the Director General of Railways.

Mr. GARD. I said to the gentleman that I did not know about that.

Mr. CANNON. The gentleman must have had the document; we all got it a day or two ago. Now, the power would rest with the Director of Railways to increase wages, would it not, and also freight tariffs?

Mr. MADDEN. That was not done under the direction of the Interstate Commerce Commission.

Mr. CANNON. No; but the Director of Railways would fix the wages.

Mr. GARD. The Director of Railways has not fixed the wages.

Mr. CANNON. Who has the power to increase freight tariffs?

Mr. GARD. The Interstate Commerce Commission has the power at this time to determine rates for transportation on railroads, but what I am contending is that under this bill no additional power is conferred on the President of the United States to take that power away from the Interstate Commerce Commission in the absence of authority of legislative enactment by the Congress of the United States designating some other body to do that work. This is a legislative compact, and all that the President purposes to do, as I understand, is to assemble, wherever he finds them, for proper distribution, the administrative and executive forces of the United States, that they may be properly placed where they may be, regardless of departmental name, for one purpose, and that is for the purpose of national efficiency.

Mr. MADDEN. Suppose 20 different branches of the Government were performing the same activities, the President could centralize them into one activity and so not have them duplicated?

Mr. GARD. Surely. We have come, as we all know, to use rather lightly a phrase called "red tape." "Red tape" is merely a popular expression for rules and regulations. It is not a creature of statute, but is composed of rules and regulations of the civil or military department. However that may be, this seems to be the bill which will take that into consideration, to say that the question of rules and regulations with which one department is hedging itself about in jealous adherence of its powers as against the possible encroachment by another department—call it by what name you may—shall be rearranged and redistributed for the greatest efficiency.

Mr. STAFFORD. The gentleman will not deny that the rate-making power now possessed by the Interstate Commerce Commission is a power covered under general language found at the top of page 2, and which has heretofore been conferred by law on the commission.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. HICKS. Mr. Speaker, the gentleman from Ohio has been so generous and his discussion of the bill is so interesting that I ask unanimous consent that his time be extended five minutes.

Mr. GARD. Mr. Speaker, I feel that I have occupied more time than my allotment as a member of the committee; and, while I have endeavored to present it in legal analysis, I have no desire for a great deal more time.

Mr. HICKS. I ask that his time be extended three minutes.

Mr. CANNON. I hope the gentleman will take the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STAFFORD. Will the gentleman yield?

Mr. GARD. I will.

Mr. STAFFORD. I would like to inquire whether under this phraseology the President could not transfer those functions to the Federal Trade Commission?

Mr. GARD. I do not think so. My contention is that functions other than executive and administrative could not be transferred if vested.

Mr. LONGWORTH. Will the gentleman yield to me for a question?

Mr. GARD. I will.

Mr. LONGWORTH. I am interested in the gentleman's ideas of the powers conferred, and I would like to ask this specific question. Congress has very recently established a War-Finance Corporation and given to it some very important functions, among them the function of withholding three billion and one-half dollars from the people who apply for it. Under this bill could not the President take away from that corporation all or any part of its duties?

Mr. GARD. The President under this bill, as I view it, can transfer from the corporation the gentleman referred to any and all executive and administrative functions which it possesses.

Mr. LONGWORTH. And could give the Secretary of the Treasury the right to give or withhold credit to the extent of three and one-half billion dollars?

Mr. GARD. I am not familiar with the figures; I can only answer in a general way.

I have only to say in conclusion that I support the bill in the language in which it is written so that in this the greatest of the world's armed conflicts, where the Republic of the United States is seeking to maintain democracy, internal and international, it be not hampered or obstructed. [Applause.]

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Alabama [Mr. DENT] for the purpose of offering a conference report.

REGISTRATION FOR MILITARY SERVICE.

Mr. DENT. Mr. Speaker, I submit herewith for printing under the rule the conference report upon Senate joint resolution 124, providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 561).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, 5, 6, and 7, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert "and all male persons."

Also amend the title by striking out the word "or," in line 2, and inserting in lieu thereof "and all male persons."

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the House insert the following: "*Provided*, That students who are preparing for the ministry in recognized theological or divinity schools, and students who are preparing for the practice of medicine and surgery in recognized medical schools, at the time of the approval of this act shall be exempt from the selective draft prescribed in the act of May 18, 1917"; and the House agree to the same.

S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," submit the following written statement explaining the effect of the action agreed on:

The Senate receded from all of the amendments of the House, except the amendment relating to the exemption of divinity and medical students. On the question of exempting divinity and medical students the conferees agreed that students of both classes who are actually in attendance upon such school on the date of the approval of the act should be exempted. This, of course, would not permit any subsequent entrance as a student at such schools in order to avoid the draft, which seems to have been the principal objection on the part of the House. The House conferees agreed to retain the Senate amendment also as to medical students now in bona fide attendance in medical colleges. This is no more nor less than what the President has actually done under the act of May 18, 1917, by which such students were furloughed until graduation. It was thought, in view of the large number of medical officers who have entered the Army service, that this exception was also important. The health of those who stay at home and support the Army is, of course, a matter of great importance.

S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

CONSOLIDATION OF EXECUTIVE BUREAUS, ETC.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, no loyal American would favor this bill in times of peace, and no loyal American should oppose it during this period of war. From a military standpoint, we are fighting the most efficient nation in the world. We must fight efficiency with efficiency. We must fight coordination with coordination. We must fight consolidation with consolidation.

There are many reasons why this bill should pass. In the first place, it is one of the most important war measures that has been brought before Congress. It organizes and centralizes the executive branches of this Government so that they may work with the highest degrees of efficiency during this war. It disposes of red tape. It places the responsibility for the efficient prosecution of this war in the hands of the Commander in Chief, where it belongs. It places the authority for the prosecution of this war in the hands of the Commander in Chief.

We must remove all obstacles and all obstructions to victory. We have gone a little strong on commissions in this country; and while commissions are harmless in peace times, they are absolutely useless in times of war.

I recall the fact that President Lincoln was handicapped by his advisers during the Civil War, and I do not intend that the President shall be handicapped by any vote I cast as a Member of this Congress. I also recall that Gen. Grant would not take command of the Union Army unless he had full command, and with that full and complete command he was able to write those immortal words, "Unconditional surrender."

We are a peace-loving Nation, and God knows we did not seek this war. We are now a nation in arms, and we must put on our armor and look and act like a nation in arms.

One of the most efficient branches of our Government is the Department of Justice, and I desire to commend the masterful way in which that department has been conducted during this war. What Congress should do is to pass these important war measures and the appropriation bills speedily and adjourn, and give the President a full and complete hand to conduct this war.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. GOULD].

Mr. GOULD. Mr. Speaker, I feel it to be a duty that I owe to my fellow countrymen to propose an amendment to the Overman bill which would cover in a comprehensive way the matter of aircraft production. I have heretofore introduced a bill in this House providing specifically for the creation of an office in the Government to handle all aircraft production, and, to my mind, that bill covers the subject in a very thorough manner. But it will take time for that bill to become legislation, if it ever reaches that stage. This same object may be accomplished by an amendment to the Overman bill. An amendment has been accepted by the Senate on this subject, but, gentlemen of the House, that amendment does not specifically create the office of aircraft administrator, an office which is free and clear from all other departments of the Government, for the sole purpose of producing airplanes and all that goes with them. The Wadsworth amendment points the way by suggestion for the possible creation of an executive agency. This amendment reads, as section 3 of the bill:

That the President is further authorized to establish an executive agency which may exercise such jurisdiction and control over the production of aeroplanes, aeroplane engines, and aircraft equipment as in his judgment may be advantageous; and, further, to transfer to such agency, for its use, all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment.

My proposal is to create an executive administrator or agency for the sole purpose of aircraft production. My amendment reads:

That there is hereby created an executive agency which shall have full jurisdiction and control over all governmental activities in connection with aeronautics except operation; the agency so created shall be in charge of an aircraft administrator, to be appointed by the President, by and with the advice and consent of the Senate; there shall be transferred to such agency for its use all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment and accessories; and, further, the President is hereby authorized to take such other steps as may be necessary to carry out the purposes of this section.

At the proper time I propose offering this amendment and urging its adoption.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. GOULD. Yes.

Mr. GORDON. Would not the effectiveness of that amendment be totally and entirely obliterated by the exercise of the other powers in the bill to transfer the same authority to some other department?

Mr. GOULD. It might.

Mr. GORDON. That is the difficulty with the amendment. If we adopt the gentleman's amendment the other provisions of the bill authorize its transfer to another department, so it would not amount to anything.

Mr. GOULD. I suppose so.

Mr. GORDON. It would be a vain thing, then, to adopt the amendment.

Mr. GOULD. The House will have an opportunity to talk that over.

We are only commencing to realize what an enormous subject this matter of aircraft is as applied to this war. It is as separate and distinct from the other branches of the service as the Army from the Navy. We have our land forces and our sea forces, and now we have our air forces. I might better say that we have the most vital need for air forces and for aeroplanes for their use. England has recognized the importance of this and has a separate department to handle the production of aeroplanes. We have all seen the disastrous result of the efforts here in our country to equip our soldiers with planes to protect them. We have been told that our boys in the trenches were compelled to defend themselves with revolvers from enemy aeroplane attacks.

Let us not discuss the question of our failing in the past; let us rather get down to the business of producing aeroplanes for this war, and create a department for that sole purpose, and place a man at the head of that department who shall be accountable only to the President and through him directly to the people. Let us place aeroplane construction where no other department or departments of the Government can get in a tangle as to who is or who is not responsible for failure to produce. We were led to believe—last fall—that an American engine that led the world had been created overnight. Those of us who were engineers, and especially manufacturing engineers, were, to say the least, doubtful. But the screen of official secrecy as to the true condition and official publicity as to the exaggerated condition were so perfect that it was not until our aircraft fiasco had become a matter of public scandal that the people of this country learned something of the status of the matter.

Have you stopped to think, gentlemen, if Germany, with knowledge of the difficulties of aeroplane-engine construction, had wanted to make us helpless in this war for the year 1918 and had an able representative in this country, what advice would he have given? Would he not have appealed to our American enthusiasm, our American pride, and even to our American patriotism, of a sort, and hinted to us, "Develop an engine all your own, beat the world, produce thousands of them; you can do it." Would not this have been the advice of Bernstorff if he had been with us or had left an able representative behind? Germany must have laughed up her sleeve, for she well knew that an aeroplane engine can not be developed overnight, and if we adopted one type of engine and failed to manufacture other types while that one type was being developed our air campaign for 1918 would be a failure.

We started in the race of aeroplane construction for battle use late in 1917. We should have incorporated the details of every good aeroplane engine with merit. We are late in the race now. Let us have an aeroplane department with a man at the head who is responsible only to the President and to the people, that man to be the biggest executive we can get, free from all political activities, free to go ahead and build aeroplanes, free from all departmental red tape, from the suggestions and ideas of those who may have any thought but the production of aeroplanes, aeroplane engines, and aeroplane accessories.

We have had a sad history connected with our start in this war from a manufacturer's standpoint, and, gentlemen, I appeal to you to-day, as a manufacturer and a business man, not so much as a Member of this House. Our people are entitled in this war to not one moment's delay in the production of things we need to fight this war. We have had enough theory; let us get down to the job. We want less official reports of wonders we are doing. We want results, and we want them now. The leaders of our various executive departments are suddenly required to do a business man's job. Speech can not be substituted for deeds. A great executive like Schwab is needed in every leading executive position. A good job has been done in the Shipping Board by his appointment, and good results will be accomplished if he is allowed to work unhindered, and it is your business and that of each one of us here in this House to see that that man is unhampered. Another good appointment is that of Mr. Stettinius in the War Department.

Now, let us create an opportunity for our President to do another good job in the aeroplane situation. It is our duty to create that executive department, free from interference by any other bureau or department, free to do a big job in a big way, accountable to our President direct, accountable to you and me and to all the people of the United States.

This is the people's war—your war and my war—and this country is saying this over and over again, and louder each time. It is the occasion for us to do our duty and do it now. Let us put through this amendment so rapidly that an aircraft administrator can get at his work at once. There are engines to be built, planes to be built—many kinds of planes. We must keep up with this battle. Our boys in the aeroplane service must have the biggest executive in America producing their aeroplanes for them. And we can not afford to let one boy fall to his death before his time if we can help it. It was a wicked thing to put our eggs all in one basket, to spend our money, and what was far more valuable, all our time, in developing one engine, no matter how good. What one of our allies has depended solely on one engine, and it may be conceded that they know something more about war than we do? Germany has not depended upon one engine, and again it can be conceded that we do not know as much about war as Germany.

Gentlemen, if you or I were in business—manufacturing business—and in the spring of 1917 were faced with the problem of producing aeroplanes by the spring of 1918 or going into the hands of a receiver, would we depend solely on one type of experimental and uncompleted engine? Would we spend all the money of our stockholders on that one type? Remember we had not only to develop that engine to a state of perfection where we could, as business men and engineers, say it was ready to be manufactured in great quantities, but we also had to manufacture those engines, install them in planes, and ship them to Europe. All this to keep us out of the hands of that receiver in the spring of 1918. What would you have done as sane business men and manufacturers?

Did we appropriate $640,000,000 for the sole purpose of hearing that it was spent, or did we have some vague idea that it was to be used in building aeroplanes? Gentlemen, we have appropriated the people's money at a time when every dollar is supposed to be spent to provide means to kill Germans and to keep our boys from being killed by Germans. The people are entitled to know how their money is spent. We ask of them great sacrifices to raise this money, and you and I are accountable to them for its proper expenditure, and ultimately we will have to account to them and to the men who are doing our fighting. What can we tell them about that $640,000,000?

Were we too proud in the spring of 1917 to ask our allies' advice about this vital subject, as to which they had three prior years of experience and we none? Was England too proud to use our Lewis gun when her need arose? We have finally accepted the famous French 75-millimeter gun in its original form after losing some eight months' precious time in trying to improve it. Why turn our backs on the obviously wise course of profiting by others' experiences?

We need a clean slate, a fresh start; the country demands it, is entitled to it, must have it. The whole aeroplane policy has been wrong from the start. Develop our own motor? Yes; fine, but do not have it the only one. Again, do not let us waste valuable time in getting into a country-wide argument as to who has been at fault—whether this man was right or whether that man was wrong. The main point is we have no aeroplanes and we must have them.

Either Secretary Baker was deceived or he was deceiving the people. If he was deceived, then the men who deceived him ought to go. If he deliberately deceived the people, then he ought to go. In any event, the people of the United States, engaged in the business of war, must have men in charge of that work in whose statements they can have absolute confidence. After this bitter experience the country is going to accept with hesitancy any so-called official statements from this source. We must have investigations. The guilty must be punished, but do not let us spend all our time and energy at this. We are being asked to be patient. We have been patient for a year. War time is not the time to be patient. We have come to the end of ours now. We demand results; we demand a proper expenditure of our money. We say it is a deplorable condition that these great United States with unlimited funds, unlimited resources, could not produce aeroplanes for battle use in a year's time. We demand that the policy that procured this delay be changed at once.

If a man goes to sleep on sentry duty, a handful of men may be lost as a result. If a man goes to sleep on our aeroplane program, the whole country may be lost. The result could not have been any worse if some one had gone to sleep here. Have we even a right to argue this question? We must have an aeroplane head with no one to interfere with him, and if that man fails then another must take his place until we find somebody who can do the work as the American people require.

We have been told in various and sundry reports that one great reason for delay was departmental red tape. Engineers would make certain plans, and then department heads would come along and change those plans or order them to do this and that. For instance, I have been informed that orders were issued over a period of two weeks for five different changes in colors for finishing aeroplanes. Any of you who is familiar with manufacturing knows that the only way to produce results in any plant is to have one man at the head and hold that man responsible. We have seen the delays and troubles in the Shipping Board. How has that problem been solved? By the selection of a great executive—probably one of the greatest executives in our country.

This war is going to be won or lost in the air, and the department which is responsible for the creation of our aircraft equipment should be given that job alone and should not be interfered with by any other department of the Government. It is our duty to-day to create a department with exclusive authority on the subject of the manufacture of aeroplanes, including aeroplane engines, planes, and accessories, a man who can go about his business in this tremendous enterprise without a word of interference from anybody. Give that man unlimited power, unlimited money, and make him free from all possible political connection from either party, and let the American people know that this, their biggest job in the war, is going to be done by some one who is responsible to the American people. It is only in this way that we can save valuable time, every hour of which may mean disaster.

Investigation will show there has been awful delay due partly to the fact that this great subject of aeroplane construction, which should be a department by itself, has been handled in various departments.

The only phase of the whole aeroplane program, which is in reasonably good shape, is the question of training planes, and this has been largely due to the fact that we had training planes at the start and permitted manufacturers to go ahead and make them somewhere near the type and types which they were prepared to produce, but here again these manufacturers constantly received orders to change this part and that part, and sometimes for no apparent reason the production was delayed, but in spite of this we are in reasonably good production of training planes at this time.

Does anyone here know how many of our aviators have been brought back from France because of lack of aircraft equipment? Do you know whether the report is true that examination of candidates for training, in view of ultimately becoming commissioned in the aviation section, has been indefinitely postponed?

After the young men have been trained in the training planes they must advance a step and be trained in what may be called supertraining planes. We have had an example of a very excellent type of supertraining plane at the aviation field here in Washington. This plane contained a small rotary engine and develops enough speed to accustom the pilots to that advanced step in their profession. After that these men must be trained in the actual battle planes and scout planes, which have a still greater speed, and as to which we are absolutely unequipped. Is it not a fact that at this time our men are not being trained in the necessary step between the training planes and the scout planes for the simple reason that we have not got the aeroplanes for them?

This is a new era and one in which false steps resulting in delays may be vital. It will require a brave man, indeed, to accept the position of aircraft administrator and assume all the responsibilities that go with it. But the great difficulty of the job requires a man who is responsible and who can put through his policies without delay, and if those policies are not successful, the discovery will be made promptly, and one step will be enough to cure the harm and a new man can be appointed.

We have seen the kaleidoscopic changes in personnel on the battle front of Europe, and it has only been with these changes that the defense against the Germans has been made successful to date.

Gentlemen, if there was ever any need to create a Navy Department, if there was ever any need to create a department in charge of the Army, if there was ever any need to create a department in charge of anything in our form of government, there is crying need at this time to create an executive agency with absolute charge of aircraft production. Let us not confuse this question with any political discussion of policy.

It is our province in this House to enact legislation, and we are the representatives of the people and should fulfill that obligation. If we have ever had a duty imposed upon us, it is imposed upon us now, and we should not shrink from it for any reason under the sun. We are considering granting to our President in this bill the greatest powers that have ever been granted to any Chief Executive of a democracy, and we should give him the power to create this essential executive agency for aircraft production, and then having created that essential executive agency for aircraft production, leave it to men trained for that work. It is strictly a manufacturer's job, and men trained in manufacturing lines who have had experience in great enterprises should be given the responsibility and the power to make that responsibility effective, and to deliver our aircraft equipment to the Military Establishment. I might be so bold as to suggest that the root of all our difficulties in procuring supplies, equipment, ordnance, and so forth, for the Military Establishment has been due to the fact that we have required our men trained in military arts to suddenly and without sufficient preparation embark upon the greatest manufacturing enterprise the world has ever seen. Leave to industry the producing of materials to fight with and to the military branches of the service the job of fighting.

I appeal to Democrats and Republicans alike and beg you to make no party issue one way or the other of this great question.

Mr. WEBB. Mr. Speaker, I yield 15 minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Speaker, there are but two questions which need concern the House in considering this bill. The first is, Is the proposed measure constitutional? The second is, Is it a wise grant of power? If any shall answer the first question in the negative, of course he can not vote for the bill. No Representative can vote for a measure which he believes to be unconstitutional. He has taken an oath of office to support the Constitution. That, if nothing else, would preclude him lending support to a measure which he believes violates the Constitution. When this bill came first into the Senate its con-

stitutionality seemed a grave question to many of the Senators. As the discussion progressed, however, that contention was generally abandoned and I take it now that no lawyer, if called upon to pass on that question, would give it as his opinion that this grant of power is unconstitutional. If he should think otherwise I am curious to know what provision of the bill, what particular authorization of power, could give warrant for such a conclusion? In what respect does it grant to the President of these United States powers which Congress has not authority to grant him? It deals with agencies created by Congress.

Congress certainly can modify what it has created or abolish its creatures altogether. Therefore its constitutionality would seem to be settled. Then the sole remaining question for us to determine is, Is it wise to grant to the Chief Executive in this time of war the authority proposed in this measure? I answer yes. There is but little authorized here we have not already granted in other measures. This is largely coordination of authorities already bestowed. All that is vital in this bill is contained in 24 lines. Most of the language employed merely sets out the necessity and reasons for this grant of power or else contains limitations upon the exercise of that power. Beginning with the last word in line 8, page 1, and including the remainder of that page and down to and including the first word of line 7 on page 2, appear all that is material in section 1. Beginning with line 21 and reading to the end of the section are the important grants contained in section 2. Section 3 authorizes the President to establish an executive agency to deal with aeroplane construction if in his judgment it may be advantageous so to do.

In this there is no grant of new power, nor does it deprive of powers any existing board heretofore created. Section 4 is a limitation upon the expenditure of funds heretofore or hereafter appropriated. Section 5 is obscure. Just what its real meaning, if any, is I do not believe anyone knows. It certainly grants no new authority, and is possibly merely a request to the President. If a suggestion, it merely requests the President to report to Congress what may be his conclusion after an investigation as to the wisdom of legislation to permanently abolish either departments or bureaus. This is no grant of power, because he has that power now. It is no limitation, because nothing in this bill grants the President power to abolish permanently either departments or bureaus. In my judgment, it could be stricken from the bill without injury. However, I shall not suggest that be done. The proviso contained in lines 13 to 16, inclusive, on page 2, is entirely without force or effect. It says affirmatively that which every lawyer knows to be true; that is, that vested rights accruing under this bill shall not be destroyed by its termination at the end of war. If it had any purpose at all in the mind of the draftsman, it would seem to be to solace some timid soul. It has no legal effect.

It is doubtless true that any Member of this House, had he been writing the bill in the first instance, and had been in entire sympathy with all of its provisions, could have drawn it in much better language and in a more condensed form. Three of the six sections contain all the grants of authority and limitations which are essential. I am not criticizing the bill, but can not refrain from calling attention to the loose manner in which it was drafted. But the question of its form is not vital, and time is of the essence of this matter. Too long already has its enactment been delayed, and I shall resist, therefore, any effort to amend it in any particular. It came to us in this form; let us pass it as it is. Neither its poor construction of sentence or loosely drawn sections can affect vitally its import. Therefore we can afford to overlook inaccuracies and inelegance of construction. The vital thing is to grant to the President at this time the authority so to redistribute and coordinate the various functions of the executive departments of the Government that the highest efficiency may be obtained. When that is accomplished the whole aim and object of the proposed measure will have been attained. Therefore, then, the only question, as it seems to me, that need concern us is the wisdom, or lack of wisdom, of granting to the President the authority sought to be conferred by this measure. If we think he should have this authority, we should vote for this measure without amendments. If we think it unwise to grant him this power, there is but one course open, and that is to oppose it. I repeat this because it is apparent that no constitutional question can be injected. No Member can vote against this proposed bill on that account. For it is apparent that it deals with creatures created by Congress, and therefore Congress has full power to pass legislation modifying in any way it may seem wise to it the powers and functions heretofore bestowed upon these creatures of the legislative will.

The attitude of some gentlemen in both the other branch of the National Congress and this who now seem so solicitous that the Interstate Commerce Commission, the Federal Reserve Board, and the War Finance Corporation shall be omitted from those agencies over which this bill seeks to give the administration full control is to me a subject of some surprise. If I am not mistaken, those Senators and Representatives who seem most to fear that some change in the organization of these governmental agencies may prove hurtful to the people were most vigorous in their opposition to the enactment of the Federal reserve act. They consumed days and weeks in giving vent to their fears that the Federal Reserve Board which was to be created by the act would wholly destroy the financial institutions of this country. Now, to hear them in their expressed fear that should the President be empowered to change in any respect or diminish in the slightest degree the authority of the Federal Reserve Board is tantamount to assaulting the very foundations of free government. They are equally solicitous, or nearly so, that the corporation recently created to control credits shall likewise be excluded from the provisions of this bill. There seems to be with them three sacred things beside which even liberty pales into insignificance. These three holies of holies are the Interstate Commerce Commission, the Federal Reserve Board, and the War Finance Corporation. I do not share their fears. I believe all three of the agencies are vital. I believe the President realizes this as much as they and is in as good a position to know what is best to be done under the circumstances. I feel he is as patriotic. I believe he loves his country as well and is as passionately devoted to our institutions as they and is as loyal to the flag. Therefore I have no hesitation in including these three with other agencies within the grant of authority contained in this bill.

I do this knowingly, because I do not agree with the gentleman from Ohio, who has just expressed a belief that under the provisions of this bill the President has no authority to interfere with the rate-making functions of the Interstate Commerce Commission. I think he would have that power when this bill becomes a law. I think all the executive and administrative agencies heretofore created by Congress and all the boards to administer these agencies come within the provisions of this bill and that all of the functions they now exercise when this measure becomes a law can be changed by the President if he sees fit to do so. I am willing to grant him this authority, and I do not fear he will abuse it. If the changes should be made in order to render more effective these agencies, let them be made.

Why, a year ago by our vote for war we dedicated to the service of freedom the life of every American boy between the ages of 21 and 31 years, and recently we brought within its provisions every boy who shall attain the age of 21 until this war for freedom shall have been won. By our vote we gave these boys' lives and our national honor and existence into the keeping of the President of these United States. By the declaration of war we thus gave to the President the power of life and death. In addition to that, by acts of Congress, we have given him control over all the commerce of this country. He has the power by proclamation to say what shall be transported and what shall be left, what industries may exist and what may be destroyed, what lines of transportation shall be open and what lines shall be closed. After we have granted all these powers and laid upon him all these responsibilities, I am not very solicitous, at least not oversolicitous, that in the carrying into effect of this commission of the American people to preserve our national honor and our national life that some act of his may disturb some private business interest in this country; that he may do something that will lose somebody a profit. I say this because the attempt being made here to grant the President authority over the Interstate Commerce Commission, the Federal Reserve Board, and the recently created corporation to control credits seems to meet with such bitter opposition from some of the Representatives, and met with such intense opposition in the other body. These three institutions deal with finances. The control of either or all of these and a vital redistributing of their functions can not destroy our national life or national honor; it can affect profits and nothing else. So, then, the solicitations of these gentlemen to preserve inviolate all these powers to these three agencies can arise from no other source than the fear that a modification by the President of any of the powers or functions heretofore exercised by either of these agencies may cause somebody a loss of money. I say, they fear it will cause a loss to some one because they, of course, would not object if that change should bring profit. Therefore, I repeat, the only fear that the President's acts in modifying the functions of some or all of these agencies is it may cost some one money, and with that view I have no sympathy.

We have said in our declaration of war that we pledge all our lives and all our fortunes to destroy the military autocracy of Germany. We handed over with these young men all our resources to the President of these United States, and to-day he has the power as Commander in Chief of the Army and Navy of these United States to order Gen. Pershing and those brave American boys fighting with him in France to lay down their arms and furl their colors. He has the power to command every captain sailing an American ship to take that ship into a German port and pull down his flag in abject surrender. We knew he would have that power when we voted the declaration of war because the Constitution makes him the Commander in Chief of all our armies and our navies. If we were not afraid to draw the sword and risk our Nation's honor, our lives, and our resources in his keeping, why then cavil now about granting to him the power to modify the functions of these administrative agencies of government, including those three mentioned? I can not conceive of the motives that would impel one to place in the hands of the President these mighty agencies for good or bad, for weal or woe, that he now has and withhold from him any authority which might enable him more surely and more speedily to crown our sacrifices with victory. We laid on him the duty to protect our national life and national honor and he accepted that great responsibility. Shall we now make our sacrifices and his efforts futile, for fear in the redistribution of the functions of government somebody may make less profits?

Mr. CANNON. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. CANNON. The gentleman believes he has the power under this language and under this bill to transfer the duties of the Interstate Commerce Commission to some other body?

Mr. CARAWAY. I have not a doubt about that, sir.

Mr. CANNON. Well, there seems to be some doubt about it from the remarks of the gentleman from Ohio [Mr. GARD]. I agree with the gentleman from Arkansas. I am willing to grant him that power.

Mr. CARAWAY. So am I.

Mr. CANNON. Otherwise you would vote the other way? I agree with the gentleman instead of disagreeing.

Mr. CARAWAY. I agree with the gentleman from Illinois, and I am not afraid to grant the power. As I said before, we have put our national honor in his hands. By the declaration of war we made him the absolute arbiter of the fate of this Nation. We have given him the control of the lives of all the young men of this country between the ages of 21 and 31 years, and I am willing to extend the age limit both up and down, if it is necessary, and I am willing to give to the President of the United States all the Army necessary to win victory in this war. I am not afraid to trust him. And I am not saying that simply because the President of the United States at this particular time belongs to the party of which I am a member. I would do it just as quickly if he belonged to another party. I am perfectly willing to surrender any right that I have, and I am equally willing to help to take from anyone else any right that he may think he has, if it becomes necessary to do so, in order to preserve our national existence. [Applause.]

Mr. DEMPSEY. Will the gentleman yield?

Mr. CARAWAY. I will.

Mr. DEMPSEY. As I understand the argument of these gentlemen—and I am not coinciding with their argument—in reference to the Federal Reserve Board and Interstate Commerce Commission, it is this: Not that any money is going to be made or lost, but what they fear is that men, instead of being selected by and with the advice of the Senate, may have their functions transferred to men of less standing who are appointed without the advice and consent of the Senate. In other words, they believe in the Interstate Commerce Commission and the Federal Reserve Board, but they are afraid men of less ability and less standing may exercise the functions of those boards.

Mr. CARAWAY. In other words, they believe the Interstate Commerce Commission and Federal Reserve Board have more knowledge and patriotism than the President of the United States?

Mr. DUPRÉ. Does not, as a matter of fact, the President of the United States appoint the members of the Federal Reserve Board and also of the Interstate Commerce Commission?

Mr. CARAWAY. They fear he has lost his power to choose good men.

Mr. DEMPSEY. "By and with the advice and consent of the Senate"; perhaps somewhat controlled by the knowledge that they would have to be agreed to by the Senate.

Mr. CARAWAY. It is rather peculiar that the men of whom the gentleman from New York [Mr. DEMPSEY] speaks do not fear that money may be lost or made, and inasmuch as that is the only effect change in these agencies could produce, it becomes therefore apparent that that is the moving cause back of the fear that the President may exercise his power unwisely. [Applause.]

In conclusion, permit me again to say I do not share this fear. I trust Woodrow Wilson, our President, the American people know and trust him—aye, the lovers of freedom and justice everywhere know and trust him—and without fear or hesitation I place in his prayerful keeping these additional powers and ask God to give to us and to a war-weary world the patience and courage that our President is displaying now—the patience to wait and the courage to go forward until a victory comes to us that will make war a curse that will come never again to the children of men. [Applause.]

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, I welcome the opportunity to vote for a bill that I believe will be the beginning of correcting the evils, the mistakes, and the inefficiency of the departments, bureaus, and commissions. I think that a great deal of the work that has been done by the various bureaus and departments is, in a word, being duplicated by others of a similar character, and that this has been growing for some time. The creation of new bureaus and commissions has had the result of bringing this about. It is going to be a great accomplishment in giving to the President the authority to redistrict and fix the various functions, duties, and powers of these various bureaus. I do not believe there is any great danger of the functions, or, rather, the powers, of rate making, and so forth, in the Interstate Commerce Commission, nor the powers of the Federal Reserve Board, being usurped by other departments. It is my judgment that the President recognizes that these commissions have been created by an act of Congress and that he would not in a bill of this kind take away from those commissions those powers and those duties. He has given to us his word that it is not his intention to do that very thing, and of which complaint and fear have been expressed. I have every confidence in believing that the President is absolutely sincere in that statement. I believe the President has one aim and purpose in view in this legislation, and that is to get the greatest possible service and efficiency out of the various departments, bureaus, and commissions, and so on, of the Government, to the end that they may be used in the interests of this war.

It is a war measure, and it is expressly so stated. We owe as a duty to the President of the United States to give him the powers that he believes he ought to have and the powers that he asks for and feels are necessary that he should have in carrying on this great war. I am one of those who feel it my duty to vote to him these powers, and I feel that I am best serving my country in so doing since the inception of this war, and I feel that most all of us in this Congress have had the same mind. Some gentlemen have expressed doubt at times and criticisms, but they have all been with a purpose and intent of getting the best results out of this war. Our minds are centered on that alone.

With that aim and purpose in view I shall gladly vote for this bill, and I hope, as I stated in the beginning of my remarks, that we will at least come to a realization of what many of us feel and believe we ought to have, and that is centralization with reference to authority and also as to appropriation bills. I believe that now a great deal of money is being uselessly spent in these various bureaus and departments and that much is being granted by Congress that ought not to be granted. I feel that we ought to have a system in this country such as is found in most of the civilized countries to-day—a budget system, which will bring before Congress in a sensible, concise way the necessities for money to operate the Government. I believe that the next request of the President along the lines of departmental work will be a request of that kind for the enactment of legislation that will create one body for the purpose of handling the financial recommendations of the Government.

Now, we receive from the Secretary of the Treasury the estimates made up by the various departments, and, as we all know, they never underestimate what they think they ought to have; in many cases they do not even know the amount of money that they will need or require. The result is that the estimates are sent to the Treasury unscientifically arranged and worked out. Under the law the Secretary of the Treasury can do nothing except forward those recommendations and those estimates to Congress. If the Secretary of the Treasury were charged by law with the responsibility of making up and sending those estimates

for the consideration of Congress, I think we would save a great deal of money.

And so I believe that out of this legislation that we are now considering we shall in a reasonable time get a recommendation or request of that kind. Members give due credence to the beliefs and the views of the President touching these matters, and have no doubt great confidence in him, and feel that his responsibility in these times is such that what he says and asks of Congress must receive serious and favorable consideration.

We in this Congress, Mr. Speaker, regardless of party, have been doing those things that all patriotic men ought to do—we have been putting aside every personal and political consideration and have been looking with one object and purpose in view, namely, to assist our Nation in these great and trying times. Democrats and Republicans both have been doing that in both branches of this Congress. And in doing that we are only echoing and voicing the sentiments of the American people. They themselves have put aside all political thought and consideration in these times, and are devoting their energy to carrying on this war and to raising the money that is necessary.

And, Mr. Speaker, the people in doing that are not of any one nationality or of any one party, but it is the great body of the American people. Some have found it their duty to get up in public places and elsewhere and preach loyalty—preach standing up for the flag. But gentlemen, it is not necessary that any man should feel that he should be called upon to do that, because the whole American people are practically as solid and united to-day for our country as the people of any nation in the history of the world. It is not so of any one class of people or of any one nationality, but it is so of all people. The people of German birth and German extraction, the sons and daughters of those who were born in Germany, are as patriotic as those of any other nationality, and so it is with all sections of this country. In the city which I have the honor in part to represent there are a large number of people of German birth, men, some of them, who were born in Germany.

A large portion of our population are of that kind, and they are loyal American citizens. I have watched with interest and with care, in the public press and otherwise, to find where disloyalty comes from, when I have heard some Members of Congress and others outside talk about loyalty and about disloyalty in people of German birth. I have found in my city practically no one who could be characterized as disloyal. I have found them earnestly and faithfully working for the interest and success of our country. I know of instances where men and women born in Germany, whose parents were born in Germany, who have been doing more for our country in these times than some of those who are proud of the long residence of their generations of ancestors in this country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DYER. May I have five minutes more?

Mr. VOLSTEAD. I yield to the gentleman five minutes.

Mr. DYER. I know of a case of a German girl working for a very aristocratic and wealthy family. She invested her savings, several hundred dollars, in liberty bonds. She did that because she felt it was her duty. In talking with the lady for whom she was working in this aristocratic and wealthy family, she said, "I guess you have bought a lot of these liberty bonds." This lady said, "We bought $500 worth. We can not afford to invest our money unless we get 6 per cent." People of that kind are some of the very ones who are trying to bring discredit upon those of German birth and German ancestry.

Here in this city of Washington, at Keith's Theater, a few days ago a resident of this city, Mr. Gus Buchholz, made an address urging the people in the audience to purchase liberty bonds. Here is what he said in his address at Keith's Theater:

I want you to know there are no more German-Americans. I am an American born in Germany. I arrived in America when 17 years of age. After having been here but two weeks I took out my first papers. At the age of 22 I received my citizenship. For 21 years I have been a citizen—a 100 per cent American. Now people ask me how I feel about this war and liberty bonds. I am going to tell you. I feel like every American whom I know—stick to our country, stick to our flag, because I love this country. Our former ambassador to Germany, James Gerard, stated the Kaiser dislikes the German-Americans more than the born Americans. Why? Because the Kaiser knows that we are loyal Americans. When the United States declared war on Germany my one sense of duty was to America, and my oath of loyalty knows of no conditions and no reservations. I have invested $30,000 in liberty bonds and war stamps, not because I was born in Germany—nobody forced me to buy that amount—but because I considered it the best patriotic investment during war times in any country, if you are patriotic and love your country.

That, Mr. Speaker, is the sentiment of the great body of men and women in this country of German birth and German ancestry; and I say to you, and to the American people, that we are especially pleased to know that the President of the United States is showing due deference and consideration to the feelings and desires and ambitions of all people. He is not like some people in this country who are decrying people of German birth or ancestry; but he says that that great body of American citizens in this country are as loyal as those of any other country, and that the disloyal people are found among those of every nationality, one here and one there. I submit this for the purpose of evidencing the desire of all people in this country, regardless of nationality or politics, to give the President all power and authority that he believes he needs to carry this war to a successful conclusion, and to bring honor and glory to our country in the quickest possible time. [Applause.]

Mr. WEBB. I yield 10 minutes to the gentleman from Pennsylvania [Mr. STEELE], a member of the committee.

Mr. STEELE. Mr. Speaker, the main purpose of this legislation is not a new subject to the House. President Taft during his administration brought it to the attention of the House in a message in which he advocated substantially what is proposed to be done in the pending act.

There are certain mischiefs now existing in the executive departments that this bill is designed to correct. These mischiefs are substantially as follows:

(1) In numerous cases more than one bureau or other administrative agency is authorized by law to render the same service. (2) In most of these cases the various duly authorized agencies are ambitious to render all the services within their power. (3) In some cases actual duplication of service has resulted. (4) In a large number of cases the legitimate development of bureaus and other agencies is hampered by the knowledge that it would bring about conflict with the work of other bureaus and agencies. Such conditions result in misdirection of effort and inefficiency.

This bill proposes to correct this situation by authorizing the President to make such a redistribution of the functions among the executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer in such manner as in his judgment shall be best fitted to carry out the purposes of this act.

This being the purpose of the act, during the discussion on the floor this afternoon the question was raised by my colleague, the gentleman from Massachusetts [Mr. WALSH], as to whether or not this was the exercise of a constitutional power. No new power is conferred by the legislation proposed.

No new functions are conferred upon any bureau or any administrative or executive officer. All that is proposed by this bill is that the President shall have the power to make a redistribution of the powers and functions already conferred upon the executive department. Is that a conferring of legislative power? Manifestly it is not. It is simply conferring administrative power on the President. The real distinction between legislative power and the conferring of a mere administrative function is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made.

A full and complete discussion of this distinction between the delegation of legislative power and conferring a mere administrative function will be found in the decision of Field against Clark (143 U. S.), where the validity of a power conferred on the President under the tariff act passed just prior to that decision which conferred on the President the power to suspend rates.

Now, that power has been exercised by this Government since it was founded. It has been conferred upon the President in early times under the embargo act whenever the President saw fit to do it. It has been conferred in numerous acts covering two pages of the decision of the Supreme Court, to which I have referred and which I will not take the time of the House to refer to in detail.

That being the case, no further discussion of this particular question is necessary, but there were several other questions referred to in the debate which, it seemed to me, might well be disposed of at this time also.

The gentleman from Massachusetts [Mr. GILLETT] propounded the question whether or not the authority existed to take away from an officer who had been confirmed by the Senate the power which he had exercised and confer it upon another. My own thought upon that subject briefly is this: Where the officer is confirmed by the Senate, the power that he has exercised can be conferred upon another officer who has been confirmed by the Senate, and that view has been sustained by the Supreme Court. In the case which was referred to by Senator Kellogg in his speech on this subject—the case of Shoemaker against the United States—where certain functions were conferred upon an officer who had been confirmed by the Senate and certain addi-

tional powers were given to him and the court in the course of its decision said:

As, however, the two persons whose eligibility is questioned were at the time of the passage of the act and of their action under it officers of the United States who had heretofore been appointed by the President, and confirmed by the Senate, we do not think that because additional duties germane to the offices already held by them were devolved upon them by the act it was necessary that they should be again appointed by the President and confirmed by the Senate. It can not be doubted, and it has frequently been the case, that Congress may increase the power and duties of an existing office without thereby rendering it necessary that the incumbent should be again nominated and appointed.

It may be remarked in passing also that during the debate in the Senate upon this bill, Senator KNOX, who is probably one of the ablest constitutional lawyers in the Senate, gave it as his judgment that without the passage of this act the President, as the Chief Executive of the Nation and as Commander in Chief of the Army and Navy, already possesses the power to do the things conferred by this act. That was his opinion. I know it is not shared by a great many people, and I refer to it to show the diversity of opinion in respect to the power already existing in the Executive.

Reference was made to the Interstate Commerce Commission and the withdrawing of the power now vested in that commission with respect to the fixing of rates. On that subject there seemed to be during the course of the debate some slight confusion of thought. The Interstate Commerce Commission does not possess the power to primarily fix the rates. They never did possess that power. They possess the power where railroads themselves have fixed the rates of revising them, and then there would be a hearing on the subject followed by a judgment; but they possess no power to initiate rates, and under the military act which was passed some few years ago authorizing the President to take over the railroads in time of war, he was given full control of the railroads. The question is, What was meant by the word "control" under the terms of that act? Most people who have examined the question came to the conclusion that this Congress at that time gave the President the power to fix rates, but under the legislation recently enacted relating to railroads now under the control of the Government the President was given the power of initiating rates, and that without the passage of this law here would be the law to-day.

He has the power to initiate rates, and the Interstate Commerce Commission, under the terms of that same bill, has the power to revise those rates. That is the law as it exists to-day, independent of this act. The question is asked whether or not, under the terms of this bill, the President would have the power to withdraw from the Interstate Commerce Commission the power to pass on rates in this manner and vest it in some other executive officer. To my mind the terms of this bill are broad enough to confer that power upon him. I think he could exercise that power if it is an executive act, because all that this act does is to confer upon the President the right to transfer executive functions. It refers to no other functions. It reduces itself down to the question, Is the fixing of a rate an executive or a judicial function? The Supreme Court has said primarily the fixing of a rate is an administrative and executive function.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. WEBB. Mr. Speaker, I yield the gentleman five minutes more.

Mr. STEELE. Mr. Speaker, it would involve the inquiry whether the fixing of a rate by the Interstate Commerce Commission is a judicial question, and it may become a judicial question only in one aspect, and that is whether or not the rate fixed by the Interstate Commerce Commission is of a confiscatory character and therefore an illegal taking of property.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. STEELE. Yes.

Mr. GREEN of Iowa. The gentleman has doubtless noticed that section 2 provides that in carrying out the purposes of the act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commission. That section providing for the transfer from one commission, bureau, agency, office, or officer, and so forth, is not confined to executive commissions or bureaus.

Mr. STEELE. It is confined, as I stated, to executive or administrative matters, and as I stated a while ago in the course of my discussion with reference to the rate power, that generally the fixing of a rate is an executive or administrative function, and this act does not attempt to confer upon the President the right to transfer any judicial power. It reduces itself down to a question of whether the rate-fixing power is exclusively administrative or executive or combines with it certain judicial functions. If it combines with it judicial functions, then it could not be transferred. So the Supreme Court said recently that it was an executive or administrative function; but I can also see, as I stated a moment ago, that it may become a judicial question when the question is raised whether the rate is confiscatory in its character. It would then combine with it certain judicial functions. Those are my views generally on that branch of the question. So far as the legislation of this House is concerned during the entire war period, we have conferred upon the President under the food-control act, under the railroad-control act, under the shipping act, the war administration, the Finance Bureau, powers which seem to be far greater than are attempted to be conferred under this act. If he can be trusted with those powers under this general war legislation, it seems to me that he can very readily be trusted with powers conferred under this act. Therefore I shall vote for the bill. [Applause.]

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. POLK, for two days, on account of illness; and

To Mr. FIELDS, for three days, on account of illness.

CONSOLIDATION OF EXECUTIVE BUREAUS, ETC.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. PLATT. If the gentleman will yield to me for a moment, I want to call his attention to the fact that we are discussing one of the most important bills which has passed, and that most of the time just five Democrats were listening to the eloquent speech of the gentleman from Pennsylvania [Mr. STEELE].

Mr. WEBB. And only 10 Republicans.

Mr. STAFFORD. Oh, we had 25 here listening to the distinguished gentleman from Pennsylvania. We appreciate a good argument.

Mr. WEBB. The RECORD will show at least I was here. I yield five minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. MCKEOWN. Mr. Speaker, in a crisis like this, when it is necessary for extraordinary centralizing powers to be granted by Congress to the several departments of the executive branch of the Government, it is to be expected that every citizen will turn to the Constitution of the Republic to ascertain whether such powers are warranted by that organic instrument. The motive which should prompt the citizen in so doing should be an honest and earnest desire to safeguard the rights of the people and to preserve the Government.

I have no quarrel with the citizen who is honestly of the opinion that such powers can not be granted under the organic law, nor do I question his patriotism when he contends for the same, provided that in such contention he does not go to the extreme of endangering the existence of the very Government which he seeks to preserve. On the other hand, there are those throughout the length and breadth of the country who are opposed to any kind of government and, under the guise of constitutional privilege, are questioning the constitutionality of the laws and powers which are being granted in this emergency. They are not contending in the forum of the courts, but are fanning the flame of dissatisfaction which temporarily arises by the curtailing of privileges and conveniences caused by the enactment of war measures, and who, like a wolf in sheep's clothing, are pretending to stand upon the Constitution while they are indirectly and purposely impeding the efforts of the Nation to preserve its life.

In times like these it is impossible to preserve the same equilibrium and poise as in peace times. A nation in war, like an individual in a combat where death may result, does not maintain cool and collected judgment. A jury in the trial of an individual charged with a homicide committed in such a combat is required under the law to view the circumstances and conditions as they existed at the time from the standpoint of the defendant. Shall a nation fighting for its life and the preservation of the liberty of not only its own citizens but of the world be held to a higher standard?

Members of this House understand full well the war powers vested by the Constitution in the President, and distinguished Members have spoken illuminatingly to this body upon this subject. It is not my purpose in the time allotted to me to rehearse to the Members of this House a subject understood by many of them better than myself, but I wish to call the facts to the attention of the average American citizen, who is too busy doing his bit to win the war to investigate the constitutionality of the war legislation of Congress. I shall be satisfied if I shall have been able to fortify the mind of the laymen against the arguments of misled and disloyal citizens,

who either purposely or unwittingly promulgate German propaganda.

Article II, section 2, clause 1, of the Constitution makes the President of the United States Commander in Chief of the Army, the Navy, and the militia when called into the service of the United States. Before the ratification of the Constitution by the States there were those who claimed that this power should be granted by an act of Congress, but the fathers of the Republic were too wise and far-seeing to create a provision that might lead to the destruction of the Government they were founding. This power was granted by the Constitution, and Congress is without authority to enlarge or diminish it. Under this provision, as Commander in Chief, the President may do whatever, in his judgment, will destroy or weaken the power of the enemy. In dealing with the foe he is only limited by the accepted rules of international law. It is for him to decide where the troops are to be sent and where the fleets are to be assembled and stationed. It is his right to assume control of all enemy territory occupied by our armed forces and to establish such military control to govern the same as he may decide; but within the limits of the Nation, where the civil courts are open and in unobstructed exercise of their functions, it is beyond the power of the President to declare martial law to try civilian citizens. This was so decided by a majority opinion in the often quoted case of Ex parte Milligan by the Supreme Court of the United States in 1866.

There is much discussion of the constitutional right of Congress to grant autocratic powers to the President during this emergency. All acts of Congress which simply facilitate the powers of the President as Commander in Chief do not confer any additional powers, for the reason that the founders of the Government in adopting the Constitution granted autocratic powers to the President as Commander in Chief.

The wisdom of the fathers of the Republic is apparent in this present hour.

In a Republic like ours supreme power to act in a great crisis must be lodged in some individual. To mobilize a great Republic for war is a gigantic task, and to do so hurriedly and efficiently little time can be devoted to the discussion of methods, but decision and action must be prompt.

In the present war the President has realized the tremendous task and responsibility thrown upon him by virtue of his position as Commander in Chief. Although clothed with powers of a dictator he has nevertheless submitted to Congress for its enactment into law measures that he could have arbitrarily put in force by Executive order. Except in those instances where urgent pressing necessity required he has been prone to submit his requests to Congress for its approval of the exercise of certain powers and the promulgation of rules and regulations made necessary by the war. His action in this respect discloses the fact that he does not desire to play the rôle of a dictator nor use the great powers conferred upon him merely for the pleasure of exercising the same. The alacrity with which this Congress has granted the requests of the President for war legislation makes it unnecessary for him to resort to the use of Executive orders. No doubt if the Members of the House of Representatives in the dark days of the Civil War had as a whole willingly supported President Lincoln, as this House has supported President Wilson, there would have been no occasion for President Lincoln in his fourth annual message to have said:

> In a great national crisis like ours unanimity of action among those seeking a common end is very desirable—almost indispensable.

It is within the power of Congress to declare war or declare that a state of war exists, but a declaration of war made by Congress immediately sets in motion the war powers of the President as Commander in Chief. Whenever the President submits to Congress for its action matters which, as Commander in Chief, he could bring about by Executive order, he does not waive any of the powers granted him by the Constitution, but merely submits the matter to Congress for its approval or disapproval of the proposed measure. The refusal of Congress to enact into law legislation included within the delegated powers of the President would not prevent the President from proceeding by Executive order. To determine what acts the President may do or what orders he may make under the power vested in him as Commander in Chief can never be definitely defined, because each emergency creates its own limitations. It might not be amiss at this time to call attention to some of the things that have been done by Presidents of the United States under their powers as Commander in Chief during certain crises that have arisen in the history of our country.

[Digested from: Ridpath, John Clark, History of United States of America, Washington. 1912, pp. 3503–3520.]

1. In 1794, during Washington's second administration, a general insurrection occurred in western Pennsylvania against enforcement of the excise act of March 3, 1791. At a Cabinet meeting Hamilton, Knox, and Bradford urged that the militia be called out; Randolph, who had succeeded to Jefferson's office, opposed, because he believed the effect would be to produce a civil war and also because he distrusted the militia. McKean, the chief justice of the State, suggested a commission to visit the disturbed districts; and Washington, with his unerring judgment, combined both plans. The commission's efforts produced a considerable change in public opinion among the frontiersmen, and resolutions of submission were twice adopted, but by this time nearly 15,000 militia from Pennsylvania, New Jersey, Maryland, and Virginia had almost reached the scene. Hamilton, the President's representative, agreed with Gen. Henry Lee, of Virginia, the military head, that the expedition must proceed. The population offered no resistance. There were numerous arrests made, with few exceptions in total disregard of an amnesty and Washington's express orders. But it was at last settled that there was a Government and that the United States had the power and intent to enforce its laws.

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[Digested from: Ridpath, John Clark. History of the United States of America, p. 4357.]

2. "As in the days of colonial quarrels, there were two separate governments in Rhode Island; one, headed by Thomas Dorr, was brought into existence as a protest against undeniably gross inequalities in the suffrage. Dorr and his party were preparing to enforce their will by arms when President Tyler sent troops to crush the insurrectionary movement."

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[Quoted from: Bryce, James. The American Commonwealth. Macmillan & Co. 1889, vol. 1, p. 51.]

"The President authorized the sending in of the militia of Massachusetts and Connecticut, but the Rhode Island troops succeeded in suppressing the rebellion."

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[Quoted from: Taft, William H. The Presidency. Charles Scribner's Sons, New York. 1916, pp. 91–92.]

"In the case of Rhode Island, as between claimants for the governorship, the (United States Supreme) Court held that it was within the power of the Executive conclusively to determine, so far as that court was concerned, who was the governor of the State and what was lawful."

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[Quoted from: Schouler, James. History of the United States of America under the Constitution. Dodd, Mead & Co., New York. 1894, vol. 4, pp. 523, 525, 526, 527, 533.]

3. "Polk resolved to maintain the pretentious claim that the western boundary of Texas was at the Rio Grande del Norte; and in pursuance of that resolve Gen. Zachary Taylor was ordered to take position between the Nueces and that river * * *. For about six months Taylor's army remained posted at Corpus Christi, entirely unmolested and unmolesting * * *. Anticipating Mexico's obstinate refusal to part with her domains in peace, President Polk took his ready alternative. Without a word of warning to Congress, which was in full session, * * * he ordered Gen. Taylor to advance and take a position on the left bank of the Rio Grande; he also assembled a strong fleet in the Gulf of Mexico * * *. Zachary Taylor—plain, blunt warrior that he was—obeyed the orders of his Commander in Chief without a question * * *. Collision and bloodshed were inevitable * * *. Commodore Sloat, of the American Navy, who commanded the Pacific Squadron, was to possess himself of San Francisco and all other California ports whenever he should learn that actual hostilities between Mexico and the United States had begun.

"Mexico (said President Polk in his war message of May 11) has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil * * *. War exists and notwithstanding all our efforts to avoid it, exists by the act of Mexico herself * * *. Congress resolved at once a formal declaration of the war as already existing by the act of Mexico."

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[Digested from: Taft, William H. The Presidency, pp. 92–94.]

"A very wide exercise of authority by the Executive as Commander in Chief occurred in the form of presidentially instituted and directed government for California and New Mexico after the Mexican War. The validity of this action was upheld by the United States Supreme Court, and formed a precedent for similar measures following the Spanish-American War."

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CIVIL WAR.

[Quoted from: Bryce, James. The American Commonwealth. Vol. 1, pp. 51, 61.]

"Both as Commander in Chief of the Army and Navy, and as charged with the 'faithful execution of the laws,' the President is likely to be led to assume all the powers which the emergency requires. How much he can legally do without the aid of statutes is disputed, for the acts of President Lincoln during the earlier part of the War of Secession, including his proclamation suspending the writ of habeas corpus, were subsequently legalized by Congress; but it is at least clear that Congress can make him, as it did make Lincoln, almost a dictator. And how much the war power may include appears in this, that by virtue of it and without any previous legislative sanction President Lincoln issued his emancipation proclamations of 1862 and 1863, declaring all slaves in the insurgent States to be thenceforth free, although these States were deemed to be in point of law still members of the Union.

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"Abraham Lincoln wielded more authority than any single Englishman has done since Oliver Cromwell. It is true that the ordinary law was for some purposes practically suspended during the War of Secession. But it will always have to be similarly suspended in similar crises, and the suspension inures to the benefit of the President, who becomes a sort of dictator."

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[Quoted from: Dunning, William Archibald, professor of history in Columbia University. Essays on the Civil War and Reconstruction. Macmillan Co., 1904, pp. 14–15, 15–16, 17–19, 20–21.]

The Presidential Dictatorship: The circumstances in which the Government found itself after the fall of Sumter were entirely unprecedented. The President was obliged to regard the uprising of the South as a simple insurrection; but the only parallel case, the Whisky Insurrection in Washington's administration, was so insignificant in comparison that from the very beginning a system of original construction of the Constitution had to be employed to meet the varied occasions for Executive as well as legislative action. Long before the end of the war

the principles thus evolved had become so numerous and so far-reaching in their application as entirely to overshadow the most cherished doctrines of the old system.

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The question presented to the administration by the commencement of hostilities was, Has this Government the power to preserve its authority over all its territory? The answer of the old school of constitutional lawyers was, "Yes; so far as it is conferred by the Constitution and the laws," but the answer we derive from the actual conduct of the war is, "Yes," without qualification.

Immediately upon the fall of Sumter the assertion of the new doctrine began. Before the assembling of Congress July 4 a series of proclamations by the President called into play forces deemed necessary to the preservation of the Nation. The calling out of the militia was based upon the law of 1795. Buchanan had declined to consider this law as applicable to the present circumstances. His delicacy, however, was a phase of his scruples about coercing a State—scruples entirely foreign to his successor.

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Four days after the call for militia the President's purpose of ignoring the connection of the State governments with the rebellion was put to a severe test in his proclamation of a blockade of the ports of cotton States. He was obliged to speak of "the pretended authority" of those States, but only to declare that persons who, under such authority, molested United States vessels would be treated as pirates. This assumption by the Executive of the right to establish a blockade was rather startling to conservative minds. It seemed like a usurpation of the legislative power to declare war. For blockade is an incident of actual warfare and involves the recognition of belligerent rights. The constitutionality of the President's action, however, was affirmed by the Supreme Court in the Prize Cases, and hence Congress having acquiesced, it has the sanction of all three departments of the Government. Accordingly the President, as Commander in Chief, can determine without reference to Congress the time when an insurrection has attained the proportions of a war, with all the consequences to person and property that such a decision entails.

Further action by the President previous to the meeting of Congress included a call for the enlistment of 40,000 three-year volunteers and the increase of the Regular Army by over 20,000 men and the Navy by 18,000. Mr. Lincoln himself doubted the constitutionality of these measures.

Whether strictly legal or not [he says they] were ventured upon what appeared to be a popular demand and a public necessity, trusting then, as now, that Congress would readily ratify them. It is believed that nothing has been done beyond the constitutional competency of Congress. (Message of July 4, 1861.)

This frank substitution of a "popular demand" for a legal mandate as a basis for Executive action is characteristic of the times. The President's course was approved and applauded. Howe, of Wisconsin, proclaimed in the Senate that he approved it in exact proportion to the extent to which it was a violation of the existing laws. The general concurrence in the avowed ignoring of the organic law emphasizes the completeness of the revolution which was in progress. The idea of a government limited by the written instructions of a past generation had already begun to grow dim in the smoke of battle.

The remaining subject dealt with in the President's proclamations was the suspension of the writ of habeas corpus. Southern sympathy in Maryland had taken so demonstrative a form that summary measures of repression were resorted to by the Government. Gen. Scott was authorized by the President to suspend the writ of habeas corpus at any point on the military line between Philadelphia and Washington. This assertion by the Executive of an absolute control over the civil rights of the individual in regions not in insurrection excited rather more criticism than the measures which would unpleasantly affect only the rebellious States. A case was promptly brought before Chief Justice Taney for judicial interpretation. Justice Taney's opinion took strong ground [in the case of John Merryman] against the constitutionality of the President's act.

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The position of the Executive in this matter was entirely consistent with that assumed in the establishment of the blockade. Granting the right in the President to decide when war has technically begun, both the powers in question spring naturally from the recognized authority of the Commander in Chief. In the interval between April 12 and July 4, 1861, a new principle thus appeared in the constitutional system of the United States, namely, that of a temporary dictatorship. All the powers of government were virtually concentrated in a single department, and that the department whose energies were directed by the will of a single man.

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[Quoted from: Dunning, W. A., Essays, etc., p. 40.]

The [President's] proclamation of September 24, 1862 [in relation to civil rights in the North], constituted a perfect platform for a military despotism. Opposition [to the Government's emancipation and draft policies] * * * only tended to make military arrests more frequent.

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[Quoted from: Dunning, W. A., Essays, etc., pp. 50–51.]

Mr. Lincoln gave as his authority for the [emancipation] proclamation "the power in me vested as Commander in Chief of the Army and Navy of the United States, in time of actual armed rebellion against the authority and Government of the United States"; and he described the act as "a fit and necessary war measure for suppressing said rebellion," and as "warranted by the Constitution upon military necessity." These expressions give to the paper the character of a military decree pure and simple.

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[Quoted from: Burgess, John W., dean of the faculty of political science in Columbia University. The Civil War and the Constitution. Charles Scribner's Sons, 1901, v. 2, p. 223.]

The Government advanced no less radically upon the domain of the freedom of the press * * *. The [House] Judiciary Committee sustained the Postmaster General [Blair], and * * * the precedent of the Government in Civil War is, therefore, that this part of the Constitution may be suspended by order of the administration when in the judgment of the President the public safety demands it.

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TEMPORARY GOVERNMENTS CONSEQUENT UPON WAR WITH SPAIN.

[Quoted from. Taft, Wm. H., The Presidency, pp. 92–93.]

There is a far wider exercise of the authority by the Executive in his capacity as Commander in Chief than in the cases cited [Dorr's Rebellion and the Chicago strike]. It was exemplified in and after the Spanish War. Before and after the treaty of Paris was made with Spain, by which there were left in our possession as owners the Philippines and Porto Rico, and in our custody as trustees for the people of Cuba the island of Cuba, we acquired responsibilities which were met by occupation of those islands with the Army and Navy. In the case of Cuba this continued from 1898 until 1903, when the island was turned over to the Cuban Republic. In the case of Porto Rico this continued from 1898 until the taking effect of the Foraker Act, in April, 1900, and in the Philippines from August 13, 1898, when we took Manila, until March, 1902, when the President was expressly given power to establish a civil government there. During all this interval of congressional silent acquiescence in the action of the President as Commander in Chief, he directly, or through his agents appointed, exercised all the executive power and all the legislative power, and created all the judicial power of government in those territories. After suppressing actual disorder he created a quasi-civil government, and appointed an executive, a civil legislature, and civil judges, and became the lawgiver of 10,000,000 people for a period ranging from two years to four. Now, there was nothing new or startling in the principle of this temporary enlargement of his executive functions. Its novelty was in the great volume of power which the circumstances thrust on him and the responsibilities and the wide discretion which he had to exercise.

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PROTECTION OF PANAMA SECESSIONISTS.

[Quoted from: Peck, Harry Thurston, Twenty Years of the Republic, p. 702.]

At this juncture [when the Hay-Herran treaty was pending, with poor prospects in the Colombian Senate] the State of Panama, incensed by the sacrifice of its commercial interests, seceded from Colombia and established a provisional government of its own, appealing to the United States for recognition. President Roosevelt within three days acknowledged the independence of the Republic of Panama. Physical conditions prevented Colombia from sending troops to Panama by land to coerce the seceding State, and American vessels of war at once appeared in Central American waters and began to cruise up and down the coast. Marines were landed on the Isthmus, and the Colombian Government was informed that the United States would permit no fighting there. France and England almost at once gave their recognition to the new Republic. Colombia then, when it was too late, offered every possible concession, but the offer was rejected. M. Bunau-Varilla, a Franco-Spanish engineer, was by cable accredited as Panama's representative at Washington, and on November 18 he and Secretary Hay signed a treaty by which the Republic of Panama granted to the United States the privilege of constructing a canal in return for $10,000,000 and a guarantee of Panama's independence. To the United States was also given control of a belt of land 10 miles wide through which the canal was to be cut. The provisional government of Panama ratified this treaty on December 2, and it was approved by the United States Senate on February 23, 1904, only 14 votes being cast against it.

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[Quoted from: Rhodes, James Ford, History of the United States from the Compromise of 1850. Harper & Bros., 1895. Vol. 3, pp. 553–554.]

Fearing that the Legislature of Maryland, which was to convene in September, would pass an ordinance of secession, the Secretary of War ordered the arrest of all or any part of its members and several citizens of Baltimore, if necessary, to prevent such action. Under this order Gen. Dix apprehended 10 members elect of the legislature, the mayor of Baltimore, a Congressman, and 2 editors; and at Frederick City, the meeting place of the legislature, Gen. Banks laid hold of "nine secession members." These men were subsequently confined in Fort Lafayette, N. Y., and in Fort Warren, Boston, where other State prisoners arrested in Kentucky and Missouri were also incarcerated. That these arrests were infractions of the Constitution need not for a moment be questioned. They were made on simple orders from the executive departments instead of on the proper warrants required by law. The prisoners were charged with no offense, were brought before no magistrate for examination, and the commandants of the military prisons were instructed to disregard any writ of habeas corpus issued in their behalf. Nevertheless, it would, it seems to me, be historical hypercriticism to find fault with the Federal Government for its exercise of these extraordinary powers in the border States.

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[Quoted from: Rhodes, James Ford, History, etc., vol. 4, p. 413.]

A story about Seward, made up apparently out of whole cloth, became an effective illustration of the argument [that the cause of Vallandigham and others similarly arrested was the cause of civil liberty]. "My Lord," he was reported to have said to Lord Lyons, "I can touch a bell on my right hand and order the arrest of a citizen of Ohio; I can touch a bell again and order the imprisonment of a citizen of New York; and no power on earth except that of the President can release them. Can the Queen of England do so much?" That this story, by dint of iteration and, in spite of denials, by reiteration with circumstantial details, came to be thoroughly believed, is not strange, for, while Seward probably made no such remark, he and Stanton had caused many arrests with no more formality than a telegraphic dispatch.

It might be of interest to note that, under President Lincoln, through his Secretary of State, he issued, among other drastic orders, the following:

DECEMBER 17, 1864.

The President directs that, except immigrant passengers directly entering an American port by sea, henceforth no traveler shall be allowed to enter the United States from a foreign country without a passport. If a citizen, the passport must be from this department or from some United States minister or consul abroad; and if an alien, from the competent authority of his own country, the passport to be countersigned by a diplomatic agent or consul of the United States. This regulation is intended to apply especially to persons proposing to come to the United States from the neighboring British Provinces. Its observance will be strictly enforced by all officers, civil, military, and naval, in the service of the United States, and the State and municipal authorities are requested to aid in its execution. It is expected, however, that no immigrant passenger coming in manner aforesaid will be obstructed, or any other persons who may set out on their way hither before intelligence of this regulation could reasonably be expected to reach the country from which they may have started.

MARCH 14, 1865.

The President directs that all persons who now are or hereafter shall be found within the United States who have been engaged in holding intercourse or trade with the insurgents by sea, if they are citizens of the United States or domiciled aliens, shall be arrested and held as prisoners of war until the war shall close, subject, nevertheless, to prosecution, trial, and conviction for any offense committed by them as spies or otherwise against the laws of war. The President further directs that all nonresident foreigners who now are or hereafter shall be found in the United States, and who have been or shall have been engaged in violating the blockade of the insurgent ports, shall leave the United States within 12 days from the publication of this order, or from their subsequent arrival in the United States, if on the Atlantic side, and 40 days if on the Pacific side, of the country; and such persons shall not return to the United States during the continuance of the war. Provost marshals and marshals of the United States will arrest and commit to military custody all such offenders as shall disregard this order, whether they have passports or not, and they will be detained in such custody until the end of the war, or until discharged by subsequent orders of the President.

It has always been conceded by authorities on constitutional law that the President could not extradite citizens of a foreign country without provisions of law enacted by Congress, but President Lincoln, during the emergency that then existed in 1864, surrendered Arguelles to Spain. (Willoughby, p. 164.)

The Constitution, of course, vests in Congress certain specific war powers, which I do not undertake to discuss at this time; but will say in passing that Congress, in the discharge of its war powers granted under the Constitution, must exercise its own judgment and discretion, and can not shift its responsibility to the people of the Republic for the enactment of legislation upon subjects wholly within its province by saying it was requested by some department head. If Congress shall fail to exercise its own judgment and will, then it will not have the respect of the coordinate branch of the Government nor of the people of the Nation. Congress at this moment prefers to err in granting requested legislation rather than fail to pass sufficient legislation to quickly subdue our foes.

Up to this hour, upon the whole, it can with truth be said of the Sixty-fifth Congress that it has acted in unanimity with the President as Commander in Chief in seeking to destroy our enemies abroad and at home and to preserve the liberty of mankind as a heritage to all the world. [Applause.]

Mr. VOLSTEAD. Mr. Speaker I yield 10 minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Speaker, what is the nature and object of the bill which Congress has under consideration, widely known as the Overman bill, and which some distinguished legislators regard as dangerous to the liberties of the country? By title it is called:

A bill authorizing the President to coordinate or consolidate executive bureaus, agencies, or offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

The objects are stated in the first section of the bill to be as follows:

That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces, the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act—

Then follows the method by which the objects are to be attained—

and to this end [the President] is authorized to make such regulations and to issue such orders as he may deem necessary.

These are the essential features of the proposed legislation. There is a limit fixed for the life of the law of one year after the termination of the war by the proclamation of the treaty of peace, or at such earlier time during the said year that the President may designate.

The remainder of the bill is in the nature of amplification of the details of powers conferred in the first section, together with administrative provisions.

What has been the most prolific source of criticism of the conduct of the war during the past year? It has been a lack of coordination between the various departments of the Government, the various powerful bodies and commissions. Each was going ahead along its own lines and more or less without reference to the effect of its activities upon other agencies of the Government. Often different departments were bidding for supplies against each other, while our allies in the great war were also bidding in the same markets for the same articles.

Our transportation interests, both by sea and rail; our manufacturing and mining interests of steel and coal and of all other things entering into the agencies of war; the food supply—all were being operated without reference to each other and without reference to the necessities and effectiveness of successfully conducting the war.

This intolerable condition was the cause of incalculable loss of valuable time and resources. There was a loud outcry throughout the country in the press and on the floors of Congress at the lack of coordination. It was pointed out that in Great Britain and other ally countries there was some sort of central authority that exercised a general supervision of all departments of war activity, and thus prevented working at cross purposes and waste of money and energy.

The result of this agitation for coordination was the introduction in another branch of Congress of a bill creating a war cabinet intended to correct this flagrant difficulty. I refer to the bill S. 3583, introduced by the Senator from Oregon, Mr. CHAMBERLAIN. Its title is as follows:

A bill to establish a war cabinet, and to define the jurisdiction and authority thereof.

This war cabinet was to be composed of "three distinguished citizens of demonstrated executive ability, to be appointed by the President, by and with the advice and consent of the Senate."

The jurisdiction and authority of the war cabinet is set forth as follows:

(a) To consider, devise, and formulate plans and policies, general and special, for the effectual conduct and vigorous prosecution of the existing war and, in the manner hereinafter prescribed, to direct and procure the execution of the same.

(b) To supervise, coordinate, direct, and control the functions and agencies of the Government in so far as in the judgment of the War Cabinet it may be necessary or advisable so to do for the effectual conduct and vigorous prosecution of the existing war.

(c) To consider and determine, upon its own motion or upon submission to it, subject to review by the President, all differences and questions relating to the conduct and prosecution of the war that may arise between any such departments, officials, and agencies of the Government.

(d) To require information from and utilize the services of any or all executive departments and executive officers or agents of the United States and of the several States and Territories and the District of Columbia necessary or helpful in the proper performance of the duties of said War Cabinet.

(e) In the exercise of the jurisdiction and authority hereby conferred to make, subject to review by the President, the necessary orders to any such department, bureau, official, or agency of the Government, and such decisions as the matters under consideration may require or warrant.

(f) To make rules and regulations governing its own procedure.

There was also introduced into another branch of the Congress a bill to create a department of munitions, intended to confer central authority upon a secretary of munitions of every branch and feature of the production of munitions. The following definition was given of the word "munitions" for the purposes of the act.

For the purposes of this act, such munitions shall be held and considered to be arms, munition, food, clothing, equipment, tentage and other shelter, means of transportation, and any other materials or instrumentalities that the President, in furtherance of the purposes of this act, shall designate as munitions of war.

The bill was entitled "A bill to increase and expedite the supply of munitions of war," and its purpose was described in the first section as follows:

That during the continuance of the present war and for not more than one year after the end thereof there shall be at the seat of government an executive department to be known as the department of munitions and a head thereof who shall be known as the secretary of munitions and who, under the President, shall have and shall exercise, either directly or through any other agents or agencies of the Government that the President may designate for the purpose, full power to provide for, supervise, and control the procurement, manufacture, and distribution of munitions of war.

I shall have occasion to refer to the second section of this bill later in my remarks. It is as follows:

SEC. 2. That the President is hereby empowered, in his discretion, to transfer to the secretary of munitions the whole or any part of any funds, records, and other public property that are now or shall hereafter be in the possession of, or available for the use of, any other agents or agencies of the Government in relation to munitions of war; also to make a like transfer of any powers or duties now vested or imposed, by statute or otherwise, in or upon such agents or agencies in relation to such munitions; also to assign persons in the civil, military, or naval service of the United States to temporary duty under the secretary of munitions. Any records, remaining funds, other property, powers, and duties transferred to the secretary of munitions from any source may be transferred back to that source by the President whenever he shall determine that such action is necessary.

Both of these bills were introduced into Congress by the distinguished chairman of the Senate Committee on Military Affairs, Senator CHAMBERLAIN, of Oregon. They received a great amount of attention at the hands of the press, and were widely discussed and commended among thoughtful men in and out of Congress as being intended to bring about a concentration and unity of effort in production of war munitions and necessaries for the successful conduct of the war.

It was known that Great Britain and other countries in alliance with ourselves had created a ministry of munitions and a war board with functions similar in character to those which were created in these two bills, and that they had worked

out advantageously. I believe that with safety it can be said that a very large majority of the two branches of Congress recognized the lack of coordination between the various departments and agencies having to do with the war. It was impossible for a Member or Senator in the daily intercourse with these departments in the performance of his duties to fail to be impressed with that weak link in our governmental machinery. Everyone recognized that something ought to be done to bring about better teamwork. These two bills seemed to give fair promise of strengthening the weakest member of our line of national defense.

Now, I do not think that these bills were in any way intended to embarrass the President or to curtail his power. The members of the war cabinet were to be appointed by the President, to be sure, by and with the advice and consent of the Senate. That can hardly be considered a restriction, however, as all the members of the Cabinet are appointed under the same conditions. The secretary of munitions also was to be appointed by the President. Notwithstanding this method of appointment, which was altogether in the hands of the Chief Magistrate, the President did not favor these two bills, and had no hesitation in letting his views on the subject be known.

On February 6 of the present year the Senator from North Carolina [Mr. OVERMAN] introduced into the Senate the bill known as the Overman bill, which we have under consideration at this time, which bill is understood to have the full approval of the President.

A comparison of the objects in view in the proposed legislation, as stated respectively in the Chamberlain and the Overman bills, will show that they are not essentially different. They are, in short, to produce unity of purpose and coordination by conferring a general and specific authority over all departments having to do with the war, such departments now being independent of each other. Their accountability to the President is so attenuated that to all intents and purposes they are independent of any outside authority.

While the objects desired to be obtained are the same, the methods proposed are quite different. The Overman bill proposes no war cabinet and no department of munitions. In a very direct way it authorizes the President to "make such a redistribution of functions among executive agencies as he may deem necessary" for the more effective exercise and more efficient administration of his power as Commander in Chief of the land and naval forces. This authority is limited to the period of the war and one year thereafter.

It is objected to this proposed enactment that it confers too great powers upon the President; that in authorizing the President to redistribute functions among executive agencies—that is, to transfer powers conferred by law upon one department to another department or agency—is a surrender of legislative functions by Congress in favor of the Executive and thus unconstitutional.

A very high constitutional authority in another body stated that under this law it would be feasible for the President to transfer the powers of the Supreme Court of the United States from that body to any other governmental agency, and instanced the postmaster of the city of Washington.

Another high constitutional authority replied that if such transfer of powers should be made, the function of the office so transferred would have to be exercised in accordance with the existing laws governing such office and functions.

Mr. Speaker, I desire to call the especial attention of the membership of the House to the fact that the authorization of the President to transfer functions from one department or governmental agency to another, which is the principal objection to the Overman bill, is not confined to that bill. Section 2 of the munitions-department bill, which had the support of most of us, which I have heretofore quoted, empowered the President to transfer to the department of munitions any funds, records, or other property now in possession of other agencies of the Government, and also "to make a like transfer of any powers or duties now vested or imposed, by statute or otherwise, in or upon such agents or agencies in relation to such munitions." It would thus appear that the transfer of powers was deemed as essential to teamwork—coordination—in the Chamberlain bill as it is in the Overman bill.

I am not a lawyer, but I am fully conscious of the value of constitutional guaranties and of the great dangers of autocratic power. In normal times of peace no such enactment as this would receive a moment's consideration at my hands as a legislator. But these are not normal times. We are engaged as a Nation in a life-and-death struggle with the supreme foe of the democracies of the world. We are in the position of a man who must have an operation performed, or a number of operations, to save his life. Of course, the man does not submit to those operations voluntarily and willingly. He hates and abhors them precisely as we hate and abhor the necessary application of the surgeon's knife to our national life and institutions. We hate to vote for laws that permit rude interference with our national customs, our liberty to travel when and where we please, our liberty to eat such food as we prefer, to sell or hold our crops, and to put an arbitrary price upon products. We hate to vote heavy taxes and burdensome bonds upon the future. Still more, we hate to vote for laws to take from their homes our young men and send them to the scenes of bloody conflict in Europe. But we know that these things are necessary to the continued life and liberty of our beloved country, and, realizing the full force of our acts, we unhesitatingly vote for all these things, basing our votes upon such measure of wisdom and justice as God has conferred upon us.

Assuming that under the terms of this bill the President would have authority to transfer the powers of the Supreme Court to the postmaster of Washington, what reason is there to think that he would do that or any other ridiculous act under the law? What reason is there to suppose that he would disturb the orderly working of the Interstate Commerce Commission or any other of the agencies of government not connected with the war or its necessities? It is conceivable that the Interstate Commerce Commission might come within that category; and if it did, why should not the power be exercised? Concentration of power we must have. In whose hands could it more properly and safely be placed than in those of the President of the United States and the Commander in Chief of our Army and Navy? That the President is human is to say that he is not infallible. He is not a superman. There are no supermen. But he is the President of the United States, elected by the people. He is President at a time in our history when God in His providence has seen fit to lay his hand upon us in the affliction of a terrible war. As a historian none of our writers have ever written more clearly and eloquently upon the dangers of autocratic power in the hands of the head of a nation. Is it conceivable that Wilson the President and Commander in Chief has forgotten the principles and teachings of Wilson the scholar, the educator, the historian, and the statesman? No! Being human and a devoted partisan, he may occasionally make a slip, as he did a short time ago with reference to a distinguished Member of this House, now transferred to another branch of the National Legislature. But the people understand this and quickly correct the errors of temperament.

The President is a great American, of high ideals, and devoted to his country. He may be trusted to conscientiously exercise these great powers. Most of us thought well of the Chamberlain bills. He did not. He practically said, "You have given me this job. Do not set the rules by which I am to work it out. Let me do the job my own way." Is not that what almost anyone of us would have desired? I am in favor of letting the President work this job out in his own way.

There are some who would deny the President the authority conferred by this bill on the ground that he sometimes makes mistakes in his choice and judgment of men. He has chosen a great many men for important positions in the public service connected with the war. Some of them have not proven successes. But it is to be remembered that to measure up to the requirements of a great war is a terribly severe test—the real "acid test." So great a man as Abraham Lincoln chose many men in the earlier stages of the Civil War who proved utter failures. The several commanders of the Army of the Potomac followed each other in failure for more than two years, until Meade won the battle of Gettysburg. From that time on to the end of the war Lincoln made few errors in the choice of men. Grant, Sherman, and Sheridan all attracted the attention of the great emancipator, and all to-day live with him in the deathless realms of immortality.

Thus would I have it with our President of to-day, our Commander in Chief in a war on a vastly greater scale than that of the sixties, and involving consequences of as great import to the future of our country. I could wish that our President had followed the course of his immortal predecessor, or that he might yet fellow that course, and rally one more great resource of the country into the awful struggle. Lincoln called into his immediate councils some of the great leaders who had been in political antagonism to him prior to his election as President. They were patriots before partisans, and Stanton, the great War Secretary, and others, accepted the call.

If the President could see his way to place in his Cabinet some of the great men and trusted statesmen of the Republican Party, he would remove one of the obstacles to the verdict of history as to his own real greatness. Sentiment is a wonderful lever on public thought and action. I would not have a single Democratic officeholder removed from Maine to California dur-

ing the term of the present administration. But if the President were to invite to seats in his Cabinet councils one or more of such of the minority party as William Howard Taft, Theodore Roosevelt, Charles Evans Hughes, HENRY CABOT LODGE, JOSEPH G. CANNON, or others of similar worth and character, it would be the equivalent of a great additional army in unifying and coordinating our efforts, and would securely place the name of Woodrow Wilson on the shaft of imperishable and immortal fame as a true patriot above all his other strong claims to distinction.

If, however, the President shall continue mainly to confine his councils to the members of his own political party, I shall make no complaint or criticism, and hope that his selections of such counselors may always be best for his own fame and for the good of our dear country. He will have my unqualified support, and he will have the support of the great Republican Party without stint or measure in the great work of prosecuting the war for the defense of America and the freedom and democracy of the world.

Mr. Speaker, holding these views, and without in any way compromising the dignity of the Congress by voting to confer these great powers on the Executive for the period of the war, I shall unhesitatingly cast my vote for the pending Overman bill as desired by the President and Commander in Chief. [Applause.]

Mr. WEBB. Mr. Speaker, while we are waiting for a moment, I would like to see if we can get some understanding what procedure we will follow after general debate is exhausted on the bill. I realize that there is no such thing as the five-minute rule in the House, and yet I feel bound in good faith to agree to let gentlemen, who have amendments to this bill, offer them, and I would like if we can get some understanding as to what time we are going to have on each amendment so there will be no ill feeling when we come to it to-morrow.

Mr. GILLETT. Why does not the gentleman ask unanimous consent that debate on amendments be under the five-minute rule?

Mr. GARNER. That will not do.

Mr. GILLETT. Why not?

Mr. GARNER. Because we tried to get to consider this bill to-day under the five-minute rule in the Committee of the Whole House on the state of the Union and the gentleman objected to that and we are considering it in the House.

Mr. GILLETT. But we can agree that amendments be considered under the five-minute rule.

Mr. GARNER. But in the House, as in Committee of the Whole House on the state of the Union, you have got to keep 220 Members here as a quorum, whereas if we had gone into Committee of the Whole House on the state of the Union under the five-minute rule we would only have required 100 Members for a quorum.

Mr. GILLETT. How does that affect debate under the five-minute rule in the House?

Mr. GARNER. It affects it to the extent that in one case you have to have 100 Members and in the other case you have to have 220 for a quorum.

Mr. WALSH. Of course, there have been 220 here all the afternoon.

Mr. GARNER. Can not we make some agreement as to offering one or two or three amendments and then move the previous question on all amendments and the bill to final passage?

Mr. STAFFORD. What objection is there to the suggestion of the gentleman from Massachusetts that this bill be considered for amendment by sections under the five-minute rule?

Mr KITCHIN. I suggest the gentleman from North Carolina ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union——

Mr. GILLETT. I should not care to agree to that, because there is this distinction, in the House you have the right to a roll call on each amendment.

Mr. KITCHIN. The gentleman would under this.

Mr. GILLETT. Not if you are considering it in the House as in the Committee of the Whole House on the state of the Union.

Mr. KITCHIN. It would be considered as in the Committee of the Whole House on the state of the Union.

Mr. GILLETT. The gentleman means by that to shut off a roll call——

Mr. KITCHIN. You can not shut off the roll call by that.

Mr. GILLETT. Then I should have no objection.

Mr. KITCHIN. I desire to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KITCHIN. When you consider a bill in the House as in the Committee of the Whole House on the state of the Union any person is entitled to demand the yeas and nays, and if one-fifth of the Members present are in favor of demanding the yeas and nays there must be a roll call. must there not?

The SPEAKER pro tempore. The Chair's recollection is that that rule applied to bills that were on the Union Calendar that were considered in the House as in the Committee of the Whole, but as to the bills that were on the House Calendar, the Chair's recollection is not clear about.

Mr. KITCHIN. Suppose we get unanimous consent to consider the bill in the House as in the Committee of the Whole? That carries with it, certainly, the right to a roll call.

Mr. GILLETT. Mr. Speaker, there is not the slightest disposition, when I speak of a roll call, to filibuster. I do not think there is the slightest disposition on this side to do that, and we will not want any roll call on the amendment.

Mr. GARNER. Let me make a suggestion to the gentleman from Massachusetts. I have no desire to object to considering the bill in the House as in the Committee of the Whole under the five-minute rule, except I want the gentleman from North Carolina [Mr. WEBB] to reserve his right to move the previous question on the bill and all amendments to final passage at some stage of the procedure. Why does not the gentleman ask, if he knows just exactly the number of amendments that are wanted to be offered——

Mr. GILLETT. I do not.

Mr. GARNER. And say, for instance, that half a dozen may be offered?

Mr. STAFFORD. The gentleman realizes that the orderly procedure will be to take up the bill by sections, as suggested by the gentleman from North Carolina [Mr. WEBB], under the five-minute rule.

Mr. GARNER. At what time would the gentleman from North Carolina [Mr. WEBB] be able to move the previous question?

Mr. STAFFORD. At the conclusion of the reading of the bill.

Mr. GARNER. That might be a week from now.

Mr. KITCHIN. I think this, that if the unanimous consent, as suggested by me, was granted the gentleman from North Carolina, or any other gentleman, if he got the floor, could demand the previous question at any time. But they would hardly do it, and I have never known it to be done when we were working in the House as if it were in Committee of the Whole under the five-minute debate. But he still would have that power. As I understand, under such unanimous-consent agreement as I suggested you could read the bill under the five-minute rule.

Mr. GILLETT. Section by section?

Mr. KITCHIN. And no general debate. You could read it, and the Members could offer the amendments just as if we were in the Committee of the Whole House on the state of the Union, but if any division occurred a roll call could be demanded. Another privilege which a Member could have when he got the time and was recognized would be that he could demand the previous question and cut off all amendments. It is a question as to whether or not the House would give it, of course.

The SPEAKER pro tempore. If the Chair may be permitted to make a statement, this is a somewhat peculiar situation. It is the first time in the recollection of the Chair that general debate has been agreed upon on a bill that is on the House Calendar.

Mr. STAFFORD. Will the Chair permit me, in that particular——

The SPEAKER pro tempore. If the Chair might be permitted to suggest, there is considerable time left under general debate, as agreed upon. There could be an agreement whereby gentlemen could offer their amendments during the time of general debate and speak to their amendments or the bill. It would seem to simplify the situation.

Mr. WEBB. If that could be agreed to, Mr. Speaker, I would be willing to extend the time for the general debate an hour or two.

Mr. STAFFORD. Does not the gentleman realize that the more orderly procedure would be to have the bill considered section by section and have the amendments offered as suggested and have the debate limited and amendments voted on?

Mr. WEBB. That is the way in the Committee of the Whole.

Mr. STAFFORD. After the gentleman from North Carolina [Mr. WEBB] obtained unanimous consent to have this bill considered it was the understanding that there would be a liberal debate, not only general debate, but also liberal debate on and opportunity offered for amendment? It is only the carrying out the understanding of the House to follow the suggestion of the gentleman from North Carolina.

Mr. GILLETT. I do not see any inclination upon the part of the Members on this side of the aisle to filibuster.

Mr. GREEN of Iowa. Not a bit.

Mr. KITCHIN. And I am sure that there is no intent or purpose, if we have the unanimous-consent agreement—that is, in the mind of the gentleman from North Carolina [Mr. WEBB] or any other gentleman on this side—to demand the previous question. Of course, he can control the situation if he sees that the Members on that side are just simply filibustering. Then, of course, he would demand it.

Mr. GILLETT. I would not blame him under those circumstances. On the other hand, we want the right to discuss amendments freely, as was understood, and it seems to me, under the five-minute rule. It is limiting debate very emphatically. But that is the understanding I had this morning when we agreed upon the general debate. I understood it was not expressed in it, but it was the implied understanding, that after that we were to agree to take up the bill under the five-minute rule.

Mr. MOORE of Pennsylvania. I think it is fair to the gentleman from North Carolina [Mr. WEBB] to say that is about the understanding he gave this morning.

Mr. WEBB. That is what I wanted. I am trying now to arrange a procedure by which that very thing can be carried out.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WEBB. The trouble of it is we are trying to operate under the five-minute rule in the House, when there is no provision for that sort of thing in the House.

Mr. MOORE of Pennsylvania. I have not heard of more than two or three amendments. I have one that I want to offer. That would not take more than five minutes, so far as I am concerned. I do not know as to other gentlemen.

The SPEAKER pro tempore. If the gentleman from North Carolina would yield the floor for an amendment, he would lose, of course, control of the floor under the general rules of the House.

Mr. GARNER. Mr Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER. If the House should agree to the unanimous-consent request made by the gentleman from North Carolina [Mr. KITCHIN] that we consider this bill in the House as in Committee of the Whole and read the bill by paragraphs under the five-minute rule, would the gentleman from North Carolina [Mr. WEBB], at any time he saw proper, have the right to get the floor and move the previous question on the bill and amendments? Would that be in order?

Mr. WEBB. Before finishing the reading?

Mr. GARNER. Yes.

The SPEAKER pro tempore. I do not think so.

Mr. GILLETT. I think we ought to read the bill. Then why not agree to it?

Mr. GARNER. Mr. Speaker, may I make a suggestion to the gentleman from North Carolina, Mr. KITCHIN, and the gentleman from North Carolina, Mr. WEBB? Why not set an hour to-morrow at which we will take a vote on all amendments and the bill on final passage?

Mr. GILLETT. We will not know how much time we will want.

Mr. STAFFORD. Some conference reports may be presented that will require time and some amendments may be offered. Let us carry out the original intention for the consideration of the bill.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. WALSH. Will it be a public calamity if the bill is not passed to-morrow before adjournment?

Mr. WEBB. Well, I am anxious to expedite the passage of the bill just as the gentleman is.

Mr. GILLETT. Why not agree that the bill shall be read section by section, and that amendments be allowed to each section, and have a five-minute debate on each, and at the end of the reading order the previous question?

Mr. GARNER. I agree with the gentleman from Massachusetts that there ought to be opportunity given to amend the bill, although I will confess that if I were in control of the bill I would move the previous question. But I am not in control of the bill. If one-fifth of the membership of the House, enough to call for the yeas and nays, should see proper to filibuster, you could not pass this bill in a week to save your life, because you could get a roll call on every amendment.

Mr. KITCHIN. The gentleman from North Carolina would then have the right to move the previous question.

Mr. GARNER. He would not have the right under this rule to move the previous question. But the Committee on Rules could then bring in a rule and do away with it.

Mr. GILLETT. There is no disposition, I will say, on this side to delay the passage of the bill.

The SPEAKER pro tempore. If the Chair may be permitted to make a suggestion, it seems there should be no great disagreement. It seems to the Chair that the gentleman from North Carolina [Mr. WEBB] and the gentleman from Massachusetts [Mr. GILLETT] being thoroughly agreed as to what they desire, should be able to get together between now and morning and draw up a proposition and submit it for unanimous consent. That would obtain the exact end that it is desired to attain. If you attempt to do it now by unanimous consent, it confuses the matter under the general rules of the House.

Mr. WEBB. I think we are pretty well agreed upon what we want to do. I ask unanimous consent that when the general debate is exhausted on the bill we shall consider the bill in the House as in Committee of the Whole under the five-minute rule, and at the end of that consideration the previous question on the bill shall be considered as ordered.

Mr. KITCHIN. At the end of the reading of the bill under the five-minute rule?

Mr. WEBB. Yes. I will say that I want fair discussion on any amendment, but if there is any disposition to filibuster I want to use any right that is given to me by the rules. But I am sure that will not be necessary.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that when the general debate shall have been concluded the bill shall be read for amendment——

Mr. KITCHIN. By sections——

The SPEAKER pro tempore. And that there shall be applied to it what is known as the five-minute rule, and that at the end of the reading for amendment under the five-minute rule the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WEBB. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WEBB. During the discussion of the bill under the five-minute rule—I ask the Speaker the question if it would be in order, in case the necessity arises, to move the previous question?

The SPEAKER. Whenever the gentleman from North Carolina yields the floor for purposes of amendment he yields the floor for all purposes, and loses control of the floor. If he should get recognition at any time, of course, he would still have the floor.

Mr. WEBB. I am willing to stay here a whole week and debate the bill and consider amendments to it, as far as I am concerned.

Mr. GILLETT. All we want is an opportunity to have the amendments considered.

The SPEAKER pro tempore. There was no objection to the request of the gentleman from North Carolina, and that order is made.

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the business of Calendar Wednesday for this week, Wednesday, be dispensed with.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the Calendar Wednesday business upon next Wednesday be dispensed with. Is there objection?

Mr. BANKHEAD. Reserving the right to object, what committee have the call?

Mr. KITCHIN. The Committee on Interstate and Foreign Commerce, and they do not object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GEORGE CREEL.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent for two minutes.

The SPEAKER pro tempore. The gentleman from Massachutts asks unanimous consent to speak for two minutes. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Speaker, I call the attention of the gentleman from North Carolina [Mr. KITCHIN], who is the leader of the House, and so probably more than anyone else responsible for its dignity, to a sentence from a speech by Mr. George Creel, who holds an important Government position under this administration, made in New York yesterday. In the course of his speech the question was asked him:

What is a loyal heart? Have all the Members of Congress loyal hearts?

Mr. Creel responded:

I don't like slumming, so I won't explore into the hearts of Congress.

I think it is not improper to bring that to the attention of the leader of the House for his opinion or action.

Mr. KITCHIN. I do not know that my opinion will be worth anything. I should like to know what paper the gentleman is reading from.

Mr. GILLETT. The New York World of this morning.

Mr. KITCHIN. With all respect to the New York World, I would rather see that verified by Mr. Creel or somebody else, rather than take what the New York World says about it. In my experience in reading the New York World I have found that it is most difficult for that paper to state the exact facts about anything. [Applause.] But I would say this, that if Mr. Creel or anybody else at the head of any responsible bureau, or department, or commission under this Government made any such statement, or has any such opinion of Congress, then he is not worthy the respect of any Member of this House, or of any patriotic or decent citizen of the United States. [Applause.]

INDIAN APPROPRIATIONS.

Mr. CARTER of Oklahoma presented the conference report on the bill H. R. 8696, which was ordered to be printed in the RECORD under the rule.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned until Tuesday, May 14, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11520) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, reported the same with amendment, accompanied by a report (No. 559), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TILLMAN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 2614) to amend sections 2139 and 2140 of the Revised Statutes and the acts amendatory thereof, and for other purposes, reported the same with amendment, accompanied by a report (No. 560), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11092) granting an increase of pension to Isaac N. Dysard; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11441) granting an increase of pension to John Fink; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11972), granting a pension to Mary A. Abbott; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GANDY: A bill (H. R. 12082) authorizing the sale of certain lands in South Dakota for cemetery purposes; to the Committee on Indian Affairs.

By Mr. GRAHAM of Illinois: A bill (H. R. 12083) to prohibit the killing, trapping, netting, ensnaring, hunting, having in possession, and sale of certain wild birds in the District of Columbia; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALDWELL: A bill (H. R. 12084) granting an increase of pension to John Collins; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 12085) granting an increase of pension to Oliver R. De Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12086) granting an increase of pension to Benjamin H. Weaver; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 12087) granting a pension to John Byron Golden; to the Committee on Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 12088) for the relief of the heirs of Benjamin S. Roberts; to the Committee on Claims.

By Mr. HASKELL: A bill (H. R. 12089) granting an increase of pension to Andrew Wray; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 12090) granting an increase of pension to John C. Dickerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12091) granting an increase of pension to Renhard Habig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12092) granting an increase of pension to James F. Justice; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 12093) granting a pension to Charles H. Beatty; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 12094) granting an increase of pension to Paul A. Lynch; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 12095) granting an increase of pension to Edwin A. Gordon; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 12096) granting a pension to W. W. Treadway; to the Committee on Pensions.

By Mr. ROWE: A bill (H. R. 12097) granting a pension to Laura A. Woods; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CLARK of Pennsylvania: Petition of Rev. A. S. M. Hopkins, pastor Asbury Methodist Episcopal Church, of Erie County, Pa., praying for the repeal of the Federal law for increase of postage rates on periodicals; to the Committee on Ways and Means.

By Mr. ELSTON: Petition of Mrs. E. S. Goding, Mrs. A. R. Tilley, Mrs. M. C. Lane, and others of Alameda County, Cal., favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Illinois: Petition of the faculty of Monmouth College, Monmouth, Ill., protesting against the zone system of postage on second-class mail matter and petitioning for the repeal of the same; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Memorial of Rev. John A. Armstrong and 46 other citizens of Kensington, Ohio, asking repeal of zone system of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Iowa: Resolutions of the citizens of Washington and Fairfield, Iowa, on the subject of polygamy; to the Committee on the Judiciary.

By Mr. MERRITT: Petition of the Sons of Temperance of Connecticut urging the passage of war prohibition legislation now pending in Congress; to the Committee on the Judiciary.

By Mr. RAKER: Petition or memorial of the national service and war-time commissions of the American churches in re prohibition; to the Committee on the Judiciary.

Also, resolution adopted unanimously by the Grand Commandery of Knights Templar, of San Francisco, in unwavering support of the war; to the Committee on Military Affairs.

By Mr. RUBEY: Petition of 24 citizens of Phelps County, Mo., urging the prohibition of publication of German language papers and the teaching of German in public and high schools; to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 14, 1918.*

(Legislative day of Monday, May 13, 1918.)

The Senate met at 12 o'clock noon.

ESTIMATES OF APPROPRIATION (S. DOC. NO. 224).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia submitting supplemental estimates of appropriation in the sum of $275,000 required by the District of Columbia for such additional services, improvements, maintenance, and repairs as may be urgently needed, due to the existing war, for the fiscal year 1919, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the Speaker of the House had signed the enrolled bill (H. R. 11245) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917, and it was thereupon signed by the Vice President.

PETITIONS.

Mr. McKELLAR presented a petition signed by the governor and sundry other citizens of Tennessee, praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Rotary Club of Santa Barbara, Cal., praying for the enactment of legislation to provide punishment for persons responsible for pro-German activities or who interfere with the Government in the prosecution of the war, which was ordered to lie on the table.

Mr. HALE presented a petition of sundry citizens of Maine, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a petition of the Kennebec County Medical Association, of Augusta, Me., praying for the enactment of legislation to provide advanced rank for officers in the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of the Local Branch, Maine State Federation of Labor, of Pejepscot, Me., praying for the enactment of legislation to provide for the rehabilitation and reeducation of crippled soldiers and sailors, which was referred to the Committee on Education and Labor.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 4534) granting an increase of pension to J. S. Driggs; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4535) granting an increase of pension to John W. Franklin; to the Committee on Pensions.

AMENDMENTS TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment providing that the plat of land known as "Reservation 126" in the District of Columbia be transferred to the Commissioners of the District for playground purposes, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $24,860 for the establishment of free dental clinics in the public schools, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $40,000 for a new site for the Industrial Home School, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment proposing to increase the salary of the chief of the building inspection division, District of Columbia, from $1,500 to $1,800 per annum, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing for librarians in class 5, 10 at $950 each, in the public schools in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

CONVICT-MADE GOODS.

Mr. KELLOGG submitted an amendment intended to be proposed by him to the bill (S. 3076) to employ convict labor for the production of war supplies, and to authorize their purchase by the Federal Government; to regulate the compensation and hours of labor and fix standards; to prohibit the purchase of war supplies manufactured by convicts under private contract; to limit the effect of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory; and to equip the United States Penitentiary at Atlanta, Ga., Leavenworth, Kans., and McNeill Island, Wash., and the United States Army prison and disciplinary barracks, and the United States naval prison for the manufacture of supplies for the use of the Government, for the compensation of the prisoners for their labor, and for other purposes, which was referred to the Committee on Education and Labor and ordered to be printed.

THE CALENDAR—AMENDMENT OF THE RULES.

Mr. SHEPPARD. Out of order, I wish to introduce a resolution for an amendment to the rules, pursuant to the notice I gave yesterday. I ask that it be referred to the Committee on Rules.

The resolution (S. Res. 242) was referred to the Committee on Rules, as follows:

Resolved, That paragraph 3 of Rule VII of the Standing Rules of the Senate be amended as follows:

In line 2 strike out the words "or until the hour of 1 o'clock" and in lieu thereof insert "and until the hour of 2 o'clock," so that the paragraph as amended would read as follows:

"3 Until the morning business shall have been concluded, and so announced from the chair, and until the hour of 2 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Presiding Officer unless by unanimous consent; and if such consent be given, the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up."

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gulon	Nelson	Shields
Beckham	Hale	New	Simmons
Brandegee	Harding	Norris	Smoot
Calder	Hardwick	Nugent	Sterling
Chamberlain	Johnson, Cal.	Overman	Sutherland
Colt	Jones, Wash.	Page	Thomas
Culberson	Kellogg	Phelan	Thompson
Cummins	Kenyon	Poindexter	Townsend
Curtis	King	Pomerene	Trammell
Dillingham	Kirby	Ransdell	Vardaman
Fall	Knox	Robinson	Walsh
Fernald	Lenroot	Saulsbury	Watson
Fletcher	Lodge	Shafroth	Weeks
France	McKellar	Sheppard	Wilfley
Gallinger	McNary	Sherman	Williams

Mr. OVERMAN. I announce that the junior Senator from Virginia [Mr. SWANSON] is necessarily detained from the Senate.

Mr. SHEPPARD. I wish to announce that the junior Senator from Nevada [Mr. HENDERSON] and the junior Senator from New Mexico [Mr. JONES] are detained on official business.

Mr. BECKHAM. I desire to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

Mr. SUTHERLAND. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The pending amendment is the amendment of the Senator from Utah [Mr. KING], on page 17, to strike out the paragraph as amended. It will be stated.

The SECRETARY. On page 17, beginning with line 7, it is proposed to strike out the remainder of the paragraph as amended, or the following words:

That out of this appropriation the Postmaster General is authorized to expend not exceeding $100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service between such points as he may determine: *Provided further*, That the Postmaster General, in his discretion, may fix the amount of postage on mail carried by aeroplane at not exceeding 24 cents an ounce or fraction thereof.

Mr. BANKHEAD. Mr. President, I understand the proviso is included in the motion to amend. I have not a word to say on this subject. I have said all I care to say, and I am ready to vote, as far as I am concerned.

The VICE PRESIDENT. The question is on agreeing to the motion to strike out. [Putting the question.] The Chair can not decide a vote of that kind. [Putting the question again.] It is as bad as it was before. Unless the yeas and nays are called for the Chair will call for a division. All in favor will rise.

There were, on a division—ayes 12, noes 13.

The VICE PRESIDENT. The motion to strike out is lost.

Mr. KENYON. I ask for the yeas and nays if it is in order.

The VICE PRESIDENT. The Chair rules invariably that when there has been a division the yeas and nays can not be called. The Chair asked whether any Senator wanted the yeas and nays.

Mr. KENYON. What was the vote?

The VICE PRESIDENT. Twelve to thirteen. It can be renewed in the Senate.

Mr. KENYON. The vote indicates that there is no quorum present.

The VICE PRESIDENT. That is very true.

Mr. KENYON. Can the Senate vote without a quorum?

The VICE PRESIDENT. The Chair is going to stick to the ruling made many times, that the yeas and nays can not be called for after a division and announcement of decision.

Mr. GALLINGER. Mr. President, I should like to make an inquiry. Under what rule or what custom in legislative bodies are the yeas and nays denied because a division was asked?

The VICE PRESIDENT. Under no custom, the Chair will answer the Senator from New Hampshire, except the custom of the present occupant, who has a number of times ruled that when the yeas and nays were not called for and there was a division and announcement of result, it was the consensus of opinion that the division settled the question, and that, in the opinion of the Chair, it was too late to call for the yeas and nays.

Mr. GALLINGER. I wish simply to add this word, that I have never known that custom to prevail in any legislative body I have had knowledge of, and it is an innovation, of course, on the rules of the Senate.

Mr. BRANDEGEE. Mr. President, I simply want to make this observation: I can not consent to the justice of the ruling of the Chair or the reasonability of it. It seems to me when the Chair announced that 13 Senators vote one way and 12 another, making a total of 25, which is manifestly but half a quorum, such a vote as that ought to be declared to be void. As the Chair knows, there was no quorum voting. I do not think that ought to bind the Senate of the United States of America.

Mr. KNOX. Mr. President, I am constrained to concur in the objection that is made to the ruling of the Chair. The demand for the yeas and nays is a constitutional right. It does not depend upon the rule of the Senate; it does not depend upon custom.

The VICE PRESIDENT. Just a moment. Will the Senator from Pennsylvania answer the Chair this question: Is it a constitutional right after the Chair has announced the vote and it is decided?

Mr. KNOX. It seems to me it is a constitutional right of either House to have the yeas and nays entered upon the Journal. The provision of the Constitution is as follows:

> Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the Members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal.

The VICE PRESIDENT. Can the Senate vote on this question to-morrow? Some one rises to-morrow and says, "I would like to have the yeas and nays on the motion to strike out."

Mr. KNOX. It is to be done, of course, while the matter is before the Senate.

The VICE PRESIDENT. It is not before the Senate when the Chair has decided it.

Mr. KNOX. Of course, I want to defer as far as I can to the judgment of the Chair, unless an exception is taken to it; but I think the Senate should be sustained in its right to have a vote by yeas and nays under the existing circumstances.

The VICE PRESIDENT. On this particular case the Chair asked the Senate if any Senator desired the yeas and nays, and no Senator requested them.

Mr. GALLINGER. It was hardly the prerogative of the Chair to make an inquiry of that kind. I must dissent from the ruling of the Chair. I take an appeal from his ruling.

The VICE PRESIDENT. An appeal is taken from the ruling of the Chair. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. WALSH. Mr. President, I shall vote to sustain the ruling of the Chair, and I shall vote that way because the call for the yeas and nays was not made until after the vote had been taken and the result announced by the Chair. It occurs to me that that has finally disposed of the question.

Mr. GALLINGER. Will the Senator allow me a question? Suppose in place of a division the Chair had announced the result of a viva voce vote, would not the right to call for the yeas and nays then have been in order?

Mr. WALSH. I do not so understand the rule. When would it end? We take a viva voce vote to-day and the Chair announces that the motion is carried. Am I to understand the Senator from New Hampshire to assert that to-morrow some Senator may come in and make a demand for the yeas and nays?

Mr. GALLINGER. No, I do not so contend; but I do contend if the Chair had taken a viva voce vote and declared that the ayes had it or the noes had it it would not have settled it any more than a division, and it will be settled when the constitutional provision is complied with, which is that we have a right to have the vote by yeas and nays.

Mr. WALSH. I inquire of the Senator from New Hampshire, so that we may understand it clearly, how much time must elapse between the announcement of the Chair and when a demand for the yeas and nays has actually been lost?

Mr. GALLINGER. It should be taken, I think, as in this instance, almost immediately.

Mr. WALSH. How long is "immediately"?

Mr. GALLINGER. Oh, well, that the Senator can decide as well as I; before another subject matter is taken up.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hale	Nelson	Simmons
Beckham	Harding	New	Smoot
Brandegee	Hardwick	Norris	Sterling
Calder	Hitchcock	Nugent	Sutherland
Chamberlain	Johnson, Cal.	Overman	Thomas
Colt	Jones, Wash.	Page	Thompson
Culberson	Kellogg	Phelan	Townsend
Cummins	Kenyon	Poindexter	Trammell
Curtis	King	Pomerene	Vardaman
Dillingham	Kirby	Ransdell	Wadsworth
Fall	Knox	Robinson	Walsh
Fletcher	Lenroot	Saulsbury	Weeks
France	Lodge	Shafroth	Willey
Gallinger	McKellar	Sheppard	Williams
Gronna	McNary	Sherman	
Gulon	Martin	Shields	

Mr. OVERMAN. I announce that the junior Senator from Virginia [Mr. SWANSON] is necessarily detained from the Senate.

Mr. SHEPPARD. I wish to announce that the junior Senator from Nevada [Mr. HENDERSON] and the junior Senator from New Mexico [Mr. JONES] are detained on official business.

Mr. BECKHAM. I desire to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present. The pending question is, Shall the ruling of the Chair stand as the ruling of the Senate? The ruling of the Chair is that after an announcement by the Chair of a decision it is too late for a Senator to call for the yeas and nays.

Mr. TOWNSEND. I understood the further ruling of the Chair was that the Chair had heretofore made a ruling that when a division had been called for the yeas and nays were not thereafter in order.

The VICE PRESIDENT. The Chair has so decided three times since he has been here, and this is the first appeal which has been taken from the ruling of the Chair.

Mr. POINDEXTER. Mr. President, I should merely like to call attention to the rule as laid down in Jefferson's Manual, at least to what seems to have been the opinion of Mr. Jefferson on this question. If I understand correctly what he says, as found on page 132 of the Senate Rules and Manual, it is to the effect that it is in order to demand the yeas and nays at any time before any new motion; and that I understand to mean any intervening business. Mr. Jefferson says:

> The affirmative and negative of the question having been both put and answered, the Speaker declares whether the yeas or nays have it by the sound, if he be himself satisfied, and it stands as the judgment of the House. But if he be not himself satisfied, which voice is the greater, or—

The disjunctive there is quite important—

> if before any other Member comes into the House, or before any new motion made (for it is too late after that) any Member shall rise and declare himself dissatisfied with the Speaker's decision, then the Speaker is to divide the House.

Mr. GALLINGER. Question!

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the ruling of the Senate? [Putting the question.] The Chair does not know as to how he is going to decide that question either.

Mr. KENYON. Let us have the yeas and nays on that, Mr. President.

Mr. LODGE. Let us have the yeas and nays on it.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily

absent. I am paired with him for the day, and therefore withhold my vote.

Mr. SAULSBURY (when his name was called). Has the senior Senator from Rhode Island [Mr. COLT] voted?

The VICE PRESIDENT. He has not.

Mr. SAULSBURY. I have a general pair with that Senator, which I transfer to the Senator from Oklahoma [Mr. OWEN], and vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH], who is not present. I therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. WALSH (when his name was called). I have a pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. WEEKS (when his name was called). I have a general pair with the Senator from Kentucky [Mr. JAMES], who is absent. I therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). May I inquire if the Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. Then I am compelled to withdraw my vote, having a pair with that Senator.

Mr. HARDING. I transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Idaho [Mr. BORAH] and vote "nay."

Mr. WATSON (after having voted in the negative). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. In his absence I withdraw my vote.

Mr. CALDER (after having voted in the negative). I have a pair with the junior Senator from Rhode Island [Mr. GERRY]. In his absence, I withdraw my vote.

Mr. SHEPPARD. I desire to announce that the Senator from North Carolina [Mr. OVERMAN] is absent on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED].

The result was announced—yeas 25, nays 29, as follows:

YEAS—25.

Bankhead	King	Saulsbury	Trammell
Beckham	Kirby	Shafroth	Walsh
Chamberlain	McKellar	Shields	Willey
Culberson	Martin	Simmons	Williams
Fletcher	Nugent	Smith, Ga.	
Guion	Pomerene	Thomas	
Hollis	Ransdell	Thompson	

NAYS—29.

Baird	Hale	McNary	Smoot
Brandegee	Harding	Nelson	Sutherland
Cummins	Johnson, Cal.	New	Townsend
Curtis	Kellogg	Norris	Vardaman
Fall	Kenyon	Page	Wadsworth
France	Knox	Phelan	
Gallinger	Lenroot	Poindexter	
Gronna	Lodge	Sheppard	

NOT VOTING—42.

Ashurst	Henderson	Myers	Smith, S. C.
Borah	Hitchcock	Overman	Sterling
Calder	James	Owen	Swanson
Colt	Johnson, S. Dak.	Penrose	Tillman
Dillingham	Jones, N. Mex.	Pittman	Underwood
Fernald	Jones, Wash.	Reed	Warren
Frelinghuysen	Kendrick	Robinson	Watson
Gerry	La Follette	Sherman	Weeks
Goff	Lewis	Smith, Ariz.	Wolcott
Gore	McCumber	Smith, Md.	
Hardwick	McLean	Smith, Mich.	

So the decision of the Chair was overruled.

The VICE PRESIDENT. Is the request of the Senator from Iowa [Mr. KENYON] for the yeas and nays seconded? [A pause.] It is. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). On account of my general pair with the senior Senator from Maryland [Mr. SMITH] I withhold my vote.

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD] and can arrange no transfer. Therefore I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. JONES of Washington (when his name was called). As I announced awhile ago, the junior Senator from Virginia [Mr. SWANSON] is necessarily absent for the day, and I am paired with him during the day. Therefore I withhold my vote. I shall allow this notice to stand for the remainder of the day.

Mr. STERLING (when his name was called). Making the same announcement as to my pair as heretofore, I withhold my vote.

Mr. THOMAS (when his name was called). Reannouncing my pair and its transfer, I vote "nay."

Mr. WALSH (when his name was called). As heretofore announced, I am paired with the senior Senator from New Jersey [Mr. FRELINGHUYSEN]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. I am unable to arrange a transfer, and in his absence I withhold my vote. If permitted to vote, I should vote "yea."

Mr. WEEKS (when his name was called). I make the same announcement as before as to my pair, and withhold my vote.

The roll call was concluded.

Mr. CALDER (after having voted in the affirmative). I am paired with the junior Senator from Rhode Island [Mr. GERRY], and in his absence withdraw my vote.

Mr. FALL (after having voted in the affirmative). I note the absence of the junior Senator from Wyoming [Mr. KENDRICK], with whom I have a general pair. He requested me to observe the pair upon one of the amendments to this bill, and I presume that he is relying upon my observing it upon the others. I therefore withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED].

The result was announced—yeas 24, nays 32, as follows:

YEAS—24.

Baird	Gronna	Lenroot	Phelan
Brandegee	Guion	Lodge	Sherman
Chamberlain	Hale	McNary	Smith, Ga.
Cummins	Kellogg	Nelson	Smoot
Curtis	Kenyon	New	Sutherland
Gallinger	King	Page	Wadsworth

NAYS—32.

Bankhead	Hollis	Poindexter	Simmons
Beckham	Johnson, Cal.	Pomerene	Thomas
Culberson	Kirby	Ransdell	Thompson
Fletcher	Knox	Robinson	Townsend
France	McKellar	Saulsbury	Trammell
Hardwick	Martin	Shafroth	Vardaman
Henderson	Norris	Sheppard	Walsh
Hitchcock	Nugent	Shields	Willey

NOT VOTING—40.

Ashurst	Gore	McLean	Smith, S. C.
Borah	Harding	Myers	Sterling
Calder	James	Overman	Swanson
Colt	Johnson, S. Dak.	Owen	Tillman
Dillingham	Jones, N. Mex.	Penrose	Underwood
Fall	Jones, Wash.	Pittman	Warren
Fernald	Kendrick	Reed	Watson
Frelinghuysen	La Follette	Smith, Ariz.	Weeks
Gerry	Lewis	Smith, Md.	Williams
Goff	McCumber	Smith, Mich.	Wolcott

So Mr. KING's amendment was rejected.

Mr. WALSH. Mr. President, before we pass from the subject upon which the vote was taken a few moments ago, I shall take the liberty of reading from the CONGRESSIONAL RECORD of June 19, 1914, page 10728, as follows:

Mr. ASHURST. I call for the question.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS] to the amendment of the committee. All in favor of the amendment will say "aye." [After a pause.]

Mr. OWEN. Mr. President, I wish to move to table the amendment to the amendment.

The VICE PRESIDENT. If that is the purpose, the Chair will be compelled to rule that it is too late now.

Mr. OWEN. I do not insist upon it.

The VICE PRESIDENT. All those opposed to the amendment to the amendment will say "no." [After a pause.] The Chair is unable to decide. All in favor of the amendment to the amendment will rise. [After a pause.] Those opposed will rise. [After a pause.] The amendment to the amendment is agreed to. The question now is on agreeing to the amendment of the committee as amended.

Mr. GORE and Mr. OWEN called for the yeas and nays.

Mr. SMOOT. The Senators can not call for the yeas and nays now, after the result of the vote has been announced.

Mr. GORE. Mr. President, we could not have any way of knowing whether we have a quorum or not. I was trying to secure recognition before the result of the vote was announced, but I did not quite succeed in doing so.

The VICE PRESIDENT. The Chair does not believe the yeas and nays can now be called for. There was an opportunity for it and a division. The question is on agreeing to the amendment of the committee as amended.

The Vice President made the same ruling on July 9, 1914. The record thereof will be found on page 11843 of the CONGRESSIONAL RECORD.

Mr. GALLINGER. Mr. President, on that point I will simply observe that I did not take an appeal from the ruling of the Vice President because I did not think it was important on those matters. I had it in mind to do so, but did not. The fact that the Senator from Utah reenforced the Vice President simply proves that two excellent men, who always mean to do right, made a mistake.

Mr. SMOOT. Mr. President, if the Senator from Montana will look back in the RECORD prior to the date to which he has referred, he will find that the Vice President ruled exactly as he ruled on that day; and it was upon that ruling that I made the statement that I did.

Mr. BANKHEAD. Mr. President, I send to the desk an amendment to the provision of the bill which provides for the acquisition of the pneumatic-tube service. I offer the amendment in order to perfect the text of the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 15, at the end of line 7, in the committee amendment relative to the pneumatic-tube service, it is proposed to strike out the period and insert a colon and the following words:

Provided further, That the Postmaster General is authorized to enter into contracts, to comply with proper police regulations, for franchise or street rights for pneumatic-tube mail service in such cities.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. BANKHEAD. Mr. President, I offer a second amendment to perfect the text.

Mr. KING. Does that relate to the pneumatic-tube service?

Mr. BANKHEAD. Yes.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. At the end of the committee amendment, on page 16, at the end of line 17, it is proposed to insert the following after the word "proper":

The expense of such investigation shall be paid out of any available funds appropriated for the use of the Interstate Commerce Commission.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. BANKHEAD. Mr. President, this brings us to a consideration of the provision of the bill which deals with the pneumatic-tube service. It is not my purpose to detain the Senate very long in discussing this provision of the bill.

It will be recalled that the last Post Office appropriation bill contained a provision creating a joint commission, composed of three Members from the Senate to be appointed by the Vice President, and three from the House to be appointed by the Speaker. This joint commission of the two Houses were directed, by the provisions of the amendment inserted in the Post Office bill, to make a thorough and complete investigation of this question and to report the result of their observations and conclusions to the Congress.

When this joint commission was appointed I addressed a letter to the Postmaster General telling him of the appointment of the commission and asking him to detail an expert, one familiar with postal matters and postal regulations, to accompany the commission and to act as a representative of the department and as an adviser to the commission. The Postmaster General appointed a representative and stated in his letter that he had selected one of the most experienced men in the department and one in whom he had perfect confidence. That representative from the department accompanied the commission, I believe, to each of the tube cities and was present, in person or by representative, at every hearing that was conducted.

The commission have printed the results of their investigation. They have printed the report of the post-office experts who were appointed by the Postmaster General to investigate this question, and they have collated and printed and laid before the Senate every investigation that has been made and every report that has been filed by the Post Office Department or any of its representatives. It will be perfectly easy for Senators to ascertain what these reports are and what the conclusions reached have been, because the publication has been delivered to every Member of the Senate.

Mr. President, these pneumatic tubes have been in existence in five of the great cities of the country for practically 20 years and in some of them longer than 20 years. I believe that the best judges of the utility or usefulness of these tubes are the people in the cities that have been served by the tubes. I call attention to the fact that in these five cities practically one-third of the total revenues of the Post Office Department are collected.

It is true that these tubes were never intended to carry anything but first-class mail. They were not constructed to carry parcels. It was not deemed necessary, when they were constructed and put into operation, that they should carry anything but first-class mail, the character of mail that should be promptly handled and delivered, so that the business of the country may be properly conducted through the agency of the Post Office Department.

Mr. President, I think it is unfortunate that the Post Office Department has waged such a relentless war upon this tube system. The Postmaster General has declared that the tubes were useless, that he would not use them if they were given as a present, that they had no utility whatever and were of no service, and that he could supply the service and deliver the mail more economically and more rapidly—I am talking about first-class mail—by an automobile service than he can by the tube service.

Mr. President, it is known to all men that there are considerable lengths of time—from two to three months in each year—when automobiles can not be successfully operated in Boston, New York, Philadelphia, Chicago, or St. Louis. It is impossible that they can be operated successfully because of the weather conditions. Freezing temperature, snow, and other interferences with the successful operation of automobiles put them out of business, and there are considerable lengths of time connecting themselves up together when the automobile service is an utter failure in these cities.

Another reason, to my mind, why automobile service ought not to be substituted for the tube service in these cities is that these tube cities have expended millions and hundreds of millions of dollars in an effort to get traffic off the surface. They have built underground railroads, they have built overhead railroads, and they have spent money without limit in an effort to relieve the congestion on the streets, for two purposes.

One is to facilitate the commerce that passes over the streets, and the other, and more important, perhaps, than all, is an effort on their part to save human life. The statistics show that hardly a day passes in the great city of New York when one or two or three or perhaps half a dozen men, women, or children are not run over and killed by automobile trucks. The fact developed in this investigation that one automobile truck conveying the mails created more confusion and congestion on the streets of New York and Philadelphia and Boston than a dozen ordinary automobiles operated in the commerce or travel of the city. The reason for that is that whenever an employee gets on an automobile carrying the United States mail he feels that he is the lord of all he surveys; that he has the right of way; that no ordinance or traffic regulation of the city applies to him, and that he can create all the confusion and all the congestion he pleases, and nobody dares interfere with him.

The proposition of the committee is, after seven months' investigation, that it is to the interest of the Government, that it is to the interest of the Postal Service and to the proper and rapid transmission of the mails, that the use of these tubes be continued, and that it be continued by having them taken over by the Government and operated under Government control and at Government expense. Your commission recommend that the price for their purchase be about the original cost of construction, according to the engineers' estimates of what that cost was; in other words, about four and a half million dollars. We recommend that this amount be paid in regular installments for 10 years, deducting each year an amount sufficient to pay the expenses of the operation of the tubes, and applying the balance to the liquidation of the debt. Under the plan submitted, in 10 years the Government will own the tubes and have them entirely paid for, and will thereafter operate them at their own expense and under their own direction.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. BANKHEAD. I yield.

Mr. GRONNA. I am not so much concerned about the purchase of these tubes as I am about the question of whether it is economy for the Government to use them. I have in my hand a copy of a letter addressed to the distinguished chairman of the committee, written by the Postmaster General, wherein he states that the cost of transmitting a letter by the tube system

is 13½ cents. I want to ask the Senator what is the finding of this commission with reference to the cost of sending letters through the tube system?

Mr. BANKHEAD. Mr. President, that suggestion is so ridiculous that it hardly seems to warrant a reply. Our investigation shows, after a number of tests, that you could carry a thousand letters through the tube for 11 cents, and to talk about it costing 13½ cents to deliver one letter through the tube is something I can not understand.

Mr. GRONNA. Then, as I understand the Senator——

Mr. BANKHEAD. Just wait a minute. Those estimates are sustained by Government experts and various former Postmasters General and postmasters of these cities. How the Postmaster General could have gotten it into his head, and where he got his information from, that it costs the Government 13½ cents to deliver a letter through the tube is something that I can not understand, to say the least.

Mr. GRONNA. If the Senator will yield further, I do not wish to do the Postmaster General an injustice. He refers to a particular city.

Mr. BANKHEAD. He refers to the city of Philadelphia.

Mr. GRONNA. He refers to the city of Philadelphia. Of course, the Postmaster General is the head of that great department, and he is directly responsible for the affairs of that department. Personally, I am greatly confused about this matter. I know the distinguished chairman of this committee and the many excellent members of it have given the subject considerable attention, but I also know that the present Postmaster General is a student of these matters and that necessarily he must have given a great deal of attention to it. There are statements in this letter to the effect that it would be a detriment to the service rather than a help.

Mr. BANKHEAD. If the Senator will take the trouble and the time to read the report of the commission and the report of the experts who have investigated this very question, he himself will be unable perhaps to tell why or how the Postmaster General reached this conclusion. Our engineers whom we employed and who investigated this whole question and who were supposed to be the best in the country, state that if they could have continuous, uninterrupted automobile service, in their judgment the service could be rendered for something less than it costs by the tube, perhaps during the year $100,000 or $200,000; I do not remember the exact amount. But all that estimate was based upon conditions, and the conditions were continuous, uninterrupted service. The difference between the engineers and the department was as to what it would cost to maintain the service, for repairs, the cost of operating the automobiles, and all that.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. BANKHEAD. I do.

Mr. GRONNA. I regret to say that I have not found time to thoroughly investigate the report the Senator kindly sent me, and I am asking these questions merely for information.

Mr. BANKHEAD. I am glad to answer any question that I can.

Mr. GRONNA. Can this proposed tube system be used for anything but letters?

Mr. BANKHEAD. No, sir; only for first-class mail—letters.

Mr. GRONNA. So that heavy transportation or transportation of second-class mail matter and packages will necessarily have to be carried on any way by automobiles or wagons.

Mr. BANKHEAD. I think that is true, Mr. President; but there is no necessity perhaps for any great haste in the dispatch of parcel post. Delay does not involve any loss in business. The purpose of the tubes from the beginning until now has been to dispatch first-class mail, the business mail of the country, and divorce it from the heavier and slower moving mail, such as parcel post and heavy packages.

Mr. NORRIS. Mr. President, I should like to ask the Senator in connection with the question the Senator from North Dakota asked him, to what extent has the taking of first-class mail through the tube relieved the congestion that would have existed had the surface service been required to carry the first-class mail the same as the other? While I am asking that question I should like to state to the Senator the object I have in view. It seems to me there are two things involved in carrying this mail. One is to expedite the carriage of the first-class mail and the other is to relieve the congestion. Do the tubes accomplish both those objects, and in the latter case to what extent?

Mr. BANKHEAD. I think both objects are accomplished. The Post Office Department tells us that 25,000,000 letters daily pass through these tubes. The Senator can imagine what the effect would be if that 25,000,000 letters were sent by the ordinary course of mail. Therefore it must relieve the congestion of mail to that extent. Nobody proposes to carry all the mail through the tubes. That would not be practicable. They were not constructed for that purpose.

Mr. FLETCHER. May I ask the Senator in regard to the statement made by the Postmaster General—what explanation he can make of his statement to the effect that "the tubes are unnecessary and a hindrance to efficient operation of the Postal Service. The volume of all classes of mail has so greatly increased and surface transportation so greatly improved, both as to speed and frequency, that the tubes are no longer of value"?

Mr. BANKHEAD. Does the Senator want to know what I think of that?

Mr. FLETCHER. Yes.

Mr. BANKHEAD. I do not think it is true.

Mr. FLETCHER. The Senator does not agree to that.

Mr. BANKHEAD. I do not agree to that.

Mr. FLETCHER. Some figures are given to sustain that position, and then another statement is made that—

Because of their limited capacity the tubes can not be used to meet emergent conditions, and for that reason delay millions of letters annually.

Does the Senator find the statement in that report that letters are delayed?

Mr. BANKHEAD. Nobody has claimed that any but first-class letters go through the tubes.

Mr. FLETCHER. I understand that now it is proposed to use the subways.

Mr. BANKHEAD. No; they are not in the subways at all.

Mr. FLETCHER. I say the proposal is to use the subways.

Mr. BANKHEAD. You will have to put tubes in the subways if you are going to use the subways for any character of mail.

Mr. FLETCHER. The statement is further made that the cost of transporting mail by tube is an extravagant waste of public funds. They claim that the cost is more expensive than by special delivery.

Mr. BANKHEAD. I do not think that is true. I do not think the figures show it. I do not think their own experts show it. Let me read for just a moment what the Postmaster General says, and I call the attention of the Senator from North Dakota [Mr. GRONNA] to it. Here is what the Postmaster General states:

The cost of transporting mail by tubes is excessive and an extravagant waste of public funds. Investigation shows that in Philadelphia it costs approximately 13½ cents for each letter "advanced" by tubes. What is true in Philadelphia is equally true in other cities.

Just follow that, will you?

This is more expensive than special-delivery service.

There is a declaration of the Postmaster General. Where he gets his information I can not tell. He does not get it from the report of his own expert. Now, here is something of an answer to that suggestion.

This is an absurd misstatement of fact as far as the cost per letter "advanced" is concerned, and is an absolute misstatement when it points out that "what is true in Philadelphia is equally true in other cities."

The letters "advanced" or particularly benefited by tubes in Philadelphia during the count of 1913 amounted to 832,435 letters a day, while in the count of 1915 they amounted to but 60,791 letters a day. This clearly indicates an incorrect count, for the total number of letters "advanced" in all tube cities in 1913 amounted to 5,375,147 letters a day, as compared with 4,649,976 in 1915. Nevertheless the Postmaster General says "what is true in Philadelphia is equally true in other cities." But using the figures given for Philadelphia, namely, 60,591 letters per day actually benefited and charging the entire cost of the tube system to these letters, the cost per letter amounts to a little over 7 mills, and not to 13½ cents, as stated by the Postmaster General. Moreover, the average cost of advancing or benefiting letters in all the cities, including Philadelphia, instead of being the same as in Philadelphia, amounts to but approximately one-half mill per letter instead of 13½ cents, or, in other words, 135 mills. The tubes themselves, as already stated, carry approximately 25,000,000 letters a day, and the cost of carrying a single letter is a little more than one-tenth of a mill, or at the rate of, say, 91 letters for 1 cent.

Those are the facts.

Mr. FLETCHER. Will the Senator state how long the tubes have been in use?

Mr. BANKHEAD. They have been in use some for 20 years and some for about 25 years.

Mr. FLETCHER. In what condition are they?

Mr. BANKHEAD. The engineers say they are in perfect condition. They can not discover any deterioration in the containers and in the tubes through which they pass; there is practically none. They dwell upon that very question. If the Senator will just read that report he will find they say they will be in just as good condition 25 years from now as they are to-day, judging from their past use in 25 years.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. BANKHEAD. I do.

Mr. KENYON. The point that is troubling me about the tube situation on which I want to ask the Senator is this: I think the Senator will agree that the Postmaster General is very much opposed to purchasing these tubes?

Mr. BANKHEAD. Surely; I agree to that.

Mr. KENYON. According to the letter which he has sent to all Senators, he takes the position that they are unnecessary and a hindrance to the operations of the Postal Service. He also takes the position, as he expresses it, that it is 56 miles of junk to be taken over by the Government and a waste of public funds. With the Postmaster General feeling that way about the tube question, is it not a waste to vote money to place in his hands a system of that kind, which he will not operate? Can you compel him in any way by the bill to use these tubes if he feels that it is a waste of public funds to use them?

Mr. BANKHEAD. I do not know whether we can compel the Postmaster General to obey the law or not. That is another question.

Mr. KENYON. He could technically obey the law by making some use of these tubes, but I do not know just how we would compel him—after taking the position he does, that they are a detriment to the Postal Service—to make the full use of them, which should be made if this large amount of money is expended.

Mr. LODGE. Mr. President, will the Senator from Alabama allow me?

Mr. BANKHEAD. Certainly.

Mr. LODGE. The argument of the Senator from Iowa appears to assume that the Postmaster General violates the law, and therefore we must not make the law. Of course, I do not understand that manner of legislating; but if the Senator will permit me for just a moment on the question of use—merely the practical question. I am not going to argue the merits at all.

The city of Boston, an old city as cities go in this country—some 300 years old—in the business part has narrow, crooked streets, and there is where the traffic is heaviest. Putting in pneumatic tubes has been an enormous saving and quickening of the mails not only for Boston but for the whole of northern New England through which the mails come. That is a practical matter of fact.

As I understand it, in my old-fashioned way, I have an idea that the post office existed for the benefit of the people; that the people do not exist for the benefit of the post office, and they do not exist for the amusement of the Postmaster General.

It is of enormous importance to us to have that quick service into Boston and into all New England, and to have the quick service out of Boston which is given us by the pneumatic tubes. There is no possible question, as a matter of fact, but that it would delay every mail passing through New England to the north and every mail that goes from Northern and Southern States to the post office to force automobiles into those narrow streets, especially in winter. It can not fail to make a great delay.

Mr. KENYON. May I ask the Senator if they are not being operated now under some contract with the Government by the owners of the tubes?

Mr. LODGE They always have been.

Mr. KENYON. Why can they not keep on being operated?

Mr. LODGE. I am not discussing any detail of it. I think the better way would be for the Government to own them. What we want are the tubes.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the junior Senator from Massachusetts?

Mr. BANKHEAD. I do.

Mr WEEKS. May I supplement the answer made to the inquiry of the Senator from Iowa by saying that the Postmaster General last year made a similar statement about the use of the tubes, and Congress in its wisdom provided an appropriation for carrying on the service and put in a provision in connection with it that the tubes should be operated, compelling the Postmaster General by direct provision to operate the tubes? That passed the Senate by a vote of 45 to 25.

Mr. BECKHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. BANKHEAD. Yes; I yield to the Senator from Kentucky.

Mr. BECKHAM. Something has been said about the Boston tubes. I have here a statement made by the postmaster of Boston, which I will read, with the Senator's permission.

> With the automobile reaching the state of efficiency that it has, and the tendency of mailers to send large parcels of mail matter at the first-class rate and by special delivery, the pneumatic-tube service has become an extravagance; and it is my belief that the motor-vehicle service provides a more satisfactory system for the transportation of mail than the pneumatic tubes.

Mr. LODGE. If the Senator will allow me, the postmaster at Boston has expressed an opinion both ways on that subject, and he is expressing the opinion of the department, which is the safest thing to do.

Mr. BECKHAM. I do not think it is fair to assume that the postmasters in the various cities are being influenced by the dictation of the Post Office Department in this matter. I think that is an unjust criticism. It is a fact, Mr. President, that the postmasters in each one of these cities where the pneumatic tube is in use has expressed a similar opinion to the one expressed by the postmaster at Boston.

Mr. LODGE. The postmasters at Boston and the other cities desire to hold their positions. It is perfectly natural.

Mr. BECKHAM. Does the Senator think that their advocacy of the withdrawal of the tube system is necessary in order that they may hold their positions?

Mr. LODGE. I think it is very necessary.

Mr. BECKHAM. I do not agree with the Senator, and I do not think the facts justify it.

I should like to ask the Senator what reason he has for his statement. It is not the Postmaster General alone; it is every expert in that department, with the possible exception of one who takes this position. They have no interest in it that I can see except the good of the service. Why should the department undertake to coerce or to compel such an expression of opinion from the postmaster in Boston or Philadelphia or any other city where the tube service prevails?

Mr. LODGE. Well, Mr. President, that is a common thing. The postmaster at Boston is a very intelligent man, and he has expressed different opinions on this subject at different times, if I remember rightly. I do not doubt his intelligence in holding that opinion; but whether that is his real opinion or whether it is not, I do not impugn his present sincerity at all.

Mr. NORRIS. Mr. President——

Mr. LODGE. One moment. The fact is not as he states it. There is not any manner of question about the delay of the mail in Boston if you take away those tubes.

Mr. BECKHAM. That is a difference of opinion, of course.

Mr. LODGE. That is the opinion of everybody who uses the mails.

Mr. BECKHAM. It is not. I think the Senator is mistaken.

Mr. LODGE. But these officials of the department do not use the mails in Boston. The Boston Chamber of Commerce and all the business men of Boston, without exception, want the pneumatic-tube service. They are the people who use the mails. These Post Office officials do not use the mails.

Mr. BECKHAM. But they are very familiar with the conduct of the mails, and I think they are better informed as to the question of expense, and particularly of efficiency in the handling of mails, than are the business men.

Mr. LODGE. There is the fallacy that lies at the bottom of it all—that the mails are run for the amusement and pleasure of the Postmaster General, and not for the benefit of the people who use them.

Mr. WADSWORTH. Mr. President, will the Senator yield to me?

Mr. THOMAS. I should like to ask the Senator from Massachusetts whether it is necessary for the Government to purchase these tubes in order to use them?

Mr. LODGE. That is a question I have not gone into; but in previous years I have supported the contract.

Mr. THOMAS. I understand that to be the question here.

Mr. LODGE. And I think it is a wise and economical thing for the Government to do.

Mr. THOMAS. That may be true prima facie; but does it not appear that the owners of the tubes are losing money and want the Government to take the tubes off their hands?

Mr. WADSWORTH. Mr. President——

Mr. NORRIS. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield; and, if so, to whom?

Mr. BANKHEAD. I yield to the Senator from Nebraska to ask the Senator from Kentucky a question.

Mr. NORRIS. Perhaps the Senator from Alabama can answer the question. I was interested in the postmaster's statement, and I concede the postmaster is a very competent witness, and that his evidence ought to be considered, but I desire to inquire who he is?

Mr. BECKHAM. Does the Senator from Nebraska desire the name of the postmaster?

Mr. NORRIS. Yes. Has the Senator the name before him?

Mr. LODGE. The name of the postmaster at Boston is William F. Murray.

Mr. NORRIS. Is he the same Mr. Murray who once served in the House of Representatives?

Mr. LODGE. He is.

Mr. NORRIS. Then, Mr. President, I should like to state that while it has been quite a while ago, I served in the House of Representatives with Mr. Murray, and we always had exciting debates in that body with reference to these tubes. As I remember, Mr. Murray, when he was in the House of Representatives, gave very able and voluminous testimony as to the value of the tubes and always advocated them. I may be mistaken, as I am speaking only from memory.

Mr. BANKHEAD. The Senator is not mistaken, and the RECORD shows it.

Mr. NORRIS. I think, in connection with his testimony as postmaster, we ought to take into consideration the fact—at least it ought to go with it—that when he represented his district in Congress he was on the other side of the proposition.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BANKHEAD. I yield to the Senator.

Mr. WEEKS. I was merely going to suggest to the Senator from Nebraska that in the one case Mr. Murray was representing the people of Boston, and in the present case he is representing the Post Office Department.

Mr. WADSWORTH. Mr. President——

Mr. BANKHEAD. I yield to the Senator from New York.

Mr. WADSWORTH. The observation of the Senator from Kentucky [Mr. BECKHAM] prompts me to ask the Senator from Alabama what sort of test was made in the city of Boston of the carriage of mail by trucks? The Senator from Kentucky advances the argument that the Post Office Department ought to know about the comparative facilities of carrying mail and the comparative efficiency and expense; and I was wondering whether the Senator from Alabama or the Senator from Massachusetts could tell the Senate what sort of test was made by the Post Office Department in carrying mails by truck in the city of Boston, upon which test their recommendation is made for the abandonment of the tubes?

Mr. BANKHEAD. My information, Mr. President, is that that test was made on a Sunday.

Mr. WADSWORTH. And was it not at 5 o'clock in the morning?

Mr. BANKHEAD. I am not sure about how early in the day it was; but it was made on a Sunday, as I understand, and of course the natural conclusion is that it was made because they thought it the most favorable time.

Mr. WADSWORTH. In other words, the Post Office Department has so much at heart the efficiency of the post-office system, let me say to the Senator from Kentucky, that they made the test on a Sunday, when the streets of Boston were nearly empty of traffic.

Mr. LODGE. That is true.

Mr. WADSWORTH. And upon that test they come to the Senate and say the trucks can do better than the tubes. That is of record. Somewhat the same thing was done in the city of New York. It is not a true test; it is a fraudulent test.

Mr. BECKHAM. Does the Senator say that the test which was made in these other cities was the same as that which was made in Boston?

Mr. WADSWORTH. A similar test to that which was made in Boston, which was of no value, was made in the city of New York. Upon that kind of test Congress is asked to abandon this system which the people of those cities are overwhelmingly in favor of retaining.

Mr. BECKHAM. What does the Senator mean by a "test"? In what way was the test made?

Mr. WADSWORTH. I refer to the time consumed in carrying the mails by trucks through the streets as compared with the time consumed in sending them through the tubes.

Mr. BECKHAM. As I understand, these tests were made not alone upon special occasions, but from general experience. The Senator understands, of course, that these tubes carry only a small percentage even of the letter mail——

Mr. WADSWORTH. They carry a certain class of mail.

Mr. BECKHAM. Of first-class mail less than one-half is carried in the tubes. I think it is about 40 per cent of the letter mail; but the tubes carry only about 4 or 5 per cent of the entire bulk of mail in those cities.

There are automobiles all the time carrying the other mail which is not carried in the tubes. That itself is a test. The Post Office Department in the various cities has made the comparison not alone on the several tests to which the Senator refers, but on the general run of the business when the automobiles were carrying mail at the same time that the tubes were operating; and the Post Office Department experts say that they succeed as well in speed with the mail that they send in wagons as they do with the mail that they send in the tubes.

The advantage of the tubes existed before the development of the automobile. When we were dependent upon horse-drawn vehicles the advantage then of the tubes was apparent; but now the use of the automobile truck in carrying the mails has superseded the advantage or the necessity of the tubes. The Post Office Department, time and time again, through its representatives—not the present Postmaster General alone—have said that they can carry mail just as speedily and at about one-third the cost in automobiles as they can do it in the tubes.

Mr. WADSWORTH. Will the Senator from Kentucky say what other Postmaster General has recommended the abandonment of the tubes?

Mr. BECKHAM. I do not know, but I said "other Postmasters General." I think Postmaster General Hitchcock did at one time, though I am not sure about that; but other representatives of the department have done so.

Mr. WADSWORTH. Not prior to the incumbency of the present Postmaster General.

Mr. BECKHAM. Several commissions in the last 10 years have recommended it.

Mr. WADSWORTH. Will the Senator state what commissions have done so?

Mr. BECKHAM. I can find their names, and if the Senator desires I shall do so.

Mr. WADSWORTH. I do not want to take the Senator's time.

Mr. BECKHAM. It is not my time; but I do not wish to take the time of the Senator from Alabama [Mr. BANKHEAD].

Mr. WADSWORTH. I think the Senator from Kentucky would spend a long time finding the names of commissions which prior to the incumbency of the present Postmaster General have recommended the abandonment of the tubes.

Mr. BECKHAM. I will yield to the Senator from Alabama for the present, and I will find their names.

Mr. BANKHEAD. Mr. President, Mr. Edward M. Morgan, former postmaster of the city of New York and an employee of the Post Office Department for about 30 or 40 years, made this statement—I am not going to read it all—

About 80 per cent of all first-class mail matter mailed in the city of New York passes through the tubes.

After his long experience as postmaster and employee of the Post Office Department, he makes that statement. The engineers who were employed to investigate this whole question, and who went into it very diligently, state that "about 72 per cent of the total first-class mail matter in New York passes through the tubes."

Now, where the Senator from Kentucky gets his information that only about 45 per cent of first-class mail goes through the tubes, I do not know; I have seen no such statement. He may have information to that effect, and doubtless he has, but I am giving the evidence of men who were in the employ of the department and of one man who was actually postmaster of that great city for eight years.

Mr. President, I do not care to continue this discussion. So far as economy is concerned, it may be that if automobile service could be continuously used, if there were no interferences with that service because of snowstorms, ice, and congestion in the streets, and it could be rendered regularly there might be greater economy in the use of automobiles. The engineers of Stone & Webster, who went very thoroughly into this question, stated that if there could be continuous service and no interference with it, it is their belief that $115,000 a year might be saved; or, in other words, the service could be operated by automobiles for $115,000 less than the tubes cost, but the same service would not be furnished; that is the point.

The people of this country want the best mail service they can get; they want the mails dispatched promptly. Eighty or 90 per cent of the entire commerce of this country first and last is transacted through the mails. Every business man and every community interested in the Postal Service desire the most rapid transmission of the mails that can be obtained, for the

delay of an hour or two or three hours sometimes is very disastrous to business and to communities. That is all there is to this question.

I have no more interest in the tubes than has any other citizen of the country, but I am one of those who believe that the Post Office Department was established for the public and for the uses of the public; I am one of those who do not believe that it was ever intended from the beginning that the Post Office Department should be made a money machine; that all the efforts of the department should be directed to accumulating a surplus to the impairment of the mail service of the country; and that is what has happened; there is no doubt amout that.

This is all I care to say at this time. I may have occasion to say something else later on.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question or two.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. BANKHEAD. I will be glad to answer the Senator's questions if I can.

Mr. SHAFROTH. Will the Senator state how much of rental is paid by the Government now for the use of the pneumatic tubes in the cities where the service is rendered?

Mr. BANKHEAD. The Government pays $17,000 a mile.

Mr. SHAFROTH. And how much does it amount to in the total?

Mr. BANKHEAD. It amounts to $976,000.

Mr. SHAFROTH. A year?

Mr. BANKHEAD. A year.

Mr. SHAFROTH. And what kind of a lease has the Government on these tubes?

Mr. BANKHEAD. It has none; the contract has expired. The Government had a contract for 10 years at the price I have named.

Mr. SHAFROTH. When did the 10-year contract expire?

Mr. BANKHEAD. Two years ago; and Congress has been continuing it in each appropriation bill.

Mr. SHAFROTH. Is there any danger of a greater amount being required to be paid by the Government if it does not buy the tubes at the present time?

Mr. BANKHEAD. Well, I hardly think so; but, if the Senator will permit me this proposal involves a great economy to the Government. Under our proposition it is proposed to buy the tubes and pay for them in 10 years from the amount of rental that we have been paying; so that the Government will own the tubes which it uses at the end of 10 years, and will have bought them for the same amount that we have been paying for rent for the last 10 years.

Mr. SHAFROTH. Does the Senator know from the practical operation of the tubes whether they get out of repair or whether they are kept in perfect order?

Mr. BANKHEAD. There are little minor disturbances, perhaps, but the engineers say that there is no serious impairment. The engineers testified in regard to that. The little metal containers lined on the outside with rubber, so as to make a tight joint, are slipped into the tube. Compressed air is then applied, and they are sent to their destination. They make a trip in from 8 to 10 seconds through the tube and carry from 8 to 10 pounds of letter mail.

Mr. SHAFROTH. Does each container carry that much?

Mr. BANKHEAD. Yes; each container.

Mr. SHAFROTH. Will the Senator state what kind of franchise the owners of these pneumatic tubes have in the streets?

Mr. BANKHEAD. The pneumatic tube companies have franchises, Mr. President, but we have taken care of that in the provision reported.

Mr. SHAFROTH. If we buy the companies' franchises and the tubes themselves what kind of a franchise will we get and for how long a period?

Mr. BANKHEAD. We do not attach any value at all to the franchises. The Government of the United States does not have a franchise to operate the mail service.

Mr. SHAFROTH. No; but if it occupies streets will it not have to secure franchises?

Mr. BANKHEAD. There is a provision in the bill to the effect that the Postmaster General is authorized to negotiate with the city authorities for the right to lay tubes in the streets.

Mr. SHAFROTH. But he has no such permission now as to the present pneumatic tubes?

Mr. BANKHEAD. Oh, no; he has not, because there has been no occasion for him to have.

Mr. SHAFROTH. When do the franchises of these companies expire?

Mr. BANKHEAD. At different periods.

Mr. SHAFROTH. Do any of them expire in the near future?

Mr. BANKHEAD. I think the Senator from Colorado has Chicago in his mind.

Mr. SHAFROTH. No; I have not. I am merely asking for information.

Mr. BANKHEAD. The franchise of the Chicago Tube Co. expires in 1922 or 1923. The city of Chicago has passed an ordinance requesting the retention of pneumatic-tube service to take care of that situation.

Mr. SHAFROTH. To what effect?

Mr. BANKHEAD. An ordinance is pending to the effect that if the company turns over its tubes to the Government the tube company of the city of Chicago will not owe the city of Chicago anything for the franchise or will not be required to extend the franchise in event the Government acquires the system in that city.

Mr. SHAFROTH. These companies have been required to pay for their franchises, have they not?

Mr. BANKHEAD. In some cases they have, and in other cases they have not paid a cent.

Mr. SHAFROTH. Is it contemplated that the Government will pay anything for the use of the streets in the various cities where this service is employed?

Mr. BANKHEAD. On the contrary, if the Senator will read the provisions incorporated in the amendment reported by the committee, he will see that it is expressly provided that it shall not do so.

Mr. SHAFROTH. That is a condition on which the purchase is made?

Mr. BANKHEAD. It is a condition upon which the tubes are to be taken over, and the Interstate Commerce Commission is authorized to put a value on this property. We provide that so much may be paid, but we do not preclude the Interstate Commerce Commission from saying, after they have investigated the matter and made their physical valuation, that a less amount may be paid.

Mr. President, I reserve whatever else I may have to say to a later time.

Mr. WADSWORTH. Mr. President——

Mr. BANKHEAD. Does the Senator from New York desire to ask me a question?

Mr. WADSWORTH. No.

Mr. BANKHEAD. Very well, then, I yield the floor.

Mr. WADSWORTH. Mr. President, as a part of the few remarks I wish to make on this question, I send to the desk a copy of a joint resolution passed by the New York State Legislature on this very subject, and ask that it be read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

STATE OF NEW YORK, IN SENATE,
Albany, April 12, 1918.

By Mr. Cromwell:

Whereas this legislature's action more than 25 years ago made possible the underground mail and parcel transportation which the metropolis enjoys and which all other cities of the State may also possess under the franchise granted by this body; and

Whereas the sentiment of New York, like that of the other large cities of the country, where this modern mail-tube system has been tested is emphatically in favor of it, as indicated by the press, and by public expression, by the great business organizations, and by the public generally: Therefore be it

Resolved (if the assembly concur), That this legislature associates itself with the public's progressive enlightened demand for the retention and extension of such service as a necessity of the post office and a relief to the congestion of the already overcrowded thoroughfares of our larger cities; and be it further

Resolved, That a copy of this resolution be sent to the Vice President and Speaker of the House for presentation to Congress.

By order of the senate:

ERNEST A. FAY, *Clerk.*

—

IN ASSEMBLY,
April 12, 1918.

Concurred in without amendment.

By order of the assembly:

FRED W. HAMMOND, *Clerk.*

Mr. WADSWORTH. Mr. President, it may be of some interest to the Senate to know that this resolution which was adopted by the New York Legislature was adopted by a unanimous vote of both houses. There was not one dissenting vote. The introducer of the resolution is a resident of a New York City district, a man who has not only served for a considerable period in the State senate, but who, before his service in that body, was an important officer of the city government of the city of New York.

I have been told, or I have read somewhere, that the Postmaster General said, or intimated, recently that the New York Legislature in passing this resolution did so in ignorance of

the facts, or that the members of the legislature were not sufficiently well informed about the service provided by the tubes in New York to warrant their expressing any judgment upon this question. I do not like to characterize such an opinion by the Postmaster General, if he did utter it, in too harsh language; but may I state for the information of the Senate that nearly one-half of the members of the New York State Legislature are residents of the city of New York, in which these tubes are used; nearly all of them have lived there all their lives, and I assume that all of them are constant users of the first-class mailing facilities of the city, 80 per cent of which goes through the tubes; and to intimate to any body of sensible men that they do not know what they like in the city of New York is to intimate something that is exceedingly difficult to believe.

I find that the New York Sun of April 28 contains a very interesting article by a former postmaster of New York, Hon. William R. Willcox, who on former occasions has appeared before the Committee on Post Offices and Post Roads and expressed his view of the pneumatic-tube service. I shall not read all of the article by any means, for it would consume too much time. Suffice it to say that Mr. Willcox, who was postmaster of the city for some time, and in whom the present administration has sufficient confidence to bring him here to Washington to help with the railway administration, most stoutly defends the pneumatic-tube service, and decries any attempt to abandon it. If the Senator from Kentucky [Mr. BECKHAM] were still in the Chamber, he would be interested in some of the things that Mr. Willcox says. He says:

The first attack on the tubes was made in 1916 in a report by a commission of five so-called postal experts, who were merely post-office inspectors. Now, inspectors are valuable postal employees, but certainly not experts in any line but their own, which is a sort of detective work, watching for inefficiency and malfeasance among employees. Yet the opponents of tube service would persuade Congress to prefer their opinions to those of hundreds of business men, city officials, responsible editors, and even some of the most eminent Members of both Houses of Congress itself.

Then he goes on to say that the Merchants' Association of New York conducted a very thorough inquiry of its own into the whole question of the pneumatic-tube service:

The Merchants' Association analyzed the tests by which it had been sought to prove that motor vehicles were vastly more efficient than the tubes. They showed that test runs had been made in total disregard of service conditions. In Boston, for instance, 5 a. m. of a midsummer Sunday was the time chosen for a test run—chosen because it presented the absolute minimum of street traffic. But the truly fraudulent character of the tests is shown by comparing the time made in these runs with the time allowed for actual service runs under the department's own schedule. Thus in Boston a run was made in 3 minutes 40 seconds over a route where the department's schedule allows 10 minutes, and in Chicago a test run of 17 minutes was over a route which in actual service requires 52 minutes.

The rest of this remarkable report is of a similar character, and the case against the tubes rests primarily upon this report. A congressional commission has just reported the result of a careful investigation of the tube service.

Then Mr. Willcox proceeds to cite some of the findings of the congressional commission.

I think that statement, which is corroborated by the statements of other gentlemen, will do something to open the eyes of Members of the Senate who entertain doubt on this question as to the character of the tests that were made by the so-called experts of the department in attempting to prove that the tubes are out of date, and that trucks, operating upon the heavily congested streets of our cities, constitute a superior facility for transporting first-class mail. I do not like to impugn the motives of any executive department; but in all frankness I would suggest to the Senate, and in particular to the Senator from Kentucky [Mr. BECKHAM]—for we had a little colloquy about it a moment ago—that it is exceedingly difficult to explain why the Post Office Department, in attempting to prove its case, should conduct a test at 5 o'clock in the morning of a midsummer Sunday in the city of Boston. The only explanation that comes to the mind of an observant person of reasonable intelligence is that they were so desperately anxious to prove that automobile trucks could carry mail faster than the tubes that they deliberately chose a time when there was no congestion of the streets. There can be no other explanation for it. It could not have been done casually or accidentally; and the same thing was done in the city of New York, although not in quite the same way. But the tests upon which the recommendations of the Post Office Department were made a year ago—if I am wrong in my dates, the Senator from Alabama can correct me—were made in midsummer, in the month of August, when everyone living in the city of New York and every postal expert who has ever been to the city or who has served in the city knows that the congestion in the streets is infinitely less than it is through the winter months. And yet it is upon that kind of tests that the Senate is asked to abandon the tube service—for that is the question that is really before the Senate—and to substitute for the tube service automobile trucks.

Now, Mr. Morgan has been quoted.

Mr. BECKHAM. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. BECKHAM. A few minutes ago the Senator asked me what commissions had ever reported against these tubes or what Postmasters General had ever taken a position against them. If he will permit me, I will call his attention to two instances where this matter came up in the reports of commissions.

The first was a commission appointed in compliance with the provisions of the act of May 27, 1908. It was composed of Daniel A. Campbell, postmaster, Chicago, Ill.; George H. Roberts, postmaster, Brooklyn, N. Y.; E. C. Mansfield, postmaster, Boston, Mass.; Frank Wyman, postmaster, St. Louis, Mo.; Joseph Stewart, Second Assistant Postmaster General; V. J. Bradley, superintendent Railway Mail Service; E. M. Norris, assistant superintendent Division of Salaries Allowances; J. M. Masten, assistant superintendent Railway Mail Service.

The unanimous conclusion and recommendation of this commission as to the advisability of purchasing the tubes were as follows—and the Senate will bear in mind that this was at a time before the automobile service had been developed:

The present contracts under which the tube companies are performing mail service will not expire until June 30, 1916—almost eight years hence. During that period there should be ample opportunity for the companies to perfect the systems and for the Post Office Department to observe the effect upon the Postal Service. Further, during that period it is possible that other methods of transportation will be developed or improved so as to change entirely the outlook as it now appears. Five or six years hence, we believe, it will be advisable to renew the consideration of the question of Government ownership.

In view of the foregoing, we consider it appropriate to advise you that, in our opinion, it is not feasible and desirable at the present time for the Government to purchase, to install, or to operate the pneumatic tubes, and this is our unanimous judgment.

In transmitting this report to Congress on December 15, 1908, the Postmaster General, George von L. Meyer, approved the conclusions of the commission. So there was his approval, 10 years ago.

I do not like to trespass on the Senator's time——

Mr. WADSWORTH. That is very interesting, and I am glad the Senator read it.

Mr. BECKHAM. There is one other instance, which I will read:

A departmental committee was appointed by the Postmaster General July 27, 1910, to inquire into and investigate the pneumatic-tube service at Chicago, Ill., in regard to the feasibility and desirability of extending this service. This committee was composed of postal experts. Its report discloses that at that time serious consideration was being given to the use of the motor truck in the transmission of mails. In dealing with this subject it states:

"Your committee feels that the improvement in this class of vehicle in the past few years offers possibilities in the transportation of mails in cities worthy of the most careful consideration on the part of the department, and which were not available for the consideration of committees reporting upon the feasibility of pneumatic-tube service in cities in years past. The rapidity with which this class of service has developed is illustrated by the statement that the motor wagon as a commercial utility in Chicago has been in general use for only about three years.

"This committee understands that the department has requested authority from Congress to arrange for the construction of a 30-inch pneumatic tube in the city of Cincinnati, and will likely receive the same. If a tube of that diameter should prove practicable for the transportation of all classes of mail matter without breaking bulk, it would doubtless replace, when the present contract term expires, a portion of the present 8-inch tubes. This would also apply in the construction of new tubes between points where the volume of mail is sufficient to warrant the construction and operation of the larger tube, and where such construction is practicable.

"Your committee therefore, in view of all the circumstances enumerated, unanimously reaches the conclusion that it is not advisable to extend the existing pneumatic-tube service in Chicago, Ill., at the present time."

The judgment of this committee that the service be not extended had the approval of Hon. Joseph Stewart, then Second Assistant Postmaster General, and of Hon. F. H. Hitchcock, then Postmaster General.

While that report does not condemn the entire system, the commissioners who made the report, and the Postmaster General, who indorsed it, believed that there was certainly no benefit in the extension of this tube service anywhere; and that, I take it, is an argument against it. If the tube service is a good thing for these five cities, why should it not be a good thing for other large cities in this country? There is never any proposal now to extend it or to develop it in any other city. There is not any serious proposal to extend it now in any of the cities where it exists, because it is recognized that it is obsolete, and that in the light of the development of the use of the automobile there is really no use for these tubes.

I beg the Senator's pardon for interrupting him at such length.

Mr. WADSWORTH. As to one of the cities, at least, the Senator is inaccurate. There has been a persistent and most

earnest request for the extension of the tubes in the city of New York. It has been recommended by all the local authorities. The whole borough of the Bronx, lying north of the Harlem River, containing something like 800,000 people—a city by itself as large as the city of Detroit—is exceedingly anxious for the pneumatic tubes to be extended under the Harlem River to give service to the Bronx central station. The Borough of Kings, the city of Brooklyn, has been anxious for some years for the extension of the tubes into Brooklyn. I think my colleague will bear me out in that statement.

Mr. CALDER. We have a tube into Brooklyn, but not into the outlying sections.

Mr. WADSWORTH. But there has been a persistent request for the extension of the tubes in the city of New York, and all the local authorities, including the city administration, on more than one occasion have made requests in that direction. The Senator is mistaken when he says that there is no request for an extension of this service. As a matter of fact, the extension would be of tremendous benefit to certain parts of the great city of New York.

Mr. WEEKS. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Massachusetts.

Mr. WEEKS. I should like to remind the Senator from New York that when the contract was made for 10 years in 1906 it included the cities of San Francisco, Kansas City, Pittsburgh, Cleveland, and, I think, Detroit. There were five cities included, and no one has been able to raise the money to install the service in those cities. Quite likely capital looked ahead and saw the possibility of a Postmaster General who would be willing to destroy private property in this way, and failed to go into that service; but, in any case, it never has been possible to raise the money to install tube service in those cities.

Mr. BECKHAM. Mr. President, if the Senator will permit me, does not the Senator think that if the Government should undertake the purchase of these tubes, as proposed in this bill, and adopt the Government ownership proposition, it would be committed to a large extent to developing the tube system in these other cities?

Mr. WEEKS. Mr. President, I hope the Government would be committed to it. I hope the Government would be committed to the extension of these tubes into The Bronx, for example.

Mr. BECKHAM. I am not referring so much to their extension in cities where they now exist, but to building them in other large cities where they do not now exist.

Mr. WEEKS. If the mail facilities required it, I hope the Government would be committed to it, and I believe they would in the cities that I have mentioned.

Mr. SHAFROTH. Mr. President——

Mr. WADSWORTH. I should like to continue my remarks for just a moment. If the Government does go into this as a policy and extends the service into other cities, you will never find those other cities coming to Congress and asking its abandonment. As I understand, the representatives from every city which now possesses the tubes are in favor of their retention; and certainly they must in some degree reflect the wishes of their constituents. If it were left to the people of the city of New York to say whether or not the tubes should be abandoned the result would be an overwhelming victory for the tubes in a popular vote, and I imagine the same thing is true of Boston and Philadelphia and St. Louis and Chicago. If the Government should put them in other cities, such as Detroit and San Francisco and Kansas City, the Senator from Kentucky would never have anything to worry about as to what those people thought of the service after they had once enjoyed its facilities.

Mr. SHAFROTH. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Colorado.

Mr. SHAFROTH. I should like to ask the Senator from New York why the owners of these tubes want to sell them when they are bringing in a revenue, as I understand, of $900,000 a year on a capital of $4,500,000? They are getting nearly 20 per cent upon their investment. Why do they want to sell to the Government when they are getting such a large return?

Mr. WEEKS. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Massachusetts, who is a member of the commission. I can not answer that question as accurately as he can.

Mr. WEEKS. That is a pertinent query, I think, and should be answered. The truth is that these tubes have cost in the neighborhood of $7,000,000. If the Senator from Alabama will pardon me, I think he stated that the cost was the maximum figure placed by the commission for their purchase, namely, $4,427,000. That was not the cost of the tubes. That is the estimate of their replacement cost in normal times. But the Senator must remember that there has been a vast amount of expenditure connected with the location of these tubes which would not go into a replacement cost, and the books of the company show that there have been something like $7,000,000 spent in the construction of the tubes. Now the companies have to run these tubes, and they do it without any expense to the Government, but the operation costs between five and six hundred thousand dollars a year. They have to pay taxes, and they have to do other things which the Government will not have to do. Therefore, as a facility for the use of the Government, and for no other purpose, it is believed that the Government should control them. The Senator can easily see that the net return is not 20 per cent, but it is not even 10 per cent of the maximum price that the commission has put on the purchase of the tubes.

Mr. SHAFROTH. It would be considerably over 5 per cent.

Mr. WEEKS. It would be over 5 per cent, but no sane man puts any money into an enterprise of that kind on a 5 per cent basis.

Mr. SHAFROTH. Then, if that is the case, why is it not cheaper for the Government to still continue to pay this rental instead of having money invested in it?

Mr. WEEKS. That is a pertinent inquiry, and I should like to answer it, if the Senator from New York will pardon me.

Mr. WADSWORTH. I shall be very glad to have the Senator answer it.

Mr. WEEKS. The appropriation which the commission recommends is exactly the appropriation which we have been making for the rental of the tubes. It is the appropriation we have made for 10 years. The amortization which will take place, including the Government's operating the tubes, is less than the company has been able to do it for, because it does not have to pay taxes and other expenses, and there will be at the end of 10 years this condition: The Government will own the tubes and will not appropriate any more money in 5 or 10 years than in the preceding 10 years has been appropriated for renting the tubes.

Mr. SHAFROTH. Outside of the question of taxes, would the Government expenses be any less than those of the private owners in operating the tubes?

Mr. WEEKS. It certainly would in very many ways. There are overhead operating expenses, attorneys' fees, and many other expenses, which the Senator can learn by examining the report of the tube company, which the company has to pay out, but which the Government would not have to pay.

Mr. SHAFROTH. I am making these inquiries for information. I should like to have the Senator answer one more question. I was utterly astounded to find that this tube was only an 8-inch tube. It struck me when I first heard that that it would be out of the question to build now an 8-inch tube; that its capacity would not be sufficient to carry many letters. Is there anything in the idea that these tubes may have outgrown their usefulness; that therefore the companies are trying to get rid of them, and that really a tube of three or four times its size should be placed in, and the Government would immediately be required to enlarge the tubes? Is there anything in that proposition?

Mr. WEEKS. If the Senator from New York will allow me, there is not, in my opinion. The only tube larger than 8 inches is the short service in Boston of 3 or 4 miles, which is a 10-inch tube. The experts have agreed that the 8-inch tube for first-class mail is the most economical and in every way the only size of tube which is adaptable for that service. It is not intended that these tubes shall carry any other than first-class mail. That is the kind of mail which we wish to expedite.

Mr. SHAFROTH. Does the Senator know whether there are any tubes in existence of, say, 1 or 2 feet in diameter?

Mr. WEEKS. There is a tube in London under construction for the purpose of carrying all kinds of mail which is larger.

Mr. SHAFROTH. And it works successfully?

Mr. WEEKS. I do not think it has been working long enough to demonstrate it. I will say to the Senator from Colorado that there is one other tube in this country 2 miles in length, running from the customhouse in New York. I think it runs from the old post office. It was purchased by the Government some two years ago by the Treasury Department. The department, after reports of engineers were obtained, is paying $85,000 a mile, and that is materially more than the estimated price which the commission placed on the mileage of tubes it is now proposed to take over.

Mr. BANKHEAD. I should like to ask the Senator from Kentucky [Mr. BECKHAM] if he can refer us to any report ever made by a commission authorized by the Postmaster General before this administration which recommended a discontinuance of the tube service?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Alabama?

Mr. WADSWORTH. I yield for that purpose.

Mr. BECKHAM. I have already read two instances.

Mr. BANKHEAD. That did not recommend a discontinuance of the service; it suggested that it was unwise. It never said anything about a discontinuance of it.

Mr. BECKHAM. I merely read what the reports said in their conclusions.

Mr. WADSWORTH. The Senator from Kentucky did not read all the report, and the part which was omitted is rather significant.

Mr. BECKHAM. I will say to the Senator that what I read was in the report of the minority of the committee. I was reading from the minority report of the commission presented by Congressman ROUSE, and I read what he used in that report.

Mr. WADSWORTH. The minority report?

Mr. BECKHAM. The minority report of the commission. He gave extracts from the report to which I referred.

Mr. WADSWORTH. The pneumatic-tube commission, headed by Mr. Daniel A. Campbell, reported in part as follows. I shall not read it all, but the part inserted in the RECORD by the Senator from Kentucky was the ninth paragraph, as I remember it.

Mr. BECKHAM. What is the date of that report?

Mr. WADSWORTH. December 10, 1908. The first paragraph of that report reads:

> The pneumatic-tube service is a very important auxiliary for the rapid transportation of first-class mail in the most important cities.

Which is exactly what we have been contending for.

Mr. BECKHAM. That was true in 1908, and it was true for some years later, because there were no automobiles at that time. All mail in the city that was not delivered in pneumatic tubes had to be delivered by horse-drawn vehicles, and there is no question but that the tubes offered quicker service at that time.

Mr. WADSWORTH. I will continue:

> 1. The pneumatic-tube service is a very important auxiliary for the rapid transportation of first-class mail in the most important cities, and performs a function not at present obtainable by other means.
> 2. Its constant availability makes it particularly appropriate for special-delivery mail, for all first-class mail of local origin for local delivery, for supplementary closings of first-class mail for dispatch by train, and for advance dispatches of first-class mail from trains for city delivery.

That state of facts still holds true. It is constantly available, and no motor truck on earth is constantly available.

I can not concede the correctness of the argument of the Senator from Kentucky, for he knows as well as I do that when there is a foot of snow on the streets of Boston or New York motor trucks are tied up; but the tubes are not.

Mr. BECKHAM. This report states that in Chicago during the past winter, which was the severest winter known for a great many years in that city or elsewhere, where the conditions as to weather are as bad, probably, as in any other large city in the country, there was no delay any day of the mails by a failure of the automobiles to deliver them.

Mr. WADSWORTH. There was no delay in the delivery of first-class mails because they went through the tubes.

Mr. BECKHAM. No; not all the first-class mail matter.

Mr. WADSWORTH. A large percentage of them did. I must insist on continuing my remarks.

The experience in the city of New York is that there are hundreds of instances of motor trucks missing train connections. In four months, from December, 1915, to March, 1916, 209 trains were missed by motor trucks. The tubes never miss trains. The cartons pass under the streets and it makes no difference how much snow there is, or sleet or ice—no matter how complicated is the congestion or the traffic situation—nothing interferes with the pneumatic tubes.

The cartons proceed at the rate of 30 miles an hour through those tubes and are despatched 10 or 15 times a minute, if my recollection is correct.

I am not going to base my remarks on specific cases of failure or success, but let me suggest this to Senators who have paid some attention at least to the traffic situation in cities. Every progressive city in this country is trying to relieve its streets of traffic. It is trying to get everything underground that can be put underground and used there. Here in the city of Washington, as a result of a statute of Congress, trolley wires are not allowed to be strung through the streets, and that accounts for the slots through which the trolleys are operated on the streets of this city. The same is true in the city of New York. I know that years ago they forbade stringing through the streets of the city telephone, telegraph, or trolley wires. The telephone and telegraph wires in the city of New York are buried in tubes—anything to get them off the streets, to get them out of the way, to get them out of the air. The trolley wires are buried under the slots in the middle of the streets—anything to get the wires and the poles off the street, off the sidewalk and out of the air, to clear the atmosphere, to clear the congestion. The city of New York spent $400,000,000 in building subways to get traffic off the streets—a desperate effort. It has not succeeded even yet in building enough subways, and they have spent more money than the Federal Government spent in building the Panama Canal in a desperate effort to get traffic off the streets. The whole tendency toward the solution of this problem in heavily congested cities is to get things underground, and here comes the Post Office Department and says that we must take these tubes up and put trucks on the streets. It is a step backward. Every student of municipal affairs knows it. Every city official who came before the committee has protested against it. I dare not trust my memory as to the deaths caused on the streets of New York by traffic. Perhaps my colleague [Mr. CALDER] can give that information. The deaths and injuries amount to some dozens a day. Yet here is a proposal to put more United States mail trucks upon the streets of the city of New York and hamper its efforts to relieve the congestion of the traffic.

Mr. UNDERWOOD. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Alabama.

Mr. UNDERWOOD. I wish to ask whether the Government now has put any of its own trucks in in place of these tubes?

Mr. WADSWORTH. I have not heard that they have purchased or contracted for the trucks. I have heard that they have trucks in view.

Mr. UNDERWOOD. Can they get the trucks without taking them away from the necessary supply of the Army at this time?

Mr. WADSWORTH. I assume it would be very difficult, knowing what I do about the difficulty of the Army getting trucks.

Mr. UNDERWOOD. The Senator is on the Military Committee and is familiar with the subject, and the question addressed itself to me at this time as to whether it was wise to divert this traffic from the means of conveyance already provided for and force it on trucks when we know the difficulty of the Army in getting trucks for present emergencies is very great.

Mr. WADSWORTH. That is entirely true. Every truck counts just as every airplane counts, and the Army should be served first. I do not know what the plan of the Post Office Department is in that direction, but I do know that the men who have for years studied this question of traffic congestion are most disturbed and discouraged at the suggestion coming from officers of the Federal Government that a backward step of this kind shall be taken.

Let me close by saying that the public sentiment in the cities that now have the tubes is overwhelmingly in favor of their retention, that the city administrations are bitterly opposed, as a rule, to putting any more traffic upon the streets. I remember very well the appearance made by the city administration officials of the city of New York here last year. The chief of the traffic squad of the New York police department was here and told the committee what it meant, that every additional truck meant so much more danger to women and little children upon the streets of that city; that their problem of traffic control is almost impossible, as it is.

Even to-day, Mr. President, they are wondering what they are going to do with the ever-increasing traffic, and suggestions are being made for the expenditure of literally millions and millions of dollars by the city to erect elevated ways in order to get some of the traffic off the main streets and more subways, not only for passenger traffic but for vehicle traffic. If the Senate will listen, as I hope it will, to the representatives in this body who represent the cities now using the tubes it will vote overwhelmingly in favor of their retention. There has not been a criticism from the patrons of the post offices in those cities where the tubes are used, and after all it is the patrons of the post office who should be served.

Mr. BECKHAM. Mr. President, I shall take only a few minutes on this subject, as I have already interrupted Senators in the discussion of it and expressed some views upon it.

In the first place I want to express regret that I find myself in disagreement with the distinguished chairman of the committee and other members of that committee. I have the very highest regard for their intelligence, sincerity, and earnestness in this matter, but I do not agree with them in the conclusions which they have reached in their report to the Senate.

Here we have a system that has been in existence in these five cities for about 25 years. The Post Office Department and everyone connected with that department, with the exception possibly

of one, tell us that the tube system in the light of present-day conditions is absolutely useless; that it is of no more value to the service than so much junk; and that the department would not want it as a gift.

I shall not undertake to present to the Senate all the numerous statements and arguments made against the use of the tubes. I have been convinced, however, from what I have heard and read about it that the department is right.

There is no reason, Mr. President, to reflect upon the motives of the Postmaster General or of any official in that department upon this question. Can anyone conceive of any reason why the Postmaster General or those associated with him should have cause to oppose the use of these tubes unless it be because they believe that the service does not need them?

I know it is true that large numbers of business men, of commercial and civic organizations, in the cities where the tubes are located, have interested themselves in the matter, and have come before the committee and have written letters and used what influence they could upon Congress for the retention of the tubes. I do not mean to criticize any of the gentlemen who have done that; I think they have been sincere, but I think they have been misled by the owners of the tubes. In some instances it has been shown that some of those who advocated so vigorously the retention of the tube system did not know where the stations were located in the cities where they live. They have been led to believe by the owners of these systems, who are in some instances, I imagine, influential business men in those cities, that it was a valuable system and a valuable adjunct to the mail service in those cities.

As I stated before, Mr. President, there is no doubt but that some years ago, and for some years following the installation of these systems, they were of great service, because in those years all the mail transportation in the cities was carried in vehicles drawn by horses, and the speed, of course, by the pneumatic tube was far greater than could be secured in that way. But in recent years the automobile has been so developed that now the post-office officials in practically all instances can deliver the mail between stations in these cities as rapidly with the automobiles on the surface as they can with the pneumatic tubes under the ground.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Colorado?

Mr. BECKHAM. I yield.

Mr. THOMAS. I am curious to know why it is necessary for the Government to buy these tubes in order to continue the service which they have been rendering for some years. If I understand the amendment now before the Senate, it involves the matter of purchase, and that alone. Why should the Government buy the systems in these cities which have been heretofore operated and which are said to be so indispensable to the proper transmission of the mails? Having been operated heretofore by private parties, by the owners and under contracts with the Government, it occurs to me that there must be some reason why these concerns want at this time to sell their property to the Government. If the tubes and the systems are so indispensable, I can very easily perceive why they should be continued; but why should the Government at this time, when it is needing all the money that can possibly be raised by taxation and by bond sales, take four or five million dollars and invest it in these tubes? That is the question which has puzzled me.

Mr. BECKHAM. It will amount to a great deal more than four or five million dollars in the end.

Mr. THOMAS. As I read the amendment, of course I reached that sum. I know nothing about the facts, and the committee which has investigated the matter is, of course, more competent to treat the subject in its principles than I am.

Mr. BECKHAM. If the owners of the tubes should get what they ask, it would be a very valuable transaction to them. I can not blame them for seeking to get the best price they can for the tubes, but I was discussing another matter.

Mr. HARDWICK. Mr. President, I wonder if the Senator from Kentucky would like to have me reply now to the inquiry of the Senator from Colorado or would he rather that I should not interrupt him now. I will notify the Senator from Colorado that the committee is fully prepared to answer the question. Probably the Senator from Kentucky would rather that I would wait and speak in my own time.

Mr. BECKHAM. A little later, because I am discussing another feature now.

Mr. HARDWICK. Very well.

Mr. BECKHAM. As I said, Mr. President, I can not conceive of any motive that the Post Office Department could have in a matter of this kind except that of securing the very best and most efficient service possible throughout the country and in the cities where this pneumatic system exists. Senators understand that the capacity of the pneumatic tubes, with the containers now used to carry the letters, is very limited. They carry a very small part of the entire mail in these cities. I understand it is about 4 or 5 per cent of the entire bulk, and they carry only about 40 per cent of the letters.

The Post Office Department, of course, makes other arrangements to carry the mail not served by the tubes, and they are doing it by the screen wagons or automobile trucks, and, from their statements, they are getting in that way quicker and better service than they get through the tubes.

Mr. WEEKS. I think the Senator inadvertently is giving a wrong impression relative to the first-class mail carried in the tubes. The reason why the tubes do not carry a larger percentage of first-class mail is because they do not connect with all the stations in the city. They connect with only a limited number of stations. Practically speaking, they carry all the mail from one station to another where the connection is made.

Mr. BECKHAM. Something has been said here, I think by the Senator from New York [Mr. WADSWORTH], about the tests that have been made, and that certain tests have been made on Sunday or at early hours in the morning, when the streets were not congested with traffic. If you stop to think of the relatively small amount of mail that goes into these containers and through the tubes, you can put it into automobiles that the Post Office Department is already using, with some additional automobiles they may have to get, and you will find that it will make very little difference in the matter of traffic conditions in those cities. It will take comparatively few additional trucks, I understand, to do it.

Mr. HARDWICK. How many automobiles will it take to transport 25,000,000 letters a day?

Mr. BECKHAM. I have not at hand definitely the number of automobiles it will take in each of the cities, but if the Senator will look into the report of the minority he will find it given there.

It is a comparatively small number, and it is not such a number as will add a particle to the traffic difficulties in any of these cities.

Now, speaking about the matter of tests, as I understand the position of the Post Office Department they are not relying upon any specific test, but they are relying upon the general experience in handling the mails in the tube cities. They are having parallel experiences with the tubes and with the automobile service now. They have been having it for years. The automobiles are running between the same stations where the tubes are employed.

I have here some figures, with a statement from the department, that will be of interest. The Senator from New York made a statement about the delays in automobile delivery. Those delays, according to the figures of the department, are not near so frequent or serious as the delays in these tubes.

That the pneumatic tubes are unreliable and fast deteriorating and that they cause damage and delay to important mail is shown by the April, 1918, records of the post offices where tubes are operated.

This is merely for the last month, remember—

In Chicago during the month of April, 1918, 1,924 pouches of letter mail, or approximately 4,000,000 letters, were subjected to delay from 5 minutes to 13 hours and 25 minutes. At this rate, 48,000,000 letters would be delayed yearly in Chicago alone. During this same period Government-owned automobiles, by which 61 per cent of the letter mail and more than 95 per cent of the entire bulk of mail in Chicago is transported, failed to make but 6 connections, involving a delay of 7 pouches, approximately 14,000 letters, or at the rate of 168,000 letters a year.

The following is a comparative statement of the two services in that city for the month of April, 1918:

	Pouches subjected to delay.	Letters subjected to delay.	Proportion of letters carried.	Proportion of entire mail carried.
			Per cent.	*Per cent.*
Pneumatic tubes	1,924	4,000,000	39	5
Automobiles	6	14,000	61	95

In many instances, because of the stoppage of the tubes, it was necessary to dig up the streets in order that mail lodged in the lines might be recovered. In each instance the interruption in service was brought to the attention of the pneumatic-tube company, but no explanation by the company has been made.

That the pneumatic tubes are fast deteriorating is evidenced by the increasing number of breakdowns and stoppages not chargeable to the human element. During the fiscal year ended June 30, 1917, in the city of Chicago 8,160 pouches, or approximately 17,000,000 letters, were subjected to delay on account of stoppages of the tubes, or at the rate of 680 pouches, 1,416,000 letters, a month, as compared with 1,924 pouches, or 4,000,000 letters, delayed during the month of April, 1918.

The damage caused to letter mail by the pneumatic tubes is best illustrated by the few samples submitted by the postmasters at Chicago and Philadelphia covering the brief period in April of this year shown by the postmarks.

Mr. BANKHEAD. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Alabama?

Mr. BECKHAM. Yes, sir.

Mr. BANKHEAD. Was the Senator reading in that report of something which occurred in Chicago about the stopping of the tubes?

Mr. BECKHAM. Yes.

Mr. BANKHEAD. I think it is but fair to say that, while that is true, it was entirely due to an explosion in the streets, which for a time put the tubes out of commission, and of course nobody could prevent that.

Mr. BECKHAM. I understand that those accidents are frequently happening in cities other than Chicago, that this tube service is fast deteriorating, and, as the department says, accidents have been growing more frequent than heretofore.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. BECKHAM. I yield.

Mr. WEEKS. The reports of both the engineers employed by the commission and the Government engineers are to the effect that there has been no deterioration of the tubes, but that they are certainly good for from 25 to 50 years.

Mr. BECKHAM. Will the Senator from Massachusetts tell us who those engineers were?

Mr. WEEKS. Yes. The Government engineer was Chief Engineer A. B. Fry, of the Treasury service, and the engineers representing the commission were engineers connected with Stone & Webster.

Mr. THOMAS. Mr. President, may I interrupt the Senator from Kentucky?

Mr. BECKHAM. I yield to the Senator from Colorado.

Mr. THOMAS. I desire to ask the Senator from Massachusetts whether the tube service in the city of Boston was not originally constructed for the transportation of freight and parcels?

Mr. WEEKS. There were about 3 miles originally constructed for the transportation of parcels. That was a 10-inch tube.

Mr. THOMAS. Is it a fact that it proved to be a failure?

Mr. WEEKS. It proved to be a failure from a financial standpoint for the reason that there are surrounding the city of Boston, as the Senator will recall, a large number of smaller communities which are really a part of Boston. There is a very complete service between those smaller places and the centers in Boston; but the difficulty was in getting the parcels first from the place where they originated to the tube and then from the end of the tube to the purchaser of the parcel. They had to be transferred twice, and that delay and additional expense rendered the tubes unprofitable.

Mr. THOMAS. My recollection is that when this subject was before the last Congress—the Senator from Massachusetts will correct me if I am in error—it was stated that the tubes were originally built for the transportation of merchandise, and after they had proved to be a failure for that purpose a contract was made with the Government for their use in the transportation of mail.

Mr. WEEKS. They were taken over by the Government and connected with 8-inch tubes that were being constructed. By the way, the 8-inch tube is used in the 10-inch pipe that was formerly used for the transportation of parcels.

Mr. BECKHAM. Mr. President, it is not my desire or purpose to take up more time in this matter. I have given it some study and thought, and while, as I have said, I greatly respect the opinion of my colleagues on the committee who take a different view from mine, I feel convinced that it would be a useless and wasteful expenditure of Government money to buy these tubes. The officials of the Post Office Department are charged with the responsibility for the efficient and satisfactory administration of the Postal Service, and they are practically unanimous in the expression of their view that they do not want or need this system. They say they can give better and speedier service without the tube system with the use of the automobiles, and that they can do it at one-third of the cost for the tube service. I see no reason, therefore, why we should not defer to their judgment in this case, give them a trial, and let the tubes be abandoned; it might be for a year or so. It is probable that they would not be taken up in that time, and their use could be resumed if desirable. The Post Office Department would be put upon a test as to whether or not its statements and its promises in regard to this matter can be relied upon. I believe that they can be.

Mr. SHAFROTH. Mr. President——

Mr. BECKHAM. I yield to the Senator from Colorado.

Mr. SHAFROTH. I should like to ask the Senator from Kentucky a question or two for information. It has developed in the discussion that these tubes are only 8 inches in diameter. That was somewhat of a surprise to me, for a very limited quantity of mail can be transmitted in a tube only 8 inches in diameter. Of course, it requires frequent discharges of the containers through the casing.

I want further to know whether this system, which may have been adequate at the time the tubes were first installed, is not now obsolete by reason of the fact that they are too small to carry a sufficient quantity of mail?

I should like also to know whether there is any expectation that as soon as we purchase these tubes there will be a movement to make 2-foot tubes, and that they may, therefore, have to be reconstructed by the Government, probably at enormous cost?

I should like to ask the Senator from Kentucky whether or not he has investigated these matters, and whether there is anything in the suggestions which I have made?

Mr. BECKHAM. There may be developed in the future an underground system for transmission of mail, but not a pneumatic-tube system. I think, in the light of present-day conditions and experience, that system is a failure. There are a great many accidents in the tubes, as I am informed. A great deal of mail is destroyed. There are thousands and thousands of letters in the service each year that are ruined by these containers coming open and something happening to the letters getting into the tubes. These [exhibiting] are just a few that were gathered in one day from one of the tubes. The destruction of the mail which is handled by the tubes is much greater than it is in any similar amount of mail which is handled by automobile.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. BECKHAM. Yes.

Mr. WEEKS. I should like to remind the Senator from Kentucky that the records do not show any such destruction of mail. As the Senator from Kentucky is well aware, the mail is put into a receptacle, which is closed, and it is then dispatched through the tube. The only possibility of any harm to the mail comes where the receptacle in some way gets open. There are instances, it is true, where that has happened; but they are so remote and so infrequent that, as a matter of fact, they are negligible. The records of the department itself demonstrate the correctness of that statement.

Mr. BECKHAM. If the Senator from Massachusetts will look at the report of the minority of the commission, he will see the statement that many thousands of letters are destroyed in this way each year; that the containers may be imperfectly closed, and in their transit through the tubes become open; there is congestion, and the letters in many instances are destroyed and in other cases they are injured.

Mr. President, I do not wish to take up more time of the Senate. I think we have reached a point where we may well abandon the use of these tubes and save to the people the useless expenditure of many millions of dollars.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. BECKHAM. I yield to the Senator.

Mr. GALLINGER. The Senator from Kentucky has observed that in many instances the containers are not properly closed. Whose fault is that? Is it the fault of the post-office officials?

Mr. BECKHAM. I could not answer that question. I do not know whether it is the fault of the employees of the tube company or of the Post Office Department, but I would suppose it would be the fault of the employees of the tube company.

Mr. GALLINGER. I think it is the fault of the employees of the Post Office Department, and that it ought not to be charged up against the system.

Mr. BECKHAM. I am not prepared to say as to that, but my guess would be that the tube company would have its own employees in charge of each end of it.

I think, therefore, Mr. President, the statements which have been made by the Postmaster General and by other post-office officials, that they can give to the country and to the cities concerned much more satisfactory, much more efficient, and much more economical service by the abandonment of the tubes, should be accepted, and that we should give them a chance to do it.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

Mr. KIRBY. Mr. President, is the question on agreeing to the committee amendment as printed in the bill?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended. There has been an amendment adopted to the committee amendment.

Mr. KIRBY. Mr. President, I am opposed to the purchase by the Government of these tubes at the present time. It seems that we have had an investigation of the matter and there is a divided report. The minority report states that the tubes are not effective; that they are not desirable for the service; and that they have not facilitated the delivery of mail in proportion to the amount of the cost.

The minority report also sets forth that the franchises granted for the operation and the laying down of the tubes are about to expire in a great many instances and necessarily can not be renewed without expense to somebody. The Post Office Department is opposed to the further continuance and operation of this system. It says it is archaic, it is ineffectual, it is worn out and useless junk.

I wish here to introduce into the RECORD a copy of a letter of the Postmaster General to the chairman of the committee who made the majority report for the purchase of the tubes—a copy of which letter, I presume, has been received by each Senator—giving something like 14 very substantial reasons why the Government should not be compelled to purchase a system for delivering the mail that is absolutely worthless, in the opinion of the Postmaster General. I ask that this letter be published in the RECORD without reading.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent to print in the RECORD the letter referred to by him.

Mr. SHAFROTH. Why can we not have it read?

Mr. KIRBY. I will be glad to have it read, and will ask that the Secretary read it.

Mr. GALLINGER. Does the Senator think that is necessary, when each one of us has had a copy of that letter from the Postmaster General? I have read it, and so, I apprehend, has every other Senator read it.

Mr. KIRBY. I do not care to have it read if it is not desired. I do, however, want it to go into the RECORD.

Mr. SHAFROTH. I may have received a copy of the letter, but I have not read it; we have some other duties to perform here.

The PRESIDING OFFICER. The Senator from Arkansas has the floor. The Senator from Arkansas asks unanimous consent that the letter referred to be inserted in the RECORD. Is there objection? The Chair hears no objection, and it is so ordered.

The letter referred to is as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., April 2}, 1918.

HON. WILLIAM F. KIRBY,
United States Senate.

MY DEAR SENATOR KIRBY: Attached find copy of a letter addressed to Senator BANKHEAD, chairman of the Committee on Post Offices and Post Roads, outlining the reasons why the department feels that the pneumatic tubes should not be purchased, operated, or rented by the Government, and which I trust you will find time to carefully read.

Very sincerely,

A. S. BURLESON.

APRIL 23, 1918.

HON. J. H. BANKHEAD,
Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR BANKHEAD: The bill (H. R. 7237) making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, carries an amendment, beginning with line 14, on page 14, making an appropriation of $976,000 for the transmission of mail by pneumatic tubes and provides for the purchase and operation of the tubes by the Government on and after July 1, 1918. The amendment also prescribes the method of purchase and fixes the maximum amount which can be paid for the properties at $4,432,622.

This amendment is not in the interest of the Postal Service and I wish to vigorously protest against its enactment. My objections are based on the following reasons:

1. The tubes are unnecessary and a hindrance to efficient operation of the Postal Service. The volume of all classes of mail has so greatly increased and surface transportation so greatly improved, both as to speed and frequency, that the tubes are no longer of value. This is illustrated by the fact that in 1913 it was estimated that 5,375,147 letters were advanced daily through the use of the tubes, while in 1915 only 2,837,638, or about one-half, were advanced. No doubt this ratio of reduction has continued; and if so, there is now little or no mail advanced by the tubes, notwithstanding the fact that the screen-wagon schedules are arranged so as to secure the greatest advantage of the tubes.

2. Because of their limited capacity, the tubes can not be used to meet emergent conditions, and for that reason delay millions of letters annually.

3. Because of their unreliability, due to breakdowns and stoppages, the tubes cease operation for hours and even days at a time, and it is often necessary to dig up the streets to obtain the mail clogged in the tubes. When this occurs it is necessary to immediately substitute vehicle service, which results in confusion of schedules, thereby disorganizing the transportation and delivery services and causing delay to large quantities of letter mail.

4. Because of defects, carelessness on the part of operators, and accidents, the tubes soil or damage thousands of letters each year and in many instances entirely destroy others, thus resulting in many complaints and great inconvenience and loss to the public.

5. Less than 50 per cent of the letter mail, or 5 per cent of the entire volume of mail handled at the stations having pneumatic tubes, is transported by the tubes. If they were abandoned practically all of this mail could be handled more expeditiously and at less than one-third the cost by other means and large quantities of mail now delayed by the tubes advanced.

6. Notwithstanding the small quantity of mail transported by tube, the cost per mile is more than the entire amount paid for carrying the mail on all railroads entering New York, three times as much as is paid those entering Boston, and one-sixth as much as the entire cost of the screen wagon, automobile, city delivery, and collection vehicle service for all the cities of the United States.

7. The cost of transporting mail by tube is excessive and an extravagant waste of public funds. Investigation shows that in Philadelphia it costs approximately 13½ cents for each letter advanced by tube. What is true in Philadelphia is equally true in other cities. This is more expensive than special-delivery service.

8. Because of the unreliability and the inefficiency of the tubes, it has become necessary to divert a large quantity of mail formerly dispatched through them to automobiles wherever close connections are required. It has been found that later closings can be made and closer connections assured by means of automobiles. This is true even in the congested sections of New York City.

9. The tubes can not be maintained and operated for the sum mentioned in the amendment—$500,000 per annum. In their report Stone & Webster state that the average cost of operation for the past three and three-fourth years was $512,000 annually, and that the system can be operated by the Government for $453,000 annually. The average cost for the period mentioned is not a proper standard by which to measure present and future cost. Because of war conditions, increased wages and shorter hours of Government employment, the tubes can not be operated for $500,000 per annum. No provision is made for depreciation or maintenance of the tubes, which are fast deteriorating and which will have to be rebuilt long before final payment has been made. It will be necessary to ask for a large deficiency appropriation each year to operate and maintain the systems.

10. Under the proposed plan of payment the franchises will expire in some cities before the tubes are even paid for. In one instance the property will revert to the city, and the Government will be required by the law to pay for and operate the system after the property has reverted to the city.

11. Because under the proposed plan, assuming that the maximum price of $4,432,622 is paid for the tubes, 11 years will have expired before final payment can be made, thus expending approximately $11,000,000, for which the Government will acquire and be compelled to operate 56 miles of worthless junk and because of its use delay millions of letters annually.

12. The Government is under no moral obligation to purchase the tubes or continue their use on a rental basis, a fact that is admitted by the tube owners. This is even more apparent when it is known that the department has already paid more than $11,000,000 in rental for the tubes now in use, which is twice the estimated cost of construction.

13. The department would be compelled to purchase and hereafter operate the present obsolete pneumatic-tube systems, notwithstanding the fact that better means of underground transportation may be obtained. Even at this time the department has under consideration the utilization of subways for the transportation of all mail in the congested portions of the city of New York.

14. The proposed manner of purchase is not as favorable to the Government as that offered by one of the tube companies to the department in 1916, when it was stated that they expected to realize only that degree of value which the tubes possess to the Government service. They did not even ask that they be purchased at their physical value. To this offer the department replied that the tubes had so little utility value to the service that they would not be accepted as a gift.

The Post Office Department, because of war conditions, is conducting the Postal Service under many handicaps. Efficient postal service is of the utmost importance to the public, and its efficiency should not be intentionally impaired by requiring the purchase and further use of these tubes, which, in the opinion of those responsible for the Postal Service, as statements submitted to the commission show, are archaic, worn out, and useless junk.

At this critical period in the history of our country I think that we should conserve its resources and not expend large sums of money in a useless or wasteful manner at a time when our people are called upon, and will no doubt continue to be called upon, to make great sacrifices. The purchase of these tubes is so strongly protested against by the experts of the Postal Service, by the postmasters and supervisory officials at the offices where the tubes are operated, that I sincerely regret that your commission did not summon these persons before it and hear from them the many sound reasons why the tubes should be abandoned. That their judgment in this respect is sound is confirmed by the fact that the merchants of Boston more than 15 years ago abandoned the use of the 5 miles of tube built by them for underground transportation. The judgment of these officials is further corroborated by the opinion reached by a commission appointed by the postmaster general of Great Britain which visited this country several years ago to investigate the pneumatic-tube systems in use here and which reported to their Government that our tube system was no more efficient than the ordinary road van used on the streets of London.

In conclusion I wish to again earnestly protest against any appropriation being made for the purchase, operation, or rental of the present pneumatic-tube systems and urge that the use of these tubes be abandoned.

May I not ask that this letter be inserted in the RECORD when the item carrying this appropriation is under consideration, so that it may be a matter of public record that no person connected with the Postal Service is in any way responsible for unloading this valueless property on the Government, but, on the contrary, that the department and the postal officials consistently opposed such action.

Respectfully,

(Signed) A. S. BURLESON,
Postmaster General.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Alabama?

Mr. KIRBY. I yield.

Mr. BANKHEAD. I ask unanimous consent to insert in the RECORD a reply to that letter, signed by the three Members of

the Senate who were members of the commission appointed last year to make investigation and report to Congress with respect to the pneumatic-tube mail service.

Mr. KIRBY. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears no objection, and that letter also will be inserted in the RECORD.

The letter referred to is as follows:

[Copy of letter sent to all Senators.]

MAY 2, 1918.

MY DEAR SENATOR: The undersigned Senate Members of the commission appointed last year to make investigation and report to Congress with respect to the pneumatic-tube mail service in six of the largest cities, regret the necessity for calling attention to a recent personal letter addressed to each Member of the Senate by the Postmaster General, in which he protests the action of five of the six members of that commission, who, after a most thorough and comprehensive investigation covering a period of more than ten months, have recommended the purchase of the pneumatic-tube systems contrary to the pronounced views of the Postmaster General.

The Postmaster General, apparently not content with having repeatedly recommended the abandonment of tube service, both in annual reports to Congress and by special communications and statements to the press, attempts further to influence the action of Senators, and, under the guise of seeking to put the department on record as protesting the action of the commission, addresses a personal letter to each Senator, which, aside from a number of glaring misstatements of facts, presents arguments against the utility value of the tubes which he and his assistants have heretofore repeatedly submitted to Congress, every one of which were presented by the department to the commission and after careful consideration were decided adversely to the contention of the department. In the letter he makes special request that it be inserted in the RECORD during consideration of the subject by the Senate.

The commission not only did not ignore the department during its investigation, but, on the contrary, and at the very outset, requested the Postmaster General to designate one of his experts, having knowledge of tube service, to assist the commission, which was done, and that expert rendered the commission valuable service. On the occasion of each visit of inspection the department was requested to detail an expert to accompany the commission, which was done. The two men, who were present at different times during each investigation, were both members of the departmental committee in 1915 appointed by the Postmaster General to investigate and report on tube service, and who reported, in October 1917, that the service should be abandoned with the exception of the service in New York City, where they recommended its retention.

In each tube city the postmaster was requested to accompany the commission and from three to five of the supervisory officials in each office also accompanied the commission and were present throughout the entire investigation.

The commission, not content with the abundant evidence previously submitted by the department and the reports of its experts, but desiring to have the full benefit of everything the Postmaster General had on the subject, compiled and published every official report concerning tube service since its establishment in 1893 to the present, which included every private and departmental report, even remotely bearing on the subject, that the department could furnish, much of it not heretofore made public, among which is a late report by a special departmental committee on the feasibility of large tubes in New York City.

In addition, the department, at the request of the commission, submitted, under date of January 10, 1918, a statement of its reasons against tube service, in which are included the latest reports to the Postmaster General by the postmasters in tube cities, and their supervisory officials, concerning tube service, among them being a report by a corps of post-office inspectors who spent several months investigating tube service in New York City.

These reports were published and considered by the commission prior to its report to Congress, and have been sent to each Senator and Member of Congress. They contain in substance and specifically every reason assigned by the Postmaster General in the letter addressed to you for his position against the acquisition of the service by the Government. The implied statement in his letter, expressing regret that the commission did not summon his officials having knowledge of the subject, and that thereby the position of the department was ignored, can not be construed other than an attempt to prejudice the minds of Senators and to discredit the report of the commission.

Aside from the statements that the cost of advancing each letter in Philadelphia is 13½ cents, and that the cost per mile of tube service is greater than the cost of carrying the mail on all railroads entering New York, three times as much as paid those entering Boston, and one-sixth of the entire cost of screen wagon, automobile, city delivery, and collection vehicle service, the various objections to tube service pointed out by the Postmaster General are discussed and considered in the report of the commission.

We believe the other statements referred to both as untrue and as having an unfair tendency to influence Senators, who have not the time to make independent investigation of the facts, to vote against the recommendations of the commission and the Senate Post Office Committee. The Postmaster General in his letter emphasizes the franchise rights to be acquired, under the legislation proposed, notwithstanding that the report of the commission discusses that feature and points out that no value is attached to franchise rights since the Government is not required to procure a franchise, and the legislation proposed specifically provides that no franchise condition imposing a charge shall be recognized.

In the city of Chicago, under the terms of the present franchise, the property in the streets shall vest in the city in 1923. The legislation proposed directs the Interstate Commerce Commission, in fixing the valuation of the systems, to take into consideration such a situation as exists in Chicago. The city council of that city recently adopted an ordinance requesting Congress to continue the tube service.

The present attitude of the Postmaster General regarding tube service is contrary to the judgment of each predecessor in office; of five congressional investigating committees, including one as late as 1914, of which Senator HOKE SMITH was chairman, and Hon. Joseph Stewart, regarded as the best authority on postal affairs in this country, was a member; and of the expression of every commercial, civic, and business organization concerned in the public welfare of the cities involved that has taken the trouble or the time to investigate the question. During the hearings in each city not a protest was raised against the service, but, to the contrary, all earnestly contended that street congestion, delays, and the uncertainty of automobile service, especially during periods of severe storms, and the importance of quick, reliable, and constantly available collection and delivery of first-class mail made it imperative that the tubes be retained.

Your careful attention is invited to the report of the commission, including that of the engineers, who, with a corps of assistants, spent several months investigating the entire subject.

Yours, respectfully,

J. H. BANKHEAD,
THOMAS W. HARDWICK,
JOHN W. WEEKS,
(Signed) By J. H. BANKHEAD,
Chairman.

Mr. BANKHEAD. I also desire to have inserted in the RECORD an answer to the statements of the Postmaster General.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[Answer to statements which the Postmaster General, in a letter addressed to the chairman of the Senate Post Office Committee and each Member of the Senate, dated April 23, 1918, gives as reasons for protesting against the enactment of an amendment in the current Post Office appropriation bill, approved by the Senate Post Office Committee, which provides for the purchase and operation of the pneumatic-tube mail service by the Government on and after July 1, 1918.]

NOTE.—All of the information now given in the Postmaster General's letter was presented at public hearings before the House and Senate Post Office Committees last year and also before Congress during the consideration of the post office bill. Congress at that time decided after careful consideration to appoint a joint commission of its own to investigate the subject. This same information was then presented to the joint commission of three Senators and three Representatives. This commission decided after most careful consideration that the information was not based upon fact, and they have recommended after a most complete investigation, in which they were aided by expert engineers and auditors, that the Government should purchase and operate these tubes. The Postmaster General now ignores the recommendations of this impartial commission and the unanimous views of the public and the press and again advances these same statements by sending copies of the letter in question to all Senators.

STATEMENT I.

"The tubes are unnecessary and a hindrance to efficient operation of the Postal Service. The volume of all classes of mail has so greatly increased and surface transportation so greatly improved, both as to speed and frequency, that the tubes are no longer of value. This is illustrated by the fact that in 1913 it was estimated that 5,373,147 letters were 'advanced' daily through the use of the tubes, while in 1915 only 2,837,638, or about one-half, were 'advanced.' No doubt this ratio of reduction has continued, and, if so, there is now little or no mail 'advanced' by the tubes, notwithstanding the fact that the screen-wagon schedules are arranged so as to secure the greatest advantage of the tubes."

The commission concluded (p. 1), after careful analysis of the testimony, holding public hearings, inspecting the tubes, and considering the reports of its engineers, auditors, and the final briefs submitted by the owners and the Post Office Department "that the tubes as now installed for carrying letter mail are necessary for proper postal service, and should be continued. * * *"

The volume of mail has undoubtedly increased, and particularly the parcel-post mail. The tubes, however, were constructed for the sole purpose of facilitating the delivery of letter mail. The commission's engineers, Stone and Webster, say (p. 3): "No number of automobiles, even at a cost exceeding that of the best-combined automobile and tube service, could obtain all of the advantages of a combined service." (Of tubes and automobiles.)

Twenty-four million eight hundred and twenty nine thousand and twelve letters are carried daily by the tubes, according to the Post Office records (p. 21), also three to five million letters are "advanced" or make connections every day, which would be lost by any other means of transportation. "The commission (p. 3) feels that the additional cost for providing expedition for these amounts of mail is fully justified."

As to the statement that 5,373,147 letters were "advanced" daily through the use of the tubes in 1914, while in 1915 only 2,837,638, or about one-half were "advanced," this statement is not true, according to the Post Office records, and, moreover, the two years are not comparable. The actual number of letters "advanced" daily in 1915 was 4,649,976, for the Postmaster General in his figures omitted the amount of mail which was "advanced" by tube in Boston. Also the per day count of all-letter mail in 1915 is less than the count in 1913, due undoubtedly to the fact that the 1915 figures were taken during the two lightest mailing days of the light mailing month of August and also during a period of decided business depression. It would therefore follow that if the total number of letters mailed in 1915 were less than the total number of letters mailed in 1913 the opportunity for "advancing" mail would be less in 1915 than in 1913.

Undoubtedly the volume of parcel-post and paper mail has increased, but this has no bearing on the use of the tubes, as, obviously, the letter mail should not be treated in the same way as the inferior classes of mail. While frequency of surface transportation may have increased because of the growth of bulk mail, it is self-evident that there has been no abatement in the congestion of the streets of the principal cities. It is therefore impossible that the speed of transportation can have increased.

STATEMENT II.

"Because of their limited capacity the tubes can not be used to meet emergent conditions, and for that reason delay millions of letters annually."

The Postmaster General stated last year as his chief objection against the pneumatic tubes their alleged limited capacity, claiming "the capacity of each container is limited to 5 pounds" and "the rapidity of dispatch to about 15-second intervals."

The commission has, therefore, given particular attention to this point, and finds by its own observations, as well as from the report of its engineers (p. 133), that the carriers, instead of being limited to about 5 pounds will actually carry an average of 8 pounds, and that with "a little care 11½ pounds of ordinary mail was easily put into a container." As to the rapidity of dispatch, 10 seconds was

found to be the usual interval, and the engineers state "there seems to be no reason why this setting, or even a lower one, can not be used when desirable."

The pneumatic tubes have a maximum capacity of 200,000 letters per hour for each line of tubes. Their carrying capacity is, therefore, far beyond the output or working capacity of every post office with which they connect.

Because of this flexibility in the matter of its capacity, the pneumatic tubes have not only met "emergent conditions," but have overcome them so that the business communities of New York and Chicago during the severe storms of December, 1917, and January and February, 1918, received their mail with regularity. Stone & Webster say (p. 131): "After the recent storm in New York, December 13, 1917, motor-vehicle service was completely demoralized for several days * * * and without the pneumatic tubes vast quantities of first-class mail would have been seriously delayed." This same condition existed in Chicago and in the other cities. In Chicago, for example, during certain days of this winter absolutely no automobile service was provided The Government-owned automobile service in New York City is even now in a chaotic condition, and during the months of January, February, and the early part of March its presence could hardly justify the term "service," because, though an automobile might leave a postal station, no one, not excepting postal officials, dared say where it would stop or when it would return. Yet the mail reached the addressee. And that feat was accomplished by means of the pneumatic tube and because the pneumatic tube had met and overcome an "emergent condition."

The statement that the tubes delay millions of letters annually is at total variance with the facts. The Post Office records themselves show that the tubes permit three to five million letters of the 24,000,000 letters which they carry to make connections every day which otherwise would be missed Moreover, the Post Office Department has always had vehicular service as well as tube service at its disposal, and if it were possible that the pneumatic tubes were delaying mail, the department would certainly send this mail by vehicles. If mail is delayed, the fault is in the way in which the Post Office utilizes the tube service and not in the tubes themselves. This fact is borne out by the investigation of Stone & Webster, who, referring to certain alleged delays in Philadelphia, state: "These delays are consequently not due particularly to the tubes as such but to the conditions under which they are used"

STATEMENT III.

"Because of their unreliability, due to breakdowns and stoppages, the tubes cease operation for hours and even days at a time, and it is often necessary to dig up the streets to obtain the mail clogged in the tubes. When this occurs it is necessary to immediately substitute vehicle service, which results in confusion of schedules, thereby disorganizing the transportation and delivery services and causing delay to large quantities of letter mail."

The commission's engineers, Stone & Webster, say in this connection (p. 131): "Relative reliability.—Irregularities of tube service from accidental causes are less frequent than similar irregularities of motor-vehicle service, but are more serious when they do occur," and they conclude "that on the whole the tubes probably delay less mail from accidental causes than would automobiles." They further add: "It is obvious that there is a great advantage in this respect in having both systems, as they are adversely affected by entirely different causes, and this would be especially true with both under complete control of the Government so that their duplication would be most effective."

"The operating records of the pneumatic-tube companies show that their service is as near perfect as any mechanical service possibly could be." The engineers, Stone and Webster, say in this connection (p. 113): "As a mechanical device we find the pneumatic tubes to be a well-developed mechanism," and "the records of interruptions to tube service show them to be due almost entirely to the element of human operation. There are practically no interruptions to the service due to the plant or its design."

STATEMENT IV.

"Because of defects, carelessness on the part of operators, and accidents, the tubes soil or damage thousands of letters each year, and in many instances entirely destroy others, thus resulting in many complaints and great inconvenience and loss to the public."

The engineers, Stone and Webster, say (p. 121): "Damage to mail in tubes.—* * * An occasional letter may become soiled by accidental dropping upon the floor, which is more or less greasy about the tube terminals. In rare instances tube containers are improperly closed through carelessness of an operator and may open in the tube in transit. In such an event the contents of the containers are liable to spill out into the tube, be pushed along by the following container, and much of it badly soiled and damaged. The total amount of mail so damaged is, however, very little."

STATEMENT V.

"Less than 50 per cent of the letter mail, or 5 per cent of the entire volume of mail handled at the stations having pneumatic tubes, is transported by the tubes. If they were abandoned, practically all of this mail could be handled more expeditiously and at less than one-third the cost by other means, and large quantities of mail now delayed by the tubes advanced."

The records prepared by the Post Office Department for Stone and Webster (p. 119) show that the pneumatic tubes "transport 72 per cent of the letter mail in New York during the hours the tubes are in operation, and in these records no deductions were made for the mail transported to and from stations not connected with tubes. Also in Chicago the records show that 61 per cent of the mail was carried, and here no allowance was made for mail handled during the hours the tubes were not in operation" (p. 119). Stone and Webster further say that they see no reason why under Government ownership the tubes should not be operated constantly—that is, during the 24 hours of the day. If this were done, the percentage of mail carried by tubes would be much higher than at present, and under proper postal operation there would seem to be no reason why the tubes could not carry all of the first-class mail.

As to the statement of the Postmaster General that "if the tubes were abandoned practically all the mail could be handled more expeditiously and at less than one-third the cost by other means and large quantities now delayed by the tubes advanced," Stone and Webster say (p. 114): "We find that unquestionably the pneumatic tubes render first-class mail certain postal service that can not be equaled by any other existing facility. They estimate that the extra expense of tube service under Government operation, as compared with the cost of necessary automobile service to replace the tubes if discontinued, would be about $312 per day. The commission therefore concludes (p. 4): "That for this sum Congress can well afford to provide this special service for three to five million letters daily that are enabled thereby to reach their destination earlier, which would not be true if the tube service were dispensed with."

STATEMENT VI.

"Notwithstanding the small quantity of mail transported by tubes, the cost per mile is more than the entire amount paid for carrying the mail on all railroads entering New York, three times as much as is paid those entering Boston, and one-sixth as much as the entire cost of the screen wagon, automobile, city delivery, and collection vehicle service for all the cities of the United States."

The commission noted a somewhat similar statement in the last annual report of the Postmaster General, as follows: "The rental—$17,000 per mile—is more than the total amount per mile per annum paid for carrying the mail on all railroads entering New York City. * * *

It is to be noted that the Postmaster General now states that this tube rate per mile per annum is "more than the entire amount paid for carrying the mail on all railroads entering New York." It is obvious that this statement is incorrect and is misleading. Moreover, the commission can see no reason for a comparison between railroads to whom the carrying of all classes of mail is an incident and the tubes, which are used exclusively for first-class mail and are available every 10 seconds in the day for that purpose. The real criterion would seem to be whether or not the expense of $312 a day is warranted if 3,000,000 to 5,000,000 letters are thereby permitted to make connection they otherwise would miss, to say nothing of the other 20,000,000 letters which the tubes on this basis of figuring would carry without expense to the Government.

STATEMENT VII.

"The cost of transporting mail by tubes is excessive and an extravagant waste of public funds. Investigation shows that in Philadelphia it cost approximately 13½ cents for each letter 'advanced' by tube. What is true in Philadelphia is equally true in other cities. This is more expensive than special-delivery service."

This is an absurd misstatement of fact as far as the cost per letter "advanced" is concerned, and is an absolute misstatement when it points out that "what is true in Philadelphia is equally true in other cities."

The letters "advanced" or particularly benefited by tubes in Philadelphia during the count of 1913 amounted to 832,435 letters a day, while in the count of 1915 they amounted to but 60,591 letters a day. This clearly indicates an incorrect count, for the total number of letters "advanced" in all tube cities in 1913 amounted to 5,375,147 letters a day as compared with 4,649,976 in 1915; nevertheless the Postmaster General says "what is true in Philadelphia is equally true in other cities." But using the figures given for Philadelphia, viz, 60,591 letters per day actually benefited and charging the entire cost of the tube system to these letters, the cost per letter amounts to a little over 7 mills and not to 13½ cents, as stated by the Postmaster General. Moreover, the average cost of advancing or benefiting letters in all the cities, including Philadelphia, instead of being the same as in Philadelphia, amounts to but approximately one-half mill per letter instead of 13½ cents, or, in other words, 135 mills. The tubes themselves, as already stated, carry approximately 25,000,000 letters a day, and the cost of carrying a single letter is a little more than one-tenth of a mill, or at the rate of, say, 91 letters for 1 cent.

STATEMENT VIII.

"Because of the unreliability and the inefficiency of the tubes it has become necessary to divert a large quantity of mail formerly dispatched through them to automobiles wherever close connections are required. It has been found that later closings can be made and closer connection assured by means of automobiles. This is true even in the congested sections of New York City."

The commission, through its engineers, has had careful investigation made of this statement, and can not find it to be borne out by the facts or by the records of the Post Office Department. Stone & Webster report that under a 10-second headway the tubes carry 144,000 letters an hour, and that by increasing the dispatch to 8 seconds the capacity would be increased to 180,000 letters per hour. "Obviously this amount, in the ordinary flow of first-class mail, would accumulate only infrequently" (p. 19).

The use to which the penumatic tubes are put depends entirely upon the Post Office Department. They can use them or not as they please. Stone & Webster say in this connection (p. 120): "When the mails which require tube service for expedition become so large that some is delayed by lack of tube capacity, then increase of tube facilities can well be considered. Until that time there would seem to be no reason for the frequent recurrence of actual delays to mails on account of the tubes."

STATEMENT IX.

"The tubes can not be maintained and operated for the sums mentioned in the amendment—$500,000 per annum. In their report Stone & Webster state that the average cost of operation for the past four and three-fourths years was $512,000 annually, and the system can be operated by the Government for $453,000 annually. The average cost for the period mentioned is not a proper standard by which to measure present and future cost. Because of war conditions, increased wages, and shorter hours of Government employment the tubes can not be operated for $500,000 per annum. No provision is made for depreciation or maintenance of the tubes, which are fast deteriorating and which will have to be rebuilt long before final payment has been made. It will be necessary to ask for a large deficiency appropriation each year to operate and maintain the systems."

Stone & Webster estimate that before the war the Government could have operated the pneumatic tubes, on an eight-hour basis, paying Government wages and using more men than are used by the tube company, for approximately $453,000 per year. The additional $47,000 provided, therefore, would appear to be sufficient to cover increases in costs of materials and labor. In fact, in the minority report the Post Office authorities estimate that they should have but $25,000 to cover "Excess in salaries of tube operators, laborers, engineers, machinists, and supervising officials." In the engineer's estimated cost of operation is contained necessary items for all maintenance and for the usual depreciation of machinery and equipment excepting the tube itself, which, in their opinion, will last upward of 50 years. They say in this connection (p. 122): "As we believe that the pipe and street work which makes up the greater part of the total investment should have a physical life of more than 50 years, and as the oldest part of the present tube system was installed about 25 years ago, our opinion is that

such extraordinary repairs would be negligible for more than 25 years. During this period, therefore, it would not be necessary to make any regular annual appropriation on account of depreciation."

STATEMENT X.

"Under the proposed plan of payment the franchises will expire in some cities before the tubes are even paid for. In one instance the property will revert to the city, and the Government will be required by the law to pay for and operate the system after the property has reverted to the city."

"The commission does not consider that the conditions or limitations of the franchise or street rights exercised by the tube companies would affect the right of the Government to maintain, operate, and extend underground pneumatic-tube mail service in the event that the systems now in operation should be acquired by it and operated as a part of the Postal Service." (P. 39.)

"The commission has allowed nothing in its estimates for franchises, since it believes that the Government itself would have no difficulty in securing and perhaps would not need to secure a franchise from the cities to operate or to extend the existing pneumatic tubes, and that the tube companies themselves must necessarily sell to the Government whatever rights they have in the streets to properly convey their properties to the Government as they now exist.

"The question has also arisen in connection with the rights of the company to property in the streets of the city of Chicago—whether or not the Chicago company, which has an unusual franchise arrangement with the city, can convey to the Government an unencumbered title to properties in the streets. Under the terms of the franchise the properties of the company in the streets and alleys revert to the city in 1928. The company claims that this provision was inserted into the franchise merely to protect the city; that the company would have no difficulty in securing an extension of the franchise; and that if the Government acquires the properties of the company it should have no difficulty in securing a release from the city of whatever rights the city may have in the tubes, and will therefore guarantee to the Government a clear title, making whatever arrangements are necessary in that connection with the city of Chicago." (P. 41.)

STATEMENT XI.

"Because under the proposed plan, assuming the maximum price of $4,432,622 is paid for the tubes, 11 years will have expired before final payment can be made, thus expending approximately $11,000,000 for which the Government will acquire and be compelled to operate 56 miles of worthless junk, and because of its use delay millions of letters annually."

Under the plan proposed by the commission not only will there be no increase in cost to the Government over the present rentals paid for pneumatic-tube service, but in addition the Government will purchase the tube systems on an installment basis in such a manner that in slightly over 10 years, assuming the maximum estimated price is paid for the tubes, the Government will own them for the same amount that it is now paying for a 10-year rental period.

As to the statement that the tubes are "worthless junk," the Post Office Department say in their brief (p. 64): "The department is without data gathered by its own representatives upon which to base a physical valuation of the pneumatic-tube properties and equipment in any one of the cities where tubes are operated." Stone & Webster say in this connection (p. 113): "The amount of money spent for maintenance of the machinery has been relatively small, yet the equipment appears to be in good operating condition. We had opportunity to examine the underground pipes at several points and found no evidences of deterioration." Also on page 117: "We believe all the tube systems to be in excellent operating condition."

STATEMENT XII.

"The Government is under no moral obligation to purchase the tubes or continue their use on a rental basis, a fact that is admitted by the tube owners. This is even more apparent when it is known that the department has already paid more than $11,000,000 in rental for the tubes now in use, which is twice the estimated cost of construction."

The commission does not understand that the tube owners have ever admitted that the Government is under no moral obligation to purchase the tubes, but that they have said that they would waive that point in view of their decided opinion that any impartial commission would decide that the tubes did have value to the Post Office Department and should be owned by the Government. The tube owners insist that the tube service was made possible only by the action of Congress and the Post Office Department in indorsing and requesting that character of service, and only after the needs and advisability of the service had been approved, as each tube line was constructed. They state that large investments of private capital have been made in the tube properties with the implied understanding, at least, that long-time leases would be made or the system purchased by the Government, thereby protecting the investors. (P. 33.)

STATEMENT XIII.

"The department would be compelled to purchase and hereafter operate the present obsolete pneumatic-tube systems, notwithstanding the fact that better means of underground transportation may be obtained. Even at this time the department has under consideration the utilization of subways for the transportation of all mail in the congested portions of the city of New York."

The engineers' report clearly shows that the pneumatic tubes have ample capacity to carry the letter mail, for which purpose alone they were constructed. The commission had full knowledge that the Post Office Department has tried to secure permission to carry mails in the subways of New York City. To do this, however, mail would have to be transported from the post offices to the subway, and again from the subway back to the post offices. This is practically the method that was used some years ago in connection with the elevated railways and it was found to be far from satisfactory.

It is also extremely doubtful if the transportation companies would agree to carry mail in this way, as is indicated by the statement of J. H. Neal, vice president of the Boston Elevated Railway, as follows (p. 29): "One thing as to the use of rapid-transit lines: You should not consider that seriously as an alternative for the tube service, for the reason that the rapid-transit line is built primarily for the transit of passengers. If you should interfere by placing pouches on the trains, with just one single train, or 3 per cent, you have in effect deducted 3 per cent on $12,000,000. Our rapid-transit lines are not in position to handle that sort of business."

STATEMENT XIV.

"The proposed manner of purchase is not as favorable to the Government as that offered by one of the tube companies to the department in 1916, when it was stated that they expected to realize only that degree of value which the tubes possess to the Government service. They did not even ask that they be purchased at their physical value. To this offer the department replied that the tubes had so little utility value to the service that they would not be accepted as a gift."

The commission considers this an absolute misrepresentation of a letter from the American Pneumatic Service Co., which is a matter of public record. (See p. 32 of Briefs.) In this letter the company state that they expect to realize only the value which the tubes possess to the Government Mail Service, but they add that they should expect this value to be determined by some impartial tribunal. The department's reply also applied only to the cities of Boston, Chicago, Philadelphia, and St. Louis, and not to New York, where over one-half the total tube mileage is located. At that time the department was recommending the continuance of the New York system.

The present commission has concluded in that connection:

"1. Pneumatic tubes as now installed for carrying letter mail are necessary for proper postal service, and should be continued in the cities of New York, Brooklyn, Philadelphia, Boston, Chicago, and St. Louis * * *."

In fact, every investigating commission and every Postmaster General, until the present administration, has been in favor of the continuance and extension of the pneumatic-tube service.

The commission gave full consideration to the fact that because of war conditions the Postal Service is being conducted under many handicaps. It believes in this connection that nothing should be done which would retard the delivery of important letter mail, and it considers that rapid transmission of first-class mail should be provided independent of and divorced from the common or less important and lower classes of mail (p. 3).

As to the statement "that in the opinion of those responsible for the Postal Service the tubes are archaic, worn out, and useless junk," the commission considers that this statement is in no way borne out by the facts as disclosed by the report of the engineers of this commission and of previous commissions, and they state in this connection (p. 18): "An examination of these reports submitted since the organization of this commission and since the attitude of the department in opposition to tube service became so pronounced impresses one that a strained attempt is made to marshal facts and arguments in such manner as to support a predetermined conclusion rather than an effort to present each phase of the subject and logically reason a conclusion therefrom," and also "statements of fact are advanced with respect to tube and automobile service which the commission is not prepared to accept, having in mind their own investigation and observation * * *." And further (p. 19): "It is interesting and worthy of notice that though apparently every supervisory official in the post office in Chicago signed with approval the report concerning tube service in that city, members of the commission are advised that in private conversation some of these gentlemen stated that in their personal opinion the tubes were a valuable adjunct to the postal equipment of that city."

Decided exception can be taken to the statement that the commission did not summon before it post-office officials and hear from them "the many sound reasons why the tubes should be abandoned." The commission had before it all the testimony which was submitted by postal officials at the public hearings held before the House and Senate Post Office Committees last year. These hearings consumed four days before the House committee and six days before the Senate committee, and the testimony was heard in its entirety by members of the commission. Not only that, but a postal expert was assigned to the commission by the Postmaster General and accompanied it on its tour of investigation. Also, members of the commission personally conferred with the postmasters and post-office employees directly concerned with the operation of the tubes. The engineers of the commission, Stone & Webster, spent some six months in their investigations in the post offices at New York, Brooklyn, Boston, Chicago, Philadelphia, and St. Louis and made as thorough an investigation of the subject as has ever been undertaken. Every record of the Post Office Department was put at their disposal and these were not only carefully examined, but were gone over in detail with the officials directly concerned and the ones the Postmaster General quotes in his statements.

Finally, the commission requested the Post Office Department to submit a brief giving in detail all the information which they had in regard to pneumatic tubes, and this brief of some 181 printed pages (see pp. 64–245 in volume of briefs) was so submitted by First Assistant Postmaster General Koons on January 10.

As to the statement that the merchants of Boston more than 15 years ago abandoned the use of 5 miles tubes built by them for underground transportation, this is an absolute misstatement of fact, as is well known by the Post Office Department and is shown by their records.

The tubes in question were built by the Boston Pneumatic Transit Co., which at the present time has the contract for carrying mails by pneumatic tubes in Boston. They were first constructed for carrying parcels in connection with a wagon delivery system. The Post Office Department at that time was most anxious to acquire tubes for transporting the mails, and after investigation by postal experts and proper advertisement these tubes were rebuilt and connected with the post offices and since that time have been used in the Postal Service. The first contract for these tubes expired in 1906, and at that time, after a most careful investigation by postal experts, a new 10-year contract was made for these tubes in connection with the other tubes which are used in the Boston postal system. The merchants of Boston had nothing to do either with the construction of these tubes nor with abandoning their use for carrying parcels.

The statement is made that a commission appointed by the postmaster general of Great Britain, which visited this country several years ago to investigate the pneumatic-tube system in use here, reported to their Government that the tube system was no more efficient than the ordinary road van used on the streets of London.

The report of this commission was submitted to the Senate Post Office Committee last year and the conclusions there given, instead of being as stated, were to the effect that in addition to recommending the carrying of letter mail by pneumatic tubes, such as are used in this country, the commission recommended that tunnels large enough to carry parcel post and bulk mail be constructed between three of the most important post offices in the city of London; also that tubes, such as are used in this country, be hung in these tunnels, where it was possible to do so, and elsewhere be laid beneath the streets, as is the practice in this country.

The 1914 congressional tube commission, of which Hon. HOKE SMITH was chairman, and Second Assistant Postmaster General Joseph Stewart, a member, said:

"The utility and general advantage of the use of pneumatic tubes has been approved and commended by all commissions, whether composed wholly or in part of postal officials. Practical experience with the service appears to have justified the opinions so expressed."

Five of the six members of the present commission, including the three Senators, have reached the same conclusions which are also borne out by the findings of the commission's engineers—Stone & Webster. The views of the Postmaster General are expressed in the report submitted by one member of the commission.

The Postmaster General indicates by his persistency that his interest in this piece of legislation is made merely personal and not based upon benefits to accrue for the general condition of the country. He ignores the fact that a joint commission of Senators and Congressmen carefully examined all of his contentions and rendered an unbiased opinion relative to the pneumatic tubes as a utility of benefit to a wide circle of our citizens, and particularly to the business activity of our country. Any method of mail transmission which expedites the letter in its transportation career aids commerce just that much in its effect upon production These conditions must be borne in mind and were considered by the commission during the investigation of the pneumatic-tube mail service.

The commission feels that its investigation of the pneumatic tube as a property and as a utility was of wider range and freer pursuit than that of the committee of the Post Office Department on which the Postmaster General depends for his objections to the service.

Mr. KIRBY. Now, I ask unanimous consent further to insert in the RECORD a letter from the Postmaster General, dated May 8, in reply, I presume, to the letter which has just been inserted in the RECORD by the chairman of the committee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The letter referred to is as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 8, 1918.

Hon. WILLIAM F. KIRBY,
United States Senate,

MY DEAR SENATOR KIRBY: There is inclosed copy of a letter which I have to-day written Senator BANKHEAD, chairman of the Committee on Post Offices and Post Roads, relative to the purchase of the pneumatic tubes, and trust you will have the time to read it carefully.

Sincerely, yours,

A. S. BURLESON.

MAY 8, 1918.

Hon. JOHN H. BANKHEAD,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR BANKHEAD: With further reference to my communication of the 6th instant relative to the letter written by you in which two other Senators joined, a copy of which you sent me, declaring that the statements contained in my letter of April 24, 1918, relative to the purchase of the pneumatic tubes were untrue, I wish to state that I have carefully read your letter of May 2, addressed to each of the Senators, and wish to reiterate in the most positive manner that every statement contained in my letter of April 24 is not only justified but is founded on facts.

In my letter of April 24 it was stated:

"The purchase of these tubes is so strongly protested against by the experts of the Postal Service, by the postmasters and supervisory officials at the offices where the tubes are operated, that I sincerely regret that your commission did not summon these persons before it and hear from them the many sound reasons why the tubes should be abandoned."

The department had every reason to expect that these persons would be summoned before your commission and examined so that the commission might ascertain for itself their views and the value of their judgment in this matter, but this was not done. In accordance with the request of the commission the department did detail an expert to accompany it to the various cities at the time the business organizations presented their views of the tube service. It was thoroughly understood, however, that the postal officials would not be heard at these hearings, but that they would be heard later at Washington. That these hearings were conducted entirely for the merchants is shown by the printed record in connection with the hearings in Philadelphia, when the chairman of the commission asked the representative of the department for some information, and Mr. Milholland stated:

"Mr. Chairman, if in order, I will say that this hearing was entirely for the merchants, and neither the post office nor the tube interests were to take part in it, and if the program be changed we should, of course, like the same opportunity to meet the post-office arguments that will be accorded to them."

After the most careful consideration of my letter of April 24, and notwithstanding the statements contained in yours of May 2, I must adhere to those contained therein, as they are based on the facts. The conclusion reached by the department that it would not be justified in accepting the tubes as a gift is entirely justified, for, as a matter of fact, they are a detriment to the service.

I am taking the liberty of sending a copy of this letter to each Senator for such influence as the statements contained herein may warrant, as it is considered in the interest of the Postal Service to do so.

Respectfully,

A. S. BURLESON,
Postmaster General.

Mr. KIRBY. Mr. President, we have had this investigation; there has been a divided report, as I have said, and the Postmaster General and the department complain that the commission refused to hear the experts on the part of the Post Office Department.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. KIRBY. Yes.

Mr. HARDWICK. Of course, the Senator would like to have accurate information on that point?

Mr. KIRBY. Yes.

Mr. HARDWICK. The Postmaster General is entirely in error about that. The commission appointed by Congress to investigate the pneumatic-tube service invited and urged the Post Office Department to send us everything they had relating to it——

Mr. KIRBY. Mr. President——

Mr. HARDWICK. Let me finish the statement, if the Senator does not object. The Post Office Department submitted one hundred and odd pages of printed matter setting out its position in respect to this matter. Every one of the reasons submitted by the department was carefully considered by the commission. The only possible basis on which the allegation of the Postmaster General in regard to this matter rests is this—and I get this information, of course, from the clerk to the commission—that one of the department officials volunteered, in case he was desired, to appear, in addition to the printed communication placed before the commission. He was asked, according to my understanding, if he had anything additional to submit other than that which was covered by the printed communication, and he said "no"; that he would merely come if the commission wanted him to do so, but that which had been submitted covered the case. I do not think, when the Senator is informed of the facts, that he ought to insist on making a statement like that. The department submitted 181 printed pages. I do not think the Postmaster General or the Senator from Arkansas ought to say that the commission refused or failed to give full hearing to the Post Office Department in this matter.

Mr. KIRBY. I have no disposition to question the good faith of the commission or its sound judgment or its discretion; but the Postmaster General does say what I have stated.

Mr. HARDWICK. I know the Postmaster General does, but he does not state the fact.

Mr. KIRBY. But the Postmaster General insists upon the statement being true, notwithstanding the statement of the commission.

Mr. HARDWICK. I know that; and I rather think it is not very courteous of the Senator to side with him on that issue of fact in the Senate.

Mr. KIRBY. I have no disposition, of course, to have any controversy with the commission; but it appears that there is a misunderstanding between the commission and the department about what the condition is, and the department has said "we did not submit the statement of our experts, because we thought we would have an opportunity to do so in Washington, which was not given."

Mr. HARDWICK. As a matter of fact they submitted 181 pages of printed matter.

Mr. KIRBY. I am talking about the opinions of experts.

Mr. HARDWICK. That is what the communication was; they all gave their opinions and reasons and the so-called facts on which they were based; and then, when they said they would send one of the very intelligent and able officials of the Post Office Department to supplement orally the previous communication, and the clerk asked if he had anything additional to say, and he said no, that it was all covered by the written communication, would the Senator feel, if he had been serving on the commission, that it was necessary to let him repeat orally what had been said in writing?

Mr. KIRBY. Certainly not, if he had been heard; but afterwards, if he stated he had not been heard, I might have thought that I misunderstood the condition as it had developed.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. KIRBY. Certainly.

Mr. WEEKS. I should like to call the Senator's attention to a concrete instance in denial of the statement made by the Postmaster General. In Boston, where I presided at the hearing, the postmaster at Boston, as the record will show, did appear and expressed the views of the department, and another representative of the department was there; one of the committee of five that made the original report on which the Postmaster General's action is based was sitting before the table during the hearing and was asked if he had anything he wished to say, and he said he did not have anything to say. I think the same general procedure was followed in every city where a hearing was held.

Mr. HARDWICK. That is true.

Mr. KIRBY. The letter that I have had printed in the RECORD shows that at a particular hearing some question was asked of some man representing the Post Office Department, and he said he did not understand that it was the purpose to introduce any evidence or give any information on behalf of the Post Office Department or of the tube owners then, but that the hearing was for the benefit of those who received the mail, as well as the merchants of the cities interested.

Mr. WEEKS. In that particular instance the commission was accompanied by nearly every supervising official of the city; at least two automobiles of Post Office officials accompanied the commission in its rounds, and they had every opportunity personally, privately, and otherwise to express their views.

Mr. KIRBY. Well, Mr. President, I do not question at all the commission's procedure, but it is most unfortunate for the Senate in the determination of a question important both to the mail service and to the Government that the department does not think that it had an opportunity to be heard.

I understand something about this system. The objections to it have been urged for a long time. We know that it only serves a part of the people and carries a part of the mail; we know that it is subject to breakdowns, and that when it does break down it delays all the mail carried in tubes, and it delays it for a long time. We know that it only carries one part of a particular class of mail, and advances that not greatly over the other deliveries at an enormous and unwarranted expense under any condition, as I see it.

Under the automobile system for carrying the mails, which is in force in all the cities, and which must be resorted to to carry all the mails that can not be carried in the tubes, if there is a mishap or breakdown another machine comes along and transports the mail without delay, but when one of these tubes breakdown it may be a week before it is found out where the trouble is, and all the mail is blocked where the obstruction occurs.

Those, it seems to me, are the conditions which have been shown to exist. Nobody is able to dispute that those are the facts. The Post Office Department says, "We do not want this system; it is archaic; it is worthless; it is worn out and useless junk." The expense of purchasing automobiles for carrying on this system of delivering the mail is inconsiderable, is negligible, as compared with the expense of buying these tubes. Why, then, should we buy them? I do not think it ought to be done. I do not think any good reason has been shown why it should be done. It certainly involves a great and useless expense, and we need all the money that can be saved for the prosecution of the war.

Mr. CALDER. Mr. President, I have very little knowledge about the use of pneumatic tubes in any other place than the city of New York, but there, without exception, the business men who use the mails are in favor of the continuation of the pneumatic-tube system. Every business organization, the Chamber of Commerce, the Merchants' Association, the Board of Trade and Transportation, the Chamber of Commerce of Brooklyn, the Chamber of Commerce of The Bronx, in fact, every individual and organization connected with the business interests of the city of New York who has taken the trouble to investigate this question is firm in the conviction that this system should be continued.

The Senator from Alabama [Mr. BANKHEAD] referred to the views of former Postmaster Morgan on the subject. Mr. Morgan was connected with the post-office service in New York City for a period of 43 years. He began his connection with it in 1873 and was postmaster for eight years. He continued to act as postmaster during the first four years of the present Postmaster General's administration, but was relieved in May of last year by the appointment of a gentleman of the Postmaster General's political faith. I have often wondered, Mr. President, if this great post-office official, who had been long the head of one of the most important business organizations in the Nation, was relieved because he disagreed so strongly with the Postmaster General in the matter of the use of pneumatic tubes.

Among other things that Mr. Morgan said in his testimony before the commission investigating the subject was this:

> It is my opinion that the continuation of the entire existing system of pneumatic tubes in New York City and Brooklyn is justified because of the rapid service which it provides for the transmission of mail, particularly of the first class. There are transmitted through such tubes about 80,000 pneumatic-tube carriers per day, carrying approximately 5,000,000 pieces of mail. These carriers travel at a rate of 30 miles per hour.

Mr. President, every man connected with the post office in the city of New York with whom I have talked—and I have taken the opportunity of conversing with many of them, all experts in their work—without exception advises that this service be continued.

Several days ago, having in mind this discussion, I wired the secretary of state of the State of New York, Hon. Francis M. Hugo, whose office issues the automobile licenses in our State, and asked him to advise me how many automobiles had been licensed in the city of New York. He wired me the figures, which are not confined entirely to the city of New York, but to what he terms the metropolitan district, which includes two of the small adjoining counties. These figures indicate that there are to-day in the city of New York over 150,000 automobiles, without regard to vehicles of other character.

I also asked the police commissioner of the city to advise me as to the number of accidents that occurred in the city of New York in the year 1917; and I hope Senators present will listen to these startling figures. The total number of accidents, Senators, in the year 1917 on the streets of the city of New York was 23,939; the number killed by automobiles in the streets of the city, 441; killed by other vehicles, 250; nonvehicular accidents, people killed, 23; a total of 714. The number of people injured by automobiles, 12,805; injured by other vehicles, 9,967; and injured in the streets of New York by accidents other than by vehicles, 2,663.

Mr. GALLINGER. Mr. President, does the Senator, in giving the figures of the number of automobiles, include trucks and delivery wagons?

Mr. CALDER. Yes. In the figures of 150,621 I include automobiles and motor trucks of every character. These figures show that there were 108,449 pleasure vehicles, 33,552 automobile trucks, 7,221 omnibuses, and 808 dealers' cars; all told, 150,621.

Mr. GALLINGER. I have noticed, in being transported from one station to another in New York City, that the danger of collision came largely from trucks and delivery wagons, much more so than from the ordinary automobile, and I wondered whether the Senator had included them in his figures.

Mr. CALDER. Yes.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. CALDER. Certainly.

Mr. KENYON. May I ask the Senator what proportion of the figures which he gave refer to pleasure automobiles?

Mr. CALDER. One hundred and eight thousand four hundred and forty-nine out of 150,621.

Mr. KENYON. Has there been any diminution in the number of pleasure vehicles since the war?

Mr. CALDER. I can not answer the Senator's question definitely. Mr. President, when we say "pleasure automobiles"—and that is the language the Secretary of State uses—perhaps we do not state the case fairly, for undoubtedly many of the cars classed as pleasure automobiles are used in part for business. Many business men, in going from one part of the city to the other, utilize automobiles for that purpose.

Mr. GALLINGER. Not only business men nowadays, but workingmen as well.

Mr. CALDER. I think that is true.

Mr. GALLINGER. Certainly so, in this city.

Mr. CALDER. Physicians, and so on, as my colleague points out. But, Mr. President, the streets of New York to-day are crowded to their utmost capacity. In fact, those who have made a study of the condition of our streets understand that they are now used far beyond their capacity. As my colleague [Mr. WADSWORTH] pointed out in his remarks on this subject a moment ago, we are building there vast underground railways, we are building overhead railways; in our effort to solve the railroad-terminal situation along our water front we propose having the railroads elevated, and, of couse, under the ground, too, where necessary; so that our streets to-day are used to their utmost capacity. The figures I have read, furnished by the police commissioner, of the vast number of people killed and the twenty thousand-odd injured in the streets of the city of New York indicate that vastly more people were killed and injured in the city of New York during the past year than were killed and wounded on our side in the Spanish-American War.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Colorado?

Mr. CALDER. I yield to the Senator from Colorado.

Mr. THOMAS. Do I understand from the Senator that if the Government buys these tubes there will be no more slaughter on the streets of New York?

Mr. CALDER. Of course, I do not contend that if the Government buys these tubes we are going to relieve the present situation in the city of New York; but I do insist that if we discontinue the use of them the number of killed and injured will be many times more than what it is to-day.

Mr. KIRBY. Mr. President——

Mr. CALDER. I yield to the Senator from Arkansas.

Mr. KIRBY. Does the Senator's information extend to the life of the franchise in New York under which these tubes are operated now?

Mr. CALDER. It is perpetual. The franchise given from the State permits the perpetual use of these tubes.

Mr. KIRBY. Then, the franchise for the operation in New York continues without further expense forever?

Mr. CALDER. As I understand, as far as the Government is concerned; yes.

Mr. KIRBY. The committee does not report that. That is what I was trying to get at.

Mr. CALDER. Mr. President, I am not familiar with the details of the situation, except as far as the use of the tubes applies to the city of New York. Every single business institution of that city demands their continuance, and, Mr. President, this is not a local matter with New York City. That great center of the Nation's business is of as much interest to the rest of the country as it is to the people of New York. If you hamper our mail facilities, it will be indirectly reflected throughout the land.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. CALDER. Certainly.

Mr. NELSON. All of that may be true, but what bothers me about this thing is, why should we buy this old plant and take it over? Why can we not continue to lease it and run it as we have been doing?

I would be in favor of a leasing proposition, but it strikes me that this is a good deal like the proposition we have oftentimes encountered in connection with river and harbor improvements. Men start in to improve either a creek or a harbor, and say: "Give us a chance and we will do this at our own expense." By and by they get tired of it, and then they want to unload it on the Government. Is not this one of those schemes to unload a sickly plant onto the Government?

Mr. CALDER. Mr. President, we have all heard of such schemes as the Senator from Minnesota suggests; but, as I understand the project of taking over these tubes, the commission appointed as the result of an act of Congress have investigated the matter and come to the Senate to-day and tell us that for their rental for 10 years the Government can buy the whole system. If that is so, it would not only be much cheaper, but it would be good business from every standpoint for the Government to own the system itself. Then, in its operation, if it seems wise to extend it, that can be done. I know I speak for the people who use the mails and for those who have given the matter great thought, when I say that it would be most helpful to our mail facilities in New York, if it could be further extended. We have a tube crossing to Brooklyn from the old city of New York, extending to our general post office in Brooklyn and out to the end of the Long Island Railroad, a line that taps all of the villages and towns on Long Island, and to a large extent takes care of the mail facilities for a population of approximately 2,800,000 people. This tube that comes to Brooklyn transmits practically all of our first-class mail between Brooklyn and the general post office of Manhattan. Brooklyn now has a population of 2,000,000 people, and the outlying sections of Long Island nearly 800,000 more.

Mr. WADSWORTH. Mr. President——

Mr. CALDER. I yield to my colleague.

Mr. WADSWORTH. May I ask the Senator if he thinks there is any more room for trucks on the Brooklyn Bridge?

Mr. CALDER. I am glad that my colleague made the inquiry with regard to the opportunity for additional traffic on the bridges. I will say to the Senate that our bridge facilities crossing the East River, as far as wagon and automobile traffic is concerned, are utilized to the limit. If that traffic is materially increased we will have to build more bridges.

Mr. NELSON. Mr. President——

Mr. CALDER. I yield to the Senator.

Mr. NELSON. I want to disabuse the Senator's mind of one thing, and that is this: I am not anxious to deprive the city of New York of the use of the pneumatic-tube service; but that is one proposition. I am, however, utterly opposed to unloading this plant onto the Government. If the Senator will prepare an amendment requiring the Postmaster General to lease this property I will vote for it; but I am utterly opposed to buying it on the basis stated in this bill.

Mr. CALDER. I am glad that the Senator from Minnesota appreciates the problems we have in connection with the street traffic in New York City. As he probably knows, and as I am sure many Senators realize who have visited New York, because of the congestion of the traffic in many of the streets we have had to pass regulations whereby traffic should only go one way, and if one should walk up the important streets of the city any busy afternoon he would find that on many of them you can walk almost as fast as the traffic goes, for the carts and cars and wagons are stopped at every single block to permit traffic to cross from the side streets.

Not only is this service indorsed by the former postmaster of New York, Mr. Morgan, the former postmaster of Brooklyn, the postmasters of all the outlying sections of New York City, all the chambers of commerce and the boards of trade, and the people of New York City, but in addition to that we not only have the indorsement of the former mayor of our city, to whom my colleague has referred, but I have here an extract from a statement by the present mayor. He says:

> It has been brought to my attention that a proposal before your committee would mean the discontinuance of the pneumatic-tube service in New York City.
>
> Because of the delay caused by auto service and because of the congestion of traffic and the danger arising from it, and in view of the further fact that mail matter, particularly after a storm, is now delayed from 10 to 12 hours by the inability of the autos to move through the congested traffic, I would ask that any action looking to the discontinuance of this service be not taken by Congress.
>
> I further believe that Congress should provide for the continuance of this tube service for the reasons I have set forth.

Mr. KENYON. Mr. President, may I ask the Senator another question?

Mr. CALDER. Certainly.

Mr. KENYON. If this amendment is not adopted, does that mean that this service will be absolutely discontinued—that the Government can not lease and go ahead as it has been doing?

Mr. CALDER. Mr. President, I do not understand that that is a fact. I have no doubt that some arrangement might be made by which we could continue the use of tubes in the big cities, particularly in New York City; but it has seemed to me that it would be a good business venture, in the interest of the Government, to take over the tube service, if it can be obtained on the terms laid down in the amendment.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from New York yield to the Senator from Massachusetts?

Mr. CALDER. I yield to the Senator.

Mr. WEEKS. The House, in preparing the Post Office appropriation bill this year did not include any appropriation for the continuance of the rental of the tubes, and it did not do so last year. The Senator from Iowa will recall that the Senate put in a provision for the continuance of the rental and also a proposition compelling the use of the tubes, because the same controversy arose last year.

Mr. NELSON. Mr. President, will the Senator allow me there? What was the appropriation that we put in last year?

Mr. WEEKS. I think it was $976,000.

Mr. NELSON. For operating?

Mr. WEEKS. For rental.

Mr. NELSON. For rental—for the use of the tubes?

Mr. WEEKS. Yes.

Mr. NELSON. Then, if the Senator will allow me, how do you account for the fact that Webster & Stone state that the system can be operated by the Government at an expenditure of $500,000? How do you account for that, when we appropriated nearly twice that much in the bill last year?

Mr. WEEKS. That is easily accounted for. It is estimated that it costs the company somewhat more to conduct the tube service than it would cost the Government, because it pays taxes, it has overhead expenses, it employs lawyers, and it does other things which every company must necessarily do; and it is believed that it costs the company about $100,000 more than it would cost the Government to operate the tubes. But the Senator must remember that there are some $7,000,000 invested in these tubes, and the difference, say, between $600,000 and whatever was paid is the return which is paid on that capital.

Mr. NELSON. Will the Senator allow me further?

Mr. CALDER. Yes.

Mr. NELSON. I am asking for information. This proposition is to some extent a novelty to me. We appropriated last year $900,000, the Senator says, for operating this system?

Mr. WEEKS. Nine hundred and seventy-six thousand dollars.

Mr. NELSON. Nearly a million dollars?

Mr. WEEKS. Yes.

Mr. NELSON. Was it operated by the Government?

Mr. WEEKS. Oh, not at all; it was operated by the company.

Mr. NELSON. I mean, it was operated by the company?

Mr. WEEKS. For the Government.

Mr. NELSON. Did the company get this million dollars, or anywhere near it?

Mr. WEEKS. It got whatever was appropriated.

Mr. NELSON. Then can the Senator account for the fact that Webster & Stone estimate that it can be operated by the Government for half that sum? I want to say to the Senator that I asked this question because that seems to be the view of Webster & Stone. I have had some experience with that

firm in the shipping investigation; and after I found that they had unloaded their chief engineer, to whom they were paying $12,000 a year, on the Government for twice that salary, I lost faith in the firm of Webster & Stone.

Mr. WEEKS. Mr. President, the Senator has very pronounced views on that firm. I do not agree with him in those views, but I can very easily answer the question that he asks relative to the tubes. The cost of operating the tubes is somewhere from $450,000 to $600,000 a year, being the items to which I have referred; and the difference between the cost and the total rental is the return which goes to the stockholders or the bondholders of the tube companies.

Mr. NELSON. If the Senator will allow me further—I am asking these questions for information—this amendment is based upon the idea that a given sum, something like $900,000 or a little over——

Mr. WEEKS. It is the same amount.

Mr. NELSON. Is to be appropriated in the future if the Government buys this plant; and then, in order to make it appear more easy for the Government to buy it, you claim that out of that annual appropriation it takes only $500,000 for the Government to operate it instead of a million dollars this last year, and you set aside the other imaginary amount of four hundred and some odd thousand dollars to buy this plant. Now, was not the low estimate of Webster & Stone made for the purpose of showing that there would be a surplus to buy this plant in 10 years?

Mr. WEEKS. The firm of Stone & Webster did not make any estimate at all of the value of the property. They had nothing to do with that. The estimate for the purchase of the property is based on a renewal value in normal times—not in war times, but in normal times—of $4,426,000; and if the same appropriation that has been made for the last 12 years is continued for 10 years on the basis that the commission reports, the Government will own the tubes at the end of 10 years, and it will not cost a cent more than it would to rent them for those 10 years.

Mr. NELSON. Mr. President, the Senator from Massachusetts is thoroughly posted on this matter, and I am not, and therefore he will excuse me for asking these questions. Now, in the letter of the Postmaster General I find this statement:

> Under the proposed plan of payment the franchises—

That is, the franchises of this tube company—

> will expire in some cities before the tubes are even paid for. In one instance the property will revert to the city, and the Government will be required by the lease to pay for and operate the system after the property has reverted to the city.

What has the Senator to say about that?

Mr. WEEKS. Mr. President, the Senator will recall that the $4,426,000 provided for is a maximum figure. The exact figure to be paid is to be fixed by the Interstate Commerce Commission, and the Interstate Commerce Commission are instructed in the report made, which is a part of this bill, to take into account the continuation of the franchises and all other similar matters; so that there can be no question about the particular instance referred to, even if there is not a renewal of the charter, which I have no doubt there would be.

Mr. NELSON. May I ask the Senator another question for information? Does this amendment contemplate that the Interstate Commerce Commission may put a higher value than this amount on it?

Mr. WEEKS. No; that is a maximum price.

Mr. NELSON. That is the maximum price? They can make it less, but they can not exceed that?

Mr. WEEKS. Exactly.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. CALDER. I yield to the Senator from Iowa.

Mr. CUMMINS. I wish to ask a question of either the Senator from New York or the Senator from Massachusetts. It is the point raised by the Senator from Minnesota which has bothered me in regard to this matter. It is a simple mathematical proposition that if we continue to pay a million dollars a year for the use of this property, we would better buy it; but are we obliged to pay a million dollars a year for the use of it? That is the question that interests me.

The committee has fixed as the maximum value of the property—and I assume that covers the subject fully—about $4,500,000. Now, 5 per cent upon that valuation, assuming that it is a correct one, would be about $225,000. That is enough for capital. It costs about $400,000—possibly a little more than that, but not much more than that—to operate and maintain the property. The two items combined will make about $650,000, and that is all that we ought to have been paying for the property year by year.

What I should like to see done would be to make a proposition to pay the owners of these properties 5 per cent upon this valuation and the cost of operation and maintenance; and then we would only be compelled to appropriate about $650,000 a year instead of a million dollars a year. Of course, if we pay $350,000 a year too much, it is easy enough to see that we ought to buy rather than to rent; but I agree with the Senator from Minnesota that the proper thing to do under those circumstances would be to compensate the owners of the tubes reasonably for the value of the property—that is, pay them a reasonable rental, say, 5 per cent upon the value of the property—and then add to that the cost of operation. Then they will be compensated, and the Government will be getting the service for the least practicable amount and will not be assuming the ownership of a property which, to say the least, is somewhat doubtful in its character.

That is the sort of a proposition that I should like to vote for. I am not at all convinced that this system ought not to be continued. In fact, I am rather inclined to think, from the report of the committee—in whose judgment I have the very highest confidence—that it is a service that ought to be continued; but why buy?

Mr. NELSON. Mr. President, will the Senator from New York allow me to interrupt him?

Mr. CALDER. Yes; I yield to the Senator.

Mr. NELSON. I will say that I am actuated by no purpose to deprive any of these large cities of the pneumatic-tube service; but I am utterly opposed to having this company saddle a dilapidated plant on the Government under such circumstances as are proposed in this bill.

Mr. WEEKS. Mr. President, may I interrupt once more?

Mr. CALDER. Certainly.

Mr. WEEKS. I think the Senator from Minnesota has been misled in regard to the character of this plant. I am pretty familiar with the pneumatic-tube service, one part of it being located in the city near which I live. I examined it all when I was chairman of the Post Office Committee of the House. I made a pretty thorough examination of it last summer, when the commission was going over this matter, and there is not anything dilapidated about the service.

The tubes, which are the main part of the cost, are in just as good condition as they were when they were put underground. There is not an evidence of damage from electrolysis, or from any other source. The containers which go through the tubes are oiled slightly, so that there is no wear on the tubes; and I have not been able to find in any place any evidence of wear, except occasionally at a turn, at a street corner; and those places are changed as soon as the wear commences to show, so that they are really brought up to date.

I am confident that if the Senator from Minnesota would make an examination he would not only find the machinery in an absolutely up-to-date condition, but he would find the tubes in as good condition, substantially speaking, as they were when they were put underground; and I have not any doubt but that the same tubes that are now being used will, except at street corners, be in operation 50 years from now and be doing as good service as they are to-day.

Mr. NELSON. May I ask the Senator a question?

Mr. WEEKS. Certainly.

Mr. NELSON. Why is it, then, that the company is so anxious to sell this plant to the Government?

Mr. WEEKS. I suspect that one of the reasons, Mr. President, is that we have Postmasters General and Postmasters General, and nobody wants to own a property that may be confiscated on the whim of one individual. They would be glad to get it off their hands; and I think anybody who goes into an enterprise that is dependent solely on the Government under these conditions is taking his financial life in his hands.

Mr. CALDER. Mr. President, the inquiries which have been made in the last few minutes, it seems to me, have covered about all I care to say in addition to what I have already stated; but, Mr. President, the Senator from Massachusetts, it seems to me, has covered the whole subject. These companies know that sooner or later their plants will become involved in difficulties with the Post Office Department, and therefore they make an offer to the Government to take them over. This bill provides for the appraisement of the property by the Interstate Commerce Commission. The members of that commission are men of responsibility, and I am certain that when they get through passing upon the value of this plant the Government will not be injured. I feel certain that in the long run, in view of the intimate connection of this pneumatic-tube system with the general mail facilities, the Government will be better off financially and can conduct and operate the system more efficiently itself.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. CALDER. Yes; with pleasure.

Mr. NELSON. I am sorry to see the Senators from New York and Massachusetts so hopeless about obtaining a new Postmaster General. To me the future looks more bright, and I am sorry that the Senators are so despondent about this matter. [Laughter.]

Mr. CALDER. Personally, I am as optimistic as the Senator from Minnesota on the future; but that is three years off, and it seems to me frankly that after studying every phase of this situation it is real good business for the Government to take over all of this pneumatic-tube service itself.

Mr. GALLINGER. Mr. President——

Mr. CALDER. I yield.

Mr. GALLINGER. I was about to remark that it does not take three years to destroy a business when it is subject to the attacks that have been made upon this business; and as a result of the persistent efforts made to destroy this one, it can be destroyed in less time than three years.

Mr. KIRBY. Mr. President——

Mr. CALDER. I yield to the Senator from Arkansas.

Mr. KIRBY. I thought the Senator had about finished. I will call the Senator's attention, however, to the fact that the only information I can get—and it is from a report made by an attorney who was employed under the act of August 24, 1912—says that the franchise of the New York system is for 25 years from 1897, which will expire in 1922, or four years from now.

Mr. CALDER. My understanding is that the franchise given by the State of New York is for the perpetual operation of the tube system there. It covers the whole State of New York.

Mr. President, I repeat that the great business interests of New York are for the continuation of this pneumatic-tube system. The post office officials—and I do not refer to the present postmaster of New York, because I have not advised with him, and he has only been there a few months—but all of the men who have served there—and I speak of my intimate knowledge of the subordinate chiefs—believe that this system ought to continue. The head of the city government in New York is fearful of any further increase of the traffic in that city. I have informed the Senate of the large number of people killed last year in New York City streets and the great number of people injured, and I trust, after this subject is completely discussed, that the Senate will authorize the continuance of this service. It seems to me that after careful consideration no one can doubt the wisdom of having the Government take it over and operate it.

Mr. KIRBY. Mr. President, I desire to submit some further remarks in reference to the minority report. I have discovered in it that a report was made by an attorney employed under the act of August 24, 1912, to find out the terms under which the pneumatic-tube systems were organized and the length of life of the franchises. He reported that—

Boston, occupied all streets, revocable on order of city council.
New York, 25 years from 1897. This franchise will expire in 1922, or 4 years hence.
Chicago, 20 years from October 12, 1903, with right of purchase after October 12, 1913. This franchise expires in 1923, and under its provision the property reverts to the city of Chicago.
St. Louis, 25 years, presumably from June 10, 1903. This franchise will, therefore, expire in June, 1928.

These systems have been inaugurated; they have long been in use at an exorbitant rent paid by the Government. They have facilitated the delivery of only a certain part of mail at an exorbitant price. Our Post Office Department says we do not need it any more, "it is worthless, it is worn out and useless junk."

The Senate, as I recollect, at the last term refused to appropriate money to continue the service further, and under that condition to prevent the carrying out of that sort of policy this amendment was proposed authorizing the commission to investigate the system with a view to its purchase by the Government. The commission has reported. I am not complaining about that, but here is what I am complaining about. It is proposed to buy a system that it is said we do not want, when the franchise is revocable in Boston at the pleasure of the city council, and when no power on earth could hold and operate this system if the franchise was revoked.

Mr. WEEKS. May I call the Senator's attention to the fact that the Interstate Commerce Commission, in fixing the price of the tubes, is instructed to take into account every question similar to the one which the Senator is now discussing, and if the price should be made measurably such on that account, undoubtedly the Interstate Commerce Commission will so report.

Mr. KIRBY. If our department in charge of the mail service says we do not want this sort of a delivery system, if the franchise for the operation of it is revocable at the pleasure of the city, and its revocation will destroy absolutely all property interests in it so far as the Government is concerned, certainly it is not to the Government's interests to purchase at any price.

In the city of New York the franchise expires in 1922. Nobody here has any other accurate information. Who says this is not correct? Here is the report of the attorney who was employed under the act of Congress to investigate and determine and report on this matter, and here is his report:

Chicago: Twenty years from October 12, 1903, with right of purchase after October 12, 1913. This franchise expires in 1923, and under its provisions the property reverts to the city of Chicago.

In 1923 when this franchise expires the entire property belongs to the city of Chicago under the franchise granted for installation.

In St. Louis the franchise expires in 1928.

That is the condition. That is the sort of system which it is proposed to unload upon the United States Government now. It does not seem to me that any sort of business judgment requires that the Government shall be compelled to buy this system, and somewhere sooner or later we must determine who has the best judgment about what will facilitate the delivery of mail in these United States, the committee of the Senate which recommends the purchase of this system of tubes or the department in charge of the Postal Service which declares it worthless and worn out. Each Senator will settle it for himself, but the condition nobody disputes is that this is the correct statement of the expiration dates of these franchises, and there are certain other burdens upon the owners:

In Boston: Persons opening surface of street must make repairs for 12 months.
New York: Streets must be restored and maintained.
Chicago: Deposit covering estimates for repair costs must be maintained.
St. Louis: Deposit covering estimates for repair costs must be maintained.
Philadelphia: Repairs must be maintained for three years.

That is the condition under which this service is operated. Those are the expiration dates of these franchises, and now it is proposed to sell them to the Government. I do not believe the proposition ought to be considered for a minute.

Mr. GALLINGER. Mr. President, the Senator from Arkansas has frequently alluded to the minority report. Does he mean the minority report of the commission which investigated this subject?

Mr. KIRBY. This was the minority report of the committee which Mr. A. B. ROUSE submitted.

Mr. GALLINGER. That is what I was about to ask the Senator. It seems that Mr. A. B. ROUSE was the entire dissenter, so far as the minority was concerned.

Mr. KIRBY. He made the minority report.

Mr. GALLINGER. The commission was unanimous in its recommendation except as to Mr. A. B. ROUSE.

Mr. KIRBY. Does the Senator question that the report as to the date of the expiration of these franchises is not correct?

Mr. GALLINGER. I am not discussing that at all.

Mr. KIRBY. I am trying to get the Senator to understand it. That is what I discussed.

Mr. GALLINGER. I will not discuss anything that I do not understand. I know nothing about it, absolutely; but I have wondered several times during the debate who constituted this minority. I supposed there was a substantial division in the commission, but I have sent for the report and I have discovered that the commission was unanimous except Mr. A. B. ROUSE, whoever he may be. I do not know who he is. It is a very inconsequential minority.

Mr. BANKHEAD obtained the floor.

Mr. BECKHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. BANKHEAD. I yield.

Mr. BECKHAM. The Senator says he does not know who Mr. ROUSE is. Mr. ROUSE is the Representative from the sixth district of Kentucky, a very able and a very conscientious Member of that body, who has served there for many years, and who has given this subject a great deal of study and thought. He was one of the five members, I think, of the committee—or six—and he dissented from the report of the majority.

Mr. GALLINGER. I assumed that it was Mr. ROUSE, of the other House. I said I did not know who he was, because I am not acquainted with him, and I presume what the Senator from Kentucky says concerning Mr. ROUSE is absolutely correct.

Mr. BANKHEAD. Mr. President, I simply rose to ask the Senator from Arkansas if he has read the amendment to the bill we are now considering.

Mr. KIRBY. Yes; I have read it.

Mr. BANKHEAD. Then it must be that the Senator understands the whole question that he has been discussing about

franchises is for the Interstate Commerce Commission to investigate. The price fixed here is simply the maximum. The Interstate Commerce Commission are instructed or requested to investigate the whole question of franchises and contracts, and all, and in fixing the price according to their view of the value of the franchises and other things considered, and doubtless they will undertake to see that the Government is protected when they come to recommend any sort of a contract with reference to the purchase of the tubes. The whole question is left to them. We simply say that they shall not pay any more than we name in the bill, and then we say they must investigate all the questions that the Senator from Arkansas was discussing—the question of the title and franchise, and everything else—and make up a verdict in accordance with their opinion as to their value. That is all there is to it.

Mr. SHAFROTH. Mr. President, I have listened with a great deal of interest to the arguments which have been made for and on behalf of the provision that is under consideration. There are some arguments that are strongly in favor of the Government owning these tubes, if the tubes constitute the most modern device used for the transmission of mail.

Inventions that were made 20 or 25 years ago are generally subject to a great many defects and modern science has made them obsolete. If this is such an excellent device for the cities, I can not understand why the persons who operate it at a yearly expense of $350,000 to $400,000 and yet get about $900,000 a year from the Government would not want to keep it. It is an investment that, it seems to me, has paid well. In fact, as the Senator from Iowa has noted, it has paid a larger amount than should have been paid.

Mr. President, the thing that struck me as something objectionable was the fact that the tubes are only 8 inches in diameter, and consequently can not carry the mail like a larger tube could. For that reason it is said that not more than one-third of the letter mail of the United States converging at one of these cities goes through this tube. We know in every water system of a little town they start with a small water pipe, and yet as the city grows the demand becomes greater, and consequently you have got to throw away the pipe as old junk in order to substitute something that will carry the water for the city. While that illustration is not exactly parallel to this, yet if it pays to have pneumatic tubes it seems to me it would justify the Government in putting in a larger tube which would carry all the letter mail. If you do that, then, of course, you are bound to treat this as the Postmaster General has characterized it, as old junk. I am therefore forced to the conclusion that the pneumatic-tube system, constructed for a limited letter service of 20 years ago, is inadequate to the needs of a city that handles four or five times as much letter mail as it did then. It is therefore now inadequate and obsolete.

Now, who ought to determine this question? I have not any doubt of the good faith and the honesty of every member of the committee, but people will differ concerning such matters. They will see questions in a different light. Some will have an opinion one way and some another. Under those circumstances we have got to seek the truth as we see it.

Mr. President, it seems to me that when the man who is to administer this very device says he does not want it at all, that it is nothing but old junk to his department, every Senator ought to hesitate about paying $4,500,000 for something that the man who is to operate it says is worth nothing whatever to him.

That being the case, Mr. President, I can not support this provision of the bill, and I base my opposition upon the theory that there is an honest difference of opinion. When you put in the hands of a man the administration of an affair of this kind and want him to operate it, and there is no question as to his honesty, I can not help but conclude that when that man says it is worth nothing to him, that he can transmit the same quantity of mail by auto trucks, with the same speed, at one-third of the cost, his advice should be followed.

I take that into consideration, Mr. President, together with the fact that this is an old system; that it is said it is not the best system for the transportation of mails from one part of the city to another; and that the modern automobile truck, with its power to go rapidly, is one of the things that can do the work more expeditiously and more economically.

I concede that obstructing the streets may be something of a serious nature, and for that reason I can see that persons imbued with the great importance of not obstructing the streets would probably sweep away the objections which I have made. But, Mr. President, I can not attach that importance to congestion in the streets. Automobiles are used to transact the business of these cities. When the Postmaster General says that three-fourths of the mails of these cities are transported now by automobile, I can not see how we can say that that small portion of only one-third of the letter mail of the city, which is a very small proportion of the entire mail of the city, should not be transported by automobile.

Mr. President, when we consider that we have a Postmaster General—and I have absolute confidence in his ability and his integrity—and he says he does not want this service, that he does not want it as a gift from the companies that are trying to sell it, it seems to me the part of wisdom for Congress to vote against the provision providing for the purchase of these pneumatic tubes by the Government.

The PRESIDING OFFICER (Mr. WILFLEY in the chair). The question is upon the amendment of the committee as amended.

Mr. KENYON. I ask for the yeas and nays.

Mr. HARDWICK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Gronna	McNary	Smith, Ga.
Bankhead	Guion	Martin	Smoot
Beckham	Hale	Myers	Sterling
Calder	Harding	Nelson	Sutherland
Chamberlain	Hardwick	New	Townsend
Culberson	Henderson	Norris	Underwood
Cummins	Kellogg	Nugent	Vardaman
Curtis	Kenyon	Page	Wadsworth
Dillingham	Kirby	Poindexter	Watson
Fernald	Knox	Ransdell	Weeks
Fletcher	Lewis	Saulsbury	Wilfley
France	Lodge	Shafroth	Wolcott.
Gallinger	McKellar	Sheppard	

Mr. McKELLAR. I desire to announce the unavoidable absence of the senior Senator from Tennessee [Mr. SHIELDS] on public business.

Mr. KELLOGG. I desire to announce the absence of the senior Senator from North Carolina [Mr. SIMMONS] on official business. I have a general pair with that Senator.

Mr. SUTHERLAND. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness.

Mr. BECKHAM. I wish to announce that the junior Senator from Florida [Mr. TRAMMELL] is temporarily absent on official business.

Mr. KIRBY. I announce the absence of the senior Senator from Arkansas [Mr. ROBINSON] on official business.

Mr. SHEPPARD. I wish to announce the absence of the Senator from North Carolina [Mr. OVERMAN] on official business.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present. The question is on agreeing to the amendment of the committee, upon which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], from which I am relieved on this vote. I vote "yea."

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the senior Senator from Maryland [Mr. SMITH] and vote "yea."

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS] and withhold my vote.

Mr. LEWIS (when Mr. PHELAN's name was called). I am authorized to announce the absence of the Senator from California [Mr. PHELAN] on official business, and to say were he present he would vote "nay."

Mr. SAULSBURY (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. COLT]. I understand that he would vote as I would, and I will therefore vote. I vote "yea."

Mr. McKELLAR (when Mr. SHIELDS's name was called). The senior Senator from Tennessee [Mr. SHIELDS] is absent on public business. I make this announcement for the day.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. By an arrangement with the Senator from Montana [Mr. MYERS] I transfer that pair to the Senator from Connecticut [Mr. McLEAN] and vote. I vote "yea."

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the absence of my colleague [Mr. THOMAS] on official business.

Mr. FLETCHER (when Mr. TRAMMELL's name was called). I announce the absence of my colleague [Mr. TRAMMELL] on official business.

Mr. WEEKS (when his name was called). I transfer my general pair with the senior Senator from Kentucky [Mr.

JAMES] to the senior Senator from Rhode Island [Mr. COLT] and vote "yea."

The roll call was concluded.

Mr. MARTIN. My colleague [Mr. SWANSON] is unavoidably absent from the city. He is paired with the Senator from Washington [Mr. JONES]. If my colleague were present, he would vote "nay."

Mr. MYERS. Under the arrangement just announced by the Senator from South Dakota [Mr. STERLING], I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. LODGE. The Senator from North Dakota [Mr. MCCUMBER] has a general pair with the Senator from Colorado [Mr. THOMAS]. If the Senator from North Dakota were present, he would vote "yea."

Mr. SHEPPARD. I desire to announce the absence of the Senator from North Carolina [Mr. OVERMAN] on official business.

Mr. KIRBY. I announce the unavoidable absence of the senior Senator from Arkansas [Mr. ROBINSON] on official business. I also wish to announce that the Senator from Wyoming [Mr. KENDRICK] is necessarily detained on official business.

Mr. WILLIAMS (after having voted in the negative). I forgot my pair. I transfer my pair to the Senator from Oklahoma [Mr. GORE] and let my vote stand.

Mr. CALDER (after having voted in the affirmative). I have a general pair with the senior Senator from Rhode Island [Mr. GERRY], but on this question I am at liberty to vote. I therefore vote "yea."

Mr. BECKHAM. I announce that my colleague [Mr. JAMES] is detained by illness.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED]; and

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 33, nays 23, as follows:

YEAS—33.

Baird	Hale	New	Townsend
Bankhead	Harding	Norris	Underwood
Calder	Hardwick	Page	Wadsworth
Chamberlain	Hitchcock	Saulsbury	Watson
Curtis	Knox	Sherman	Weeks
Dillingham	Lewis	Smith, Ga.	Wilfley
Fernald	Lodge	Smoot	
France	McNary	Sterling	
Gallinger	Myers	Sutherland	

NAYS—23.

Beckham	Gulon	Martin	Shafroth
Borah	Henderson	Nelson	Sheppard
Culberson	Kenyon	Nugent	Thompson
Cummins	Kirby	Poindexter	Vardaman
Fletcher	Lenroot	Pomerene	Williams
Gronna	McKellar	Ransdell	

NOT VOTING—40.

Ashurst	Johnson, Cal.	Overman	Smith, Md.
Brandegee	Johnson, S. Dak.	Owen	Smith, Mich.
Colt	Jones, N. Mex.	Penrose	Smith, S. C.
Fall	Jones, Wash.	Phelan	Swanson
Frelinghuysen	Kellogg	Pittman	Thomas
Gerry	Kendrick	Reed	Tillman
Goff	King	Robinson	Trammell
Gore	La Follette	Shields	Walsh
Hollis	McCumber	Simmons	Warren
James	McLean	Smith, Ariz.	Wolcott

So the amendment of the committee was agreed to.

Mr. CALDER. Mr. President, under date of April 11 a communication, over the signature of the Postmaster General, was addressed to the chairman of the Committee on Post Offices and Post Roads, and a copy of the same was mailed to each Senator. That communication had to do with the provision of the Post Office appropriation bill dealing with the compensation of post-office employees. I propose, Mr. President, to make some comments on this letter, and rather than occupy the time of the Senate in reading it I ask unanimous consent that it be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. CALDER. Mr. President——

Mr. HARDWICK. Would not the Senator from New York let us get through with the formal parts of the bill which are undisposed of? We are coming to the question the Senator desires to discuss; that is the next disputed question, and the Senator might rather speak on that when it is before the Senate.

Mr. CALDER. I am willing to comply with the request of the Senator from Georgia, if that is his wish.

Mr. BANKHEAD. I hope the Senator will let us go on and finish the bill.

Mr. HARDWICK. We shall come to the question the Senator desires to discuss pretty soon, and I am sure the Senator had rather speak on it when it is before the Senate.

Mr. CALDER. I yield for that purpose. I withdraw the letter for the present and shall later present it.

Mr. BANKHEAD. Mr. President, I now desire that the amendment reported by the committee on page 30, section 18, be stated.

The VICE PRESIDENT. The amendment referred to by the Senator from Alabama will be stated.

The SECRETARY. The Committee on Post Offices and Post Roads propose to insert, on page 30, after line 9, a new section, to be known as section 8, as follows:

SEC. 8. That the Secretary of War may, in his discretion, deliver and turn over to the Postmaster General from time to time, and without charge therefor, for use in the Postal Service, such aeroplanes and automobiles or parts thereof as may prove to be, or as shall become, unsuitable for the purposes of the War Department; and the Postmaster General is hereby authorized to use the same, in his discretion, in the transportation of the mails and to pay the necessary expenses thereof out of the appropriation for inland transportation by steamboat or other power boat or by aeroplanes or star route.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 30, after line 20, to insert:

SEC. 9. Employees of the Postal Service who have entered the military or naval service of the United States or who shall hereafter enter it during the existence of the present war shall, when honorably discharged from such service, be reassigned to their duties in the Postal Service at the salary to which they would have been automatically promoted had they remained in the Postal Service, provided they are physically and mentally qualified to perform the duties of such positions.

Mr. GALLINGER. Mr. President, my attention has been called to this section, and I was inquired of as to whether or not it applies to substitute employees as well as to regular employees.

Mr. BANKHEAD. Mr. President, I apprehend that it will so apply, because it says "employees of the Postal Service."

Mr. GALLINGER. I so replied, that I thought it would of necessity apply to substitute employees as well as to regular employees. I am glad that the Senator in charge of the bill agrees to that construction of the language.

Mr. BANKHEAD. Mr. President, I think the only question would be as to whether or not the substitute employees were actually in the service when they went to war. If they were, I think this covers that case. Such substitute employees ought to be covered, I am sure.

Mr. GALLINGER. Mr. President, the Senator from Alabama can give a little thought to that, and when the matter gets to conference, as it undoubtedly will, it may be corrected if it is not now specific.

Mr. BANKHEAD. I shall have no objection in the world to having inserted any language which may be suggested by the Senator from New Hampshire.

Mr. GALLINGER. I suggest that the language read "employees, including substitute employees."

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The amendment to the amendment which is proposed by the Senator from New Hampshire will be stated.

The SECRETARY. After the word "employees," on line 21, page 30, it is proposed to insert "including substitute employees."

Mr. GALLINGER. That makes it clear.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Post Offices and Post Roads was to insert as a new section the following:

SEC. 10. That the act approved January 21, 1918 (38 Stats., p. 278), authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty, be so amended as to include United States war savings certificates, United States Government thrift stamps, war-tax revenue stamps, and funds received from the sale of such stamps: *Provided*, That this act shall not embrace any claim for losses as aforesaid which accrued prior to September 24, 1917, and all such claims must be presented within six months from the time the loss occurred.

Mr. BANKHEAD. In section 10, page 31, line 6, I move to strike out "18" and to insert "14." It is merely a misprint.

The VICE PRESIDENT. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. In section 10, page 31, line 6, it is proposed to strike out "18" and to insert "14," so as to read "1914."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Post Offices and Post Roads was, on page 31, after line 17, to insert:

SEC. 11. The provision of the act of June 3, 1916, an act for making further and more effectual provision for the national defense and for other purposes, and the act of August 29, 1916, an act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, authorizing the payment of $5 to postmasters at second, third, and fourth class offices for each recruit secured by them and accepted by the Army, Navy, and Marine Corps, is hereby repealed.

The amendment was agreed to.

Mr. BANKHEAD. I desire to offer an amendment on page 32, after line 3. I move at that point to insert two new sections, which I send to the desk.

The VICE PRESIDENT. The first section proposed as an amendment to the bill by the Senator from Alabama will be stated.

The SECRETARY. On page 32, after line 3, it is proposed to insert as a new section the following:

SEC. 12. That hereafter the balance to the credit of any one person in a postal savings depository, exclusive of accumulated interest, shall not exceed $2,000. Noninterest-paying deposits shall not be accepted. All laws inconsistent herewith are hereby repealed.

The amendment was agreed to.

The VICE PRESIDENT. The next section proposed as an amendment to the bill by the Senator from Alabama will be stated.

The SECRETARY. After the amendment just agreed to, it is proposed to insert as a new section the following:

SEC. 13. That section 6 of the act approved June 25, 1910, is hereby further amended so that the proviso in said section shall read as follows: "*Provided*, That in order that smaller amounts may be accumulated for deposit, any person may purchase for 10 cents, from any postal savings depository, specially prepared adhesive stamps, to be known as 'postal savings stamps,' and attach them to a card which shall be furnished for the purpose. A card with 10 postal savings stamps affixed shall be accepted as a deposit of $1, either in opening an account or in adding to an existing account, or may be redeemed in cash."

The amendment was agreed to.

The VICE PRESIDENT. The next amendment, proposed by the Senator from Alabama, will be stated.

The SECRETARY. On page 32, line 4, it is proposed to change the number of section "12" to "14."

The amendment was agreed to.

Mr. BANKHEAD. Mr. President, I desire to offer an amendment on page 20, in lines 9 and 22.

The VICE PRESIDENT. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. On page 20, line 9, it is proposed to strike out the numerals "$545,000" and insert in lieu thereof "$555,000"; and in line 22 to strike out the numerals "$15,000" and insert in lieu thereof "$25,000."

The amendment was agreed to.

Mr. BANKHEAD. Mr. President, on page 21 there was an amendment which was passed over at the request of some Senator—I have forgotten by whom now—and I should like the Secretary to state the amendment.

The VICE PRESIDENT. The Secretary will state the amendment referred to by the Senator from Alabama.

The SECRETARY. On page 21, the amendment proposed by Mr. BANKHEAD is, after the word "service," in line 4, to strike out the period and to insert a colon and the following proviso:

Provided further, That the Interstate Commerce Commission is hereby empowered and directed, as soon as practicable, to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of mail matter by urban and interurban electric railway common carriers and the service connected therewith, prescribing the method or methods by weight or space, or both, or otherwise, for ascertaining such rate or compensation and to publish the same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing: *Provided further*, That it shall be unlawful for any urban or interurban electric railroad to refuse to perform mail service at the rates or methods of compensation provided for such service when required by the Postmaster General so to do, and for such offense shall be fined $100. Each day of refusal shall constitute a separate offense.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Alabama.

The amendment was agreed to.

Mr. BANKHEAD. When we were considering the bill the other day we passed over section 3, and I think we might refer to and dispose of that now.

Mr. SMOOT. On what page is that section?

Mr. BANKHEAD. It is on page 28.

The VICE PRESIDENT. The amendment referred to will be stated.

The SECRETARY. On page 28, in the committee amendment, after the word "offices," in line 12, it was proposed by Mr. BANKHEAD to insert "and railway postal clerks assigned to terminal railway post offices and transfer offices," so that if amended the section will read as follows:

That hereafter watchmen, messengers, and laborers in first and second class post offices and railway postal clerks assigned to terminal railway post offices and transfer offices shall be required to work not more than eight hours a day—

And so forth.

The VICE PRESIDENT. The amendment will be agreed to, without objection.

Mr. SMOOT. Mr. President, before that amendment is agreed to I desire to inquire if that is the amendment offered by the committee? My attention was diverted in another direction for a moment.

Mr. BANKHEAD. It is a committee amendment.

Mr. SMOOT. Is it the amendment which provides that "when the needs of the Postal Service require the employment on Sundays and holidays of railway postal clerks assigned to terminal railway post offices and transfer offices they shall be granted compensatory time in the same manner as provided by law for clerks and carriers in first and second class offices"?

Mr. BANKHEAD. No.

Mr. SMOOT. Well, Mr. President, I should like to know of the Senator having the bill in charge why assistant postmasters and other supervisory employees are not included in the provision?

Mr. BANKHEAD. They are provided for in another section.

Mr. SMOOT. That being so, I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment will be stated.

The SECRETARY. Mr. BANKHEAD offered another amendment, to add at the end of section 3 the following proviso:

Provided, That hereafter when the needs of the Postal Service require the employment on Sundays and holidays of railway postal clerks assigned to terminal railway post offices and transfer offices they shall be granted compensatory time in the same manner as provided by law for clerks and carriers in first and second class offices.

Mr. SMOOT. Mr. President, I will ask the Senator if he will not accept an amendment to that amendment by inserting after the word "of," in line 4, of his amendment, the words "assistant postmasters and other supervisory employees, and."

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. Without objection, the amendment as modified is agreed to, and the amendment as amended is agreed to.

Mr. BANKHEAD. I now ask to recur to section 4.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In section 4, page 28, line 23, Mr. BANKHEAD proposes the following amendment: After the word "envelopes" insert a comma and the words "blanks and blank books, and the Official Postal Guide."

Mr. SMOOT. Mr. President, I sincerely hope that the Senate will not adopt the amendment, and I desire to occupy a short time to explain why it should not be adopted. I wish the Senators present would give me their attention, because, while the amendment on its face may look simple, it is far-reaching in character.

Mr. President, on February 6, 1917, the same question was before the Senate, and, after an explanation of the matter, it was not agreed to by the Senate. The then Senator from New Jersey, Mr. Martine, a member of the Post Office Committee, called up a bill on this subject and asked for its consideration. I did not object to its consideration, but I wanted to make an explanation of it before the Senate voted upon it. Among other things said at that time was this:

Mr. SMOOT. I know all about the bill. I want to say to the Senator that, outside of the postal-card paper purchased by the Post Office Department, the balance of the paper furnished the Government Printing Office and for the printing of everything for the Government is under the supervision of the Joint Committee on Printing. Every contractor has made the same request of that committee—to be relieved of the contracts that they held with the Government. To show the Senator what this means——

Mr. MARTINE of New Jersey. I have no objection to the bill going over.

Mr. SMOOT. I take it for granted that Congress would not have one contractor relieved unless all were relieved. In this connection, I might say that the Attorney General has held that not only will the contractors be compelled to supply the amount of paper provided for in the award but they will have to furnish all that the Government Printing Office may require until March 1 of this year.

Mr. President, contracts have been made for the printing of the Official Postal Guide for the term of four years, and I think that one or two of those four years have already expired. This whole section ought to be defeated, for, I assure the Senate now, if it becomes a law, as applying to contractors furnishing envelopes, blanks, blank books, and the Official Postal Guide, there is not a contractor furnishing paper to the Government of the United States who will not demand, for the same

reasons that are given for this legislation, that the contracts entered into by him be modified.

The contractors will have a perfect right to make that demand, provided the Congress of the United States modifies the contracts of those furnishing envelopes, blank books, and the Official Postal Guide. I can not say how much will be involved in dollars and cents to the Government, but I will say that it will involve hundreds of thousands of dollars.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. SHEPPARD. On what reason is the request for a modification based?

Mr. SMOOT. The only reason is that the price of paper and the price of labor have advanced, and therefore the contracts ought to be annulled and new contracts entered into.

Mr. SHEPPARD. I wish to say to the Senator that we had before the Commerce Committee proposals from contractors asking for relief in connection with their contracts for river and harbor improvements and to have their contracts, extending into the millions of dollars, modified for the same alleged reason.

Mr. SMOOT. The Senator is right. In one or two cases contractors for paper have forfeited the bonds which they have given to insure the carrying out of their contracts. It is true that they made money by forfeiting the bond, which was only $5,000, but I notified those contractors that, so far as I was concerned, no further contracts should ever be given them by the Government of the United States, if I could prevent it, and I mean to carry that out if it is in my power to do so.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

Mr. SMOOT. I will.

Mr. NELSON. There is in the river and harbor bill an amendment along the same line with reference to the river and harbor improvements, wherein it is proposed to give the Secretary of War the right to readjust contracts, but we have expressly limited it to future cases, and the provision is not to have any retroactive effect. As the language in this section under consideration is worded it will apply to contracts made last year as well as in the years to come. I think it should be amended so as to cover only cases in the future.

Mr. SMOOT. Mr. President, I wish to say to the Senator that any contract that is now entered into by a manufacturer in the United States will be at such prices that I do not think there will be any necessity for its modification in the future, nor do I think there is any necessity for it now. I will admit that in some cases—and I will admit this is true so far as the Postal Guide is concerned—paper has increased slightly since the contract was entered into, but not so very much, and I know that labor has increased since the contract was entered into, but that is the case with nearly every contract which is now in existence.

The contracts covered by this provision are made for four years. When I was appealed to by one of the representatives of the concern printing the Official Guide, I explained to him the position in which it would place the Government of the United States if a particular case should be provided for, and I called his attention to the fact that it meant that all contractors would feel that they were entitled to the same consideration if Congress granted it as to that one concern. I am quite sure, Mr. President, that nobody offhand can estimate the amount it will cost the Government if this section shall be agreed to and becomes a law.

Mr. POMERENE. Mr. President, will the Senator yield?

Mr. SMOOT. I yield to the Senator.

Mr. POMERENE. I think one contractor, through his attorney perhaps, spoke to me about a contract which he had for envelopes; and his position, as I understood, was simply that he desired only to be made whole on his contract. But the Senator's objection to all legislation of this kind recalls to my mind another case relating to a contractor on one of the public buildings. The contractor whom I have in mind came to see me the other day. He has constructed quite a number of post offices and other public buildings for the Government. He has done all this work on a very narrow margin; at least, I think I know enough about the man to believe that to be so, and he is a man of very modest means. He took a contract in West Virginia on a very narrow margin, as he believed. He is now at a point where he can not even meet his pay roll, he says, because of the increased cost of material and the increased cost of labor. That building must be completed either by him or by his bondsmen. It is going to leave him absolutely bankrupt. I know that that man would not want anything save and except enough to make him whole. If this were under normal times I would say there was not any merit whatever in his claim; but when we are in the midst of this great war and everything has gone skyward, so far as prices are concerned, I hardly believe that it would be just for this Government to say to him, "You are bound by the letter of your contract, notwithstanding the fact that you were not responsible for bringing on this war."

It seems to me that there are some of these cases that have a good deal of equity in them, and I do not believe this Government wants to have that building put up and completed by this man and thereby reduce him to bankruptcy, because of the fact that the Nation happens to be at war. That kind of a case appeals to me a good deal, and yet I realize that there is a good deal of force in what the Senator says so far as some of these contractors are concerned.

Mr. SMOOT. Mr. President, if the prices of material and labor had decreased, there is not a contractor in the United States who would have come to the Government of the United States and said: "Labor has decreased; material of all kinds has decreased; everything has decreased since I entered into the contract, and upon my contract through those decreases I have been able to earn more than I anticipated, and I will give the increase to the Government of the United States." There is no such case as that in all the history of the country. If we are going into this question, let us not stop here and say that the Postmaster General shall have the right to make these investigations. Let it be a general law and apply to all the contracts of the Government, and let us know just where it is going to lead us to; and if we are willing to pay the cost, let it apply to every contractor doing business with the Government of the United States.

Mr. GALLINGER. Mr. President, will the Senator permit me to ask him a question?

Mr. SMOOT. Yes.

Mr. GALLINGER. I think there is something to be said on both sides of this question. The illustration the Senator from Ohio has given appeals to me very strongly. Now, let us carry out the suggestion of the Senator from Utah, that if prices had decreased these men would not have paid over their profits to the Government. We might apply that to ourselves. If prices had decreased and we had been getting our $5,000 a year, we would not have paid back any portion of it to the Government. We would have taken it ourselves. Prices increased, however, and we increased our salaries.

I think the men who have taken these contracts, especially if they are men of moderate means, when prices have increased so enormously without any fault of theirs, ought to have some consideration. I do not know how far we ought to go, but it ought to be a pretty general rule to apply to everybody.

Mr. SMOOT. Of course, Mr. President, prices have increased since the Members of Congress increased their salaries from $5,000 to $7,500.

Mr. GALLINGER. Yes; but the plea was that we could not live on our salaries, and so we reached out and got some more, very properly, as I think.

Mr. SMOOT. But what I meant to say was that there has been no increase in a Congressman's salary since the recent rapid increase in the cost of living began.

Mr. GALLINGER. The principle is the same.

Mr. FLETCHER. Mr. President, will the Senator allow an interruption?

Mr. SMOOT. Yes; I yield.

Mr. FLETCHER. I am inclined to agree with the Senator in his position that we ought to have a general law that would apply to all contracts with the Government.

I have been looking into that question to some extent and trying to develop a plan whereby a statute may be passed which will give the Court of Claims jurisdiction to consider all inequities which have arisen by reason of war conditions, and allow people who have contracts with the Government to go into that court and make claim for the enormous increase in the cost of labor and material by way of adjusting the equities. I do not know whether that could be done or not, but that would be a better way of reaching it, I suspect. That, however, would be the long way of reaching it.

I am not on this committee, and therefore I can not speak from any direct information on the subject; but I have not any doubt that there are a number of contractors—star-route contractors, screen-wagon contractors, and men of that sort—who are in a position where they are absolutely ruined by the enormous increase in the cost of operating under their contracts, the cost of labor, the cost of materials, and supplies of all sorts. Some of them will be unable to go on. Now, the question is whether you will authorize the Postmaster General to adjust these contracts so that they will be able to carry on their work

or whether you will allow them to go broke and quit, sue their bondsmen, and possibly require the Government to make other contracts.

The Senator will remember that in our Joint Committee on Printing, where we have refused to accept bids for paper because they were so high, we have found that by going out and purchasing in the open market we have saved the Government several thousand dollars this year. That is to say, every man who wants to make a contract with the Government now puts up the price, so as to be safe; and if we call for new bids for the work of all these contractors we are going to find that they will be very high, and the Government will be put to an enormous expense. The question is, Would it not be better to allow the Postmaster General to adjust this matter with the contractor, so as to meet these extraordinary conditions in a fair and just way?

The amendment is a little loosely drawn, because it uses the word "necessity." It says, "where the facts disclose the necessity for such adjustment." It is left entirely with the Postmaster General to determine whether or not the necessity exists. It is not obligatory on him to revise any contract or adjust it; but, wherever the necessity seems to exist, he is authorized to do it.

Mr. SMOOT. The Senator knows that this legislation would not be before the Senate unless it had been already decided that there was a necessity existing.

Mr. FLETCHER. I think likely that is true.

Mr. SMOOT. And in a report that was made to the House and to the Senate in February, 1917, the Postmaster General then said that there were some 30 cases involved.

Mr. FLETCHER. I have no doubt that that is true; but the Senator knows, of course, that the price of paper has increased enormously.

Mr. SMOOT. Not since this contract was made. This contract is a little over a year old, and the price of news-print paper a year ago, or even in the latter part of 1916, when sulphides were so very scarce in the United States, was just as high as the price of paper to-day. I refer now to the print paper. The bond papers, as the Senator well knows, have increased in price rapidly, and the writing papers have increased in price, but not the paper upon which the Official Guide is printed.

Mr. FLETCHER. What about the envelopes?

Mr. SMOOT. The cost of envelopes have increased, and if the Senator has followed the appropriation bills that we have passed at this session of Congress, he knows that the Postmaster General has been given as high as $500,000 additional for the purpose of meeting the increased cost of envelopes, and it seems to me that manufacturers will be taken care of pretty generally. I will admit that the company printing the Guide is compelled, perhaps, to pay a higher wage this year than they were when they took the contract, but as far as the price of paper is concerned there is not so very much difference, as the Senator well knows.

Mr. FLETCHER. Yes.

Mr. SMOOT. Mr. President, when this question was before the House of Representatives in February, 1917, and this same authority was asked for, it was limited there so that in no case could the contract price be increased more than from 25 to 50 per cent. There is no limit in the pending amendment. The Postmaster General can increase it 100 per cent, or 200 per cent, or any other per cent that he may desire.

Mr. HARDWICK. Mr. President, if the Senator will permit me, has not the Postmaster General complete discretion now with regard to making new contracts?

Mr. SMOOT. Certainly.

Mr. HARDWICK. Then, if we can trust him entirely in fixing the prices in new contracts, surely we can trust him to revise them.

Mr. SMOOT. I will say to the Senator that the way new contracts are made is this: Bids are asked for, and if the company making the lowest bid can give a sufficient bond, it is always entitled to the contract. In this case, however, there is no bidder; and under this provision whatever the Postmaster General thinks the contractor ought to be paid, he is authorized to pay him.

It is a very, very loose provision, Mr. President; and it does seem to me that it would be very much better that it should go out of this bill, and then that we should pass general legislation, so that any contractor of the Government who finds himself in exactly the same position in which the contractor referred to by the Senator from Ohio finds himself can appeal to the head of the department that made the contract with him, and he can have power to modify it. Let us have no half-way business about it. Let us do it in the proper way, the same as a business concern would do it.

When this matter was before the House, Mr. Fitzgerald made this statement, in answer to Mr. MOON:

> If this policy be adopted regarding this post-office contract, what excuse will we have for not adopting the same policy with respect to the shipbuilders and the armor-plate manufacturers and the people supplying rations for the Army and the Navy, and, in fact, every contract made by the Government, whether there has been an increase in the cost of material, and the contractor can make a profit out of it, or not?

I do not want to take the time of the Senate to go into the discussion in the House, but the Senate refused to act upon it and the House refused to act upon it at that time, and there is not very much difference between the conditions existing now with our contractors and the conditions existing at that time. It is true that in some cases the old contracts have run out and new contracts have been made, and those contracts have been made knowing the situation both as to the labor and as to the material market of the United States. Taking paper as a basis, I want to say to you that I think not only has the Government of the United States paid the advance of the wage and the advance of the material, but it has paid a good round percentage with a view that prices may still further advance.

Therefore, Mr. President, I believe the wise thing to do would be to disagree to section 4, and let us take up the question as a separate proposition, and go just as far as Congress wants to go in modifying the contracts; but let us have a limit. If 25 per cent is enough, let it be 25 per cent. If Congress thinks it necessary to have a margin of 50 per cent, let it be 50 per cent, but let us have a limit, so that we will know what we have got to meet, at least.

Mr. FLETCHER. Mr. President, may I ask the Senator just one question?

Mr. SMOOT. Certainly.

Mr. FLETCHER. I wish to ask whether or not any of these contracts were made prior to our entering into the war—prior to April, 1917? It seems to me that contracts made after that time would be made under war conditions, and there would be no occasion for adjusting them.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. SMOOT. I should like to answer the Senator from Florida for a moment, and then I will yield to the Senator. I have not the exact date when the Postal Guide contract was made, but I think it was made before we entered the war. The Senator from Georgia [Mr. HARDWICK] nods his head in acknowledgment that that is true. It was made some time before we entered the war; but, of course, the war conditions existed in this country long before we entered the war.

Mr. FLETCHER. I know; but they changed considerably and became more acute afterwards. I think there are such circumstances in a good many cases that there ought to be some authority granted to consider them and act accordingly. I do not know any better way of doing it than to leave it to the head of the department to adjust it, unless we have some court established to do it; and, of course, that would be a long process.

Mr. SMOOT. I know that when the matter was up before, the House took the position that it ought to be general legislation rather than special legislation, such as this amendment provides. I think myself that the question is worthy of the deepest consideration, and that whatever we do we ought to have general rather than special legislation, such as is provided for here.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. NELSON. I wish to suggest two amendments here to perfect this section and make it in harmony with an amendment we have prepared to the river and harbor bill.

After the word "service" in line 22, page 28, I move to insert the words "entered into prior to the existing war," so that it will read:

> That the Postmaster General is authorized to investigate conditions arising from contracts in the star-route, screen-wagon, and other vehicle service entered into prior to the existing war.

I have another amendment, later on, which will perfect the section still further.

Mr. FLETCHER. Mr. President, the Senator uses the language "prior to the existing war." It seems to me that that is rather ambiguous. Would it not be best to fix a date, and say "prior to April, 1917," for example?

Mr. NELSON. Very well.

Mr. SMOOT. "Prior to April 6, 1917."

Mr. FLETCHER. Yes; "prior to April 6, 1917," because "prior to the existing war" might mean prior to August, 1914.

Mr. NELSON. Then I move to amend by inserting after the word "service" the words "prior to the 6th day of April, 1917."

Then, the second amendment to perfect the section is to insert the following words after the word "same," in line 1, on page 29:

For materials or services hereafter to be furnished or rendered.

So that it could apply only to services rendered after the passage of this act, or to materials furnished after the passage of this act. I am informed that the chairman of the committee will consent to that amendment.

Mr. HARDWICK. I think that is all right.

Mr. NELSON. Those two amendments perfect the section.

Mr. SMOOT. Mr. President, that amendment certainly ought to be adopted as suggested now by the Senator from Minnesota.

Mr. HARDWICK. Let us have a vote first on the amendments to the amendment. The committee has no objection to that amendment, I am informed. Let us adopt it, and then I want to submit some observations on the amendment as amended.

Mr. NELSON. I offer those amendments.

The VICE PRESIDENT. The amendments to the amendment will be stated.

The SECRETARY. On page 28, line 22, in the committee amendment, after the word "service," it is proposed to insert the words "entered into prior to April 6, 1917."

The amendment to the amendment was agreed to.

The SECRETARY. And on page 29, line 1, is the committee amendment, after the word "same," it is proposed to insert "for materials or services hereafter to be furnished or rendered."

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now recurs on the amendment of the Senator from Alabama to the amendment of the committee, which will be stated.

The SECRETARY. The Senator from Alabama proposed, on page 28, in the committee amendment, on line 23, after the word "envelopes," to insert "blanks and blank books, and the Official Postal Guide."

Mr. HARDWICK. Mr. President, I do not want to detain the Senate, but this amendment was adopted at the suggestion of the Post Office Department, on representations made by the purchasing agent, who contended that it was necessary in the interest of the Government itself, because he said that the departments had so expanded their activities that in many cases it was necessary to buy a great deal more supplies than had ever been estimated for, and that to carry out their contracts would not only break many of these contractors and exhaust their bonds, but, after all that was done, would still leave a tremendous amount of supplies for the Government to purchase; and he insisted that if this authority were given to the Postmaster General he could make adjustments in equitable cases where the interest of the Government itself required it as well as the equities of the individual contractor. It seems to me that there is something in that view of the matter if the Post Office Department is right about it.

For instance, take what he says about envelopes. Mr. Edgerton said this:

The contracts were made about the second—no; the first—year of the war, I think in 1915, when paper was very low. Paper has since advanced in some cases 100 per cent. Labor has advanced, I should say offhand, 50 to 60 per cent—that is, wages. Other materials have advanced in like degree. Because of the war, the orders on some of these sizes of envelopes have increased very greatly. I think the estimates on a number of items have already been exceeded 50 per cent and in some cases 100 per cent on the amounts ordered. At the time these contracts were made we had an estimate from each department of the Government—

Now, these envelopes were furnished to every one of the nine executive departments, as well as to the commissions—

as to the probable requirements of that department on this particular item.

He said, down here in another place——

Mr. SMOOT. Mr. President, if the Senator remembers, we have already increased the appropriation in this bill for the payment for envelopes and for stationery.

Mr. HARDWICK. Undoubtedly; but that is for the fiscal year covered by the bill. The trouble is——

Mr. SMOOT. What I mean to say is that if we have contracts, as referred to in that statement, lasting until 1919, that price would not have advanced at all. I do think, however, that there are a lot of envelopes purchased in the open market. They have no contract, and no doubt they are paying more for the envelopes than they did in 1915.

Mr. HARDWICK. That is the point exactly; and his point is that if you break these contractors in some of these cases, and exhaust their bonds, even after that is done the Government will lose money on the transaction, because it will have to go out into the market and purchase under existing conditions.

Mr. SMOOT. I will assure the Senator that that will not happen with the Official Guide.

Mr. HARDWICK. It may not. I am referring to the envelope situation particularly, now.

Mr. SMOOT. Nor do I think it will happen with the blanks or blank books, but it may with the envelopes.

Mr. HARDWICK. Mr. Edgerton was asked this question in the committee:

Senator SWANSON. The suggestion you would make for relief would be to give the Postmaster General authority to administer equity and justice in these cases?

Mr. EDGERTON. Yes, sir.

Senator SWANSON. Give him discretion to settle with them on a fair and reasonable basis?

Mr. EDGERTON. To extend temporary relief without giving them a profit; but simply make it possible for them to live. I think that would be good business on the part of the department and on the part of the Government.

Senator HARDWICK. In other words, you think it would be a good idea to permit the Postmaster General temporarily to make such modifications in the contract price as he thinks necessary?

Mr. EDGERTON. As he thinks necessary for the interests of the Government.

I can conceive of situations where that might very well be true. We have not given the Postmaster General any power that I think he is likely to abuse about that matter. We all know that he is trying to pile up a surplus all the time in the department; and he is not likely to give these people anything to which they are not entitled, or that the interests of the Government do not require him to give them. In cases where a contractor is in such a position that you will break him, and his bond is inadequate to protect the Government against the unprecedented expansion of governmental activities, the Government will lose by that procedure. It will have to go out in the open market and buy the material, and pay a much higher price.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. HARDWICK. I yield to the Senator.

Mr. NELSON. As section 4 is amended now, it applies to all those contracts that were entered into prior to the declaration of war.

Mr. HARDWICK. I thought the Senator's amendment was an improvement, and advised its acceptance.

Mr. NELSON. The envelopes were already covered in the bill?

Mr. HARDWICK. Yes.

Mr. NELSON. But the other applied to the star-route service and the vehicle service?

Mr. HARDWICK. That is true enough.

Mr. NELSON. So that it all relates to the same contracts?

Mr. HARDWICK. Yes, sir.

Mr. NELSON. And it is exactly in harmony with a similar amendment that we prepared for the river and harbor bill.

Mr. HARDWICK. Yes. I thought the Senator's amendment was right, and I am glad the Senate has adopted it. Now, I think in this modified form we ought to adopt the provision, and I will tell you why I think so:

It is all right to talk about general legislation about these things, but what is everybody's business is nobody's business; and the place where the pressure comes is from the department that handle these particular and specific things in each case. Some Representative to whom the Senator referred spoke of general legislation that was to be enacted, but we have not yet seen the general legislation, even to this good hour. It seems to me that the necessary thing to do is to attend to those things in the proper manner in each one of the departments as we come to them. That is what we tried to do in this case.

Mr. SMOOT. Mr. President, I think the same language ought to be used in both cases. The amendment of the Senator from Minnesota had reference to bids that were received prior to the 6th day of April, 1917.

Mr. HARDWICK. The language used by the committee was, "prior to the declaration of the present war," which is the same thing.

Mr. SMOOT. I simply thought the same language ought to be used in both cases——

Mr. HARDWICK. Oh, yes; I am perfectly willing for that to be done.

Mr. SMOOT. Although I do not particularly care which way it is.

Mr. HARDWICK. It does not matter.

I hope we will have a vote, Mr. President.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Alabama [Mr. BANKHEAD], as amended, to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The SECRETARY. On page 11, there is an amendment passed over at the instance of the Senator from Washington [Mr. JONES], as follows——

Mr. SMOOT. Mr. President, the Senator from Washington [Mr. JONES] has been called from the Chamber upon official business. I will ask the Senator in charge of the bill how long he is going to run to-night? It is now 5 o'clock.

Mr. BANKHEAD. Mr. President, we are getting along so well that I do not see why we can not finish this evening.

Mr. SMOOT. The Senator does not think he can finish the bill this evening, does he? The question of the increase of salaries will come up.

Mr. BANKHEAD. I do not suppose there will be any objection to that.

Mr. SMOOT. I am quite sure it is going to lead to some discussion. I do not know of anything else in the bill that will.

Mr. BANKHEAD. Are there any other amendments which have been passed over aside from the one the Senator from Washington [Mr. JONES] asked should be passed over?

Mr. SMOOT. There is one of a similar kind. There are two, but they are exactly the same. The Senator from Washington will be here to-morrow morning.

Mr. BANKHEAD. What other amendments have been passed over, other than the one referred to?

The VICE PRESIDENT. Section 2.

Mr. NELSON. Has section 2 been disposed of?

Mr. BANKHEAD. That is the proposed increase for postal employees. That is pending.

Mr. SMOOT. And it will take some time.

Mr. BANKHEAD. That was passed over. My purpose is to ask if there is any other minor matter that we might dispose of to-day.

Mr. SMOOT. I have not one marked.

The VICE PRESIDENT. It is difficult for the Chair to find out what a minor matter is.

The SECRETARY. The amendment was passed over, on page 27, beginning at line 4. The total, "$53,000,000," the committee proposes to strike out and insert "$62,875,000."

Mr. BANKHEAD. That is involved in the amendment to increase the pay.

Mr. CALDER. I have an amendment to offer.

Mr. BANKHEAD. I propose a substitute amendment for section 2, in order that it may be printed, so that Members of the Senate can have copies of it to-morrow.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. BANKHEAD. I move that the Senate proceed to consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 15, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 14 (legislative day of May 13), 1918.

REGISTER OF LAND OFFICE.

Vene Bloomer, of El Centro, Cal., to be register of the land office at El Centro, Cal., vice Finis C. Farr, deceased.

APPOINTMENT IN THE NATIONAL ARMY.

MEDICAL CORPS.

To be brigadier general with rank from May 9, 1918.

Col. Robert E. Noble, Medical Corps, National Army.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

INFANTRY.

To be first lieutenant with rank from June 14, 1917.

Second Lieut. William F. Stromeyer.

APPOINTMENTS IN THE ARMY.

DENTAL CORPS.

To be first lieutenants.

John Rudolph Wikeen, of South Dakota, from May 4, 1918.

Richard Carlton Hoblitzell, of West Virginia, from May 5, 1918.

Carl Eaton Safford, of Massachusetts, from May 6, 1918.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Paymaster Frederick K. Perkins to be a pay inspector in the Navy, with the rank of commander, from the 1st day of July, 1917.

Paymaster Franklin P. Sackett to be a pay inspector in the Navy, with the rank of commander, from the 11th day of December, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 14 (legislative day of May 13), 1918.

AIRCRAFT BOARD.

John D. Ryan to be chairman of the Aircraft Board.

CONSUL GENERAL.

Ernest L. Harris to be a consul general of class 5.

RECEIVER OF PUBLIC MONEYS.

Charles E. Harris to be receiver of public moneys at Blackfoot, Idaho.

REGISTERS OF LAND OFFICES.

Benjamin F. Groves to be register of the land office at Los Angeles, Cal.

Henry Heitfeld to be register of the land office at Lewiston, Idaho.

George S. Allen to be register of the land office at Topeka, Kans.

APPOINTMENTS IN THE NATIONAL ARMY.

GENERAL OFFICER.

Brig. Gen. William L. Kenly to be major general.

MEDICAL CORPS.

To be brigadier generals.

Col. Merritte W. Ireland.

Col. Francis A. Winter.

PROMOTIONS IN THE ARMY.

VETERINARY CORPS.

To be veterinarians.

Assistant Veterinarian Charles H. Jewell.

Assistant Veterinarian William A. Sproule.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 14, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, whose mercy is from everlasting to everlasting, we come to Thee in this hour of distress for consolation, strength, and renewed hope; but we thank Thee that if the terrible war in which the world has been plunged must needs have come, it has brought the lovers of liberty, peace, and justice into the closer bonds of brotherhood through a deep and fervent patriotism to defend the rights Thou hast taught us to hold sacred; that religion is finding its place in the hearts of men; the nonessentials are being eliminated, the essentials are in the ascendancy; that the blessed faith in the immortality of the soul is the consolation and inspiration of the men who are called upon to face death on the field of battle; and that those who are giving their loved ones a sacrifice on the altar of liberty are finding sweet consolation and comfort that love will at last find its own and the heart be satisfied in Thine own good time.

Hear and answer our prayer in the name of the thorn-crowned King, the glory-crowned King, whose name is Immanuel. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4482. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended;

S. 933. An act to authorize the Secretary of the Interior to issue patent for certain land to school district No. 9, of Sanders County, Mont.; and

S. 4445. An act granting the consent of Congress to Marion and Horry Counties, S. C., to construct a bridge across Little Peedee River.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11245. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2,

1914, and an act in amendment thereto, approved October 6, 1917;

H. R. 10264. An act to prevent in time of war departure from or entry into the United States contrary to the public safety; and

H. R. 10265. An act to authorize the President to provide housing for war needs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LEVER, for five days, on account of important business; and

To Mr. CARTER of Massachusetts, for two weeks, on account of illness.

THE WAR.

Mr. CANDLER of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Mississippi [Mr. CANDLER] asks unanimous consent to address the House for five minutes. Is there objection?

Mr. GILLETT. On what subject?

Mr. CANDLER of Mississippi. On the war.

Mr. GILLETT. I do not object if your side does not.

There was no objection.

Mr. CANDLER of Mississippi. Mr. Speaker, yesterday I received the following letter.

[George J. Leftwich. C. L. Tubb. Leftwich & Tubb, attorneys and counselors at law, Monroe Banking and Trust Building.]

ABERDEEN, MISS., *May 11, 1918.*

Hon. E. S. CANDLER,
Office 102, House Office Building, Washington, D. C.

MY DEAR MR. CANDLER: Herewith please find a list of the members of the "First Mississippi Confederate Company," which company, as you will observe, is made up of old Confederate veterans of Monroe County, Miss. They are the men who in days gone by wore the gray, but now they want to don the khaki.

[Applause.]

They are offering themselves to the President, to be used in any capacity in which he may direct, for the purpose of winning this war.

[Applause.]

These men met here at Aberdeen, Miss., on May 3, and by unanimous vote tendered their services to our great Commander in Chief, Woodrow Wilson. Capt. J. W. Howard is the captain of the company, and he brought the list to me yesterday with the request that I send it to you, as our Representative, with request that you place it before the President and the War Department in proper form. Please do this at once, and greatly oblige,

Very sincerely, yours, C. L. TUBB.

The dispatch in the newspapers giving an account of this meeting reads as follows:

STILL FULL OF FIGHT—MONROE CONFEDERATE VETERANS OFFER THEIR SERVICES TO PRESIDENT.

ABERDEEN, MISS., *May 9.*

At a meeting of the Confederate veterans of Monroe County it was resolved that they offer their services to President Wilson and the United States Government and ask him to use them in any way that he saw fit in order that they might help win the war.

[Applause.]

The following is a list of the members of "The First Mississippi Confederate Company," which met at Aberdeen, Miss., May 3, 1918, and voted unanimously to offer their services to the President, to be used as he may direct in the present war:

J. W. Howard, captain; J. M. Fears, first lieutenant; J. M. McDuffie, second lieutenant; N. H. Pratt, first sergeant; D. A. Beeks, color bearer; F. C. Ross, quartermaster; Dr. W. G. Sykes, surgeon; Baxter McFarland, judge advocate. Privates: J. M. Addington, William Allen, A. Armstrong, J. Adams, Ben Bradford, J. G. Ball, W. P. Bradley, Henry Ballard, A. J. Brown, John Beckham, Jim M. Buchanan, John Barrett, John Buchanan, Sam Beckham, Joe Buford, Austin Chism, J. M. Cunningham, Madison Cunningham, H. Cox, D. Cox, C. R. Cheek, B. Darracott, W. T. Dawkins, L. Donelson, N. C. Dalton, W. L. Dottery, J. S. Dugger, N. W. Dickerson, A. J. Easter, Dr. J. W. Eckford, Giles Fuqua, James Fuqua, J. A. Grady, W. W. Grady, Frank Gilleylen, Lundys Gunn, Will Howell, Sam Howell, John Henley, S. G. Henley, Needham Hatch, Jim Howell, Buck Howell, William Holliday, Ben Holland, John Hood, William Kendrick, W. M. Morgan, S. G. Morgan, Will Morgan, John Meek, Frank Matthews, Fred Matthews, William Noah, T. G. Owen, J. N. Pate, W. B. Prewitt, Halen Ritter, W. T. Roberts, John Roberts, J. M. Smith, P. Sommerford, Dan Sandifer, Doc Sartor, J. O. L. Smith, George Tindall, W. L. Tubb, Jesse Tate, William Vandiver, Baker Word, Charley Word, John Wamble, J. O. Woods, John Woods, W. B. West.

As I have now read these names I feel proud myself, because I am honored in having these Confederate veterans, God bless them, as my constituents. I know them personally and know each of them to be as brave men, as good citizens, and as patriotic Americans as live in the world, and I feel sure if the President will accept the services which they have tendered and turn them loose they will exemplify the spirit, the daring, and the bravery which they demonstrated on many a battle field in days gone by, and "go over the top" and do their full part to annihilate Germany and destroy the Kaiser. [Loud applause.]

When I look at our surroundings as they are to-day, when the boys from the North and the boys from the South, the East, and the West are all gathering together to bring about the great victory which is ahead of us; when I see our beloved President, Woodrow Wilson; our honored Vice President, THOMAS R. MARSHALL; our great Speaker, CHAMP CLARK; our splendid leader on the Democratic side, CLAUDE KITCHIN; and our genial leader on the Republican side, FREDERICK H. GILLETT, standing shoulder to shoulder and heart to heart, backed up by all the membership of this House, pressing forward in one solid phalanx to aid in every possible way to secure decisive victory so greatly desired, I feel and I know that triumphant victory is coming and that it will be ours. [Applause.]

I know we are all happy to-day in the thought that we have no divided country, but that we are all standing together, united as one man for the advancement of one common cause in the interest of liberty and humanity. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. I request unanimous consent to proceed for three minutes more.

Mr. WEBB. Mr. Speaker, I shall have to object, although the gentleman is making a mighty good speech. [Cries of many Members, "Let him go on!" "Give him the time!" "We want to hear him!"] I will withdraw my objection.

Mr. CANDLER of Mississippi. I am glad the gentleman from North Carolina [Mr. WEBB] withdraws his objection, as it is apparent everybody wants to hear me. [Applause.] I was surprised when the gentleman interposed his objection, and am gratified that there were so many protests against it.

Mr. BURNETT. I note protests from the gallery.

Mr. CANDLER of Mississippi. Protests even from the gallery. As I was saying when interrupted, I am glad to see the encouraging conditions existing all over the country, which makes all our hearts glad, because there are no longer any divisions among us, which is being demonstrated by a united effort of all our leaders and the patriotic services of our soldier boys. When I see the patriotic service in this House of that "grand old man" from the North, Gen. ISAAC R. SHERWOOD, of Ohio [applause]; and Hon. HENRY ZENAS OSBORNE, of California, who wore the "blue"; and of that "grand old man" from the South, Maj. CHARLES MANLY STEDMAN, of North Carolina [applause]; and Hon. ALBERT ESTOPINAL, of Louisiana and Hon. J. FRED. C. TALBOTT, of Maryland, who wore the "gray," I know there is no longer any division in these awful times in the House, there is no politics, no partisanship, but Americanism and patriotism is predominant and we are all standing together for the accomplishment of the one great purpose of our cause, and that is justice to all, which can only be secured by victory. In our common purpose there is no division; we stand together, citizens and patriots, in an indissoluble union of indestructible States, all beneath the folds of our flag—the Stars and Stripes—the emblem of liberty and our country's glory. [Applause.] It is our flag, and it will continue to wave; and may God grant that when our boys take it and "go over the top" they may be spared to bring it back to us as the personification of that liberty which we all love and which has been exemplified throughout the history of this Republic. [Great applause.]

No national defeat has ever come to it and never will come to it, but it will continue to wave throughout the years which are to come and receive the plaudits of all the nations of the world, because it is the flag that everywhere and on all occasions has stood for justice, democracy, righteousness, and truth. For this flag the old Confederate soldiers, the old Union soldiers, you and I, are willing to fight, and, if necessary, are willing to die. [Applause.] Side by side for our flag and for what it represents the boys of the South and the boys of the North, the boys of the rich and the boys of the poor, all alike, are standing together. He who does not stand with them heart and soul is a traitor to his country, an enemy to society, and unworthy of the liberty guaranteed in this free country, and deserves to be stood up before a firing squad. [Applause.] The sons of the North and the sons of the South appeal to a glorious country for support and encouragement. I know nobody here will turn a deaf ear to their appeal, and no patriotic citizen anywhere will do so. If the immortal Robert E. Lee [applause] and the indomitable Ulysses S. Grant [applause] were living and young enough to fight they would be fighting side by side for the preservation of this Republic, its liberties,

and its blessings, all of which are now at stake. Is there a man subject to duty in all this country—North, South, East, or West—who would not follow in their footsteps and in accord with the strains of martial music march to victory and to glory repeating these beautiful lines:

Here's to the Blue of the wind-swept North,
When we meet on the fields of France;
May the spirit of Grant be with you all
As the sons of the North advance.

And here's to the Gray of the sun-kissed South,
When we meet on the fields of France;
May the spirit of Lee be with you all
As the sons of the South advance.

And here's to the Blue and Gray as one,
When we meet on the fields of France;
May the spirit of God be with us all
As the sons of the Flag advance.

No; not one, I am sure; but with the hearts of all uttering those sentiments all would say with one great acclaim, "Here's to America, the land of the free, the home of the brave; the land that stands for the right, for God, and humanity—in thy name give us victory." [Great applause.]

THE SPEAKER.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent to proceed for three minutes. Is there objection?

Mr. GILLETT. Mr. Speaker, I would like to know on what subject the gentleman desires to speak.

Mr. BARNHART. It is a subject which the gentleman will approve, I am quite sure.

Mr. GILLETT. Very well; I shall take the gentleman's word for it.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Speaker, on Saturday last the beloved Speaker of this House paid a visit to the State of Indiana and spent the day and evening at Fort Wayne, where he was given a most enthusiastic and patriotic reception. And as our State has so much literary talent, so much poetry, so much music, and so forth, I know you will be interested in a poetic welcome to the Speaker by Mr. Frank Carleton Nelson, of Auburn, Ind., as follows:

CHAMP CLARK, FROM OLD MISSOURI.

[By Frank Carleton Nelson, of Auburn.]

Oh, our hearts are filled with gladness and we're feeling proud to-day
Of each and every single State within this U. S. A.;
But beyond the Mississippi, in the grand and golden West,
Lies the State of old Missouri, and it somehow seems the best.

Ah, we love old Indiana, but we love Missouri, too;
No brighter star is shining in the old red, white, and blue;
And within that star so brilliant, a brighter light is seen,
And it shines with wondrous splendor, 'tis the town of Bowling Green.

For from out that little village, as it seems has been God's plan,
When our Nation needs a genius, He has brought from there a man
To do the work we ask of him, a task that must be done;
CHAMP CLARK, that grand old Speaker, Missouri's gifted son.

And is it any wonder that we're feeling mighty proud,
And that everybody's cheering and the bands are playing loud?
Could it ever be expected we could keep our feelings down
When to-day we have the honor of his presence in our town?

Yes; to-day we have him with us, this champion of the hour,
And may the Master grant to him the health and strength and power
To carry on his noble work until the task is done;
May He shower His richest blessings on Missouri's brilliant son.

CONSOLIDATION OF EXECUTIVE BUREAUS.

The SPEAKER. The unfinished business is the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. WEBB. Mr. Speaker, I will ask the gentleman from Minnesota to use some of his time now.

Mr. VOLSTEAD. Mr. Speaker, I yield 20 minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, every one will admit that this is a most extraordinary bill, giving away all the power which is vested in Congress over the organization of the departments, and also giving away all the power over the personnel of the departments which is now vested in the Senate by its power of confirming presidential nominations. The only excuse anyone offers for it is the pressure of war. Everyone admits that in peace time it would be a fundamental abandonment of our principle of democratic government. Under the pressure of war necessity Congress has already passed many bills which have conferred on the Executive powers which in ordinary times would be considered unwarranted and dangerous. I have acquiesced in that legislation. I have been and am eager to confer upon the Executive every power and all the money which I think will aid to muster our resources in this terrible struggle. And now, when this request for new powers is made, the easiest way is still to grant whatever is asked, without much scrutiny, on the theory that it may be useful, that it will at any rate centralize responsibility, and that one could always plead in excuse the unforeseen and impenetrable exigencies of war. That is probably the view that the instinctive and impulsive public opinion of the country would adopt without much consideration of the principle involved.

I appreciate the predicament of gentlemen upon the Democratic side of the House, where this seems to be made a sort of test of party loyalty, and I appreciate the embarrassment on the Republican side of the House, where we all want to be sure that we are not partisan and not refusing any powers that will help on the war. I have considered deeply what my duty is. I have tried to put aside all feeling of partisanship and to judge exactly as if it were an administration of my own party, and considering it thus, with at any rate an honest attempt to be judicial and nonpartisan, I can not bring myself to vote for this measure. I believe until now I have voted, and generally with hearty accord, for all the measures which the administration has asked. And I use that phrase advisedly, because I think all Members in this House will agree that not only since the commencement of the war, but since the commencement of this administration, there has been a constantly growing and, as I believe, harmful tendency that measures of legislation should originate not in Congress but in the executive departments. I remember not many years ago, under a Republican President, how a distinguished Democrat in Congress censured a committee because it admitted that the bill which it presented had been suggested and framed in one of the departments. That, he said, was an improper interference by the executive with the legislative branch and an abandonment by Congress of its duty of initiative. How strange such a criticism sounds to-day! This extraordinary and unprecedented legislation was taken up by the Judiciary Committee of this House the day after it was referred to the committee, was rushed through, as the gentleman from North Carolina [Mr. POU] recently told us, in an hour and 20 minutes, and reported without a single amendment. That suggests a complacent yielding to the pressure of the Executive rather than the deliberate judicial examination which we expect from that committee.

This bill differs from all others which have been sent to us not only in its provisions but in the arguments supporting it. In all other cases we have been given some information as to what the bill was intended to effect and why it was necessary. Just what is intended to be accomplished by this bill? Can anyone say? Is anyone authorized to tell us? Certainly no one has told us yet a single specific change it was intended to authorize. In the Senate Committee on the Judiciary, when it was suggested that the Executive should be asked to state what inconveniences would be remedied by the bill, the friends of the President voted down the proposition and demanded that plenary powers to change existing organizations should be granted before any evidence was offered of what changes were desired. That is a novel method of legislation. We have granted every specific power and every appropriation which has been asked, and now a general blanket power is asked to wipe away all the legal boundaries of Executive action and no evidence of its necessity and of its probable result is tendered. And so we are obliged to guess what is its compelling motive. We can doubtless each of us suggest changes in administrative methods which we think would be advantageous, but whether a majority of us would agree on all of them is very doubtful. Moreover, many of them can now be made by the Executive without any legislation at all; others would be at once enacted into law by Congress as soon as recommended; but unless some actual reason is given for a change, or some reason is given why a reason should not be given, I can not make myself a mere unreasoning registering machine to indorse a request which on its face is unprecedented and revolutionary.

The gentleman from North Carolina [Mr. WEBB] yesterday assured the House that the President told him it was not intended to affect the Interstate Commerce Commission. We were told what it was not intended to affect, but not one word has been cited of what it is intended to affect. It seems to me that instead of generalities we are entitled to be given some specific reason why the bill should be enacted.

I think it is unfortunate that this administration has seemed so reluctant to take either Congress or the people into its confidence. Despite that I have continued to support by voice and vote the measures which the administration suggested, yet it has detracted something from the pleasure of my support that I have had to give it so blindly. We ought all to cooperate

harmoniously and trustfully for the war; the people are warmly and enthusiastically for every necessary action, no matter what self-denial it costs them, and in return we are entitled to be treated with confidence and to have the truth told us. I do not mean to allow myself to become suspicious or critical. On the contrary, I wish to grant every request the administration forwards to us; but I can not shut my eyes and vote blindly for a revolutionary change in the Executive powers when the purpose of it is not even hinted at.

For months before this bill was introduced I had thought there were changes which should be made both in methods of administration and in personnel—and the President had ample power to make them without any new legislation—but few changes were made. Apparently the administration thought, or else wished to lull the people into thinking, that everything was running smoothly; that our war preparations were advancing satisfactorily; and that no changes either of personnel or of administrative methods were necessary. But shortly before the introduction of this bill there came a great shock to public opinion. The disclosures resulting from the investigations of the Senate Military Committee showed that we had been resting in a false security; that there had been terrible delay and inefficiency. These facts had, of course, been well known to the administration, although they had not apparently seemed sufficiently grave to require correction, but they came as an amazing surprise to the people, and there was a popular outcry for some remedy. The remedy suggested by the Senate Military Committee was a minister of munitions and a war council. They, of course, had no right to make or suggest changes of personnel, that being exclusively in the power of the President. The President vehemently opposed the changes suggested by the Senators, and it was then for the first time that this bill was presented, giving him complete authority to change at will all the functions of all the departments, but never up to the present time giving us any inkling as to what changes are desired. A year had passed since the administration began its war preparations, and yet during all that time there had been no apparent criticisms that any vital changes were necessary either in methods or in men. Following the disclosures there have been made a number of changes in personnel, most of which I heartily approve as recognizing the deplorable inefficiency that had existed, and I regret that there have not been many more. I should be glad, too, if the broad powers which the President has to make administrative changes had been exercised. If suggestions had been made to us of changes which needed legislative sanction, I should gladly have given them my support. Anything which would have a tendency to advance efficiency, or which was recommended with that end in view, would be sure of prompt and favorable action here. But the administration, instead of using any of the powers it already has, instead of recommending to us desirable changes, suggests to us as its remedy that we confer upon it blanket power to entirely alter all administrative functions. If I thought that was necessary, I would grant it. But inasmuch as no use at all has been made of the powers which now exist, and no hint is given of the changes desired, I think this request quite an unreasonable method of responding to the public demand for change.

What does this bill accomplish? It gives to the President, and through him to his department heads, the power to abrogate at will all lines of distinction between different branches of administrative work. It enables him, for instance, to take away from the Civil Service Commission, which was intended to exercise a nonpartisan check on appointments to office, all its powers and duties and transfer them to the Postmaster General. He can take away from the Comptroller of the Treasury and from the auditing chiefs, who are supposed to stand as a bulwark against the misuse of appropriations, their powers and confer them upon other officials, so that the same men shall be at once spending the money and auditing their own accounts. Innumerable similar illustrations can be offered; but you will, of course, say that while this gives the power it will not be exercised, and therefore that no harm will be done. I do not charge that in the specific illustrations I have used the power would be exercised, although there have already been indications of a tendency in Presidential action to transfer to the Postmaster General, in his appointments, some of the powers of the Civil Service Commission. You say, "Shall we not trust the President?" But the limitations and the checks which our Constitution and laws have established against Executive usurpation did not originate in suspicion or distrust of any one man, but simply recognized that the history of republics has proved that such limitations are absolutely necessary, particularly in time of war, to preserve democratic institutions. We have already abolished many such restraints in this war. We have certainly proved our confidence. Shall there be no limit to the process? Would you give all legislative powers to the President? Granting that the administration would not, in the illustrations I have used, exercise its power, let me point out to you one specific illustration where the administration asked powers which we, by unanimous vote, thought were improper and refused, and yet which, under this legislation, could now be granted.

The bill which the administration presented for the organization of a War Finance Corporation asked that those powers should be given to a board which the Secretary of the Treasury could appoint at pleasure and could remove at pleasure and could fix the salaries of; in other words, a board of entirely subservient directors, thus really putting the entire power in the hands of the Secretary of the Treasury; and that would give to him during the continuance of the war—and perhaps during the next election—practical control over the vast business interests and business development of the country.

Congress did not think it was wise to grant that power. I stated at the time that it was inconceivable to me that any one should ask for himself such power or that any Congress could grant it. Its dangers are too obvious and consist not alone in the unwise exercise of the powers granted, but in the fear and uncertainty and paralyzing apprehension which its mere existence would excite; so instead of giving that power to the Secretary of the Treasury, as was asked, Congress put it in the hands of independent boards whose members must be confirmed by the Senate. The wisdom of that was so palpable and the dangers of the original bill so serious that there was no division here on the question. The Ways and Means Committee was, I understand, unanimous in it. And yet, if this bill should be passed, it allows the provisions which we inserted to be absolutely nullified and allows those enormous powers to be vested in the Secretary of the Treasury, as was originally requested by the administration.

That illustrates one of the dangers, not fanciful or imaginary, but real and substantial. You can not say that the President would not do that, because in doing it he would only be carrying out exactly the program which he asked Congress to effect and which Congress declined, and yet I think every one here will admit that in that difference of opinion Congress was right.

Now, I am not claiming that there are not changes in our administrative system which might well be made. There are processes of red tape—some compelled by act of Congress, others compelled by long departmental usage—which could well be abolished, and Congress, I believe, stands ready and eager to abolish every such cause of delay or inefficiency which is brought to its attention; but we have waited in vain for suggestions of such legislation.

That is one field of legislation where the initiative by a department would not only be natural, but is really indispensable, because it is only those in executive office who become acquainted with the restraints, either of law or custom, and so learn to appreciate the need of change and can suggest to us the difficulty and the remedy. We are not in a position to know what change is desirable until the need is pointed out to us. But I do not believe a single change of that kind has been suggested to Congress which has not been allowed and I do not recall a single suggestion that has been made.

But not only has the Executive failed to recommend to Congress specific improvements which might be accomplished by legislation, but it has failed to utilize the agencies which exist to make such improvements. If there is duplication and lack of coordination in the executive departments, there has been provided a bureau for the very purpose of remedying it and yet which has never been called on for help. There exists, subject to the President's orders, a body of most intelligent workers—the Bureau of Efficiency—which is charged by law with the duty of investigating duplication of work or red tape in the departments, and the President is authorized, upon their report, to himself apply the remedy and abolish the obstacle. As far as I know, the President has made absolutely no use of that agency, but, on the contrary, any suggestions which have been made upon the part of Congress for greater efficiency have not only seemed unwelcome, but have been vigorously condemned.

There was passed in the Senate, under the leadership of the chairman of the Finance Committee, a provision for a joint committee of the House and Senate to economize in expenditures, but when that proposition came up in the House it was met by a letter from the President expressing the strongest antagonism to the proposition. I should have thought the President would be glad to have the cooperation of Congress in times of such extraordinary expenditure in endeavoring to accomplish economy. I doubt if it gave any powers which were not already distributed among different committees of Congress, but by concentrating them in one joint and conspicuous com-

mittee of the two Houses it seemed to insure some activity and usefulness, but to that the President expressed himself unalterably opposed.

Then there was reported from the Military Affairs Committee of the Senate, a Democratic committee of course, a bill providing for a minister of munitions. The obvious purpose of that was an attempt to remedy the frightful confusion and delay which all who had any familiarity with the War Department knew existed there. But that congressional suggestion again called forth vigorous opposition from the White House. There could have been nothing partisan in these suggestions, because they were made under Democratic leadership and in Democratic bodies, but they voiced, I believe, a general desire on the part of Congress for a change of administrative methods and dissatisfaction with existing conditions. Such criticism and dissatisfaction obviously excited Executive antagonism, and the smoldering discontent which finally found its outlet in the speech of Senator CHAMBERLAIN, although obviously most unwelcome at the White House, seems at last to have forced the recognition there that there was need of change in executive methods. Up to that time, as far as I know, there had been no admission by the administration, either by word or by act, that all the war preparations were not running smoothly or that any new powers were needed. The country was given to understand that our departments were all functioning admirably, and just as two years before anyone who argued that our country was unprepared for the future was called nervous and unreasonable, so anyone was worthy of the same epithets who early in the winter suggested that on war prepartions were not adequate. But the investigations of the Military Committee of the Senate and the disclosures which they made, if they accomplished nothing else, seem at least to have awakened the administration to the need of changes. The suggestions which Congress made were, to be sure, denounced and condemned, but instead of accepting those suggestions and instead of making any definite countersuggestions, this bill was suddenly presented as a panacea which the administration recommended for existing conditions.

I am glad to say that while this very vague and mysterious bill was the only legislative change suggested, that on the heels of the disclosures which were made changes quickly followed in some of the departments; for we must not forget that, while the President has not, without this bill, the power of diverting all the functions of one department to another, yet he has almost absolute power over personnel. While up to the report of the Military Committee of the Senate the administration had seemed to think that no changes were necessary, and that all the wheels of Government were turning smoothly and rapidly under proper supervision, yet after those disclosures many changes have been made.

Mr. Stettinius was given a position of great importance, which was supposed to correspond somewhat to the minister of munitions recommended by the Senate committee. And now, at last, Mr. Schwab has been given a free hand in the Shipping Board, and another man of prized executive power, Mr. Ryan, has been put at the head of aircraft production. Secretary Baker was given a long vacation. I believe these changes have greatly added to the efficiency of the departments, although I believe that there are many other changes of personnel, both in those and in other departments, which would be equally advantageous.

As far as I can learn, although this bill emanated from the President, not the slightest indication has been given, except the bill itself, of any particular changes which were desired to be made. It is a radical departure from the customary methods of legislation for Congress to pass a bill conferring prodigious and unprecedented powers without the slightest inkling of how those powers were to be used.

The argument will be made, and has been made, "Do you not trust the President? Are you afraid to trust him?" If I have not shown that I am willing to trust the President and if this Congress has not shown its willingness to trust the President by the ungrudging legislation which we have already granted since this war began, then I do not think any evidence could prove our trustfulness—that we are willing to trust him. But, Mr. Speaker, willingness to trust the President is not the issue here. The question is, Shall Congress, with the powers and duties imposed upon it by the Constitution, delegate them to the President? "Trust the President?" It does not mean that you approve everything that the President suggests. If it does, Congress might just as well abdicate and go away, and say that we are simply a registering machine for the President, and that whatever he requests we will enact. We should use our judgment. We are put here with rights and duties to perform, and one of them is to decide whether we will give up our functions or whether we will exercise them.

This asks us to give them up. But the issue has arisen before. It came up at the very beginning of this war. The administration asked us, you will remember, in the first military appropriation bill, to make an appropriation of $3,000,000,000 in a lump sum, and we argued the question out, and Congress said that it was one of the duties of Congress to pass upon detailed estimates, and by an overwhelming vote this House decided not to do what the administration requested, but to continue its power and exercise this scrutiny. Was that any distrust of the President? Not at all. And I noticed in this morning's paper that our action is vindicated, because, it seems, the War Department has made a little mistake of $4,000,000,000 in its estimates this year, and except for the scrutiny of Congress, apparently, that little mistake of $4,000,000,000 would have gone unchallenged. But I simply refer to that as an illustration that Congress does not show any lack of confidence in the President because it differs sometimes from his recommendations. In my opinion we are here not simply to be rubber stamps, not simply always to grant whatever is asked of us, but we are here to deliberate and use our judgment. And one of the duties imposed upon us by law is to make necessary changes in the organization of the departments. That is our duty, and for one, no matter what administration is in power, I can not bring my mind, when no specific information is offered as to what changes are to be made, to abdicate my function and surrender my judgment blindly to the wishes of the administration. [Applause on the Republican side.]

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). The time of the gentleman has expired.

Mr. WEBB. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker and gentlemen of the House, duties beyond my capacity prevented any hope of my coming with a prepared speech to the House. But there are certain phases of this bill which made it seem proper that I should very briefly speak to you.

With very much of what the gentleman from Massachusetts [Mr. GILLETT] has said I am in sympathy. If time were not the most important thing in all of these war matters, I do not know but that I should concur with most of it. But realizing that time is the most important element, I believe we must deal with the practical situation rather than with a theory of government.

I have no fear of Congress losing its power. In point of fact, in my judgment, the time is very near at hand when Congress will use more of its power than in the years that have gone by. But the great essential of its power is not in any sense impaired by this bill. The power of a legislative body has always been in control of the administrative officers or agencies through the purse, and we retain all of the power we have had of controlling the purse strings of the Nation, and by controlling them we can make ineffectual to-morrow the exercise of any power by any administrative officer.

Now, the gentleman complains that we are not told what changes are to be made. If we could be told of what changes are to be made, this bill ought not to be passed. This bill is to be passed because of the practical inability of anybody to now forecast and arrange the changes that ought to take place, not in power, because this bill does not affect that, but in the agencies through whom that power shall be exercised. Nobody knows better than the distinguished gentleman from Massachusetts [Mr. GILLETT], because nobody has had a better opportunity of knowing of the many, many archaic things that exist in connection with our administrative agencies. No one could have sat, as he and I have for months, hearing the various departments report the details of their estimates, without realizing that there ought to be immediate radical reorganization of those departments. Now, for Congress to undertake to do that by legislative enactment would be to begin a work that would require so much time as to make its doing useless, in so far as this war is concerned.

I do not ask men to vote for this bill because they trust the President. I do not believe that any man should make an appeal simply on such a personal ground, though warranted, as it might be, in this instance. I ask it because it is within the common knowledge of every man that in time of war decision and action are the two most vital virtues in connection with any government, and because, whether you like it or not, you are compelled by the force of circumstances to have a war conducted by the administrative end of the Government. It can not be administered by the legislative.

That does not mean we have not any functions to perform. We ought to scrutinize the requests for moneys, and through that scrutiny ascertain how they are being expended, and put checks where checks need be. We have the power, and it is the great power of a legislative body, of summonings and investi-

gating the activities of every officer of the Government. And we have the power of impeachment and of removal wherever the offenses are grave enough to warrant such action being taken.

Those are the great powers that belong to the Congress and that will preserve to it and to the people a true republican form of government. But for it to undertake to pass judgment upon each change that should be made in the organization of the bureaus is to undertake to do a thing that could only be done intelligently by a legislative body after a considerable course of time, and that means that it would have no value in this instance.

The power conferred by the bill is limited to the war. When the war is over a new arrangement of departments and bureaus, of limitations, and of powers will be needed. In that reorganization Congress will have full power, unimpaired by any concession now made. Such a reorganization then by the Congress is inevitable. One of the sure results of the war will be the introduction of modern methods of estimate, taxation, appropriation, and expenditure. But now, in the throes of it, we may not delay many administrative changes necessary until the Congress may deal separately with each. It may be that it is a wide power we confer; there has been nothing so far in the action of the administration that warrants the belief that this power will be used in the extreme ways that have been suggested. Of course, it is conceivable that the President might do many things, and if one wants to take counsel of his fears he can find many reasons why this bill ought not to become a law. But in point of fact men should always bear in mind this fundamental thing that is written into this law: It does not give to the President the right to create any new powers. It does not confer upon him any power that he or his administrative officers as a whole have not now. It simply permits him to rearrange agencies.

Now, are not men really straining at a gnat and swallowing a camel when they have voted, as they have on both sides, powers away beyond anything that is involved here? The very day that we voted for war we gave to the President the power over life and over property, over the destiny of this Nation, so much greater than anything that could flow from the transference of administrative or executive functions from one agency to another that there is no comparison between them. We did it because it had to be done, because the fundamental thing that can not be lost sight of is that war must be run not through a legislative body but through an Executive, and that it will be efficiently run just to the degree that power is centralized.

Now, another thing ought to be said in justice to this administration, and I say it not as a Democrat; I have tried to forget—and my course here, I believe, warrants the statement that I have succeeded in forgetting—any partisanship or party lines since this war began. There have been made great changes and great reforms in the conduct of this war. Every man familiar with the facts knows that to be true, and every man also familiar with the history and the experience of the other great countries in this war knows that they have gone through practically the same evolution that we have. I hold in my hand a report made not later than the 9th day of March by a committee of Parliament upon the ministry of munitions. I could read you here paragraph after paragraph, and, changing only the word "ministry," you would not know but that it was a report touching the activities of similar branches of the Government here at home, showing the troubles that they had, the mistakes that they made and still make. And I speak of that not because we want to rival any other country in the mistakes we made, but in order to impress upon the House the inevitableness of such mistakes when work of this magnitude is undertaken.

The world to-day is such a different world from what it was yesterday that men's minds revolt at the new aspect of things, and they resent what they do not understand. We are no longer dealing as individuals; great units, masses of men, numbered in the millions, are being used as against other units numbered in the millions, and there is a correlation and an interdependence such as was never known before. I submit to you, as practical men, you must put power where it has to be put, upon administrative officers, and only if it is put there can we then hold them properly responsible. [Applause.]

Mr. WEBB. Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. O'SHAUNESSY] one minute.

Mr. O'SHAUNESSY. Mr. Speaker, I want to ask the gentleman from Kentucky a question.

The SPEAKER. Does the gentleman from Kentucky yield?

Mr. SHERLEY. Yes.

Mr. O'SHAUNESSY. I listened to the objections urged by the gentleman from Massachusetts [Mr. GILLETT] relative to the doing away of the power of the Senate to confirm appointments made by the President, and I fail to see by reading the bill what reference it has to the bill. Is there anything in this bill that does away with the power of the Senate to confirm appointments?

Mr. SHERLEY. No. But what, I take it, was meant by the gentleman from Massachusetts was this, that men have been appointed for certain special duties, and those men have in certain instances been confirmed by the Senate; that if there should be a transference of those duties to other men who have not been so confirmed, the review by the Senate of such appointments would practically have been made of no avail. I think there is something in the gentleman's argument. We are not urging this bill as representing the ideal of government. Gentlemen, we are not dealing simply with ideals of government. We are fighting a great war. That is the thing to be remembered. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 10 minutes.

Mr. CANNON. Mr. Speaker, I wish I had 30 minutes. I will do the best I can in 10 minutes to hop, skip, and jump, touching here and there a high point or a low depression, as the case may be.

The war power under the Constitution is far-reaching, with or without legislation. Lincoln did not have much of legislation during the war for the Union. As a necessary act to preserve the Union he freed the slaves. It required force, something more than the proclamation. Force was given, and it was approved later on.

So much for that. Ours is a peculiar Government. It does not respond, so far as changes in the Executive are concerned, as readily as do the governments of our allies. Woodrow Wilson kept us out of war, and under that rallying cry, as conditions were at that time, he was reelected President. We are now in war. I am not going to discuss this, that, or the other topic. He is President of the United States, and will be President of the United States until the 4th day of March, 1921; and so far as legislation is concerned, from the negative standpoint, his veto requires two-thirds of this House and two-thirds of the Senate before it can be overridden. In order to pass legislation over his veto a two-thirds vote of the House and a two-thirds vote of the Senate are required. He is Commander in Chief of the Army and the Navy. I did not vote for him. It is not necessary to say whether we made a mistake in electing him or not. That is behind us. How many times has the Government of Great Britain changed since this war began? Two or three times, has it not? Three or four times in France; twice, I believe, in Italy. Lloyd-George is premier at the head of the British Government; King George, a figure 9 with the tail cut off, is King. The House of Commons is the Government, practically, to sustain the Government, and Lloyd-George is the premier. Asquith, I believe, was turned out. He did not go to the country, because he was patriotic enough and they were patriotic enough to say, "We will resign"; and Lloyd-George was appointed.

Now, I want to say before my 10 minutes is up, for fear I may forget it, that on that side of the House and on this side of the House we realize our condition; and I want to say, further, that the support of both sides of the House, of the legislative body of the House and Senate, has been given to the administration because it was necessary to give it.

Until this war closes and victory crowns the efforts of our people and of our allies, it will continue along that line. We may be anxious about the coming campaign. Our honored Speaker has just made a speech in Indiana, a very good one, I have no doubt, from that standpoint. He is anxious, of course, that you on that side should have a majority in the next Congress and that he should succeed himself. Well, if you have a majority on that side I am anxious that he should succeed himself. But it does not make one particle of difference to the 110,000,000 people in this country and for the progress of this great war whether you have a majority in the next House or whether we have it. [Applause.] So much for that.

I agree with Senator KNOX and Senator MCCUMBER that the President can do substantially everything without the enactment of this bill. First we enacted one law, and then we enacted another law, and another and another, and created commissions galore, and gave him the power, you know, to bring the dollar-a-year people here and to clothe them with power. Too many cooks! I think the President realizes it now. This bill is short but plenary, and I think it codifies the power that the President now has. Of course, the man who is President and a Democrat—it would be the same if he were President and a Republican—has got to have some regard for his party organization and some regard for public sentiment. I say this bill is

plenary. Yes, and it is far-reaching. Under our Constitution, under our form of government, in war time the President must have great power. Somebody says, "Oh, well; he will do ridiculous things." That is what they said about Lincoln. They called him a fool, an idiot, and a traitor. God knows what they did not call him. The things they said about him then make modern newspaper abuse seem almost respectable. [Laughter.] The New York Herald, the World, the Times, the Chicago Times, "Brick" Pomeroy, men on the stump and on platforms, abused him. Well, he went along in the even tenor of his way, keeping his head. You say, "Was he perfect?" Why, no. Is Woodrow Wilson perfect? Why, no. I think the President of the United States keeps his ear pretty close to the ground. I am not going to make the criticism that is made sometimes of people in public life, that they keep their ears so close to the ground that the crickets crawl in. [Laughter.] I am not saying that. I speak respectfully of him. He is a man of great ability and great force, but he watches public sentiment. We all watch public sentiment. It is a government by the people, and therefore we pay a great deal of attention to public sentiment.

Now, some gentlemen here have made a contest about the Interstate Commerce Commission. They do not want that commission abolished. What difference does it make whether it is abolished or not? The President has appointed and the Senate has confirmed, and they remain in office until further legislative action. Of course, the Committee on Interstate Commerce would respond as readily to the request of the President as we respond, sometimes reversing ourselves. [Laughter.]

The SPEAKER pro tempore (Mr. CRISP). The time of the gentleman has expired.

Mr. BAER. I ask that the gentleman have five minutes more.

Mr. WEBB. Mr. Speaker, I yield to the gentleman five minutes out of my time.

Mr. CANNON. It is not often that I talk, and there are some few things I want to say. Suppose we have just a little bit more general debate.

Mr. WEBB. I yield to the gentleman 10 minutes. [Applause.]

Mr. CANNON. If I can get through in 10 minutes, I will.

While, in my judgment, the President has the power to do a great many of the things, if not everything, that is granted in this bill, in our present condition I am going to vote for the bill, because I want to put it in black and white. I said the trouble was that we had too many cooks. We had overlapping jurisdiction. Well, we have found that out. We are ready to remedy it. I believe the President is ready to remedy it, and I am perfectly willing to enact this short bill to call the matter to public attention. There are a great many people who do not realize what legislation we have given the President under the war power, and they will be informed when we pass this bill. The Government took over the railroads. Yes; we gave the President that authority early, and it seemed to be necessary to do it. He appointed a Director General of Railroads. The Interstate Commerce Commission fixed rates. The railroads fixed the wage, and it has been increased from time to time. As I understand it, the Interstate Commerce Commission did not fix the wage, but they fixed the freight and passenger rates on the railroads engaged in interstate commerce. Well, from the report of the Lane Commission—I am not sure whether it has been vitalized or not, but if it has not been it will be—the railroad employees when they presented their demands for an increase in their wages wanted an increase amounting to $1,000,000,000. That is stated in the report of this commission. They looked the matter all over and finally recommended an increase of $300,000,000. That is going to be given. It may not please everybody. Now, the Director General of the Railroads, Mr. McAdoo, has the power to call to his aid such help as he desires, and with or without that aid he can increase freight rates and passenger rates up to this $300,000,000. He has got to do that, and perchance more and more as the war progresses and prices change of the products that we consume and as money decreases in its purchasing power. If the war lasts long enough he may have to do it again and again. Whether he is going to do it or not, I do not know. But he will have to raise the railroad rates or else he will have to sell liberty bonds to enable him to make both ends meet, do you not see? My judgment in the premises is to give the President the power to codify the power that is already given. Before we went into this war we on this side of the House criticized the President. But since we declared war on Germany there has not been so much of criticism upon this side. There has been some criticism on that side, but the condition has been very different from what it was up to the time that we declared war on Germany.

Now, I believe this bill ceases to operate six months after peace is declared. The gentleman from Ohio [Mr. GARD] yesterday thought that this bill did not give the President the power that had been exercised by the Interstate Commerce Commission to make freight tariffs. Why, the wayfaring man as he runs may read. There is no question about it. It is in every paragraph of the bill.

I agree with the gentleman from Arkansas [Mr. CARAWAY] but disagree with the gentleman from Ohio [Mr. GARD] as to the power that is given to the President. We have got to have production; we have got to feed ourselves; we have got to feed the allies; we have got to make our own munitions; we have got to assist in making the munitions for the allies. We have got to have ships to transport our surplus to the world, but first to the allies. We have made pretty poor progress, not nearly as good progress as we ought to have made in many respects. We Republicans have found it out, and you Democrats have found it out, and the President has found it out. When he put Ryan at the head of aviation and when he put Schwab in to build ships, both practical men, I think he did well. I do not know what Ryan's politics is; I do not know whether Schwab has any or not, and I do not care. They are big men. It is not politics we want; it is aeroplanes and ships. [Applause.]

I have great respect for the gentleman from Massachusetts. He has been my friend and I have been his friend, personally and politically, during all his service when I have had service. He criticizes the bill in some respects. I am neither grumbling nor criticizing, so far as I am concerned. I say again, I am going to vote for the bill without amendment.

Will the President abuse the authority given him? With our population, with our 110,000,000 people, a free people and on the average the most intelligent people on earth—we have some feeble-minded folks; in your party we have Mr. Creel [laughter]; we have people here who say embarrassing things; we have people in the insane asylum, people in the penitentiary—but we are a great, powerful people, of the Caucasian race, substantially, and we understand, I think, more about government than any similar block of people on earth. [Applause.]

Men may draw on their imagination, men may say what this man will do and what that man will do; we have elections every two years, and every four years the Executive changes. Whatever his name may be who succeeds the present President, whatever the names of the people may be who succeed us, I want to say, with old Peter Cartwright, when the Methodist Church west of the mountain met in Nashville. I heard Cartwright tell this. The people came wearing hunting shirts and they would not let Cartwright preach. Bascom said, "Peter Cartwright will preach in this place to-morrow morning at 6 o'clock." He thought there would not be anybody there to hear him preach, but, Cartwright says, "I jumped up and said, 'Brethren, get up and come before breakfast, and we will have such an outpouring of the spirit of the Lord as this conference has not seen up to this time.'" They all came; Bascom was sitting there at 6 o'clock, and Cartwright says, "He pulled the tail of my 'waumus.'" You may not know what that is; it was made of butternut by the good wives. "He pulled the tail of my 'waumus' and said, 'Be careful, Andrew Jackson is coming down the aisle.'" Cartwright says, "I turned to him and said, 'You say Andrew Jackson is coming down the aisle; if he don't repent and get forgiveness for his sins God Almighty will damn his soul as quick as he would that of a Guinea nigger.'" [Laughter and applause.]

The SPEAKER pro tempore (Mr. CRISP). The time of the gentleman from Illinois has again expired.

Mr. MADDEN. I ask unanimous consent that my colleague may be given 10 minutes, not to be taken out of the time for general debate.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that general debate be extended 10 minutes and that time be given to the gentleman from Illinois. Is there objection?

There was no objection.

Mr. CANNON. Cartwright said, "I preached, and as the congregation was going out and Bascom pulled the tail of my hunting shirt again and said, 'There is Gen. Jackson coming down the aisle and he will cut off your ears.' He came down the aisle, took me by the hand, shook it heartily, and said, 'That was a great sermon you preached; you are my kind of a man,' and he gave me this gold piece." I think they called it a "joe" then; it was worth about $10. He held it up and said, "I have carried it about my person from that time to this." Gen. Jackson was a great man. Peter Cartwright was a great man, and he ran against Lincoln as Democratic candidate for Congress. He was a Union Democrat.

History will take care of itself. Lincoln never dreamed that he would dwell, as he will dwell, in history. McKinley, Garfield, and Cleveland—all of these people who have been

Presidents—will dwell in history to a greater or less extent. And if there be mistakes honestly made as we journey along in this great struggle the people will be magnanimous. They will say, "We could not get ready in a minute; we had to have experience; we had to have preparation; we were not ready," and there was not any of us, as far as I know, that did not regret our want of readiness, thank God, except Creel; and if I wanted to give any advice to this administration, I would say take Creel by the seat of the breeches and the nape of the neck and throw him into space. [Laughter and applause.]

So much for that. [Laughter.] I believe from week to week and month to month and Congress to Congress while this war lasts the great mass of both parties, the people from the North, the South, the East, and the West, will become more efficient, more patriotic, with greater power, and whatever the cost is, whether we mortgage the future or whether we take the property that is in existence and tax it and tax it and tax it—whatever the future may bring to us, we will win this great struggle. [Prolonged applause.]

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SUMNERS], a member of the committee.

Mr. SUMNERS. Mr. Speaker and gentlemen of the House, as one of the members of the committee having charge of this bill I want to speak very briefly in its support. There is no question but that this bill confers great powers upon the President of the United States. That is why I supported the bill in the committee and am supporting it here. When a people confront a great crisis they require that somebody possess and exercise great power. It does not make any difference whether it be a fire, a shipwreck, or whether it be a great nation fighting for its existence, the demand comes up from all the people that somebody be a leader with the power to lead. I am not afraid to give this power, so long as we retain the means of withdrawing it, but I am afraid not to give that power. We do not imperil our form of government by this temporary conference of power, as some gentlemen profess to believe. We would imperil our form of government if we refused to confer the power which would insure the maximum of efficiency in the conduct of this war. We need the maximum of efficiency to-day, gentlemen. In a crisis an autocracy is more efficient than a democracy undertaking to proceed under the operation of its ordinary governmental machinery. Let us not ignore that fact. That is why so frequently in the past peoples under democratic government confronted with the necessity of exercising their greatest possible strength have gone to the autocratic form of government.

The safety of a democracy therefore confronted by a great crisis like that which now confronts us is not in withholding but in giving great power to its agents upon whom it lays great responsibility. We have not the time to debate. This is the time for action, with the full force of our concentrated national energy.

This war is going to be won by that group of nations which can demonstrate the greatest sustained efficiency. We, the allies, have been wasting our resources in the conduct of this war largely through inefficiency. We have lost the Balkans; we have lost Russia and a considerable territory of France and of Italy through lack of a strong centralized command of our resources. We have reached the point in the conduct of this war when we must recognize the fact that not only are the allies on the western front fighting with their backs to the wall, but, difficult as it is for us to realize it, we, the allies, broadly speaking, have been driven back from intrenchment to intrenchment until we are fighting with our backs to the wall. Belgium, the Balkans, Russia, and parts of Italy and of France we have been driven from. We have reached the point where we have got to get down to business with desperate earnestness. We have reached the point where we must have but one business, and that is to win this war. Since the declaration of war I have not bothered about the principles or theories of government. I have asked myself but one question, and that is, Will that which is proposed probably add to the efficiency of my country in the conduct of this war? Applying that test to this proposed legislation, can any gentleman doubt the fact that this bill, if enacted, will add to the efficiency of the Commander in Chief of the fighting forces of this country in the conduct of this war? It does not matter whether you like to have Mr. Wilson the Commander in Chief of the Army and Navy or not. He is, and is to be, until the next election. The only thing left for us to do is to enact that legislation which will put power where responsibility to exercise power rests. We must give to the President of the United States unhampered power to use the full strength of this country in the conduct of the war. That is all there is to the bill. I hope and trust that when the judgment of the House is recorded it will be demonstrated that in this matter, as we have been before, we are united upon the proposition of doing everything possible to add to the efficiency of our country in the conduct of this war. [Applause.]

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I yield 20 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker and gentlemen of the House, the gentleman from Kentucky [Mr. SHERLEY] made to my mind the ablest defense of this bill that could be made. He was as usual clear and powerful in his argument, and the principal strength of it lay perhaps in the dignity and moderation of his language. Yet even he has not convinced me that it is unwise that this bill should be substantially amended. My complaint against this bill is not so much against its form as it now comes before the House. It is against the bill as it was originally brought to the House, just as my complaint was against its twin sister, the War Finance Corporation bill, the bill commonly known as the McAdoo bill, in the form it was brought here. This bill is very much better than it was at that time, and, as you all remember, this House absolutely cut the McAdoo bill to pieces.

Mr. GILLETT. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. GILLETT. Is not this bill exactly the way it was when it came to this House?

Mr. LONGWORTH. I mean when it came to the Capitol. I am going to refer to that. As the gentleman from Massachusetts suggested, this is one of that class of bills that has been drafted somewhere else than in the Congress, and which we are expected to accept on faith. Drafted probably by a clerk in some executive department, taken to headquarters and O. K.'d as war measures, these bills are brought here by an official messenger, and we are told to do the rest. This bill has run the usual gantlet and appears here considerably disfigured, all to its immense advantage, but it still contains, as I believe, some elements of danger. The best that can be said of it is that it is substantially better than it was when first brought to the Capitol. Like Mercury, the winged messenger of Jove, the Hon. A. S. Burleson, of Texas, Postmaster General, in his hours of comparative ease, but exercising also the functions of purveyor extraordinary of bills and politician in ordinary to the administration, one day a few months ago ascended his chariot and came here bringing this document for introduction in this House. Somewhat to his surprise, I imagine, his usual roseate pathway was blocked. Many distinguished leaders of the majority to whom this bill was offered politely declined to undertake its fatherhood.

There was nothing for it except to proceed then to another body, where the majority has usually been found to be more amenable to the will of the Executive. But even there he encountered some rebellion. A number of the leaders of the majority there declined also to accept sponsorship for this bill, and it was some time before anyone could be found to introduce it. In this wise, Mr. Speaker, this bill comes to this House, not as a House bill, not as the Kitchin bill or the Webb bill or a bill bearing the name of some distinguished leader in this House, but as the Overman bill, and the glory, or whatever it may prove to be, of fathering this bill will go to a Member of another body.

The bill appears here in the guise of a war measure, and, as I have said before, due to substantial amendment in the Senate, it is in a form infinitely preferable to the original draft. The gentleman from Kentucky [Mr. SHERLEY] laid especial stress upon the fact that under this bill no new agencies are created. Under the bill, as it was intended Congress should pass it, special provision was made for the creation of new agencies, agencies of all sorts, and it further provided that whatever was done under this bill should be permanently the law of the land, and could only be changed by affirmative action of Congress.

These two worst features of the so-called Overman bill have been eliminated. While greatly restricted, the authority conferred upon the President is still vast and far-reaching, and in my opinion ought to be further restricted. At the start, gentlemen, I will concede that in so far as the authority conferred upon the President shall be used for war-efficiency purposes nothing but good may come from the passage of this bill, but I maintain that in so far as it may be used for other purposes, even though they be thinly veiled as war purposes, it may do great harm. At best this sort of legislation, this transfer of legislative authority from the body in which it belongs to

another department of the Government, is bound, particularly if misused in the slightest degree, to bring serious harm, as is all legislation which tends to the strengthening permanently of one branch of the Government at the expense of another. Our fathers bequeathed to us a form of government the very corner stone of which was the independence each of the other of the executive, the legislature, and the judiciary, and I conceive it to be the duty, the highest duty, of all public men to see to it that a just balance of power between those three branches shall be forever maintained. The encroachment of one department over another is a danger not lightly to be considered, and may bring disaster and ruin to our Government. It is true, of course, as the gentleman from Kentucky [Mr. SHERLEY] well said, that in time of war the President must have extraordinary powers as Commander in Chief of the Army and the Navy, and so flexible has our form of government proved to be that to-day the President of the United States has more individual power than any sovereign in the world unless, perhaps, it be the Kaiser. Is it then wise to confer further powers upon the Executive which are not necessarily war powers merely because he asks it? Is it wise to confer such powers on any human being?

I conceive that there rests upon us as national legislators a higher duty than mere blind acquiescence in every demand or request that the Executive may see fit to make. If we must pass without debate or real consideration or amendment every bill that is sent to us from the other end of the Avenue, then it seems to me that our legislative functions will become a mere nullity. We have not and will not deny to the President all the money and all the power necessary to the more effective conduct of the war wherever that necessity may be made apparent; but is the passage of this measure as it stands necessary or even conducive to a more efficient conduct of the war? If it is, it ought to be passed; if not, it ought to be amended. First of all, assuming that the powers to be conferred are to be exercised in every case only for the good of the Nation, is this bill necessary to bring about that result? To my mind it is not. The powers provided are all legislative. They should all be exercised by the Congress, and would be if we were called upon. If the President should send to the Congress a definite program looking to a more efficient reorganization and coordination of the departments and agencies engaged in war processes, the necessary legislation would be passed without a dissenting vote, certainly upon this side of the House. We all recognize that drastic changes ought to be made, particularly in the personnel and organization of the War Department, from the top down. [Applause.] The necessity for such changes is specifically recognized in section 3 of this bill, which incorporates an amendment originally proposed by the senior Senator from New York [Mr. WADSWORTH], which creates an agency which is to have exclusive control over aircraft equipment and production, the necessity for which is, unhappily, peculiarly apparent at this particular time. Has the Executive in mind an extension of this program to cover other war agencies? If so, why not submit them to the Congress? They would go through without a hitch. If, on the contrary, the President has no such program in mind, then of what use for purposes of war is the passage of this bill now? There is one other alternative, and one I think that we can not afford to overlook. Has the President in mind a program of reorganization and coordination which he is confident would not be approved by Congress? I do not even suggest that he has; but if it were true, what then? Shall we give to him the power to do in one way that which we have specifically denied him the power to do in another? You may say, "We must trust the President." We do trust the President. We have been trusting him with the exercise of higher and more sovereign powers than those possessed, perhaps, by any other chief. Is it unreasonable to ask in return that the President should trust the Congress? We say to the Chief Executive: "Mr. President, we in Congress have forgotten party lines. We have backed you in every measure you have urged for the efficient conduct of the war, and will continue to back you to the limit. We realize that as Commander in Chief you are handicapped by red tape and incompetency in some of the departments engaged in the conduct of this war. If you have a program which will abolish this red tape and divided responsibility and get rid of incompetency and chaos and inefficiency, submit it to us and we will gladly give you the necessary legislation." Is there anything unfair in that?

On the other hand, is it altogether fair to be met with the reply, "I decline to lay my program before you. I am not inclined to trust you to give me what I ask. You must trust me to do what I please." Even if this were a fair rejoinder, is it not absurd to assume that we would refuse to give to the President the power to do that which we have strenuously advocated from the beginning, to wit, to get rid of the incompetents and incompetency which have seriously handicapped us in the conduct of the war? Surely it can not be because we made these suggestions originally that we are not to be permitted to crystallize them into legislative action, but are asked to transfer the power to do so to another branch of the Government. That would indicate a smallness of mind which I hate to believe is possessed by any high official of this administration. Reduced to its final analysis, the issue presented by the Overman bill comes down to this:

In so far as it is a genuine war measure and designed to bring about improved war efficiency, it is unnecessary. So that the only practical uses to which it could be put would be in effecting reorganizations and coordinations not directly affecting the conduct of the war or in the doing of certain things which it was expected Congress would refuse to sanction. If it is intended that the powers granted by this bill should be prostituted to such uses, then it ought to be voted down. If not, this House by judicious amendment ought to make such misuse of them impossible. I am going to cite only one instance of what could be done under this bill which would absolutely undo the deliberate act of Congress.

Either by accident or design, this bill and the McAdoo bill were brought to this Capitol at about the same time. As the gentleman from Massachusetts explained, and as you all remember, the McAdoo bill proposed to confer upon the Secretary of the Treasury, because the board associated with him was purely a dummy board, the sole power to extend to banks and individuals credit to the extent of $4,500,000,000, and, furthermore, he had the power to grant or refuse permission to any corporation or individual in this country to issue securities in an amount of over $100,000. We cut that bill to pieces, and we did it deliberately, and we did it without partisanship. We separated the two great functions of loaning money and of supervising the issue of securities into two different committees. We took away from the Secretary of the Treasury the power to name either of those committees or to veto any of their actions. This House on both sides unanimously decided that such a grant of power, a power never given to any czar in the world, ought not, in a democratic republic, to be given to one man or set of men. And yet, if we pass this bill as it stands to-day, the President by one stroke of his pen could undo the work that Congress did painstakingly and deliberately and restore that proposition practically to its original form. In other words, we will be voting, if this bill is not amended, to permit the Executive to do just that which Congress has deliberately, unanimously, without partisan division, decided ought not to be done. You say that probably nothing of this kind will be done. You admit that it ought not to be done. Why not so amend this bill that it can not be done? I propose to offer such an amendment if no member of the Judiciary Committee does, and I sincerely trust it will pass. If this is a war measure in name, let us make it a war measure in fact. That is all we ought to do. It is all we ought to be asked to do. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker——

Mr. WEBB. If the gentleman will permit, I would like to recognize the gentleman from Mississippi [Mr. QUIN] for five minutes.

Mr. QUIN. Mr. Speaker, I had hoped this bill could pass the House without any opposition. Some gentlemen seem to think that it will work a great injury in this country unless it is amended. The gentleman from Ohio [Mr. LONGWORTH], who just preceded me, has delivered himself of his objections to this measure, and says that he shall certainly offer certain amendments. What good could his amendments accomplish? Here is a bill that was debated at the other end of this Capitol for days and days. Gentlemen who entertain the views that the gentleman from Ohio entertains delivered themselves there, and after all the talk the bill passed the Senate by an overwhelming majority, just like it is going to pass this House. And it ought to have done it. We realize that we must put all the agencies of this Government in a coordinated form in order for this war to be successfully prosecuted. The gentleman from Ohio [Mr. LONGWORTH] admits that ought to be done, and yet he finds serious fault with this act, which will carry out the very things that he says ought to be done. If he objects to it because he is not the father of it, or because no man in this branch of the Congress saw fit to father it, is that sufficient reason for him here to further object?

I saw as I came up to the Capitol this morning a young man, a soldier from the trenches, who came from the district of our friend BARNHART, of Indiana, a ruddy-complexioned, stalwart young fellow, with his good right arm gone because of a

German bomb. And yet we hear men on this floor and at the other end of this Capitol begging questions on the very measures that we know are necessary to put all the activities of this Government into full and complete and harmonious operation under the leadership of the great President of this Nation to properly protect those boys who are in the trenches and the millions that we are yet to send there.

It seems to me, gentlemen of this House, that the boys who are on the battle line offering their lives to their country should have the solid support of every man on the floor of this House, and the way to give it to them is to give the President of the United States full and complete authority to control all of these agencies to properly safeguard the man who proposes to go over the top, by having all the activities of this Government under one head, properly centralized, in order to prosecute the war in a businesslike manner.

The gentleman talks about autocracy. Who is it objecting to the centralization of power so necessary during the stress of war? You do not hear it back on the farm; you do not hear it in the workshops; you do not hear it on the railroad trains; you hear it nowhere except belching out of the mouth of some demagogue or some selfish politician. That is the only place you hear it. It is because you want to make political capital that you will talk against these essential measures that we and all sensible men know ought to be enacted into law. Is it possible that people in a high place, in either branch of this Congress, suggest we are giving too much authority to the President fearing that we will create an autocracy? I ask the gentleman from Ohio if he believes that we can win this war by some quilting society or some young ladies' crocheting society? You must have a complete organization of all these forces in this country to carry this war to a successful conclusion, because we are against the most powerfully organized enemy the world ever saw.

Mr. LONGWORTH. Will the gentleman yield for a short question?

Mr. QUIN. I yield to the gentleman from Ohio.

Mr. LONGWORTH. I want to know how the gentleman thinks it would help this boy who was wounded in the trenches if under this bill the functions of the War Finance Corporation were transferred to the Capital Securities Committee? That is all I am objecting to.

Mr. QUIN. You have spoken against the blanket power given the President in this bill. Do you object to the President of the United States having the power to take that bureau or any other branch of this Government and put it under the control of fewer men, and do away with a lot of senseless, nonsensical red tape, and a lot of useless clerks who are parasites instead of a help to carry on this war? [Applause.] That seems to be all there is to that particular change. I am for this bill without any amendment. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Could the gentleman give me a little more time?

Mr. WEBB. I am sorry I have no more time. Mr. Speaker, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I am of the opinion that, to whatever extent we have failed to realize our reasonable expectations in the preparation for and the conduct of the war, that failure has not been due to any appreciable extent to any lack of authority in the President of the United States to create or coordinate agencies, or to make provision, by appointment or otherwise, for all the proper and necessary organizations for the prosecution of this great enterprise. Holding that opinion, I know of no particularly sound and compelling reason for the passage of this legislation authorizing the President to consolidate or coordinate bureaus or transfer duties or functions other than the fact that the legislation is here, that it has been suggested and proposed, that it has passed one of the two branches of Congress, and that it is now before the House of Representatives for consideration. Without regard to the question as to the necessity of the legislation in order to so arm the President as to enable him successfully to marshal our resources, the very fact that the legislation has been proposed, that it has progressed thus far in its legislative journey, and that we are called to pass upon it, in my opinion makes it our duty to vote for it and to do our part in crystallizing it into legislation. If we fail to do that, we are likely to create a situation under which the Congress may be held responsible for any and every thing that may go wrong. If we fail to enact the legislation, then every fault or failure in organization and in personnel, every delay, every unwise or unfortunate act or enterprise, is likely to be charged not against those responsible but against the Congress of the United States, and charged in a way that will be likely to convince the American people that the Congress, and not the President and those in administrative authority, are to blame. The President has asked this authority. The Senate has granted it, and, under those circumstances, whatever may be our view and opinion as to the necessity of the additional authority, the fact of the legislative situation makes our duty very clear. The granting of broad and far-reaching authority, such as is proposed in this bill, is always more or less questionable. We realize that such broad authority may be abused; it may be unwisely administered. Yet there may be situations in which the additional authority granted to the President may enable him so to unify and coordinate and adjust administrative agencies as to be of real value in the prosecution of the war. The responsibility of granting appropriations, of making provision for men and material, rests with Congress; the responsibility for the outcome must rest with the administration. We may doubt the wisdom or the necessity of this particular grant of power, but the grant has been requested by those in position of responsibility as important and necessary. In that view of the matter we must assume that the administration will wisely use, utilize, and administer the additional authority asked and about to be granted. We must at least hope that it will be so used and administered as to bring about a better condition and a much-needed improvement in the administrative departments of the Government, and in that way aid in the successful prosecution of the war. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I do not believe that this legislation is at all necessary, still I am going to support it. It seems clear that with the power in the President to abolish all bureaus and other governmental agencies where duplication of work occurs, coordination can readily take place. But that is not the chief reason why this legislation is not necessary. The President may now appoint anybody he sees fit to conduct this war, and can dismiss anybody in power if he finds anyone who is inefficient. He has the money, the men, and the power to build the necessary war machine. I can not go as far as Senator KNOX is said to have gone in arguing that this bill confers no additional powers. I think it does, but I do not believe the powers conferred are at all essential to the conduct of the war. I think it is even doubtful whether the power we are attempting to confer is strictly constitutional. I am aware that there are decisions that support the view that it is. There are other decisions that indicate that this is not constitutional. There are the two lines of cases. I am not going to discuss them; I have not the time to go into any question of that kind. As I view it, support can be found for this sort of legislation. The view I entertain in reference to the merits of this bill is this: We are at war. Every nation that has been at war has found it necessary to concentrate power. We must concentrate power. I am not willing to deny to the administration the power it deems to be necessary at this time. Let us give to the President the power he asks, and hold him responsible for its exercise. I can not see that this is going to do any harm. It does not confer any new powers upon any of the departments. It simply allows the President to redistribute existing powers, coordinate them, to make them more effective. This might be a very good bill to pass in peace times. I do not believe we shall ever reorganize this Government unless it can be done under power such as this. We have tried to do it through commissions or like agencies appointed to study the situation, and frame a plan for that purpose; but we have always failed to accomplish it in the past, and I am glad of the opportunity to turn over to the administration this power. Under the pressure of present necessity we may get some sort of a reorganization that will be of advantage to the country. I am going to offer some amendments to the bill. I am not going to offer any that will change the purpose of it. I think the first two sections should be consolidated into one. These sections define the power given to the President. My amendment does not change the powers, simply embodies the same language in more logical form. I know it is urged that we must not touch this bill, that it is sacred. It was not considered sacred in the Senate. They adopted a number of amendments to it.

Why should we not correct the bill and put it in some logical form and pass it? It can be passed at the other end of the Capitol in the course of a few minutes. I am in favor of one or two other amendments seeking to perfect it and carry out the purposes of this bill, amendments that will strengthen rather than weaken it. I believe the President ought to have the power provided for in this bill, and I am going to vote for it under the circumstances. [Applause.]

Mr. WEBB. Mr. Speaker, I shall occupy only a few minutes of the remaining time I have in discussing briefly the objections made to the bill on the ground that it may include power in the President to transfer the functions of the Inter-

state Commerce Commission to some other unknown person, to Mr. McAdoo, or to somebody else. In other words, they do not want the President to have the power to make rates. I imagine that is the chief objection. They certainly could not argue that if he will transfer such powers he will transfer it to some incompetent person or to some dishonest person. The only reason why any man in this House can assume that he would transfer such functions would be because the Interstate Commerce Commission would fail to raise the rates to a sufficient height to get money enough to pay the running expenses of the railroads under Government control.

Mr. Speaker, this House has already voted to give the President the power to fix rates outright. If the President should in the course of this war do what I insist he has no idea of doing—that is, transfer the functions of the Interstate Commerce Commission to some individual or to some other power—the only object of it would be to get money to help pay the Government's debts. If he were to transfer these functions, it would be to some agency that would be able to agree to his idea of what the rates should be.

Now, is that novel for this House? The truth of it is that this House voted by an overwhelming majority to give the President and the President alone the power to initiate and fix railroad rates during the period of Government control. Now, why should we be balking at this time when we agreed a few months ago that the President should have the power to fix rates? Why should we be balking at the proposition that he might possibly at some dim and distant future time during the war transfer the power to some agency that the President might control in fixing railroad rates during Government ownership or operation?

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. WALSH. The power that the gentleman is now referring to in the act was preserved, some right of the Interstate Commerce Commission was preserved in it with reference to rate fixing, was it not?

Mr. WEBB. It is now as provided by the conferees, I want to say to my friend, and that is what I am coming to. In the Committee of the Whole the gentleman from Iowa [Mr. SWEET] offered an amendment which preserved to the Interstate Commerce Commission its present powers, under the acts of 1887, to fix and control railroad rates during the Government control. The Committee of the Whole adopted it. When it came into the House and a separate vote was demanded, that amendment was beaten by a vote of 210 to 165. In other words, this House voted against retaining in the Interstate Commerce Commission the power to fix rates and declared itself in favor of leaving it to the President absolutely to fix rates. And I noticed among the distinguished Republicans who voted in favor of giving the President the power to fix rates, and therefore against the Sweet amendment, was my distinguished friend from Illinois [Mr. CANNON], who was consistent here to-day and did not fear the President's power to make rates then, and he does not fear his power to make them now. But the President told me that he has no intention of attempting to fix rates, except as provided in the railroad bill. He signed the bill giving the Interstate Commerce Commission the power to review his initiated rates. He says, "I signed that, and I knew what I was doing when I signed it." But not only were there 45 or 50 Republicans who voted in favor of giving the President the power to fix rates, but in the bill as passed by the House, instead of the Sweet amendment, was this language:

> But when in the judgment of the President it is necessary in the public interest he may initiate rates, fares, charges, classifications, regulations, or practices, or changes therein by filing the same with the Interstate Commerce Commission in such form and at such time and upon such notice as he shall direct. All rates, fares, charges, classifications, regulations, and practices, or changes therein so ordered, shall be fair, reasonable, and just; and the Interstate Commerce Commission shall upon complaint make investigation and grant full hearings concerning the fairness, justice, and reasonableness of any rates, fares, charges, classifications, regulations, or practices, or changes therein so ordered by the President; and shall make report of its findings and recommendations concerning the same (which findings and recommendations shall prima facie be taken as correct) to the President for such action as the President may deem required in the public interest.

In other words, when the railroad bill passed this House gave the President the power to fix rates, and in the Senate it was changed so as to give the President the power to initiate and the Interstate Commerce Commission the power to revise. Now, why should we be so fearful that some time in the future the President may undertake to make rates for the railroads that the Government owns?

Mr. MADDEN. Does the gentleman contend that the Government owns the railroads?

Mr. WEBB. "Controls," I meant.

Mr. MADDEN. No; the gentleman said "owns."

Mr. WEBB. I know it does not own them. It controls them. We must pay the rental value of the railroads. We must pay dividends on their bonds. For all intents and purposes we own them during the war, and we must pay the expenses of operating them. Suppose we ran $300,000,000 or $400,000,000 behind. Is it fair to allow the Interstate Commerce Commission, or the President, if you please, to fix the rates high enough to pay off that debt or deficit? Or will you ask Congress to give permission to sell more liberty bonds to pay it or raise the deficit by taxation?

Mr. WALSH. What is the occasion for raising the rate?

Mr. WEBB. I do not know that there is any. I am simply arguing the bare possibility which gentlemen have suggested in this debate.

Mr. WALSH. Will it do it unless it is necessary? The gentleman knows that there have been readjustments in reference to railroads which will necessarily demand an increase of rates.

Mr. WEBB. That may be so. If the Government needs two or three hundred million dollars for railroads, suppose the Director General goes to the Interstate Commerce Commission and says we need three hundred million dollars; had Congress rather the railroads would raise the rates upon the command of the Interstate Commerce Commission or had you rather go to Congress and get authority to sell liberty bonds to make up the deficit?

Mr. WALSH. Does not the gentleman think that the Interstate Commerce Commission is just as competent to pass upon the raise of rates when the Government controls the railroads as it would be in private ownership?

Mr. WEBB. I do, and so does the President. The President signed the railroad-rate bill knowing he was given by Congress the power only to initiate rates, and you and I know that the House gave him the power not only to initiate but to make railroad rates. Now, some Members of the House get alarmed because they fear we are giving him power over the Interstate Commerce Commission.

Now, Mr. Speaker, the gentleman from Massachusetts [Mr. GILLETT] criticizes and complains that some of these bills during the war time have come from the departments. I would like to ask him who is more competent to frame a bill, a war emergency bill, than those who see the necessity for them? So far as I know no bill has been presented to either branch of Congress but what has been amended liberally, promptly, and fearlessly by both branches of this Congress. My friend complains of undue haste in the consideration of this bill. The newspapers of the country have been full of it for eight weeks. It was discussed in the Senate for about six weeks, and I think almost every Member of the Senate made a speech on it. When it came over here the House had pretty well made up its mind how it was going to vote. I think it passed the Senate on the 4th of May, and on the 7th or 8th of May the Committee on the Judiciary, without an objection on the part of any member of the committee, considered it, and they, like the House and the country, had made up their minds about it. After about an hour and a half of debate the committee reported it favorably. It has been on the calendar for a week, and the House has had time to read the bill and make up its mind.

Mr. COX. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. COX. Was the report on this bill a unanimous report of the committee?

Mr. WEBB. Yes.

Mr. COX. No member of the committee made a minority report?

Mr. WEBB. No. I do not want to give away any secrets of the committee, but not more than one voted against it.

Mr. COX. But there was no minority report?

Mr. WEBB. No; and I am glad that the gentleman did not file a minority report. There is no reason why the House in its anxiety to adjourn some time during July or the 1st of August should take up the time in drifting along on this bill when the Members had made up their minds how they were going to vote on it.

My friend from Massachusetts urges another criticism of the measure that there is no detailed plan, no detailed outline, as to the various functions and branches of departments that the President wants to change and unite. No; and there is no living man who can go through these departments to-day inside of a year and give you a general plan to cover the 400,000 Government employees and their functions.

Mr. GILLETT. There is a Board of Efficiency which has the right to make changes now, but it has never been done. The President has not availed himself of that board.

Mr. WEBB. The President could not; the board has made no report.

Mr. GILLETT. He could make them report.

Mr. WEBB. The president of the board says that they have not the time to make the report; they are tied down by their present occupations and duties since the war began.

Mr. GILLETT. But they do not have to do it all at once.

Mr. WEBB. Here is what the President desires. He has been criticized for not looking far enough beyond, far enough into the future. I will ask my friend from Massachusetts if he indorses the war-cabinet bill?

Mr. GILLETT. I indorse the war-munitions measure.

Mr. WEBB. Does he indorse the war-cabinet bill?

Mr. GILLETT. The war-cabinet measure never came here; that simply came up as this bill did, because of the great outburst of criticism of the deficiencies of the department.

Mr. WEBB. The President was criticized from some sources because he was not looking ahead far enough, and here are 450,000 employees who ought to be coordinated, solidified, and unified, as other Government forces ought to be coordinated, united, and unified, and it is impossible for one man to tell now just what is needed. But the President would like to have the power, so that in the progress of the war, as the days go by, if he does discover where more efficient and better cooperation between particular bureaus can be made, he would like to have the power to do that instantly and not be compelled to come to Congress and go through unnecessary delays in order to get that power.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WEBB. I yield for a question.

Mr. MOORE of Pennsylvania. Has not the President all of these powers now?

Mr. WEBB. And by the way, I want to say that I see my distinguished friend from Pennsylvania, who is now addressing his question to me, voted also to give the President power to fix rates, and I commend him for that vote.

Mr. MOORE of Pennsylvania. I stood with the President upon that; but that does not answer my question. The gentleman is a good lawyer and he ought to be able to answer it. Has not the President these powers now?

Mr. WEBB. I say this, that one of the most distinguished men in America, and he comes from the gentleman's State, a man who was Secretary of State and who is now a United States Senator, says that the President has the power; but if the President had undertaken to exercise the power that we propose to give him in this bill there would have been universal criticism of him, there would have been men who would have said, as they said of Abraham Lincoln, that he is an autocrat and a dictator. They would have criticized him as they did Abraham Lincoln, if the President had undertaken to do the things that we propose to give him power to do under this bill. He would have been criticized and called an autocrat and a dictator. As I said yesterday, I can not too highly commend the Chief Executive of this Nation in a great crisis like this for coming to Congress and asking us, to set the thing at rest forever, to give him the power to do these things which everyone will admit ought to be done in the progress of the war and in the administration of the Government. [Applause.]

Mr. GILLETT. Does not the gentleman think that in the course of a year of war the administration might have found one or two changes that ought to be made, and have suggested them to Congress? Not one has been suggested.

Mr. WEBB. In the course of a year my friend knows that this country has come from nothing to the greatest armed power in the world during the same length of time, and the President has been busy and all of the departments have been busy, and he has not had time to go into the bureaus and the executive departments and coordinate them.

Mr. GILLETT. Then how is he going to have time to do it "all of a sudden" now?

Mr. WEBB. If you give him this power, I do not know whether he can do it or not. I fear that he can not. I doubt very much that the President can give much of his valuable time to this business, because it is small business compared to the great powers that we have given him heretofore, and I can not understand why gentlemen can afford to swallow camels and strain at gnats like this bill. Gentlemen see bears in every bush. After they have voted for war, and to turn over to the President the country's entire resources and the boys of the country, they profess to fear that he may turn over some of the functions of the Government to a bootblack. You may as well argue that he might order the surrender of the American boys in France to Von Hindenburg, but there is no man who would dare in his heart to intimate that he would do it. We have trusted him in big things, and I can not understand why this furore and fuss is made about trusting him in a purely administrative matter, which affects nothing but a few employees of the Government and some executive functions.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. WALSH. The gentleman, of course, contends, and I agree, that this does not carry power to create new agencies. I would like to ask the gentleman if he can inform the House under what authority or power the President did create the agency known as the Committee on Public Information? There is one instance where he has created an agency without specific power from Congress, and set aside money for its use. He has that money, and he can create numerous agencies, all beyond the scope of this bill. Is not that so?

Mr. WEBB. Possibly so, if he uses the $100,000,000 which Congress trusted him with.

Mr. WALSH. One further question. If he does create these new agencies out of the emergency appropriation funds, is there anything in this bill to prevent him from transferring the powers or agencies created by Congress to these newly created agencies, created without the authority of Congress?

Mr. WEBB. Yes; because this bill is confined to these bureaus and executive branches of the Government now established by law and not by the act of one man—the latter he absolutely controls.

Mr. WALSH. Then, the gentleman admits that there are agencies not established by law, such as the Committee on Public Information?

Mr. WEBB. If you regard the Publicity Bureau as such, why, yes. Mr. Speaker, I said a moment ago there is no reason why we should suspect that the President is going to do the unusual thing because we give him power which you say may be used in an unusual way. The President states to the country and to you that he has no notion of trying to take away the functions of the Interstate Commerce Commission placed upon that commission by the railroad-control bill. I am giving away no confidence when I tell you that the President said that one use that he thought now that he could make of the Interstate Commerce Commission was this: They have a thousand employees in that commission. I was looking over the roster the other day and find that they have 87 lawyers. They have 320 of the best trained experts in the country. The President said to me, "Mr. WEBB, why should I not be permitted in the progress of this war to use those 320 trained experts in perfecting our efforts here in the administrative and executive departments of the Government?" With reference to the Federal Reserve Board, the House knows and the country knows that the Federal Reserve System is one of the President's proudest administrative achievements.

If there is any one thing that stands out in the administration of Mr. Wilson more distinctly than any other, of which he can be more justly proud than any other, it is the creation of the Federal Reserve Board. Would any intelligent gentleman who knows that great man, who knows the circumstances under which that bill was passed, and who knows its operation, for a moment dare to suggest to the country that the President would want to destroy or even cripple the powers of the Federal Reserve Board? He said this: That there was no reason why, if the bill passed, he should not request and direct the Federal Reserve Board, which is composed, as we suppose, of the finest financial experts in the world, to cooperate and advise with this new war finance corporation, the biggest money corporation in the world. If that is his idea, this Congress ought to give it to him, because in handling five or ten billions of dollars that corporation ought to have the advice and cooperation and help of the Federal Reserve Board, composed of the finest financial experts in the world. We have no pride of opinion about the language of the bill. I think it might be helped some, but that is a matter of taste. My good friend from Minnesota is going to offer an amendment to consolidate the two sections, not to take any power away, but it is just a matter of language and grammar, but I am anxious to get this bill finally passed. Gentlemen know what powers are given and what are not given, and we are ready to vote on it, and I hope very much that when the bill passes to-night it will be without amendments; that it will go to the President and be signed, and that this troublesome matter—at least, it seemed to have been troublesome in the Senate—will be ended. Gentlemen, I am much obliged to you and I ask for the reading of the bill. [Applause.]

Mr. HOLLINGSWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio. [After a pause.] The Chair hears none

Mr. HOLLINGSWORTH. Mr. Speaker, I ask unanimous consent that the time for general debate may be extended for five minutes and I may have leave to address the House for that time.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the time for general debate may be extended for five minutes and that he may have that time. Is there objection?

Mr. WEBB. Mr. Speaker, let me inquire if I have a few minutes remaining?

The SPEAKER pro tempore. The gentleman has about 10 minutes remaining.

Mr. WEBB. I yield five minutes of that time to the gentleman from Michigan.

The SPEAKER pro tempore. The Chair is mistaken. The Chair is informed by the timekeeper that the gentleman has no time remaining.

Mr. WEBB. May I ask my friend from Michigan if he will wait until the bill is taken up under the five-minute rule?

Mr. SMITH of Michigan. I would like to have the five minutes now, if the gentleman will oblige me.

Mr. WEBB. But my friend can get time to speak a little later.

Mr. SMITH of Michigan. I think I was the first who made a request for time, and I have been waiting for two days.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to speak for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Michigan. Mr. Speaker, I would like to explain my reason for being in favor of this bill, and will do so by reading the first part of the bill, which provides for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers of Commander in Chief of the land and naval forces. This is a good bill under our present conditions, because I am in favor of this war, in order to prevent the passing of a Nation that was conceived in liberty and dedicated to the proposition that all men are created free. The business of every individual in this country is and should be to see to the winning of this war. I am not afraid of giving the superintendent of any corporation too much power in the organization of his business. For 12 years I was associated in manufacturing. I was not in charge of the business, but occasionally a man would come to me with a complaint, but I found it necessary to sustain the superintendent. You can not operate a manufacturing business successfully without you lodge power and authority some place, so I stood by the superintendent just as long as I employed him. Now, do we need this power, or ought we to have a superintendency of this great war lodged in one responsible head? There is no way on earth that this Nation could preserve its honor and integrity and avoid this war. Germany said they had 500,000 reservists in the United States, and that we could not organize an army or carry on an efficient war. We know that the very men Germany sent here as ambassadors were intriguing against our Government and acted as spies. I know that all through our land the practical business, the chief business, the best business we could undertake would be to arouse public sentiment here at home to win this war. I desire to read you a little extract from the Detroit Free Press of April 29, 1918, published only a few days ago, stating the condition there in that one city, and if this condition exists all over the United States, then I say we should have this power, and every man who loves his country should become interested and help to stop this nefarious work. The headlines of this paper are as follows:

Detroit foils 13,000 enemy plots in year.

I now read from the Detroit Free Press of May 11, 1918, in reporting the trial in Chicago, which has headlines as follows:

Plot of I. W. W. to defeat United States in war bared.

And going on down, the article says:

The 112 defendants listened intently during presentation of the great mass of documentary evidence, which characterized conscription as a challenge to the workingman, advocated spiking of guns and spoiling of powder, and termed the uniform of the soldier "the livery of the scab herder."

If such a sentiment as that, my colleagues, exists any place in our land we take no chances in giving this power to the President of the United States. He is our chosen Commander in Chief. Let us do everything we can to aid him to win, irrespective of whatever party we belong to. I am for coordinating every man, not only at the front but here at home. There is work for everybody to do in putting down this war. I am for coordinating the man power of the United States here at home to help support the Army upon the battle line. What am I doing and what can I do to support and back up our Army in the field, should be ringing in everyone's ears. If every true American will identify himself with some war activity it will make conspicuous any idle, indifferent, or unwilling individual who does not understand either the magnitude of the war or the importance of winning it. Germany is now fighting to rule the world. Nothing is better known than that. We were caught napping. We as a Nation are the strong force against her. We must continue and fight until we establish a victorious peace. That is the only peace that can be lasting. We must fight to save our Nation. Sure as Germany wins we are hopelessly gone and our Nation is no more. We must unite every man and woman in America to fight to the last ditch and to the last man, if need be. I hope the President will keep on organizing until we have an Army of 5,000,000 enrolled soldiers, and that everybody who is not enrolled as a soldier to fight will be listed to raise food and make munitions and aeroplanes and ships with which to do the fighting. We must be strong in the pinches and tight places. We must be determined. Germany will never quit until she is decisively beaten. Do not look for any easy task, and if 5,000,000 men are not enough, let us enroll 10,000,000. This country is capable of supporting 1,000,000,000 inhabitants. The existence of our Republic is in the scales. Let us stake everything on victory, shoot all spies, hang all traitors, and execute the sabotants. Let us make treason odious in whatever form we find it.

Then, again, let us coordinate every nation on the Western Hemisphere. We are entitled to the aid and support of every nation in North and South America. Let us organize the fighting forces and nations of China, Japan, Australia, with all the nations of our allies to fight for all time until the military power of Germany is crushed. This is a coordination measure. This is a fighting bill. Some one must have the final decision, and the President is the one to administer it. Let us do our best and there will be but one result, and this will be victory and peace for all time. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none. All time for general debate has expired. If the Chair may be indulged for a moment, upon yesterday a unanimous-consent agreement was entered into that there should be applied to the consideration of this measure after the conclusion of general debate what is known as the five-minute rule. The Chair construed that agreement thus entered into to mean that the bill shall be considered by sections for amendment, and that any person offering an amendment would be entitled to five minutes' discussion on that amendment and some person in opposition. In other words, the procedure will be the same in the House as the procedure in the Committee of the Whole House on the state of the Union except, of course, that at any time the yeas and nays may be demanded upon any amendment.

Mr. TOWNER. Mr. Speaker, in that connection, of course, if any arrangement is made touching the time to be consumed regarding any amendment, that will operate the same as it would in Committee of the Whole House on the state of the Union?

The SPEAKER pro tempore. That would depend on the terms of the agreement. The Chair is only stating his construction of the agreement that was entered into yesterday. Of course, if any additional agreement shall be entered into, the terms of the agreement will control the situation.

Mr. TOWNER. But it is not properly necessary that there should be an agreement subject to unanimous consent, because if it is operated under the general five-minute rule as carried out in the Committee of the Whole, then an agreement in regard to the time might be made as is made in similar cases.

The SPEAKER pro tempore. Undoubtedly. The Clerk will report the bill by sections, with amendment.

The Clerk read as follows:

Be it enacted, etc., That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing, and shall be filed with the head of the department affected and constitute a public record:

Provided, That this act shall remain in force during the continuance of the present war and for six months after the termination of the war by the proclamation of the treaty of peace, or at such earlier time as the President may designate: *Provided further*, That the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to this act and during the time that this act is in force: *Provided further*, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

Mr. VOLSTEAD, Mr. WALSH, and Mr. MOORE of Pennsylvania rose.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. VOLSTEAD. I offer an amendment.

The SPEAKER pro tempore. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. VOLSTEAD: Strike out section 1 and insert:

"That to enable the President, as Chief Executive and Commander in Chief of the Army and Navy of the United States, to more efficiently prosecute the war and utilize the resources and industries of the country for that purpose, he is authorized to redistribute the existing duties, powers, and functions of the various administrative and executive agencies of the United States among such agencies as he may deem necessary; and he may, to carry out that purpose, utilize, coordinate, and consolidate existing commissions, bureaus, agencies, offices, or officers, and transfer any of the existing duties, powers, or functions of any one department, commission, bureau, agency, office, or officer to any other department, and transfer from one to the other any or all of the personnel by detail or assignment, together with the whole or part of the public records or property appertaining thereto.

"The President may make such regulations and issue such orders as he may deem necessary to carry out the purposes of this act. Such regulations and orders shall be filed with the head of the department affected and shall be public records."

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOORE of Pennsylvania. What has been offered, I understand, has been offered in the nature of a substitute for the section. I have an amendment to perfect the section, and I desire to know whether it is proper for me to offer that section now?

The SPEAKER pro tempore. An amendment to perfect the section would have precedence.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALSH. As I understand, the precedence of a motion to perfect the text of a section only goes to its being voted on; that a person can offer his amendment to strike out and substitute, but when the voting comes the preference shall stand to that one perfecting the text. I think the present occupant of the chair so ruled heretofore.

The SPEAKER pro tempore. Of course, an amendment can not be voted on until it is offered. The Chair does not know whether he understands the gentleman perfectly or not. The rule is well settled that a motion to perfect the text takes precedence over a motion to strike out or a motion to strike out and insert. In other words, if the gentleman from Pennsylvania [Mr. MOORE] has an amendment designed to perfect the text of section 1 as it stands, it would take precedence over the motion proposed by the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. WALSH. Not in time of offering and debate?

The SPEAKER pro tempore. How could it be voted on without being offered?

Mr. WALSH. Because he would have the right to offer it and debate it before the vote on the motion to strike out, of course.

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman from Pennsylvania [Mr. MOORE]. The Chair thinks that an amendment that is designed to perfect the text takes preference.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 2, line 7, after the words "shall be," insert the words "reported to Congress."

Mr. MOORE of Pennsylvania. Mr. Speaker, if this legislation is passed—and I expect to vote for the bill—the changes made by the President with regard to bureaus or departments for which Congress makes an appropriation should be reported to Congress. That is the purpose of the amendment. In every emergency war bill thus far passed there has been some provision of this kind, that the President or the department upon which Congress was conferring new power should report to the Congress. In this way Congress has retained its hold upon its own business. The charge is frequently made now—and, I regret to say, it appears sometimes in the public press—that Congress is a mere creature of the Executive, that Congress is innocuous; that Congress is obliged to do what Congress is told. I resent that suggestion, as I believe every other Member of Congress does. Only yesterday on the floor of the House we had an instance of the way Congress feels toward those of its creatures who criticize it. The Democratic leader [Mr. KITCHIN] expressed himself on this subject in no uncertain manner. I applaud him for the statement he made yesterday with respect to the so-called Director of Publicity, who is quoted as having reflected upon Congress.

I am an old-fashioned Member of Congress, believing in the prerogatives of this body. It is one of the three coordinate branches of the Government. It ought to preserve its privileges and its powers. It ought to demand and expect that comity which it accords to the other branches of the Government. What does the Constitution say with regard to Congress? Some people are inclined to forget that there is a Constitution in these war times. Yet I believe if we have time to sit here for six or seven months in a session of Congress, we have time to reflect upon the organic law of the country. The Constitution which binds us together, which gives the President his power, which gives the judiciary its power, and which gives Congress its power, says, with regard to the Congress:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

No President can impinge upon that power of Congress and no judiciary can impinge upon that power—the legislative power of Congress. What are the powers of the President? The Constitution says:

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years and, together with a Vice President, chosen for the same term, be elected as follows:

The Constitution makes the President of the United States the Commander in Chief of the Army and Navy. But it requires of him in more than one instance that he shall report to Congress. In large measure he is dependent upon Congress, as absolutely dependent upon Congress in the matter of appropriations for the performance of his duty as any one of the departments or as is the judiciary. These things should not be forgotten. The three branches of the Government are to work together, not against each other.

Now, this bill, from its first line to its last, makes no provision for a report to be made by the President to Congress of changes he may make in the executive departments, except as he may see fit to abolish any one of them. In the event he thinks it necessary to abolish a bureau or a department, then, he is to make a recommendation to Congress for the action of Congress thereon, but if he proposes to consolidate two departments of the Government created by Congress for which appropriations are made, he may have the power to do so without reporting to Congress at all. There is no good reason, apparently, why he should not take Congress into his confidence.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Has my time expired, Mr. Speaker?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MADDEN and Mr. WALSH rose.

The SPEAKER pro tempore. Does the gentleman from Massachusetts rise to oppose the amendment?

Mr. WALSH. I rise to offer an amendment.

Mr. WEBB. Does the gentleman from Minnesota desire to oppose this amendment? I hope the amendment will not be adopted. Amendments may be offered which really are very good in form, but this bill has been before the country for nearly 9 weeks, almost 10 weeks, and any amendment, unless it is material, will simply delay the passage of the bill and give some people the chance to criticize us for delaying emergency war measures.

Besides that, I do not think on a question of merit the amendment ought to be adopted. Here we say to the President that he can change or coordinate any departments temporarily only. Does the Congress desire to require the President every time he attempts a change of that kind to send a report to Congress to that effect? If he does the work under this bill which we hope he will do, we shall be doing little else but sitting here hearing reports from the President, so numerous would be his reports. If he thinks any one of these departments or bureaus should be abolished, or any of these commissions should be abolished permanently, he is required in the bill to furnish to Congress his reasons for that. I hope we will not require the President to report to Congress every Executive order he makes under this bill, because every order that he makes will be registered and filed in the department, and will be a public record, and no doubt will be printed in the newspapers, and every Member of Congress and everybody else will have access to it.

Mr. GILLETT. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. GILLETT. Does not the gentleman think that Congress ought at least to be apprised, after giving the President its own powers? Ought not the Congress at least to be told what

has been done? Have we to go to the departments to keep track of the different departments and find out what changes have been made?

Mr. WEBB. We have passed here many bills in the last 15 years giving the President the power to change and coordinate and transfer employees in the departments, and there has not been a single word in the various acts about reporting to Congress.

Mr. GILLETT. Those are employees. These are duties.

Mr. WEBB. What is the difference? They are both executive functions and agencies.

Mr. GREEN of Iowa. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. Mr. Speaker, I rise in fact to support the amendment that has been offered. Some gentleman yesterday remarked upon the small attendance on general debate on this bill. He might also have remarked upon the small attendance that has generally prevailed during general debate upon the various bills offered here. The reason is plain why we have such small attendance. It is because it is believed that these debates are simply perfunctory and that we are going through an idle ceremony when we come here and discuss these measures, because no amendments would be permitted and the bills would pass in any event. But I never thought that any gentleman would rise in his place, as the gentleman from North Carolina [Mr. WEBB] has done, and tell us it ought to be a mere form, that there ought not to be any debate, that there ought not to be propositions to amend, and that even discussion should be limited.

Mr. WEBB. I said there should not be any amendment to this bill unless it was vital to the bill. I said that no immaterial amendment ought to be tacked onto this bill.

Mr. GREEN of Iowa. Let us see whether there is any necessity for this amendment. What is the purpose of this bill? What is it that is desired to be done? Who has attempted to tell us? Has the gentleman from North Carolina told us what is to be done under this bill? Has the gentleman from Kentucky [Mr. SHERLEY], with all his power and ability, told us what is going to be done? No. We do not know what is going to be done under this bill. We have no idea what is contemplated.

Now we are told we shall not even be permitted to find out what has been done after action is taken. Did anybody ever hear of a more astonishing proposition than that? Why, gentlemen, have we reached the point where debate has ceased to mean anything, when amendments, however meritorious, are not to be permitted? When a bill comes here are we simply to adopt it, not only without knowledge as to what is intended to be done under the powers conveyed, but are also told that we should not even be permitted to learn of any action taken under it?

Mr. Speaker, this bill is not of my choosing. I would not have framed it in this manner. I recognize the need of coordination. Who does not? I am aware that the departments exercise various conflicting duties which they are undertaking now to perform. I recognize it especially with reference to my own State, where the Fuel Administration now says that coal should be sold at a certain price and that the railroads shall pay a certain price for it, but the Director General of the Railroads now says, as I understand, that the railroads shall not pay it. Therefore the mines of my State are idle, and the people stand a good chance of freezing next winter because they can not mine the two kinds of coal, and the mines are not operated.

I am in favor of coordination. I am in favor of abolishing these duplicated functions. Who is not? How long would it take this House to give the President the power, if he needs anything further than he now has? I claim that he needs nothing further than he has now to prevent this duplication. But how long would it take Congress to give him the powers that he needs, if he needs any, if only they were specified? Mr. Speaker, what this country now needs is coordination between the administration and Congress, not that blind coordination that comes from the House voting measures when it does not know what powers are included in them or what powers are going to be exercised under them, but the country needs a genuine cooperation and coordination, uniting the abilities of both the adminstration and of Congress.

We have seen failures in certain departments. We saw our aircraft plans all go by the board here recently. Why? Because Congress knew nothing about what was going on. If Congress had known what was going on, does anybody think that that state of affairs would have been tolerated or that it would have continued for a whole year? We know now that we are not to have our program for artillery carried out until some time in the fall of 1919. Does anybody think that that would have been permitted, that Congress would have permitted the Ordnance Department to wait on designs to be worked out when the French had already furnished us with the plans of the most successful gun ever devised? But we know nothing about these matters until they are dragged out by a congressional investigation. The fact is that we have not the coordination that we ought to have between the administration and Congress. If we had, we would come nearer making successful our war preparations.

Success in this conflict will not be won by simply shouting "We must win the war; we will win the war!" Action must follow these words, and the Congress ought to know whether that action is being taken. If it does not find out, it is an impotent body and does not deserve its place in our Government.

Mr. Speaker, I feel compelled under the position in which we are placed to vote for this bill, because the President says he can not carry on these war preparations sufficiently without it. I am unable to understand why, but I must admit that as our affairs have been conducted he alone knows what our necessities are. I do not propose to assume, and Congress is not called upon under the circumstances to assume, the responsibility for any failure that might be charged to a refusal to pass this bill. I hope, however, this amendment will prevail. [Applause.]

Mr. COX. Mr. Speaker——

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). Does the gentleman rise in opposition to the amendment?

Mr. COX. Yes.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for five minutes.

Mr. COX. Mr. Speaker, if I made any criticism at all on this bill it would be that it has been delayed too long. In my judgment, it should have been the third bill passed after Congress recognized that a state of war existed between our country and the German Empire.

The first bill that Congress passed was a declaration of war. To back this declaration up it was immediately followed by the selective-draft measure, designed to raise an army, and this should have been followed by the measure under consideration.

As a rule, democracies are not prepared for war. Democracies do not live or grow by war. The weapons democracy uses are education, enlightenment, knowledge, wisdom, and liberty. It devotes its energies to a development of the things designed to make men better in this world instead of devoting its energies to a constant and continued preparation for war.

The President needs power to enable him to successfully fight this war to a final and successful conclusion. He is the Commander in Chief of the Army and the Navy, and as such is held responsible for the direction and movement of the Army and Navy in time of war. With the Army and Navy divided into different branches and parts, the President needs the concentration of power in his hands to get the best and quickest results.

The human memory is very short. We are prone to forget things rather quickly. We become engrossed in our everyday life, in things immediately surrounding us, and few of us take into account the things of the past.

Precisely the same argument made here to-day and made in the Senate for the past six weeks against this bill was made in Congress 50 years ago against giving the immortal Lincoln power to enable him to successfully command the Army and Navy of the North during the Civil War. Many able but misguided men both in the House and in the Senate heaped criticism upon criticism upon the head of President Lincoln during those trying and troublesome times, because they said that President Lincoln was seeking to get too much power and control in his hands for a democratic government such as ours. Many men in high authority are now crying out that President Wilson is being given too much power under laws passed by Congress. This Congress has not given to President Wilson the power that Congress granted to President Lincoln. I doubt if at the conclusion of this war President Wilson will have as much power placed in his hands as Congress placed in the hands of President Lincoln during the Civil War; yet President Lincoln, though clothed with almost absolute power—in the language of the matchless Robert G. Ingersoll—"never abused the power except on the side of mercy." The same thing will ultimately be true so far as President Wilson is concerned. You can clothe him with all the power that Congress under the Constitution can possibly grant him, yet he will never abuse it except on the side of mercy. He can not abuse power granted to him by Congress. The Constitution plainly fixes his limitations. So far can the President go, even in time of war, but no farther; he must obey the Constitution as well as the humblest citizen of the land, in time of war as

well as in time of peace. I have no fear of granting to him all the power that he asks and all the powers that Congress has the right to grant to him under the Constitution of the United States.

The people constitute our Government. The President, the Congress, and the Supreme Court of the United States, the three coordinate branches of the Government, in no wise constitute the Government. The people constitute the Government. All powers not expressly granted by the people in the Constitution are expressly reserved by the people. The men who fill these places or positions in each of the three coordinate branches of the Government are but the agents of the people; they constitute but the trappings of the Government, the framework of the Nation itself, while the Nation is composed of men and women—human beings—with the rights of all plainly and explicitly set forth in the Constitution.

During the Civil War Congress authorized President Lincoln to suspend the writ of habeas corpus, a right fought and contended for by all English-speaking people of the earth for nearly 10 centuries, a right nearer and dearer to the heart of every English-speaking man or woman than his own life. President Wilson has not asked for a suspension of the writ of habeas corpus, and I doubt very much—unless unforeseen contingencies arise—if he will ask for it. In fact, when what is known as the Chamberlain bill was up for consideration in the Senate recently he quickly and promptly wrote a letter to the Senator in charge of the bill, expressly stating that the bill under consideration would practically place this country under martial law, and that there was no necessity for such legislation, plainly and unequivocally showing a disposition not to declare martial law in the country—not even to have placed upon the statute books the law giving him the power to declare martial law in force.

Mr. FESS. Congress did not do it. The President did it.

Mr. COX. Oh, I beg the gentleman's pardon. Congress gave to the President the power to suspend it by Executive order, and I will insert that act, or at least a part of it, in the RECORD. The gentleman will find it in Twelfth Statutes at Large, page 755, just exactly as I am saying.

Mr. FESS. Is it not true that President Jefferson suspended the writ of habeas corpus?

Mr. COX. I have not gone back that far.

Mr. FESS. In order to prevent the escape of Aaron Burr when he was in prison. And is it not true that Lincoln suspended the writ of habeas corpus before Congress acted?

Mr. COX. I think not.

Mr. FESS. Oh, he did, and was criticized by Congress because he did it.

Mr. COX. Grant that to be true. I have not looked it up; but the point I am making is this, that Congress by an act gave President Lincoln the power to suspend the writ of habeas corpus, and he did that on many occasions.

Mr. FESS. But that was after he had suspended it.

Mr. COX. It does not make any difference whether it was after or whether it was before Congress gave him the power to do it. [Applause.]

Mr. MADDEN. Mr. Speaker, I move to strike out the last two words. I am in favor of giving the President all the power that he ought to have to conduct the war successfully. I do not care how much power it is necessary to give him. I want him to have it, for I want to see the war won, and I want somebody in power to conduct it as it ought to be conducted. Now, as the president of an ordinary business corporation I have frequently had the power to coordinate every activity of the corporation, and I do not know of a man who would be qualified to act as the chief executive of a great private business enterprise who would accept the presidency of it unless he had the power to utilize every man under his jurisdiction in any way that he thought proper to use him. That is all this does. It gives the President that power. He ought to have it, and I am in favor of seeing that he gets it. I do not think there ought to be any question about what we will do. I do not think there is. I think almost every man here is in favor of the enactment of this law. Some may want to modify it, some may want to pass it just as it is. Whether it is passed as it is or in a modified form, it will centralize the power in the President of the United States to do the things that he ought to have the right to do. Then, if he fails to do them, the burden will be upon him.

Now, of course, the question arises whether the President ought not to have said to us just exactly what he wants to do. I do not see how he could do that, for the questions that he will have to deal with will arise from time to time as emergencies arise and he will have to deal with them when they arise. If he should do otherwise, he might make a bad job of it. He must have the power to deal with an emergency, and this bill gives him that power. I do not think it would harm the President of the United States any if he should report to the Congress when he does make an important change, when he does centralize power, when he does exchange the functions of one man for those of another. It would not hurt him to send in to Congress a statement of what he has done. It would not place any responsibility on the Congress to approve or disapprove of what he did. It would simply keep the Congress informed of what was going on. There can be no harm in that, and to that extent I think the amendment offered by the gentleman from Pennsylvania would have a wholesome effect. But even without that amendment the bill is all right. I have no doubt about the outcome when this House gets ready to vote upon it. My hope is that after we have given the power that this bill conveys to the President he will take advantage of every opportunity to reorganize every branch of the Government, to make it as efficient as possible, to the end that the war may be conducted with a vigor that will leave no doubt in the minds of the American people what the attitude of the Government is.

Mr. WALSH. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. WALSH. Would not the gentleman think it would be sufficient publicity if the change that was made was published in the Official Bulletin?

Mr. MADDEN. The trouble with the Official Bulletin is that it does not get to a man's desk until three weeks after the transaction has taken place, and then it does not tell the whole story. But regardless of whether the President is required to make such a report, it is not important, although I do not think it would embarrass the President if he was required to do it under the amendment of the gentleman from Pennsylvania. It would be no humiliation to him, and it would be of great service to the Congress of the United States. [Applause.]

Mr. FORDNEY. Mr. Speaker and gentlemen, at first blush I felt that I was very much opposed to this bill. I would like to see the amendment adopted directing the President to report such action as he may take in consolidating the offices to Congress. I have been very much opposed to giving greater power to the President unless it be absolutely necessary to more efficiently carry on the war.

I do not see but Congress has given the President greater power than is possessed by the Emperor of Germany. And yet we are fighting for the establishment of democracy and the discontinuance of autocracy in the world. I can not see any great wisdom in banishing a czar across the seas and at the same time creating one over here. I do not believe that the President could have any greater power under this bill than he now has. That is my candid opinion. Every Cabinet officer is appointed by the President. Any Cabinet officer that will not carry out the wishes of the President will lose his position, in my opinion, and rightfully so, because they are the advisory board of the President.

I do not see how we can give by this bill any greater power to the President than he already has. If he wants to consolidate certain branches and agencies in the War Department, where there are now about 100, all that is necessary is to call the attention of the Secretary of War to his wishes and his wishes will be carried out without doubt. I had made up my mind to vote against the bill, but I am frank to tell you that to-day I called upon an Army officer whom I know very well, a man of very high character and great ability, and he assured me of the necessity of the passage of this bill to more efficiently carry on the operations of this war. To be frank with you, I regard the aircraft proposition as a scandal. To say that we have appropriated more than three-quarters of a billion dollars and have but one airplane only abroad for fighting purposes which has been made over here is to me the next thing to a scandal.

It was stated by an Army officer not long ago before a committee of this House that the reason why they did not have fighting aeroplanes abroad is because of the fact that they did not have spruce lumber for that purpose. It requires 2,000 feet of spruce lumber in the construction of an aeroplane. I know there are millions of feet of spruce lumber all ready upon the mill docks of this country for the purpose of building aeroplanes.

Mr. BARNHART. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. BARNHART. The gentleman said that if the President saw fit he could consolidate the bureaus and purchasing agencies without the authority of this bill. Does the present law authorize him to do that, or does the present law require that they shall be conducted as they are now?

Mr. FORDNEY. The gentleman misunderstood me. I said that all that would be necessary was for the President to make known to the Secretary of War what he wished, and the Secretary would carry out those wishes, undoubtedly.

Mr. BARNHART. Could the Secretary of War do that?

Mr. FORDNEY. The Secretary of War created these purchasing agencies.

Mr. BARNHART. But he can not make and unmake law.

Mr. FORDNEY. The law provides that he can create the agencies, and he has created them, and now can not he abolish them? I may be wrong and I may not have a proper understanding of the matter.

Mr. GILLETT. He certainly could change the officials.

Mr. FORDNEY. Yes; and God knows that he ought to change some of them.

Mr. QUIN. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. QUIN. I was interested in the gentleman's observations as to the aircraft proposition. I am a member of the Military Affairs Committee, and it has been hard for me to get any information. When the gentleman states there is but one aeroplane in France, I want to know where he got the information.

Mr. FORDNEY. It is common gossip, everybody knows about it, and a gentleman in the Signal Corps to-day told me that was the cold solid fact.

Mr. QUIN. I can not get the truth from any source, and I wanted to know if the gentleman had it.

The SPEAKER pro tempore. The time of the gentleman has expired .

Mr. FORDNEY. I ask for five minutes more.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. REAVIS. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. REAVIS. Two members of the Military Committee in the Senate have quite recently stated on the floor of the Senate that that was the evidence before their committee—that there was but one fighting aeroplane in France.

Mr. FORDNEY. Yes; I so understand, and if I am correct, the Congress of the United States has appropriated in one lump sum $600,000,000 for that purpose.

SEVERAL MEMBERS. Six hundred and forty million dollars.

Mr. FORDNEY. Oh, well, a little matter of $40.000.000 in these days does not amount to much. My good friends, we have by this bill or by existing law, in my opinion, given away our prerogatives here. We have delegated them to the Executive. Some one has said that we are now nothing more than rubber stamps. Good Lord! I begin to think that I am not even a rubber stamp here. The Constitution of the United States provides that all revenue laws shall originate in the House of Representatives. Such measures are referred to the Ways and Means Committee of the House.

I am informed now, through the press, that the administration proposes a new revenue law. The Committee on Ways and Means has heard nothing about it at all except through the press. I believe the Congress of the United States ought to be consulted by the administration in such matters. I think it is a usurpation of the rights of the Members of Congress to attempt to force legislation upon the country by mere dictation to Congress by Cabinet officers and the administration. I think that is wrong. First of all, before we pass another revenue law I would like to know how much money is going to be collected for the calendar year of 1917 under existing law, and how much money we are going to need. I understand now it is said by Secretary Baker that he made a slight mistake in his estimates last year of something like $4,000,000,000, but a little thing like that is not much of a mistake these days. However, it seems to me the administration ought to come nearer than $4,000,000,000 in estimating the outlays of the Government for the Army and the Navy for one year. I do not believe the Members of this House are going to consent to the passage of a new revenue law until we know how much is going to be raised under existing law, and how much we want and how much has been spent and how much it is proposed to spend this year. I do not mean to say that our tax laws now on our statute books do not distribute the taxes upon the people where they should be distributed. It is my contention that the man who is making the money is the man who can afford to pay the taxes.

Mr. QUIN. Will not this new revenue bill make him pay more taxes? Is not that the object of the bill?

Mr. FORDNEY. Any bill, if it were only for 10 cents more than we are paying now would, of course, add that much to the tax laws of to-day, and make the people pay that much more. But where are you going to place it?

Mr. QUIN. Place it on the big excess-profits men.

Mr. FORDNEY. We are going to place it where it belongs. It ought to be equitably placed upon the people, and the man that can afford it is the man who ought to pay. The man who is making money ought to pay. If I am making money out of business during this war I can afford to pay taxes, but if a man is poor and only earning enough money to buy bread and butter for his wife and children, he should not be heavily taxed. Make the man pay the taxes who is making the money.

Mr. MOORE of Pennsylvania. Mr. Speaker, answering the gentleman from Mississippi [Mr. QUIN], is it not possible that some of this new taxation might be levied on cotton at this time, seeing there has been no tax placed upon that product heretofore?

Mr. FORDNEY. Oh, yes; my friend from Pennsylvania is always interested in cotton, and so am I.

Mr. HARDY. I presume he shows his patriotism in that way.

Mr. FORDNEY. But, my good friends, I have been opposed and am now opposed to a consumption tax. We have kept away from consumption taxes so far, and I do not believe we should resort to a consumption tax on the articles of use in clothing and food. The Lord knows, prices are high enough now.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. POU. Mr. Speaker, it seems to me that gentlemen who are sincerely in favor of this bill will support it without the amendment of the gentleman from Pennsylvania. If we are going to support the President at all, if we are going to trust him, we ought to do so without attaching conditions. You are proposing to do a vain thing here, at most. You are proposing to pass a great measure which gives to the President of the United States power to make great changes, and then you say, for fear that our dignity might be compromised, that the President must tell us what he has done after he has done it. And after he has made his report, what then? Does it accomplish anything? Has any good been accomplished thereby? It is very possible that some of these changes may be made while Congress is not in session; and then what are you going to do about it? I rose simply to suggest that men who are really and honestly in favor of this bill would not attach a string to it, and I do not believe the true friends of the bill will. So far as I am concerned, I have tried to forget since this war began that I ever had any partisan feeling. I do not know how I am going to make a political speech this fall. Now, if you are going to pass this bill at all, it ought to be passed without slapping the President in the face at the time you give him authority, and that is what you will do if you amend the bill by requiring him to report to Congress.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 36, noes 73.

So the amendment was rejected.

Mr. TOWNER. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. TOWNER: Page 2, line 7, after the word "writing" insert the words "and when in contravention of any act of Congress shall be reported to Congress."

Mr. TOWNER. Mr. Speaker, I could not support the amendment which was offered by the gentleman from Pennsylvania for the reason that it would require the President to report on changes which he has already power to make. It will require the President to report whenever he transfers certain employees from one department to another. It would require the President to report all the matters which are now within his power to act as the Executive head of the Nation on which he is not now required to report. But, gentlemen, I appeal to Members on this side especially, I think that it is important that we should require the President to make a report to Congress whenever he makes, under the authority of the bill, any order which is in contravention of an act of Congress. Gentlemen, that is information which we ought to have. If we give this broad power to the President to repeal an act of Congress, certainly Congress ought to be notified of what that action is. I want to call the attention of gentlemen to the language of the President in referring to the things that he said were necessary to be done in order to effect this coordination work of the executive departments, and I want the President to have that power if it is needed. I shall support this bill because I want the President to exercise this power, but it is certainly only proper that he should report his action to the Congress. Now, gentlemen, what does the President say he wants to do? In a communication which he made, as you remember, when this matter was first brought up in the Senate of the United States, he said:

Effective measures of reorganization have been thoughtfully and maturely perfected.

And then he said:

If Congress will but remove a few of the statutory obstacles of rigid departmental organization which stand in the way, these changes can be effectively made.

So that it is the purpose and intention of the President to change some of the statutory requirements and to set them aside for the purpose of an effective reorganization. Now, the amendment which I offered, and which I think is no more than it is our duty as the Congress to do, is only that when any act of Congress is in fact repealed by this order of the President that he shall report such fact to Congress. Certainly Congress ought to know when its own act is repealed. Some doubt the constitutionality of giving the President this power. Leaving that out of consideration now entirely, it is expected that the President will repeal some of these rigid departmental statutory enactments in order to reorganize the Government and all that the amendment does is that whenever any statutory enactment is repealed by the order of the President that he shall report that act to Congress.

Mr. HARDY. Will the gentleman yield for a question?

Mr. TOWNER. Certainly.

Mr. HARDY. Does not the whole bill contemplate that the departmental jurisdictions may be readjusted by the President, and would not every order made under this bill come within the purview of the gentleman's amendment?

Mr. TOWNER. Oh, no; I will say to the gentleman, the President himself says that there are only a few statutory enactments which stand in the way. The President himself can now change almost every single department in so far as its coordination and reorganization is concerned. He can do this because no statutory enactment stands in the way, but there are a few, the President says, statutory enactments that do stand in the way. This really gives him the power to repeal, and when he does so this amendment says that he shall report to the Congress.

Mr. HARDY. I understood the gentleman to say that he has the other power now.

Mr. TOWNER. Yes, sir.

Mr. HARDY. The power that is conferred by this bill would be embraced in the amendment of the gentleman?

Mr. TOWNER. Why certainly.

Mr. HARDY. So every order which he made under the power of this bill would have to be reported to Congress?

Mr. TOWNER. Oh, no; I am just saying he ought not to report it only when it is in contravention of a statutory enactment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARD. Mr. Speaker, I rise to oppose the amendment offered by the gentleman from Iowa [Mr. TOWNER]. I feel the amendment proposed relates back to the same scope, probably a greater scope even than that offered by the gentleman from Pennsylvania, but I do not think it is as well expressed as the amendment offered by the gentleman from Pennsylvania. This amendment provides for the insertion of the words "in contravention of an act of Congress." Now, it seems to me that we can not assume that anything that the President does under this act transferring authority will be in contravention of an act of Congress since whatever he will do will be done under this bill, which is an act of Congress, and therefore will be done by the authority of Congress. There could be nothing done in contravention of an act of Congress, because that is another way of saying that the Executive would violate an act of Congress and do some particular act in actual violation of an existing act, and that if he does that then he should report that particular act of violation to the Congress of the United States. That, as has been said, is assuming that he is going to violate the law which is precisely what he is not going to do. The whole bill has for its purpose a transfer of governmental departments and utilities. That is the object of the bill. There is nothing created, no new statutory power is here created, and no new offices or boards are created, merely the power to assemble governmental utilities, largely within the departments, and have those utilities assembled, redistribute them, and if they are in one place and they belong for better efficiency in another place, the President is authorized to do that particular thing. Now, that is all the bill means, and to say that if he acts in violation of law, acts in contravention of an act of Congress, he must report that to Congress might by inference seem to give him a permit to contravene statutory law if he would make report thereof.

Mr. DOREMUS. Will the gentleman yield?

Mr. GARD. I will yield.

Mr. DOREMUS. If I understood the gentleman's proposition correctly it is that the bill itself, if it is enacted into law, will repeal by implication the statutory enactments to which the gentleman refers.

Mr. GARD. That is an excellent way of expressing it. But I know there would be no wider scope than the transfer of these Government activities because there is no wider authority conferred by the bill, and I can only say that the proposed amendment harks back and is not so good as the amendment proposed by the gentleman from Pennsylvania.

Now, the whole matter affecting both these amendments is contained in the language in lines 7 and 8 on page 2 of this bill, where it provides that the President is authorized—

To make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record.

That is not a matter for Congress. Congress passes a law. The other part is for the administration of this law, and the administration of the law, so far as the transfer of departmental activities and utilities is concerned, is essential for the information of the departments and every good purpose is performed, it seems to me, when this bill provides that the regulation shall be in writing and filed with the head of the department affected and shall constitute a public record. All that would be gained under authority of these proposed amendments would be the ceremony, because it could not be called anything else; it would have no greater dignity—the ceremony of transmitting something that was done, after it had been done, to this body. I am sure this House does not desire to be cluttered up with a lot of reports, many of them necessarily of small import, which would be coming in if either of these amendments should prevail. It seems to me in all sound sincerity of judgment the very purpose sought to be accomplished is accomplished when the rules and regulations are filed with the department affected, so that that department may know its work, because that is the department which is to be transferred as a new agency of efficiency. It is that a particular force is sent to another department or to act in other work, and when the department itself is advised and gets on the job and does the work that is the action which we want under this assemblage and distribution bill. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I do not share the alarm of those who fear the provisions of this bill. As a matter of fact, its provisions have been magnified far beyond their importance or their danger to the country. This bill, instead of occupying the attention of either branch of Congress for many weeks, should have been passed as soon as possible after its introduction.

Mr. LONGWORTH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Not now, but later on.

This bill simply ratifies an authority that the President already has and should have exercised a year ago. And if there have been shortcomings in any of the departments, if there have been failures to get a proper functioning of governmental activities, the President should have exercised the rights that he now has long ago, and that are only repeated in this bill.

As a matter of fact, I am thoroughly convinced that the title of this bill is the vital part of it. There is nothing very vital in the language of the bill. The title of the bill assumes it is necessary that the President should have the authority that is granted in it. I concur in the judgment of Senators and of Members of this House who believe that the President has all the authority now that is granted by the provisions of the bill. Therefore I am in favor of its passage at the earliest moment possible.

Now I yield to my genial friend from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. The gentleman stated that this bill should have been passed immediately after its introduction.

Mr. CAMPBELL of Kansas. As soon after its introduction as possible.

Mr. LONGWORTH. Has the gentleman read the bill as introduced? Does not the gentleman think that prolonged debate upon this bill has resulted in making it a bill that it is possible for him to support, where he could not have supported it as introduced?

Mr. CAMPBELL of Kansas. I confess that the first publication made of this bill made an impression upon the country that the President was asking for unusual, autocratic power. I did not share, after reading the bill, in the opinion that it did grant unusual powers. At any rate, there should be no further delay in the passage of the bill. What the country to-day requires is action, and if the President is withholding any of the powers that he now has until after the passage of this bill this excuse for further delay should not be given.

Mr. REAVIS. I would like to have the gentleman give me his construction of this language on page 2, commencing with line 13:

Provided further, That the termination of this act shall not affect any act done—

If the act was done under the provisions of this act, how could the termination of this act affect the legality of that act?

Mr. CAMPBELL of Kansas. It could not.

Mr. REAVIS. What does the language mean, then, when it says the mere termination of this act shall not affect any act done under this law, in the opinion of the gentleman? How could the termination of this act affect anything done under this measure?

Mr. CAMPBELL of Kansas. I assume that as the first section of this bill provides that the act shall terminate at a certain time after the close of the war——

Mr. REAVIS. Within six months.

Mr. CAMPBELL of Kansas. After the close of the war. And I assume if any act has been done by the President that would otherwise contravene a statutory regulation the fact that this law has terminated shall not affect that action taken by the President.

Mr. REAVIS. What I had in mind, if the gentleman please, is this: That any act done under this measure while it is in force is a legal act?

Mr. CAMPBELL of Kansas. Yes; undoubtedly.

Mr. REAVIS. Why should the act say that the mere termination of this act would not make illegal an act that is already legal?

Mr. CAMPBELL of Kansas. I presume that language is placed there out of abundance of caution, because it is rather unusual to pass a law and provide that its provisions shall terminate at a certain date, leaving no law upon which to base acts which have been done under it.

Mr. HARDY. It does preserve rights?

Mr. CAMPBELL of Kansas. It preserves the rights of those who have their status fixed under this law.

As I was about proceeding to say, the country is not interested in technical details at this time. Neither is the country interested in the question as to whether or not this grant of authority is unusual. What the country wants to know is that at this time the Executive has the power that he says he must have in order that he may successfully conduct the war; and, if he requires authority that he does not now possess, that authority should not be longer withheld.

The matter of our aircraft has been referred to to illustrate inefficiency now. What the country is interested in to-day is in having as many fighting planes over the fields of France as are necessary to get results upon the western front. Is there a hope that under the provisions of this bill aircraft production may be increased? It may be that we can get better results. If so, we can not afford to delay a single hour the inauguration of the moment when aircraft production shall be increased and multiplied. I say, therefore, if the President believes he lacks authority, let this bill pass. In my judgment it grants him no power of consequence that he does not already possess.

Mr. STERLING of Illinois. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. STERLING of Illinois. Does the gentleman know anything that the President has in mind to do under this bill, with reference to aircraft production?

Mr. CAMPBELL of Kansas. I do not. I wish I did.

Mr. STERLING of Illinois. Does the gentleman know what he can do under this bill that he can not do now to increase the efficiency of aircraft production?

Mr. CAMPBELL of Kansas. I say what I said before, that I do not believe this bill grants anything to the President that he does not now possess in every essential feature. He can reorganize every department under him to-day by changing the personnel, by consolidating them, or by doing many things that might improve the service. And I will say that since the introduction of this bill many consolidations and changes have been made with a view of bettering the service in the departments.

Mr. STERLING of Illinois. I would like to ask the gentleman this question: If the President can do everything now that he could do under this bill, why is it so urgent that we pass this bill immediately?

Mr. CAMPBELL of Kansas. In order that it shall not further appear to the country that the President has passed the buck to Congress and Congress has refused to pass it back.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. VOLSTEAD. Mr. Speaker, I desire to make some observations on the amendment I offered as a substitute for section 1.

The SPEAKER pro tempore. Does the gentleman desire to speak on that amendment?

Mr. VOLSTEAD. Yes.

Mr. WALSH rose.

The SPEAKER pro tempore. Has the gentleman from Massachusetts an amendment to offer to the paragraph?

Mr. WALSH. Yes. I offer an amendment.

The SPEAKER pro tempore. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 2, line 19, after the word "war," strike out the period, insert a colon and the following words: "*Provided further*, That the redistribution authorized by this act shall not apply to the Interstate Commerce Commission, but the President may transfer or detail such of its subordinate officers to such other executive or administrative agencies, bureaus, commissions, or offices for such duties as in his discretion he may deem necessary."

Mr. WEBB. Mr Speaker, I apprehend that this amendment will take some little discussion, and I would like to agree with my friend who offered it upon a definite time at which this debate shall close.

The SPEAKER pro tempore. Has the gentleman any suggestion to make?

Mr. WEBB. Yes. I ask the opinion of the gentleman from Massachusetts.

Mr. WALSH. I do not know, but I think perhaps 30 or 40 minutes' debate ought to be sufficient.

Mr. WEBB. I suggest 30 minutes. It has been thoroughly debated in the House already to-day.

Mr. WALSH. Does the gentleman mean 30 minutes on a side?

Mr. WEBB. No. Thirty minutes on both sides.

Mr. WALSH. We have occupied almost 30 minutes on this other amendment.

Mr. WEBB. Make it 40 minutes; 20 minutes to be controlled by the gentleman from Massachusetts and 20 minutes by myself.

Mr. WALSH. I do not want to have control of the time. I would rather have it controlled by the Chair. Reserving the right to object, Mr. Speaker, it has been suggested that inasmuch as we have consumed a little over an hour on these other amendments we might need a little more time. I dislike to prolong the discussion, but I think if the gentleman would agree to 25 minutes on a side that would be satisfactory.

Mr. WEBB. In reply to that, Mr. Speaker, the amendments discussed in the last hour were new amendments. We have known all along that the amendment that the gentleman from Massachusetts has offered would be offered, and we have discussed it during the debate. I suggest to the gentleman that if he can get along with 40 minutes in all we would be glad, because we want to get the bill to the final stage this afternoon and vote on it, or vote on it to-morrow morning.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the debate on this amendment and all amendments thereto shall conclude at the end of 40 minutes, one-half of that time to be controlled by himself and one-half by the gentleman from Massachusetts [Mr. WALSH]. Is there objection?

Mr. REAVIS. Reserving the right to object, Mr. Speaker, the request for unanimous consent does not affect further amendments to this section?

The SPEAKER pro tempore. This amendment and all amendments thereto. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 20 minutes, and the gentleman from North Carolina for 20 minutes.

Mr. WALSH. Mr. Speaker, I do not desire to consume the 20 minutes allotted to me, because my views on this matter were expressed yesterday during the debate on the bill. I shall simply summarize briefly the opinions that I have upon this particular phase of this legislation.

Congress has created what is known as the Interstate Commerce Commission, and from time to time it has enlarged and modified its powers. It has to do with a particular class of matters which do not infringe upon any other administrative board or office. It has to deal with matters that are not ordinarily handled by any other official; and this act would permit the President to say to the Director General of Railroads, "I transfer to you all the powers and duties now possessed by the Interstate Commerce Commission, those powers and functions to be exercised by you hereafter." But it may be said, "Does anybody think that the President would dream of doing anything of that kind?" If he does not dream of doing it, then it is apparent that there can be no objection to writing that provision into the bill.

Mr. REAVIS. Will the gentleman yield?

Mr. WALSH. I yield to my colleague from Minnesota.

Mr. REAVIS. As I understand it, then, the reason assigned for granting the President this power is his promise that he will not exercise it if granted?

Mr. WALSH. I do not know that that is the reason, but that is the argument that, I think, has prevailed with some gentlemen who are following this legislation very closely. Now, the Interstate Commerce Commission is an administrative board possessed, as I submitted yesterday, of semijudicial functions; and in this crisis, when we have put the control of the railroads in the hands of the Government, I submit we ought not to divest the Interstate Commerce Commission of its functions and authority, because it would be a queer tribunal which, just because the control of the roads has been changed, should have its functions transferred to somebody else.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the amendment be reported again, and that the time taken in reporting it be not taken out of the time of the gentleman from Massachusetts. I want to hear the amendment.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the amendment be again reported, not to be taken out of the time of the gentleman from Massachusetts. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 2, line 19, after the word "war," strike out the period, insert a colon, and add the following words:

"*Provided further*, That the redistribution authorized by this act shall not apply to the Interstate Commerce Commission, but the President may transfer or detail such of its subordinate officers to such other executive or administrative agencies, bureaus, commissions, or offices, for such duties as in his discretion he may deem necessary."

Mr. WALSH. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER]. Will the Chair advise me how much time I have consumed?

The SPEAKER pro tempore. The gentleman has consumed three minutes.

Mr. TOWNER. Mr. Speaker, the amendment offered by the gentleman from Massachusetts [Mr. WALSH] provides that the redistribution of executive and administrative powers authorized by this bill shall not apply to the Interstate Commerce Commission. That means, generally speaking, that the powers granted by the bill to the President shall not extend to divesting the Interstate Commerce Commission of its power to make rates, determine classifications of freight, or to take from it the uncompleted work of valuing the railroads. It is generally understood that the Government has taken over the control of the railroads during the period of the war for every purpose directly or indirectly affecting the prosecution of the war. So that the effect of the adoption of this amendment would be to leave with the Government the absolute and unlimited control of the railroads for the prosecution of the war, but leave with the Interstate Commerce Commission its rate-making and classification powers and its great work, still uncompleted, of placing a valuation upon all the railway systems of the country.

It will be remembered that when the bill to take over the railroads was presented by the administration it provided that the rate-making power should be transferred from the Interstate Commerce Commission to the President or Director General of Railroads. The necessity and advisability of such action was carefully considered and extensively debated in both the Senate and House, and as a result the rate-making power was left with the commission. It was thought that such transfer was unnecessary, because rate making was a purely civil business question arising between the railroads and the people, and had nothing to do with the conduct of the war. It was believed that it would be unwise to take a power so technical and intricate from a body especially selected and experienced in such matters and confer it upon anyone not trained nor adapted for such work. Now we are considering an administrative measure which, in effect, repeals our act so recently adopted and gives the President power to transfer all such powers and functions from the commission to the Director General. That action we know is especially desired by the administration, and the power to take such action is conferred by the terms of this bill unless the amendment is adopted.

Mr. MORGAN. Will the gentleman yield?

Mr. TOWNER. Yes; for a question.

Mr. MORGAN. The gentleman is familiar with the proviso in line 17, page 2, which says that the authority by this act granted shall relate only to the conduct of the war. Does not that cover the point the gentleman has made?

Mr. TOWNER. I do not think so. The act will be administered and interpreted by the President, as he is advised by those who are in control of the railroads. We know what their interpretation will be. They believed when the railroad act was before us that rate making was in some mysterious manner connected with the prosecution of the war. The Congress took a different view. It believed that the making of rates between the railroads and the people, operating upon the purely civil business of the country, had nothing to do with the prosecution of the war. If we now grant the power of transfer, it is only reasonable to suppose it will be exercised.

THE RATE-MAKING POWER.

Gentlemen advocating granting without restriction the powers contained in this bill as applied to the Interstate Commerce Commission argue that if there are increased expenditures the rates must be raised, and therefore the transfer would be justified. But there would be no justification for the transfer on that ground unless it be assumed that the Interstate Commerce Commission would not raise the rates to meet increased expenditures. Such an assumption is not warranted. On the contrary, the commission is much better qualified, both by knowledge and experience, to rearrange rates so as to meet increased expenditures than any person without such knowledge and experience.

A still stronger and more vital reason exists why any rearrangement of rates should be made by the commission. Rate increases are made by the commission sitting as a court, on hearing, upon evidence submitted, after argument of counsel. It is not practicable and it is not contemplated that changes in rates should be so made by the Director General. The method of hearings and the manner of submissions have been settled after long and varied experience. Precedents have been established; the practice is understood and determined; counsel know how to prepare cases for submission, and that orderly procedure which is essential to a fair hearing and an impartial finding is determined. All this will have to be abandoned if the contemplated transfer is made.

It is not alone necessary in order to meet increased expenditures without injustice that merely an increased revenue should be considered. There must be in any contemplated readjustment of rates a consideration of how particular increases will affect particular communities and localities. There must also be considered the proportion of increases which should be applied to various commodities involving very intricate and puzzling questions of classification. Questions of discrimination are not only difficult and demand both technical knowledge and long experience, but they are so momentous in their consequences that the greatest care should be exercised to prevent injustice. Cities have been ruined, communities have been depopulated, because discriminating rates were imposed against them. The development of a country's resources may be prevented, any business may be ruined, by the imposition of a discriminating rate. The facts regarding such conditions must be disclosed and the rates so adjusted as to cause as little injury as possible.

But it is said we can and should trust the President. Those who argue against granting the power to abolish the commission do not distrust the President. No one would claim that he is qualified to pass upon questions of rate making or classification, or discrimination. He would not himself claim that he was so qualified. He would not attempt to pass upon such questions unadvised. But who would advise him? We do not know. We are justified in distrusting an unknown and undisclosed advisor. We could not justify ourselves as representatives of the people in giving such tremendous powers so vitally affecting the people's interests to be used by some one who may be antagonistic or indifferent to their welfare. The President might trust such unknown advisor, but the people might deeply distrust him. A tribunal should act in such important matter which would hold the confidence of both the President and the people.

No one man can properly determine railroad rates. More than 10,000 changes in rates and classifications are submitted to the commission for determination in a single year, and yet it is proposed to transfer this power from a learned and experienced body of nine men to an untrained, inexperienced man already burdened with a multiplicity of duties. Only a few months ago we enlarged the commission from seven to nine members, because of the constant increase in its duties. Now, with all the additional burdens and complications occasioned by the war it is proposed to reduce the commission to one and to transfer its tremendous volume of work to an individual.

Already there are 44 volumes of the printed reports of the decisions of the Interstate Commerce Commission. Some of the opinions cover hundreds of pages of these volumes. In learning, discriminating judgment, in dignity of utterance these decisions would do credit to any appellate court. Time and again the Supreme Court of the United States in reviewing these decisions has commented on the learning displayed and the force and logic of their conclusions.

In the St. Louis case, Manufacturers Railway Co. *v.* United States, decided April 15, 1918, wherein the Supreme Court re-

viewed and affirmed an important finding of the commission, Mr. Justice Pitney, speaking for the court, said:

Whether a preference of advantage or discrimination is undue or unreasonable or unjust is one of those questions of fact that have been confided by Congress to the judgment and discretion of the commission, and upon which its decisions, made the basis of administrative orders, operating in futuro, are not to be disturbed by the courts except upon a showing that they are unsupported by evidence, were made without a hearing, exceed constitutional limits, or for some other reason amount to an abuse of power.

Something of the importance of the issues that are determined by the commission and the nature of the duties conferred upon it can be ascertained from that statement of the court. Something also of the tremendous responsibilities resting upon the commission and the far-reaching effect of its decisions can be understood from the court's statement. It is inconceivable that gentlemen can seriously contemplate the destruction of such a tribunal. It is to preserve it for a continuance of its beneficent and essential work that this amendment is proposed.

VALUATION OF RAILROADS.

There is another reason why the power to transfer the functions of the Interstate Commerce Commission should not be given thus broadly and without reservation.

In 1913 Congress conferred on the Interstate Commerce Commission the power and the duty of valuing the railroad property of the United States. That great task was undertaken by the commission and is now in progress of accomplishment. Something like $11,000,000 has already been expended on this work.

To take from the Interstate Commerce Commission its power to proceed with its valuation of railway property would be a calamity, indeed. For three and a half years this work has gone forward, and it will not be completed for some time yet. It is an immense undertaking, and when completed will be of great value from every standpoint. It will make no difference whether the Government shall both own and control the railroads or whether a mere oversight and control is provided when the war is over, a valuation of the various railway systems is essential.

It has been well said that a more important work than this was never entered upon by any body ever created by the authority of the Government. The magnitude of the work is exceedingly great. Hundreds of experts, engineers, accountants, and examiners have been engaged for years on this huge task, and it will be two years more before it can be completed. To contemplate the abandonment of this work would be folly. To consider transferring this power from the commission to any person or another body would seem so inexpedient and unwise as to be impossible of serious consideration. And yet we are asked to grant the power to the President by a simple order to either abandon the work or transfer it to any person or to any other board or commission he may designate.

It should be understood that this great work has been under attack by powerful influences from the first. There is a large number of very able and very influential persons who desire to prevent the completion of this undertaking. If they could obtain the ear of the President and win his approval, their purpose could be easily accomplished. It is easily conceivable that the President, with the best of motives and with the most patriotic purpose, could be induced to abandon or transfer this work. It is not wise to take such a risk at such a time.

It can not be too strongly emphasized that only a few weeks ago, after the fullest debate and the most careful consideration, Congress determined that it would not be wise to grant the power to the President to take from the commission its powers and transfer them to the Director General of Railroads. We are now asked to reconsider such action and repeal such law. Gentlemen have said during this debate that the President has no intention of divesting the commission of its rate-making power or of taking from it the work of valuing the railroads. If that be true, then we ought not to grant to him that power. If he does not intend to use it, he does not need it. But the statement that the President does not intend to use the power is not authorized. We know that those nearest to him and whose advice he is most likely to follow desire, and greatly desire, that he should use the power. Unless the exercise of the power asked to be granted is justified on its merits, it is our duty to refuse to grant it. It is the people's rights, the people's interests that are involved, and as their Representatives we should not surrender or sacrifice them.

Mr. Speaker, if this question were an exercise of a war power, I should not hesitate. I believe in the largest grant and the largest exercise of the Executive power in the prosecution of the war. I have in the past and I shall in the future give the President the amplest power and the fullest support in carrying this war to an early and a successful conclusion. But this is not a war question. It is a purely civil question involving the merely business interests of the people. That being the case, we should act on the merits of the proposition and determine it as we believe it will be injurious or beneficial in its effect on the people of the country. For that reason and upon those grounds I believe there is ample justification for the adoption of the amendment.

Mr. WEBB. I yield three minutes to the gentleman from Oklahoma [Mr. MORGAN], a member of the committee.

Mr. MORGAN. Mr. Speaker, I am opposed to this amendment for a number of reasons. I know of no reason why we should discriminate in favor of the Interstate Commerce Commission. There are other commissions as important as the Interstate Commerce Commission. There are other commissions that might more properly be excluded. We have recently taken over the control of the railways. Necessarily the work of the Interstate Commerce Commission is more or less restricted. There is, therefore, I think, good reason why the Director General of Railroads might utilize the Interstate Commerce Commission, or a part of it, and the force of experts it employs. This amendment excludes the Interstate Commerce Commission, except subordinate employees. I do not know how the term "subordinate employees" would be construed. I presume, however, that "subordinate employees" would mean anybody except the commissioners. But if the President would take away all of the employees under the commission it would be powerless to do anything. We should not except any of the executive or administrative commissions, bureaus, or agencies. The President should be given a free hand and held responsible for the results. This is the only wise, practical, sensible thing to do. We ought not to quibble over small things. There are too many great things pending. The times now deal with questions of life and death. The issues now involve the existence and perpetuity of nations. They involve the destiny of the whole human race. The object of this bill is to give the United States greater power in settling these great questions right. I am opposed to any amendments that might prevent the bill from accomplishing the great purpose for which it is to be passed. We should either give the President all of this power and give it to him ungrudgingly, or give him none of it. We should not tie his hands. If he may be safely intrusted with any of this power he may be trusted with all of it. There is nothing peculiarly sacred about the Interstate Commerce Commission, and to exclude it from the provisions of the bill would be most unfortunate.

Mr. WALSH. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, the illogical position of those opposed to the amendment was shown by the gentleman from Nebraska when he said that the chief excuse for opposition to the amendment was that the President would not exercise the power if granted.

Mr. REAVIS. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. REAVIS. What I said was that the principal argument for granting the powers to be exercised was that they would not be exercised.

Mr. GREEN of Iowa. I stated it conversely, but it comes to the same conclusion. Gentlemen say that there is no need for passing the amendment because the President will not exercise the power. Then why not permit the amendment to pass? I have only heard one gentleman, and that was the gentleman from Oklahoma [Mr. MORGAN], advocate the taking away the powers of the Interstate Commerce Commission. No other gentleman, so far as I know, desires or wishes any such thing to come to pass. The reason is very plain. The Interstate Commerce Commission is a semijudicial body; it has powers to hear evidence, try cases, make findings, and enter judgments, and there is no other body to which those powers could be properly transferred.

Mr. STEELE. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. STEELE. Do I understand the gentleman to say that the Interstate Commerce Commission is a judicial body?

Mr. GREEN of Iowa. I said a semijudicial body.

Mr. STEELE. In the opinion of the gentleman, are the duties of the Interstate Commerce Commission judicial or administrative?

Mr. GREEN of Iowa. Oh, I do not care to enter into any discussion of that question.

Mr. STEELE. It makes some difference as to this bill. If they are judicial the bill would not apply.

Mr. GREEN of Iowa. The gentleman continues to pervert my language. I told him that I did not say that their duties were judicial, but he insists that I did.

Mr. MORGAN. If the gentleman from Iowa will pardon me, I thought I heard him make some reference to some position I

took. My attention was being diverted, and I would be glad if he would restate his proposition.

Mr. GREEN of Iowa. I understood the gentleman from Oklahoma to say that he had no objection to the functions of the Interstate Commerce Commission being taken away from that body.

Mr. MORGAN. I did not exactly say that.

Mr. GREEN of Iowa. All right; let it go; I do not care to have any controversy about that. What I say is, the functions of the Interstate Commerce Commission ought not to be taken away, because there is no other body to which they can properly be transferred. We have no other board, commission, or court that can perform the same duties in the same manner that the Interstate Commerce Commission now performs them. For nearly a quarter of a century the people worked and endeavored through their Representatives to obtain the rights and privileges conferred through the establishent of the Interstate Commerce Commission. One of the greatest struggles ever known in this Congress occurred over the establishment of this commission, and when it was in fact brought into power there has never been any board or commission in this country more influential in maintaining the rights of the people against unjust discrimination in railroad rates than has this board. Subsequently there was an attempt to establish a commerce court which would take away some of the Interstate Commerce Commission's powers. We passed over a President's veto a bill abolishing the Commerce Court by an overwhelming vote. So firmly intrenched was that commission that I never supposed that any gentleman would ever advocate in any way or in any way countenance the proposition that that commission be deprived of its duties or functions. But now, for some reason not connected at all with the war that I can see, this proposition to give the power at least of depriving this board of its duties and functions is embodied in the bill.

Mr. WEBB. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. WEBB. Is the gentleman fearful that the President will raise rates or lower rates of the railroads if he has this power?

Mr. GREEN of Iowa. Let me answer the gentleman by a counterquestion: What has that to do with the argument?

Mr. WEBB. It has a vital relation to the argument, because if the President proposes to raise the rates the President is not going to get the money; it is going to the Treasury of the Government; and if we have to have the money that is one source of raising it.

Mr. RAYBURN. If he is going to raise or lower the rates, is not that a question that ought to be first passed upon by the Interstate Commerce Commission?

Mr. GREEN of Iowa. It is a matter that requires the most expert knowledge.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. WALSH. Mr. Speaker, I yield to the gentleman two minutes more.

Mr. MORGAN. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MORGAN. Has not the President the power now to initiate, and do not the rates stand until there is a hearing by the Interstate Commerce Commission?

Mr. GREEN of Iowa. Yes; and that shows the value of the commission. There is no question that needs so much study and expert knowledge as the fixing of rates. It involves so many other questions. In the act of settling one rate you may upset hundreds and even thousands of others, and no one but experts can properly pass upon it. We have built up a board capable of passing on these questions, and it is the only board in the country that could be properly allowed to pass on these questions.

The bill which we passed with reference to railroads still preserved to this board its power and duties in this respect. The President can, as the gentleman from Oklahoma says, initiate rates, but they must be referred to the Interstate Commerce Commission for a hearing, because that is the only board in the country competent to sit on that subject, and the right to be heard should be preserved.

Mr. HARDY. Is not the gentleman mistaken about rates initiated by the Director General having to be referred to the board? They may be appealed from, and then on appeal a hearing is granted.

Mr. GREEN of Iowa. Oh, that is a distinction without a difference.

Mr. HARDY. The rates initiated by the Director General go into effect at once.

Mr. GREEN of Iowa. I do not care about that. The party whom they affect still has the right to have the Interstate Commerce Commission pass on the rates, and that right ought to be preserved. The only way to preserve it is by this amendment.

Mr. WEBB. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Speaker, with all due respect to the opinion of my friend from Iowa, Mr. GREEN, it seems to me that the discussion which he has pursued is rather an academic one. Why academic? In the railroad bill which was passed a very short time ago the power of initiating rates was given to the President of the United States. You will all remember that the Sweet amendment proposed that the powers of the Interstate Commerce Commission should be retained by that body, but you will remember also that the original bill, the railroad bill, as it was called, contained these words:

> Until and except so far as the President shall from time to time otherwise order, the rates, fares, charges, classifications, regulations and practices of carriers under Federal control shall during the period of Federal control continue to be and to be determined as hitherto. But when in the judgment of the President it is necessary in the public interest he may initiate rates, fares, charges, classifications, regulations, or practices, or changes therein by filing the same with the Interstate Commerce Commission in such form and at such time and upon such notice as he shall direct. All rates, fares, charges, classifications, regulations, and practices, or changes therein so ordered, shall be fair, reasonable, and just; and the Interstate Commerce Commission shall upon complaint make investigation and grant full hearings concerning the fairness, justice, and reasonableness of any rates, fares, charges, classifications, regulations, or practices, or changes therein so ordered by the President; and shall make report of its findings and recommendations concerning the same (which findings and recommendations shall prima facie be taken as correct) to the President for such action as the President may deem required in the public interest.

That is the provision of the present railroad act. In other words, the President has the right to initiate rates, and those rates shall be submitted by him to the Interstate Commerce Commission. Upon complaint made, the commission may hear the evidence in regard to the reasonableness and fairness thereof. As I understand the contention of the gentleman from Iowa, it is simply this, that by the provisions of this act the President may, in his discretion, remove the authority of the Interstate Commerce Commission. Am I correct in that statement?

Mr. GREEN of Iowa. I have relied somewhat on gentlemen on the other side with reference to that, two or three of whom at least have so asserted.

Mr. DEWALT. The only reasonable inference, then, would be this, that the President, in his discretion, might take away from the Interstate Commerce Commission the right of review of his initiation of rates, as to the reasonableness of those rates and charges.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. GREEN of Iowa. The gentleman surely does not mean to say that this is all the power the Interstate Commerce Commission has?

Mr. DEWALT. Oh, no. I am speaking of the provision of the rate-fixing power. The other provisions in regard to the powers of the Interstate Commerce Commission under the Sherman Act are positively now nullified, as the gentleman well knows—that is, in regard to determination of routes and things of that sort. That has all been nullified by the railroad-control bill, so that actually at this time almost all the powers conferred upon the Interstate Commerce Commission are simply these: The regulation of rates——

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. WEBB. Mr. Speaker, I yield one minute more to the gentleman.

Mr. DEWALT. Mr. Speaker, I was about continuing in this way, that the residuum of the argument of the gentleman from Iowa [Mr. GREEN] and those who are opposed to the granting of this power to the President is simply this, that the President would, by the authority given by this act, have the power to take away from the Interstate Commerce Commission the power of review. Supposing he does take it away. I for my purpose would argue in this way, that it would be the height of absurdity to take it away, because the Interstate Commerce Commission is the body most competent to judge of this very matter, and he would simply be impeding his own regulation and efficiency by so doing; but the only inference you can draw from the powers you say the President has, is that he may confer them, upon whom? The Director General of Railroads. If the Director General of Railroads finds it necessary in the emergency to provide for a deficiency of $300,000,000 in receipts of railroad companies, to make up a deficit in the management thereof, I say that immediately that power should be given to the President of the United States, but the power of review and the power of adjustment still remains in the Interstate Commerce

Commission and is not taken away by the provisions of this bill. [Applause.]

Mr. WALSH. Mr. Speaker, I desire to use a few moments of the time remaining on this side in reply to the gentleman from Pennsylvania [Mr. DEWALT]. Of course, if the President does not exercise the power of transferring the functions of the Interstate Commerce Commission to some one else their functions will not be interfered with, and it is natural to suppose, inasmuch as we have a Director General of Railroads, who is at the present time considering the matter of adjusting the wages of the railroad employees, and properly so, that when it comes to the matter of revenue the President will have in mind the appeals which have been heretofore made to the Interstate Commerce Commission and their refusal to raise the rates, and possibly he may decide that he will confer not only the right of review which is vested in the Interstate Commerce Commission by the railroad act, but all its other rights and functions to the Director General of Railroads, arguing upon the line that inasmuch as he has to supervise the control of these carriers under the railroad act, we might just as well turn over the matter of the regulation and the rate-making power to him. Now, I submit if that were in contemplation that it would not be a proper exercise of the powers as contained in this measure, that we should preserve by legislation the rights which we have previously given to the Interstate Commerce Commission, and that we should not make it possible for the Executive to transfer the right of review of his action in initiating rates to any other official.

Mr. DEWALT. But, Mr. Speaker——

Mr. WALSH. I will yield to the gentleman for a question.

Mr. DEWALT. But it seems to me that the gentleman from Massachusetts misses the point of the argument.

Mr. WALSH. Very likely I do.

Mr. DEWALT. The purposes of this bill are simply coordination and the transfer of powers from one department to the other. Is that true?

Mr. WALSH. I do not agree with the gentleman.

Mr. DEWALT. Well, that seems to have been the argument through the process of this debate.

Mr. WALSH. I can not agree with the gentleman.

Mr. DEWALT. Suppose the gentleman did not agree with me, nevertheless the body of the House seems to take that position. Now, let me give the gentleman a parallel instance. The gentleman, being a lawyer, knows that the supreme court, possibly, of his State consists of 8 or 10 members; in our State it consists of 9. We will say for the purpose of argument that the gentleman from Massachusetts is the presiding judge of the supreme court—the chief justice, if you please. He will have eight confreres on the supreme bench. We will say for the purpose of argument that the chief justice has the decision of matters which are being submitted to him. Does the gentleman mean to say that the chief justice would not consult with the other eight members of the court? Why, certainly he would.

Now, granting, for the sake of argument, that the President might, if you please, remove the power from the Interstate Commerce Commission as to the advisability of changing rates, routing traffic, and so forth. Does the gentleman mean to say that it is at all likely, that it is at all possible, that he would not consult the constituted body—in other words, his eight confreres upon the bench?

Mr. WALSH. I mean to say this in reply to the gentleman from Pennsylvania, that whether he consulted with them or not, that if he consulted with them and their views did not meet with the approval of the Director General of Railroads, that their views would go into the discard and the Director General of Railroads would prevail; and I want to say that we ought not to destroy the power and authority of that great ommission which for years has been studying the problem of rates and regulations of railroads and permit by this legislation a transfer of all its functions to one man, who might consult with them as to what they thought, but if their views did not meet with his approval their views would not prevail.

Mr. DEWALT. Will my friend permit?

Mr. WALSH. I will yield further, if I have time.

Mr. DEWALT. In the first place, I think the gentleman's assumption is a violent one. In the second place, I do not think it is founded upon facts in regard to the administration and the course it has pursued; and in the third place, I do not think the gentleman's argument is well founded for this reason, that this bill being for the purpose of coordinating the efficiency of the different departments it does not by its provisions in any measure, nor can it be construed in any measure, to remove from the Interstate Commerce Commission the right of review. That still remains with it.

Mr. WALSH. Mr. Speaker, I do not agree with the gentleman, nor do I agree with anybody who holds those views, because when this matter was discussed in the other body and when it was discussed in committee and when it was discussed upon the floor of the House the words "to make such redistribution of functions" do not confine it to simply coordinating and consolidating the executive departments.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WALSH. Mr. Speaker, I understand that all time on this side has now expired.

The SPEAKER pro tempore. Yes.

Mr. WEBB. I will yield one minute to the gentleman from Massachusetts in order to enable him to answer a question.

Mr. RAYBURN. I wanted to ask the gentleman this question, in reply to the gentleman from Pennsylvania. We all agree, of course, that the Interstate Commerce Commission now under the railroad-control bill is the final arbiter in rates if complaint is made. This language here says, "to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer," and so forth.

Now, the last expression of the Director General being that he wants the power to fix rates himself without consultation of the Interstate Commerce Commission, does not the gentleman think that it is conclusive under this language here that he will have that power and in all probability he will exercise it?

Mr. WALSH. Mr. Speaker, I do not think there is any doubt of that, particularly when you read the language of section 1 in connection with the coordination and consolidation language of section 2. The strong term in that regard is "redistribution," because that means you can pass from one board to a single individual this power and function. You do not have to redistribute them among the same board or among the same personnel. He can transfer it absolutely from the Interstate Commerce Commission to the Federal Trade Commission if he saw fit, or from the Federal Trade Commission to the Director General of Railroads under the language of this act.

Mr. ESCH. Under that power might he not transfer the power of physical valuation of railroads to an individual?

Mr. WALSH. He certainly could. I thank the gentleman from North Carolina for yielding me that time.

Mr. WEBB. I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Speaker, it is well I think to understand exactly what the amendment offered is. As I recall, it provides in terms for the exclusion of that body known as the Interstate Commerce Commission and provides that the President may require subordinate officers of the commission to be assigned to any other commission or bureau or department or office.

The Interstate Commerce Commission is recognized as being distinguished from other commissions in that it had a quasi-judicial jurisdiction. In other words, it could, upon appeal, find from a certain state of facts and make an order, which order was capable of enforcement, thereby establishing its order within the realm of that which is ordinarily considered a judicial decision. It seems to me that the Interstate Commerce Commission should be included in this bill, and should not be excluded from the bill, because my view of the matter is, as I have tried heretofore to express, that every utility in the United States, every commission, every bureau, every department, should afford its best work toward the end that we may have a better, a more superior efficiency. For the purpose of the practicality of the time, the transportation of to-day means the national security and defense, because it does; the transportation upon railroads first must mean the transportation of troops where they will be most effective; second, the transfer of foodstuffs and equipments, including all sorts of munitions of war. This is the first work of the railroad; this is the work to which everything else must be subordinated. So that the question of the fixing of rates, which has been the power of the Interstate Commerce Commission, even this great power should be subservient to the military emergency. But I think the amendment should not be adopted, for the reason that the Interstate Commerce Commission is a body of men trained by long years of experience in the fixing of railroad rates and in determining what should be the payments of railroads. Now, if there is a body which could properly act with the Director General of Railroads under our railroad-control bill it is the Interstate Commerce Commission. And I would not have them excluded from the operation of this bill. I would not say that the Interstate Commerce Commission may not act, but that the subordinates of the Interstate Commerce Commission might act. I would say that the best authority which the Interstate Commerce Commission can afford should be given to the present control of the railroads of the United States. And, therefore, it would seem to me, that, instead of asking that the Interstate

Commerce Commission be excluded, it be by all means included, because I would not have a subordinate to give assistance when the principals could afford it. I would have the assistance come from the source which could bring the most and best information.

Mr. LONGWORTH. Will my colleague yield for a question?

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. GARD] has expired.

Mr. WEBB. Mr. Speaker, I take it that this bill does include the Interstate Commerce Commission, and it ought to include it, because, as I said a moment ago, there are a thousand expert trained men in this commission who during the Government control of railroads, as long as the war lasts, will be to a certain extent more or less idle, and those employees ought to be used by the President in any department of Government he may think they can best help to win this war.

Mr. WALSH. Will the gentleman yield?

Mr. WEBB. In just a moment.

Gentlemen are afraid that the President will transfer the rate-making power to Mr. McAdoo or somebody else. That suggestion has no terrors for me, Mr. Speaker, although I will tell the House what the President tells me, that he has no notion of so doing; that he expects to lean on the experts of the Interstate Commerce Commission, as the country has leaned on them in the past. Whenever he discovers there is a Government deficit in the railroads and he needs $300,000,000 or $400,000,000, he will report it to the Interstate Commerce Commission and probably ask them if they can prepare a scientific raise of rates that will bring in enough revenue to meet such deficit. And if they do it, they will avoid the necessity on the part of this Congress raising the money from some other source, either by taxation or by sale of bonds. The roads are ours to all intents and purposes, and the Interstate Commerce Commission and the railroads for the present belong to the same sovereign power—the people of the United States.

Mr. LONGWORTH. Leaving out the question of the rate-making power, would the gentleman advocate the transfer of the power of valuation of railroads from the Interstate Commerce Commission?

Mr. WEBB. I do not see who else could value the railroads, except the army of experts that are doing it now, and I would not assume that the President would transfer this task to any other department of the Government, and I will not do it, and I think the gentleman will not do it. I value the Interstate Commerce Commission. It is a great body of men. And so does the President. But, so far as I am concerned, if it were necessary to abolish absolutely the Interstate Commerce Commission—every vestige of it—during the pendency of this war, in order to make us successful in this great struggle, I would gladly abolish it, and I believe every Member of this House would do it, too. Besides, I am assured that the President is not going to abolish the rate-making functions of this commission. Suppose he should transfer the rate making to Mr. McAdoo—which would probably mean to the President himself—then what? That is nothing new. It has not been longer than three months ago since the House did that very thing by a vote of 210 to 165. And 45 distinguished Republicans voted to give the President the absolute power to fix railroad rates. Why should we haggle here now on the mere possibility of his assuming that authority? Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. BAER. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 40, noes 47.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the amendment offered by the gentleman from Massachusetts [Mr. WALSH] will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 88, nays 213, answered "present" 1, not voting 128, as follows:

YEAS—88.

Anderson	Browne	Crago	Dowell
Anthony	Burroughs	Cramton	Dyer
Baer	Cary	Currie, Mich.	Edmonds
Black	Chandler, N. Y.	Dale, Vt.	Ellsworth
Britten	Classon	Dempsey	Esch
Fairfield	Kitchin	Peters	Stiness
Fordney	Kreider	Platt	Sweet
Francis	Langley	Purnell	Switzer
Gillett	Longworth	Ramseyer	Tinkham
Glynn	McArthur	Rayburn	Towner
Good	McCormick	Reavis	Treadway
Goodall	McLaughlin, Mich.	Robbins	Vestal
Gordon	Madden	Rose	Voigt
Gould	Magee	Rowe	Volstead
Graham, Pa.	Mapes	Sanders, Ind.	Walsh
Gray, N. J.	Meeker	Scott, Mich.	Wason
Green, Iowa	Merritt	Sinnott	Watson, Va.
Haugen	Moore, Pa.	Slemp	White, Me.
Hawley	Moores, Ind.	Snell	Wilson, Ill.
Hull, Iowa	Mott	Stafford	Wood, Ind.
Ireland	Nichols, Mich.	Steenerson	Woods, Iowa
Juul	Norton	Sterling, Ill.	Woodyard

NAYS—213.

Alexander	Eagle	Lehlbach	Sanford
Almon	Elston	Linthicum	Schall
Ashbrook	Emerson	Littlepage	Scott, Iowa
Aswell	Evans	Lobeck	Selis
Austin	Farr	London	Shallenberger
Ayres	Ferris	Lonergan	Sherley
Bacharach	Fisher	Lundeen	Siegel
Bankhead	Flood	McAndrews	Sims
Beakes	Flynn	McClintic	Small
Bell	Freeman	McCulloch	Smith, Mich.
Beshlin	French	McKeown	Smith, C. B.
Blackmon	Fuller, Mass.	McKinley	Snook
Bland	Gallagher	McLemore	Steagall
Blanton	Gard	Maher	Steele
Booher	Garner	Mansfield	Stephens, Miss.
Borland	Garrett, Tenn.	Martin	Stephens, Nebr.
Bowers	Garrett, Tex.	Mays	Sterling, Pa.
Brand	Godwin, N. C.	Mondell	Stevenson
Browning	Goodwin, Ark.	Montague	Sullivan
Buchanan	Graham, Ill.	Moon	Sumners
Burnett	Gregg	Morgan	Tague
Byrnes, S. C.	Hadley	Neely	Talbott
Byrns, Tenn.	Hamilton, N. Y.	Nelson	Taylor, Ark.
Campbell, Kans.	Hamlin	Nolan	Taylor, Colo.
Candler, Miss.	Hardy	Oldfield	Temple
Cannon	Harrison, Miss.	Oliver, Ala.	Thomas
Cantrill	Harrison, Va.	Oliver, N. Y.	Thompson
Caraway	Hastings	Osborne	Tillman
Carlin	Hayden	O'Shaunessy	Tilson
Church	Helm	Overmyer	Van Dyke
Clark, Pa.	Helvering	Overstreet	Venable
Claypool	Hensley	Padgett	Vinson
Cleary	Hicks	Paige	Waldow
Collier	Hilliard	Park	Walker
Connally, Tex.	Holland	Parker, N. Y.	Walton
Cooper, W. Va.	Hollingsworth	Phelan	Watkins
Cooper, Wis.	Huddleston	Pou	Weaver
Copley	Hull, Tenn.	Pratt	Webb
Cox	Igoe	Quin	Welling
Crisp	Johnson, Ky.	Rainey, H. T.	Welty
Crosser	Johnson, Wash.	Rainey, J. W.	Whaley
Dallinger	Jones	Raker	Wheeler
Decker	Kearns	Ramsey	White, Ohio
Delaney	Keating	Randall	Williams
Denton	Kennedy, Iowa	Rankin	Wilson, La.
Dewalt	Kennedy, R. I.	Reed	Wilson, Tex.
Dickinson	Kincheloe	Riordan	Wingo
Dixon	King	Roberts	Wright
Donovan	Kinkaid	Rogers	Young, N. Dak.
Doolittle	Kraus	Romjue	Young, Tex.
Doremus	Larsen	Rubey	Zihlman
Doughton	Lazaro	Rucker	
Drane	Lea, Cal.	Russell	
Dunn	Lee, Ga.	Sabath	

ANSWERED "PRESENT"—1.

La Follette

NOT VOTING—128.

Barkley	Estopinal	Hutchinson	Powers
Barnhart	Fairchild, B. L.	Jacoway	Price
Brodbeck	Fairchild, G. W.	James	Ragsdale
Brumbaugh	Fess	Johnson, S. Dak.	Robinson
Butler	Fields	Kahn	Rodenberg
Caldwell	Focht	Kehoe	Rouse
Campbell, Pa.	Foss	Kelley, Mich.	Rowland
Carew	Foster	Kelly, Pa.	Sanders, La.
Carter, Mass.	Frear	Kettner	Sanders, N. Y.
Carter, Okla.	Fuller, Ill.	Key, Ohio	Saunders, Va.
Chandler, Okla.	Gallivan	Kiess, Pa.	Scott, Pa.
Clark, Fla.	Gandy	Knutson	Scully
Coady	Garland	LaGuardia	Sears
Connelly, Kans.	Glass	Lesher	Shackleford
Cooper, Ohio	Gray, Ala.	Lever	Sherwood
Costello	Greene, Mass.	Little	Shouse
Curry, Cal.	Greene, Vt.	Lufkin	Sisson
Dale, N. Y.	Griest	Lunn	Slayden
Darrow	Griffin	McFadden	Sloan
Davidson	Hamill	McKenzie	Smith, Idaho
Davis	Hamilton, Mich.	McLaughlin, Pa.	Smith, T. F.
Denison	Haskell	Mann	Snyder
Dent	Hayes	Mason	Stedman
Dies	Heaton	Miller, Minn.	Strong
Dill	Heflin	Miller, Wash.	Swift
Dillon	Heintz	Morin	Templeton
Dominick	Hersey	Mudd	Timberlake
Dooling	Hood	Nicholls, S. C.	Vare
Drukker	Houston	Olney	Ward
Dupré	Howard	Parker, N. J.	Watson, Pa.
Eagan	Humphreys	Polk	Winslow
Elliott	Husted	Porter	Wise

So the amendment of Mr. WALSH was rejected.

The Clerk announced the following pairs:
Until further notice:
Mr. RAGSDALE with Mr. SANDERS of New York.
Mr. PRICE with Mr. ROWLAND.
Mr. KETTNER with Mr. LITTLE.
Mr. JACOWAY with Mr. HAYES.
Mr. SCULLY with Mr. KNUTSON.
Mr. HOWARD with Mr. FOSS.
Mr. HOOD with Mr. HEATON.
Mr. GRIFFIN with Mr. GRIEST.
Mr. DALE of New York with Mr. DENISON.
Mr. SANDERS of Louisiana with Mr. RODENBERG.
Mr. DILL with Mr. LA FOLLETTE.
Mr. SEARS with Mr. STRONG.
Mr. LUNN with Mr. ELLIOTT.
Mr. GALLIVAN with Mr. DAVIS.
Mr. BARKLEY with Mr. TIMBERLAKE.
Mr. BARNHART with Mr. GREENE of Massachusetts.
Mr. CALDWELL with Mr. BUTLER.
Mr. BRODBECK with Mr. CARTER of Massachusetts.
Mr. CAMPBELL of Pennsylvania with Mr. COSTELLO.
Mr. BRUMBAUGH with Mr. COOPER of Ohio.
Mr. CAREW with Mr. CURRY of California.
Mr. CARTER of Oklahoma with Mr. DARROW.
Mr. CLARK of Florida with Mr. DAVIDSON.
Mr. DENT with Mr. KAHN.
Mr. ESTOPINAL with Mr. BENJAMIN L. FAIRCHILD.
Mr. COADY with Mr. FESS.
Mr. FIELDS with Mr. GARLAND.
Mr. GRAY of Alabama with Mr. HUTCHINSON.
Mr. HAMILL with Mr. LUFKIN.
Mr. CONNELLY of Kansas with Mr. HAMILTON of Michigan.
Mr. HEFLIN with Mr. FOCHT.
Mr. DIES with Mr. FREAR.
Mr. GLASS with Mr. GREENE of Vermont.
Mr. DOOLING with Mr. HASKELL.
Mr. GANDY with Mr. HUSTED.
Mr. EAGAN with Mr. HERSEY.
Mr. FOSTER with Mr. FULLER of Illinois.
Mr. HOUSTON with Mr. KELLEY of Michigan.
Mr. KELLY of Pennsylvania with Mr. JAMES.
Mr. HUMPHREYS with Mr. KIESS of Pennsylvania.
Mr. KEHOE with Mr. McLAUGHLIN of Pennsylvania.
Mr. LESHER with Mr. McFADDEN.
Mr. KEY of Ohio with Mr. MASON.
Mr. LEVER with Mr. McKENZIE.
Mr. NICHOLLS of South Carolina with Mr. MILLER of Minnesota.
Mr. OLNEY with Mr. MORIN.
Mr. POLK with Mr. MUDD.
Mr. ROBINSON with Mr. PORTER.
Mr. SAUNDERS of Virginia with Mr. VARE.
Mr. ROUSE with Mr. SLOAN.
Mr. SISSON with Mr. WARD.
Mr. SHACKLEFORD with Mr. PARKER of New Jersey.
Mr. SLAYDEN with Mr. WATSON of Pennsylvania.
Mr. SHERWOOD with Mr. DRUKKER.
Mr. WISE with Mr. SMITH of Idaho.
Mr. SHOUSE with Mr. SNYDER.
Mr. THOMAS F. SMITH with Mr. SWIFT.
Mr. STEDMAN with Mr. TEMPLETON.
On this vote:
Mr. WINSLOW (for) with Mr. DUPRÉ (against).

Mr. TALBOTT. Mr. Speaker, has the gentleman from New Jersey [Mr. BROWNING] voted?

The SPEAKER pro tempore. The gentleman from New Jersey has voted.

Mr. TALBOTT. Then I will allow my vote of "yea" to stand.

Mr. LA FOLLETTE. Mr. Speaker, I have a general pair with the gentleman from Washington [Mr. DILL]. So I withdraw my vote of "yea" and vote "present."

Mr. HENSLEY. Mr. Speaker, I desire to suggest the absence of the gentleman from Texas [Mr. SLAYDEN] on account of illness.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The amendment is rejected. The Doorkeeper will unlock the doors.

Mr. LONGWORTH. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Page 2, line 19, at the end of section 6, insert:

"*Provided further*, That the authority by this act granted shall not extend to the functions, duties, or powers of the War Finance Corporation or the Capital Securities Committee."

Mr. LONGWORTH. Mr. Speaker, I shall not detain the House with a discussion of this amendment. I discussed it very fully this morning. I appreciate the feeling of the House toward the passage of this bill, and I merely ask for a vote on this amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. LONGWORTH].

The question being taken, on a division (demanded by Mr. LONGWORTH) there were—ayes 61, noes 109.

Accordingly the amendment was rejected.

Mr. STERLING of Illinois. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STERLING of Illinois: Strike out, beginning on line 4, page 2, the words, "to carry out the purposes of this act" and insert the following: "To make said departments, commissions, bureaus, agencies, offices, and officers more effective in the prosecution of the war and in the interest of a more efficient concentration of government."

Mr. STERLING of Illinois. Mr. Speaker, I should like to call the attention of the chairman of the committee [Mr. WEBB] to this amendment. It seems to me that the language of the bill is without sense in the words which I propose to strike out. It says that the President may do these things in such a manner as in his judgment shall seem best fitted to carry out the purposes of this act.

Now, what are the purposes of this act? The purposes of the act are to authorize the redistribution of the executive departments, bureaus, and agencies of the Government. If you will analyze the sentence as it stands in the bill, it simply means that the President is authorized to do these things in a manner best fitted in his judgment to do them. The only purpose of the act is to redistribute the functions of the agencies of the Government. The purpose of the act is stated in the paragraph above. It seems to me not to make sense. It ought to state that he is authorized to do it in the manner best calculated to make the agencies, departments, and bureaus more efficient in the prosecution of the war, or in the language used in the title of the bill, more effective in the concentration of government. It seems to me the language ought to be stricken out and the language I propose inserted.

Mr. WEBB. Mr. Speaker, I think the gentleman's amendment would restrict the bill entirely too much. The purposes of the act are set forth in the first section. It is for the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the support of the land and naval forces. That is the purpose of the act, and anything that comes within that purpose ought to be allowed the President to do. It is restricted too much, some think, by the last proviso, that the authority shall be exercised only in matters relating to the conduct of the present war. Many gentlemen would be glad to have the power exercised in time of peace. I hope the amendment of the gentleman from Illinois will not be adopted because it will restrict the purposes of the bill.

Mr. STERLING of Illinois. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. STERLING of Illinois. If the gentleman will note the language proposed to be stricken out, "to carry out the purposes of this act." What are the purposes of the act? Why, it is to redistribute these functions and duties of the several executive departments of the Government so as to make them more effective.

Mr. WEBB. And in the interest of national defense, the support of the Army and Navy, in the administration of the Government.

Mr. STERLING of Illinois. The only purpose of the act is to give the President power to redistribute the functions and duties of the several executive agencies of the Government.

Mr. WEBB. And all these acts must be connected with the national defense and the effective administration of the Government for the maintenance of the Army and the Navy.

Mr. STERLING of Illinois. When you say "carry out the purposes of this act" you simply say that the President shall do the things in a manner which in his judgment is best fitted to do the things. It is meaningless.

Mr. WEBB. It gives discretion in coordinating the various duties and functions of the various branches or the abolition of them, as to whether or not it will aid in the national defense and prosecution of the war in support of the Army and Navy.

Mr. STERLING of Illinois. I think the gentleman confuses the purposes of the act with the thing that he seeks to accomplish by the act, which is giving the President power to redis-

tribute the functions and duties of the executive agency of the Government.

Mr. WEBB. No; that is not the whole purpose.

Mr. STERLING of Illinois. The purpose is to redistribute the functions and agencies of the administrative bureaus and that he may concentrate them for the more efficient work of the Government. Why not say so instead of simply repeating what is inferred from the language that goes before?

Mr. WEBB. If you only repeat the language, there is no need for the amendment.

Mr. STERLING of Illinois. It is not a repetition.

Mr. WEBB. I think the purposes of the bill are thoroughly set forth in the first section.

Mr. STERLING of Illinois. I agree that they are set forth in the first section, and that is to give the President the power to do these things in a manner which in his judgment is best fitted to do the things. That is not the idea. It is to give him the power to attain the end which we are seeking to arrive at.

Mr. WEBB. The language the gentleman wants to strike out is "to carry out the purposes of this act," which is for the national security and defense and successful prosecution of the war and the support and maintenance of the Army and Navy. I hope the amendment will not be agreed to.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Illinois [Mr. STERLING].

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. The question now is on the amendment proposed by the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Speaker, in view of the fact that it is apparent that there is no real opposition to the bill on either side, it would seem that if you agree with me that the first two sections could be put in a better and more logical form that there is no good reason why we should not do so. It is perfectly evident to anyone that reads the two sections that they relate to the same subject, still whoever drafted the bill did not seem to realize that fact. They give power to the President to effect this reorganization. What I am trying to accomplish is the consolidation of the two sections, so as to embody in compact form the power granted. The provision in reference to the repeal of the act should be put with the repealing section at the end of the bill.

Of course I realize it is useless to appeal to the House if it has made up its mind it will not dot an "i" or cross a "t," and I would not appeal to you if this was a partisan measure; but here is a measure that both sides are substantially agreed on, and the question is simply this, Are we to pass this bill in the ill-shaped, illogical form in which it is now or shall we correct it? There is not a thing in the amendment as I propose it to the House that will take from the President any power given in the bill. It will grant just exactly the same power; grant it much more clearly and just as effectively as the original bill. If this amendment is adopted, I shall move to strike out section 2 and add the provisions in reference to the repeal of existing laws now in section 1 at the end of the bill with the repealing section of the bill.

The SPEAKER pro tempore. The question is on the amendment proposed by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That the President is further authorized to establish an executive agency which may exercise such jurisdiction and control over the production of aeroplanes, aeroplane engines, and aircraft equipment as in his judgment may be advantageous; and, further, to transfer to such agency for its use all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment.

Mr. GOULD. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GOULD: Page 3, lines 4 to 11, strike out all of section 3 and insert in lieu thereof as section 3 the following:

"SEC. 3. That there is hereby created an executive agency which shall have full jurisdiction and control over all governmental activities in connection with aeronautics except operation; the agency so created shall be in charge of an aircraft administrator to be appointed by the President, by and with the advice and consent of the Senate; there shall be transferred to such agency for its use all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment and accessories; and further, the President is hereby authorized to take such other steps as may be necessary to carry out the purposes of this section."

Mr. GOULD. Mr. Speaker, it seems to me from the record of what has gone on with respect to our aircraft problems and the developments in the hearings in connection with the Senate Committee on Military Affairs and various other data that have been brought to the attention of Congress, my amendment should be adopted. The essential point of difference between the bill as written and the amendment rests with the two words "may" and "shall." The bill, as written, would permit the President to make changes. The amendment, as I have offered it, says that it shall be done. My reason for the suggestion is the fact which has been referred to here in the House that if we are going to have the successful completion of any of our programs, the President and the heads of the different departments must be given full authority. The Aircraft Board at the present time, according to the information which has been given us, has not that authority. I was told this morning that in an airplane manufacturing plant there are to-day 50 planes tested and ready for shipment which probably can not leave that plant for from two to three weeks, because there are no wire wheels to supply the airplanes, so that they can be used by our boys.

I am further advised that the reason why these wheels are not available is because of muddling. Various engineers and those connected with the Signal Corps and the Aircraft Board have caused to be placed contracts for wire wheels, which are a failure, and thousands of them, I am advised, undoubtedly must be scrapped. The Aircraft Administration ought to have a man the size of Mr. Ryan, whom I am told the President plans to have take charge of the program. So far as I know his record is fine, and he has great ability, but what is the sense of asking Mr. Ryan, or Mr. Schwab, or God Almighty himself to take charge of a program unless he is to be it, and this amendment which I have offered will put the authority in the hands of the man who is selected, and will enable him to go ahead and do business, and that is what we have got to have. [Applause.] I am sick and tired, so far as I am personally concerned, from my experience around the various departments, of hearing the excuses that are made for delays and the habit men have of passing the buck, and all I can say is that if our aircraft program is to come out all right, we have got to give a man authority to do business, and I urge the adoption of this amendment in the interest of our country and all of us. [Applause.]

Mr. DECKER. Mr. Speaker, will the gentleman yield?

Mr. GOULD. Yes.

Mr. DECKER. I do not understand the difference between the gentleman's amendment and the provision in the bill.

Mr. GOULD. Essentially the word "may" is in the body of the bill.

Mr. DECKER. Who may, the President or Mr. Ryan?

Mr. GOULD. The President, of course.

Mr. DECKER. Where do you want to lodge the power?

Mr. GOULD. In the Aircraft Administrator, subject to the direct orders of the President.

Mr. DECKER. It is the difference between "may" and "shall"?

Mr. GOULD. Yes.

Mr. WEBB. Mr. Speaker, I just want to say that I hope the House will not adopt the amendment, because I think section 3 covers everything the gentleman wants, with the exception that we authorize the President to do this, and he says that he shall do it. The President has already done what the gentleman desires—he has appointed Mr. Ryan the head of this Aircraft Board, and when section 3 is passed he will have the authority to establish his executive agency, over which Mr. Ryan will preside, and all of the money appropriated will go into Mr. Ryan's charge, to be used in doing this work.

Mr. GOULD. Will the gentleman yield?

Mr. WEBB. With pleasure.

Mr. GOULD. May I ask the gentleman if he is in a position to tell the House how long this matter of realigning of the aircraft-production board reorganization has been under consideration by the Executive?

Mr. WEBB. Really, I can not tell, and I do not know that anybody knows that. Of course, I can not tell.

Mr. GOULD. Well, I have reason to believe, from what I have been told—I am not prepared to vouch for the information—that the general lines of the reorganization of the Aircraft Board—practically on the same lines as the bill which I introduced here several weeks ago, and of which at that time I had no knowledge—had been prepared and submitted to President Wilson in January or February of this year, and up to the time the Senate Military Affairs Committee brought forth the condition that existed nothing had been done. That is my reason——

Mr. WEBB. That may be so.

Mr. GOULD (continuing). For suggesting that we had better take quick action, and there certainly can be no harm in the House of Representatives suggesting to the President that we, as representatives of the people, would like to have things hurried up, if possible.

Mr. WEBB. That is exactly what we are doing in section 3 of the bill, and the President has already, as I say, appointed

Mr. Ryan executive head of this force, and we propose to turn over the money to this executive head, so something will be accomplished and accomplished speedily.

The SPEAKER pro tempore. The question is on the amendment proposed by the gentleman from New York.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

On a division (demanded by Mr. GOULD) there were—ayes 62, noes 99.

Mr. GOULD. I demand the yeas and nays, Mr. Speaker.

The SPEAKER pro tempore. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Twenty Members have arisen, not a sufficient number, and the yeas and nays are refused.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

Mr. DECKER. Mr. Speaker, I desire to give my hearty support to this bill. I believe the purpose sought is important and far-reaching. This bill gives to the President power to coordinate and consolidate the different executive and administrative commissions, bureaus, agencies, offices, and departments of this Government. It gives him power to redistribute among these different departments the different functions, duties, and powers hitherto conferred by law as, in his judgment and wisdom, he may see fit in order to better utilize our resources and industries and to uphold the Army and Navy in this great war. It will enable him to eliminate waste and inefficiency; it will enable him to accomplish efficiency and saving; it will enable him to strike out duplication and conflict and establish harmony and coordination of effort; it will enable him to do away with the weak and worthless and to utilize the capable and strong. It is, indeed, a centralization of power, but it is also a centralization of responsibility. In order to have efficiency and effectiveness it is always necessary to fix responsibility. Efficiency is the greatest aim in time of war.

Our President is now the most powerful executive in the world. During the continuance of this war this bill will give him even greater power than he now has. As representatives of a free people we are justified in doing this, because we are in the greatest struggle of the world. In order to win this struggle, and we will win this struggle, it is necessary for our country to play the greatest part. No man here doubts that our confidence will be misplaced; no man here even suspicions that this power will be misused. I believe this bill will pass with an almost unanimous vote. It will be another expression of the confidence which the House of Representatives has in President Wilson; it will be but another expression of the absolute unity of purpose and loyalty to country of the Members of this House; it will be another evidence to the people of America that there is no party partisan politics in this body. Woe be to the man and woe be to the party who in an hour like this, when men must die, would strive for personal or party advantage. I am proud of the fact that since the declaration of war there has been no dividing line in this body. As the Speaker of this House has well said—

If a man had sat in that gallery since the declaration of war, unless he had a directory he could not tell who were Republicans and who were Democrats in this body.

Our boys are on the other side fighting for that flag we all do love, and the people throughout this country to-day are not thinking of selfish ambitions or partisanship or political advantage, and the Members of this House are standing shoulder to shoulder, not as Democrats, not as Republicans, but as Americans doing all we can to uphold our soldier boys who fight for us across the seas.

The SPEAKER pro tempore. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER pro tempore. The question is upon the third reading of the Senate bill.

Mr. DYER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DYER. Unless the gentleman from North Carolina is going to make the request, I ask for the yeas and nays.

Mr. WEBB. Mr. Speaker——

The SPEAKER pro tempore. The question first is upon the third reading.

The bill was ordered to be read the third time; was read the third time.

The SPEAKER pro tempore. The question is upon the passage of the bill.

Mr. DYER. Mr. Speaker, on that I ask the yeas and nays.

The SPEAKER pro tempore. The gentleman demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 294, nays 2, answered "present" 3, not voting 131, as follows:

YEAS—294.

Alexander	Esch	Linthicum	Sanford
Almon	Fairfield	Littlepage	Schall
Anderson	Farr	Lobeck	Scott, Iowa
Ashbrook	Ferris	London	Scott, Mich.
Aswell	Fisher	Lonergan	Sells
Austin	Flood	Lundeen	Shackleford
Ayres	Flynn	McAndrews	Shallenberger
Bacharach	Fordney	McArthur	Sherley
Baer	Francis	McClintic	Shouse
Bankhead	Freeman	McCormick	Siegel
Barnhart	French	McCulloch	Sims
Beakes	Fuller, Mass.	McKenzie	Sinnott
Bell	Gallagher	McKeown	Slemp
Beshlin	Gandy	McKinley	Small
Black	Gard	McLaughlin, Mich	Smith, Mich.
Blackmon	Garner	McLemore	Smith, C. B.
Bland	Garrett, Tenn.	Madden	Snell
Blanton	Garrett, Tex.	Magee	Snook
Booher	Glynn	Maher	Stafford
Bowers	Godwin, N. C.	Mansfield	Steagall
Brand	Goodall	Mapes	Steele
Britten	Goodwin, Ark.	Martin	Steenerson
Browne	Gordon	Mays	Stephens, Miss.
Browning	Gould	Meeker	Stephens, Nebr.
Brumbaugh	Graham, Ill.	Merritt	Sterling, Pa.
Buchanan	Gray, N. J.	Moon	Stiness
Burnett	Green, Iowa	Moore, Pa.	Sullivan
Burroughs	Greene, Mass.	Moores, Ind.	Sumners
Byrnes, S. C.	Greene, Vt.	Morgan	Sweet
Byrns, Tenn.	Gregg	Mott	Tague
Candler, Miss.	Hadley	Neely	Talbott
Cannon	Hamilton, N. Y.	Nelson	Taylor, Ark.
Cantrill	Hamlin	Nichols, Mich.	Taylor, Colo.
Caraway	Hardy	Nolan	Temple
Carlin	Harrison, Miss.	Norton	Thomas
Cary	Harrison, Va.	Oldfield	Thompson
Chandler, N. Y.	Haskell	Oliver, Ala.	Tillman
Church	Hastings	Oliver, N. Y.	Tilson
Clark, Pa.	Haugen	Osborne	Tinkham
Claypool	Hawley	O'Shaunessy	Treadway
Cleary	Hayden	Overmyer	Van Dyke
Collier	Helm	Overstreet	Venable
Connally, Tex.	Helvering	Padgett	Vestal
Cooper, W. Va.	Hensley	Paige	Vinson
Cooper, Wis.	Hicks	Park	Volgt
Cox	Hilliard	Parker, N. Y.	Volstead
Crago	Holland	Peters	Waldow
Cramton	Hollingsworth	Phelan	Walker
Crisp	Houston	Platt	Walsh
Crosser	Huddleston	Pou	Walton
Currie, Mich.	Hull, Iowa	Pratt	Wason
Dale, Vt.	Hull, Tenn.	Purnell	Watkins
Dallinger	Igoe	Quin	Watson, Va.
Decker	Ireland	Rainey, H. T.	Webb
Delaney	Johnson, Ky.	Rainey, J. W.	Welling
Dempsey	Johnson, Wash.	Raker	Welty
Dent	Jones	Ramsey	Whaley
Denton	Juul	Ramseyer	Wheeler
Dewalt	Kearns	Randall	White, Me.
Dickinson	Keating	Rankin	White, Ohio
Dixon	Kennedy, Iowa	Rayburn	Williams
Donovan	Kennedy, R. I.	Reed	Wilson, Ill.
Doolittle	Kincheloe	Riordan	Wilson, La.
Doremus	King	Robbins	Wingo
Doughton	Kinkaid	Roberts	Wise
Dowell	Kitchin	Rogers	Wood, Ind.
Drane	Kraus	Romjue	Woods, Iowa
Dunn	Kreider	Rose	Woodyard
Dyer	Langley	Rowe	Wright
Eagle	Larsen	Rowland	Young, N. Dak.
Edmonds	Lazaro	Rubey	Young, Tex.
Ellsworth	Lea, Cal.	Rucker	Zihlman
Elston	Lee, Ga.	Sabath	
Emerson	Lehlbach	Sanders, Ind.	

NAYS—2.

	Gillett	Sterling, Ill.

ANSWERED "PRESENT"—3.

Anthony	La Follette	Longworth

NOT VOTING—131.

Barkley	Denison	Glass	Kelley, Mich.
Borland	Dies	Good	Kelly, Pa.
Brodbeck	Dill	Graham, Pa.	Kettner
Butler	Dillon	Gray, Ala.	Key, Ohio
Caldwell	Dominick	Griest	Kiess, Pa.
Campbell, Kans.	Dooling	Griffin	Knutson
Campbell, Pa.	Drukker	Hamill	LaGuardia
Carew	Dupré	Hamilton, Mich.	Lesher
Carter, Mass.	Eagan	Hayes	Lever
Carter, Okla.	Elliott	Heaton	Little
Chandler, Okla.	Estopinal	Heflin	Lufkin
Clark, Fla.	Evans	Heintz	Lunn
Classon	Fairchild, B. L.	Hersey	McFadden
Coady	Fairchild, G. W.	Hood	McLaughlin, Pa.
Connelly, Kans.	Fess	Howard	Mann
Cooper, Ohio	Fields	Humphreys	Mason
Copley	Focht	Husted	Miller, Minn.
Costello	Foss	Hutchinson	Miller, Wash.
Curry, Cal.	Foster	Jacoway	Mondell
Dale, N. Y.	Frear	James	Montague
Darrow	Fuller, Ill.	Johnson, S. Dak.	Morin
Davidson	Gallivan	Kahn	Mudd
Davis	Garland	Kehoe	Nicholls, S. C.

Olney	Rouse	Slayden	Templeton
Parker, N. J.	Russell	Sloan	Timberlake
Polk	Sanders, La.	Smith, Idaho	Towner
Porter	Sanders, N. Y.	Smith, T. F.	Vare
Powers	Saunders, Va.	Snyder	Ward
Price	Scott, Pa.	Stedman	Watson, Pa.
Ragsdale	Scully	Stevenson	Wilson, Tex.
Reavis	Sears	Strong	Winslow
Robinson	Sherwood	Swift	Weaver
Rodenberg	Sisson	Switzer	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. GRAY of Alabama with Mr. CHANDLER of Oklahoma.

Mr. EVANS with Mr. COPLEY.

Mr. RUSSELL with Mr. GOOD.

Mr. MONTAGUE with Mr. GRAHAM of Pennsylvania.

Mr. STEVENSON with Mr. HAMILTON of New York.

Mr. PRICE with Mr. MONDELL.

Mr. GLASS with Mr. REAVIS.

Mr. DOOLING with Mr. SWITZER.

Mr. SHERWOOD with Mr. TOWNER.

Mr. STEDMAN with Mr. COOPER of Ohio.

Mr. BARKLEY with Mr. KAHN.

Mr. DIES with Mr. KELLY of Michigan.

Mr. SEARS with Mr. DOWELL.

Mr. BORLAND with Mr. STRONG.

Mr. HAMILL with Mr. HUSTED.

Mr. DOWELL. Mr. Speaker, I am paired with the gentleman from Florida, Mr. SEARS. I am informed that if he were present he would vote "aye." Therefore my vote may stand.

Mr. BROWNING. Mr. Speaker, my colleague, Mr. HUTCHINSON, of New Jersey, is unavoidably absent. He has requested me to say that if he were present he would vote "aye."

Mr. ROGERS. Mr. Speaker, my colleagues, Mr. WINSLOW and Mr. LUFKIN, are both unavoidably absent. They are both in favor of this bill and asked to me to announce that if present they would vote "aye."

Mr. BROWNE. Mr. Speaker, my colleague, Mr. FREAR, is unavoidably absent. If present, he would vote for this bill.

Mr. FRENCH. Mr. Speaker, my colleague, Mr. SMITH, of Idaho, is detained from the House to-day on account of illness in his family.

Mr. KEATING. Mr. Speaker, my colleague, Mr. TIMBERLAKE, of Colorado, is unavoidably absent. If he were here, he would vote "aye" on this bill.

Mr. HICKS. My colleague, Mr. SNYDER, is unavoidably absent. If he were present, Mr. Speaker, he would vote "aye."

Mr. WILLIAMS. Mr. Speaker, my colleague, Mr. DENISON, is unavoidably absent. If present, he would vote "aye."

Mr. LA FOLLETTE. Mr. Speaker, I have a general pair for the day with my colleague, Mr. DILL, who had an engagement to keep this afternoon at Camp Meade. I am satisfied that if he were present he would vote "aye," but as I did have an understanding with him I will withdraw my vote of "aye" and answer "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LA FOLLETTE, and he answered "Present."

Mr. WHALEY. Mr. Speaker, my colleagues, Mr. LEVER and Mr. DOMINICK, are unavoidably absent. If they were present, they would vote "aye" and against all amendments.

Mr. LAZARO. Mr. Speaker, my colleague, Mr. DUPRÉ, is unavoidably absent. He requested me to say that if he were present he would vote for the bill.

The result of the vote was announced as above recorded.

On motion of Mr. WEBB, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. WEBB. Mr. Speaker, will the House indulge me a moment to express my great gratitude to the membership of this body, irrespective of party, for their hearty cooperation in the passage of this bill? I want to say that those who opposed the bill and those who wanted certain provisions stricken out and new ones put in have shown absolutely no disposition to be dilatory, but on the contrary the best spirit of cooperation has been exhibited in the consideration of the bill. I wish to make that expression on the part of the committee. [Applause.]

LEAVE OF ABSENCE.

Mr. STEVENSON, by unanimous consent, was granted leave of absence for three days, on account of attending a meeting of the Democratic State Executive Committee of South Carolina.

EXTENSION OF REMARKS.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed therein a speech delivered by our Speaker, Mr. CLARK of Missouri, in Indiana last Saturday.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing the speech indicated. Is there objection?

Mr. GILLETT. Reserving the right to object, Mr. Speaker, I understood that that was purely a political speech. I do not know if it is going to be the custom to print political speeches in the RECORD. There is no one whose political speech I would be so glad to have inserted in the RECORD as that of the Speaker. If it is going to be the custom to print political speeches, I do not think I shall object.

Mr. CRISP. To be perfectly frank, I have not read the speech in full, but my knowledge of the Speaker is such that I know he would not say anything in a speech of a partisan nature that would give offense or hurt the feelings of any Member of this House, and from what I have heard the speech dealt with the legislation of this body and of Congress and was of a patriotic nature, and I thought it might be of interest to put it in the RECORD.

Mr. NORTON. The gentleman thinks it perfectly proper to put it in the RECORD?

Mr. CRISP. Yes.

Mr. KITCHIN. I think it is a very nonpartisan political speech. [Laughter.]

Mr. GILLETT. I am willing for the precedent to be set.

The SPEAKER pro tempore. Is there objection?

Mr. BARNHART. Reserving the right to object——

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

NEW YORK IN THE WAR.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of New York in the war.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subject of New York in the war. Is there objection?

There was no objection.

GEORGE CREEL.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, a few moments ago I placed in the basket a resolution asking that the Committee on Rules be instructed to make proper inquiry relative to remarks made by George Creel in New York on Sunday last. I do this because Mr. Creel has under his own name written as follows to Mr. Whigham, editor of the Metropolitan Magazine:

> We consider it right to spend that money—
>
> Referring to the funds of the Committee on Public Information—
>
> to defend the Government and its war measures from misstatements that weaken the faith of the Nation in the Nation's war work. We are not worried about criticisms. We are worried about falsehoods.

Mr. Speaker, if there is any one thing that will weaken the Nation's faith in the Nation's war work, it is distrust of Congress; and when a public official or employee in a public meeting casts slurs upon this body he is going beyond his province, either as an employee or as a patriotic citizen. If he were a private individual, a muck-raking newspaper or magazine writer—which may or may not have been some people's previous record—I should not bring the matter up at this time. But this man is a public official or employee, and we should take him at his own word and not allow him to make scurrilous remarks against this body which, if believed by the people, would certainly weaken the faith of the Nation in it. Therefore, I have introduced the resolution to which I have referred, and I ask permission to extend my remarks by the insertion of three editorials that appeared in to-days New York papers touching on this situation. [Applause.]

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing the matter indicated. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, is the gentleman from Massachusetts quite sure that Mr. Creel referred to this branch of Congress?

Mr. TREADWAY. He used the word "Congress." We are a branch of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. MOORE of Pennsylvania. Reserving the right to object, I will ask the gentleman if the money to which Mr. Creel refers as being expended by his publicity bureau is money appropriated by the Congress of the United States?

Mr. TREADWAY. I understand that it is taken out of a general appropriation, not for that specific purpose.

Mr. GILLETT. It is from the $100,000,000 fund.

Mr. TREADWAY. The $100,000,000 fund is what it comes out of.

Mr. MOORE of Pennsylvania. Does the money that Mr. Creel spends come out of an appropriation made by Congress directly for his bureau, or out of an appropriation made by Congress to the President of the United States?

Mr. TREADWAY. I understand the latter to be the method.

Mr. MOORE of Pennsylvania. The money that he spends is money allotted to him by the President, which Congress appropriated? It comes out of the $100,000,000 fund?

Mr. TREADWAY. Which Congress appropriated to the President for war purposes.

Mr. MOORE of Pennsylvania. And he is spending a vast sum of money in sending out books, pamphlets, and one thing or another. Is not that the fact?

Mr. TREADWAY. That covers another question, but I think the gentleman is correct.

Mr. MOORE of Pennsylvania. If we are appropriating money to Creel I presume we could stop it.

Mr. TREADWAY. If the Committee on Rules adopts the resolution that I have introduced I think we can accomplish something in the line that the gentleman suggests.

Mr. MOORE of Pennsylvania. We can stop giving him money.

Mr. LONGWORTH. The money that Creel spends is by the authority of the President.

Mr. TREADWAY. Of course, the accounts must be approved in order to draw the money out of the $100,000,000 fund.

Mr. CANNON. Mr. Speaker, reserving the right to object, so far as Creel is concerned the question arises in my mind whether the game is worth the candle. [Laughter.]

Mr. TREADWAY. I agree fully with the gentleman except to this extent, that the gentleman mentioned is not a private citizen but a public employee of the Government, and as such I think the candle is worth burning.

The SPEAKER pro tempore. Is there objection?

Mr. BARNHART. Reserving the right to object, I think it is hardly fair to leave the inference that the so-called Creel bureau is clogging the mails with publications that are useless. On the other hand, I know that Members in both branches of Congress have sent publications by this bureau to patriotic societies and individuals in vast quantities. I know that I have and that other Members of Congress have. It has been useful and helpful and instructive; it has helped the liberty loan and the Red Cross and the Young Men's Christian Association. I believe Mr. Creel ought to have credit where credit is due.

Mr. MOORE of Pennsylvania. A short time ago I saw a statement that Mr. Creel had spent $30,000,000 for advertising. He did not spend it in newspaper advertising.

Mr. BARNHART. I know, and the gentleman from Pennsylvania knows, as a printer, that it costs a vast amount of money to get out the publications that we have been sending to societies and people engaged in arousing interest in our cause.

Mr. MOORE of Pennsylvania. Yes; and it overworks the Government Printing Office and clogs the mails, as I have indicated.

Mr. TREADWAY. I fully agree with the gentleman from Indiana in his statement that there have been excellent publications issued by the bureau. The suggestions of the gentleman from Indiana are more with reference to the remarks made by the gentleman from Pennsylvania and have no direct bearing on the resolution that I have introduced or the editorials that I asked permission to print in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts to extend his remarks in the RECORD by the publication of the editorials mentioned?

There was no objection.

Mr. TREADWAY. I append herewith editorials from the New York Tribune, the New York Sun, and the New York Times of this date:

[From the New York Tribune.]

THE SHAME OF CREEL.

At a meeting of the public forum Sunday night George Creel, chairman of the Committee on Public Information, appointed by the President to tell the people the truth, said:

According to the New York World:

"I don't like slumming, so I won't explore into the heart of Congress."

According to the New York Sun:

"Creel * * * added that he was not out slumming, and did not propose to explore the hearts of Members of Congress."

According to the New York American:

"I don't like slumming, so I am not going to explore the heart of Congress."

According to the New York Tribune:

"I don't like slumming, so I won't explore the heart of Congress for you."

The Congress, be it said for the edification of some readers of Mr. Creel's Official Bulletin, is a great American institution. It is the legislative power of the United States. Recently it passed what is called the sedition bill, under which during the war one may be imprisoned for uttering "scurrilous" or "abusive" language "about the form of government of the United States" or "any language intended to bring the form of government of the United States" into "contempt, scorn, contumely, or disrepute."

Mr. Creel's words bring Congress into contempt. Congress could abolish him. It probably won't—not yet. But what of those citizens in the twilight of making who were to be reached with educational propaganda by the Committee on Public Information? Will their respect for the American Government be increased or diminished?

—

[From the New York Sun.]

GEORGE CREEL'S ATTACK ON CONGRESS.

According to our neighbor, the World, George Creel, chairman of the Committee on Public Information, was asked in the course of certain remarks he made at the Church of the Ascension on Sunday evening the subjoined questions:

"What is a loyal heart?"

"Have all the Members of Congress loyal hearts?"

These interrogatories are obviously silly, and if Mr. Creel had declined to waste time answering them nobody would have blamed him. But instead of adopting this dignified course Mr. Creel replied to the inquiries in this fashion:

"I don't like slumming, and I won't explore into the heart of Congress."

If Mr. Creel's answer means anything more than an attempt to be smart, it means that he holds Congress to be a debased, ignorant body of men, politically and morally on the same level with the creatures of actual or pretended criminal occupation who were once exhibited for a fee to idle and heartless visitors anxious to see the "underworld" of great cities.

Mr. Creel, as an appointee of the President, as chairman of a committee consisting of the Secretary of State, the Secretary of War, and the Secretary of the Navy, speaks in a representative character. The administration has just succeeded in obtaining from the Congress a statute authorizing the prosecution of persons who utter words intended to bring the Government of the United States into contempt. Yet Mr. Creel in this phrase has held the Congress, one of the three departments of the Government, up to contempt.

It is unnecessary to speak of the ingratitude of such an attitude toward Congress on the part of any beneficiary of President Wilson's administration. House and Senate alike have given to the President loyal, unquestioning support. Their conduct has in fact been marked by self-effacement astonishing in its completeness. But in politics gratitude does not exist.

It is not inopportune, however, to point out the serious injury that may be caused by loose and contumelious utterances, coming from a responsible source, such as this of George Creel's. If a Member of Congress were to insult, say, the Cabinet, in the same words, he would be denounced as dangerous to the welfare of the Nation, and that deservedly. The words attributed by the World to Mr. Creel were unwarranted, uncalled for, and unjust, and if he uttered them he should be compelled to retract them.

—

[From the New York Times.]

TOO MUCH TO BELIEVE.

It is probable that most people who read attentively the report of George Creel's address on Sunday night before the open forum of the Church of the Ascension read it with constantly growing surprise, and that the feeling left with them at the end was one of positive disquiet. Mr. Creel, at the close of his address, answered questions from the audience concerning the policies of the administration, and answered them as if he were the authorized spokesman of the administration. Some of the questions were searching ones, like "Why does America object to Japan entering Russia?" and "Why does not the Government suppress the Hearst newspapers?" Offhand and glibly, Mr. Creel answered, and without the least reticence; nor was there anything in his words to indicate that he was not standing before that audience as the other self of the President. For instance, the question about why "the Government"—the Government, mind—does not suppress the Hearst newspapers was answered by Mr. Creel as if he were "the Government":

"In the first place, I do not believe in the suppression of anything. * * *"

So, when asked concerning Mr. Roosevelt's activities, he replied in the same manner:

"I tell you quite frankly that I would regret deeply if anything were done to rob us of Mr. Roosevelt's criticism. * * *"

"Us!" Asked concerning the suppression of the *Lusitania* memorial meeting in New York City in 1916, he used the same tone exactly:

"That was the work of your New York police, and I do not assume responsibility for them. * * *"

When he was asked why America objected to Japan's entering Siberia, he made no reservations; he answered straightforwardly on behalf of the Government: "Because we feel," etc. He even gave a little advance news about the Government's taxation intentions: "The rich man is going to be taxed higher and higher, until he will have but little left."

Now, while Mr. Creel was thus openly assuming the post of official spokesman of the administration he did not assume to be spokesman for the whole Government. He spoke with perfect assurance and confidence for the executive branch, but as soon as any other branch of the Government was mentioned he ceased to assume responsibility and ceased to appear as possessing perfect knowledge. This makes it impossible to conjecture that Mr. Creel's confident way of speaking is merely a mannerism. He speaks confidently for the administration

because he does count himself, or wishes others to count him, as the voice of the administration; but when another branch of the Government is asked about he does not pretend to any special knowledge. For example, asked a question about Congress, he replied:

"I don't like slumming, so I won't explore the heart of Congress for you."

It can not be possible that Mr. Creel is really the President's spokesman, or that, if he is, he is authorized to go about the country baring the President's mind extemporaneously on public platforms in reply to casual questions. It must be that Mr. Creel has mistaken his position, his mission, his powers. It must be that he has too high an opinion of himself; that he has taken too seriously some kindly intended compliments which the President may have given him in conversation. It simply can not be that the President has authorized the chairman of the Committee on Public Information to discharge the President's mind at the top of his voice whenever some unknown person rises in a public meeting and asks him a question about important national policies.

The resolution is as follows:

Resolved, That the Committee on Rules be instructed to make proper inquiry into statements alleged to have been made by George Creel, chairman of the Committee on Public Information, in remarks at a public gathering in New York City on May 12, in which he is quoted as referring to Congress in the following words:

"I don't like slumming, so I won't explore into the heart of Congress."

And to report to the House what action it would advise in the premises.

CHANGE OF REFERENCE.

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent that the bill H. R. 12057, introduced by myself and referred to the Committee on Military Affairs, be rereferred to the Committee on Immigration and Naturalization. I have consulted the chairman of the Committee on Military Affairs and the chairman of the Committee on Immigration, and this request is with their consent.

Mr. WALSH. What is the bill about?

Mr. CONNALLY of Texas. It provides for the cancellation of the naturalization of any alien who violates the espionage or sabotage law.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to change the reference of the bill H. R. 12057 from the Committee on Military Affairs to the Committee on Immigration and Naturalization. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. WALSH. On what subject?

Mr. HUDDLESTON. War finance and the attitude of some papers in my district toward it.

Mr. WALSH. Some days ago the gentleman made a speech on the floor of the House and, without securing permission to extend his remarks——

Mr. HUDDLESTON. The gentleman is mistaken.

Mr. WALSH. The RECORD does not show that he obtained permission; but he inserted a purely political speech against attacks that had been made upon him in his district. I wondered if this was to be of a similar tenor.

Mr. HUDDLESTON. The tenor is not altogether the same. I want to comment on the war finance and the attitude of certain institutions in my district, and how they are working against the policy of the administration.

Mr. WALSH I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

By unanimous consent, Mr. LOBECK and Mr. JOHN W. RAINEY were given leave to extend remarks on the bill just passed.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 15, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, reported the same with amendment, accompanied by a report (No. 563), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOULD, from the Committee on the District of Columbia, to which was referred the bill (H. R. 12083) to prohibit the killing, trapping, netting, ensnaring, hunting, having in possession, and sale of certain wild birds in the District of Columbia, reported the same without amendment, accompanied by a report (No. 564), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KEATING: A bill (H. R. 12098) to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish the minimum wage board, and define its powers and duties, and to provide for the fixing of minimum wages of such workers, and for other purposes; to the Committee on the District of Columbia.

By Mr. ALEXANDER: A bill (H. R. 12099) to confer on the President power to prescribe charter rates and freight rates and to requisition vessels, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 12100) to amend the act approved September 7, 1916, entitled "An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its territories and possessions and with foreign countries; to regulate carriers by water in the foreign and interstate commerce of the United States; and for other purposes;" to the Committee on the Merchant Marine and Fisheries.

By Mr. RUCKER: A bill (H. R. 12101) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, amended by act approved August 19, 1911; to the Committee on the Election of President, Vice President, and Representatives in Congress.

By Mr. CHARLES B. SMITH: A bill (H. R. 12102) amending sections 4898, 4906, 4921, 4934, 4935, and 4936 of the Revised Statutes of the United States; to the Committee on Patents.

By Mr. BARNHART: Concurrent resolution (H. Con. Res. 43) authorizing the printing of the journal of the national encampment of the Grand Army of the Republic; to the Committee on Printing.

By Mr. FRANCIS: Resolution (H. Res. 346) directing the Committee on Expenditures in the Post Office Department to make certain changes in the Post Office Department; to the Committee on Rules.

By Mr. TREADWAY: Resolution (H. Res. 347) instructing the Committee on Rules to make inquiry regarding certain statements made by George Creel; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 12103) granting an increase of pension to David Hanafos; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 12104) granting an increase of pension to Ellen Froman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12105) granting an increase of pension to Nathaniel R. Sylva; to the Committee on Pensions.

Also, a bill (H. R. 12106) granting an increase of pension to James W. Boyl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12107) granting an increase of pension to William Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12108) granting an increase of pension to Charles C. Crabb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12109) granting an increase of pension to Alexander Pittman; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 12110) granting an increase of pension to Alexander B. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12111) granting an increase of pension to Henry Parrish; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 12112) to authorize the President of the United States to restore Daniel W. Hand, a colonel of Field Artillery, to his normal rank; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 12113) granting a pension to Bettie Cowels; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 12114) granting a pension to Victoria Wheeler; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 12115) granting a pension to Barbara Johnson; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 12116) granting an increase of pension to Wilson Abbott; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 12117) granting a pension to Margarette E. Murray; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 12118) granting an increase of pension to Charles T. Armstrong; to the Committee on Pensions.

Also, a bill (H. R. 12119) granting an increase of pension to Frederick D. Skinner; to the Committee on Invalid Pensions.

By Mr. PAIGE: A bill (H. R. 12120) granting an increase of pension to James A. Jones; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 12121) granting a pension to Isaac J. Burk; to the Committee on Pensions.

By Mr. WILSON of Louisiana: A bill (H. R. 12122) for the relief of Ella Oliver Richardson and Edmund Richardson of New Orleans, La., to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BESHLIN: Petition of 210 members of the Woman's Christian Temperance Union, Oil City, Pa., protesting against the zone system in charging postal rates; to the Committee on Ways and Means.

Also, petition of Grove City College, Grove City, Pa., to enact a law prohibiting the manufacture and sale of liquor during the war; to the Committee on the Judiciary.

By Mr. DELANEY: Resolution of the legislative committee of the Brooklyn Chamber of Commerce, opposing that part of the naval appropriation bill which prevents the payment of bonuses for speedy or efficient work; to the Committee on Naval Affairs.

By Mr. DOOLING: Petition of New York Clearing House, New York City, protesting against passage of Senate bill 4426; to the Committee on Banking and Currency.

By Mr. ELSTON: Petition of residents of Alameda County, Cal., favoring repeal of zone postal system; to the Committee on Ways and Means.

By Mr. GANDY: Petition of sundry citizens of Hot Springs, S. Dak., favoring war prohibition by legislative enactment; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany H. R. 11941, to pension John Wesley Green; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Papers in support of H. R. 12090, granting an increase of pension to John C. Dickinson; H. R. 12091, granting an increase of pension to Renhard Habig; and H. R. 12092, granting an increase of pension to James F. Justice; to the Committee on Invalid Pensions.

By Mr. IRELAND: Petition of citizens of Peoria, Ill., protesting against the zone system for second-class postage rates; to the Committee on Ways and Means.

By Mr. MAGEE: Memorial of University Methodist Episcopal Church, Syracuse, N. Y., and N. H. Gillette, of Cortland, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Women's Christian Temperance Union No. 2, Syracuse, N. Y., urging war-time prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of students of Elmira College, Elmira, N. Y., to prohibit the manufacture and sale of liquor during the war; to the Committee on the Judiciary.

By Mr. RAKER: Letter from A. H. Voegelein, of Westwood, Cal., urging support of war-prohibition legislation; to the Committee on the Judiciary.

Also, letters from the Laurel Study Club, Auburn, Cal., and from Mr. and Mrs. McDevitt, of Carrville, Cal., protesting against the zone system and urging its repeal; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Resolution of Farragut Post, Grand Army of the Republic, Battle Creek, Mich., favoring increase in pensions; to the Committee on Invalid Pensions.

By Mr. STINESS: Petition of Westerly (R. I.) Central Labor Union, urging the repeal of the second-class postage provisions of the war-revenue bill; to the Committee on the Post Offices and Post Roads.

By Mr. TAGUE: Petition of Pattern Makers' Association of Boston and vicinity, urging defeat of House bill 7638; to the Committee on Naval Affairs.

Also, petition of Metal Trades Council, American Federation of Labor, of Charlestown, Mass., urging defeat of House bill 7638; to the Committee on Naval Affairs.

SENATE.

WEDNESDAY, *May 15, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

O God, as we come to face the responsibilities of this day we reach out for Thy hand. Without Thee we can claim nothing and we can do nothing. All our help must come down from the Father of lights, with whom there is no variableness, neither shadow of turning. Thou art the giver of every good and of every perfect gift and the inspiration of all worthy endeavor.

O God, do Thou supply all our needs out of Thy fullness and according to Thy wisdom. Give these Thy servants large measures of grace and clear conceptions of Thy law. Give them power to accomplish the work committed to their hands, and grant that they may be led in a plain path because of our enemies. We ask it in Jesus' name. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, May 13, 1918, when, on request of Mr. VARDAMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ESTIMATED REVENUES FOR 1917 (S. DOC. NO. 226).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th instant, a statement of the revenues estimated for the calendar year 1917 derived from existing revenue laws. The communication and accompanying papers will be printed and referred to the Committee on Finance, and will also be printed in the RECORD.

The communication is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 14, 1918.

The PRESIDENT OF THE SENATE:

SIR: In compliance with the resolution of the Senate passed May 6, 1918, as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to furnish the Senate with a statement of the revenues estimated for the calendar year of 1917, derived from existing revenue laws, stating particularly the amounts collectible under each title of said several laws.

I have the honor to advise you that the following is a statement of the actual collections from all sources for the calendar year 1917:

Internal revenue	$972,943,787.24
Customs	206,746,166.18
Sale of public lands	2,034,932.31
Miscellaneous	160,569,898.09
Total	1,342,294,783.82

While the resolution calls for an estimate of the revenues for the calendar year 1917, I assume that the Senate seeks tax estimates for the fiscal year ending June 30, 1918, which would show the tax on incomes and excess profits for the calendar year 1917 and the ordinary revenues for the 12 months ending June 30, 1918.

With the passage of the war-revenue act of October 3, 1917, the Internal-Revenue Bureau was charged with an immense volume of delicate and important work involving the careful interpretation of the act, the construction of the necessary regulations, and return forms for taxpayers. The complications and difficulties involved were responsible for some delay in getting out the regulations and forms. It was found necessary to extend the time for filing returns from March 1 to April 1. In addition to this, numerous special meritorious cases were presented, which made it necessary to give further special extensions to May 1. These conditions and other causes have delayed the transmission of returns to Washington.

With a view to forecasting the amount of income and excess-profits taxes forthcoming as accurately as possible, collectors of internal revenue were directed to submit by night letters on May 4 the total amount of the taxes shown to be due by the income and excess-profits tax returns filed in the various collection districts up to May 4.

As thus indicated, the returns have not yet been carefully examined to discover how accurately the tax items have been computed, and there is not sufficient information available to project estimates of income and excess-profits taxes on outstanding returns, of which there are several thousand.

The aggregate collections from all sources for the fiscal year 1918, with estimates as indicated, will amount to $4,095,699,000, distributed as follows:

Internal revenue	$3,643,899,000
Customs	180,000,000
Sale of public lands	1,800,000
Miscellaneous	270,000,000

At the time the war-revenue act was being considered by Congress the collections of internal revenue for the fiscal year 1918

were estimated at $3,400,000,000. The above estimate of collections from miscellaneous sources includes $40,000,000 estimated to be derived from increased postage on first-class mail matter provided under Title XI of the act of October 3, 1917.

The segregation of these statistics by general sources of revenue and, so far as possible, by titles of the various laws is shown on the attached statements. I regret that it is not possible at this time to show separately the amounts collectible under the income-tax laws and the excess-profits tax act.

I will state further that the total of the certificates of deposit received from collectors of internal revenue up to noon of May 11 for taxes received since June 30, 1917, amounts to $1,046,512,592.25.

Respectfully,

W. G. McADOO,
Secretary of the Treasury.

SUMMARY STATEMENT.

ESTIMATED COLLECTIONS OF INTERNAL REVENUE, FISCAL YEAR ENDING JUNE 30, 1918.

Recapitulation, by general sources of revenue.

Miscellaneous	$868,714,000
Income and excess-profits taxes	2,775,185,000
Total	3,643,899,000

Recapitulation, by acts and titles.

Old acts, miscellaneous		$3,432,000
Act of Sept. 8, 1916:		
III. Munitions	$40,000,000	
IV. Capital stock and special taxes	28,039,000	
		68,039,000
Act of Oct. 3, 1917:		
I and II. Income and excess profits (including receipts under prior related acts)	2,775,185,000	
III. Beverages, etc. (including receipts under prior related acts)	431,823,000	
IV. Tobacco (including receipts under prior related acts)	154,909,000	
V. Public utilities and insurance	74,059,000	
VI. Excise taxes	36,073,000	
VII. Admissions and dues	30,798,000	
VIII. War stamp taxes	18,564,000	
IX. Estate tax	50,917,000	
		3,572,428,000
Total		3,643,899,000

Collections of internal revenue—Fiscal year ending June 30, 1918.

Sources of revenue.	Title and act.	Actual collections July 1, 1917, to Mar. 31, 1918.	Estimated collections Apr. 1, 1918, to June 30, 1918.	Total.
Spirits:				
Distilled spirits (including related special taxes on dealers, etc.)	III, Oct. 3, 1917, and old laws.	$198,570,000	$85,970,000	$284,540,000
Rectified spirits	III, Oct. 3, 1917	2,325,000	1,176,000	3,501,000
Wines, liqueurs, etc	III, Oct. 3, 1917, and old laws.	6,206,000	3,660,000	9,866,000
Fermented liquors (including related special taxes on brewers and dealers)	do	90,934,000	40,500,000	131,434,000
Tobacco (including cigars, cigarettes, snuff, and special taxes on manufacturers)	IV, Oct. 3, 1917, and old laws.	111,409,000	43,500,000	154,909,000
Oleomargarine (including special taxes on manufacturers and dealers)	Act Aug. 2, 1886	1,680,000	450,000	2,130,000
Special taxes, miscellaneous (brokers, theaters, bowling alleys, pool and billiard tables)	IV, Sept. 8, 1916	1,417,000	1,820,000	3,237,000
Capital-stock tax (on corporations)	do	24,478,000	324,000	24,802,000
Beverages (sirups, extracts, soft drinks, carbonic-acid gas)	III, Oct. 3, 1917	902,000	1,620,000	2,582,000
Public utilities (transportation, telegraph and telephone messages, etc.)	V, Oct. 3, 1917	24,730,000	43,251,000	67,981,000
Insurance (life, marine, inland, fire, and casualty)	do	3,228,000	2,850,000	6,078,000
Admissions and dues (admissions to theaters, concerts, etc., and club dues)	VII, Oct. 3, 1917	14,798,000	16,000,000	30,798,000
Excise taxes (automobiles, jewelry, piano-players, moving-picture films, sporting goods, cosmetics, proprietary, chewing gum, cameras, boats, and yachts).	VI, Oct. 3, 1917	19,573,000	16,500,000	36,073,000
War stamp taxes—Schedule A (future deliveries, bonds, capital stock, conveyances, playing cards, etc.).	VIII, Oct. 3, 1917	11,163,000	7,401,000	18,564,000
Estates	IX, Oct. 3, 1917	31,917,000	19,000,000	50,917,000
Munitions manufacturers	III, Sept. 8, 1916	12,623,000	27,377,000	40,000,000
Miscellaneous (adulterated butter, opium distributers, offers in compromise, repealed taxes, etc.).	Old laws	1,087,000	215,000	1,302,000
Total		557,100,000	311,614,000	868,714,000

	Actual collections July 1, 1917, to Dec. 31, 1917.	Tax due on returns filed to May 4, 1917.	Estimated tax on returns outstanding on extensions.	
Income and excess-profits taxes (Titles I and II of act of Oct. 3, 1917, and prior acts)	$47,085,000	$2,728,100,000	(1)	2,775,185,000
Grand total				3,643,899,000

[1] Impossible to estimate.

INDEPENDENT HARVESTER CO.

The VICE PRESIDENT laid before the Senate a communication from the Federal Trade Commission, transmitting, in response to a resolution of March 11, 1918, a report relative to the organization, conduct, financial status, and methods of the Independent Harvester Co., Plano, Ill., etc., which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry.

CALLING OF THE ROLL.

Mr. CUMMINS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Kirby	Pomerene
Baird	Gronna	Knox	Ransdell
Bankhead	Gulon	Lenroot	Robinson
Borah	Hale	Lewis	Saulsbury
Brandegee	Hardwick	Lodge	Shafroth
Calder	Henderson	McKellar	Sheppard
Chamberlain	Hollis	McNary	Sherman
Culberson	Johnson, Cal.	Martin	Shields
Cummins	Jones, N. Mex.	New	Simmons
Curtis	Jones, Wash.	Norris	Smith, Ga.
Dillingham	Kellogg	Nugent	Smith, Md.
Fall	Kendrick	Overman	Smoot
Fernald	Kenyon	Page	Sterling
France	King	Poindexter	Sutherland
Swanson	Townsend	Vardaman	Wilfley
Thomas	Trammell	Walsh	Williams
Thompson	Underwood	Watson	

Mr. LEWIS. I announce that the junior Senator from Kentucky [Mr. BECKHAM], the senior Senator from Florida [Mr. FLETCHER], and the senior Senator from Nebraska [Mr. HITCHCOCK] are necessarily detained on business of the Senate.

Mr. ROBINSON. I desire to announce that the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent owing to illness.

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 10264. An act to prevent in time of war departure from or entry into the United States contrary to the public safety; and

H. R. 10265. An act to authorize the President to provide housing for war needs.

PETITIONS.

Mr. POINDEXTER presented a petition of the Tacoma Branch of the National Woman's Party, of Tacoma, Wash., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. NELSON presented petitions of sundry citizens of Cokato and Ely and of the congregation of the First Baptist Church of Rochester, all in the State of Minnesota, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Commercial Club of Los Angeles, Cal., praying for the enactment of legislation to provide punishment for acts of disloyalty, etc., which was ordered to lie on the table.

Mr. JONES of Washington presented a petition of sundry citizens of Bellingham, Wash., praying for the enactment of legislation to prevent profiteering in wheat substitutes, which was referred to the Committee on Agriculture and Forestry.

Mr. JONES of Washington. I present a petition signed by about 250 of the best citizens of Chehalis, Wash. They urge Congress to provide, if necessary, for the internment of those aliens in this country who have not made a proper contribution or made proper purchases of liberty bonds, and also, if necessary, that legislaion be passed that those who have been naturalized, who have not made the proper purchase, according to their ability, of liberty bonds, be denaturalized. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

WOMAN SUFFRAGE.

Mr. JONES of Washington. Mr. President, I have a short letter from the Tacoma Branch of the National Woman's Party asking for a vote on the woman-suffrage constitutional amendment and also a resolution by the Sectional Central Labor Council of Spokane urging the same thing. I ask that they may be printed in the RECORD.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

TACOMA, WASH., *May 3, 1918.*

Hon. WESLEY L. JONES,
Senate Office Building, Washington, D. C.

DEAR SENATOR: We heartily appreciate the five-sixths Republican vote in the House, which secured the passage of the suffrage amendment. We realize that there is a strong line up of your party in the Senate in favor of the passage of this measure. The vote on the suffrage measure more than anything else will convince the people at large that the Republican Party as a whole continues to stand for progress. Therefore we ask not only for your vote but for work in the ranks of your party to secure the necessary two-thirds vote to insure the early and successful passage of the national suffrage amendment through the Senate.

It is the wish of the members of our organization that this letter be read into the CONGRESSIONAL RECORD.

Respectfully, yours,

NATIONAL WOMAN'S PARTY,
GRACE T. TROWBRIDGE (MRS. W. P.),
Chairman.
Miss CORA LINDAAS, *Secretary.*

SECTIONAL CENTRAL LABOR COUNCIL
OF SPOKANE AND VICINITY,
Spokane, Wash., May 10, 1918.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

DEAR SIR: At a meeting of the above council held May 6, the following resolution was adopted, and we trust it will receive your earnest consideration:

"*Resolved*, That at this time, when women are being thrown into industry by the thousands and are giving valiant service in the manufacturing of war material, we urge the President and the controlling administration to put its political strength back of the national suffrage amendment as a war measure and secure its prompt passage through the United States Senate: Be it further

"*Resolved*, That this body call upon Senator MARTIN, of Virginia, Democratic Senate leader; Senator GALLINGER, of New Hampshire, Republican Senate leader; Senator A. JONES, of New Mexico, chairman of the Woman Suffrage Committee; and Senators JONES and POINDEXTER, of Washington, to use every effort to secure the necessary two-thirds vote and pass the amendment out to the State legislatures for ratification: Be it further

"*Resolved*, That copies of this resolution be sent to the above-mentioned with a request to Senators to have it read into the CONGRESSIONAL RECORD."

Thanking you in advance for the above, we beg to remain,

Yours, respectfully,

[SEAL.] A. H. NOWKA,
Secretary-Treasurer.

Mr. JONES of Washington. Mr. President, I desire to take this opportunity to say a word. This question has never been considered as a party question, and I am glad of it, but nevertheless it is a fact that practically three-fourths of the Republican Senators are ready and prepared to vote for the passage of this amendment and yet we have been unable so far to get enough votes on the Democratic side to make up the necessary two-thirds to pass this fundamentally democratic proposition.

Mr. SHAFROTH. Mr. President, the Senator from Washington has made a statement, and I wish to say that while I have no doubt there are some Republican Senators who desire a vote, I can assure him there are a large number of Democratic Senators who are also in favor of taking a vote.

Mr. JONES of Washington. I know there are quite a good number, but there is not the necessary number yet.

Mr. BRANDEGEE. Mr. President, I want to explain my attitude on this matter. I am opposed to the Susan B. Anthony amendment to the United States Constitution. I think that is pretty generally known; but I shall vote to take it up whenever anyone will make a motion to take it up. I want to go on record and I want to vote on it. I am not in favor of delay.

AIRCRAFT PRODUCTION.

Mr. BRANDEGEE. Mr. President, I send to the desk a telegram which I have received from Mr. Borglum, and I ask that the Secretary may read it.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read the telegram, as follows:

STAMFORD, CONN., *May 14, 1918.*

Senator BRANDEGEE,
Senate Chamber, Washington.

I shall have delivered to you between 2 and 3 to-morrow, Wednesday, my denial to Mix's slanderous charges presented by Senator THOMAS. Please place this reply before the Senate and oblige,

Yours, faithfully,

GUTZON BORGLUM.

Mr. BRANDEGEE. Mr. President, I am awaiting the receipt of the documents which Mr. Borglum says he will send to me. I think he labors under a slight misapprehension as to my function in this matter.

Mr. LEWIS. Mr. President, might we ask the Senator from Connecticut to speak a little louder. We are interested in anything he has to say upon this subject.

Mr. BRANDEGEE. I will ask the Senator to preserve order in the Chamber, and then he will hear me perfectly well.

Mr. LEWIS. I may preserve order in a certain part of the Chamber, but when my eminent friend from Connecticut speaks, disorder always arises. Therefore, I would ask him to protect us against it.

Mr. BRANDEGEE. I will say to my genial and bonhomie friend from Illinois that I do not have the gavel in my hand, and so I can not preserve order.

Mr. President, I do not know what Mr. Borglum's charges are or what his affidavits are; I do not know anything about the evidence that he may have. He says he is going to send me some papers. I do not feel that it is my duty to lay before the Senate of the United States a whole lot of affidavits and assertions and charges. Therefore if those documents are received by me, through messenger or otherwise, I shall return them to Mr. Borglum and tell him that he had better take them to the Military Affairs Committee, if the Senate shall authorize that committee to make an investigation. That is all I care to say upon the subject.

THE JUDICIAL CODE.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 5558) to amend section 101 of the Judicial Code, to report it with amendments, and I submit a report (No. 441) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

ACCEPTANCE OF PIECES OF PLATE.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably without amendment the bill (S. 4477) authorizing certain persons formerly connected with the American Embassy at Berlin to accept pieces of plate presented to them by the British Government, and I ask for its present consideration. It is recommended by the President and by the Department of State.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the following persons formerly connected with the American Embassy at Berlin be, and they are hereby, authorized to accept pieces of plate presented to them by the British Government in recognition of services rendered by the embassy while in charge of British interests in Germany: Mr. Joseph C. Grew, counselor of embassy; Messrs. Hugh R. Wilson, Albert B. Ruddock, Alexander C. Kirk, L. Lanier Winslow, Lithgow Osborne, Oliver B. Harriman, Robert M. Scotten, and Charles H. Russell, jr., secretaries of embassy or legation; Brig. Gen. Joseph E. Kuhn and Maj. George T. Langhorne, United States Army; Lieut. Col. C. L. Furbush, Medical Corps, National Army; Maj.

Albert H. Roler, Medical Reserve Corps, United States Army; Lieut. Grafton W. Minot, Ordnance Reserve Corps, United States Army; Mr. H. R. Pyne, Aviation Service, United States Army; Commander Walter R. Gherardi and Surg. Karl Ohnesorg, United States Navy; Dr. A. E. Taylor, War Trade Board; Mr. Christian A. Herter, Department of State; Mr. E. L. Dresel and Miss G. de Courcy, employed at American Legation at Berne.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES S. FRIES.

Mr. ROBINSON. From the Committee on Claims I report back favorably without amendment the bill (S. 2097) for the relief of Charles S. Fries, and I submit a report (No. 440) thereon. I call the attention of the Senator from New Hampshire [Mr. GALLINGER] to the bill.

Mr. GALLINGER. This is a bill to compensate an employee of the Government who was injured in the Capitol in the discharge of duty. It carries a small appropriation. I have looked into it very carefully and find it to be meritorious in every respect. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles S. Fries the sum of $1,248, out of any money in the Treasury not otherwise appropriated, for injuries received while employed as a decorator in the United States Capitol on October 24, 1911.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 4536) granting an increase of pension to Francis B. Ainsworth (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4537) for the relief of Elizabeth H. Rice (with accompaying papers); to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 4538) for the erection of a national archive building; to the Committee on Public Buildings and Grounds.

By Mr. HARDING:

A bill (S. 4539) granting an increase of pension to William F. Kindle; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4540) granting an increase of pension to George J. Bond (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 4541) for the relief of Lynette Dean Maxwell, and for other purposes; to the Committee on Public Lands.

THE COMMITTEE ON THE BUDGET.

Mr. WILLIAMS submitted the following resolution (S. Res. 244), which was referred to the Committee on Rules:

Resolved, That a committee consisting of the chairman of the Committee on Appropriations, the chairman of the Committee on Finance, the chairman of the Committee on the Judiciary, the chairman of the Committee on Military Affairs, the chairman of the Committee on Naval Affairs, and the chairman of the Committee on Foreign Relations, together with the four senior minority members of the four committees first named, shall be constituted a committee to be called "the committee on the budget," and shall be charged with the duty of making recommendations for the coordination of governmental expenditures and governmental revenues; and be it further

Resolved, That all appropriation bills, all bills for the expenditure of money, and all bills raising revenue shall be submitted by the committees having jurisdiction to the committee on the budget for amendments suggested by it before being reported to the Senate for action.

POWER AND RESOURCES OF THE COUNTRY.

Mr. CUMMINS. Mr. President, I offer the following resolution and ask that it be read.

The resolution (S. Res. 243) was read, as follows:

Whereas it is the settled conviction of the people of the United States that for their own safety, and for the permanent peace of the world, the military power of Germany must be completely overthrown and the criminal designs of her ruling classes finally destroyed; and

Whereas to assist most effectively in accomplishing these righteous purposes it is necessary to increase our Army, strengthen our Navy, and to direct intelligently all the energy and resources of the country; and

Whereas it has become the immediate and highest duty of the Nation not only to raise, equip, transport, and maintain a sufficient Army and construct and man an adequate Navy but to furnish continuously an immense volume of supplies to our allies; and

Whereas the number of men who can be withdrawn from industrial pursuits and assigned to the war forces, and the mobilization and organization of those who remain into efficient groups for the necessary production, can be ascertained and effected only by a careful survey of the whole situation as it is now presented: Therefore be it

Resolved, That the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and the Provost Marshal General be, and they are hereby, requested to confer together and report to the Senate as soon as practicable upon the following subjects of inquiry, to wit:

First. How many men can be withdrawn within the ensuing two years from industrial or productive occupations for military service, leaving enough workers in the fields of necessary or essential production to supply (a) all the requirements of our military forces; (b) all the necessities of our civil population; (c) all the imperative needs of our allies; and (d) the essential commerce of neutral and friendly countries?

Second. What occupations involving man power can be abandoned without serious detriment to the general welfare, and how can those now engaged in them be turned into necessary or useful production?

Third. How many men are there, fit for military service or for labor, not within draft age, who are now employed in hurtful, unnecessary, or nonuseful occupations, and what are these occupations?

Fourth. How many men are there, fit for military service or for labor, not within the draft age, who do not work regularly in any occupation?

Fifth. What further legislation is desirable in order to utilize our maximum man power in the military service, with the minimum disturbance in the field of necessary or useful production?

Mr. CUMMINS. I ask that under the rule the resolution lie over for a day, and I give notice that to-morrow I shall call it up and submit some observations upon it and ask its disposal at the hands of the Senate.

Mr. GALLINGER. May I suggest to the Senator that where the words "how many can be withdrawn from the field" occur, would it not be well to say "and factories"?

Mr. CUMMINS. I was not using the word "field" in quite that sense. I was using it simply in the broad sense and not as referring to agriculture.

Mr. GALLINGER. It did not refer to agriculture alone?

Mr. CUMMINS. No; I did not use it in that sense.

Mr. GALLINGER. Probably that covers it.

Mr. BORAH. May I ask the Senator from Iowa a question? Has the Senator thought upon the proposition of assigning this duty to competent men who are not already overburdened with work? The task which is to be imposed upon these men is a task in and of itself separate and apart from any other duty if it is going to be performed efficiently and with any degree of success, and so as to give us desired information. It occurred to me that while of course these men will be consulted, if it is going to be done in an effective and efficient way, it ought not to be imposed upon men whose tasks are already as great as is possible for men to perform. I should like to see the work performed, if at all, most efficiently.

Mr. CUMMINS. My view of it is that the men whom I have named are the men, and the only men, who can furnish Congress the facts upon which it must ultimately act.

My design is to put before the country, and especially before Congress, the information necessary to reach a fair and considerate judgment with regard to the immediate future. It will not be long until we shall be compelled either to transfer the authority upon this subject to the President or to some one man or to exercise it ourselves. I am simply desiring to get before Congress the information that will enable it to reach a sound conclusion with regard to a question which I think is absolutely vital at this time. I will be very glad to have a suggestion made by the Senator from Idaho [Mr. BORAH]; and if I can secure consideration for the resolution to-morrow, I have no doubt the Senate will finally designate those men who are best fitted to give us the information we want.

Mr. BORAH. Mr. President, as I understand, one of the purposes of this commission, in case it shall be created, is to determine how many men may be withdrawn from the industrial field without impairing our industries. In my humble judgment, that is a task which will require a vast amount of original investigation. I do not want the judgment of the Provost Marshal General upon any information that he now possesses as to how many men can be withdrawn from the agricultural field. I have had his judgment upon that. He will be obliged to make much further inquiries as to the agricultural situation than he has thus far, in my opinion, been able to do. I do not want the judgment of any man who does not go further into the subject than it has yet been gone into on the part of the department. They can not do it and do the other work which is assigned to them.

Mr. CUMMINS. Mr. President, I have not the same feeling about the Provost Marshal General as has the Senator from Idaho. I think Gen. Crowder, the Provost Marshal General, knows more about the general subject than does any man in the administration or any man connected with the war; but however that may be, I hope the Senate, when the time comes, will carefully consider the suggestion of the Senator from Idaho. All I want is to avoid a fatal mistake which we may presently make—a mistake, unlike that of the aviation plan or of the shipping program, that once made can not be repaired and the conse-

quences of which might determine the war in which we are engaged.

The VICE PRESIDENT. The resolution will go over under the rule.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 14th instant, approved and signed the act (S. 3402) to fix the age limits for candidates for admission to the United States Naval Academy.

LAWS OF PORTO RICO (S. DOC. NO. 225).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Ninth Legislature of Porto Rico during its special session (February 6 to February 16, 1918, inclusive).

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed.

WOODROW WILSON.

THE WHITE HOUSE, *15 May, 1918.*

POST OFFICE APPROPRIATIONS.

The VICE PRESIDENT. Morning business is closed.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 7237, known as the Post Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. BANKHEAD. Mr. President, I believe the pending question is on the amendment on page 11, beginning on line 8, which was passed over at the suggestion of the Senator from Washington [Mr. JONES].

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, line 8, the committee proposes, after the word "exceeded," to insert a colon and the following proviso:

Provided further, That hereafter when any employee in the Postal Service under the law is entitled to compensatory time for Sunday or holiday service, if he so elects, he may be paid for overtime in lieu thereof.

Mr. JONES of Washington. Mr. President, I am inclined to make the point of order against that amendment that it is general legislation on an appropriation bill.

Mr. BANKHEAD. I do not see how it can be held to be general legislation. The provision is already in the law.

Mr. JONES of Washington. It changes existing law. It provides that "hereafter"; it is not confined to one year, but it is permanent legislation changing existing law. If it does not change existing law, it is not necessary; and it certainly is of a permanent character.

Mr. HARDWICK. It is not general legislation. It merely regulates this branch of the Postal Service.

Mr. JONES of Washington. It changes existing law, and is of a general permanent character.

Mr. HARDWICK. It authorizes the service to be paid for in a certain way.

Mr. JONES of Washington. Yes; throughout all time.

Mr. HARDWICK. Well, that is true; there is no doubt about the permanency of it.

Mr. JONES of Washington. I make the point of order on the amendment.

The VICE PRESIDENT. Is there a rule which fixes the compensation of the employees in the Postal Service and which fixes the compensation to be paid for Sunday and for holiday service?

Mr. HARDWICK. There is such a law.

The VICE PRESIDENT. And this proviso proposes to change it?

Mr. HARDWICK. No; that is the very point. This amendment does not change it. If the Chair will permit me, I will state the purpose of the amendment, and the Chair will then see the situation and can decide the whole thing. This amendment was suggested by the Post Office Department, and this is the memorandum which was furnished the committee in support of it:

Clerks and city letter carriers in first and second class post offices and a number of other employees are granted by law compensatory time for services performed on Sunday or holidays.

I interpolate here, Mr. President, to say that this does not change that law at all—

The compensatory time for Sunday service must be given during the 6 days following the Sunday on which it is performed, and that for the holiday service within 30 days after the holiday. The department has issued positive orders that the law be obeyed.

The amendment referred to has been suggested to the department by many postmasters. The statement that the department at times forces men to accept overtime payment in lieu of time off is erroneous, because under the law the department can not pay for overtime in lieu of granting compensatory time. The comptroller has ruled on this matter, and strict orders on the subject have been issued by the department.

I am appealing to the Senator from Washington in this matter, because I think on reflection, under the statement of the department, his point of order is probably good; but I hope he will not insist on it for the reasons that I have given.

So far as the department is concerned it is immaterial whether the employees are paid for overtime or given compensatory time. Many of them prefer overtime employment and payment therefor because in this way they can use the money to pay for liberty bonds and war-savings stamps. The proposed amendment will give the department authority to grant their wish, and, if it becomes a law, it will be left optional with the employees as to whether they accept payment for overtime or receive compensatory time in lieu thereof.

Now, with the high cost of living and all the demands on the departmental employees to which in patriotism they will have to respond—buying bonds and war-savings stamps—surely no one of them can be injured if he be given an option to say, when under the law he is required to render service in exceptional cases on Sundays or during holidays, that either he will take time off in lieu of it or will take the money at the rate provided by law.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. HARDWICK. I yield.

Mr. McKELLAR. Would not the change proposed by this amendment virtually mean that, while there may be an election on the part of the employees to accept either compensatory time or the money, they would be required to do the work whenever called upon?

Mr. HARDWICK. Not a bit in the world; there is not the slightest chance of that. The department has no such policy as that.

Mr. McKELLAR. Is not the law now on the statute books satisfactory to the department and working well?

Mr. HARDWICK. I have just read what the department says about it; they have not objected to the law. But the Senator will find, I think, before he gets through, if he pursues the investigation far enough, that this demand comes from the employees themselves. The department so states and says that many postmasters and many of their employees have urged it.

Mr. SHIELDS. Mr. President, I want to correct the statement, so far as my information is concerned, that this change is proposed at the instance of the employees. I have received a number of communications—and, unless the point of order is sustained, I will present one or two of them to the Senate—protesting against the change as practically depriving them of their holidays and Sundays.

Mr. HARDWICK. It does not do that at all; they can not have this provision in mind.

Mr. SHIELDS. It does not in terms, but the effect of it will be to do that.

Mr. HARDWICK. They can not possibly have this section in mind, because, under the law, they can be required to render such service anyway on Sundays and holidays; and the sole object this amendment of the department seeks to accomplish is when these employees are required by law, as they will be whether this amendment is adopted or not, to render that service that they shall then be given the option of either receiving pay in time or in money.

I think on investigation that the point of order is good, and, if any Senator wants to take the responsibility of making it, after this statement, I do not see how we can resist it.

Mr. JONES of Washington. Mr. President, I desire to read just a paragraph of a letter from the secretary-treasurer of the National Federation of Postal Employees, giving the reasons why they are opposed to this amendment. I wish to say that these reasons appeal very strongly to me and I think justify me in making the point of order:

This amendment is objectionable for a number of reasons. It would nullify the Sunday compensatory time law, which has been in successful operation for five years and which minimizes Sunday work and insures one day's rest weekly to the employees. It is true the amendment provides that the employees may "elect" to take either overtime pay or time off, but actually they would have no free choice. The acceptance of overtime pay, in my judgment, would be compulsory. The service is admittedly undermanned. There is now a constant

temptation to keep the skilled distributors at work seven days a week. Violations of the existing law are not uncommon. The department at times forces men to accept overtime payment in lieu of time off in some offices. This amendment, I fear, would legalize this objectionable practice and make it of universal application, resulting in the deprivation to many employees of the needed release from toil one day in seven.

But even should the employee be given the choice between time off or pay, as the amendment contemplates, there are many who must, because of an insufficient wage, accept money instead of a rest period. The remedy for this condition, however, is not found in an invitation to work seven days a week. It can be corrected by a wage standard high enough to admit of sufficient earnings within the limits of a six-day working week. It is unjust to invite or urge or compel men to forego an earned day of rest at the inevitable expense of their health and stamina and morale, upon which depends the efficiency of the Postal Service.

Mr. President, I know that under the terms of this amendment it is left to the election of the employees as to whether they will accept compensatory time or pay.

Mr. SHIELDS. Mr. President, may I interrupt the Senator to suggest that the entire letter be printed in the RECORD?

Mr. JONES of Washington. I am going to ask that that be done. What I have read will go in the RECORD, anyhow. But, Mr. President, I think there is very much force in the suggestion contained in this letter, that, if this amendment is adopted, it will be used to a certain extent as a coercive measure.

Mr. HARDWICK. Will the Senator allow me to interrupt him?

Mr. JONES of Washington. Certainly, although I think I know the opinion of the Senator.

Mr. HARDWICK. I merely want to suggest to him that the Post Office Department is on record as saying that they have no idea of coercing anybody; the option is to be given, and I do not see how the Senator can entertain that opinion.

Mr. JONES of Washington. I know there are various ways by which the department heads and those in control of bureaus, and so forth, can accomplish the purpose where there is a discretion of this kind left.

Mr. HARDWICK. Of course, the Senator understands very well that the law requiring this service on Sundays and holidays in exceptional cases will be left unchanged. This provision is merely intended to give the men under such circumstances an option.

Mr. JONES of Washington. It could very well be intimated to a man that he should take the pay instead of taking the time, and we know what the effect of a suggestion of that kind would be. I really think that the fears expressed in this letter have considerable foundation.

Mr. HARDWICK. Of course, the Senator must think so when he makes the point of order.

Mr. JONES of Washington. I do, and therefore I ask that this entire letter be printed in the RECORD, and I make the point of order against the amendment.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

WASHINGTON, D. C., *April 17, 1918.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

DEAR SIR: Your attention is respectfully invited to a Senate committee amendment in the pending postal appropriation bill (p. 11, lines 8 to 11), which will, if enacted into law, materially change the existing laws granting compensatory time off to post-office employees for Sunday and holiday service.

The present laws—and they are satisfactory to the employees—provide that Sunday work shall be compensated for by time off upon one of the following six days, and holiday work (the seven principal holidays only) shall be compensated for by time off upon one of the following 30 days. The proposed amendment would alter these laws by permitting employees to elect to accept overtime pay in lieu of compensatory time off.

This amendment is objectionable for a number of reasons. It would nullify the Sunday compensatory time law, which has been in successful operation for five years and which minimizes Sunday work and insures one day's rest weekly to the employees. It is true the amendment provides that the employees may "elect" to take either overtime pay or time off, but actually they would have no free choice. The acceptance of overtime pay, in my judgment, would be compulsory. The service is admittedly undermanned. There is now a constant temptation to keep the skilled distributors at work seven days a week. Violations of the existing law are not uncommon. The department at times forces men to accept overtime payment in lieu of time off in some offices. This amendment, I fear, would legalize this objectionable practice and make it of universal application, resulting in the deprivation to many employees of the needed release from toil one day in seven.

But even should the employee be given the choice between time off or pay, as the amendment contemplates, there are many who must, because of an insufficient wage, accept money instead of a rest period. The remedy for this condition, however, is not found in an invitation to work seven days a week. It can be corrected by a wage standard high enough to admit of sufficient earnings within the limits of a six-day working week. It is unjust to invite or urge or compel men to forego an earned day of rest at the inevitable expense of their health and stamina and morale, upon which depends the efficiency of the postal service.

There is no valid reason for changing the present statisfactory compensatory time laws in the manner sought by this amendment. Since these laws have been on the statute books the Postal Service, according to the reports of the Postmaster General, has become self-sustaining financially and has reached its highest point of efficiency. Therefore these laws can not be said to have hampered the department in a proper administration of the service. On the contrary they have contributed toward an improved service by improving the working conditions of the employees. To amend them as proposed would be a distinct lowering of working standards with the consequent impairment of postal-service efficiency.

I respectfully ask your cooperation in having this objectionable amendment stricken from the bill in the Senate.

Very truly, yours, THOS. F. FLAHERTY,
Secretary-Treasurer National Federation of Postal Employees.

Mr. BANKHEAD. Mr. President, I do not intend to discuss the point of order. I simply wish to explain what I understand to be the effect of this amendment. As the law now is, these employees are entitled to compensatory time when they are required to work on Sundays and holidays. Nobody questions that that law will remain in force, whether this amendment is adopted or whether it is not, so far as that is concerned. The only proposition here is that if under the law and the exigencies requiring extra time a man is compelled to work on Sunday or on a holiday, he may say whether he prefers to take compensatory time or pay for that time.

I have discussed this matter with a great many postal employees, and I——

The VICE PRESIDENT. May the Chair interrupt at this point to inquire whether the law now provides for the payment for overtime

Mr. BANKHEAD. It does provide for overtime pay, and this provision simply gives the employee an opportunity to choose between pay for overtime and compensatory time. That is all there is to it; it merely gives the employee an opportunity to choose.

Mr. JONES of Washington. Mr. President——

Mr. BANKHEAD. Now, wait a moment.

The reason these employees give is that if they are compelled to take compensatory time they have no remedy at all; they must take it. They have nothing to do, they say, during the week days. They can not go out with their families and have a holiday; they can not do anything except loaf. Now, they say that they prefer, if they do prefer it and make that preference, that the Post Office Department should simply pay them instead of giving them the time. What is the objection to that? It may be a technical change of the law, but it just simply giving these people an opportunity to choose, and they ought to know what they want.

Everybody knows who writes this letter that has been presented here. It is not worth while to discuss that, and I am not discussing it at all; but to say that this law will not be executed according to its provisions if this amendment remains in the bill is to say that the Post Office Department will not obey the law of Congress. That is all it means. You can not put any other construction on it.

I hope the point of order will not be sustained.

Mr. JONES of Washington. Mr. President, I should like to ask the Senator a question. I understood the Vice President to ask the chairman of the committee whether or not the law now provided for extra pay for overtime work.

Mr. BANKHEAD. It does.

Mr. JONES of Washington. The Senator said it did; but I want to ask the Senator if this is not the case—that if they work on Sundays, then, instead of getting paid for that, they get that much time off during the week?

Mr. BANKHEAD. That is the law now.

Mr. JONES of Washington. That is true; but now this is to change that, and provide for pay. So that the question the Vice President asked does not bear upon this proposition. That is all I want to know.

Mr. BANKHEAD. This simply gives the employee an opportunity to exercise an option. If he says, "I prefer the pay," he gets it. If he says, "I prefer the compensatory time," he gets that. That is all there is to it.

Mr. JONES of Washington. I asked the question because I thought the Vice President had the idea that the law now provides for actual pay for working on Sunday, when as a matter of fact it does not. It simply gives him compensatory time off during the week, and this changes that.

The VICE PRESIDENT. The state of the law at the present time seems to be that the Post Office Department has authority, in an emergency, to require these employees to work on Sundays or holidays. If they work on a Sunday or a holiday, under the law they are entitled to compensatory time; that is, as the Chair understands it, they get a vacation. The post-office law also provides for payment for overtime work, not, however, applicable to cases of this character, but to general overtime work.

The rule of the Senate prevents general legislation on an appropriation bill. The question is as to whether this is general

legislation, whether or not it is a law that binds everybody of a given class; because in order to constitute general legislation it is not necessary that it should cover everybody in America, or everybody in the Post Office Department, but only all those persons who come under the class.

The Chair would have no doubt about this being general legislation if it were compulsory in its terms, if the employees were compelled to work and accept overtime pay in lieu of compensatory time for Sunday and holiday service. However, it does not seem to be that. It seems to be a proviso pertaining to these employees to the effect that anyone of them, if he wants to, may accept money rather than time.

The Chair thinks it is a very close question on the subject of general legislation, but is going to overrule the point of order.

Mr. JONES of Washington. Mr. President, I feel that I must respectfully appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the judgment of the Senate? [Putting the question.] By the sound the "ayes" seem to have it.

Mr. JONES of Washington. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. McLEAN], who is necessarily absent, to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my general pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. BECKHAM]. As he is absent, I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Oklahoma [Mr. GORE] and vote "yea."

The roll-call was concluded.

Mr. GALLINGER (after having voted in the affirmative). I will ask if the senior Senator from Florida [Mr. FLETCHER] has voted?

The VICE PRESIDENT. He has not.

Mr. GALLINGER. I am paired with that Senator. I transfer the pair to the senior Senator from New York [Mr. WADSWORTH] and will let my vote stand.

Mr. STERLING (after having voted in the affirmative). I understand my pair, the junior Senator from South Carolina [Mr. SMITH], is not present, and I withdraw my vote.

Mr. SIMMONS (after having voted in the affirmative). I inquire if the junior Senator from Minnesota [Mr. KELLOGG] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I transfer my pair with that Senator to the Senator from Arizona [Mr. SMITH] and will let my vote stand.

Mr. KIRBY. I announce the unavoidable absence of my colleague, the senior Senator from Arkansas [Mr. ROBINSON], on official business.

Mr. LEWIS. I rise to announce the necessary absence of the Senator from Kentucky [Mr. BECKHAM], the Senator from Florida [Mr. FLETCHER], and the Senator from Nebraska [Mr. HITCHCOCK], all upon official business, being in attendance upon a Senate committee.

Mr. OVERMAN (after having voted in the affirmative). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I understand that if he were present he would vote as I have voted, and I will therefore let my vote stand.

Mr. THOMPSON. I have a pair with the Senator from Illinois [Mr. SHERMAN]. In his absence I shall have to refrain from voting. If at liberty to vote, I should vote "yea."

Mr. CURTIS. I desire to announce the absence of the senior Senator from New York [Mr. WADSWORTH] and the junior Senator from Massachusetts [Mr. WEEKS] on official business.

Mr. CALDER (after having voted in the affirmative). I have a pair with the junior Senator from Rhode Island [Mr. GERRY], who is absent. I therefore withdraw my vote.

Mr. THOMPSON. I transfer my pair with the Senator from Illinois [Mr. SHERMAN] to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. STERLING. I transfer my pair with the junior Senator from South Carolina [Mr. SMITH] to the senior Senator from Wyoming [Mr. WARREN] and vote "yea."

Mr. KNOX. I inquire if the senior Senator from Oregon [Mr. CHAMBERLAIN] has voted.

The VICE PRESIDENT. He has not.

Mr. KNOX. I am paired with that Senator and therefore withhold my vote.

Mr. WILLIAMS. I desire to make the announcement that the Senator from Arizona [Mr. SMITH] is absent on account of sickness in his family. I ask that this announcement may stand until further notice.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED]; and

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 42, nays 15, as follows:

YEAS—42.

Ashurst	Henderson	New	Sterling
Baird	Hollis	Nugent	Swanson
Bankhead	Kendrick	Overman	Thompson
Culberson	Kenyon	Page	Trammell
Dillingham	Kirby	Pomerene	Underwood
Fall	Lenroot	Ransdell	Vardaman
France	Lewis	Saulsbury	Walsh
Gallinger	Lodge	Shafroth	Wilfley
Guion	Martin	Simmons	Williams
Hale	Myers	Smith, Ga.	
Harding	Nelson	Smith, Md.	

NAYS—15.

Brandegee	Jones, Wash.	Norris	Shields
Cummins	King	Phelan	Smoot
Curtis	McKellar	Poindexter	Townsend
Hardwick	McNary	Sheppard	

NOT VOTING—39.

Beckham	Gore	McCumber	Smith, S. C.
Borah	Gronna	McLean	Sutherland
Calder	Hitchcock	Owen	Thomas
Chamberlain	James	Penrose	Tillman
Colt	Johnson, Cal.	Pittman	Wadsworth
Fernald	Johnson, S. Dak.	Reed	Warren
Fletcher	Jones, N. Mex.	Robinson	Watson
Frelinghuysen	Kellogg	Sherman	Weeks
Gerry	Knox	Smith, Ariz.	Wolcott
Goff	La Follette	Smith, Mich.	

So the ruling of the Chair was sustained.

Mr. JONES of Washington. Mr. President, I desire to offer an amendment to the amendment. In line 11, after the word "paid," I move to insert "at the rate of one and one-half."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, page 11, line 11, after the words "may be paid," insert the words "at the rate of one and one-half."

Mr. JONES of Washington. Mr. President, that is the usual practice in all lines of employment where employees work overtime. They are paid oftentimes as high as double pay, but the general rule is one and a half for overtime, and I think the Government ought to follow that rule. I offer this amendment in view of the fact that the Senate has held that this is not general legislation on an appropriation bill. Just what kind of legislation it is I do not know, but nevertheless it has been held in order on this bill by the Senate, and I hope this amendment will be adopted so that these employees will be placed on the same basis with other employees in other lines of work and a great many Government lines of work. I think in the navy yards of the country, where they work overtime, this rule applies.

The VICE PRESIDENT. The question is on the amendment to the amendment.

Mr. BANKHEAD. Mr. President, I hope the amendment to the amendment will not be adopted. That is all I have to say.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on the amendment of the committee. [Putting the question.] The noes seem to have it.

Mr. BANKHEAD. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The amendment is lost.

Mr. SAULSBURY. Mr. President, I should like to have the attention of the chairman of the committee for a moment. Was the question regarding the postal order recently issued by the Postmaster General in regard to soldiers' mail under consideration by his committee, and was any change in the law or regulations proposed in the committee or given consideration?

Mr. BANKHEAD. No; the matter was not considered by the committee at all.

Mr. SAULSBURY. I wish to ask the chairman if he will move a reconsideration to enable me to offer an amendment to section 9 on pages 30 and 31 of the bill.

Before he agrees to do that, I wish to explain, if I may, just what my object is in proposing the amendment. I have drawn an amendment here which modifies the order of the Postmaster General. The amendment that I would propose is intended merely to bring the matter fairly before the conference committee for consideration, as to whether there should be what is practically an innovation in the mailing of packages to soldiers. The amendment I would propose would allow the immediate family of the postal employee in the military and naval service, or any other member of the American Expeditionary Forces, to have sent to him a package each month not exceeding 3 pounds in weight. I would be very glad if the chairman would move a reconsideration of the section for that purpose.

Mr. BANKHEAD. If the Senator will offer his amendment, I will accept it with the understanding that it will go to conference.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The section proposed to be amended has been agreed to. A motion to reconsider the vote by which the same was agreed to is in order. Without objection, it is now before the Senate on reconsideration. The amendment to the amendment will be stated.

The SECRETARY. At the end of section 9, page 31, line 4, insert:

And once in each month the immediate family of any such employee, while in the military or naval service of the United States, or of any member or individual connected with the American Expeditionary Forces in Europe, may send to such employee or member or individual one package of mail, not exceeding 3 pounds in weight, other than letter mail, without the request required by Order No. 1259 of the Postmaster General.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BANKHEAD. The amendment, on page 27, for pay of rural carriers was passed over, and I ask the Senate to recur to it.

The SECRETARY. The first amendment passed over on that page began on line 7. The second amendment, offered by the Senator from Alabama [Mr. BANKHEAD] is a substitute for section 2 as reported by the committee.

Mr. HARDWICK. Let us dispose of the first amendment before we come to section 2. That was the request of the Senator from Alabama, I think.

The PRESIDING OFFICER. The Senator from Alabama requests that the amendment near the top of page 27 be disposed of first. The question is on the amendment passed over.

Mr. CALDER. Mr. President, under date of the 11th of April a letter over the signature of the Postmaster General was addressed to the chairman of the Committee on Post Offices and Post Roads and a copy of the same mailed to each Senator. I ask unanimous consent to insert that letter in the RECORD.

Mr. BANKHEAD. We are dealing now with the amendment relative to rural carriers.

Mr. CALDER. I am aware of that fact, and my remarks cover the entire subject of increased pay for postal employees.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 11, 1918.

Hon. J. H. BANKHEAD,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR BANKHEAD: The bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, as reported to the Senate by the Committee on Post Offices and Post Roads, carries an amendment (sec. 2) providing, in addition to the automatic and other promotions now provided by law for certain employees, for an increase of 15 per cent in the salaries of postmasters at offices of the fourth class and employees of the Postal Service during the fiscal year ending June 30, 1919. This proposed amendment involves an additional expenditure of approximately $33,297,000.

When the bill (H. R. 9414) granting increased compensation to certain officials, employees, and laborers in the Post Office Department and Postal Service, etc., was under consideration recently in the House many of the arguments in favor of increased salaries for postal employees were based on the fact that the department reported a surplus of more than $9,000,000 for the fiscal year ended June 30, 1917. It is true that the receipts of the Postal Service exceeded the expenditures during the last fiscal year by more than that amount, but the discussion of this subject by Members of the House clearly discloses that many of them are misinformed as to the policy of the Postmaster General in conducting the Postal Service. They stated that it is being conducted for profit, when, as a matter of fact, the fixed policy from the beginning of my administration has been to conduct the Postal Service for the convenience of the public and not for profit. Were it conducted for profit it would then be an indirect means of taxation. My policy has been fully outlined in the annual reports and letters addressed to committees of Congress.

In the report of the Postmaster General for the fiscal year ended June 30, 1913, it was stated:

"The dominant policy of the present administration will be to conduct the Postal Service for the convenience of the public and not for profit. Its controlling purpose will be to promote efficiency by the complete standardization of the service, which will be attained by harmonizing equipment, adjusting the personnel, and securing the greatest possible cooperation in every quarter."

In the report for the fiscal year ended June 30, 1914, it was stated:

"The general policy of the present administration of the Postal Service, as defined in the last annual report of the Postmaster General, has been adhered to with good results.

"The service has been administered for the convenience of the public, not for profit; to promote efficiency by standardizing and simplifying procedure; to recognize merit and eliminate partisanship; to extend service wherever present or prospective returns justify; to reduce rates in so far as proves consistent with general fiscal necessity; and to provide all communities and all sections of the country, as far as practicable, with uniform service."

In the report for the fiscal year ended June 30, 1915, it was stated:

"The efforts of the department have been steadfastly directed toward rational and economical administration for the purpose of obtaining for the public the most efficient service possible. The measure of efficiency is not determined solely by the amount of money spent but by the results obtained from the expenditures made."

In the report for the fiscal year ended June 30, 1916, it was stated:

"Whereas the department is no longer a tax on the general revenue, it is desired to again emphasize its position that it should not be permitted to become a revenue producer for the Government. It should become its fixed policy that all surplus postal revenues should be used for the enlargement of the service, the increase of postal efficiency, and, when justified, to a reduction of rates of postage."

This policy was also set forth in a letter addressed to you under date of January 30, 1917, in which it was stated:

"The cost of the Postal Service is borne by the public and it should, therefore, not be conducted for profit, as to do so would be an indirect form of taxation. The question therefore arises as to what additional advantages should not be given to the public so that they might enjoy from the present manner of administering the Postal Service."

The business of the Post Office Department is vast and far-reaching. In the interest of the public service it is necessary that it be conducted the same as a successful business institution. The administrative officers are simply the trustees of the public and should exercise the utmost care in the administration of the service and in the expenditure of its funds. They should require a dollar's worth of service for every dollar of public funds expended, but the primary consideration must necessarily be efficient postal service. If by eliminating special privileges and extravagances without impairing in any manner its efficiency the revenues of the Postal Service exceed the expenditures, the public should be given some benefit, such as extensions and improvements in the service or reductions in the rates of postage. This policy has been consistently followed and has resulted in a reduction in the rates of postage on parcel post and many extensions and improvements in the entire service. In line with this policy, when it became apparent early in the last fiscal year that there would be a large surplus in the postal revenues, I urged the Congress to reduce the rate of postage on drop letters from 2 cents to 1 cent per ounce or fraction thereof, in order that the public might receive some benefit from the economies effected.

It has also been alleged by Members that in order to show a surplus the department has not paid the employees a fair compensation. The salaries of the postal employees are fixed by the Congress and in each instance they have been paid the salaries provided by law. Government employees are justly compensated and I have always contended that their salaries should be equal to or in excess of that paid for work of as exacting character in the commercial world. This matter was discussed in my annual report for the fiscal year ended June 30, 1916, from which the following is quoted:

"It has been the earnest effort of the department to fix the standard rates of pay for the different classes of work at from 15 per cent to 30 per cent above the average rates paid for similar service by leading commercial institutions of the country. The same rule has been followed throughout the Postal Service in fixing salaries that are not fixed by law. Whenever an employee or a group of employees is found to be receiving salaries below the standard the department will make an effort to secure appropriate increases."

The same policy was outlined during the hearings on the legislative, executive, and judicial bill before the Committee on Appropriations of the House of Representatives last year, when the following statement was made:

"Under this system an effort is made to pay every employee the salary he earns, based upon the standard of 15 per cent to 30 per cent higher than that in business institutions, and if there is any class of clerical work in the department for which the compensation is not equal to or higher than this standard we would be glad to have it pointed out and we will accordingly ask Congress for an increase."

The employees of the Postal Service are recruited from the wage earners—employees of the farm, the factory, the school, and the office—and enter the Government service to better their working conditions and receive increased compensation. The nature of their employment and their compensation before entering the Government service is fully set forth in their applications for the civil-service examination. The data on pages 236–245 of the hearings before the special subcommittee of the Committee on the Post Office and Post Roads of the House of Representatives during December, 1917, and January, 1918, on salaries of postal employees, show the occupation and salary received by a number of persons applying for the civil-service examination. It will be observed that the salaries in most instances were less than the entrance salary to the Postal Service. In urging increased compensation representatives of the employees referred to the average wage received by persons employed by the United States Steel Corpora-

tion. The record (p. 247 of the hearings) shows that the average wage paid to employees in the Postal Service from 1908 to 1915, the last year for which data was furnished, was from 17 to 20 per cent in excess of that paid employees of the Steel Corporation. The average salaries in each case had increased in practically the same ratio. A recent report discloses that during the calendar year 1917, because of the existence of a state of war and the resultant abnormal conditions in the labor world, the average wage of the Steel Corporation, including all salaried employees, had increased to $4.16 per day, approximately the same as that of the post-office clerk and city letter carrier. In computing this average wage the high-salaried employees have been included, while for the Postal Service only those receiving $1,200 and less per annum have been considered. If the computations were made on the same basis in both instances the average wage of the postal employee would no doubt still be considerably in excess of that paid by the Steel Corporation. Investigation also shows that employees of the railroads and business institutions who perform work of as exacting character as those in the Postal Service are now, in many instances, receiving less salary.

As heretofore stated, the Government should be a model employer. Its employees should be justly compensated, and their salaries, under normal conditions, should exceed from 15 per cent to 30 per cent those paid by business institutions, and they have been so fixed in the past. To fix salaries in excess of this will greatly disturb the industrial and economic conditions. Because of his salary and working conditions, the Government employee has always been considered a favored employee. It may be possible that at the present time, due to war conditions and in order to secure labor, some business institutions have greatly increased temporarily the compensation of their employees. But granting that this be true, should not the employees who have so long been favored now make some sacrifice at a time when it is necessary to expend millions of dollars in connection with the war, which must be met by increased taxes and the sale of bonds?

It is true that the cost of living has increased during the existence of the present war. The question, therefore, naturally arises as to whether in the great emergency with which we are confronted the salaries of Government employees should be increased. If so, to what extent? If it is the desire of the Congress that the salaries of the departmental employees be increased, then it is the desire that the salaries of the postal employees be increased to the same extent and in like manner. However, the increase of 15 per cent proposed in the bill (H. R. 7237) reported by your committee is far in excess of the $120 per annum for those receiving $2,500 and less proposed for departmental employees in the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes. If the employees of the Postal Service are allowed, in addition to the automatic promotions now provided by law, the increase of 15 per cent, as proposed, those now receiving a salary of $800 per annum will receive an increase of 27½ per cent; those receiving $900, 6⅔ per cent; those receiving $1,000, 25 per cent; and those receiving $1,100, 24/7 per cent. This will result in dissatisfaction among the departmental employees. If the increases proposed in H. R. 7237 and H. R. 10358 are granted, then a clerk who has been employed in the Washington City post office for a year at $1,000 per annum would on July 1 be advanced to $1,265, while the departmental clerk in the same grade would be advanced to only $1,120 per annum.

The cost of the increased salaries proposed in the bill reported by your committee will involve an additional expenditure of more than $33,000,000 during the next fiscal year. The Post Office Department is paying into the Treasury of the United States at this time approximately $5,000,000 a month, collected as a result of increased rate of postage on first-class mail matter, and which was imposed on the public as a war tax. More than one-half of this amount will be required to pay the additional cost due to increased salaries; and while the public must meet this cost, it will receive no compensating advantage in the way of service. This additional cost will no doubt exceed the total gross increase in revenues of the Postal Service during the next fiscal year, and doubtless create the largest deficit in the history of the Postal Service. It is not a sound business policy, and no substantial business institution would think of giving its entire increased revenue to increasing the compensation of its employees. If these increases in compensation become permanent, it will never be practicable to reduce the rate of postage on letters from 3 cents to 2 cents.

If the salaries of the postal employees are to be increased, I again urge the same increases provided for departmental employees be made applicable to those in the Postal Service. The increases provided in H. R. 10358 as passed by the House, if made applicable to the Postal Service, would involve an additional expenditure of about $18,513,150 during the next fiscal year instead of the $33,297,000 proposed in the bill reported by your committee, and would, in my judgment, under the existing conditions, be as liberal compensation as Government employees could reasonably expect.

The salary increases proposed in H. R. 7237, for the reasons set forth, do not have my approval.

Sincerely,

ALBERT S. BURLESON,
Postmaster General.

Mr. CALDER. Mr. President, in this communication the Postmaster General takes vigorous exceptions to an amendment—section 2—in the Post Office appropriation bill—H. R. 7237—which provides for a 15 per cent increase in the salaries of postmasters in offices of the fourth class and employees of the Postal Service for the fiscal year ending June 30, 1919.

Directing attention to the fact that the proposed amendment involves an additional expenditure of approximately $33,297,000, the Postmaster General advances a number of reasons why this legislation is unwarranted and inadvisable. "If the salaries of the postal employees are to be increased," he says, "I again urge the same increases provided for departmental employees be made applicable to those in the Postal Service." Thus, without specifically recommending any stated amount, the Postmaster General argues in favor of a flat $120 increase per employee per annum as against the proposed 15 per cent raise in salaries. The words "I again urge" indicate that he has made this same recommendation before, but where and when this was done is not explained. Hitherto his general attitude has been one of unremitting opposition to any advance in wages.

Doubtless the Postmaster General believes that the statement submitted is sweeping and conclusive, and naturally his opinion on postal legislation should always receive thoughtful consideration. In this instance, however, the objections offered do by no means square with the fully ascertained facts in the case. When a wage controversy is in process of adjustment both the master and the man are each prone to see but one side of the question. Into just such error has the Postmaster General fallen.

In justice to the postal employees this communication from Mr. Burleson should not be permitted to go unanswered. It has to do with an important subject. The well-being of a great army of faithful workers hinges largely on the eventual decision of Congress in this issue. This communication should be answered, because it bristles with glaring inaccuracies from which the most illogical deductions are drawn, all intended, of course, to sway opinion to the department's point of view. It deserves more than a passing analysis, and the more careful the study the less conviction will it carry.

At the outset the assertion is made that an erroneous impression appears to exist in Congress "as to the policy of the Postmaster General in conducting the Postal Service." Evidence of this misinformation the Postmaster General says is shown by the recent debate in the House, when the bill H. R. 9414 was before that body for consideration, at which time "many of the arguments were based on the fact that the department reported a surplus of more than $9,000,000 for the fiscal year ending June 30, 1917." "It has also been alleged by Members," this letter continues, "that in order to show a surplus the department has not paid the employees a fair compensation."

Naturally the impression one would glean from reading these lines would indicate that the existence of a postal surplus was a largely contributing cause to the passage by the House of the measure to increase postal employees' salaries. Furthermore, it would be assumed that out of just such "misinformation" flow the unfounded allegations against the policy followed by the Postmaster General in the conduct of the Post Office Department. Having thus, to his own satisfaction, stated the opposite side of the question he proceeds to demolish it.

The Post Office is not run to make money; its controlling purpose is to promote efficient and satisfying service. "As a matter of fact," he argues, "the fixed policy from the beginning of my administration has been to conduct the Postal Service for the convenience of the public and not for profit."

How do these statements square with the facts in the case? A very careful reading of the CONGRESSIONAL RECORD covering the debate on H. R. 9414 fails to disclose any arguments advanced in favor of an increase in the salaries for postal employees which were primarily based on the existence of a postal surplus. Instead, it was contended, that "any talk of a postal surplus means nothing" and that postal employees should be justly compensated whether the Postal Service is on a self-sustaining basis or not. This sentiment dominated throughout the discussion, and there is no evidence of the particular "misinformation" to which the Postmaster General refers. Postal revenues are not derived from a direct tax. On the contrary, at a very reasonable charge a certain indispensable service is performed for the people, and it is well if the revenues received for such service exceeds the corresponding disbursements. In any event, and in one way or another, the people must pay the bill. The attitude of the Members of the House, as reflected in the discussion to which this communication refers, was simply one of decided opposition to any policy intended to force a postal surplus by either undermining the service or by denying the employees an adequate wage. Strangely enough, the expressed sentiment of the House squares exactly with the very same policy which the Postmaster General claims he has consistently followed ever since his induction into office. The issue, therefore, is not a question of policy or of misinformation; it is a question of fact.

Is a successful postal administration to be determined by a test of profit? In order to show a postal surplus, has service efficiency and the well-being of the employees been subordinated to this end? The Postmaster General claims that it has not, and he contends that efficiency and not profit has been the controlling purpose. In confirmation thereof he submits several explanatory extracts taken from each of his five annual reports. In his report for the fiscal year 1915 he states:

The efforts of the department have been steadfastly directed toward rational and economical administration for the purpose of obtaining for the public the most efficient service possible. The measure of efficiency is not determined solely by the amount of money spent but by the results obtained from the expenditure made.

Substantially the same thought runs through the several citations which the Postmaster General quotes from his various annual reports, all of which have a strong tendency to prove that efficient service and not a postal profit has been the main purpose in mind.

The Postmaster General signally fails, however, to call attention to other statements altogether dissimilar in character which appear in these same annual reports, and which offer convincing evidence that to report a postal surplus was considered an achievement of the greatest moment. Mr. Burleson, we should remember, is not the first Postmaster General whose name has been associated with a postal surplus. His predecessor in office, Mr. Frank H. Hitchcock, pointed with acknowledged pride in his annual report for 1911 to a postal surplus for that fiscal year of more than $219,000. Shortly after assuming office Mr. Burleson took note of this claim and subsequently through the newspapers challenged the figures submitted by Mr. Hitchcock, and charged that instead of a surplus a deficit should have been reported. His real feelings on this matter are further disclosed by the following extract quoted from his first annual report as Postmaster General:

By the use of this faulty method a surplus of $219,118.12 was shown in the annual report of the department for the fiscal year 1911, in which the claim was advanced that the service had finally been made self-supporting. Taking into account the outstanding obligations for that year, which were not reported, there was in reality a deficit of approximately $732,301.90.

The ruling motive that has so largely influenced the official acts of Postmaster General Burleson throughout his administration is indicated by the following extract taken from his annual report of 1914. Denying to Mr. Hitchcock the honor of reporting a bona fide postal surplus, he wheels around and claims this very distinction for himself, failing to mention, however, that eight months of the fiscal year 1912 were under the administration of Postmaster General Hitchcock. He said:

Having shown a substantial surplus for two successive fiscal years, it can fairly be claimed that for the first time since Benjamin Franklin organized the Postal Service under the Continental Congress the Post Office Department has been securely placed upon a self-sustaining basis.

Here, too, Mr. Burleson essays the rôle of a prophet, but, unfortunately, the following year he must report a postal deficit of some $11,000,000. This he charged to the war in Europe. In his annual report of 1916, comparing his administration with the two preceding terms, he says:

But for the business depression occasioned by the European war the department would have undoubtedly secured a surplus of not less than $18,000,000. This is in marked contrast with the deficits for the eight years of the two preceding administrations, which drained the Treasury of $48,739,639.34 and $24,927,657.40, respectively.

The foregoing quoted extracts, as well as an impartial review of his official acts, show conclusively that the question of a postal surplus looms large in the Postmaster General's mind. It colors all his recommendations, just as it does in the pending communication relative to postal employees' wages.

The major portion of postal disbursements consists of wages paid for necessary labor, and the Postmaster General has consistently followed a policy intended to reduce this item of expense to the lowest possible minimum. Innovations without end and without number have been introduced to forward this purpose, and never has a single recommendation issued from the office of the Postmaster General intended to increase the compensation or broaden the privileges of postal employees. On the contrary, he has vigorously opposed every such suggestion, just as he now opposes the proposed wage increase. In this particular communication, referring to the wages of postal employees, the Postmaster General states:

It has been the earnest effort of the department to fix the standard rates of pay for the different class of work at from 15 to 30 per cent above the average rate paid for similar service by leading commercial institutions of the country. * * * Whenever an employee or group of employees is found to be receiving salaries below the standard the department will make an effort to secure appropriate increases.

Continuing on the same theme, and comparing the average wage of postal employees with the employees of the Steel Corporation, he says:

The average wage of the Steel Corporation, including all salaried employees, had increased to $4.16 per day, approximately the same as that of the post-office clerk and city letter carrier.

The foregoing quoted statements and comparisons deserve to be simply characterized as absurd—nothing less. Postal employees are notoriously underpaid—a fact universally acknowledged. Any man with the qualifications and equipment required of the efficient postal employee can command more wages in private industry than what he now receives in the Postal Service. Evidence of this fact abounds on every hand. It is shown in vacant eligible rosters; in an army of temporary postal employees; in the general introduction of women in the service; in the mounting list of resignations; and, above all, in the fading efficiency of the service. "Fifteen per cent to 30 per cent more," indeed. A casual glance at the "help wanted" column in any daily paper will show how obviously ridiculous is this statement. It needs little contradiction.

Neither do post-office clerks and city letter carriers receive an average daily wage of "approximately $4.16" or anything like it. Quoting from official salary table prepared by the Post Office Department, in conformity with an act of Congress approved March 4, 1911, I find that for a 30-day month the following per diem wage rate is scheduled:

For the $800 per annum, or entrance grade, the per diem rate is $2.22.

For the $1,200 per annum, or maximum grade, the per diem rate is $3.33.

For the nine-year period, dating from the employee's entrance into the service until the maximum grade is attained, it is estimated that the annual salary is $742, and the average per diem rate is $2.03.

Taking the foregoing quoted per diem rates, which is a fair average for all postal employees, and comparing the same with the average wages that are now being paid employees in private industries, show that postal employees, instead of receiving more, are paid decidedly less than workers engaged in the most unskilled occupations. Advertisements for laborers at 50 cents an hour are quite plentiful. Another long-standing advertisement appearing in a local paper calls for laborers at $3.85 per day, with commissary and free sleeping accommodations. Here is an advertisement from the American Express Co. for clerks and chauffeurs: "Seventy-five dollars and $85 per month to start; good prospects; steady employment." Another for truckers at $3.08. Another for night watchmen at $21 per week, and so on in similar instances without end. Remember, too, that such employees are not compelled to pass a civil-service examination or serve with uncertain compensation for a long period of substitution.

The review of the wage scales in other industries, like the mechanical trades, coal mining, shipbuilding, iron and steel mills, and kindred occupations, would reveal startling comparisons and show in contrast how pitifully small are the salaries paid postal employees. A general increase of wages for all railroad employees has been promised by Director General McAdoo, said increase to date, with back pay, from January 1, 1918.

In this connection, Mr. President, I have noticed by the daily newspapers recently the fact that the Wage Board, in connection with the railroad employees, have recommended increases that will total not less than $300,000,000 annually, and a wage scale which provides that the salaries of the men in railway employ who receive $800 per annum shall be increased 41 per cent, and so on, down the entire list. These increases show a comparison which indicate the average per cent increase to letter carriers and clerks is 17.99 per cent less than the recommendations of the Wage Board for increases to railroad employees. Mr. President, I ask unanimous consent that I may be permitted to insert this schedule of wage rates for railroad employees and postal employees in the RECORD.

The PRESIDING OFFICER (Mr. KIRBY in the chair). Without objection, permission to do so will be granted.

The matter referred to is as follows:

Railroad wage commission's award for railroad employees to be effective Jan. 1, 1918.

Salary annually.	Salary monthly.	Per cent of increase.
$800	$66.66	41
$900	75.00	41
$1,000	83.33	40
$1,100	91.66	36.38 to 38.22
$1,200	100.00	33.70 to 31.75

Proposed increase recommended by Senate Post Office Committee for letter carriers and clerks.

Present salary annually.	Present salary monthly.	$200 proposed increase equivalent to—
		Per cent.
$800	$66.66	25
$900	75.00	22.22
$1,000	83.33	20
$1,100	91.66	18.18
$1,200	100.00	16.67

Railroad grant is greater for employees by—

	Per cent.
$800	16
$900	18.78
$1,000	20
$1,100	19.12
$1,200	16.06

Average increase to letter carriers and clerks is 17.99 per cent less than to railroad employees.

Mr. CALDER. I also ask leave to have inserted in the RECORD, without reading, a news dispatch from the Philadelphia North American on the same subject.

The PRESIDING OFFICER. In the absence of objection, permission to do so is granted.

The matter referred to is as follows:

[From the North American, Philadelphia, May 9, 1918.]

RAILROAD WAGE COMMISSION RECOMMENDS BIGGEST INCREASE IN HISTORY—$300,000,000 ANNUALLY TO BE ADDED TO WAGES—$100,000,000 GOES AT ONCE FOR "BACK PAY"—PASSENGER AND TRAFFIC RATE INCREASES ARE INDICATED AT WASHINGTON—MAY NET BILLION—SALARY ADVANCES APPLY TO ALL EARNINGS UNDER $250 MONTHLY IN 1915.

WASHINGTON, *May 8.*

Within six months of the time when the Government assumed operation of the railroads, the largest wage increase in the history of the world was recommended to-day for railroad employees.

In round numbers, $300,000,000 a year will be expended for increased wages and $100,000,000 will be immediately applied to "back pay" from January 1 to April 20, 1918, as the award in this respect is retroactive.

It represents the long work of the railway wage commission, appointed by William G. McAdoo, Director General of Railroads, for the purpose of recommending increases to employees, and it affects approximately 2,000,000 workers.

Mr. CALDER. Mr. President, I also call attention to an advertisement which appeared in the Detroit Free Press of April 22, 1918, advertising for men to apply for police employment in that city, and indicating that the wages of such policemen will be from $1,200 to $1,400 per annum on entry into the service. The advertisement reads:

WANTED—HELP—MALE.

LIFELONG POLICE JOBS.

American citizens (not in class 1 or 2 of the draft, because of expense in outfitting them), two years' residence in any part of Michigan, between 21 and 36 years of age, not less than 5 feet 8 inches in height, physically fit, and of good habits, can become patrolmen on the Detroit police force at once at a salary of from $1,200 to $1,400 a year. Good opportunities for advancement.

Write or apply to Civil Service Commission, 802 Farwell Building, for full particulars.

The following extract, taken from the speech of Mr. KELLY of Pennsylvania before the House, furnishes another illuminating comparison:

Substitute railway mail clerks are paid $2.22 a day when they work. The porters around the railroad station, some of whom can not even read or write, are paid $3.40 a day. Such a humiliating situation should not exist for a single day.

For more than 10 years the salaries of many postal employees have remained unchanged, while prices and wages were continually advancing all around. In this respect, of all workers he stands alone. He should be granted immediate relief, because the justice of his case has been fully established. A 15 per cent increase in salary will still leave his average compensation far below what men of similar experience and ability are paid in private industry.

But—

Continues the Postmaster General in this communication—

the cost of the increased salaries proposed in the bill reported by your committee will involve an additional expenditure of more than $33,000,000 during the next fiscal year.

Assuming this statement to be accurate, what has it to do with the case? If one man is entitled to a wage increase, a larger number are equally so. The principle involved is the same. In the Postal Service there are something like 270,000 employees, and naturally any increase of wages, no matter how small it may be, will sum up an imposing total. It happens, too, that while the additional appropriation necessary may exceed a total of $33,000,000 the actual increase granted under the terms of the proposed 15 per cent salary advance will average less than 50 cents per day per employee. This angle of the case the Postmaster General signally fails to mention, but instead fearfully portrays a figure of disquieting proportions. Unless the post office is intended to be administered on a profit basis, this argument is utterly without weight.

Compared with the $300,000,000 wage increase recommended by the Railroad Wage Board, the sum of $33,000,000 increase for the post-office employees is a small matter indeed.

It is true that certain employees in the lower grades will receive annual automatic promotions in addition to the proposed 15 per cent increase by the terms of this amendment. Practically the same result would be reached, however, if the plan for a hundred and twenty dollars per annum increase, which the Postmaster General appears to favor, was enacted into law. Taking the case of an employee drawing $800 per annum, the result would be exactly the same—$1,020 annual salary, or 27½ per cent increase by either plan. Furthermore, it is generally conceded that the lower-salaried employees are deserving of especial consideration.

Calling attention to existing rates charged for first-class postage the Postmaster General says:

If these increases in compensation become permanent, it will never be practicable to reduce the rate of postage on letters from 3 cents to 2 cents.

Mr. LEWIS. Mr. President, may I interrupt the Senator from New York?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Illinois?

Mr. CALDER. Yes.

Mr. LEWIS. I wish to ask the Senator if he has had time to reflect on this phase of the situation: Is this increase, which we are seeking to give these postal employees any greater than that which we voted here some time ago to the different employes here at the Capital, which the Senator will recall? I will also ask the Senator if he does not recall that it is practically upon the same basis, showing that, if we grant this increase, it will likely enough be a uniform increase in view of the uniformity of increase in the price of living?

Mr. CALDER. The increases recommended by the committee are a little greater than the increases provided for in the legislation recently passed by the Senate for Federal employees in the District That increase was 10 per cent, I believe; this provides for a 15 per cent increase; but the Senator should have in mind that last year the Federal employees in the District received an increase, while the post-office employees did not; and then, too, the rural carriers are required to pay much more for their equipment and the city carrier is compelled to purchase uniforms out of his pay and incur other expenditures which are not incurred by the employees in the District of Columbia. The 15 per cent increase will in no wise equal the increase in the cost of living. The figures submitted to me by the Department of Labor indicate that the increased cost of living totals something like 35 per cent. So I believe, in view of these facts, that the committee amendment is little enough under the circumstances.

Mr. LEWIS. The Senator, I am sure, concedes that the amount that is being given these men, when one thinks of what they must expend for uniforms and otherwise leaves them with a net increase no greater than that which we gave the Federal employees in the District?

Mr. CALDER. That is true; in fact, the increase in the carriers' pay, when one considers the cost of their uniforms and equipment, the additional is less than the amount given to the Government employees in the District.

Mr. LEWIS. I thank the Senator. I know he has given great attention to this subject. I have made that assertion elsewhere, and I am gratified to have him fortify it.

Mr. CALDER. Again, it is pertinent to inquire what has this argument to do with the case? No one has ever claimed, not even the Postmaster General, that the wages of postal employees should hinge on the rates to be charged for postage. If a low rate of postage means a corresponding cheap salary standard, then the public should be so informed. Postal employees' wages should be based upon the character of men required and the equipment and ability they are expected to possess to efficiently perform the tasks allotted them. In no manner should a postal surplus or the price charged for postage affect the making of an equitable wage schedule. By attempting to becloud the issue through the introduction of these items lends color to the belief that the Postmaster General is more concerned in reporting an annual postal surplus than in securing an equitable wage standard for postal employees.

If postal employees are justly entitled to a raise in wages, it should be granted. This principle is fundamental. Referring to this phase of the controversy, the Morning Call, of Allentown, Pa., in its issue of April 16, 1918, illuminatingly observes:

So let this situation be argued backward and see what results: The country desires a return to 2-cent postage. According to Mr. Burleson there should be no increase in wages to the postal employees in order that there may be a return to 2-cent postage. Therefore there also ought to be a return to original purchasing power of the dollar that is paid these men. There ought to be a return of $3 shoes, 12-cent beef stew, 4-cent bread, $15 suits, and other prices in proportion.

What would be more reasonable? There would not be any demand for increase, for there would not be any need.

In concluding this remarkable communication to Mr. BANKHEAD the Postmaster General directs attention to the fact that an annual increase of $120 per annum per employee, as provided in H. R. 10358, will entail an appropriation of only $18,000,000 instead of the $33,000,000 contemplated by the proposed 15 per cent increase. Thus, he argues, the saving of some $15,000,000 would be effected. Even so; what bearing has this

statement upon the issue? This argument is beside the question. By the same token if no increase at all were granted the entire $33,000,000 would be saved. It is well to repeat that the question involved is not what the proposed salary increase will total or what will be the eventual effect upon the postal surplus, but what under the existing circumstances should be a reasonable wage for postal workers.

An impartial analysis of the Postmaster General's statement shows it to be a strained and labored effort to bolster up a weak case—in fact, no case at all. From the beginning his attitude has been one of unremitting hostility to any increase in the wages of postal employees. In his most recent report he characterizes such petitions as "selfish demands" and charges that the postal employees "are justly compensated, receiving three times as much as those fighting in the trenches." This communication in question shows that he has receded somewhat from his prior stand and he is now reluctantly agreeable to $120 annual increase per employee. To support his new position on this question he advances arguments in opposition to a modest increase of wages that are utterly without merit. Every fact germane to an inquiry for fixing a wage schedule fully establishes the reason and justice on which are based the claims for a reasonable increase in salary of postal employees.

Mr. BANKHEAD. I ask the Secretary to read the next amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. The committee proposes, on page 27, line 7, after the words "rural station," to insert the following proviso:

Provided further, That on and after July 1, 1918, rural carriers assigned to standard horse-drawn vehicle routes on which daily service is performed shall receive $24 per mile per annum for each mile said routes are in excess of 24 miles: *Provided further*, That a carrier may use any character of vehicle on a horse-drawn vehicle route that is approved by the postmaster of the post office from which said route starts.

Mr. SMOOT. Mr. President, there are so few Senators in the Chamber that I feel it my duty to suggest the absence of a quorum before this amendment is finally acted upon.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, Cal.	Norris	Smoot
Borah	Jones, N. Mex.	Nugent	Sterling
Calder	Jones, Wash.	Overman	Sutherland
Chamberlain	Kellogg	Page	Thomas
Fall	Kendrick	Phelan	Thompson
France	Kenyon	Poindexter	Townsend
Gallinger	Kirby	Ransdell	Trammell
Gronna	Lenroot	Shafroth	Watson
Guion	Lewis	Sheppard	Wilfley
Harding	McKellar	Shields	
Henderson	McNary	Simmons	
Hollis	New	Smith, Md.	

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is not present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. BAIRD, Mr. HALE, Mr. POMERENE, and Mr. VARDAMAN answered to their names when called.

The PRESIDING OFFICER (Mr. KIRBY). The present occupant of the chair will announce that his colleague, the senior Senator from Arkansas [Mr. ROBINSON], is absent on official business.

Mr. HARDWICK, Mr. CUMMINS, Mr. NELSON, Mr. KNOX, and Mr. UNDERWOOD entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. There is a quorum present. The question is upon agreeing to the amendment proposed by the committee.

Mr. BANKHEAD. Mr. President, I do not care to discuss this amendment. It is so just and fair that it seems to me a mere word should satisfy the Senate that it ought to be adopted.

The amendment simply proposes that rural carriers shall receive $24 per mile per annum for each mile traveled in excess of the standard route, to wit, 24 miles. In other words, at present if a carrier carries a route of 24 miles, he gets $1,200; if he carries 30 miles he does not get any more than $1,200. That is to say, he does not get a cent for any number of miles traveled above the standard route. For carrying the standard route of 24 miles he receives $50 a mile, and the committee thought it was just and fair that these carriers should be allowed something for the excess mileage they are required to carry on these long routes above 24 miles. We fixed the amount at less than half the pay they get per mile for a standard route.

It seems to me that that is all that it is necessary to say.

Mr. GALLINGER. Mr. President, I will ask the Senator what is the allowance per mile for the excess?

Mr. BANKHEAD. Twenty-four dollars per mile per annum.

Mr. HARDWICK. Mr. President, if the Senator from Alabama will permit me——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. BANKHEAD. I do. I yield the floor.

Mr. HARDWICK. Though the Senator's opening statement may be complete, this precise proposition was unanimously adopted by the Senate and put into the last Post Office Appropriation bill.

Mr. SMOOT. It went out in conference.

Mr. HARDWICK. It went out in conference; that is right. That is why it is put back here, but the Senate voted on this precise question last year.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Georgia a question.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. HARDWICK. If I have the floor, I yield.

Mr. SHAFROTH. I want to know whether this extra amount of $24 per mile is in addition to the $24 per mile which they now get?

Mr. BANKHEAD. They do not get anything now for the extra mileage.

Mr. HARDWICK. Let me explain the matter to the Senator in this way: One thousand two hundred dollars is fixed as the pay for a standard route, which is 24 miles. If the route is under 24 miles, the compensation is reduced $24 and more per mile; but under the existing law, if the route is over 24 miles, no pay is added to the standard pay.

Mr. SHAFROTH. Why has that been the practice? It seems to me very inequitable.

Mr. HARDWICK. It has always been an inequitable thing and always an unjust thing. A year ago I succeeded in getting a proposition just exactly like this put into the Post Office bill, and at that time the Post Office Department agreed to it; but in the disagreement that we had with the House over salary increases generally, this was lost in conference.

Mr. SHAFROTH. There is no other proposition of a different amount before the Senate?

Mr. HARDWICK. No; none in the world on this question.

Mr. SMOOT. Mr. President, I simply want to say a word in relation to this amendment.

There is no class of Government employees who are paid so little for the actual work done as the rural carriers. When the Senate stops to think, a great percentage of the rural carriers have routes running from 24 up to 36 miles. They are paid but $1,200 per annum, and out of that $1,200 per annum they must pay the expense of maintaining an automobile or a horse and buggy, which sometimes takes more than half of the $1,200. Senators can see, therefore, how poorly paid this class of employees is.

Mr. GALLINGER and Mr. NEW addressed the chair.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I yield.

Mr. GALLINGER. The Senator speaks of a horse and buggy. In the New England States, and particularly in wintertime, they are very fortunate, indeed, if they can transact their business with two horses, and some of them are using three horses; and they frequently lose a horse by overwork or from some other cause.

Mr. BANKHEAD. If the Senator will permit me, I will state that nearly all the rural carriers have two horses.

Mr. GALLINGER. Yes; they must have.

Mr. BANKHEAD. And a great many of them have three.

Mr. GALLINGER. Yes; that is right.

Mr. SMOOT. I thank the Senators for calling my attention to the matter. I was fully aware of it, but was unhappy in my statement in confining it to one horse. But even if they had to employ only one horse and a buggy, the cost of maintaining the horse and buggy to-day is such that there is hardly a rural carrier in the United States who makes more than $50 per month.

I have in my office an itemized statement from at least 100 rural carriers in the different parts of the country, and it shows that in over 75 per cent of the cases the rural carrier is not netting more than between four and five hundred dollars per annum after paying the expenses that he absolutely has to meet in order to make his daily route.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. I do.

Mr. NELSON. I want to say to the Senator that in Minnesota, my country, the rural carriers have to have at least two

horses, and most of them have three horses; and even with three horses they find it very difficult to maintain the service in the winter months. They have to drive with two horses, and they need one as a reserve, in case of an accident or in case a horse is tired out. During the winter, at least, practically all of them have to use three horses, and they can not use automobiles.

Mr. SMOOT. I think the statement made by the Senator from Minnesota will apply to every State in this Union. I scan the appropriation bills pretty carefully, and I have scanned this one, and there are items in this bill that I believe could be reduced; but I want to say that the item that we have under consideration, increasing the salaries of the rural carriers, is as just an item as could appear in an appropriation bill; and I do not believe there is a Senator, who will make an investigation of the matter, who will say for one moment, or even intimate, that it is not just.

Mr. GALLINGER. Mr. President, may I be permitted to ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. GALLINGER. I have not looked into this matter recently with any care. Is an increase in salary granted in this bill to the rural carriers who cover only the 24-mile route?

Mr. SMOOT. The only increase of that character will be the general increase of 15 or 20 per cent that will be given the employees of the Post Office Department; but this particular item is $24 per mile where the route is over 24 miles.

Mr. GALLINGER. But the general increase will be about $120, will it?

Mr. SMOOT. It would be an average of perhaps $180.

Mr. GALLINGER. I was hoping that Congress might see the propriety of giving these men about $1,500 a year. I have looked into the matter with a good deal of care, so far as certain routes are concerned, and I know that many of the carriers are "living at a poor dying rate."

Mr. SMOOT. I will say to the Senator that if the Senate adopts the 20 per cent increase it will be $1,440.

Mr. HARDWICK. But there are a great many of these routes that are 25, 26, and 27 miles long.

Mr. SMOOT. And some of them as high as 37 miles, as I understand.

Mr. HARDWICK. Thirty-six.

Mr. GALLINGER. There never was any justice in requiring those men to cover more than 24 miles, which is the standard route, without increased pay. That has always been, I have thought, a gross injustice to these men.

Mr. SMOOT. Mr. President, I hope this amendment will be agreed to. If there is any question of appropriations being extravagant, let us begin scanning all the appropriations, and we can cut out a good many times what this is going to cost the Government, without doing any service of the Government any harm.

Mr. GALLINGER. Mr. President, if the Senator will permit me a word further, I was aware of the fact that we inserted an amendment perhaps identical with this one, or at any rate similar to it, in the last Post Office appropriation bill; and, as the Senator from Georgia has suggested, it was lost in conference. I am going to express the hope that if this amendment is agreed to the conferees on the part of the Senate will not yield readily if a demand is made that they shall yield, but that they, representing the Senate, will fight with great vigor and earnestness to secure the increase.

Mr. HARDWICK. Mr. President——

Mr. SMOOT. I yield to the Senator from Georgia.

Mr. HARDWICK. If the Senator from Utah will allow me, I will say that they would not have yielded last time if I had been on the conference committee. That is, I do not think one of them ever would have yielded, but there will be no trouble about it this time. We will stick to it. Not only that, but this same proposition has passed the House already, and they are for it. There will be no trouble about it. It is an act of justice long delayed.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I do.

Mr. VARDAMAN. If the Senator from Utah will pardon me, I want to express my sincere gratification at the expressions of approval of this amendment. It is a matter to which I have given a great deal of thought, and upon which I have gathered a great deal of data; and I think there are no employees of the Government who are more inadequately paid for the great service they render the American people than these rural carriers.

Mr. SMOOT. Mr. President, we have heard a great deal in this Chamber during the last 30 days of the poorly paid clerks in the departments at Washington. Why, Mr. President, there ought to be in some appropriation bill or some other bill a provision prohibiting the heads of the new bureaus and commissions from paying salaries from lump sums, in many cases 75 per cent higher than similar employees are paid when they are regularly appropriated for by act of Congress. We find these commissions taking Senators' clerks. We find all of the departments whose clerks' salaries we appropriate for by statute being robbed of clerks nearly every day for the purpose of going to these commissions and bureaus, where they receive sometimes as high as $600 more than they were paid before. If we want to save money, there is a very fruitful field.

Mr. THOMAS. But we do not.

Mr. SMOOT. But, as the Senator from Colorado suggests, we do not.

The situation is known by all Senators who have given the matter any attention. The Appropriations Committee of the Senate has discussed the question time and time again, and one item now in the legislative appropriation bill, agreed to by the Senate, preventing the increase of $120 per annum from applying to the employees in the bureaus and commissions that have been established since January 1, 1916, is being fought out in conference. The conferees so far have been unable to agree with regard to it; but I think the Senate provision was a just one, and the only objection I have is that it did not go far enough.

Mr. NORRIS. Mr. President, the enormous increase in the cost of living all over the country has had the effect of cutting down the income of every person who is living on a fixed salary. Ordinarily I have been opposed to the increase of salaries, but for the last year or two we have seen the cost of living going up by leaps and bounds yearly, monthly, and almost daily, until it has become apparent that it is with great difficulty that the man who a few years ago had an income that was amply sufficient to support himself and family and to accumulate some saving for old age is not now able to make both ends meet. The increase in the cost of living has affected everybody, and wherever the income is stationary like those working on a salary it has made it almost impossible often for people who before have been living in ordinary comfort to even exist.

Every man with a moderately small income that is fixed has been directly affected by this change, and particularly since we have been engaged in the war this increased cost of living has been growing at an alarming rate until, in my judgment, it has become necessary for the Government to increase the pay of all the lower-salaried employees.

This cost of living applies in a double way to the rural free-delivery carriers. The increased cost of living as it applies to a human being applies also to the keeping up of the equipment and the horses that are necessary for the rural carrier to maintain, so that the rural carrier has been inflicted twice by this increased cost of living.

Therefore, while it seems to me that other salaries ought to be and must be increased, and some have been increased, we ought to be more liberal in the increase of a rural carrier's salary than in the increase of the salaries of those who do not have to keep up the equipment they must at all times maintain in good order and repair. The cost of keeping a horse or a team has increased just as rapidly and at the same rate as the cost of maintaining an individual.

Mr. HARDWICK. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. HARDWICK. I suggest to the Senator from Nebraska, as further strengthening his argument along that line, that the rural carriers are the only people in any branch of the Postal Service who furnish and maintain their own equipment at their own expense. The city carriers have horses, trucks, and so forth, provided for as fixed by law.

Mr. NORRIS. I thank the Senator for the suggestion. I do not wish to criticize the supplying of the city carrier with his equipment. I think the Government ought to do that or ought to pay for the support of it—one or the other. A rural carrier can not perform his duty unless he has horses and wagons or automobiles, and in most cases he is not able to use an automobile all the year around.

Mr. HARDWICK. If the Senator will pardon one further suggestion, I am not trying, of course, to criticize the department in caring for the city carriers.

Mr. NORRIS. I did not take the Senator's remark that way.

Mr. HARDWICK. Of course, the very reason which leads to it in one case leads us to extend equality of treatment in the other case.

Mr. NORRIS. Certainly; as a matter of common justice, we ought to do it.

Something has been said about the cost to rural carriers of equipment and cost of upkeep of equipment. I have had reports from 150 rural carriers in the State of Nebraska giving an itemized account of their investments and their expenditures. That reminds me that the rural carrier's outfit costs a great deal of money. He not only gives his time, and has to support himself and his family and care for his horses and the balance of his equipment, but he has a whole lot of money invested in that equipment. I have selected at random only a few of these reports, to which I want to direct the attention of the Senate.

Something has been said about the number of horses that must be maintained. I find, in looking over these reports—and I have also found upon personal investigation—that the man who is covering a route of from 24 to 30 and 31 or 32 miles—and in the West most of them are more than 24; in a great many localities they will average 30—is not able to do his work even with two horses. It is difficult for him to perform all the service with three horses. It depends, of course, somewhat upon the kind of a horse he has. If he has a good horse, he has invested a great deal of money in it, and it will do more work than a poor horse; but many of these rural carriers maintain four horses, many of them keep three, some only two and an automobile. Occasionally one does a good deal of work, if he is favorably located, with an automobile, and he has only one horse, which he uses when the weather or the road is such that he can not use the automobile.

Here is a report from a rural carrier at Atkinson, Nebr. He has four horses, and the cost of his horses was $400. Everybody will concede that that is a very moderate estimate. The cost of his vehicle was $100, the cost of the harness $50, making a total cost of $550 that he has invested. We are all acquainted enough with conditions that exist now to know that this man has put that equipment very low. It is wearing out every day; the horses are getting older.

Mr. VARDAMAN. How many horses?

Mr. NORRIS. Four horses. He has a total investment of $550. He has spent during the year $24 for shoeing and repairs, $430 for oats, for corn $42, for hay $200, for other feed $15, and he has marked the depreciation at $75. Total upkeep, $786. It is easy to figure it; anyone can do it. If you do, you will find that every one of these estimates is very moderate, taking the prices of things into consideration. Now, when he got through he had left a net salary of $438 for a year's work, and he devoted his time and the time of four horses and the vehicles he used in connection with it.

Mr. President, it does not need any argument to convince a reasonable man that under present conditions that is not fair.

Here is another man who has three horses. He estimates the value of his horses at $300, the vehicles that he has at $180, harness at $50.

Mr. VARDAMAN. Can one buy a horse for $100 now in Nebraska?

Mr. NORRIS. No; you can not do it. You can not buy it for anywhere near that sum.

Mr. VARDAMAN. I thought it was not possible.

Mr. NORRIS. I have not seen these particular horses, but I presume they would not be considered first-class horses.

Mr. VARDAMAN. I should think not.

Mr. NORRIS. Any kind of a nag is worth $100 now.

Mr. VARDAMAN. That is my understanding of the price, and I could not understand why they were so cheap in Nebraska.

Mr. NORRIS. That is not the price; they are worth a great deal more than that; but that is the price the rural carrier has put them at, and I am sure he is very moderate in his estimate.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield to the Senator.

Mr. SHIELDS. I heard the detailed statement the Senator gave of the investments made in communications from rural carriers in Nebraska, and they are very similar in amount to items in Tennessee. I find on looking over a very large number in Tennessee that they would perhaps average about $550 or perhaps $600 for annual cost and upkeep of the equipment. I will ask the Senator if the reports he gets are not similar to those?

Mr. NORRIS. They are. I will say to the Senator that I have here somewhere among the papers the average of 150 that I will put in the RECORD.

Here is another man who has two horses and an automobile, but he uses the automobile, he says, seven months in the year. He paid $435 for his automobile. Everybody will concede that that is very modest. He has put his horses in also at $100 apiece—below what they are probably worth—and the vehicles, two of them, at $100, and two sets of harness, at $70. He finds when he gets through that he has a net income of $347.86 for his year's work for himself and all that investment.

I was interrupted when I was giving the report of the other carrier. I did not give his net account. The man whose report I was reading when I was interrupted has left from his salary with which to maintain himself and his family for an entire year only $235.

Here is another man with a route that is 27 miles long. He uses an automobile and has no team. He has invested in his automobile $525. He has paid for gasoline $187.80; for oil and grease, $35; for new parts, $50; for tires, $160; for garage rent, $35; for repairs, $50; and he puts depreciation at $200. It seems to me that that man's expenses with the automobile are very modest. He has $483.20 at the end of the year, out of which he must support his family, which we all know is entirely inadequate under present conditions.

Another one who has an automobile and two horses has left at the end of the year $205.

Here is another one who has an automobile that costs $460. He keeps three horses. His total upkeep of the horses and his vehicles is $400. The upkeep of his automobile is $300. The net income that he has at the end of the year is $453.50.

Here is another one with a net income of $465.25.

Here is another one who has a net income of $403.20, and so on through.

Mr. President, taking 150 of these reports running similarly to those that I have detailed and that I have in my possession, they show that the total cost of upkeep and operation of necessary equipment on the average for 150 rural carriers is $740.70 each, and that they have on an average a net income at the end of the year of $467.20.

I understand also that the Post Office Department is losing a great many rural carriers, and I have no doubt whatever, unless the compensation of the rural carrier is increased, as it ought to be, we will find that that part of our postal activities is seriously interfered with. They are waiting now to see what this Congress is going to do for next year. Many of them can not live on the income they now receive.

It is due, it seems to me, as a matter of justice to these faithful employees that we shall make an increase not only in their salary but a sufficient allowance that they may meet the extra cost of the upkeep for the necessary equipment they must maintain. It is not only necessary to keep our postal system in running order, but would be an act of common justice to these deserving and efficient public servants, and we should not permit the opposition of the department to prevent us from doing what, in my judgment, is our plain duty.

Mr. THOMAS. Mr. President, I feel constrained to sound a discordant note in this feast of harmony. I did not intend to do so because I know this and similar legislation will be enacted at this session of Congress for reasons which are entirely convincing to a majority of both Houses of Congress. But this is as appropriate as any time to express my dissent from proposed methods of relief legislation.

There is no doubt, Mr. President, but that the beneficiaries of this amendment are poorly paid, relatively speaking. There is no question of doubt but that the dollars which they receive do not go as far as they used to go. Such is the universal condition and such will be the universal condition as long as the war lasts, and afterwards, if we attempt to relieve it by legislation of this character.

Mr. President, although I may not be given credit for the statement, it is nevertheless a fact that I sympathize quite as heartily with those who are unable to make both ends meet at this time, whether they are in the Government service or out of it, as any other Member of the Senate. I am anxious to do what a man in my position ought to do to relieve these conditions if legislation can relieve them, but I am unable to perceive how legislation of this sort can do otherwise than aggravate them.

The country has been visited during the past 12 months by a series of strikes carried on by men in various occupations and having for their purpose an increase of wages. Each successive strike is based upon that ground, notwithstanding the fact that preceding ones have been uniformly successful upon the same ground, all of which illustrates, as I have repeatedly contended, that the race between the man who furnishes the necessaries of life and the man who is obliged to pay for them is a most unequal one. The former has all the advantage and so keeps ahead of his customer.

I do not know of a groceryman or a dry goods man or any other man dealing in the necessities of life who is not supporting

these proposed increases. I have received many letters and telegrams, mostly the latter, urging me to support this and similar increases, and 60 per cent of them comes from those who deal in the necessities of life. Their hearts bleed for the man or the woman who is unable to secure them at prevailing rates, and they have a lively sympathy for their misfortunes and their sufferings. Yet we note that as these increases are made the prices of the commodities are advanced so as to take in the increase as speedily as possible.

This amendment will pass, and within the next 15 or 20 days after it shall have been written upon the statute books the price of horses and of horse feed, and of human food, and of clothing, and of everything else which ministers to the comfort and the necessities of life will advance again. As a consequence we are making of these various employees agencies only, pipes, if you please, leading into the Treasury, at the other end of which is the materialman, and we will continue to do it, with the result that with each successive session of Congress the employees of the Government will come to us for additional increases because of the identical conditions to which I refer. That is human nature; as old as the human race. The purveyor to the public gets what he can and takes advantage of favorable conditions. He would be otherwise than human if he did not.

We never will be able to meet these conditions—in all the tides of history they never have been met—by legislation of this sort. The salary of Cabinet officers is $12,000 per annum. If we made it $15,000 they would be confronted with the same raises made to absorb the increase just as soon as it was called to the attention of those with whom they deal. So, Mr. President, I am unable to lend my assent to the view that we are doing justice to anyone by this process, and I contend that we are doing injustice to the taxpayers of the country.

In supporting this measure the Senator from Utah [Mr. SMOOT] called attention to the fact that the beneficiaries of this particular amendment are very poorly paid. Indeed, he went so far as to emphasize the proposition that they are among those who are paid the poorest of any of the employees of the Government. Yet that has been said of every class of employees whose relief has been designed by similar amendments in previous bills. I must therefore conclude that of all employees in the United States those are poorest paid who work for the Government, and when they come in classes and ask for relief it is that particular class which at the time is the poorest paid of all.

The Senator from Nebraska [Mr. NORRIS] has called attention to the fact that quite a number of those engaged in the carriage of the rural mails have quit their employment because they could do better on the outside. Why should they not? A man having one horse or two horses or three horses, no matter what the number is, in view of the present demand for labor can do infinitely better outside of Government employment by taking his horses, and he owes it to himself and his family to do so, and adding to the productive wealth of the country. That is where his energy should be expended. If necessary we can do without a daily mail, but we can not do without cabbages and onions. If necessary, we can have a triweekly mail, and if these employees can do better outside the Government service it is not only their right, but I think it is their duty to do so.

On the other hand, I am informed that the waiting list of men who have qualified under civil-service examinations and who are not only ready and willing but are anxious to take these places is extremely long. So in that event I do not perceive that the Government will suffer if the salaries remain as they are, while I do perceive that they will suffer without any benefit conferred through the operation of this bill, except for a few days, while those who—and I am not criticizing them because their expenses have also risen—dealing in the necessities of life, raise their prices and absorb the advance.

The Senator from Utah says we might cut somewhere else. Where? I have opposed a number of amendments to other bills carrying sums of money in various amounts, and in each instance I have been told that while we should economize we must not attempt to do so at that particular point. The one thing that the Senate of the United States can not discover—I will not say that it does not want to discover it, but the one thing that the Senate of the United States can not discover—is the point where we should begin to practice economy. A point is said to be invisible. It has neither length, breadth, nor thickness. Doubtless that is why it is impossible for the finite mind to discover it or the mortal eye to perceive it. It is not here, and I fear it never will be.

As I have said, I have done what I could to cut expenses, and the only result of the cutting process up to this time has been the fact that some of my associates have indicated that my action would meet just rebuke. Did they cut my acquaintance? Fortunately, they have not done so yet.

We do not, we can not, we will not begin to economize until we change our methods of financial legislation.

The Senator from Utah criticizes the departments which out of general funds pay higher salaries to some employees than the salaries fixed by law for others. That is an inequity which should receive correction, but I would correct it by giving to the departments a general sum for all salaries, and let each department fix and distribute the number of employees and their salaries as seems best for the good of the service.

By that means, Mr. President, we would escape a large amount of drudgery in legislation and at the same time impose upon these departments a duty which will tend toward economy in some degree. That is the system in many if not all the other countries whose consequent financial problems certainly are less difficult than ours.

Mr. President, I believe that something should be done by the Government for its employees because of the increased expenses of living. We are doing something in the District by the housing bill. We should follow it up if necessary by Government purchase of the necessities of life, and let the employees have them at prices less than cost, if necessary, but within their common means. It is the only way in the world in which we can remedy this defect; try as we may, we can not reach it by any other processes.

Mr. President, I regret that in this as in other measures there is a tendency not only to increase the expenses in one direction, but to decrease receipts in another.

This bill carries something over $4,000,000 for the purchase of pneumatic-tube systems in various cities of the country. My judgment is that might well be postponed until after the war, even though the companies owning the tubes may be financially distressed as are the postal employees of the Government.

Mr. HARDWICK. If the Senator will pardon me——

Mr. THOMAS. I yield to the Senator.

Mr. HARDWICK. The Senator may rest under that misapprehension; but we do not propose to pay the tube companies $4,000,000 or any other amount now. In fact, we have not increased the expenditure for this item at all, but have merely amortized the payments. They are not greater this year than they were last year or the year before or the year before that.

Mr. THOMAS. But the Government makes itself liable for this sum of money.

Mr. HARDWICK. But it does not have to pay it out.

Mr. THOMAS. The Government may not have to pay it out at once; certainly it does not, according to the statement of my friend the Senator from Georgia; but we are incurring liabilities which might well be postponed for further consideration.

Mr. CUMMINS. Mr. President——

Mr. THOMAS. I yield to the Senator from Iowa.

Mr. CUMMINS. May I suggest to the Senator from Colorado, in view of the interruption of the Senator from Georgia, that the fact seems to be that we have been paying about $350,000 a year more than we ought to have paid for the service of these tubes? It is hardly an answer to the argument just made by the Senator from Colorado to assert that if we keep on paying this excessive sum we shall not entail further expense on the Government.

Mr. HARDWICK. Mr. President——

Mr. THOMAS. I hope we shall not get into a controversy; but I cheerfully yield.

Mr. HARDWICK. The only purpose of my interruption was to show that there is no increase in expenditure in this item now to come out of the Treasury.

Mr. SHAFROTH. Mr. President, does not the Senator from Georgia recognize that there will be an increase in the operation of these tubes by the Government, necessitating an expenditure of from $300,000 to $500,000?

Mr. HARDWICK. No.

Mr. SHAFROTH. I so understood it.

Mr. THOMAS. Mr. President, the notice given by the Senator from Indiana [Mr. WATSON] a few days ago that he would ask for a suspension of the rules, that he might attach an amendment to the bill, indicates that we are not only to increase expenses, but may also reduce revenues by this bill. We are going to afford relief to some poor newspaper and magazine publishers if the rules are suspended by postponing the collection of revenues from them, and that will probably be followed by the ultimate abandonment of that source of taxation, not because the Senator contemplates it, but because the interests affected by the tax will very naturally demand it, and ought to demand it, if their contentions for the postponement are sound.

The Finance Committee last year reported a bill to impose an added burden of about $70,000,000 upon the people of the United States who have occasion to use the postal facilities of the country. We increased first-class postage, which pays a magnificent profit to the Government, by 50 per cent; we increased second-class postage very slightly, and that is the one which is causing the trouble. The reason given for that increase was that we needed the money for the purpose of prosecuting the war; hence the good people of the country, from motives of patriotism, were required to make that sacrifice and pay more for their first-class postage by 50 per cent during the war than they had been accustomed to pay for some time, as a certain means of securing revenue for the war. Now, this bill proposes to take some $45,000,000 of that revenue and use it for increased postal expenses—not for the prosecution of the war but for the purpose of aiding what, I am sure, will be a permanent increased expense to the administration of our postal affairs.

This leads me, Mr. President, to briefly refer to the plight of a very unimportant portion of our population whose chief relation to the Government is to earn money and pay taxes. That is the humble but necessary performance of a very essential duty, both in times of war and in times of peace. They are willing to do so, and will continue to do so cheerfully, so long as the money seems to be used for the purposes we have promised to devote it.

Let us for a moment see what their burdens are: The first year of this war cost us—and I am trying to be conservative—$12,000,000,000. The estimates recently submitted by the Secretary of War for the expenses of his department for the coming fiscal year are $15,000,000,000. The comparatively trifling amount for our usual and ordinary and necessary expenses might be added to this sum, but that is not essential to my purpose.

This means, excluding other items also, that on the 1st day of July, 1919, we shall be confronted with a public debt of $27,000,000,000, interest on which at 4 per cent is the equivalent of $1,080,000,000 per annum, or a sum about equal to our total annual expenses prior to the war.

Mr. President, if the Government had the magical power of creating money, if it enjoyed the sole possession of some mysterious process by whose operation the vaults of the Treasury could be kept perpetually filled, I should be very glad to support this and similar proposed increases and to grant this and similar proposed exemptions. I might go so far as to adopt and apply the political platform of Tittlebat Titmouse and stand for "everything for everybody"; but, unfortunately, that is impossible. The money which is necessary to run the Government must come from some source. We must either raise it by grinding taxation or we must borrow it, if we can, and let posterity pay it. A third alternative, that of creating a noninterest-bearing debt, I hesitate to even suggest, because it is regarded as too heterodox to receive serious consideration. So probably that will be postponed to a day of dire necessity, which may never come.

Mr. President, in order to meet some of these enormous war expenses we enacted what was called an excess-profits tax revenue bill last year, which was miscalled "a war-tax revenue bill," under which the taxpayers, on or before the 15th day of next month, must pay at least $3,500,000,000 into the United States Treasury. I receive, and I have no doubt my colleagues receive, many plaintive appeals urging the enactment of legislation during the next 30 days under the provisions of which these taxpayers may pay this enormous sum of money by installments. The reason they give for urging such legislation is that the burden of taxation is so great that they can not pay the whole sum at one time without serious inconvenience and, in some instances, without being compelled to use their credit to borrow the money and to pay interest upon it. The sum of $3,500,000,000 is the equivalent of $35 per capita of our population. A man with a wife and several children therefore finds the burden of that tax to be very considerable. The added sum of $15 per capita for State, county, and municipal taxes is conservative, and that means $50 per capita in actual taxes for the good year 1918.

I have a homely notion, Mr. President, that the requirements and needs of these people should be a subject of first consideration with the American Congress, and yet it does not seem to concern it much. If I should introduce a bill proposing to pay from the Treasury of the United States to every citizen $50, so as to enable him to meet these added burdens, I should be laughed out of the Senate Chamber. But should not the people who must pay all the money that we expend be entitled to some consideration when we are expending it? I do not believe that the Congress should appropriate a dollar for ordinary governmental expenses during this war which is not absolutely and unavoidably necessary. I believe that the people should all make sacrifices, and strenuous sacrifices, if necessary, to the end that the war may be successfully prosecuted and be terminated as soon as possible. And all the people, including those who are asking the Government to divert part of its revenues to them, should. Suffering and self-denial accompany expenditures required by great crises, that we may the more certainly realize the sums necessary to defray them. But organized beneficiaries of Treasury appropriations would seem to be exempted from this supreme requirement. The taxpaying citizens of the Nation will be heard from later.

Mr. TOWNSEND. Mr. President, there is a great deal of true philosophy in what the Senator from Colorado [Mr. THOMAS] has stated. Indeed, he is considerable of a philosopher, and says many things which are worth hearing and observing. It seems to me, however, that the problem before us is not theoretical, but one that is entirely practical and must be met under the conditions which surround us.

It is undoubtedly true that the salaries paid in the United States to the agents of the Government form a fund which is sought by every producer, by every dealer, by every person who sells the products which the people require. The millions paid by the Government in salaries are the object of every device which greed and avarice can devise and every increase stimulates their efforts. But because of this shall we leave the employee naked and hungry? I will not permit any man to go further than I will go in condemnation of the profiteering system which is widespread throughout the land. I receive letters, as do other Senators, frequently from the people of the United States asking that I support some measure which will enforce the penalty of death through courts-martial upon spies and other alien enemies; but I have never been willing to consider favorably the proposition of doing away with our courts and administering summary punishment upon people who have not been tried by a jury in a civil court, except in the Army and Navy, where martial law is absolutely necessary. I nevertheless condemn as strongly as any man can do the traitors and spies within our midst who seek to do injury by retarding preparation and depreciating patriotism; but I would class among the most dangerous enemies to this country those who are profiting unconscionably out of the present necessities of the country.

It is because of this condition that such laws as the one proposed are required; it is because of this that billions of extra money for war preparations are needed. If the Government had to pay only a reasonable profit to those who produce the things necessary for the conduct of the war and for the living of the people, our taxes would be less and our people would not suffer so much; but the fact is that these conditions do prevail, and I know of no way presently to prevent them.

It is undoubtedly true that if we could conduct all of the affairs of the Government without salary, there would be less opportunity for dealers to speculate on the necessities of the people; but we can not get the service of the Government performed for nothing. Therefore it becomes necessary for the Congress, so far as Government employees are concerned, to fix reasonable salaries for services rendered.

Mr. VARDAMAN. Mr. President, will the Senator permit me to make a suggestion at that point?

Mr. TOWNSEND. I yield.

Mr. VARDAMAN. I do not know of any enterprises that have been commandeered by the Government, including the railroads, steamboats, and other instrumentalities of commerce, that are not to-day making larger profits than they ever made before probably within their history, while the laboring men, the employees of the Government, whose interests we are taking care of in this bill at the same time large enterprises are making enormous profits for the service rendered by them to the Government, receive a salary scarcely adequate to their needs and to meet the expenses of their families. There is no profiteering in what they are doing on the salaries they receive, and, unless the Government does raise salaries, want and suffering will be the result. The Government can not afford to be unjust in dealing with its employees.

Mr. TOWNSEND. Mr. President, the one point which the Senator from Colorado [Mr. THOMAS] makes which I can not accept, and to which I do not assent, is that the people could endure without an efficient Post Office Department.

Mr. THOMAS. I said during the war, if necessary.

Mr. TOWNSEND. I accept the correction. Mr. President, there is no department of the Government that is more necessary in war than is the Post Office Department. If any Senator will sit down and look the field over very carefully to see which instrumentalities of the Government could be dispensed with in

time of war with the least harm to the Government and to the people, it seems to me he will conclude that the Post Office Department should come almost last on the list. War preparations require the Postal Service. Business, war and other, depends for its success upon the mail. Patriotism is kept aflame by the press, which reaches the people through the post office. The hearts of our soldiers and sailors are kept strong and those of their loved ones at home are kept beating by letters which pass through the mails, and the mail service should be the most efficient possible.

I admit that there are many things connected with the Post Office Department which might be eliminated. Who is able to do it? When we attempt even to make second-class mail matter pay what it costs the Government to handle it we are met with irresistible opposition; we can not succeed there. But there is a legitimate purpose of the Post Office Department that must be met.

If we are going to have a Post Office Department, if it is necessary as you and I believe it is, we must have men to operate it. I know that the war and war prices are making it difficult to secure adequate help to maintain efficiently many post offices and other agencies of the Post Office Department. I know, for example, in the city of Detroit, one of the great centers of industry of this country, that the postmaster has been unable to get efficient men to perform the services required in his office, due to the fact, as was stated by the Senator from Colorado, that people could get better wages elsewhere. The substitute carriers would not purchase uniforms because they were expecting to go into some other work at the very first opportunity. It is necessary to have the post office at Detroit; it is necessary for the business interests which are engaged in production for the Government in this time of war that the post office there shall be maintained. It is being maintained inefficiently, and it will be so maintained unless a reasonable compensation under the circumstances can be paid to the employees of that office. I have received probably 300—I have not counted them—signed statements from rural carriers in my State showing exactly what expense the carrier is put to, what it costs him to purchase and maintain his equipment. The communications contain not a word as to the cost of the carrier's own living, but simply state the necessary expenditure that he must meet in order to do the business required of him by the Government. I have not found a single instance where a man requiring, perhaps, an automobile and two horses and one or more rigs has a net income over and above the cost of maintenance exceeding $600 a year. The great majority have left after paying operating expenses less than $400. Most of the men are married and have families to support. I am not going to put all of these communications into the RECORD, because other Senators understand the situation as well as I do, but these are the facts.

Now, the question is, first, Is it necessary to have the work done? Do we want to maintain the Rural Delivery Service in the United States? I think, if put to a vote on the floor of the Senate, there would not be a half dozen votes, possibly not more than one vote in the Senate, in favor of the proposition to abolish the Free Rural Delivery System. Indeed, we are enlarging the service; on every occasion we are trying to make it more efficient by adding to it—we have added to it the parcels post, and in this bill there is a provision for truck service—because the people believe in it. I believe in it; I do not think anything has been done in this country for a quarter of a century that has contributed more to the welfare of the whole country than has the establishment and maintenance of free rural delivery.

If it is settled that we are going to keep free rural delivery—and we must keep it—the next question is, How are we going to do it? I do not think it will be possible to maintain under the present conditions the Free Rural Delivery Service in any manner adequately efficient unless we increase the compensation which the rural carriers are to receive. It may be true, as the Senator from Colorado intimates, that many people are on the waiting list for these jobs. It was true once. I do not believe it is true now. Men can not live and support their families on the salaries now paid, and this great Government has no right now to ask its postal employees to starve themselves and families while it permits mercenary profiteers to increase our taxes and the cost of every necessity of life.

The House has adopted a provision which adds 20 per cent to the compensation which carriers are already receiving. I know that the Senate bill provided, in the first place, for $24 per mile per year additional to those carriers who had routes in excess of 24 miles, plus 15 per cent additional to their salary. The House added a straight 20 per cent increase. I understand that the distinguished chairman of the Senate Committee on Post Offices and Post Roads has offered in the Senate the House provision as an amendment.

Mr. BANKHEAD. That amendment is pending and is being considered now.

Mr. TOWNSEND. That is the amendment now pending. That involves a large sum of money, somewhat larger than the original Senate provision would require. I wish so much was not necessary at this time.

I believe in economy, as the Senator from Colorado believes in it, but I believe in accomplishing the necessary things for the Government. We are doing it in everything else; there is not a single thing that is brought up in the way of war preparation as to which we even stop to consider the cost; yet it is suggested that the Post Office Department, which was originally established not for the purpose of making money but as a bulwark for a great, free Republic, as a means of disseminating information—education, if you please—be made the object of economy in this instance. It would be false economy. I do not want to waste the people's money. I, too, with the Senator from Colorado, have stood against many appropriations that I believed to be extravagant. I do not believe that this appropriation is extravagant; I believe that it is absolutely necessary not only to the welfare of the Post Office Department but to the welfare of the Government as well.

I am sorry that the exploiters of men during this horrible crisis has made it necessary for the Government to appropriate untold millions of dollars which would not be necessary if every man who had things to sell was actuated by real patriotism and was content to receive a reasonable profit upon the thing he sold. I wish I knew how to frame a law that would get at the root of this evil, but I know of no way of accomplishing it. I have supported every measure that has been proposed that seemed at all reasonable in that direction; but meanwhile it is a condition and not a theory that confronts us; it is a question of maintaining the Post Office Department efficiently or of abandoning or neglecting it, and thereby, in my judgment, doing as much to injure our country now as anything else that could be done. Therefore, Mr. President, I have been favorable to the increase of salaries to postal employees, including rural delivery carriers.

As I understand, an amendment is to be offered affecting fourth-class postmasters. The Senate provision is a wise one, but the new amendment offered by the chairman of the committee incorporating the House provision is, in my opinion, not adequate. If we are going to have fourth-class post offices, the men who are put in charge of them should at least be treated decently, so far as compensation is concerned. The rural postmaster and his carrier are the only agents of the Government with whom many of our citizens come in contact. They should be clean, honest, capable people, able to maintain a decent office and to live respectably. I trust that the amendment adopted originally by the Senate will at least be approximately approached in whatever action may be taken by the Senate to-day on this measure.

Mr. SHIELDS. Mr. President, I favor the proposed amendments for the increase of the compensation of postal employees, including clerks, city and rural carriers, and fourth-class postmasters. I believe that such increase is just and fair to these employees, and necessary for an efficient Postal System.

We have better carriers now than we had when this system was first put into operation some twenty-odd years ago. They have all undergone the civil-service examination. They have other duties and added responsibilities. They are no longer mere messengers to deliver mail and papers. They must be and are men of fair business capacity. The Parcel Post System and Postal Savings Bank have added materially to their responsibilities. Competent men with the required qualifications can not be obtained for the pittance paid them at this time. This is specially so as to the rural carriers. They are required to pay out about one-half of it for the purchase and upkeep of their horses and vehicles, and can not support their families upon what is left.

Many good men are leaving the service on this account, and it is hard to supply their places. The proposed increase of salaries is absolutely necessary to maintain an efficient service, and should not be longer delayed. They are the only class of postal employees required to furnish their own equipment, and the poorest paid men in the service.

Congress has not only by repeated legislation increased the compensation of numerous employees, and in all the new offices created in the last three or four years it has provided for larger salaries and compensation than ever before, but every business concern in the country of any magnitude has taken cognizance of the increase in the cost of living and has increased the compensation of its employees. These are facts of common

knowledge and of common practice throughout the United States; and yet here are a deserving set of employees who, notwithstanding the great increase in the cost of living, estimated at not less than 60 per cent, have had no increase in their salaries or wages for more than 10 years.

It takes no argument to show the injustice of this treatment. When the cost of their living doubles, the effect of it is to reduce their salaries one-half. Every Member of the Senate has felt that in the last three or four years his salary is not worth more than two-thirds of what it was five years ago. Mr. President, this proposed legislation only applies to small salaries, comparatively speaking. The reference to Cabinet officers getting $12,000 a year or other officers receiving three or four thousand dollars or upward is not pertinent. A man who gets four, five, or twelve thousand dollars can very easily economize. It does not take all of that to supply the necessaries of life to his family, as it does in the cases covered by this bill, where these people get only from $600 to $2,000. Every dollar of this is needed by them to properly feed and clothe their families. These are the sort of salaries that ought to be increased, and they are the salaries that are proposed to be increased by this bill.

I have been struck with the fact that the cost of the Rural Free Delivery Service to the Government is about $53,000,000 and that the carriers are required to expend for equipment annually one-half of that sum—about $25,000,000. This is startling. It seems an outrage that these employees should be required to pay one-third of the cost of the Rural Delivery System.

I believe that, if anything, these increases are too small. We need efficient men in these places, and the Government ought to be just to them. I hope there will be no opposition to the proposed increase of the compensation of all these postal services. They have onerous duties to perform and should be paid salaries commensurate with what other employees are receiving and with due consideration of the high cost of living.

Mr. KIRBY. Mr. President, I wish to give notice that I reserve the right to have a separate vote in the Senate on the amendment proposed by the committee referring to the pneumatic-tube system.

Mr. VARDAMAN. Mr. President, I shall not delay a vote on this amendment by any extended remarks.

I want to say that I approve most heartily of the views of the Senator from Colorado [Mr. THOMAS] regarding the matter of taxation, and the necessity for rigid economy in governmental expenditures. I shall not support any measure that has not for its purpose justice. I am voting to raise the salaries of these employees, because I feel that they are entitled to it. I feel that the Government, at their present wages, is not treating them fairly; that it is not giving them sufficient salaries to meet the demands upon them and to support, as every American family ought to be supported, the families of these particular employees of the Government.

When conditions change, when values decline, and the depression comes, if I have the honor to be a Member of this body, I shall vote for a reduction of salaries. In other words, the vote that I shall cast to-day will not in any way bind my conscience and my judgment for the future.

We must treat conditions as they are, not as we would have them. We must deal with them as they are to-day, not as they were yesterday or as they may be to-morrow. Viewing the matter from that standpoint I do not think Congress can afford to do less for these earnest, efficient public servants than to adopt the amendment offered by the committee.

Mr. STERLING. Mr. President, I am in favor of this amendment, and trust that it will prevail.

As I look at the amendment and note the increases for which it provides, and that those employees receiving $800 or less are to have an increase of 20 per cent per annum, I am led to wonder how, with a salary of $800 or less, they have lived or are enabled now to live. As we come face to face day after day with the high cost of living, we wonder not only with reference to these employees with salaries of $800 or less, but with reference to those with much higher salaries, as to how they are enabled to live. So with reference to all these salaries for which there is this proposed increase I think the conditions fully justify the increases proposed by the committee in this amendment.

Why, Mr. President, take the highest salaries which will be increased by this amendment, what under present conditions is likely to be the effect upon the efficiency of the service? The employee receives a salary barely enabling him to live from day to day and support his family, with no prospect of sufficient for future needs for sickness or for age. That prospect, I think, can not help but impair the efficiency of the employee who faces it, and I think we shall never have efficient service in governmental affairs until there is reasonable compensation paid to the Government employees.

Mr. President, I am particularly interested in the increase provided for in this amendment for the rural carriers. The Senator from Nebraska [Mr. NORRIS] a while ago read from some statements he had received. I have scores of them here, but I just want to call attention to two or three, with a word of comment by the carrier himself in addition to the statement which he has filled out.

Here is one who fixes the total cost of upkeep of a motor vehicle at $696, considering, of course, depreciation and all. The total cost of upkeep of a horse-drawn vehicle—and he is only able to use the motor vehicle six months in the year, and therefore he is obliged to have the horse-drawn vehicle in addition—is $565, and the total cost of upkeep of all the equipment here is $1,260, leaving him a net salary upon which to live and support his family of $60. He gives the following prices of some of the articles necessary for him to buy in order to maintain the equipment that he has:

Present price of gasoline per gallon, 29 cents.
Oats, per bushel, 90 cents.
Corn, per bushel, $1.25.
Hay, per ton, $12.

Then he adds this:

I have given an exact statement of expense. I am compelled to make my living after I return from my route. In the last year I have run behind $600. A mail carrier's word is not considered good any more, because his salary is not sufficient to nearly pay his expenses alone.

Here is another whose expenses are less. He has no motor vehicle, but he performs his work with a horse-drawn vehicle alone, and the salary he has left, on which to live and support his family, is $410.05. How can he live and support his family on a salary of that amount?

Here is another who, after paying the upkeep of his motor vehicle and his horse-drawn vehicle, has a net salary left of just $70, and he gives some prices, as follows:

Present price of gasoline 28 cents per gallon.
Oats, per bushel, $1.05.
Corn, per bushel, $1.75.
Hay, per ton, $21.

He is able to use his motor vehicle eight months of the year, but because he can not use it the other four months he has to maintain a horse-drawn vehicle equipment, and he says, in commenting on the situation:

Unless Congress sees fit to grant a liberal increase this spring I, as well as many others, will be compelled to resign and seek other employment.

And so it will be, not with this one man, but with many another in this Rural Carrier Service, who by his experience and his devotion to the work has become an efficient rural carrier. He is now compelled to quit. Some man may take his place, it is true, and go through the same experiences, but the man who takes his place will not render the efficient service that the present incumbent renders, and as he gains the experience—the dearly bought experience—he, too, will find it necessary to seek some other employment.

I have here just one other statement which I will read. It is from a man whose net salary left, after he pays the expense of the upkeep of his motor vehicle and his other expenses, is $64.72. This motor vehicle he is enabled to use 10 months of the year, but because he can not use it the full 12 months he is obliged to maintain the full equipment for a horse-drawn vehicle; and, as I say, his net salary left after the payment of all his expenses is $64.72. He says:

A farm I owned before taking this position is bringing in $550 rent. The rent from a house in town is bringing in $400. If it were not for this source of income I could not exist on the salary of mail carrier. I never spend money foolishly.

Mr. President, it seems to me that the great Government of the United States, whatever it costs, can and must afford to be just; and that is what is involved in these increases, simple justice to these men who render this efficient service in an indispensable system, for the Rural Carrier System now is indispensable. One Senator a moment ago inquired how many Senators would vote against it if the test came. I doubt if one would have the hardihood to vote against the Rural Carrier System. When we come to consider its tremendous benefits to all the people of the United States—socially, intellectually, and educationally—they are really immeasurable. We can not measure the benefit that the Rural Carrier System has been, and whether in peace or in war, we must maintain the system.

Mr. GALLINGER. Mr. President——

Mr. STERLING. I yield to the Senator.

Mr. GALLINGER. I will ask the Senator if, in his judgment, it is not inconceivable that a single member of either

House of Congress would vote in favor of abolishing the Rural Delivery System?

Mr. STERLING. I quite agree with the Senator. I think it is inconceivable that one Member of either House of Congress at this period would vote against it.

Mr. GALLINGER. Is it not also a fact that the public generally would vote substantially unanimously in favor of continuing it?

Mr. STERLING. I will say to the Senator from New Hampshire that I am satisfied that such would be the case if the matter were submitted to a vote of the people. They would not for a moment think of dispensing with this great service. So, as I said a moment ago, we must be, and I believe we can afford to be, just in the matter of these salaries, and such is the purpose of this amendment.

Mr. HARDWICK. Mr. President, the discussion has been principally directed to section 2 and the proposed substitute therefor. The immediate question pending before the Senate, however, is a somewhat different, though a related, subject matter.

The amendment before the Senate is to be found on page 27, lines 7 to 14, and is as follows:

Provided further, That on and after July 1, 1918, rural carriers assigned to standard horse-drawn vehicle routes on which daily service is performed shall receive $24 per mile per annum for each mile said routes are in excess of 24 miles: *Provided further*, That a carrier may use any character of vehicle on a horse-drawn vehicle route that is approved by the postmaster of the post office from which said route starts.

Independently of the question of increasing the salaries of postal employees generally and of the amount by which those salaries should be increased at the present moment, if at all, this amendment has merits that are peculiarly its own. If we were not engaged in a war, and if we had no rapidly mounting cost of living, this amendment ought to be adopted by the Senate without division or dissent, as it has been in the past, as a matter of simple justice as well as of correct governmental policy.

Twenty-four miles is the standard horse-drawn route, and the pay for that route is $1,200; yet by law if the route is 22 miles in length and under 24 miles, the pay for such a route is $1,152 per annum. In other words, the first step under the 24-mile route is a deduction of $24 per annum for each mile under 24.

Mr. SHAFROTH. Mr. President, is not that an injustice?

Mr. HARDWICK. No; I do not think so. I will tell the Senator why not in just a moment.

Mr. SHAFROTH. All right.

Mr. HARDWICK. Of course, distance has been the standard adopted for pay on this question. Other standards might be adopted; but, considering the country as a whole, and all the considerations involved, the legislative bodies have always, ever since this system was established, considered that distance was the correct yardstick by which to measure pay.

On routes not over 20 miles in length and under 22 miles, $1,080 per annum is the salary—a deduction from the standard in that case of $36 per annum for each mile short.

On routes not under 18 miles and not over 20 miles, the pay is $960 a year, a deduction of $60 per mile for the shortage, and so on down to the limit, $60 in the lower grades.

If distance is to be the yardstick, and you fix your standard at 24 miles, and the Government adopts a scale of pay descending from the standard and deducting for each mile of shortage from the standard, it seems to me, if you have a correct yardstick at all, that the same standard ought to be applied ascending above the 24 miles as descending below it.

Mr. SHAFROTH. Mr. President, I fully agree with the Senator as to the ascending scale, because it is that much more service than the Government has contract for, and, consequently, when it is performed, it ought to be paid for; but it does not seem to me that there ought to be a deduction there, where the route is less, anywhere near in proportion to the $24 per mile.

Mr. HARDWICK. If the Senator will pardon me, I am going to try to tell him why the law is that way. It is not a perfect system, in my judgment. There are objections, doubtless of the same character that the Senator has in mind, to be urged to it. But it must be remembered that distance has been fixed by law as the standard; the yardstick by which to measure this pay; and, of course, when you fix a certain distance as the average or the standard, if it goes over that you should get more pay, and under that you should get less pay. It seems to me that not only is that right as a matter of equity and justice between the carriers, but it is absolutely necessary to have this ascending scale; and you will notice that it has not been put at as high a rate as in the descending scale, which is $24 on the first 2 miles, $36 on the next four, and then, under that, $60 a mile deduction. We have only provided one step in the ascending scale, and that is $24 per mile.

I say not only is it a matter of justice to do that, and equity between carriers, but it is a matter of most important public policy in the administration of the postal affairs. Otherwise, if you do not have some increase of the pay for the mileage above 24 miles, the temptation to a department that is trying to make a good balance sheet—and I commend instead of criticising any administration for that—will be to stretch the routes and make them too long for efficient service, so as to get an apparent net result that is more favorable to a surplus in the Post Office Department. In fact, not only in theory but in fact, that has been the result of not having this ascending scale fixed. If the Post Office Department could stretch a route, and they have done it, I am afraid, in a good many cases, above the 24 miles it may be to 30 miles and 28 miles—I know it has been done so in my own State, and I know to some extent in a number of other States—they do it for the benefit of economy, because the carrier would not get any more by stretching it, and it is stretched even at the expense of efficiency in the service; whereas if we put this ascending scale on that temptation will be to some extent removed; certainly it will be lessened.

For both these reasons it has never been possible for anybody to make any successful resistance to this proposition. It has been voted on, I think, several times in both Houses of Congress. I know when the last Post Office appropriation bill was passed, it was unanimously adopted by the Senate. The argument was just and was unanswerable. I have yet to see anyone who attempted successfully to combat it.

The Senator from Colorado [Mr. SHAFROTH] suggests that there ought to be no deductions when the distance traveled is less than 24 miles.

Mr. SHAFROTH. No; I do not say we should go to that extent, but I think it ought to be in a very much less proportion, because the investment of the man is there and his time is used.

Mr. HARDWICK. I will not undertake to answer the Senator, because I agree with him. I did not understand him. It may be that a deduction of $60 a mile is too much. I always thought so, and I hope some day it will be changed because, as the Senator says, these men have to keep up their equipment and have practically to devote their time to the service, but, of course, if measured by a yardstick you have got to have a standard and to some extent determine the question by the standard. It seems to me that $24 a mile or whatever the amount ought to be uniform all through up and down above the standard. You will notice that if you pay $1,200 for 24 miles that is $50 a mile. That you pay for a standard route. The scale is not worked out in accordance with that principle. I expect that some day it may be, and if it is, it may be on some of the shorter routes to which the Senator from Colorado referred and which he had in mind there will be some increase in pay, to which I think they are entitled as he does.

Mr. President, that is all there is to the amendment, and I can not think that its adoption can be a debatable matter, because if we had no war, if there had been no increase in the cost of living, if none of the reasons that are now assigned for these general postal increases existed, this would be right as a matter of equity and justice between the carriers themselves, and as a matter of correct governmental policy.

I will say while I am on my feet a few words about the increases that we are to come to next. Other Senators in discussing these questions have not hesitated to cover the general subject. While I have no doubt the chairman of the committee will be able to cover it for the committee much better than I can, I will submit a few observations about the general postal increases carried in the bill.

So far as the 20 per cent for the rural carriers is concerned, it is the most justifiable part of the entire proposition, because the rural carriers have not only had the increased cost of living, just as every other postal employee has had, for themselves and their families, but they have also had the increased cost of equipment, horses, automobiles, wagons, and buggies throughout the country, and they have not only had to carry the increase in the original cost of the equipment but the increased cost of maintaining the equipment, higher-priced gasoline, where they are using these small motor cars, an increased cost of horse feed and of new buggies and new wagons. So there is every reason on earth why they should be entitled to a somewhat larger increase than any other class of Government employees that I know of in the Postal Service or in any other service, because according to the best of my knowledge and belief they are the only people, certainly in the Postal Service and I believe in any branch of the Government service, who furnish at their own

expense their own equipment and who maintain at their own expense their own equipment. The city carrier, for instance, as I called the attention of one Senator to, has his horse and his wagon or buggy or cart or whatever furnished him, bought by the Government. The entire expense is taken out of the Public Treasury, and he not only has that done, but he has that same horse and equipment maintained at the Government expense year after year. I am not complaining about that, I think it is right, but why the discrimination? Why the difference? If it is right to do it in one case, it is right to do it in the other. There can be no escape from that proposition. If it is right to do it in every branch and department of the Government service except the Rural Delivery Service, it is right to do it there also.

I am not complaining. I think it is a good principle. I believe the Government ought to furnish this equipment in every case; but they ought to do it in every case, not in every case except one.

Mr. WATSON. Will the Senator yield to me?

Mr. HARDWICK. I yield to the Senator.

Mr. WATSON. I can not recall whether the Senator was in the other House at the time the Rural Delivery System was established.

Mr. HARDWICK. No; that was before I came here.

Mr. WATSON. I was a Member of the other House at that time and voted for the first really available appropriation for the establishment of rural free delivery. It was thought that the farmers' sons, with their buggies and farm horses, would deliver the mail in the morning and get back to use the same horses for farm purposes in the afternoon. They had very crude ideas about a rural delivery service at that time.

Mr. HARDWICK. Of course.

Mr. WATSON. We thought that the farmer himself or the farmer's boy who delivered this mail would, of course, take his own horse and buggy and deliver the mail and get back in time to use the horse for farm purposes in the afternoon. Therefore it just came along by custom, by growth, and it is very natural. Under those conditions the carrier has been all this time furnishing his own outfit. But, of course, it is indefensible, as the Senator has so well argued. It seems to me if the carrier is required to furnish his own equipment he ought to have an equivalent for it.

Mr. HARDWICK. In his salary?

Mr. WATSON. Certainly; in his salary.

Mr. HARDWICK. Therefore I say of all the increases carried in this bill, and of all the increases carried in all bills for Government employees, this is the most justifiable and the most defensible.

Now, Mr. President, I come next to consider the postal increases generally, although we are not directly on that question. I take it for granted that on the amendment pending there can be no real dispute, and we are about to consider the other question, and I wish to submit some observations upon it.

The Senate will recall that in the legislative, executive, and judicial appropriation bill we granted an increase in salary, on account of these abnormal conditions, to employees who did not get more than $2,000 per annum salary of $10 per month. The Senate raised the amount, finally, so that all those who receive a salary of $2,500 would get the increase, and it would apply to all Government employees in the other departments whose salaries were as high as $2,500. If we, for the purposes of argument, consider—and I think it is practically true—that the average salary in the departments is probably $1,200, this increase of $10 a month or $120 a year was practically a 10 per cent increase. The increase carried in the substitute that has been proposed by the Senator from Alabama will probably go somewhere to 15 and 20 per cent when it is averaged up. You may say that is greater than the increase carried for the other departments, and on first blush it appears so; and yet the fact is that as to the lower-grade employees in the nine executive departments of the Government during the past year or two, certainly during the last year, they have had certain increases—5 per cent in one case and 10 per cent in another—which were entirely denied to the postal employees; and they received during the year preceding the fiscal year we are now in, which will end June 30, increases in their compensation that the postal employees did not receive at all. So if the postal employees are allowed, in the amendment suggested by my colleague from Alabama, a little more than the employees of the other departments of the Government are allowed, it is a mere equalization, considering what has been done already for those employees.

Mr. WATSON. Will the Senator allow me?

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Does the Senator from Georgia yield to the Senator from Indiana?

Mr. HARDWICK. I yield.

Mr. WATSON. I understand the amendment proposed by the Senator from Alabama, the chairman of the committee, carries the same rates and schedules of increases as are provided in the so-called Madden-Moon bill in the House, without a legislative provision to make it permanent in character.

Mr. HARDWICK. That is true; and I am coming to that in just a moment. The Senator is accurate about that.

Now, on the point I have just made, the president of the organization of Railway Mail Clerks addressed, on May 6, this letter to me, calling my attention to the facts I have just stated to the Senate. He says:

RAILWAY MAIL ASSOCIATION,
Washington, D. C., May 6, 1918.

HON. THOMAS W. HARDWICK,
United States Senate, Washington, D. C.

MY DEAR SENATOR: May we call your attention to the proposed adjustment of the salaries of the postal employees? Comparisons have been made by the Postmaster General regarding allowances made to employees in other departments, and we would especially call attention to the fact that such employees—

That is, employees in other departments—

were granted a 5 and 10 per cent increase, in effect during the present fiscal year, in which postal employees did not participate. It is proposed to grant them $120 for the coming fiscal year, in addition to their stated allowances. The salaries of railway postal clerks are graded according to law from $900 to $1,800 per annum. Approximately 35 per cent of such employees receive a salary of $1,200 or less per annum. If postal employees had been included in the law in effect during the present fiscal year, those entitled to the 10 per cent increase would have received an average increased allowance of $115 and those entitled to the 5 per cent increase would have received approximately $75 increase.

If this had been received by these employees during the present year, there might be equity in proposing to allot them the same amount during the coming year that other employees are to receive. In view of the fact that this increase was not received, the proposed increases for postal employees during the next fiscal year will approximate that granted to the other employees during this two-year period. We are fully confident that Congress will recognize the justness of the claims of the postal employees and finally approve a measure which will grant relief to that extent.

Very respectfully, E. J. RYAN, *President.*

That is the contention of the committee and that is the view we had in mind. If we have made our recommendations with respect to this matter somewhat larger than the recommendations made for the other executive departments, it has been because during the present fiscal year the postal employees did not receive the same increase that the employees of other departments received, and this is a mere attempt to equalize it.

Mr. WATSON. May I ask the Senator a question?

Mr. HARDWICK. Yes.

Mr. WATSON. How do these increases compare with those that are proposed for railway employees?

Mr. HARDWICK. Thirty-five per cent, I believe, is the proposition.

Mr. WATSON. That is my understanding.

Mr. HARDWICK. These are lower. I do not think in any case these increases are above 25 per cent, and I do not believe they will average 20 per cent. They will average below 20 per cent.

Mr. CUMMINS. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. CUMMINS. The Senator from Indiana [Mr. WATSON] mentioned a few moments ago the so-called Madden bill. That bill passed the House of Representatives. It was referred to the Committee on Post Offices and Post Roads of the Senate?

Mr. HARDWICK. It was.

Mr. CUMMINS. So far as this particular subject is concerned, the difference between that bill and the proposed amendment is that the former had no limitation with regard to the payment of increased compensation and the latter is limited to the coming fiscal year. I assume that the reason why the Post Office Committee did not make the increase permanent was that it was feared it would be open to a point of order. Let me ask the Senator from Georgia, who is a member of the committee, why the committee did not consider and report the Madden bill?

Mr. HARDWICK. I will be very glad to answer the Senator. In the first place, the Madden bill, or the Moon bill, I believe some people insist on calling it—but a rose by any other name would smell just as sweet to me at least—the Madden bill did not come to the Post Office Committee of the Senate until after we had dealt with this proposition in connection with the Post Office appropriation bill, and, of course, if we were to deal with it in connection with the Post Office appropriation bill we could not deal with it except as a proposition covering the fiscal year alone, without subjecting it to a point of order, as the Senator has suggested. That, however, is by no means the only reason and by no means the controlling reason for the position of the committee. I know that the postal employees in all the States—and I know it best of the postal employees in my own State, many of whom are my devoted friends and all of whom as my

constituents I would be glad to oblige if it is in my power to do so—much prefer a permanent law with respect to this subject. But there is a great deal of merit in what the Senator from Colorado [Mr. THOMAS] so well said this afternoon. He did not get his figures exactly right—the most extravagant estimate I have seen yet or heard until the Senator placed it at $40,000,000 that this proposition will cost.

Mr. THOMAS. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. THOMAS. In making that statement I took a rough average of the three amounts for the three years, which constitute the estimates of the committee—$40,000,000, $50,000,000, and $45,000,000, respectively.

Mr. HARDWICK. I beg the Senator's pardon. I did not quite understand his suggestion. I thought he meant what the average would be for the three-year period.

Mr. THOMAS. I do not think I stated that view. So the Senator's apprehension of what I said is perfectly justified.

Mr. HARDWICK. It was $40,000,000 for the first year?

Mr. THOMAS. I was simply stating the basis of my estimate.

Mr. HARDWICK. I am glad the Senator has explained it, and with that understanding I assent to his proposition. That is the estimate of the department. The estimate of the department is, I think, $40,000,000 for the first year, and it gradually increases up to until it goes over $50,000,000.

Mr. THOMAS. Forty million dollars for the first year, $50,000,000 for the second year, and then down to $45,000,000 for the third year.

Mr. HARDWICK. So the Senator took $45,000,000 as the average for the three-year period. There is a good deal of justice in the proposition when we have taken $70,000,000 from the people who write letters and postal cards in this country on the plea that we want to take it from them to help wage war, and when we have taken or propose to take $45,000,000 from the people who pay second-class postal rate, the omnipotent press of this country, and are confronted with a clamor the like of which was never heard on a similar subject, although we are losing $70,000,000 a year on that matter.

Mr. CUMMINS. May I ask another question of the Senator from Georgia?

Mr. HARDWICK. Yes.

Mr. CUMMINS. It seems to me that the two things just mentioned by the Senator from Georgia have nothing to do with each other; that is, the wisdom——

Mr. HARDWICK. I do not yield to the Senator for an argument, but for a question.

Mr. CUMMINS. The wisdom of adding to first-class postage or the wisdom of adding to second-class can not have anything to do with the equity or the justice of the compensation which we ought to pay to those who render this service.

Mr. HARDWICK. I am sorry the Senator does not see it that way, but, according to the opinion of the Senator from Georgia, there is a direct and close relation between the two subjects. Of course, I can not explain it——

Mr. CUMMINS. Everybody understands, I suppose, that the increase in compensation grows out of the acknowledged fact that the cost of living has advanced. We all know that the cost of living has advanced 50 per cent and probably more. If that be true, does the Senator from Georgia have any reason to anticipate that the next year the increases which we propose to make will adequately compensate the employees for the increased cost of living?

Mr. HARDWICK. The Senator, of course, is anticipating my argument, although, to start with, he did not perceive the connection of it.

Now, let us go back just a minute. I say these subjects are related. We have demanded of the people increased postal revenues. We did it on the ground that we wanted the money to wage war with. Yet the Senator from Colorado [Mr. THOMAS] with some justice suggests that we are going to take most of this money that we raise for the professed purpose of waging the war and devote it to paying higher salaries to postal clerks.

Mr. SMOOT. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. SMOOT. I ask the Senator if the postal rate had remained just as it was, and if the conditions had remained just as they were before the war, would it not have been just on the part of the Government to increase the pay of the rural carriers?

Mr. HARDWICK. Undoubtedly. The Senator did not hear my speech. I said if there had been no war at all that is one thing no man who is acquainted with the facts would dispute.

Mr. CUMMINS. The Senator from Georgia, of course, will not advocate the proposition that we must take money to prosecute the war that is necessary in order to maintain our employees if there are other sources from which the money can be secured which will impose less hardship upon the people.

Mr. HARDWICK. Not at all. If the Senator from Georgia thought that, he would never have agreed to this report. The Senator knows that.

Mr. CUMMINS. The Senator from Georgia will remember that the Senator from Colorado mentioned an increase in taxes last year of something like $3,500,000,000 that are about to be taken from the people; but I remind the Senator from Georgia of the fact that probably not more than 5 per cent of the hundred million people of the United States will contribute any part of the $3,500,000,000, and those who do contribute it contribute out of an income which after payment of the taxes leaves an abundance for their own maintenance and the maintenance of their families.

Mr. THOMAS. May I suggest that I agree to that statement, provided it is limited to certain schedules of the bill; that is to say, incomes and excess profits.

Mr. CUMMINS. I was disassociating that from the increase in letter postage and postage on second-class mail matter.

Mr. HARDWICK. Unless that had been true the committee would not have been justified in reporting any increase; but, at the same time, there is a middle ground between these two positions, and that ground the committee has sought to occupy. We have finally recommended to the Senate increased compensation for all postal employees at exactly the same rate carried by the House bill, but we have disagreed with the position of the House that this ought to be done as a matter of permanent legislation. We know very well that we are not doing it with any careful or any very full or any very accurate examination of the great questions of fact that are involved. We are granting this increase in most cases and with reference to most classes because we believe that the abnormal times produced by the great war in which we are participating and the tremendously increased cost of living have borne so heavily upon all the people that they ought to have, if possible, some additional resources given them to meet the additional burdens.

Mr. KELLOGG. Mr. President, the Senator from Georgia mentioned certain increases granted to other Government employees which had not heretofore been granted to the postal employees. Were those other increases made permanent by statute?

Mr. HARDWICK. No; they were temporary only and for the fiscal year we were dealing with at the time. The Senator's suggestion brings me right down to the branch of the argument at which I am again arriving.

The Senate committee did not think, in these abnormal and disjointed times, when everything is changing almost every moment, that it was right to enact permanent legislation that would impose forever upon the backs of the taxpayers of this country a burden of $40,000,000 a year additional in the administration of postal affairs. We thought we would be doing well enough if we could meet each fiscal year the burden as we came to it. We could not tell accurately enough and were not prophets enough to know what we ought to do the next year. It may be, too, that within the fiscal year that is covered by this bill these abnormal conditions will no longer prevail. On the other hand, they may be greatly accentuated and conditions may be worse. Who can tell? Not your Committee on Post Offices and Post Roads. It claims no such prophetic vision. So we thought we had better do just what had been done in every one of the other executive departments—legislate for the fiscal year and for the fiscal year only. Hard cases make bad laws. Abnormal times make dangerous precedents. It is probably easier for me on the surface of things to give these people these increases permanently as a matter of general legislation applicable throughout the future unless some future Congress should repeal it or amend it. It might be easier, although I am not certain that it would be, for every other Senator to adopt that view. But after all, Mr. President, I am not so sure even about that. Under the system of indirect taxation that has so long prevailed in this country and from which the bulk of its revenues have been raised—and I am not trying to excite a partisan controversy by making this statement; I think every Republican Senator will agree to it as readily as every Democratic Senator—one result has been that the taxpayer hardly realized what he was paying when he was paying it nor why he was paying it. That sort of a system may have its blessings, but it also has its disadvantages. The taxpayer does not realize how he is paying his money, and therefore he cares less about how his money is being spent. But when you change that system for the system of direct taxation and have your Federal tax collector come and do what your State and county tax collector is doing in

your State and county, lay his hands upon the shoulder of the individual taxpayer and saying to that individual, Give us so many dollars, or so many hundred dollars, or so many thousand dollars for your Federal taxes, I imagine the people of this country are going to pay a little more attention, under such a system, to the way their money is being spent. But I imagine that in the end it is going to work somewhat of a substantial revolution in this body and in the other House of Congress.

Mr. CUMMINS rose.

Mr. HARDWICK. Pardon me for just a moment, until I finish this sentence and thought, and then I will yield to the Senator.

The time has been when there was a more or less healthy—unhealthy, I will say—rivalry between Members of the two Houses of Congress as to what appropriations they could secure for their respective States and for their respective districts. The time has been—and it is not so far distant in the past—when Members of both Houses of Congress were rated as of probable worth to their constituencies according to the amount of money they could grab out of the Federal Treasury, possibly to improve some creek that had not run since the Revolution, or possibly to erect some public building in a deserted village like that about which Oliver Goldsmith wrote; but I imagine that when this direct-taxation system gets in its work to the extent that it must get in its work, when a statesman of that type goes home and faces his constituents and brags about having dug out dry creeks or about having erected a public building in some unimportant village, where a dry-goods box would have done for a post office, his indignant constituents will meet him with a brickbat instead of with a bouquet. Now I yield to the Senator from Iowa.

Mr. CUMMINS. I suppose that the taxpayers are more numerous than our Federal employees.

Mr. HARDWICK. Possibly they will be, and they will know it, too.

Mr. CUMMINS. They always have been.

Mr. HARDWICK. Yes; but they have not known it.

Mr. CUMMINS. Yes; they have known it, in my opinion. However, that does not touch the question of dealing fairly with Federal employees. Even if they have not so many votes as those who pay taxes, they are still entitled to justice and nothing more. They ought not to have a penny more.

Mr. HARDWICK. If the Senator from Iowa will let me conclude my remarks, I had rather he would make his speech in his own time.

Mr. CUMMINS. I was about to ask a question.

Mr. HARDWICK. Very well; if the Senator desires to ask a question, I yield.

Mr. CUMMINS. Those employees are entitled to fair treatment.

Mr. HARDWICK. Nobody thinks that more than I do.

Mr. CUMMINS. Everybody is in favor of giving them fair treatment; but both the Senator from Georgia and myself have made a mistake here in one thing. We have used the word "permanent" in connection with the proposed legislation for salaries. Even if those salaries were provided for as in the so-called Madden bill, they are in no sense permanent; they are indefinite.

Mr. HARDWICK. I do not understand the Senator's language; he says they are in no sense what?

Mr. CUMMINS. They are in no sense permanent; they are indefinite.

Mr. HARDWICK. I do not agree with the Senator from Iowa about that.

Mr. CUMMINS. The Senator from Georgia knows that Congress has as complete power to decrease as it has to increase.

Mr. HARDWICK. If the Senator will permit me, he knows just as well as I do that it is permanent authority of law; that is the trouble.

Mr. CUMMINS. I hope the Senate and the House of Representatives also will finally reach the state of mind in which they will be willing to do what is right, whether it shall require an increase or a decrease in salaries.

Mr. HARDWICK. But the trouble about it is that this is no time to do it. If the Senator wants my opinion—and I have studied this postal question, and I am interested in it as much as any other Senator—I do not think we have the information which would justify us in giving these increases permanently. I do not believe such information has been furnished by anybody. Possibly I think a case has been made out for the rural carriers, but the Senator from Iowa knows just as well as I do the value of general legislation which is permanent authority for appropriations. In that way all the great increases have permanently come to this Government; they have come because there the statute stands permanently—I have not used the word "indefinitely" according to my understanding of it—on the statute books unless it is repealed by Congress. The increase has the authority of law for each and every appropriation committee to act upon and on which to make the appropriations up to the limit allowed by law.

The Senator from Iowa can not possibly believe, I think, that this subject has had that consideration to which it is entitled, if we are going to reclassify all these employees. I do not see how any Senator can contend that this is a good time to do that, unless that Senator can carry the burden of showing that the present salaries are wrong and are inadequate in normal conditions and in normal times. I say to the Senator from Iowa very frankly that I doubt, on the whole, whether the postal salaries are inadequate in normal times, and I do not think that abnormal conditions and disjointed times like those which now confront us ought to be made the excuse for enacting permanent legislation on this subject. I can not see why it should be done in the Postal Department when we have not done it in any one of the other nine executive departments of the Government. I can, however, see why it would be dangerous, unnecessary, and unwise to do it in any of them. "Sufficient unto the day is the evil thereof." Sufficient unto the day is also the burden thereof, and I paraphrase that quotation. I do not think that under circumstances like these, with only the amount of investigation we have had, with the abnormal price of everything pressing on everybody to urge and beg and plead for these increases, we ought to do more than act from one fiscal year to another. In that respect I am perfectly willing to take my stand against the position of the House of Representatives with regard to this matter.

If next year I shall think these people, under the facts and under the circumstances and under the conditions that then confront us, are entitled to even a greater increase of salaries than I believe they are entitled to now, I shall unhesitatingly vote for that. If, on the other hand, by next year times have become normal and I shall be convinced that these increases or any part of them are too great, I shall unhesitatingly vote to reduce them. I do not want a permanent statute placed on the books as authority of law for an unending appropriation of this magnitude.

I think we have gone a good way when we consent to put a burden of $40,000,000 on the people of the country for the benefit of these employees, even though we think they are now entitled to it. For the present I think we have gone a long way. I repeat, when we do that. I am not willing, so far as I am concerned, to go any further. I think it was with that view that the Post Office Committee felt that it had better treat these employees just as the employees of the other executive departments have been treated, and make whatever increases are made for them for the period of the fiscal year only with which we are dealing.

Mr. CUMMINS. The Senator from Indiana or the Senator from Georgia referred to a 25 per cent increase for the railway employees.

Mr. HARDWICK. It was the Senator from Indiana who made reference to that.

Mr. CUMMINS. That was not for a year; that was indefinite.

Mr. HARDWICK. It has not been made at all, has it?

Mr. CUMMINS. I think it has been recommended by the commission.

Mr. HARDWICK. But it has not been acted on?

Mr. CUMMINS. I think it has been recommended by the commission which considered this subject. Whether or not the Director General has approved the recommendation of the commission, I do not know; but my point is, that a railway company, or any other organization, that would propose under existing circumstances to increase wages 20 per cent for a period of six months or for a year, with the inference that at the end of that time the former scale was to be resumed, would be regarded as little less than a subject for a lunatic asylum.

Mr. HARDWICK. Yes; but it seems to me as though the point is not at all apposite, because these commissions are not operating under the same rules and laws and practices under which the Congress of the United States is operating; neither are the business institutions to which the Senator refers. The permanent laws that we make are the basis for future appropriations, and beyond their limits our committees may not go, although the two Houses of Congress themselves can at any time remove or enlarge or suspend those limits.

Mr. CUMMINS. I want to say that I entirely approve of the view of the Senator from Georgia that such general legislation has no proper place upon an appropriation bill; I do not doubt that; and my wonder was that the committee did not report an independent bill.

Mr. HARDWICK. That was because we thought it was just about as much as we could do, if the Senator please, to attend to this proposition from year to year, as the situation develops, and as these changing conditions confront us. It is the same policy, the same plan, and the same procedure that has been adopted with respect to every one of the other executive departments and their employees. That is the case as nearly as I can state it.

If the committee's action shall commend itself to the Senate, we hope the Senate will adopt it as we present it. If the Senate, however, in its judgment, wants to make permanent legislation with respect to this $40,000,000 increase, of course the committee, as its servant, will carry out its will; but this is our judgment about it. We think that we have gone just as far as justice to the Treasury and to the general interest of the public will allow with respect to this matter.

Mr. SHIELDS. Mr. President, I offer an amendment to the amendment of the committee.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 27, line 11, after the word "miles," it is proposed to insert "or major fraction thereof, based on actual mileage."

Mr. BANKHEAD. Mr. President, I think that is a very proper amendment, and I have no objection to it.

The VICE PRESIDENT. The amendment is agreed to, without objection.

Mr. GRONNA. Mr. President, I do not hope to add anything of value to this discussion. The proposed amendments have been both thoroughly and very ably discussed, and I rise for the purpose of voicing my approval of most of what has been said. I think it is true that, even in time of peace, it would be perfectly legitimate and would be only doing justice to a deserving class who are working for the Government to increase the pay of the rural carriers. That question is not a new one; it has been before this body for many years; long before the war the question of increased pay to rural carriers had been before this and the other body.

Those of us who live in the Western States, where the rural routes are necessarily very long, can appreciate the effect on and the benefit to the rural carriers, especially with reference to the first amendment. The Senator from Georgia has very ably discussed that question, and I wish to assure the Senate that I agree with him. It is only doing full justice to this class of employees to use the same yardstick with reference to the miles above a standard route that is used with reference to the miles below a standard route. In my State there are many routes that are more han 30 miles in length; there are many routes that are 32 and 33 miles, and yet the carriers on such routes are practically only paid for a route of 24 miles. That is an injustice; it was an injustice before the war, and it is an injustice now.

I think there is a good deal of force in the argument made by the Senator from Georgia in favor of not making permanent the proposed law with reference to the increase in the pay of all postal employees. I am in favor of paying all postal employees higher salaries than they receive at present. I do not believe that any of these employees who are working for the Government are getting adequate pay; but I know that even in times of peace, even in normal times, when the cost of living is much less than it is to-day, the rural carrier is hardly able to live on the pay received for carrying the mail. As has been so ably stated, the rural carrier has to make a large investment, and, if he were to figure the interest on his investment, there would be practically nothing left.

Mr. President, I have on my desk many statements from rural carriers in my State. I shall not take the time of the Senate to read any of them, but I must have as many as perhaps 50 such statements, which show that, after paying all expenses, there is left to the carrier all the way from $100 a year up, but in no case more than $600 a year. Anyone can see that that is an injustice.

With the statement of the able Senator from Colorado [Mr. THOMAS], that we ought to begin to economize I agree; but I think it is a well-established fact that the people of the country want to continue their mail service on a high plane of efficiency. We know that the rural system can not be abolished; we know that the country would not agree to that; we know that the people living in the country are as much entitled to a continuance of that service as the people living in the cities are entitled to their delivery service. I shall gladly vote for an increase of pay to city mail carriers, for I believe that the mail carriers of the cities are getting too small pay at the present time.

But, Mr. President, there is another matter to which I wish to call attention. The rural mail carrier is required to make daily regular trips if he carries mail over a route where a daily trip is required, and for any day that he does not carry the mail or for any trip which he does not make he is penalized very heavily; in fact, a deduction is made which really amounts to more than the pay he would get for that particular trip. In the western section of the country, where the climate is very rigorous, there are many times when the rural carrier is unable to make the trips, due to the inclemency of the weather. So, Mr. President, the least that we can do is to make this yardstick what it ought to be. If the rural route is 25 miles, the carrier ought to be paid for one additional mile; if it is 30 miles, he ought to be paid for six additional miles.

I am also in favor of the amendment offered by the chairman of the committee to give these men 20 per cent increase. I should like to see that apply to all those employed in the Postal Service, I do not care in what branch of the department they may be employed.

I also favor increased pay to fourth-class postmasters. In most cases the fourth-class postmasters are very much underpaid. I hope the amendment to increase their pay will prevail.

Mr. President, this is all that I care to say. I hope that the first amendment in section 1 providing for a standardization will be agreed to; and then I hope that the amendment proposed giving these men an increase will also be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. SHIELDS. Mr. President, I offer the amendment which I send to the desk to the amendment of the committee inserting section 2.

The SECRETARY. In lieu of the amendment proposed by the committee, on page 37, line 20, inserting section 2, it is proposed to insert the following:

That hereafter the compensation of postal employees shall be as follows:

That each carrier in the Rural Free Delivery Service now receiving a compensation of $1,200 or less per annum, exclusive of mileage allowance, shall receive, in addition thereto, 20 per cent of the amount of such compensation: *Provided*, That those who are performing service as motor carriers shall receive a 10 per cent increase of salary on the amount they are now receiving.

That after the passage of this act clerks in first and second class post offices and letter carriers in the City Delivery Service shall be divided into six grades, as follows: First grade, salary $1,000; second grade, salary $1,100; third grade, salary $1,200; fourth grade, salary $1,300; fifth grade, salary $1,400; sixth grade, salary $1,500. Clerks and carriers shall be promoted successively to the sixth grade: *Provided*, That upon the passage of this act clerks in first and second class post offices and letter carriers in the City Delivery Service who are in grades 2, 3, 4, 5, and 6, under the act of March 2, 1907, as amended, shall pass automatically from such grades and the salaries they receive thereunder to the new grades 1, 2, 3, 4, and 5, respectively, with the salaries provided for such grades in this act: *Provided further*, That all promotions of both clerks and carriers shall be made at the beginning of the quarter following the expiration of one year's service in the next lower grade.

That hereafter the salaries of railway postal clerks shall be graded as follows: Grade 1 at $1,100; grade 2 at $1,200; grade 3 at $1,300; grade 4 at $1,400; grade 5 at $1,500; grade 6 at $1,600; grade 7 at $1,700; grade 8 at $1,800; grade 9 at $1,900; grade 10 at $2,000.

The Postmaster General shall classify and fix the salaries of railway postal clerks, under such regulations as he may prescribe, in the grades provided by law; and for the purpose of organization and of establishing maximum grades to which promotions may be made successively, as hereinafter provided, he shall classify railway post offices, terminal railway post offices, and transfer offices with reference to their character and importance in three classes, with salary grades as follows: Class A, $1,100 to $1,400; class B, $1,100 to $1,500; and Class C, $1,100 to $1,700. He may assign to the offices of division superintendents and chief clerks such railway postal clerks as may be necessary, and fix their salaries within the grades provided by law without regard to the classification of railway post offices: *Provided*, That upon the passage of this act railway postal clerks shall pass automatically from the grades they are in and the salaries they receive under the act of August 24, 1912, to the corresponding grade, with salaries provided for in this act

That assistant postmasters in first and second class post offices and post-office clerks, laborers, watchmen, printers, chauffeurs, messengers, charwomen, janitors in post offices and per diem employees, and all other postal employees, including allowances for clerk hire at third-class post offices, not enumerated in section 1, whose rate of compensation is $800 or less per annum shall receive 20 per cent increase in their compensation; those whose rate of compensation is in excess of $800 and not more than $1,200 per annum shall receive 15 per cent increase in their compensation; and those receiving salaries from $1,200 to and including $1,800 shall receive an increase of 10 per cent: *Provided*, That substitute letter carriers and substitute clerks shall receive as their compensation 40 cents per hour.

Mr. SHIELDS. Mr. President, on March 21 last——

Mr. HARDWICK. Mr. President, if the Senator will pardon me, I do not remember exactly what the practice is in regard to the matter; but I wish to reserve the point of order on the amendment if it is necessary to reserve it.

Mr. BANKHEAD. I do not think it will be too late when the Senator from Tennessee makes his statement.

The VICE PRESIDENT. It has never been held by the present occupant of the chair, although it has been by a former occupant of the chair, that after the Senate has considered an amendment it is too late to raise a point of order. The

Chair does not believe that is a correct interpretation of the rules. In the opinion of the Chair, a point of order may be raised at any time.

Mr. BANKHEAD. If that is the ruling of the present occupant of the chair, I wish to make the point of order.

The VICE PRESIDENT. It is not the opinion of the present occupant of the chair that the point of order must be made immediately. The rules provide that a point of order may be made at any time.

Mr. BANKHEAD. Then I should like to have the Senator from Tennessee make his statement, and after that I will make the point of order if the Chair thinks that I can do so then.

The VICE PRESIDENT. The Chair has no doubt about the right to make a point of order later.

Mr. BANKHEAD. Very well.

Mr. SHIELDS. Mr. President, I have no disposition to discuss an amendment that may go out on a point of order, at least where the point is to be made; and if it is to be done I want it to be made before much time is consumed in the discussion. I will state the amendment briefly.

On March 21 last, while the Post Office appropriation bill was still pending in the committee, I offered an amendment providing for a flat increase in the salaries of post-office employees of 20 per cent, but that amendment was not approved by the committee. When the bill was reported to the Senate it contained a provision for an increase of 15 per cent. In the meantime what is known as the Moon-Madden bill, providing for a reclassification of postal employees and the increase of their compensation, was considered in the House, and finally passed by a vote of 343 to 9, and came to the Senate. That, however, was after the bill we are now considering had been reported to the Senate. I then, on April 5, offered this amendment as a substitute for section 2 of the appropriation bill providing for an increase of salaries of postal employees. It is practically the Moon-Madden bill passed by the House.

I find printed this morning an amendment that was offered yesterday by the Committee on Post Offices and Post Roads, through the chairman, the Senator from Alabama [Mr. BANKHEAD], which provides for an increase of compensation for all employees—not just in the language and in the method but practically the same in amounts as provided in the Moon-Madden bill and the amendment I had offered. This amendment, while presented yesterday, has not been offered for consideration in the Senate. So, practically, we have two amendments, or will have two—the one I offered and the one to be offered by the Senator from Alabama [Mr. BANKHEAD] and to be considered if this is not adopted—which provide for the same increase of salaries of the same employees. The only difference between the two is that the amendment I have offered, which is the Moon-Madden bill, provides for permanent increase, while the Bankhead amendment only provides for an increase for the fiscal year 1919.

The term "permanent legislation," by which the provisions of my amendment are described, is hardly an apt one, for there is no legislation that is permanent. If the amendment I have offered, which was approved by the House by such a large majority, is adopted by the Senate, and becomes law, and it is found inequitable, either to the employees or to the Government, next year it can be repealed or amended just as easily as the Bankhead amendment can be modified or be continued for another year. The objection upon this ground is without merit, and should not be allowed to sustain.

I prefer this amendment to a flat increase because it does contain legislation classifying these employees and providing for their promotion, so that they may have some knowledge of the employment they are accepting. When they accept these positions they can look to the future and know what to expect if they are efficient and make good. They would have some assurance of more than just one year's work.

I am not going into this matter fully, Mr. President, because three Senators have expressed the opinion that this legislation, so far as the provisions for classification and promotion are concerned, is general legislation, and therefore, under the rule, it can not be put as a rider on an appropriation bill. The legislation is so meritorious that I hope this question will not be raised; but if it is to be, perhaps it had better be done right now, and we will economize time by having a ruling now, if it should be adverse. I will not argue the point, but submit it to the Chair.

Mr. BANKHEAD. Mr. President, I make the point of order against the amendment that it is general legislation.

The VICE PRESIDENT. The point of order is sustained.

Mr. BANKHEAD. Now, Mr. President, I offer the amendment which I send to the desk. This amendment was offered two or three days ago, and printed in the RECORD. Since then we have had a reprint, and I offer it as amended.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In lieu of the committee amendment on page 27, known as section 2, it is proposed to insert the following:

SEC. 2. That during the fiscal year ending June 30, 1919, the annual salaries fixed by law for clerks in first and second class post offices and letter carriers in the city delivery service, railway postal clerks of grade 1 to grade 10, inclusive, shall be increased $200 per annum; and also supervisory and other employees of the postal service whose compensation is in excess of $1,500 per annum shall be increased $200 per annum: *Provided*, That the salaries of such other employees fixed by law or paid from lump-sum appropriations provided for in this act who receive $800 per annum or less shall be increased 20 per cent per annum; those who receive in excess of $800 and not more than $1,500 shall be increased 15 per cent per annum. The compensation for rural carriers assigned to horse-drawn vehicle routes shall be increased 20 per cent per annum, and carriers who perform service as motor carriers on routes 50 miles and more in length shall receive an increase of 10 per cent per annum. Such increases shall not apply to the special assistant to the Attorney General appropriated for in this act and to postmasters at offices of the first, second, and third classes: *Provided, further*, That postmasters of the fourth class shall receive the same compensation as provided by law prior to the passage of the act of Congress entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, except that they shall receive 100 per cent of the cancellations on the first $100 or less per quarter instead of on the first $50 or less per quarter: *And provided, further*, That hereafter substitute, temporary, or auxiliary clerks and letter carriers at first and second class offices shall be paid at the rate of 40 cents an hour: *And provided further*, That the provisions of this section shall not apply to employees who receive a part of their pay from any outside sources under cooperative arrangements with the Post Office Department, or to employees who serve voluntarily or receive only a nominal compensation: *And provided further*, That the increased compensation, at the rate of 5 per cent and 10 per cent for the fiscal year ending June 30, 1918, shall not be computed as salary in construing this section. So much as may be necessary for the increases provided for in this act is hereby appropriated.

Mr. VARDAMAN. Mr. President, I propose an amendment to the amendment, to be inserted after the word "quarter," on line 21 of page 2. I want to say that the amendment provides for additional compensation to 21,000 servants of the Government, fourth-class postmasters, who will get no additional compensation under this bill unless the amendment is adopted.

Mr. LEWIS. Does the Senator wish to have the amendment read?

Mr. VARDAMAN. It is very short, and I will ask that the Secretary read it.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the words "per quarter," on page 2, line 21, it is proposed to insert:

Provided further, That if the compensation does not exceed $50 for any one quarter, fourth-class postmasters shall be allowed an increase of 20 per cent of the compensation allowed under existing law.

Mr. BANKHEAD. Mr. President, I think that is a very proper amendment, and I have no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. HARDWICK obtained the floor.

Mr. LEWIS. Mr. President, may I address an inquiry to the Senator from Alabama to secure a little information?

Mr. HARDWICK. I yield to the Senator.

Mr. LEWIS. May I at this point, lest the subject shall be forgotten, address an inquiry to the chairman of the committee and invite the attention of the Senator from Tennessee? Is there not pending before the Post Office Committee of the House a bill that embodies the provisions of the amendment tendered by the Senator from Tennessee?

Mr. BANKHEAD. It was pending there, but it was passed, and this amendment is exactly that provision.

Mr. LEWIS. I was rather under the impression that, therefore, the position taken by the Senator from Tennessee was made unnecessary by legislation that we had previously passed. Am I right about that? Such is my view.

Mr. SHIELDS. Mr. President, I should like to answer the question, if I may be permitted.

Mr. HARDWICK. I yield to the Senator from Tennessee.

Mr. SHIELDS. The Senator is in error. The House of Representatives, as I stated in my explanation of the amendment I offered a while ago, has passed a bill, known as the Moon-Madden bill, which provides for an increase of compensation as well as a permanent classification of these regular employees; but that bill, having been passed by the House, is now with the Committee on Post Offices and Post Roads of the Senate; and if they are opposed to the amendment putting its effective and operative parts on this bill it is not apt to see daylight at this session from that committee.

Mr. LEWIS. As I understand, however, the ruling on this matter is merely a parliamentary one, that upon this bill, being an appropriation bill, this general legislation would not apply; but it is not intended to be a decision against the merits of the

measure that is now pending before the committee, is it? I ask because I have so many petitions upon the subject from constituents.

Mr. HARDWICK. I am not able to answer that question, except in the following way: The Committee on Post Offices and Post Roads has recommended a proposition, which has just been reported, offered by the Senator from Alabama [Mr. BANKHEAD], which carries all the rates of the Madden or Moon bill in the House of Representatives, but which does not propose to enact it as general or permanent legislation, but merely as an appropriation for the fiscal year covered by the bill, that being the extent of the committee's authority in connection with the Post Office appropriation bill. But the Committee on Post Offices and Post Roads, I think, as well as I can judge of its temper from the discussions it has had, does not think that any permanent legislation of that character ought to be enacted at all, but that we ought to deal with the matter in these abnormal times from year to year. That has been done with reference to every other executive department.

Mr. THOMAS. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. THOMAS. I want to ask the Senator, if this amendment is adopted, what the amount will be in addition to the appropriations provided for already?

Mr. HARDWICK. The Post Office Department estimates that it will cost about $40,000,000.

Mr. THOMAS. That is, $40,000,000 more?

Mr. HARDWICK. No; $40,000,000 more than was paid out for these salaries last year.

Mr. THOMAS. I mean by that to inquire whether this is $40,000,000 in addition to the $40.000,000 required by the amendment that has just been agreed to?

Mr. HARDWICK. Oh, no. no. The amendment just agreed to, which was about the 24-mile routes, involves only a very small amount of money. That is included in the $40,000,000.

Mr. THOMAS. That is included?

Mr. HARDWICK. Yes.

Now, Mr. President, I rose to offer an amendment. On page 2, line 10, of the amendment proposed by the Senator from Alabama [Mr. BANKHEAD] I move to strike out the word "ten" and to substitute in lieu thereof the word "twenty." The effect of that amendment would be to make the amendment read in this way, if it were agreed to:

> The compensation for rural carriers assigned to horse-drawn vehicle routes shall be increased 20 per cent per annum, and carriers who perform service as motor carriers on routes 50 miles and more in length shall receive an increase of 20 per cent per annum.

In other words, the proposition as introduced gives one of them an increase of 20 per cent and the other one an increase of 10 per cent. I can not see the reason or justice in that. Their salaries are all fixed and apportioned by law now in accordance with the service that they are supposed to perform. I can see no reason why one salary should be increased 20 per cent and the other one 10 per cent. At any rate, I suggest the amendment to the amendment, and I hope my colleague on the committee will be in favor of it.

Mr. BANKHEAD. I have no objection to the amendment, Mr. President. I think it is quite a proper one and ought to be adopted.

Mr. HARDWICK. That is all I care to say.

Mr. GRONNA. Mr. President, may I ask the chairman of the committee a question? What is meant by the expression here, "50 miles and more in length"? There is no route today that I know of that is 50 miles in length. There may be round trips of that length.

Mr. BANKHEAD. There are many routes where the distance covered by motor cars is more than 50 miles in length—quite a large number of them, something over 800—and some of them make, perhaps, 75 miles.

Mr. GRONNA. Is it not possible that it is an injustice to those who have routes of a less distance than 50 miles?

Mr. BANKHEAD. They do not get any increase up to 50 miles, but when they go beyond 50 miles they increase rapidly.

Mr. HARDWICK. This does not affect anybody else. It merely applies to them the same scale that is applied to other people.

Mr. GRONNA. In order to get the increased pay where motor cars are being used, the distance would necessarily have to be more than 50 miles.

Mr. HARDWICK. Let me say to the Senator that there are two classes of routes recognized by law. One class is called horse-drawn routes, although in many of those cases motor cars are employed; that is, routes the standard length of which is 24 miles, but which by law under exceptional circumstances may extend up to 36 miles. Those are the routes the Senator has in mind. They get this 20 per cent just the same. This does not affect them at all. But these are the routes officially and legally known as motor routes—most of them are in the South, by the way—where they are more than 50 miles, from that on up.

Mr. GRONNA. This is a separate service from the regular rural route?

Mr. HARDWICK. Yes; and it is proposed to give them the same increase.

Mr. SHAFROTH. Mr. President, I should like to ask a question. These amendments which have been offered and accepted make a uniform increase of 20 per cent that seems enquitable and right and meets with my hearty approval.

Mr. HARDWICK. Exactly.

Mr. SHAFROTH. No more and no less?

Mr. HARDWICK. Exactly. They are all put on the same basis.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia to the amendment of the Senator from Alabama.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BANKHEAD. Mr. President, I believe the committee has now offered all the amendments it desires to offer; and if any Member of the Senate has an amendment he would like to offer, I hope he will do so to-morrow.

I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 16, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 15, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Oh Thou great Spirit, who hast ever been the inspiration of men to high and noble achievements, help us to realize that it is not what a man gets out of the world, but what he puts into it, that makes for the good of mankind.

Give to us, we pray Thee, great thoughts, and help us to noble achievements, that we may leave behind us a record worthy of the great opportunities ever presenting themselves for solution; that when we shall have passed on men shall rise up and call us blessed.

So inspire, guide, and direct us, in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MEMORIAL SUNDAY.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

> Joint resolution to set aside May 26, 1918, as memorial Sunday to commemorate the memory of the soldiers who have died since the breaking out of the present war.
>
> Whereas many American soldiers have died from sickness or have fallen in battle and are buried in France, far from their homes; and
> Whereas it will be impossible for their relatives to visit or decorate their graves: Therefore, be it
>
> *Resolved, etc.*, That the President of the United States of America issue his proclamation setting aside Sunday, May 26, 1918, as memorial Sunday to commemorate the memory of the brave American soldiers and sailors who have died for the cause of liberty since the declaration of war against Germany.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of the resolution which the Clerk has reported. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I would like to inquire if this is going to be discussed?

Mr. EMERSON. I did not know that it was necessary to discuss it. I did not think anyone would object to it.

Mr. KITCHIN. Why not let that go to the Committee on Rules?

Mr. MOORE of Pennsylvania. I think the phraseology of the resolution would have to be corrected somewhat.

Mr. JOHNSON of Washington. Yes; and I think the grammar needs correction a little bit.

Mr. KITCHIN. Mr. Speaker, I suggest the gentleman withdraw it.

Mr. EMERSON. No; I shall not withdraw it.

Mr. MOORE of Pennsylvania. It has a very high purpose, of course.

Mr. KITCHIN. Mr. Speaker, I shall have to object for the present.

The SPEAKER. The gentleman from North Carolina objects.

G. D. ELLIS.

Mr. PARK. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 325 (H. Rept. No. 566).

Resolved, That there shall be paid out of the contingent fund of the House $1,200 to G. D. Ellis for extra and expert services rendered in the office of the Clerk of the House of Representatives during the first and second sessions of the Sixty-fifth Congress as employee detailed from the Government Printing Office.

Mr. PARK. Mr. Speaker, I ask unanimous consent that the statement accompanying the resolution be read.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

Statement to accompany House resolution 325.

APRIL 27, 1918.

Mr. Ellis was engaged in compiling copy and revising proofs for the House portion of the Official Register for 1917; compiling and indexing the annual report of the Clerk of the House of Representatives; compiling a list of the reports to be made to Congress by public officials; compiling the vest-pocket directory, telephone directory, and directory of Members; and has rendered much other and valuable extra and expert service, much of which has been of a technical character, to the House of Representatives.

Respectfully submitted.

SOUTH TRIMBLE, *Clerk*.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. PARK. Yes.

Mr. STAFFORD. As I understand it, the person named in this resolution seeks additional compensation, amounting to $1,200, to that which he receives now on the rolls of the Government Printing Office, having been detailed to the office of the Clerk of the House?

Mr. PARK. Yes.

Mr. STAFFORD. Has the gentleman examined to ascertain whether this practice has been in vogue in prior Congresses?

Mr. PARK. It has been since the Sixty-second Congress.

Mr. STAFFORD. Appropriating a sum of money for the work that this gentleman does for one Congress?

Mr. PARK. Yes.

Mr. STAFFORD. And this, as I understand it, is an honorarium by Congress to be paid to this gentleman?

Mr. PARK. Yes.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. PARK. Yes.

Mr. WALSH. What compensation does this gentleman receive from the Government Printing Office?

Mr. PARK. He gets something like $5 a day, or a little over now. He is designated by the Public Printer to prepare these various matters for the use of the House.

Mr. WALSH. What does he get the $5 a day for?

Mr. PARK. He is on the rolls for that amount.

Mr. WALSH. He gets $5 a day, being on the rolls, and then we pay him $1,200 for doing this work?

Mr. PARK. This is by reason of the fact that he is an expert. It requires an expert to do this work.

Mr. WALSH. To prepare a list of Members, with their telephone numbers and room numbers, requires the services of an expert?

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. PARK. Yes.

Mr. GARNER. Is it not also a fact that this gentleman is on the rolls as a laborer in the Printing Office, and that these matters the gentleman speaks of are performed by him outside of the hours of this labor, and the work is of a technical character?

Mr. PARK. I understand that he is frequently engaged until late in the night, with his family, reading over this matter.

Mr. WALSH. He does this in addition to his regular work?

Mr. PARK. Yes.

Mr. WALSH. I did not so understand it.

Mr. BLACK. Mr. Speaker, do I understand that while he is at work on this expert work he still performs his regular duty at the Government Printing Office?

Mr. PARK. No; I do not think so.

Mr. BLACK. If he does not perform those regular duties, he still draws the pay for them?

Mr. PARK. Yes; but he does this expert work at night.

Mr. BLACK. Does the gentleman think he ought to draw his pay at the Government Printing Office when he is not at work there and then be paid this additional compensation?

Mr. PARK. He is working for the Government Printing Office in preparing these matters for the Clerk and assisting the Clerk, for the use of the House. He works during the eight hours that he would work there, and in addition he works late into the night.

Mr. DUPRÉ. This compensation of $5 a day which he gets is inadequate as remuneration for the services that he renders, and therefore this amount is to supplement it?

Mr. PARK. Yes.

Mr. BLACK. I want to know this: In determining this compensation for this extra work is the fact that he already draws $5 a day from the Government Printing Office taken into consideration?

Mr. PARK. Yes.

Mr. BLACK. That is taken into consideration?

Mr. PARK. Yes.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

EXTENSION OF REMARKS.

Mr. KNUTSON. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD on the Overman bill.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks on the Overman bill. Is there objection? [After a pause.] The Chair hears none.

JOHN A. TRAVIS.

Mr. PARK. Mr. Speaker, I call up another privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 327 (H. Rept. No. 567).

Resolved, That the Clerk of the House be, and he is hereby, authorized to pay out of the contingent fund of the House, to Amy S. Travis, widow of John A. Travis, late a messenger on the soldiers' roll of the House, a sum equal to six months of his compensation as such employee, and an additional amount, not exceeding $250, to defray funeral expenses of said John A. Travis.

The question was taken, and the resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

LIEUT. COL. BENNETT CLARK.

Mr. GARRETT of Tennessee. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT of Tennessee. I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, I have authentic information that my friend, the late parliamentary clerk of this House but now lieutenant colonel of the One hundred and fortieth Infantry Regiment, has landed at a foreign port and is "somewhere in France." I am sure that this House, to every Member of which, I think I may safely say, Col. Bennett Clark was endeared, will appreciate knowing of his safe arrival there, and that each and all of us will feel the profoundest interest, as we shall have the profoundest confidence, in his career. [Applause.] Those of us who knew him well here, who knew his kindness, his politeness, and, above all, knew his fine courage and dauntless spirit, have no doubt that he will be true to the best traditions of the great Commonwealth of Missouri, and therefore true to the best traditions of chivalry and manhood of the American Army, worthy, indeed, of the rich, clean blood that courses through his veins. [Loud applause.]

RENT PROFITEERING IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up Senate joint resolution 152 for consideration.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia.

Whereas by reason of the existence of a state of war it is essential to the national security and defense and for the successful prosecution of the war to establish governmental control and assure adequate regulation of real estate in the District of Columbia for and during the period hereinafter set forth: Therefore be it

Resolved, etc., That until the adjournment sine die of the present session of the Congress no judicial order for the recovery of possession of any real estate now or hereafter held or acquired by oral agreement or written lease for one month or any longer period, or for the ejectment or dispossession of a tenant therefrom, shall be made, and all leases thereof shall continue so long as the tenant continues to pay

rent at the agreed rate and performs the other conditions of the tenancy, except on the ground that the tenant has failed to take reasonable care of the premises, or has committed waste, or has been guilty of conduct which is a nuisance or amounts to a disturbance of the peace of adjoining or neighboring occupiers or a violation of law, or that the premises are reasonably required by a landlord or bona fide purchaser for occupation by himself or his family while in the employ of or officially connected with the Government, or where the property has been disposed of to a bona fide purchaser for his own occupancy; and where such order has been made but not executed before the passage of this resolution, the court by which the order was made may, if it is of the opinion that the order would not have been made if this resolution had been in force at the date of the making of the order, rescind or modify the order in such manner as the court may deem proper for the purpose of giving effect to this resolution: *Provided*, That all judicial remedies of the lessor based on any provision in any oral agreement or written lease that the same shall be determined or forfeited if the premises shall be sold are hereby suspended while this resolution shall be in force, and every purchaser shall take the conveyance of any premises subject to the rights of all tenants in possession thereof under the provisions of this resolution.

The committee amendments were read, as follows:

Page 1, lines 3 and 4, strike out the words "adjournment sine die of the present session of the Congress" and insert "expiration of one year after a treaty of peace shall have been definitely concluded between the United States and the Imperial German Government." Page 1, line 6, after the word "order," insert "decree, or judgment." Page 2, line 1, after the word "estate," insert "in the District of Columbia." Page 2, line 2, after the word "oral," insert the words "or written." Page 2, line 7, strike out the words "except on the ground that" and insert "which are not inconsistent herewith, unless." Page 2, line 8, after the word "tenant," strike out the words "has failed to take reasonable care of the premises, or." Page 2, line 10, after the word "guilty," insert the words "on the premises." Page 2, line 11, after the word "which," strike out the word "is" and insert the word "constitutes." Page 2, line 11, after the word "or," strike out the words "amounts to"; and, after the word "a," strike out the word "disturbance." Page 2, line 12, before the word "of," insert the word "breach." Page 2, line 12, after the word "peace," strike out the words "of adjoining or neighboring occupiers, or a violation of law" and insert the words "or other misdemeanor or crime." Page 2, line 14, after the word "are," strike out the word "reasonably" and insert the word "necessarily." Page 2, line 15, after the word "occupation," insert the word "either." Page 2, line 16, after the word "his," strike out the word "family," and insert the words "wife, children, or dependents"; and, after the word "while," insert the words "he is." Page 2, line 17, after the word "with," insert the words "any branch of." Page 2, line 18, after the word "been," strike out the words "disposed of" and insert the word "sold." Page 2, line 20, after the word "order," insert the words "decree, or judgment." Page 2, line 22, after the word "order," insert the words "decree, or judgment"; and, after the word "made," strike out the word "may" and insert the word "shall." Page 2, line 23, after the word "order," insert the words "decree, or judgment." Page 2, line 25, after the word "order," insert the words "decree, or judgment." Page 3, line 1, after the word "order," insert the words "decree, or judgment." Page 3, line 3, after the word "resolution," strike out "*Provided*, That" and insert the word "and"; and, after the word "all," strike out "judicial"; and, after the word "remedies," insert the words "at law or in equity." Page 3, line 5, after the word "oral," insert the words "or written." At the end of the resolution insert as a new paragraph the following:

"That the term 'real estate' as herein used shall be construed to include any and all land, any building, any part of any building, house or dwelling, any apartment, room, suite of rooms and every other improvement or structure whatsoever on land situated and being in the District of Columbia."

The SPEAKER. The gentleman from Kentucky is recognized for an hour.

Mr. JOHNSON of Kentucky. Mr. Speaker, in my opinion the most patriotic service which can be rendered in this hour of our Nation's need is that performed by the soldier in the trenches. The next most patriotic thing which a man may do for his country is to support and maintain the boys who are "over there" in the trenches; and the next, or equal to that, is to prevent the financial glutton from taking the means here at home which should go to the support of the boys in the trenches, or the work which goes to support their actions across the seas. We are here to-day undertaking a piece of patriotic work. I regret that it is not more patriotic than it is. I seriously regret that in another place than in this Chamber a bill looking to complete reform, a bill which has passed this House by 121 majority, every provision of which has been ignored and repudiated elsewhere, and every provision looking to the need or to the avaricious wants or desires of the profiteers have been more than complied with. I fully appreciate the extent to which, under the rules of the House, I may be permitted to go in referring to legislation not before this body, and I shall observe those rules. However, I wish they were not in existence, so that this matter might be discussed with the openness, the frankness, and fearlessness with which it ought to be discussed. For convenience's sake, in my remarks I shall refer to a gentleman not in this Chamber as "Maryland," to another as "Ohio," to another as "New Hampshire." In referring to "Maryland," we should remember that that State is the mother of the only real religious liberty that this country has ever had, and this Nation is the greatest Republic that has ever been built upon the foundation of freedom. "Maryland" has not only sought but has succeeded in defeating the aims of this House to prevent extortion and profiteering in its most hideous form. "Ohio," coming from a State of a war President, the martyred McKinley, stands in the way more conspicuously than does anybody else to-day in all the Union toward stopping this profiteering.

I might go a little further and say that "Illinois," the adopted home of Abraham Lincoln, another war President, has done more to help stop profiteering in the District of Columbia, through his feeble efforts—feeble not because of a lack of ability but because of his surroundings—than has any other person not within this Chamber. If Abraham Lincoln were alive to-day, or if McKinley were alive, I believe that out of their almost unlimited milk of human kindness there would be something done toward stopping this thing, even if that kindness and charity and mercy to-morrow morning at sunrise had to put somebody against a wall in front of a firing squad.

And in referring to both McKinley and Lincoln, I wish to say that I regard them as among the most merciful men who have lived in this generation or any other. I recall the day when but a child, on a beautiful April morning, my father came into the front hall of our colonial home in Kentucky, his face beaming with excitement and gladness, and conveyed the news to my mother and to us children that Abraham Lincoln had been killed. In my childish glee I ran to the neighboring houses to tell the neighbors and the other children that "Old Abe Lincoln" was dead. When my father came with that news there was visiting our family a young lady from Nashville. She rose and clapped her hands and exclaimed, "Thank God for that." After long years had passed, when that woman had become a grandmother, she came back to my house—I still occupying the house where I was born—called me out to the road, and asked if she might come in. When she was in she said she wanted to go to the spot where she had stood and in ecstacy had welcomed the news of Abraham Lincoln's death, that she might there get down on her knees and ask God's forgiveness for it. The rest of the family joined her in that, and it has been a source of grief with our family ever since that such an incident should have occurred in our house. But during all the years that have come and gone since, at our house we have solemnly observed the day on which Abraham Lincoln died.

Another instance showing what I and all the rest of the South think of the war President is that of a man named Marschall, who designed the Stars and Bars, the Confederate flag, and who also designed the Confederate uniform while living in the State of Alabama, and who painted a portrait of Abraham Lincoln shortly after the war. That portrait represented Lincoln as hideously as talent, brush, and paint could do it. But after the days of reconstruction had come and gone, when everybody knew that Abraham Lincoln in his magnanimity would have saved the South, this same man painted another portrait of him. It now hangs in an art gallery in Louisville, Ky., and is said to be the best portrait of Abraham Lincoln in existence, because it better portrays his real character than does any other painting of him in all the world.

I regret that this profiteering has been permitted to go on unrestrained except by the efforts of this body. I regret more than I can tell that the heads of some of the departments of this Government have aided the profiteering by setting a bad example in paying inordinate, extravagant, and wasteful prices for space needed by the Government. We can illustrate by several instances. The Washington Market Co., for instance, pays $7,500 a year for 106,000 square feet of ground.

The Government is occupying, not the most valuable part of that property, but floor space on the second and third floors, and is paying $14,000 a year for it. A little way below, on Pennsylvania Avenue, the Government is renting 10,500 square feet of space, for which it is paying $10,000 a year. I am reliably informed that notice has been served upon the Treasury Department that on and after the 1st of July, $3 per square foot will be asked for the same space. That would amount to $31,500 a year, where the Government is now paying $10,000. I am also reliably informed that in that same building our ally—Great Britain—in this great struggle is paying the money which we have taken from the taxpayers and lent to that ally, $3 a square foot for space.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. Will the gentleman from Kentucky yield?

Mr. JOHNSON of Kentucky. I will.

Mr. MOORE of Pennsylvania. I have been reading the joint resolution which the gentleman has called up, particularly with a view of ascertaining whether anything could be done to save the Government paying these enormous rentals. I question whether there is anything in the resolution pertaining to the matter, and I wanted to ask the gentleman if he would explain if anything can be done to protect the Government?

Mr. JOHNSON of Kentucky. The gentleman has interrupted—about which I do not complain, because I am glad to yield to him—just at a point where I would have gone on and enumerated other instances where the Government is paying an outrageous rental. But I will divert from that at this point and answer the gentleman's question by saying that I regret that there is nothing in the Senate bill which will stop it, and there is nothing in this resolution which the Senate has sent over to us that will stop it. Later along, when the other bill comes up, the gentleman will find that every ingenuity and artifice known to great minds have been adopted in order that the thing about which the gentleman from Pennsylvania asks me may not be stopped.

Mr. MOORE of Pennsylvania. My recollection is that the gentleman's bill attempted to cover that point.

Mr. JOHNSON of Kentucky. The bill which the House passed by 121 majority, and which has been repudiated in toto by the Senate, would have taken care of that situation, but neither the Senate bill nor the Senate resolution reaches it at all. I was about to say——

Mr. MOORE of Pennsylvania. Will the gentleman yield there?

Mr. JOHNSON of Kentucky. I will.

Mr. MOORE of Pennsylvania. The point is if the Government sets a bad example by paying high rentals, private owners naturally will follow and demand the highest they can get. If the Government itself is guilty of profiteering or conniving at it, how are we going to prevent individuals doing the same thing?

Mr. JOHNSON of Kentucky. The Government is doing no profiteering by being the profiter. The Government is submitting to be profiteered upon.

Mr. MOORE of Pennsylvania. It submits to the imposition?

Mr. JOHNSON of Kentucky. It submits to the imposition that is being set by the greedy profiteer.

I was about to say that I am confronted by conflicting opinions of my own as to whether or not this resolution ought to be passed.

Upon the face of it it ought to pass without a dissenting voice, provided the amendments which the House District Committee have put on it are adopted. But behind it is something sinister. There is an ulterior motive behind this resolution, if the newspapers have been correct in reporting it, and I fear they have been. The suspicion is that this resolution is intended to be passed for the purpose of choking off the other legislation. There comes my fear. I hate to vote for the thing; I hate to bring it here because of that anticipation.

But what are we to do? While I dislike to vote for it, even if the House District Committee amendments should be adopted, I shall do so, but with some reluctance. Practically notice has been served upon this House from another body that a long drawn-out contest confronts you relative to stopping profiteering. In the name of God, why should it be? Why should it be? Why should any legislative body in this or any other country ignore the propositions that come from the legislative body which is nearest to the people—ignore them in toto—and then accept, without qualification, every proposition made by the profiteers themselves?

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. WALSH. Is the gentleman prepared to answer a question with reference to one of the provisions of the bill at this point or will he prefer to wait?

Mr. JOHNSON of Kentucky. I will undertake to answer it now, if I can.

Mr. WALSH. This resolution provides that leases——

Mr. JOHNSON of Kentucky. Where is the gentleman reading?

Mr. WALSH. Lines 4 and 5 and 6, page 2. Leases which are now in existence and which terminate in the near future shall continue as long as the tenant pays the rent, thereby preventing an owner from making a new lease with somebody for a higher rental. Has the gentleman given any consideration to the question as to whether this Congress can by legislation continue the leases which by their own terms expire on a certain day?

Mr. JOHNSON of Kentucky. I am of the opinion, after having given the subject much study, that that can be done, and particularly that it can be done as a war measure. But I have no doubt as to the authority of Congress to interfere with or impair the obligation of contracts, particularly in the District of Columbia, which is not a State.

Mr. DYER. Mr. Speaker, will the gentleman yield for a question or interruption?

Mr. JOHNSON of Kentucky. Yes.

Mr. DYER. Will the gentleman state whether or not his answer will cover this case—leases for property in Washington, which run, I think, until October 30?

Mr. JOHNSON of Kentucky. They run from the 1st day of October until the 30th day of September; usual annual leases do, at least.

Mr. DYER. I understand that real estate operators have notified the tenants of rented houses and apartment houses, in cases where leases do not expire until September 30, that they must come in within 10 days after they receive the notice and renew the lease; and they are compelled to sign it, if they do sign, at a greatly increased price. In this case, will those contracts that run for another year, or probably two years in some cases, be valid and legal so far as any law we can pass is concerned?

Mr. JOHNSON of Kentucky. I will not go into any discussion of that; but profiteers must think that that lease will carry them on in the future at a higher rental than they are now getting, otherwise they would not want to coerce or compel the execution of those leases at this time.

Mr. DYER. I call the gentleman's attention to that for the purpose of saying that if anything is going to be accomplished by Congress it must be done pretty soon; otherwise, being forewarned, there is nothing that we can pass that would affect them.

Mr. WALSH. The gentleman thinks that we can continue these present leases beyond the expiration of the present rental? If the gentleman thinks the Government can do that with reference to contracts with individuals, would not the Congress have the authority to pass a resolution which would continue its own leases? For instance, as to the Munsey Building, could we not by resolution passed provide that the lease that the Government has of 10,000 feet should be continued at the present rental?

Mr. JOHNSON of Kentucky. I think this resolution would cover that situation.

Mr. WALSH. You think it includes property which is leased to the Government?

Mr. JOHNSON of Kentucky. Yes; I do; and to make it perfectly clear, the committee has added an amendment at the end of page 3. You will notice that, as the first words of line 1 of page 2 the expression "real estate" is used. Then the committee added an amendment on page 3 defining what "real estate" is, and it was done with a view of meeting the very situation of which the gentleman from Massachusetts speaks.

Mr. DILL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. DILL. What will be the effect of this resolution upon subleases that might be made?

Mr. JOHNSON of Kentucky. The tenants now occupying the premises when the President signs this bill will be permitted to remain.

Mr. DILL. But suppose the tenant should sublet for a period of time. Would there be any way for the tenant to get this sublessee out?

Mr. JOHNSON of Kentucky. No; I am very glad to say. I invite the attention of the House to page 1, lines 3 and 4. The Senate sent this resolution over to the House containing the provision that it should be in effect only "until the adjournment sine die of the present session of Congress." If the hope of this membership is realized, Congress will adjourn about the 1st of July. If so that provision of the resolution would permit the occupancy of these various rooms and departments and places of business only about 60 or 70 days.

The Committee on the District of Columbia, to which this resolution was referred, struck out that language and inserted in lieu thereof, "until the expiration of one year after a treaty of peace shall have been definitely concluded between the United States and the Imperial German Government." Now, if this resolution passes, with that original language in it, it will turn the profiteers loose upon this community in greater violence immediately the Congress adjourns and walks out of town, and no longer can reach them until next December. The new language, however, will hold the profiteers bound until the end of the war and one year thereafter, not in the full and ample way that it should, but it will protect the tenant who is already in, and will let him remain in the premises until one year after the close of the war at the rent he is paying when this resolution goes into effect. With that language in it, it is worth something; but without it, it is not worth the paper on which it is written.

Mr. SWITZER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from Ohio?

Mr. JOHNSON of Kentucky. I yield.

Mr. SWITZER. Was not this resolution passed by the Senate as a temporary matter, pending the proposed passage of the bill that passed the House in amended form?

Mr. JOHNSON of Kentucky. I regret to say that that is true. It is intended to be quite temporary, while they anticipate, and so state to the papers, that an agreement upon the bill itself will be long drawn out; so that at the expiration of this session of Congress we will have neither resolution nor bill.

Mr. SWITZER. Right there, what would be the situation should we pass this resolution in its amended form, as the gentleman suggests, and the bill enacted by the Senate be passed in amended form?

Mr. JOHNSON of Kentucky. If the House should amend the Senate bill, which Gods knows it ought to do, or kill it deader than a doornail, then the substance of the resolution would be in that bill. Then we would have both. Both propositions concerning the substance of this resolution would be the same in effect. But if we do not get the bill, we will have this resolution until one year after the war is over. I did not intend to go into a discussion of the bill at this time; but let us take one feature of it. The Senate bill imposes a fine of $1,000 upon the profiteer. If he profiteers to the extent of $5 or $10, or any other insignificant sum, he is to be fined not exceeding $1,000; but if he profiteers to the extent of $31,500, he pays his $1,000 fine and is left his $30,500 profiteer profit. Everybody knows that is not right. Should not the punishment be made to fit the crime? If it is to be a fine, should not the punishment be at least equal to the extortion practiced? But before he is fined he must be indicted and tried by a jury of his peers; and if you can ever find a jury of 12 men in the District of Columbia to try a profiteer who has not got his peer on it to hang that jury, I will be willing to jump into the Potomac River through the ice.

To what extent do the profiteers in house rents exist in the District of Columbia? I say you can not get a jury without getting one or more or nearly all of them on a jury. Capt. Peyser was before our committee the other day to represent Maj. Z. L. Potter, chief of the housing and health division of the War Department for the District of Columbia. I want this membership to listen to an astounding statement he made, taken from the statistics in that office. He says that during each week of last month there came into the District of Columbia to do Government work 1,882 persons, and that out of that number of 1,882 persons who came here 761 each week had to leave because they could not find a place to live in. Yet there is a disposition elsewhere than in this Chamber to stand idle, to get what they want for the profiteer or do nothing, while war work must suffer in consequence of that; and if this work suffers, then the boys in the trenches must suffer. Patriotism! That is a mockery. I could use language that would better express what I think about it, but I will refrain from doing so.

Mr. BESHLIN. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BESHLIN. I should like to ask the gentleman if he is satisfied that profiteering now exists in the leasing of property in the District of Columbia?

Mr. JOHNSON of Kentucky. Why, it is running rampant.

Mr. BESHLIN. Then, if that is true, would we not by the passage of this resolution set the seal of our approval upon such acts by the continuation of leases in which there is profiteering?

Mr. JOHNSON of Kentucky. Oh, no; plenty of people here have leases that were made at 50 per cent of what they could get them now.

Mr. BESHLIN. But I understand the gentleman to say that leases have been made and are now in existence under which profiteering is being carried on.

Mr. JOHNSON of Kentucky. Yes.

Mr. BESHLIN. Does it not necessarily follow, if these leases are to be continued by the passage of this resolution, that we will put the seal of our approval upon such leases?

Mr. JOHNSON of Kentucky. No; the seal of our approval will be put upon leases that have been made at a figure that the Government clerk can pay, and not beyond that. If the clerk can not pay, he will get out. That is his option; but the landlord can not put him out. I am glad to say that according to the information I have received, at least one of the local judges, discountenancing the ouster proceedings that are going on, has shown a patriotic spirit. I was told that the other day a Government clerk was haled before a court here to be ousted from his apartment. The judge asked him from the bench if he had really made bona fide effort to get a house into which to move, and he said he had; but he said, "Your honor, I am not going to move out of my apartment until the United States marshal puts me out, or until I have got another house into which I can go and take my little family." The judge said, "Very well. This case is taken under advisement until you find a house." I wish to heavens they would all do that, without legislation to compel it.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. WALSH. Along the line of the inquiry of the gentleman from Pennsylvania [Mr. BESHLIN], is it not a fact that many leases have been made since the career of the profiteer began; for instance, within the last six months?

Mr. JOHNSON of Kentucky. There have been leases of that kind.

Mr. WALSH. Now, under the provisions of this resolution those leases would continue in force.

Mr. JOHNSON of Kentucky. They will continue in force if the tenant wishes them to so continue. The tenant can remain and thereby compel the continuance of the lease, but the landlord can not put the tenant out.

Mr. WALSH. If the conditions exist which the gentleman has just stated, certainly the tenant will not vacate the premises.

Mr. JOHNSON of Kentucky. I take it for granted that he will get out if he can find a better or cheaper place.

Mr. WALSH. The gentleman has just stated that these better and cheaper places do not exist.

Mr. JOHNSON of Kentucky. That is my opinion.

Mr. WALSH. Is not the tenant obliged to stay there, and as the gentleman from Pennsylvania [Mr. BESHLIN] has stated, will we not in a way be approving the profiteer leases that have been entered into?

Mr. JOHNSON of Kentucky. That may or may not be so; but I wish the gentleman would bear in mind that I said in the beginning that I was confronted with conflicting opinions of my own as to what I ought to do about this resolution. But I think there is less harm in it than there is good. It is possible for some good to come out of it.

The fight that I make here for these propositions is a patriotic one, and I am proud of it. I take up these measures without any sort of hesitancy and pursue them as vigorously as I can. But my pursuit of them brings unpleasant things to me.

I received a letter yesterday morning which is but one sample of thousands I have received since I have been chairman of the District Committee. This is an infamous, dirty thing; but nevertheless I will read it to the House. After reading it let me ask the question, What prompts it? Is it because I have not been active on behalf of the masses of the people, or is it because I have been active against the profiteers? Something has provoked this letter. I have received hundreds almost as villainous. What provoked it? You gentlemen did not get them because you were not chairman of the committee, which compels you by that fact to take the lead in this legislation, and I got them because of that fact. This is the letter:

Every time I hear the name Johnson I am reminded of a Son of a bich.

E. L. SUESN.

What do you think of that? Is he a tenant for whom I am laboring here to-day? Common sense tells you he is not. I do not know him, I never saw him, and perhaps I never will, but I want to assure you of one thing, that if ever I do I will mark him so that I will know him the next time I see him. [Laughter and applause.] His name is not in the city directory.

Mr. FORDNEY. If the gentleman will yield, I will tell him what I would do; I would bring the man to justice, for I think that is a plain violation of the postal laws.

Mr. JOHNSON of Kentucky. I will not do that; I have suffered these things for several years. Only a few years ago a reputable man in this town went into the office of Speaker CLARK, and there told him that on the day before, about 10 o'clock, on a street car on Pennsylvania Avenue, he heard one man tell another that he came very near getting an opportunity to kill me on the night before as I left this Chamber between 11 and 12 o'clock after a Democratic caucus. The gentleman who gave that information to the Speaker reduced it to writing, swore to it, gave the name, street, number, and address of the man who said it. I did not bother him about any law, and I will not bother this fellow with any, but I would just like to see the color of the hair of either of these scoundrels. [Applause.]

These are but samples of what a man has to bear when he stands up against this crowd. They are the most unpatriotic bunch in existence on the earth. They are worse than kaiserism itself, if God Almighty ever made anything that is worse than that. [Applause.]

And yet we find that elsewhere than in this Chamber is a bill ignoring what this House has done by an overwhelming majority and offering the full and complete desires of the landlords of the District of Columbia instead.

Mr. Speaker, I sincerely trust that these amendments will be adopted, one by one, when they are reached, and that the resolution will be passed within the hour that has been allotted. If any gentleman wishes to discuss it I will yield a part of the time I have remaining, otherwise I will ask for a vote.

Mr. BRITTEN. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BRITTEN. I have one particular case of profiteering in mind.

Mr. JOHNSON of Kentucky. Only one; where has the gentleman been?

Mr. BRITTEN. I have one particularly in mind. On Sixteenth Street a large new building, recently erected, for a single room and bath charged $40 to $45 a month. Some of the rooms have since been furnished with a meager amount of furniture, and the price to-day is $30 a week. Will the gentleman's bill cover a case of that kind and prevent it?

Mr. JOHNSON of Kentucky. The bill which I wrote and which passed this House would reach that very situation, but elsewhere than in this Chamber it has been disapproved and the desires of the profiteers have been listened to instead. This resolution is not my resolution; we are not undertaking to pass the bill, but the resolution. This resolution, I am sorry to say, does not reach it. I regret still further to say that if we undertook to write into this resolution a clause which would reach the situation described by the gentleman from Illinois, it is my opinion that it would meet the same fate elsewhere that the bill passed by this House did.

Mr. BRITTEN. Then what is the use of passing the resolution if it is entirely inadequate?

Mr. JOHNSON of Kentucky. There are many people in the District of Columbia that have leases made some time back that are not so outrageously extortionate, and under this resolution they can keep those premises at the rent they originally agreed to pay.

Mr. LONGWORTH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. LONGWORTH. I have not had an opportunity to examine the resolution carefully, but it would not affect a lease which actually runs out during the war?

Mr. JOHNSON of Kentucky. No matter when the lease runs out, if the amendments of the House committee are written into it, the tenant would not have to get out until one year after the war is over, if he pays the rent.

Mr. LONGWORTH. Under the terms of the former lease, if I understand it, the most of the leases run out on the 30th day of September.

Mr. JOHNSON of Kentucky. If the gentleman will pardon me, I will say that the Senate substituted for the House bill the date of October 1 instead of September 30, and so by one day they give the landlords great advantages.

Mr. LONGWORTH. The tenant can remain on the premises under the same terms, provided he pays the rent?

Mr. JOHNSON of Kentucky. And provided he does not commit waste or any unlawful offense on the premises.

Mr. DEWALT. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. DEWALT. Will the passage of this resolution add to or impair the effect of the Johnson bill, which passed the House? If it adds to it, I want to vote for it, but if it detracts from it, I will vote against it.

Mr. JOHNSON of Kentucky. As I just said a moment ago, I believe there is more good in it than there is harm.

Mr. DEWALT. That does not answer my question.

Mr. JOHNSON of Kentucky. I know it does not. I hope to answer the gentleman further by saying that I am inclined to be of the opinion that it will not impair it; but if it should impair it we have nothing left of the House bill except the enacting clause.

Mr. DEWALT. I understood from the gentleman's argument in regard to the resolution that this is rather a makeshift, and possibly an impediment to the passage of the legislation we passed in the House.

Mr. JOHNSON of Kentucky. I am inclined to believe it is a makeshift, but it may not prove to be an impediment.

Mr. MAGEE. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MAGEE. If I read the provisions of the resolution correctly, it continues existing rates now paid either under oral or written leases.

Mr. JOHNSON of Kentucky. It does.

Mr. MAGEE. So that where rates have been recently raised, as suggested by the gentleman from Illinois, it would not give in such a case any relief.

Mr. JOHNSON of Kentucky. It would not; but there will not be any relief without this, and he will be put in no worse position by the passage of it. It will help some people, but not all of them.

Mr. ROBBINS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. ROBBINS. What penalty is contained in this resolution to enforce its provisions? I fail to see any penalty here.

Mr. JOHNSON of Kentucky. I do not think a penalty is needed, for the reason that the court would refuse to eject. That is the penalty.

Mr. ROBBINS. That is the only penalty there seems to be in it?

Mr. JOHNSON of Kentucky. That is all that is necessary here.

Mr. ROBBINS. This resolution evidently is inadequate, according to its own reading and the gentleman's explanation of it. Why not remove certain agencies and departments of this Government to a more convenient place—for instance, the Food Administration to Chicago and the Fuel Administration to Pittsburgh?

Mr. JOHNSON of Kentucky. That would not suit the local profiteers, and it seems that they are able to defeat it if we were to put it on this resolution.

Mr. ROBBINS. If that is the ground on which the gentleman bases the reason, all right.

Mr. WOOD of Indiana. Mr. Speaker, will the gentleman yield to me for five minutes? I would like to talk about this matter.

Mr. JOHNSON of Kentucky. Yes; but before I do that I want first to yield to the gentleman from Illinois [Mr. CANNON], whom I see on his feet.

Mr. CANNON. Mr. Speaker, may I preface my question with the remark that I have no patience with the so-called profiteer in the District of Columbia or anywhere else; but do I understand the gentleman to say that if a lease was made from year to year or from month to month five years ago under then existing conditions it would then be optional with the tenant in possession to remain in possession at that rate until the close of the war and a year afterwards?

Mr. JOHNSON of Kentucky. That is what the resolution means to do.

Mr. CANNON. Everything else has gone up in price. We are passing legislation providing for an increased pay all along the line, and while I hold no brief for the landlords, yet in working out an equitable result it seems to me we do not want to oppress the landlord while seeking to take care of profiteers.

Mr. JOHNSON of Kentucky. The Congress will have to take its choice between permitting a landlord to oppress the tenant or, in some remote instances, oppressing the landlord; and I do not hesitate for the hundredth part of a moment to state where I stand. I am in favor of taking care of the little fellow.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. WHEELER. If this profiteering bill passed by the House and the Senate should become a law, it would not be necessary to consider a resolution of this kind.

Mr. WOOD of Indiana. The gentleman has just explained that it does not cover it at all.

Mr. JOHNSON of Kentucky. I do not hesitate to say that it would have been infinitely better if the Senate had given some sort of consideration to the views of the House instead of ignoring them, and accepting propositions which came from another quarter.

Mr. MAPES. Mr. Speaker, if the gentleman will permit, I would suggest to the chairman of the committee that his hour is nearly up. There are several gentlemen on this side who would like to have some time to discuss this resolution, and I will be glad to take the floor and yield to them.

Mr. COOPER of Wisconsin. I would like to get 10 or 15 minutes.

Mr. HAUGEN. Where property is transferred, in the event of sale, does this deprive the purchaser of possession?

Mr. JOHNSON of Kentucky. It does unless he wants it for his wife, his children, or dependents.

Mr. HAUGEN. And in that event it gives possession?

Mr. JOHNSON of Kentucky. Yes. Before yielding the floor there is one thing I would like to say in passing, which has just occurred to me in connection with the ugly letter which I just read, and others that I have received. I am informed that on last Friday and Saturday a subcommittee of three from the landlords of the District of Columbia went down in Kentucky

hunting for some one to make the race against me for the Democratic nomination for Congress. I hope they find him. I am willing to measure swords with him by representing the boys in the trenches, representing the taxpayers and Government clerks on the one side, while their candidate takes the other side of the proposition. This is not a new venture with them. Only a few years ago when I was undertaking to get some legislation through this body for the benefit of the taxpayers of the country, the auditor of the Washington Evening Star went to the State of Kentucky and into my district, and at Campbellsville, Ky., in Taylor County, he asked a Christian preacher to help him find a candidate against me, but the preacher told him he would not do it, that he was for me. I have an affidavit of those facts. [Applause.]

Mr. MAPES. Mr. Speaker, it will be remembered that some time ago the House passed what is known as the Johnson rent profiteering bill. That bill went to the Senate and was pending in the Senate for some little time. The Senate committee reported, as the gentleman from Kentucky [Mr. JOHNSON] has said, an entirely different bill from that which passed the House, and, as has happened in that body at different times, the Senate struck out all after the enacting clause of the House bill and substituted therefor the Senate's own bill.

This resolution which we are now considering was introduced in the Senate and passed that body without a roll call. My understanding is that the purpose of it is to prevent the ouster of tenants within the District of Columbia temporarily until the differences between the two Houses on the rent-profiteering bill can be adjusted. It simply provides that no tenant can be ousted while he pays his rent, the rent agreed upon, unless the owner sells the place to some one who is engaged in Government work, and who desires to actually occupy the premises. That, I believe, is the only exception, unless the tenant commits a nuisance or something of that nature. If he lives up to the terms of his tenancy he can not be ousted. Capt. Peyser, representing the Housing and Health Division of the War Department, came before the committee on this resolution and said that he deemed it or something similar to it absolutely essential, and he called attention to the number of people who are being notified weekly or daily to leave the premises which they occupy or purchase them. He called attention, for instance, to the fact that 50 employees, I believe it was, in the navy yard were notified on one day that they would have to vacate the premises which they occupied or pay a greatly increased rent. As a result a great many of them quit their jobs. Every Member of the House, I think, knows that it is the prevailing custom within the District of Columbia at present to notify tenants that they must vacate at the end of their tenancy or buy the premises which they occupy, sometimes at greatly advanced prices over what the same premises have been on the market for for the last number of years. Capt. Peyser stated that 1,100 complaints were received in one week in this bureau in which he is employed from tenants who had been told to vacate or to buy the premises, or that their rent would be increased from 33⅓ per cent up, and it is to relieve that condition that this resolution is presented. As the gentleman from Kentucky has said, if his bill were enacted into law there would not be much necessity for this joint resolution, but without a law of that kind it is necessary to have something like this resolution in order to cover the situation which exists here in the District. That, in brief, Mr. Speaker, is the purpose of this resolution. I do not care to discuss it further unless there are some questions, but I do want to yield to two or three Members on this side. I yield to the gentleman from Wisconsin [Mr. COOPER] 15 minutes.

Mr. COOPER of Wisconsin. Mr. Speaker, I have had tenants speak to me about the wrongs being done to them here in the District, and I have also had lessors tell me of the wrongs that legislation proposed in Congress would, if enacted into law, inflict upon them. I have tried to be impartial in weighing the evidence thus submitted to me, and am convinced beyond doubt that there is, and for at least two years has been, generally prevalent in this District the practice of making and enforcing extortionate demands upon helpless tenants. It is possible, as suggested by the gentleman from Kentucky a moment ago, that the pending resolution, if it becomes a law, might do some injury, but the aggregate of injuries which it could by any possibility inflict would be very small, indeed, when compared with what is daily being perpetrated in this District upon helpless persons, some of whom are women and children, even invalids, by men who think more of money than they do of human rights. To thousands of tenants here, including great numbers of Government employees, the situation has become serious—indeed, desperate. To help us to understand it and to understand our duty at this time, and in order that future generations may have knowledge of present conditions in Washington, I send to the Clerk's desk and ask to have read in my time a series of articles which recently appeared in the Washington Times.

The SPEAKER pro tempore (Mr. ALEXANDER). The Clerk will read in the gentleman's time.

The Clerk read as follows:

"BUY THE HOUSE OR MOVE."

A "MONEY-OR-YOUR-LIFE" PROPOSITION THAT OUGHT TO BE STAMPED OUT IMMEDIATELY.

[By Earl Godwin.]

"If the United States Government does not step in now to relieve the housing situation in Washington, human nature in this city is likely to run amuck to an extent that will make a high-water mark in the history of war profiteering.

"Having become ashamed of war profiteering, or perhaps afraid, in the matter of boosting rents, many owners of real estate have now reached the point where they tell their tenants to buy the house or be thrown into the streets.

"Knowing that it is impossible to find other homes, the tenant is forced to choose between paying an excessive price for the property or leaving. There is no other place to go and thousands of families have no means at present to buy property at inflated prices.

"The first news story depicting this situation was printed in this newspaper several weeks ago, and since then the money lust on the part of property owners seems to have increased in fury rather than decreased.

"This form of profiteering, to my mind, is the cruelest, the dirtiest, the most abandoned. It is just as cruel as charging a dying man in a desert $10 a drop for a drink of water.

"I hear on all sides conservative gentlemen who tell me there is no profiteering in Washington, and then I go into the homes of the people and witness the daily struggle with the cost of living and have seen a hatful of letters from landlords to tenants telling the tenants to buy the place or leave. The price is generally a heavy advance over the real worth of the property.

"Now, for heaven's sake, let's have an end to this grinding policy! I believe if it continues a curse will fall on this city which will blight it for years to come. The idea that a war is sent to earth for the benefit of business smells of the lowest pit of hell.

"I'm no lawyer, and can say but little as to the merits of the proposal to change the landlord-and-tenant law so as to prevent evictions of rent-paying tenants for the period of the war, but it sounds good to me.

"I also call attention to the fact that there is enough vacant land in this city to house a million people, and the War Department could set up houses, temporary or permanent, on some of these broad expanses of vacant land."

—

PRINT THE NAMES AND PICTURES OF PROFITEERS.

THEY KEEP A PHOTOGRAPHIC RECORD AT POLICE HEADQUARTERS. WHY NOT ADD TO IT?

[By Earl Godwin.]

"Publicity is always pleasing to the person involved until some brave newspaper prints the names and pictures of men involved in nefarious enterprises.

"Many well-known men in Washington have swelled with pride when the news columns announced their appointment to this or that committee engaged in one activity or another of benefit to the community.

"How would it be if the Government officials printed the names of men who have served 'Buy the house or move' notices on tenants?

"If this kind of business is reputable, would it hurt anyone's feelings or reputation to have his picture printed alongside of a picture of the helpless family he is evicting, so that he can take a war-time profit at the expense of some one else who is left helpless?

"Personally I believe that parallel to the liberty-loan roll of honor for Washington there should be a roll of profiteers, naming the men who have evicted tenants for war-time profits, as well as those who have put the screws on to the extent of making tenants buy houses at outrageously increased values.

"The names of these men should live in memory, like the names of the crooked sutlers who vampired on their fellow men in the Civil War and the names of the thieves who got rich on embalmed beef in the Spanish War.

"A few money-mad men and women are smearing Washington with mud because they have at this moment the opportunity to make a few dirty dollars. To make these dirty dollars they are taking advantage of the most awful war the world has ever known and are backing whole families against a wall, pointing a pistol at them, saying:

"'You poor fools, there is no other place in the world for you to live, so here is where I get mine, and get it big. You

pay me a quadrupled profit on this house or get out into the street.'

"The Government ought to take war-time steps to prevent this war-time crime."

—

LOOK OUT FOR THE AFTERMATH.

MEN WHO CHARGE EXTORTIONATE RENTS AND MAKE TENANTS BUY HOUSES AT WAR-PROFIT PRICES WILL BE IN A BAD WAY AFTER THE WAR.

[By Earl Godwin.]

"Sam Gompers, president of the American Federation of Labor, has uttered a sentence which I believe should be raised as high as the golden rule.

"He bids labor not to take any action now or to enter any movement now that it 'can not defend after the boys come home from the trenches.'

"This is one of the most solemn warnings ever uttered, and I believe every man in Washington engaged in trade, real estate, or any other money-getting profession should read it over and over.

"It applies with lightning force not only to labor but to those owners of real estate in Washington to-day who are taking the opportunity of a world war to squeeze more money from the pockets of helpless tenants.

"It is wrong to sell water at a dollar a drop to men dying of thirst. It is just as fiendish to ascertain that there is no place to live except in your houses and then tell the tenants to pay a higher rent, buy the house, or go out in the street with your wife and children to shift for yourself.

"When we are in war we expect to be hurt, but do not expect to be hurt by our own people.

"If the German Army was in Washington some of us might expect to be evicted, but this present money-lusting campaign of evictions purports to be the movement of our friends.

"However, there is no practical difference to a family whether it be put into the street by a German soldier or a money-mad landlord.

"The Government has gathered a hundred thousand extra people here to help carry on the war against Germany, and by so doing makes Washington the main war shop.

"Until proper arrangements can be made to house this great extra force there is a shortage of living space, and this shortage is taken by certain landlords here to be an opportunity to extort money from war workers, Government clerks, and others who happen to live here.

"I have exactly the same respect for a highwayman with a pistol operating in a dark street as I have for the gentlemen who operate with a notice of eviction.

"They will get what is coming to them some day, so, therefore, I bid them read over the utterance by Sam Gompers and refrain from action which they can not defend after the boys come home from the trenches."

Mr. GARD. Will the gentleman yield for a question before he sits down?

Mr. COOPER of Wisconsin. I will.

Mr. GARD. In view of the series of remarkable articles by Mr. Godwin, whom, I understand, is a Washington man and a newspaper man——

Mr. COOPER of Wisconsin. Born in this city.

Mr. GARD. Born in this city and a newspaper man of great ability, I wish to ask the gentleman whether he has any information as to any efforts being made by the so-called commercial or civic or realty organizations within the District of Columbia to correct these abuses?

Mr. COOPER of Wisconsin. Mr. Speaker, in reply to the question of the gentleman from Ohio, I have to say that in so far as my knowledge goes none of these organizations has made an effort of any kind respecting this subject, except an effort to prevent any legislation at all. And if the gentleman from Michigan [Mr. MAPES] will pardon me a moment, I wish, before concluding, to say that a few days ago a lifelong resident of Washington, a man of high character, told me that recently in a conversation with a well-known local profiteer, he protested to that gentleman against the grave abuse being practiced upon helpless people in this District and said to him, "You fellows had better be careful, because otherwise when this war is over something may happen to you," and he said that the profiteer replied, "Oh, well, if the war lasts as long as we now think it is going to, I do not care what happens when it is over, for I will have all the money I want."

With men like him it is not a question of what is just, not a question of human rights, nor even of ordinary decency, but a question only of how much money can greed wring from its victims. This is, of course, not true of all who lease property. Not all of these should be placed in that class. Some lessors in this District are trying to do only what is right. They are high-minded and honorable. But there are many, far too many, of the other kind here, beings destitute of anything like compassion, creatures whom the sight of human misery does not affect—mere cold, merciless, two-footed beasts of prey. This is only the truth. There are many of them right here in the District of Columbia, and the pending resolution, if enacted into law, will, I trust, do something—not much, I fear, but still something—to curb the rapacity of these profiteers. [Applause.]

Mr. MAPES. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, I know that the gentleman from Kentucky [Mr. JOHNSON] has given a great deal of thought and study to this question. I have watched him carefully since he has been a Member of this House, and appreciate the conscientious work he does. Sometimes I think he overdoes it, but that does not affect the seriousness of his work or his good intentions.

I did not vote for his original profiteering bill, because it seemed to me it was too involved in the machinery he planned to obtain the end desired. I questioned whether it would effectuate the proposal he had in mind.

I agree with him thoroughly, however, inasmuch as his bill seems to have been buried in another body, that the resolution now before us does not go to the marrow of the matter. This resolution is a relief measure to a limited extent. It proposes merely to protect the lessee against being distressed during the period of the war. As I read it, that is about all there is to it. The landlord can not dispossess the tenant during the war if the tenant keeps his rent paid and keeps up with the other obligations made in his lease. And so far, so good. But it does not relieve the landlord who might be unjustly treated under these conditions. Taxes might be increased during the period of the war. In certain cities taxes are being increased. Overhead charges might be increased and charged up against the landlord, and if the landlord is held down and tied absolutely to the conditions of the lease made prior to the war he may be giving his property away in the end, which, of course, would not be fair to the landlord.

Mr. JOHNSON of Kentucky. Will the gentleman permit an interruption?

Mr. MOORE of Pennsylvania. Yes.

Mr. JOHNSON of Kentucky. Just there I wish to say that the rate of taxation here is fixed by a congressional statute and only Congress can change it.

Mr. MOORE of Pennsylvania. If that is so——

Mr. JOHNSON of Kentucky. There has been no bill introduced since 1902 that I have ever heard of touching it, and there is none pending now.

Mr. MOORE of Pennsylvania. Well, there may be conditions in the lease, apart from taxes, which would weigh very heavily upon the landlord—the matter of repairs, wastage, wear and tear, and things of that kind—during the war, particularly if the war lasted for a long time, all of which would inure to the benefit of the tenant as against the landlord, and leave the latter with a bad investment on his hands. That would not be fair. And I would say now——

Mr. JOHNSON of Kentucky. Would his investment be any worse than that of a mother who has given her son to the trenches over yonder?

Mr. MOORE of Pennsylvania. I assume the landlord would give his son to the trenches in the same manner, so far as that is concerned. It is an equal chance.

Mr. JOHNSON of Kentucky. I do not believe he would if it cost him anything.

Mr. MOORE of Pennsylvania. If he did not do it, then he would be in the slacker class, and that, of course, would brand him at once.

Mr. JOHNSON of Kentucky. He does not care how much you brand him if he gets the dollar.

Mr. MOORE of Pennsylvania. Take my city, and it is a home-owning city. A man strives to own his own home and to own the house next door; and if he owns the house next door, it represents his savings and his thrift, the result of his care and hard labor. I think he ought to be protected in the possession of that property, because it is only another form of holding a liberty bond; he pays taxes to the Government in one way or another, and his son may be in the trenches also. I have no sympathy with the man who is a rent slacker, because he ought to pay his rent as quickly as he pays his grocery bill.

Mr. McKENZIE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. McKENZIE. I would like to ask the gentleman if he thinks there is anything in this resolution that would compel the owner of property to make repairs?

Mr. MOORE of Pennsylvania. Nothing in this resolution; but there might be something in the lease.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes more.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. MAPES] controls the time.

Mr. MAPES. I yield to the gentleman from Pennsylvania five additional minutes.

Mr. McKENZIE. I desire to ask the gentleman from Pennsylvania if he believes that under this resolution the tenant might refuse to pay rent, or, in other words, recoup himself for the failure of the landlord to make what he—the tenant—might deem to be necessary improvements?

Mr. MOORE of Pennsylvania. I think the tenant would have the advantage under this resolution, and I will tell the gentleman why: If the tenant leases a house for $10 a month, that would be $120 a year. Say the landlord's charges were $80 a year, taxes and overhead improvements, and some plumbing got out of order, or the front pavement had to be fixed under a notice from the department, or something got the matter with the sewer, for which the landlord had to pay, and he found that his cost for those repairs made during the war was twice as much as it would have been in ordinary times, the landlord would suffer, because, while everything was going up against him, the tenant would go on at the same old rent, despite the fact that his lease had expired.

Mr. CARY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield. I am not arguing for the landlord except to give him a fair show in this matter.

Mr. CARY. I will state that the other day a lady handed me a list of about 15 families in, I think it was, the Dorchester. The landlord raised the rent on each family $2 a room, and several of them asked if he intended to paint or repaper and do some improvements, and he said, "No; not by a long shot."

Mr. MOORE of Pennsylvania. If the gentleman in his statement presents a true state of facts, a landlord may be subject to criticism. But I am speaking only for the good landlord.

Mr. CARY. She also stated that it was very insanitary, and that the health department ought to be notified.

Mr. MOORE of Pennsylvania. The health department should take cognizance of a matter of that kind. I am not speaking for the bad landlord. I am speaking for fair play to both sides.

There is another question, Mr. Speaker, that the gentleman from Kentucky [Mr. JOHNSON] touched upon briefly and to which I now ask his attention. The gentleman from Kentucky practically admitted that there was no way by which the Government itself could be controlled for setting the pace for these high rentals in the District of Columbia. I contend that if there is profiteering in the District in the matter of rentals, the Government of the United States itself is primarily responsible for that profiteering. Why? If excess rentals are paid down there in the Munsey Building, for example, they are paid because we have given some bureau or department a lump sum of money, and without question it has gone out and paid the highest price for the premises; that establishes the price for the premises next door.

The gentleman has referred also to the market down here and the high price that the Government is paying for such floors in that market building as are occupied by it. That may be true. It is reprehensible, if true, perhaps. But who is to blame? Is it some individual landlord on the outskirts who owns a house and is renting it to his neighbor? No. It is the Government, to which we have given lump-sum appropriations and which, going down to the market, has said to the owners of the market, "We want your place. There is no question about the price. We will pay the highest price." Under such circumstances the man next door says, "Very well, Mr. Government; if you can afford to pay that rental for that building over there, I am going to charge a good high rent for my premises across the street." That is done all over the city. The Government goes to Sixth and G Streets or to Seventeenth and G Streets or seizes any other piece of property and pays whatever rental is asked. That is the example that the Government is setting. This same question has confronted the business man ever since this war started.

Here is a sample this morning, over in my own city, of the manner in which the Government encourages profiteering.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask that the gentleman yield me three minutes, to finish this statement.

Mr. MAPES. I yield three additional minutes to the gentleman.

The SPEAKER pro tempore. The gentleman is recognized for three minutes more.

Mr. MOORE of Pennsylvania. Members of Congress know the difficulty some of us have had in retaining help since this war began. Why? Because the Government says, "We want your stenographer; we want your clerk." The Government has also said to every newspaper office in town: "We want your reporter; we want your editor; we do not care what he gets in your establishment; we want him. We will take him. We will pay him more than you do." The Government gives him the highest price. Members of Congress suffer in consequence just as the newspaper offices and the business houses suffer.

It has been a serious matter to the business establishments and the manufacturing industries of this country. The best mechanics have been taken out of private establishments and out of manufacturing industries. They have been taken by the Government and paid higher wages than private institutions could pay. The Government now has those men and pays them from the appropriations that we have made.

Over in my city we have a lesson this morning. Mr. Schwab did a wise thing, in my judgment, when he lifted the Emergency Fleet Corporation out of the tangle of red tape in Washington and landed it plumb over in the city of Philadelphia. But that momentarily disturbs conditions over there. Why? Because the Government is reported as ready to pay more money to its help than a private manufacturer or a private enterprise can pay. Here is Admiral Bowles this morning issuing a denial that the Government is going to pay its stenographers $2,000 per annum. A report to that effect, issued day before yesterday, has made trouble for many business men in the city of Philadelphia. Their stenographers are after that $2,000. If the Government is going to pay $2,000 to stenographers, I hope they will get it; but Admiral Bowles denies that any such sum is to be paid, and for the present allays the disturbance. But the incident illustrates the point I am making.

Mr. friend from Kentucky [Mr. JOHNSON], the chairman of the Committee on the District of Columbia, has a pretty big job to tackle when he takes up this question of profiteering. The responsibility rests largely with the Government of the United States, because the pace is set by the Government. These high prices in rentals are being paid by the Government, and naturally individuals and private owners are going to follow suit.

Mr. JOHNSON of Kentucky. The bill that the House passed would take care of the Government in the matter of profiteering. The Government could not be profiteered against under that bill. Even if the Government made a bad trade, the beneficiary of that bad trade would have to turn the proceeds in as an income tax.

Mr. MOORE of Pennsylvania. The gentleman has admitted, reluctantly, I believe, that his bill is buried in the Senate.

Mr. JOHNSON of Kentucky. It is not buried unless another body is willing to take the odium which goes with this burial, and I doubt if the majority of that body will be willing to take it.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania may have three minutes more. I want to ask him a question.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the gentleman from Pennsylvania may have three minutes more. Is there objection?

Mr. MAPES. Mr. Speaker, how much time have I yielded?

The SPEAKER pro tempore. The gentleman has consumed 30 minutes.

Mr. MAPES. I yield 10 minutes to the gentleman from Indiana [Mr. WOOD].

The SPEAKER pro tempore. The gentleman from Indiana is recognized for 10 minutes.

Mr. WOOD of Indiana. Mr. Speaker, I do not think there is a disposition on the part of any Member of this House to do any injustice to any landlord or real estate owner in the city of Washington. I wish, however, that every Member of this House were fully alive to the outrage that is going on daily in this city, committed by those who have leaseholds and who are trying to sublet them.

When this war broke out every department of the United States Government sent out word all over the country for the young men and young women to come in here and help relieve the congested condition of the work in these various departments. They have come here from every district in the United States. As soon as they come they are confronted with the problem of finding a room or an apartment. They were perfectly content to pay a reasonable increase upon the prices that

had obtained prior to the commencement of this war, but they were not prepared and are not willing to pay the outrageous demands that are exacted in almost every instance. There are concrete examples here without number where people occupying apartments are subletting one room for more than the entire apartment costs them. There are concrete examples here without number where people who rented these apartments before the war began have moved out, or else are occupying one room, and subletting the apartment for three times, and sometimes four times, the amount that they were paying for it. I know of one example where an apartment of six rooms was renting at $40 a month prior to the commencement of this war. It is located in one of the fine apartment buildings. Now the people who own the building are asking $125 a month for a duplicate of the same apartment.

We are told by the press—and I suppose it is true—that when the schools throughout the country adjourn in the month of June 15,000 young men and young women who have taken the civil-service examinations are to come here to fill positions, and they are invited to come here. Advertisements in the county papers and in the city papers throughout the country have invited these people to come here, holding out to them statements of the attractive wages that they will get. Now, what is going to happen? With the condition that we are in here now, how are these people to be provided with places to live? It has been suggested that hundreds of the people who come here every week are compelled to go away again because of the fact that they can not find places to stay. They are placing three and four girls in one room and exacting $20 apiece from them; making $80 a month for a single room that would not have rented for $15 before this war commenced. So it is not only the people who own the real estate who are profiteering. It is not only the people who own the houses and apartments who are profiteering, but it honeycombs this city from one end to the other, and it obtains almost universally. I wish every Member of this House could have had the same experience that I have had in the last three or four weeks. The Representatives from the State of Indiana and their wives have been trying to find some remedy for this evil, have been trying to help the people who have come here, who have been invited by this Government of ours to come here, to save them from the outrageous imposition to which they are being subjected. I believe that if every Member of this House had had the same experiences that many of us have had you would voice your indignation so as to arouse the press of this country, so that it would awaken to a sense of its duty in the matter. I believe it is due to the people of the District of Columbia and of the United States that the press of the city of Washington should awaken to its duty that it owes, not only to this fair city but to the people of the United States, to expose what is going on here so that the sentiment of indignation that would be created would find response, and these people made to conform to common decency.

It has been suggested that this resolution will afford some relief. It will afford but very little relief. Many of these leases were made since this war commenced, and will be protected under this resolution, that are profiteering leases. The resolution does not furnish any relief in cases like that. The gentleman from Kentucky [Mr. JOHNSON] says the tenants may go out. They can not go out, for if they go out of one place they simply go into another. It affords them no relief at all. If necessary, this town ought to be put under martial law until the people who are guilty of these practices are aroused to a sense of the duty that they owe to those who are invited here from all over this country. [Applause.] It is a crying shame and an outrage, and if every Congressman here would take a day off and go out around this town and make inquiries, as many of us have taken the pains to do, he would come back righteously indignant at the conditions. You can go down to the Union Station this very day and you will find girls sitting there, bathed in tears, waiting for the trains to take them back to their homes, because of the indignities to which they have been subjected in this town. Yet you tell me that we are living in a Christian age and among a Christian people. As has been suggested, if this Congress adjourns without something substantial having been done to put upon the statute books a remedy for this evil, the highwaymen in this country will doff their hats to the iniquitous profiteers who have carried on these nefarious practices in this city. [Applause.]

Mr. MAPES. I yield to the gentleman from Wisconsin [Mr. CARY].

Mr. CARY. Mr. Speaker, I am not going to talk long, because I have got a cold. I want to call attention to a case that I heard of this morning. An old lady, 70 years of age, named Mrs. Anderson, had been rooming in a house for a great many years, and intended to stay there all her life. She found upon her pillow the other day a note saying that she would have to vacate, because the woman who rented the room to her could get more rent. The poor old lady is having a hard time to find one little room. Some of her friends have taken her in for the time being. But as the gentleman from Indiana [Mr. WOOD] has said, we members of the committee have hundreds and thousands of complaints of this kind. To print them would fill two or three issues of the CONGRESSIONAL RECORD. The office of the gentleman from Kentucky [Mr. JOHNSON], chairman of the committee, is filled with them. I have a good many. I think something ought to be done. If any town in the Union should be put under martial law, I think this is the town, as an example to the rest of them if they attempt the same thing. [Applause.]

Mr. Speaker, I want to see the people of the Capital City of the United States prosperous. I am glad to see them thrive in their business and get all they are entitled to, but, Mr. Speaker, I want to see the microbe of graft absolutely eliminated from this city, and am going to do all I can while I am in Congress to help eliminate it. And graft of all kinds, petty and otherwise, has flourished here so long that far too many tradesmen and inhabitants are so deeply inoculated with it that it has got to be a chronic disease and needs heroic treatment. Every time Congress convenes the prices in Washington go up several pegs, and every inauguration they go up to "as much as the traffic will stand."

Ten years ago, when President Taft was inaugurated, the visitors here were fleeced worse than a lamb who wanders into Wall Street. The hotels, restaurants, rooming houses, autos, cabs, and every other activity were in the hands of a hungry horde of conscienceless grafters who were a disgrace to the country. Men who had come here to wade through slush and snow were charged as high as $5 for overshoes that ordinarily sold for a dollar and a quarter. Citizens of the United States who were paying half the taxes of Washington were held up from the day they hit the town to the day they left. I introduced a resolution at that time and tried to get some action that would have eliminated some of the worst features of this petty-larceny profiteering, but nothing was done, and the situation has gone on from year to year until to-day it has reached a very saturnalia of profiteering that staggers belief.

Over and over again we read in the papers that this or that part of the country is filled with disloyal traitors who are trying to hamper the Government in its great task of winning this war, but I say to you that the profiteering grafters of this town are as bad as the thieves of Hog Island or the treacherous rats who preach and practice sabotage in the munitions factories. They are doing their best to make it impossible for Government clerks, who come here to work for small salaries, to keep in good health and efficiency. They overcharge them for everything from rents to hairpins. A young lady who is knitting for the boys "over there" told me that in one store the price of a pair of small needles jumped from 10 to 35 cents in two days.

I could mention hundreds of specific cases, but it is not necessary, for everyone who has to live here knows the facts by sad and bitter experience.

Mr. Speaker, it must be stopped. You tell the farmer how much he can charge for wheat; the baker how much he can get for bread; you fix the price of coal and of numerous other commodities. Let us go right along the line and hit every profiteer that is doing his dirty work, and the best place to begin is right here in Washington, the Capital of the United States, and we will furnish a model and a lesson for the rest of the country to follow.

Mr. MAPES. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. KREIDER].

Mr. KREIDER. Mr. Chairman and gentlemen of the committee, I think we are all agreed and it is evident that something ought to be done to regulate the rentals charged in the District of Columbia. However, I do not believe that this resolution will accomplish what we desire to accomplish. As has been stated, rentals already have been advanced, been doubled and trebled, and in some cases have been quadrupled. This resolution as it is drawn will not affect these contracts now in existence. I believe that if Congress passes a measure it ought to rectify the evil already done, and I would like to offer an amendment. I do not know that I have the amendment in absolutely legal form, but I will read what I would like to see inserted in this resolution. I would strike out all after the word "Government," in line 6, page 1, to and including line 11, page 3, and insert in lieu thereof the following:

It shall be unlawful to rent, lease, or let real estate in the District of Columbia at a rental that is more than 20 per cent in excess of the rental charged for the real estate on January 1, 1917; on all real estate not

rented on January 1, 1917, it shall be unlawful to collect a rental which will yield the owner thereof over 10 per cent on the assessed value of said real estate after taxes and necessary maintenance expenses on said real estate have been deducted.

If this amendment is adopted, it would permit a reasonable advance in the rent. In justice to the owners of real estate, I think they are entitled to some advance in rentals, because necessary maintenance expenses and repairs which they are obliged to make must be made at an increased cost, and every tax which they pay will not be less but may be more. If they could get an increase of 20 per cent, it would enable them to pay such increased cost and yet would not work a hardship on the renter. It would be equitable, and it would not only take care of present conditions but past and future conditions. That is to say, it would rectify and reduce present abnormal rents to normal.

In regard to buildings not rented prior to January 1, 1917, I think a revenue of 10 per cent should be entirely satisfactory to real estate owners. I also think it would be sufficient to stimulate the building of homes. If this amendment is accepted, it will not be a hardship for the tenant, and at the same time yield the owner a reasonable return on the investment.

Mr. BROWNE. Will the gentleman yield?

Mr. KREIDER. I will.

Mr. BROWNE. Does not the gentleman think that the Johnson bill, now in the Senate, will really do what he wants this resolution to do? I think the purpose of this resolution is simply an emergency resolution to take care of a certain phase of the situation, and that the real legislation is in the bill which the House passed and which is now in the Senate.

Mr. KREIDER. If my memory serves me right, the bill we passed in the House does not permit an advance of 20 per cent in rental.

Mr. JOHNSON of Kentucky. It makes provision for an increased rental up to 10 per cent.

Mr. KREIDER. I doubt whether that is a sufficient increase. In fact, I am sure it is not, and is therefore not fair to the real estate owner. In all legislation we should be fair. While there are some real estate owners that will profiteer and rob the people, there are others who will not, and it is in fairness to those who do not profiteer and have not profiteered that we should give the privilege to increase rents and rates sufficiently to cover the increased cost of maintenance expense caused by the present abnormal prices of labor and materials.

Mr. JOHNSON of Kentucky. Mr. Speaker, before the amendment is formally offered I want to reserve a point of order on it.

Mr. MAPES. Mr. Speaker, there is no further request for time on this side.

Mr. JOHNSON of Kentucky. In that event I move the previous question on the bill and amendments to final passage.

Mr. MOORE of Pennsylvania. Will the gentleman withhold that motion for me to offer an amendment?

Mr. JOHNSON of Kentucky. I will. I will yield to the gentleman from Pennsylvania to offer an amendment before I move the previous question.

The SPEAKER pro tempore. Does the gentleman from Kentucky wish the committee amendments acted upon now?

Mr. JOHNSON of Kentucky. I do.

The SPEAKER pro tempore. The Clerk will read the first amendment.

The Clerk read as follows:

Page 1, line 4, strike out the words "adjournment sine die of the present session of Congress" and insert the words "expiration of one year after a treaty of peace shall have been definitely concluded between the United States and the Imperial German Government."

The amendment was agreed to.

The Clerk read as follows:

Page 1, line 7, at the beginning of the line strike out "decree or judgment."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 1, after the word "estate," insert the words "in the District of Columbia."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 2, after the word "oral," insert the words "or written."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 7, strike out the words "except on the ground that" and insert the words "which are not inconsistent herewith unless."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 8, strike out the words "has failed to take reasonable care of the premises or."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 10, after the word "guilty," insert the words "on the premises."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 11, after the word "which," strike out the word "is" and insert the word "constitutes."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 11, strike out the words "amounts to," and after the article "a," strike out the word "disturbance" and insert in lieu thereof the word "breach."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 12, strike out the words "of adjoining or neighboring occupiers or a violation of law," and insert the words "or other misdemeanor or crime."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 14, strike out the word "reasonably" and insert the word "necessarily."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 15, after the word "occupation," insert the word "either."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 16, strike out the word "family" and insert the words "wife, children, or dependent."

Mr. MONTAGUE. Mr. Speaker, I would like to ask the chairman of the committee a question. The word "he," which it is proposed to insert as a committee amendment in line 16, refers to whom—the tenant or the landlard or owner?

Mr. JOHNSON of Kentucky. Mr. Speaker, I am not the author of the resolution, and I am not absolutely certain what the author intended to write, but as I read it when it was before the committee, and as I read it now, the word "himself," which is in lines 15 and 16, refers to the word "purchaser," in line 15, and the proposed amendment "he" refers to the word "himself."

Mr. MOORE of Pennsylvania. That is, the purchaser or tenant.

Mr. MONTAGUE. Then, the word "purchaser" and the word "landlord" are synonymous, and therefore no landlord or purchaser can get back his property unless he is officially connected with the Government, as provided in the bill?

Mr. JOHNSON of Kentucky. I did not read it that way.

Mr. MONTAGUE. I may be mistaken. I am just submitting that with all modesty; that is the grammatical construction.

Mr. MOORE of Pennsylvania. That is what it means.

Mr. JOHNSON of Kentucky. I hope the gentleman has read it correctly, although I did not read it that way myself; but it makes it that much better.

Mr. MOORE of Pennsylvania. It is rather in favor of the Government employee.

Mr. JOHNSON of Kentucky. He is the fellow that I am trying to protect.

Mr. MONTAGUE. I was not speaking of the merits of the proposition at all.

Mr. JOHNSON of Kentucky. I very greatly trust the gentleman is right in his construction of it.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Page 2, line 16, strike out the word "family" and insert the words "wife, children, or dependents."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 16, after the word "while," insert the words "he is."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 17, after the word "with," insert the words "in any branch of."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 18, after the word "been," strike out the words "disposed of" and insert the word "sold."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 20, after the word "order," insert the words "decree, or judgment."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 22, after the word "order," insert the words "decree, or judgment."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 22, after the word "made," strike out the word "may" and insert the word "shall."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 23, after the word "order," insert the words "decree, or judgment."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 25, after the word "order," insert the words "decree, or judgment."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 1, after the word "order," insert the words "decree, or judgment."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 3, strike out the colon and the words "*Provided*, That" and insert in lieu thereof a semicolon and the word "and."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 4, after the word "all," strike out the word "judicial."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 4, after the word "remedies," insert the words "at law or in equity."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 5, after the word "oral," insert the words "or written."

The amendment was agreed to.

The Clerk read as follows:

Page 3, after line 11, insert a new paragraph, as follows:

"That the term 'real estate' as herein used shall be construed to include any and all land, any building, any part of any building, house, or dwelling, any apartment, room, suite of rooms, and every other improvement or structure whatsoever on land situated and being in the District of Columbia."

The amendment was agreed to.

Mr. KREIDER. Mr. Speaker, I have an amendment which I desire to offer.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MOORE] has an amendment which he has sent to the desk, and which the Clerk will report.

The Clerk read as follows:

Page 3, line 11 after the word "resolution," insert the following:

"*Provided*, That it shall be lawful for the owners of premises leased under the terms of this resolution to add to the rental thereof during the period of this resolution such taxes or lawful charges only as may be levied against such premises in excess of the taxes and lawful charges theretofore prevailing."

Mr. JOHNSON of Kentucky. Mr. Speaker, against that I make the point of order.

Mr. MOORE of Pennsylvania. It seems to me that the amendment is entirely germane. I suppose that is the point the gentleman makes?

Mr. JOHNSON of Kentucky. Yes.

Mr. MOORE of Pennsylvania. Well, if a resolution is enacted which places a limitation upon one of two parties to an agreement, it seems entirely germane to offer an amendment that would place a limitation upon the other.

Mr. JOHNSON of Kentucky. Mr. Speaker, I am in doubt whether the point of order should be sustained or not, and I therefore withdraw it; and in withdrawing it I wish to say, in my opinion, the amendment is worse than the proposition that the Senate has offered. The amendment would enable the landlord to get 10 per cent net, and in order for him to get 10 per cent net the tenant would have to pay taxes, insurance, assessments of streets and sidewalks, sewers, water mains, account for depreciation, for vacancies, and so forth, and I believe it is infinitely worse than the 7 per cent amendment offered by the Senate.

Mr. MOORE of Pennsylvania. Mr. Speaker, I am glad the gentleman has made that statement in advance of the few words I wanted to say in support of the amendment, because I think he clearly misconstrues the language and the purpose of the amendment.

Mr. JOHNSON of Kentucky. Is the gentleman speaking of his own amendment or of the amendment of the other gentleman from Pennsylvania?

Mr. MOORE of Pennsylvania. The one I offered.

Mr. JOHNSON of Kentucky. I was speaking of the amendment offered by the other gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I want the gentleman to be sure and wish he would read the amendment——

Mr. JOHNSON of Kentucky. I was speaking to the amendment offered by the other gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Then the gentleman misunderstands the amendment. He was not speaking to mine.

The SPEAKER pro tempore. The Clerk will report the amendment for the information of the House.

The amendment was again reported.

Mr. MOORE of Pennsylvania. If the gentleman pleases, that means simply this: If an agreement is entered into between a landlord and a tenant prior to the war which runs along during the period of this resolution and taxes are increased on the landlord or the charges are increased on him, as war charges, material cost, or labor generally do, he may have the benefit in rental of these excess charges and taxes over and above what they were when the agreement was made.

Mr. DEWALT. Will the gentleman permit an interruption?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. DEWALT. How does the gentleman construe the phraseology "taxes and legal charges"?

Mr. MOORE of Pennsylvania. Well, not being a lawyer, I meant by that to say those things which were provided for in the lease; which were provided for in the contract made between the landlord and the tenant.

Mr. JOHNSON of Kentucky. The resolution as it is now written requires the tenant to comply with all the terms of the lease.

Mr. MOORE of Pennsylvania. But the rent is fixed, is stationary throughout the term. I tried to explain a little while ago to the gentleman from Wisconsin that if I entered the house of the gentleman from Pennsylvania [Mr. DEWALT] and paid him $10 a month, merely using those figures for easy calculation, it would be $120 a year to him, and if he were put to an extra expense during the war and the lease expired, and he was prevented from getting another tenant at a higher rental because of this resolution, then the extra charges and extra taxes he had to pay to keep the property in repair for the $10 a month tenant by virtue of the war, then he might be compensated for those extra charges that he had been forced to pay.

Mr. DEWALT. Will the gentleman yield for an interruption?

Mr. MOORE of Pennsylvania. Yes.

Mr. DEWALT. I do not want to be presumptious at all in trying to define the gentleman's intent of the words "lawful charges," but in law they would be held anything which was permitted or exacted by law, and they would cover exactly the things suggested by the chairman of the committee—sewers, streets, sidewalks, paving contracts, water mains, and so forth—and I think there is that objection to the gentleman's amendment.

Mr. MOORE of Pennsylvania. The chairman of the committee, the gentleman from Kentucky, has already indicated that taxes can not be raised except by act of Congress. If that is so, then I presume the amendment would be innoxious unless the other excess charges were included.

Mr. JOHNSON of Kentucky. The District has got more money now than it could expend, and in the next fiscal year it will have $5,000,000 more than it can spend.

Mr. MOORE of Pennsylvania. We have these general charges of profiteering; charges that the landlord is taking an unfair advantage of the tenant, and in some instances he undoubtedly is. That we should hold every good landlord responsible for the acts of a bad landlord, however, does not seem fair. There will be numerous instances of a small landlord, who owns one property in addition to that in which he lives, or who owns two or three small properties in which his savings are invested, who may not deserve the harsh treatment contemplated. Under this resolution it is also probable that some houses may have to be closed for the summer because the owners will not want to rent for a short term, fearing they can not get their homes back if they do.

Mr. JOHNSON of Kentucky. Mr. Speaker, in my judgment this amendment would serve no purpose except to open the floodgates through which the landlord could drown the tenant with additional increases. Therefore I renew my motion for the previous question on the bill and all amendments to final passage.

The SPEAKER. The only amendment was the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. JOHNSON of Kentucky. If the question is put it will bring that to a direct vote.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. I do not want to take advantage of the indulgence of the gentleman from Kentucky [Mr. JOHNSON], who permitted me to offer this amendment in advance of his motion for the previous question; but, as a parliamentary proposition, amendments having been offered and de-

bated, with the amendment pending, can that motion foreclose action on the amendment?

The SPEAKER. You can vote on the amendment as soon as the previous question is ordered.

Mr. MOORE of Pennsylvania. The only way to pass an amendment is to vote on the motion for the previous question?

The SPEAKER. Oh, no. As soon as the previous question is ordered, then the Chair will ask for a vote on the gentleman's amendment.

Mr. KREIDER. Mr. Speaker, what has become of the amendment that I have sent to the Clerk's desk? Will that be voted on?

Mr. JOHNSON of Kentucky. As the present occupant of the chair was not in, I wish to state that this amendment will be in the same position as the amendment of the gentleman from Pennsylvania [Mr. MOORE].

Mr. STAFFORD. I beg the gentleman's pardon. The amendment of the gentleman from Pennsylvania [Mr. KREIDER] is not reported. It was read by the gentleman, but it was not reported at the desk.

Mr. JOHNSON of Kentucky. I am willing to have it read.

Mr. STAFFORD. I understand the gentleman is willing to have the amendment considered as pending.

The SPEAKER. With that understanding, the question is on the previous question.

The previous question was ordered.

The SPEAKER. The question is, first, on the amendment of the gentleman from Pennsylvania [Mr. MOORE].

Mr. LONGWORTH. Mr. Speaker, I ask that the amendment be reported.

The SPEAKER. Without objection, the Clerk will report it.

The amendment was again reported.

The SPEAKER. The question is on the amendment of the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the amendment of the gentleman from Pennsylvania [Mr. KREIDER], which the Clerk will report.

The Clerk read as follows:

Strike out all after the word "Government," line 6, page 1, to and including line 11, page 3, and insert in lieu thereof:

"It shall be unlawful to rent, lease, or let real estate in the District of Columbia at a rental that is more than 20 per cent in excess of the rental paid for the real estate on January 1, 1917. On all real estate not rented on January 1, 1917, it shall be unlawful to collect a rental which will yield the owner thereof over 10 per cent upon the assessed valuation of said real estate after necessary expenses on such real estate have been deducted."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. Have the amendments been agreed to?

The SPEAKER. Yes. The question is on the passage of the Senate joint resolution.

The Senate joint resolution was passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the Senate joint resolution was agreed to was laid on the table.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following:

SALISBURY, MD., *May 15, 1918.*

Hon. CHAMP CLARK,
Speaker of the House of Representatives,
Washington, D. C.:

Please have me excused for 10 days on important business.

JESSE D. PRICE.

The SPEAKER. Without objection, the leave of absence will be granted.

There was no objection.

ACTS AND RESOLUTIONS OF NINTH LEGISLATURE OF PORTO RICO (S. DOC. NO. 225.)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying documents, ordered printed and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Ninth Legislature of Porto Rico during its special session (Feb. 6 to Feb. 16, 1918, inclusive).

These acts and resolutions have not previously been transmitted to Congress, and none of them has been printed.

(Signed) WOODROW WILSON.

THE WHITE HOUSE, *15 May, 1918.*

LEAVE OF ABSENCE.

Mr. MOORE of Pennsylvania. Mr. Speaker, I yield one minute to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Speaker, I ask for indefinite leave of absence for Hon. P. H. KELLEY and Hon. GILBERT CURRIE, my colleagues, because of important business.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent for an indefinite leave of absence for Mr. KELLEY and Mr. CURRIE, his colleagues from Michigan. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO FILE MINORITY VIEWS.

Mr. BLANTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BLANTON. As a member of the Committee on Claims I ask unanimous consent to file minority views on the bill H. R. 3820 (H. Rept. No. 553, pt. 2).

The SPEAKER. For how long?

Mr. BLANTON. One day.

The SPEAKER. The gentleman from Texas asks unanimous consent to file minority views on the bill H. R. 3820. Is there objection?

Mr. ROGERS. Mr. Speaker, reserving the right to object, is that the bill for the relief of Charles A. Carey?

Mr. BLANTON. Yes.

Mr. ROGERS. Did the gentleman in the Committee on Claims reserve the right to file minority views?

Mr. BLANTON. I objected to the bill, and so stated in the committee, but the clerk did not so understand it, and the committee report was printed before my minority views were presented to the clerk, and under those conditions the clerk misunderstood that I was to file any.

Mr. ROGERS. That happens to be the bill that I introduced; and while I have no personal objection, I understand there were some feeling in the committee to the effect that the gentleman's rights had been lost. I think it is an extremely meritorious bill, and I am rather sorry that the gentleman feels it necessary to file minority views.

Mr. BLANTON. I objected to it in the committee, and made a fight against the bill at that time.

Mr. ROGERS. I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DWELLINGS IN ALLEYS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up the bill H. R. 11628.

The SPEAKER. The gentleman from Kentucky calls up the bill H. R. 11628, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11628) to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

Be it enacted, etc., That the operation of the second paragraph of section 1 (relating to the use or occupation of alley buildings as dwellings), of the act of Congress approved September 25, 1914, entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia," be, and the same hereby is, postponed until the expiration of one year following the date of the proclamation by the President of the exchange of ratifications of the treaty of peace between the United States and the Imperial German Government.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for an hour.

Mr. JOHNSON of Kentucky. Mr. Speaker, four years ago Congress passed a bill forbidding certain alley houses after the 1st day of July, 1918, to be occupied as residences. That time is now close at hand. Inasmuch as houses of every description are needed so badly, it is deemed not only wise and prudent, but absolutely necessary that the date when that bill shall go into effect shall be postponed.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Kentucky yield to the gentleman from Pennsylvania?

Mr. MOORE of Pennsylvania. I want to ask the gentleman a question.

Mr. JOHNSON of Kentucky. Yes.

Mr. MOORE of Pennsylvania. The gentleman states that this bill was enacted four years ago?

Mr. JOHNSON of Kentucky. I will look and see.

Mr. MOORE of Pennsylvania. I understood the gentleman to state that four years ago the movement to clean out the alleys in Washington was inaugurated.

Mr. JOHNSON of Kentucky. This bill repeals a certain provision of the act of Congress approved September 25, 1914, entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia."

Mr. MOORE of Pennsylvania. I would like the gentleman to be in good humor before I ask him the next question. If we pass this legislation, will we clean out everything in Washington four years hence?

Mr. JOHNSON of Kentucky. I do not know the full purport of the gentleman's question. I take it for granted that it is facetious, and I would rather he would give the answer to it.

Mr. MOORE of Pennsylvania. That will come in due course. We will not press it now.

Mr. JOHNSON of Kentucky. Mr. Speaker, that is all there is to the bill; it extends the time for the occupancy of the alley houses until after the war is over, and so far as I have heard, this measure is approved from the White House clear down to the alleys, including the owners of the buildings and the occupants of them.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. STAFFORD. Has the gentleman any information whether, in anticipation of this law taking effect, the owners of dwelling houses in the alleys of the District have razed the buildings or changed them, so that they could not use them for habitation purposes?

Mr. JOHNSON of Kentucky. My information is that the owners of the buildings have permitted them to go down in repairs in anticipation of the law going into effect on the first day of July, and if this bill passes now, between this period and the 1st of July, repairs will be made so as to make them really habitable.

Mr. STAFFORD. No buildings have been vacated as habitable quarters by reason of the approach of the time that the bill would be effective?

Mr. JOHNSON of Kentucky. According to my information, a considerable number have been vacated; it is my opinion that some have been vacated, but not on that account.

If there is no desire for discussion of the bill, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. RAYBURN). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I next wish to call up the bill H. R. 5786, to incorporate the Medical Society of the District of Columbia.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. WALSH. Mr. Speaker, I raise the question of consideration.

Mr. STAFFORD. Let it be reported first.

The SPEAKER pro tempore. The gentleman from Massachusetts raises the question of consideration. The Clerk will report it firs

The Clerk read the title of the bill, as follows:

A bill (H. R. 5786) to incorporate the Medical Society of the District of Columbia.

Mr. WALSH. Mr. Speaker, I renew the question of consideration, the title having been read.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That Drs. George Wythe Cook, Frank Leech, J. W. Chappell, E. G. Seibert, P. S. Roy, R. T. Holden, W. M. Barton, E. Y. Davidson, J. B. Nichols, A. L. Stavely, C. W. Franzoni, H. C. Macatee, D. S. Lamb, A. W. Boswell, and J. Lawn Thompson, and such other persons as they may associate with themselves, and their successors, are hereby incorporated under the name and title of the Medical Society of the District of Columbia, for the purpose of promoting and disseminating medical and surgical knowledge, and for no other purpose.

SEC. 2. That the Medical Society of the District of Columbia be, and it is hereby, empowered to own, mortgage, and convey such property as may be necessary for its purposes, and to make such rules and regulations as it may require, and which may not be repugnant to the Constitution and laws of the United States.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act of incorporation of said society.

With committee amendments, as follows:

Page 2, line 5, strike out the comma after the word "mortgage."

Page 2, line 7, strike out the word "and" and after the word "which" strike out the word "may" and insert the word "shall."

Page 2, line 8, after the word "Constitution," strike out the word "and" and insert the word "or."

Page 2, line 10, strike out the comma after the word "amend."

Mr. WALSH. Mr. Speaker, I raise the question of consideration.

The SPEAKER pro tempore. The question is, Shall the House consider this bill?

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. JOHNSON of Kentucky. A division, Mr. Speaker.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 18, noes 12.

The SPEAKER pro tempore. The House decides to consider the bill. The gentleman from Kentucky is recognized.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the bill be read for consideration.

Mr. ROGERS. It has just been read.

The SPEAKER pro tempore. The Clerk will report the amendments.

Mr. WALSH. Mr. Speaker, I desire to oppose the passage of this bill. Of course the vote just taken indicates the intense interest there is in this measure, from the large number voting on each side of the question. I understand the gentleman has an hour in which to debate the merits of the measure.

Mr. JOHNSON of Kentucky. Mr. Speaker, I reserve the remainder of my time, and the gentleman from Massachusetts may be recognized.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. WALSH. Mr. Speaker, I rise in opposition to the measure. The report on the bill H. R. 5786 is very illuminating, giving the House the information that "The committee has had under consideration this measure, and reports it back with certain amendments with the recommendation that the bill pass."

This provides that the Congress of the United States, in these troublous times, upon meager information, shall confer a national charter upon certain doctors, all of whom, I assume, are eminent in their profession.

It is a little unusual to incorporate a medical society with a national charter; that is to say, it is not an everyday happening. In the first place, I doubt whether or not the District of Columbia Committee under the rules is vested with jurisdiction to report a bill of this sort, but I assume the time has passed for raising that point. National charters should not be conferred except upon the most urgent reasons.

We have recently had up the question of preserving the medical profession from extinction by the operation of the selective draft law, and have provided that young men who are studying in medical schools—as I understand the latest agreement of the conferees—medical students who are now engaged in that study shall be exempt from the operations of the draft law. This measure also provides that this society can own, mortgage, and convey such property as may be necessary for its purposes.

I do not know whether they intend to conduct a medical school here or not. It may also make such rules and regulations as it may require. There are no safeguards for the public, or the prospective or present patients of these gentlemen who desire to have conferred upon them this unique distinction.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. WALSH. I will gladly yield. I seem to have plenty of time.

Mr. GREEN of Iowa. I have understood that doctors were the only people who had the special privilege of burying their mistakes. This is a time when a great many mistakes are being made, and it may be that they are possibly incorporating for the purpose of disposing of the many mistakes that have been made, to get them out of the way.

Mr. WALSH. As far as any information concerned in the report, that may be true; but I think it would be more appropriate if, instead of conferring upon them that privilege, we should bury this bill, which seeks to confer this national charter upon these medical gentlemen.

Mr. McKENZIE. I will ask the gentleman if this is not a bill in the interest of the public health?

Mr. WALSH. No; it is not so nominated in the bond. It is to incorporate the Medical Society of the District of Columbia, and we are without information on the point the gentleman mentions.

Mr. JOHNSON of Washington. As a matter of fact, is not the bill aimed against certain men who practice medicine who are not within the charmed circle, that is against the osteopaths, the Christian science practitioners, and so forth?

Mr. COOPER of Wisconsin. And veterinarians. [Laughter.]

Mr. JOHNSON of Washington. And veterinarians?

Mr. WALSH. I have no doubt that those gentlemen, together with many other competent practitioners, would have

great difficulty in associating themselves with this galaxy of medical talent so as to be admitted into this society.

Mr. JOHNSON of Washington. As a matter of fact, are not these societies organized in every city?

Mr. WALSH. I can not say as to that; but certainly not by a charter from the Congress.

Mr. GARRETT of Tennessee. This is to create a corporation of the District of Columbia. Does the gentleman from Massachusetts know of any reason why they can not incorporate under the general laws of the District?

Mr. WALSH. No; I know of none; but the gentleman will understand that this bill confers a national charter.

Mr. GARRETT of Tennessee. I do not understand that it confers a charter independent of the District of Columbia. Does it not say that they shall be created a body corporate of the District of Columbia; in other words, giving them a local status?

Mr. WALSH. It says that they shall be incorporated under the name and title of the Medical Society of the District of Columbia. That is its title, but the incorporation is not confined to the District.

Mr. GARRETT of Tennessee. Mr. Speaker, will it be agreeable to the gentleman to yield to me to make a motion?

Mr. WALSH. Yes.

Mr. GARRETT of Tennessee. I move to strike out the enacting clause of the bill.

Mr. CANNON. Why should not they incorporate? They do everywhere else throughout the States.

Mr. GARRETT of Tennessee. They do not have to come to Congress to do it under the laws of the District of Columbia.

Mr. COOPER of Wisconsin. Can the gentleman from Tennessee cite the House to the provision of the general law under which they can incorporate?

Mr. GARRETT of Tennessee. I have not the Code of the District of Columbia before me, but frequently in the past I have had occasion to investigate these matters. The Code of Laws of the District of Columbia provides specifically the method by which persons can organize corporations as District corporations. There is no necessity for a special act in any case, unless it is desired to go beyond the general law that applies to the District.

Mr. COOPER of Wisconsin. Under the general law could the purposes of the incorporation be broader than those that are provided for in this bill? Gentlemen will see that this bill proposes to create a corporation "for the purpose of promoting and disseminating medical and surgical knowledge, and for no other purpose." That language very strictly limits the purpose.

Mr. GARRETT of Tennessee. The terms of the general act authorizing corporation in the District of Columbia are broad.

Mr. COOPER of Wisconsin. Yes; but are they so broad that if these gentlemen should incorporate under that act the corporation would have broader powers than are proposed to be given by the pending bill?

Mr. GARRETT of Tennessee. I do not think so.

Mr. COOPER of Wisconsin. That is the gist of this controversy.

Mr. MONTAGUE. If the gentleman will permit me, I desire to suggest that the powers to be exercised under this charter are not to be confined to the District of Columbia. They may be exercised anywhere in the United States.

Mr. COOPER of Wisconsin. That is often done.

Mr. MONTAGUE. I am not speaking of the merits or demerits of the bill, but I am trying to get before the House the scope of this charter. This is not a District of Columbia corporation. It could exercise powers beyond the District of Columbia.

Mr. GARRETT of Tennessee. If the interpretation of the gentleman from Virginia [Mr. MONTAGUE] is correct, I am much more in favor of striking out the enacting clause.

Mr. MONTAGUE. I fear that my interpretation is correct.

Mr. COOPER of Wisconsin. But all that this proposed corporation could do would be to promote and disseminate medical and surgical knowledge. By the terms of this bill the corporation could do nothing beyond that. The dissemination of knowledge from the city of Washington into the State of Maryland would not work any very great harm in the State of Maryland. Useful knowledge, legitimately disseminated, does not hurt anybody. But would the corporation, if created under the general law, have broader powers than that?

Mr. GARRETT of Tennessee. The gentleman from Wisconsin, of course, understands very well the distinction in law between a corporation of the District of Columbia and a Federal corporation. My first impression of the bill was that this was a special act that would create this society a corporation of the District of Columbia. Therefore it did not seem to be necessary, because the general District Code would authorize their incorporation. But the gentleman from Virginia thinks I am mistaken about that, and that this act will create not a corporation of the District of Columbia but a Federal corporation, without having a situs anywhere, without being responsible in the State courts, and so forth.

Mr. COOPER of Wisconsin. If the gentleman will permit me, I see that the bill proposes to authorize the society to own, mortgage, and convey property, and that such property need not be in the District. That provision is too broad. I think the gentleman's point is well taken.

Mr. GARRETT of Tennessee. I move to strike out the enacting clause.

Mr. STAFFORD. Mr. Speaker, I make the point of order that in the House when a House bill is being considered, and after it has been read and the committee amendments have been read, the motion to strike out the enacting clause is not in order. That is a proper motion in Committee of the Whole House, but I suggest to the gentleman that in the House the proper motion is to lay on the table.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to lay the bill on the table.

The SPEAKER pro tempore (Mr. RAYBURN). The gentleman from Tennessee moves to lay the bill on the table.

The question was taken, and the motion was agreed to.

Mr. FESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FESS. When a bill is being discussed and the gentleman has an hour and yields to some one else to make a motion to table, the motion to table naturally cuts off all debate. Can one who holds the floor for the purpose of debate yield to another for the purpose of making a motion to cut off debate?

The SPEAKER pro tempore. The gentleman from Massachusetts did not claim the remainder of his time.

Mr. FESS. The gentleman from Tennessee had time in his own right?

The SPEAKER pro tempore. The gentleman from Massachusetts yielded the floor to the gentleman from Tennessee to make a motion. The gentleman from Tennessee made the motion and then changed it to another motion.

Mr. FESS. And the motion that he made cut off all debate.

Mr. WALSH. I could have cut off debate myself.

Mr. FESS. If the House sustained it.

Mr. STAFFORD. The gentleman from Massachusetts could yield the floor to offer any kind of a motion or amendment he saw fit. The gentleman from Massachusetts yielded the floor to the gentleman from Tennessee for the purpose of making the motion.

The SPEAKER pro tempore. The Chair thinks that if the gentleman from Massachusetts had insisted on his right to the floor, or had asked the gentleman from Tennessee what motion he intended to make, he might do so; but he did not do that. The gentleman from Tennessee made the motion to lay the bill on the table.

Mr. FESS. In other words, if the gentleman from Kentucky had reserved his time and the gentleman from Massachusetts had taken the floor in his own time, the gentleman from Massachusetts could make a motion that would result in cutting off all debate.

The SPEAKER pro tempore. Yes; if the House was not in favor of the motion it could have rejected it.

PODIATRY.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (S. 2123) to regulate the practice of podiatry in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act it shall be unlawful for any person, for compensation, to practice podiatry in the District of Columbia without first successfully having passed such examination concerning his fitness as the health officer of the District of Columbia may prescribe. The health officer aforesaid shall conduct the examination.

No person shall be permitted to take the examination without first paying a fee of $10 to the District of Columbia. None of the provisions of this act shall apply to regular practicing physicians or surgeons. Neither shall they apply to podiatrists who have been practicing podiatry in the District of Columbia for one year next preceding the approval of this act.

Podiatry (or chiropody) is hereby defined to be the surgical, medical, or mechanical treatment of any ailment of the human foot, except the amputation of the foot or any of the toes; and, also, except the use of an anesthetic other than a local one.

Whoever violates any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $50 nor more than $100, or imprisoned not less than 30 days nor more than 100 days, or both so fined and imprisoned.

With the following committee amendments.

Page 1, line 6, strike out the words "health officer" and insert the words "Health Officer." In line 8, page 1, strike out the words "health officer" and insert "Health Officer."

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the report may be read for the information of the House; it is highly illuminating.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the report be read. Is there objection?

There was no objection.

Mr. THOMAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. I desire to know if this bill does not relate to corn doctors.

The SPEAKER pro tempore. The Chair thinks the report will show.

Mr. THOMAS. Why did not the gentleman who drew it talk English and say "corn doctors"?

The SPEAKER pro tempore. The Clerk will read the report.

The Clerk read the report (by Mr. JOHNSON of Kentucky), as follows:

The Committee on the District of Columbia, to whom was referred the bill S. 2123, entitled "An act to regulate the practice of podiatry in the District of Columbia," having had the same under consideration, report it back to the House with the recommendation that the bill do pass.

Mr. JOHNSON of Kentucky. Mr. Speaker, I am informed that a number of States have a law similar to this. The committee has yielded to repeated requests of a number of corn doctors around town to report the bill with the expression of opinion that it ought to pass. With these remarks I yield the floor.

Mr. MOORE of Pennsylvania. Mr. Speaker, I regret that the gentleman from Kentucky has not given the House a fuller explanation of this bill. It raises a number of very important considerations. In the first place, it is a question whether the particular medical practice proposed to be licensed here should be called "podiatry," which is a term not found in the dictionary, or "chiropody," the term which is generally applied to the treatment of the foot. May I ask the gentleman from Kentucky, in my time, whether there was any expert testimony before the committee as to the use of the word "podiatry"?

Mr. JOHNSON of Kentucky. A corn doctor in town, Dr. Rice, appeared before the committee, and he said that chiropody applied to the hand and the foot, while podiatry applied only to the foot. Like the gentleman from Pennsylvania, I could not find it in the dictionary, but I accepted the meaning of the term which he gave. He informed the committee that the medical dictionary contained the word.

Mr. MOORE of Pennsylvania. The term is not found in the dictionary to which a few Members of the House are obliged to go once in a while.

Mr. JOHNSON of Kentucky. I went to the dictionary, and I asked Dr. Rice about it, and he said it was in the medical dictionary.

Mr. MOORE of Pennsylvania. I suspect the use of the new term may indicate an increase in the charges that are to be made. The old-fashioned chiropodists have fixed charges in the various cities and States where they are organized and licensed by law, and this new highfaluting name may have some hidden meaning. That is another question I thought the gentleman from Kentucky might——

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. COOPER of Wisconsin. I know nothing about this bill nor who is sponsor for it——

Mr. MOORE of Pennsylvania. I was trying to get the gentleman some information. I thought the gentleman would want to know something about it, and that is one of the reasons I took the floor. [Laughter.]

Mr. COOPER of Wisconsin. I did not rise in the hope of getting any information from the gentleman from Pennsylvania. [Laughter.] If so, it would have been one of the surprises of my life.

Mr. MOORE of Pennsylvania. The gentleman is so well versed in podiatry that I presume he knows all about it.

Mr. COOPER of Wisconsin. The gentleman ought to remember that the accent is on the other syllable.

Mr. MOORE of Pennsylvania. With the gentleman from Wisconsin the accent is on the pedal extremities. [Laughter.]

Mr. COOPER of Wisconsin. If the gentleman will go back to the original Hottentot from which this was derived——

Mr. MOORE of Pennsylvania. From whom we all sprung?

Mr. COOPER of Wisconsin. He will find the proper accent.

Mr. MOORE of Pennsylvania. And it will be a pretty hot accent, I have no doubt.

Mr. COOPER of Wisconsin. I wish the gentleman would not object to this bill unless he has some good reason for not having it enacted into law. A gentleman of prominence in this town—a professional man—told me of a man who came here and begun to practice chiropody, or podiatry, in this city, and very soon after he came—within four or five days—he operated upon the foot of a young man, and blood poisoning set in that resulted eventually in crippling the patient for life. This professional man told me that any quack or humbug could come here now who knew nothing about the science of the business, or anything about cleanliness, and cared less, and practice that profession; that blood poisoning sets in more frequently than people think, and that people have been crippled. He mentioned this case and told me who the man is.

Mr. MOORE of Pennsylvania. Ordinarily the gentleman has a fine sense of humor, as I have observed on certain occasions in the House and elsewhere, therefore I thought he would appreciate the vein that was developed by the gentleman from Kentucky [Mr. JOHNSON], who is ordinarily well versed in corns, whether of lowly or Bourbon origin, when he flung this bill at us with so scant an explanation. But the gentleman from Wisconsin [Mr. COOPER] in this particular instance has failed to rise to the real joyousness of the situation. In matters of human sympathy, kinship with the human race, and things like that, the gentleman is always there with both feet, but on this occasion he comes to the rescue of the podiatrists with very little information, although he has stated that the gentleman from Pennsylvania would be unable to do better.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. I did want to explain the bill, but I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. I want to ask if the gentleman from Wisconsin has trodden on the corns of the gentleman from Pennsylvania?

Mr. MOORE of Pennsylvania. Not at all. If he had, he would have heard from "the gentleman from Pennsylvania," seeing the heft of the gentleman from Wisconsin.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WALSH. May I ask the gentleman from Pennsylvania if he understood the statement or argument of the gentleman from Wisconsin, as I did, that the passage of this bill would probably prevent cases of blood poisoning?

Mr. MOORE of Pennsylvania. I understood the gentleman from Wisconsin to say that he had been told by one expert in the practice of chiropody, before we discovered podiatry, of a case of blood poisoning which resulted from incompetency on the part of some one who attempted to treat a man's foot. I thoroughly agree with the gentleman so far as his sympathy in that case is concerned, and I am assured there are similar cases. There ought to be some legislation of this kind, and it was in order to further this bill, if it is in proper form, that I rose to take the place of the gentleman from Kentucky [Mr. JOHNSON], who ordinarily explains his bills so thoroughly and well. I am going to yield now to the gentleman from Kentucky [Mr. THOMAS], who desires five minutes.

Mr. BROWNING. Mr. Speaker, I think this bill is very important, and I suggest that there is not a quorum present. I think we ought to have a quorum present.

Mr. MOORE of Pennsylvania. I know my friend from New Jersey does not mean to make that point.

The SPEAKER pro tempore (Mr. RAYBURN). He seems to have made it, however.

Mr. MOORE of Pennsylvania. The gentleman merely suggested it. He did not make it.

Mr. BROWNING. I really thought we ought to have a full House here, but I withdraw the point.

Mr. MOORE of Pennsylvania. If my good friend from New Jersey does not appreciate the pleasantries of the last three minutes, I shall proceed seriously to discuss this bill, although I have promised to yield to the gentleman from Kentucky [Mr. THOMAS].

Mr. LINTHICUM. Mr. Speaker, I notice in this bill, on page 2—and I am speaking seriously about the bill—that any person practicing podiatry for one year preceding the enactment of this law is not included within its provisions, and I notice that the health officer is not only to prescribe what the examination is to be, but is to hold the examination. Does not that give the health officer the right to make absolutely a monopoly of this practice?

Mr. MOORE of Pennsylvania. If the health officer were so inclined, but the health officer of this District very fortunately is a capable man and of excellent standing in his profession. I do not believe he would do anything of that kind.

Mr. LINTHICUM. But he may not always live and hold that position.

Mr. MOORE of Pennsylvania. I say to the gentleman frankly, and I thought the gentleman from Kentucky would give us some

information on that line, that there ought to be some board to which the applicant for license should go and before whom he, or she, should present his or her qualifications. The only person to whom the applicant is to go now is the health officer of the District, and I suppose that is the best that the committee could do; at least, that is all that it has presented in the bill. It means registration more than anything else.

Mr. LEHLBACH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from New Jersey, providing his colleague does not make a point of no quorum.

Mr. LEHLBACH. In similar acts which have come to my notice it is not only placed in the hands of a board, but they must prescribe general rules and regulations which are applicable in every case, and not only is this in the hands of an individual, but he need not operate it under a set of general rules and regulations.

Mr. MOORE of Pennsylvania. There ought to be rules and regulations; yes. I will say to the gentleman from New Jersey that this applies only to male applicants, as I understand it. There are quite a number of women practicing chiropody who are doing as well, if not better, than men, and I think they ought to have an opportunity to come in under this bill.

Mr. STAFFORD. This bill is not limited in that particular; it applies to both sexes.

Mr. MOORE of Pennsylvania. In line 6, referring to examinations, "his" is used.

Mr. STAFFORD. I wish to direct the gentleman's attention to page 1, line 10, "no person shall be permitted to take the examination," and so forth, and then in line 4 it refers to "person," referring both to male and female. The word "his" under the section of the general statute applies also to "her."

Mr. MOORE of Pennsylvania. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. HELM. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield first to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Is the gentleman in position to inform the House whether this is a war measure? [Laughter.]

Mr. MOORE of Pennsylvania. That is another question I thought the gentleman from Kentucky [Mr. JOHNSON] would discuss, but he did not. I yield five minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I am opposed to this bill. I believe we are passing too many things, too many bills, to regulate matters generally. I believe if we keep on we will be passing bills to regulate the length of feathers on women's hats throughout the country. Now, this bill, as I understand it, is what is properly termed a "corn-doctor's" bill. [Laughter.] They have got the word "podiatry" in there. [Laughter.] I do not know where they got it. I do not believe they got it out of Webster's Dictionary, because I do not believe it is there, though it may be. I guess probably it is a word they coined. I would be in favor of a bill to deport every corn doctor out of Washington. I believe they call themselves podiatrists—I do not know—but because of my experience with them in the city of Washington I would willingly vote to deport every corn doctor now in the city out of it [laughter], and put them, not as captains, not as majors, not as generals, but in the front line in the trenches in France, where just as many of them could get killed as quickly as possible. [Laughter.] I say they are a set of fakers. I say that from experience [laughter], because I have one corn—on one foot, of course; not one corn on two feet—and I have had a dozen corn doctors in this town working on that corn, and it gets bigger all the time. [Laughter.] Why, I believe I am a better corn doctor myself than any of them. All they can do in the world is to take a knife and whittle off the top of the corn and rub some grease on it, that they call ointment, and then look at you as wise as a tree full of owls and say, "It don't hurt now, does it?" [Laughter.] Now, gentlemen, the only way and the proper way to take a corn off of your foot is to take it off all in one piece. A man who understands his business can do that, and you will not feel it. There is not a one in this town I have visited who knows anything about taking a corn out in one piece. [Laughter.] Now, they want to be examined. If they were to stand an examination and do not know any more about corns than they have practiced on me, they could not pass any sort of an examination. Why, I understand—I do not know whether it is true or not—that the corn doctors in the city of Washington are going to have introduced or have had introduced a bill to commission them as officers in the Army. Now, if you would turn loose the corn doctors in Washington on the soldiers, the American soldiers in Europe, in the front ranks, in the trenches, and let them work upon their feet a while, those soldiers will whip anything in the world, because when the corn doctors get through with them they would not be able to retreat, but would have to fight. [Laughter.] Now, Mr. Speaker, the man who has got a corn in the city of Washington is in a bad fix. [Laughter.] It reminds me of a fellow who went on a protracted drunk down in JOE BYRNS's district in Tennessee, which adjoins my district. He had been drunk a long time, and he was in bed one night, and he had a shotgun sitting by his side. There was a monkey in the house in a cage. The monkey sometime during the night escaped from the cage and got upon the foot of the bed of this man. He waked and he saw the monkey. He looked at it, he reached around and he got his gun, he took a rest, he took aim, and he said, "If you are a monkey, you are in a devil of a fix." He said, "If you are not a monkey, I am in a devil of a fix." [Laughter.] And it is that way with a man with a corn in Washington. He is in a bad fix if he has a corn, and gets in a worse fix if he goes to a corn doctor in Washington to tinker with it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I am sorry not to agree in all things with my friend from Kentucky [Mr. THOMAS]. It seems to me this bill is a good bill so far as it goes. There ought to be an official alignment of those who practice chiropody in the District of Columbia, as is being done elsewhere.

Other States have checked up these practitioners, and they have attained quite a prominence for useful service. I know myself of certain offices in Philadelphia where a large business is done by these practitioners, men and women. Personally, I would prefer to see this bill amended so as to include women, although the gentleman from Wisconsin [Mr. STAFFORD] thinks they would be covered by the bill anyhow.

Mr. JOHNSON of Kentucky. I will say to the gentleman that one of the first sections of the code of laws of the District of Columbia provides that where one gender is used it includes the other.

Mr. MOORE of Pennsylvania. If the gentlemen of the committee are satisfied, I shall not argue that point further.

But I can not agree with my friend from Kentucky [Mr. THOMAS] that these chiropodists are a barnacle upon the community. On the other hand, their profession and their practice is to remove from the human foot barnacles that are very undesirable. It frequently happens that a physician who undertakes to treat the human foot is entirely at sea as to what should be done. I have known of physicians undertaking the treatment of ingrowing toenails, for instance, who have bungled and compelled the sufferers to undergo treatment in hospitals. If such patients had gone direct to some skilled chiropodist, much time, expense, and pain would have been saved. Chiropody is really a profession in itself. It seems to me the committee is wise in attempting to regulate the practice, to require registration, as it were. The payment of a $10 fee is immaterial so long as the practitioner is registered and can not fool the public. It is really our business to protect the legitimate practitioner against the fraud or incompetent. I am therefore in favor of the bill. Unless some gentleman would like to have time, I will not pursue the argument further.

The SPEAKER pro tempore (Mr. RAYBURN). The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendment: Page 1, lines 6 and 7, strike out "health officer" and insert "Health Officer."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 1, line 8, strike out the words "health officer" and insert the words "Health Officer."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, line 7, after the word "medical," strike out the comma.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. CONNALLY of Texas and Mr. WINGO demanded a division.

The House divided; and there were—ayes 83, noes 5.

So the bill was passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

PROTECTION OF BIRDS IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up the bill H. R. 12083.

The SPEAKER pro tempore. The gentleman from Kentucky calls up the bill H. R. 12083, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12083) to prohibit the killing, trapping, netting, ensnaring, hunting, having in possession, and sale of certain wild birds in the District of Columbia.

Be it enacted, etc., That it shall be unlawful, within the District of Columbia, for any person at any time to buy, sell, or expose for sale, or to have in possession for the purpose of selling, any game bird. For the purpose of this act the following shall be considered game birds: The anatidae, or waterfowl, including brant, wild ducks, geese, and swan; gruidae, or cranes, including little brown, sandhill, and whooping cranes; rallidae, or rails, including coots, gallinules, and sora, or other rails; limicolae, or shore birds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plover, sandpipers, snipes, stilts, surf birds, turnstones, willet, woodcock, and yellow legs; columbidae, or pigeons, including doves and wild pigeons; gallinae, or grouse, including wild turkey, pinnated grouse, ruffed grouse, or any kind of grouse, and quail; reed birds, or rice birds; marsh black birds.

SEC. 2. That nothing herein contained shall prevent the right of any person to take or kill any of the wild fowls or birds in section 1 of this act mentioned, when the same shall be so taken or killed by virtue of the authority of a license duly issued by the proper authorities of said District of Columbia for scientific purposes.

That every person who shall violate any of the provisions of this act shall be fined not less than $25 nor more than $100, or be imprisoned for not more than one month, or be both so fined and imprisoned: *Provided*, That each bird mentioned in this act, so had in possession, bought, sold, exposed for sale, or had in possession for the purpose of sale, shall constitute a separate offense.

SEC. 3. That nothing in this act shall prevent the sale at any time of Hungarian dark-necked pheasants, ring-necked pheasants, Mongolian pheasants, or mallard ducks when the same shall have been raised in captivity; or the sale of said game birds alive for propagating purposes: *Provided*, That the same is done under such requirements as may be prescribed by the Commissioners of the District of Columbia.

SEC. 4. That all acts or parts of acts in conflict herewith are hereby repealed.

Mr. JOHNSON of Kentucky. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. GOULD].

Mr. GOULD. Mr. Speaker, this legislation was introduced by the gentleman from Illinois [Mr. GRAHAM]. The Committee on the District of Columbia held a very extensive hearing, before which appeared representatives of the various societies, both National and State, which are interested in hunting and in the protection of game. The form of the legislation is based on recommendations which those interested in the preservation of game thoroughly approve, and the majority of the States of the Union have similar legislation on their statute books. I do not know whether the gentlemen of the House are familiar with the slaughter of game birds in and around the District of Columbia or not. The testimony as brought out at our hearings revealed a bad situation. The question of the raising of certain kinds and types of game birds in captivity for sale, the same as chickens or any other fowl might be raised, is taken care of, permitted, and provided for in the bill. The committee made a unanimous report, and it feels that the legislation should be passed.

Mr. STAFFORD. Will the gentleman yield?

Mr. GOULD. I will.

Mr. STAFFORD. Do I understand this bill will absolutely prohibit the sale by a commission merchant, or any other dealer in poultry, of wild ducks or geese?

Mr. GOULD. Yes, sir.

Mr. STAFFORD. So that if wild ducks or geese are shipped to a commission merchant it would actually be a penal offense for him to sell them to any hotel or restaurant?

Mr. GOULD. Yes, sir.

Mr. STAFFORD. Is there any law of the States that prevents the sale of wild ducks when properly killed to hotel proprietors or to restaurant keepers?

Mr. GOULD. Yes, sir.

Mr. STAFFORD. When killed in the open season?

Mr. GOULD. Yes, sir.

Mr. STAFFORD. I was not aware that the law went to that extent.

Mr. GOULD. The New York State law, Mr. Speaker, provides for that.

Mr. KREIDER. Will the gentleman yield?

Mr. GOULD. I will.

Mr. KREIDER. I notice in the reading of line 8, page 1, it says: "Wild ducks, geese, and swan." Are we to interpret that as meaning wild ducks, wild geese, and wild swans?

Mr. GOULD. Yes, sir.

Mr. KREIDER. Then, should not the bill so state?

Mr. GOULD. It might be more definite.

Mr. KREIDER. It says "geese," which may apply to wild or tame geese.

Mr. MCKENZIE. Is not the distinction well defined between game birds and fowls and domestic fowls, and that the reference to those game birds means wild birds?

Mr. GOULD. Wild game birds; yes, sir.

Mr. GRAHAM of Illinois. Will the gentleman from New York [Mr. GOULD] yield five minutes to me?

Mr. GOULD. I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker, I just wanted to explain one thing that was referred to by the gentleman from Wisconsin [Mr. STAFFORD]. I have made a very careful examination of the game laws of the various States, and have found the following to be the situation:

The sale of water fowl, ducks, and geese is permitted only in 19 States of the Union. The sale of quail is not permitted in any State. The sale of reed birds is only permitted in 6 States, and of marsh blackbirds in no State. Shore birds can be sold in 11 States; while this is true, every one of them is permitted to be sold in the District. They are not permitted to be sold, for instance, in Maryland or in Virginia, and yet they sell them here, and the consequence is that these Virginia and Maryland gentlemen tell me—Members of Congress from those States, State game commissioners, and others interested—that poachers kill these birds illegally in the States I have mentioned and bring them in here and sell them.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. STAFFORD. I have not inspected the game laws very closely, but my impression was that the sale of the game was forbidden only in the breeding season. I know as far as the game laws of Wisconsin are concerned there is a closed season during the entire year as to pheasants and other rare birds, snipe, and the like, but I did not think it went so far as to forbid the sale of wild ducks in the open season.

Mr. GRAHAM of Illinois. The State laws do go that far. Ducks can not be sold in Wisconsin, I will say to the gentleman. Now I shall be glad to answer any questions. This is a bill that evidently ought to pass.

Mr. WINGO. Mr. Speaker, will the gentleman permit a question?

Mr. GRAHAM of Illinois. Yes.

Mr. WINGO. Will this stop the slaughter of birds anywhere?

Mr. GRAHAM of Illinois. It will help in this respect: It will stop the slaughter of them and bringing them into the District for sale here.

Mr. WINGO. Will it stop the slaughter of them and the bringing of them into the District? This bill provides only against the selling. It does not prohibit the killing, the use of them, or giving them away.

Mr. GRAHAM of Illinois. There is another law, I will say to the gentleman, that prohibits the killing of them in the District during certain seasons of the year.

Mr. WINGO. I do not suppose they will kill wild ducks in the parks of Washington. What is the practical benefit of the gentleman's bill except to restrict the use of this game to persons who will still be able to get them other than at the open markets? The man who has to depend on the ordinary market will not get them. It occurs to me that this will simply prohibit the selling of them, but it will not prohibit me, if I want a wild duck, from going out and getting it. I can get it very easily.

Mr. GRAHAM of Illinois. If you can go to some place where you can shoot a wild duck legally you can bring it into the District.

Mr. WINGO. You can shoot them, but you can not sell them. But you can shoot them elsewhere.

Mr. GRAHAM of Illinois. Most of the States—including my own State, for instance—permit the killing of a certain number of ducks, and the person killing them, who has a State license, can ship them to his home.

Mr. WINGO. It is my idea that there is a limitation in some of these States in reference to the seasons. Then in other States there is a closed season, except to a person going out and killing a certain number. Certain States restrict them to the man killing them, but he can give them to his friends. By unlawful means they can get here in that way. If a man wants a wild duck for dinner he will have no trouble in getting it.

Mr. GRAHAM of Illinois. I do not know how I would get it unless I went out to my own State, or to some other State, and got a license and killed it myself.

Mr. WINGO. How do they do it now?

Mr. GRAHAM of Illinois. They go out into Maryland and over into Virginia and kill them illegally in the closed season, and bring them in here and sell them. Nobody knows where they come from. Most of the pothunters who send this game here are fellows of inferior class who have no particular abiding place, and many of them are foreigners. I have seen in the markets bunches of quail as big around as a half bushel measure.

Mr. WINGO. You say they kill them now in violation of State laws. Now, you will simply prohibit it in the District of Columbia. But when a man wants game he can get it.

Mr. CARY. We found in Wisconsin that there was only one way to prevent the sale of them. If there is a wild duck on the hotel dinner table the proprietor of that hotel is brought into court. I think the fine is $100. If they can find the man who sold it to him I think he would be fined $200. In that way we prevent the slaughter of ducks.

Mr. WINGO. I suspect that men do get ducks on the dinner table in Wisconsin. They get them as "hens." There is one State where they serve deer as "veal." I know of one State where, in violation of the law, deer is served as "veal."

Mr. GRAHAM of Illinois. Let me suggest to the gentleman that if you prevent the market man from buying this stuff and selling it, and take away the profit part of it, it will practically eliminate this business.

Mr. WINGO. My original intention in rising was to find wherein this was a war measure.

Mr. GRAHAM of Illinois. It is not a war measure. I did not say it was a war measure, and it could not be so considered unless it was considered an agricultural proposition in the nature of a conservation measure.

Mr. WINGO. Here is the embarrassing situation with respect to bills like this: Many Members of Congress, like myself, have taken Congress at its word and have told their constituents that bills other than war measures would not be considered. Most of the committees now are refusing to consider bills that are not war measures. Now, to-day we have had under consideration a corn doctor bill, and now this bill is brought up in violation of the rule that only war bills shall be reported.

Mr. MADDEN. The answer to that is that this is purely municipal legislation.

Mr. WINGO. I realize that we are sitting as a city council when we consider this and other District of Columbia bills.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. LINTHICUM. Mr. Speaker, I have an amendment that I want to offer.

The SPEAKER pro tempore. The gentleman from New York has control of the time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the bill.

Mr. STAFFORD. The gentleman from New York [Mr. GOULD] has control of the time.

Mr. GOULD. Mr. Speaker, there is one point that I think has not been made quite clear. That is that, according to my understanding of this legislation, an individual is not prevented from going out and killing game birds for his own consumption. That, I think, will answer the point raised by the gentleman from Arkansas.

I now move the previous question on the bill and all amendments to the final passage.

Mr. LINTHICUM. Mr. Speaker, I desire to offer an amendment, and if the gentleman insists on his motion for the previous question I shall make the point that there is no quorum present.

Mr. GOULD. I withdraw my motion for the previous question to allow the gentleman to offer his amendment.

Mr. LINTHICUM. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Maryland offers an amendment, which the Clerk will report:

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 2, line 6, after the words "black birds," strike out the period and add "and robins."

Mr. LINTHICUM. Mr. Speaker, I do not want to take up the time of the House, but from my own personal experience I know that the robin is one of the birds that is killed by boys and sold more frequently perhaps than almost any of the others. I think of all the birds we ought to protect, certainly the robin is among the most worthy of protection. So I have offered this amendment.

Mr. GOULD. I accept the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. GOULD, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10264. An act to prevent in time of war departure from or entry into the United States contrary to the public safety;

H. R. 10265. An act to authorize the President to provide housing for war needs; and

H. R. 11245. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917.

ADJOURNMENT.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Thursday, May 16, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the President of the United States, transmitting acts and resolutions enacted by the Ninth Legislature of Porto Rico during its special session February 6 to February 16, 1918 (S. Doc. No. 225); to the Committee on Insular Affairs and ordered to be printed.

2. A letter from the Secretary of War, submitting a tentative draft of a provision of legislation repealing a clause in the act of July 16, 1892 (H. Doc. No. 1103); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 289) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, reported the same without amendment, accompanied by a report (No. 565), which said joint resolution and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 12100) to amend the act approved September 7, 1916, entitled "An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water in the foreign and interstate commerce of the United States; and for other purposes," reported the same without amendment, accompanied by a report (No. 568), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 12099) to confer on the President power to prescribe charter rates and freight rates and to requisition vessels, and for other purposes, reported the same without amendment, accompanied by a report (No. 569), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (H. R. 11626) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, reported the same with amendment, accompanied by a report (No. 570), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILLIARD, from the Committee on the District of Columbia, to which was referred the bill (H. R. 12098) to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a minimum-wage board, and to define its power and duties, and to provide for the fixing of minimum wages for such workers, and for

other purposes, reported the same without amendment, accompanied by a report (No. 571), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12006) granting a pension to Lydia Johnson, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DENT: A bill (H. R. 12123) to provide for the award of medals of honor, distinguished-service crosses, and distinguished-service medals, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 12124) to amend section 13 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; to the Committee on Military Affairs.

By Mr. DEWALT: A bill (H. R. 12125) to grant furloughs and free transportation to officers and enlisted men and women in the military and naval service; to the Committee on Military Affairs.

By Mr. SWEET: A bill (H. R. 12126) to grant free transportation to all men in the military and naval service of the United States to visit their homes or the homes of their parents and friends; to the Committee on Interstate and Foreign Commerce.

By Mr. DALLINGER: A bill (H. R. 12127) to authorize the Commissioner of Education to investigate the industrial, social, and educational condition of the deaf and dumb, and for other purposes; to the Committee on Education.

By Mr. LOBECK: Resolution (H. Res. 348) authorizing and directing the Federal Trade Commission to investigate and report to the House of Representatives the cost of producing and refining petroleum in the United States; also the cost of marketing the main refined products, such as gasoline; also the cost of marketing the by-products and the rate of net earnings of the chief producers and refiners of petroleum; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Memorial of the General Assembly of the State of New York, favoring the retention and extension of mail-tube system in the city of New York; to the Committee on the Post Office and Post Roads.

Also, memorial of the General Assembly of the State of New York, pledging all its resources in the prosecution of the war and favoring the entrance by the United States into a league of nations to safeguard peace; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURNETT: A bill (H. R. 12128) to reimburse J. D. Arnold, postmaster at Village Springs, Ala., for stamps stolen from said post office and repaid by him to the Post Office Department; to the Committee on Claims.

By Mr. CLARK of Florida: A bill (H. R. 12129) granting an increase of pension to Daniel Parker; to the Committee on Invalid Pensions.

By Mr. CONNALLY of Texas: A bill (H. R. 12130) for the relief of the estate of John P. Kennerly, deceased; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 12131) to correct the military record of James Renfrow; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 12132) authorizing certain persons formerly connected with the American Embassy at Berlin to accept pieces of plate presented to them by the British Government; to the Committee on Foreign Affairs.

By Mr. LEHLBACH: A bill (H. R. 12133) granting a pension to Michael Friel; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 12134) granting an increase of pension to Jacob Seydell; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 12135) for the relief of the heir at law of A. Beemer; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 12136) granting an increase of pension to Abraham Keener; to the Committee on Invalid Pensions.

By Mr. TEMPLETON: A bill (H. R. 12137) granting a pension to Cornelius Branning; to the Committee on Pensions.

By Mr. WHITE of Ohio: A bill (H. R. 12138) granting an increase of pension to Charles Tumblin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of National Association of Upholstered Furniture Manufacturers, against the high price of necessaries of life; to the Committee on Agriculture.

Also (by request), petition of Mexican-American Hat Co., of St. Louis, Mo., against zone advances in mailing rates; to the Committee on Ways and Means.

Also (by request), petition of National Federation of Federal Employees and advisory committee of the Washington Federal Employees' Union, relative to pay and hours of work of Government employees; to the Committee on Appropriations.

Also (by request), petition of Arthur C. Townsend, of Hallowell, Me., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also (by request), petition of Alvey Manufacturing Co., of St. Louis, Mo., against repeal of the zone rates for mailing; to the Committee on Ways and Means.

By Mr. BROWNE: Petition of citizens of Mattoon, Wis., against the zone system for second-class postage; to the Committee on Ways and Means.

By Mr. DEWALT: Resolutions of Post C, T. P. A. of A., by Mr. James B. Shaner, chairman of good roads and public utilities, on the subject of intercoastal water routes for the transportation of freight; to the Committee on Interstate and Foreign Commerce.

By Mr. DRANE: Papers to accompany House bill 12111, granting a pension to Henry Parrish; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12110, granting a pension to Alexander B. Davis, late of Mounted Battalion Texas Volunteers; to the Committee on Invalid Pensions.

By Mr. ELSTON: Petition of Central Woman's Christian Temperance Union, of Oakland, Cal., urging the passage of the Barkley bill, providing for war-time prohibition; to the Committee on the Judiciary.

By Mr. EMERSON: Resolution of the board of education of the village of Chardon, Ohio, in favor of universal military training; to the Committee on Military Affairs.

By Mr. FLYNN: Memorial of Brooklyn Chamber of Commerce, opposing provision of naval appropriation bill relative to stop-watch or time-measuring device; to the Committee on Naval Affairs.

Also, petition of Winchester Post, 197, Department of New York, Grand Army of the Republic, relative to increase in pensions of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. GOULD: Petition of the Emerson Christian Endeavor Society, Conquest, N. Y., favoring the prohibition of the beverage-liquor traffic during the period of the war; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Petition of the Free Methodist Church, Franklinville, N. Y., and of the Woman's Christian Temperance Union of Stockton and of Elks, N. Y., favoring the prohibition of beverage-liquor traffic during the period of the war as a war measure; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Resolutions of the Society of Mayflower Descendants of Rhode Island, favoring immediate prohibition; to the Committee on the Judiciary.

By Mr. OSBORNE: Resolutions of the board of directors of the Chamber of Mines and Oil, Los Angeles, Cal., May 3, 1918, urging the immediate creation of a department of mines, the secretary of which would become automatically director of minerals, charged with the duty of harmonizing, unifying, and coordinating the activities, duties, and powers of all bureaus, surveys, commissions, or other branches of the Government so far as they relate to the development, mining, or production of both metallic and nonmetallic minerals and ores, and also urging upon Congress the creation of the portfolio of the secretary of mines; to the Committee on Mines and Mining.

Also, resolution of board of trustees of city of Venice, Cal., adopted May 6, 1918, condemning and protesting against resolutions recently passed by board of Supervisors of Los Angeles County and forwarded to the Federal Government at Washington, wherein it was stated that conditions at Venice were "a

most serious detriment to our soldiers and sailors and to Los Angeles County and its people in general"; to the Committee on Military Affairs.

By Mr. SCHALL: Petition of 92 citizens of Cokato, Minn., and vicinity, for the enactment of war prohibition; to the Committee on the Judiciary.

By Mr. SIEGEL: Resolutions adopted by the Rotary Club, of New York, relative to a Federal highway program; to the Committee on Roads.

By Mr. STINESS: Petition of the Society of Mayflower Descendants in the State of Rhode Island, protesting against the use of edible grains and other forms of foodstuffs and of coal and freight tonnage and labor in the manufacture, sale, and transportation of intoxicating liquors during the war; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 16, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

We thank Thee, O God, for the opportunities of this, another day. Help us to perform our tasks in Thy fear and favor, and as we consider our needs and seek to defend our honor and independence, help us to remember that only the law of the Lord is perfect; that only the statutes of the Lord are right; and that only in the execution of Thy plans are we safe. Help us, therefore, O God, to abide under the shadow of the Almighty and to seek the Divine program in all the unfolding of our national life and in all our dealings with other nations. O God, save our honor and our country and our men, and bring speedy victory to our cause. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

COMMERCIAL BRIBERY (H. DOC. NO. 1107).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Federal Trade Commission, transmitting, pursuant to law, a special report dealing with the subject of commercial bribery. The communication and accompanying paper will be inserted in the RECORD and referred to the Committee on the Judiciary.

The communication is as follows:

FEDERAL TRADE COMMISSION,
Washington, May 15, 1918.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

SIR: Pursuant to paragraph (f) of section 6 of the act of Congress approved September 26, 1914, creating the Federal Trade Commission, there is transmitted herewith to Congress a special report dealing with the subject of commercial bribery.

Respectfully,

WILLIAM B. COLVER, *Chairman.*

FEDERAL TRADE COMMISSION,
Washington.

To the Congress of the United States:

Pursuant to the provisions of paragraph (f), section 6, of the Federal Trade Commission act, the Federal Trade Commission submits the following to Congress for its consideration:

The commission has made considerable investigation of bribery of employees of customers as a method of securing trade.

The commission has found that commercial bribery of employees is a prevalent and common practice in many industries. These bribes take the form of commissions for alleged services, of money and gratuities, and entertainments of various sorts, and of loans—all intended to influence such employees in the choice of materials.

It is evident that this inexcusable added cost is finally passed on to the consumer.

Bribery is criminal per se. The Federal Trade Commission has no criminal jurisdiction. It treats the practice as an unfair method of competition. In dealing with commercial bribery as an unfair method of competition the commission is entirely limited to dealing with one side, to wit, the giving side, and has no power to reach the receiver, who is also guilty.

The practice is one which has been condemned alike by business men, legislatures, and courts, including among the business men those who have finally resorted to it in self-defense in competing with less scrupulous rivals or in selling to concerns whose employees have extorted commissions under threats to destroy or disapprove goods submitted to them for test.

How prevalent the practice is and how great the need of legislation seems to be is illustrated by the statement of one man of prominence in an industry who welcomed the proceedings of the commission destined to destroy the practice with this statement:

> From an experience of 30 years in the industry I don't believe that there is a single house in it that has not had to pay bribes to hold old business or to obtain new business. Bribery is inherently dishonest and tends to dishonesty and is unfair to competitors and customers, and I don't believe it ever will be stopped until made a crime by the United States Government.

How thoroughly insidious this practice has become may be illustrated by two experiences of representatives of the commission. In one case an employee frankly stated that he was "entitled to 10 per cent, and anyone who demands more is a grafter." Another was so fully imbued with the justice of his claim that he desired the representative of the commission to assist him in enforcing the collection of an unpaid so-called "commission."

Corrupt employees having the power to spoil and disapprove materials have been able to bid one salesman against another until in many cases they have extorted secret commissions, so called, as large as 20 per cent of the value of the goods sold.

Fourteen States have statutes striking at the practice, and yet it tends to grow. When competition crosses State lines State statutes with respect to trade practices are not actively enforced.

Justice Lurton, when on the Circuit Court of Appeals, aptly referred to the conflict created by this practice between duty and interest as "utterly vicious, unspeakably pernicious, and an unmixed evil." Lord Russell of Killowen, who was largely responsible for the passage of English legislation prohibiting this practice, expressed the opinion that "these corrupt bargains were malignant cankers," and that "it was a system dishonest to the fair trader" and "dishonest to the fair employer."

The commission feels that the stamping out of commercial bribery is one necessary step to the preservation of free, open, and fair competition, and to that end respectfully urges that new legislation should prohibit not only the giving and offering, but the acceptance and solicitation of any gift or other consideration by an employee as an inducement or reward for doing any act in relation to his employer's affairs or business, or for showing or forbearing to show favor or disfavor to any person in relation to his principal's or employer's affairs or business.

In order to prevent a resort to a common method of corruption, it is recommended that the law should also prohibit the giving of any such gifts or other considerations to members of the agent's or employee's family, or to any other person for his use or benefit, direct or indirect.

The facts disclosed by the commission's investigation lead to the conclusion that present laws are not fully effective. While the practice is clearly per se an unfair method of competition, and while the commission is acting and proposes to continue to act under the Federal Trade Commission act as to cases brought to its attention, yet, because of the secret nature of the conspiracies which are for the mutual advantage of all the parties engaging in it, it is believed that a strong Federal enactment against the practice, striking at each person participating, both givers and recipients, coupled perhaps with immunity to the first informant, may aid greatly in stamping out the vicious practice.

For the reasons stated and others the need for action by Congress seems apparent. It seems also that Congress has sufficient power to strike at the entire practice, inasmuch as Congress has power not only to prohibit such transactions in interstate commerce but, under the Minnesota rate and Shreveport cases, has power to remove any obstruction which may prevent or hamper shipments in interstate commerce. To illustrate, if a company doing business solely within one State resorts through its agents to this vicious method of competition, it will surely hamper, if not make it impossible, for a manufacturer of another State seeking to compete honestly to make any sales in such State except by resorting to like vicious and unfair practices. Congress undoubtedly has the power to remove such obstruction from the path of the interstate competitor.

It is useless to discuss the origin of the practice. It is sufficient to know that it exists generally and appears to be spreading. The mere suggestion shows that it must engulf even those honestly inclined if they desire to maintain their commercial life in any industry where such practices prevail. It should also be noted that the practice appears to have been most general on the part of concerns in introducing the goods and wares of German firms. Among such concerns and their salesmen the evidence is that the practice is recognized as a legitimate method of competition.

The commission, therefore, respectfully recommends that Congress consider the enactment in the public interest as an aid to the preservation of fair and free competition, a sufficient law striking at the unjustifiable and vicious practices of commercial bribery; and that such law be so comprehensive as to strike at each person participating in any such transactions.

Respectfully submitted.

WILLIAM B. COLVER,
JOHN FRANKLIN FORT,
VICTOR MURDOCK,
Commissioners.

WASHINGTON, *May 15, 1918.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2123) to regulate the practice of podiatry in the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11628. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914; and

H. R. 12083. An act to prohibit the killing, trapping, netting, ensnaring, hunting, having in possession, and sale of certain wild birds in the District of Columbia.

PETITIONS.

Mr. GRONNA presented a petition of the congregation of the Methodist Episcopal Church of Prairie Dell, N. Dak., and a petition of the congregation of the Methodist Episcopal Church of Minot, N. Dak., praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of the Current Events Club of Bismarck, N. Dak., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was ordered to lie on the table.

Mr. JONES of Washington presented a resolution adopted by Local Branch No. 17, United Garment Workers of America, of Seattle, Wash., favoring the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for an increase in the salaries of postal employees, which was ordered to lie on the table.

Mr. BORAH presented a petition of sundry citizens of the State of Idaho, praying for the immediate passage of the national suffrage amendment, which was referred to the Committee on Woman Suffrage.

Mr. SHIELDS. I present a series of resolutions from citizens of Chattanooga on the subject of woman suffrage. The resolutions were adopted at a meeting of citizens of Chattanooga in the ballroom of the Hotel Patten April 15, 1918, and they congratulate one of their Senators for favoring the Federal suffrage amendment and request the others to do so, and request me to present them to the Senate. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolved, That we, citizens of Chattanooga, Tenn., in meeting assembled in the ballroom of the Hotel Patten, this 15th of April, 1918, congratulate Senator MCKELLAR on his support of the Federal suffrage amendment, and urge Senator SHIELDS also to work and vote for the measure, giving to the women of this Nation that democracy for which American men are fighting abroad; and be it further

Resolved, That we call upon the Senate of the United States for the immediate passage of the suffrage amendment; and be it further

Resolved, That copies of this resolution be sent to Senator MCKELLAR and to Senator SHIELDS, with the request that Senator SHIELDS have it read into the record of the Senate.

MARGARET SEVERANCE.

USE OF WAR FILMS.

Mr. TOWNSEND. Mr. President, I send to the desk a telegram which I yesterday received from the governor of Michigan, which I desire to have read.

There being no objection, the telegram was read, as follows:

LANSING, MICH., *May 14, 1918.*

Senator CHARLES E. TOWNSEND,
Washington, D. C.:

In January Division of Films Committee on Public Information made an agreement with Michigan War Preparedness Board granting rights for all official war moving pictures for this State to that board. In violation of this agreement, the division is now preparing for an exhibition of films in Detroit next week and, as we understand, expects to route them through the State through film agencies. We are now showing reels the Committee on Public Information sold us under agreement throughout the State, and have booked their appearance for the entire State. California, we understand, is in same boat, and we hear Representatives of that State in Congress will to-day publicly take the committee to task for their action. Will you please see that Michigan's rights are protected and that Congress is told the situation in this State? The original idea of the pictures was a propaganda scheme. As this new plan violating our agreement appears it is a commercial proposition fostered by the moving-picture agencies in New York. Proceeds of our exhibitions go to fund for relief of dependents of Michigan soldiers and sailors. Detroit showing is announced as an even split with the theater owner, the balance going somewhere in Washington, but not for any announced charitable object.

MICHIGAN WAR PREPAREDNESS BOARD,
ALBERT E. SLEEPER,
Governor and Chairman.

Mr. TOWNSEND. Mr. President, upon receipt of that telegram yesterday I thought it wise to call the attention of the Bureau of Information to it before I brought it to the Senate. I was unable to get into communication with the Chief of the Division of Films or with his assistant. I tried again to-day. I found that these officials were out of the city, or at least out of the office, and were reported by a clerk as being probably out of the city for the day. I was unable to obtain any specific information, as the young man in charge of the office thought that he ought not to express an opinion relative to the matter.

I did learn, however, that these films are certain war films which the war board of Michigan had purchased from the Information Bureau to be exhibited in the interest of patriotism, but that said bureau had nevertheless entered into an arrangement with certain theater companies in Michigan to exhibit these war films in Detroit and elsewhere in the State, and that the proceeds are to be divided equally between these theater companies and the Bureau of Information.

To what purpose the Bureau of Information is to devote its share of this fund I was unable to learn. I have written to the chief of the bureau and have sent him a copy of this telegram, with a request that he answer the statements made by our governor, who is the chairman of the war preparedness board. When I receive that answer I shall present it also to the Senate.

I am impressed with what the governor has said and believe that something has been done and is being done that is contrary to an agreement that has been made between the Bureau of Information and the Michigan war board. It can not be successfully claimed that the Michigan war board has been derelict in any duty that has been assigned to it. It has been at the very front in every undertaking for the proper preparation for war. It has exceeded every demand made upon it. Its plans are complete for spreading the information carried by these films. If it is true that the Bureau of Information, after having made a disposition of these films to the Michigan board, is now exhibiting them on a percentage basis, a part of the proceeds to go to a privileged theater company and another portion is to be turned over to the Information Bureau, it will be interesting to know what is to be done with this money paid to the bureau, and by what right it makes contracts, and why it breaks them after they are made. I want to know whether a report is to be made to Congress of these transactions. I trust it will not be considered a case of lese majeste if I inquire as to what is done with funds which are being secured by a Government agency without any direction of law. Possibly there is a proper explanation of this situation; and if so, I want to have it.

I shall, as I said, again bring this matter to the Senate when I receive an answer from the Bureau of Information.

AIRCRAFT PRODUCTION.

Mr. CHAMBERLAIN. Mr. President, I should like to ask the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate whether that committee is going to report to-day the resolution which was introduced some days ago by me and which was referred to that committee?

Mr. THOMPSON. The committee has acted on the resolution and has directed a report to be made by the Senator from Tennessee [Mr. MCKELLAR] who has the resolution.

Mr. CHAMBERLAIN. So the committee is ready to report?

Mr. THOMPSON. It will when that Senator is here.

Mr. CHAMBERLAIN. That is all right. I merely wanted to know the status of it.

PENSIONS AND INCREASES OF PENSIONS.

Mr. WALSH, from the Committee on Pensions, submitted a report (No. 443) accompanied by a bill (S. 4542) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill

being a substitute for the following pension bills heretofore referred to that committee:

S. 202. John B. Chandler.
S. 326. John Barker.
S. 338. Rolla King.
S. 608. John B. Raines.
S. 665. John W. Ferris.
S. 768. Emmett L. Warren.
S. 964. Roswell B. Van Wagenen.
S. 969. John Fitzgerald.
S. 1156. Green B. Riggs.
S. 1441. Barnard J. Irwin.
S. 1732. Laura A. Workman.
S. 2568. George R. Hamilton.
S. 3302. Orval W. Hiatt.
S. 3347. Charles R. Walters.
S. 3422. Agnes Swarts.
S. 3688. Mary Howard.
S. 3711. Berlie Cross.
S. 3763. Willis Hood.
S. 3830. John L. Daries.
S. 3972. James F. Byard.
S. 3989. Ada Johnston Cowles.
S. 4058. Florence M. Anderson.
S. 4082. Fred Boyd.
S. 4090. Ellen H. Sharp.
S. 4150. George W. Goodman.
S. 4170. Edward Jordan.
S. 4191. Lanson O. Brown.
S. 4215. Louis H. Roberts.
S. 4286. Persis M. McKee.
S. 4291. Mary P. McIntire.
S. 4351. Feracane Paolo.
S. 4358. Louis N. Mallet.
S. 4418. David M. Thompson.

Mr. WALSH, from the Committee on Pensions, submitted a report (No. 444) accompanied by a bill (S. 4543) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following pension bills heretofore referred to that committee:

S. 217. Emma C. Hill.
S. 250. Robert Kinkead.
S. 345. Chase Cummins.
S. 566. Daniel W. Bartlett.
S. 569. Luke P. Brooks.
S. 574. William A. Cale.
S. 585. Joshua C. Ogden.
S. 601. Daniel W. Welsh.
S. 614. Isaac Boyce.
S. 618. Littleton T. Morgan.
S. 660. Aaron M. Elliot.
S. 1109. John Patty.
S. 1121. Rufus Mapes.
S. 1123. William G. Simpson.
S. 1158. John D. Brooks.
S. 1162. Henry Perrine.
S. 1163. Jacob A. Kenoyer.
S. 1165. Orin Tucker.
S. 1167. Jonas H. Evans.
S. 1262. Lewis Norman.
S. 1288. Henry C. Rowley.
S. 1308. Andrew F. Maxwell.
S. 1309. Payton S. Lynn.
S. 1310. Samuel Lowery.
S. 1316. Albert P. Leavitt.
S. 1317. Charles W. Lathrop.
S. 1319. Thomas J. Stanfield.
S. 1327. William M. Wright.
S. 1328. Andrew J. Wright.
S. 1354. Edgar A. Kesler.
S. 1401. Jahiel Bowers.
S. 1411. Lewis Atkinson.
S. 1481. John T. Criswell.
S. 1907. William A. Kilton.
S. 1987. Asa D. Whitmore.
S. 2026. James M. King.
S. 2037. Zed Culver.
S. 2071. James H. Knight.
S. 2080. John Reiman.
S. 2175. James B. Atkinson.
S. 2182. Francis Mayhew.
S. 2276. Anton Lawrence.
S. 2287. William N. Webb.
S. 2341. Melinda A. Smiley.
S. 2398. Dora Brown.
S. 2533. Zadok M. McCleary.
S. 2558. Hosea Butterfield.
S. 2566. William T. Eustis.
S. 2622. Joseph Galbraith.
S. 2627. Sarah Ann Ross.
S. 2668. Jacob Witmer.
S. 2669. John J. Houswerth.
S. 2725. Theodore W. Davis.
S. 2780. Seymour A. Stearns.
S. 2822. John L. Harvey.
S. 2850. Jonathan Dellinger.
S. 2853. Thompson M. Hollabaugh.
S. 2964. George Blake.
S. 3018. Phebe Bushee.
S. 3064. Charles H. Whiteley.
S. 3065. Albert Young.
S. 3074. Louisa Simon.
S. 3120. Daniel Duncan.
S. 3149. Joseph Wood.
S. 3184. William Butler.
S. 3248. John Beahen.
S. 3252. Charles W. Cross.
S. 3273. Charles M. Colby.
S. 3461. Samuel W. Presley.
S. 3464. Joseph E. Gammon.
S. 3465. Granville Fernald.
S. 3485. Oliver P. Chambers.
S. 3603. Elizabeth Cole.
S. 3705. William H. Morgan.
S. 3751. Cyrus Woods.
S. 3760. David A. Sawyers.
S. 3762. George McDowell.
S. 3766. Thomas Higgins.
S. 3785. William P. Hodsdon.
S. 3816. Andrew J. Martin.
S. 3817. Charles J. Higgins.
S. 3829. Isaiah Hutchison.
S. 3831. George A. Gardner.
S. 3836. Joseph Vincent.
S. 3845. Jacob W. Kinsey.
S. 3862. Frederick E. Sprague.
S. 3869. Levi R. Gray.
S. 3870. Ellison Gilbert.
S. 3931. James N. Harris.
S. 3946. Warren M. Easton.
S. 3947. John F. Loehr.
S. 3950. Josiah Weaver.
S. 3999. Alonzo L. Whitcomb.
S. 4015. Edward Shattuck.
S. 4054. Edward Foster.
S. 4074. Adaline D. Norris.
S. 4086. Cecilia Hall.
S. 4091. Thomas J. Vinyard.
S. 4111. Henry Strouse.
S. 4129. Andrew Nelson.
S. 4131. Martin B. Fitch.
S. 4133. George W. Childs.
S. 4134. Beckwith A. McNemar.
S. 4147. Janet H. Morrison.
S. 4156. Austin D. Bates.
S. 4157. Daniel B. Grant.
S. 4161. Alvin Jones.
S. 4165. Martha L. Cutler.
S. 4175. Thomas Ewing.
S. 4180. John W. Gard.
S. 4183. Frank Baker.
S. 4190. John C. Carkin.
S. 4192. John S. Ranlett.
S. 4203. William K. Annis, jr.
S. 4207. Sabra J. Swisher.
S. 4226. William H. Dixon.
S. 4227. Pulver Kline.
S. 4228. Wilson S. Richards.
S. 4242. William L. Heiskell.
S. 4245. Thomas J. Locey.
S. 4249. Sarah E. White.
S. 4252. Monroe Eddy.
S. 4253. Cyrus B. Norris.
S. 4278. Charles A. Nimocks.
S. 4301. Jonathan Paulus.
S. 4302. Zachariah Blake.
S. 4303. Ellen Lee Scantling.
S. 4304. John H. Scott.

S. 4305. Levi H. Miller.
S. 4307. William C. Roose.
S. 4309. Henry J. Lane.
S. 4314. William Morgan.
S. 4319. Joshua Boreing.
S. 4320. George W. L. Nesbitt.
S. 4321. William Hill.
S. 4322. Alexander P. Settle.
S. 4352. Samuel W. Scoggins.
S. 4357. Louisa M. Ferrier, now Wright.
S. 4391. James W. Elwell.
S. 4419. Joseph T. Lewis.
S. 4425. John M. Safford.
S. 4446. Charles A. Lauman.
S. 4466. Victoria A. Amberg.
S. 4474. Permelia L. Dutcher.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEW:

A bill (S. 4544) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. WALSH:

A bill (S. 4545) granting a pension to Charles Weitfle (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4546) granting an increase of pension to Samuel Renshaw, alias Charles Dean (with accompanying papers); and

A bill (S. 4547) granting an increase of pension to Halvor Anderson (with accompanying papers); to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 4548) to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a minimum-wage board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes; to the Committee on the District of Columbia.

By Mr. BORAH:

A bill (S. 4549) granting an increase of pension to Charles H. Jewett (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4550) for the relief of the heirs of Benjamin S. Roberts; to the Committee on Claims.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. CUMMINS submitted an amendment providing that the dental officers authorized for service in the Naval Reserve Force and in the Naval Dental Corps shall be entitled to equal grades of rank with the dental officers authorized for service in the respective corresponding branches of the Army, and so forth, intended to be proposed by him to the Naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

STATUE OF FREDERICK THE GREAT.

Mr. GALLINGER. I offer the following resolution, for which I ask immediate consideration.

The resolution (S. Res. 245) was read, as follows:

Resolved, That the Committee on Military Affairs is hereby directed to inquire into and report on the advisability of melting the statue of Frederick the Great, recently removed from the grounds of the War College, and converting the metal into munitions of war.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. KING. I ask that it may go over.

Mr. BORAH. May I ask to have the resolution again read?

The resolution was again read.

Mr. BORAH. I suppose the Military Affairs Committee can advise us——

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

Mr. KING. I objected to its consideration.

The VICE PRESIDENT. It will go over.

Mr. GALLINGER. Of course, it will go over under the rule. I shall ask that it be considered to-morrow.

Mr. CHAMBERLAIN. May I suggest to the Senator from New Hampshire that there is no lack of precedent in reference to that proposition? The statue of George III was melted and made into bullets.

Mr. GALLINGER. I had that in view when I wrote the resolution.

The VICE PRESIDENT. The resolution will lie over and be printed.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Nelson	Smith, Ga.
Baird	Hardwick	New	Smith, Md.
Bankhead	Johnson, Cal.	Norris	Smoot
Borah	Jones, N. Mex.	Nugent	Sterling
Brandegee	Jones, Wash.	Overman	Swanson
Calder	Kellogg	Page	Thomas
Chamberlain	Kenyon	Poindexter	Thompson
Culberson	King	Pomerene	Townsend
Cummins	Kirby	Ransdell	Trammell
Curtis	Knox	Robinson	Vardaman
Dillingham	Lenroot	Saulsbury	Walsh
France	Lewis	Shafroth	Watson
Gallinger	Lodge	Sheppard	Weeks
Gronna	McCumber	Sherman	Wilfley
Guion	McKellar	Shields	
Hale	McNary	Simmons	

Mr. KING. I wish to announce that the Senator from Nevada [Mr. HENDERSON] is detained on official business.

Mr. LEWIS. I desire to announce that the junior Senator from Kentucky [Mr. BECKHAM], the senior Senator from Nebraska [Mr. HITCHCOCK], and the senior Senator from Florida [Mr. FLETCHER] are detained on business of the Senate. I desire also to announce that the senior Senator from Kentucky [Mr. JAMES] is absent on account of illness.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

ARTICLE BY MAYO DUDLEY.

Mr. RANSDELL. Mr. President, I submit a very interesting article entitled "The War Told in Medals," by Mayo Dudley. It was published in the Munsey Magazine for April, 1917. I regard it as of very great historic value. I ask that it be referred to the Committee on Printing with a view of having it published as a public document.

The VICE PRESIDENT. It will be so referred.

HOUSE BILL REFERRED.

H. R. 12083. An act to prohibit the killing, trapping, netting, ensnaring, hunting, having in possession, and sale of certain wild birds in the District of Columbia was read twice by its title and referred to the Committee on the District of Columbia.

PODIATRY IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER (Mr. NEW in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2123) to regulate the practice of podiatry in the District of Columbia, which were, on page 1, lines 6 and 7, to strike out "health officer" and insert "Health Officer"; on page 1, lines 7 and 8, to strike out "health officer" and insert "Health Officer"; and on page 2, line 2, after "medical," strike out the comma.

Mr. SMITH of Maryland. The only difference between the bill as amended by the House and the bill as passed by the Senate is the House has made some of the letters capital letters instead of otherwise. I move that the amendments of the House of Representatives be concurred in.

The motion was agreed to.

ALLEY HOUSES IN THE DISTRICT OF COLUMBIA.

H. R. 11628. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914, was read twice by its title.

Mr. SMITH of Maryland. Mr. President, that is identical with the bill passed by the Senate on April 30, 1918. It seems that, instead of accepting the Senate bill, the House has passed a bill which is identical with the bill passed by the Senate. I have read it carefully. It relates to alley houses in the District of Columbia. I ask the Senate to accept and pass the bill from the House.

Mr. JONES of Washington. Mr. President, does the Senator know why action was not taken on the Senate bill?

Mr. SMITH of Maryland. I can not state as to that. The House bill was introduced by Mr. JOHNSON and is in every particular exactly like the bill passed by the Senate on April 30. I presume that he preferred to have the House bill passed.

Mr. JONES of Washington. The bill that passed the Senate was not even reported by the committee in the House?

Mr. SMITH of Maryland. That I do not know; but the House bill, as I have said—and I have had it gone through—is precisely

the same as the bill passed by the Senate. So far as I am concerned, I am inclined to accept the House bill.

Mr. JONES of Washington. The only difference between the two bills, then, I take it, is that one has a House number and the other a Senate number.

Mr. SMITH of Maryland. The bill which has been laid before the Senate has a House number, having been introduced by one of the Members of the other House.

Mr. JONES of Washington. In the interest of having legislation along the line proposed in the measure, which seems to be very desirable, I will not object to the request of the Senator from Maryland.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POWER AND RESOURCES OF THE COUNTRY.

Mr. CUMMINS. I desire to call up the resolution which I offered yesterday.

The VICE PRESIDENT. The Chair lays before the Senate the resolution coming over from a preceding day.

The Secretary read Senate resolution 243, submitted yesterday by Mr. CUMMINS, as follows:

Whereas it is the settled conviction of the people of the United States that for their own safety and for the permanent peace of the world the military power of Germany must be completely overthrown and the criminal designs of her ruling classes finally destroyed; and

Whereas to assist most effectively in accomplishing these righteous purposes it is necessary to increase our Army, strengthen our Navy, and to direct intelligently all the energy and resources of the country; and

Whereas it has become the immediate and highest duty of the Nation not only to raise, equip, transport, and maintain a sufficient Army and construct and man an adequate Navy, but to furnish continuously an immense volume of supplies to our allies; and

Whereas the number of men who can be withdrawn from industrial pursuits and assigned to the war forces and the mobilization and organization of those who remain into efficient groups for the necessary production can be ascertained and effected only by a careful survey of the whole situation as it is now presented: Therefore be it

Resolved, That the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and the Provost Marshal General be, and they are hereby, requested to confer together and report to the Senate as soon as practicable upon the following subjects of inquiry, to wit:

First. How many men can be withdrawn within the ensuing two years from the industrial or productive occupations for military service, leaving enough workers in the fields of necessary or essential production to supply: (a) All the requirements of our military forces, (b) all the necessities of our civil population, (c) all the imperative needs of our allies, and (d) the essential commerce of neutral and friendly countries.

Second. What occupations involving man power can be abandoned without serious detriment to the general welfare, and how can those now engaged in them be turned into necessary or useful production.

Third. How many men are there, fit for military service or for labor, not within draft age, who are now employed in hurtful, unnecessary, or nonuseful occupations, and what are these occupations.

Fourth. How many men are there, fit for military service or for labor, not within draft age, who do not work regularly in any occupation.

Fifth. What further legislation is desirable in order to utilize our maximum man power in the military service with the minimum disturbance in the field of necessary or useful production.

Mr. CUMMINS. Mr. President, it must be obvious to every thoughtful man that the time has come for a careful comprehensive, serious survey of the entire war situation as it now presents itself. Whatever may have been our former view with respect to a speedy termination of hostilities, it is now reasonably certain that we have before us a long and severe struggle, which, if it is brought to a successful end, as it must be, will demand our full strength of both men and material.

It is not enough to do no more than drive the Kaiser from power; it is not enough merely to send his brood of murderers into obscurity; it is not enough to take from his conspicuous butchers the weapons they are using in the deadly conflict. We must destroy forever the military menace of that nation and crush beyond resurrection the criminal designs and the cruel ambitions of the German people; designs and ambitions which, through 50 years of education and training, have resulted in a savage, brutal, and remorseless society—the implacable foe of Christian civilization, free institutions, and the peace of the world.

The undertaking which we have assumed has gradually developed into the most colossal task which has ever fallen upon mankind. The difficulties which attend our part in accomplishing the common object of the allied countries are tremendously magnified by one unchangeable fact—an ocean nearly 3,000 miles in width separates us from the battle fields of Europe—and the power we exert here must be extraordinary if we would strike with sufficient force in the fields of Belgium, France, and Italy.

If our problem consisted simply in raising fighting men it would be an easy one, for the patriotism, spirit, and grim determination of the people of this country to settle, once for all, the vital issue between Germany and the world would call to the ranks half the population of the Republic. There are, however, other things to be done not less important than our fighting forces. We must clothe, equip, and sustain the Army and the Navy. We must build ships, manufacture guns, cannon, and powder, and other infinite paraphernalia of war. We must transport both men and material through submarines and mines to a foreign shore. We must produce all that the Army and Navy demand for their efficiency, and all that is required for the life, health, and comfort of the men, women, and children who are not enrolled in the fighting organizations. Not only so, but we must produce enough to supply the imperative necessities of Great Britain, France, and Italy, and to continue our essential commerce with neutral and friendly nations.

It will not be disputed that to do this successfully and continuously all the energies of all the people must not only be called into action but they must be coordinated, correlated, and guided by wise, intelligent, farseeing statesmanship, both in legislation and in execution.

Patriotism we have. It is universal, enthusiastic, and enduring, but patriotism alone will not conduct us safely through the storm which is rocking the world to its very center. Patriotism will inspire and compel activity, but to it there must be added a mentality and prevision which can comprehend the questions with which we are wrestling and see the end from the beginning.

There are some truths which will not be disputed, but if we are conscious of them at all it is in a dim, vague, ineffective way. For instance, we will all agree that in this crisis every man in the United States who is capable of doing anything ought to be doing the thing which will most contribute to our strength in the war, and if he does not do that thing our hope of winning is to that extent impaired. Up to this time very little attention has been given to the imperious duty of turning idleness into work or of converting useless energy into useful effort.

Again, while all admit that there must be a safe and sane relation between the number of men who are withdrawn from industrial pursuits to enter the military forces and the men who are left to carry on the production absolutely necessary to sustain the fighting men and the civil population as well, hitherto we have not taken up the subject in any constructive form.

It is my opinion that before two years shall have passed if we do not call five millions of men into the military service we will have failed to do our part in the war and will not be able to win the kind of victory which will justify the indescribable losses we will suffer; but everybody understands that to take five millions of our men from industrial occupations in the way those already taken have been enlisted, or selected, would result in an immediate collapse of production and leave not only our Army without sustenance and equipment but the civilians of the United States, Great Britain, France, and Italy hopeless and helpless.

My proposition is that every able-bodied man in this country between the ages of 18 and 45—and I am not sure but that a few years ought to be added to the latter limit—must either work in a useful way or fight. This at least should be the policy until we can see clearly that there is a surplus of civil energy that can be permitted to go to waste in unnecessary labor or lie dormant in idleness.

I speak of these things in mere outline. They can be and they will be expanded into completeness in due time. My present purpose will be served if they are borne in mind to test the value of the further suggestions which I intend to submit.

Our Army must be very largely increased, and at the same time it is of vital importance that our naval and coast-defense program should not only be fully and quickly carried out but that it be at once greatly enlarged. It makes me shudder when I think of the partial suspension of work on warships and the almost total suspension of coast defenses because workmen and material are so much needed in other preparations. If by any chance—not probable, but possible—Germany should win in France, and America stood alone against this monster of the ages, our first and maybe our only protection from the hate and power of the enemy would be found in the strength of our Navy and the resistance of our fortifications.

At this time, however, I am considering principally the army of soldiers and the army of civilian laborers.

It is currently reported that there is to be a movement—a sort of counterpart of the Overman bill—insisting that the whole subject—that is, the increase of the Army, the manner in which it is to be increased, the adjustment of the civil population to production, and all that pertains to the problem—shall be turned over to the President to be disposed of in his discretion and at

his pleasure. It is impossible for me to view any such proposal with favor. It arouses in my mind the gravest concern and forbodes irretrievable disaster. As Commander in Chief the President has nothing, should have nothing, to do with raising armies. The Constitution specifically confides this power and rests this duty in Congress. The President, as such, is simply the executor of the law that Congress enacts. It will be most unfortunate if we are led or coerced into a mistake in this regard.

I take no pleasure in either remembering or mentioning the costly, humiliating blunders which some of the executive departments of the Government have made since war was declared. I would much rather remember and mention the things which these departments have done well, and there are many of them. We can recover from these blunders if our allies can hold on; but we are face to face now with a situation in which a mistake will be fatal; and I for one am utterly unwilling to have it dealt with and its questions decided by one man, or a few men, in the secrecy and prejudice of a council of officers whose training and traditions may blind them to the most essential factors of the mighty problem.

The questions and policies involved must be considered in the open by men from every station in life. They must be illuminated by the widest observation and ripest experience. They must be debated in the hearing of the whole country by men who will view them from every standpoint to which the infinite variety of the human mind leads members of a legislative body. No one can, no one will, assert that with all the study, all the deliberation, all the care, all the publicity that the more than 500 Members of Congress can give the subject an error may not occur; but I do assert that legislation touching this matter is more certain to win the war than an Executive order.

What, then, is our duty? It is to put an army in the field that will sweep the German legions off the face of the earth, and to do it just as soon as human energy can create and sustain it.

We must give to the American people this rule of life until victory is assured: Work or fight; work for the war or fight in the war. There must be no idle men. There must be no men following hurtful or useless occupations. Production or employment that ministers only to pleasure or convenience must be abandoned until the ranks of the soldier and the producer of necessaries are full.

Thus, and thus alone, can we successfully meet the sword which the insane sacrilege of the German Empire has drawn against the world.

It must not be understood that I am advocating or that I favor drafting men for civil pursuits. The constitutionality of a measure of that kind may well be doubted, but entirely aside from the legal aspects of the matter it would be in the highest degree unwise and impractical. The object can be attained through voluntary selection, with the proper organization and leadership. The age of conscription for military service can be advanced to any point, and the idle man, or the man whose employment contributes nothing to the welfare of the Nation, can be denied the privilege of exemption, and a judicious classification will complete the plan. Under such a restriction every capable man would be either in the Army or Navy or working directly or indirectly for the Army or Navy. Every able-bodied citizen would be either fighting for humanity or working for humanity, and thus organized for efficiency we can perform the task to which we have set our hands, win the final victory, and establish a just and enduring peace.

It is for the Congress to do these things, and its judgment must not only be patriotic but must be an informed, intelligent judgment, based upon the facts as they exist, and can only be expressed after the maturest deliberation and the most exhaustive inquiry. It is to aid in our preparation for the discharge of this duty and for the exercise of this fundamental power that I have introduced the resolution now before the Senate.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. McCUMBER. I merely wish to ask the Senator a question, but I will wait until he is through, if he so desires.

Mr. CUMMINS. I yield to the Senator.

Mr. McCUMBER. I notice in the Senator's resolution that while he calls for information concerning very many vital and important topics, and in his argument he has stated what has been stated many times, that we ought to have not less than 5,000,000 fighting men on the battle front, yet nothing is said in his resolution with reference to information concerning the shipping that may be necessary to support those men or the amount of shipping tonnage that can be produced by any possibility in the United States during the two years. I hope the Senator, before the resolution is referred to the committee, will insert that subject among the many others to be investigated.

Mr. CUMMINS. I shall have no possible objection to the modification of the resolution in the way suggested by the Senator from North Dakota, but, in my opinion, it already clearly and inevitably includes the subject mentioned by the Senator. We can not get an army of 5,000,000 men, with the proper proportion of them in France, without adequate shipping facilities. Ships are as much a part of the military strength of the United States as the wheat that grows in North Dakota or the corn produced in Iowa.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. I notice that the Senator's resolution places the burden of collecting the information that is called for by it upon certain Cabinet officers.

Mr. CUMMINS. Yes.

Mr. NORRIS. I am not at all criticizing that part of it, but I have wondered how much thought the Senator had given to that part of the resolution.

The resolution calls for information that the country ought to possess and that Congress ought to have in order to legislate intelligently. It seems to me it is very exhaustive and statesmanlike, and it certainly would be wise, if we should have a survey of resources such as is called for in the resolution. I not only think it wise, but it seems to me the Senator is right when he says that it is necessary for safety's sake. But I have wondered if the power to gather this information, which, of course, will be useless unless it is carefully gathered and properly gathered, should not be delegated to some other source, perhaps some source provided for in the resolution. Does not the Senator think it would be well, at least, to give consideration to the thought that the resolution itself should designate and bring into being a commission of men who have peculiar knowledge along the lines of information called for by the resolution?

Mr. CUMMINS. Mr. President, I have no disposition to close any field of information, and I do not want it to be assumed, because I have named certain officers of the Government in the resolution and asked from them the facts in their possession or which they may gather, that there ought not to be an inquiry made by other permanent or temporary officers of the Government or of Congress.

Mr. NORRIS. I hope the Senator will not get the idea that I am asking this question in a critical sense. It may be, upon discussion and debate, that I will conclude that the very persons named there would be the proper ones to give us this information, but at first blush it seems to me that that is a subject, at least, that ought to be given very careful consideration before the adoption of the resolution, as it occurs to me that the fact that these particular heads of departments are already overburdened with duties that will break down anyone if he attempts to give them personal attention would perhaps make it desirable that this information should be brought about by men who have nothing else to have charge of, so that they can give the matter their exclusive attention and all of their time.

Mr. CUMMINS. Mr. President, I was about to state why, in my opinion, the men named in the resolution ought to be called to the aid of Congress at this time, but I can easily see that Congress may desire to conduct an investigation in another way. It will not be bound by the information given by those who are named in the resolution. It will consider and weigh the facts, and the facts are already collected. I am not asking these men to ascertain these things from original sources. That would be the work of years. The facts which are pertinent and relevant to the questions I have been discussing are already gathered in various forms, but they have not been brought together so as to bear directly upon the immediate point I have in mind.

I have asked that the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and the Provost Marshal General shall confer together and make a report to Congress upon this subject. What Congress will do with that report, how far it will accept it, how far it will find the facts which may be given to us sustained, I do not know and do not anticipate; but the men whom I have just suggested are the men who are particularly concerned in the subject covered by the resolution. The Secretary of War must necessarily have given much thought to the available supply of men for the Army. The Secretary of the Navy must likewise have considered the men who can be secured for the Navy. The Secretary of Agriculture must have been constantly engaged in surveying the field of agricultural production and the number and kind of men who are required to till the soil and produce the things that are necessary for the sustenance

of both our military forces and our civil population. The Secretary of Commerce, in a broad way, is constantly occupied in the study of manufactures, of production of an industrial character. The Secretary of Labor has supervision over that most vital and important field of human effort; and Gen. Crowder, the Provost Marshal General, has, I am sure, in the administration of the draft law which we have already passed, gone far into the subject which I propose.

Moreover, these men are the immediate advisers of the President. They are the men to whom he would turn, in all probability, for information upon the matter and for advice with regard to the course that he should pursue. It has therefore seemed to me that they were in every way fitted and naturally selected to give Congress part, at least, of the information that is required.

I have no possible objection to extending the inquiry and selecting other men to consider the same subject, and let them examine it from their standpoint and give us the benefit of their views and their judgment.

Mr. NORRIS. Mr. President, my question was asked, as I said before, not in any critical sense, but more to bring out the reasons that the Senator had in mind, and I do not disagree with him in what he says about the knowledge that these various officials possess. I do think, however, that there ought not to be two investigations along this line. We ought to have one, and it ought to come from some source that would take with it the confidence not only of the Congress but of the country, so that when the information was collated and laid before Congress every individual Member would be safe in following it and in acting on it.

The Senator knows that it is human nature—we always find it in our dealings with the various departments—that the head of every department and the head of every bureau has, and probably properly so, a pride in his particular branch and in his particular line; and when they are asking for legislation it is necessary a great many times to curtail their requests, and so forth, because they are moved by an enthusiasm that would come, perhaps, to anyone who did not look beyond the immediate circle of his own particular power and influence. Now, any other commission that is going to make this investigation would, of course, obtain from these departments all the information that they possess, but it occurred to me that another commission would be acting rather in a judicial capacity, if I might use that term, in passing on the recommendations and the requests that would come from these various heads of departments, so that they would be more unbiased and unprejudiced in collating this information and in getting it in a state that in the end would be probably more reliable.

Mr. CUMMINS. May I ask the Senator from Nebraska whether he does not feel that the facts collected by these men would be very advantageous and very helpful to Congress?

Mr. NORRIS. Oh, yes; certainly. I agree with the Senator fully. I do not know that I disagree with him in any respect, so far as that is concerned.

Mr. CUMMINS. I recognize the force of the suggestion of the Senator from Nebraska, and I have no doubt that through the Military Affairs Committee or some other committee of Congress, when we come to legislate upon the subject, we will carry on a further and independent investigation. But while I have not agreed with everything that has been done by the administration, I have the very highest regard for the Secretary of War and the Secretary of the Navy and the Secretaries of Agriculture and of Commerce and of Labor, and I have particular confidence in the intelligent grasp of the Provost Marshal General, and I should like, as we approach this difficult task, to know the result of their inquiries and the result of their thought. I shall join at any time heartily in any proposal either to create a committee of the Senate or to charge an existing committee of the Senate with the duty of expanding and enlarging the investigation so that we may be in the possession of every important, every material, fact when we come to do what we must do. We must do it not only intelligently but promptly. We are every day losing the most valuable time, and I think neglecting the most obvious opportunity, in not carrying on our preparations for this war in a way commensurate with the magnitude of the task as it looms before us, and I hope that we will lose no further time in entering upon a consideration of the entire situation.

I had not expected that this resolution would be referred to a committee. It seems to me that its purpose is so clear and, as I have thought, its wisdom so obvious, that it might be adopted without reference to a committee, and in that hope I now submit it to the Senate.

Mr. SIMMONS. Mr. President, I think the information which the Senator seeks to obtain would be exceedingly valuable. I should be very glad if we could get that information; but in order that it may be of value, it ought to be reasonably trustworthy information.

The scope of the resolution is very broad. It takes in all the military and naval activities of the Government and its requirements. It takes in all the activities of the civil population, the industries of the country and their requirements, both as to man power and as to output.

It not only in express terms requires the most sweeping investigation in order to get the information, but I understand from the Senator there is more than the words themselves import expected to be done under the resolution. That is to say, he expects that inquiries will be made into all things that may be embraced by implication in the general terms of his resolution. He does not specify any investigation as to shipping and our requirements in that regard, but he advises the Senator from North Dakota that the language is sufficiently broad to embrace an investigation into those requirements. If it is sufficiently broad to embrace this by implication, it is broad enough to embrace all the activities of the Government and the people.

Mr. CUMMINS. I think the Senator from North Carolina misapprehends what I said, and I think he misconstrues the scope of the resolution. It does not suggest an inquiry as to what has been done in building ships, or whether it has been done well or badly.

Mr. SIMMONS. I did not say that.

Mr. CUMMINS. It does suggest, however, the thought that we must have enough men to build the ships necessary to carry our Army to France and to supply it after the Army is there. I do not think that can be a subject of very much criticism.

Mr. SIMMONS. It necessarily involves an inquiry as to the number of men who are needed to work upon the construction of ships. It would also require an inquiry as to the number of ships that we now need and the number of ships that in all probability we shall need as the war progresses. I can not conceive of a broader and more sweeping investigation than the resolution proposes. The information that you will get through it will be valuable, as I said before; but in order that it may be worth anything as a basis of legislation it ought to be reasonably accurate information.

Mr. President, I undertake to say that in order to get this information in a form that will be of service to us, in a form in which we could reasonably act upon it as the basis of legislation, there ought to be more than a preliminary casual investigation, such as the Senator implied in his remarks could be made by the heads of departments based upon certain information that they now have.

Mr. McCUMBER. Mr. President——

Mr. SIMMONS. I yield to the Senator.

Mr. McCUMBER. I wish to suggest to the Senator from North Carolina, in line with what he is saying, that there is nothing in the first, second, third, or fourth propositions that included anything other than the man power of the country, where it is, and how much can be obtained, and how utilized.

Mr. SIMMONS. Yes; and whether it is suitable for military service or suitable for domestic purposes, for employment in the industries of this country. It proposes to segregate the entire population of the United States.

Mr. McCUMBER. I wish to say if you go then to the fifth proposition, "what further legislation is desirable in order to utilize our maximum man power in the military service with the minimum disturbance in the field of necessary or useful production," if you include in that the question of what ships are necessary, how many we can build in a year, what tonnage is necessary, how much tonnage we can construct in a year, then, as the Senator has suggested, it will include everything within the range of human thought that pertains to the war.

Mr. SIMMONS. Exactly; there is nothing that connects itself with the war that is not embraced in the broad terms of the resolution if the construction placed upon it by its author is correct, and I am inclined to think that it is correct.

Mr. President, to ask the heads of these departments, upon the meager information they have touching certain phases of this investigation, to report to this body with a view of making the facts found in the report the basis of our future legislation, to my mind, would be a very hazardous and uncertain proceeding. In the first place, the heads of these great departments, as the Senator from Nebraska [Mr. NORRIS] has very properly said, have already devolved upon them very large and onerous duties. They have not very much time to give to matters of this sort. If we are going to have an investigation of this specific character, of this all-embracing import, I think we ought to have a commission composed of men of special qualifications, who can give their entire time to it, and who can obtain sufficient information in order to make their report of some value to Congress.

I do not wish to antagonize the resolution of the Senator from Iowa. I recognize that what he is seeking to accomplish is a good purpose. I think we need the very information that he is trying to elicit, but I suggest to the Senator that he let the resolution go to the Committee on Military Affairs and let them frame a resolution based upon the general idea here which will meet the situation better than I think this resolution meets it.

Mr. CUMMINS. Mr. President, I, of course, thought that the resolution would meet persistent opposition from two sources. I anticipated that, and I am not at all disappointed or surprised in the view that has been taken. I intend to insist upon the information which I have indicated from these heads of department. I know, and the Senator from North Carolina knows, that they can give us this information, or whatever information they have or may be able to collect, within a very short time, for he knows, as we all know, that the subject has been under consideration directly or indirectly by all of them, and necessarily so.

But I realize that very shortly there will come in all probability before Congress a demand that we pass legislation transferring the general authority to raise armies to the President, and it will then be said that there is immediate necessity for action, and that we have no time to inquire, consider, investigate, or deliberate, and I have felt before and I know I shall feel then the pressure of that demand.

Nevertheless, I know that when there is real opposition to a proposal and it is suggested that it ought to be considered by a committee, it is impossible to resist the suggestion. I do not intend to resist this one, and if the Senator from North Carolina feels that it ought to be referred to the Committee on Military Affairs I shall not object.

Mr. SIMMONS. I will state very frankly to the Senator my idea with reference to such a body. Instead of constituting the heads of these departments as the investigating force I would prefer myself, if no better arrangement can be made, to provide that the heads of these various departments should appoint some representative of the department upon a commission and select the most competent man in the department to deal with it.

I think of all the departments of the Government that ought to be represented upon this board is the Treasury Department. That has dealt with the financial situation and it has dealt very largely with the situation with respect to our civil population and the industries of the country. It is in closer touch with the industries of the country than any other department of the Government.

Mr. CUMMINS. Inasmuch as the matter is to go to the committee it is not necessary for me to reply to the Senator from North Carolina. I shall be glad to do so at another time. I understand the Senator from North Carolina has moved that the resolution be referred to the Committee on Military Affairs.

Mr. STERLING. Before the reference is made I should like to submit an amendment to the resolution to go to the committee with it.

Mr. CUMMINS. Has the order of reference been made?

Mr. SIMMONS. I move that it be referred to the Committee on Military Affairs.

Mr. STERLING. Will the Senator permit the amendment which I have just offered to be read so that it may go with the resolution?

Mr. SIMMONS. Certainly.

The PRESIDING OFFICER (Mr. FRANCE in the chair). Without objection, the amendment will be read.

The SECRETARY. On page 2, after line 18, insert:

Third. To what extent may men, fit for military service, be released from industrial occupations or employment in the Government civil service by the use or employment of the voluntary services of women in such occupations or employment?

Mr. STERLING. The amendment should follow the second paragraph on page 2, after line 18.

Mr. KIRBY. Mr. President, I should like to ask the Senator from Iowa a question. Is it the purpose of the Senator in this resolution to find out what information is on hand now in these departments as to the different matters inquired about, or is it the purpose to find out what the condition is in the country? If it is the latter purpose, it will take a whole year or more to do it, in my judgment, and two or three thousand men.

Mr. CUMMINS. If the resolution is adopted, these officers of the Government must give it a fair and reasonable construction. Of course, it is not intended that they shall enter upon an original investigation and take a new census of the United States. I have no such thought in my mind. The material facts are open to every man who has a mind for reasonable study and will diligently exert himself, but I think we ought to have a report from the administration, especially the administration which is concerned in these matters, immediately.

The PRESIDING OFFICER. The question is, Shall the resolution of the Senator from Iowa be referred, together with the amendment offered by the Senator from South Dakota, to the Committee on Military Affairs? If there is no objection, it will be so ordered. The Chair hears none.

AIRCRAFT PRODUCTION.

Mr. McKELLAR. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report Senate resolution 241 with certain amendments, and I submit a report (No. 442) thereon.

Mr. THOMPSON. On the part of the Senator from New Mexico [Mr. JONES] and myself, I desire to file a written minority report. I would like to have 24 hours' time in which to file it, so that it may be filed in the morning hour to-morrow.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of Georgia. There is no objection whatever to the filing of a minority report, but the resolution will come up to-morrow morning for discussion, and I suppose, of course, the Senator from Kansas will have his minority report ready by that time and it will not delay the consideration of the resolution to-morrow.

Mr. THOMPSON. I can not say as to when the resolution will be taken up for consideration, but I will file it in the morning hour to-morrow. I presume there will be no objection to that.

Mr. SMITH of Georgia. None whatever, provided it does not interfere with the consideration of the resolution to-morrow.

Mr. SIMMONS. If the Senator from Kansas does not file his minority report until to-morrow morning, when the Senate meets, Senators will have no opportunity to see and read that report and study it before we have to act upon the resolution, provided the resolution is taken up to-morrow.

Mr. SMOOT. If the Senator prepares his minority report this afternoon, he can file it at any time before adjournment to-day, or he can submit it to-morrow morning.

Mr. SIMMONS. That is the only point I was making. I think the Senator ought to file it some time this afternoon, so that it can be printed and upon the desks of Senators to-morrow.

Mr. THOMPSON. I am perfectly willing to do that if I complete it and secure a consultation with my colleague [Mr. JONES], who will join with me in the report.

Mr. MARTIN. Mr. President, I do not think a conflagration is going to take place unless we go at a double-quick step to take up this resolution. I want to see both these reports and read them, and I want ample time for that purpose.

Indeed, I had hoped that the steps taken by the President in appointing one of the best lawyers in the Department of Justice and associating with him former Justice Hughes would satisfy every Senator that the Government proposes to make a thorough investigation of this matter. Aside from that, all I desire is ample time to see both these reports before the Senate acts on them.

Mr. LEWIS. The statement of the Senator from Georgia, a member of the Committee on Military Affairs, that these reports would come up in the morning left me with the impression that there was evidently some understanding either from the majority of the committee or from some source. As far as I am concerned, I want to have it understood that I do not think the mere filing of these reports, putting them on the desk so that they may be called to-morrow under the rule, establishes as a fact that they shall come up to-morrow. There are certain Senators absent.

Mr. MARTIN. The resolution goes to the calendar.

Mr. LEWIS. I hope there will be no understanding generally that merely because the report is filed by general consent there is a general consent to take it up. For myself I want to see the report come up only after full information concerning it and notice to all Senators interested.

Mr. SMOOT. Mr. President, I simply want to say to the Senator from Illinois that under the rule, if there is a request to take it up, it comes up to-morrow. Then, of course, it can be discussed until 2 o'clock, when, if there is unfinished business before the Senate, it automatically goes to the calendar, and it could not be considered longer than that hour, if objection is made, unless the Senate should determine to proceed with it.

The PRESIDING OFFICER. The Chair does not understand that the resolution must necessarily come up to-morrow.

Mr. MARTIN. It goes to the calendar, of course.

The PRESIDING OFFICER. It has been reported and goes to the calendar.

Mr. SMITH of Georgia. The resolution does not go to the calendar. It goes over until to-morrow under the Senate rule.

Mr. LODGE. It is a Senate resolution, and does not go to the calendar until——

Mr. SMITH OF GEORGIA. It can be called up for consideration to-morrow. Of course, it is for the Senate then to determine whether it will consider it to-morrow or not. I wish to disclaim any suggestion of any arrangement that it should come up to-morrow. I have not conferred with anyone about the time it would be considered. I was only aware of the fact that under the rule a report of this character can be called up the day after it is made, and I suggested to the Senator from Kansas that such a course might take place to-morrow, and therefore it would be desirable that his report should be in.

Mr. McKELLAR. I desire to say that having reported the resolution every Senator who desires to be heard upon it will have the right to discuss it as fully and freely as he desires, so far as I can be of help in bringing about that result. I have no desire or arrangement of any kind with the committee or anybody else that I know of, and a full discussion of it is desired most earnestly by all members of the committee, certainly by me if I have anything to do or anything to say about it, and I think I have in the matter of calling it up. Of course, it is perfectly right that members of the committee should have the right to file a minority report, and it ought to be filed, and it will be filed this afternoon so that everybody can see just what questions are raised. For the life of me, I can not see any objection to the resolution amended, as it is amended so as to meet any and every objection that has been raised before our committee. Every objection that has been raised to it before the committee has been eliminated by amendment.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Kansas?

Mr. LEWIS. I yield to the Senator.

Mr. THOMPSON. It will be my endeavor in the minority report to set out a few objections to the resolution, and it was my understanding with the Senator from Oregon [Mr. CHAMBERLAIN], who is the author of the resolution, that I might have until to-morrow to file my report, as I expect to do to-morrow morning.

Mr. CHAMBERLAIN. The minority members of the committee, as a matter of right, are entitled to reasonable time in which to file the views of the minority. I shall certainly make no question about it. What I did hope might be done with it, however, if the Senator from Illinois will excuse me for a moment, was that the resolution might lie on the table and be called up.

The PRESIDING OFFICER. The Chair understands that this resolution as reported by the committee goes to the calendar.

Mr. LODGE and Mr. CHAMBERLAIN. Oh, no!

Mr. LODGE. Is not this a Senate resolution?

The PRESIDING OFFICER. It is a Senate resolution.

Mr. SMOOT. When a Senate resolution is reported from a committee and unanimous consent is asked for its consideration, it can not be considered under one objection. Then it goes over for one day. That is the case as to this resolution—it has gone over for one day.

Mr. LODGE. Mr. President, if I may be allowed, I wish to say that a Senate resolution introduced in the Senate can go over one day under objection. Then it comes up automatically. If not then dealt with by the Senate, it goes to the calendar; but this resolution has taken another stage. It has gone to a committee, and is here on the report of a committee. As suggested, it can go to the calendar or, by request, can lie upon the table.

Mr. LEWIS. I desire to ask the Senator from Massachusetts, if he will tolerate me, Does the resolution not appear as a mere report from a standing committee, and does it not in the ordinary course of things go to the calendar, as does any other report from any other standing committee?

Mr. LODGE. That is precisely what I tried to say.

Mr. LEWIS. Then, my only interest in the matter is this: If the Senator from Kansas [Mr. THOMPSON] and his collaborator, the Senator from New Mexico [Mr. JONES], have not had time to finish the report, the Senator from New Mexico not being present because of other engagements, I felt that we ought not to hasten the Senator from Kansas or the minority of the committee merely because of the desire on the part of any Senator to take the matter up to-morrow; but if the Senator from Kansas finds that sufficient time is not afforded between now and then, he may manifest that to the Senate, so that there may be no misunderstanding, and the minority report of the committee may be filed after full and proper time. If, however, he states that as the exact time he would need, let that be understood. I do not want him rushed, and I do not want this hearing rushed, speaking for myself.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. LEWIS. Certainly.

Mr. LODGE. I was only going to say that it is usual, when a Senator makes a report and asks that it lie upon the table, to grant the request. I have never known that abused. The Senator then can subsequently call up the resolution. The only difference in sending it to the calendar is that it must be taken up on motion. It does not stop it or kill it to send it to the calendar, or it does not smother it. Nobody can possibly desire to prevent ample time within which to make a minority report. We recognize the intellectual difficulties of drawing up a minority report, and we desire to give the Senator from Kansas ample time to do anything he wishes.

Mr. LEWIS. I inquire of the Senator from Kansas what time he desires?

Mr. THOMPSON. I wish to say to the Senator from Massachusetts [Mr. LODGE] that in considering this resolution there is no difficulty whatever in drawing a minority report. I have been unable to consult finally with my colleague, the Senator from New Mexico [Mr. JONES], and I simply want it clearly understood as to whether or not I can file the report during the morning hour to-morrow.

Mr. SMOOT. Mr. President, as a member of the committee, I desire to say that no haste shall be made in the beginning of the consideration of this resolution so far as I am concerned and as to the chairman of the committee filing his minority report. What I suggested in the first place was that he should file the report this afternoon, so that it would be upon the desks of Senators to-morrow. I do not think that was an usreasonable request. Of course, if the Senator from Kansas has not completed the report and can not complete it to-day, he may file it to-morrow during the morning hour or at any other time during the day.

Mr. THOMPSON. Mr. President, I wish to say that it is my intention to file the report during the morning hour to-morrow, or certainly at some time to-morrow.

The PRESIDING OFFICER. The Senator has the right to do so.

Mr. SMOOT. Let the resolution go to the calendar, Mr. President.

The PRESIDING OFFICER. The resolution will go to the calendar. Is there further morning business? [A pause.] Morning business is closed.

CONSIDERATION OF UNOBJECTED BILLS.

Mr. SMOOT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII of bills to which there is no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? [A pause.] The Chair hears none, and it is agreed to. The Secretary will state the first bill on the calendar.

AMENDMENT OF NATIONAL-DEFENSE ACT.

The bill (S. 1786) to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes, was announced as first in order.

Mr. CHAMBERLAIN. Mr. President, I ask that that bill be indefinitely postponed for the reason that another bill was substituted for it and passed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

BUSINESS PASSED OVER.

The joint resolution (S. J. Res. 39) to appropriate $3,000,000 to enable the Secretary of Agriculture to prosecute the work of eradicating the southern cattle tick was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDING OFFICER. The joint resolution goes over on objection.

The bill (S. 1725) to stimulate the production of food upon private and public lands within reclamation projects, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, there are certain amendments to be offered to this bill which can not be offered in the time devoted to the matter in the morning hour. I therefore ask that the bill go over.

The PRESIDING OFFICER. The bill goes over on the objection of the Senator from Utah.

The resolution (S. Res. 91) extending the authority of and provision for the committee appointed under S. Res. 92, Sixty-third Congress, first session, to investigate the charges of alleged attempts to influence legislation was announced as next in order.

Mr. LODGE. Let that go over, Mr. President.

The PRESIDING OFFICER. The resolution goes over.

The resolution (S. Res. 101) directing the Secretary of the Navy to furnish copies of the official dispatches upon which was based the statement of the chairman of the Committee on Public Information in regard to the encounter of the American fleet with submarines, together with other information about said Committee on Public Information, was announced as next in order.

Mr. LODGE. Let that go over, Mr. President. It seems to me that that resolution might go to the calendar under Rule IX.

The PRESIDING OFFICER. Is there objection to the resolution going to the calendar under Rule IX? The Chair hears none, and it is so ordered.

The joint resolution (S. J. Res. 25) providing for the appointment of a joint committee to be known as the joint committee on the conduct of the war was announced as next in order.

Mr. NELSON. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The concurrent resolution (S. Con. Res. 10) authorizing the appointment of a joint committee to investigate the causes of the recent riots in East St. Louis, Ill., and the report thereon, was announced as next in order.

Mr. HARDWICK and Mr. SMITH of Georgia. Let that go over.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

REGULATION OF LAND AND NAVAL FORCES.

The bill (S. 2717) prescribing rules for the government and regulation of the land and naval forces during the period of the existing war with Germany was announced as next in order.

Mr. HARDWICK. I move that that bill be indefinitely postponed.

The motion was agreed to.

WOMAN SUFFRAGE.

The joint resolution (H. J. Res. 200) proposing an amendment to the Constitution of the United States extending the right of suffrage to women was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

PROPOSED AMENDMENT OF NATURALIZATION LAWS.

The bill (S. 2854) to amend the naturalization laws was announced as next in order.

Mr. CALDER. I move that that bill be indefinitely postponed, it having been taken care of in another bill which has passed Congress.

The PRESIDING OFFICER. The Senator from New York moves that Senate bill 2854 be indefinitely postponed.

The motion was agreed to.

BUSINESS PASSED OVER.

The joint resolution (S. J. Res. 12) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President without the intervention of the Electoral College, establishing their term of office from the third Tuesday of January following their election, and fixing the time when the terms of Senators and Representatives shall begin, was announced as next in order.

Mr. SMOOT. I ask that that joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 385) to authorize mining for metalliferous minerals on Indian reservations was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLICATION OF OFFICIAL LAND OFFICE NOTICES.

The bill (S. 939) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was announced as next in order.

Mr. SMOOT. Just a word about that bill, Mr. President. It has passed the Senate once, and, while I am opposed to the legislation, I am quite sure the other House will not pass the bill, and therefore I shall not object to its consideration now. If I thought that it was going to pass the House, I would object to it.

Mr. KING. I ask for the reading of the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That whenever the law requires the register of a United States land office to publish a notice for a certain period of time in a newspaper to be designated by him, such publication may be made by publication each week, successively, in a weekly newspaper of general circulation for the prescribed period of time, or by publication once a week on Saturday of each successive week in the daily issue for each Saturday of a daily newspaper of general circulation until such prescribed period of time shall have elapsed from the first day of publication in such daily newspaper.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. I object.

Mr. MYERS. Mr. President, I hope the Senator will let me say a word. This bill has passed the Senate twice and has been thoroughly thrashed out and amended so as to suit those who made objection. It is simply to enable publication to be made in a daily paper once a week, instead of seven times a week at great cost. I hope the Senator will withdraw his objection.

Mr. KING. I withdraw the objection, Mr. President.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 950) to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska, was announced as next in order.

Mr. GRONNA. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 23) granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State University of the State of Nevada was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 93) to consolidate national forest lands was announced as next in order.

Mr. GRONNA. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PROPOSED AMENDMENT TO THE CONSTITUTION.

The joint resolution (S. J. Res. 90) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. BRANDEGEE. Mr. President, that joint resolution, of course, involves a serious change in the method of amending the Constitution of the United States, and while it has been reported by quite a considerable majority of the Committee on the Judiciary and was introduced by myself, I would not ask consideration of it with such a slim attendance of the Senate, but I should like to get unanimous consent to have the joint resolution, which is very brief, embracing only a few lines, printed in the RECORD, together with the present Article V of the Constitution, which it proposes to amend, so that it may come to the attention of the Members of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and the joint resolution and article of the Constitution referred to will be printed in the RECORD.

The joint resolution (S. J. Res. 90) proposing an amendment to the Constitution of the United States is as follows:

"*Resolved, etc.*, That Article V of the Constitution of the United States is hereby amended to read as follows, to wit:

"'ARTICLE V.

"'The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution when ratified within six years from the date of their proposal by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, or by the electors in three-fourths thereof, as the mode of ratification may be proposed by the Congress: *Provided*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate.'"

Article V of the Constitution is as follows:

"ARTICLE V.

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall

in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

BILLS AND JOINT RESOLUTION PASSED OVER.

The bill (S. 3311) to increase and expedite the supply of munitions of war was announced as next in order.

Mr. CHAMBERLAIN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 49) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1795) to relieve Congress from the adjudication of private claims against the Government was announced as next in order.

Mr. GRONNA. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CYRENA E. YOUNG.

The bill (S. 100) to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to Cyrena E. Young was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. POINDEXTER. Mr. President, I think that is the same bill that was here once before, and the Secretary of the Interior reported that the claimant had not complied with the homestead laws; but the Senator from Utah [Mr. SMOOT] has assured me that, notwithstanding that fact, it is a meritorious case and that the proposed beneficiary of the act has labored under great difficulties and is very deserving. Consequently, I do not make objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to cause patent to issue to Cyrena E. Young for the following-described lands in the State of Utah: The south half of the southeast quarter, section 22, west half of the northeast quarter, section 27, township 3 south, range 4 west, Uintah special meridian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUSINESS PASSED OVER.

The bill (S. 3522) to amend an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, was announced as next in order.

Mr. LODGE. I do not see the chairman of the committee present. I think that bill had better go over.

Mr. KING. I will inquire by whom that bill was introduced?

The PRESIDING OFFICER. It was introduced by the Senator from Texas [Mr. CULBERSON].

Mr. KING. I think we have disposed of that in another measure which has been acted upon.

Mr. LODGE. I think it has been covered.

The PRESIDING OFFICER. It was introduced by the Senator from Texas and reported from the Committee on the Judiciary.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 196) to print the pamphlet entitled "An International Confederation of Democracies under a Constitution" as a Senate document was announced as next in order.

Mr. GRONNA. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 3481) to authorize the logging of timber on the Red Lake Indian Forest, Minn., under the direction of the Department of the Interior, was announced as next in order.

Mr. GRONNA. I do not see the Senator from Minnesota [Mr. NELSON] in the Chamber. I think that this matter has been taken care of in an appropriation bill, and I therefore ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LEAVE OF ABSENCE FOR HOMESTEAD ENTRYMEN.

The bill (S. 2552) to provide for leave of absence for homestead entrymen in one or two periods, and for longer times, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 8, after the word "conditions," to strike out "or serious sickness of the claimant or his immediate family"; so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to provide for leave of absence for homestead entrymen in one or two periods," approved August 22, 1914, be, and hereby is, amended to read as follows:

"That the entryman mentioned in section 2291 of Revised Statutes of the United States, as amended by the act of June 6, 1912, Thirty-seventh Statutes, 123, upon filing in the local land office notice of the beginning of such absence at his option shall be entitled to a leave of absence in one or two continuous periods, not exceeding in the aggregate five months in each year after establishing residence: *Provided*, That the register and receiver of the local land office under rules and regulations made by the Commissioner of the General Land Office may, upon proper showing, upon application of the homesteader, and only for climatic conditions, which makes residence on the homestead for seven months in each year a hardship, reduce the term of residence to not more than six months in each year, over a period of four years, or to not more than five months each year over a period of five years, but the total residence required shall in no event exceed 25 months, not less than 5 of which shall be in each year; proof to be made within five years after entry; and upon the termination of such absence, in each period, the entryman shall file a notice of such termination in the local land office; but in case of commutation the 14 months' actual residence, as now required by law, must be shown, and the person commuting be at the time a citizen of the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossd for a third reading, read the third time, and passed.

VALIDATION OF HOMESTEAD ENTRIES.

The bill (S. 947) validating certain homestead entries, was announced as next in order.

Mr. GRONNA. Mr. President, I want to reserve the right to object to the consideration of this bill until I have had an explanation from the Senator from Montana, who seems to be responsible for this bill and the author of the bill. It seems to cover a very large scope.

Mr. MYERS. Mr. President, that is a departmental bill. It was drawn by the department and introduced at the request of the department.

Mr. SMOOT. Mr. President, if the Senator from Montana will permit me, I will say to the Senator from North Dakota that while the bill is long, it refers only to particular cases—cases affecting the 640-acre homestead law.

Mr. GRONNA. May I ask the Senator from Utah—he says that the bill refers to particular cases, and, of course, there are no particular cases mentioned—whether it in any way interferes with cases where there may be adverse claims?

Mr. SMOOT. None whatever.

Mr. GRONNA. There are, as the Senator knows, many instances where contests have been made, and, of course, if such contests should be pending against these particular claims the passage of the bill might do an injustice to those people.

Mr. SMOOT. I will say to the Senator that the bill does not affect that question. Any adverse claim to lands entered would not be affected in the least by this legislation.

Mr. GRONNA. Does not the Senator think it would be well to amend the bill by stating that it shall not affect such entries?

Mr. SMOOT. I think that is the general law.

Mr. GRONNA. I am not a member of the Committee on Public Lands of the Senate, but I was a member of the corresponding committee in the House for a number of years, and I know that in almost every instance where legislation of this kind was passed we stated that it should not affect cases where there might be adverse claims.

Mr. SMOOT. All that this bill provides, in substance, is this: That wherever a man has taken up a piece of land under the land laws enacted before we passed the last 640-acre law he shall have the right to take up land adjoining that land under the 640-acre law and pay the minimum price for the land and he is not required to live upon the additional land entered as he has already lived upon the land occupied before and complied with every provision of the law, and unless he has complied with every provision of the law, then, he does not get the title not only to the land that he first settled upon but the additional land that he is given the right to take up under this bill.

Mr. GRONNA. I am quite sure that the Senator from Utah knows of cases where final proof has been made and where perhaps the land might have been disposed of and perhaps it has gone into the hands of corporations at the very time when an adverse claim was pending, and now we seek here to validate such claims. I shall object to the consideration of this bill at present.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

BILLS PASSED OVER.

The bill (S. 951) to provide for the sinking of artesian wells, and for other purposes, was announced as next in order.

Mr. ASHURST. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3783) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912, was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

G. H. BECKWITH.

The bill (S. 3391) to authorize the Secretary of the Interior to issue patent to G. H. Beckwith for certain land within the Flathead Indian Reservation, Mont., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to insert at the end of the bill the following:

Provided further, That whatever business is conducted on this tract shall be under Government supervision as at present, and shall continue under such supervision so long as the United States Government retains control over the Flathead Indians at this point.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to convey by deed, at the appraised price, to G. H. Beckwith, two certain tracts of land in the Flathead Indian Reservation and town of St. Ignatius, Mont., lying in the southeast quarter of the southeast quarter of section 14, township 18 north, range 20 west, Montana principal meridian, separated by a public highway 60 feet wide, and described as follows: The point of beginning "A" of the first tract is south 89 degrees and 46 minutes west 403.1 feet from the 1/128 corner found in place on the east line of said section 14 and north 89 degrees and 46 minutes east 33 feet from a 1/128 corner, which in turn is north 0 degree and 22 minutes west 826.7 feet from a 1/128 corner found in place on the south line of said section 14. Thence from point of beginning "A" north 0 degree and 22 minutes west 15.8 feet to "B," thence north 56 degrees and 37 minutes west 377.6 feet to "K," thence south 0 degree and 22 minutes east 462.8 feet to "L," thence north 89 degrees and 35 minutes east 314.3 feet to "Z," thence north 0 degree and 22 minutes west 237.2 feet to the point of beginning "A," and containing 2.58 acres. The point of beginning "C" of the second tract is north 0 degree and 22 minutes west 88 feet from the point of beginning "A" of the first tract, thence north 56 degrees and 37 minutes west 298 feet to "D," thence north 31 degrees and 10 minutes west 130 feet to "F," thence north 58 degrees and 50 minutes east 96 feet to "H," thence south 45 degrees and 33 minutes east 115 feet to "J," thence south 65 degrees and 6 minutes east 264.2 feet to "E," thence south 33 degrees and 23 minutes west 160 feet to the point of beginning "C," and containing 1.20 acres: *Provided*, That the land in said tracts shall at no time be used for the sale of intoxicating liquors, and should it be so used the title to the same shall revert to the Government of the United States and all payments made thereon shall be forfeited: *Provided further*, That whatever business is conducted on this tract shall be under Government supervision as at present, and shall continue under such supervision so long as the United States Government retains control over the Flathead Indians at this point.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to issue a deed to G. H. Beckwith for certain land within the Flathead Indian Reservation, Mont."

OREGON & CALIFORNIA RAILROAD CO.

The bill (H. R. 5489) to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co. was announced as next in order.

Mr. POINDEXTER. Let that bill go over, Mr. President.

Mr. CHAMBERLAIN. Mr. President——

Mr. McNARY. Mr. President, I hope the Senator from Washington will withdraw his objection. The Secretary of the Interior has urged the necessity of mobilizing these pieces of land, which are heavily timbered, for the purpose of protecting them from fire. The dry season in Oregon is now approaching, and I should like very much to have the measure considered to-day.

Mr. POINDEXTER. Mr. President, it was for the very reason stated by the Senator from Oregon that I interposed an objection—because the bill involves large public interests. I do not know that I shall want to oppose the bill after looking into it further, but I should like to have an opportunity to do that. I may have no objection after reading it and talking it over with the Senator.

Mr. McNARY. Mr. President, of course that is up to the Senator from Washington.

Mr. POINDEXTER. The Senate is familiar with these very large areas of very valuable land that are involved in this grant to the Oregon & California Railroad Co., and there has been considerable controversy over the terms of the disposition of them.

Mr. McNARY. I can say, for the information of the Senator from Washington, that this bill does not involve in any way the title to the property. It is for the purpose of assembling large blocks of timber, for protection from fire, and for the purpose of making them more salable. The Secretary of the Interior, and all those interested in the welfare of the timber interests, and the people of Oregon realize that the timber, if placed together in one large commercial unit, will be of a great deal more value and more easily protected by the execution of the bill which is now before the Senate for consideration.

Mr. POINDEXTER. I understand that the bill proposes to authorize the Secretary of the Interior to exchange these lands of the Government for lands that are owned by private citizens; and the terms and conditions of those exchanges are subject to considerable controversy and doubt in getting them adjusted upon an equitable basis. I am free to say that I do not understand how the making of exchanges affecting the title to the lands is going to affect the protection of the timber from fire. The lands and the timber, of course, are going to remain in the same place that they were before; and if the timber is valuable, whether it is on private land or on Government land, it ought to be protected from fire. I fail to see that the passage of this bill is an emergency in the sense of protecting the timber from fire.

Mr. McNARY. Mr. President, the amount of land involved lying within Oregon and heavily timbered is about 2,500,000 acres. The Senator knows that originally the odd sections were given to the railroads to promote the construction of a transcontinental line, and the even sections were sold to private individuals. The railroads have sold a great many of these sections, so that the Government has a section lying here, and again lying there, and perhaps after the intervention of 6 or 15 miles there would be another Government section. The Secretary of the Interior wants to mobilize these lands so that he can protect them from fire and make them salable to people who are interested in sawing the timber. Secretary Lane told me a few days ago that last year over 2,500 acres of land were burned over and the timber lost in one county in Oregon on account of inability to protect the timber from fire, a danger which is now approaching again, in view of the impending summer weather.

I do not understand the position of the Senator from Washington in objecting to a situation in Oregon, which means much to the community and the Nation and the people of the State, but I appreciate that he can put on the brakes if he desires.

Mr. POINDEXTER. Mr. President, I should like to say, in reply to the Senator from Oregon, that these lands are not exclusively in the State of Oregon.

Mr. McNARY. No.

Mr. POINDEXTER. Some of them are in the State of Washington; and, furthermore, they belong to the people of the United States.

The PRESIDING OFFICER (Mr. WATSON in the chair). Does the Senator from Washington insist on his objection?

Mr. POINDEXTER. I insist on my objection, and I will say to the Senator from Oregon that I will examine the bill. There is no doubt that the calendar will be called again in a few days.

Mr. McNARY. It means that it will go over until next year; that is all.

Mr. POINDEXTER. I do not know that I will insist on my objection later on.

The PRESIDING OFFICER. Objection being made, under the rule the bill goes over.

RED LAKE INDIAN FOREST, MINN.

Mr. CURTIS. Mr. President, I ask unanimous consent to return to Order of Business 222, so that it may be indefinitely postponed. That will save calling it again. The matter has already been taken care of in the Indian appropriation bill, and I ask that the bill be indefinitely postponed.

The PRESIDING OFFICER. The Senator from Kansas asks that Senate bill 3481, being Order of Business 222, be indefinitely postponed. Is there objection? The Chair hears none, and it is so ordered.

CLAIMS OF OFFICERS AND ENLISTED MEN OF THE ARMY.

The bill (S. 3527) to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States," approved March 3, 1885, was announced as next in order.

Mr. SMOOT. Mr. President, I desire to ask the Senator from Oregon [Mr. CHAMBERLAIN], who is the author of this bill, if we have not passed legislation similar to this in one of the appropriation bills?

Mr. CHAMBERLAIN. Mr. President, a provision was included in the last urgent deficiency bill covering this subject matter, but this bill was on the calendar at the time that bill passed, I think. The urgent deficiency bill was approved on the 28th of March.

Mr. SMOOT. This bill was reported to the Senate on February 11.

Mr. CHAMBERLAIN. Yes. The War Department says that the provision included in the urgent deficiency bill is wholly inadequate to meet the purposes for which the original legislation was intended.

Mr. SMOOT. Mr. President, the Committee on Appropriations had hearings on this particular item, and the junior Senator from Alabama [Mr. UNDERWOOD] was very much interested in it. As it was sent from the department to the committee, the committee did not agree to it; but they modified it, after the hearings, from the proposed bill of the department, and, I think, went just as far as we ought to go. For that reason I desire to ask that this bill go over to-day. I will say to the Senator that I will compare it with the provision that we incorporated in the urgent deficiency bill, and if there is any reason why this bill should pass I will have no objection to it; but the items that have been read which this bill covers, as far as they were read, were exactly as we had them in the urgent deficiency appropriation bill.

Mr. CHAMBERLAIN. I shall be very glad to submit to the Senator a communication I have from the Judge Advocate General, in which he shows the deficiencies in the act as it passed. It is not broad enough to cover the purposes that the War Department had in view to protect the men who are losing property in this way.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

BUGLERS AND CORPORAL BUGLERS IN THE ARMY.

The bill (S. 3779) to create in the Army the grades and establish the pay of first-class bugler and corporal bugler, to increase the pay of buglers, and for other purposes, was announced as next in order.

Mr. CHAMBERLAIN. I ask that that bill be indefinitely postponed, because it is included in another general bill.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, it is so ordered.

BILL PASSED OVER.

The bill (S. 758) to increase the productive agricultural area of the United States by the reclamation of arid and swamp lands was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ISSUANCE OF PATENTS TO MISSIONARY OR RELIGIOUS ORGANIZATIONS.

The bill (S. 279) authorizing the Secretary of the Interior to issue patents in certain cases to missionary or religious organizations was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Interior to issue a patent in fee simple to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as have been heretofore set apart to and are now being used and occupied by such organization for mission or school purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST OFFICE APPROPRIATIONS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 7237.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. BANKHEAD. Mr. President——

Mr. ASHURST. Will the Senator from Alabama yield to me for a moment?

Mr. BANKHEAD. I yield to the Senator.

Mr. ASHURST. Those Senators who were paying attention to what I happened to say will remember that the other day I was urging that the calendar be called. I hoped upon the call of the calendar a bill which I earnestly want to have passed would be reached. At that time I said although I have been here for some six and a half years, I had never asked but once unanimous consent for the present consideration of a bill. I hope the calendar may be called to-morrow, because there is a bill which provides for the creation of a national park out of the Grand Canyon, which I desire considered.

The reason I want early action is because some years ago Congress appropriated $5,000 for the erection of a tablet or memorial to Maj. Powell, the great explorer. The Secretary of the Interior will be at the canyon next Monday to dedicate the memorial. I should like to ask the Senator from Alabama if we may not have an hour for the calendar to-morrow morning, and then I hope we will reach this bill.

Mr. BANKHEAD. We hope to dispose of the appropriation bill this afternoon. At any rate we expect to have an adjournment, and that will give the Senator an opportunity to get his bill up.

Mr. ASHURST. I should like to get it through before Saturday.

Mr. GRONNA. Will the Senator from Alabama yield to me for a moment?

Mr. BANKHEAD. I yield.

Mr. GRONNA. I wish to state that I objected to the consideration of the bill (S. 93) to consolidate national forest lands, a bill which had been reported by the Senator from Utah [Mr. SMOOT]. I have since looked into the report. I simply want to state that I have no objection to the bill, and I wish to ask unanimous consent, with the consent of the Senator from Alabama, that the Senator from Utah may call up the bill at this time. No one can object to it.

Mr. SMOOT. If there is no objection, I should like to get it up, although I will say to the Senator it is a department bill, and I do not believe that it will hurt to let it go until the calendar comes up the next time.

Mr. BANKHEAD. I would have no objection to taking up the bill now, but I think that would be the better course to follow.

Mr. SMOOT. Very well. I thank the Senator for his kindness.

Mr. WATSON. Mr. President——

Mr. BANKHEAD. I yield to the Senator from Indiana.

Mr. WATSON. Mr. President, I gave notice on last Friday that I would move to suspend the rules of the Senate so as to make in order on the pending Post Office appropriation bill an amendment, the object of which is to postpone the operations of second-class postage, as provided in the revenue law passed last October, for one year. I did not think then, nor do I think now, that this rate of postage as provided in these sections should be imposed. My judgment is and has been that because of the ever-increasing price of print paper, and because of the constant enhancing of wages, to say nothing of the scarcity of labor, these things make unfair to the press of the country the imposition of these new rates at this time.

In addition to that I am not sure that the rates are advisable even in normal times. There is much of conflict as we all know upon matters of this character. The editors came before us fresh from their national association meeting in New York City and objected to the imposition of these rates at this time. The southern editors appeared as well as the representatives of magazines and farm papers and religious publications of various kinds, all objecting to some features of the law that is to go into operation on the 1st of July.

In addition to that we are in abnormal times, and it does not appear to be wise at this time to fix rates that have anything of permanency for the future. But this is the law, and it is to go into operation, and after our committee had discussed it I violate no committee secrets when I say that a majority of the membership favored postponing the operation of the law for one year.

The question then was how best to approach it in the Senate. It is clearly obnoxious to the rule that there shall be no general legislation on an appropriation bill. Therefore I gave notice of a motion to suspend the rules that it might be in order.

Mr. President, I do not intend to press the amendment at this time. I have been assured by those who have authority to speak and those who have knowledge of the conditions, that there is a measure coming from the Finance Committee to which this can be added as an amendment, making it clearly in order, because if proposed now it might be subject to a point of order on the ground that it is unconstitutional because it seeks to raise revenue, and therefore the jurisdiction lies with the House of Representatives and not with the Senate.

But I want to say generally, if the chairman of the committee will pardon me for just a moment longer, that I believe the operation of this law should be deferred for one year, the matter to be dealt with then as the conditions existing at that time may justify, because I believe the quantity of advertising and the value of the work done by the newspapers and the press generally of the United States at this time is beyond any calculation. My own judgment is that we could not have succeeded with the Young Men's Christian Association drive, or the Red Cross drive, or any of the three liberty-loan campaigns had it not been for the patriotic and intelligent cooperation of the press of the United States.

Mr. McKELLAR. Will the Senator yield to me?

Mr. WATSON. Certainly.

Mr. McKELLAR. Does not the Senator think that a bounty of seventy-odd million dollars a year paid by the Government to these publishers is a pretty good price for any advertising they may get?

Mr. WATSON. While we are scattering millions and billions with lavish hand on every side, so far as I am concerned, I do not want to hamper or handicap the one tremendous agency of the United States that is molding public opinion and formulating patriotic sentiment throughout all the ranks of the people of the United States.

Mr. McKELLAR. Will the Senator yield again?

Mr. WATSON. Certainly.

Mr. McKELLAR. Why select this one particular industry to confer bounties upon? There are no others the Government confers bounties upon.

Mr. WATSON. I am selecting this one particular industry because this one particular industry is before us at this time in this measure for consideration, and unless the problem that confronts us now is to be dealt with at this time it can not be dealt with at any other time, save as the promise of future relief is given, as I have above stated.

I may say, in addition to that, that this one industry is the industry, in my judgment, that controls public opinion. I am not terrified at the word "bounty" or the word "subsidy." It never has frightened me, because as a people we have believed more or less in subsidies. I may say to my friend, the Senator from Tennessee, that all my political life I have been an advocate of ship subsidy, because I believed that to be the one sane way in which to place our flag back on the sea, where it so rightfully belongs. But that is aside from the question at issue. I believe that this legislation is demanded by the conditions which surround the newspaper business of the United States at this time, and I believe, furthermore, that it will be a piece of righteous legislation and that it will meet with the general approval of the people of the United States if this rate be postponed; and I hope that it will be brought forward when it can be done without parliamentary entanglement.

I thank the chairman of the committee.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from Alabama yield to the Senator from Colorado?

Mr. BANKHEAD. I yield.

Mr. THOMAS. I have received during the past two months large numbers of telegrams and letters urging me to support the proposition to postpone the operation of the increase of rates upon second-class matter for a year from the time when under the present law it is to go into effect. These communications have a very striking family resemblance to each other and indicate the existence of a widespread propaganda in favor of a postponement. They come from the proprietors of a great many business concerns, from professional men and women, from authors and those who hope to be authors—indeed, from every source which is directly or indirectly dependent upon or that feels the influence of the public press. It is an artificial propaganda designed to force the hand of Congress.

A few days after my mail became somewhat overburdened with these communications I determined to examine the question somewhat because of its apparent importance and because of additional information which I had received to the effect that the Post Office Committee would probably report an amendment such as notice was given by the Senator from Indiana that he would offer.

I shall not take up the time of the Senate to discuss the question, since it is not before the Senate, beyond asserting my conviction that instead of postponing or repealing that increased rate it ought to be extended many times. I am of the opinion that we have for years bestowed upon the publishers of the United States a privilege which has ripened into a virtual monopoly and has extended through the low rates upon second-class mail a protection that has not only been abused but which unfortunately has robbed the Government of the United States of billions of dollars, a condition whose burdens will increase as time goes on unless something is done to correct it.

In this connection I have a pamphlet entitled "Justification of Zone-System Advances in Postage Rates of Advertising Matter in Periodicals," by Mr. Charles William Burrows, who is president of the National One-Cent Letter Postage Association. It is short, and is, to my mind, conclusive upon the subject. For the information of Senators and the country I ask leave to insert it in the RECORD as a part of my remarks. It consists of only 12 pages of printed matter in large type, and the pages are very small.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

JUSTIFICATION OF ZONE-SYSTEM ADVANCES IN POSTAGE RATES OF ADVERTISING MATTER IN PERIODICALS ENACTED IN FIRST SESSION OF SIXTY-FIFTH CONGRESS.

[A précis specially prepared for Members of Congress by Mr. Charles William Burrows, president National One Cent Letter Postage Association, 1219–20 Guardian Building, Cleveland, Ohio.]

INTRODUCTION.

Many articles have appeared recently denouncing zone advances in mail rates on the advertising pages only of periodicals.

Most are clearly misleading as to what has been done, while insistently urging its undoing. An understanding, therefore, of what advances have been made and why is highly desirable.

Congress will scarcely undo the sole piece of constructive postal legislation looking toward right enacted in a generation. Magazines should not dare to ask that their "special privilege," a fraction only of which has been cut off, should be restored, while "everybody" else loyally consents to be "taxed till it hurts."

Most such articles deplore "a fine on reading" are piteous about "sectionalism," prate about "perfidy," and misrepresent generally until they forcibly remind us of Macaulay's cogent statement that "the doctrine of universal gravitation would still be disputed if a financial interest were arrayed against it."

Every contention may be convincingly answered. Those mammoth issues which harp so nobly upon "special privilege," never turn the light inward.

Let us hope that publishers may in time see a light in connection with their industry, which, conducted like all others, for profit, is the only one by law freed from paying cost of distribution of those advertising pages which are its merchandise. These latter, too, are simply circulars stitched together, and should pay third-class rates, or 8 cents a pound instead of 1.

IMPERATIVE NECESSITY FOR RECENT ADVANCES IN SECOND-CLASS MAIL RATES.

Many emphatic arguments exist for advances in the almost-free second-class rates, but one of the strongest is that higher rates will diminish the ever-increasing loss it occasions.

The volume of second-class mail—

In 1880 was only 60,000,000 pounds: Loss, about	$4,000,000
In 1890 was only 204,000,000 pounds: Loss, about	12,000,000
In 1900 was only 450,000,000 pounds: Loss, about	27,000,000
In 1910 was only 873,000,000 pounds: Loss, about	52,000,000
In 1917 was only 1,202,000,000 pounds: Loss, over	70,000,000

And 2,000,000,000 pounds, with accompanying loss of $125,000,000, was in sight within 10 years had advances not been made. This loss, which is due to the utterly insufficient rate periodicals pay, is a serious menace to the department's finances.

Second class practically doubles in volume each decade and consequent loss increases as rapidly.

Even though a surplus exists for the past year, the deficit created by second class is no less enormous, simply large profits upon letter mail permit the showing. Had each class paid its way the entire profit created by the first class would have been revealed as surplus instead of a comparatively meager sum. It would have been ninety million dollars instead of only nine.

Giving service to second class which (disregarding parcels post) is about two-thirds of the paid-for mail, for less than $11,500,000, while total expense runs $300,000,000, and requiring first class, in volume one-fifth as much and costing less, to pay $190,000,000 revenue (at prewar rates) for service costing half that, is an evident grave injustice.

Letter mail has produced $1,350,000,000 revenue in the last 10 years, while costing less than $750,000,000. On the contrary, periodicals at the almost free rate of 1 cent a pound (one-seventh cost) have within the same 10 years produced only $85,000,000 revenue, though costing about $800,000,000.

Moreover, this utterly inadequate revenue from over a billion pounds a year of periodical mail has resulted in cramped service everywhere, and here is found the main source of complaint about poor work.

In these days of war conservation in all ways, Congress absolutely can not sit quietly by and see 1,000,000,000 pounds of periodical mail grow to 2,000,000 pounds within very few years. Publishers must begin to stand, not all, but a fairer part of cost of distributing their merchandise.

Fair play by all means; but no more $70,000,000 subsidy. No mischief; no check to healthy growth; tenderness even in lopping off part of the subsidy. With this in mind, Congress did not make the law operative until July, 1918, and then the first advance is small, while all will not be effective until 1921. "Reading" matter, moreover, is exempted from some advances, which apply solely to advertising and then only if in excess of 5 per cent.

IS A ZONE SYSTEM OF ADVANCES "UNFAIR"?

Publishers often assert that postage rates for periodicals based on a zone system are "unfair." It will be seen by a little thought, however, that a step toward rather than away from "fairness" has been made.

Remember that the zone system applies solely upon high-priced advertising pages, simply circulars stitched together, which should go at third-class rate of 8 cents a pound instead of 1.

Also any reasoning about a "flat" rate based upon its being accorded to letter mail is fallacious. Handling of letters is a monopoly. You are not at liberty to send them in any way other than through the post office. Also as the rate is high, the Government gets mostly profitable hauls. The revenue from billions of such letters not only takes care of loss incurred in handling the comparatively few which get long haul and delivery in sparsely settled regions, but also provides large net profit.

With second class this is all different. The pound rate it pays, only 1 cent, is a mere fraction of cost, and its carriage neither is a monopoly nor can well be made one, so publishers give long runs and single-copy deliveries to Government and short runs and bulk lots, on which the department might make a profit, to express companies. So Government gets all losing and no profitable business. Any "flat" rate on second-class mail will be "unfair" to the department, which will get little revenue from hundreds of millions of pounds of such mail. To users of letter mail, whose excessive rate produces revenue to care for loss occasioned by inadequate charge on second class, it is also "unfair."

There are, however, several kinds of second-class mail.

That which is hauled 2,000 miles and given copy distribution may easily cost 50 or more cents a pound, though paying but 1. Packages of daily papers, however, sent in bulk to near-by newsdealers may cost little more than they pay.

Can anyone think it "fair" to make the rate for these two kinds of service the same?

Moreover, lack of candor on the publishers' part is evident when we find them characterizing as "unfair" a zone basis for handling hundreds of millions of pounds of printed advertising, their merchandise, and yet remember that a few years ago they, one and all, clamored for a zone system for parcels of other merchandise.

From the service-efficiency standpoint there is also to be found a strong argument against a "flat" rate for second class.

Of first class there are over 45 pieces in an average pound; of second class under five (4.72). Due to greater uniformity in size and lighter piece weight, a "sorter" can "throw" a tray of several thousand letters in "takes" of 20 quicker than he can "plant" one-tenth as many pieces of second class, many of which are of such awkward shape that they can not be "thrown" at all. Others are so heavy that it would damage other mail and equipment to "throw" them. They must be "placed" in bag or pigeonhole.

The above is another reason why a "flat" rate is economical for letters but not for second-class mail.

WHY A POUND-RATE LAW WAS ENACTED AND SOME OF ITS EFFECTS.

One publisher contends (Leslie's, Nov. 24, 1917, p. 174) that enactment of a pound-rate law was "voluntary," and that change was made not for the benefit of publishers but of subscribers.

Passing a pound-rate law was forced by necessity. Postage on periodicals had been paid quarterly in advance by subscriber in driblet sums running 7, 11, etc., cents. No track could be kept of these thousands of trifling amounts without prohibitive expense. It was difficult to keep accounts straight, and some made little effort to do so. Investigation became necessary and showed that of every hundred errors perhaps ninety were against Government.

So passage of a law collecting postage "at source" was enacted. Publishers protested against charges high enough to cover cost. The founder of one great magazine worked strenuously for low rates, and, as amount involved was small, they were granted.

To sum up, contrary to Leslie's statement, the law was distinctly passed not to benefit either publisher or subscriber, but to diminish opportunity for fraud, and evidence exists that publishers had much to do with making the rate low when, on June 23, 1874, the law was enacted. Rates were then, however, higher than now, being 3 cents a pound for magazines and 2 for newspapers.

The operation of this law entirely changed our periodical literature. The old literary magazine, like Atlantic, North American Review, Century, Harper's, etc., had paid expenses both of production and distribution, as does the book, through price charged. They contained a literary product of high class. They made for plain living and deep thinking.

The fruit of this enactment was a "subsidized" periodical getting distribution at practically a franking rate. Then was born a new kind of magazine edited from the business office to carry advertising, only circulars stitched together, or third-class matter, which should pay 8 cents instead of 1.

Tempted by this nearly free distribution, an average of more than 10 new periodicals a day have secured second-class privileges for every day (Sundays and holidays inclusive) of the past 15 years.

Of the product thus evolved the opinion held by one editor is shown in quotations from Howe's Monthly, Atchison, Kans., here presented:

"Best sellers in magazines vie with each other in vulgarity. They outrival each other as to which can be boldest without being barred from the mail. Stories dealing with sex problems, having unmarried mothers and women of the demimonde as heroines, fill them. The country is overrun with publications issued to secure advertising under the benign protection of the second-class rate."

Without altogether agreeing with the editor, nevertheless, the "weedy" literary matter of some, combined with the high-priced advertising that constitutes their bulk, make it evident that Government has distributed this load at heavy loss for years enough. It is time to call a halt.

At this time, when Government seeks to check all abuses, periodical publishing, organized for profit as are other industries, should be abundantly satisfied to be advanced from one-seventh to one-third cost only instead of having to pay full costs of distribution. They should be grateful that a $70,000,000 subsidy is reduced one-third instead of abolished entirely.

As periodicals deliberately close their pages to articles opposing the second-class privilege, and as they are not only its beneficiaries, but also constitute virtually the sole publicity machinery of the land, it is easily seen why this iniquity has persisted.

SECTIONALISM.

A recent article in Saturday Evening Post stated that the zone advances for second-class mail would "denationalize" the press and introduce "sectionalism."

It further stated that we would not permit seaboard States to levy duties on trans-Mississippi wheat or bacon nor tolerate any sectional tariff.

To answer their contention, it is obvious that when merchandise is sent to different parts of the country and goes "prepaid," whether it be bacon, boots, books, or wheat, the freight will vary with distance and total cost will, therefore, vary, which variation, through price being figured on article delivered, sometimes shows indirectly.

It has never been argued, however, that for a packer to charge more for sending bacon 1,000 miles than 100 would "sectionalize" the United States. No more will slight differences in postage "denationalize" the country just because the merchandise, instead of being bacon, happens to be paper in shape of circulars stitched together, the advertising pages of periodicals.

As well might we attempt distribution of the fruits of the earth, the products of the manufacturer, the wares of the merchant at a "flat" rate as to extend this favor to over 1,000,000,000 pounds of periodicals, the merchandise of fewer than 30,000 publishers whose output, moreover, is susceptible of such excessively rapid increase in volume.

When we reflect that this particular issue of the Post contained over 50 pages of advertising, costing $5,000 a page and upward, and that it carried, therefore, more than $250,000 of advertising, yet paid for its postage only about $15,000 for service that cost over $80,000 for the portion mailed and that this is repeated weekly, we well understand why the Post opposes any advance, even though to but one-third cost and on the advertising only.

That the Post, which, it is reported, carried last year more than $20,000,000 of advertising, can not take care of added expense of this sort is not believable. Doubtless, in preparation for just this situation, it has, by increasing proportion of advertising and in other ways, apparently increased its advertising receipts heavily since war began.

HIGH-PRICED PAPER AND ADVANCES.

Publishers contend that there have been such advances in price of paper that the present is an inauspicious time for postage increase.

To give this contention weight, specific assertion is made that for a series of 86 journals whose combined profits amounted to but $1,197,000, extra cost of paper for one year will amount to $3,034,000.

Answer to this is simple. These publishers prove too much. If all these increases are more than publishers can stand, they will be driven out of business anyway and postal advances will matter little. If, however, by drastic readjustment they can meet conditions, then it will be comparatively easy to absorb the postal expense.

The argument is a specious one, but let us remember that in 1911 and in 1914 many publishers, at a time when print paper was about the lowest known, bitterly opposed advances, that in 1914 being a "flat" one of only 1 cent a pound.

Furthermore, since enactment of postal advance in October, 1917, magazine publishers are quite generally making lower subscription rates, which all shows that enlarged circulations with consequent higher advertising rates are what they want. They would give away "circulation" if Government permitted. This is indicated by a report that one prominent magazine recently sold to an agency 200,000 "circulation" at 27 cents per subscription. Its nominal yearly rate is $1.50. The object is, of course, apparent—to get the largest possible output.

Another instance: One E. T. Meredith, of Des Moines, Iowa, publisher of Successful Farming, while vigorously denouncing all advances in postage rates, "zone" or "flat," has, we are informed, offered seven years' subscription to his journal (a large affair with lots of advertising) for $1, a rate that probably does not pay half cost of paper.

These low prices for periodicals stimulate wasted consumption. The story goes that one man subscribed for three magazines with aggregate list prices of $3 because he could get them for $2. When they began to arrive, however, he found that the first was one he didn't want, the second his wife didn't want, the third neither wanted.

WILL ADVANCES KILL THE READING HABIT?

One contention of publishers is that our boys and girls will be shut out from forming the "reading habit" at time of life when most essential.

In writer's opinion, the contrary effect will result. Taking away from a schoolgirl opportunity to eat half a pound of chocolates daily will probably turn her to nutritious bread, meat, and potatoes, which should mainly constitute her diet.

Similarly feeding youthful imaginations with Magazine of Mystery, Stories of Adventure, Police Gazette, scorcs like them and hundreds of the "popular but weedy" variety, tend through oversupply of "literary sweetmeats" to destroy opportunity to benefit the mind by reading the best in essay, history, poetry, travel, and belles-lettres generally.

Due almost solely to its inadequate postal rate, second-class, as shown previously, has increased from 40,000,000 pounds in 1875 to twelve hundred million pounds in 1917. This means that several billion more copies of popular magazines are issued than formerly, and each extra hundred million magazines crowds out 10,000,000 books.

The result is that while America publishes more periodicals than all nations of the globe united and half as many again, she has lost her position as a book producer, save of "best sellers" in erotic fiction. Fast power presses that print periodicals have displaced for young and old the cultural training that good books alone can give.

Our literary decadence has been deplored by many thinkers. While we formerly held high rank as publishing good books in all lines, today (under normal conditions) book publishing in Switzerland, the Scandinavian and Teutonic nations, France, and Great Britain runs from six to eight times as many per capita as with us. Japan publishes four times as many; Roumania, thrice; Russia, of whose population 79 per cent is an ignorant peasantry that can neither read nor write, publishes for the remainder many more books than we; while Spain issues as many books per capita as we.

The "weeds of literature," that too many trashy periodicals are, have been too much for the book.

This lack of "cultural" value in the reading most available results in impoverished development of the young intellect.

Further detrimental influence is seen in an economic direction. In the farm journal line overproduction has been excessive, so much so that we are mailing over 600,000,000 farm journals per annum to our 6,000,000 farmers. Many of these are "islands" of reading surrounded by "oceans" of advertising, prepared often thoughtlessly, always hastily, so publication date may not be delayed.

Under the influence of such "reading" American farmers produce, working on soil of unsurpassed fertility, from one-quarter to one-half as much of a given crop per acre as their European brothers, who get carefully prepared manuals, not weak journals loaded with advertising.

One representative of a conservative old farm journal told the writer that he would gladly see competition diminished. He asserted that in the effort to get circulation a journal with yearly subscription rate of $1 had to give 95 cents to the canvasser who secured order. It was further necessary to give the farmer a premium represented as worth price of subscription, though it actually cost about 35 cents. This building circulation by premiums has caused wasteful overproduction in this field. The department, in fact, was finally obliged to investigate. The report of the Third Assistant Postmaster General (1911, p. 39) shows that one such agricultural publication, with 143,000 circulation, had 122,000 premium-induced. Another, with circulation of 53,000, had 41,000 so secured. A third, with nearly 500,000 per issue, had only 60,000 subscriptions not obtained by means of this extraneous inducement.

Another illuminating fact as to this "special privilege" is seen in the financial field. Investigation shows that something like 86 banking periodicals are issued to supply a need which a prominent bank official stated would be better filled by 6. The extra ones were just "leg pullers" for advertising.

And the situation in nearly all lines is similar.

Mr. McKELLAR. Will the Senator from Alabama yield to me?

Mr. BANKHEAD. I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I merely rose for the purpose of making a statement, inasmuch as what took place in the

Committee on Post Offices and Post Roads, in regard to second-class postage matter, has been mentioned, and very properly so. I am not complaining at all, but I merely wish to add in explanation that a subcommittee was appointed to see whether the proposed amendment to suspend the operation of second-class postage law would be in order on this bill, and that subcommittee unanimously reported that it would not, and that virtually ended the matter. I want to say also that the committee is not at all unanimous on the subject one way or the other. I am exceedingly doubtful whether a majority of the committee are in favor of suspending the operation of the law. I, as one member of the committee, desire to put myself on record as being very much opposed to a suspension of the law.

It is true that so far as newspapers are concerned 95 per cent of them circulate within a zone of 300 miles, and an amendment might not only well be made but should be made as to them, because they virtually bear the cost of transportation now; but in so far as periodicals generally are concerned, it seems to me, instead of flooding the office of every Senator and Representative with literature and getting up a propaganda all over the country, having letters written to Senators beseeching them to suspend the operation of the law, they had better be satisfied with the law as it is or as it will be on July 1, because under that law they will only pay a tithe of what the transportation actually costs. They will still be the recipients of an immense bounty and there is no reason for it. Their advertising rates can be raised to meet the cost of paper.

I wish to put myself on record as being against Government bounty. I do not believe the Government ought to give the periodical publishers a bounty unless they are going to give bounties to every other business in the country. They are on exactly the same platform with all other industries in the country, and if we are going to give a bounty to one we ought to give a bounty to the others. They are in the periodical business for the money that they make out of it, just like the man who has a farm is in the farming business for making money out of it, or to make a living out of it. If the Government gives the periodical publishers a bounty, why should it not give the farmer a bounty, the railroad man a bounty, and every class of our citizens a bounty?

It is undemocratic; it is unrepublican, unjust, and unfair to the taxpayers of the country to give a bounty to the owners of these large newspapers. I understand they are banded together in an organization, and they all stand fighting for this bounty; and every day of the week we get letters from those who as a rule do not understand what they are writing about when they write to their Senators urging them not to interfere with this bounty.

If the matter comes up on a vote on some bill to which it can be attached, or however it may come up, I hope it will be defeated. Let us give the law a trial. It is a law which was passed after a great deal of difficulty, and I hope the Senate will give it a fair trial before anything is done toward suspending it.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. BANKHEAD. I yield.

Mr. GRONNA. I prefer to take the floor in my own time when the Senator is through.

Mr. BANKHEAD. The adoption of section 2 of the bill increasing the pay of postal employees necessitates a correction in the totals. The clerk of the committee has carefully figured out the increases that are necessary, and I send it to the desk.

The PRESIDING OFFICER. Without objection, the clerk will be authorized to make corrections in the totals.

Mr. BANKHEAD. I understand that a separate vote has been asked on the amendment found on page 11, beginning with line 8, down to and including line 11.

Mr. GRONNA. Mr. President, I understand that the so-called zone system will not at this time be taken up, but there has been a great deal said in favor of either repealing the law or suspending it, and I wish to ask the indulgence of the Senate for just a few moments.

I wish to state that I have received a great many petitions from people of my State calling attention to the fact that they believe it is an injustice to the publishers of magazines and newspapers to increase the rates of postage and also creating what is known as the zone system. Of course those people have a perfect right to give their view of it, and as one Member of this body I welcome the letters and petitions. I trust the time will never come, at least I trust it will never come so long as I shall be a Member of this body, when any citizen of this country shall be denied his constitutional right of petitioning Congress.

I believe those people are mistaken. I do not believe that any injustice is being done the publishers of magazines or the publishers of the large newspapers.

In this connection I wish to ask the indulgence of the Senate to have read at the desk a letter from the publisher of a daily Democratic newspaper in my State and also a copy of a letter written by the same publisher to Mr. Rex Beach, and later on I shall ask to have an editorial read from a Republican newspaper. These people give their version of it.

I want to say to the Senate and to the country, if I can, that the newspaper publishers of the country are not all in favor of suspending the law. There are at least some of them who realize that they have some responsibility during this war. We must collect as much money as is possible, and although it may be a burden upon some of these people to have to pay an additional tax, I think every good citizen of the country is willing to bear such a burden at least during these strenuous times. I ask that the letters may be read.

The PRESIDING OFFICER. Without objection, the Secretary will read.

The Secretary read as follows:

DEVILS LAKE JOURNAL,
Devils Lake, N. Dak., March 1, 1918.

Hon. ASLE J. GRONNA,
United States Senate, Washington, D. C.

MY DEAR SIR: Writing as a country newspaper editor, may I call your attention to copy inclosed of letter I wrote recently to Rex Beach, president of Authors' League of America? It will present a different angle to this question of zone-rate advances on second-class mail from that supplied by the national magazine.

The only thing that will save the country press is the zone system.

That the second-class, 1-cent-a-pound rate supplies transportation literally to mountains of national magazines at tremendous loss is evident. A thing not quite so evident is that country papers, weekly and daily, due to the ruinous competition thus created, are in a far less prosperous condition than 30 years ago.

The practical working of the pound-rate law is about this: It distributes periodicals at a nearly free rate, which enables a great national magazine with enormous circulation to save thousands of dollars each issue, and a considerable part of these savings can be devoted to supplying attractive features for the journal, which will increase circulation. This will mean higher prices for advertising pages and a greater loss to the department.

This increase will be at the expense of the small local paper.

For to the small journal this saving of expense can not be put to such use. The amounts are small, and "betterments" that can be made will be slight and results, therefore, negligible.

If there has ever been in the past an excuse for postal service at less than cost, it could be wisely advised only in connection with dissemination of news, not of mere information, no matter how valuable the latter. Books also give information and generally more thoughtfully prepared, and pay a mailing rate of eight times that of the magazines.

Free or nearly free distribution for country newspapers does give a means of quickly getting to the rural and small-town residents the important news about current happenings, and this is the sole excuse for encouraging their development by an undercost charge for distribution.

No such argument exists in connection with the national magazine, which has of necessity to be prepared days or even weeks ahead of publication, and which can not by any possibility furnish news, for such information as the national magazine provides ceased to be news and became merely information 24 hours after it became public.

There is another feature to be thought of. Forty years ago publishing a country newspaper was a profession, not a business, and it should remain so. National magazines, declaiming in one breath against all "special privilege" and in the next formulating misleading, specious arguments in favor of their special privilege, have done far too much through their unfair competition to place this semiliterary occupation on a mere business plane, even to ruin it utterly.

Hoping to be favored with your attention, I remain,

Yours, sincerely,

J. H. BLOOM, *Editor.*

—

DEVILS LAKE, N. DAK.

Mr. REX BEACH, *New York, N. Y.*

DEAR SIR: I have your article advocating repeal of the new second-class postage rates which you kindly gave me first chance to publish here. I can not use this article, for I am not at all in sympathy with your position, nor is this very strange. You are a magazine and story writer; I just a plain country editor. We have no interests in common.

With the abolition of the railroad pass and other "something-for-nothing" privileges, there no longer exists any good reason why even newspapers should be dead-heading it at the post office. Whatever faint excuse there may have been at one time for the carriage at a loss by Government of newspapers, none has ever existed for so carrying magazines, for this nearly free carriage and distribution could be regarded as advisable only in connection with dissemination of news, not of mere information, no matter how valuable the latter. Books give information, generally more thoughtfully prepared. Free or nearly free distribution for country newspapers did give a means of quickly getting to rural and small-town residents important news about current happenings, but that argument never applied to the magazine, which of necessity is prepared days and even weeks ahead of publication. Its contents, while in some instances containing knowledge, by no possibility furnish news, for such information as is provided ceased to be news 24 hours after it was made public.

My objection to the new law is that it does not go far enough nor quick enough. If I had my way, the rates would jump until this handling of second-class mail became profitable. Subscribers who were unwilling to pay a proper price, based on cost, for favorite periodicals, would be of mighty little value to the community.

I live in a region of farmers, and so far as they are concerned know that they are literally pestered with "junk" masquerading as farm journals, and a law that would relieve them would be welcome. I am quite aware that many people have no high regard for the country press and consider it of little consequence. Likewise many people think that we have too many magazines which are entirely unsuited for admittance to respectable homes. They get their large circulations because, through "sponging" their transportation from the Government, they can afford to make enticing offers to subscribers, and having built a big circulation get a stiff price from advertisers. Moreover, these

advertisements are simply circulars or third-class matter, save in method of distribution. As such, they should pay 8 cents per pound instead of 1.

They would give away circulation if the law permitted, and even now they circumvent it in every way possible. Here is one way in which farm journals get around it: With a subscription price of $1, a journal I have in mind gives a solicitor 95 cents for procuring the subscription, and then gives a premium to the farmer which costs 35 cents, though it is represented as worth $1.50. In one case of this sort 60,000 subscriptions out of 500,000 issue were taken because of a real desire for the farm journal, the entire remainder being induced by joint action of glib-tongued solicitor and fascinating "premium."

As a result, advertisers are "bilked" into giving business to "circulation" which few read, and the post office is burdened with distribution at a loss of mountains of trash. With popular magazines, the desire for increased circulation induces publishers to give agencies such rates that clubbing offers work a similar fraud upon the department and the advertiser. Wasted circulation is promoted. A subscriber who takes three periodicals, with aggregate list price of $3.50 for $2, may find that the first is one he does not want, the second his wife doesn't want, and the third neither wants.

I will admit I am mercenary in opposing, just as you are in exploiting, your program. I am opposed to classifying newspapers with magazines for postage purposes. Not only do newspapers render services to the public which entitle them to better rates but also the haul of the magazine is a thousand miles, and then some, while the newspaper goes perhaps 50 miles. When rates are based on common sense, the country paper will come into its own again, and the advertising that formerly appeared in its columns, but has of late been carried in magazines, will once more return there. Then its influence will increase, for advertising will protect its patrons against mail-order vampires, and the local merchant can once more afford to take space and exploit his wares, to the joint benefit of himself, the farmer, and the small paper.

THE ZONE SYSTEM IS THE SALVATION OF THE COUNTRY PAPER.

Every country newspaper in the United States should oppose your scheme of repeal, but they won't, for they haven't sense enough to do it. They will follow the lead of the big city papers and magazines of the East, and howl about the great injustice of the increase, as you so thrillingly put it, blissfully unconscious of the fact that by so doing they are assisting the chief agents of the mail-order houses in stealing away their trade.

Another point: I want any paper that comes into my territory from St. Paul, Chicago, and New York to pay well for the privilege; at least, let it pay cost. I have to pay freight on my paper which comes to me before it is printed and then I distribute it to near-by patrons by mail, and I object to the easterner getting his paper, just because it is printed, into my people's hands free or nearly so.

If our Congressmen do their duty by their constituents, the only change that will be made in the law will be to put more "teeth" into it, making second-class mail pay cost of handling.

Believe me, the noise the "big boys" are making is tuneful to me, but I am wondering if they can continue to get away with it. I know they should not, but they are a resourceful lot. It wasn't such a bad idea, either, to get you and the Authors' League to do some of the calamity howling.

Yours, very truly,

J. H. BLOOM,
Editor the Journal.

Mr. GRONNA. Mr. President, I do not wish to unduly delay the Senate, and while this editorial in the Minot Daily News I think would give Senators valuable information, I shall not ask to have it read, but ask to have it printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial referred to is as follows:

[From the Minot Daily News and Minot Daily Optic-Reporter.]

DEMANDING NEWSPAPER GRAFT.

An organization calling itself the Publisher Advisory Board and representing the periodicals usually designated as magazines, is making a desperate effort to have the Congress suspend the operations of the zone systems of distribution for second-class mail matter until after the war. Every publisher in the country is urged to use his influence to accomplish this graft. The effort ought to fail. There has never been a more equitable or fairer law enacted than that of zone distribution of newspapers and magazines by the Post Office Department.

The method of charging in this system is identical with that of the parcel post. The rate of postage depends upon the distance the mail is carried. The publication of any periodical is a business matter. Even those which have some other alleged purpose—such as religious or scientific or educational—are at the bottom business propositions pure and simple. The Post Office Department is presumed to be for the benefit of all the people. Expediency and safety in the distribution of mail is a part of this service. But when an individual, by enlarging a private business, makes his individual benefits from that service a burden on others he is getting more than his share of public benefit and should be compelled to desist. The publishers of the long-haul periodicals have been getting that advantage, and they now are complaining because they have been jarred loose from the graft.

Under the present law a magazine or newspaper is carried in the mails from New York to San Francisco for the same price per pound the Daily News is carried from Minot to Towner. The zone system, which has already been enacted into law, provides that the rates shall be a certain amount within a specified distance from the point of publication, and that for each additional distance there shall be an additional charge, so that the publications would have to pay more for the transportation of their mail from New York to Chicago than they would from New York to Newark.

Any business man knows it costs more to haul large freight supplies for a long distance than it does for a short distance. That proposition is too clear to require elucidation. The bulk of some of the magazines reaches into a million and a quarter pounds every week. The current issue of the Saturday Evening Post weighs over a pound per copy, though this is above the average. It never weighs less than a half pound per copy. It claims a circulation of two and a half million copies. This week the Government carried 2,500,000 pounds of mail for the publishers of that publication all over the United States for 2 cents a pound. That was 2,500 tons of mail. It would require fifty 50-ton freight cars to carry the weight. Yet the publishers of that periodical are able to have it hauled everywhere for a mere pittance.

There is a difference between the service of the Nation in the distribution of first-class mail and second class. The former serves all the people. The latter is for the benefit of the few. The cost for the individual service on first-class mail matter is negligible. On the second class it is a burden, because of the bulk and benefits those who so invest their money as to take advantage of the opportunity to graft. Speed is the element of service in first-class matter. It enters largely into the service for actual newspapers. But the magazines, which are the ones opposing the enforcement of the present law, have no such claim. These periodicals are printed days before they are placed in the mails. The "forms" are closed weeks in advance of the publication. They do not pretend to furnish news. Much of their contents are advance publications of books which later appear between covers. There is therefore no reason why the public should be fleeced to pay for the distribution of such material when there is no demand on the part of the public for expedition of the distribution of the information.

The freight on the white paper upon which the Daily News is printed costs more from the mills in Minnesota to Minot than the New York and other eastern publications pay the Government for carrying the same number of pounds of their printed editions from those points to California, and included in the cost to them is the work of post-office distribution and the initial cost of mailing out from the post office of entry. The Daily News must unload its own paper.

The newspapers and magazines should pay a rate of postage to the Government which would allow the department to break even instead of running behind. The paper which objects to paying that much is a grafter. It is impossible to distribute any sort of publication without the service of the post office. But that service should be paid for. It is no more justice to give publishers the benefit of such service at less than it costs than it would be to extend the service to wagon makers and allow them to distribute their products through the mails at less than cost.

Mr. GRONNA. Mr. President, I simply want to say that the people of North Dakota, the farmers, the newspaper publishers, and all others, are willing to bear the burden of taxation during this war. The publishers of the newspapers in my State are not asking for any special privileges. The farmers have never asked for any special privileges.

While I am on my feet I wish to say to the Senate now, that in the face of two failures of crops the farmers of my State raised 153 per cent of our allotted quota for the third liberty loan. The newspapers of my State, large and small, have willingly contributed all the space for advertising that was necessary; they have given it willingly; and, Mr. President, I am glad that these men are not asking for a repeal or for an extension of the law which will go into effect on July 1 this year. The editors and owners of newspapers in my State are willing to assume their share of responsibility during the war.

Mr. HARDWICK. Mr. President, I do not want to detain the Senate, but I do want to express my gratification at hearing the statement that the Senator from Indiana is not to press the motion of which he gave notice some days ago. At the time this war broke out the Postal Department was making a clear profit of over $70,000,000 a year out of first-class postage—letters and postal cards—while it was losing substantially an equal amount—$70,000,000 a year—on second-class matter. The rate on letters was 2 cents an ounce or a fraction thereof, and on second-class matter it was 1 cent a pound or a fraction thereof. The Senate will catch at once the enormous discrepancy in the rates; and yet, although we were making a handsome profit—many millions of dollars a year—out of first-class postage which was paid by the great mass of the people of this Republic, we increased letter postage, as a war measure, 50 per cent, and we increased the postage on post cards 100 per cent. It is estimated that we shall raise $70,000,000 a year from those increases. All well and good. The people have paid it without a murmur; they thought it was necessary, and it is necessary, in order to prosecute this war, to raise as much revenue as we can from every possible source.

But what did we do with reference to second-class mail matter? We put on that an increase that amounted to almost nothing, an increase from which we shall get $5,000,000 the first year, $8,000,000 the second year, and something like $16,000,000 the third and last year. Even when the $16,000,000 period has arrived we shall still be carrying second-class mail matter at a loss of $54,000,000 per year.

Of this second-class mail matter 40 per cent, in round numbers, of the shortage can be traced to newspaper publications and 60 per cent to magazines. It is estimated by the Post Office Department that of the $5,000,000 we shall raise in addition the first year of this increase provided for in the revenue bill but $2,000,000 will come from the newspapers. Yet some of these newspapers from which we have exacted only $2,000,000 more, when they were responsible for 40 per cent of the deficit of $70,000,000, are asking to have this insignificant increase repealed even before it is tried. Mr. President, there is no excuse whatever for such action on their part. That the request should be seriously entertained is, in my judgment, almost an affront to the intelligence and fair-mindedness and independence of this body.

It is inconceivable, to my mind, that we should be willing to put the heavy increased burdens that we have put on the great masses of the people in the increase on first-class postal rates—

50 per cent on letters and 100 per cent on postal cards—and then not be willing to continue a small per cent—something like 25 per cent increase—on these people who use the second-class mail privilege, from which, as I have said, we are losing $70,000,000 a year.

It is, therefore, a matter of some gratification to me to be able, at the request of the Post Office Department, to submit to the Senate a resolution recently adopted by the publishers in one of the great States of this Union protesting against such action and insisting that the revenue bill shall be allowed to go into effect. I refer to the State of Missouri. I ask, Mr. President, that the Secretary read to the Senate the communication which I send to the desk from publishers of that State.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. HARDWICK. I yield to the Senator.

Mr. THOMAS. I am informed that second-class mail matter constitutes about four-fifths of the mail that is carried and distributed by the Post Office authorities. Is that correct?

Mr. HARDWICK. I presume that is right—in bulk, in volume.

Mr. THOMAS. So that because this class of mail constitutes four-fifths in bulk of the mail under conditions preexisting, we lose about $70,000,000 per year; and the only effect of this slight increase in rates upon this class of matter is to reduce that deficit about $5,000,000.

Mr. HARDWICK. That is all; and that is what they are objecting to; in other words, we shall say during the next fiscal year, "We do not want to lose more than $65,000,000 on you people, instead of $70,000,000"; and they object seriously to that.

Mr. THOMAS. I should perhaps inform the Senator, as he was out of the Chamber at the time the motion was withdrawn, that it was stated that the Finance Committee had a bill which was in contemplation of a favorable report, and that was given as one of the reasons. I want to assure the Senator that, as a member of the Finance Committee, that measure will not receive my support.

Mr. HARDWICK. I am very glad to hear it; and I believed the Senator would take that position. I now ask that the Secretary read the communication which I have sent to the desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

COLUMBIA, Mo.

POSTMASTER GENERAL BURLESON,
Washington, D. C.:

Whereas there is a concerted move on the part of certain national advertising periodicals to persuade Congress to rescind what is known as the zone system of second-class postage, effective July 1;

Whereas the Missouri Press Association, representing 325 publishers in the State of Missouri, believe that said zone law does not impose unfair postage rates, and that it will in no sense hamper the dissemination of news and intelligence in our Nation: Be it

Resolved, That the Missouri Press Association hereby demands that each Senator and Member of Congress stand firm in opposition to the proposed repeal of the zone system of second-class postage.

J. P. TUCKER, *President.*
LEWIS LAMKIN, *Secretary.*

Mr. CALDER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 14, after line 13, it is proposed to insert the following:

Provided, That the rate of postage on drop letters of the first class, mailed in the city of New York for delivery within the confines of that city, shall be 2 cents an ounce or fraction thereof.

Mr. CALDER. Mr. President, the Post Office Department has interpreted the law relative to drop letters to mean that a letter mailed within a post-office district for delivery within that district shall be carried to its destination for 2 cents. Under that interpretation, a letter mailed in any part of the city of Washington, if addressed to a point within the city, is delivered for 2 cents. The same thing is true of the cities of Chicago, Philadelphia, St. Louis, and, in fact, of all the large cities of the country, excepting New York City and those few cities that are in more than one State. In New York City, for some reason or other, we still retain our postmasters in the boroughs of Brooklyn, Queens, and Richmond, so that we have a situation where the boroughs of Manhattan and The Bronx make one post-office district and the boroughs of Brooklyn, Queens, and Richmond are different post-office districts. Despite the fact that we are one complete municipality, under the Post Office Department ruling a letter mailed at the Battery, the lower end of Manhattan Island, is carried to the upper end of The Bronx—in fact, it is carried beyond the limits of The Bronx, for The Bronx post office carries mail outside of the limits of the borough—for 2 cents; but if it is mailed at the lower end of Manhattan Island for delivery across the East River in Brooklyn, a distance of a mile, 3 cents is required.

This condition could be remedied, of course, by the abolition of the Brooklyn postmaster's place. I do not come here with that proposition. There are good reasons, perhaps, in the minds of some people why the Brooklyn postmaster should be retained; but it does seem to me that in this great city, where immense postal revenues are derived and where the great profit of the Post Office Department is earned, we should have the mail delivered for the 2-cent rate, as it is in all the other large cities of the country.

I may say, Mr. President, that this will not cost the Government a very large sum, because the business concerns having offices in New York, as most of our principal establishments do, and factories and branch offices in Brooklyn, are able to send their mail through with very little additional postage; but the individual or smaller business concern, who merely mails few letters to some other part of the city, is inconvenienced many times by being asked to put an additional stamp on his letter, and to him the loss, if any, comes.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Colorado?

Mr. CALDER. I do.

Mr. THOMAS. Does not the Senator think that the adoption of this amendment would encourage similar legislation in behalf of cities that are located as are Jersey City, Newark, and Hoboken?

Mr. CALDER. No.

Mr. THOMAS. They each have separate post offices.

Mr. CALDER. But they are separate municipalities.

Mr. THOMAS. Well, the only difference is, then, that while Brooklyn and New York have separate post offices, they are not separate municipalities. That, it seems to me, is a distinction almost without a difference, inasmuch as the Government operates post offices absolutely distinct from each other in both instances.

Mr. CALDER. Mr. President, the Post Office Department can at any time it feels so disposed abolish any one of these post offices. Why it has not done so is a matter for them to determine.

Mr. THOMAS. That is true.

Mr. CALDER. If the Senator will permit me, there is a condition in Boston which is peculiar. The Boston post office delivers mail not only to Boston itself, but to 11 adjoining cities and 13 other outlying country towns for the 2-cent drop-letter rate.

Mr. THOMAS. The other towns having separate post offices?

Mr. CALDER. The other towns having branches of the Boston post office.

Mr. THOMAS. Then it would seem that the course of the department is dictated by unities of post-office establishments?

Mr. CALDER. That is true.

Mr. THOMAS. The cities of Minneapolis and St. Paul, in Minnesota, have a collective population of something over a million; their boundaries practically adjoin, and if we should establish the precedent which the Senator's amendment would certainly establish, I can see no reason why we should reject efforts to establish similar conditions in places similarly situated. I think the Senator's method of procedure would better be the abolition of the post office in Brooklyn. I freely acknowledge that, inasmuch as Brooklyn is a part of another city, one post office ought to answer them both. I would prefer to see the Senator get at it in that way.

Mr. CALDER. This seems to me a very just proposition. I know the matter could be arranged differently if the Post Office Department were disposed to arrange it, but if they are not so disposed I can not see any reason why that great crowded center of the country, which furnishes, as I have said, a large profit to the postal business of the Nation, should be required to suffer.

Mr. GALLINGER. Mr. President, if the Senator from New York will permit me to interrupt him, in connection with the question he has been discussing, I will advert to my own little city of Concord, N. H., where, I think, there are six offices separate from the main office. They are in charge of clerks—"clerks in charge" I think they are called—but the post offices are maintained at the expense of the Government just the same. Not only does a 2-cent stamp carry first-class mail in Concord, East Concord, and West Concord, which are all in the town, as we call it in the East—"township," I believe, they call it in the West—but it likewise under the Rural Delivery System carries to two or three other towns outside which are subordinate to the Concord office.

It seems to me that the Senator's contention is well grounded, and the fact that there is a post office in Brooklyn, as it appears to me, is no different from the fact that there is a post office at

Henniker, N. H., to which the post office at Concord sends first-class mail for 2 cents. The offices there, aside from the main office, are in charge of clerks; that is the only distinction.

Mr. CALDER. I thank the Senator for his explanation of the situation in his own community, and I hope the Senate will adopt the amendment I have offered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. CALDER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 31, after line 4, it is proposed to insert the following as a new section:

SEC. —. During the present war such provisions of the postal laws and regulations which prohibit the appointment of married women to the position of clerk or carrier in the Post Office Service shall not apply to such married women who have either husbands or sons in the military or naval service of the United States.

Mr. CALDER. Mr. President, I offer this amendment after receiving a letter from the Civil Service Commission advising me that a woman, a resident of the city of New York, and married to a man in the military service who is now in France at the battle front, after passing the civil-service examination was prevented from receiving an appointment because she was a married woman. It seems to me that the postal laws should be amended so as to provide for such a case as that.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York [Mr. CALDER].

The amendment was agreed to.

Mr. POINDEXTER. I offer the amendment which I send to the desk, and I hope that the chairman of the committee will accept it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 32, after line 13, it is proposed to insert after the amendment heretofore agreed to the following as a new section:

SEC. —. The office of postmaster in each class shall hereafter be a nonpolitical office and shall be within the classified civil service, and appointments thereto shall be made in accordance with civil-service rules and so far as practicable by promotion or transfer upon merit, without regard to politics, from the employees of the Post Office Department subject to the permanent civil-service regulations and requirements.

Mr. BANKHEAD. Mr. President, I am compelled to make the point of order against the amendment that it is general legislation on an appropriation bill.

The PRESIDING OFFICER. Has the Senator from Washington anything to say with reference to the point of order made by the Senator from Alabama?

Mr. POINDEXTER. I am inclined to think that the point of order will lie under the rules of the Senate, Mr. President. I am very sorry that the chairman of the committee makes the point of order. The amendment is a mighty good one. It would improve the bill a great deal.

The PRESIDING OFFICER. The point of order is sustained. The bill is still in Committee of the Whole, and open to further amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. BANKHEAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Kendrick	Norris	Smoot
Bankhead	Kenyon	Nugent	Sterling
Calder	King	Overman	Swanson
Chamberlain	Kirby	Page	Thomas
Curtis	Lenroot	Pittman	Thompson
Dillingham	Lewis	Poindexter	Townsend
Fernald	Lodge	Pomerene	Trammell
France	McCumber	Robinson	Underwood
Gallinger	McKellar	Shafroth	Vardaman
Gronna	McNary	Sheppard	Watson
Hale	Martin	Sherman	Weeks
Hardwick	Myers	Shields	Wilfley
Jones, Wash.	New	Simmons	

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, there is a quorum present. The question is, Shall the amendments made as in Committee of the Whole be concurred in, except those for which reservations have been made?

The amendments not reserved were concurred in.

Mr. KIRBY. Mr. President, upon yesterday I gave notice reserving the right to have a separate vote in the Senate on the amendment proposed by the committee authorizing the purchase and operation of the pneumatic-tube system in the different cities where it is now in operation, and I want to discuss that matter briefly a little further.

I understand that there is no moral obligation upon the Government and no contractual obligation upon the part of the Government to either buy or operate this system of tubes for the distribution of mail. I not only understand that such is the fact, but also that it is admitted to be the fact by the owners of the pneumatic-tube system. If there is any doubt about that proposition, I should like to have some one who is on the other side of this question challenge the statement now.

Since there is no doubt about that proposition, it seems to me that the only thing that ought to be considered now is whether this sort of a system will facilitate the distribution of the mail, whether it is desirable or necessary. The matters to be considered in determining that are whether the use of this system accelerates speed in distribution, reliability of service, and economy in its operation.

Upon yesterday, or the day before, the Senator from New Hampshire [Mr. GALLINGER] said that he did not regard highly the report of the minority of the committee, because only one man out of six who examined the matter recommended adversely to the purchase of the tube system. Now, we might go a little bit further along that line and strengthen that proposition about the recommendations having been favorable or not.

In 1901, under the act of June 13, 1898, there was a report by the joint commission composed of Edward O. Wolcott, W. B. Allison, Thomas S. Martin, E. F. Loud, W. H. Moody, T. C. Catchings, and William H. Fleming, which concluded as follows:

While we believe that all means should be utilized to insure the most rapid transmission and delivery of mails possible, we do not believe that the pneumatic-tube service in its present stage of development is sufficiently expeditious to warrant the enormous outlay of public money that must be called for if this service were generally extended. We must enter the field of discussion and suggest that if a tube could be constructed and operated which would transmit a full pouch of mail from post office to railroad station or railroad station to post office for a reasonable amount of money, or that a smaller and less expensive tube might be used for city service for the transmission of letters from post-office station to post-office station, which should bear an additional charge to reimburse the Government, that it might be for the best interests of the service and the people to continue an appropriation for that purpose.

But we prefer to confine ourselves to present conditions and the conclusions that we have reached from our examinations and the testimony before us. We, therefore, recommend that, under existing conditions, the pneumatic-tube service be discontinued.

That was the unanimous report of a joint commission appointed by law to investigate this system.

There was another report made by a commission appointed by the Postmaster General under the act of May 27, 1908. This commission was composed of Daniel A. Campbell, postmaster, Chicago, Ill.; George H. Roberts, postmaster, Brooklyn, N. Y.; E. C. Mansfield, postmaster, Boston, Mass.; Frank Wyman, postmaster, St. Louis, Mo.; Joseph Stewart, Second Assistant Postmaster General; V. J. Bradley, Superintendent Railway Mail Service; E. M. Norris, Assistant Superintendent Division of Salaries and Allowances; J. M. Masten, Assistant Superintendent Railway Mail Service.

The unanimous conclusion and recommendation of this commission as to the advisability of purchasing the tubes were as follows:

The present contracts under which the tube companies are performing mail service will not expire until June 30, 1916—almost eight years hence. During that period there should be ample opportunity for the companies to perfect the systems and for the Post Office Department to observe the effect upon the postal service. Further, during that period it is possible that other methods of transportation will be developed or improved so as to change entirely the outlook as it now appears. Five or six years hence, we believe, it will be advisable to renew the consideration of the question of Government ownership.

In view of the foregoing, we consider it appropriate to advise you that, in our opinion, it is not feasible and desirable at the present time for the Government to purchase, to install, or to operate the pneumatic tubes, and this is our unanimous judgment.

On September 13, 1909, Great Britain appointed a commission to investigate and ascertain whether it was desirable to have an underground system of delivery and distribution of mail in London. That commission visited the United States, carefully examined into our system of pneumatic-tube distribution of mail in these cities, and went back to Great Britain and reported unanimously that they found no improvement in the system as operated there over the ordinary road van by which it was distributed in England. That was the report of that commission.

It seems to me that gives a fairly good idea of the result of the different investigations and reports; and the majority of them are against the purchase and operation of this system of pneumatic-tube service by the Government.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Iowa?

Mr. KIRBY. Yes.

Mr. KENYON. The Senator has mentioned two commissions that have considered this subject. Can the Senator put into the

RECORD how many commissions altogether in this country have considered the question, and how many of them have favored the Government taking over the tubes and how many have been against it?

Mr. KIRBY. I am not in possession of that information, and therefore I can not answer the Senator's question.

Mr. KENYON. But the majority of the commissions have been against it, as I understand.

Mr. HARDWICK. Mr. President, the Senator is in error. It is all found in the report, beginning on page 10 and going through several pages.

Mr. KENYON. The report of the joint commission?

Mr. HARDWICK. Yes, sir. Beginning at page 10, you will find a résumé of what every commission has reported, both congressional and departmental, that has ever passed on this matter.

Mr. KENYON. What does the Senator from Georgia say as to that question?

Mr. HARDWICK. If the Senator from Arkansas will yield to me for a moment, Mr. President——

Mr. KENYON. I am sure he will.

Mr. KIRBY. I yield.

Mr. HARDWICK. One congressional committee, appointed in the Fifty-seventh Congress, recommended that the service be discontinued. It was discontinued, in accordance with that recommendation, in 1902. The discontinuation lasted just exactly one year, when the same commission that had recommended that it be discontinued recommended that it be resumed, and it has been maintained ever since.

Mr. KENYON. Are those the only two commissions?

Mr. HARDWICK. Oh, no. There were 4 congressional commissions and about 12 departmental committees. I will say that the only congressional commission that ever held against it was the one that acted in the Fifty-seventh Congress, the members of which reversed their position, or at least it was reversed by the Congress immediately succeeding that, and I think the Members were still in office. The service was reestablished as soon as they tried one year of doing without it. The other congressional commissions have been the other way; and of the departmental committees—something like a dozen—I know of but one that has ever decided against the thing directly.

Mr. KENYON. That answers my question.

Mr. KIRBY. As I understand, even in the case of the reports of these committees that have recommended the continuance of this service, there never has been a unanimous report. I may be wrong about that, but I do not think so.

Now, as to the question about the speed of transmission of these letters, unless the service can be improved somewhat by it, and unless it is more reliable, or more economical, this sort of a burden certainly ought not to be imposed upon the Government. I want to read you a statement from Hon. MARTIN B. MADDEN, of Chicago, who is now a Member of Congress, and who made a statement before this committee. It is found on page 366 of the hearing of December, 1913. Here is his statement:

> Would you be surprised to know that an investigation that I made of the pneumatic-tube service in Chicago led me to the conclusion that it was a service of no special value, except in the matter of the 12 minutes' time saved in closing the mail; that they would have to close 12 minutes earlier if they did not use the service; but that all mail sent through the pneumatic tubes from the office to the railway stations had to be broken up and be put in small packages in order to put it through the tubes at all, and then it had to be redistributed for transportation over the railroad at a cost of $60,000. A number of clerks sufficient to consume $60,000 a year in pay had to be maintained to put that mail back into form. Perhaps it might surprise you to be told that I could take a wheelbarrow from the main post office and start up to any of the ordinary railroad stations with it and load it in and get it mailed on the train as quick as the pneumatic-tube service taking the time for redistribution into consideration.

This mail, he says, can be transported from the main office down to any particular railroad line in a wheelbarrow in the time that it takes to shoot it through the pneumatic tube and redistribute it at an additional cost of $60,000, after it has gotten there. That is Mr. MADDEN'S view about it, and he lives in Chicago, where this system is in force, and he is a Member of the Congress now, and on the Post Office Committee.

It has been said that this system contributes to the speed or that it facilitates delivery; but I find that there is a great difference of opinion, so far as that is concerned, on the part of the Post Office Department and the postmasters and the committee recommending the purchase. I understand that about 150,000,000 letters were delayed in transmission in New York last year by this system. I understand that in Chicago the records show that for the fiscal year ending June 30, 1917, there had to be diverted from the tube service and delivered by automobile 8,160 pouches of mail, and during the same time in the automobile service there only had to be changed 154 pouches, and they were only slightly delayed. That indicates the difference as to speed in the delivery of letters. Eight thousand one hundred and sixty pouches were delayed on account of the breakdown and inability of the tubes to handle the particular class of mail handled by them, and only 154 pouches were delayed at all in automobile delivery. There is a good, big difference there.

It was said when this system was established that it would facilitate or encourage increasing the volume of mail, and that on that account it ought to be installed and that its use ought to be continued; but a comparative statement has been made as to 50 of the great cities of the United States, showing that in the six cities where this pneumatic-tube service is installed and in operation the volume has increased only eighty-nine and a fraction per cent, while in the remainder of the 50 cities there has been an increase of over 113 per cent in the volume of the kind of mail transmitted by these tubes. The system has fallen down in that respect, if it was ever expected that it could do anything.

It was said that the tube system would reduce the cost of delivery of special-delivery letters, but it never has done that. There is not a record anywhere that shows that it has done it. It has not done it, and no man will stand on this floor and say it has.

It was claimed that the tube system would reduce the expense because of reduction in the clerical force necessary to carry on the work with it; but I find that it costs $70,000 a year more in additional clerical force in one of the cities because of the operation of these tubes. I do not know as to the others. It delays the mail longer than it is delayed in the automobile transit generally, and there is more of it delayed.

It was claimed that more mail was lost by theft in the above-ground transportation and delivery of it than through the pneumatic tubes. An investigation was made in one city because of complaints there, and it was found that in a whole year only four men had been arrested there because of any loss of mail or theft from the mail in connection with the above-ground transit, while more than 10 had been arrested because of theft of mail from the pneumatic-tube service, so that certainly there is no advantage in that respect.

It is said that certain of the cities where these systems are in operation have passed resolutions, by their councils and boards of aldermen, asking that it be retained and continued; but it will not be said upon the floor of the Senate that any one of those councils, before passing that sort of a resolution, has called upon the Postmaster General, or the postmaster of the city, or the postal experts, to determine whether or not the facts stated in the resolution were true.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

Mr. KIRBY. Yes.

Mr. GALLINGER. So far as this service is concerned, I have knowledge of two cities only. Those cities are New York and Boston. If it be possible, as the Senator is arguing, that this system does not facilitate the transportation and delivery of the mails, how is it that every newspaper in those cities, and every person of those cities that I have ever talked with, is in favor of it?

Mr. KIRBY. Because they want to unload it on the Government for $4,000,000. They do not want to lose the property entirely, and necessarily the people in the town and the newspapers insist that they shall have the service because they have had it.

Mr. GALLINGER. The Senator does not man to say that the general public are in favor of unloading this service on the Government because there is any financial interest in it on their part, does he?

Mr. KIRBY. Oh, I do not mean that they are employed or hired or corrupted; no.

Mr. GALLINGER. If the Senator will go into the city of Boston, with which I am very familiar—I have traversed almost every street in it—and find one-thousandth part of the people who are not in favor of the tube service, he will discover something that I do not think exists. In fact, I do not think he will find anybody who is not in favor of it.

Mr. KIRBY. And if the Senator will investigate, I do not know but that he will find that the people who are interested financially in the operation of these tubes are interested in some of the newspapers that are insisting upon their retention. I do not know about that. I do not state that as a fact.

Mr. GALLINGER. That is absurd.

Mr. KIRBY. But I do state that the councils that have passed resolutions favoring the retention of these systems have not called before them the postmasters of any of the towns, or the Postmaster General, or the postal experts of the United States, in considering the passage of these resolutions.

Mr. WEEKS. Mr. President, may I suggest to the Senator from Arkansas that there is a vast amount of testimony avail-

able on that subject, taken before the House Committee on the Post Office and Post Roads and the Senate Committee on Post Offices and Post Roads, and the fact that these organizations, in cities where the tubes exist, have passed resolutions in favor of their retention is based almost universally on a careful investigation by suitable committees of those organizations, advised by experts employed by the organizations. The business men of these tube cities wish to have the best post-office facilities available or possible; and, fearing that they may lose what they consider a good facility, they have taken pains to investigate the matter. If the Senator will examine what the Merchants' Association of the City of New York—one of the greatest associations of this country—have done in the investigation of this subject, I think even he will be satisfied that their judgment was unbiased and that they were simply looking for a postal facility which would advance their mails and their business, and nothing else.

Mr. KIRBY. I do not know how that may be, but the facts are as I have stated. I have not stated anything here, as I understand, that is not absolutely borne out by all the facts and by the testimony before this commission.

Another thing: I understand that of that portion of the mail that can be distributed through these tubes 87 per cent can be taken care of and distributed as expeditiously as it is now handled by the tube system without purchasing another screen wagon or automobile in those cities to deliver it; that 87 per cent of the mail that is sent through the tubes can be delivered by the same system of delivery that we have now without adding to or increasing it, and the Government, in order to deliver the other 13 per cent——

Mr. HARDWICK. Mr. President, will the Senator tell me where he gets that information?

Mr. KIRBY. Yes; I got that from some report here.

Mr. HARDWICK. Not from the report of the commission.

Mr. KIRBY. Eighty-seven per cent is what the minority have estimated.

Mr. HARDWICK. That is what I thought.

Mr. KIRBY. Well, does the majority report dispute it?

Mr. HARDWICK. Why, undoubtedly we do. We have never conceded that.

Mr. KIRBY. Where in your report have you said anything at all about it?

Mr. HARDWICK. I will show the Senator.

Mr. KIRBY. I shall be glad to have the Senator show me. That is taken from the briefs, too, and the data and the testimony.

Now, another matter. Ninety-five per cent of all the mail distributed through these cities, as I understand, is distributed by vehicular transportation. Is that right? Ninety-five per cent, anyway, of all the mail distributed in the cities where these systems obtain is distributed already by the regular system of screen wagons and automobiles.

Mr. HARDWICK. Mr. President, does the Senator refer to the first-class mail, which is all that the tube system attempts to handle?

Mr. KIRBY. I am talking about the entire mail.

Mr. HARDWICK. Oh, well, 75 per cent of all the mail is handled that way, anyway.

Mr. KIRBY. I say 95 per cent of it is distributed through the other system, as I understand, and I do not think that will be disputed or denied. Ninety-five per cent of the entire mail is distributed in that way, as I have stated, and I understand the other figures that I have stated here to be correct. As I understand it, not half of the letter mail is carried in these tubes in the cities where they have installed them.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. KIRBY. I do.

Mr. WEEKS. I have not in mind just now what percentage of the mail, based on weight, is carried by vehicles, and what percentage is carried through the tubes; but the Senator must remember that the parcel post and all other classes of mail are carried by vehicles and never carried by tubes. It may be 90 per cent or 85 per cent or 95 per cent; I will not dispute that; but the reason why a greater percentage of the first-class mail is not carried by the tubes in the cities where the tubes are located is because they do not go into all the stations in the cities. They go to a limited number of stations; but the testimony is, as far as those stations are concerned, that the tubes are capable of carrying all the first-class mail if they are used for that purpose.

Mr. KIRBY. That may be true, Mr. President. I have no disposition to dispute that; but this system is so expensive that it only operates along certain streets or between certain stations in certain cities. It has never been regarded as of sufficient value to extend it, and all the people even there do not have the benefit of this facility that is supplied to part of the people. It would not be so with the right kind of mail delivery or with the other regular system of delivery. I understand further than that even Stone & Webster in their report showed that while certain of the mails were distributed through the tubes a little more rapidly to certain sections, that taking it all together a great deal of it was not distributed as speedily as it would go if it were in the regular vans, street wagons, or automobiles. Those are things that can not be very well gotten around. Those are facts that can not be disputed. Then why should we pay $4,000,000 for a system that certainly does not conduce to speed the service greatly, that is not as reliable as the overground or automobile system, unquestionably, and is certainly greatly more expensive in operation?

We owe no obligation to the people who own these things morally or contractually to buy or to continue the use of them. We have a Post Office Department down here that is supposed to be in charge of the postal affairs of this country. That Post Office Department says this tube system is unreasonably expensive, is out of date, and that it is ineffectual to deliver the mails of the cities rapidly and in a reliable way and at reasonable cost. The other postal experts likewise join in that kind of a statement. I understand it is further true that if this system is bought and $4,000,000 paid for it the mail can be distributed then without using it at all at a saving of over half a million dollars a year by leaving the tubes stand idle and distributing the mail above ground in the usual method.

Why, then, should we buy this pneumatic-tube system? The experts say we do not need it, the Post Office Department says we ought not to have it, and if you do buy it that you would better not require the use of it longer because it would cause a great waste of money for the Government in the operation of it; that it does not facilitate the transmission of enough mail to justify its use at all.

That is the condition here which confronts us, and yet we are expected to buy it and to pay for it and to operate it at this enormous expense. I do not believe it ought to be done. I do not think there is any reason that has been stated here that would justify it under these conditions, and when the Post Office Department, which is trusted to take care of all these things and the operation of the entire postal system, says our department regards the system as worn out, useless junk. Our experts have made recommendation against its purchase. Notwithstanding all this the majority report recommends the purchase and the owners expect it, but this sort of recommendation ought not to be followed, and these things ought not to be unloaded on the Government of the United States at this time when we need all the money we can get to conduct the war properly.

I should like further to say in regard to the statement made by me a few minutes ago about carrying additional mail, if tubes are discontinued, that could not be carried without extending the present automobile service, it would require in New York or in Chicago only 20 new automobiles; in Philadelphia, 23; in Boston, 8 small trucks; and in St. Louis 4 would carry the additional mail. The present service, with these additional machines, would carry all the mail.

Mr. BANKHEAD. Mr. President, my information is that no member of the Post Office Committee desires to discuss this matter further. I do not know that any Senator on the floor cares to discuss it. It has been very thoroughly discussed during the time the bill has been before the Senate, and I indulge the hope that we may have a vote on the question and dispose of it one way or another. I think it ought to go to conference. What the conferees will work out I can not tell, but they will reach some solution of it. I hope the Senate is ready to vote.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. KENYON. Mr. President, I had intended to discuss the amendment somewhat, but I am not going to do it except to ask for the yeas and nays on concurring in the amendment.

Mr. HARDWICK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Hardwick	Martin	Smoot
Bankhead	Henderson	New	Sterling
Brandegee	Jones, Wash.	Norris	Swanson
Calder	Kendrick	Nugent	Thompson
Chamberlain	Kenyon	Page	Townsend
Curtis	King	Pittman	Trammell
Dillingham	Kirby	Poindexter	Underwood
Fall	Lenroot	Robinson	Vardaman
Fernald	Lewis	Shafroth	Watson
France	Lodge	Sheppard	Weeks
Gallinger	McCumber	Sherman	Wilfley
Gronna	McKellar	Shields	
Hale	McNary	Simmons	

Mr. LEWIS. I wish to announce that the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

Mr. SHAFROTH. I desire to announce that my colleague [Mr. THOMAS] is absent on official business.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The pending question is on concurring in the amendment made as in Committee of the Whole, known as the pneumatic-tube amendment, on which the yeas and nays have been requested.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CALDER (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. GERRY], but on this question I am at liberty to vote. I vote "yea."

Mr. FERNALD (when his name was called). I have a pair with the junior Senator from South Dakota [Mr. JOHNSON] and withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER], which I transfer to the senior Senator from Rhode Island [Mr. COLT] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Delaware [Mr. WOLCOTT] and vote. I vote "yea."

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the absence of my colleague [Mr. THOMAS] on official business.

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I understand that he would vote as I would, and therefore I will vote. I vote "yea."

Mr. VARDAMAN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. KNOX]. If I were at liberty to vote, I would vote "nay." Being paired, I withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK], who would vote as I propose to vote on this question, and I vote "yea."

The roll call was concluded.

Mr. WATSON (after having voted in the affirmative). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT], but I am relieved from that pair upon this vote. Therefore I will permit my vote to stand.

Mr. FERNALD. I transfer my pair with the junior Senator from South Dakota [Mr. JOHNSON] to the junior Senator from Ohio [Mr. HARDING] and vote "yea."

Mr. ROBINSON. I wish to announce that the senior Senator from Louisiana [Mr. RANSDELL] and the junior Senator from Louisiana [Mr. GUION] are detained on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Iowa [Mr. CUMMINS] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from North Carolina [Mr. OVERMAN] with the Senator from Wyoming [Mr. WARREN]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

Mr. SIMMONS. I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I understand that if he were present he would vote as I intend to vote. I will therefore vote. I vote "yea."

Mr. OVERMAN. I have a general pair with the senior Senator from Wyoming [Mr. WARREN] and withhold my vote.

Mr. DILLINGHAM (after having voted in the affirmative). May I inquire if the Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. I have already voted, but I understand the Senator from Maryland [Mr. SMITH] would vote in the affirmative if present, and, therefore, I will allow my vote to stand.

Mr. MCKELLAR. I am paired with the Senator from New York [Mr. WADSWORTH] and therefore withhold my vote. If at liberty to vote, I would vote "nay."

Mr. KIRBY. I was requested to announce that the Senator from Delaware [Mr. SAULSBURY], the Senator from Nebraska [Mr. HITCHCOCK], and the Senator from Kentucky [Mr. BECKHAM] are unavoidably absent on official business. The junior Senator from Kentucky is paired with the Senator from West Virginia [Mr. SUTHERLAND]. If the junior Senator from Kentucky were present, he would vote "nay."

Mr. WILLIAMS. I wish to make an explanation in connection with the vote. I have not voted. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. He and I made that pair nontransferable as far as this particular question is concerned.

The result was announced—yeas 31, nays 19, as follows:

YEAS—31.

Baird	Fernald	McCumber	Smoot
Bankhead	France	McNary	Sterling
Brandegee	Gallinger	New	Townsend
Calder	Hale	Norris	Underwood
Chamberlain	Hardwick	Page	Watson
Curtis	Jones, Wash.	Pittman	Weeks
Dillingham	Lewis	Sherman	Wilfley
Fall	Lodge	Simmons	

NAYS—19.

Culberson	King	Poindexter	Shields
Gronna	Kirby	Pomerene	Swanson
Henderson	Lenroot	Robinson	Thompson
Kendrick	Martin	Shafroth	Trammell
Kenyon	Nugent	Sheppard	

NOT VOTING—46.

Ashurst	Hitchcock	Nelson	Smith, S. C.
Beckham	Hollis	Overman	Sutherland
Borah	James	Owen	Thomas
Colt	Johnson, Cal.	Penrose	Tillman
Cummins	Johnson, S. Dak.	Phelan	Vardaman
Fletcher	Jones, N. Mex.	Ransdell	Wadsworth
Frelinghuysen	Kellogg	Reed	Walsh
Gerry	Knox	Saulsbury	Warren
Goff	La Follette	Smith Ariz.	Williams
Gore	McKellar	Smith, Ga.	Wolcott
Guion	McLean	Smith, Md.	
Harding	Myers	Smith, Mich.	

So the amendment was concurred in.

Mr. BANKHEAD. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 11, after the word "exceeded," on line 8, insert the following additional proviso:

Provided further, That hereafter when any employee in the Postal Service, under the law, is entitled to compensatory time for Sunday or holiday service, if he so elects, he may be paid for overtime in lieu thereof.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. MCKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a pair with the junior Senator from South Dakota [Mr. JOHNSON] and withhold my vote.

Mr. GALLINGER (when his name was called). Repeating the announcement I made on the former vote of the transfer of my pair, I vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH]. Not knowing how he would vote on this question I withhold my vote unless I can get a transfer.

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS] and therefore withhold my vote.

Mr. STERLING (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New York [Mr. WADSWORTH] and vote. I vote "yea."

Mr. UNDERWOOD (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. In his absence I withhold my vote.

Mr. WEEKS (when his name was called). I am paired with the senior Senator from Kentucky [Mr. JAMES]. Not knowing how he would vote on this question, I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Louisiana [Mr. GUION] and I vote "yea."

The roll call was concluded.

Mr. LODGE. I transfer my general pair with the Senator from Georgia [Mr. SMITH] to the Senator from Wyoming [Mr. WARREN] and vote. I vote "yea."

Mr. DILLINGHAM. I withhold my vote, having a general pair with the senior Senator from Maryland [Mr. SMITH].

Mr. CALDER. I have a general pair with the Senator from Rhode Island [Mr. GERRY]. I transfer that pair to the Senator from California [Mr. JOHNSON] and vote "yea."

Mr. ROBINSON. I am informed that the Senator from Arizona [Mr. SMITH] is absent on account of illness.

I wish also to announce that the senior Senator from Louisiana [Mr. RANSDELL] and the junior Senator from Louisiana [Mr. GUION] are detained on official business.

Mr. KIRBY. I desire to announce that the Senator from Delaware [Mr. SAULSBURY], the Senator from Nebraska [Mr. HITCHCOCK], and the Senator from Kentucky [Mr. BECKHAM] are absent on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Iowa [Mr. CUMMINS] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from West Virginia [Mr. SUTHERLAND] with the Senator from Kentucky [Mr. BECKHAM]; and

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED].

The roll call resulted—yeas 26, nays 21, as follows:

YEAS—26.

Baird	Gronna	New	Townsend
Bankhead	Hale	Overman	Underwood
Brandegee	Hardwick	Page	Vardaman
Calder	Henderson	Pittman	Wilfley
Culberson	Lenroot	Simmons	Williams
Fall	Lodge	Sterling	
Gallinger	Martin	Swanson	

NAYS—21.

Chamberlain	Kirby	Poindexter	Smoot
Curtis	Lewis	Pomerene	Thompson
France	McKellar	Robinson	Trammell
Jones, Wash.	McNary	Shafroth	
Kenyon	Norris	Sheppard	
King	Nugent	Shields	

NOT VOTING—49.

Ashurst	Harding	Myers	Smith, S. C.
Beckham	Hitchcock	Nelson	Sutherland
Borah	Hollis	Owen	Thomas
Colt	James	Penrose	Tillman
Cummins	Johnson, Cal.	Phelan	Wadsworth
Dillingham	Johnson, S. Dak.	Ransdell	Walsh
Fernald	Jones, N. Mex.	Reed	Warren
Fletcher	Kellogg	Saulsbury	Watson
Frelinghuysen	Kendrick	Sherman	Weeks
Gerry	Knox	Smith, Ariz.	Wolcott
Goff	La Follette	Smith, Ga.	
Gore	McCumber	Smith, Md.	
Guion	McLean	Smith, Mich.	

The VICE PRESIDENT. On agreeing to the amendment, the yeas are 26, the nays 21. Senators MCCUMBER, WATSON, WEEKS, FERNALD, and DILLINGHAM being present, the Chair declares the amendment agreed to. The bill is in the Senate and still open to further amendment. If there be no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BANKHEAD. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BANKHEAD, Mr. HARDWICK, and Mr. TOWNSEND conferees on the part of the Senate.

GUTZON BORGLUM.

Mr. BRANDEGEE. Mr. President I send to the desk a telegram and ask that it be read.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read as follows:

STAMFORD, CONN., *May 16.*

Senator BRANDEGEE,
Senate Chamber, Washington, D. C.:

I was acting as I believed correct in asking you to place my reply before Senate. Will you kindly give papers to some Senator who may regularly do this. I can not let slanderous affirmations without proof be brought before Senate without reply, and, of course, no one wishes to deprive me of the right to answer.

GUTZON BORGLUM.

Mr. BRANDEGEE. Mr. President, I simply wish to say that yesterday afternoon a messenger came to my house with a card from Mr. Borglum and handed to me some papers which are in this envelope [exhibiting]. Mr. Borglum evidently wants me to put them in the CONGRESSIONAL RECORD. There are here two letters from Mr. Borglum containing serious charges against gentlemen about whom I have no knowledge, and there are affidavits here denying the charges that were made publicly on the floor of the Senate against Mr. Borglum—affidavits of Mr. Mix and of one other gentleman in the British service, whose name was associated with that of Mr. Borglum.

Mr. GALLINGER. Gibson.

Mr. BRANDEGEE. Yes; Gibson.

It does seem to me that when a man like Mr. Borglum, who has, hitherto at least, been considered to be a respectable gentleman, is attacked upon the floor of the United States Senate, and the charges go into the CONGRESSIONAL RECORD and all over the country, he is entitled at least to a hearing and to a refutation or a chance to refute the charges that have been made against him. I do not know whether he is innocent or guilty, or whether the gentlemen against whom he makes the charges are innocent or guilty. The charges that he makes here are so serious and grave that I would hesitate to stand sponsor for them, for I know nothing about them. Hence I will not ask to have them put into the CONGRESSIONAL RECORD. I am simply standing here, in view of the telegrams he sends me demanding some sort of a chance to vindicate his character, to ask that these papers, just as I have received them, be referred to the Committee on Military Affairs in confidence, for their information, and for them to take such action upon them as they think is wise and expedient. I am not going to suppress them; I do not think I ought to pocket them; and I do not feel that at this stage I ought to make them public; but there they are, and I ask that that action be taken.

Mr. CHAMBERLAIN. Mr. President, I will say that the Committee on Military Affairs are not particularly interested in any row that Mr. Borglum has with any other individual; but if that committee is permitted to go ahead with the investigation, or if it does go ahead with the investigation, it will hear Mr. Borglum as to facts but not as to any quarrels he may have with individuals. The committee will also be glad to hear from anybody else that can produce any facts whatsoever that bear upon the situation. So Mr. Borglum will have an opportunity if our committee proceeds; there is no question about that.

Mr. BRANDEGEE. I have no doubt whatever of that, Mr. President. I have the utmost confidence in the Senator from Oregon and in the Committee on Military Affairs—both sides of it, Democrats and Republicans. There are no better set of men in this country than the Committee on Military Affairs, and there is no more patriotic body.

I simply say that a gentleman whom I know to be a man of standing in my State has sent me charges of the character involved in these papers, which I have looked over, and which I do not care to make public, because, if they are true, somebody is a criminal. I know nothing about it, and I am in the position either of having to suppress the whole thing and decline to do anything with it or else to have some authorized body of the Senate take jurisdiction of it. I think the Senator, when he reads these papers, which are accompanied by sworn affidavits, will think there is something in these charges. I do not know how much or what, but I have perfect confidence in the Senator from Oregon and in the Senator's committee. I do not, however, want to be put in the position, as I say, of squelching charges that are made; neither do I want to be put in the position of publishing stuff that, if untrue, is libelous. Therefore I ask that the papers be referred to the Committee on Military Affairs in confidence, and let them use their judgment about what to do with them.

The VICE PRESIDENT. Without objection, the request is granted.

CONSIDERATION OF UNOBJECTED BILLS.

Mr. SMOOT. I ask unanimous consent that the Senate proceed with the consideration of the calendar under Rule VIII of bills to the consideration of which there is no objection, beginning where we left off this morning.

The VICE PRESIDENT. Is there objection? The Chair hears none.

JAMES DUFFY.

The bill (S. 921) for the relief of James Duffy was announced as first in order on the calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, James Duffy, late of Company A, Twenty-fourth Regiment Wisconsin Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 6th of October, 1862; but no pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD W. WHITAKER.

The bill (S. 2646) for the relief of Edward W. Whitaker was considered as in Committee of the Whole. It authorizes the President to nominate and, by and with the advice and consent of the Senate, appoint Edward W. Whitaker, late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general, United States Volunteers, a lieutenant colonel of Cavalry in the Army of the United States; and, when so appointed, he shall be placed upon the retired list of the Army, unlimited, with the pay and emoluments of a retired officer of that grade, the retired list being thereby increased in number to that extent; but on receiving the retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KATHERINE MACDONALD.

The bill (S. 2975) for the relief of Katherine Macdonald was announced as next in order.

Mr. OVERMAN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

HOMESTEAD AND DESERT-LAND ENTRYMEN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3439) for the relief of certain homestead and desert-land entrymen, which had been reported from the Committee on Public Lands with amendments. The first amendment was, in section 1, page 1, line 4, after the word "homestead," to strike out "or desert-land"; in line 11, after the word "homestead," to strike out "or desert-land"; and on page 2, line 3, before the word "entryman," to strike out "homestead," so as to make the section read:

That any person who, as much as one year before the passage of this act, shall have made a valid homestead entry for not more than 320 acres of public land, including entrymen on ceded Indian lands, may, at any time within 90 days after the date hereof, file in the local land office the required notice of intention to make final proof, and upon the submission pursuant to said notice, of satisfactory proof showing compliance with the homestead laws applicable thereto to the date of such proof, and upon the payment of all charges on account of such entry shall be entitled to final certificate and patent for the land so entered: *Provided*, That no patent shall issue to any entryman who has not actually resided upon his homestead for a period of at least seven months: *Provided further*, That none of the provisions of this act shall apply to any entries of land under Government reclamation projects.

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to insert as a new section the following:

SEC. 2. That no final proof shall be deemed sufficient and no patent hereunder shall issue until the entryman shall by affidavit, bond, or otherwise, as required by the register and receiver, satisfy the register and receiver of the land office where final proof may be made that he will each year for the next succeeding two years cultivate and put in grain or other food crops one-eighth of the area of the homestead.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to insert as a new section the following:

SEC. 3. That no patentee hereunder shall have the power to convey by deed of conveyance or otherwise alienate any land patented hereunder (except that he may mortgage it for a valuable consideration) within three years' time from the date of his entry.

The amendment was agreed to.

Mr. LENROOT. Mr. President, this is a bill which very radically changes the present homestead laws, and I think there ought to be some explanation of why such an important change is proposed to be made at this time.

Mr. SMOOT. Mr. President, what the Senator from Wisconsin says is absolutely true. The bill can not be defended upon any other ground than that it is a war measure. It is for the purpose of trying to get more of the lands under cultivation within the next two years in order to produce food, which is so absolutely necessary at the present time. I will say to the Senator that the bill was held in committee for some time and discussed thoroughly at the committee meetings, but that finally it was decided there would be no danger in passing the bill in the form in which it now is, with the amendments which have been suggested by the Secretary of the Interior.

Mr. LENROOT. Mr. President, if the Senator from Utah will yield to me, I desire to say that it seems to me that this bill will defeat the very purpose which the Senator suggests that he hopes will be accomplished by the bill. Under the present homestead law the entryman is required to cultivate a certain amount of the area each year, while if this bill passes he will receive a patent for the land at the end of one year, and he is merely required to satisfy the Secretary of the Interior, by affidavit, bond, or otherwise, that in the succeeding two years he will cultivate the land. In the very nature of things it is to be expected that, if this bill passes and the entryman receives the patent which is provided for in the bill, there will not be the amount of cultivation during the succeeding two years that there would be under the present homestead law.

Mr. SMOOT. Mr. President, the Senator from Montana [Mr. MYERS] is now in the Chamber; and, as I did not vote for the bill in committee, I had rather the Senator from Montana should make an explanation of it to the Senator from Wisconsin.

Mr. MYERS. Mr. President, under this measure, if enacted into law, it will be discretionary with land-office officials whether or not they will issue patents on the showing which is made by entrymen upon final proof. That will have to be such as to convince them that the entryman is acting in good faith, and such as to convince them that he will live up to his affidavit or his bond, or whatever is required of him.

The object of this bill is to enable thousands of homesteaders, while we are engaged in this war, to make final proof on their homesteads on such evidence as will satisfy the land-office officials that the homesteaders are acting in good faith and that they will comply with all of the requirements made of them for three years.

The further object of the bill is to enable such homesteaders who are actually living on the land, improving it and cultivating it, to obtain a patent so they may have some basis of credit on which to borrow money with which to improve their claims and to purchase implements, seed, and live stock, and thus be able to go to work and farm in real earnest for the purpose of making the land produce all which it is capable of producing.

I desire to say to the Senator from Wisconsin that the bill only applies to those people who can comply with its provisions—those who have entered the land at least one year prior to the enactment of the measure and who have lived on the land for at least seven months. It only applies to those who are there now and can meet the requirements; nobody else can ever take advantage of it. It is simply for the benefit of the present existing body of homesteaders—those now on the land and able to meet the requirements. When they take advantage of it, the objects and functions of the bill will end; it can not be taken advantage of in the future.

I desire to say to the Senator from Wisconsin that the bill does not alter the homestead laws as to the future at all; it does not change them for all future time to come; it makes no permanent change. It only enables those who happen to be so situated that they can comply with the terms of the law within 90 days after its enactment to get patents if they desire. Then the law will end. It will have no future nor continued application; it would then become a dead letter.

Mr. LENROOT. Will the Senator from Montana yield to me?

Mr. MYERS. With pleasure.

Mr. LENROOT. In case the entryman, after he receives the patent, does not comply with the condition required for the additional cultivation for the succeeding two years there is no penalty, there is no revocation of the patent, and he will have the land free of any encumbrance of any kind. Although it may result in a much less degree of cultivation than would have been required under the homestead law, he nevertheless will have his patent.

Mr. MYERS. Mr. President, I do not think there is any doubt that if facts could be produced to show that fraud or bad faith had been practiced on the Government, in such a case a patent could and would be canceled. If, in an action to cancel a patent, a man should show by good and substantial evidence that by long-continued sickness, accidental calamity, or something of that kind, he was absolutely prohibited by something beyond his power from complying with the requirements of the law, I think that in such a case the patent should not be annulled; only where there is sufficient evidence to show bad faith or fraud or imposition practiced upon the Government. In such a case I do not think there is any doubt but that the patent could be annulled.

The object of this measure, Mr. President, is, and the whole inception of the matter was, to aid the Government in increasing the production of food products in time of war. There is no doubt it would greatly aid that great end. It is simply a war measure, limited to this particular time and never to be applied in the future. It is not to be a permanent law. The committee considered it to be a war measure to aid in the production of foodstuffs. I know that it is intended to accomplish good; I know it would accomplish much good; I know that the

amendments which were added by the committee at the suggestion of the Interior Department make the bill better; I know that the bill was conceived and is advocated in good faith, for the benefit of our country in time of war, and would be productive of a great deal of good. The mere fact that in some instances it may be abused is no more than may happen, and does happen, in connection with the homestead laws generally; they are all abused occasionally. On the whole, I think the bill would undoubtedly result in great good. As I have said, the committee considered this as a war measure and decided that it was for the benefit of the country in time of war. It considered it justified by the war. I hope Senators will not object to the bill, but will let it be voted upon on its merits. There are in the western country, in the public-land States, thousands—yea, hundreds of thousands—of poor but honest, patriotic homesteaders. They are struggling under great burdens. They are good citizens; there are none better. They have entered land, but they have not the means with which to improve and cultivate it. They are poor; they have no money. Not having title to their land, they can not borrow money on it. They have no credit. They can give no security. They want to raise big crops and help their country, but they can not get the money for seed, implements, and teams. This proposed law would enable them to establish credit, borrow money on their land, and with it break and cultivate more land, raise bigger crops of grain, and thus help their country in this time of its stress and need. We must have food to win the war, and this would help.

Mr. KING. Mr. President, will the Senator yield to me for a moment?

Mr. MYERS. With pleasure.

Mr. KING. Suppose that after patent is issued, the patentee mortgages the property or alienates it, and the mortgagee or vendee fails to comply with the law and fails to make cultivation of the land, would it not be impossible, under those circumstances, to secure a revocation of the patent upon the ground of failure to live up to the terms of the law?

Mr. MYERS. I do not think so, because certain terms are imposed on the entryman, and if anybody takes a mortgage on the land or buys it, he does it with a knowledge of the conditions imposed by the law and knowing that he will have to comply with those conditions in order to make the patent good. Transferring or mortgaging land will not validate fraud; and if the entryman practices fraud, or if his successor practices fraud, I do not think there is any doubt that the patent could be and would be canceled. The proposed law may be open to some little suspicion of a bare possibility of an occasional abuse, but it would in those particulars result in such great good to the country in the way of increased food production in time of war that I think the good far overbalances any possibility of harm in it. Any law is open to some abuse. Every law is occasionally abused. Every law is occasionally violated as to its spirit and intent. The present homestead laws are occasionally abused and made to work imposition on the Government, but that is no reason why they should be repealed. The good far outweighs the occasional abuse. This proposed law would bring into existence millions more of bushels of wheat the first year of its existence, and we need the wheat. Undoubtedly it would do great good and little or no harm.

Mr. JONES of Washington. Mr. President, I wish to ask the Senator a question.

Mr. MYERS. I yield with pleasure.

Mr. JONES of Washington. I notice in the report of the Secretary of the Interior that he suggests that the bill be amended so as to require that the entryman—

> has actually cultivated not less than one-sixteenth of the area of the entry, and that the law shall require that every patent so issued shall expressly provide that it shall be subject to forfeiture and cancellation unless the entryman shall show to the satisfaction of the Secretary of the Interior that he has cultivated to agricultural crops.

The amendment proposed by the committee does not require the patent to contain that provision. I simply wish to know why the committee did not think such an amendment necessary?

Mr. MYERS. The committee thinks that would be the law, and that the courts would so hold, even without any express provision to that effect; so the committee did not think it necessary to put such a provision in the bill. Of course, if any Senator wishes to offer an amendment along that line, I would not object; but the committee, as I have said, did not think it necessary.

Mr. JONES of Washington. I have a great deal of respect for the judgment of the committee, but I can not see how, when all that is required is that the entryman should satisfy the register and receiver, that the courts would then carry any such condition as that into the patent.

Mr. MYERS. If a man should not live up to the requirements of the measure and his obligations, it certainly would show fraud, unless he were prevented from so doing by something beyond his power.

Mr. GRONNA and Mr. LENROOT addressed the Chair.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Montana yield to the Senator from North Dakota?

Mr. MYERS. I yield with pleasure.

Mr. GRONNA. I hope the Senator from Montana will not accept the amendment as suggested by the Senator from Washington.

Mr. MYERS. I have no power to accept it. I only say I would not object to it.

Mr. GRONNA. I am only a farmer, and the Senator from Montana and the Senator from Washington are lawyers, but I am very sure that both of them well know that when land is transferred from one person to another, if fraud has been committed the Government can still take the land, no matter who holds it. There are a number of decisions to that effect.

Mr. JONES of Washington. I did not suggest anything about fraud. I suggested that this amendment only requires the entryman to satisfy the register and receiver. It may not require very much to satisfy the register and receiver to accept the proof of the entryman; there is no condition in the patent that it shall be canceled on the terms suggested by the Secretary of the Interior, and you could not get any court to cancel it.

Mr. MYERS. The bill certainly requires an entryman to obligate himself to meet all requirements, and, if he does not do it and he can not show that he was prevented by something beyond his power, it would certainly show bad faith and result in the cancellation of the patent. I have no power to accept any amendment. I simply stated that I had no objection to such an amendment if it were offered. I hope there will be no objection to this bill. It is badly needed. The West wants it. The country needs it. Let us pass the bill now.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. MYERS. With pleasure.

Mr. LENROOT. I wish to say to the Senator, feeling as I do, that this bill would defeat the very purpose that it seeks to accomplish, I shall feel constrained to object to its further consideration.

The PRESIDING OFFICER. Objection is made.

Mr. MYERS. I would like to ask the Senator from Wisconsin if he will not permit the bill to come to a vote and simply cast his vote against it? Will he not withdraw his objection to its consideration? Let us have a vote on it.

Mr. LODGE. Regular order! We are proceeding under Rule VIII.

The PRESIDING OFFICER. Objection is made. The Secretary will state the next bill on the calendar.

GUARANTEED PRICE OF WHEAT.

The joint resolution (S. J. Res. 132) to amend section 14 of the food-control act by increasing the guaranteed minimum price of wheat for the crop of 1918 from $2 to $2.50 per bushel was announced as next in order.

Mr. GRONNA, Mr. SMOOT, and Mr. POMERENE asked that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

ADDITIONAL DISTRICT JUDGE IN NORTH CAROLINA.

The bill (S. 3217) providing for the appointment of an additional district judge for the western judicial district of the State of North Carolina was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. SMOOT. Mr. President, I notice following this bill on the calendar there is another bill providing for the appointment of an additional district judge for the northern district of California. I wish to ask the Senator who reported the bill whether there is a real reason why additional judges should be appointed in North Carolina and California?

Mr. OVERMAN. Mr. President, these bills were thoroughly gone over by the Judiciary Committee and reported unanimously. Two or three bills of the same character have passed the Senate and gone to the other House. Our idea was to let them go to the House and be considered, and, if the House thinks they ought to pass, to put them in an omnibus bill.

Mr. SMOOT. Then the House has not passed any of the bills along this line which the Senate has passed and sent over?

Mr. OVERMAN. None at all.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the President shall, by and with the advice and consent of the Senate,

appoint an additional district judge for the western judicial district of the State of North Carolina, who shall reside in the district and shall possess the same qualifications, have the same power and jurisdiction, and receive the same salary now prescribed by law in respect of the present district judge therein, and whenever a vacancy shall occur in the office of the district judge for the western judicial district of the State of North Carolina senior in commission such vacancy shall not be filled, and thereafter there shall be but one district judge in the district.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGE IN CALIFORNIA.

The bill (S. 2910) providing for an additional judge for the northern district of California was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

NAVY MAIL CLERKS AND ASSISTANTS.

The bill (S. 3399) to amend an act approved May 27, 1908 (35 Stat., 417, 418), and for other purposes, was considered as in Committee of the Whole. It proposes to extend the provisions of the act of May 27, 1908 (35 Stat., 417, 418), as amended by the act of August 24, 1912 (37 Stat., 560), and as amended by the act of March 4, 1917 (39 Stat., 1188), to authorize the designation of enlisted men of the Navy or Marine Corps as Navy mail clerks and assistant Navy mail clerks for duty at stations and shore establishments under the jurisdiction of the Navy Department, where the services of such mail clerks and assistant mail clerks are necessary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WIDOW OF OWEN S. WILLEY.

The bill (S. 180) granting an honorable discharge to Owen S. Willey was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws the late Owen S. Willey, who served in the United States Navy from July 11, 1860, to April 16, 1863, as an acting master's mate, shall hereafter be held and considered to have been discharged honorably from the naval service of the United States as an acting master's mate on April 16, 1863: *Provided*, That no pay, bounty, pension, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Ellen M. Willey, widow of Owen S. Willey."

REIMBURSEMENT OF NAVAL ENLISTED MEN.

The bill (S. 3125) for the relief of certain enlisted men of the United States Navy was announced as next in order, and the Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named men the sums of money following their names, respectively, or so much thereof as may be found by the Secretary of the Navy, upon evidence satisfactory to him to have been lost by said men and upon certificate from the Secretary of the Navy as to the amount to be paid: A. Balton, $67; Bernard C. Biezunski, $36; C. C. Bleam, $57; W. J. Brown, $50; Lemuel F. Dixon, $50; Elmer M. Hall, $30; J. Hello, $5; W. P. Hunt, $67; C. E. Jordan, $47; F. E. Kent, $40; Gustave A. Lohse, $76; L. E. Looney, $50; George L. Rice, $60; R. R. Sprott, $50; E. A. Stoner, $62; Max Szwajkowski, $102; E. T. Taylor, $50; Wenford P. Thorogood, $55; N. J. Turpin, $50; W. H. Wilson, father of A. W. Wilson, $87; Elmer Wilson, $50; Robert Wittig, $85; John A. Wohlgren, $85; and the sum of $1,311, or so much thereof as may be found, as above provided, to have been lost, is hereby appropriated to carry out the provisions of this act, the said sums being the amounts claimed to have been lost by the parties named by reason of the defalcations of former paymaster's clerk, Theodore N. Carter, United States Navy, who deserted January 10, 1912, and who is still in desertion.

Mr. KING. Mr. President, for information, I should like to inquire if it is the custom of the Government to reimburse sailors or soldiers for any money which they may leave temporarily with some officer of the Government when the latter defaults or embezzles the money? It does not seem to me that the Government ought to be held responsible under circumstances of that kind. The officer becomes the custodian of the moneys of the individual; he ceases to be a Government employee and becomes the agent or employee of the individual. If they care to make him their agent and he embezzles the money, I do not see why the Government should be responsible, unless it is understood that the Government furnishes such an agent and he gives bond for the protection of those who may make deposits with him. If any Senator can offer any explanation as to the custom of the Government in this regard, I shall be glad to hear it.

Mr. LODGE. Mr. President, it is the custom of sailors to leave their money in charge of paymasters; there is a provision of law for that; and it is customary to make it good to them if the money is lost by no fault of theirs. The Government is responsible for it; the money is in the hands of Government officers, and this bill is simply to take that privilege from men who are absent, as it is stated, on account of injury, sickness, or disease resulting from their own intemperate use of drugs, alcoholic liquors, or other misconduct.

Mr. KING. I think the Senator is reading a different bill from that which I understand is before the Senate.

Mr. LODGE. Perhaps I am.

The PRESIDING OFFICER. Calendar No. 268 is the bill now before the Senate.

Mr. LODGE. I was looking at Calendar No. 276. I will tell the Senator about the bill under consideration in a moment; I was looking at the wrong bill.

Mr. KING. Mr. President, let me say to the Senator that I can understand that the Government perhaps ought to be responsible in justice to the men for any moneys which may be due the men and which have not been delivered to them, but I do not quite understand why the Government should be liable if that money has been paid out to sailors or soldiers and they then deposit it with some paymaster, and he embezzles it. For instance, some sailor might obtain money from other sources and use the paymaster as a sort of depository or as the agent to take charge of his money. It would seem to me a very injurious thing if the Government under such circumstances should be held responsible.

Mr. LODGE. It is the practice in the Navy, if the men choose to leave their money with them, for the paymasters to take charge of the money. In this case the man Carter, who was assistant paymaster's clerk, defrauded the Government and also these seamen who had left money with him.

Mr. KING. Has the defaulter been apprehended and punished, does the Senator know?

Mr. LODGE. I was looking to see. I imagine he has; but I do not find it in the Secretary's letter. It is simply to make good to these men, who left their money with the paymaster, money which they have lost through no fault of their own. It is very commonly done. Seamen have not the best places to carry money, and they are very apt to leave it with paymasters.

Mr. KING. Mr. President, I have just hastily read the report, and I shall ask that this bill go over. I dislike very much to do so, but it seems to me that it would put the Government in a very dangerous situation unless there were some restrictions placed on legislation of this character.

Mr. LODGE. These frauds do not happen very often, the amounts are very small, and it is very hard that the seamen should be defrauded of their pay by Government officers whom they are led to believe are responsible people.

Mr. KING. I will investigate the matter.

Mr. LODGE. They are small amounts. It is the poor seamen who suffer; that is all.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

BILLS PASSED OVER.

The bill (S. 2120) for the relief of the Wisconsin Band of Pottawatomie Indians, and for other purposes, was announced as next in order.

Mr. GRONNA. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3011) for the relief of Winfield S. Solomon was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3646) to grant rights of way over Government lands for reservoir purposes for the conservation and storage of water to be used by the city of San Diego, Cal., and adjacent communities was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LOSS OF PAY BY OFFICERS AND MEN OF NAVY AND MARINE CORPS.

The bill (S. 3405) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and to insert:

That the fourth paragraph under the subhead of "Officers for engineering duty only" in the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, approved August 29, 1916," relative to the loss of pay by officers and enlisted men of the Navy and Marine Corps who are absent from duty on account of sickness or disease resulting from their own misconduct be, and the same is hereby, amended to read as follows:

"Hereafter no officer or enlisted man in the Navy or Marine Corps in active service who shall be absent from duty on account of injury, sickness, or disease resulting from his own intemperate use of drugs or alcoholic liquors, or other misconduct, shall receive pay for the period of such absence, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of the Navy: *Provided*, That an enlistment shall not be regarded as complete until the enlisted man shall have made good any time in excess of one day lost on account of injury, sickness, or disease resulting from his own intemperate use of drugs or alcoholic liquors or other misconduct."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the naval appropriation act, approved August 29, 1916, relative to the loss of pay by officers and enlisted men of the Navy and Marine Corps who are absent from duty on account of sickness or disease resulting from their own misconduct."

REIMBURSEMENT FOR UNIFORMS, ETC., LOST ON BOARD "TUSCANIA."

The joint resolution (S. J. Res. 134) to reimburse soldiers and officers for uniforms and equipment lost on board the *Tuscania* February 5, 1918, and in other like cases, was considered as in Committee of the Whole. It authorizes the President to pay out of the annual Army appropriation for clothing, camp, and garrison equipage to each of the officers who lost uniforms and equipment through the sinking by submarine of the steamship *Tuscania* February 5, 1918, and to others who may hereafter lose clothing and equipage in the same manner, a sum equal in value to the clothing and equipment lost, and not to exceed $400; and to issue to soldiers the necessary clothing and equipment to replace that lost by those who suffered or may hereafter suffer in the same manner, provided that acceptance of any amount hereunder shall constitute a final determination of all claims cognizable under this resolution or any act of Congress, and such claims shall not thereafter be reopened or considered.

Mr. SMOOT. Mr. President, the Senator from Florida [Mr. FLETCHER] reported this joint resolution; but I will ask the Senator from Oregon if it conflicts in any way with the provisions that we included in the urgent deficiency bill?

Mr. CHAMBERLAIN. No; not at all. This only covers one case.

Mr. SMOOT. I notice that it says here that it shall apply "to others who may hereafter lose clothing."

Mr. THOMAS. It applies to other like cases.

Mr. CHAMBERLAIN. I have not examined it in conjunction with the provision in the urgent deficiency bill.

Mr. SMOOT. The Senator knows that there was a provision put in that bill covering losses of all officers.

Mr. CHAMBERLAIN. Yes; there was. I will state to the Senator why this joint resolution was introduced. It was prepared by the War Department in compliance with a cable request of Gen. Pershing. He states in his cablegram:

Officers and soldiers who were aboard *Tuscania* lost all uniforms and equipment exclusive of clothes they wore. Soldiers will be supplied necessary clothes and equipment by Quartermaster Department. Case of officers more difficult. They are in immediate need of uniforms and equipment and are without money to purchase same. Recommend immediate joint resolution authorizing Quartermaster Department to donate to each officer $400, which is amount estimated as necessary to equip an officer properly and replace what he lost. Also suggest that joint resolution authorize President to direct same donation, in his discretion, in like cases arising in the future. Pending action of Congress, I have met situation by personally securing credit for these officers to above amount with Morgan Grenfel & Co., London, England. Number of officers so far 10.

Mr. President, with reference to this matter, why postpone it any further? It has been on the calendar since March 1.

Mr. LODGE. It ought to have been passed the moment it was asked for.

Mr. CHAMBERLAIN. Yes; it ought to have been.

Mr. SMOOT. Mr. President, I want the Senate to understand that I have no objection to the passage of the joint resolution; but that very cablegram was read to the subcommittee of the Committee on Appropriations at the time they put in the urgent deficiency bill provision in detail for just such cases as this. The case of the *Tuscania* was discussed at that time, and the junior Senator from Alabama [Mr. UNDERWOOD] called attention to the soldiers who were on that boat, who had lost their all, and they could not get credit abroad to secure the necessary clothes.

That bill passed Congress on March 18 and this bill was introduced on March 1. The only question in my mind is as to whether or not this is not in direct conflict with the law that is now upon the statute books. They ought to be paid, of course.

Mr. CHAMBERLAIN. In order that there may be no question about it, I am going to ask to have read into the RECORD the provision in the urgent deficiency bill, so that the Senator may see just what it is. I do not think it is broad enough to cover this case. I will ask the Secretary to read, beginning at the bottom of page 3 in the urgent deficiency bill, down as far as that subject is covered. It is only about a page.

Mr. SMOOT. As this measure is to go to the House, I do not care whether it is read or not. Let us pass it to-day.

Mr. CHAMBERLAIN. I ask to have it read, because it will come up again. I am going to insist again that that provision in the urgent deficiency bill is not broad enough to do what is necessary to protect these young fellows who have gone abroad; and a little later on I am going to bring up again the matter that was passed over this morning and try to get it through.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Claims of officers and enlisted men for loss of private property destroyed in the military service: Property belonging to officers, enlisted men, and members of the Nurse Corps (female) of the Army, which they are required by law or regulations to own and use in field service in the performance of their duties, which since the 5th day of April, 1917, has been, or shall hereafter be, lost, damaged, or destroyed in the military service, shall be replaced, or the damage thereto, or its value, recouped to the owner as hereinafter provided, when such loss, damage, or destruction has occurred or shall hereafter occur without fault or negligence on the part of the owner in any of the following circumstances:

First. When such private property so lost or destroyed was shipped on board an unseaworthy vessel by order of an officer authorized to give such order or direct such shipment, or destroyed by the enemy or by shipwreck.

Second. When it appears that such private property was so lost or destroyed in consequence of its owner having given his attention to the saving of property belonging to the United States which was in danger at the same time and in similar circumstances.

Third. When such private property is destroyed or captured by the enemy, or is destroyed to prevent its falling into the hands of the enemy, or is abandoned by reason of military emergency requiring its abandonment.

The Secretary of War is authorized and directed to examine into, ascertain and determine the value of such property lost, destroyed, captured, or abandoned as specified in the foregoing paragraphs, or the amount of the damage thereto, as the case may be; and the amount of such value or damage so ascertained and determined shall be paid from appropriations made therefor, or such property lost, destroyed, captured, or abandoned, or so damaged as to be unfit for service, may be replaced in kind from Government property on hand by the supply officer or quartermaster of the organization to which the person entitled thereto belongs or with which he is serving upon the order of the commanding officer thereof.

Tender of replacement or the determination made by the Secretary of War upon a claim presented as provided for in the foregoing paragraphs shall constitute a final determination of any claim cognizable under this act, and such claim shall not thereafter be reopened or considered by any accounting officer or court of the United States.

No claim arising under this act shall be considered unless made within one year from the time that it accrued, or presented within six months after peace is established.

For the payment of any awards hereunder there is appropriated the sum of $200,000.

Mr. SMOOT. Mr. President, that is the provision in the law to which I have reference, and I think that covers every case which would be covered by this joint resolution. If the Senator from Oregon thinks otherwise, I have no objection to passing this measure and letting it go to the House; but I do believe that the law to-day covers this case as well as every other case of the kind that will happen.

Mr. CHAMBERLAIN. Mr. President, I do not feel about it as the Senator from Utah does. If it is not necessary, there is no use in putting it through the Senate.

Mr. SMOOT. That is what I thought.

Mr. CHAMBERLAIN. I am acting largely on the recommendation of the War Department. In order to show that the bill upon which the Senator relies—that is, the urgent deficiency bill—does not cover the propositions which the War Department intended to have covered, I am going to ask to have read into the RECORD a letter from the Secretary of War, under date of April 17, 1918, wherein it is shown that the provision in the urgent deficiency bill is not sufficient to meet the needs of the Army at this time.

Mr. SMOOT. Mr. President, in that connection I wish to say again, as I said when the Senator referred to this matter before in connection with another bill, that the recommendations of the department were not identically in accordance with the provisions found in this law. Their recommendations were broader than the Appropriations Committee thought the law ought to be, and it is true, no doubt, that there are a number of cases that it would not cover. That does not affect this joint resolution in any way whatever, but it does affect the bill that we passed over between 1 and 2 o'clock to-day.

Mr. CHAMBERLAIN. Mr. President, I am not questioning the statement of the Senator, and I am not questioning the sin-

cerity of the Committee on Appropriations when they provided for this matter in the emergency legislation. What I am insisting on is that that legislation does not meet the situation; and that is one of the unfortunate things about tacking legislation on to these appropriation bills, because the distinguished gentlemen of the committee did not have the military situation distinctly in mind, and did not have before them the legislation which the Military Affairs Committee had before them when they considered this measure and reported it out.

Mr. SMOOT. We had the representatives of the War Department before the committee, and they gave their testimony.

Mr. GALLINGER. Let the letter be read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, April 17, 1918.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR CHAMBERLAIN: In accordance with the request made over the telephone by Mr. Daniels, the assistant clerk of your committee, I am writing you with reference to the differences between S. 3527, the bill to provide for the settlement of the claims of officers and enlisted men of the Army, and the provision upon that subject enacted into law as a part of the urgent deficiency bill.

The circumstances under which payment may be made for losses are cut down by the emergency deficiency act by the elimination of the fourth subdivision of the Senate bill, namely, "when during travel under orders the regulation allowance of baggage transferred by common carriers is lost or damaged; but replacement or recoupment in these circumstances shall be limited to the extent of such loss or damage over and above the amount recoverable from said carrier."

The class of property payment for loss of which is authorized is, according to S. 3527, "all prescribed articles of equipment and clothing which they are required by law or regulations to own and use in the performance of their duties" and such articles of personal property as the Secretary of War shall decide or declare to be reasonable, useful, necessary, and proper while in quarters, engaged in the public service in the line of duty. According to the urgent deficiency act, this class of property is limited to that "which they are required by law or regulations to own and use in field service in the performance of their duties." As a measure applying solely to service beyond the seas in the present war this change is of little or no moment. As applying to time of peace, however, the change is of considerable importance. As one example, I cite the fact that in time of peace an officer is obliged to be equipped with dress uniforms and with sword and saber, and these he must carry with him when he moves from station to station. Other examples would be all those articles determined by the Secretary of War as reasonable and proper to be had while in quarters in the line of duty. All of the foregoing articles would fall within the provisions of the Senate bill. They would not, however, fall within the provisions of the urgent deficiency act. The Senate bill was designed as an amendment to the act of March 3, 1885, whose provisions specifically covered peace time only. One of the amendments carried by the Senate bill is to make the provisions applicable in time of war as well as in time of peace.

By the Senate bill it is provided generally that the proper accounting officers of the Treasury are authorized and directed to examine into, ascertain, and determine the value of the property, and it is provided specially that in time of war such property shall be replaced in kind from Government property on hand upon the order of the commanding officer, and by the amendment offered by Mr. FLETCHER it is further provided that when such replacement can not be made, or can not be made within a reasonable time, adequate commutation shall be given therefor upon the order of said commanding officer. Under the urgent deficiency act it is provided that the Secretary of War is authorized and directed to examine into, ascertain, and determine the value of such property. Thus, as applied to the present war time, all determinations as to loss or damage must be made in Washington or through directions from Washington instead of directly by the officers in the field. Thus the urgent deficiency act would seem to impose a greater burden upon the administration than that provided for by the Senate bill. The provision of the urgent deficiency act that property lost or damaged may be replaced in kind does not obviate the necessity of having money claims presented therefor in Washington, for the Government does not carry officers' clothing or nurses' clothing.

The Senate bill provides a continuing appropriation to take care of these claims. The urgent deficiency act makes a specific appropriation and would require other specific appropriations after exhaustion of the one now made.

The Senate bill provides specifically for the amendment of the act of March 3, 1885, so that it shall read as in the Senate bill set forth. The urgent deficiency act omits reference to the act of March 3, 1885, with the result that that act still continues in force, side by side with the new legislation—meaning two acts to be construed, with the consequent confusion always resulting from such a situation.

Very truly, yours,

E. H. CROWDER,
Judge Advocate General.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGISTRATION FOR MILITARY SERVICE.

The joint resolution (S. J. Res. 136) providing for the registration for military service of the subjects or citizens residing in the United States of a foreign country with whose Government the United States has concluded or hereafter concludes a convention or agreement consenting to such aliens being drafted into the military forces of the United States under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," and all amendments thereto, was announced as next in order.

Mr. GRONNA. Let that go over.

Mr. THOMAS. Let that go over, pending the ratification of a treaty upon the subject.

The PRESIDING OFFICER. The joint resolution will be passed over.

SALE, MANUFACTURE, AND IMPORTATION OF INTOXICATING LIQUORS IN THE TERRITORY OF HAWAII.

The bill (S. 3935) to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided, was announced as next in order.

Mr. LODGE. Let that go over.

Mr. SHEPPARD. Mr. President, I trust that the Senator who objected to the consideration of this bill will allow it to be considered. It is intended not only for the principal island of the Hawaiian group but for the smaller islands as well. By a military proclamation the sale of intoxicating liquors has already been prohibited in the main island, the island on which Honolulu is situated, because it was considered a military zone. The manufacture of liquor on the main island, however, was not prohibited, nor was its importation or exportation forbidden. As a result, liquors are being manufactured in the main island and the smaller islands are being flooded with these liquors and a large amount of liquors are being reimported clandestinely into the main island. On account of these conditions, I trust that the measure may be passed.

Mr. LODGE. I have no objection to the bill as I see it now. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That, 90 days after the passage of this act, during the period of the war and thereafter, except as herein provided, it shall be unlawful in the Territory of Hawaii to sell, give away, manufacture, transport, import, or export intoxicating liquors, except for mechanical, scientific, sacramental, or medicinal purposes, for which purposes the sale, gift, transport, import, and export of the same shall be under such rules and regulations as the governor of the Territory may prescribe, and any person violating the provisions hereof shall be fined in a sum not exceeding $500 or imprisoned for a period of not longer than one year, or both: *Provided*, That at any general election of the Territory of Hawaii, held within two years after the conclusion of peace, the repeal of this act may, upon petition of not less than 20 per cent of the qualified electors of said Territory at the last preceding general election, be submitted to a vote of the qualified electors of said Territory, and if a majority of all the qualified electors thereof voting upon such question shall vote to repeal this act, it shall thereafter not be in force and effect, otherwise it shall be in full force and effect.

SEC. 2. That the said petition shall be addressed to and filed with the secretary of the Territory at least two months before the election at which the question is to be voted upon, and the person obtaining any signature to such petition shall make affidavit that he witnessed the signing of the same and believes the address of each petitioner affixed to his name is the true address of such petitioner. Such election shall be conducted under the laws of the Territory provided for general elections.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISSUANCE OF BONDS BY TOWN OF SEWARD, ALASKA.

The bill (S. 4021) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other works to confine the waters of Lowell Creek for the protection of said town, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the incorporated town of Seward, Alaska, is hereby authorized and empowered to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other protection to confine the waters of Lowell Creek, and to keep said waters from running over and upon the town of Seward.

Before said bonds shall be issued a special election shall be ordered by the common council of the town of Seward, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of said town of Seward whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

The registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as near as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

The bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 8 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest and shall be in denominations not exceeding $1,000 each, the principal to be due in 20 years from date thereof: *Provided, however*, That the common council of said town of Seward may reserve the right to pay off such bonds in their numerical order at the rate of $5,000 thereof per annum from and after the expiration of five years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer, or at such bank in the city of New York, in the

State of New York, or such place as may be designated by the common council of the town of Seward; the place of payment to be mentioned in the bonds: *And provided further*, That each and every such bond shall have the written signature of the mayor and clerk of said town of Seward and also bear the seal of said town.

No part of the funds arising from the sale of said bonds shall be used for any purpose other than specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed under the limitations hereinbefore imposed and under the order and direction of said common council, from time to time as the same may be required for the purposes aforesaid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 1478) for the relief of John F. Kelly was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 164) for the relief of Adolph F. Hitchler was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (H. J. Res. 70) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

LANDS IN MONTANA.

The bill (S. 3571) granting lands for school purposes in lots No. 111 in each of the town sites of Forts Shaw and Simms, Sun River reclamation project, Montana, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Interior to issue patent conveying lot No. 111 in the town site of Fort Shaw, Sun River reclamation project, Montana, to school district No. 82, Cascade County, Mont., and also lot No. 111 in the town site of Simms, Sun River reclamation project, Montana, to school district No. 39, Cascade County, Mont.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRAND CANYON NATIONAL PARK, ARIZ.

The bill (S. 390) to establish the Grand Canyon National Park in the State of Arizona was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with amendments.

The first amendment of the Committee on Public Lands was, on page 2, line 7, after the words "Well Road," to strike out "thence northerly following southwesterly side of said road to its intersection with township line between townships 31 and 32 north, range 1 west; thence west on township line between townships 31 and 32 north, ranges 1, 2, and 3 west, to" and insert "thence northwesterly along the southwesterly side of said Tobocobya Spring-Rowe Well Road through townships 31 and 32 north, ranges 1 east, and 1 and 2 west, to its intersection with the section line between sections 9 and 16 in township 32 north, range 2 west; thence west along the section lines through townships 32 north, ranges 2 and 3 west, to," so as to read:

Beginning at a point which is the northeast corner of township 30 north, range 1 east, of the Gila and Salt River meridian, Arizona; thence west on township line between townships 30 and 31 north, range 1 east, to section corner common to sections 1 and 2, township 30 north, range 1 east, and 35 and 36, township 31 north, range 1 east; thence north on section lines to the intersection with Tobocobya Spring-Rowe Well Road; thence northwesterly along the southwesterly side of said Tobocobya Spring-Rowe Well Road through townships 31 and 32 north, ranges 1 east and 1 and 2 west, to its intersection with the section line between sections 9 and 16 in township 32 north, range 2 west; thence west along the section lines through townships 32 north, ranges 2 and 3 west, to its intersection with upper westerly rim of Cataract Canyon.

The amendment was agreed to.

The next amendment was, on page 5, line 9, after the word "sections," to strike out "33" and insert "34"; in line 10, after the word "and," to strike out "34" and insert "35"; in line 11, after the word "sections," to strike out "3" and insert "2"; and in line 12, before the word "township," to strike "4" and insert "3," so as to read:

Thence west on township line to section corner common to sections 34 and 35, township 31 north, range 5 east, and sections 2 and 3, township 30 north, range 5 east.

The amendment was agreed to.

The next amendment was, on page 6, line 4, before the word "section," to strike out "quarter"; in the same line, after the word "corner," to strike out "between" and insert "common to"; in line 5, after the word "fifteen," to insert "sixteen, twenty-one"; in line 6, after the word "south," to strike out "through center of section 22, township 30 north, range 4 east, to quarter" and insert "on section line to"; in line 8, after the word "corner," to strike out "between" and insert "common to"; in line 9, after the word "sections," to insert "21"; in the same line, after "22," to strike out "and"; and in line 10, before the word "township," to insert "and 28," so as to read:

Thence west on section lines to section corner common to sections 15, 16, 21, and 22, township 30 north, range 4 east; thence south on section line to section corner common to sections 21, 22, 27, and 28, township 30 north, range 4 east.

The amendment was agreed to.

The next amendment was, in section 2, page 7, line 20, after the word "purposes," to insert:

Provided, That all concessions for hotels, camps, transportation, and other privileges of every kind and nature for the accommodation or entertainment of visitors shall be let at public bidding to the best and most responsible bidder.

So as to make the section read:

SEC. 2. That the administration, protection, and promotion of said Grand Canyon National Park shall be exercised, under the direction of the Secretary of the Interior, by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes": *Provided*, That all concessions for hotels, camps, transportation, and other privileges of every kind and nature for the accommodation or entertainment of visitors shall be let at public bidding to the best and most responsible bidder.

The amendment was agreed to.

The next amendment was, in section 4, page 8, line 11, after the word "land," to insert "and nothing herein contained shall affect, diminish, or impair the right and authority of the county of Coconino, in the State of Arizona, to levy and collect tolls for the passage of live stock over and upon the Bright Angel Toll Road and Trail, and the Secretary of the Interior is hereby authorized to negotiate with the said county of Coconino for the purchase of said Bright Angel Toll Road and Trail and all rights therein, and report to Congress at as early a date as possible the terms upon which the property can be procured," so as to make the section read:

SEC. 4. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land, and nothing herein contained shall affect, diminish, or impair the right and authority of the county of Coconino, in the State of Arizona, to levy and collect tolls for the passage of live stock over and upon the Bright Angel Toll Road and Trail, and the Secretary of the Interior is hereby authorized to negotiate with the said county of Coconino for the purchase of said Bright Angel Toll Road and Trail and all rights therein, and report to Congress at as early a date as possible the terms upon which the property can be procured.

The amendment was agreed to.

The next amendment was, in section 7, page 9, line 10, after the words "SEC. 7," to strike out:

That the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project.

And insert:

That, whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized to permit the utilization of areas therein which may be necessary for the development and maintenance of a Government reclamation project.

So as to make the section read:

SEC. 7. That, whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized to permit the utilization of areas therein which may be necessary for the development and maintenance of a Government reclamation project.

The amendment was agreed to.

The next amendment was, on page 9, after line 18, to insert as a new section the following:

SEC. 8. That where privately owned lands within the said park lie within 300 feet of the rim of the Grand Canyon no building, tent, fence, or other structure shall be erected on the park lands lying between said privately owned lands and the rim.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I merely rise to express my surprise that this park has not been created long ago. I was laboring under the impression that the Grand Canyon of the Colorado was protected by national-park legislation some years hence.

Mr. ASHURST. No; if the Senator will pardon me, by Executive proclamation in 1893 it was made a forest reserve. Later, to wit, in 1906, President Roosevelt created it a national monument, and in 1908 it was created a game preserve; but after conferences extending over some years it has been deemed that the Grand Canyon ought to assume the status of a national park.

Mr. THOMAS. I quite agree with that.

Mr. ASHURST. It is not a national park at this time.

Mr. THOMAS. I supposed it had been done a long time ago. It is a very desirable designation.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ASHURST. I ask unanimous consent to insert in the RECORD the bill as passed.

There being no objection, the bill as passed was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That there is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the "Grand Canyon National Park," the tract of land in the State of Arizona particularly described by and included within metes and bounds as follows, to wit:

Beginning at a point which is the northeast corner of township 30 north, range 1 east of the Gila and Salt River meridian, Arizona; thence west on township line between townships 30 and 31 north, range 1 east, to section corner common to sections 1 and 2, township 30 north, range 1 east, and 35 and 36, township 31 north, range 1 east; thence north on section lines to the intersection with Tobocobya Spring Rowe Well Road; thence northwesterly along the southwesterly side of said Tobocobya Spring-Rowe Well Road through townships 31 and 32 north, ranges 1 east, and 1 and 2 west to its intersection with the section line between sections 9 and 16 in township 32 north, range 2 west; thence west along the section lines through townships 32 north, ranges 2 and 3 west, to its intersection with upper westerly rim of Cataract Canyon; thence northwesterly along upper rim of Cataract Canyon to its intersection with range line, township 33 north, between ranges 4 and 5 west; thence north on said range line, townships 33 and 34 north, ranges 4 and 5 west, to north bank of the Colorado River; thence northeasterly along the north bank of the Colorado River to junction with Tapeats Creek; thence easterly along north bank of Tapeats Creek to junction with Spring Creek; thence easterly along the north bank of Spring Creek to its intersection with Gila and Salt River meridian, township 34 north, between ranges 1 east and 1 west and between section 6, township 34 north, range 1 east, and section 1, township 34 north, range 1 west; thence south on range line between ranges 1 east and 1 west to section corner common to sections 7 and 18, township 34 north, range 1 east, and sections 12 and 13, township 34 north, range 1 west; thence east on section lines to section corner common to sections 7, 8, 17, and 18, township 34 north, range 2 east; thence south on section lines to township line between townships 33 and 34 north, range 2 east, at section corner common to sections 31 and 32, township 34 north, range 2 east, and sections 5 and 6, township 33 north, range 2 east; thence east on township line to section corner common to sections 31 and 32, township 34 north, range 3 east, and sections 5 and 6, township 33 north, range 3 east; thence south on section lines to section corner common to sections 17, 18, 19, and 20, township 33 north, range 3 east; thence east on section lines to section corner common to sections 13, 14, 23, and 24, township 33 north, range 3 east; thence north on section lines to section corner common to sections 1, 2, 11, and 12, township 33 north, range 3 east; thence east on section lines to the intersection with upper rim of Grand Canyon; thence northerly along said upper rim of Grand Canyon to main hydrographic divide north of Nankoweap Creek; thence easterly along the said hydrographic divide to its intersection with the Colorado River, approximately at the mouth of Nankoweap Creek; thence easterly across the Colorado River and up the hydrographic divide nearest the junction of Nankoweap Creek and Colorado River to a point on the upper east rim of the Grand Canyon; thence by shortest route to an intersection with range line, townships 33 and 34 north, between ranges 5 and 6 east; thence south on said range line, between ranges 5 and 6 east, to section corner common to sections 18 and 19, township 33 north, range 6 east, and sections 13 and 24, township 33 north, range 5 east; thence east on section lines to section corner common to sections 16, 17, 20, and 21, township 33 north, range 6 east; thence south on section lines to section corner common to sections 8, 9, 16, and 17, township 31 north, range 6 east; thence west on section line to section corner common to sections 7, 8, 17, and 18, township 31 north, range 6 east; thence south on section lines to township line between townships 30 and 31 north at section corner common to sections 31 and 32, township 31 north, range 6 east, and sections 5 and 6, township 30 north, range 6 east; thence west on township line to section corner common to sections 34 and 35, township 31 north, range 5 east, and sections 2 and 3, township 30 north, range 5 east; thence south on section line to section corner common to sections 3, 4, 9, and 10, township 30 north, range 5 east; thence west on section lines to range line, township 30 north, between ranges 4 and 5 east, at section corner common to sections 6 and 7, township 30 north, range 5 east, and 1 and 12, township 30 north, range 4 east; thence south on range line, township 30 north, between ranges 4 and 5 east, to section corner common to sections 7 and 18, township 30 north, range 5 east, and sections 12 and 13, township 30 north, range 4 east; thence west on section line to section corner common to sections 11, 12, 13, and 14, township 30 north, range 4 east; thence south on section line to section corner common to sections 13, 14, 23, and 24, township 30 north, range 4 east; thence west on section lines to section corner common to sections 15, 16, 21, and 22, township 30 north, range 4 east; thence south on section line to section corner common to sections 21, 22, 27, and 28, township 30 north, range 4 east; thence west on section lines to range line, township 30 north, between ranges 3 and 4 east, at section corner common to sections 19 and 30, township 30 north, range 4 east, and sections 24 and 25, township 30 north, range 3 east; thence north on range line to section corner common to sections 18 and 19, township 30 north, range 4 east, and section 13 and 24, township 30 north, range 3 east; thence west on section lines to section corner common to sections 14, 15, 22, and 23, township 30 north, range 3 east; thence north on section line to section corner common to sections 10, 11, 14, and 15, township 30 north, range 3 east; thence west on section lines to range line at section corner common to sections 7 and 18, township 30 north, range 3 east, and sections 12 and 13, township 30 north, range 2 east; thence north on range line to section corner common to sections 6 and 7, township 30 north, range 3 east, and sections 1 and 12, township 30 north, range 2 east; thence west on section line to section corner common to sections 1, 2, 11, and 12, township 30 north, range 2 east; thence north on section line to township line at section corner common to sections 35 and 36, township 31 north, range 2 east, and sections 1 and 2, township 30 north, range 2 east; thence west on township line to the northeast corner of township 30 north, range 1 east, the place of beginning.

SEC. 2. That the administration, protection, and promotion of said Grand Canyon National Park shall be exercised, under the direction of the Secretary of the Interior, by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes": *Provided*, That all concessions for hotels, camps, transportation, and other privileges of every kind and nature for the accommodation or entertainment of visitors shall be let at public bidding to the best and most responsible bidder.

SEC. 3. That the proceeds of leases and other revenues that may be derived from any source connected with said park shall be expended under the direction of the Secretary of the Interior in the administration, maintenance, and improvement of the park.

SEC. 4. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land and nothing herein contained shall affect, diminish, or impair the right and authority of the county of Coconino, in the State of Arizona, to levy and collect tolls for the passage of live stock over and upon the Bright Angel Toll Road and Trail, and the Secretary of the Interior is hereby authorized to negotiate with the said county of Coconino for the purchase of said Bright Angel Toll Road and Trail and all rights therein, and report to Congress at as early a date as possible the terms upon which the property can be procured.

SEC. 5. That whenever consistent with the primary purposes of said park the act of February 15, 1901, applicable to the locations of rights of way in certain national parks and the national forests for irrigation and other purposes, and subsequent acts shall be and remain applicable to the lands included within the park.

SEC. 6. That whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of said park upon such terms and for specified periods, or otherwise, as he may deem to be for the best interests of the United States.

SEC. 7. That, whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized to permit the utilization of areas therein which may be necessary for the development and maintenance of a Government reclamation project.

SEC. 8. That where privately owned lands within the said park lie within 300 feet of the rim of the Grand Canyon no building, tent, fence, or other structure shall be erected on the park lands lying between said privately owned lands and the rim.

HEIRS OF JOSHUA NICHOLLS.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. WILLIAMS. I hope the Senator will not insist on that motion at this time. This is the first opportunity we have had to go on with the calendar and get rid of unobjected bills. Let us go through the calendar.

Mr. OVERMAN. We can go on with the calendar to-morrow.

Mr. WILLIAMS. I have rather a personal and selfish reason for making the request. I have just received a telegram that my daughter is ill, and I have to make a speech in Philadelphia to-morrow. There is a bill on the calendar which I would like to have the Senate reach. I do not know of any important executive business that we have to transact.

Mr. OVERMAN. There is some executive business, and if we had unfinished business for to-morrow I would yield to the Senator, but we have not.

Mr. WILLIAMS. I will not be here to-morrow.

Mr. THOMAS. May I suggest to the Senator from Mississippi that unanimous consent be given to bring up the bill he has in mind?

Mr. WILLIAMS. I do not want to do that. I do not want any special favor from the Senate; but I ask that we go on with the calendar until we reach my bill.

Mr. OVERMAN. How far down on the calendar is the Senator's bill? What is the number?

Mr. WILLIAMS. It is the bill (S. 463) for the relief of the heirs of Joshua Nicholls. A similar bill has twice before passed the Senate and been sent to the House. I wish to get it off the calendar.

Mr. OVERMAN. I will yield for that purpose.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent to proceed to the consideration of Senate bill 463.

Mr. WALSH. Mr. President, I regret very much, indeed, that having just reached a pension bill on the calendar, and as we have not had an opportunity to consider pension bills for a long time, it shall be displaced by a special order at this time.

Mr. OVERMAN. I have conferred with some Senators on the other side and they think we will take up the calendar to-morrow, and we can finish the calendar, because there is no unfinished business pending.

Mr. WILLIAMS. I will not be here to-morrow.

Mr. OVERMAN. I am replying to the Senator from Montana. He will have no trouble in passing all his pensions bills. It is not my purpose to delay them at all. I think if the Senator from

Mississippi could get up his bill, inasmuch as he is going away, we then could have an executive session, and to-morrow we can take up the calendar and finish it.

Mr. WALSH. Might we have a unanimous-consent agreement then that when the calendar is taken up to-morrow we will begin at Order of Business 294, House bill 7634?

The PRESIDING OFFICER. Order of Business 293 is the next bill on the calendar.

Mr. VARDAMAN. I am very much interested in the passage of Order of Business 293, Senate bill 2104.

Mr. OVERMAN. I do not think there will be any objection to that when we take up the calendar to-morrow.

Mr. WALSH. I ask unanimous consent that we begin at Calendar No. 293 to-morrow.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that when the Senate proceeds to the consideration of the calendar to-morrow it will begin with No. 293. Is there objection? The Chair hears none.

Mr. SMOOT. In asking unanimous consent to call up a bill at a certain time, will it not require a call of the Senate to agree to it?

The PRESIDING OFFICER. The Chair thinks not. The proposition is to proceed to the consideration of it.

Mr. LODGE. I understand we are proceeding under a unanimous-consent agreement to take up unobjected bills on the calendar, and this is simply an agreement that when we go on with the calendar we shall start at a certain number. It is not an agreement about fixing a time to vote.

Mr. SMOOT. I am aware of that.

The PRESIDING OFFICER. Is there objection to the consideration of the bill called up by the Senator from Mississippi?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 463) for the relief of the heirs of Joshua Nicholls, which had been reported from the Committee on Claims with an amendment, in line 7, to strike out "$33,450" and insert "$20,450," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Elizabeth R. Nicholls and Joanna L. Nicholls, heirs at law of Joshua Nicholls, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $20,450, for and on account of property belonging to said Joshua Nicholls destroyed and captured by the United States soldiers in the year 1863, in the State of South Carolina, during the late Civil War. The said Joshua Nicholls was throughout said war a loyal citizen of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATHERINE MACDONALD.

Mr. MYERS. Mr. President, I wish to prefer a request to the Senate. I was not in the Chamber when the bill (S. 2975) for the relief of Katherine Macdonald was called. I did not get here until after it had been passed over. I ask unanimous consent to recur to that bill to see if anyone has any objection to it. Let it be called subject to objection.

Mr. SMOOT. The Senator will be here to-morrow?

Mr. MYERS. But I understand the Senate will begin the consideration of the calendar at another point.

Mr. SMOOT. The Senator can call it up to-morrow. It is now after 5 o'clock.

RED CROSS AID BY SENATE EMPLOYEES.

Mr. ROBINSON. Mr. President, I ask to have printed in the RECORD the proceedings of the meeting of the employees of the Senate held this morning in the Senate Office Building in behalf of the Red Cross.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

RED CROSS AID BY SENATE EMPLOYEES.

THURSDAY, MAY 16, 1918.

The employees of the United States Senate assembled in the caucus room, Senate Office Building, at 11 o'clock a. m.

Hon. Charles P. Higgins, Sergeant at Arms of the Senate, called the meeting to order and said:

Ladies and gentlemen, we have assembled this morning for the purpose of enlisting the employees of the United States Senate in behalf of the Red Cross. The Vice President has kindly consented to address you on the noble work and success of this most efficient organization. I now present the Vice President of the United States. [Applause.]

ADDRESS BY THE VICE PRESIDENT.

The VICE PRESIDENT. Ladies and gentlemen, this is the first time that I know of in my life when I really felt that I was entitled to talk, because drawing a salary as I do from the Government of the United States I think that a part of your duty, a part of the compensation that you render to the Government, is in listening to the Vice President or any Senator of the United States when he wants to talk to you.

There are certain commonplace things only to be said. The world has been making very great decisions in the last year. There was a time when you and I were just plain American citizens and plain American officeholders, when our duty consisted in voting our various party tickets, in holding office and drawing our salaries with regularity and dispatch. But a change came over the spirit of the world. Things were turned upside down, and then you began to change also and began to make decisions.

Hitherto you had only been political stockholders in that great corporation known as the United States of America. Recently I assume, and I hope, most of you have become stockholders in that corporation by subscribing for liberty bonds.

Once again you are called upon to make a decision. You are called upon to determine what you are going to do with the very few dollars which the high cost of living leaves to anyone of you after you have obtained the actual necessaries of life here in the city of Washington. It is a decision that will not only be momentous for the world but I think will be far more momentous for you, because I am one of those who believe that in the spending of money, if spent aright, while you get rid of your money you get something in return that is far more valuable than the money itself.

You are now going to be called upon to make a decision as to whether you are to devote any little surplus that you may have to luxuries for yourselves, pleasures for yourselves, luxuries and pleasures for those who are near and dear to you, or whether you are going to devote that little surplus to the great cause of humanity.

The world is altogether wrong as to what a man has. Life is still full of strange contradictions. The things which we think we have are the things which we do not possess, and the things which we think we have given away are the things that we really do possess. If you have any stocks or bonds or mortgages, they may disappear in the financial whirlpool to-morrow and you may never see them again, but there is no one of you, from the youngest to the oldest, who ever did anything for humanity, who ever wiped away an orphan's tear, whispered good counsel into the ear of an erring brother, lifted up a fallen man or a fallen woman, or tried to do anything for the uplift of humanity, but, lo, the things which you thought you had given away and had passed entirely from your life have returned to abide with you and to be the only real things that beautify and glorify and adorn the life of the average man in the world.

You have subscribed to liberty bonds. Many of you have brothers, perhaps husbands, perhaps sons, on the far-off battle line of Europe. You have made your sacrifice for your country. Now, are you willing to make a sacrifice for humanity, for part of the reasons for the fighting of this war, as I see it, is that there shall come a time in the history of mankind when the youth of the land shall not be trained to listen to the music of the fife and the beating of the drum as the one great ambition of humanity, when the boys will not be taken out upon the streets of Washington and pointed to the statues of the great war heroes of the world, when in the change in the thought and purpose and emotion of mankind the war drum will throb no longer, the battle flag will be furled, and the mothers of the land will teach their children that the heroes of the world have not been those who have been warring people, but those who have sought to bind up broken hearts, to minister unto the sick, the wounded, and the needy, and to pour wine and oil into the distressed of human kind.

Nothing is comparable, ladies and gentlemen, to the work of the Red Cross. Nothing can come into your lives that will give you so much rest of mind and peace of soul as to realize that you have made some sacrifice for the alleviation of suffering, as to have made sacrifices for the winning upon the part of America of this most just and righteous war.

I do not know what you did last year. That is not very material. I have only one practical suggestion, and that suggestion is that you organize yourselves by the election of a president and a secretary; or if you do not want to go to the extent of electing a president and a secretary, elect a vice president and a secretary, and figure out how much you gave last year to the Red Cross, add a little to it if you can, divide it into 12 equal payments, and tell Mr. Charles F. Pace to take it out of your salary month by month as he pays you and have it sent in your name to the Red Cross.

There is not any other plea that I would make to the employees of this Government other than a plea to get whole-heartedly behind the Government in the fighting of this war to the last man and to the last dollar, and to get whole-heartedly behind the grandest organization that the sun ever shone upon—the Red Cross of America. [Great applause.]

Col. HIGGINS. What is the pleasure of the meeting?

Mr. HALSEY. I move that we proceed to the election of a president, vice president, secretary, and treasurer, and I should like to place in nomination as honorary president of the association the Vice President of the United States.

Mr. MCGRAIN. I second the motion.

The motion was agreed to.

Mr. O'TOOLE. I nominate the Sergeant at Arms of the Senate, Hon. Charles P. Higgins, as the active president of the Senate Employees' Association.

The nomination was agreed to.

Mr. HALSEY. I nominate Mr. Arthur P. Black as vice president of our organization.

The nomination was agreed to.

Mr. OTTS. I nominate Mr. John J. McGrain as secretary and treasurer.

The nomination was agreed to.

Mr. HALSEY. I move that our press representative be Mr. James D. Preston.

The motion was agreed to.

Mr. HALSEY. I move that the president of the organization be authorized to name a committee of five to carry on the active work of the organization.

The motion was agreed to.

Mr. HALSEY. This committee will be named and will make some arrangement as to the amount to be contributed and how it shall be contributed, and it will be the sense of the meeting that some lady shall be a member of the committee, so that the ladies will be taken care of.

I move that the meeting do now adjourn.

The motion was agreed to, and the meeting adjourned.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 17, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 16, 1918.

CHIEF JUSTICE, SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Walter I. McCoy, of New Jersey, now serving as associate justice of the Supreme Court, District of Columbia, to be chief justice of the Supreme Court, District of Columbia, vice J. Harry Covington, resigned.

ASSOCIATE JUSTICE, SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Thomas Jennings Bailey, of Nashville, Tenn., to be associate justice of the Supreme Court of the District of Columbia, vice Walter I. McCoy, nominated to be chief justice of that court.

UNITED STATES ATTORNEY.

Thomas D. Slattery, of Covington, Ky., to be United States attorney, eastern district of Kentucky. (Reappointment.)

UNITED STATES MARSHALS.

John S. P. H. Wilson, of Portland, Me., to be United States marshal, district of Maine. (Reappointment.)

Henry Behrendt, of Detroit, Mich., to be United States marshal, eastern district of Michigan. (Reappointment.)

Arthur P. Carpenter, of Rutland, Vt., to be United States marshal, district of Vermont. (Reappointment.)

POSTMASTERS.

CALIFORNIA.

George M. Kemble to be postmaster at Alturas, Cal., in place of T. S. Kemble, resigned.

Stella L. Vincent to be postmaster at Carmel, Cal., in place of L. E. Payne, resigned.

CONNECTICUT.

Louis E. Chaffee to be postmaster at Stafford Springs, Conn., in place of William E. Hanley, deceased.

FLORIDA.

Lewis B. Riles to be postmaster at Lake Wales, Fla., in place of Clarence C. Thullberry, resigned.

Henry A. Drake to be postmaster at Port St. Joe, Fla., in place of James E. Maddox, resigned.

GEORGIA.

Jesse H. Hicks to be postmaster at Chickamauga, Ga., in place of George L. Bonds, resigned.

Foster D. Smith to be postmaster at Greensboro, Ga., in place of James L. Brown, resigned.

Homer R. Chesnutt to be postmaster at Lawrenceville, Ga., in place of M. S. Cornett, resigned.

ILLINOIS.

Cora M. Davis to be postmaster at Bethany, Ill., in place of George Reuss. Incumbent's commission expired May 29, 1917.

Blanche V. Anderson to be postmaster at Leland, Ill., in place of Edward C. Schweitzer. Incumbent's commission expired July 25, 1917.

INDIANA.

George F. Ritter to be postmaster at Cayuga, Ind., in place of Robert C. Cosby, removed.

Lawrence J. Etnire to be postmaster at Williamsport, Ind., in place of Edward E. High, resigned.

IOWA.

Ida M. Truesdell to be postmaster at Ringsted, Iowa, in place of A. L. Anderson, resigned.

Mae K. Honzelka to be postmaster at Van Horn, Iowa, in place of Arthur O. Reinhardt, resigned.

KANSAS.

James H. Riley to be postmaster at Winchester, Kans., in place of James Fairhurst, resigned.

Eula Ensor to be postmaster at Towanda, Kans., in place of Joel E. Davis, resigned.

KENTUCKY.

Robert M. Baker to be postmaster at Hazard, Ky., in place of James B. Fitzpatrick, removed.

LOUISIANA.

Theophile P. Talbot to be postmaster at Napoleonville, La., in place of E. O. Lalande, resigned.

MAINE.

Fayette S. Brown to be postmaster at North Vassalboro, Me., in place of Charles W. Mower, resigned.

MARYLAND.

Sophie E. Posey to be postmaster at Indianhead, Md., in place of Clara P. Mattes, resigned.

MASSACHUSETTS.

Molly A. Gilman to be postmaster at Allerton, Mass., in place of Lewis N. Gilman, resigned.

Myra G. Jordan to be postmaster at West Upton, Mass., in place of Eben T. Hall, resigned.

MICHIGAN.

Grover H. Kimmerle to be postmaster at Cassopolis, Mich., in place of D. L. Kingsbury, deceased.

MINNESOTA.

Arthur D. Bornemann to be postmaster at Hallock, Minn., in place of J. E. Bauvette, resigned.

Fred F. Campbell to be postmaster at White Bear Lake, Minn., in place of Lorenzo J. Markoe. Incumbent's commission expired October 21, 1917.

MISSISSIPPI.

Ansel W. Quin to be postmaster at Columbia, Miss., in place of Nevan C. Hathorn, resigned.

MISSOURI.

Letcher L. Robinson to be postmaster at Chamois, Mo., in place of James Robinson, deceased.

Wendell L. Smith to be postmaster at De Soto, Mo., in place of C. C. Mitchim, resigned.

Roy Cable to be postmaster at Doniphan, Mo., in place of William C. Murray, resigned.

MONTANA.

Victor N. Weber to be postmaster at Deer Lodge, Mont., in place of George S. Miller, deceased.

Rudolph P. Petersen to be postmaster at Rudyard, Mont., in place of Frank R. Adams, resigned.

NEBRASKA.

Charles H. Oldham to be postmaster at Butte, Nebr., in place of Nixon H. Reed, resigned.

James R. Ryan to be postmaster at Humphrey, Nebr., in place of John Boyer, resigned.

Stella V. Caulfield to be postmaster at Newcastle, Nebr., in place of Cecilia M. Coleman, resigned.

Etta M. Guthrie to be postmaster at Silver Creek, Nebr., in place of W. S. Gray, resigned.

Jennie Frazell to be postmaster at Wauneta, Nebr., in place of Ward C. Higley, resigned.

NEVADA.

Albert B. Karns to be postmaster at Carson City, Nev., in place of William H. Murray, deceased.

NEW YORK.

Howard C. Kinney to be postmaster at Waterloo, N. Y., in place of James A. Traphagen. Incumbent's commission expired August 27, 1917.

NORTH CAROLINA.

Mal H. Jones to be postmaster at Rutherfordton, N. C., in place of Plato C. Rollins, resigned.

John B. Robinette to be postmaster at Taylorsville, N. C., in place of John L. Gwaltney, resigned.

NORTH DAKOTA.

Lena L. Diehl, to be postmaster at Dunn Center, N. Dak., in place of Gustave B. Nyhagen. Office became presidential April 1, 1917.

Pearl C. Forslof to be postmaster at Warwick, N. Dak., in place of Christian O. Ness. Office became presidential July 1, 1917.

OHIO.

Edward F. Laner to be postmaster at Prospect, Ohio, in place of T. H. Finefrock, resigned.

OKLAHOMA.

Emery C. Quigley to be postmaster at Fairfax, Okla., in place of Mary Alleen Quarles, resigned.

Maud Riley to be postmaster at Kiefer, Okla., in place of O. P. Ramsey, resigned.

James M. Dixon to be postmaster at Miami, Okla., in place of Matthew C. Falkenbury, resigned. Incumbent's commission expired September 9, 1917.

Rose F. Gaunt to be postmaster at Porter, Okla., in place of Emmett H. Howard, removed. Office became presidential October 1, 1917.

PENNSYLVANIA.

Arthur J. Sechler to be postmaster at Cherry Tree, Pa., in place of J. L. Davis, removed.

Charles H. Cullen to be postmaster at Derry, Pa., in place of James R. Mowry. Incumbent's commission expired February 11, 1918.

SOUTH CAROLINA.

Power W. Bethea to be postmaster at Conway, S. C., in place of A. C. Thompson, resigned.

TEXAS.

Hecton N. McKellar to be postmaster at Pecos, Tex., in place of George N. Gentry, deceased.

VIRGINIA.

Robert T. Gladstone to be postmaster at Exmore, Va., in place of George L. Roberts. Incumbent's commission expired July 10, 1917.

WEST VIRGINIA.

George T. Buchanan to be postmaster at Wellsburg, W. Va., in place of Henry Zilliken, deceased.

WISCONSIN.

James J. McEntee to be postmaster at De Forest, Wis., in place of James McEntee, deceased.

WYOMING.

Herbert M. Brown to be postmaster at Sundance, Wyo., in place of Thomas J. Vore, resigned.

Florence S. Heitz to be postmaster at Superior, Wyo., in place of C. E. Nolan, resigned.

CONFIRMATION.

Executive nomination confirmed by the Senate May 16, 1918.

POSTMASTER.

LOUISIANA.

Theophile P. Talbot, Napoleonville.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 16, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in Heaven, for every great thought uttered, for every great discovery made, for every noble deed enacted which tends to minimize the struggle for existence, ameliorate the suffering of humanity, and broadens the scope of civilization.

We love purity and hate iniquity. We love nobility of soul and hate hypocrisy. We love justice and hate injustice. We love peace and hate war. But we love civil, political, and religious liberty more than we hate war. Hence we are engaged in the most sanguinary struggle that the world has ever known, that the purest traditions of the past and the fundamental principles upon which human rights have been secured shall live.

We want peace, but not until a decisive victory has been won; for we realize that a permanent peace can not be secured until Prussianism, militarism, kaiserism, and all that brood of vipers which follows in their wake shall be dead, buried, and the hearse put up.

Give us, O Lord, such a victory, that peace may live; for Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested.

S. 4477. An act authorizing certain persons formerly connected with the American Embassy at Berlin to accept pieces of plate presented to them by the British Government; and

S. 2097. An act for the relief of Charles S. Fries.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4482. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended; to the Committee on Interstate and Foreign Commerce.

BRIDGE ACROSS BAYOU BARTHOLOMEW, ARK.

Mr. GOODWIN of Arkansas. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 9715) extending the time for the construction of a bridge across the Bayou Bartholomew, in Ashley County, Wilmot Township, State of Arkansas, for immediate consideration.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to consider the bill H. R. 9715, a bridge bill. Is there objection?

Mr. STAFFORD. Reserving the right to object, what is the pressing necessity for consideration of the bill to-day instead of next Monday?

Mr. GOODWIN of Arkansas. There is no immediate pressing necessity, except that it is difficult to get materials owing to the very great congestion of freight in the country.

Mr. STAFFORD. If there is no immediate necessity, I think it ought to wait until next Monday.

Mr. GOODWIN of Arkansas. It will not take over 30 seconds to dispose of it.

Mr. STAFFORD. There are a dozen other bills that will not take over 30 seconds, but multiplied together it takes some time.

Mr. GOODWIN of Arkansas. I will say that the bridge opens up a territory very advantageous to the citizens of that community. It should be constructed during the dry weather of the year. Owing to the great difficulty in getting materials caused by the freight congestion of the country, the friends of the measure are urging its immediate passage in order that the bridge may be at once constructed.

Mr. STAFFORD. Mr. Speaker, may the bill be reported?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the time for commencing and completing the construction of a bridge, authorized by act of Congress approved July 8, 1916, to be built across the Bayou Bartholomew at a point suitable to the interests of navigation at or near Wilmot, Ark., on section line between sections 1 and 12, township 19, range 5 west, where it crosses said bayou in Ashley County, Ark., is hereby extended one and three years, respectively, from the date hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 3, add the letter "s" to the word "time"; page 1, line 10, strike out the word "is" and insert in lieu thereof the word "are."

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, in view of the information given by the gentleman from Arkansas as to the necessity of an early passage of the bill, I trust that the gentleman from Wisconsin will not object.

Mr. STAFFORD. Mr. Speaker, I have received private information as to the exigency of the case, and I feel that I ought not to object.

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GOODWIN of Arkansas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. KINCHELOE. Mr. Speaker, I ask unanimous consent for an indefinite leave of absence of my colleague, Mr. BARKLEY, on account of illness.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

EXTENSION OF REMARKS.

Mr. STEPHENS of Mississippi. Mr. Speaker, I desire to extend my remarks in the RECORD briefly.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD.

Mr. WALSH. Upon what subject?

Mr. STEPHENS of Mississippi. On the war.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROWE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution adopted by the New York Board of Trade and Transportation in reference to the zoning system of second-class mail.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subject stated. Is there objection?

Mr. WALSH. Reserving the right to object——

Mr. KITCHIN. Mr. Speaker, I object. The gentleman can get time to read it in his own time. I have enough literature and resolutions on that subject to fill a thousand pages of the RECORD. I have had many gentlemen ask me to put them in the RECORD.

Mr. ROWE. I have had a good many such requests, but this is the only one I have asked to have printed.

The SPEAKER. The gentleman from North Carolina objects.

PENSION APPROPRIATION BILL.

Mr. GALLIVAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12000) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1919, and for other purposes. Pending that motion, I desire to make some arrangement if I can with the gentleman from Illinois [Mr. CANNON] in respect to the time for general debate.

Mr. CANNON. Mr. Speaker, I have requests for 30 minutes time, and I would like to have 30 minutes myself, although I do not know that I shall use that much. I suggest to the gentleman that he take one hour, and if he does not want to use it, in the event I need a little further time, he could then yield to me, reserving to myself one hour.

Mr. GALLIVAN. Mr. Speaker, I have requests for only 5 or 10 minutes on this side. I ask unanimous consent that general debate be limited to 1 hour and 15 minutes, 1 hour of that time to be controlled by the gentleman from Illinois [Mr. CANNON] and 15 minutes by myself.

Mr. CANNON. I wish the gentleman would take an hour upon his side, and then I take an hour, and then the gentleman could yield part of his time to me, in case I should need it.

Mr. GALLIVAN. I understand there are two important conference reports waiting on the passage of this bill, and I do not desire to delay them. However, Mr. Speaker, I ask unanimous consent that general debate be limited to two hours, one hour to be controlled by the gentleman from Illinois and one hour by myself.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent, pending his motion to go into the Committee of the Whole House on the state of the Union, that general debate shall not exceed two hours, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. CANNON]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the pension appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the pension appropriation bill, with Mr. VENABLE in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1919, and for other purposes, namely:

Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $185,000,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1919, $50,000.

Mr. GALLIVAN. Mr. Chairman, this bill appropriates $185,050,000, and that sum is $10,000 less than the estimates. The estimates on which the bill is based aggregate $185,060,000, a sum which is composed of $157,060,000, submitted in the Book of Estimates for the fiscal year 1919, and $28,000,000 in a supplemental estimate. It should be stated for the benefit of the committee that a deficiency of $23,000,000 for the fiscal year 1918 has been granted, which makes the appropriation for the current year $183,060,000. The deficiency to which I referred for the year 1918 and the increase in this bill over the amount carried in the current pension appropriation act was due to the enactment of section 314 of the war-risk insurance act, which was approved October 6, 1917, and which provided a minimum rate of $25 a month to widows of the Civil War, the War with Spain, and the Philippine insurrection. It appears that the number of persons of these classes on the roll on March 31 in this year was 292,809. The Secretary of the Interior, in a communication addressed to the Secretary of the Treasury on May 7, 1918, submitted a very clear description of the nature of this supplemental appropriation. It appears that at the beginning of the current fiscal year there were 288,975 pensioners of said class on the roll at rates of less than $25 a month; 134,613 were enrolled at $12 per month and 153,136 at $20 per month. The cost of the increase to the total number above given for one year was found to be $30,291,924. The Secretary adds that the indications are that there will be an increase in the number of the widow classes thus affected in the next fiscal year, as on March 31, 1918, the total number of the roll was 292,809. Up to January last some 45,000 claims had been filed under said section, and about 25,000 then remained to be adjudicated.

The Secretary further says that a further increase is entailed by the act of March 4, 1917, providing pensions for service in the Indian wars of 1859 to 1891. Some 1,500 pensioners are now enrolled under that act, out of a total of about 9,000 claims, filed thereunder. It might be interesting to note that while the estimates in the increase in the cost of pensions are $38,000,000, the committee has brought in an increase amounting to $28,000,000, for the reason that it was advised that $28,000,000 would probably cover what was required, because there will be a reduction through losses by death or other causes in other classes, chiefly the Civil War survivors. In that class the losses by death for the fiscal year 1917 were 33,232. In the nine months of the current fiscal year—to March 31, 1918—the losses by death were 23,580. At the same rate the losses for the year will total about 31,500. The average annual rate of pension in this class in 1917 was $290.26. It will be slightly over that amount in the next fiscal year, and with the loss of an equal number in that year, leaving an average of one-half the annual pension to that number unpaid, the reduction in cost would approximate $4,500,000. According to the Secretary, the actual reduction would be greater, as the larger number of deaths occur in the higher rate for disability or advanced age, and would doubtless reach a total approaching $6,000,000.

Mr. Chairman, this bill is but 19 lines long, and I have made as complete a statement as the committee feels is necessary, at least for the opening.

Mr. WALSH. Will the gentleman yield?

Mr. GALLIVAN. I will.

Mr. WALSH. This bill does not comprehend within its provisions appropriation for personnel for the Pension Bureau, does it?

Mr. GALLIVAN. Not at all.

Mr. WALSH. Has the committee taken into consideration at all or do they know what increase will have to be provided for the pension bill which passed the House the other day, or when some similar measure becomes a law?

Mr. GALLIVAN. No, sir; because that will come before the Deficiency Committee of the Committee on Appropriations.

Mr. WALSH. That would not come before the gentleman's subcommittee?

Mr. GALLIVAN. Not before the Subcommittee on Pensions of the Committee on Appropriations.

Mr. WALSH. Then the gentleman's subcommittee have nothing to do with that at this session?

Mr. GALLIVAN. Nothing whatever.

Mr. WALSH. Will the gentleman state whether or not the pensions or pensioners for Spanish War veterans are increasing to any extent?

Mr. GALLIVAN. Well, I am not prepared to say. I find in the report the total number of Spanish War veterans is given, but candidly I can not answer the gentleman, because the committee had no information touching the matter brought to its attention.

Mr. WALSH. Now, may I ask the gentleman if the pensions for the veterans or widows or dependents and crippled children who are provided for in special acts of Congress are to be paid out of this appropriation?

Mr. GALLIVAN. They are.

Mr. WALSH. Well, how can the committee estimate how many pensions will be provided for by special legislation?

Mr. GALLIVAN. Well, the committee is guided by the estimate submitted by the Secretary of the Interior.

Mr. WALSH. Well, how does he know?

Mr. GALLIVAN. Well, I suppose in the light of past experience. He has no other way of estimating this item.

Mr. WALSH. He just averages according to past experience?

Mr. GALLIVAN. Yes.

Mr. WALSH. I thank the gentleman.

Mr. NORTON. How many are receiving pensions as a result of the War of 1812?

Mr. GALLIVAN. The gentleman will find that in the report. There are 109 widows receiving pensions as a result of the War of 1812.

Mr. ROBBINS. Will the gentleman yield?

Mr. GALLIVAN. Yes, sir.

Mr. ROBBINS. What provision is made in this bill, if any, for caring for increased pensions granted under the act of October, 1917, to widows whereby their pension is made $25?

Mr. GALLIVAN. There is an increase of $28,000,000.

Mr. ROBBINS. Is that provided for in this bill?

Mr. GALLIVAN. Yes; I have already explained that.

Mr. ROBBINS. I noted the gentleman's explanation, but I was not sure the committee had made adequate provision so that these cases could be properly adjudicated and paid when adjudicated.

Mr. GALLIVAN. There are $28,000,000 added to the original estimate on account of increases caused by that special act, and we were assured that this sum is amply sufficient.

Mr. TOWNER. Will the gentleman yield?

Mr. GALLIVAN. Yes, sir.

Mr. TOWNER. If it were not for the increases to widows and the contemplated increases that are to be made under the bill we passed the other day there would be a continual and very large reduction in the pension roll, would there not?

Mr. GALLIVAN. Without any question.

Mr. TOWNER. The increases that are contemplated in the bill which is now in the Senate, and which has passed the House, I believe are not taken into consideration in the estimated amount?

Mr. GALLIVAN. Not at all; because that will be taken care of, as I have explained, in the deficiency bill which will come in later.

Mr. TOWNER. The increase will have to be based upon the terms of the bill as it finally passes?

Mr. GALLIVAN. Exactly. It was informally discussed in our committee, and it was thought it might require between $20,000,000 and $40,000,000, but no one seemed to know, of course, what it would be.

Mr. TOWNER. Decreases are continually being made on account of deaths, especially of veterans of the Civil War, and they are increasing every year, are they not?

Mr. GALLIVAN. Yes, sir.

Mr. ROGERS. Will the gentleman yield?

Mr. GALLIVAN. I will.

Mr. ROGERS. I think most of the Members of the House who have more or less to do with pension claims have been greatly disturbed at the long delays, especially in connection with the widows' increases, in the Bureau of Pensions. I wondered if the gentleman has any information as to how nearly up to date the Bureau of Pensions is and what the cause of that long delay has been?

Mr. GALLIVAN. I regret to say I have not. That matter was not brought up in the committee. You will understand we have nothing to do with the personnel of the Pension Bureau.

Mr. ROGERS. Does the gentleman know whether there is any provision in this bill for an extra number of clerks to be used in this bureau which will enable them to do that?

Mr. GALLIVAN. In this bill?

Mr. ROGERS. Yes.

Mr. GALLIVAN. Absolutely not. That is taken care of in the legislative, executive, and judicial appropriation bill.

Mr. DYER. I call the gentleman's attention to the last part of the bill—

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year of 1919, $50,000.

That is for additional surgeons?

Mr. GALLIVAN. No; that is to pay those now in the employ of the department as surgeons. That is the annual appropriation fixed by law.

Mr. DENISON. Will the gentleman yield?

Mr. GALLIVAN. Yes, sir.

Mr. DENISON. Will the gentleman give the figures he gave a while ago of the average annual pensions of Civil War veterans?

Mr. DYER. The gentleman will find in the very splendid report presented by the subcommittee on page 7 it is $274.70.

Mr. DENISON. I understood the gentleman from Massachusetts to say two hundred and ninety some odd dollars.

Mr. GALLIVAN. The average annual pension of Civil War veterans last year was $290.26, according to the supplementary report filed by the Secretary of the Interior.

Mr. DENISON. That is something less than $25 a month?

Mr. GALLIVAN. Apparently.

Mr. DENISON. Since the pensions of widows have been increased to $25 a month, has the gentleman's committee figured there would be a large decrease in the pension rolls by reason of the death of veterans?

Mr. GALLIVAN. Why, it was the opinion of the department, that while, of course, with the death of the old soldiers the widows' list increased, the dropping of so many names from the Civil War lists will practically take care of the increase caused by the increase in the number of widows.

Mr. DOWELL. Will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. DOWELL. Does this bill take into consideration the bill that was passed here recently increasing the pensions?

Mr. GALLIVAN. For the third time, I will say to the gentleman——

Mr. DOWELL. I was not present at the time the gentleman stated it.

Mr. GALLIVAN. It does not, because this committee has no jurisdiction over that. That will be taken care of in the deficiency bill, to be reported later, if the bill referred to is enacted into law. This committee on pension appropriations had nothing whatever to do with it, because it is not yet law.

Mr. DOWELL. This only applies, then, to the pensioners that are now on the rolls, as provided under the law?

Mr. GALLIVAN. That is all.

Mr. Chairman, I hope the gentleman from Illinois [Mr. CANNON] will use some of his time.

Mr. LOBECK. Will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. LOBECK. The question was asked a few moments ago as to whether it would be necessary to have an increase of clerks over at the Pension Bureau. I have been informed by employees there that they are well up with their work, and that there will be no increase, so far as clerks and other help in the office there are concerned.

Mr. GALLIVAN. That is purely a matter of administration and will be taken care of in another bill, if it is necessary.

Mr. LOBECK. The question was asked, and that is my information on the subject.

Mr. SMITH of Michigan. Recently there has been a flat rate allowed to the widows of the veteran soldiers of $25 a month?

Mr. GALLIVAN. Yes, sir.

Mr. SMITH of Michigan. Is there any disposition on the part of the committee to give veterans a flat rate—an equal or a larger amount?

Mr. GALLIVAN. Our committee could not consider such a proposition because we have not the authority. This is the Subcommittee on Pension Appropriations which has the floor. The Pension Committee would properly have the right to consider the gentleman's proposition.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing certain correspondence with the Civil Service Commission.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks by printing certain correspondence with the Civil Service Commission. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, a little over a year ago the Postmaster General wrote to Members of Congress, requesting that they call at his office, as he had something of importance to say to them. Those who called upon him were advised that henceforth all postmasters would be appointed by virtue of a civil-service examination; that political consideration would in the future play no part in the appointment of postmasters, and that

the merit system invoked by Presidents Roosevelt and Taft in the appointment of fourth-class postmasters would in the future apply to the appointment of postmasters of the other classes.

This announcement brought a storm of protest from our Democratic friends. This was natural when we recall that but few men on that side of the Chamber believe in the merit system. Having just emerged from a national election in which they were victorious, they argued that "to the victor belong the spoils," and demanded the retention of the spoils system, and the right to name the postmasters in their respective communities. Yet, in the face of this demand, the President issued the splendid Executive order of March 31, 1917, which reads as follows:

Hereafter when a vacancy occurs in the position of postmaster of an office of the first, second, or third class, as the result of death, resignation, removal, or, on the recommendation of the First Assistant Postmaster General, approved by the Postmaster General, to the effect that the efficiency or needs of the service requires that a change shall be made, the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated, the said commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest-qualified eligible for appointment to fill such vacancy unless it is established that the character or residence of such applicant disqualifies him for appointment. No person who has passed his 65th birthday shall be given the examination herein provided for.

I was very strongly impressed with the high position taken by the President in the issuance of this order. It has the right ring; it is founded upon a principle that should govern the appointment of all officials who are to serve, not a single public official, but a general public. No Member of Congress ought to be permitted to pay his political debts by the appointment of a person who is to serve an intelligent community as its postmaster. No public official should be permitted to build up a political machine, extend his political influence, or retain his political position by the appointment of officials who are to perform a distinctively public service. So, too, no political party ought to be permitted to extend its influence and power by such methods. Postmasters are intrusted with the performance of very sacred duties. To them are intrusted messages of strictest business confidence and of matters strictly personal. Their appointments ought to be made, not from political consideration, but solely from the standpoint of fitness to perform a great public service.

It was no doubt a realization of these considerations that caused President Wilson to issue the Executive order referred to, which if honestly carried out would take the appointment of all postmasters out of politics, and provide for their appointment as stated in the Executive order, through an open, competitive examination by the Civil Service Commission. The order left no room for political considerations in the matter of appointment. It is explicit in the minutest detail. It provides that the "Postmaster General shall certify the fact of the vacancy to the Civil Service Commission, which shall forthwith hold an open, competitive examination to test the fitness of all applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated, the commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest-qualified eligible for appointment to fill such vacancy."

Here was a plan that was fair and just, not only to the public but to the persons who might be candidates for appointment. Under it every candidate would have an equal opportunity, irrespective of political considerations, and the public would secure the services of the man best qualified to perform the service. This plan received general public approval and at the same time received the condemnation of the spoilsman. The pressure brought upon the Postmaster General and the President to repeal this order must have been tremendous, for the original plan has been absolutely abandoned.

I would not indulge in criticism at this time if the President, desiring to recede from the position he had taken in the Executive order of March 31, 1917, had changed or even repealed that order, and I am only indulging in criticism at this time because the President and the Postmaster General have invaded the sacred precincts of the Civil Service Commission and secured the adoption of rules and regulations by that commission governing the examination of candidates for postmaster in offices other than the fourth class that make the civil-service examination a deception and a farce and leaves the appointment of postmasters as much under the spoils system as ever.

When I received a copy of the Civil Service Commission circular No. 201 I was amazed to read the ingenious plan therein set out which practically nullifies the Executive order of March 31, 1917. Under the new plan the applicant for appointment for the position of postmaster other than fourth class will be examined on the following subjects, which will have the relative weights indicated:

	Weights.
1. Education	20
2. Business training and experience	80
Total	100

The circular further provides:

Method of rating: * * * The rating on business training and experience will be determined by the character and extent of the business training and experience of the applicant as shown, first, by his answer to question 23 of the application, which reads as follows:

"Question 23. State fully and in detail all the practical experience you have had in the profession, occupation, or business in which you seek employment, or in professions or occupations of a similar character. State (a) when, giving dates, (b) where, and (c) by whom you were employed; (d) the salary or compensation received; (e) the specific nature of your duties in each case. (The answer to this question should be accurate and complete.) If there are any branches of a profession or occupation in which you regard yourself as especially expert, state what branches.

"And, second, by a careful personal investigation of each applicant by representatives of the Civil Service Commission, one of whom is to be selected by the commission from the Post Office Department, such representatives to make report of their investigation direct to the commission.

It is to be observed that the rating on business training and experience counts 80 per cent in the examination and that under the order of the commission this test is to be conducted, not by the Civil Service Commission alone but also by a representative from the Post Office Department. Is it possible that the Civil Service Commission does not have the ability to conduct the examinations it is authorized to give without calling upon the heads of the departments involved to assist? Is it possible that this great commission, which has examined, rated, and passed favorably upon 607,000 persons now employed by the Government, is not capable of determining the business qualifications and experience of persons to be appointed postmaster? From what source did this demand come that the Civil Service Commission abrogate a part of its duties and turn them over to the Post Office Department? Certainly the decision to have some one from the Post Office Department pass on the business qualifications and experience of postmasters which are to be appointed strictly under the civil-service rules and regulations could not have emanated from the commission itself. If the commission felt incapable of passing upon this question, the commissioners should have resigned their positions. Instead they have stultified the work of a great commission and struck a deadly blow at the merit system.

Mr. MOORE of Pennsylvania. Will the gentleman state again the total number of employees passed into the service by the Civil Service Commission?

Mr. GOOD. Six hundred and seven thousand.

Mr. MOORE of Pennsylvania. Does that constitute the entire force of Government employees at the present time?

Mr. GOOD. No.

Mr. MOORE of Pennsylvania. There are more?

Mr. GOOD. There are a great many who have been covered into the service by Executive order, and a great many more who entered the service, perhaps temporarily, but who have never taken the examination. There are still other employees in departments or bureaus to which the civil service does not apply.

Mr. MOORE of Pennsylvania. Is the Executive order being used to a very large extent now for the appointment of employees outside of the civil service?

Mr. GOOD. I could not say as to that.

Mr. MOORE of Pennsylvania. Has the gentleman any figures which will show the number of employees of the Government appointed under the Executive order and those appointed through the civil service?

Mr. GOOD. No; I have not. In making this investigation I only looked up the number who had been rated by the Civil Service Commission and had received their appointments through the examinations conducted by that commission.

Mr. MOORE of Pennsylvania. I was wondering whether the gentleman could give any comparative figures as between the present time and two or three years ago?

Mr. GOOD. I could not give the gentleman that information.

Mr. COX. The matter stated by the gentleman from Iowa is new and very interesting to me. These regulations had entirely escaped my attention. This is what I would like to have the gentleman tell me, if he can: Does the Civil Service Commission hold examinations first, and then is some employee of the Post Office Department, presumably a postal inspector, detailed to look up and announce the qualifications of the men thus examined by the Civil Service Commission?

Mr. GOOD. The Civil Service Commission conducts an open competitive examination as to education, which counts for 20 per cent. Then the commission sends out two persons——

Mr. COX. The Civil Service Commission?

Mr. GOOD. The Civil Service Commission sends out two persons to investigate the applicant upon his business training and experience. Of those two persons one is from the Post Office Department. That examination is not an open one. It is a sort of an oral test. The persons appointed to do that work can do it behind closed doors, can examine the persons privately, and can secure information from whatever source they desire. I understand such information is not made public.

Mr. COX. Then, after that examination is conducted, by a member of the Civil Service Commission and by some one from the Post Office Department, do these two men then certify the eligible list back to the Civil Service Commission?

Mr. GOOD. I suppose the result of that is transmitted to the Civil Service Commission, and that commission then makes the rating upon the reports thus made, and then the final result is certified to the Postmaster General.

Mr. COX. Certifies the highest man?

Mr. GOOD. Yes; I suppose that is the way.

Mr. COX. The one who has made the best showing?

Mr. GOOD. Under this finding.

Mr. GALLIVAN. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman from Massachusetts.

Mr. GALLIVAN. There is not really any examination, as I understand. It is simply a rating on the report of these men, as explained by the gentleman.

Mr. GOOD. I think there is really no examination at all; at least there is no such examination as is conducted in all other cases by the Civil Service Commission to ascertain the fitness of experts in what are called nonassembled examinations.

After reading Circular No. 201, I became satisfied that that demand to adopt this new plan had come not from the commission itself but from either the Postmaster General or the President, and on an investigation I find that it came from both of these officials.

On April 29, 1918, I addressed a letter to Hon. J. A. McIlhenny, president of the Civil Service Commission, making inquiry into this question, and asked for the minutes of the Civil Service Commission dealing with this subject. I shall insert in the RECORD a copy of Mr. McIlhenny's very illuminating reply.

Mr. LONGWORTH. May I interrupt the gentleman? I should like very much to hear that letter read.

Mr. GOOD. The letter of Mr. McIlhenny?

Mr. LONGWORTH. Yes.

Mr. GOOD. I have a copy of it here. If I can have some additional time, I will ask the Clerk to read it.

Mr. CANNON. How long will it take to read it?

Mr. GOOD. Perhaps 10 minutes.

Mr. LONGWORTH. I think it would be interesting to have it read.

Mr. CANNON. If the gentleman desires to have it read, I will yield to him five minutes additional.

Mr. GOOD. I will ask the Clerk to read it.

Mr. LONGWORTH. May I ask the gentleman if this refers only to fourth-class postmasters, or does it refer to others?

Mr. GOOD. The order of President Roosevelt placed the appointment of a part of the fourth-class postmasters under the civil service. The subsequent order of President Taft covered all the rest of the fourth-class postmasters into the civil service. That was the situation when this order of March 31 was made. The order of March 31 applies to first, second, and third class postmasters. Now, I will ask the Clerk to read the letter.

The Clerk read the letter of the president of the Civil Service Commission printed at the conclusion of Mr. GOOD's remarks.

Mr. LONGWORTH. May I ask the gentleman where, in his opinion, that Executive order leaves the matter, so far as the civil service is concerned?

Mr. GOOD. The Executive order itself remains in effect. Practically, the situation is this: The Democratic Members of the House, for instance, do not now have anything to say with regard to the appointment of postmasters, but the recommendation comes from a person in the Postmaster General's Office, who has been temporarily loaned to the Civil Service Commission to perpetrate this outrage.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CANNON. Mr. Chairman, I yield to the gentleman 10 minutes more.

Mr. GOOD. The action of the commission in this regard is so unusual and, to my mind, so destructive of the principle of the merit system that I was also led to ask the president of the commission if there was any other class of civil-service appointees wherein a test examination, such as is provided for in the examination of candidates for appointment as postmaster, was conducted in part by the official in whose department the successful candidate was to be appointed. President McIlhenny has sent me a large number of circulars announcing civil-service examinations for highly trained experts wherein an oral test is provided. But in not a single instance is this examination, or any part of it, conducted by anyone except the commission itself, and the official to whose department such appointee will be assigned has absolutely no part in conducting such examination.

According to its minutes, the Civil Service Commission, on January 18 last, sent to the Post Office Department a copy of its draft for examinations under the President's Executive order of March 31, 1917. The letter transmitting the same stated:

> The commission does not favor any oral test or any investigation of applicants except under circumstances similar to those under which such investigations are now made according to the usual practice of the commission in cases of high-grade nonassembled examinations.

Unquestionably that was the correct position for the commission to take. That is the position it should have maintained. It could not with credit and honor take any other position. How could it make the exception and permit the Post Office Department to assist in conducting the examination without admitting its own inability to conduct such examination?

The real reason why the commission yielded is frankly told by the president of the commission in his letter, from which I quote:

> The commission was later advised by the Post Office Department that the different plans of the announcement submitted by the commission had been taken up with the President, who had expressed a desire to pass upon the matter before final action was taken, and who personally made some changes lessening the requirements as to length of experience. The final result appears in the published announcement of March 12, 1918. The following is a copy of minute 12 of the commission's minutes of February 23, 1918:
>
> "Postmaster examination (other than fourth class): Announcement of examinations for positions of postmaster will be made according to the form approved by the President and the Postmaster General."

That is the meat in the coconut. To carry out strictly the Executive order of March 31, 1917, would have taken the appointment of all postmasters out of politics. Politically every candidate would have stood on an equality, and the Civil Service Commission, unhampered by the Executive or by the Postmaster General, would have conducted an honest and nonpartisan examination. But with this modification the examination is the examination of the Postmaster General.

This being the case, can anyone say that the appointment of postmasters other than those of the fourth class was by said Executive order taken out of politics? In this connection the partisanship of the Postmaster General must be remembered. His political bias is well known to the most of the Members of this House. It was my privilege to serve with him here for a period of four years, and I have felt that his services as a Member of Congress were distinguished largely by the partisanship which he displayed. He has ability of a high order. He is also a partisan of the most intense kind. I do not underestimate his ability, neither do I overestimate his partisanship. When we recall that it was the same Burleson who, as a Member of the House, when the Republicans were in control and CANNON was Speaker, offered the resolution declaring the office of Speaker of the House vacant, who is now to conduct this nonpartisan examination of postmasters, one will readily understand the extent to which the appointment of such postmasters has been taken out of politics. At this time, when the two sides of the House are almost equal in membership, there is not a Republican Member who is partisan enough to make a similar motion. It required a partisan of the most pronounced type to make that motion then, and to just such a partisan has the Civil Service Commission turned over the matter of passing upon the qualifications of the applicants for appointment as postmaster, and it will be claimed that the President has taken the appointment of such postmasters out of politics.

May I not suggest to those intrusted with the writing of the forthcoming Democratic campaign textbook that in eliminating from their last publication the eulogistic statements as to how the President had kept us out of war that they substitute in its place the announcement that through the wise and nonpartisan action of the President in issuing the Executive order of March 31, 1917, the dream of a century has been realized by taking the appointment of postmasters out of politics? These two claims belong to the same class, and when one has become a little shopworn the other can safely be substituted for it. [Applause.]

I say without fear of successful contradiction that this examination will be controlled by the Post Office Department. If the President and the Postmaster General were strong enough to force the commission to the humiliating surrender which it has made, they are strong enough and will dominate in the conduct of these examinations. I do not mean to say that all Democrats will be appointed. Some Republicans will be ap-

pointed, of course; otherwise the deception will be too apparent. But in the main the appointments will be made not on the recommendations of Members of Congress as formerly, not in accordance with civil-service rules and regulations as obtains in the case of all other civil-service appointees, but under a fake examination wherein the Postmaster General will determine the qualifications of the appointees.

Never before was it considered fair for one side to change the rules after the game had started. Never before was it considered fair or honorable for one team to substitute an interested umpire for a disinterested one. It is not fair or honorable now, and the fact that the change has been made by one high in authority does not make it so.

I am led to make these observations in order that the House and country might know the actual facts governing the appointment of postmasters, other than those of the fourth class. I would not complain in the slightest if the President and the Postmaster General had proceeded in the usual way of appointing only Democratic postmasters. That would have been the natural thing; it would have been founded on almost an unbroken line of precedents. But what I do complain of is the hypocrisy and deceit involved in the present plan of appointing postmasters. If the appointment of all postmasters is to be placed under the civil-service rules and regulations, the same rules and regulations governing their examination and appointment should be observed that are enforced in the examination and appointment of all other civil-service employees. The Postmaster General should not have been permitted to substitute his partisanship for the nonpartisanship of the Civil Service Commission. I complain of this grand larceny of the functions of the Civil Service Commission, because I believe in the merit system, and I hate to see it used as the cat's-paw for ambitious politicians.

Mr. Speaker, the times demand fairer and more honorable treatment than this. The times demand that said Executive order be either repealed or strictly enforced. The spirit of America to-day is loyal, patriotic, and nonpartisan. That spirit should prompt us to forget parties and partisanship in the selection of men to perform public functions; that spirit should actuate us to search out the best man available for every public duty, and then put him in that place, in order that our country may play the part of a greater America. That spirit is not and can not be deceived by this camouflage thrown about the Executive order of March 31, 1917. May not that spirit yet actuate the administration and bring about either a repeal of the Executive order of March 31, 1917, or a release of the Civil Service Commission from partisan domination. [Applause.]

CIRCULAR OF CIVIL SERVICE COMMITTEE.

[No. 201. United States civil-service examination. Postmaster examination. Compensation above $2,400 per annum. Apr. 16, 1918.]

At the request of the Postmaster General, the United States Civil Service Commission announces an open competitive examination to fill a vacancy in the position of postmaster at each of the offices hereinafter named. This is not an examination under the civil-service act and rules, but is held under an Executive order of March 31, 1917, which reads as follows:

"Hereafter when a vacancy occurs in the position of postmaster of any office of the first, second, or third class, as the result of death, resignation, removal, or, on the recommendation of the First Assistant Postmaster General, approved by the Postmaster General, to the effect that the efficiency or needs of the service requires that a change shall be made, the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated, the said commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy, unless it is established that the character or residence of such applicant disqualifies him for appointment. No person who has passed his sixty-fifth birthday shall be given the examination herein provided for."

Competitors will be examined in the following subjects, which will have the relative weights indicated:

Subjects.	Weights.
1. Education	20
2. Business training and experience	80
Total	100

In addition to the full and detailed information called for by questions 21 and 23 of Form 1312, the applicants should furnish the following in connection with each responsible position held by them:

(a) The number of persons under their supervision.

(b) The character of the business done by the person, firm, or corporation.

(c) The volume of business done annually.

(d) The commercial rating of each person, firm, or corporation.

To be eligible for this position an applicant must be a citizen of the United States, must actually reside within the delivery of the office for which the application is made, and must have been such resident at the time of the occurrence of the present vacancy.

For offices paying more than $6,000 a year the applicants must show that for at least seven years they have held responsible positions in which the principal duties involved the management of business affairs, such positions as those of president, general manager, general superintendent, or assistant general superintendent, requiring active charge of firms, corporations, businesses, or offices, and such positions in different branches of the Postal Service.

For offices paying over $4,000, up to and including $6,000 a year, the applicants must show that for at least five years they have held responsible positions in which the principal duties involved the management of business affairs, such positions as those of president, general manager, general superintendent, or assistant general superintendent, requiring the active charge of firms, corporations, or offices, and such positions in the different branches of the Postal Service.

For offices paying over $2,400, up to and including $4,000 a year, applicants must show that for at least three years they have held responsible positions in which the principal duties involved the management of business affairs and the direction and supervision of employees, including such positions in the different branches of the Postal Service.

Statements as to education and experience are subject to verification.

Applicants for the position of first-class postmaster must have reached their thirtieth birthday, and for second-class postmaster, their twenty-fifth birthday, on the date of making oath to the application, and must be in good physical condition.

Applicants must submit with their applications their photograph taken within two years.

Persons who meet the requirements and desire this examination, should at once apply for Form 1312, stating the title of the examination for which the form is desired, to the Civil Service Commission, Washington, D. C., or at the post office in the city where the vacancy exists. Applications should be properly executed, excluding the medical and county officer's certificates, and filed with the commission at Washington prior to the hour of closing business on April 16, 1918.

METHOD OF RATING.

The rating on the educational qualifications of the applicant will be determined from the information furnished in answer to question 21 of the application, as follows, and upon corroborative information:

"Question 21. With respect to both your general and technical or professional education, state fully and in detail the names and locations of the schools or colleges you have attended and the courses of study pursued by you in each, naming any degree or degrees received by you, date conferred, and the institution by which conferred. If you have pursued any postgraduate courses of study, state fully what studies and when, where, and for what length of time they were pursued. (The answer to this question should be accurate and complete.)"

The rating on business training and experience will be determined by the character and extent of the business training and experience of the applicant as shown, first, by his answer to question 23 of the application, which reads as follows:

"Question 23. State fully and in detail all the practical experience you have had in the profession, occupation, or business in which you seek employment, or in professions or occupations of a similar character. State (a) when, giving dates, (b) where, and (c) by whom you were employed; (d) the salary or compensation received; (e) the specific nature of your duties in each case. (The answer to this question should be accurate and complete.) If there are any branches of a profession or occupation in which you regard yourself as especially expert, state what branches."

And, second, by a careful personal investigation of each applicant by representatives of the Civil Service Commission, one of whom is to be selected by the commission from the Post Office Department, such representatives to make report of their investigation direct to the commission. The investigation and report should cover two purposes, namely, first, full inquiry as to each candidate's suitability for the office by reason of his character and personal characteristics, this part of the inquiry to be noncompetitive and not considered in the rating of the candidate, but if he is found unsuitable by the commission as a result of such inquiry, he, of course, will not be declared eligible; the second purpose of the investigation should be the same careful personal inquiry from persons best qualified to know of the business qualifications, ability, and experience of each candidate, the report of such inquiry to be confined to findings of facts and to be made a part of the evidence and record upon which the commission rates the candidate.

The following is a list of post offices at which there are vacancies:

Office.	Compensation.
Alabama: Besemer	$2,700
California:	
Coalinga	2,500
Merced	2,600
San Luis Obispo	2,700
Colorado: Rocky Ford	2,500
Connecticut: Middletown	3,200
Florida:	
Daytona	2,700
Palatka	2,600
Tampa	3,600
Georgia: Moultrie	2,600
Idaho: Pocatello	3,200
Illinois: Edwardsville	2,500
Indiana:	
Greencastle	2,600
Indiana Harbor	2,600
Iowa:	
Keokuk	3,300
Marshalltown	3,300
Massachusetts:	
Winchester	2,700
Worcester	6,000
Minnesota:	
Crookston	2,800
St. Cloud	3,100
Virginia	2,800
Mississippi: Clarksdale	2,700
New Hampshire: Concord	3,400
New Jersey:	
Dover	2,800
Elizabeth	3,500
Hackensack	3,200
Millville	2,700
Penns Grove	2,500
Ridgewood	2,700
Somerville	2,800
West Hoboken	3,100
New York:	
Ellenville	2,700
Kingston	3,300
Oyster Bay	2,800

Office.	Compensation.
North Carolina: Hickory	$2,600
North Dakota: Fargo	3,700
Ohio:	
Circleville	2,500
Lancaster	2,900
Oklahoma:	
Drumright	2,600
Sapulpa	2,800
Oregon: Bend	2,500
Pennsylvania:	
Darby	2,500
Erie	3,700
Honesdale	2,600
Lebanon	3,200
Monessen	2,700
South Carolina: Chester	2,500
Tennessee: Murfreesboro	2,600
Texas:	
Eagle Pass	2,700
Longview	2,500
Virginia: Petersburg	3,400
Washington: Bremerton	2,600
West Virginia:	
Bluefield	3,100
Parkersburg	3,300
Wisconsin: Neenah	2,700

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APRIL 29, 1918.

Hon. J. A. MCILHENNY,
President Civil Service Commission, Washington, D. C.

SIR: Having been a believer in the merit system and a defender of the principles of the civil service, I am amazed at the provisions contained in circular No. 201, which relates to the examination for postmasters with compensation above $2,400 per annum. It seems to me that the Executive order of March 31, 1917, gave promise of a substantial step in advance in the matter of appointment of such postmasters. But I am constrained to believe that the rules adopted by the commission calculated to bring said order into force are not only injurious to the merit system, but if the same principles therein adopted are also adopted in conducting other examinations, the result will be to impair all of the good work which your commission has done and eventually destroy the merit system itself.

It is to be observed that under the rules of the commission the rating on business training and experience will be determined, first, by the applicant's answer to question 23 of the application, "and second, by a careful personal investigation of each applicant by representatives of the Civil Service Commission, one of whom is to be selected by the commission from the Post Office Department."

I should like to know if this rule was adopted at the suggestion of the Post Office Department, or is it a rule originating within the Civil Service Commission? I can not conceive that the Civil Service Commission should have so little confidence in itself that it would require some other organization to select a part of its force, especially when that force is to determine questions of such magnitude and importance. If it is not asking too much, I shall be very glad to be furnished with a copy of the minutes or the record of the commission showing the action of the commission in adopting this method of conducting the examination. To my mind the method adopted will permit the Post Office Department to make its political appointments under the camouflage of the merit system. I do not object to the administration's making appointment of first-class postmasters as political appointments, but I do object to appointments being made under the guise of the merit system.

Will you also advise me if there is any other class of civil-service appointees where the rules providing for their examination permit an oral test to be conducted in the manner provided for in circular No. 201? If so, kindly furnish me the facts in such case.

I assure you that I am deeply interested in this matter and considerably exercised over the action of the commission. I shall, therefore, appreciate an early reply to this letter, together with a copy of the minutes of the commission showing the commission's action in determining the method of rating examinations of applicants for postmaster whose compensation is in excess of $2,400 per annum.

Very truly, yours,

JAMES W. GOOD.

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UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., May 2, 1918.

Hon. JAMES W. GOOD,
House of Representatives.

SIR: This commission begs to acknowledge the receipt of your letter of April 29, making inquiries concerning the announcement issued by this commission under date of March 12, 1918, for an examination for postmaster at each of various cities at compensation above $2,400 a year.

In order that you may be fully advised, the following is submitted as a statement of all the facts in the matter in the possession of the commission:

1. The following is the Executive order promulgated by the President under date of March 31, 1917:

"Hereafter when a vacancy occurs in the position of postmaster of any office of the first, second, or third class as the result of death, resignation, removal, or on the recommendation of the First Assistant Postmaster General, approved by the Postmaster General, to the effect that the efficiency or needs of the service requires that a change shall be made, the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated the said commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy unless it is established that the character or residence of such applicant disqualifies him for appointment. No person who has passed his sixty-fifth birthday shall be given the examination herein provided for."

2. When it became the duty of the commission, under the Executive order of March 31, 1917, to hold examinations for post offices at compensation above $2,400 a year, following the same procedure as in the case of competitive examinations for the classified service, it conferred with the Post Office Department, with a view to ascertaining the requirements of these positions and the qualifications requisite for filing them. Thereafter a draft of the announcement of the examination was prepared in the office of the commission, and the commission formally acted upon such draft on January 18, 1918. The following is a copy of minute 5 of the commission's minutes of that date:

"Examinations for postmaster, $2,400 to $6,000 per annum: Draft of an announcement of an examination for postmaster is approved with the exception of the paragraph relating to an oral test. A draft of this announcement, omitting said paragraph, will be sent to the Post Office Department for its consideration, the letter of transmittal to state that the commission does not favor any oral test or any investigation of applicants except under circumstances similar to those under which such investigations are now made according to the usual practice of the commission in the cases of high-grade nonassembled examinations. (G. C.)

"Commissioner McIlhenny approves the draft with the following exception: I think that a careful and drastic investigation of the character and business qualifications of each applicant should be made by representatives of the commission and that the prerequisites set out in the last clause of the tentative draft of the examination should be stated for the several classes of first-class offices rather than in the specific terms for all offices as in the present draft."

The action of the majority of the commission, as expressed in the immediately foregoing minute, and the action of the minority were both communicated to the Postmaster General. A copy of each of two letters to the Postmaster General, under date of January 16, 1918, and of one under date of January 17, 1918, is inclosed for your information. The commission was later advised by the Post Office Department that the different plans of the announcement submitted by the commission had been taken up with the President, who had expressed a desire to pass upon the matter before final action was taken and who personally made some changes lessening the requirements as to length of experience. The final result appears in the published announcement of March 12, 1918. The following is a copy of minute 12 of the commission's minutes of February 23, 1918:

"Postmaster examination (other than fourth class): Announcement of examinations for positions of postmasters will be made according to the form approved by the President and the Postmaster General."

3. It will be observed that in the announcement as finally approved and published there is no oral test; it is true that the rating on business training and experience will be determined by the character and extent of the business training and experience of the applicant, as shown, first, by his detailed sworn statements of his history, and, second, by the results of an investigation by representatives of the Civil Service Commission. Attention is invited to the provision in this respect that this investigation is to be made by representatives of the commission. It is true that one of those representatives is to be selected by the commission from the Post Office Department; when such representative is so selected, however, he is in every respect the representative of the commission, and not of the Post Office Department. Moreover, these representatives are required to make a report of their investigation direct to the commission. These representatives in this investigation have nothing whatever to do with the rating of applicants; they collect the second part of the evidence, upon which, together with the first part of the evidence, the commission, through its duly authorized representatives, will rate the applicants. This rating of applicants will be done solely by representatives of the commission in its own office, and no one from the Post Office Department, either as a representative of the commission or otherwise, will have anything to do with the rating of applicants. Furthermore, especial attention is invited to the provision of the announcement that the report of these representatives of the commission shall be confined to findings of facts and shall be made a part of the evidence and record upon which the commission rates the candidates. A reading of the published announcement, and especially of the paragraph providing for the investigation by representatives of the commission, shows that careful provision is made throughout to maintain in the commission, where it should be, entire authority and control over the examination.

4. For several years the commission has been holding examinations for the competitive classified service which have included the subject of training and experience, and in order to rate this subject properly it has been necessary for the commission to verify the sworn statements of applicants as to their training and experience by other evidence, including a careful investigation to check the claims of applicants. It is true that such investigation has in nearly all cases been conducted through confidential inquiries by mail, but in some few cases, where found desirable, by personal inquiry in the vicinity of the abode of the applicant. In the postmaster examination, instead of conducting this necessary investigation by mail, it is provided that it shall be conducted by personal inquiry in the applicant's community.

5. The work of rating the papers of this examination will be done by the most experienced examiners of the commission, who are entirely nonpartisan, and, furthermore, as indicated above, the rating will be based solely upon the evidence as to education, business training, and experience presented. There is nothing in connection with this examination that will in the slightest degree disclose the political or religious affiliations of any competitor.

6. Inclosed herewith are marked copies of announcements of some examinations—17 in number—in which an oral test has been included.

By direction of the commission.

Very respectfully, J. A. MCILHENNY, *President.*

Mr. GALLIVAN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. COX], a member of the subcommittee.

Mr. COX. Mr. Chairman and gentlemen of the committee, I shall support the bill under consideration and briefly, later on, will have something to say about it.

I confess that the matters discussed by the gentleman from Iowa [Mr. GOOD], so far as the regulations of the Civil Service Commission are concerned, had escaped my attention. The gentleman seems to find a mare's nest somewhere in the Executive order issued by the President in 1917 and somewhat modified by an order issued last March. I am glad the gentleman was fair enough to put in the RECORD the letter read to the committee, signed by Mr. McIlhenny, because when you read Mr. McIlhenny's letter you will not find any politics in it, nor anything even squinting at politics; nor will you find that President Wilson has receded an inch from the order he issued in March, 1917, placing presidential postmasters in the civil service under an Executive order.

I am in favor of the civil service, and I suppose that every Member of the House who has gone through the era of appointing postmasters following a presidential election is in favor of it. Because when a Member of the House has 20 to 25 presidential postmasters to appoint he is going some. Whether he wants to go or not, the boys back home will make him go. I was extremely glad to get out from under the turmoil, trouble, and turbulent times of appointing postmasters when the President issued the order.

I took occasion three years ago on the floor of the House, when some bill was under consideration, to say that the only way you would ever get civil service entirely out of politics was to require the certification of the top person and require the appointing power to appoint whoever made the best grade.

There may be a few Republicans patriotic enough and with power enough to resist the pressure of the boys back home, but I do not see one before me now.

Mr. CARAWAY. They never were here. [Laughter.]

Mr. COX. Because when you have three persons certified ninety-eight out of one hundred of you are going to fall for your political job in your congressional district. What is the use of getting up and howling and camouflaging about it? Your intentions might be good, you might be actuated by the highest patriotic motives, but remembering that the boys back home gave you your job and that they are going to swoop down on you and say, "This man on the top of the list is a Democrat, and the second man is a Democrat; but the third man is a Republican, and there is something wrong with the Democrats; they ought not to have these jobs," you will find some way somewhere somehow, down in the department, for the third man to be appointed or else they will get your goat back home. [Laughter.] You men who represent cities may not be troubled that way. But the only way you will ever get away from making a football out of the civil service is to require the person charged with the responsibility of making the appointment to appoint the highest person on the eligible list. That is exactly what the President did in this order.

I do not think my friend the gentleman from Iowa detailed a single instance where the President had receded an inch from that order. He has lived up to the very letter of the order and only appointed the men at the top of the eligible list.

Mr. GOOD. I have no complaint to find with the Executive order of the President; but what was done was this: In conjunction with the Postmaster General, he forced the Civil Service Commission to modify its rules and required the Civil Service Commission to appoint one of the examiners from the Post Office Department.

Mr. COX. I will answer that from Mr. McIlhenny's letter when I get to it. The fact is, as I stated, the gentleman is not able to lay his hand on a single place where the President receded from his order in putting the presidential postmasters under the civil service by the order of March 1, 1917—not one. I imagine that there have been quite a number of presidential postmasters appointed since he issued the order, and I imagine that he has appointed, when the certification has been made to the Post Office Department, the highest grade there was, or I take it the gentleman from Iowa, who has carefully investigated it, would have found it out and put it in the RECORD; and his silence on this point to me is conclusive that the President has taken the appointment of postmasters out of the spoils class.

Mr. GOOD. The gentleman is much in error; there have been no appointments made under that order.

Mr. COX. Oh, the gentleman is certainly mistaken.

Mr. GOOD. The Civil Service Commission advised me that they had not had any examinations.

Mr. COX. Scores and scores of them have been appointed since the order of 1917.

Mr. GOOD. The Civil Service Commission say they have not conducted an examination under that order.

Mr. COX. I refuse to yield further.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. COX. For a question.

Mr. PADGETT. They conducted one in my district and have made the report, though it has not been acted upon as yet; and they have made various others in other portions of Tennessee.

Mr. GOOD. Is that first class?

Mr. PADGETT. A presidential postmaster.

Mr. GOOD. Oh, first class.

Mr. COX. I return to my original proposition, that the gentleman from Iowa has not shown, and I call on any other Member here present to show, where the President has deviated one inch from the provisions of his order of March, 1917, in the appointment of postmasters.

Mr. GILLETT. Does not the gentleman call it yielding one inch when, instead of having it made by the civil-service examination, he has the examination made by the Post Office Department?

Mr. COX. The gentleman did not catch the tenor of Mr. McIlhenny's letter. Some one over here says that the gentleman never saw it, and I imagine that is true or he would not talk that way. I want to call the committee's attention specifically to paragraph 3 of that letter and see what it does say. Let us analyze it for a moment. I am now going to read from the McIlhenny letter that was read by the Clerk for the benefit of the gentleman from Iowa:

It will be observed that in the announcement as finally approved and published there is no oral test; it is true that the rating on business training and experience will be determined by the character and extent of the business training and experience of the applicant as shown, first, by his detailed sworn statements of his history; and, second, by the results of an investigation by representatives—

Of whom?—

of the Civil Service Commission; attention is invited to the provision in this respect, that this investigation is to be made by representatives of the commission; it is true that one of these representatives is to be selected by the commission from the Post Office Department—

The commission selects both of these men. The commission sends out its own men, and then the commission selects the representative of the Post Office Department, and sends both these men out to make the investigation of the applicant.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. Mr. Chairman, will the gentleman yield me a little more time?

Mr. GALLIVAN. Mr. Chairman, I yield the gentleman five minutes more.

Mr. GOOD. Will the gentleman yield for a question?

Mr. COX. I can not yield any more.

Mr. GOOD. For just a question?

Mr. COX. I can not yield. I continue the reading:

When such representative is so selected, however, he—

Who is this representative so selected? The representative selected by the commission from the Post Office Department—

is in every respect the representative of the commission and not of the Post Office Department.

Mr. FESS. Why of the Post Office Department?

Mr. COX. It is perfectly plain that this manner of holding these examinations has not been taken out of the Civil Service Commission at all. The Civil Service Commission holds the examination. It selects its own representative to go out and investigate the character and standing of these men. On top of that it selects the man out of the Post Office Department, I presume, to go along with its own man, and after these two men, both selected by the Civil Service Commission, have investigated the character and standing of these applicants for the position of postmaster, they report back to the Civil Service Commission, and the Civil Service Commission assembles the examination and makes up its report and certifies it to the Postmaster General, and the one having the highest rating, and then under the President's Executive order of March, 1917, the Postmaster General is compelled, whether he wants to or not, to accept the man that is certified by the commission. Can you read any politics in that? Is there any politics in it? If I had time, I would go through all this letter of Mr. McIlhenny and show you. Besides, when you are talking about politics, did you ever stop to consider a moment the personnel, politically, of the Civil Service Commission? There are two Republicans and one Democrat.

Mr. GILLETT. Who are the two Republicans?

Mr. COX. You will not dispute that Mr. McIlhenny is one, will you?

Mr. GILLETT. Indeed, I will.

Mr. COX. What was he? Are you denying that Progressives belong to the Republican Party?

Mr. GILLETT. Does the gentleman claim that Mr. McIlhenny is a Republican?

Mr. COX. Absolutely.

Mr. GILLETT. I have never heard him called one.

Mr. COX. Everyone else except the gentleman has heard him so called.

Mr. GOOD. Where is he from?

Mr. COX. Louisiana. [Laughter.] The other gentleman, whose name I forget, is from the State of Washington, and are you going to deny him or say that he is not a Republican?

Mr. GILLETT. He was a Progressive.

Mr. COX. Does the gentleman want to take the position today that the Progressives are Democrats, that the Progressives are not Republicans?

Mr. GILLETT. I do not. I presume he is a Republican.

Mr. COX. My friend from Iowa [Mr. GOOD] criticized the Postmaster General, Mr. Burleson, because of his conduct when

my good friend Mr. CANNON was Speaker of the House, in offering a resolution to declare the office of the Speaker vacant.

I have for Mr. CANNON the most profound respect, and always have had, and I think he is not only a great man of this House but a great man of America to-day. [Applause.] And I think he will bear me out in what I say. If I remember correctly, Mr. CANNON stood on the rostrum there and said, "This House can do whatever it pleases. I court any man to offer a resolution declaring the Speakership vacant." Mr. Burleson offered the resolution, and he forced lots of you men over there to vote for Mr. CANNON who did not want to do it.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. CANNON. My recollection is that there was a question about the Speakership, and I said that under the Constitution any man at any time—it being a matter of the highest privilege—could offer that motion. Somebody, I think, asked whether I would recognize anyone now to offer it, and I said certainly I would. The vote then came—well, I will not go into it any further. [Laughter.]

Mr. COX. It was very funny to see many of the gentlemen on the Republican side of the House running to cover and voting to retain the Speaker. Probably some of my friends from Iowa were in that class. I do not know how they all voted, but, as I recall, Progressivism at that time was rampant in Iowa, and I imagine the question of CANNON and Cannonism was rather a fierce issue out there. But important legislation was pending, and I rather suspect that was the reason most of them voted for the retention of Speaker CANNON.

Mr. FORDNEY. Does the gentleman yield?

Mr. COX. For a question.

Mr. FORDNEY. I will say to the gentleman at the time the Speaker made that statement I held in my possession a resolution to offer, but Mr. Burleson offered his before I offered mine.

Mr. COX. He beat you to it, in other words?

Mr. FORDNEY. I was willing he should. I only intended to offer the motion in case some one else did not.

Mr. COX. I think it was due Speaker CANNON that some one should offer the resolution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GALLIVAN. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. LOBECK].

Mr. LOBECK. Mr. Chairman and gentlemen, I am glad to be present to support this pension appropriation bill, the same as I have in the past supported every pension bill and every pension appropriation bill that has come up before the Congress when I could be present. A few days ago a brave soldier boy, Sergt. Kenneth Hatch, from my city, whom I have known since he was a small boy, passed away. There was a beautiful tribute spoken about him at the funeral, and, with the permission of the committee, I desire to read from the Omaha Nebraskan of May 2:

A BEAUTIFUL TRIBUTE.

The funeral service of Kenneth Hatch, only son of Mr. and Mrs. E. J. Hatch, 3819 Charles Street, Omaha, was held at Elks' Hall, this city, Saturday last. Kenneth was a first sergeant, Omaha Hospital Corps, Camp Taylor, Ky. He died as the result of an operation. At the funeral services Rev. F. O Winslow, pastor Walnut Hill Methodist Church, read a beautiful tribute. This tribute was written by Mr. Winslow himself in these splendid words:

"Oh, blessed land, America!
The Nation of the free,
Where glittering crowns can never rule
The home of liberty;
Upon thy sacred altar here,
Where sorrow's shadows fall,
We lay this life—a patriot's life—
His princely gift—his all.

"Oh, blessed land of liberty!
The price you ask to-day,
To rid this world of shackles strong,
We break our hearts to pay.
For this dear flag—your flag and mine—
Is heard our country's call;
For this he gave his rich, strong life,
A priceless gift—his all.

"His work has ceased when scarce begun—
His armor laid aside;
He loved his country and his flag—
For these he lived and died.
What more can loyal patriots do
In answer to our Chieftain's call?
Our hero freely gave himself—
His youth, his hopes, his all!"

[Applause.]

I can also testify to the high character of Sergt. Hatch. I knew him well; he was of the same splendid American spirit that characterized the soldier boys in blue of 1861 to 1865. I remember as a small lad when soldier boys were brought home to the village cemetery who had gone away to fight for our country's defense and the flag. I remember when men came back when the war ended—those who did—and what they have done for the country's development and its industrial life since those days. They have done much more for our country than words can express, and therefore to-day I am glad, as I have been in the past, to vote for this annual appropriation bill that will be beneficial and helpful to the old soldiers, their widows, and dependents. This is money that is distributed through every State and Territory of the Union. This is money that goes to the homes of those who defended our flag when it was necessary, both in the Civil War and the Spanish-American War. I was glad to be present and vote for the measure that will take care of our soldiers who are going forth to-day to battle for the defense of our flag. I remember when brave soldier boys who, like Kenneth Hatch, were brought home to be laid away. Warren Penny, a Civil War soldier, a neighbor boy friend of mine, only 16 years of age, who took part in the Battle of Shiloh, and died shortly afterward, was brought to our village cemetery to be laid away. Two brothers took his place in the ranks, and his older brother, Theodore, fell at Knoxville. Then there was Nels Nelson, the only son of humble parents, who was brought back from Kentucky, and I saw him laid away, and whenever I go to the old village where they were buried I go to the cemetery and place a wreath on the graves in memory of my boyish friends who I remember so well. I envied those boys because they were old enough to go to defend our flag and I could not go because too young. The people of this country and Congress can never do too much for the defenders of our flag, and I shall vote for this bill, as I have voted for every pension appropriation bill and for every pension bill that has been enacted into law since I have been a Member of Congress for the defenders of our country, their widows, and their dependents. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GALLIVAN. Mr. Chairman, how much time is there left?

The CHAIRMAN. Twenty-four minutes.

Mr. GALLIVAN. Three on the other side and 21 minutes on this side?

Mr. CANNON. I have got more than three minutes.

Mr. GALLIVAN. I yield 10 minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Chairman, this is the annual pension appropriation bill, and while I do not intend strictly to confine myself to the provisions of the bill I desire to speak upon a subject that I think is kindred to it, and can very properly be discussed, especially under general debate, while this bill is before the House for consideration.

I have introduced a bill, which has been favorably reported to this House by the Judiciary Committee, and I hope at an early day to get unanimous consent for its consideration and passage. The purpose of the bill is plainly expressed in its title; that is, to forbid the payment of pensions to any one who is or may hereafter be found to be disloyal to the United States Government during the present war, and I hope the mere statement of its purpose will be sufficient to enlist the support of every Member of this House.

To the mind of a rational American citizen who loves his country, it is almost inconceivable that a veteran of the Civil War, who risked his life for the preservation of the Union, should to-day in the midst of the greatest crisis of our country's history turn against the country he bravely fought to preserve and sympathize with the murderous enemies who now seek its destruction, and yet information is abundant and conclusive that some, I trust not many, who are now and have for years been sustained by liberal pensions for valiant services in the past, are enemies of a grateful country.

I was a boy during the dark days of the Civil War, but I remember much of that turbulent and distressing period. I know from observation something of the trials, the dangers, and sufferings of the soldiers that participated in that fratricidal struggle, and have ever since admired and honored those who offered their lives in a cause that they believed to be right, regardless of the side on which they fought. [Applause.] Since I have been a Member of Congress I have been a friend to the old Union soldiers and have often actively participated here in legislation offered for their benefit, and shall continue to do so as long as I continue in public life, but gratitude for past services must not lead us to condone either treachery or disloyality in this hour of our country's peril.

We are at war with the highest trained military nation on earth, with an armed force of immense proportions, sustained and led by the most ambitious and bloodthirsty military chieftains the world ever saw. The issue is world domination and despotic power for the gratification and the glory of the heartless rulers of a servile people, against democracy and a just peace, for the benefit of humanity and a Christain civilization. A glorious cause in which to enlist, to fight, and, if necessary, to die!

It is estimated that the United States alone will spend about $30,000,000,000 in the next fiscal year in carrying on the war, equal to about $80,000,000 a day. This large sum must some time be paid by the American people, but even this is not the greatest burden that we shall bear. Dollars can not be compared with the blood that will be shed by our brave boys on the battle fields of France, nor the tears of mothers whose boys will sleep in foreign graves. We sometimes feel that we are making many sacrifices and some few are heard to complain about the necessary and wise food requirements, about the payment of increased taxes, the frequent calls upon us to assist in supporting the Red Cross, the Young Men's Christian Association, and other important agencies that are contributing so much to make more tolerable the Army lives of our faithful soldier boys who are fighting our battles "over there." We should desist from such complaints or hide our heads in shame when we remember the small and insignificant sacrifices that we make when compared with those of the boys who have left home and friends and gone to face the enemy among strangers in strange lands. We are still permitted to remain here at home, far away even from the sound of the death-dealing explosives of modern warfare. We are surrounded by our families and friends in a land of plenty amidst comforts and luxuries. We know nothing from experience of the real sacrifices that are being made by those who are fighting our battles, but we should willingly, without reserve and without stint, do all we can to support, sustain, and encourage them in their gallant and heroic fight for world peace, democracy, and humanity. [Applause.]

I believe it is the duty of every one who claims citizenship in the United States to do his full part to the utmost of his ability to support our Government and to uphold the hands of the Commander in Chief of our Army and Navy, and other legally constituted authorities, in this the most critical hour of our country's life, and the man who does not do so regardless of his past services or sentiments is not only undeserving of further aid from the Government, but is unworthy of citizenship in our beloved land, unworthy of the protection of our beneficent laws, and unworthy to longer dwell under the beautiful folds of the Stars and Stripes, the emblem of our country, which stands for justice, equality, and liberty. [Applause.]

Mr. DYER. Will the gentleman yield?

Mr. RUSSELL. For a question, if I have any time remaining.

Mr. DYER. I know, of course, my colleague from Misssouri is one of the best friends the soldiers of our country have. He has done a great service to them here in the Congress, and I was curious to know, having voted to report the bill to which the gentleman refers from the Committee on the Judiciary, if he had in mind any disloyalty on the part of the veterans in this country who are now residing in the United States, or if he had in mind those who might be living in one of the enemies' countries.

Mr. RUSSELL. I have received a number of letters from very reputable men, whom I know, reporting such disloyalty. I have received a number of letters from other parts of the country from several of the States. There was placed in my hands a number of letters, perhaps 30 or 40, by the Commissioner of Pensions, and he advised me that almost every day he receives letters from all parts of the country, stating that hundreds of soldiers were not loyal to the Government at this time. I had a number of those letters before the subcommittee of the Judiciary Committee, of which the gentleman is a member, and offered them to that committee at the time they gave me a hearing upon this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUSSELL. May I have a minute's time in order to answer the question?

Mr. GALLIVAN. I am sorry, but I have not the time to yield.

Mr. DYER. I want to say, Mr. Chairman, that there are thousands of old soldiers in my district, many of them of German birth, who served in the Union Army, many of them born in Germany. I have never yet had my attention called to a single one who was not thoroughly and earnestly supporting the Government in every respect.

Mr. RUSSELL. I think a great majority of them are—in fact, I think nearly all—but there are possibly a very few who are not, and there ought not to be a single exception in all the limits of the United States. [Applause.]

Mr. GALLIVAN. I yield one-half minute to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an application which comes from the Merchants' Exchange of St. Louis for an increase of freight rates. This I do because of its being of value especially to the men of the southern part of the country.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by inserting therein a communication from the Merchants' Exchange of St. Louis. Is there objection? [After a pause.] The Chair hears none.

Mr. GALLIVAN. Mr. Chairman, I yield seven minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. CANNON. And I yield three minutes of my time, being all the time I have remaining.

Mr. ROGERS. Mr. Chairman, I am going to depart from the very specific to the very general in the few moments which I have of the time of the committee. I suppose every man in this body has over and over again in the last months asked himself the question, What is the proper function of the Congress in relation to the carrying on of the war? That is, of course, an exceedingly important question and an exceedingly large one. I shall address myself to it in my 10 minutes, although I am very frank to say that I realize my inadequacy to cope, in that time or in any length of time, with a problem of that magnitude.

The answer to that question is one of the great fundamentals before the country to-day. There are men who regard as usurpation many things for which the President has asked, many things which he has done. These men tremble lest the checks and balances of our Government be upset by the grants of these powers. I confess that I do not share their fears, however patriotic I know them to be.

I regarded the Overman bill, for example, which we passed Tuesday, as an inevitable development of the times, and I had no hesitation whatever in supporting it. I have no fear in these war days of intrusting to the Executive the broadest powers of administration. At the same time I thoroughly believe in the wisdom of the framers of our Constitution, who, with the greatest care, provided that the executive, the legislative, and the judicial branches of the Government should be coordinate in fact as well as in name. I should deplore deeply any suggestion that the balance of these branches should be permanently disturbed, and that the executive should after the return of peace outweigh the legislative.

But we are at war. We are engaged in a struggle for existence. We are upholding the thesis that republican forms of government shall, in future history, rise superior to autocratic forms of government. The greatest republics of the world, from Roman days down to the present time, have never hesitated to bestow upon the executive branch of the government supreme powers for waging war. They have not shrunk from creating even a dictatorship in order that the war should be vigorously prosecuted to a victorious end. In the Civil War we, as a Nation, gladly bestowed upon Lincoln the broad powers which he needed in order to bring about unity of effort and concentration of achievement. The result justified the soundness of the policy. When the emergency passed, almost in a day the executive returned to its position of equality. The balance of power, temporarily deranged for a great purpose, was restored almost overnight. Our allies in the present conflict have passed through the same transition. The democracies of Great Britain and France have, as the war progressed, given more and more power to the executive. The legislative has done this gladly and with a cordial recognition that their course was an inevitable corollary of war.

A legislature is not a body which can conduct a war. In the very nature of things that function belongs to the executive. Prompt, efficient, uniform, coordinate, and, if need be, the secret action necessary for military purposes can be attained in no other way. So I say I do not hesitate to give the President the powers which he asks.

Mr. LONGWORTH. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. LONGWORTH. Is there not this substantial difference between our form of government and the form of government of every European country, that there is no separation between the executive and legislative, or practically none, there; and in all cases there are those in charge of war operations who are now members of the legislative body?

Mr. ROGERS. I realize, of course, that the analogy between the United State, on the one hand, and Great Britain and France, on the other hand, is not a complete one; that the analogy can

not be complete where there is a responsible ministerial form of government as distinguished from our own coordinate form of government. But at the same time, having that fact fully in mind, I still assert that there is to a degree an analogy, because the Parliament of England and the Legislature of France have both given over to the ministry much greater powers than they would have dreamed of giving in peace times.

Let me cite you an instance. We have heard a good deal in this House of the legislation for the conscription of aliens of Great Britain or France in this country, and vice versa. The Parliament of Great Britain last July passed a statute which authorized the executive branch of the Government, without further legislative action, to enter into a binding treaty with us for the reciprocal drafting of the aliens of each country residing in the country of the other. Now, that was a complete reversal of the usual policy of the English Parliament, and it is rather typical of the sort of thing they have done in this war.

Mr. LONGWORTH. Of course, however, the gentleman realizes that Lloyd-George could be turned out of office at any moment by a vote of the Parliament?

Mr. ROGERS. He could be turned out of office, but the treaty would stand undisturbed.

Mr. LONGWORTH. The treaty; but the conduct of the war is an absolutely different thing than in this country.

Mr. ROGERS. I realize, as I said at the outset, that the analogy is not complete, but at the same time the tendency of which I speak is very manifest in both England and France.

Mr. WALSH. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. WALSH. My colleague has stated that he heard about this treaty as to drafting aliens in this country. Has the gentleman heard anything about that recently?

Mr. ROGERS. I went to the State Department about a week ago and was told by the solicitor that the agreement would be submitted to the Senate within a week. I asked a representative of the British embassy day before yesterday, and he said that the treaty was practically ready for resubmission to the Senate. That is all I know.

Mr. WALSH. I am glad to get that news.

Mr. ROGERS. I do not mean to suggest that Congress should go out of business in war time, or that it should slavishly follow every recommendation of the Executive. Not at all. In the framing of its legislation it should use the utmost care. In appropriating, in raising revenue, its responsibility is no less than in times of peace. In supervising the actions and expenditures of the Executive it can and should play a most useful and, indeed, essential part. In criticism, if it be the right kind of criticism, it can render inestimable service.

Just a word upon the propriety of criticism of the administrative branch by Members of Congress. It would be a sorry day for the country if all criticism ceased. In my judgment many of the most serious defects of war making in Great Britain and France have been overcome as the direct result of criticism, and often of very caustic criticism. Many of the wisest changes of war policy have been the outcome of such criticism. But the criticism in which we indulge in these great and solemn war days must be constructive and not destructive. I am frank to say that I have myself more than once indulged in adverse comment. But I can honestly say that whenever I have done so I have spoken only after searching my heart to know that my purpose was single-mindedly patriotic.

I have spoken out in an anxiety to build and not to tear down, to construct and not to destroy. I have always asked myself the question whether my word of criticism would do more good than harm. If I were not sure I have kept silent.

I have sought to remember that to err is human. I have reminded myself that, to paraphrase the words of Dr. Johnson, the United States, when transforming itself from a Nation at peace to a Nation at war, is like a dog walking on its hind legs—we wonder not that it does not do it better but that it does it at all. Of course, there have been mistakes, grievous mistakes, in the management of the war by the Democratic administration. But as a Republican I let my mind wander back just 20 years to the last foreign war waged by the United States. A Republican administration was then in power and conducted the war. Were there no mistakes made?

No man, I think, can question my Republicanism. But I am not, and never will be, among the carping critics of the men who are, as our chosen representatives, carrying on the war, and, I believe, doing the very best they can. My sympathies go out to President Wilson and those associated with him in authority. Theirs is a frightful load and burden of responsibility. Of course they will make mistakes. That is inevitable. But unless our words will certainly improve and not retard they had better not be spoken. Unless our criticism, viewed in the broadest possible way, tends to the attainment of the great goal—a victorious and lasting peace—it had better remain unuttered.

We are in a great tug of war in which the destinies not only of the United States but of the entire world depend upon the ability of men of all political parties to put patriotism above party and to pull together until the final victory is won, when the horrors of war shall no longer torture humanity, and when heaven-born peace and freedom shall settle upon a war-weary world. As the stars of heaven are lost to view in the greater light of the sun, so should party lines vanish when they interfere with the obligation of duty and sacrifice, with the service of our country, of humanity, yea, of Christianity itself. [Applause.]

Mr. GALLIVAN. Mr. Chairman, has the gentleman from Illinois [Mr. CANNON] used all of his time?

The CHAIRMAN. Yes.

Mr. GALLIVAN. I yield two minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, it is with some hesitation that I rise to say what I do, and yet with the best of motives, following what the gentleman from Missouri [Mr. RUSSELL] has just said, about the existence of instances of disloyalty among some of the soldiers who wore the blue in the War between the States. I wish to state that there was another army in that great day, from 1861 to 1865, coming from the Southland. Permit me to say, also, that in all the Southland, I believe, you will find no name that was registered under the banner of Lee or in the hosts that fought for the Southland that is to-day disloyal to our common country. I have never heard of such a one, though I have scores of letters from old Confederates asking to be allowed to serve. [Applause.] I say this not to criticize the Army of the Union, but as a prelude to the expression of the belief that 99 per cent of those who wore the blue through that fearful time are to-day loyal, and, furthermore, that 100 per cent of those of the Union Army who were native Americans are all loyal to-day. The army of the South was all native American, or so imbued with the spirit of America that they loved our form of government and our ideals.

I say it in order to make this statement, that the ideals of the Southland were the ideals that that flag above the Speaker's desk stands for to-day. Our soldiers have received no pensions from the Federal Government. On the contrary, they have, without much murmuring, paid taxes in order to pay pensions to the Union soldiers. In truth and in fact the brave Confederate soldier knows that it is right that this Government should care for the brave soldier who fought for it and he does not object to paying just pensions. Had we won, our soldiers, too, would have been pensioned by our federal government. We lost, our federal government was dissolved, and our States were for a long time too poor to grant pensions. Our States have grown more prosperous, and I thank God that in later years we are able to, and do gladly, take care of the old Confederate soldier that needs help. We know that they fought from motives of as pure a patriotism as ever lived in human hearts, and for the preservation of the principles embodied in the Declaration of Independence and in the Constitution of the United States. In my judgment, if there was a difference in the intensity of the devotion of the two sections to these principles, the greater intensity of devotion belonged to the South. The old flame of the revolutionary spirit burned more fiercely there. The old spirit still burns all over the old Southland and all over our whole land, save in some dark, small corners where foreign influence has crept in. Around the camp fires over the seas our boys are gathered, and only generous rivalry exists between the sons of the blue and sons of the gray to see which ones of them can exemplify the noblest ideals of manhood and show the greatest devotion to human liberty; and I say all this with this in view, that when this war is over I hope the generous spirit of fraternity may spread over all this land, and that the lines that divided it heretofore, and somewhat still divide the North and the South, will be blotted out after the devotion shown by the sons of the South by the side of the devotion shown by the sons of the North, and that when this war is over there will be no North, no South, no East, no West, but one common country. [Applause.]

Mr. GALLIVAN. Mr. Chairman, there will be no further speeches on this side.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $185,000,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so

far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. Mr. Chairman, I want to call attention, if the committee will permit me to speak out of order, to a bill that is now before the Committee on Education of the House and the Senate and which will come before the two bodies for consideration and action very soon. I refer to the soldiers' rehabilitation bill.

When the war-risk insurance measure was before the House it carried, as the Members will recall, three major articles. One referred to disabilities compensation, the second was the family allowance provision, while the third was the insurance feature. Members may recall that I urged at that time that there ought to be a fourth article carried with that measure, with equal rank in importance, namely, the provision for the rehabilitation and reeducation of wounded soldiers, a problem which must be met without the loss of time, since this situation of our soldiery will be imminent when this war gets on in full speed. At the time I called the attention of the country to the efforts that have been put forth by all the belligerent countries, as had then been reported through the press and by personal observation of various associations, some voluntary and others official, including the work of the Murray committee, of Great Britain, which was semiofficial. One of the earliest achievements in this line was the work of the mayor of Lyons, who had been wonderfully stimulated in his efforts by the report of what had been done in Belgium, even before the war had opened, for industrial cripples. I also took occasion to call attention to the wonderful work of Dr. Amar, of St. Maurice, just outside of Paris, in the more spectacular field of adjusting artificial limbs, whereby he has demonstrated that by the functional rehabilitation carried on in the primary hospital he could keep alive the muscles that would otherwise decay or, through the process of atrophy, would cease to be of any value—by certain manipulations—so that with a mutilated arm the muscle could be sufficiently manipulated and trained that an artificial limb could be attached and the mutilated man thus restored could run a typewriter or carry on numerous activities with wonderful agility.

I also mentioned the remarkable case of a violinist who had lost his right arm and through proper manipulation was able after a time to continue the pleasure of his art—to play the violin. The right arm was replaced by a steel arm.

I also took occasion to state quite fully what had been done in Canada, where the greatest advance had been made. A few days after this discussion I asked and secured the privilege of inserting in the RECORD some findings of various agencies at work as were displayed in the museum at Paris to indicate this modern miracle. I also inserted an official report of one of the officers identified with this work in Canada on the same subject. My investigations impelled me to urge at the time in the war-insurance bill of October last the necessity to make provision at once for this problem that from the nature of war must soon be upon us. Some Members in the House suggested that we ought to recommit the bill with instructions to return it at once with a provision to report back a plan for rehabilitation.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. FESS. I was saying when my time had expired that it was suggested that we recommit the bill with instructions to report it back, making those provisions, but when that was proposed it was learned that the omission of the provision was not due to ignorance on the subject, but, on the contrary, the departments were attempting to investigate more fully the subject before making any recommendations to the House. The House was assured that there was a community of effort at work, representing the Surgeon General's offices of the Army and the Navy, the vocational education department, the Labor Department, and other departments of the Government; a community effort to try to find the best way to do this work. We were assured that in time those departments having in charge such matters would make recommendations to Congress. Consequently the proposal to recommit with instructions to report a plan at once was not attempted, and the war-insurance bill was passed with a simple feature in it to provide for going on with this investigation.

Since that time the Surgeon General's Office, as well as other agencies, have been very active. Most naturally it involved primarily the Surgeon General's Office. It also involved the interest of War and Navy Departments in that those to be functionally rehabilitated and vocationally trained will be under the orders of the military and naval departments when the injuries take place. It will be of interest to the Vocational Board since the major work must be carried on for the purpose of civil life and therefore under the direction of the education board. It will be of interest to the Labor Department because of labor's interest in the effect of such training not only on the placement of the rehabilitated, but also to avoid by ignorance of the condition of the labor market the congestion and breakdown by overcrowding any one line of industry and thereby permit the exploitation of the laborer. This item ramifies the entire problem. It also affects the War-Risk Insurance Bureau, which must provide in the main for the payment of allotments and compensations under the direction of the administering board.

There is no legislation on the books or proposed legislation that has such diversified interests and involve so many of the Government's departmental activities as this proposed rehabilitation movement. An attempt to embody the consensus of departmental opinion resulted in a committee called by the Surgeon General to report a plan of administration. A tentative report recommended a board of control made up of a representative from the War Department, the Navy Department, the Department of Labor, the War-Risk Insurance Bureau, and the Vocational Board. Later the Council of National Defense took up the matter for general discussion. It also became the subject of Cabinet interest. The one item of supreme concern was that of administration. It was finally agreed that the existent Vocational Board is the proper agency for the administration. Its articulation with the various States, its close connection with the existent institutions which must largely be utilized for the rehabilitation work would enable it to put in operation this work without undue interference, which must necessarily occur in case of an entirely new agency with no connection with these facilities. This board has already made research of the situation in Europe and has published data covering the work of the belligerent countries and has made suggestions on the needs and possibilities of such legislation in this country.

There was sent to Canada a short time ago a commission, or rather a group of men, hardly to be styled a commission, to make a study of this work at first hand, to go not only into the primary hospitals where the functional rehabilitation is carried on, but in the secondary, where the vocational rehabilitation is the major work.

Mr. COX. Will the gentleman give the names of those men?

Mr. FESS. I can not offhand, but I will say to my friend they represented a wide range of ability. This commission spent several days in actual investigation in Canada, and a partial report will be found in the hearings before our committees.

The upshot of all of this was the drafting of a bill embodying the expert opinion of those who had been studying the problem intensively. That bill was simultaneously introduced in the Senate and in the House. In the Senate it is known as the Smith bill. The House bill is known as the Sears bill. The two bills went to the respective Committees on Education. There was a joint hearing of the two committees of the Senate and the House with Senator SMITH as chairman. These hearings occupied three days. Before that joint committee appeared the Surgeon General and also the representative men that he had appointed; also Dr. Prosser, the former director of vocational education in New York, more recently the director of the Institute of Dunwoody in Minneapolis, and now the minister of education here in connection with the Federal board. He was a member of the President's educational commission that reported the vocational education bill that was enacted under the name of the Smith-Hughes bill. Dr. Prosser was one of the men who went to Canada. To his grasp of the vocational situation in the country at large, he added zest on the present situation and gave a very exhaustive discussion of what had been done in Canada. There also appeared F. B. Kidner, the vocational secretary of the Invalided Soldiers' Commission of Canada, who gave a graphic account of his work of rehabilitation in that country, easy the most advanced country of all the belligerents in this work.

There also appeared W. S. Gifford, of the Council of National Defense; also Lieut. Col. Billings, of the Army; Dr. C. McMurtrie, of New York, director of the Red Cross Institute for Crippled and Disabled Men; also Commissioner Little, of Employees' Compensation Commission; also T. B. Love, Assistant Secretary of the Treasury on behalf of the Treasury Depart-

ment; Mr. Allen Walker, of New York, manager for the Chamber of Commerce of the United States, appeared on behalf of that agency in our national life. Mr. F. W. Keough, of New York, appeared as the representative of the National Manufacturers' Association. Labor was represented by Commissioner Royal Meeker, of Labor Statistics Department; Grant Hamilton, of the American Federation of Labor; John B. Andrews, secretary of American Association of Labor Legislation; also Arthur Holder, who is the labor representative on the Board for Vocational Education. Richard Borden appeared as the representative of the American Hospital Association. He is secretary of its war-service committee. William Baldwin appeared as the representative of the National Tuberculosis Association, of which he is treasurer. In other words, the hearings comprehend the latest expert information from these various activities, and I would advise the Members of the House to secure copies of those hearings as soon as possible.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio may have five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Ohio may have five minutes more. Is there objection?

Mr. DYER. Reserving the right to object, Mr. Chairman, I do so for the purpose of making an inquiry as to what is coming up after the disposition of this bill.

Mr. DENT. Mr. Chairman, if the gentleman will yield to me, I might be able to answer that question in a way.

Mr. FESS. I yield to my friend.

Mr. DENT. It was understood that the conference report on Senate joint resolution 124, providing for the registration of those becoming 21 years of age should be taken up the first thing, but somehow it has been displaced. I understand that will come up next. It is a very important bill. The registration is supposed to take place on June 5, and I hope that that conference report will be called up sometime this afternoon.

The CHAIRMAN. The chairman of the Indian Affairs Committee stated that it was his purpose to call up the conference report on the Indian appropriation bill if he could.

Mr. DYER. In view of these important matters I feel that we ought not to proceed out of order on this bill. I will not object now, but I will object to any additional time hereafter, unless it refers to the bill under consideration.

The CHAIRMAN. Is there objection to the request?

There was no objection.

Mr. FESS. Mr. Chairman, I thank the members of the committee that they permit five minutes more on a bill that undoubtedly is the most important one that will come before Congress at this session. Our wounded are coming back in streams. We have no provision for rehabilitating them. I have it from the Surgeon General's Office no longer ago than yesterday that they are attempting to borrow some of the necessary tools to do the bedside training for these soldiers. This bill should come before the House as quickly as the committee can report it, and should be given privileged status for final action at the earliest possible moment.

Mr. MAPES. Will the gentleman yield?

Mr. FESS. I yield to my friend.

Mr. MAPES. Did your committee consider the question of including the rehabilitation of those injured in industry?

Mr. FESS. The committee had that before it. Nearly everyone who spoke upon the bill urged that we include that feature, but the committee felt that it would not do to bring that in at this time, for fear that it would endanger or delay the passage of this bill. Therefore it is not included in the bill.

Mr. MAPES. That is the only reason it was not included?

Mr. FESS. That was the only reason. The committee were unanimous in favor of it, but did not deem it proper to attach it to this bill.

Mr. GALLIVAN. Will the gentleman yield?

Mr. FESS. I yield to my friend from Massachusetts.

Mr. GALLIVAN. Did I understand the gentleman to say that our wounded are coming back in streams?

Mr. FESS. They are coming back—perhaps I should not say to this country yet.

Mr. GALLIVAN. That is what I wanted made clear to the House. I am told that there are no wounded coming back to this country.

Mr. FESS. I would not say that.

Mr. GALLIVAN. At any rate, they are not coming back to this country in streams.

Mr. FESS. It is altogether owing to what is meant by "in streams." The wounded are coming in.

Mr. GALLIVAN. I want to know what the gentleman means. The gentleman used that expression.

Mr. FESS. The wounded are coming in. Only yesterday there were here two of our own boys with no arms.

Mr. GALLIVAN. They have been here for some months.

Mr. FESS. I do not know.

Mr. GALLIVAN. Yes; for some months.

Mr. FESS. Well, there are soldiers in the hospital here in the Capital.

Mr. MOORE of Pennsylvania. I want to confirm the gentleman's statement to a certain extent. Wounded men have been coming back. A number of hospitals and former hotels are now fully occupied. I could name some, but will not. Wounded and sick men have come back and some have come up from the camps.

Mr. FESS. But that question is not pertinent. It is not important whether our wounded are being brought here or kept in France or elsewhere for treatment; this war is raging and our boys are on the front, and we know that they will be wounded, and we should not quibble over words. If we hesitate here to do what we ought to do now, it seems to me it will be a very serious matter.

Mr. FARR. Do not the papers every day indicate the number who are being injured?

Mr. FESS. Certainly; and the numbers will increase. Our committees are meeting every day to consider this matter.

Mr. COX. Have the committee reported out the bill yet?

Mr. FESS. The House committee have agreed upon it, but we have not reported it, awaiting a joint meeting with the Senate committee before we make the report. The number of the bill is 11367.

Mr. CANNON. Who introduced it?

Mr. FESS. In the House the bill was introduced by the gentleman from Florida [Mr. SEARS], chairman of the Committee on Education, and in the Senate the bill was introduced by Senator SMITH of Georgia, chairman of the Committee on Education of that body.

Mr. BANKHEAD. Where can copies of the hearings be had?

Mr. FESS. At the Committee on Education of either the House or the Senate.

Mr. COX. What is the number of the bill?

Mr. FESS. No. 11367.

Mr. COX. Did I understand the gentleman to say that Dr. Prosser was to administer this work?

Mr. FESS. A board, of which Dr. C. A. Prosser is the director.

Mr. COX. I know him well, and a better man can not be found in the United States.

Mr. FESS. I fully agree with my friend from Indiana. I served with him on the vocational commission, which reported the Smith-Hughes vocational education bill. There is no man to be found who has a clearer grasp of the vocational problem. The fact that he is the director of the Federal Vocational Board, which the bill provides shall administer this law, insures success of the great work.

Mr. ESCH. I have read the bill, and I think it is an admirable one. Does not the gentleman think we acted wisely in not including in the war-risk insurance bill of last year the full provisions with regard to rehabilitation?

Mr. FESS. I rather think that is true; that taking the time required to make this investigation gave us a better bill than we could have had at that time. However, we must not delay action now since the needs are imminent, as is apparent to all.

Mr. Chairman, in view of the fact that there are several other urgent matters coming on to-day, and that I am not going to be able to say all I wanted to say in analyzing the bill briefly, I am, by your consent to revise and extend my remarks, going to give a brief abstract of the bill by inserting a copy of the bill and a short statement as to its provisions:

A bill (H. R. 11367) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes.

Be is enacted, etc., That this act shall be known as the vocational rehabilitation act.

SEC. 2. That every person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Article III of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, and who, in the opinion of the Federal Board for Vocational Education, is unable to resume the former occupation or to enter upon some other suitable or gainful occupation or having resumed or entered upon such occupation is unable to continue the same successfully and may be vocationally rehabilitated, shall be ordered by the Bureau of War-Risk Insurance to follow such course of vocational rehabilitation as the Federal Board for Vocational Education shall prescribe and provide, or when deemed advisable by said board shall be retained in the military or naval forces of the United States and be detailed to the control and direction of said board until the course of training prescribed has been satisfactorily completed.

The Bureau of War-Risk Insurance shall have power, and it shall be its duty, to order the persons included in this section to follow suitable courses of vocational rehabilitation to be prescribed and provided by the Federal Board for Vocational Education, and every person so ordered to follow a course of vocational rehabilitation shall, while following the same, receive monthly compensation in a sum equal to the amount of his monthly pay for the last month of his active service, or to the amount to which he would be entitled under Article III of the said act approved September 2, 1914, as amended, whichever amount is the greater, and if such person was an enlisted man at the time of his discharge he shall, for the period during which he is so ordered to follow a course of vocational rehabilitation, be subject to all the requirements and entitled to all the benefits of Article II of the said act approved September 2, 1914, as amended, in the same manner as if he were an enlisted man, and for the purposes of the said Article II his monthly compensation shall be deemed to be his monthly pay: *Provided*, That if and while a person willfully fails to follow the prescribed course of vocational rehabilitation in a manner satisfactory to the Federal Board for Vocational Education the said board shall certify to that effect to the Bureau of War-Risk Insurance, and the said bureau may, in its discretion, withhold any part or all of the monthly compensation due such person and not subject to compulsory allotment.

The military and naval family allowance appropriation provided for in section 18 of the said act approved September 2, 1914, as amended, shall be available for the payment of the family allowances provided by this section; and the military and naval compensation appropriation provided for in section 19 of the said act approved September 2, 1914, as amended, shall be available for the payment of the monthly compensation herein provided. No compensation under Article III of the said act approved September 2, 1914, as amended, shall be paid for the period during which any such person is ordered by the Bureau of War-Risk Insurance to follow a course of vocational rehabilitation.

SEC. 3. That the courses of vocational rehabilitation provided under the provisions of this act shall, as far as practicable and under such conditions as the Federal Board for Vocational Education may prescribe, be made available without cost for instruction for the benefit of any person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Article III of the said act approved September 2, 1914, as amended, and who is not included in section 2 hereof: *Provided*, That no monthly compensation, family allowances, or expenses as provided by this act shall be paid on account of any such person availing himself of the courses under this section.

SEC. 4. That the Federal Board for Vocational Education shall have the power, and it shall be its duty, to provide, or procure to be provided, such facilities, instructors, and courses of vocational rehabilitation as may be necessary to insure proper training for such persons as are required to follow courses of vocational rehabilitation as herein provided; to prescribe the courses to be followed by such persons; to pay, when in the discretion of the board such payment is necessary, the expense of travel, lodging, subsistence, and other necessary expenses of such persons while following the prescribed courses; to provide for the placement of rehabilitated persons in suitable or gainful occupations; and to do all other things appropriate or necessary to insure the vocational rehabilitation and placement in suitable or gainful occupations of persons following the courses of vocational rehabilitation. The board shall have the power to make such rules and regulations as may be necessary for the proper performance of its duties as prescribed by this act and is hereby authorized and directed to utilize, with the approval of the Secretary of Labor, the facilities of the Department of Labor, in so far as may be practicable, in the placement of rehabilitated persons in suitable or gainful occupations.

It shall also be the duty of the board to make or cause to have made studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placement in suitable or gainful occupations. When the board deems it advisable, such studies, investigations, and reports may be made in cooperation with or through other departments and bureaus of the Government, and the board, in its discretion, may cooperate with such public or private agencies as it may deem advisable in performing the duties imposed upon it by this act. The Federal Board for Vocational Education shall make an annual report to the Congress on or before December 1 on the administration of this act.

SEC. 5. That all medical and surgical work or other treatment necessary to give functional and mental restoration to disabled persons prior to their discharge from the military or naval forces of the United States shall be under the control of the War Department and the Navy Department, respectively. Whenever prevocational training is employed as a therapeutic measure by the War Department or the Navy Department a plan shall be established between these agencies and the Federal Board for Vocational Education acting in an advisory capacity to insure, in so far as medical requirements permit, a proper process of prevocational training and the proper preparation of instructors for such prevocational training.

The board shall in establishing its plans and rules and regulations for vocational training cooperate with the War Department and the Navy Department in so far as may be necessary to effect a continuous process of prevocational and vocational training.

SEC. 6. That the Federal Board for Vocational Education is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally. All moneys received as gifts or donations shall be paid into the Treasury of the United States and shall constitute a permanent appropriation to be called the "Special fund for vocational rehabilitation," to be used under the direction of the said board, in connection with the appropriations hereby made or hereafter to be made, to defray the expenses of providing and maintaining courses of vocational rehabilitation; and a full report of all gifts and donations offered and accepted and all disbursements therefrom shall be submitted annually to Congress.

SEC. 7. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used by the Federal Board for Vocational Education for erecting, renting, and remodeling buildings and quarters, repairing, maintaining, and equipping same, and for equipment and other facilities necessary for proper instruction of disabled persons, $250,000; for the preparation of instructors and salaries of instructors, supervisors, and other experts, including necessary traveling expenses, $545,000; for traveling expenses of disabled persons in connection with training and for lodging, subsistence, and other necessary expenses in special cases of persons following prescribed courses, $250,000; for tuition for persons pursuing courses in existing institutions, public or private, $545,000; for the placement and supervision after placement of vocationally rehabilitated persons, $45,000; for studies, investigations, reports, and preparation of special courses of instruction, $55,000; for miscellaneous contingencies, including special mechanical appliances necessary in special cases for disabled men, $110,000; for the administrative expenses of said board incident to performing the duties imposed by this act, including salaries of such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere, as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees under its orders, including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses, $200,000: *Provided*, That the said board shall file with the Clerk of the House and the Secretary of the Senate on July 1 and every three months thereafter, for the information of the Congress, an itemized account of all expenditures made under this act.

SEC. 8. That section 304 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, is hereby repealed.

Section 2 provides for the rehabilitation of any person who is unable to resume his former occupation or enter upon some new occupation.

It limits the benefits to persons who after discharge were entitled to compensation under the war-risk insurance act.

It secures to the invalided soldier while in training the rate of pay received the last month before his discharge. In case he declines to take the training the War-Risk Insurance Bureau may withhold his allotment.

Section 3 includes those disabled soldiers who are able to resume their former occupation or to enter upon some new occupation.

Section 4 provides the duties and powers of the Federal Vocational Board, which by the bill is made the administrative agency to carry out the provisions of the act.

Section 5 provides for the control by the Army and Navy over the disabled soldier during the period of his functional rehabilitation; that is, while he is undergoing the medical treatment to physically rebuild him. It also provides that in case he should have bedside or curative training, called prevocational training, the vocational board shall act as an advisory body only for this character of training. In making plans for vocational training the vocational board shall cooperate with the War and Navy Departments to insure against disturbance of a continuous process of useful training.

Section 6 provides for the acceptance of bequests.

Section 7 is the appropriating section. The House committee decided upon a lump-sum appropriation of $2,000,000. The Senate bill sets out the items in detail. But since no European government has attempted to budget the items of expenditure in this particular activity, it appeared to House Members a better plan not to designate the items, since the same authority in either case will administer them. The items as set out by the original bill were mere estimates, as the problem is entirely new and should not be hampered by any needless restriction.

Mr. Chairman, as I said before, the rehabilitation and the reeducation of the disabled American soldier is a duty demanded at the hands of this Government. The necessary legislation should not be delayed for a single moment. I know of no proposal that has evoked such universal approval from the Members here and the people at large. There was not a single discordant note in the hearings. Even those who urged the inclusion of the industrial cripple, everyone asked that it be omitted if it would endanger the passage of this measure. The hearing displayed the most remarkable unanimity of opinion upon the need of this legislation, as well as an equally remarkable approval of governmental effort and immediate effort for speedy action.

The House Committee on Education, after holding daily meetings in the most careful consideration of the bill, has agreed upon it and is now ready to report. It hopes to report the bill to the House within the next few days. Having been interested in this problem even before our country entered the war, because of the havoc of human ability and the great need of speedy methods to utilize in a rational way these wasted powers lost to the world unless speedily rehabilitated, I feel justified in urging the membership of the House to secure at once copies of the bill and hearings, in the hope that we shall take immediate steps to place the law on the statute books, that all necessary authority may be given to at once prescribe and provide the facilities to not only functionally rehabilitate our inevitable war wrecks, but also vocationally train these disabled men for future self-helpfulness, to avoid that heritage that inevitably awaits a dependent. It is well for us to assure our boys that their sacrifice is appreciated, their bravery and valor will never be forgotten, but that is lip service. We must add to that our guaranty of an independent existence, for lip service is empty and time is the enemy of such laudation. I have asked for this

time to speak out of order to call attention to this imperative need. The war is raging. Our sons are on the front. The casualty lists are streaming in and will grow longer with the weeks. We must speed up our equipment. No soldier of our armies should be compelled to admit that human energy lost by the injuries of war was permitted to waste permanently because some one neglected his duty.

By unanimous consent, Mr. HARDY, Mr. COX, and Mr. GALLIVAN were given leave to extend their remarks in the RECORD.

The Clerk resumed and completed the reading of the bill.

Mr. GALLIVAN. I move that the committee rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. VENABLE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12000) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1919, and for other purposes, and had directed him to report the same back to the House with the recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GALLIVAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

REGISTRATION FOR MILITARY SERVICE.

Mr. DENT. Mr. Speaker, I call up the conference report on Senate joint resolution 124.

The SPEAKER. The Clerk will report it.

The Clerk read the conference report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizen of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, 5, 6, and 7, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert "and all male persons"; also amend the title by striking out the word "or," in line 2, and insert in lieu thereof "and all male persons"; and the House agree to the same.

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the House insert the following: "*Provided*, That students who are preparing for the ministry in recognized theological or divinity schools, and students who are preparing for the practice of medicine and surgery in recognized medical schools, at the time of the approval of this act, shall be exempt from the selective draft prescribed in the act of May 18, 1917"; and the House agree to the same.

S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons, citizens of the United States or residing in the United States, who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," submit the following written statement explaining the effect of the action agreed on:

The Senate receded from all of the amendments of the House except the amendment relating to the exemption of divinity and medical students. On the question of exempting divinity and medical students, the conferees agreed that students of both classes who are actually in attendance upon such school on the date of the approval of the act should be exempted. This, of course, would not permit any subsequent entrance as a student at such schools in order to avoid the draft, which seems to have been the principal objection on the part of the House. The House conferees agreed to retain the Senate amendment also as to medical students now in bona fide attendance at medical colleges. This is no more nor less than what the President has actually done under the act of May 18, 1917, by which such students were furloughed until graduation. It was thought, in view of the large number of medical officers who have entered the Army service, that this exception was also important. The health of those who stay at home and support the Army is, of course, a matter of great importance.

S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

Mr. DENT. Mr. Speaker, the conferees agreed and the Senate receded in favor of the House on every proposition except the exemption of theological and medical students, and on that the conferees made a compromise. Students in attendance in schools or colleges on the date of the approval of this resolution shall be exempt, whereas those who hereafter enter will not be exempt. That is the law, as far as divinity students are concerned, in the draft act of last year. It is the practice of the War Department so far as medical students are concerned, and I think that is a fair compromise. I hope the adoption of the conference report will not be long delayed.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. DENT. Yes.

Mr. MOORE of Pennsylvania. I do not think the Members heard the gentleman's full explanation. What are the terms on which the divinity and medical students are exempt?

Mr. DENT. Those are exempt who are in actual attendance on theological and medical schools on the date of the approval of this resolution.

Mr. MOORE of Pennsylvania. Exempt from the registration provided for. What as to students who enter the schools afterwards?

Mr. DENT. They will not be exempt.

Mr. MOORE of Pennsylvania. Therefore there can be no refuge in a college or medical or divinity school after the passage of this act to avoid draft.

Mr. DENT. No.

Mr. MOORE of Pennsylvania. They are not to be taken out of the college schools now?

Mr. DENT. No; not those that are now in.

Mr. MOORE of Pennsylvania. When their terms have expired and they have graduated——

Mr. DENT. They will be subject to the same law as anybody else.

Mr. MOORE of Pennsylvania. This permits them to complete their studies?

Mr. DENT. That is true.

Mr. DYER. Will the gentleman submit to a question?

Mr. DENT. I will.

Mr. DYER. This conference agreement does not include dental students?

Mr. DENT. It does not include dental students; they were not involved in the conference; it was not a matter in dispute between the two Houses.

Mr. WALSH. Will the gentleman yield?

Mr. DENT. I will yield to the gentleman from Massachusetts.

Mr. WALSH The conference report exempts those who are at present in medical schools, but it does not provide that they shall upon graduation go into the reserve.

Mr. DENT. No; it does not. It exempts them during the period of their attendance upon the school.

Mr. WALSH. In the original draft law the medical students were required to enter the medical reserve.

Mr. DENT. They entered the Medical Reserve Corps, but they were furloughed during the period that they were actually in attendance in the school. That was by Executive order. Now, Mr. Speaker, I yield to the gentleman from New York [Mr. CALDWELL] two minutes.

Mr. CALDWELL. Mr. Speaker, when the conference report was before the House a few days ago the bill as amended by the Senate carried a clause giving exemption to any man who after the approval of this act went into the schools, and it was on that ground that I opposed it and on that ground alone. That having been taken out of the bill, I think the amendment proposed by the Senate is entirely justified. In the first place, the exemption of medical students is absolutely necessary, because we must have doctors, and we must have them in great numbers. The news that has come from the front of the activity of chaplains in our Army during the past few days demonstrates beyond question that the chaplain in the Army is as necessary as any other branch of it. I do not believe that we ought to do anything that would stop the good work that is being carried on by the divinity schools in this country, and I am heartily in favor of the amendment as agreed to by the conferees, and I hope that the conference report will be adopted. This is a Christian country, famous for its religious tolerance. The Jew and the Gentile, Catholic and Protestant, enjoy its freedom and institutions. This amendment will be gratifying to all and is a guaranty of the perpetuation of our faith.

Mr. DENT. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, I think that no one in this body believes that I do not appreciate the services of the clergy of this country and also the value and the worth of medical men of this land and the great patriotic service they are rendering in this war. I would not criticize either for a moment. But, gentlemen of the House, I can not change my mind about what I believe to be a fundamental principle. When we passed the original draft law it applied equally upon the shoulders of all of the young men of the country. They all stood on the same level. They all looked alike to the Congress of the United States, and that was proper and right, but this bill provides that the young man who, since the enactment of the original draft law, has determined that he would make medicine or theology his life work, and has entered a school of either theology or medicine, shall be exempt from registration and military service in the armies of the United States, while his neighbor boy, just as much of an American, who might have determined that his life work would be agriculture, or along mechanical lines, or a dentist, or any other line of work, shall not be exempt. I assert that is class legislation and absolutely un-American, and violates every principle for which we have always stood, that all Americans should be equal before the law.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. I congratulate the conferees in taking out the most vicious part of the amendment, but I am absolutely opposed to the part that still remains, and though realizing that this law ought to be enacted very soon I shall, notwithstanding that fact, cast my vote against the report.

Mr. GARRETT of Texas. I would like to ask the gentleman what he has to say along the line of the evidence brought out before our committee, that there have been more medical officers killed in this war than in any other branch of the service?

Mr. McKENZIE. They were medical men—doctors—not students 21 years of age, just entering college.

Mr. GARRETT of Texas. How will we supply their places when they are all killed out?

Mr. McKENZIE. There have been many farmer boys and others killed who went over there.

Mr. DYER. These men are being educated in the schools for service in the Army, practically every one of them, as soon as they graduate.

Mr. McKENZIE. No; perhaps 1 out of 10 will.

Mr. DYER. It strikes me that the doctors of the country are being called to the service.

Mr. McKENZIE. I honor them for going.

Mr. WALSH. Does the gentleman contend that in the original draft law all the young men of the country between 21 and 31 years of age were placed upon the same footing and that there were no classes exempted from registration or being drafted?

Mr. McKENZIE. Speaking generally, yes.

Mr. WALSH. Speaking specifically, there were two classes of people who were exempted.

Mr. McKENZIE. I understand.

Mr. WALSH. Divinity students, pilots, and mariners.

Mr. McKENZIE. Divinity students who had already entered a theological school and ministers were exempted, and I want to say to the gentleman from Massachusetts that the exempting of ministers from helping to fight the battles of this country of ours met with no enthusiastic response in my breast, for I do not come from a section of the country or represent a class of men who listen to sermons on Sunday by men who do not desire to uphold the flag of our country.

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I usually am entirely in accord with my friend from Illinois [Mr. McKENZIE], but in this particular matter I believe he is in error. The medical students of the country will have to be graduated in order that the health of the country may be looked after by educated and skilled physicians. We do not want to return to a condition in this country that prevailed 20 or 25 years ago, when medical "quacks" were preying upon the people.

A great demand has been made upon the medical profession in this war. Thousands of doctors in excellent practice have given up that practice in order to give the benefit of their skill and experience to their country. A large number of medical men are being killed in this war. Surely the Congress wants to make some provision that new men trained and skilled in medicine and surgery can take the places in the Army and throughout the country of those who sacrifice their lives in the war.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. STAFFORD. I wish to be set right as to whether these medical students who will be in the medical colleges at the time of the approval of this act will be exempt for all time from the selective-draft law.

Mr. KAHN. I do not think so.

Mr. STAFFORD. I direct the gentleman's attention to the phraseology. The chairman of the committee stated they would not, but I have difficulty in coming to that conclusion. The bill provides:

Provided, That students who are preparing for the ministry in recognized theological or divinity schools, and students who are preparing for the practice of medicine and surgery in recognized medical schools, at the time of the approval of this act, shall be exempt from the selective draft prescribed in the act of May 18, 1917.

If that does not mean that they shall be exempt for all time, what does it mean?

Mr. KAHN. When they cease to be students——

Mr. STAFFORD. There is no such qualifying clause.

Mr. KAHN. I take it that that is the way the department would construe it.

Mr. STAFFORD. The department would not have any right to read such words of limitation into it.

Mr. KAHN. I believe that if the men were to drop out of the medical or theological schools before they graduate they would no longer be exempt but would be subject to draft under the law of last year.

Mr. STAFFORD. Under the original draft law persons who were preparing for the ministry in recognized divinity schools were not only exempted fom the draft law as divinity students, but they were exempted upon their being ordained.

Mr. KAHN. Yes.

Mr. STAFFORD. Now, by specific language you say that these medical students shall be exempt from the selective draft prescribed in the act of May 18, 1917. What more definite language could be written exempting those students from the selective-draft law?

Mr. KAHN. Mr. Speaker, in reply to the statement of the gentleman from Wisconsin, I am quite positive that where a man ceases to be a student his condition reverts back to what it was before he entered the school. The language used in this bill regarding these students is almost identical with the language of the selective-draft law regarding theological and divinity students. But what is the practice of the War Department to-day? They take the young men in the medical schools and furlough them. They give them furloughs in order that they may continue their studies in the medical schools. They are not inducted into the Army of the United States so long as they continue as students. The department recognizes the fact that this country will need a supply of doctors, and so, in order to continue that supply, they are not now taking those young men for the draft, but are allowing them under furloughs to continue their studies in the medical schools. This bill will simply give that practice the sanction of law.

Mr. STAFFORD. Are not they furloughed under the President's order during the school period, on the condition that they

shall upon graduation become a part of the Medical Reserve Corps of the Army?

Mr. KAHN. The Medical Reserve Corps of the Army was abolished under the act of June 3, 1916, and we have not had any Medical Reserve Corps since then.

Mr. STAFFORD. Will the gentleman permit?

Mr. KAHN. Yes.

Mr. STAFFORD. Is it not a fact, under the President's order, in order that they may obtain exemption they must indenture themselves to join the Army upon their graduation?

Mr. KAHN. I am not informed whether the President's order contains such a provision; but I take it that these young gentlemen are patriotic—just as patriotic as any loyal citizens of the Republic—and I feel that they will go into the Army of the United States by the thousands. There is no question about it in my mind. But if the medical students are of draft age when they graduate, they can undoubtedly be drafted into the Army if they should refuse to go voluntarily. Several months ago the War Department, realizing that there was apt to be a deficiency in the number of physicians in the Medical Department, made a strong appeal to the doctors of the country in order to try to induce them to come into the service. Accordingly many of them came into the service, and I am sure these young men will likewise respond gladly to any call of that kind and will cheerfully help the Government in the hour of its need.

Mr. McKENZIE. Will the gentleman yield?

Mr. KAHN. I will.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. Will the gentleman yield me five minutes more?

Mr. DENT. I yield five minutes additional to the gentleman.

Mr. McKENZIE. I simply desire to ask my colleague if he does not think that in order to make this legislation consistent that the arguments we have heard that these young men are needed in the Army, that there should be a provision coupled with this exemption that when they have graduated they are immediately drafted into the Army? Would not that make it logical?

Mr. KAHN. We have not been drafting doctors as yet into the Army at all. We have appealed to their patriotism, and they have come in great numbers. But I want to call the attention of the House to these facts: Never before in the history of any war has there been such a need for doctors as there is in this war, and never in the history of any war have so many doctors lost their lives at the front as in this war.

Mr. CAMPBELL of Kansas. And let me suggest that probably never before have so many doctors volunteered their services as in this war.

Mr. KAHN. That is very true, because we have never in all our history had occasion for such a large number. Congress recognizing the need of doctors in the Army several years ago provided there must be 7 surgeons to every 1,000 men in our Regular Army.

Mr. CALDWELL. The gentleman might add never before in the history of the world has it been necessary for doctors to bear arms as they have to do now.

Mr. KAHN. Well, the doctors, as I understand it, at the field hospitals right behind the lines, or rather immediately behind the trenches, are constantly under shell fire and are frequently killed.

Mr. HICKS. And, if the gentleman will permit, in the Naval Officers' Medical Reserve Corps many thousands have volunteered their services and are awaiting call from the Navy.

Mr. KAHN. I thank the gentleman for his information.

Mr. DOWELL. Will the gentleman yield?

Mr. KAHN. I will.

Mr. DOWELL. Without taking up the question whether or not these persons designated in this amendment should be within the draft, as I understand the construction of the language of the amendment by the gentleman from California, if the student drops out of the medical school——

Mr. KAHN. Before graduation——

Mr. DOWELL. Before graduation, that he then comes within the law and would be subject to the draft.

Mr. KAHN. Exactly; because he is no longer a student in the medical school.

Mr. DOWELL. But I wish to call the attention of the gentleman to the language of this amendment, and I am unable to read the amendment as the gentleman has construed it, I ask the gentleman if he will not reread this paragraph, and in the rereading he will not change his statement upon that question?

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DENT. I yield the gentleman three additional minutes.

Mr. DOWELL (continuing). Because when a student has once been exempted, where is there a provision that brings him within the statute?

Mr. KAHN. The moment he leaves the school he is no longer in the school and ceases to be a student, therefore his status changes.

Mr. DOWELL. This amendment states, "at the time of the approval of this act."

Mr. KAHN. Yes; he is a student.

Mr. DOWELL. Then, if he is a student at the time of the approval of this act he becomes exempt in the very terms of the act. I am not quibbling about whether this is correct or not, but I desire that the House understand the exact language of this amendment.

Mr. KAHN. Well, in speaking about the amendment with officials of the War Department, who will probably construe the bill if it is enacted into law, I feel confident that it will be construed as I have stated it. In the final analysis the War Department will construe the bill. At any rate, the language in this bill is similar to the language of the draft law in regard to this particular subject.

Mr. DOWELL. If the gentleman has that construction, it is different.

Mr. KAHN. Now, Mr. Speaker, I want to say this, in conclusion: The Senate yielded on every amendment offered to the bill in the House except this one. This is the only amendment that they insisted upon. In view of the fact that the so-called Hull amendment and other amendments are all accepted by the Senate, I hope that the House will accept the conference report and allow the bill to pass. [Applause.]

Mr. DENT. Mr. Speaker, I shall yield three minutes to the gentleman from Rhode Island [Mr. O'SHAUNESSY] and then I shall yield two minutes to the gentleman from Massachusetts [Mr. WALSH], and then I propose to move the previous question, except for the purpose of answering questions.

Mr. RUSSELL. I should like to have about one minute.

Mr. O'SHAUNESSY. Mr. Speaker and gentlemen of the House, I wish to congratulate the chairman of the Committee on Military Affairs and the conferees, who were charged with the responsibility of bringing accord on this question, so vital to the success of our arms.

I can readily understand why some gentlemen, when this question was before the House the other day, felt disposed to urge an objection to the recommendation of the conferees, fearing, as they did, that men might seek to evade military duty by entering seminaries. That would be a reprehensible conduct on the part of any man. The conference report exempts those now in the seminaries, and thus corrects the objection urged against the former report, which exempted those now in and hereafter entering. The great concord and amity existing between all creeds in this great war of ours and the great work being done by the ministers of every religion upon the battle field speaks eloquently for the tremendously unifying process going on, as evidenced by the work of the Young Men's Christian Association, the Young Men's Hebrew Association, and the Knights of Columbus. It bids us rejoice that in this great conflict there has come a greater community among the American people, which presages a victory for our arms. [Applause.]

I can not but feel the great necessity for medical men. I can not but feel that there is a great necessity for more chaplains to sustain our troops in their hour of peril and in their hour of danger. The medical schools must be recruited, the seminaries must be recruited, and I am to-day proud to pay my tribute, as a Member of the House of Representatives, to the medical fraternity of the United States for so generously volunteering its services in this hour of need. And I am sure that if the occasion becomes more urgent they shall be found just as willing as they have been in the past. Who doubts the valor, who doubts the courage, of the men who bear the cross upon the battle fields? We daily read of the great deeds of sacrifice, of heroism, and of valor performed by these clergymen who are giving their lives, giving everything, in order to serve our troops, to sustain them, to give them courage, and to keep them keyed up to the supreme duty of the hour. Conserve our medical students for the Nation's future needs in peace or war. Conserve our divinity students so that the ministry may be unimpaired in its great work of spiritual consolation.

Again, I congratulate the conferees. [Applause.]

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. WALSH] is recognized.

Mr. WALSH. Mr. Speaker, just a word in response to the insinuation of the gentleman from Illinois when replying to a question of mine. Lest any impression be left that my section of the country is infested with ministers or priests of the Gospel who would rather preach than fight, I want to tell him that no

such condition as that prevails. I have the great honor to represent in this body the old Plymouth Colony, as well as Cape Cod and the old whaling city of New Bedford, and that section of the great Commonwealth of Massachusetts has not been backward in furnishing its supply of young men from every profession and walk in life in response to the President's call and under the selective-draft law. We have no slackers amongst these two professions in my section of the Republic. And let me further say that at the outset of this controversy I voted with the gentleman from Illinois.

I think, however, inasmuch as this provision is made to comport with the original draft law, although I think there is some doubt about the language, there can be no harm in accepting it. But I do desire to call to the gentleman's attention that there are certain classes in the original draft law that are exempted, and that if he desires to be wholly consistent, as he usually is, the amendment contemplated to the draft law ought to include within its terms some of these other classes and put all the young men between these two age limits upon an equal footing. We exempt now county and municipal officials, certain Government employees, pilots, and mariners, and also workmen, whether they are Government workmen or not, employed in the arsenals and upon certain Government work. Now, then, if it is desired to put all the young men of the country between those ages upon the same plane, they ought not to be given the privilege of a special exemption.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RUSSELL. Mr. Speaker, I desire to ask the chairman of the committee a question. If I remember correctly, when this bill was passed by the House there was a provision in it providing that the boys to be enlisted under this act would go to the foot of the list in their respective classes.

Mr. DENT. The Senate yielded on that.

Mr. RUSSELL. The Senate amended that by striking it out?

Mr. DENT. The Senate yielded to the House amendment.

Mr. RUSSELL. I have a number of inquiries about it and want to know for certain if that provision is in this bill.

Mr. DENT. The Senate yielded. It is shown in the report. It was an amendment, as I recall it, at the end of section 1, offered by the gentleman from Iowa [Mr. HULL]. The Senate yielded on it, and it is a part of the law.

Mr. KAHN. Does the gentleman refer to the so-called Hull amendment?

Mr. RUSSELL. Yes.

Mr. KAHN. If the gentleman will look at the papers, he will see that there was no print of the bill after it left the House, but he will find that that amendment is carried after line 16 on page 2. It is in the bill as it was accepted by the Senate.

Mr. RUSSELL. I did not find it in the bill that is before the House to-day.

Mr. KAHN. There was no reprint of the bill after it left the House.

Mr RUSSELL. I wanted to know for certain if it was in the bill.

Mr. KAHN. The gentleman will find it among the papers.

Mr. DENT. There is no question about that.

Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. DENT, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

The SPEAKER resumed the chair.

ARMY CHAPLAINS.

Mr. DENT. Now, Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4409, and ask for its present consideration.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the bill S. 4409, which the Clerk will report.

The Clerk read as follows:

A bill (S. 4409) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes."

Be it enacted, etc., That section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purpoess," be, and the same is hereby, amended to read as follows:

"SEC. 15. Chaplains: The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in the service, one for each 1,200 officers and men in all branches of the Military Establishment, with rank, pay, and allowances as now authorized by law: *Provided*, That there shall be assigned at least one chaplain for each regiment of Cavalry, Infantry, Field Artillery, and Engineers: *Provided further*, That the persons appointed under this act shall be duly accredited by some religious denomination or organization and of good standing therein, under such regulations as may be prescribed by the Secretary of War: *And provided further*, That no person shall be appointed chaplain in the Army who on the date of appointment is more than 45 years of age."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

INDIAN APPROPRIATION BILL—CONFERENCE REPORT (NO. 562).

Mr. CARTER of Oklahoma. Mr. Speaker, I call up the conference report on the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

The SPEAKER. The Clerk will report it.

Mr. CARTER of Oklahoma. I ask unanimous consent, Mr. Speaker, that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, will the gentleman from Oklahoma state whether this report has been acted upon by the Senate?

Mr. CARTER of Oklahoma. Yes; on last Friday.

The SPEAKER. The Clerk will read the statement.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman state what the action of the Senate was?

Mr. CARTER of Oklahoma. The Senate adopted the report last Friday.

The SPEAKER. The Clerk will read the statement.

The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 12, 13, 15, 28, 29, 40, 41, 47, 50, 55, 72, 82, 85, and 89.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 9, 14, 16, 17, 18, 19, 20, 21, 22, 31, 34, 35, 36, 37, 39, 42, 43, 45, 46, 48, 52, 53, 56, 57, 58, 62, 63, 66, 67, 68, 69, 71, 73, 74, 78, 81, 84, 87, 88, 90, and 91, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 2 of the amendment proposed, after the word "That," insert the following: "on and after September 1, 1918,"; and in line 3 of the amendment proposed, before the word "country," insert the word "Indian"; and in line 3 of the amendment proposed, after the word "is," insert the words "or was"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 5 of the amendment proposed strike out the following figures and word: "$400,000: *Provided*" and insert the following: "$350,000: *Provided*, That not to exceed $40,000 of said amount may be expended in the construction and equipment of new hospitals at a unit cost of not exceeding $15,000: *Provided further*"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert: "$1,650,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "That $5,000 of

this amount shall be immediately available: *Provided further*, That not to exceed $15,000 of this appropriation shall be used for continuing the work of the Competency Commission to the Five Civilized Tribes in Oklahoma"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$150,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the completion of the enrollment of the allottees within the White Earth Reservation, in the State of Minnesota, required by the act of June 30, 1913, as amended by this act, $3,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That not to exceed $80,000 of the funds derived from the sale of timber from the Red Lake Indian Forest, Minn., under authority of the act of May 18, 1916 (39 Stat. L., p. 137), of which amount $50,000 shall be immediately available, may be expended by the Secretary of the Interior in payment of the expenses authorized by said act, and in the logging, booming, towing, and manufacture of timber at the Red Lake Agency sawmill: *Provided*, That not to exceed $15,000 of said amount may be used to reimburse the tribal fund known as 'Indian money, proceeds of labor, Red Lake Indians,' heretofore actually expended in said operations."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That of the unexpended appropriation of $5,000 authorized to be withdrawn from the tribal funds of the Chippewa Indians of Minnesota for the construction of a bridge across the Mississippi River on the Cass Lake Reservation by the Indian appropriation act approved March 2, 1917, $4,000 may be expended for improving the road between the Cass Lake Indian School and the village of Cass Lake, upon the condition that the counties of Cass and Beltrami, in the State of Minnesota, shall file with the Secretary of the Interior a written agreeemnt to reimburse the United States, for the benefit of the Chippewa Indians, within two years to the extent of one-half of the amount expended upon said road."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 10 of the amendment proposed, after the word "the," insert the words "actual and necessary"; and in line 13 of the amendment proposed, before the word "expenses," insert the words "actual and necessary"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all after the word "*Provided*," in line 12 of the amendment proposed, and insert the following:

"That $4,000 of said amount, or so much thereof as may be necessary, may be used in the construction of a suitable school building at the town of White Earth: *Provided further*, That the State school district in which the town of White Earth is located contributes a like amount to be used in the construction of a building the total cost of which shall not exceed $8,000, the said appropriation to remain available until expended: *And provided further*, That when said building is completed it shall be turned over to the local school authorities of the said town of White Earth, and shall thereafter be operated and maintained by them, and Indian children shall at all times be admitted to said school on the same conditions as white children."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"MISSISSIPPI.

"SEC. 9. For the relief of distress among the full-blood Choctaw Indians of Mississippi, including the pay of one special agent, who shall be a physician, one farmer, and one field matron, $5,000; for their education by establishing and maintaining day schools, including the purchase of land and the construction of necessary buildings, $20,000; for the purchase of lands, including improvements thereon, not exceeding 80 acres for any one family, for the use and occupancy of said Indians, to be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, under such rules and regulations as he may direct, $25,000; for the purpose of encouraging industry and self-support among said Indians and to aid them in building homes, in the culture of fruits, grains, cotton, and other crops, $25,000, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable said Indians to become self-supporting, to be expended under conditions to be prescribed by the said Secretary for its repayment to the United States on or before June 30, 1925; in all, $75,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 3 of the amendment proposed strike out the figures "$250,000" and in lieu thereof insert the figures "$375,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For continuing construction, maintenance, and operation of the irrigation systems on the Fort Peck Indian Reservation, in Montana, $50,000 (reimbursable), which shall be immediately available and remain available until expended."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the word "approximately"; and in line 5 of the amendment proposed strike out the word "approximately"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For one-half the cost of constructing a wagon road between Tularosa, Otero County, N. Mex., and the Indian agency on the Mescalero Indian Reservation in said State, in conformity with plans approved by the Secretary of the Interior, $16,000, or so much thereof as may be necessary, to be immediately available, reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Mescalero Tribe of Indians, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the figures "$10,000; in all, $36,600" and insert "$6,000; in all, $32,600"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Strike out all of the amendment proposed after the word "*acts*," in line 10 thereof, down to and including the word "Indians," in line 11, and insert in lieu thereof the following: "or to use said moneys for the benefit of the Indians entitled thereto."; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In line 9 of the amendment proposed strike out the words "said moneys may be" and in line 10 of the amendment proposed strike out the words "expended without limitation and shall include" and in lieu of the matter stricken out in lines 9 and 10 insert the following after the word "That," in line 9: "the expenditure of said money shall include the St. Louis Mission Boarding School and"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 3 of the amendment proposed, before the word "surplus," insert the word "unencumbered"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $185,000: *Provided*, That a report shall be made to Congress by the Superintendent of the Five Civilized Tribes through the Secretary of the Interior, showing in detail the expenditure of all moneys appropriated by this provision: *Provided further*, That hereafter no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees or their heirs, or in forwarding uncontested agricultural and mineral leases, excluding oil and gas leases, made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases, except oil and gas leases, now required to be approved under existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however*, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order.

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 12 of the amendment proposed, after the word "amounts," insert a comma and the following: "not exceeding $1,050"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$250,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In line 1 of the amendment proposed, strike out the word "five" and in lieu thereof insert "four"; and in line 7 of the amendment proposed, strike out the figures "$20,000" and insert the figures "$17,500"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$400,000"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lines 3 and 4 of the amendment proposed, and after the figures "$200,000," in line 3, strike out the following: "to be immediately available and to remain available until expended"; and in line 17 of the amendment proposed, after the word "hereby," strike out the words "made available until expended" and insert the following: "reappropriated"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That the sum of $2,801.50, being the unexpended balance of the sum of $5,000 appropriated by the Indian appropriation act approved May 18, 1916, as a proportionate share of the cost of constructing a wagon road or highway through the Standing Rock Indian Reservation, in Corson County, S. Dak., be, and the same is hereby, made available upon the same terms and for the same purposes as provided in said act."

And the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"TEXAS.

"SEC. 22. For the education of the Alabama and Coushatta Indians located in Polk County, Tex., by the construction of a school building, including equipment, upon land belonging to said Indians, $5,000; and by aiding the public schools established by the State or local authorities to the extent of 10 cents per day for each Indian child who attends such schools, $2,000, to be expended under the direction of the Secretary of the Interior; and the Secretary of the Interior is hereby authorized and directed to cause an investigation to be made as to the necessity and advisability of purchasing lands for said Indians and to make report thereon to Congress on or before the first Monday in December, 1918, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of such investigation; in all, $8,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the figures "$12,690" and insert the figures "$12,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "For the construction of a wagon road through the Shivwits Indian Reservation, Utah, $5,000; for the construction of a steel bridge and approaches across the Santa Clara River on the Shivwits Indian Reservation, $10,000; in all, $15,000, reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Shivwits Tribe of Indians, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 5 of the amendment proposed strike out the word "expense" and insert in lieu thereof the following: "actual and necessary expenses"; and in line 7 of the amendment proposed, after the word "attorneys" insert the following: "from the State of Washington"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In line 4 of the amendment proposed, strike out the word "directed," and in lieu thereof insert the word "authorized"; and in line 5 of the amendment proposed, after the word "sum" insert a comma and the following: "not exceeding $25,000"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out the amendment proposed and insert the following:

"SEC. 28. That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to withdraw from the United States Treasury and segregate the common or community funds of any Indian tribe which are, or may hereafter be, held in trust by the United States, and which are susceptible of segregation, so as to credit an equal share to each and every recognized member of the tribe except those whose pro rata shares have already been withdrawn under existing law, and to deposit the funds so segregated in banks to be selected by him, in the State or States in which the tribe is located, subject to withdrawal for payment to the individual owners or expenditure for their benefit under the regulations governing the use of other individual Indian moneys. The said Secretary is also authorized, under such rules and regulations as he may prescribe, to withdraw from the Treasury and deposit in banks in the State or States in which the tribe is located, to the credit of the respective tribes, such common, or community, trust funds as are not susceptible of segregation as aforesaid, and on which the United States is not obligated by law to pay interest at higher rates than can be procured from the banks: *Provided*, That no tribal or individual Indian money shall be deposited in any bank until the bank shall have agreed to pay interest thereon at a reasonable rate and shall have furnished an acceptable bond or collateral security therefor, and United States bonds may be furnished as collateral security for either tribal or individual funds so deposited, in lieu of surety bonds: *Provided further*, That the Secretary of the Interior, if he deems it advisable and for the best interest of the Indians, may invest the trust funds of any tribe or individual Indian in United States Government bonds: *And provided further*, That any part of tribal funds required for support of schools or pay of tribal officers shall be excepted from segregation or deposit as herein authorized, and the same shall be expended for the purposes aforesaid: *Provided, however*, That the funds of any tribe shall not be segregated until the final rolls of said tribe are complete: *And provided further*, That the foregoing shall not apply to the funds of the Five Civilized Tribes, or the Osage Tribe of Indians, in the State of Oklahoma, but

the funds of such tribes and individual members thereof shall be deposited in the banks of Oklahoma or in the United States Treasury and may be secured by the deposit of United States bonds."

And the Senate agree to the same.

C. D. CARTER,
CARL HAYDEN,
P. P. CAMPBELL,
Managers on the part of the House.
HENRY F. ASHURST,
ROBERT L. OWEN,
CHARLES CURTIS,
Managers on the part of the Senate.

STATEMENT.

The bill as it passed the House carried appropriations as follows:

Gratuity	$8,145,160.00
Reimbursable	3,002,965.00
Total	11,148,125.00

The bill as it passed the Senate carried appropriations as follows:

Gratuity	$8,619,600.00
Reimbursable	1,967,373.86
Total	10,586,973.86

The bill as agreed upon in conference carries appropriations as follows:

Gratuity	$8,210,660.00
Reimbursable	2,817,857.36
Total	11,028,517.36

The estimates for the fiscal year ending June 30, 1919, were $12,255,210. The bill as agreed upon in conference is $1,226,692.64 less than the estimates of the department and $441,543.50 more than the bill carried when it passed the Senate.

The Senate conferees have receded on the following amendments: 7, 8, 12, 13, 15, 28, 29, 40, 41, 47, 50, 55, 72, 82, 85, and 89.

The House conferees have receded unqualifiedly on the following amendments: 1, 2, 6, 9, 14, 16, 17, 18, 19, 20, 21, 22, 31, 34, 35, 36, 37, 39, 42, 43, 45, 46, 48, 52, 53, 56, 57, 58, 62, 63, 66, 67, 68, 69, 71, 73, 74, 78, 81, 84, 87, 88, 90, and 91.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

On No. 1: Reduces amount $50,000.

On No. 2: Corrects the designation of the officer.

On No. 6: Reduces amount $50,000.

On No. 9: Correction of language.

On No. 14: Provides for completion of project.

On No. 16: Limits expenditure to material and labor.

On No. 17: Appropriates $5,000, reimbursable, for completing the construction of two bridges near the Leupp Indian Agency, Ariz., in addition to the $42,500 appropriated by act of March 2, 1917.

On No. 18: Prohibits conversion of public lands in New Mexico and Arizona into Indian reservations without consent of Congress.

On No. 19: Appropriates $9,000 for installation of water supply at Fort Bidwell School.

On No. 20: Provides for construction and equipment of buildings on lands set aside by the State of Florida for perpetual use of the Seminole Indians, and that $8,000 appropriated by act of March 2, 1917, for relief, civilization, and education of said Indians may also be used for construction and equipment of buildings on said lands.

On No. 21: Provides for $10,000 for completing the construction of a drainage system on Haskell Indian School Reservation, Lawrence, Kans.

On No. 22: Provides that not exceeding $16,000 of funds heretofore appropriated for mechanical and general utility shop-building and for addition to hospital may be expended for rebuilding laundry, purchase of laundry equipment, and for repairs to heating and power systems at Pipestone School, Minn.

On No. 31: Corrects the section number.

On No. 34: Decreases appropriation $25,000 for irrigation systems on Blackfeet Indian Reservation, and decreases allowance by $10,000 applicable appropriations for Flathead, Blackfeet, and Fort Peck irrigation projects made available for maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for officers' use upon aforesaid projects.

On No. 35: Authorizes the Secretary of the Interior to withdraw from the Treasury $200,000 of tribal funds to credit of Crow Indians in Montana and to expend the same for making necessary improvements to irrigation systems in Big Horn Valley on the Crow Reservation in Montana and to be reimbursed to the tribe.

On No. 36: Corrects the section number.

On No. 37: Corrects the section number.

On No. 39: Corrects the section number.

On No. 42: Reappropriates and makes immediately available $2,500.

On No. 43: Correction of language.

On No. 45: Corrects the section number.

On No. 46: Corrects the section number.

On No. 48: Corrects the section number.

On No. 52: Corrects the section number.

On No. 53: Makes the amount immediately available.

On No. 56: Inserts the words "tribal officers and."

On No. 57: Provides for deposit in national and State banks in Oklahoma of proceeds from leasing of oil, gas, and other minerals, the same to be done by rules and regulations prescribed by the Secretary of the Interior.

On No. 58: Appropriates $25,000 from Osage fund for construction of Osage Agency and school buildings.

On No. 62: Increases amount of Creek tribal funds retained in Treasury for expenses of Creek tribal affairs by $100,000.

On No. 63: Increases amount of Creek tribal funds retained in Treasury for payment of salaries for employees and other expenses by $10,000.

On No. 66: Authorizes the Secretary of the Treasury to allow credit in the settlement of the accounts of William M. Baker in the sum of $5,356.13.

On No. 67: Provides for the adjudication before the Court of Claims of the claims of J. F. McMurray as assignee of firm of Mansfield, McMurray & Cornish against the Choctaw and Chickasaw Nations.

On No. 68: Authorizes the expenditure of $15,000 Chickasaw tribal funds supplemental to $50,000 appropriated by Indian appropriation act of March 2, 1917, the same to be used in construction and equipment of dormitories at Murray State School of Agriculture, Tishomingo, Okla., immediately available.

On No. 69: Corrects the section number.

On No. 71: Limits the time.

On No. 73: Corrects the section number.

On No. 74: Corrects the section number.

On No. 78: Corrects the section number.

On No. 81: Corrects the section number.

On No. 84: Corrects the section number.

On No. 87: Authorizes the per capita payment of $50 to the Menominee Indians of Wisconsin.

On No. 88: Corrects the section number.

On No. 90: Provides for the equitable distribution of cost Wind River Reservation project.

On No. 91: Corrects section number.

On the following amendments the House conferees receded with modifying or substitute amendments: 3, 4, 5, 10, 11, 23, 24, 25, 26, 27, 30, 32, 33, 38, 44, 49, 51, 54, 59, 60, 61, 64, 65, 70, 75, 76, 77, 79, 80, 83, 86, and 92.

The effect of the recession of the House conferees on the amendments on which they have receded with modifying or substitute amendments is as follows:

On No. 3: Modifies Senate amendment which makes possession of intoxicating liquor an offense punishable in accordance with acts of July 23, 1892, and January 30, 1897, so as to apply to Indian country only and to not take effect until after September 1, 1918.

On No. 4: Decreases appropriation for relief and care of destitute Indians not otherwise provided for, etc., from $400,000, as passed by the Senate, to $350,000.

On No. 5: Decreases the amount allowed by the Senate for the support of Indian day and industrial schools from $1,700,000 to $1,650,000.

On No. 10: Makes $5,000 immediately available out of funds appropriated for general expenses of Indian Service.

On No. 11: Decreases the appropriation for industry and self-support from $300,000, as it passed the Senate, to $150,000.

On No. 23: Eliminates Senate language making $3,000 appropriation for White Earth Rolls immediately available and available until expended.

On No. 24: Includes also similar Senate amendment No. 28, which two combined authorize the use of $80,000 from Chippewa funds for purpose of manufacture of timber at the Red Lake Agency sawmill.

On No. 25: Modifies language of Senate amendment which authorizes use of $4,000 unexpended balance of Chippewa funds

for improving road between Cass Lake Indian School and village, in Case and Beltrami Counties, Minn.

On No. 26: Authorizes not to exceed $10,000 of tribal funds of Chippewa Indians in Minnesota for payment of expenses of general council of said tribe and actual and necessary expenses of legislative committee visiting Washington during present session of Congress.

On No. 27: Authorizes the use of $175,000 of Chippewa funds for promotion, civilization, and support among said Indians. This was consolidated with Senate amendment No. 29, making the $4,000 authorized for construction of school building at White Earth available from Chippewa Indian funds.

On No. 30: Reduces the amount of $150,000 allowed by the Senate for the Mississippi Choctaws to $75,000 and makes the appropriation for each purpose specific.

On No. 32: Increases the amount allowed by the Senate for irrigation systems on the Flathead Indian Reservation, Mont., from $250,000 to $375,000.

On No. 33: Increases the amount allowed by the Senate for irrigation systems on the Fort Peck Indian Reservation, Mont., from $25,000 to $50,000.

On No. 38: Reappropriates unexpended balance of $11,996.13 for procuring homes, etc., for nonreservation Indians in Nevada. Also $7,611.23 reappropriated for purchase of agricultural equipment, etc.

On No. 44: Provides $16,000, reimbursable, for a wagon road between Tularosa and the Indian agency on the Mescalero Indian Reservation, N. Mex.

On No. 49: Restores amount appropriated for support and education of Indian schools, Bismarck, N. Dak., and reappropriates $10,000 for employees' quarters and $15,000 for new dining room and kitchen and equipment.

On No. 51: Amends acts so as to authorize the Secretary of the Interior to make per capita distributions to Standing Rock Indians.

On No. 54: Authorizes continuation of Osage schools until June 30, 1919.

On No. 59: That the House agreed to the amendment by inserting the word "unencumbered" before the words "surplus lands."

On No. 60: Appropriates $185,000 for the administration of the affairs of the Five Civilized Tribes, Oklahoma. Authorizes report to be made to Congress by the Superintendent of the Five Civilized Tribes, through Secretary of the Interior, and prohibits the expenditure of funds for forwarding from the office of the Superintendent of the Five Civilized Tribes to the Secretary of the Interior the settlement of undisputed claims and applications for uncontested agricultural and mineral leases, exclusive of oil and gas leases.

On No. 61: Authorizes the investigation and payment from funds due certain Choctaw Indians of certain claims not exceeding $1,050 by the Secretary of the Interior.

On No. 64: Increases the appropriation in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and the Quapaw Agency in Oklahoma from $225,000, as it passed the Senate, to $250,000.

On No. 65: Restores the House provision and language, but provides for four oil and gas inspectors.

On No. 70: Decreases the amount passed by the Senate for industry and self-support among the Klamath Tribe of Indians in Oregon from $500,000 to $400,000.

On No. 75: Restores the House language but provides that the unexpended balance of $300,000 appropriated by act of March 2, 1917, be reappropriated.

On No. 76: Makes available $2,801.50, being unexpended balance of sum appropriated by Indian appropriation act of May 18, 1916, for constructing a wagon road or highway through the Standing Rock Indian Reservation in Corson County, S. Dak.

On No. 77: Authorizes $5,000 for school building, $2,000 for pay of tuition, and $1,000 for investigating condition of Alabama and Coushatta Indians in Polk County, Tex.

On No. 79: Decreases the appropriation in aid of the public schools in the Uintah and Duchesne County school districts, Utah, from $12,690, as it passed the Senate, to $12,000.

On No. 80: Authorizes $10,000 for the construction of a steel bridge on the Santa Clara River and $5,000 for construction of a wagon road all on the Shivwits Indian Reservation in Utah, reimbursable.

On No. 83: Appropriates $2,000 from the tribal funds of the Yakima Indians, State of Washington, from actual necessary expenses in presenting matters to Government officials at Washington, D. C., and for employment of attorneys.

On No. 86: Authorizing the Secretary of the Interior to investigate claim of the legal representatives of R. V. Belt against the Pottawatomie Indians and to settle same from Pottawatomie Indian funds at not exceeding $25,000.

On No. 92: Authorizes the Secretary of the Interior, when practicable, to segregate tribal funds held in trust by the United States for any Indian tribe and place same to the credit of individual members; to deposit Indian funds in State or National banks at interest or to invest such funds in United States Government bonds.

C. D. CARTER,
CARL HAYDEN,
P. P. CAMPBELL,
Managers on the part of the House.

Mr. CARTER of Oklahoma. Mr. Speaker, I yield to the gentleman from Maryland one minute.

Mr. CRAMTON. Mr. Speaker, I desire to reserve a point of order on the conference report.

The SPEAKER pro tempore (Mr. CRISP). The gentleman from Michigan desires to reserve a point of order on the conference report?

Mr. CRAMTON. Yes.

The SPEAKER pro tempore. The Chair thinks that if a point of order is made on the conference report——

Mr. CARTER of Oklahoma. I understand it was reserved, only.

Mr. CRAMTON. It was reserved.

Mr. NORTON. The point of order comes too late at this time.

The SPEAKER pro tempore. The Chair will overrule that. The point of order came as soon as it could be made.

Mr. CAMPBELL of Kansas. I ask that if the gentleman from Michigan [Mr. CRAMTON] has a point of order it be made now.

Mr. CARTER of Oklahoma. I want first to yield to the gentleman from Maryland [Mr. LINTHICUM] to ask unanimous consent to extend his remarks in the RECORD.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the conference report on the military bill just adopted.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CRAMTON] makes a point of order on the conference report on the Indian appropriation bill. The gentleman will state it.

Mr. CRAMTON. I will make the point, and possibly the chairman of the committee or others can explain the matter properly. I made the point, however, that as the legislation passed both Houses in section 18——

Mr. CARTER of Oklahoma. What amendment is that?

Mr. CRAMTON. Amendment No. 60, on page 6 of the report. As the legislation passed both Houses it was temporary in its nature, but by the insertion of the word "hereafter" it appears to me that possibly it was made permanent legislation. If so, it is clearly subject to a point of order. I ask the gentleman to explain the purpose and effect of that word "hereafter."

Mr. CARTER of Oklahoma. Well, the gentleman has explained it as well as I can explain it. It was put in for the purpose of making it permanent law.

Mr. CRAMTON. Then, Mr. Speaker, I urge that the point of order is well taken because, as the legislation went through both bodies, it was limited in its effect to the ensuing fiscal year. The conferees have inserted the word "hereafter," and have sought, at any rate, to make the legislation permanent, and thereby it seems to me they have exceeded their authority. There was no matter as to the period of the legislation in dispute between the two Houses.

The SPEAKER pro tempore. The Chair will hear from the gentleman from Oklahoma.

Mr. CARTER of Oklahoma. Mr. Speaker, I am frank to say and to repeat that the word "hereafter" was put in to take away the temporary character from the amendment and make it permanent law, which the Senate conferees and House conferees all seemed to think was a good thing to be done.

Mr. BUTLER. Is any other part of this bill in dispute?

Mr. CAMPBELL of Kansas. Mr. Speaker, the subject matter was before the conferees. The question of sending certain matters to the Secretary of the Interior for approval was before the conferees. A dispute arose as to whether or not contracts relating to minerals, oil and gas leases, and so forth, should be sent to Washington for the approval of the Secretary of the Interior. That was the chief question in dispute between the House and the Senate conferees.

The subject matter arose out of a Senate amendment and was before the conferees, relating to contracts or leases between certain lessees and the Indian owners. As to whether or not these contracts should be affirmed in Muskogee, Okla., or be sent to Washington, was the real question. I do not think it is

a close question under the rules of the House. The matter having been before the Senate, it seems to me the matter was sufficiently before the conferees so that they had jurisdiction to make the law as it has been made.

Mr. NORTON. Mr. Speaker, the insertion of this provision here making it permanent law is doing by indirection what it has not been possible to do directly for several years. This proposed permanent law has been before the House Committee on Indian Affairs during the past two or three years to my personal knowledge, and it has not received, when it was brought squarely before the House, the approval of the Congress. I am certain that when the House Committee on Indian Affairs considered this paragraph of the bill and when the House as a whole considered it it had no intention of enacting any such permanent law as is proposed to be enacted here by the conference committee. There is nothing here to show or indicate that when the Senate passed this provision the Senate intended to enact this as permanent law by tacking it on as a rider on this appropriation bill, as it is proposed to be done by the conferees.

The SPEAKER pro tempore. Has the gentleman the conference report before him?

Mr. NORTON. I have the conference report before me.

The SPEAKER pro tempore. On page 6, where the word "hereafter" is used, the gentleman will see that the words are:

That hereafter no part of said appropriation shall be used in forwarding the undisputed claims—

And so forth.

Does the use of the word "said" limit it to the appropriation in this act, or does the gentleman contend that it would apply to any appropriation hereafter made and be permanent law?

Mr. NORTON. I am inclined to think that interpretation would be put upon it, and that it would apply to any appropriation made hereafter under this item in the bill. I know that it is confidently expected by some Members who are in favor of this legislation being made permanent that such interpretation will be placed upon it by the Treasury Department.

Mr. DEMPSEY. I was going to call the attention of the Chair to the point which the Chair makes. It seems to me clear that this is not permanent law; that this deals with this appropriation of $185,000 and nothing else. There is no language by which it can refer to anything except the $185,000 herein appropriated. "Said appropriation" means this sum of $185,000, and can not mean anything else, and it does not refer to anything except this appropriation. It refers to no other part of the law. No matter what was in the minds of these gentlemen, they have not enacted permanent law.

Mr. BUTLER. Why did they put it in there?

Mr. MADDEN. It does not help it any. Why not strike it out?

Mr. NORTON. I will say to the gentleman from New York [Mr. DEMPSEY] that I appreciate the force of his argument, but I also appreciate what I believe to be the clear intent of those who placed the word "hereafter" in the language of the bill. I believe that the expression is susceptible of the interpretation that the words "said appropriation" refer to the item of the appropriation instead of to the amount, to the item for expenses of administration of the affairs of the Five Civilized Tribes of Oklahoma. It occurs to me that the employment of the word "hereafter" in the way in which it is here used makes the law permanent.

Mr. STAFFORD. Mr. Speaker, I had not intended to address the Chair, but in view of the query propounded by the Chair to the gentleman from North Dakota [Mr. NORTON] I merely wish to make this observation, that while the word "hereafter" applies in one way merely to the expenditure of this appropriation, still I wish to direct the attention of the Chair to this condition of affairs that might arise in the future, that when this item is carried in subsequent appropriation bills this clause—

Provided further, That hereafter no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees—

would apply to that appropriation in the subsequent appropriation bills. It would not be necessary to reincorporate the language of this proviso, because it is permanent law attaching for all time to the appropriations that will be voted for this respective purpose, and the chairman of the Committee on Indian Affairs [Mr. CARTER of Oklahoma] admits that that is the purpose of it. Suppose next year when the Indian appropriation bill is under consideration the committee carries an appropriation for expenses of administration of the affairs of the Five Civilized Tribes of Oklahoma; it would not be necessary to carry the legislation as carried in this proviso, because here the Congress has for all time enacted the policy as to how that fund shall be utilized in its expenditure, and the Comptroller of the Treasury, in passing upon that, would necessarily hold that that limitation is permanent, because the word "hereafter" applies. What is the value of the word "hereafter"? Strike it out, and, of course, then the language would apply merely to this appropriation. The Chair must give obvious construction to that word "hereafter." If it is to be construed as applicable only to this year, it has no purpose, because then it would read—

Provided further, That no part of said appropriation shall be used—

And so forth. But no, the obvious intendment of this provision is that for all time the appropriation that is voted for this purpose shall be utilized as herein expressed, and therefore it must be construed by the Chair to be permanent legislation.

Mr. NORTON. Let me call the attention of the Chair to this feature of it: Suppose you leave out the word "said" and put in the word "this," so that it will read—

That hereafter no part of this appropriation.

That clearly would make it permanent law. It seems to me that the word "said" modifying the appropriation has reference to the item that is in this bill or that may be in some subsequent bill.

Mr. WALSH rose.

The SPEAKER pro tempore. Does the gentleman from Massachusetts desire to argue the point of order?

Mr. WALSH. I merely desire to direct the attention of the Chair to the fact that while it may refer to "said appropriation," that does not confine it simply to this specific sum of money; because if that were so, and next year they appropriated only $181,000, in order to have this proviso apply it would have to be repeated in the appropriation bill. Furthermore, the paragraph as carried in the bill calls for a report to be made to Congress by the Secretary of the Interior showing in detail the expenditure of all moneys appropriated by this provision. That would apply only, of course, to this sum of money, because the word "hereafter" is omitted. It seems to me that including the word "hereafter" would accomplish just what the chairman of the committee [Mr. CARTER of Oklahoma] suggests was intended, to make this apply to all appropriations in the future under this item, namely, for expenses of administration of the affairs of the Five Civilized Tribes of Oklahoma and compensation of employees.

Mr. HAYDEN. Mr. Speaker, there is one phase of this question to which I wish to direct the attention of the Chair. All of the language of the proviso is an amendment by the Senate and never was before the House. Being new matter inserted by the Senate, the conferees were competent to consider any germane amendment. For that reason the word "hereafter" might properly be inserted by the conferees.

I would like to read from Volume V of Hinds' Precedents, page 725, where a similar point of order is discussed:

It is true that if the whole paragraph in the bill as it passed the House had been stricken out and a substitute therefor proposed by the Senate, or if the Senate had stricken out the paragraph without proposing a substitute, and the House had disagreed to the amendments of the Senate, then the conferees might have had jurisdiction touching the whole matter and might have agreed upon any provision that would have been germane. But that is not this case. This provision in the conference report inserts legislation that never was before the House or before the Senate, and it was quite competent for the conferees, if they could do this, to have stricken out the whole paragraph and inserted anything that was germane.

We have a similar situation here. The House never acted on this proviso; it was new matter inserted by the Senate. Being in conference, it was competent for the conferees to make it permanent law, as the chairman proposed. Therefore we were acting within our jurisdiction as managers on the part of the House to consider and act upon the entire proposal as we did.

Mr. CRAMTON. Mr. Speaker, in the first place, the question as to what effect the words "no part of said appropriation," might have on the word "hereafter" had occurred to me before making the point, and that was the reason of my question to the chairman of the committee. His positive assertion as to the purpose the conferees had in inserting the word "hereafter" has resolved all my doubts on the proposition, and it should, it seems to me, resolve the doubts of the Chair.

Furthermore, it is not certain that all of the $185,000 will be expended this year. If it is not, future legislation may make it possible to carry the balance forward. As to the suggestion of the gentleman from Arizona [Mr. HAYDEN], permit me to suggest this, that when the legislation was before the House there was a section carrying this appropriation of $185,000, but there was no provision, no limitation, upon the method of expending that appropriation. Therefore there was no period of time during which they were prohibited from forwarding the reports from the superintendent to the Interior Department.

Mr. CAMPBELL of Kansas. May I ask the gentleman a question?

Mr. CRAMTON. Yes.

Mr. CAMPBELL of Kansas. The House having made the appropriation making no limitation on the expenditure, and the Senate putting the limitation on it that it did, raises the matter as a question for the conferees. Now, this is the question: The Senate having put the limitation for one year on the subject matter, and the House conferees agreeing that the limitation to one year should be removed and the matter should become permanent law——

Mr. CRAMTON. I was attempting to answer that question. I say that when the legislation was before the House the appropriation was made without limitation. So that there would be no interruption in the forwarding of these reports of the superintendent to the Interior Department. The Senate legislated and put in a limitation for one year. It goes to conference. On the one hand, no interruption in forwarding the report; on the other hand, an interruption for one year. Now, the limit of no interruption and the interruption for one year—those are the bounds of the authority of the conferees. It is an absurdity to say that with these bounds—no interruption on the one hand and one year on the other—the conferees can extend that period to eternity. I insist that the argument made by the gentleman from Arizona is not well taken. It is not a case of an entire new paragraph.

Mr. CARTER of Oklahoma. Mr. Chairman, the only question involved here seems to be as to whether or not this word "hereafter" applies to other funds than those carried by the bill. It is true, in so far as one of the conferees was concerned—myself—that I would like to see this made permanent law. What was in the minds of the other conferees I am not able to say. But it matters not what might have been in the minds of the conferees, we are bound by the language of the bill. The bill says that "hereafter no part of said appropriation shall be used," and so forth. No part of what appropriation? "Said appropriation," and that cleary refers to the $185,000 carried in this bill.

The SPEAKER pro tempore (Mr. CRISP). The Chair is ready to rule. The gentleman from Michigan makes the point of order against the conference report on the ground that the conferees exceeded their authority by making a provision of the bill, which was temporary in its nature when it went to conference, permanent legislation. The Chair is clearly of the opinion that if the conferees exceeded their authority by making permanent a provision of law that was temporary when it passed both branches of Congress, it would be beyond their authority and would vitiate the conference report.

The question for the Chair now to decide is not what might be or may have been the intention of the conferees when they made the report, but what is the legal effect of the report submitted by them.

When the amendment No. 60, known as section 18, was submitted to the conferees it provided that no part of said appropriation—dealing with the appropriation of $185,000 carried in the bill—should be used for certain purposes. The conference report contains identically the same language, except that the word "hereafter" is inserted, which makes the conference report read:

Provided further, That hereafter no part of said appropriation shall be used for such purposes—

And so forth.

The Chair is of the opinion that the meaning of that language confines the legislation to the appropriation carried in this bill. The Chair is of the opinion that the original language simply acted as a limitation on the appropriation carried in this bill, and the word "hereafter" does not necessarily make the legislation permanent or applicable as to any other appropriation. The Chair is of the opinion that if the word "any" had been used instead of "said," it would have been permanent legislation. But the legal meaning of the language is that the legislation is confined simply to the appropriation covered by this bill, and therefore the Chair overrules the point of order.

Mr. CARTER of Oklahoma. Mr. Speaker, there is a difference between the amounts carried in the statement in the original conference report which was withdrawn and this present report of some $35,000, which comes about as follows: Two items, amendments 44 and 80, as passed by the Senate, were gratuity appropriations from the Treasury. One of these items, No. 44, for the Tularosa Road, carried $16,000, and the other No. 80, for the Shiowitz Road and bridge, amounts to $15,000. These two items were made reimbursable from tribal funds by the conferees. Then there is another item carried in amendment No. 29, of $4,000, which was a gratuity from the Federal Treasury. This item was changed so as to have the money drawn from tribal funds. Change in these three amendments, making two reimbursable and the other paid from tribal funds, aggregate $35,000, and this accounts for the difference in these amounts in the conference.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. NORTON. The gentleman says items Nos. 44 and 33 are made reimbursable?

Mr. CARTER of Oklahoma. Amendments Nos. 44 and 80.

Mr. NORTON. What is amendment No. 44 reimbursable from?

Mr. CARTER of Oklahoma. Amendment No. 44 is the Tularosa Road in New Mexico.

Mr. NORTON. From what is that made reimbursable?

Mr. CARTER of Oklahoma. That is made reimbursable from any funds that may hereafter be due Indians from the sale of their lands and timber.

Mr. NORTON. They have lands to be sold?

Mr. CARTER of Oklahoma. They have lands and timber.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. WALSH. What does the term "reimbursable," as used in the report, mean?

Mr. CARTER of Oklahoma. That word, when used in an appropriation bill in this manner, signifies that the amount under consideration is to be reimbursed to the Treasury from some other source. In this particular instance it means reimbursed from tribal funds.

Mr. WALSH. I want to ask the gentleman another question, and if he will permit me I shall preface it with a brief statement. I notice that the bill as coming from the conference committee is larger than as it passed the Senate in its total. I want to ask the gentleman if he can hold out any hope to the House or to the country that some of these days the Government will not have to bear this enormous burden on account of the Indian activities, and whether or not the Indian Bureau shows any signs of economy or of adopting a plan which would perhaps relieve the Government of this burden and permit the Indians to embark upon a program where they would not be considered objects of charity to such a large extent or wards of the Nation? Can the gentleman give any assurance that at some time in the near future we will not have to make such tremendous appropriations for this activity?

Mr. CARTER of Oklahoma. Mr. Speaker, the gentleman from Massachusetts has asked a question which goes to the very heart of this proposition of Government supervision of the Indians. It will be necessary to continue these appropriations, and perhaps increase them from year to year, until our Indian Bureau shows some better progress in two particulars—first, that of divorcing the competent Indian from further supervision by the Indian Bureau, and, second, the elimination of red tape and duplication of work.

Mr. WALSH. Of course that will be taken care of by the Overman bill.

Mr. CARTER of Oklahoma. The ultimate object of the Indian Bureau should be to eliminate itself. That is to say, the efforts of the Indian Bureau should be primarily directed to the culling out of every competent Indian, placing him on his own responsibility, turning him loose, and letting him go hence. This in itself should eliminate a large, unnecessary expense that is now being incurred by the Government, and in addition would admit of Indian Bureau officials giving more judicious and intelligent supervision of the full blood, whom we should consider as the real ward of the Government. Second, that of elimination of red tape and duplication of work is just as important from the standpoint of economy to the Treasury, and could, in my opinion, be done without any violence or injury whatever to the Indian. No one knows or can even attempt to say just how much money is spent unnecessarily on this proposition of red tape and duplication of work, but your Indian Committee has been able to find quite a good deal of it.

It should be eliminated; but the very moment that any serious attempt is made by Congress to carry out either of these reforms it invariably brings into opposition, with all the forces of false sentimentalism, reaction, and stagnation, and if the future can be judged by the past these forces will probably be strong enough to accomplish the defeat of such reforms for some time to come, and in the meantime it will be necessary to continue and perhaps increase appropriations carried by this Indian bill.

Mr. WALSH. Does the gentleman intend to be serious when he expresses the hope that any Government bureau ought to divert its activities toward a course which will eventually eliminate itself? That does not seem to be the purpose that inspires any branch of governmental activity. On the other hand, it seems to be its object to perpetuate itself. I fear from what

the gentleman has said that that is the program that is being followed in this bureau.

Mr. CARTER of Oklahoma. Mr. Speaker, I cherish no vain delusions that any man is going to seek to eliminate or even curtail his own jurisdiction.

As competent Indians are divorced from the supervision of the Indian Bureau, as red tape and duplication of work is eliminated just in that proportion will the jurisdiction of the Indian Bureau be decreased, and just in that proportion will the employees of the Indian Bureau be cut down. Under such conditions we can not hope for these reforms to come from one of our bureaus itself. It is not in the probability of the cards that it will be done in this way. In the very nature of things none of us seeks to diminish our own jurisdiction. All of us are rather more inclined to attempts at reaching out and covering more territory; so, in my humble opinion, it is expecting too much to hope that any such reforms will ever be instituted in a serious way by the Indian Bureau or any other bureau under like conditions. Since we can not hope for such reform from that source, then there is but one alternative left, and that is for Congress to do it itself.

Mr. BUTLER. That is right. Why do we not do it? We are a good reform factory.

Mr. CARTER of Oklahoma. We have sought to do it to a slight extent right in this bill. The Senate placed an amendment in this bill which is numbered 60. This amendment, in a small way, sought to cut out some of the red tape and duplication now in vogue, but the House conferees and the Senate conferees at the time apparently did not think it would accomplish very much as the Senate passed it, so we undertook in conference to have this Senate amendment amended so as to do some real service, as we thought, in the way of elimination of red tape and duplication of work, and in a way which I verily believe would have done no violence or injustice whatever to the Indians, but would have proved a real service to them. This amendment as amended was agreed to without contest by all the conferees, and our conference report was filed in the House and Senate. What happened? History simply repeated itself. The forces of reaction immediately got on the job, the conferees were called back together, and we were required to eliminate the only part of the amendment which we believe would have done a real service to the Indians.

In connection with that let me call attention to a bill which I introduced early in the session, which has received some considerable consideration from the Committee on Indian Affairs, which was sent many weeks ago to the Indian Bureau for report, but which, up to this time, has failed to receive any report either favorable or adverse. This bill provides for the issuance of trust patents to and divorcing from Government supervision all Indians of less than one-half Indian blood. This line of demarkation was not placed at less than one-half Indian blood as an arbitrary dividing line or without due consideration.

That question was carefully thought out before the bill was introduced. Let us consider for a moment what antecedents are necessary in order that a person shall be of less than one-half Indian blood. A person of less than one-half Indian blood must have had a father and mother who both had white blood, otherwise he would himself be one-half or more than one-half Indian blood. Then this person of less than one-half Indian blood must have been reared by two parents both with an admixture of white blood. Consequently he could not have been raised as an Indian, but necessarily must have been raised as a white man. He must have been raised as I was raised, as my Cherokee friends from Oklahoma, Mr. HASTINGS and Mr. CHANDLER, were raised—not as an Indian, but as a white man—and it seems to me that it is perfectly foolish for our Government to continue supervision over such citizens as these. When I came to Congress, having been elected by about 300,000 people to transact their business in this body, I came here restricted so that I could not sell an acre of my allotted homestead land without the permission of the Secretary of the Interior. One of the first things I did when I came here was to persuade Congress to change the law which so restricted me; but there are many competent Indians throughout our country whom the Government still undertakes to supervise, and they should be set free. This rule should apply to every competent Indian in the land.

In justice to the Secretary of the Interior I must say that he has recently been accomplishing some good things along this line with his competency commissions. These commissions I understand to be not under the Indian Bureau, but make their reports direct to the Secretary of the Interior. But I do not think even this work is proceeding with sufficient expedition to warrant any hopes of curtailing the Indian appropriations in the near future.

Mr. FESS. What proportion would be set free of supervision of the Government if the gentleman's bill should pass?

Mr. CARTER of Oklahoma. I have not any statistics at hand and it would be guesswork, but I should say that 20 to 30 per cent would be dismissed from supervision at once, and the bill provides machinery for removing restrictions from others as they are found to be competent.

Mr. WALSH. And the appropriations reduced accordingly?

Mr. CARTER of Oklahoma. Certainly; and the appropriations reduced accordingly.

Mr. FESS. Will the gentleman yield?

Mr. CARTER of Oklahoma. I will.

Mr. FESS. Is it not a rather unusual thing for these appropriations to increase when the purpose of the supervision is to put the Indian where he can be self-sustaining?

Mr. CARTER of Oklahoma. I would not use the word "unusual." We might say "surprising." It is the usual thing to do, because when I came to Congress, as I recall now, this appropriation bill carried about $9,000,000 from the Treasury. Now, as the Indians have progressed and are developing along with this wonderful civilization of ours, we find we must appropriate from the Treasury over $11,000,000.

Mr. BUTLER. Did I hear the gentleman correctly to state that when he came to Congress his affairs were managed by this bureau?

Mr. CARTER of Oklahoma. When I came to Congress I had 160 acres of land that I could not sell, which I could not lease for longer than one year without asking the permission of the Secretary of the Interior.

Mr. BUTLER. Was it by reason of this management the gentleman was so efficient when he came here? [Laughter.]

Mr. WALSH. In spite of it.

Mr. CRAMTON. Will the gentleman yield?

Mr. CARTER of Oklahoma. I will.

Mr. CRAMTON. While the illustration the gentleman gives is, of course, of peculiar force here in the House, where the gentleman is known and his capacity is known, the gentleman also would be willing to state that there are thousands of persons of more than half Indian blood to whom it would be a real disaster if the protection of the Indian Bureau as an agency in the Government were withdrawn.

Mr. CARTER of Oklahoma. Oh, Mr. Speaker, no one will go any further than I to protect the real Indian. No one has gone further than I to protect him, and I have been subjected to contumely and abuse of some few people who ought to have been my friends on account of my attempts to protect the real Indians. No one will go further than I. I do not want the gentleman to misunderstand me. I do not want to say that the Indian Bureau can be wiped out with one stroke of the pen.

Mr. CRAMTON. I am simply endeavoring to get a statement from the gentleman——

Mr. CARTER of Oklahoma. But if you expect to have any lessening of expense, if we expect a procedure which will lessen the jurisdiction and expense of any of our bureaus, then the Congress itself must do it, for we are not going to be able to rely upon any man or agency to do it.

Mr. CRAMTON. I am simply asking the gentleman to get a direct statement from him as to these Indians of more than half Indian blood. I know the gentleman's position is that the Government should continue its supervision of their affairs in large degree.

Mr. CARTER of Oklahoma. Of those who need it.

Mr. CRAMTON. And that is quite generally true of those of full blood, or nearly so. Now, might I ask the gentleman if it is not true that a few years ago when restrictions were removed from a great number of Indians that was followed by the wholesale alienation of their land, so that within a period of 10 years a very great per cent of them were entirely wiped out as to their possessions?

Mr. CARTER of Oklahoma. Well, Mr. Speaker, there are no authoritative figures given on that proposition. If the gentleman refers to the act of May 27, 1908, that only removed restrictions on the homestead lands of those Indians of less than half Indian blood of the Five Civilized Tribes. It did not touch those of half or more than half Indian blood. Now, if those Indians of less than half Indian blood had become educated at the expense of the tribe, or at the expense of the Federal Government, had been educated perhaps in the schools with white children, and had grown up right alongside them, that Indian, if he was not then able to take care of himself, should not be blamed on account of his Indian blood, because he was more of a white man than an Indian.

Mr. CRAMTON. I have seen the statement quite recently that, by a certain statute enacted about 10 years ago, some 90

per cent of those whose restrictions as to the alienation of land had been removed, within that 10 years of time had entirely divested themselves of their land. Now, I would like to ask the gentleman——

Mr. CARTER of Oklahoma. I have heard of the statement to which the gentleman refers. It was 85 per cent; but the gentleman who made that statement—and he was an Indian Bureau employee—when pressed for an answer said his statement had been obtained—from whom? Not from an actual count of the Indians, not from the Indian Bureau, not from the records, but from the land men who dealt with the Indian and bought his land themselves; so that is about the extent of its authenticity.

Mr. CHANDLER of Oklahoma. And is it not a fact that the proposition is simply this, that many sold their land and allotment, like myself and Mr. HASTINGS, and invested it in other ways? And while I sold my allotment, I can go and buy it back again for half of what I sold it, and yet I am incompetent, unable to look after my own business.

Mr. CARTER of Oklahoma. And yet the gentleman's constituents trust him to look after theirs.

Mr. HICKS. Do I understand the chairman of the committee to state that, in his opinion, the increase in this appropriation is due more largely to the unscientific treatment of this question than to an increase in the Indians themselves?

Mr. CARTER of Oklahoma. I think it is due to these points——

Mr. HICKS. I am glad to have the gentleman make that clear.

Mr. CARTER of Oklahoma. First, the attempt to take care of and supervise a class of people who are just as competent as those who are trying to supervise them; and, second, to cut out the red tape and duplication of work that exists throughout the Indian Bureau.

Mr. HICKS. Is there any increase in the number of Indians that come under the supervision of the Indian Bureau?

Mr. CARTER of Oklahoma. It has decreased somewhat in the last 10 years, and appropriations still continue to increase.

Mr. WALSH. Will the gentleman permit me?

Mr. CARTER of Oklahoma. I yield to the gentleman.

Mr. WALSH. I want to state that the sections of country which have no dealings with the Indian Bureau of course have no understanding of the various problems. My question was prompted by a desire to know if the enormous cost to the Government might not in some way be decreased, or if some hope might not be held out that it would be decreased. I want to thank the gentleman for his statement, and to say that I think I express the views of a great many gentlemen of the House when I say that I believe that if the Indian Bureau in some way could be induced to follow the suggestions or the program of gentlemen like the distinguished gentleman from Oklahoma, who has a wide range of knowledge and intimate familiarity with these problems, the Government would be saving money; that the Indians would be assured of humane and just treatment; and that the taxpayers of the country would be assured that the conduct of its Indian affairs was being handled upon an economical basis.

I want to thank the gentleman for the views he has expressed in reply to my question.

Mr. CARTER of Oklahoma. I repeat, Mr. Speaker, that in my opinion we are never going to get this reform until it is brought about by Congress. And when we undertake that we are going to find lined up against us all the forces that will be discommoded by it, all the forces of stagnation, all the forces of sentimentalism, who want to see the Indian remain in war paint and feathers and blankets; and, as a rule, they have been strong enough in the past to defeat such legislation. There was one exception to this, and that was when we passed the restriction bill for the Five Civilized Tribes.

Mr. SINNOTT and Mr. NORTON rose.

Mr. CARTER of Oklahoma. I yield to the gentleman from Oregon [Mr. SINNOTT] first.

Mr. SINNOTT. I desire to call the gentleman's attention to Senate amendment No. 70, on page 68, and that is the allotment of the $400,000 to the Klamath Indians. On account of some misgivings having been expressed in the Oregon papers, I would like to ask the gentleman whether or not the department has any discretion to defer the expenditure of this money beyond the fiscal year ending June 30, 1919?

Mr. CARTER of Oklahoma. Now, let us see what the gentleman's question was.

Mr. SINNOTT. Amendment No. 70, on page 68, the appropriation of $400,000 for the purchase of stocks, and so on, for the Klamath Indians.

Mr. NORTON. They may expend, I will say to the gentleman, $1 or $400,000 of that amount.

Mr. SINNOTT. Can they defer the expenditure of that money beyond the next fiscal year, ending June 30, 1919?

Mr. CARTER of Oklahoma. They can not extend it beyond the next fiscal year.

Mr. SINNOTT. It applies during the next fiscal year?

Mr. CARTER of Oklahoma. Yes.

Mr. NORTON. Just to make it clear to the House, I know the gentleman, as he intimated, will understand that under existing law the Secretary of the Interior, Mr. Lane—who, by the way, is generally accredited with being the most able man in the present Cabinet—has the right to release restrictions from any Indian of less than half Indian blood and from any Indian, as a matter of fact, whom he considers competent; that under existing law he has the right to employ men to go out to the different Indian reservations and advise him concerning the Indians now restricted who would be better off and whose condition would be better if the Government restrictions were removed. That I mention so that the House may understand what the law is; and the authority has already been given to the Secretary of the Interior.

Mr. CARTER of Oklahoma. The gentleman of course knows, and we all know, that the Secretary of the Interior has full authority to remove the restrictions on any Indian. But that is done——

Mr. NORTON. And, further, any Indian who desires to have his restrictions removed has the right to make application.

Mr. CARTER of Oklahoma. Yes.

Mr. NORTON. And has the right to have a hearing and have the restrictions removed?

Mr. CARTER of Oklahoma. True. But there are two reasons, as the gentleman knows, why that is not done, and the first is because when the Indian's restrictions are removed his lands become taxable; and an Indian of less than half blood is no more anxious than his white brother to pay taxes. It ought not to depend on his application. The very fact that the Indian says he does not want his restrictions removed is one of the very best reasons in the world for removing them, because it shows he is frugal enough to try to avoid taxation.

And the other reason is the very reason that brought me here, with restrictions on me, because I had a little pride and I did not feel that I wanted to humiliate myself by going before some clerk of the Indian Bureau and submit to giving answers to such questions as I thought were none of his business in order that I might have the right to do as I pleased with that which was my own.

Mr. GANDY. Mr. Speaker, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. GANDY. I just want to ask the gentleman from North Dakota [Mr. NORTON] a question. I am sure the gentleman did not want to leave the impression on the House that when an Indian out on one of these Indian reservations makes an application for patent in fee he has any right for a hearing?

Mr. NORTON. He has the right under the existing law to have a hearing before the superintendent of the agency, and that is given him. I will say, so far as my personal knowledge is concerned, that I am very much in favor of a compulsory law removing the restriction from all Indians of less than half blood. I make those statements so that the House may know what the real conditions are.

Mr. CARTER of Oklahoma. I am glad the gentleman mentioned it, because I realize that many Members do not know that which we took for granted.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. CRAMTON. In section 18 the conferees have eliminated the last proviso, "That applications for the removal of restrictions, loaning, investing, or depositing of Indian funds shall be submitted to the Secretary of the Interior as far as he may direct." May I ask the gentleman the reason for eliminating that?

Mr. CARTER of Oklahoma. That was provided by section 1 of the act of 1908.

Mr. CRAMTON. So that there is no necessity for it?

Mr. CARTER of Oklahoma. No.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. TILSON. What I wanted to inquire about has already been answered. I just wished to ask what the Secretary of the Interior could do now under the law, and whether there is anything in the way of his doing it?

Mr. CARTER of Oklahoma. The Secretary himself has been rather inclined to be progressive on these questions, I will say

to the gentleman from Connecticut, and has perhaps gone a little further than some of his advisers desired that he should go.

Mr. SHERWOOD. How many Indians are enjoying tribal relations now?

Mr. CARTER of Oklahoma. That would depend on what we consider tribal relations are. Really very little of what were known as tribal relations now exist among any of the Indians. Some of them have a business committee, others have a chief, and they have governments of this or that kind under different heads, all of whom are subject to removal by the Secretary of the Interior, and most of whom are appointed by the Secretary.

Mr. SHERWOOD. Probably how many?

Mr. CARTER of Oklahoma. I would say that probably half of them have that kind of relation, and there are something over 300,000 Indians.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. CARTER of Oklahoma. I yield to the gentleman.

Mr. STAFFORD. I think it is worthy of mention by the chairman of the committee, and to have it called to the attention of the House—his surrender under duress, I assume, to the items agreed to in a modified form, providing for the support of Indians in Mississippi, the Mississippi Choctaws, and also Indians in Texas, which have in no way any tribal relations, but have independent citizenship.

That item, so far as the relief and education of the Texas Indians are concerned, has been bitterly opposed for years and years, and successfully opposed by the former chairman of the Committee on Indian Affairs, Representative Stephens, of Texas; and now, under military or other power exerted, the conferees were obliged to surrender the position that has been taken by the House conferees in the past against the policy of providing for the education and support of Indians who are citizens and are recognized as citizens in their respective communities.

Mr. CARTER of Oklahoma. Mr. Speaker, the managers on the part of the House really thought they had done a pretty good job with that amendment. There was a Senate amendment carrying $175,000 for schools and the purchase of lands of the Coushatta Indians in Polk County, Tex. That was amendment No. 77. The Indian Bureau was heart and soul for this amendment. We realized the power and influence of it, and we realized that sooner or later that amendment was going to be placed in some bill; that there was no use for three conferees to try to resist a power of that kind, and when it did come we realized it would probably amount to a great deal more than the amount we agreed to. So that when we cut it down from $175,000 to $8,000 we really thought we did a pretty neat job under the circumstances.

Mr. STAFFORD. Then is the House to understand that the Commissioner of Indian Affairs, as head of the Bureau of Indian Affairs, was strenuously insisting that this item in some form should be incorporated in the bill?

Mr. CARTER of Oklahoma. We were so advised by all parties to the conference who seemed to know.

Mr. STAFFORD. I believe his native State and present residence is Texas.

Mr. CARTER of Oklahoma. I understand his native State is Iowa.

Mr. STAFFORD. I mean to say his present residential State is Texas. I assume that he desired to give some exceptional relief to some Indians who have the status of full citizenship, so that he might show his gratitude to his present State in advancing any cause he might have down there in that State.

Mr. CARTER of Oklahoma. The gentleman must not ask me to pass upon the motives of the Commissioner of Indian Affairs. I suppose these people were right near him, and he had more opportunity to observe their need of help.

Mr. STAFFORD. Do I understand that he lives tributary to this country which is sought to be affected by this item?

Mr. CARTER of Oklahoma. I really could not give the gentleman any information about that. I do not know how far it is from his home town to the land sought to be purchased; but we did not provide for the purchase of any land under the House amendment.

Mr. STAFFORD. There are several Members from Texas here in the House. Perhaps they might be able to give the House the information.

I wish now to direct attention to another item, to Senate amendment No. 92, in which the conferees apparently have liberalized the provision as adopted by the Senate. I wish especially to inquire why the conferees made an exception, so far as interest charges and other regulations are concerned, as to the funds of the Five Civilized Tribes and Osage Tribe of Indians, excepting them from the provisions applicable to other Indians, as provided in the section?

Mr. CARTER of Oklahoma. The Indian appropriation act of 1911 made about the same provision for the Five Civilized Tribes, and this act itself in another place carries a provision with reference to the Osages.

Mr. STAFFORD. This provision here directs these trust funds, whether they can be segregated or not, to be deposited in the banks of the respective communities in the States where the tribes are located, at reasonable rates of interest, provided they can be obtained.

Mr. CARTER of Oklahoma. That is already the law with reference to the Five Civilized Tribes, and a similar provision is carried in this same bill in another item with reference to the Osages.

Mr. STAFFORD. But here is an exception to that general provision, that the funds of the Five Civilized Tribes and Osage Tribe of Indians, and of the individual members thereof, shall be deposited in the banks of Oklahoma or in the United States Treasury, and may be secured by the deposit of United States bonds, but the other provisions requiring interest payments by the banks shall not apply to these funds.

Mr. CARTER of Oklahoma. Where is the gentleman reading?

Mr. STAFFORD. In the last proviso to section 28, amendment 92:

And provided further, That the foregoing shall not apply to the funds of the Five Civilized Tribes, or the Osage Tribe of Indians, in the State of Oklahoma, but the funds of such tribes and individual members thereof shall be deposited in the banks of Oklahoma or in the United States Treasury and may be secured by the deposit of United States bonds.

Under that provision the funds belonging to the Five Civilized Tribes and the Osage Indians—and the funds belonging to the Osage Indians run into the millions of dollars—must be deposited in the banks of Oklahoma without the requirements of this provision that they shall pay a reasonable rate of interest. I ask some member of the conference committee to explain that mandatory direction, excepting the funds of the Five Civilized Tribes and the Osage Indians, running into millions of dollars, from the requirement that reasonable interest shall be paid on the deposits.

Mr. CARTER of Oklahoma. If the gentleman will look at amendment 57, he will see that the Osages are covered under that.

Mr. CHANDLER of Oklahoma. And the act of 1911 makes that provision for the Five Civilized Tribes.

Mr. CARTER of Oklahoma. The act of 1911 makes the same provision for the Five Civilized Tribes. It is practically the same thing for the Five Civilized Tribes, with the exception of the individual Indian's money.

Mr. STAFFORD. Does the gentleman mean to say that under existing law there is a provision directing the funds of the Five Civilized Tribes and the Osage Tribe of Indians to be deposited in the State banks without paying interest?

Mr. CARTER of Oklahoma. No; under rules and regulations prescribed by the Secretary of the Interior.

Mr. STAFFORD. This provision is the latest enactment of the law. It relates to the placing of tribal trust funds, whether they can be segregated or not, in the banks drawing a reasonable rate of interest. That provision in the last proviso excepts the Five Civilized Tribes and the Osage Tribe of Indians. These moneys are required to be deposited in State banks or the United States Treasury, but if deposited in the State banks of Oklahoma, running into millions of dollars, they will not be required to draw interest.

Mr. HAYDEN. There is nothing in this proviso which repeals the special statute that requires the funds of the Five Civilized Tribes when deposited in the banks to draw interest and that proper security be given for such deposits. That being the case, there is no danger of anything happening that the gentleman from Wisconsin fears.

Mr. STAFFORD. This is the latest enactment of law, and it supersedes as far as it conflicts with any prior law or statutory enactment.

Mr. HAYDEN. This proviso does not conflict with prior enactments; the interest must therefore be paid.

Mr. STAFFORD. Here is a provision for the depositing of Indian funds, whether segregated or not, and directs how these funds shall be placed. This is a general enactment, and the last proviso provides that this general enactment shall not be applicable to the funds of the Five Civilized Tribes or the Osage Tribe of Indians—that they shall be deposited in the banks of Oklahoma and may be secured by the deposit of United States bonds.

Mr. HAYDEN. Why should the funds of the Five Tribes be excepted? The answer is, because some years ago a special statute was passed which provided for the depositing of these

funds in the banks of Oklahoma, under adequate security and with a proper interest charge. With respect to the Osage Indians we provided in this same bill, in amendment No. 57, that the Osage funds shall be deposited under the rules and regulations of the Secretary of the Interior as to interest and security. Now, in the face of these two special statutes a general statute would of course not apply.

Mr. STAFFORD. I am not willing to concur in that statement. If we were not adopting a general law as we are doing, applicable to the funds of all Indian tribes, as the gentleman will admit, I might concur in his proposition. But when we pass a general law relating to all funds of Indian tribes, and that law directs where they shall be deposited, and provides for the drawing of interest, and then the proviso especially excepts the funds of the Five Civilized Tribes and the Osage Tribe of Indians, in effect that they shall not be limited by these conditions, I think it is open to grave question whether these funds draw interest.

Mr. HAYDEN. The history of this proviso is as follows: As originally adopted in the Senate it provided that the foregoing should not apply to the Five Civilized Tribes or the Osage Tribe of Indians. Why? Because there were special acts which governed the funds of the tribes. That fact was brought to our attention.

Mr. CAMPBELL of Kansas. If the gentleman will pardon me, the segregation of the funds was the principal thing undertaken by that section. Originally the provision could not apply to the Osage Indians or the Five Civilized Tribes, because that had already been done.

Mr. HAYDEN. Yes; but there was no authority by which United States bonds might be used as security for obtaining the deposits of the Osage Indians or the Five Civilized Tribes, and therefore we provided that the funds of such tribes, either individual or community funds, should be deposited in the banks as now provided by law, and that the bonds of the United States might be used to secure such deposits. Our sole object and purpose was to make United States bonds available for security of such deposits.

Mr. STAFFORD. That may have been the intention, but I respectfully submit that under this general language providing generally for the method of depositing Indian funds and trust funds, whether they may be segregated or not, and requiring the conditions under which these funds may be deposited, that when you incorporate in a proviso a special exception in which you state that these conditions shall not apply to the funds of the Five Civilized Tribes or the Osage Tribe of Indians, and that the funds shall be deposited, not under and according to the rules and regulations of the Secretary of the Interior but mandatorially direct that they shall be deposited in banks in Oklahoma, and in the United States Treasury, that that is a direction that they shall be deposited without any interest charge whatever.

Mr. HAYDEN. But we do not repeal the special statutes, which provide for proper security and that interest shall be paid.

Mr. STAFFORD. You are amending those statutes right here by this proviso.

Mr. CARTER of Oklahoma. That is the only change there is in the law.

Mr. HAYDEN. That is all there is to it.

Mr. STAFFORD. By referring in this general way, you are superseding the special law that you passed heretofore.

Mr. CARTER of Oklahoma. The gentleman is mistaken about that. What does this language say here? This only exempts tribes from this language that is written in this amendment.

Mr. STAFFORD. What is that language?

Mr. CARTER of Oklahoma. It does not exempt them from anything else. It does not exempt them from existing law, which provides that the funds may be deposited in the banks of Oklahoma and draw interest under rules and regulations to be prescribed by the Secretary of the Interior.

Mr. STAFFORD. What is the language that the gentleman refers to? The first proviso is:

Provided, That no tribal or individual money shall be deposited in any bank until the bank shall agree to pay interest thereon at a reasonable rate and shall have furnished an acceptable bond or collateral security therefor.

There is a general provision, and now you except the funds of the Five Civilized Tribes and the Osage Tribe of Indians from the effect of that general law.

Mr. CARTER of Oklahoma. The Five Civilized Tribes and the Osage Indians are always legislated for differently from any other tribes. This does not in any manner repeal existing law, which gives all of the protection necessary. It provides that the funds shall be deposited in banks and shall draw interest under rules and regulations to be prescribed by the Secretary of the Interior.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. COOPER of Wisconsin. I want to ask the gentleman one question. Is there now a general statute which provides that the money of these particular Indians mentioned in this last proviso, the Five Civilized Tribes and the Osage Indians, when deposited in banks in Oklahoma shall draw interest?

Mr. CARTER of Oklahoma. Yes. It is the act of March 3, 1911.

Mr. COOPER of Wisconsin. Then, in my judgment, there is a principle of law with which everyone on the floor is familiar that will settle this controversy. Every lawyer understands that in law repeals by implication are not favored. There being a general statute requiring payment of interest on funds of these particular Indians when deposited in banks, there are but two ways by which to repeal that statute. One would be by a statute expressly repealing it and the other by statute repealing it by implication. Repeal by implication is not favored in law at all wherever it is possible to reconcile the provisions of two statutes on the same subject. This last proviso does not, in my opinion, in the slightest degree tend to repeal the general statute.

Mr. CARTER of Oklahoma. The conferees did not so regard it, and no one of the conferees had any idea of changing existing law.

Mr. COOPER of Wisconsin. Certainly it does not expressly repeal it, and no court, I think, would hold that it does it by implication.

Mr. STAFFORD. That is just the question.

Mr. COOPER of Wisconsin. To sum up in a few words, this proviso requires the money of these Indians to be deposited in banks in Oklahoma, and the already existing law requires that money of these Indians deposited in Oklahoma shall draw interest. Plainly there is no conflict between the terms of the proviso and the existing law, and therefore there is no repeal by implication, and the funds will draw interest.

Mr. CHANDLER of Oklahoma. Here is what the act of 1911 says:

* * * may be deposited in National or State banks in the State of Oklahoma in the discretion of the Secretary of the Interior, such depositories to be designated by him under such rules and regulations governing the rate of interest thereon, time of deposit and withdrawal therefrom, and security therefor as he may prescribe.

Mr. CARTER of Oklahoma. Mr. Speaker, it is very evident that we can not get through with this matter within the hour, and I ask unanimous consent that the time be extended for 30 minutes. The gentleman from Oklahoma [Mr. HASTINGS] has some remarks that he desires to submit.

Mr. CAMPBELL of Kansas. How much more time has the gentleman?

The SPEAKER pro tempore. The gentleman has two minutes remaining.

Mr. CAMPBELL of Kansas. Mr. Speaker, I suggest that the gentleman from Oklahoma reserve the remainder of his time and that I be recognized for an hour.

Mr. CARTER of Oklahoma. I reserve the remainder of my time.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. HASTINGS] such time as he may desire within the hour.

Mr. HASTINGS. Mr. Speaker, I desire to make a general speech upon the Indian question, and particularly upon this bill, as it affects the Five Civilized Tribes, and this one item that we have under discussion this afternoon. And for fear I will not have the time I am going to ask in advance to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend and revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. I want to say further, Mr. Speaker, that I am going to ask the Members of the House to allow me to proceed, because I believe I can anticipate the questions they desire to ask me. I have my theory about the management of the Five Civilized Tribes, and I would ask not to be interrupted at the present until I shall have concluded.

Mr. Speaker, this bill carries an appropriation of $11,032,517.36 for the fulfillment of treaty stipulations with various Indian tribes and for their support, civilization, and education, as well as for the prevention and treatment of contagious and infectious diseases among them. Of this amount $2,786,857.36 is reimbursable from the sale of timber or land belonging to them, while

the remainder is a direct appropriation from the Federal Treasury. Four hundred thousand dollars is contained in the bill for the relief and care of destitute Indians and for the treatment and prevention of contagious and infectious diseases, including the maintenance of various hospitals throughout the western country. One million seven hundred thousand dollars is for the purpose of paying the expenses of Indian children who are attending day and industrial schools, to educate them along industrial lines. Four hundred and seventy-five thousand dollars is appropriated for the care of timber and for industrial work among the Indians. One hundred and fifty thousand dollars is appropriated for the suppression of the liquor traffic. Every one recognizes the necessity for making this last appropriation. Inasmuch as a great deal of difficulty has been experienced in preventing the introduction into Indian country and sale of intoxicating liquors to Indians, the following drastic provision, making the possession of intoxicating liquors in such country a crime, was incorporated in the bill:

Provided, That on and after September 1, 1918, possession by a person of intoxicating liquors in the Indian country where the introduction is or was prohibited by treaty or Federal statute shall be an offense and punished in accordance with the provisions of the acts of July 23, 1892 (27 Stat. L., p. 260), and January 30, 1897 (29 Stat. L., p. 506).

Appropriations are made for the care and support of Indians in 24 of the 48 States of the Union. Legislation for their benefit should be viewed from a national standpoint. Once they occupied the entire United States. By treaties and legislation the areas occupied by them have been diminished from time to time, until now their reservations cover a relatively small portion of the country.

The last Federal census gave the number of Indians as 265,683. In addition, many mixed bloods are scattered throughout the United States, who are not included in this census as Indians.

Oklahoma means "The home of the red man," and the State is properly named. In all, 33 tribes are located there. The Five Civilized Tribes occupied the eastern half of the State when Oklahoma was admitted to statehood, and they owned 19,520,960 acres of land. The Dawes Commission was sent to them by the act of March 3, 1893, to make an agreement for the abolition of their tribal governments, the enrollment of their members, the distribution of their moneys, and the allotment of their lands. It was expected that this work would require only a few years. That was 25 years ago. Everyone familiar with winding up an estate knows that a delay of 25 years in administering upon it is sufficient to bankrupt it. The members of the Five Civilized Tribes begged and plead with Congress and the departments to expedite winding up their affairs when they were political orphans and without representation in Congress, and since statehood they have spoken through their Representatives, urging legislation and departmental action to this end.

The Indians of the Five Civilized Tribes were made citizens of the United States by the act of March 3, 1901. The greatest difficulty experienced in securing legislation for them is due to the fact that Members of Congress are unable to distinguish between the qualifications of the different tribes. They have no personal knowledge of conditions existing among them. It is not generally known that the Five Civilized Tribes have a century of civilization behind them; that they had governments of their own, similar to the various State governments, with their executive, legislative, and judicial branches. It is not generally known that they made their own laws and executed them; that they had their own school systems, which included primary and boarding schools; and that for a hundred years the Government of the United States had no supervision of any kind over the Five Civilized Tribes. They appropriated their own money without any supervision. These tribes are not to be compared with any other tribes in the United States when legislation comes up for consideration concerning them. These tribes have Indians upon their rolls with as little as one two-hundred-and-fifty-sixth part Indian blood.

When statehood came a large number of Indians were elected to the constitutional convention, and since that time a very large number of Indians have been elected to the various county, State, and Federal offices in Oklahoma. In that part of Oklahoma formerly occupied by the Five Civilized Tribes and known as the Indian Territory there is now no distinction between Indians and whites. The fact that one is of Indian blood is seldom referred to. They represent the greatest development and the best civilization of any Indians on the American Continent. They are proud of their advancement and look with encouragement to their future. The splendid State of Oklahoma honored one of their members by placing a statue of the great Sequoyah in Statuary Hall as one of its most distinguished men. The progress of these tribes was made without any governmental supervision, either tribal or individual. Surely lessons helpful in the management of other Indian tribes may be drawn from the achievements of the Five Civilized Tribes in Oklahoma.

There were enrolled 101,519 members of the Five Civilized Tribes. This number included 2,506 intermarried whites and 23,405 freedmen enrolled as members of the tribes, leaving 75,608 enrolled as Indians by blood. Of this number 26,787 were enrolled as of full Indian blood and 37,180 were enrolled as restricted Indians. All Indians of one-half or more Indian blood are classed as restricted Indians. Most of the rolls were made as of date 1902. It is estimated that about one-third have died since then and the restrictions have been removed from about 5,000, so there are about 20,000 living restricted Indians of one-half or more Indian blood among the members of the Five Civilized Tribes.

The Oklahoma delegation has done everything possible within the past few years to individualize the lands and moneys of these Indian tribes, and much has been accomplished. Three years ago a per capita payment of $300 was made to the Choctaws and $200 to the Chickasaws. Last year a per capita payment of $100 was made to each of these tribes, and the present bill authorizes the payment of $200 to each. There are 20,799 Choctaws and 6,304 Chickasaws. These disbursements to them aggregate $15,631,400. A per capita payment of $300 to the Seminoles was made in 1916 and another of $200 was authorized last year, but only $34 paid, because insufficient funds were available. The present bill directs a per capita payment of $100 to the Seminoles and also provides that all the moneys belonging to the Creek Tribe, except $150,000 withheld for the payment of current expenses, including three boarding schools, shall be paid out as equalization money. There are enrolled upon the Creek roll 18,774 and upon the Seminole roll 3,127. Including the amounts paid and authorized to be paid per capita to the Choctaws and Chickasaws and Seminoles within the past three years, as well as the $138,019.20 balance paid to the Cherokees and the $2,000,000 equalization money authorized to be paid the Creeks, the total aggregates $19,096,537.20. The affairs of the Cherokee Tribe have been completely wound up. There were 41,824 enrolled members of this tribe. They have no officers of any kind and a provision is inserted in the pending bill to construct a dormitory at the Cherokee Orphan Training School out of any remnants of money uncalled for at the end of 18 months belonging to this tribe.

All legislation necessary to wind up the affairs of the Five Civilized Tribes in Oklahoma has been enacted. Recently Congress passed an act providing for the sale of the coal and asphalt lands. Laws are already in force that will enable the administrative officers of the Government to completely wind up the affairs of these tribes. The question, therefore, in the future will be an individual rather than a tribal question.

The Oklahoma delegation has insisted that the affairs of the individual Indians can best be administered by Federal employees in Oklahoma, who know the situation and are in sympathetic touch with the Indians, rather than by Federal employees in Washington, 1,500 miles away, who know nothing of the members of the Five Civilized Tribes except from reading typewritten reports of the superintendent at Muskogee.

When I entered Congress at the regular session in December, 1915, the first bill introduced by me was H. R. 108, to confer upon the Superintendent for the Five Civilized Tribes, Muskogee, Okla., the authority now exercised by the Secretary of the Interior over the individual members of these tribes. This bill was strenuously opposed by certain departmental officials, who never want to give up any jurisdiction. No department of the Government wants to give up any jurisdiction, and the heads of the various bureaus are always unwilling to trust officials in the field with final authority. When the Indian bill was up before the House there was considerable criticism of the methods of the Indian Office. This criticism was just, and while it was not directed at the head of any particular bureau, it is against the system.

Under the existing law every agricultural lease of a restricted Indian in the Five Civilized Tribes must be approved by the Secretary of the Interior. The same is true with reference to any claim to be paid out of restricted money. It is also true of the approval of oil and gas leases. There are 265 Federal employees in the Indian Service alone in Oklahoma. They are all under the civil service, and are honest, capable, and sympathetic.

An amendment was added to the Indian appropriation bill in the Senate providing that undisputed claims and uncontested leases should be approved by the Superintendent for the Five Civilized Tribes at Muskogee, Okla., instead of the Secretary of the Interior, who as to these matters, of course, acts through department clerks in Washington. Oil and gas leases were excepted from the operation of this amendment. The conferees

took out the exception when they met and, therefore, included the uncontested oil and gas leases, which were to be approved by the Superintendent for the Five Civilized Tribes. Immediately an earnest protest came from the Indian Office and intimations were made that proper protection was not being given the Indians and that some scandal would follow the enactment of this legislation. I want to denounce such intimations in the very strongest language and condemn them as unfounded.

The item as was first agreed to in conference only provided that undisputed claims and uncontested leases should be approved by the Superintendent for the Five Civilized Tribes, instead of the Secretary of the Interior. It took away no supervision from the Indian, either over claims or over leases, but simply transferred supervision, so far as undisputed claims and uncontested leases were concerned, to the local Federal official at Muskogee, Okla., who is nominated by the President and confirmed by the Senate. The right of appeal was given to the Secretary of the Interior in all contested cases. He has 265 assistants who have personal knowledge of the Indians in addition to what is shown by the enrollment records in his office. They are in much better position to handle these matters in Oklahoma than the head of any bureau in the Indian Office in Washington.

After the conference report was filed, a point of order was made against it in the Senate, because of the fact that the approval of uncontested oil and gas leases was transferred from the department in Washington to the Superintendent for the Five Civilized Tribes, a Federal official at Muskogee, Okla., and the report was recommitted to the conferees, who agreed to the following provision:

That hereafter no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases, excluding oil and gas leases, made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases, except oil and gas leases, now required to be approved under existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however,* That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order.

There was also inserted in section 28 of the bill a provision requiring that the funds of the Five Civilized Tribes and the Osage Tribe of Indians and the individual members thereof "shall be deposited in the banks of Oklahoma or in the United States Treasury and may be secured by the deposit of United States bonds." The money belonging to the tribes and restricted members in Oklahoma will be used to develop Oklahoma, and Government bonds may be used as security for the funds.

It will be seen that this provision, as finally enacted, permits the Superintendent for the Five Civilized Tribes to approve agricultural leases and to pay the undisputed claims of restricted Indians. It is a long step in the right direction, but the superintendent at Muskogee should be given the authority also to approve uncontested oil and gas leases, with the right of appeal in contested cases.

Of course, it will be said that this would take power away from the Secretary of the Interior. Everybody knows that the Secretary of the Interior can not attend to the details of this work, as it is only a small branch of his department. I doubt if he ever personally approved a single oil or gas lease or the payment of a single claim. These claims are filed with local representatives of the office in the various counties in eastern Oklahoma. Reports are made upon them and they go to the Superintendent for the Five Cilivilized Tribes, in Muskogee, Okla., where they are examined and reports are made to the Commissioner of Indian Affairs, whose subordinates examine them again 1,500 miles away from Oklahoma, and who know nothing about them except what the papers show. A report is made by the commissioner's office to the Secretary of the Interior, with no additional information. The same is true of oil and gas leases, which are made upon blank forms in quadruplicate. These forms have not been changed for the last seven years. All the information concerning any Indian matter is collected and filed with the Superintendent for the Five Civilized Tribes at Muskogee, and there is no additional information in the possession of the Indian Office at Washington upon matters forwarded here by the superintendent.

It is well known by everyone in Oklahoma familiar with the oil business that commercial leases are more valuable and bring more money in the competitive market than departmental leases. This is largely due to the uncertainty of approvals and delays incident thereto. When a lease is entered into and submitted for approval, a bond is required upon which a premium is charged. A bonus is paid and development arranged for, but drilling contracts must be made only tentatively, until the lease is forwarded to Washington for final action and returned approved.

If the matter is urgent, a representative of the lessee takes the train for Washington, or employs a Washington attorney, or wires or writes his Representative in Congress. The officials at Washington have no information in addition to what the papers accompanying the report show. They are no more competent or trustworthy than the Federal officials in Oklahoma. Remember that the proposed amendment only provided for the approval by the Superintendent for the Five Civilized Tribes of the uncontested leases. The contested leases were to be forwarded for review. I contend that all this is unnecessary; that it is a duplication of work; that it causes delay; that it requires extra clerical help, making it expensive to the Government; and that it affords no additional protection to the Indian, but is a financial loss, because departmental leases are not as valuable as commercial leases.

The present Indian appropriation bill carries an appropriation of $185,000 for the payment of employees of the Superintendent for the Five Civilized Tribes. A large part of this sum is paid clerks employed in answering letters and preparing reports. Large sums are appropriated for the Indian Office in Washington. A great many of these employees could be transferred to other branches of the Government if this duplication of work were eliminated. However, each time that an attempt is made to eliminate this duplication of work an attack is inspired against the legislation, insinuating that it is a scheme to rob the Indians and that certain scandals will grow out of it. I have supreme contempt for such methods and am very impatient with them. I am a Cherokee Indian by blood and am carried on the rolls of the tribe. My whole life has been devoted to their service. Since reaching manhood I have held one position after another in the Cherokee Tribe, including the office of attorney general and representative of the tribe in Washington for 25 years. I have assisted in securing the enactment of all legislation looking to the winding up of Cherokee tribal affairs. They have been completely wound up. I represented the tribe before the Commission to the Five Civilized Tribes in making its roll and before all the courts of the country. I have a right, therefore, to speak with some knowledge regarding the Five Civilized Tribes.

No man would go further to protect the Indian. I would be heartily ashamed of myself if I did not. I have fought his battles all my life. I attended the tribal schools. I taught in them. I practiced law in the tribal courts and, as before stated, have been honored and trusted by the Cherokee Tribe for 25 years. I would be untrue to myself and to my race if I did not give my best thought and earnest consideration to the enactment of laws and the adoption of policies for their protection and development, as well as all tribes scattered throughout the United States.

The report of the Superintendent for the Five Civilized Tribes for the past fiscal year shows that there were 9,725 letters sent from his office to the department in Washington. Eliminating Sundays and holidays, he sent about 32 letters every day to the department. He received in reply 8,158 letters, or an average of about 27 each day. His office received 141,184 miscellaneous letters, and he wrote 146,645 miscellaneous letters. Perhaps half of the latter were written because of the delays occasioned by sending matters from the office at Muskogee to the department in Washington for approval. Including circulars, 880,712 pieces of mail went through the Muskogee office.

The department is always opposed to giving additional authority to the local Federal employees in Oklahoma, but it has never been pointed out wherein the Indians would not be protected. Departmental officials content themselves with vague insinuations calculated to frighten Members of Congress who do not understand the situation. Such tactics have no terrors for me.

Let me repeat that the proposed amendment did not take away the least bit of supervision from the restricted Indians of the Five Civilized Tribes, but simply transferred supervision over undisputed claims and uncontested leases from bureau chiefs in Washington to a responsible Federal official nominated by the President and confirmed by the Senate, with headquarters at Muskogee, Okla., surrounded and assisted by 265 civil-service employees. Can it be said that these 265 employees in Oklahoma are not honest or efficient? How could any injustice be done the Indian when his individual matters are supervised by a Federal employee upon the ground, who fully understands the situation?

The first commission sent to the Five Civilized Tribes was under the act of March 3, 1893. It was headed by the venerable

ex-Senator Henry L. Dawes, from whom the commission took its name. Its personnel was changed from time to time. At times the number of commissioners was increased, and at other times decreased, until in August, 1914, there was only one commissioner, and his office was combined with that of the Indian agent at Muskogee. I came into close contact with every one of these commissioners. They were all men of the very highest character, and during the entire 25 years of their combined service there was never a breath of suspicion against any single one of them. There was never any suggestion that any one of them did not perform the duties of his office honestly and efficiently or extend every protection to the Indians of the Five Civilized Tribes. It is a great pleasure for me to attest to their personal integrity and to the very high character of each one of them. The present Superintendent for the Five Civilized Tribes is a Choctaw Indian and is carried on the rolls of that tribe. He is a man of the very highest character. He was a member of the constitutional convention in Oklahoma, was for years in charge of one of the Indian academies, and was later Register of the Treasury of the United States. He is in complete sympathy with the Indians in Oklahoma and can be depended upon under all circumstances to see that their rights are protected.

He has 265 civil-service employees under him. It is my good fortune to know nearly all of them personally, and I never knew men and women who were more intelligent, more competent, or more efficient. They are not excelled anywhere. I assert, with confidence, that all these undisputed claims and uncontested leases could be left with that office in perfect safety. I can not find parliamentary language sufficient to express my contempt for any insinuations against either the integrity or competency of these officials to fully protect every interest of restricted Indians in Oklahoma.

Not only in Oklahoma, but throughout the entire United States, wherever Indians are located, the local representatives should be given greater authority under general rules and regulations prescribed by the Indian Office. If you place greater authority upon the local representative, the additional responsibility he is compelled to assume will strengthen him and make him a much more efficient and capable officer. This is true everywhere. I am opposed to incompetency or dishonesty in every branch of the public service, and if we have any incompetent or dishonest officials in the Indian Service they should be dismissed at once. Certainly no one could truthfully say that if the proposed amendment did not take away supervision but transferred it to another Federal official, nominated by the President and confirmed by the Senate, it is taking away protection from the Indian. The people of Oklahoma are entitled to have these matters acted upon expeditiously.

When I introduced H. R. 108, December 6, 1915—three years ago—at that time it took on an average of six to nine months to get oil leases approved by the department, and sometimes claims to be paid out of restricted moneys required from two to four years. See pages 100 to 105 of the hearings on this bill. It is true that within the past three years, due to threatened legislation, the department has expedited action upon these matters, and we do not have as long delays as were experienced in the past, but I challenge any person on earth to give any good reason why an undisputed claim should not be paid or state why an uncontested oil lease made upon a form prescribed by the Department of the Interior should not be approved by the Superintendent for the Five Civilized Tribes.

A large part of the correspondence of Members of Congress from Oklahoma is with reference to these claims and oil leases. This should not be necessary. They would not be doing their duty to the Indians of Oklahoma if they failed to protest against it. Every member of the Oklahoma delegation, both in the Senate and the House, is outspokenly in favor of this legislation. While Congress should have the benefit of the views of the department, I am sure that we shall not abandon our legislative functions to the department.

Not only does every member of the entire Oklahoma delegation favor this legislation, but every citizen in Oklahoma, Indian and white, who is not under departmental influence. Long-distance government can never be satisfactory. Officials in Washington, be they ever so honest, can not decide questions as satisfactorily from typewritten reports as Federal officials in Oklahoma who, in addition to the facts stated in black type on white paper, are thoroughly familiar with the entire situation. I am not only opposed to long-distance government, but I am opposed to red tape and official camouflage. The people of my district and State may rest assured that I shall never be contented until the affairs of the Five Civilized Tribes are completely wound up and the supervision of the details of the affairs of individual Indians is transferred to local Federal officials. There can not be any convincing argument against it.

By the use of business methods the affairs of the Five Civilized Tribes should be completely wound up by January 1, 1919, except perhaps for the sale of the coal and asphalt lands and the settlement of certain matters in litigation in the Creek Nation. All of the remaining tribal property, including town lots, unallotted lands, surface of the segregated lands, and coal and asphalt lands, could be offered for sale this coming summer and fall.

I am going to make an exceptionally strong statement, but one that is true. The Indian Office has never, upon its own initiative, taken a single step looking to the expeditious winding up of the affairs of the Five Civilized Tribes. Prior to statehood, the representatives of the several tribes importuned the department day in and day out to advertise and sell the tribal property and to distribute the money among the members entitled to the same. The last payment made to the Cherokees was $3.30 each in 1916. I challenge anyone to tell me where a step has been taken by the department to press legislation upon Congress that had the closing up of tribal affairs for its object. Since statehood the Oklahoma delegation has been most persistent in making almost daily calls upon the department to settle disputes, sell town lots, sell unallotted lands, and to make per capita payments. It is true that much has been accomplished and tribal affairs are now in a good way to be wound up, but I challenge anyone to show that this was done upon the initiative of the Indian Office. True, certain per capita payments were recommended, but it was after they were insisted upon by the members of the Oklahoma delegation. True, certain lands have been sold, but the files of the Oklahoma Members will show that they have repeatedly requested these lands to be advertised and sold. It is true that a bill has been passed providing for the sale of the coal and asphalt lands, but this bill was prepared by the delegation, introduced, and passed.

My contention is that all the details necessary to wind up the affairs of these tribes should have been assembled and concrete recommendations made to Congress. Not only has this not been done, but the printing of the very able and exhaustive report of the Superintendent for the Five Civilized Tribes was discontinued three years ago, although he is the successor to both the Commission to the Five Civilized Tribes and the Indian agent, whose annual reports since 1893 were printed for the information of Congress. The committees of Congress had this annual report printed for the past two years. The provision inserted in this bill requiring a report to Congress was for the purpose of having the same printed.

For 10 years there has been $2,000,000 in the Treasury to the credit of the Creek Nation, with no suggestion as to what should be done with it. I prepared an amendment, which is in the bill, to pay it out under existing law as equalization money to the enrolled members as their rights might appear. This was not originated by the department, and the point that I want to drive home is that no action has ever been initiated, so far as I know, within the last 15 years by that office for the speedy settlement of tribal affairs.

Suppose any Member of Congress were interested in an estate that took 15 years to settle, would he not be impatient with delays and demand quicker action?

Now, I want to be absolutely fair. In my judgment the delays have been occasioned by three things. First, there was no definite policy outlined for the settlement of the affairs of the Five Civilized Tribes. Second, congressional legislation was enacted by piecemeal, which was not comprehensive enough, due to the fact that no well-defined policy had been thought out and agreed upon by the department. Third, it is my firm conviction that the affairs of the Five Civilized Tribes could have been administered upon and wound up completely within five years if the Commission to the Five Civilized Tribes had been given final and full authority under general rules and regulations of the department. The department would not allow an enrollment to be approved without its being forwarded to Washington, and would not allow the slightest thing to be done by the Commission to the Five Civilized Tribes without first being forwarded to Washington for approval. At first every patent issued for each town lot and to each tract of allotted land had to be forwarded to Washington for approval.

The answer will doubtless be that legislation required this, which is true, but the legislation required it because the department insisted upon having the laws enacted in that manner.

I want to make another serious charge, and that is that every error, either of law or fact, committed to the detriment of the members of the Five Civilized Tribes has been committed by department officials here and not by Federal officials in the office at Muskogee, Okla.

I assisted in making the Cherokee rolls, and am familiar with the members enrolled thereon. I make the statement without fear of successful contradiction that every person whose name

appears upon them about which there is any doubt was placed there by the officials in Washington over the objection and protest of the members of the commission at Muskogee. Every ruling that was made to the detriment of the members of the Five Civilized Tribes was made by the office here.

Let me be specific. When the legislation which afterwards became the act of April 26, 1906, was being considered in Congress, I called the attention of the Senator from Kansas [Mr. CURTIS], who was then a Member of Congress, on the Committee on Indian Affairs, to the necessity for additional legislation to wind up the affairs of the Five Civilized Tribes, and had his active and sympathetic assistance. Prior to that time there was no legislation fixing a date when the rolls should be closed, and a provision was added to section 2 of that act requiring the rolls to be fully completed on or before March 4, 1907. Without this provision, the rolls would have remained open indefinitely. Another provision was inserted in that act which gave the Commission to the Five Civilized Tribes final jurisdiction over questions of fact. Then, as now, the department raised such a protest as to induce the conferees to withdraw their conference report and take out this provision before the report was finally approved. If this provision had remained in the law many persons of doubtful right would have been left off the rolls of the Five Civilized Tribes.

I want to call attention also to the provision in section 3 of the act of April 26, 1906, placing a legislative construction upon the ninth article of the treaty of 1866, directing that only such Cherokee freedmen should be enrolled "who were actual personal bona fide residents of the Cherokee Nation August 11, 1866, or who actually returned and established such residence in the Cherokee Nation on or before February 11, 1867." The department here held, over the protest of the Commission to the Five Civilized Tribes, and in the face of the plain reading of the treaty and all the constructions that had been given it by the courts, that freedmen were presumed to have constructively returned unless attorneys for the Cherokee Nation proved that they exercised rights of citizenship outside of the Cherokee Nation. Of course, this was impossible and would have resulted in almost all applications for enrollment of freedmen being granted. This ruling was held in the Charley Foreman case and in several other freedmen cases decided prior to the passage of that act, which is the reason for the exception in the above provision to the effect that it should not interfere with the enrollment of anyone "who has been adjudged entitled to enrollment by the Secretary of the Interior." Without the aid of the Senator from Kansas [Mr. CURTIS] in the enactment of this provision there would have been 1,500 or 2,000 additional names added to the Cherokee freedmen roll alone.

No man living, who knows the facts, can truthfully say that the officials in the department at Washington have contributed more to the protection of the Indian tribes than the Federal officials in Oklahoma. I have already stated that every person, so far as I recall, whose enrollment was doubtful, was placed upon the rolls by the officials in Washington.

I want to call attention to the famous Riley freedman case, involving the enrollment of about 300 freedmen on the Cherokee roll. At various times weeks were consumed in taking testimony. A record of more than 300 typewritten pages was made up. Those who prepared the decision for the Commission to the Five Civilized Tribes saw the witnesses, heard the testimony, and were better prepared to pass upon the questions of fact. The commission held that they were not entitled to be enrolled. The case was sent to Washington. By looking at the calendar it will be found that March 4, 1907, fell on Monday. This case with a voluminous record was received in the Indian Office on Sunday, March 3, 1907, and an opinion was prepared and signed reversing the decision of the Commission to the Five Civilized Tribes and directing that these people be enrolled. The decision of the Indian Office was affirmed by the Department of the Interior, as I was then advised, between 10 and 11 o'clock on the night of March 4, 1907, or an hour before the jurisdiction of the department over citizenship cases expired.

I could cite numerous cases of a like nature, as well as many rulings of the department directing the enrollment of applicants for citizenship in these tribes, all to the detriment of the tribes and all over the protests of the local Federal officials. With this knowledge of conditions I am extremely impatient with any charge that the local Federal officials can not be trusted to properly protect the rights of the individual Indian.

Another illustration: As attorney for the Cherokee Nation I contested the enrollment of 29 intermarried whites. Under an erroneous ruling of law by the department, the Commission to the Five Civilized Tribes was directed to enroll them. Congress later appropriated certain per capita money for the intermarried whites adjudged entitled to the same under a decision of the Supreme Court, but added a provision giving the Cherokee Nation the right to contest the payment to anyone thought not to be entitled to it in the Court of Claims.

The Cherokee Nation won all of the 29 cases.

The attorneys representing the Choctaws and Chickasaws had the same difficulty. Rulings were made by the department in numerous cases under which a large number not entitled to citizenship would have been enrolled. An appeal was made time after time to the department for reconsideration without effect. An effort was made to have the cases referred to the Attorney General for an opinion on the law involved. This request was denied, and finally the President of the United States was appealed to in person. He directed that the matters be referred to the Attorney General, when a decision was rendered favorable to the Choctaws and Chickasaws, and a very large number were eliminated from their rolls. See volume 26 of Opinions of Attorney General, pages 127 to 165. The men representing the tribes at that time can cite hundreds of errors, both of law and fact, committed by the department. The reason is that the officials in Oklahoma came face to face with the witnesses and made a special study of the questions involved. The matters were often orally presented to them after the witnesses had been heard. They did not decide the cases upon evidence contained in cold typewritten reports. It is upon the same principle that an appellate court seldom reverses the lower court upon a question of fact. Every successful lawyer prefers to bring his witnesses to the stand, if he has a good case, rather than to present the facts through depositions. Certainly the people throughout the country would not for a moment tolerate the bringing of every probate case throughout the country to Washington for some department to take final action. No Member of Congress would stand for such a proposition a minute.

Every member of the Oklahoma delegation is against the present policy of the Indian Office. I think that I can state with certainty that every Member of Congress from States where Indians reside is to a man opposed to the present system, as they must continually take matters of this kind up with the Indian Bureau. Is it possible that every Indian in Oklahoma, all the members of the Oklahoma delegation, and all Members of Congress who have made a special study of the Indian question, are in error? The present system of the Indian Bureau is archaic and should go to the scrap heap. More businesslike methods should be inaugurated.

Again, too much money is spent on the administration of Indian affairs and not enough for the direct benefit of the Indian. This is the universal criticism in Congress of the Indian Office. Take the case of the Seminoles in Florida for an example. When visited by a special committee in March, 1917, the hearings disclosed that while $8,000 had been appropriated by Congress for the benefit of these Indians, with an agent maintained there, practically no money had been expended for the benefit of the Indians themselves.

The House Committee on Indian Affairs passed a resolution that in the future lump-sum appropriations should be discontinued, which will result in Congress exercising a closer supervision over all expenditures.

The present bill contains an appropriation of $85,000 for the payment of probate attorneys to protect the restricted members of the Five Civilized Tribes. Heretofore probate attorneys could go into unrestricted cases, but this legislation provides that they shall go into restricted cases only.

There is no more reason why a probate attorney, paid from the Federal appropriation, should go into a nonrestricted case in Oklahoma than in Kansas, Arkansas, or any other State of the Union. I am anxious to have every protection afforded the restricted Indian, whom we are under both a legal and a moral obligation to assist, and the time and attention of probate attorneys should be centered upon this class.

This probate work should be supervised by as good an attorney as can be employed, and he should be located at Muskogee. He should be acquainted with local conditions, with court procedure, and with the decisions of the State and Federal courts. He should be ready at all times to actually take charge of or assist in the trial of any case. He should be a trial lawyer and not merely an office lawyer, and should be given full authority to act at once, directing those employed under him by telephone, wire, or letter, as the necessities may require. This work should be under the Superintendent for the Five Civilized Tribes, so that all the work of supervising the affairs of the individual Indians would go through one office. In addition to this work he should be the general legal adviser to the superintendent, with duties similar to those of Assistant Attorney General for the Interior Department.

An item appropriating $250,000 in aid of the common schools in eastern Oklahoma is contained in the bill. This was made

necessary because a large portion of the land there is restricted and nontaxable. This appropriation has been carried for a number of years.

Another item of interest to Oklahoma is a provision making an appropriation of $15,000 for a competency commission for the Five Civilized Tribes. A commission has been at work among the members of the Five Civilized Tribes during the past year, paid from a lump-sum appropriation. It was thought best by Congress to have one commission sent to these tribes, who would make a study of their members and who would know something of their habits and customs, than to have a floating commission going from tribe to tribe, whose personnel is frequently changed. When I was at home last fall, two of these commissions came to my home town of Tahlequah, Okla., at the same time, each claiming to be the one authorized to remain, and neither knew that the other commission was there until it arrived. Then they began to bombard the Indian Office for instructions. Such confusion is inexcusable and expensive to the Government. It is an injustice to the members of the tribes, because members of the commissions so frequently changed can not give such close study and attention to the members of the tribes, their habits and customs, as will enable them to render intelligent and satisfactory service. The work of a fixed commission would be much more satisfactory.

The present competency commission to Oklahoma has removed the restrictions from 1,324 members of the Five Civilized Tribes, as follows:

Cherokee	529
Choctaw	492
Chickasaw	302
Creek	1

In addition to this legislation, to which attention has been invited, that has been enacted during the past three years and that contained in the present Indian appropriation bill, attention is called to a bill pending in Congress, favorably reported by the Committee on Indian Affairs, providing for a quicker determination of the heirs of deceased restricted Indians, and also giving jurisdiction to the district courts in partition proceedings of lands belonging to full-blood heirs of deceased allottees.

There were on March 25, 1918, the following amounts on deposit in the Treasury of the United States and in banks to the credit of the Five Civilized Tribes:

Cherokee	$74,016.70
Choctaw	3,611,830.22
Chickasaw	1,233,725.19
Creek	2,093,252.89
Seminole	574,407.38

As before stated, the affairs of the Cherokee Tribe have been completely wound up. There is some litigation in the courts with reference to certain town lots in the Creek Nation, and also some suits which have for their purpose the cancellation of several patents alleged to have been issued to duplicate or mythical Creek allottees. The Creek capitol building and grounds at Okmulgee remain unsold, and there are some school properties yet belonging to the tribe. These suits must be settled and the town lots recovered and other tribal property sold before the affairs of the Creek Tribe can be finally wound up, but it will be seen that all this work depends upon the outcome of the pending litigation and can not be expedited by legislation. The affairs of the Seminole Nation are about wound up. This tribe has two boarding schools, one in operation and the other in litigation because a part of the property extends across a surveyed line upon some allotted land. When this dispute pending in the courts is settled, the school properties can be disposed of, and the affairs of this tribe will be wound up. Congress can do nothing further at the present time with reference to the Seminoles.

As before stated, $15,631,400 has been paid out and authorized to be paid out per capita to the Chickasaws and Choctaws within the past three years. Nearly all of their unallotted lands have been sold, and there remain but a little timbered land and about 200 tracts of the surface of the segregated mineral lands to be sold. Congress recently passed an act providing for the sale of the coal lands aggregating 445,000 acres. All of this tribal property, including unallotted lands, the surface of the segregated coal lands, the timberlands, and the school lands, is expected to be put up for sale in September or October, 1918.

It will be seen, therefore, that the winding up of the affairs of the Choctaw and Chickasaw Tribes is administrative, and that Congress has enacted all the legislation necessary to wind up these matters.

Under the act of April 26, 1906, supervision is to be retained of restricted Indians for 25 years. This period will expire in 1931, or 13 years from now. Supervision will doubtless be retained over certain members whose restrictions have not been removed by legislation or by the action of the competency commission or the department until that time.

The Indian question is one of very great interest. We can not afford to make a mistake in its solution. My views are well known throughout Oklahoma. In the event an Indian is competent, he should be turned loose from any supervision by the Government. A very large number of Indians in Oklahoma are competent. Most of the restricted Indians are farmers or stock raisers. During the next few years the efforts of the Federal officials should be centered upon this class in an effort to make them useful, productive citizens of the State and Nation. My criticism of the department's policy is that too much attention has been given to the conservation of their property rather than the development of the individual Indian. The ownership of large tracts of unproductive land is not specially desirable and is of but little benefit to the Indian. Of course I would have his property rights protected, but not at the expense of the development of the Indian.

Every parent watches with solicitous care each step in the development of his child, and is far more concerned about his becoming a strong, healthy, intelligent, honest, industrious, and useful citizen than he is in his accumulation of wealth. He encourages him as early as possible "to stand alone," to depend upon himself, and to initiate things himself, and gradually extends the latitude given him with the ultimate purpose of freeing him from all supervision.

The same policy should be pursued toward the Indian, who should not be treated as if he were always to remain a child. You can not develop and inspire self-confidence in an Indian by keeping him surrounded with Federal agents who constantly remind him of his inability to manage his own affairs and who discourage his exercising his own initiative.

No person, Indian or white, would advance, grow strong, and become self-supporting under like conditions, when lack of self-confidence is absolutely fatal to advancement.

Some of the members of the Five Civilized Tribes own very large tracts of land. Their allotments of land are not all contiguous, but oftentimes in separate tracts and in different counties, and many do not have sufficient money to improve their land, place it in cultivation, make it productive, or buy sufficient live stock to cultivate it. The result is that they do not get the experience which comes from cultivating the soil nor the value of the crops produced on it. I believe it would be best for the Indian, where he has large tracts of land, to permit certain parts to be sold and the proceeds used to assist him, under governmental supervision, to build a house upon his farm and place the same in cultivation. The Indian should be taught to make the improvements, how to place the land in cultivation, and to actually cultivate the land, planting it in such crops as are adapted to his particular soil and locality. You will see, therefore, that the Indian question in Oklahoma from now on is an individual question. It will be a hopeless task if all these little details must be directed by heads of bureaus in Washington. Instead of using a large part of the $185,000 appropriated for the Superintendent for the Five Civilized Tribes in the payment of stenographers and bookkeepers, I would employ three times as many expert farmers as are now employed and send them out among the restricted members of these tribes to teach them that it is honorable to work and to encourage them to build houses and barns, to make gardens, to raise chickens, hogs, cattle, and horses, and to become useful and productive citizens of their State and Nation. With the young Indians attending the public schools and boarding schools maintained in Oklahoma and elsewhere taught along industrial lines, and with the number of expert farmers greatly increased to help the older members of the several tribes, and with our efforts all concentrated toward helping the restricted members of the tribe, the Indians living in 1931, when their restrictions are removed by existing law, should be able in every respect to protect themselves and to take care of their property interests. These Indians should not be legislated for by Congress or their affairs administered upon by the department as reservation or blanket Indians. They are intelligent, progressive, and patriotic. They have enthusiastically supported the Government and are true to the flag. Along with the other citizens of my State and without distinction they have joined the Army and are fighting in defense of our common country and for the freedom of mankind. They have generously supported the Red Cross, bought war-savings stamps, and have invested millions in liberty bonds, and are ready to make every other sacrifice necessary to their Nation's success. Whether it be at home or on the battle front on the blood-soaked, historic soil of France, they will make such a record as to merit fair treatment by the department and the earnest consideration of Congress. [Applause.]

The SPEAKER pro tempore. The gentleman has used 25 minutes. The gentleman from Kansas privately instructed the Chair

to yield the remainder of his time to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. CRAMTON. Mr. Speaker, pending that I would like to ask the gentleman from Oklahoma if he does not think we might put this over now.

Mr. CARTER of Oklahoma. If the gentleman means by that to pass the bill, I would like to dispose of it and put it through.

Mr. CRAMTON. It is getting pretty late, and it will take some little time yet.

Mr. CARTER of Oklahoma. Mr. Speaker, you know——

Mr. CRAMTON. I do not like to make the point of no quorum, but I feel that I should be compelled to do so.

Mr. VENABLE. Mr. Speaker, I would like to get a few minutes, if the gentleman will withhold his point.

Mr. CARTER of Oklahoma. Mr. Speaker, this bill passed the House, as I recall, on January 9—the first appropriation bill to pass—and I certainly would like to dispose of it.

Mr. NORTON. Will the gentleman yield?

Mr. CARTER of Oklahoma. I will.

Mr. NORTON. There are a number of gentlemen on this side, three or four at least, who desire to discuss certain portions of the bill at length, and I doubt very much, from what they say, if we will have time, unless we run very late this evening, to finish the bill. The gentleman from Iowa [Mr. GOOD] desires to discuss certain features of the conference report. I think, though, we can finish this to-morrow.

Mr. GARNER. Oh, we could finish on Saturday in case we could not get through to-morrow probably.

Mr. STAFFORD. The gentleman from Texas realizes the time is virtually in control of the gentleman from Oklahoma and that he can move the previous question at any time, but he does not wish to cut off legitimate debate. There are certain gentlemen on this side who desire to discuss the conference report in a bona fide way.

Mr. GARNER. Is there any real opposition to the adoption of this conference report?

Mr. STAFFORD. There is some opposition to the adoption of the conference report.

Mr. GARNER. I have not heard any speeches since we have had it under consideration in opposition to the conference report.

Mr. CRAMTON. That is just a reason why there ought to be a few. We just had a very able speech in support of it.

Mr. GOOD. I desire to say to the gentleman, if he had discovered $75,000 in this conference report that was appropriated for so-called Indians who have not been wards of the Government since 1832 and that money in this time of stress was to be kept out of the Treasury, would not the gentleman be in favor of taking a little time——

Mr. GARNER. I do not know anything about the conference report or its provisions because I do not keep up with the Indian appropriation bill. The question is now as to general debate on various topics. The gentleman from Iowa realizes, I think, and I realize that this conference report is going to be adopted. If the gentleman thinks he has a chance to defeat it I am perfectly willing——

Mr. GOOD. I do not know whether there is a chance to defeat it or not, but I think there are some things in the conference report that ought to be explained, so when Members vote they will know exactly what is contained in the conference report.

Mr. CRAMTON. I will say to the gentleman from Texas, if I can have his attention, that so far as I know there has not been what you might call general debate; that is, debate not germane to the report, and there will not be.

I will have to make the point of no quorum if we can not get an agreement. I hope I will not have to make the point, but that we can get together on it.

Mr. CARTER of Oklahoma. I do not believe the gentleman would do it, but his bluff is working pretty well.

Mr. GREENE of Massachusetts. Will the gentleman from Oklahoma yield to me?

Mr. CARTER of Oklahoma. In just a moment I will yield to the gentleman from Massachusetts.

Mr. Speaker, we have had nearly a couple of hours' debate on this already, and I think we ought to insist on not more than 30 or 40 minutes' debate to-morrow, at the outside. The business of the House demands that we dispose of this conference report, and would the gentleman be willing to agree to, say, 40 minutes of debate?

Mr. CRAMTON. I want to ask if the gentleman knows that such an agreement would give me 10 minutes? I would really like 15.

Mr. STAFFORD. Mr. Speaker, I believe the gentlman from Kansas [Mr. CAMPBELL] has 40 minutes remaining.

The SPEAKER pro tempore. The gentleman has 35 minutes.

Mr. CARTER of Oklahoma. The gentleman from Mississippi [Mr. VENABLE] desires to be heard for some little time, and I would like to know if he can be taken care of out of that 35 minutes?

However, I make this unanimous-consent request, that there be one hour more of debate, all told, on this bill; 35 minutes to go to the gentleman on that side of the House and 25 minutes to this side on to-morrow.

Mr. GARNER. At the end of that time the previous question to be considered as ordered?

Mr. CARTER of Oklahoma. The previous question to be considered as ordered.

Mr. NORTON. That will be satisfactory.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent that there be one hour further debate on the conference report, he to control 25 minutes and the gentleman from Kansas [Mr. CAMPBELL] to control 35 minutes, and at the expiration of the hour the previous question to be considered as ordered on the conference report. Is there objection?

Mr. CRAMTON. Can the gentleman give any idea as to whether there are 10 minutes in that for me?

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

CORPL. SPUD MURPHY.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent that I may be allowed to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. I was very much interested to read from the Washington Evening Star a few moments ago the following cablegram from the American Army at the French front, and it gives me satisfaction to read the same for the information of my colleagues:

REMARKABLE NERVE OF WOUNDED MAN—CORPL. SPUD MURPHY KEEPS UP SPIRIT THOUGH DESPERATELY INJURED—TYPICAL UNITED STATES FIGHTER.

WITH THE AMERICAN ARMY AT THE FRENCH FRONT, *May 15.*

Corpl. Spud Murphy, of Fall River, Mass., upon seeing half a dozen forms stealing through the darkness toward his listening post, gave warning to his two companions. Stealthily they crept forward until they had gone 30 yards, when they opened fire on a German raiding party, which scattered immediately. Suddenly a grenade came hurling through the air from an unexpected direction and knocked Corpl. Murphy unconscious.

Fortunately it was dark or the man would have lain bleeding through the day. The section west of Montdidier is too active to expose soldiers to almost certain death by removing wounded in the daylight. Consequently Corpl. Murphy arrived, still unconscious, at a field hospital several miles behind the lines a few hours later. His eyes, head, and face, except the tip of his nose and his mouth, were swathed in bandages. And there were more yards of bandages around his chest and ribs.

ONE EYE GONE, LUNG PUNCTURED.

The tag said that his left eye was gone; that a fragment of the grenade as large as a thumb was in the back of his neck; that his lung was punctured, and that air was escaping through his chest.

Life still existed inside the mangled body, though it was faintly flickering.

"Put him into bed," said the receiving surgeon. "Apply hot-water bottles. We dare not operate now, but we may save him."

Several hours later the major commanding the hospital entered the ward and was surprised to hear the voice of the corporal, who had recovered consciousness. The corporal knew that he was in bed and that there were other soldiers around him and he was puzzled. The major listened and discovered that the voice coming from the bandaged head was saying, "What is your name, Buddy? I'm Spud Murphy. Didn't I know you in the Philippines?"

The same question was put to each wounded comrade near by.

"How are you feeling, Corporal?" asked the major, approaching the bed.

FELT "FINE AND DANDY."

"Fine and dandy," replied Spud. "Have you a cigarette?"

"Better get a few hours' sleep now," said the major.

The next morning the corporal was operated upon. Pieces of iron were taken from his body, the blood was pumped out of his lungs, and the hole in his chest was patched up. When the patient recovered from the effects of the ether, an orderly put a cigarette in his mouth. The corporal stretched on his bed, watched the smoke through one blackened eye, and said: "This is the life, ain't it, Buddy?"

Though the operation took place only a few days ago, the surgeons declare that the man is in a fair way to recover. He is always cheerful, and "fine and dandy" is always his reply when asked how he feels.

"I know that my soldiering days are over, but I got some Boches before I stopped fighting," he says.

FACE KNIFE WITHOUT WHIMPER.

Not all the wounded have the same cheery nerve as Spud Murphy, but he is typical. Most of them face the knife without a whimper, and show calm and fortitude while slowly recovering in the hospitals. This hospital is nearest the fighting front, and is most quickly reached. It handles only the most critical cases which can not be taken farther back to other hospitals.

Four women nurses and the members of two operating teams are ready to work at a moment's notice at any time during the day. The Misses Ida M. H. Ferguson and Bertha Cornwall, of the Harlem Hospital, and the Misses Agnes Kennedy and Laura C. Boecke, of the Harper Hospital, Detroit, Mich., have probably the distinction of being closer to the enemy lines than any other woman nurses.

[Applause.]

Mr. Speaker, "Spud" Murphy is unknown to me by that euphonious title, but he is a citizen of the city of Fall River, Mass., where I reside, and it is a pleasure to me to have his heroic deeds recorded at this time, in order that future generations may realize the sacrifices which he and the men of to-day are willing to make in order that the institutions which our fathers created and established may be preserved and perpetuated for the benefit of the countless millions now living and the vast population that will inherit the rights and privileges which our work here and the greater work and the greater sacrifices which the allied nations made during the early days of this terrible war; and our own boys are now joining with them in order that we may with our united strength and power and by force of arms destroy the attempts of the German autocracy to rule the world.

"Spud" Murphy is the prototype of millions of young men who have left their homes and native land ready to sacrifice their lives in unselfish devotion to the cause which this great war represents.

Their example and their sacrifice should inspire in our hearts and minds a stronger determination to let nothing stand in the way of our "winning the war."

In the Civil War the city of Fall River, Mass., was not lacking in patriotism, and it readily furnished its quota of men and financial aid in that momentous struggle.

In the Spanish War its soldiers and sailors were among the earliest to respond to the call of duty.

I recall the heroic act of one young man named John J. Doran, who was one of our naval brigade, a machinist by trade, who was one of the volunteers when those of the brigade who were willing were called upon to perform the perilous duty of cutting the cable at Cienfuegos, Cuba. Several volunteers attempted the dangerous feat, and their lives paid the forfeit. Young Doran's opportunity came. Undeterred, he took up the task, and successfully he performed it. He destroyed the cable and thereby inflicted upon the enemy the injury which the commanding officer desired. But, alas, after he had completed the work assigned to him, his life paid the forfeit.

His memory is enshrined in the hearts of his fellow men, and the John J. Doran Camp of Spanish War Veterans is one of the permanent organizations of the city of Fall River, Mass.

That city has exceeded its quota of volunteers and drafted men in response to every call of the Nation in the present struggle.

It has exceeded its quota in subscriptions to every liberty loan, standing among the highest in the third liberty loan. It has contributed to the Red Cross, the Knights of Columbus, the Salvation Army, the Masonic, and all other organizations which are unitedly pushing this war to a successful finish.

While the city of Fall River, Mass., has done all of the things I have enumerated in the present war, her courage is still undaunted, and she has a force of fighting men who will respond to any further call, to the end that victory may crown our efforts and all our enemies may be overthrown.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

COURT IN THE WESTERN DISTRICT OF VIRGINIA.

Mr. SAUNDERS of Virginia. Mr. Speaker, I desire to submit a unanimous-consent request for a minute.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. SAUNDERS of Virginia. I wish to ask the House to give me a minute in which to pass a bill. This bill affects a part of the State of Virginia in which there are five Representatives, Mr. SLEMP, Mr. HARRISON, Mr. FLOOD, Mr. GLASS, and myself. It is unanimously reported from the Committee on the Judiciary, and makes certain changes in the public interests, in the arrangement of the terms of the courts for the western district of Virginia. It can be passed in a minute, if the House will give me that minute.

Mr. WALSH. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. WALSH. There is one change in the bill, that provides for a deputy clerk at some county seat that does not have one now?

Mr. SAUNDERS of Virginia. I am glad the gentleman referred to that provision. The amendment providing the arrangement referred to is reported by the Judiciary Committee.

Mr. WALSH. Yes.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask unanimous consent to take from the Unanimous Consent Calendar, for the purposes of consideration and passage, the bill H. R. 9864.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read the title, as follows:

A bill (H. R. 9864) to amend section 3 of the Judicial Code in respect to the western district of Virginia.

Mr. SAUNDERS of Virginia. I ask unanimous consent to dispense with the reading of the bill.

The SPEAKER pro tempore. The gentleman asks unanimous consent to dispense with the reading of the bill except by title. Is there objection?

Mr. STAFFORD. I think the bill should be read.

Mr. SAUNDERS of Virginia. I simply wanted to save the time of the House.

The SPEAKER pro tempore. The Chair understands there is no objection to the consideration of the bill.

Mr. STAFFORD. I reserve the right to object until the bill is read, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read is follows:

Be it enacted, etc., That section 3, Judicial Code, in so far as said section relates to the western district of Virginia, be so amended as to read as follows:

"The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alleghany, Albemarle, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Frederick, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Madison, Montgomery, Nelson, Page, Patrick, Pulaski, Pittsylvania, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe. Terms of the district court shall be held at Lynchburg on the second Mondays of January and July, at Roanoke on the second Mondays of February and the first Mondays of August, at Danville on the second Mondays of March and the third Mondays of September, at Charlottesville on the second Mondays of April and November, at Harrisonburg on the fourth Mondays of April and November, at Big Stone Gap on the third Mondays of May and the second Mondays of October, at Abingdon on the second Mondays of June and the third Mondays of December. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Lynchburg, Roanoke, Danville, Charlottesville, Harrisonburg, Big Stone Gap, and Abingdon, which shall be kept open at all times for the transaction of the business of the court."

SEC. 2. That this act shall become effective on July 1, 1918.

With committee amendments, as follows:

Page 1, line 3, strike out the word "three" and insert the words "one hundred and eleven."

Page 2, lines 14 and 15, strike out the words "the third Mondays of."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, may I inquire of the gentleman who presents the bill for consideration whether there is any objection to this rearrangement in Virginia on the part of any judicial officers?

Mr. SAUNDERS of Virginia. I will say that all of the Members of Congress in that district favor this measure. The district attorney wants it, the judge for that district wants it. In addition the bill has a unanimous report from the Judiciary Committee. The gentleman from Massachusetts [Mr. WALSH], a member of that committee, is present, and can verify what I say as to the action of his committee.

The fundamental reason for my request that I be allowed to bring up this bill at this time is that it should be enacted into law before the 1st of June, in order that certain readjustments may be made in the judicial district. The bill, if allowed to be taken up, can be passed in a minute. Everybody interested favors its passage.

Mr. STAFFORD. The gentleman states that it must be passed before the 1st of June in order to provide for readjustments. That is a special reason why we should take it up out of order and make an exception to the practice of considering bills under the usual rules by unanimous consent?

Mr. SAUNDERS of Virginia. That is a fact, and I would not ask for present action but for that fact. If the bill is not passed before June 1, or some early day in June, then the date at which it will be operative will have to be fixed at August 1 or September 1.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Speaker, I do not understand exactly what this provides.

Mr. SAUNDERS of Virginia. This is a bill to rearrange the terms of court for the western district of Virginia. It does not affect anyone, so far as this House is concerned, save the five

Members from that district, Mr. SLEMP, Mr. GLASS, Mr. HARRISON, Mr. FLOOD, and myself.

Mr. MOORE of Pennsylvania. Is the Republican Member, Mr. SLEMP, satisfied with the provisions of the bill?

Mr. SAUNDERS of Virginia. Yes.

Mr. MOORE of Pennsylvania. Does it contemplate any increase in appointments, either judicial or clerical?

Mr. SAUNDERS of Virginia. No. There is a provision for a clerk's office to be left open at a place of session of the court. This provision was inadvertently heretofore omitted some time ago.

Mr. MOORE of Pennsylvania. It is a matter of convenience to the litigants in this district?

Mr. SAUNDERS of Virginia. Yes; and is asked for by the district attorney and by the judge.

Mr. MOORE of Pennsylvania. And it does not involve any new offices?

Mr. SAUNDERS of Virginia. No. This bill was unanimously reported from the Committee on the Judiciary, as heretofore stated.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 3, strike out the word "three" and insert the words "one hundred and eleven."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, lines 14 and 15, strike out the words "the third Mondays of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SAUNDERS of Virginia, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. SAUNDERS of Virginia. I am very much obliged to my friends in the House. [Applause.]

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Friday, May 17, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the superintendent State, War, and Navy Department buildings submitting the following estimates of appropriations for the temporary office buildings for the War Department for the fiscal year ending June 30, 1918 (H. Doc. No. 1104); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the superintendent State, War, and Navy Department buildings submitting the following estimates of appropriations for the salaries and miscellaneous expenses in connection with the temporary office buildings under construction for the use of the War and Navy Departments for the fiscal year ending June 30, 1919 (H. Doc. No. 1105); to the Committee on appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of War submitting supplemental estimates of appropriations required by the Ordnance Department for the fiscal year ending June 30, 1919 (H. Doc. No. 1106); to the Committee on Appropriations and ordered to be printed.

4. A letter from the chairman of the Federal Trade Commission, transmitting a special report dealing with the subject of commercial bribery (H. Doc. No. 1107); to the Committee on the Judiciary and ordered to be printed.

5. A letter from the Secretary of War, recommending to the Congress that there be appropriated the sum of $2,000 for the benefit of the family of Tatsuji Saito, a Japanese subject (H. Doc. No. 1108); to the Committee on Foreign Affairs and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Charlotte Harbor, N. Y., including the portions of Lake Ontario and Genessee River adjacent thereto (H. Doc. No. 1109); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 12037) to amend an act entitled "An act to authorized the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, reported the same with amendment, accompanied by a report (No. 572), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEELE, from the Committee on the Judiciary, to which was referred the bill (H. R. 12001) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 573), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DILL, from the Committee on the Public Lands, to which was referred the bill (H. R. 79) for the sale of isolated tracts of the public domain in Minnesota, reported the same without amendment, accompanied by a report (No. 574), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (H. R. 78) to validate certain public-land entries, reported the same without amendment, accompanied by a report (No. 575), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDMONDS: A bill (H. R. 12139) to create a commission to investigate the problems of reconstruction; to the Committee on Appropriations.

By Mr. MONDELL: A bill (H. R. 12140) donating to the State of Wyoming two brass or bronze cannon; to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 12141) providing that the Surgeon General shall be a member of the General Staff Corps, and for other purposes; to the Committee on Military Affairs.

By Mr. DENTON: A bill (H. R. 12142) to amend an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes"; to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 12143) to further protect interstate and foreign commerce against bribery and other corrupt trade practices; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 12144) designating the columbine the national flower of the United States; to the Committee on the Library.

By Mr. CAMPBELL of Kansas: Concurrent resolution (H. Con. Res. 44) requesting the President to direct the Secretary of State to suggest to the allied Governments that May 30 be agreed upon to be observed as a day of fasting and prayer by them and the United States; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 12145) granting an increase of pension to John Queen; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 12146) granting a pension to James O'Brien; to the Committee on Pensions.

By Mr. CLASSON: A bill (H. R. 12147) granting a pension to Ernest Meyer; to the Committee on Pensions.

By Mr. HARDY: A bill (H. R. 12148) granting six months' pay to Anton Kunz, father of Joseph Anthony Kunz, deceased, machinist's mate, first class, United States Navy, in active service; to the Committee on Naval Affairs.

By Mr. KRAUS: A bill (H. R. 12149) granting an increase of pension to Mannon Street; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 12150) to correct the military record of Clayton H. Adams; to the Committee on Military Affairs.

By Mr. SANDERS of Indiana: A bill (H. R. 12151) for the relief of John W. Baker; to the Committee on Military Affairs.

Also, a bill (H. R. 12152) to correct military record of Thornton Jackson; to the Committee on Military Affairs.

Also, a bill (H. R. 12153) for the relief of James McD. Hays; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 12154) for the relief of William Hensley; to the Committee on Claims.

By Mr. VARE: A bill (H. R. 12155) granting a pension to Nathan Milgram; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 12156) granting a pension to Fannie A. Inglis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12157) granting a pension to Matilda Cora Gallion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12158) granting a pension to Gilbert Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12159) granting an increase of pension to Magdalena O. Shanks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12160) granting an increase of pension to Delila Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12161) granting an increase of pension to Joseph Funk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12162) granting an increase of pension to Isaac Goe; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of the Wisconsin State Federation of Labor, favoring passage of the Smith-Sears rehabilitation bill, for reeducating and fitting of disabled soldiers; to the Committee on Education.

Also, petition of John Hoffman & Sons Co., the F. Mayer Boot & Shoe Co., and General Lumber Co., all of Milwaukee, Wis., protesting against the repeal of the second-class postage provisions of the war revenue act; to the Committee on Ways and Means.

By Mr. CLARK of Pennsylvania: Petition of Erie Association of Life Underwriters, favoring Federal legislation providing for military training; to the Committee on Military Affairs.

By Mr. DARROW: Resolution of Washington Camp No. 672, Patriotic Order of Sons of America, of Philadelphia, Pa., in behalf of legislation prohibiting the teaching of German in our schools and colleges, also to suppress the German press; to the Committee on the Judiciary.

By Mr. DEWALT: Resolutions of McLean Post No. 16, Grand Army of the Republic, Department of Pennsylvania, Reading, Pa., Daniel C. Clous, Eugene I. Saudt, Samuel J. Weiler, pension committee, requesting that the minimum pension be $50 per month for all honorably discharged soldiers, sailors, and marines of the Civil War, regardless of age or length of service; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Memorial of Association of Collegiate Alumnæ, Boston, Mass., against increase in second-class postal rates; to the Committee on Ways and Means.

By Mr. KING: Petition by the Canton Ministerial Association, signed by the Rev. A. J. Christy, Rev. B. H. Cleaver, Rev. J. G. Wagoner, Rev. M. D. Obenshan, Rev. George B. McKey, Rev. A. O. Elliott, Rev. D. E. Baer, Rev. C. T. Dodd, Rev. G. W. Crumbaker, to have repealed the law recently enacted by which postal rates on periodicals are enormously increased after July 1, 1918; to the Committee on Ways and Means.

By Mr. MAGEE: Petition of the Brown Memorial Methodist Church, Syracuse, N. Y., favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of the Rotary Club of Elmira, N. Y., urging the adoption by the Government of a permanent policy assuring coordination of railroads, water routes, and highways for traffic service; to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNER: Memorial of citizens of Mystic, Iowa, favoring an antipolygamy amendment; to the Committee on the Judiciary.

SENATE.

FRIDAY, *May 17, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

O God, we desire to come into Thy presence with clean hearts and right spirits, for Thou seekest only such to worship Thee, and we can not deceive Thee, nor can we evade Thy laws. Thou understandest our thoughts afar off and from Thee no secrets are hid. Give us therefore sincere and honest hearts that we may honor our true relation to Thee, and that we may seek to do Thy will at all times. Thus shall we acknowledge Thy claims upon us and accomplish Thy purposes in our lives, whether in times of peace or war. We ask it all for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LEWIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LAND IN POTOMAC PARK.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 7th instant, a report as to the withdrawal of land in Potomac Park formerly used by Boy Scouts for farm purposes for the laying out of the same in golf links.

Mr. CALDER. That communication is in response to a resolution submitted by me a few days ago, and I ask that it lie on the table and be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The communication is as follows:

WAR DEPARTMENT,
Washington, May 16, 1918.

To the PRESIDENT UNITED STATES SENATE.

SIR: I have the honor to acknowledge receipt of resolution under date of May 7, 1918, whereby I am requested to inform the Senate what part, if any, of the land in east Potomac Park, which last year was cultivated by the Boy Scouts, is now withdrawn from cultivation to be laid out in golf links, and why the ground east of the railroad track in said park, which is now being made into golf links, should not be allotted for cultivation and production of food and crops during the period of the war.

I have caused an investigation to be made and find that the improvements that are being made and that are proposed to be made are in accordance with plans appropriated for by Congress.

The sundry civil act of June 12, 1917, carried appropriations as follows:

For care and maintenance of Potomac Park, $15,000; for grading, soiling, seeding, and planting that portion of Potomac Park west of the railroad embankment and constructing paths, $25,000; for oiling or otherwise treating macadam roads, $4,000; for care and improvement of the portion of Potomac Park east of the railroad embankment, $50,000.

Of course this act was passed after war was declared, and must therefore be considered as an indication of the desires of Congress in regard to Potomac Park. However, I believe that, due to rush of business and the fact that the sundry civil bill contains so many other items, that it would be unsafe to say that it was the intention of Congress to expend the money authorized no matter what might be the conditions. I therefore consider it within my jurisdiction and also as my duty to discontinue for the present the construction of the golf course upon the grounds of Potomac Park, inasmuch as recreation facilities are offered in many other directions in the city of Washington, and the example afforded by making use of this ground for agricultural purposes would be most excellent.

I have accordingly given orders that the construction of the golf course shall be discontinued, and that the commander of the Boy Scouts be informed that the entire area referred to in the resolution is placed at his disposal.

Respectfully,

NEWTON D. BAKER,
Secretary of War.

TAPPING OF TELEGRAPH AND TELEPHONE LINES (S. DOC. NO. 227).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of March 28, 1918, a report on the method and efficiency of the Telautograph and Delaney systems of preventing tapping of telegraph and telephone wires, which, with the accompanying papers, was referred to the Committee on Military Affairs and ordered to be printed.

UNIVERSAL MILITARY SERVICE.

The VICE PRESIDENT presented resolutions adopted by the Chamber of Commerce of the United States of America, reaffirming its confidence in universal military service, which were referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 4409) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes."

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9715. An act extending the time for the construction of a bridge across the Bayou Bartholomew, in Ashley County, Wilmot Township, State of Arkansas; and

H. R. 12000. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1919, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 3771. An act authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government; and

S. J. Res. 124. Joint resolution providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

PETITIONS AND MEMORIALS.

Mr. KELLOGG. I present a petition from Stereotypers' Union No. 103, of St. Paul, Minn., which I ask may be printed in the RECORD without the signatures.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

BLINDING THE PEOPLE'S MIND.

Congress at its last session passed a hasty postal law increasing the postage rates on periodicals from 50 to 900 per cent through a "zone" system.

The unfair "zone" system was abolished by President Lincoln in 1863 because of its unjust discriminations.

Some periodicals will be killed—all will be restricted in circulation and crippled. There will be fewer readers, and the habit of reading curtailed. The great function of periodicals is to assist in the spread of ideas by printing the achievements in the world of thought, culture, and science.

Thus to shut out farm journals, as these zone rates will, will lessen the productive power of our country by millions of dollars through loss of better methods. Shut off trade journals, and you decrease the manufacturing power by more millions. Shut off the religious papers, and there are shut off channels that have raised millions of dollars for distressed humanity. Shut off the great periodicals of the home, and there is throttled an avenue that has given expert instruction to hundreds of thousands of mothers and saved their babies to health and citizenship.

Shut off the labor press, and labor's voice is stifled—the orderly betterment of economic conditions will stop.

These national periodicals are printed in the big cities, and the first zone, the cheapest zone, is in or near those cities; there are many educational opportunities near cities, and the cities will read anyway. Small towns and distant districts depend, to a large extent, upon periodicals; thus this law increasing periodical postage shuts off opportunity where it is most needed. It penalizes periodical readers.

Repeal this law. Repeal this 50 to 900 per cent periodical postage increase. Sign the petition below and mail it. Write to Congressmen from your State. Get others to write, if it is only a few lines of protest on a post card. Save the magazines and the work they have done and are doing for national education, patriotism, and progress.

Paste a sheet of paper below and get signers. When about 20 signatures are secured, please send to Charles Johnson Post, 200 Fifth Avenue, New York City, where additional copies of this petition can be had upon request.

PETITION TO CONGRESS.

The spread of education, of culture, of scientific knowledge and advancement, and of our vast internal merchandising and manufacturing has been, and always is, vitally dependent upon the freest and cheapest circulation of periodicals. The penalties resulting from any restriction of the freest possible circulation of periodicals will be destructive to the best interests of our economic life and the opportunities of developing our best citizenship.

The postal amendment passed by the last Congress increasing the postage on periodicals from 50 to 900 per cent will destroy our periodicals at a time when the widest and most extensive circulation of publications is essential to the patriotism, education, and upbuilding of our country.

Therefore, we, the undersigned, do most earnestly demand the repeal of this burdensome periodical postage amendment.

ST. PAUL STEREOTYPERS' UNION, No. 103.
FRANK MITSCH, *President.*
FRED MUMANE, *Secretary.*

Mr. JOHNSON of California. I present a petition of the Berkeley Woman's Christian Temperance Union, of California, praying for legislation to prohibit the use of foodstuffs in the manufacture of vinous or malt liquors during the war, which I ask may be printed in the RECORD. It is very brief.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

We, the Berkeley Woman's Christian Temperance Union, citizens of Alameda County, Cal., believing that the women of the United States are loyally doing their utmost in our national crisis for the conservation of food; and

Realizing that there is still an alarming waste of foodstuffs in the production of vinous and malt liquors,

We most earnestly petition your honorable body to pass a bill to prohibit the further waste of these foodstuffs in the production of vinous and malt liquors during the period of the war and to release the grain and sugar now in the hands of the brewers.

The above was indorsed by vote at a meeting of the Berkeley Woman's Christian Temperance Union held on the 17th day of April, A. D. 1918, and the undersigned was authorized to so attest.

Mrs. C. W. JOHNSON,
President.
Mrs. MELVA S. GREEN,
Recording Secretary.

Number of members, 80.

Mr. NELSON presented petitions of the congregations of the Methodist Episcopal Church of North Mankato, the Swedish Lutheran Church of Eagle Lake, the First Baptist Church of Mankato, and of the Congregational and Christian Churches of Mankato; of sundry citizens of Lewiston, Good Thunder, Kasson, and Howard Lake, all in the State of Minnesota, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of the Stereotypers' Union No. 103, of St. Paul, Minn., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was ordered to lie on the table.

He also presented a petition of Muller Crook Post, No. 1, Grand Army of the Republic, Department of Minnesota, of Stillwater, Minn., praying for an increase in the pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. TOWNSEND presented resolutions adopted by the Employers' Association of Detroit, Mich., favoring legislation to provide for the drafting of men between the ages of 18 and 50 years, etc., which were ordered to lie on the table.

He also presented a petition of sundry citizens of Kalamazoo, Mich., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. PHELAN presented resolutions adopted by the Board of Trustees of Venice, Cal., refuting charges made against that city by the Board of Supervisors of Los Angeles County, relative to slackers, etc., which were referred to the Committee on Military Affairs.

AIRCRAFT PRODUCTION.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate, on the part of the Senator from New Mexico [Mr. JONES] and myself, I present a minority report upon Senate resolution 241. I desire to file this report, of which I gave notice yesterday, and I ask that the report be printed in the RECORD together with the resolution and the amendments proposed by the majority of the committee and their report.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WADSWORTH. I ask the Senator from Kansas if the minority report has been printed so that Members of the Senate can obtain copies.

Mr. THOMPSON. The report has been printed and is on the desks of Senators.

Mr. SMOOT. Does the Senator really want us to have the resolution printed again in the RECORD as it was introduced and as proposed to be amended? It was printed in the RECORD yesterday in full in both ways.

Mr. THOMPSON. I thought it was only fair to have it all printed together.

Mr. SMOOT. It is only a duplication of printing that I was thinking of, but if the Senator desires he can have it that way.

Mr. THOMPSON. I wish to have all the matter pertaining to the resolution printed together.

Mr. SMOOT. I do not object if the Senator wants to have it done, but it is only a duplication of printing.

Mr. THOMPSON. I ask that both the report of the minority and of the majority be printed.

Mr. KENYON. I should like to ask the Senator from Kansas if it would not be wise to have the resolution as introduced and the resolution as proposed to be amended and the majority report and the minority report printed together?

Mr. THOMPSON. I have just made that request.

Mr. KENYON. I beg the Senator's pardon.

Mr. THOMPSON. The request has been granted.

Mr. McKELLAR. I will state that the majority report was a favorable report without going into the facts at all.

Mr. SMOOT. The resolution speaks for itself.

The resolution as introduced, as proposed to be amended by the committee, the report of the majority of the committee, and the views of the minority, are as follows:

Senate resolution 241, as introduced.

"*Resolved*, That the Committee on Military Affairs, or any subcommittee thereof, be, and is hereby, authorized and directed to inquire into and report to the Senate the progress of aircraft production in the United States, or into any other matters relating to the conduct of the war, by or through the War Department; that said committee, or any subcommittee thereof, may sit during the sessions or during any recess of the Senate; to require by subpœna, or otherwise, the attendance of witnesses and the production of books, documents, and papers; to take the testimony of witnesses under oath, either orally or by deposition; to obtain documents, papers, and other information from the several departments of the Government, or any bureau thereof; to employ stenographic help, at a cost not to exceed $1 per printed page, to report such testimony as may be taken; to employ such agents or assistants as may be necessary; and that all expenses, including traveling expenses, contracted hereunder shall be paid from the contingent fund of the Senate."

Senate resolution 241, as reported.

"*Resolved*, That the Committee on Military Affairs, or any subcommittee thereof be, and is hereby, authorized and directed to inquire into and report to the Senate the progress of aircraft and ordnance production in the United States, or into the status of quartermaster's supplies or expenditures in any of these branches of the War Department; that said committee, or any subcommittee thereof, may sit during the sessions or during any recess of the Senate; to require by subpœna, or otherwise, the attendance of witnesses and the production of books, documents, and papers; to take the testimony of witnesses under oath, either orally or by deposition; to obtain documents, papers, and other information from the several departments of the Government, or any bureau thereof; to employ stenographic help, at a cost not to exceed $1 per printed page, to report such testimony as may be taken; to employ such agents or assistants as may be necessary; and that all expenses, including traveling expenses, contracted hereunder shall be paid from the contingent fund of the Senate not exceeding the sum of $10,000: *Provided*, That nothing in this resolution shall be held to authorize the Military Affairs Committee to take over, or in any manner direct or superintend, the executive branch of the Government in the conduct of the war."

"The Committee to Audit and Control the Contingent Expenses of the Senate report S. Res. 241 favorably with the following amendments:

"1. After the word 'aircraft' in line 4, page 1, insert the words 'and ordnance.'

"2. Strike out all of line 5, page 1, and the first word of line 6, and insert the following: 'the status of quartermasters' supplies or expenditures in any of these branches of.'

"3. Strike out the period in line 9, page 2, and insert a semicolon and add 'not exceeding the sum of $10,000.'

"4. After the foregoing add the following: '*Provided*, That nothing in this resolution shall be held to authorize the Military Affairs Committee to take over, or in any manner direct or superintend the executive branch of the Government in the conduct of the war.'"

VIEWS OF THE MINORITY.

"Your Committee to Audit and Control the Contingent Expenses of the Senate has had under consideration Senate resolution 241, submitted by the Senator from Oregon, authorizing and directing the Committee on Military Affairs to inquire into and report to the Senate the progress of aircraft production in the United States, or into any other matters relating to the conduct of the war, by or through the War Department, and a majority of the committee, consisting of Senators McKELLAR, SMOOT, and FRANCE, has favorably recommended the same, with certain amendments which have been reported to the Senate. A minority of the committee, consisting of Senators THOMPSON and JONES, are unwilling to join in the report submitted by the majority, and are opposed to the passage of the resolution as amended, as it is little better than the original resolution, and is a mere 'dragnet' proposition, as wholesale inquiries into various branches of the Government are directed whether there is any necessity therefor or not.

"The resolution, as introduced by the Senator from Oregon [Mr. CHAMBERLAIN] contained very extraordinary provisions which apparently were objectionable to all the members of the committee; certainly to the minority. In these circumstances it is not necessary to discuss at length in this report the many objections which could be stated to the original resolution.

"Briefly stated, the resolution as proposed to be amended by the majority confers no authority upon the Committee on Military Affairs which it does not now possess other than 'the authority to employ such agents or assistants as may be necessary' and to incur expenses, including 'traveling expenses,' to the amount of $10,000, except that it does direct that the various investigations be made whether there is any cause therefor or not. In April of last year the Senate passed Senate resolution 48, which is as follows:

"*Resolved*, That the Committee on Military Affairs, or any subcommittee thereof, be authorized during the Sixty-fifth Congress to send for persons and papers and to administer oaths and to employ a stenographer, at a cost not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee; that the committee may sit during the sessions or recesses of the Senate; and that expenses contracted hereunder shall be paid out of the contingent fund of the Senate.

"The undersigned minority are not averse to the full exercise of the authority conferred upon the Committee on Military Affairs by the above resolution to investigate the situation with respect to the aircraft, ordnance, appropriations, or any other branch of the War Department, as it may desire. We are favorable to a most thorough and complete inquiry into the aircraft situation, but call attention to the fact that the Department of Justice, which is equipped with every facility, is now most actively engaged in that work, and that the Hon. Charles E. Hughes has just been appointed by the President to assist, which ought to quiet any apprehension that for any reason a full and complete investigation might not be made, even though the Committee on Military Affairs should not continue its efforts in that behalf.

"Under this authority conferred more than a year ago, the Committee on Military Affairs has been conducting investigations covering practically all the activities of the War Department. On April 10, 1918, it submitted to the Senate a majority and a minority report upon the aircraft question. (See Report 380, pts. 1 and 2.)

"Senate resolution 48 has not been rescinded, and the committee retains authority to continue its investigations not only into the aircraft situation, but the Ordnance Department and all other departments of the Government, as well as all expenditures of appropriations.

"In the view of the minority no good reason appears why any additional powers should be granted. No showing or evidence of any character was presented to your committee indicating that the employment of agents or assistants or the incurring of traveling expenses is necessary, although the author of the resolution was given full opportunity to make such showing if he desired to do so. Any necessity for the employment of agents or assistants by the Committee on Military Affairs can only rest upon mere assumption. We know from the records of the Senate that the Committee on Military Affairs has already four assistants and clerks; and Senate resolution 48 gives to the committee full authority to employ additional stenographers without limit as to number, and no request for extra help has been made by the committee. So far as we are advised, the

Committee on Military Affairs has taken no action whatever with respect to resolution 241 or with respect to the obtaining of additional assistants. No showing has been made to your committee which would furnish a reason for the incurring of traveling expenses. Provisions in a resolution authorizing a committee of the Senate to employ assistants and incur traveling expenses are unusual and extraordinary, and, in the opinion of the minority, should not be granted, except upon a substantial showing of the necessity therefor.

"The majority of your committee proposes to limit the expenditures of the contingent fund to the sum of $10,000 for the purpose of employing such agents and assistants, and for traveling expenses.

"The moneys in the contingent fund of the Senate, now available for such purposes, and for the purpose of defraying the expenses of the various hearings and investigations now being conducted by all the committees of the Senate, does not exceed the sum of $10,000. Twenty-five committees of the Senate are now authorized to hold hearings and employ stenographers, and a number of such hearings are now in progress. Those now being conducted will probably consume the entire fund available for this purpose, and if the resolution as proposed to be amended should be adopted there would be specific authority for the expenditure of all the available funds, thereby depriving all other committees of the opportunity to continue their hearings. There are very few precedents in resolutions of this character for including traveling expenses, which means in this case that the committee, attorneys, agents, clerks, stenographers, and other assistants and employees may travel to any place in the United States as well as to the war front in Europe if the committee deems advisable.

"It must be noted that the resolution with the proposed amendments not only gives authority, but directs the Committee on Military Affairs to 'inquire into and report to the Senate the progress of aircraft and ordnance production in the United States, or into the status of quartermaster's supplies, or to expenditures in any branch of the War Department.' If attorneys, experts, and agents be employed and undertake the performance of the duties directed by this resolution, in the opinion of the minority the sum of $10,000 will be only a mere advance allowance and that large additional sums will necessarily be called for.

"It is evident that the numerous investigations specified will cause great annoyance and interference with the necessary war work now going on in the most important branches of the War Department. For the department to attempt to answer the requirements which may be made upon it under the terms of this resolution, much of the time of its officers and employees would be required, and the department would be prevented from devoting the time and energy necessary to the performance of essential work in the actual prosecution of the war, so vital to the country at this time.

"Wherefore we, the undersigned, a minority of your committee, respectfully recommend that the resolution do not pass.

"WM. H. THOMPSON,
"ANDRIEUS A. JONES,
"*Of the Committee to Audit and Control the Contingent Expenses of the Senate.*"

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 139) for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, reported it without amendment, and submitted a report (No. 445) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4551) for the relief of Ira W. Hatch; to the Committee on Public Lands.

By Mr. LEWIS:

A bill (S. 4552) granting an increase of pension to Homer E. Lewis; and

A bill (S. 4553) granting an increase of pension to John Albaugh; to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATIONS.

Mr. STERLING submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. CALDER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

ISSUANCE OF BONDS BY SEWARD, ALASKA.

Mr. HITCHCOCK. I move to reconsider the vote whereby the bill (S. 4021) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other works to confine the waters of Lowell Creek for the protection of said town, was read the third time and passed on yesterday when the calendar was under consideration. The bill is identical with a bill which had already passed both Houses and was signed by the President on May 1.

The motion to reconsider was agreed to.

Mr. HITCHCOCK. I move that the bill be postponed indefinitely.

The motion was agreed to.

STATE VOLUNTEERS.

Mr. PHELAN. Mr. President, on May 13, in the course of a discussion on the question of the allowance of credits for volunteers in the several States, it developed that the bill was in the hands of the President, and the only appeal, apart from a repeal of the law, was to him.

There seems to be a grave doubt about the fairness of the legislation, because, I believe, a State should be allowed deductions for its volunteers, and thus the equality of contribution of man power by the States would be maintained.

I promised the Senate to make the formal appeal to the President—already printed in the RECORD of the 13th—and the following is the President's reply. He evidently feels that there is an equitable point worthy of future attention, and I agree with him that there is no point in calling upon one State for more man power than another when the only question involved is getting men to win the war.

I ask that the letter of the President be inserted in the RECORD.

There being no objection, the letter was ordered to be inserted in the RECORD, as follows:

"THE WHITE HOUSE,
"*Washington, 14 May, 1918.*

"MY DEAR SENATOR: I admit that there are two sides to the question about allowing 'credits' for volunteers in conducting the draft, but I have been over the matter several times, and with very great care, with the War Department and am convinced that the interests of the country in the matter of winning the war will be best served by the measure as it stands.

"It is always with genuine hesitation that I find myself differing from men like yourself, to whose judgments I attach a great deal of importance, and I am quite ready to concede that neither solution of this question is entirely satisfactory. We have to take the average best.

"Cordially and sincerely, yours,

"WOODROW WILSON.

"Hon. JAMES D. PHELAN,
"*United States Senate.*"

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on the 16th instant approved and signed the joint resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

HOUSE BILLS REFERRED.

H. R. 9715. An act extending the time for the construction of a bridge across the Bayou Bartholomew, in Ashley County, Wilmot Township, State of Arkansas, was read twice by its title and referred to the Committee on Commerce.

H. R. 12000. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1919, and for other purposes, was read twice by its title and referred to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. FLETCHER. I move that the Senate proceed to the consideration of House bill 10069, the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. STERLING. In view of the fact that we are now to consider the river and harbor bill, I ask that the proposed amendment which I offered a while ago may lie on the table rather than be referred.

The VICE PRESIDENT. It will be so ordered.

Mr. OVERMAN. I wish to say to the Senator from Florida that yesterday afternoon before adjournment was had there was rather an understanding, though I do not think the RECORD shows there was a unanimous-consent agreement to that effect, that the calendar would be called this morning, beginning with a certain number. I ask the Senator from Florida, now that the river and harbor bill has been taken up and will be the unfinished business, if he will not agree to lay it aside temporarily and let us take up the calendar and finish it, because that was the understanding yesterday afternoon, and I should like to have it carried out. It will not take very long. We passed over about half of the calendar yesterday, and we are to begin where we left off. There are some pension bills about to be reached on the calendar which the Senator from Montana [Mr. WALSH] is interested in getting through, and it was understood that the calendar should be called at the close of the morning business this morning.

Mr. KELLOGG. Mr. President, I take it from the motions that there is something going on upon the other side, but we can not hear what it is.

Mr. OVERMAN. I am sorry I did not make myself heard. I will state that yesterday afternoon I moved that the Senate adjourn at 5 o'clock, after having considered the calendar for about an hour or more. There was some objection to an adjournment at that time. I stated then if the Senate would adjourn, as many Senators desired an adjournment, we would take up the calendar to-day and finish it. It was half finished yesterday, and there was a common understanding and unanimous consent was given that we should take up the calendar at the close of the morning business. I am asking the Senator from Florida if he will not agree to lay aside the river and harbor bill, which will be the unfinished business, so that we can proceed with the calendar and finish it, as some Senators have important local matters upon it that they desire to get through. I hope there will be no objection on the part of the Senator from Florida.

Mr. SMOOT. If the Senator from Florida consents, I want it understood that we are going to the calendar only to consider bills to which there is no objection.

Mr. OVERMAN. Yes; that is the intention.

Mr. FLETCHER. I was not here yesterday, and of course I knew nothing about that understanding. I was away engaged on official matters. In view of the statement made by the Senator from North Carolina, as there was evidently such an understanding among Senators, I am willing to have the river and harbor bill laid aside so that the remaining bills on the calendar which are unobjected to may be considered.

Mr. SMOOT. Beginning with Order of Business 293.

Mr. FLETCHER. I ask that the river and harbor bill may be laid aside for that purpose.

The VICE PRESIDENT. Is there objection to laying the river and harbor bill aside that the Senate may proceed to the consideration of unobjected bills on the calendar, beginning at Order of Business 293? The Chair hears none.

STEAMBOAT INSPECTORS.

The bill (S. 2104) to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States was announced as first in order on the calendar, and the Senate proceeded to its consideration as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 2, line 9, to strike out "ten" and insert "eleven," so as to read:

There shall be 11 supervising inspectors, who shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senate to the fact that this request for increased supervising inspectors, and also the request for increase of salaries of certain employees in the Department of Commerce, has been before the Committee on Appropriations a good many times. The legislative, executive, and judicial appropriation bill has passed the Senate. It is true it is in conference to-day, but that bill provides for only 10 supervising inspectors. We have increased the number in every instance where it was shown to be absolutely necessary. Now, this bill comes before the Senate proposing to increase the salaries of some inspectors, as requested by the department, which was refused in the past by the Senate and by the House on the appropriation bill.

Mr. VARDAMAN. The Senator is evidently mistaken about the action of the House, because the bill now before the Senate is in substance a House bill.

Mr. SMOOT. My reference was to the members of the Committee on Appropriations of the House. I know that that has been done, and I know that the request before the Committee on Appropriations of the Senate to give this increased pay was made upon the legislative appropriation bill and we refused to give more than 10 inspectors. I should like to ask the Senator if any reason has developed since they appeared before the Committee on Appropriations why this increase should be made?

Mr. VARDAMAN. I know nothing about what has occurred since the Appropriations Committee of the Senate considered it. This bill is very urgently recommended by the Secretary of Commerce. These men are very much needed. At this particular time they are performing a very necessary and important function of the Government. It is stated by the American Bureau of Shipping and by the Secretary of Commerce that this is the first time in 40 years that their salaries have been raised. I know nothing beyond that which was detailed before the Committee on Commerce. I know the salaries are now inadequate. I know the duties these men are performing are very necessary. They are the boiler inspectors of steamboats. If I may be permitted, I will read what the Secretary of Commerce says about it in a letter addressed to Hon. J. W. ALEXANDER, of the House of Representatives, dated May 31, 1917:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, D. C., May 31, 1917.

MY DEAR JUDGE ALEXANDER: I am in receipt of your letter of May 25, inclosing copy of H. R. 4286, a bill to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States and asking me to give the Committee on the Merchant Marine and Fisheries my views as to the advisability of enacting the bill into law.

This bill has my unqualified support. It proposes to increase the salaries of the inspectors, which I think should be done. The men in that service are thoroughly equipped and trained for this work and, in my opinion, are underpaid. Further, because of the unusual demand at the present time for men outside of the service having the equipment and training of those in it, it will be quite difficult to hold the latter unless something is done to make their employment inviting and their pay commensurate with the duties performed.

I recommend that the bill be enacted into law.

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary.*

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

Mr. OVERMAN. Will the Senator yield to me?

Mr. VARDAMAN. I yield.

Mr. OVERMAN. The trouble about this sort of legislation is that we do not know where we are or where we are going to end. The Committee on Appropriations had the heads of departments before it and gave them a hearing for weeks and weeks. Then we prepared a bill and brought it before the Senate and got it through.

I agree with the Senator from Utah [Mr. SMOOT] that this is very dangerous legislation, and I am going to state why. I say that every head of a department comes before the committee and tells us their needs, and we go through everything and pass on it; and then sometimes when they can not get it from the committee they come before the Senate to get through a bill, doing exactly what the Committee on Appropriations refused to do in the way of increases of salaries and money to be appropriated and force us then by such a measure to make the appropriations.

Mr. VARDAMAN. Mr. President——

Mr. OVERMAN. I want to give one example. Two years ago the Senate committee had a matter before it, went thoroughly into it, and refused to make appropriations for certain increases and to provide for certain offices. Somehow or other a bill was gotten through the Senate here increasing the amount and making a number of offices, the appropriation amounting, I think, to $100,000. The bill was passed. It was not discussed. When the department's representatives had gone before the Committee on Appropriations and we had a hearing the committee declined to do it. I think such legislation is very dangerous.

Mr. VARDAMAN. The mistake made by the subcommittee appointed by the Commerce Committee was *that they did not* take notice of the fact that all the patriotism and all the wisdom possessed by Congress is confined in the committee of which the able Senator from North Carolina is a member. We paid some attention to this matter ourselves. It was considered in the House and was passed by that body after hearings were had upon it. It is my judgment that mature consideration was given the subject matter before action.

Of course, I know nothing of my own knowledge about the inadequacy of pay, and I have no special or expert knowledge as to the service these men render; but when the Secretary of Commerce comes to the Congress and says it is necessary to raise the salary in order to retain the services of men qualified to perform the duties as these men are qualified to perform the duties, when he states that the salaries have not been increased in 40 years, with the duties multiplying an hundredfold, it seems to me that Congress ought to take

some notice of it. Whether it ought to be referred to the committee of which the honorable Senator from North Carolina is a member, and let that committee do what it considers to be the right thing, is a matter of no personal concern to me.

The Committee on Commerce has considered this bill; the testimony has been taken; the recommendation for its passage has been made. Now it is a matter entirely with the Senate as to whether or not it will pass the bill. My only purpose or desire is that this great country should do justice by its faithful public servants. No class of men are deserving of more at the hands of this Republic than the steamboat-boiler inspectors. I am very much opposed to every form of extravagance, but I submit that it would be better for the country generally, more just to all concerned, if we would urge economy in larger matters rather than pursue a policy of stinginess or parsimony in the payment of living salaries for the men whose labor keeps the machinery of commerce and the Government running.

Mr. SMOOT. Mr. President, just one word and then I am going to object to the consideration of the bill. I have before me the legislative appropriation bill as it passed the other House and the present law, providing for 10 supervising inspectors at $3,000 each. We had this whole question before the Committee on Appropriations; it was discussed there; and yet we find that this bill now provides, because these officials could not get from that committee what they wanted, for 11 inspectors at $3,450 each. It does seem to me that there ought to be but one source from which appropriations for salaries should come in all of the departments of this Government.

Mr. VARDAMAN. But is that the case?

Mr. SMOOT. It has been true, I will say to the Senator from Mississippi, with one exception.

Mr. VARDAMAN. Is it true with reference to the Post Office employees? Is it true with reference to the employees of other departments?

Mr. SMOOT. The employees of the Post Office Department are taken care of in the Post Office appropriation bill, outside of the employees who are taken care of in the legislative appropriation bill; but this is not an appropriation bill. This is a Senate bill proposing to change the number of employees in the Department of Commerce and also changing their compensation.

Mr. VARDAMAN. To conform to a bill which has passed the other House and has come to the Senate.

Mr. SMOOT. I do not know as to that; but this is a Senate bill which we are discussing.

Mr. VARDAMAN. As a matter of fact, I will state to the Senator that a subcommittee, of which the honorable Senator from Minnesota [Mr. NELSON], the learned Senator from Tennessee [Mr. SHIELDS], and myself were members, have incorporated in the bill the provisions with reference to salaries that were provided in the House bill.

Mr. SMOOT. I object to the consideration of the bill.

Mr. VARDAMAN. That closes the matter.

Mr. FLETCHER. If the Senator will allow me to make a statement before the objection is made, I will say that this bill was introduced in the Senate; it was similar to a bill which had been introduced in the House of Representatives. When the House bill came to the committee, the bill which was introduced in the Senate and the House bill were both referred to a special subcommittee, the Senator from Mississippi [Mr. VARDAMAN] being the chairman. The Senator from Minnesota [Mr. NELSON] was also on the committee. They looked into all these bills and reported this bill out as covering the House bill and the Senate bill, conforming to the action of the other House. This calls for an amendment to those sections of the law which provide for the number of inspectors and their pay. The situation is very serious.

Mr. OVERMAN. Mr. President, if the Senator will yield to me for a moment, the point I make is that I think it is very dangerous practice where the Committee on Appropriations by subcommittee and full committee have considered a matter and refused to sanction it, that the same matter should be brought before the Senate with a favorable recommendation from another committee. For example, the Committee on Post Offices and Post Roads has its duty to perform. Suppose, after taking action along certain lines, some other committee should come in and recommend something that the Post Office Committee had refused to recommend. The Committee on Appropriations has jurisdiction of many great appropriation bills and holds hearings upon items in those bills. The committee had before it this very matter. I do not know to what extent the pending bill goes, but what I object to is the method of procedure. If one committee is allowed to recommend appropriations when another committee, having jurisdiction, has turned them down, confusion will result.

Mr. FLETCHER. I know the Senator's point is not well taken as to this bill. This is precisely the course that such legislation has always pursued. It is a bill which goes to the Commerce Committee of the Senate, and which goes to the Committee on the Merchant Marine and Fisheries of the other House. Those committees have always considered such bills. They have never gone to the Appropriations Committee.

Mr. VARDAMAN. They have no place there.

Mr. FLETCHER. The section as originally passed—section 4402 of the Revised Statutes, which this seeks to amend—embraced matters which were handled by the respective committees I have named. The situation is that a number of these inspectors have resigned and a number of others are about to resign unless their pay is increased, and it has not been increased for years and years.

Mr. VARDAMAN. It has not been increased for 40 years.

Mr. FLETCHER. It has not been increased for 40 years, or something like that. We are about to lose the efficiency of this service. I have a letter here from Mr. Thomas H. Foster, of the New York Customhouse, in which he says:

> During the month of March three of the assistant inspectors from the New York office resigned, making a total of seven who have resigned from there recently, and I understand a number from other districts have resigned during the past few weeks. Unless a raise of salary is secured very shortly the personnel of this service will suffer serious deterioration, and even with salaries established by the proposed bill it will, I am sure, be impossible to fill the vacancies with men having the requisite ability.

The service is being crippled. This bill has been pending for some time, and we should have taken it up before.

Mr. SMOOT. Mr. President, a similar letter to the one which the Senator from Florida has just read was before the subcommittee of the Committee on Appropriations, and was also before the full Committee on Appropriations. I wish to say to the Senator that the request was made before that committee for an increase. Now, if we increase the compensation for these inspectors, what can we say to the other tens of thousands of employees who have pleaded here through the heads of their departments for increases? The committee said that under existing conditions, with the increase of 15 and 20 per cent, as the case may be, it was unwise to increase any salaries. In the legislative appropriation bill I think there were but two salaries which were increased from the beginning to the end of the bill.

Mr. NELSON. Mr. President, will the Senator from Florida yield to me?

Mr. FLETCHER. The Senator from Utah will note that very considerable reductions have been made by the committee in the amounts originally carried in the bill.

Mr. SMOOT. But they are all increases over what these officials now get.

Mr. NELSON. I should like to ask the Senator from Utah how many thousand increases of salaries have been made in the Post Office appropriation bill which we passed yesterday?

Mr. SMOOT. We made a good many.

Mr. NELSON. How many thousand were made?

Mr. SMOOT. We made a good many increases, but I spoke of the legislative appropriation bill. These inspectors were provided for in the legislative appropriation bill and their salaries have been appropriated for. They were allowed in the legislative appropriation bill $3,000 per annum. Whoever introduced this bill provided for a salary of $3,600, and the Committee on Commerce cut it down to $3,450. That is an increase of $450.

Mr. NELSON. Mr. President, there are two purposes, if the Senator from Florida will allow me, to be accomplished by this bill.

Mr. FLETCHER. I yield to the Senator.

Mr. NELSON. One is to create an inspection district in the district of Alaska, where they have not had one before. It is essential to have an inspection district for that great big country on the Pacific coast.

Mr. SMOOT. I think that was in this bill, but I will look it up and see.

Mr. NELSON. In addition to that I desire to say that there are two ways of increasing salaries. The legitimate and proper way is to pass a law amending the law creating the office and establishing the salaries. There is another way, and that is the backdoor way, to make such provision in an appropriation bill. We have come forward here with plain legislation, indorsed by two committees, that of the House and that of the Senate, which have jurisdiction of this subject and of this legislation. In a straightforward, legitimate way we have reported in favor of this increase. No man who has investigated this subject will say that the salaries of the men in this service are not low as compared with the salaries of men in other branches of the public service. I know of no salaries so meager, except those in the Lighthouse Service.

Now, we have given them a very moderate increase, compared with the increase given to employees of the Post Office Department in the Post Office appropriation bill, and the salaries of these inspectors have not been increased for years and years. They are working to-day under salaries fixed long before we declared war and long before even Germany declared war. We aim by this bill to give them a reasonable and moderate increase in order that they may meet the necessities of the times.

Why should the Committee on Appropriations object to this because we do it in an open, aboveboard, and straightforward manner in a separate bill, instead of doing it in an appropriation bill? That is exactly what we have done. If we are going to help any employees of the Government, as we have done in the case of the employees of the Post Office Department, why should we discriminate against these men, who are in the present emergency more important than ever, in view of the fact that we are increasing our shipping to such an enormous extent? The steamboat inspectors have to inspect every hull and boiler in the new vessels, and they will have a hundredfold more work to do than they have ever before had in our history.

It seems to me that under these circumstances to haggle about this small increase is, to say the least, unwarranted in view of what we have done for other employees of the Government. We have even made provision to take care of men who have assumed Government contracts and who now find themselves handicapped because of the rise in prices since the contracts were entered into; we have made provision to help those men and to give them relief. Why should we discriminate against these men in the Steamboat-Inspection Service, and why should we raise the technical question between the Appropriations Committee and the Committee on Commerce, the latter committee having jurisdiction of this proposed legislation?

The VICE PRESIDENT. The Chair understood that the calendar was being considered for the consideration of unobjected bills. This bill seems to be objected to.

Mr. SMOOT. I have objected to the consideration of the bill.

Mr. FLETCHER. I hope the Senator will not insist on his objection. The increase allowed is less than 20 per cent of the present salaries, and it is the only increase that has been made in 20 or 30 years.

Mr. SMOOT. Mr. President, in answer to the Senator from Minnesota [Mr. NELSON], I wish to say that there is not an employee of the Post Office Department who is receiving $3,000 per annum whose salary has been increased, and there is not an employee in the service of the United States who is receiving a salary of over $2,500 per annum whose salary has been increased.

Mr. NELSON. Does the Senator know what increase in work there has been in the Steamboat-Inspection Service. There is not any branch of the Government where there has been, owing to the shipbuilding program, such an increase of work as there has been in this service. The hulls and boilers of every new ship that we are constructing must be inspected by this force. The inspection work they had to perform before our entry into the war in "the piping times of peace" was a mere bagatelle compared with the work they must perform now.

Mr. SMOOT. "The Senator from Ufah" is fully aware of the fact adverted to by the Senator from Minnesota, and he is also aware that we have increased the number of employees in that branch of the service. I can not say how many have been added to the force, but we have provided the number requested by the Secretary of Commerce. The increase in employees in the Department of Commerce has been in the same ratio as in other departments of the Government.

Mr. BORAH. Mr. President, I rise to a parliamentary inquiry.

Mr. SMOOT. I object to the further consideration of the bill.

Mr. BORAH. Has there been objection to the consideration of this bill?

The VICE PRESIDENT. Objection was made some minutes ago. The Chair understands that if objection is made to the consideration of a bill it must go over and is not subject to debate. Hereafter if debate goes on after objection and the Senator objecting takes part in the discussion of its merits, the Chair, at the risk of reversal, will hold that the bill is unobjected to and is before the Senate.

Mr. WALSH. Mr. President, we ought to have a clear understanding of what is meant by "unobjected bills" as used in the agreements so frequently entered into with reference to the consideration of the calendar. My understanding of the matter always has been that when a bill is called on the calendar any Senator may object to its consideration. The term "unobjected" refers to the consideration of the bill rather than to the merits of the bill. I never understood heretofore that it precluded anyone from urging any objection he might have to a bill or to any feature of a bill; indeed, I have often known Senators to say, "I shall not object to the consideration of the bill, but when it is before the Senate I shall speak against it and vote against it." I do not think that the spirit of the stipulation has been violated at all, much as I regret the extended debate which has attended the discussion of the bill which has been under consideration.

The VICE PRESIDENT. The Chair desires to express this view about these agreements. The Chair is in substantial accord with the views expressed by the Senator from Montana. When a bill is called, if there is objection to its consideration it goes over; but if it is taken up and discussed, discussion of it is not an objection to the bill at all.

Mr. SMOOT. But before a bill is acted upon it has always been the rule that an objection at any time would carry it over.

The VICE PRESIDENT. After the Senator from Utah objected to the consideration of this bill the discussion on the bill proceeded for 10 minutes. It is not material to the Chair what takes place, but if that procedure is followed we will never get through the calendar.

Mr. VARDAMAN. I understand the ruling of the Chair is that the bill is not in order now.

The VICE PRESIDENT. Under objection, the bill goes over.

Mr. MYERS. I should like to ask the Senator from Florida if he will tell me whether he is going to call up the river and harbor bill at 2 o'clock, or are we to go on after 2 o'clock and finish the calendar?

Mr. FLETCHER. The river and harbor bill, I will state, is already before the Senate and has been laid aside temporarily in order that unobjected bills on the calendar may be considered.

Mr. MYERS. I hope we can finish the calendar; I should like to get through with it.

Mr. FLETCHER. I have no objection to that.

The VICE PRESIDENT. The Secretary will state the next bill on the calendar.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 7634) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole. The bill had been reported from the Committee on Pensions with amendments.

Mr. KING. Mr. President, I desire to ask the Senator from Montana a question, if he will do me the honor to listen. If the bill that is now before the committee, general in character, should pass, would it not dispense with the necessity of bills of the character of the one now before the Senate?

Mr. WALSH. No. If the general bill which is now before the committee should pass, it would operate upon the items included in these bills. It will have no application whatever to the individuals referred to in these bills, however, unless these bills are passed.

Mr. KING. I had supposed that that general bill would cover all cases where persons were entitled to a pension, thus dispensing with the necessity of these special pension acts.

Mr. WALSH. These are omnibus bills made up of many individual pension bills introduced by various Members.

The VICE PRESIDENT. The first amendment reported by the committee will be stated.

The first amendment reported by the Committee on Pensions was, on page 2, after line 19, to strike out:

The name of Edward Wilkinson, late of Company A, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 5, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of George Butterbaugh, late of Company A, One hundred and thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 17, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of William M. Pace, late of Company E, Third Regiment Tennessee Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 2, before the words "per month," to strike out "$27" and insert "25," so as to make the clause read:

The name of Joseph McArmstrong, late of Company H, One hundred and seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 5, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Andrew Robertson, late of Company B, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 7, before the words "per month," to strike out "$27" and insert "$25," so as to make the clause read:

The name of Edward B. Ward, late of Company I, Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the word "Mounted," to insert "Volunteer"; and in the same line, after the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Thomas R. Beasley, helpless and dependent child of John C. Beasley, late of Company A, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 20, before the words "per month," to strike out "$27" and insert "$25," so as to make the clause read:

The name of William Sewing, late of Company B, First Regiment, and Company I, Fifth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 11, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of William Watson, late of Company C, Third Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 15, before the words "per month," to strike out "$30" and insert "$27," so as to make the clause read:

The name of Marshall Barnes, late of Company L, Third Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 3, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Lewis J. Cundiff, late of Company F, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 6, to strike out:

The name of Samuel M. Reese, late of Company B, One hundred and fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to strike out:

The name of Charles Bishop, late of Company F, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 10, before the words "per month," to strike out "$36" and insert "$27," so as to make the clause read:

The name of Harvey Bartley, late of Company G, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 14, to strike out:

The name of John Trenter, late of Company A, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 1, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Franklin Manning, late of Company L, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 13, before the words "per month," to strike out "$27" and insert "$25," so as to make the clause read:

The name of Charles White, late of Company G, Seventeenth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 8, before the word "Mounted," to insert "Volunteer," and in line 9, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of George M. Mays, late of Company D, Fifty-second Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 17, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Stephen J. Coleman, late of Company A, First Regiment East Florida Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 9, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Dabner D. Wright, late of Company D, Third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 1, before the words "per month," to strike out "$27" and insert "$25," so as to make the clause read:

The name of James H. Scott, late of Company D, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to strike out:

The name of James Cassidy, late of Company H, Twenty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, line 16, before the words "per month," to strike out "$21" and insert "$25," so as to make the clause read:

The name of William Myers, late of Company D, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 8, to strike out:

The name of James S. Doolittle, late of Company H, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 11, before the words "Home Guards," to strike out "Mounted" and insert "Missouri," so as to make the clause read:

The name of Ananias B. Reeser, late of Company D, Hickory County Battalion, Missouri Home Guards, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 1, before the word "late," to strike out "Sensenich" and insert "Sencenich," so as to make the clause read:

The name of Jeremiah R. Sencenich, late of Company D, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to strike out:

The name of John Barker, late of Company F, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 24, after line 8, to strike out:

The name of John W. Robinson, late of Company D, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 23, to strike out:

The name of Henry King, late of Company D, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to strike out:

The name of James J. Short, late of Company H, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 15, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of George R. White, late of Company B, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, after line 20, to strike out:

The name of Deborah Sebring, helpless and dependent child of John Sebring, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 31, line 13, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Hutcheons B. Durham, late of Company H, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 19, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Mathew Whitford, late of Company A, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 11, to strike out:

The name of William McClarren, late of Company D, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 23, to strike out:

The name of Alfred T. Hawk, late of Company K, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 17, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of John Pope, late of Company I, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, after line 6, to strike out:

The name of Carrie B. Wilson, helpless and dependent child of Braman J. Wilson, late of Company I, Ninth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 36, line 13, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of James Buchanan, late of Company C, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 9, before the words "per month," to strike out "$30" and insert "21," so as to make the clause read:

The name of Thomas Lee, late of Company F, Stone County Missouri Home Guards, and pay him a pension at the rate of $21 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 9, after the name "Norman," to strike out the initial "E" and insert the initial "C," so as to make the clause read:

The name of Myrtle Webster, widow of Norman C. Webster, late of Battery B, Second Illinois Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 39, line 1, before the words "per month," to strike out "$27" and insert "$25," so as to make the clause read:

The name of John Cashman, late of Company C, Ninety-eighth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, line 6, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of William Row, late of Company B, Forty-third Regiment, and Company H, Fiftieth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, after line 19, to strike out:

The name of Mary Gehres, former widow of Jacob Diehl, late of Company H, Twenty-fourth Regiment, and Company A, Forty-third Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 41, after line 2, to strike out:

The name of David Carter, late of Company I, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, after line 5, to strike out:

The name of Dudley G. Allen, late of Company G, Thirtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $18 per month.

The amendment was agreed to.

The next amendment was, on page 44, line 9, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Fairfield Dresser, late of Company M, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, line 22, after the words "per month," to insert "and $2 per month additional on account of each of the minor children of said Willis M. Sapp until they reach the age of 16 years, all such pension to be in lieu of any pension granted the minor children under existing laws," so as to make the clause read:

The name of Frances A. Sapp, widow of Willis M. Sapp, late of Company C, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $25 per month and $2 per month additional on account of each of the minor children of said Willis M. Sapp until they reach the age of 16 years, all such pension to be in lieu of any pension granted the minor children under existing laws.

The amendment was agreed to.

The next amendment was, on page 45, line 14, before the words "per month," to strike out "$27" and insert "$25," so as to make the clause read:

The name of Winfield S. Gregory, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 47, line 7, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Thomas Ward, late of Company I, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 48, line 5, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Simon J. Martin, late unassigned, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, line 21, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Thomas L. Jennison, late of Company G, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. WALSH. Mr. President, an error was made in the printing. There should have been an amendment on line 1, page 52, to strike out "$30" and insert "$25." I offer that amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 52, line 1, it is proposed to strike out "$30" and insert "$25," so as to read:

The name of Charles G. Ginther, alias Charles Skinner, late of Company L, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 52, after line 2, to strike out:

The name of Anna Smith, widow of Oscar Smith, late of Company D, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 52, line 21, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of William J. Nash, late of Company K, One hundred and eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 53, line 9, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Asbery Mayfield, late of Company P, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 53, line 17, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Andrew J. Gaskins, late of Company C, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 54, after line 6, to strike out:

The name of Alonzo Whitehouse, late of Company C, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 56, line 5, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Wallace Chamberlin, late of Company I, Forty-ninth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 57, line 1, after the word "determine," to strike out:

Provided further, That in the event of the death of Catherine O'Connor, the name of said Ellen O'Connor shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Catherine O'Connor.

So as to make the clause read:

The name of Catherine O'Connor, widow of Timothy O'Connor, late of Company H, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ellen O'Connor, helpless and dependent child of said Timothy O'Connor, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was on page 58, line 5, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Henry Daniels, late of Company D, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. THOMPSON. Mr. President, in the consideration of Senate bill 3799, a few days ago, an item was dropped from the bill which provided for pensioning Joseph T. Lewis, late of Company G, Eleventh Regiment Indiana Volunteers, at the rate of $50 a month, on the erroneous statement that he had died. A letter was written to Mr. Lewis at the soldiers' home where he was living, and he having left there, the adjutant, through mistake, wrote on the letter that he was reported dead, and returned it. As a matter of fact, he had returned to his home at Parsons, Kans., and I have a letter from the commander of the Grand Army post there stating that the old gentleman is there, and much alive, although he is very aged, 83 years old, and is almost blind, and is lame, requiring to walk with a cane, having been wounded twice in the service, and having served four years.

I ask that this item may be made a part of this bill, in order that the old soldier may yet realize some of the benefits of this pension. The item was dropped through mistake and there should certainly be no objection to it being inserted in this bill.

The VICE PRESIDENT. The Senator from Kansas offers an amendment, which will be stated by the Secretary.

The SECRETARY. It is proposed to insert in the bill the following amendment:

The name of Joseph T. Lewis, late of Company G, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. WALSH. Mr. President, I have become satisfied that the report which came to the committee after this item was favorably reported upon some time ago, to the effect that the man was dead, was, as in the case of one of our famous humorists, somewhat exaggerated. Inasmuch as it has received the approval of both Houses of Congress, I think no objection should be taken to the consideration of this item as an amendment to the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

AIRCRAFT PRODUCTION.

Mr. BORAH. Mr. President, I observe a statement in the morning papers to which I desire to call attention, because I think the usually accurate reporters have been misled. The statement reads as follows:

It can not be said that the acceptance by Charles E. Hughes of the invitation of the President to participate in the investigation is approved by Republican leaders in the Senate. This may be due to the unpopularity of the recent candidate with Senate Republican leaders. The comment of a group of certain Senators high in the political councils of their party would make most interesting reading in this connection if it were permissible to print it.

Mr. President, I do not assume to speak for the Republican leaders, although I venture to say that the reporter is in error as to his conclusion even as to the leaders. I do say, however, upon the part of some others who are humble members of the party, that they do not look unfavorably upon the acceptance by Mr. Hughes of this position.

Ordinarily, I should not call attention to a matter of this kind; but this whole situation with reference to aircraft is one of extreme sensitiveness throughout the country and of vast moment throughout the world. So far as I am individually concerned, I should not want to be regarded as one of those who look with disfavor upon this appointment, if anyone does. Indeed, I have heard no one criticize it. I think the President did a most wise and patriotic thing in appointing Mr. Hughes, and I think Mr. Hughes was most wise and patriotic in accepting the position. I believe that that is the view of the Republican Members of the Senate, including both the leaders and those who do not assume to be leaders.

Mr. LODGE. Mr. President, does the Senator know of any Republican Senator who has disapproved the choice of Mr. Hughes or thought otherwise than well of him?

Mr. BORAH. No; the comment I have heard has been all the other way.

Mr. LODGE. That is my own impression.

Mr. BORAH. I simply call attention to it because it would be extremely unfortunate for that kind of a view to go out to the country. The President and Mr. Hughes are both to be commended in this matter.

STATUE OF FREDERICK THE GREAT.

Mr. GALLINGER. Mr. President, on yesterday I submitted a resolution which, under objection, went over. I have been engaged in the Committee on Appropriations all the morning, and I now ask unanimous consent that the resolution lie on the table without prejudice and not be placed on the calendar.

The VICE PRESIDENT. Without objection, the resolution will lie on the table.

APPLICATIONS FOR HOMESTEAD ENTRIES.

The bill (S. 3797) validating certain applications for and entries of public lands, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments.

The first amendment was, on page 3, after line 6, to insert:

Additional homestead entry, Rapid City, S. Dak., No. 027300, made by Jesse D. Elliott on April 20, 1912, under act of June 11, 1906 (34 Stat. L., 233), for a tract of 65.49 acres of land situate in sections 29, 31, and 32, township 2 south, range 3 east, Black Hills meridian.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to strike out:

Homestead entries, La Grande, Oreg., Nos. 012078 and 014138, made by Lucy Campbell for the east half of the northwest quarter, east half of the southwest quarter, section 15, and the west half of the northwest quarter, northwest quarter of the southwest quarter, section 15, and the southwest quarter of the southwest quarter, section 10, township 9 south, range 32 east, Willamette meridian.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to insert:

Homestead entry, Cheyenne, Wyo., No. 05288, made by Douglas Jiggetts on November 10, 1909, for the east half, section 20, township 15 north, range 67 west, sixth principal meridian, such patent to be issued to William Smith, devisee of Annie Jiggetts, deceased, widow of Douglas Jiggetts, deceased.

The amendment was agreed to.

The next amendment was, at the top of page 9, to insert:

Desert-land entry, Denver, Colo., No. 016429, made by John N. Baker on January 25, 1912, for the southeast quarter southeast quarter, section 30, and west half southwest quarter, section 29, township 8 north, range 81 west, sixth principal meridian.

The amendment was agreed to.

The next amendment was, at the top of page 11, to insert:

SEC. 8. That the Secretary of the Interior be, and he is hereby, authorized to allow Alfred St. Michell to make homestead entry for the northwest quarter southeast quarter, section 10, township 21 north, range 24 west, Montana meridian: *Provided*, That he file a proper application for the land and pay the appraised price therefor within 60 days from receipt of notice from the register and receiver that the land has been opened to entry.

Mr. LENROOT. Mr. President, there seem to be several entries that are proposed to be validated by this bill that are not included in any report from the committee or any report from the Secretary of the Interior; and the present amendment seems to be one of them.

Mr. MYERS. Mr. President, I am told that these bills are all mentioned in the report. The bill is a long one.

Mr. LENROOT. I will say to the Senator that I have checked over the items; we had a similar bill in the House, and there seem to be four entries in this bill that have had no report from the Secretary and are not included in the report of the committee.

Mr. MYERS. If that is the case, I am sure they were introduced as separate bills, and by the committee incorporated in this omnibus bill as amended, and that the report is on the separate bills. I am sure there is not an item in this bill but that has been requested by the Interior Department and recommended by the Interior Department. Many of these items were introduced as separate bills, and recommended by the department, and then by the committee incorporated in this bill. The report would be on the separate bills in that event, and not on this particular bill.

Mr. LENROOT. I will state to the Senator that three of the items upon which there is no report are not in the form of amendments but are in the bill as introduced by the Senator. This is the only amendment proposed by the committee that is not included. The other three that are not reported upon are found in the original bill introduced by the Senator.

Mr. MYERS. This bill was sent to me by the Interior Department with the request that it be introduced to cover certain entries about which there was some technical defect, which the Interior Department thought were meritorious and should be granted by this legislation.

Mr. LENROOT. Upon the assurance of the Senator that all these items have been recommended by the Secretary, I shall not object.

Mr. MYERS. Every one came from the Interior Department. I am not personally interested in a single one.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the committee.

The amendment was agreed to.

The next amendment was, on page 11, after line 8, to insert:

SEC. 9. That the Secretary of the Interior be, and he is hereby, authorized to allow Dorothea V. Stillman to make homestead entry for the east half of the northwest quarter, section 32, township 21 north, range 19 west, Montana meridian: *Provided*, That she file a proper application for the land and pay the appraised price therefor within 60 days from receipt of notice from the register and receiver that the land has been opened to entry.

The amendment was agreed to.

The next amendment was, on page 11, after line 16, to insert:

SEC. 10. That John McW. Ford, of Shreveport, La., be, and hereby is, authorized to enter at the minimum price of $1.25 per acre, lot numbered 7 of section 14, township 18 north, range 14 west, Louisiana meridian, Caddo Parish, La., in virtue of his long settlement, bona fide title, and possession, and valuable improvements thereon.

The amendment was agreed to.

The next amendment was, on page 11, after line 23, to insert:

SEC. 11. That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to Christian Frederickson, of Ray, N. Dak., upon homestead entry No. 01209, made at Williston, N. Dak., on October 27, 1908, for the northwest quarter of the northeast quarter of section 32, in township 157 north, of range 96 west, of the fifth principal meridian, upon which satisfactory proof of compliance with law has been filed, provided he shall have paid the price of 15.17 acres at the rate of $1.25 per acre.

The amendment was agreed to.

The next amendment was, on page 12, after line 10, to insert:

SEC. 12. That the Secretary of the Interior be, and he is hereby, authorized to allow Lloyd B. Barley, of Barley, Mont., to make individual selection, within one year from the date of the approval of this act, of 160 acres of unappropriated, surveyed, nonmineral public land upon his filing formal relinquishment of all right and claim to the former entry and reconveyance of same to the United States: *Provided*, That the right of selection hereby granted shall not be assignable but must be exercised by the said Lloyd B. Barley in person, or, in case of his death, by or in behalf of the decedent's heirs: *Provided further*, That the land selected shall be of similar general character to that in the original homestead, but if selection is made of land designated or subject to designation, under the enlarged homestead act, double the area of the selection authorized in the foregoing paragraph may be selected: *Provided further*, That the selection hereby authorized may be made subject to existing laws relating to surface entry, with reservation of minerals to the United States.

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to insert:

SEC. 13. That the Secretary of the Interior is hereby authorized to sell and patent to Laura E. Graves, of Columbia, La., lots 3, 5, 6, 9, and 10, and southwest quarter of southeast quarter; west half of southwest quarter and lots 7 and 8; and northwest quarter of section 36, township 14 north, range 4 east, Louisiana meridian, situated in Caldwell Parish, La., at $1.25 per acre, lands which she and her grantors have occupied, under claim and color of title from the State of Louisiana, ever since November 4, 1854: *Provided*, That application for the purchase of the described tracts, under this authorization, be filed at the United States land office in Baton Rouge, La., within 60 days from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATTLE FROM TICK-INFESTED TERRITORY.

The bill (S. 3469) to amend an act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," approved August 10, 1917, was considered as in Committee of the Whole.

The bill was reported from the Committee on Agriculture and Forestry with amendments.

The first amendment was, on page 2, line 14, after the word "admission," to insert "into the United States."

The amendment was agreed to.

The next amendment was, after the word "entry," in line 15, to insert "to be designated in said joint regulations."

Mr. SHEPPARD. In line 15, in the committee amendment, page 2, after the word "regulations," I move to insert "except as hereinafter provided."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHEPPARD. I move to add the following proviso at the end of the bill.

The SECRETARY. It is proposed to insert at the end of the bill the following proviso:

And provided further, That the slaughter of all such cattle imported into the Territory of Porto Rico may be deferred for such time and under such restrictions as the Secretary of Agriculture may by regulation prescribe.

Mr. GRONNA. I ask the Senator from Texas if this amendment was recommended by the Department of Agriculture?

Mr. SHEPPARD. It was recommended by the Department of Agriculture, and the Delegate from Porto Rico requested that this amendment be added.

Mr. GRONNA. I do not know that these amendments have been considered by the committee.

Mr. SHEPPARD. The amendment as to Porto Rico was not considered by the committee, but it was recommended by the Department of Agriculture after the committee had passed on the bill.

Mr. GRONNA. Will the Senator kindly explain to the Senate why this amendment should be inserted in the bill?

Mr. SHEPPARD. I ask the Secretary to read a letter from the Delegate from Porto Rico which will explain the situation. I received this letter from him after the committee had had the bill under consideration.

The VICE PRESIDENT. The letter will be read.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., March 29, 1918.

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

DEAR SENATOR: I have the honor to request, on behalf of the people of Porto Rico, that the bill introduced by you, S. 3469, providing for the importation of cattle from tick-infested territory under certain conditions, be so amended as to permit the admission into Porto Rico for slaughter within the period prescribed by the Secretary of Agriculture and the Secretary of the Treasury of tick-infested cattle which are otherwise free from contagion and which have not been exposed to the infection of any other disease within 60 days next before their importation from Mexico, South and Central America, the islands of the Gulf of Mexico and the Caribbean Sea.

As you are aware, Porto Rico is in the tick-infested zone, and if the cattle are otherwise healthful it would seem that no injury could arise from the traffic which is so much desired by the people of our island. I suggest this amendment, because in our country, by reason of the lack of refrigerators and other facilities, it will be impossible to immediately slaughter at one time the entire cargo of cattle imported.

If the Secretary of Agriculture is allowed within his discretion to permit the admission of the cattle for slaughter within a certain period, then it would be possible to make arrangements satisfactory to all.

On behalf of the people of the island, I am therefore addressing you in the hope that you will agree to the incorporation of an additional section, as follows:

"*Provided further*, That the Secretary of Agriculture within his discretion, and under such joint regulation as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, may permit the importation into Porto Rico for slaughter, within a certain period prescribed by such regulations, of tick-infested cattle which are otherwise free from disease and which have not been exposed to the infection of any other disease within 60 days next before their exportation from Mexico, South and Central America, the islands of the Gulf of Mexico and the Caribbean Sea."

Trusting that it will meet with your favorable consideration, I am,

Yours, truly,

FELIX CORDOVA DAVILA.

Mr. GRONNA. May I ask the Senator if this amendment is approved by the Secretary of Agriculture?

Mr. SHEPPARD. It is. I have a letter here from the Agricultural Department.

Mr. GRONNA. I should like to have it inserted in the RECORD, because the committee is not responsible for this legislation, and some one ought to be responsible for it.

Mr. SHEPPARD. I shall be glad to have the letter from the department inserted in the RECORD. Mr. President, I make a request to that effect.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, April 15, 1918.

Hon. MORRIS SHEPPARD,
United States Senate.

SIR: I have your letter of March 30, inclosing a letter from Hon. Felix Cordova Davila requesting on behalf of the people of Porto Rico an amendment to the bill introduced by you, S. 3469, so as to make possible the importation of tick-infested cattle from Mexico, South and Central America, and the islands of the Gulf of Mexico and the Caribbean Sea into Porto Rico, for slaughter within a reasonable period of time, under such regulations as may be prescribed jointly by the Secretaries of the Treasury and of this department.

You are advised that, in the opinion of this department, there would appear to be no serious objection to an amendment such as that proposed, provided the cattle from those countries are permitted for slaughter and for no other use whatsoever. The cattle of South and Central America are infested with a different variety of fever tick from that in our Southern States, which may be more difficult to destroy or eradicate. Cattle from these countries brought into Porto Rico should not in any case be permitted to mingle with other cattle or live stock in Porto Rico or go on any lands or premises accessible to other cattle and live stock, but should be segregated, handled, and transported under practically the same restrictions as required in the handling and transportation of tick-infested cattle for slaughter.

In compliance with your request that if the attitude of the department is favorable to the proposed measure I prepare an amendment in proper form, I beg to submit for your consideration the following, which if added to the bill as a proviso clause will, I believe, effectuate the purpose desired:

"*And provided further*, That the slaughter of all such cattle imported into the Territory of Porto Rico may be deferred for such time and under such restrictions as the Secretary of Agriculture may by regulation prescribe."

If it be decided to add this paragraph to the bill, it would be advisable, I think, to amend the bill in the following particular: In line 7 of page 2 of the report of the Committee on Agriculture and Forestry, dated March 25, 1918, submitting an amendment to S. 3469, after the words "to be designated in said joint regulations," insert the words "except as hereinafter provided." With reference to the original bill, this insertion would occur in line 13 of page 2.

The letter of Hon. Felix Cordova Davila is herewith returned.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

(Inclosure.)

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHEPPARD. I ask, Mr. President, that the bill as passed by the Senate be inserted in the RECORD.

There being no objection, the bill as passed was ordered to be printed in the RECORD, as follows:

A bill (S. 3469) to amend an act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," approved August 10, 1917.

Be it enacted, etc., That the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," approved August 10, 1917, be, and the same hereby is, amended so as to strike out, in section 9, after the words "Caribbean Sea," the following: "into those parts of the United States below the southern cattle quarantine line at such ports of entry as may be designated by said joint regulations and also," so that the section as amended will read as follows:

"SEC. 9. That the act of August 30, 1890, entitled 'An act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes' (26 Stat. L., p. 414), is hereby amended so as to authorize the Secretary of Agriculture, within his discretion and under such joint regulations as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, to permit the admission into the United States for immediate slaughter at ports of entry to be designated in said joint regulations, except as hereinafter provided, of tick-infested cattle which are otherwise free from disease and which have not been exposed to the infection of any other disease within 60 days next before their exportation from Mexico, South and Central America, the islands of the Gulf of Mexico and the Caribbean Sea, subject to the provisions of sections 7, 8, 9, and 10 of said act of August 30, 1890: *Provided*, That the importation of tick-infested cattle from any country referred to in this section in which foot-and-mouth disease exists, which existence shall be determined by the Secretary of Agriculture, is prohibited: *Provided further*, That all cattle imported under the provisions of this section shall be slaughtered in accordance with the provisions of the act of June 30, 1906 (34 Stat. L., p. 674), commonly called the meat-inspection amendment, and the rules and regulations promulgated thereunder by the Secretary of Agriculture, and that their hides shall be disposed of under rules and regulations to be prescribed by the Secretary of Agriculture; *And provided further*, That the slaughter of all such cattle imported into the Territory of Porto Rico may be deferred for such time and under such restrictions as the Secretary of Agriculture may by regulation prescribe."

LANDS IN WYOMING.

The bill (S. 728) to permit the State of Wyoming to relinquish to the United States lands heretofore selected and to select other lands from the public domain in lieu thereof, was announced as next in order.

Mr. LENROOT. Let the bill go over.

The VICE PRESIDENT. It will go over.

ADULT ILLITERACY.

The bill (S. 4185) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will go over.

ALLOTTEES OF THE FIVE CIVILIZED TRIBES.

The bill (S. 4151) to provide for a determination of heirship in cases of deceased members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Tribes of Indians in Oklahoma, conferring jurisdiction upon district courts to partition lands belonging to full-blood heirs of allottees of the Five Civilized Tribes, and for other purposes, was announced as next in order.

Mr. GRONNA. Let that go over.

The VICE PRESIDENT. The bill will go over.

COURTS IN SOUTH CAROLINA.

The bill (S. 4135) to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,' approved September 1, 1916," so as to change the time of holding courts in the western district of South Carolina, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That section 5 of the act of March 3, 1915, entitled "An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes," as amended by the act approved September 1, 1916, be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That the terms of the district court for the eastern district shall be held at Charleston on the first Tuesday in June and the first Tuesday in December; at Columbia on the third Tuesday in January and the first Tuesday in November; at Florence on the first Tuesday in March; and at Aiken on the first Tuesday in April and the first Tuesday in October.

"Terms of the district court for the western district shall be held at Greenville on the second Tuesday in August and the third Tuesday in February; at Rock Hill on the fourth Tuesday in November and the second Tuesday in May; at Greenwood on the second Tuesday in September and the third Tuesday in March; and at Anderson on the third Tuesday in October and the second Tuesday in January.

"The office of the clerk of the district court for the western district shall be at Greenville, and the office of the clerk of the district court for the eastern district shall be at Charleston."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the act of September 1, 1916, entitled 'An act to amend an act entitled "An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes," approved March 3, 1915, so as to provide for terms of the district court to be held at Anderson, S. C.,' so as to change the time of holding courts in the western district of South Carolina."

FRED H. GALLUP.

The bill (S. 3945) to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army was announced as next in order.

Mr. WADSWORTH. Let that go over.

Mr. KENYON. I hope not.

Mr. WADSWORTH. I have very great doubt as to the wisdom of this kind of legislation, reinstating an officer in the Army who was dismissed.

Mr. KENYON. I wish to say to the Senator, whether he knows it or not, that his committee reported the bill, and that one of the other officers in the same class has been reinstated by act of Congress. It is a very trivial affair. This man has an untarnished record of 21 years in the service, and it is nothing but a libel on his record. If the Senator will read the report from his own committee——

Mr. WADSWORTH. I have read the report.

Mr. KENYON. Of course, the Senator has a right to object, but he is doing, I think, a great wrong to this man.

Mr. WADSWORTH. Was not this a case where a court-martial was had and he was dismissed?

Mr. KENYON. I do not know. He was discharged from the service. I do not know whether it was by a court-martial or not.

Mr. WADSWORTH. My recollection is that there was a court-martial in his case, but I am not absolutely certain. I would like to be informed on that point. I think he pleaded guilty.

Mr. KENYON. He immediately confessed what he had done. He used some unauthorized assistance in making topographical maps. He should not have done it. He had been under a severe strain for days and weeks. This matter so bore upon him that he attempted to commit suicide. He shot himself. He recovered from that. All the Army officers who were associated with him say that the Army needs him. He was acting under a temporary impulse which he himself does not justify in any way. He made a mistake and promptly confessed it. One mistake in 21 years of service is hardly sufficient to keep a man out of the Army. He is an engineer, a first-class ordnance officer, and he is needed in the Army. At the present time he is employed at a large salary in a munitions factory, and would make a sacrifice financially to go into the Army; but he has that pride a soldier has to go back. Of course, if the Senator wants to look into it further, well and good. I am sure he will be satisfied with the justice of the bill.

Mr. WADSWORTH. I should like to look into it. I should like to understand whether there was a court-martial; and if so, what was the ground of its finding, because it is a fact that officers have been dismissed from the Army for delinquencies far less serious than this one and never get any opportunity to return to it.

Mr. KENYON. The other officer in the same affair, in making the same map, using unauthorized assistance, has been reinstated by act of Congress.

Mr. LODGE. Has objection been made to the consideration of the bill?

The VICE PRESIDENT. That is what the Chair is trying to find out.

Mr. WADSWORTH. I think it had better go over.

The VICE PRESIDENT. It will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4193) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

It proposes to pension at the rates given the following persons:

William C. Black, late of Company B, Second Regiment Oregon Volunteer Infantry, War with Spain, $12.

James Golden, late of Company K, First Regiment Montana Volunteer Infantry, War with Spain, $12.

Elmer H. Martin, late of U. S. S. *Pennsylvania*, United States Navy, Regular Establishment, $10.

Kathryn B. Steiner, widow of Charles J. Steiner, late of Company H, Forty-seventh Regiment United States Volunteer Infantry, War with Spain, $25 per month and $2 per month additional on account of the minor child of said Charles J. Steiner until she reaches the age of 16 years.

Anthony W. Presley, late of Capt. C. Bennett's Company F, First Regiment Oregon Mounted Volunteers, and first lieutenant Capt. B. Miller's Company J, Second Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian War, $30 per month in lieu of that he is now receiving.

Pyrrhus Williams, late of Battery E, Fifth Regiment United States Artillery, War with Spain, $12.

Ellsworth E. Welch, late of Battery D, First Regiment United States Artillery, War with Spain, $17 per month in lieu of that he is now receiving.

Edward L. Frabe, late of Company L, Fifth Regiment Illinois Volunteer Infantry, War with Spain, $12 per month in lieu of that he is now receiving.

Thomas S. Gher, late of Company C, Fourth Regiment Illinois Volunteer Infantry, War with Spain, $17.

Thomas E. Cruess, late of U. S. S. *Supply* and *Independence*, United States Navy, Regular Establishment, $20 per month in lieu of that he is now receiving.

George W. Gray, late of Company C, Eighth Regiment United States Volunteer Infantry, War with Spain, $12 per month in lieu of that he is now receiving.

John Stone, late of Sixty-seventh Company, United States Coast Artillery, War with Spain, $30 per month in lieu of that he is now receiving.

Thomas Bailey, late of Capt. Alcorn's Company G, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian War, $30 per month in lieu of that he is now receiving.

Thomas Harrison, late of Troops D and A, Third Regiment United States Cavalry, Regular Establishment, $20 per month in lieu of that he is now receiving.

Mary C. Christensen, dependent mother of Harvey Christensen, late of Company I, First Regiment Colorado Volunteer Infantry, War with Spain, $12.

Mamie E. Bridgwater, widow of Samuel Bridgwater, late of Company A, Twenty-fourth Regiment United States Infantry, Regular Establishment, $25 per month, and $2 per month additional on account of each of the minor children of said Samuel Bridgwater until they reach the age of 16 years.

William Shoemaker, late of Company B, Twelfth Regiment Minnesota Volunteer Infantry, War with Spain, $17.

Harry H. Hallock, late of Company C, Battalion of Engineers, United States Army, War with Spain, $12.

John Aldrich, late of Company E, First Regiment Rhode Island Volunteer Infantry, War with Spain, $12.

Luther C. Wright, late of Company A, Twenty-second Regiment United States Infantry, Regular Establishment, $40 per month in lieu of that he is now receiving.

Albert P. Ramsey, late of Hospital Corps, United States Army, Regular Establishment, $20 per month in lieu of that he is now receiving.

William W. Cook, late of Company I, Eighteenth Regiment United States Infantry, Regular Establishment, $12.

Robert L. McFarland, late of Company M, Seventh Regiment United States Infantry, Regular Establishment, $17 per month in lieu of that he is now receiving.

George White, late of Troop C, Tenth Regiment United States Cavalry, Regular Establishment, $12.

Harvey Day, late of Company M, Eighteenth Regiment United States Infantry, War with Spain, $50 per month in lieu of that he is now receiving.

Etta S. Jeffrey, widow of Howard F. Jeffrey, late first lieutenant Company E, Second Regiment Nebraska Volunteer Infantry, War with Spain, $25.

Martha H. Saers, widow of Charles O. Saers, late of Company D, First Regiment District of Columbia Volunteer Infantry, War with Spain, $25 per month and $2 per month additional on account of the minor child of said Charles O. Saers until she reaches the age of 16 years.

Abbie M. Peabody, dependent mother of James F. Peabody, late of Company L, Twenty-second Regiment Kansas Volunteer Infantry, War with Spain, $12.

Richard McDermott, late of Company F, Fourth Regiment United States Infantry, Regular Establishment, $12 per month in lieu of that he is now receiving.

John M. Taylor, late of Company H, Tenth Regiment United States Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Lottie J. Miller, widow of Richard L. Miller, late captain Company L, Third Regiment Virginia Volunteer Infantry, War with Spain, $25.

Lawrence O. Loughlin, late of Company D, Twentieth Regiment United States Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Walter J. Hawthorne, late of Company I, First Regiment Connecticut Volunteer Infantry, War with Spain, $30.

Martha Doyle, late of Company I, Fourteenth Regiment United States Infantry, Regular Establishment, $20.

Israel Wood, late of Company K, First Regiment Oregon Riflemen, Cayuse Indian War, $30 per month in lieu of that he is now receiving.

Sarah Whittle, widow of Frank Whittle, late of Captain Warbass's company, Washington Territory Volunteers, Oregon and Washington Territory Indian War, $20 per month in lieu of that she is now receiving.

Catherine Grace, dependent mother of John T. Grace, late of U. S. S. *Indiana*, United States Navy, Regular Establishment, $20.

Henrietta A. Forbes, widow of Theodore F. Forbes, late colonel Twenty-seventh Regiment United States Infantry, and brigadier general, United States Army, retired, Regular Establishment, $50 per month in lieu of that she is now receiving.

William W. Keyser, late of Company I, Twenty-second Regiment United States Infantry, War with Spain, $17.

Virginia A. Porter, widow of Sanford Porter, late of Company E, Mormon Battalion, Iowa Volunteers, War with Mexico, $20 per month in lieu of that she is now receiving.

Edwin C. Gasque, late of the Eighty-second Company, United States Coast Artillery, Regular Establishment, $12.

Charles H. Lufkin, late of Company A, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, $12.

Sallie Hardwick, widow of Linus Hardwick, late of Company H, First Regiment Florida Volunteer Infantry, War with Spain, $25 per month, and $2 per month additional on account of the minor child of said Linus Hardwick until she reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSTRUCTION OF NEW BUILDINGS.

Mr. CALDER. Mr. President, I have received a letter from the Secretary of the Treasury in criticism of a statement I made several days ago in the Senate while the housing bill was under consideration. I send the letter to the desk and ask that it be read.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

THE SECRETARY OF THE TREASURY,
Washington, May 11, 1918.

DEAR SENATOR CALDER: From the proceedings of the Senate of May 9, 1918, CONGRESSIONAL RECORD, page 6258, you are quoted as saying:

"At no time in the history of New York have we needed more than at present new buildings for people to live in. We are prevented from having them to some extent because of the attitude of the Treasury Department in advising the banks and mortgage companies against loaning money upon mortgages on real estate. If the Treasury Department changed its attitude, the money could be obtained, new building would be encouraged, and we might then be able to help the housing problem we are facing here."

This statement is so wholly without foundation that I am amazed that you would make it. The Treasury Department has at no time taken any such attitude, nor has it ever advised banks or mortgage companies against loaning money upon mortgages on real estate.

I have advised against the construction of unnecessary buildings during the period of the war, but I have laid emphasis upon unnecessary building. I have stated publicly that—

"Where it is a question of need—be it on account of sanitary conditions or because without such new construction other operations essential at this time for the welfare of the country would suffer—there is no doubt that the work should be undertaken. This applies equally to construction work in cities and towns and in farming districts." (See my letter to the American Lumberman, copy of which is attached.)

In a letter to Mr. Gompers, dated March 15, 1918, in reply to a resolution adopted by the Building Trades Council of San Francisco, I said:

"Building operations which are not required to protect the health or provide for the comfortable needs of our people or to supply facilities necessary for the proper conduct of business essential to the successful prosecution of the war should be postponed."

I inclose a copy of that letter, also.

The attitude of the Treasury Department has been that capital which is needed during the period of the war should not be employed in the construction of unnecessary buildings at this time. But there has never been any suggestion that buildings actually needed for the health and protection of the civil population or for the conduct of essential business of the country should not be constructed during the period of the war.

I hope that you will correct your erroneous statement by the inclusion of this letter in the proceedings of the Senate.

Faithfully, yours, W. G. MCADOO.

Hon. WILLIAM M. CALDER,
United States Senate.

Mr. CALDER. Mr. President, when I made the statement referred to in the letter of the Secretary of the Treasury just read I believed I was stating the case accurately. Evidently that was the impression also of the American Lumberman and the Building Trades Council of San Francisco when they complained of the action of the Treasury Department on the question of constructing buildings throughout the country.

Early in this year the Secretary of the Treasury or the Department of the Treasury issued a bulletin having to do with the construction of new buildings. Subsequently the Federal Reserve Board issued a statement on the same subject. As I have been deeply interested in this matter, realizing the effect of these two statements, I called upon the Secretary of the Treasury and, in his absence, called upon a member of the Federal Reserve Board. I received the impression there that it was the purpose of the Treasury Department and the Federal Reserve Board to stop, as far as it was within their power so to do, the construction of all new buildings. The bulletins I have referred to evidently had the effect that I stated when I addressed the Senate on the housing problem.

Mr. President, these bulletins undoubtedly reached the banks and mortgage companies of the country, if not directly through the Treasury Department, at least by these institutions reading them in the financial newspapers of the country. I know of my own knowledge that many institutions usually loaning money on real-estate mortgages have stopped loaning money on mortgages of that character because of their belief that the Treasury Department proposed discouraging such mortgages.

In connection with the same subject, Mr. President, on Friday of last week a committee representing the building-material dealers of Greater New York called upon the War Industries Board and was there advised that it was the purpose of that board in the course of a few days to promulgate an order stopping building construction of every sort in the city of New York. When that committee informed me of this fact, naturally I was dumbfounded at the suggestion, but it was in line with the information I had obtained, and I believed I had obtained accurately, from the position of the Treasury Department.

Subsequently I called upon Mr. Baruch, of the War Industries Board, and was glad to receive the assurance from him that it was not the intention of the board to issue any such drastic order, although one of the men in his office had a few days previously so informed the committee interested in the subject.

In connection with the same matter I have a telegram from a prominent builder in New York City, which was sent to me on May 14, in which he says:

NEW YORK, *May 14, 1918.*

Senator CALDER,
Senate Office Building, Washington, D. C.:

May we commend you on your excellent presentation yesterday before the War Industries Board on necessity of permitting building operations in New York City? Last October census taken by tenement department showed 1 per cent vacancies in new-law houses. Ex-Commissioner Murphy stated we required 200,000 apartments to meet increased population.

FRED F. FRENCH CO.

Mr. President, I have been much interested in this subject, and very anxious that no steps should be taken here at Washington which would close down the building industry of the country. Senators may recall that when the housing bill was up the other day I pointed out that the building operations this year in the United States would be less than $300,000,000 as compared with $1,500,000,000 in the year 1916, and that in that year it was less than normal. On the very day that I discussed the housing bill I addressed a communication to the governor of the Federal Reserve Board, Mr. William P. G. Harding, which I ask to have the Secretary read.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, the Secretary will read as requested.

Mr. LODGE. Mr. President, how long does the Senate continue to act under the unanimous-consent agreement? Does it expire at 2 o'clock?

The PRESIDING OFFICER. No.

Mr. CALDER. I will say to the Senator from Massachusetts that I very seldom occupy the floor with matters of this kind.

Mr. LODGE. I was not finding any fault with the Senator, but we are acting under a unanimous-consent agreement, which I dislike to see set aside.

Mr. CALDER. I shall conclude in a moment or two.

Mr. LODGE. I am not interested in it, but I dislike, as I have said, to see the unanimous-consent agreement set aside.

Mr. CALDER. I send to the desk the letter of Gov. Harding, and ask that it be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

Mr. WALSH. Mr. President, I feel very sure that the Senator from New York must be laboring under a misapprehension concerning conditions here. We are proceeding by unanimous consent with the consideration of unobjected bills on the calendar, and the time allotted to that work will expire at 2 o'clock. The matters which the Senator from New York is now presenting to the Senate can just as well be taken up after we are through with the present order.

Mr. SMOOT. Mr. President, I think the Senator from Montana is laboring under a mistake when he states that the time expires at 2 o'clock. The unfinished business was temporarily laid aside for the purpose of considering the calendar.

Mr. WALSH. I understand the purpose of the Senator from Florida [Mr. FLETCHER] is at 2 o'clock to move to take up the unfinished business, and I merely rose to apprise the Senator from New York of the situation of affairs. I felt perfectly certain that he would not have interjected this matter at this time if he were acquainted with the situation of affairs.

Mr. CALDER. This is really a matter of personal privilege, Mr. President, and although I did not, when I rose, ask to address the Senate for that reason, I did ask for and obtained permission to proceed by unanimous consent.

The PRESIDING OFFICER. The Chair is advised that the Senator from Montana [Mr. WALSH] has not formally objected. So the Secretary will read as requested by the Senator from New York.

Mr. LODGE. Mr. President, if it is a case of personal privilege, of course the Senator from New York is entitled to the floor. I was not aware of that fact.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

MAY 8, 1918.

Hon. WILLIAM P. G. HARDING,
Governor Federal Reserve Board,
Treasury Department.

MY DEAR GOV. HARDING: I am addressing you as the governor of the Federal Reserve System, and also as a member of the War Finance Corporation, in relation to the building operations of the country. I know that the Federal Reserve Board has given some consideration to this subject and has issued several bulletins dealing with it.

I have been much concerned over the fact that the building operations in the country, aggregating $1,500,000,000 in the year 1916, which was below the average, will this year fall to less than $300,000,000—private construction. The result of this will be that, as already indicated in the larger cities of the country, we are going to be exceedingly short of housing facilities.

The Government is taking up this subject in so far as it applies to people employed directly on Government work, but unless some further relief comes we will face a serious situation next spring. For that reason I would be glad if the Federal Reserve Board and the War Finance Corporation will take under advisement the question of whether it would not be best to encourage the construction of some new buildings, particularly homes. My opinion is that the situation will be difficult in a short time, and we ought to get ready for it.

Inquiry in New York indicates that the banks and mortgage companies are not loaning any money on building operations and very little on real-estate mortgages. This situation would change if there was some encouragement from the Federal Reserve Board and the War Finance Corporation.

I would be glad to drop in and talk with you regarding the matter and see if something can not be done to protect for the future.

Sincerely, yours,

WM. M. CALDER.

Mr. CALDER. I ask that a letter addressed to me by Gov. Harding be read.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

FEDERAL RESERVE BOARD,
Washington, May 10, 1918.

MY DEAR SENATOR: I acknowledge receipt of your letter of the 8th instant, which I brought to the attention of the Federal Reserve Board and which I shall also bring to the attention of the War Finance Corporation at the first meeting of the directors.

I would be glad to have an opportunity at any time convenient to you of discussing with you steps that should be taken to make private building operations possible, and I would suggest that you also discuss this subject with the new Capital Issues Committee, which I presume will take office within the next few days.

Very truly, yours,

W. P. G. HARDING.

Hon. WILLIAM M. CALDER,
United States Senate, Washington, D. C.

Mr. CALDER. Mr. President, I am firmly convinced that with the slightest encouragement on the part of the Government the great building industry of this country can proceed. Within a few days I have received letters from representatives of the brick-making industry on the Hudson River, advising me that they had in their brickyards over 300,000,000 bricks ready to be used, and that there was no place to use them. I have letters from cement manufacturers, from lumbermen, and from numerous builders, stating that the attitude of the Government here in discouraging building operations has completely paralyzed their business throughout the country. They tell me that both men and material are available.

So, Mr. President, I have brought this matter to the attention of the Senate to-day, first, in compliance with the letter of the Secretary of the Treasury, and then to justify my statement on the floor of the Senate when the housing bill was under consideration. I regret that I in some degree misquoted the attitude of the Department of the Treasury; but perhaps, after all, it is best that I did so, because the matter has been to some extent cleared up. I hope that as a result of what has occurred this morning the country will understand that it is not the purpose of the Treasury Department or of the War Industries Board or of the Federal Reserve Board to discourage building operations where they are necessary.

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4194) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

It proposes to pension the following-named persons at the rates stated:

William Colpetzer, late of Company D, Forty-ninth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Caroline W. Congdon, widow of James A. Congdon, late lieutenant colonel Twelfth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that she is now receiving.

David Craft, late of Company G, Thirteenth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Hezekiah Dixson, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Josiah H. H. Feather, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Uriah P. Getz, late of Company I, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Simeon L. Coen, late of Company B, First Battalion Nevada Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Hugh L. Eyler, late of Company A, Sixtieth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Daniel R. Cokeley, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George B. Douglass, late of Company D, Sixth Regiment West Virginia Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Jacob J. Lee, late of Company C, Sixth Regiment West Virginia Volunteer Infantry, and Battery F, First Regiment West Virginia Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

Samuel McAtee, late of Company B, Third Regiment West Virginia Volunteer Infantry, and Company B, Sixth Regiment West Virginia Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Levi Morris, late of Company C, Seventh Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Benjamin Taylor, late of Company M, First Regiment West Virginia Volunteer Cavalry, $25 per month in lieu of that he is now receiving.

James W. Toothman, late of Company A, Thirteenth Regiment West Virginia Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Christopher C. Stemple, late of Company F, Fifteenth Regiment West Virginia Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Leander N. Thornberry, now known as Frank H. Reynolds, late of Company A, Seventeenth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Frederick J. Young, late of Company C, First Regiment Mississippi Volunteer Mounted Rifles, $30 per month in lieu of that he is now receiving.

Henry Harrison, alias Thomas Carman, late of Company G, One hundred and fifty-eighth Regiment, and Company F, One hundredth Regiment, New York Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Samuel J. Evans, late of Company B, Seventy-fifth Regiment, and Company B, Forty-second Regiment, Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Samuel Cook, late of Company A, Second Regiment District of Columbia Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Julius Cohn, late of Company B, Sixty-ninth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John T. Quinby, late of Company D, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Ira Bier, late of Company A, Third Regiment New York Volunteer Cavalry, and Company F, Fourth Regiment New York Provisional Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Martin H. Conger, late of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Mitchell Larock, late of Company H, Ninety-second Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lewis T. Holstin, late of Company H, Tenth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George W. Welch, late of Company E, First Regiment Maine Volunteer Sharpshooters, and Company E, Twentieth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas R. Alway, late of Company A, Seventy-eighth Regiment, and Company H, Thirty-fourth Regiment, Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Benjamin F. Jacks, late of Company A, Fiftieth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William H. Thompson, late of Company B, Second Regiment Kansas Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Nicholas Johnson, late of Company I, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, $27 per month in lieu of that he is now receiving.

James W. Dorman, late of Company B, Fifty-first Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Davis B. Wilcoxson, late of Company D, Thirteenth Regiment Missouri Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Minard Van Patten, late of Company F, One hundred and tenth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ephraim Otto, late of Company H, Seventh Regiment Missouri Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Daniel Newby, late of Company A, Thirty-sixth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James A. Rutherford, late captain Company I, One hundred and fifteenth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Joseph H. Rowland, late of Company H, Eighty-ninth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles Rhodes, late of Company L, Thirteenth Regiment Tennessee Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Arthur M. Phillips, late of Company L, Fifteenth Regiment Kansas Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Thomas C. Moore, late of Company A, Twelfth Regiment New Jersey Volunteer Infantry, and Sixty-third Company, Second Battalion, Veteran Reserve Corps, $30 per month in lieu of that he is now receiving.

Eleazar L. Miner, late of Company H, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Francis Marsh, late of Company I, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Robert P. Gailer, late of Company D, Thirty-eighth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry W. Ela, late of Company E, Fifth Regiment Kansas Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

James H. Gunion, late of Company F, Thirteenth Regiment Ohio Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Reuben H. Chapel, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Samuel Baird, late of Company B, Tenth Regiment Kentucky Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Albert G. Dodds, late of Company I, Forty-fifth Regiment Iowa Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Charles W. Lindsay, late of Company B, Eighth Regiment Ohio Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Orlando S. Hartman, late of Company H, Twenty-fourth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Benton P. Wood, late of Company C, and sergeant major Second Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Samuel Gray, late of Company G, One hundred and twenty-third Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William H. H. Knight, late of Company G, Twenty-sixth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mark P. Morton, late of Company A, Ninth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Townsend, late of Company H, Eighth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Morey Mulliken, late of Company E, Eleventh Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving, the same to be paid him without deduction or rebate, or rebate on account of former alleged overpayments or erroneous payments of pension.

William P. Cook, late of Company K, First Regiment Maine Volunteer Heavy Artillery, and second lieutenant Company A, First Battalion Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John L. Bradford, late of Company I, Twentieth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John J. Swain, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Daniel W. Green, late of Company G, Sixth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Edward Curtis, late of U. S. S. *Vandalia, Ohio,* and *Marblehead,* United States Navy, $30 per month in lieu of that he is now receiving.

Philander Wright, late of Company F, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Adam Flesher, late of Company H, Seventh Regiment Ohio Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Rufus Reynolds, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James Inman, late second lieutenant Company H, Seventeenth Regiment Massachusetts Volunteer Infantry, $50 per month in lieu of that he is now receiving.

George W. Hill, late of Company E, One hundred and thirty-second Regiment Indiana Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Cyrus Fike, late of Company D, Thirtieth Regiment Indiana Volunteer Infantry, and second lieutenant Company B, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Joseph Bristow, late of Company E, Forty-second Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Gilliam L. Craven, late of Company B, Eighty-ninth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Jabez Smith, late of Company F, Fifty-second Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Albert B. Watrous, late of Company G, Fifteenth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Anna Schuler, widow of Michael Schuler, late of U. S. S. *John Raine,* Mississippi Marine Brigade, $20 per month.

Walter Emerson, late of Company C, Sixth Regiment Ohio Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Thomas J. Walker, late of Company I, Thirty-ninth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

James H. Shutts, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Henry Wheeler, late of Company A, Seventh Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Nathan Vanmetre, late of Company E, Thirty-eighth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John M. Jones, late of Company F, Sixth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lyman F. Deming, late of Company D, One hundred and seventy-ninth Regiment Pennsylvania Drafted Militia Infantry, $27 per month in lieu of that he is now receiving.

George A. Stanhope, late of Company D, Eighteenth Regiment Maine Volunteer Infantry (First Heavy Artillery), $40 per month in lieu of that he is now receiving.

William M. Somers, late of Company F, Fourteenth Regiment Maine Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Joshua A. Epperson, late of Company G, Fifteenth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William F. Hicks, late of Company F, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas G. Higgins, late of Company K, Seventy-sixth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Elisha L. Hyatt, late of Company D, Eighth Regiment Tennessee Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Abner A. Ellis, late of Company I, Seventh Regiment West Virginia Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Charles S. Lavanway, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Franklin Johnson, late of Company B, Twenty-fourth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

David E. Seekins, late of Company L, Second Regiment Maine Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Albert W. Hassan, late of Company F, First Regiment Maine Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Sanford Smith, late of Company D, Forty-sixth Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Bennett B. Fuller, late of Company F, Thirteenth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William H. Kelsay, late of Company K, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, $30 per month in lieu of that he is now receiving.

Elijah Bullock, late of Company H, Thirty-second Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas Dunam, late of Company D, First Regiment Kentucky Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

William R. Jones, late of Company G, Eleventh Regiment Indiana Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Elijah Borin, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, and Company I, Seventh Regiment, and Company E, Sixth Regiment, Kentucky Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Joseph Wolf, late of Company C, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Isaac B. Childs, late of Company H, Fourteenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Francis Dwelley, late of U. S. S. *Kickapoo*, United States Navy, $40 per month in lieu of that he is now receiving.

John Ridenour, late of Company D, One hundred and sixty-third Regiment Ohio Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Charles F. Ward, late of U. S. S. *Vermont*, United States Navy, $50 per month in lieu of that he is now receiving.

John M. Anderson, late of Company C, First Battalion Maine Volunteer Sharpshooters, $30 per month in lieu of that he is now receiving.

George H. Ross, late of Company D, Second Regiment Maine Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

John L. Downing, late of Company H, Eleventh Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas J. Wood, late of Company E, Thirty-seventh Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Melvin C. Wolf, late of Companies L and E, Thirteenth Regiment Tennessee Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Charles Woodall, late of Company D, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Anthony Wilkinson, late of Company I, One hundred and nineteenth Regiment Pennsylvania Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William F. Mullin, late of Company A, Eighty-fourth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William I. Jones, late of Company I, One hundred and eighteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Nathaniel Southard, late of Company B, Sixth Regiment Vermont Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John S. Birdsall, late of Company G, First Regiment Oregon Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William H. Nott, late of Company K, Sixteenth Regiment Connecticut Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Solomon J. Campbell, late of Company G, Thirtieth Regiment Massachusetts Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Christopher C. Ghearhart, late of Company I, One hundred and forty-eighth Regiment, and Company B, Two hundred and eleventh Regiment, Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John W. Morrill, late of Company F, Fourteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William D. Bash, late of Company B, Tenth Regiment West Virginia Volunteer Ihfantry, $50 per month in lieu of that he is now receiving.

Joseph S. Le Hew, late of Company H, Fifteenth Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Henry Chapman, late of Company C, One hundred and fifty-first Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas Madigan, late of Company E, One hundred and forty-first Regiment Illinois Volunteer Infantry, $25 per month in lieu of that he is now receiving.

William H. Comstock, late of United States ship *Fairy*, United States Navy, $30 per month in lieu of that he is now receiving.

Grace E. Waterbury, helpless and dependent daughter of George H. Waterbury, late of Company K, Thirty-ninth Regiment Wisconsin Volunteer Infantry, $12.

William H. McGovern, late of Company G, One hundred and fiftieth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel H. McCormick, late of Company G, Thirty-eighth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Jeremiah McBee, late of Company F, Fifteenth Regiment Kansas Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Oxley Johnson, late of Company D, Twenty-third Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George M. Sawyer, late of Company C, Second Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George O. Miller, late of the Second Battery, Maine Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

Mary M. Sharp, former widow of George Dennison, late of Company G, Sixty-seventh Regiment Indiana Volunteer Infantry $20 per month.

Edward Mills, late of Company G, One hundred and fifty-first Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Isaac Williams, late of Company H, Twenty-first Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Reuben H. Neff, late of Company F, Third Regiment Iowa Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Elijah Roberts, late of Company H, Fifth Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John A. Van Loan, late of Company B, Seventh Regiment Iowa Volunteer Infantry, $56 per month in lieu of that he is now receiving.

Gilbert L. Holmes, late of Company E, First Regiment West Virginia Volunteer Infantry, and first lieutenant Company I, Second Regiment West Virginia Veteran Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Robert Masters, late of Company E, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Benjamin S. Waggener, late of Company A, Third Regiment Missouri Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Eri C. Tuller, late of Company G, Twelfth Regiment, and Company M, Seventeenth Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Catharine A. Kanouff, widow of Jacob O. Kanouff, jr., late of Company G, Sixteenth Regiment New York Volunteer Infantry, and Company A, Twenty-ninth Regiment Ohio Volunteer Infantry, $25 per month.

Charles David Jackson, alias David W. Jackson, late of Company B, Forty-sixth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Sarah S. Hubbell, widow of Henry W. Hubbell, late brigadier general, United States Army, retired, Regular Establishment, $50.

John M. Stephens, late of Company A, One hundred and thirty-second Regiment Illinois Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Thomas M. Wilkey, late of Company D, Sixtieth Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Thomas W. Stone, late of Companies G and A, Twelfth Regiment Tennessee Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

John S. Jordan, late of Company A, Sixteenth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jennie L. Holmes, widow of William H. Holmes, late of the Sixth Battery, Wisconsin Volunteer Light Artillery, $25.

Philip Bixby, late of Company E, Ninety-second Regiment New York Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John McCracken, late of Company H, Fourteenth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William H. Temple, late of Company B, Fifty-second Regiment Massachusetts Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Franz Nibler, late of Company D, Fourth Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph Langenberger, late of Company K, One hundred and seventy-third Regiment Pennsylvania Drafted Militia Infantry, $36 per month in lieu of that he is now receiving.

Frederick H. Barker, late hospital steward, One hundred and sixth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving

John W. Keffer, late of Company E, Fiftieth Regiment, and Company D, Fifty-second Regiment, Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George W. Hamilton, late of Battery K, Second Regiment Illinois Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

Logan Russell, late of Company A, Fifty-first Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph H. Chapman, late of Company E, Thirteenth Regiment, and Company B, Second Regiment, New Hampshire Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Wesley J. Ladd, late of U. S. S. *Rodolph* and *Vermont*, United States Navy, $50 per month in lieu of that he is now receiving.

Richard Hardesty, late of Company E, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, $30 per month in lieu of that he is now receiving.

James M. Alloways, late of Company D, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Taylor Edwards, late of Company D, One hundred and fiftieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Marion Davis, late of Company D, Second Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

William H. Cliff, late of Company F, Tenth Regiment Michigan Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Robert R. Robinson, late captain Company C, Twenty-first Regiment Michigan Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Martin V. B. Clark, late of Company A, Eleventh Regiment Michigan Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Anthon O. Kruger, late acting ensign, United States Navy, $50 per month in lieu of that he is now receiving.

James Hood, late of Company E, Twenty-first Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William H. Phillips, late of Company E, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Barton O'Neal, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and One hundred and forty-seventh Company, Second Battalion, Veteran Reserve Corps, $50 per month in lieu of that he is now receiving.

Wesley Woodard, late of Company H, Fifty-second Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Robert D. Hunter, late of Company G, One hundred and thirty-fourth Regiment Ohio Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Zachariah R. Thornton, late of Company D, One hundred and ninety-second Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Magorien, late of Company F, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Godfrey Bohrer, late of Company D, Thirty-fourth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Evan T. Jay, late of Company K, Forty-sixth Regiment Iowa Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Elizabeth J. Edson, widow of Leander N. Edson, late of Company H, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, $25.

William J. Nelson, late second lieutenant Company B, One hundred and fourth Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Warren H. Rhoades, alias Orin Bush, late of Company C, Second Regiment New Hampshire Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Mathew W. Clark, late of Company D, Sixtieth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Lydia Wixson, dependent mother of Alonzo Wixson, late of Company A, Twentieth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edward A. Rowley, late of Company K, First Regiment Minnesota Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Charles F. Marble, late of Company K, Twenty-fourth Regiment Michigan Volunteer Infantry, $27 per month in lieu of that he is now receiving.

William Mulloy, late of Company H, Eighth Regiment Minnesota Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Frederick Zimmerman, late of Company D, Sixth Regiment Minnesota Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Joseph O. Swigert, late of Company G, Twelfth Regiment Illinois Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

John M. Honeywell, late of Company K, Eighth Regiment Michigan Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

James H. King, late of Company D, First Regiment Missouri State Militia Infantry, and Company F, Thirteenth Regiment Missouri Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Emma J. Naylor, widow of John Naylor, late of Second Independent Battery, Ohio Volunteer Light Artillery, $25 per month.

Alice Hersh, helpless and dependent daughter of John W. Hersh, late of Company I, Twenty-seventh Regiment Ohio Volunteer Infantry, $12 per month.

Edgar Taylor, late of Company K, Third Regiment New York Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Merritt S. Harding, late of Company H, Twenty-third Regiment Michigan Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Nora B. Higgins, helpless and dependent daughter of James Higgins, late of Company K, One hundred and twenty-third Regiment Illinois Volunteer Infantry, $12 per month.

Freeman A. Forbes, late of Company B, Nineteenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George J. Trask, late of Company I, Fifty-sixth Regiment Massachusetts Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Henry Wiese, late of Company I, Forty-first Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

August Schaeffer, late of Companies F and E, Second Regiment Illinois Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Nathan L. Brass, late of Company D, First Regiment Michigan Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

John F. Jackson, late of Company K, Eighth Regiment, and Company D, Twenty-fourth Regiment, Michigan Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George L. Jaquith, late of Company G, Twenty-first Regiment, and Company G, Forty-seventh Regiment, Massachusetts Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William H. Young, late of Company B, Tenth Regiment Missouri Volunteer Infantry, and Companies A and E, First Regiment, Mississippi Marine Brigade, Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Albert J. McGannon, helpless and dependent child of Orlando C. McGannon, late of Company D, One hundred and thirty-second Regiment Indiana Volunteer Infantry, $12.

Amos B. Horton, late of Company K, One hundred and third Regiment Ohio Volunteer Infantry, and Company D, Twelfth Regiment Michigan Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Frank D. Russell, late of Company H, One hundred and thirty-second Regiment Indiana Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Mr. WALSH. Mr. President, I offer the amendment to the bill which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 1, after line 9, it is proposed to strike out the following clause:

The name of Caroline W. Congdon, widow of James A. Congdon, late lieutenant colonel Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

Mr. WALSH. I will state that the committee has been informed that the beneficiary has died.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. WALSH. On page 4, I move to strike out lines 13, 14, 15, 16, and 17.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, after line 12, it is proposed to strike out:

The name of Leander N. Thornberry, now known as Frank H. Reynolds, late of Company A, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. WALSH. On page 11, line 19, I move to strike out the words "or rebate."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 11, line 19, it is proposed to strike out the first words in the line, the words "or rebate."

The amendment was agreed to.

Mr. WALSH. On page 28, I move to strike out lines 7, 8, 9, and 10.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 28, after line 6, it is proposed to strike out:

The name of Logan Russell, late of Company A, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. WALSH. On page 34, I move to strike out lines 13, 14, 15, and 16.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 34, after line 12, it is proposed to strike out:

The name of George J. Trask, late of Company I, Fifty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. SMOOT. Mr. President, I take it for granted that the items which have been stricken from the bill have been eliminated because of the death of the proposed beneficiaries since the bill was reported to the Senate.

Mr. WALSH. They are cases of that character.

Mr. SHAFROTH. I heard the name "Logan Russell" read. I am aware that he is dead, and I inquire if the purpose of the amendment is to strike that item from the bill?

Mr. WADSWORTH. It is.

Mr. SHAFROTH. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUT-OVER PUBLIC LANDS.

The bill (S. 2714) authorizing the removal of stumps from cut-over Oregon and California lands was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to grant within his discretion free permits for the removal of stumps from cut-over timberlands embraced within the former grant to the Oregon & California Railroad Co. and revested in the United States by the act of June 9, 1916 (39 Stats., p. 218), subject to such terms and conditions as he may impose for the protection of all rights and interests of the United States and such others, if any, that may be affected thereby, and the Secretary is further authorized to make any and all regulations found necessary to carry into effect the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WYOMING NATIONAL FOREST.

The bill (S. 1847) to authorize the addition of certain lands to the Wyoming National Forest was considered as in Committee of the Whole. It provides that any lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may be included within and made a part of the Wyoming National Forest by proclamation of the President, such lands to be thereafter subject to all laws affecting national forests: All of township 29 north, range 118 west; all of township 29 north, range 119 west; sections 5, 6, 7, 8, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, township 30 north, range 118 west; all of township 30 north, range 119 west; sections 7, 18, 19, 30, 31, and west half of section 32, township 31 north, range 118 west; sections 19 to 36, inclusive, township 31 north, range 119 west; all of the sixth principal meridian, Wyoming.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS AND SAILORS' CIVIL-RELIEF ACT.

The concurrent resolution (H. Con. Res. 39) to authorize the printing of 250,000 copies of the soldiers and sailors' civil-relief act, approved March 8, 1918, etc., was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

COOSA RIVER ISLAND, ALA.

The bill (S. 1760) to authorize the sale and disposal of an island in the Coosa River, in the State of Alabama, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 5, after the word "navigation," to insert "or of water power"; and in line 8, after the word "improvement," to insert "or of the development of water power," so as to make the bill read:

Be it enacted, etc., That, with the assent of the Secretary of War, that certain island in Coosa River, St. Clair County, Ala., known as Rock Island, and described upon the official plat of survey as lot 1, section 24, township 14 south, range 5 east, and lot 1, section 19, township 14 south, range 6 east, Huntsville meridian, containing 2.55 acres, may be restored to entry, and that the Secretary of the Interior be, and he hereby is, authorized, in his discretion, to sell and convey said land to the Rock Island Fishing and Hunting Club, at $1.25 per acre: *Provided*, That the aforesaid land shall forever be *and remain* subject to the right of the United States to overflow same or any part thereof in the improvement and development of navigation or of water power on the Coosa River; and no claim or right to compensation shall accrue from the overflowing of said land on account of said work of improvement or of the development of water power: *Provided further*, That in any patent that the Secretary of the Interior may issue for said land the right to overflow without liability for damage shall be expressly reserved to the United States: *Provided further*, That if said Rock Island Fishing and Hunting Club should at any time use or attempt to use said tract of land for any other purpose than that of recreation or club purposes, or should attempt to sell, lease, or convey said tract the said land shall revert to the United States.

The amendment was agreed to.

Mr. JONES of Washington. I do not understand from the reading of the bill whether a condition is to be placed in the patent that the lands shall continue to be used for the purposes of a gun club, although I think reference is made to that.

The PRESIDING OFFICER. The Secretary will read.

The Secretary read as follows:

Provided further, That if said Rock Island Fishing and Hunting Club should at any time use or attempt to use said tract of land for any other purpose than that of recreation or club purposes or should attempt to sell, lease, or convey said tract the said land shall revert to the United States.

Mr. JONES of Washington. That is what I wanted to make sure was in the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIBLEY ISLAND, MISSOURI RIVER.

The bill (S. 1889) revoking authority to lease Sibley Island, in the Missouri River, to the city of Bismarck, N. Dak., was considered as in Committee of the Whole. It repeals the provision contained in an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes" (29 Stat. L., pp. 413–435), reading as follows:

That the city of Bismarck, in the State of North Dakota, by and through its regular city council, shall have authority to use, upon lease from the Government by the Secretary of the Interior, Sibley Island, an island in the Missouri River near said city of Bismarck, for a public park: *Provided*, That nothing herein contained shall be construed to authorize the felling of timber on said island for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WATER SUPPLY FROM RECLAMATION PROJECTS.

The bill (S. 3392) for furnishing water supply for miscellaneous purposes in connection with reclamation projects was considered as in Committee of the Whole. It authorizes the Secretary of the Interior, in connection with the operations under the reclamation law, to enter into contract to supply water from any project irrigation system for other purposes than irrigation, upon such conditions of delivery, use, and payment as he may deem proper, provided that no such contract shall be entered into except upon a showing that there is no other practicable source of water supply for the purpose, and provided further that no water shall be furnished for the uses aforesaid unless the delivery of such water shall not be detrimental to the water service for such irrigation project.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS FOR SCHOOL PURPOSES.

The bill (S. 3570) granting lands for school purposes in Government town sites on reclamation projects was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 7, after the word "district," to strike out "any lands within a Government town site situated within such school district as may be required by said district for school buildings and grounds," and insert "such unappropriated undisposed of lands within any Government reclamation town site situated within such school district as, in the opinion of the Secretary of the Interior, are necessary for use by said district for school buildings and grounds," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be hereby authorized upon application by the proper officers of a school district located wholly or in part within the boundaries of a project of the United States Reclamation Service, to issue patent conveying to such district such unappropriated undisposed of lands within any Government reclamation town site situated within such school district as, in the opinion of the Secretary of the Interior, are necessary for use by said district for school buildings and grounds.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILK RIVER VALLEY GUN CLUB.

The bill (S. 2460) authorizing the issuance of patent to the Milk River Valley Gun Club was announced as next in order.

Mr. LENROOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over, under objection.

Mr. MYERS. Mr. President, will the Senator from Wisconsin state his objection? I might explain the bill to his satisfaction or the bill might be amended so as to overcome the objection.

Mr. LENROOT. Mr. President, I will state to the Senator that I should have no objection to the bill if it had in it the provision recommended by the Secretary with reference to the use to which this land is to be put, and the reversion, as in the bill just passed in the case of an island.

Mr. MYERS. I am willing to have any reasonable amendment made. May the bill be read?

The PRESIDING OFFICER. Without objection, the bill will be read, although objection has been made to its consideration.

Mr. LENROOT. I will withhold the objection.

Mr. MYERS. The Senator is willing to withhold it temporarily, I understand.

The Secretary read the bill.

Mr. MYERS. Mr. President, I believe the objection of the Senator from Wisconsin is because the bill does not provide that if the land ever ceases to be used by this club it is to revert to the United States. I wish to say in explanation that personally I would have no objection to having the bill so amended as to meet that objection, but the matter was before the committee, and this question was discussed there: Should the bill provide that if the land should ever cease to be used for the purposes designed it should revert to the Government and nothing be charged for it, or should the full price be charged without the reversionary clause? Now, I do not object to either provision, or both; but without my suggestion the committee of its own accord, I think unanimously, took the view that it would not be right to make the members of this club pay the full price that any entryman under the reclamation project would have to pay, and then provide that if they ceased to use the land for their purposes it should revert to the Government. The committee was willing to have the reversion clause without the price or to have the price without the reversion clause, but was not willing to exact both, and I think there was justice in it. This land is under the Sun River reclamation project, and the price fixed in the bill is what any entryman would have to pay.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kansas?

Mr. MYERS. With pleasure.

Mr. CURTIS. I want to ask the Senator if the committee found out the cost of putting in the irrigation project per acre?

Mr. MYERS. They had some information on that point. An estimate of that was before them from the department, I believe. Yes; they arrived at a conclusion as to that, and had before them information on which to base it. The committee decided to make these people pay the full price for the land, just what an entryman would have to pay, and it does seem to me there is justice in this; that is, if these parties pay the full price for the land, just what anybody else would pay, they ought to own the land in fee simple, and have a patent to it, and not have it revert to the Government upon any contingency.

The land involved is mostly covered by water. There is a lake on it. That portion covered by water is not fit for agricultural entry at all. For many years it has been used by people of that section as a hunting preserve, a place to shoot ducks, and the people who constitute this club want to put up a boathouse and make some little improvements there, and they do not care to do it unless they can get title. The land for which they are to pay $1.25 per acre is under water the year around, and is fit for nothing but duck shooting. It can never be farmed. It would never be entered for agricultural purposes. The land for which $50 per acre is to be charged is a few acres of dry land, without any water right, adjacent to the lake. The committee took the view that if they were required to pay the full price, the same as anybody else would pay, they ought to hold the land outright, the same as anybody else; but if the Senator wants to add a reversionary clause, if he thinks it right and just to so amend it, I shall not object.

Mr. LENROOT. Mr. President, I will say in reply to the Senator that no one else would have the privilege of buying this land at the price that is fixed in the bill. They would have to comply with the provisions of law with respect to this land being within an irrigation project; and we certainly ought not to permit a gun club to secure this land under conditions under which no other individual could secure it, and the next day, if they saw fit, sell it.

I have no objection to the bill if those provisions are inserted that we are inserting in all bills of this kind.

Mr. SHAFROTH. Mr. President, does the Senator observe that this land, or 30 acres of it, is required to bring a payment of $50 per acre? Fifty dollars per acre for land that has not a water right is an enormous price. It is not ordinarily salable for any such amount as that. In our country the school land that has not a water right generally sells on the average for, I think, $11.50 an acre. Here is a charge of $50 an acre. That is what the committee took into consideration, I remember, when we considered this bill. If a man has to pay $50 an acre for land that is in an arid country, without a water right, it does seem to me that he ought to have title to it.

Mr. LENROOT. The answer to that, if I may suggest to the Senator, is that if $50 an acre is too great a sum to pay for this land, the committee should have reduced the price; but Congress ought not to establish the precedent of conveying land

to a gun club or a fishing club with the right to sell that land the next day. If we are to give them any rights, it should be for the purpose for which they seek the land; and if they do not desire to use it, the land ought to revert to the Government.

I shall insist upon the objection unless this amendment is made.

Mr. MYERS. I am not going to make any objection to the amendment suggested, but I want to explain a little further. I will say, in reply to the statement made by the Senator from Wisconsin a moment ago, that $1.25 is the price to be paid for the land under water, the price paid for all Government land without any water right—land that can not be irrigated—while $50 an acre is the estimated cost of putting water on the land embraced in this reclamation project. Therefore the parties are to be charged $50 per acre for the thirty odd acres of dry land provided for in the bill, just what an entryman who would get absolute patent to it would have to pay. That is all that an entryman would have to pay for this land, and he would get his title in fee forever, and the committee thought that that was all it was fair to require of these people. However, in view of the fact that the Senator from Wisconsin says he will object unless such an amendment as he suggests is offered, I move that it be amended by inserting, at an appropriate place, the amendment to which the Senator from Wisconsin refers. I will ask him to suggest the language, inasmuch as he is demanding the amendment.

Mr. LENROOT. I have it here:

Provided, That if the land is ever used for any purpose other than that herein authorized, the title thereto shall revert to and revest in the United States.

Mr. MYERS. I have no objection to that amendment.

The PRESIDING OFFICER. The Senator from Montana offers an amendment, which will be stated by the Secretary.

Mr. MYERS. I should prefer that it be offered by the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. It is proposed to add, at the proper place in the bill, the following proviso:

Provided, That if the land is ever used for any purpose other than that herein authorized, the title thereto shall revert to and revest in the United States.

The amendment was agreed to.

Mr. LENROOT. Mr. President, there should be one other amendment. After the word "acres," in line 1, page 2, I move to insert the words "for a game preserve."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 1, after the word "acres," it is proposed to insert the words "for a game preserve."

The amendment was agreed to.

The PRESIDING OFFICER. The committee reports certain amendments, which will be stated.

The first amendment was, on page 1, line 9, after the words "per acre," to insert "and the further payment of $50 per irrigable acre for the construction of irrigation works for the Milk River irrigation project, the irrigable area being fixed at 30 acres," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to the Milk River Valley Gun Club for lots 5 and 6 and the southeast quarter of the southwest quarter of section 32, township 31 north, range 31 east, Montana meridian, Montana, containing 76.69 acres, upon payment of $1.25 per acre and the further payment of $50 per irrigable acre for the construction of irrigation works for the Milk River irrigation project, the irrigable area being fixed at 30 acres, for a game preserve.

The amendment was agreed to.

The next amendment was, on page 2, line 14, after the words "ten hundred and ninety-five," to insert "and the patent shall also reserve to the United States right of way for canals, ditches, and telephone lines heretofore or hereafter constructed by the authority of the United States," so as to read:

Provided, That said Milk River Valley Gun Club shall apply for patent and tender full payment within six months from the date of approval of this act: *Provided further*, That patent issued hereunder shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits that may be found in said land, and the right to the use of the land for extracting the same, and shall be subject to all rights under the T. E. Brady Canal and Bowdoin Lake Reservoir, approved by the Secretary of the Interior October 23, 1901, under the act approved March 3, 1891 (26 Stat. L., p. 1095), and the patent shall also reserve to the United States right of way for canals, ditches, and telephone lines heretofore or hereafter constructed by the authority of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSOLIDATION OF NATIONAL-FOREST LANDS.

Mr. SMOOT. Mr. President, yesterday when Senate bill 93 was reached the Senator from North Dakota [Mr. GRONNA] objected, and later said that he would withdraw his objection. I should like to ask to return to that bill, as the objection to its consideration has been withdrawn. It is Order of Business 158.

The PRESIDING OFFICER. Without objection, the Secretary will return to Order of Business 158.

The bill (S. 93) to consolidate national-forest lands was considered as in Committee of the Whole. It authorizes the Secretary of the Interior, for the purpose of consolidating the Government lands within national forests, and where the public interests will be benefited, to accept title to nonmineral lands within the exterior boundaries of the national forests, and, upon recommendation of the Secretary of Agriculture, to exchange nonmineral Government lands within any national forest, or timber within such forest, for privately owned lands of equal value and chiefly valuable for national-forest purposes within the exterior boundaries of the same national forest, and, upon the acceptance of title, lands deeded to the United States within national forests shall become parts of the national forests in which they are situated, provided that not more than 200,000 acres shall be exchanged within any calendar year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KATHERINE MACDONALD.

Mr. MYERS. Mr. President, yesterday in my absence the bill (S. 2975) for the relief of Katherine Macdonald was passed over on objection. I am sure that the Senator who objected to it simply did so because I was absent. He has no personal objection, because I have talked to him about it. I ask unanimous consent that we recur to that bill and see if there is any objection to it to-day; and if not, that it may be considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 1, line 5, after the words "sum of," to strike out "$9,819" and insert "$9,117," so as to make the bill read:

Be it enacted, etc., That there is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $9,117 to and for Katherine Macdonald, of Butte, Mont., for and on account of unpaid claims held by her on account of work and services performed on or supplies furnished for the construction of the Corbett Tunnel, a part of the Shoshone reclamation project in the State of Wyoming.

The amendment was agreed to.

Mr. CURTIS. Mr. President, what is the bill?

Mr. MYERS. I ask that the entire bill be read, so that the Senator may hear it.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill as amended.

Mr. KENYON. Mr. President, is this the bill that has been up every year for the past four or five years?

Mr. MYERS. Oh, no; this is not the same bill. I can explain it to the Senator, if he desires an explanation besides the reading of the bill.

Mr. KENYON. It sounds very much like a similar bill.

Mr. MYERS. Does the Senator desire a brief explanation of it?

Mr. KENYON. Yes.

Mr. MYERS. I will explain briefly. Here is all there is to it: For years and years Mrs. Macdonald has been trying to get Congress to appropriate enough money to pay all legitimate claims on account of the construction of the Corbett Tunnel, a part of the Shoshone reclamation project, in Wyoming, arising from the failure of a contractor who quit and failed, owing nearly everybody who had done any work or furnished any supplies, and leaving it to the Government to take hold of the project and finish it. First there was an appropriation of $42,000 asked for, on the understanding that that was sufficient. It was voted by both branches of Congress, after a great deal of delay, and that sum was appropriated, and the Secretary of the Interior was authorized to audit claims presented and order the Treasury to pay the claims of all claimants who could prove to his satisfaction that their claims were just. He was to do this under rules and regulations to be prescribed by him, and one of the rules decreed by him was that all claims presented must be verified as to their genuineness and good faith by the affidavit of the original claimant, just as a claimant has to support his claim by his affidavit before a county court or board of county commissioners or board of supervisors when presented for payment.

The Secretary of the Interior set a certain time for thus proving and filing claims, which limit was extended several times, and finally he fixed a certain arbitrary definite time limit and by that time everybody had to get in with the required proof. A great many people did file their claims. Mrs. Macdonald held a large number of claims—some ten or twelve or fourteen thousand dollars of claims—by assignment, for which she had paid a bona fide consideration. A few of her claims, perhaps two or three thousand dollars' worth of her claims, were verified in the manner required by the Secretary of the Interior—that is, by the assignor—and were paid, along with the others; but there were more than $9,000 worth of her claims which Mrs. Macdonald swears are just and bona fide claims and for which she paid a full and valuable consideration, but in support of which she was unable to get the affidavits of the original claimants because, on account of the great delay occasioned by the dilatoriness of Congress in making appropriations, they had scattered from Alaska to Africa and could not be located. These claims are all right in every way, except that she could not get the formal affidavit of the original claimants required by a rule of the Secretary of the Interior.

She makes affidavit as to what they were rendered for and the fact that she paid for them full consideration, and now she is shut out from payment of them on account of a technical rule of the Secretary of the Interior that by a certain time she had to produce the affidavits of each and every one of the claimants, hundreds of them in number, as to the validity of the claims, and she was not able to do it. She was not able on account of causes beyond her control and not her fault.

This bill was referred to the Interior Department, and it has made reply that it had no objection to the making of the appropriation, and that if Congress saw fit to appropriate the money it had nothing to say against it. Everyone interested has gotten his money except Mrs. Macdonald, and she has been out thousands and thousands of dollars of expense in being down here for years working on this, not only for herself but for others who have benefited at her expense, and the other people for whom she worked got dollar for dollar, a hundred cents on the dollar, of their claims without being at a cent of expense, and she has not gotten more than a very small part of what is due her. The people who have benefited at her expense, too, benefited as a result of her tireless labor and they will not compensate her in one cent. It is terribly hard, a gross injustice.

Mr. FALL. As I understand, this lady was here in Washington and instrumental in securing the appropriation of $42,000.

Mr. MYERS. She was. It was due to her labors solely.

Mr. FALL. For the payment of these claims?

Mr. MYERS. Yes, sir.

Mr. FALL. Undoubtedly, then, her claims were estimated for in the $42,000.

Mr. MYERS. I want to cover that point. I forgot to make mention of it. It was discovered, after the sum of $42,000 was appropriated and after it became known that the claims were to be filed with the Secretary of the Interior and would be paid, that that sum was not sufficient and a subsequent appropriation, solely through the efforts of Mrs. Macdonald, was made of $13,000, and that was to include and did include the $9,000 in this bill, but Mrs. Macdonald was not able to make the technical proof required by the Secretary of the Interior—that is, was not able to locate the claimants and furnish their affidavits—and the money has never been paid to her, and this bill is to pay it to her in spite of her inability to provide the affidavits of scores of scattered assignors, required by the rule of the Secretary of the Interior. It is intended to remedy a very great and unjust hardship.

Mr. FALL. Does the bill provide that the $9,000, or whatever the amount is, shall be paid out of the unexpended balance of that $13,000?

Mr. MYERS. It will be tantamount to that. That has reverted to the Treasury, because it was not called for in the time set. This is just as though she had been able to make her required proof within the required time. Then, the $9,000 would have been paid out of the $13,000. It was not, through no fault of Mrs. Macdonald. The $9,000 remained in the Treasury, and this bill simply reappropriates it. It is an act of plain, simple justice.

Mr. FALL. Does the report of the Secretary show that $13,000 was not used and did revert to the Treasury?

Mr. MYERS. The report of the Secretary of the Interior is short and I will read it. It states everything which he deemed necessary to say about the matter. I will turn to it immediately. I can find it in a second. Here is the report. I have it now.

Mr. FALL. It is just upon that specific proposition that I made the inquiry.

Mr. MYERS. It will not take me long to read it:

DEPARTMENT OF THE INTERIOR,
Washington, December 1, 1917.

MY DEAR SENATOR: By reference of your committee dated October 9, 1917, receipt is acknowledged of copy of S. 2975, Sixty-fifth Congress, first session, for the relief of Katherine Macdonald. Your committee requested that this department submit information as to the law and facts in relation to the subject matter of the proposed enactment, and for such suggestions as this department may see fit to offer.

Under public resolution No. 56, approved August 24, 1912, the sum of $42,000 was appropriated for payment to those persons who have and hold, and who have presented or may present, claims remaining unpaid on account of labor, supplies, materials, or cash furnished to the contractor or the subcontractor and used in the construction of the Corbett Tunnel, as a part of the Shoshone irrigation project in the State of Wyoming. Under the express authority contained in public resolution No. 56, this office made a careful investigation to determine all valid outstanding claims against the contractor or subcontractor, and in the course of such efforts resorted to the fullest possible publicity in securing direct evidence and testimony from the holders of all such claims. It is noted that the bill now pending contains provision for the appropriation of the sum of $9,819 for and on account of unpaid claims held by Mrs. Katherine Macdonald, of Butte, Mont., on account of work and services performed on or supplies furnished for the construction of the Corbett Tunnel, a part of the Shoshone reclamation project in the State of Wyoming.

During the negotiations looking toward settlement of claims under public resolution No. 56, of August 24, 1912, Mrs. Macdonald appeared at frequent intervals and was kept fully advised of the progress of settlement under the claims in question. She held power of attorney from a number of the claimants, and held assignments for collection from a number of others. Certain rights and interests owned by Mrs. Macdonald in connection with certain of these claims were submitted to the department and, after careful investigation, were by this department certified with the other claims to the Secretary of the Treasury, and were paid from the fund provided by said resolution.

The present bill proposes to appropriate, from any moneys in the Treasury not otherwise appropriated, the sum mentioned for Mrs. Macdonald. Inasmuch as this department has completed the settlement of claims under the appropriation made by public resolution No. 56, and as the present bill makes no appropriation out of the reclamation fund chargeable to the water users, but, as indicated, proposes an appropriation out of general funds in the Treasury, I do not feel that this department should express an opinion as to whether or not payment should be made, the matter being one wholly for the consideration and determination of Congress.

Cordially, yours, FRANKLIN K. LANE,
Secretary.

HON. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

I can say to the Senator that I am positively sure that this $9,000 was included in the $13,000, the second appropriation made. I know it for the reason that Mrs. Macdonald held by assignment all these claims at that time, and the $13,000 was intended to cover all her claims held by assignment, as well as the claims of all others; but her claims were not paid along with the others, for she was not able to make the formal technical proof required. Yet she swears herself the claims are just, true, and bona fide, and wholly unpaid and assigned to her for valuable consideration. I think that enough proof.

I have in the committee room a further communication from the Secretary of the Interior, giving the names of original claimants and amounts of every claim not paid and now held by Mrs. Macdonald and the nature of the claims, which this money would cover. The bill as introduced called for a little more than the claims held by Mrs. Macdonald on file in the Interior Department, as shown by the department files, and for that reason the committee amended it and cut down the amount to exactly the amount of unpaid bills held by Mrs. Macdonald and on file in the Interior Department, as shown by the letter of the Secretary of the Interior. The amount now conforms to the figures of that official. Mrs. Macdonald is a most worthy woman, and it would be grossly unjust not to pay her this money.

Mr. FALL. The report does not show that there was any lack of money to pay the claims that the department found to be just claims.

Mr. MYERS. There was no lack of money. That was not the trouble. There was a surplus of money, but Mrs. Macdonald could not get what was due her through inability to find scattered original claimants.

Mr. FALL. The department says that they investigated all the claims and reported to the Secretary of the Treasury all those that should be paid.

Mr. MYERS. That investigation meant this——

Mr. FALL. Pardon me. The department, as I understand the report, says that they have nothing to do with it and refused to advise the Senate committee upon this matter, because if the Senate wants to appropriate out of the general funds money for Mrs. Macdonald the department has nothing to do with it. If it were to be paid out of any reclamation claims or out of any fund which the department has under control, or which the Senate might trust to the department, I infer there might be a different result. In other words, suppose the appropriation was made now directly to the department to be used in the payment of any claims which they found just which were overlooked under the original claim or resolution, what would the report of the department be upon that proposition?

Mr. MYERS. It would probably be adverse, for the reason that their determination of what is a just claim is what is supported by an affidavit of the original claimant. That was their sole test of what was a just claim. No matter how just a claim, unless so supported it was rejected. That is why these assigned claims of Mrs. Macdonald's were rejected.

Mr. FALL. I presume, although that might be true, the department would admit other proof of the validity of the claim.

Mr. MYERS. No; it would not, most positively. I know, as a matter of fact, the department required absolutely that claims must be supported by the affidavit of the original claimant, and these claims were rejected for the sole reason that they were not so supported. No other proof was permitted.

Mr. FALL. There is no question about the fact. The rule of law will provide for the best evidence, and before you can introduce any other evidence you must show that it is impossible to produce the best evidence. That is required.

Mr. MYERS. The original resolution provided that the money appropriated should be paid out under such rules and regulations as the Secretary of the Interior might prescribe, and he prescribed the rule that a claim must be verified by the affidavit of the original claimant or it would not be paid. Mrs. Macdonald was simply unable to comply with that in the case of all her assigned claims, because the original claimants were scattered from Alaska to Africa. That is the gist of the whole matter. It was not her fault. The claims are honest, bona fide, and all right, and I ask Congress to order them paid. It has the power.

Mr. FALL. I have no interest in this matter further than that the department does not recommend the payment.

Mr. MYERS. No; it does not recommend the payment and it does not object to it. It leaves the matter to Congress, and I trust the fairness of Congress. Lots of you know all about this. Let us do justice to this worthy woman.

Mr. FALL. It is simply an appropriation out of the general fund. I should like to know if, in the list of claims the Senator has in his committee room, to which he has referred, there are any for attorney fees.

Mr. MYERS. Absolutely none whatever; not one.

Mr. FALL. What are the claims for?

Mr. MYERS. Work, labor, and supplies furnished; not a cent for attorney fees; not a cent for lobbying or expenses of collection, nor anything else whatever. Everything is for labor performed, supplies furnished; just as were the other claims that were paid. They are legitimate, honest, bona fide.

Mr. FALL. So far as I am concerned I will not vote for the appropriation made in the bill, but I shall make no further objection to it.

Mr. LENROOT. Will the Senator from Montana yield to me?

Mr. MYERS. With pleasure.

Mr. LENROOT. Is it not true that in investigating these claims the department had access to the books of the contractors and most of the subcontractors and used that means of evidence to determine what claims were just?

Mr. MYERS. I could not say as to that. I do say, however, that one absolute, ironclad requirement of the department was that every claim should be accompanied by the affidavit of the original claimant, and Mrs. Macdonald, as to these particular claims, was unable to find the original claimants, and for that reason, and that reason only, these claims were rejected.

Mr. LENROOT. May I ask the Senator what was the total amount of Mrs. Macdonald's claims?

Mr. MYERS. She had gotten, I think, $3,000 or $4,000 of her own claims, and those, together with the claims held by assignment, amounted to $12,000 or $15,000, all told, I think; something like that sum. She has not gotten nearly enough out of it to pay her expenses here, by which others profited. Nobody would have gotten a cent had it not been for her.

Mr. LENROOT. Does not the Senator think it is a little peculiar that out of $13,000 worth of claims she could only present the required proof in three or four thousand dollars' worth?

Mr. MYERS. No; I do not think that is peculiar at all, for this matter was delayed by Congress for years before any payments were made. The claims now held by Mrs. Macdonald are assigned claims. A man who works in a tunnel or on a canal or something of that kind is liable to be in Alaska in 30 days from that time. The laborers were largely floaters. They came and went, nobody knows where.

Mr. LENROOT. Is it not a fact, may I ask the Senator, that the great bulk of these alleged claims were for supplies and not for work and labor at all?

Mr. MYERS. Some of them were for supplies. I can not say whether the bulk of them were or not.

Mr. LENROOT. In furnishing these supplies, how did it happen that all the people who furnished the supplies suddenly disappeared to Alaska, Africa, or elsewhere?

Mr. MYERS. The people who furnished the supplies did not disappear suddenly. I think as to this particular $9,000 of claims most of them are for labor performed. I can send to my committee room and get the list in a minute, if the Senator desires to have it submitted. I am sure most of it is for labor; some doubtless for supplies. A man may sell a load of hay, he may furnish some tools or implements, and in six months or a year he may not be in that part of the country at all. There is nothing strange about that in the West. It is common.

Mr. LENROOT. I object to the bill, Mr. President.

Mr. MYERS. Did the Senator object?

Mr. LENROOT. I object.

Mr. FLETCHER. I move that the Senate proceed to the consideration of House bill 10069, the river and harbor bill.

Mr. SHAFROTH. Will not the Senator from Florida let us proceed with the calendar? We have been waiting here to reach some bills that have been reported. We have had but one call of the calendar.

Mr. FLETCHER. I am perfectly willing to go on with it later, but I have waited now from shortly after 12 o'clock until a quarter after 2, and I think the Senator will agree that that is about all I could do.

Mr. SHAFROTH. Does the Senator mean that after he gets started on his bill he will agree to lay it aside temporarily?

Mr. FLETCHER. I may not be able to do that, but I will suggest that to-morrow morning the calendar can be taken up.

Mr. MYERS. I did not understand what was the objection made.

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Florida yield to the Senator from Montana?

Mr. FLETCHER. I yield.

Mr. MYERS. Was objection made to my request?

The PRESIDING OFFICER. There was.

Mr. FLETCHER. I think we ought to go on with the river and harbor bill now. It would take the whole afternoon to go through with the calendar. We have spent too much time in discussion.

Mr. SHAFROTH. The Senator does not expect to take up the morning hour to-morrow with his bill?

Mr. FLETCHER. I hardly think so. We can pass the bill in a little while I think.

LAND AT OLYMPIA, WASH.

Mr. JONES of Washington. I wish to ask to have one bill transferred to the calendar under Rule IX.

Mr. FLETCHER. I have no objection to that.

Mr. JONES of Washington. I make this request so that the bill will not be likely to come up when I am absent. It is the bill (S. 3434) prohibiting the issuance of patent under lieu selection 2904, serial 1034, Olympia, Wash., reported adversely. I desire to discuss it at some length before the Senate at an opportune time. So I ask that it be transferred to the calendar under Rule IX.

The PRESIDING OFFICER. Without objection, it is so ordered.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER. Mr. President, I move that the Senate proceed to the consideration of House bill 10069, the river and harbor appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. GALLINGER. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Fletcher	Kellogg	Nelson
Bankhead	France	Kenyon	New
Beckham	Gallinger	King	Norris
Borah	Gronna	Kirby	Nugent
Calder	Harding	Lenroot	Overman
Culberson	Hardwick	Lewis	Page
Curtis	Henderson	Lodge	Phelan
Dillingham	Johnson, Cal.	McCumber	Poindexter
Fall	Jones, N. Mex.	McKellar	Ransdell
Fernald	Jones, Wash.	McNary	Robinson

Saulsbury	Smith, Md.	Thompson	Watson
Shafroth	Smoot	Trammell	Wilfley
Sheppard	Sterling	Wadsworth	
Shields	Sutherland	Walsh	

Mr. BECKHAM. I wish to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness.

Mr. SUTHERLAND. My colleague [Mr. GOFF] is absent owing to illness.

Mr. SHEPPARD. I desire to announce that the Senator from Mississippi [Mr. VARDAMAN] is necessarily absent on official business.

Mr. LEWIS. I rise to announce that the senior Senator from Mississippi [Mr. WILLIAMS] is absent on important public business.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. There is a quorum present.

Mr. FLETCHER. I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

Mr. GALLINGER. It is not a lengthy bill. I think it ought to be read first in the ordinary way.

The PRESIDING OFFICER. There is objection to the request of the Senator from Florida, and the Secretary will read the bill.

The Secretary read the bill.

The first amendment of the Committee on Commerce was, on page 8, line 7, after the words "Mobile Harbor and Bar," to strike out "$200,000" and insert "$340,000"; and, in line 8, after the words "in all," to strike out "$360,000" and insert "$500,000," so as to make the clause read:

Mobile Harbor and Bar, and channel connecting Mobile Bay and Mississippi Sound, Ala.: For maintenance, $160,000; continuing improvement of Mobile Harbor and Bar, $340,000; in all, $500,000.

The amendment was agreed to.

The next amendment was, on page 13, line 10, after the word "maintenance," to strike out "$98,850; continuing improvement and for maintenance of Fox River, $22,500; in all," so as to make the clause read:

Manistique Harbor, Mich.; Menominee, Oconto, Green Bay, Algoma, Kewaunee, Two Rivers, Manitowoc, Sheboygan, Port Washington, Milwaukee, Racine, Kenosha, and Waukegan Harbors, Sturgeon Bay and Lake Michigan Ship Canal, and Fox River, Wis.: For maintenance, $121,350.

The amendment was agreed to.

The next amendment was, on page 14, line 17, after "$100,000," to insert "for improvement in accordance with the report submitted in House Document No. 1072, Sixty-fifth Congress, second session, and subject to the conditions set forth in said document, $204,000; in all, $304,000," so as to read:

Los Angeles Harbor, Cal.: Continuing improvement in accordance with the report submitted in House Document No. 896, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $100,000; for improvement in accordance with the report submitted in House Document No. 1072, Sixty-fifth Congress, second session, and subject to the conditions set forth in said document, $204,000; in all, $304,000.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, on behalf of the Committee on Commerce, I now desire to offer some further amendments. On page 18, line 19, after the word "cost," I move to insert "taking into account overhead expenses, depreciation, and interest on capital invested, properly chargeable to such work."

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. In section 4, page 18, line 19, after the word "cost," it is proposed to insert "taking into account overhead expenses, depreciation, and interest on capital invested, properly chargeable to such work," so as to read:

SEC. 4. That no part of the funds herein or hereafter appropriated for works of river and harbor improvement shall be used to pay for any work done by private contract if the contract price is more than 25 per cent in excess of the estimated cost, taking into account overhead expenses, depreciation, and interest on capital invested, properly chargeable to such work, of doing the work by Government plant.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on the amendment proposed by the Senator from Florida.

The amendment was agreed to.

Mr. FLETCHER. On page 21, after line 19, I send to the desk an amendment to be inserted as a new section.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 21, after line 19, it is proposed to insert a new section, as follows:

SEC. 8. That if the Secretary of War shall determine that any of the contracts for work of river and harbor improvements entered into but not completed prior to April 6, 1917, the date of the entrance of the United States into the war with Germany, have become inequitable and unjust on account of increased cost of material and labor and other unforeseen conditions arising out of the war, he is hereby authorized, in his discretion and with the consent of the contractors, to modify and readjust the terms of said contracts in such manner as he may deem equitable and just: *Provided*, That said modifications and readjustments shall apply only to work under said contracts remaining to be done hereafter and shall not include any relief for work performed heretofore under said contracts, and any such sum as may be necessary to provide for the increased cost of the contracts due to said modifications and readjustments, not exceeding the sum of $2,000,000, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided further*, That as a condition of any such contract be so modified, the Secretary of War shall have the right at the end of any fiscal year until the contract is completed to make such further modifications as in his judgment shall be advantageous to the United States and just to the contractor.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Florida.

The amendment was agreed to.

Mr. FLETCHER. I send to the desk another amendment to be inserted as section 9, and ask that it be read by the Secretary.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. After the amendment just agreed to it is proposed to add as a new section the following:

SEC. 9. That hereafter when the expenses of persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty are chargeable to appropriations of the Engineer Department, a per diem of not exceeding $4 may be allowed in lieu of subsistence when not otherwise fixed by law.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Illinois?

Mr. FLETCHER. I yield.

Mr. LEWIS. Might I ask the Senator in charge of the bill if it is his object to continue its consideration, if he desires to hold a session to-morrow in the event that the bill should not be completed to-day, or is he willing that the bill should go over until Monday if the bill is not completed to-day?

Mr. FLETCHER. I will say to the Senator from Illinois, Mr. President, that I see no reason why the bill should not be completed in 30 minutes. The amendment which I have just offered is the last committee amendment, and that has just been agreed to. I therefore think the bill will be completed very shortly. I do not know why it should not be.

Mr. KENYON. I desire to ask the chairman of the committee in reference to the following item, on page 6 of the bill:

For improvement to provide a channel 40 feet deep and 1,000 feet wide, extending from the sea to the Charleston Navy Yard, $1,500,000.

Is there any connection now between the sea and the Charleston Navy Yard?

Mr. FLETCHER. Well, there is, of course, but this is to make the channel 40 feet deep and a thousand feet wide. It is to widen and deepen the present channel.

Mr. KENYON. What are the dimensions of the present channel?

Mr. FLETCHER. I do not know that I can give precisely the width and depth of the present channel, but I think it is 30 feet deep and probably 400 feet wide—something like that. In connection with that improvement, I will say to the Senator the naval appropriation bill provides for a dry dock being built there, and this appropriation, as the Senator will observe, is on condition—

That this work shall not be undertaken until the proposed new dry dock at this navy yard, carrying a depth of 40 feet of water over the blocks, has been authorized; in all, $1,610,000.

So that this appropriation is really conditioned upon the dry dock being built there, and such a dry dock as will require a depth of 40 feet of water over the blocks. Of course, if the dry dock is built we ought to provide a channel to it of the depth that is required to make it useful.

Mr. KENYON. I understand that; but I was a little curious from the wording to know whether there was now any connection between the sea and the navy yard.

Mr. FLETCHER. The Senator from Louisiana [Mr. RANSDELL] hands me the Report of the Chief of Engineers, which states that—

The existing project provides for securing and maintaining, by the construction of jetties and auxiliary dredging, an entrance channel across the harbor bar 30 feet deep at mean low water, with a width of 500 feet between the jetties and of 1,000 feet to the seaward thereof.

That is the existing project, as found on page 641 of volume 1 of the Report of the Chief of Engineers, United States Army, for 1917.

Mr. KENYON. Then this appropriation will only be in force, as I understand, if an appropriation is made in the naval bill for the dry dock?

Mr. FLETCHER. Precisely.

Mr. SMITH of Georgia. Will the Senator tell us how far the navy yard is from the sea?

Mr. FLETCHER. I can not say precisely as to that. As I understand the situation, the Navy Department recommends this improvement; in fact, the establishment of a naval base at Charleston; and upon the recommendation of the Navy Department that it was essential as a war measure, the Secretary of War certifies this improvement to Congress as a war measure, and it is included in this bill. Just how far that navy yard is from the sea I am not prepared to state; I only know that it is claimed by the Navy Department, and by the War Department as well, that this is a necessary improvement to make as a war measure.

Mr. LENROOT. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 10. That no new work of improvement appropriated for in this act, involving an expenditure during the fiscal year ending June 30, 1919, of more than $100,000, shall be undertaken until the Secretary of the Treasury shall first certify to the Secretary of War that the condition of the Treasury is such that such expenditure can be made without injury to the war needs of the Government: *Provided*, That the provisions of this section shall not apply to any expenditure heretofore specifically recommended by the Secretary of War as a war emergency.

Mr. LENROOT. Mr. President, this bill in peace times would be considered a very moderate bill, a bill to which there could be very little objection. The bill carries a total of $19,227,000. Two million three hundred and fifty-eight thousand dollars of this sum is for maintenance and $16,669,000 is for further improvements. These improvements may be divided into three classes: First, improvements recommended by the War Department as war-emergency measures; second, improvements to complete existing works; and third, improvements involving appropriations for the beginning of new work, and this amounts to about $8,000,000. It is this $8,000,000 to which the amendment which I have proposed will apply. Under the amendment which I have proposed before this $8,000,000 for new work can be expended the Secretary of the Treasury would be required to certify to the Secretary of War that the condition of the Treasury is such that these expenditures can be made without injury to the war needs of the Government.

Now, I wish to take two or three illustrations of the class of improvements to which the amendment that I have proposed will apply. One of them is the Ohio River. The bill appropriates $5,000,000 for the further improvement of the Ohio River. According to the report of the Board of Engineers, of that $5,000,000, $3,632,000 will be utilized for beginning the construction of two locks, the completion of which will take two or three or four years. The remainder of the $5,000,000 will be utilized for completing the construction of locks already begun.

Mr. President, it does seem to me that at this time, when we are attempting to mobilize all the resources of our Nation to prosecute this war, when we are asking private industry to suspend all nonessential work, the Government itself ought not to undertake the expenditure of millions of dollars upon work that is not essential in the carrying on of the war. No appropriation that is carried in this bill or in any other bill, except for maintenance—maintaining the existing Government or, in the case of rivers and harbors, maintaining existing rivers and harbors and completing improvements already begun—ought to be made, unless it can be shown that there would be an immediate and direct benefit in the prosecution of the war. That can not be done in the case of the Ohio River; it can not be done in the case of the Missouri River, the Mississippi River, and a number of other items in the bill.

In the case of the Missouri River the bill carries an appropriation of $500,000 for further improvement and maintenance. According to the report of the Board of Engineers, $100,000 of this sum will be used for maintenance of the Missouri River from Kansas City to the mouth. Four hundred thousand dollars will be utilized for the further improvement of the river, an improvement that can not be for a number of years of any substantial benefit to the commerce of that section, because it will require many millions of dollars in the future to be expended upon the Missouri River before the $400,000 that is proposed to be expended in the next fiscal year will be of any substantial benefit, if it ever is of any benefit; and indeed, Mr. President, it is a serious question whether the improvement of the Missouri River ever will be of any benefit to the commerce of this country.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LENROOT. Yes, sir.

Mr. KING. Does not the Senator know that the greater the appropriations for the Mississippi and the Missouri and many of these other rivers the less commerce is carried upon the waters of those rivers?

Mr. LENROOT. That seems to have been the fact as to both the Ohio River and the Missouri River. In the case of the Ohio River we are carrying upon it to-day a commerce 50 per cent less than was carried upon the Ohio River before the Government made any improvements at all upon it. In the case of the Missouri River, upon which we have already expended a number of millions of dollars, the commerce last year upon all parts of that stretch of the river amounted, as I recollect it, to only about 28,000 tons, costing the Government $4 a ton in maintenance alone, saying nothing of any return to the Government upon the capital cost of the river.

With reference to the Missouri River, the Board of Engineers frankly confess that this expenditure upon the Missouri River is nothing but a commercial experiment; that they will not venture any prophecy, even, as to whether there will ever be any return to the United States for the millions of dollars that have been, and are proposed to be, expended upon the Missouri River.

I wish to read from the hearings before the committee. I asked Col. Newcomer this question:

This whole improvement is an experiment, is it not?

Col. NEWCOMER. Yes, sir; that is, it is an experiment in the sense that the economic justification for it in the utilization of the waterway remains to be determined.

Senator LENROOT. That is what I mean.

Col. NEWCOMER. Of course, we do not consider the improvement experimental.

Senator LENROOT. No; not the engineering; I understand that.

Is there any more reason to believe that this will be successful, or any more successful, than the improvement of the Mississippi River from the Ohio River to the mouth has been, as a commercial proposition?

Col. NEWCOMER. That has been the disturbing thing, of course, to us, to find a waterway of such good capacity so little used, at a place where it might be used. We believe that under the modified conditions of railroad control—railroad regulation—these through waterways, when completed, will have a very substantial use; and the Government has committed itself to the experiment of going ahead and providing this system of waterways.

Mr. President, with reference to the Government expending millions of dollars upon experiments I submit that the experiment that has been completed, the Mississippi River from St. Louis to the mouth, should show its justification before we go on to similar experiments elsewhere, especially at a time like this when the money that comes into the Treasury is needed for the prosecution of the war. The upper Mississippi River is another illustration of this matter. Col. Newcomer, of the Board of Engineers, testified before the House committee, and his attention was called to the testimony in the hearing before the Senate committee. Speaking of the estimate of $500,000 for the improvement and maintenance of the Mississippi River from the mouth of the Ohio to Minneapolis, he said:

Of course, this is not really so much a question of accommodating commerce as it is to provide for the operation of forces now organized for carrying on this work. We have quite an extensive Government plant and, of course, several contracting plants also, and it is very advisable to provide enough funds to keep them at work, as the plant is of special type, quite expensive, and should be kept in use. Of course, the commerce is not extensive.

Col. Newcomer was then asked, before the Senate committee, what percentage of the expenditure was labor cost, and he replied:

I judge that in that case, as in the others, it would run about 60 per cent; we estimate ordinarily from 50 to 60 per cent; I think this would be near the upper limit.

So, Mr. President, we have a proposition here, in the case of the Mississippi River, to appropriate $500,000, $400,000 of which will be spent for the improvement. Col. Newcomer testifies that it will not affect commerce, but he wants $400,000 for what purpose? To keep up the plant and pay more than one-half of that amount to keep labor employed, when we all know that labor in this country from one coast to the other is necessary to be employed in war purposes and not for the purpose of keeping up any organization or any equipment.

Mr. President, in all private industries private contractors are compelled to suffer suspension of work because of the war conditions that prevail, and the Government itself ought to set an example by doing likewise. However, I realize the situation

that exists. The only thing that I suggest in the amendment that I have proposed is that before such works as are suggested shall be entered upon the Secretary of the Treasury shall certify to the Secretary of War that the condition of the Treasury is such that these expenditures can be made without injury to the war needs of the Government.

Mr. President, this amendment that I have proposed was proposed in the committee, and it was submitted, very properly, to the Chief of Engineers, and the Chief of Engineers made a report to the committee upon this and other amendments that had been proposed in the committee, and I wish to read the report of the Chief of Engineers upon the amendment that is now pending. He says:

This amendment is deemed unnecessary in view of the moderate amount carried by the bill, as compared with the enormous expenditures for war purposes that the Government is undertaking and its undoubted ability to provide for this work to the extent that the public interests require.

Mr. President, it was with great surprise and much more regret that I found the Chief of Engineers taking this position with reference to an expenditure to be made by the Government. The effect of it is that the Engineer's Office says that because we are spending billions upon billions of dollars in prosecuting the war, therefore there should be no objection to our spending a few million dollars upon nonessentials in war prosecution.

Why, Mr. President, the reason why there is need of the greatest economy, the reason why we ought not to go on with many of these improvements that are in themselves meritorious, is because we are spending these billions of dollars for the purpose of prosecuting the war, because we will need, as time goes on, every dollar for war prosecution. Ah, but it may be said, $6,000,000 or $8,000,000 is all that is covered by my amendment, and that is a small sum compared with $30,000,000,000. Yes; but, Mr. President, $8,000,000 is one hundred and sixty thousand $50 liberty bonds. Four hundred thousand dollars for the improvement of the upper Mississippi River is eight thousand $50 liberty bonds. Mr. President, suppose we should in our next liberty-loan campaign say, "We want eight thousand $50 liberty-bond subscriptions for the purpose of carrying on, on the upper Mississippi River, an improvement that can not be of public value or benefit for years and years to come, and we want so many thousand $50 liberty-bond subscriptions for the purpose of beginning the construction of locks upon the Ohio River. We want eight thousand $50 liberty-bond subscriptions for the purpose of carrying on a commercial experiment on the Missouri River." Mr. President, how many subscriptions do you think we would get for purposes of that character if they were advertised?

We shall need, as I said a moment ago, as time goes on, every dollar that we can get, both from voluntary subscription and through taxation, for the purpose of carrying on the war; and it seems to me that it is a very reasonable proposition that the Secretary of the Treasury, who knows the condition of the Treasury, should be required to make this certificate that I have proposed, which means only that, as to the money in the Treasury, it shall be used first for the prosecution of the war, and that these improvements, which are unnecessary at this time, shall be undertaken only if the condition of the Treasury shall warrant it.

Mr. SMITH of Georgia. Mr. President, I notice on page 6 that the appropriation for Brunswick Harbor, for maintenance, is $20,000. The appropriation heretofore has been $33,250. That amount, it has been estimated over and over again by the engineers, was necessary for yearly use to dredge the channel over the bar. I notice, further up upon that page, the appropriation of $1,500,000 to dig a canal up a river from Charleston to a navy yard.

The harbor of Brunswick certainly has no superior upon the Atlantic coast south of Norfolk. It is a landlocked harbor, large enough to float upon its waters the American Navy. It is probably the least expensive harbor on the coast to maintain. In 1857 the Government spent $130,000 to buy part of an island fronting that harbor for the purpose of placing upon it a navy yard. The Government still owns that property, with an area of 1,100 acres and a water frontage of 1½ to 2 miles. Why the navy yard was not built at Brunswick, where there is no necessity to dig a canal to get up to it, I do not know. Why this splendid piece of property in the best large harbor on the coast, bought by the Government for the purpose, was neglected, I do not know. I do know that this harbor has not received the attention its importance justified.

I understand that the reason for not giving more in the present appropriation is that the engineers have not used what was appropriated for last year. I wish to call attention to what have been the consequences of not using the small appropriation that was made.

It appears that on the bar a foot and four-tenths of depth has been lost by failure to give it attention. It appears that the channel at that point has narrowed 100 feet. I desire to ask the chairman of the committee what is the reason for reducing this appropriation, and I shall appreciate his giving it to the Senate. Then I wish to ask him what is our remedy?

Mr. FLETCHER. Mr. President, in connection with Brunswick, I may say that the sentiment of the committee was that this is an important channel and one that ought to be properly maintained. We made a special effort to inquire as to the necessity there and the amount needed to maintain the channel at its proper depth, and we were assured by the Chief of Engineers that the $20,000 carried in the bill as it came from the House, together with what was on hand, would be ample to do that and all that the department would require for maintenance.

The question was raised before the committee by both the Senators from Georgia and the board of trade at Brunswick as to whether that $20,000 would be sufficient, and the committee referred the matter to the Chief of Engineers for a special examination and report, and this is what he says. His letter of May 6, 1918, explains fully the amount on hand and the amount required, and I will read it:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 6, 1918.

Hon. DUNCAN U. FLETCHER,
Chairman Committee on Commerce, United States Senate.

MY DEAR SENATOR: 1. In response to your letter of May 4, 1918, inclosing a letter from Senator HARDWICK, together with papers submitted to him by Mr. Smith, secretary of the Brunswick Board of Trade, Brunswick, Ga.—

And in response, also, to the appearance before the committee of the Senator from Georgia [Mr. SMITH]—

indicating the need of additional funds for maintenance in that harbor, and suggesting that the item of $20,000 for this work in the pending river and harbor bill be increased to $33,250, which is said to be the annual cost of maintenance in that harbor, I have the honor to state that Mr. Smith is incorrect in his statement of the available balance. He gives this as $31,828.57 on March 31, from which a reservation of $8,000 has been made for special purposes, leaving only about $23,828.57 for maintenance dredging. As a matter of fact, the available balance the 31st of March was $39,828.57. Moreover, at least $5,000 said to be reserved for the extension of the east river training wall can be devoted to dredging, if necessary, so that with the additional amount of $20,000 carried in the pending bill there will be substantially $57,000 available for maintenance work between this time and the beginning of March next year, when the funds appropriated at the next session of Congress will become available. This amount is more than has ever been spent for maintenance in one year, and is but little less than the total expended in the two fiscal years 1916 and 1917, and it is therefore believed that it should suffice for the necessary work for one year. No increase in the estimate for this harbor is therefore recommended at this time.

2. Senator HARDWICK's letter and its accompanying papers are returned herewith.

Very truly, yours,

W. M. BLACK,
Major General, Chief of Engineers.
By H. C. NEWCOMER,
Colonel, Corps of Engineers.

Based upon that report, the committee did not feel justified in adding to the $20,000, the view being that you do not maintain a channel or improve a channel by simply appropriating money for it. The money must be used. The department now has on hand and available $39,828, and all that is necessary, if there is filling to do there, is to have the engineers use the money they have, and, of course, we can not accomplish that by simply adding to the amount of money which they have on hand.

That is the situation.

Mr. SMITH of Georgia. It seems, then, that although the money was appropriated by Congress the engineers neglected to use it, and let the channel fill up.

Mr. FLETCHER. They apparently did not use all they have. They have now on hand something like $39,000, and they say that the $20,000 carried by the bill will give them a total of $57,000 for the next year.

Mr. SMITH of Georgia. But part of that is the appropriation for the present fiscal year which they have not used, and the nonuse of which has caused the channel to narrow and fill. That is the situation, is it not?

Mr. FLETCHER. Of course, I do not know precisely the situation as to the channel. It is reported that it has been filling somewhat; that it has not been maintained. That, of course, is a condition of which I have no knowledge.

Mr. SMITH of Georgia. Can the Senator, as chairman of the committee, suggest to me some remedy to compel proper attention to the harbor after we appropriate the money?

Mr. FLETCHER. I can only suggest that the Senator see the Chief of Engineers and impress upon him the importance

of having that work continued there, and diligently prosecuted, whatever is required. It is a matter entirely in the hands of the Chief of Engineers, because he has the money with which to do it.

Mr. SMITH of Georgia. He had $33,000 to be used last year to keep this channel clear. The money is on hand because he did not use it, and he let the channel fill, and now he says he does not need the appropriation because he did not use the last appropriation; but the channel is filling.

Mr. FLETCHER. I presume, if the Senator will allow me, that the Government dredge is there, and at work. Whether they would require another dredge or not, I do not know.

Mr. SMITH of Georgia. No; there is no dredge at Brunswick.

Mr. FLETCHER. There is none?

Mr. SMITH of Georgia. The Government never has bought a dredge for Brunswick.

Mr. FLETCHER. Then it is a question of contracting for the work to be done outside. There may have been some trouble about letting the contract. I do not know as to that. I have never inquired into it. But if a contract can not be let, if there are no bidders for the work, then I take it that the only remedy would be for the Government to bring a dredge there.

Mr. HARDWICK. Mr. President, if the Senator will pardon me, we had a dredge there for a while. They took it away, on the ground that they did not have enough money to keep it there very long.

Mr. FLETCHER. Of course, this will give the money. This $20,000, in addition to what they have, will give $57,000 to be used between now and next March. I should think this would give an ample appropriation. At least, it is all the department asks.

Mr. SMITH of Georgia. Can the Senator suggest no remedy to a port of that character, which, after we make the appropriation, is neglected by the Engineer Department?

Mr. FLETCHER. I can only suggest that the Senator take it up with the Chief of Engineers. I believe the Senator will find that the matter can be satisfactorily looked after there. I believe the Chief of Engineers will either see that a dredge is brought there or that a contract is let to maintain it.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to his colleague?

Mr. SMITH of Georgia. I do.

Mr. HARDWICK. I want to make this suggestion: The Senator from Florida is familiar with what has happened down there. I think my colleague and myself will be willing not to make any too great insistence at this session of Congress about this item, but here is exactly what has happened:

We appropriated money for maintenance of this harbor—no very great amount, $33,250 a year—for a number of years. Year after year they did not spend all of it, and during the time when they did not spend it all the harbor shoaled 1 foot in some places and 4 feet in other places. This year they cut the appropriation $20,000, on the recommendation of the Chief of Engineers. When we asked to have it restored to the usual amount—$33,250—the reply was:

> Well, we have a certain amount of unexpended balance that can be used which will give you more than if $33,250 were appropriated and there were no unexpended balance.

In other words, the Chief of Engineers lets that harbor shoal by not expending the money that Congress appropriated for its maintenance, and then, when we ask for a larger appropriation, in order to cope with the shoaling he says:

> You do not need it, because I have money on hand.

I think the trouble is that the engineers have not spent the money that Congress has appropriated, and in accordance with the policy that Congress has established with respect to this matter. As the Senator from Florida knows and as other members of the committee know, the harbor of Brunswick is one of the greatest on the whole Atlantic coast—one of the three best, I think, on the entire Atlantic coast. You are proposing to spend in this bill $3,000,000 to dig a channel in Charleston Harbor. I am not particularly objecting to that, although it is a proposition that well deserves the attention of the Senate—to make an artificial harbor, as it were, so that you may appropriate $5,000,000 more to build a navy yard in Charleston—a total of $8,000,000, when the experts, as I understand the question, say that it can not be completed in three years, and yet you are doing that as a war measure, although the probability is that the war will be over long before we get the work completed. But here is a great natural harbor, where if you had your navy yard located it would not take $100,000 to enable every navy in the world to anchor therein, and we can not even get $30,000 a year just to maintain it!

Now, I can not understand that sort of a situation, and I must say that I think the Committee on Commerce ought to see to it, if they can, that these men spend the money that we appropriate, and that they are not allowed to come up here year after year and defeat adequate appropriations by saying:

> Oh, well, you gave us an adequate appropriation last year, and you ought not to require one this year, because we did not spend all you gave us last year. We have some of that left over.

That is the situation.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARDWICK. I yield; yes.

Mr. KING. Under the statement just made by the Senator, it seems to me that it would be not only the duty of the Senate but the duty of those in charge of the executive branches of the Government to abandon the Charleston plan and to establish a harbor and a navy yard at the point indicated by the Senator from Georgia, if that is so much superior.

Mr. HARDWICK. There is no doubt in the world about that.

Mr. KING. If there is a harbor there that will be adequate to hold the navies of the world at a comparatively small expense, and at a great expense an artificial one has to be constructed at Charleston——

Mr. HARDWICK. They will have to dig it out.

Mr. KING. What is there to justify the Government in building the artificial one when a natural one is available?

Mr. HARDWICK. The Senator has asked a question that it is difficult for me to answer. The facts are as I have stated. I do not see the explanation. We have not asked for this navy yard to be established at Brunswick, and are not asking it now. It is not a question of diverting the improvement from one State to another or from one harbor to another, but the fact is that the Brunswick Harbor is one of the three or four best on the entire Atlantic coast, and that at the expense of $100,000 it can be made one of the greatest harbors in the world. Already we have practically 30 feet of water up to the very streets and wharves, and we can get more than that, I think.

Mr. RANSDELL. Will the Senator from Georgia yield to me?

Mr. HARDWICK. I yield.

Mr. RANSDELL. I simply want to say in reply to what the junior Senator from Georgia has said about the Charleston project that the Committee on Commerce has not taken any steps at all in regard to this navy yard. If you will look at the proviso in the bill, on page 6, in the first paragraph, in regard to this appropriation for Charleston Harbor, it reads:

> *Provided*, That this work shall not be undertaken until the proposed new dry dock at this navy yard, carrying a depth of 40 feet of water over the blocks, has been authorized.

If Congress authorizes the appropriation and decides to build a dry dock at Charleston and makes the appropriation for it, then our appropriation becomes available. Otherwise it is not available. The Committee on Commerce was assured that that item had already been agreed upon, at least tentatively, in the naval appropriation bill, which is being prepared, and that it would be in the bill when it passes Congress. Of course, we do not know anything about that, and we save our faces by putting in the proviso. If Congress in its wisdom establishes the dry dock, I think the Senator will admit that there ought to be a channel to it.

Mr. HARDWICK. Undoubtedly; but the Senator from Georgia doubts the wisdom of establishing a dry dock at a place where you have got to dig a channel, practically, when there are so many good places where nature has already done the work.

Mr. RANSDELL. I suggest to the Senator that that will more properly come up when we discuss the naval bill than at this time. It is only tentative in this bill. If the naval bill passes with that item in it, then our provision here is a wise one. If it does not pass, of course this item goes out. It seems to me we ought to thrash it out when the naval bill is under consideration.

Mr. HARDWICK. Of course, the Senator is defending the committee. It needs no defense as far as I am concerned. I am not making any assault upon the committee.

Mr. RANSDELL. I understand that.

Mr. HARDWICK. I agree with the Senator from Louisiana that if we are going to build a $5,000,000 dry dock at a place where nature has not put water, we shall have to dig out a channel to get to it. There is no doubt in the world about that; but I am questioning the policy and the wisdom of selecting a place for the establishment of a dry dock where you have got to dig a $3,000,000 channel to get to it.

Mr. VARDAMAN. I wish to say, in justification of the position taken by the committee, that this appropriation was inserted in the bill conditionally, at the request of the Secretary of War and the Secretary of the Navy, as a war measure.

Mr. HARDWICK. Yes; and I wonder what sort of a war measure it is.

Mr. VARDAMAN. That is the position of the committee.

Mr. HARDWICK. I am not assailing the committee, of course. The committee put it in in such a way that if we do not build the dry dock there this money will not be available and it will not be spent; but as it will take two years to do this work, the chances are that the war will be over before it is done, and I wonder why we should expend $8,000,000 on these two items to establish a dry dock, under the circumstances, at Charleston.

Mr. VARDAMAN. I want to say to the Senator that I do not think it is a war measure.

Mr. HARDWICK. I do not, either.

Mr. NORRIS. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. NORRIS. The committee were kind enough to put in an item of this kind. What is it proposed to do?

Mr. RANSDELL. The item in the bill reads:

For improvement to provide a channel 40 feet deep and 1,000 feet wide, extending from the sea to the Charleston Navy Yard, $1,500,000.

Mr. NORRIS. This is to build a channel to the dry dock, depending upon its establishment?

Mr. HARDWICK. It is to dig out a 40-foot channel to get to it.

Mr. NORRIS. I was wondering if there was a good place for a dry dock in my State whether the committee would put in some provision for a channel to it.

Mr. HARDWICK. A 40-foot channel?

Mr. NORRIS. A 40-foot channel.

Mr. HARDWICK. For a hundred miles or so?

Mr. NORRIS. And run the risk that the Naval Committee would provide for putting in a dry dock.

Mr. RANSDELL. Will the Senator yield to me for just a moment?

Mr. HARDWICK. I yield.

Mr. RANSDELL. I should like to suggest to the Senator from Nebraska that if he can get the Secretary of War and the Secretary of the Navy of this great Nation to strongly urge the adoption of a provision for his State similar to the provision here, I think the Committee on Commerce would recommend it.

Mr. NORRIS. I am very much obliged for that suggestion, because that shows just how it is done. All we have to do is to stand in with the Secretary of War and the Secretary of the Navy. They tell the committee what to do and the committee does it, and the Senate does what the committee thinks should be done, and the House does what the Senate does.

Mr. HARDWICK. I wonder if we have not a right to say we had better put it at some place better suited by nature instead of putting it where we must dig a channel 40 feet deep—I do not know how many miles—to it.

Mr. RANSDELL. Will the Senator yield to me just a moment more?

Mr. HARDWICK. I yield.

Mr. RANSDELL. I suggest to the Senator that I for one would be very glad to watch this provision carefully when it comes in the naval bill, and if he can show to the Senate or show to me, as one individual Senator, that the harbor of Brunswick is better I would be very glad to vote for a dry dock there. I imagine the Naval Affairs Committee is not a prejudiced committee, and I do not think the Secretary of the Navy is especially prejudiced in favor of Charleston. He is a North Carolina man, and I do not see why he should favor Charleston. The Secretary of War has no prejudice in the matter.

Mr. BANKHEAD. Mr. President——

Mr. HARDWICK. I yield to the Senator from Alabama.

Mr. BANKHEAD. Mr. President, I think I can tell the Senator from Georgia what is the matter with the Brunswick Harbor and the reason why the money has not been expended and the channel properly maintained. For years it has been the policy of the Engineering Department of the Government to drive out of business all private dredging. They have sought to build dredges everywhere where they could get an appropriation to build one. I have no objection to that, but the result has been that private dredgers that have heretofore done work of this kind are practically out of commission. They have gone. Why? Because the river and harbor bill for two years has carried a provision that no private dredge should be permitted to do dredging work at a cost of more than 25 per cent of the cost of the Government dredge. My opinion is that when they have made an estimate of the cost of Government dredges they have taken no account whatever of overhead charges, depreciation, repairs, and interest on the capital invested. It has been stated that they have taken care of that, but I believe that is the trouble. The Government has not the dredges with which to do the work. They have no dredges at Brunswick?

Mr. HARDWICK. No.

Mr. BANKHEAD. They would have to go somewhere to get a dredge to maintain that harbor. They have not a Government dredge to carry on dredging there, and it could not be done without neglecting other very material work. We have put a provision in the bill trying to remedy that to some extent by providing that when the estimate for dredging is made they must take these matters into account. The amendment offered by the Senator from Minnesota was a very proper one, and it was adopted unanimously by the committee.

Mr. President, I venture the guess that the department will be able to get private dredges to do this work when they are willing to pay a reasonable price for the work done. Everybody knows that the cost of dredging, like everything else, has materially advanced in the last two or three years in labor, material, and everything of that kind. Private dredgers do not feel inclined to go around and dredge for nothing. They would rather tie up to a dock somewhere than use their dredges and wear them out unless they get fair compensation.

I have not a doubt in the world that that is the main reason why the harbor at Brunswick has not been maintained and the appropriation expended. The Government could not expend it because they could not get anything to expend it on. The Government have no dredges of their own and could not get one under the provision of the law which provided that they should not pay more than 25 per cent above the cost to the Government. There is the trouble.

Mr. HARDWICK. Does the Senator think that will be remedied by this bill?

Mr. BANKHEAD. We hope to remedy it. We have inserted a provision intended to remedy it.

Mr. HARDWICK. Mr. President, I have said about all I want to say. I believe these places ought to be selected on their merits, in accordance with the endowment of nature. When we come to select a harbor at which to establish a navy yard or build a dry dock, we ought to take a real harbor, not one we have to dig out. Of course, I will not say what the war necessities of the country are, because I do not understand it.

Mr. NORRIS. If the Senator will permit me, I understand the committee and the Secretary of War and the Secretary of the Navy do not go on that theory. Their theory will equalize things. The Senator wants to go on the theory that we should improve harbors nature has made. A community that has a harbor has a double advantage over a community that has no harbor at all. But the Secretary of War and the Secretary of the Navy and the committee want to equalize things, and they say if nature has given one community a good harbor, far ahead of other places that have no harbor, we will give you a harbor by artificial means so as to equalize you with the harbor that God gave.

Mr. HARDWICK. It seems to me that in a time of war if we need a dry dock at all we need it at once, and it should be put where it can be put the quickest instead of having to wait two or three years to get a channel dug out to it.

Mr. GALLINGER. Mr. President——

Mr. HARDWICK. I yield.

Mr. GALLINGER. I think it is a wise suggestion the Senator made, that if we are going to build dry docks for war purposes we ought to put them where there is water. Three or four years ago I offered an amendment providing an appropriation for an additional dry dock at Portsmouth, N. H., where we have 60 feet of water, but it got lost in the shuffle and I have not heard from it from the day I offered it until the present time.

Mr. NORRIS. I wish to ask the Senator from New Hampshire a question. I understand the Senator is in favor of building a dry dock where there is water.

Mr. GALLINGER. Yes.

Mr. NORRIS. In that respect he conflicts not only with the committee but with the Secretary of War and the Secretary of the Navy.

Mr. GALLINGER. Apparently so.

Mr. NORRIS. Why do you want a dry dock where there is water? The very name implies that it should be located where there is no water. [Laughter.]

Mr. GALLINGER. Possibly that is an interpretation the officials would put on it, but ordinarily we want dry docks where there is water. We want to float ships into the dock.

Mr. SHEPPARD. I should like to ask the Senator from Nebraska if he means that it must be bone dry? [Laughter.]

Mr. NORRIS. There are places where they could be located that would be bone dry. The Senator from New Hampshire had reference to water only.

Mr. FLETCHER. Mr. President, I am afraid we are speaking rather lightly on a matter that is very important and very serious. In the first place, as far as the Committee on Com-

merce is concerned, we have not made any change in the bill as it came from the House. This provision regarding the improvement at Charleston Harbor and a dry dock is in the House bill and we reported it accordingly. There is no recommendation by the Commerce Committee with reference to it except that we agreed to the House bill.

In the next place, with regard to Charleston being the proper place for one, of course a great deal might be said in considering that which it is not appropriate to say now because this does not involve the question of a dry dock at all, nor the question whether a naval base should be made at Charleston or not.

If we got into a discussion about splendid harbors and where these dry docks ought to be placed other people might be very well heard from on the subject. I do not think myself that there is a finer harbor in the country either at an Atlantic, Pacific, or Gulf port than the harbor of Pensacola. You can float the United States Navy in the harbor of Pensacola. A ship can come limping over that bar and into that channel on the darkest night drawing 35 feet of water. It costs practically nothing to maintain that channel. There is no need of any expenditure, not even of $10,000 a year.

Mr. POMERENE. Why would it not be a good idea in view of what the Senator said about Pensacola Harbor to take the one and one-half million that goes to Charleston and divert it to Pensacola?

Mr. FLETCHER. I am coming to that in a moment. I should like to have a million and a half appropriated for that purpose if I could, but I am afraid I can not.

Mr. VARDAMAN. If the Senator will permit me, I should like to say when ships float into that harbor they are in sight of one of the most beautiful cities in the world.

Mr. FLETCHER. I am obliged to the Senator for adding that. Not only that, but there was a navy yard at Pensacola. The former Secretary of the Navy, Mr. Von L. Meyer, painted white lead over it and sealed up the keyholes, and closed down the navy yard, and took away the dry dock that was there, I think, to the State of my friend, the Senator from New Hampshire. He took it to some place in the North.

Mr. GALLINGER. No; we have not any second-hand navy yard or dry dock.

Mr. FLETCHER. It was a splendid dry dock. I think we paid $80,000 or $100,000 to Cuba for that dry dock, and it was brought to Pensacola. For some reason or another the Secretary of the Navy decided that that was not the proper place for it, and it is somewhere in the North or Northeast now. It really ought to be at Pensacola.

Aside from that this question of locating the dry docks where there is a naval base has been before a special committee known as the Helm committee for some years. They have investigated every port on the Gulf and the Atlantic.

Mr. GALLINGER. I sympathize very much with Pensacola having lost a dry dock. It floated out to sea apparently, either with help or without help. The proposition, as far as Charleston is concerned, is to use a dry dock where it can not be moved out.

Mr. FLETCHER. I think it would be a very good idea to locate it to stay if you do locate it at this time. I take it this dry dock will have to stay, because I think it is of the kind that can not be moved. It will have 40 feet of water. There is a special commission composed of officers of high rank and standing which has made a study of the question of where the naval base really ought to be in this country, and that commission, it seems, has reported that that base ought to be on the Atlantic, and on the south Atlantic. I was inclined to believe it ought to be on the Gulf, because I rather thought that the next great conflict in this portion of the world would be in the Caribbean, and the base ought to be in the vicinity of that region, or as near to it as our coast would afford. At any rate, the experts of the Navy Department have declared that that naval base ought to be on the Atlantic coast instead of the Gulf coast, and they have decided that it ought to be at Charleston instead of somewhere else. They have passed upon that question, and they had undoubtedly good reason for it. We can go into that when the time comes to consider the naval appropriation bill if the Senate desires to pursue the subject further. I am just stating in a general way that it is not because Charleston wants it, it is not because a Representative or a Senator from South Carolina wants it at Charleston, it is not because a Senator from some other State was not as active as he might have been for his State. That is not the reason why he did not get it. It is for the very excellent reason that it has been recommended to go to Charleston, and that reason is based upon years of study of the subject by the experts of the Navy Department. The report of the Helm Commission is accessible, of course, and the details can be found there.

With reference to the amendment of the Senator from Wisconsin [Mr. LENROOT], which is really now the matter before the Senate, I will say that this provision in the bill respecting the Ohio River improvements came to us from the House and it has not been changed by the Commerce Committee. We have adopted the House provision. In the House hearings on that subject, at page 105, you will find what Col. Newcomer had to say in reference to it at the outset. He said:

Col. NEWCOMER. You will notice that in this instance there has been put in the committee book quite a complete statement of the situation, a table taken from the annual report, showing the completed works and the percentage of completion for other works in progress. This item of $5,000,000, as you, of course, recall, is the regular annual appropriation that Congress has been making for this improvement, upon the basis of completing it within a period of 12 years. The work now has made very substantial progress. The funds in hand will practically complete the canalization from Pittsburgh down to Lock and Dam No. 29; that is, in the neighborhood of Portsmouth, Ohio.

Mr. BOOHER. Above or below Cincinnati?

Col. NEWCOMER. Above Cincinnati. Dam 37 is the one that pools the harbor at Cincinnati. We considered this project one on which, in view of the increasing importance of furnishing all possible means of transportation in that region of very intense industrial activity, the work should proceed at the full rate which Congress has authorized.

It is not a new project at all; it is an old project that has been under way for years. The Government is doing a great deal of the work itself with its own plant, its own organization. The question is, Ought we to stop the work there and scrap the plant, and let it rot and go to pieces, and dismiss the whole organization, and it may be that when the war is over at some future time—nobody knows when—take it up again and carry it on in pursuance of the order and direction of Congress heretofore made? We have adopted the project. We undertook to complete the whole business in 12 years. We have gone on with a great deal of it. Considerable work has been done. It is proposed now to give a depth of 9 feet from Pittsburgh to Cincinnati, and undoubtedly that would mean a very great deal in the way of transportation facilities in this active industrial region of the country, a thickly settled portion of the country, and now at a time when we especially need the waterways for carrying coal and heavy freight of that sort in order to relieve the railroads.

The engineering department strongly insists that the work should go on. There would be considerable loss if it is not continued, loss in the way of depreciation of plant, the loss of a good deal of material on hand, loss in the way of leaving work undone which was partly under way, loss in the dissemination of the organization, so that you could not pick it up and go on with it again as effectively as you can continue now that it is in progress.

It is a large appropriation, I will admit. The total appropriation for the Ohio River adopted in that project was $63,000,000, and, as I said, a good deal of the work has been done.

Mr. POMERENE. The Senator has given a good deal of attention to the matter of commerce upon the rivers. During the last winter in my investigation of this subject I found as a matter of fact that there was very much less coal transported down the Ohio River within the last year or two than for years preceding. Is the Senator able to give any explanation of that?

Mr. FLETCHER. I should say with reference to that that, of course, until you get the improvement extended to a point where it will take care of the commerce that would move on the river when it is completed you have not put it in a condition to do business. For instance, if there is one shoal place in the whole river across which the boats can not move, it is just the same as if the whole river was not navigable.

Mr. POMERENE. I appreciate that there is a good deal of force in that. Still that does not answer the question I asked. The transportation of coal during the last year or two on the Ohio River has been less than it was three or four years ago, and the shoals were there then just the same as they are there now.

Mr. RANSDELL. Will the Senator permit me to answer that?

Mr. FLETCHER. I yield to the Senator.

Mr. RANSDELL. I will say in response to the question of the Senator from Ohio that I understand there has been very great development of industrial enterprises in the city of Pittsburgh and vicinity during the last two or three years which has consumed the coal which used to go down the Ohio River. There was, as the Senator doubtless knows, a very large amount of coal mined on the Monongahela River and in West Virginia near the banks of the Ohio River. All the coal, practically, along the Monongahela River is now consumed at Pittsburgh and its immediate vicinity and large quantities from some distance below the city of Pittsburgh up to that region are there consumed. This coal used to go down the Ohio River. It went, much of it, as far, I may say, as the State of Louisiana. We do not get coal any more in that section from

that region. It is now taken from the mines of Alabama. It is taken largely by rail, and there is a very cheap rail rate. So we do not carry it down as we used to. That answers the question to that extent.

Mr. POMERENE. I do not think it answers it very fully or very satisfactorily, because the coal is taken from West Virginia down the Ohio River and the coal barges this winter have been tied up along the Ohio River banks.

Mr. RANSDELL. Some of it has gone down, but the large quantities that used to go down are now taken to Pittsburgh. The coal is consumed at Pittsburgh that used to go down the river.

Mr. FLETCHER. I think one reason of the lack of commerce on that river has been the lack of terminal facilities. This bill is intended to remedy that. There are provisions in the bill which I think will materially change that situation and cause arrangements to be made by municipalities and transportation lines for terminals along the river. The report of the engineer upon that point, signed by Col. Lansing H. Beach, one of the most experienced and one of the best engineers in the service, says:

> 4. It will be seen, therefore, that with funds at present available and $1,368,000 of the expected appropriation of $5,000,000 all work in the Pittsburgh and Wheeling districts can be completed, as well as all dams in the first Cincinnati and Louisville districts now under consideration.
>
> 5. This office can not urge too strongly the total appropriation of $5,000,000 asked for, as the past season has indicated the necessity for completing the slack-water improvement of the Ohio River at the earliest practicable date. Were the improvement completed only as far as Cincinnati, the present serious coal situation in this locality would not exist, and not only would the present great handicap on production be largely removed but manufacturers and others would be enabled to move large quantities of freight, impossible at present owing to congestion on the railroads.

So, in view of that situation, it seems to me it would be very unwise not to continue this work and to fail to make this appropriation. The amendment offered by the Senator from Wisconsin would leave the matter where Congress having decided, and having jurisdiction to so determine, that the improvement ought to be made, and making the appropriation for it, must then go and submit that question to some other body to pass upon it before it can utilize the funds which are available.

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. FLETCHER. I do.

Mr. LENROOT. If the condition of the Treasury is such that the money in the Treasury ought to be used for ordnance, for aircraft, and for equipping our soldiers in the field, does the Senator think in that event that money should be used for the construction of locks in the Ohio River or in the other improvements which have been specified? Ought not the Secretary of the Treasury have the right to determine the prior need of the money which is in the Treasury of the United States?

Mr. FLETCHER. Mr. President, in the first place, I agree with the Senator that, of course, we must not fail to recognize the first importance of the things which the Senator mentions as being absolutely and immediately necessary—the production of munitions and the things we need for the conduct of the war—but this country is amply able to take care of its internal public works. We are not living from hand to mouth, and we can not afford to neglect these great public improvements even in the stress of actual conflict. The countries of Europe have found it necessary to keep up the improvement of their inland waterways. France has done it; Germany has done it; England, right in the midst of the most terrible time they have ever had in the history of their people, is talking now of opening up old canals that were abandoned years ago. There is a movement on foot to appropriate money to open up and develop canals that have not been used for years and years in England. Even if we do have to look after these other things—and we can look after the other things as well—we can not afford to abandon our waterways and internal improvements of this sort.

I do not live on the Ohio River or in that section; but I realize the importance of that great public transportation facility. It seems to me that it is incumbent upon us to see that this work goes on. We can provide the means for doing it and for doing the other things also. Congress ought not, when it determines to do a thing like this, when it has the power to do it, and when it has the jurisdiction to do it and to make the appropriation necessary for it, and when we have a department that controls it like the War Department, to be required to ask some other department or some other board or some other commission whether it will be permitted to do what its judgment and its conscience is that it should do.

Mr. VARDAMAN and Mr. LENROOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield, and if so, to whom?

Mr. FLETCHER. I first yield to the Senator from Mississippi.

Mr. VARDAMAN. I want to suggest to the Senator that the purpose of river and harbor improvements is to enable the people to meet the enormous demands upon them by reason of the war. You might just as well say that you are going to stop building roads over which the farmer carries the products of his farm to the towns. This is no donation. These waterway improvements are for the purpose of facilitating commerce and encouraging and stimulating production.

Mr. FLETCHER. Precisely.

Mr. VARDAMAN. And if we are to meet the great expenses that this Government is now assuming, we have got to make these improvements and do everything else that will encourage production and stimulate trade and commerce.

Mr. FLETCHER. We have got to do this work in order to get the money and the revenues with which to do the other things.

Mr. VARDAMAN. Of course.

Mr. FLETCHER. The Senator from Mississippi is quite right about that; and I think he has answered the inquiry of the Senator from Wisconsin better than I could have done.

Mr. LENROOT. Mr. President, I want to ask the Senator whether he realizes that the effect of my amendment is that if we have the money in the Treasury to do both, the amendment will not interfere in the least with carrying out these improvements, but if we have not, my amendment merely proposes that the money shall be taken first for purposes which are actually necessary in carrying on the war.

Mr. FLETCHER. Mr. President, the items of this bill are all items of that kind; the bill is framed upon that basis. That is a matter that we can pass on here without leaving it to a department. However, I do not care to prolong the discussion. I think it would be unfortunate to adopt the Senator's amendment, because it would be an unheard of thing and unwise.

Mr. RANSDELL. Mr. President, I wish to add just a word or two to what my colleague on the committee [Mr. FLETCHER] has stated with regard to this amendment.

The amendment of the Senator from Wisconsin [Mr. LENROOT] it seems would be limited to new projects. There are only two new provisions in this act. One is an item of $204,000 for the Los Angeles Harbor and the other is for Crescent City Harbor, Cal. The other items in this bill the Senator may call new projects, but they are not really new projects. The project for the improvement of the Ohio River was adopted a long time ago, practically in 1876. I am sorry to say that the work has gone on in a most unbusinesslike manner since that time. The present project of 9 feet of water from Pittsburgh to Cairo was adopted in 1910, and we have been carrying it on at the rate of about $5,000,000 a year since that year. This is simply carrying forward a great project voted by Congress a number of years ago. So if we are going to limit the bill to new projects, the only ones of which I know would be those in California, and they are strictly emergency war items.

It seems to me that in considering this very diminutive river and harbor bill, carrying an appropriation of about $20,000,000 for all the great rivers and harbors of this Nation, we might hark back a few weeks, when about $500,000,000 were readily appropriated by Congress—and I was glad to vote for it—to enable the Director General of Railways to take the very best care of the transportation systems of this country. We gave him $500,000,000 to help along transportation, a part of which he is expected to use in putting boats and barges on our waterways.

It would be suicidal and most unbusinesslike to stop improving our harbors and our rivers altogether when we need transportation more than anything else right now, or as much as we need anything else, if we are going to carry on this war successfully.

We suffered terribly last winter from a lack of coal, and that suffering was caused by shortage of transportation. Many of the best students of that subject think we are going to suffer next winter as much as we did last winter, unless the season is mild, merely because of improper transportation.

This little bill—a very small bill by comparison with many others, for we have been dealing in billions here and in this bill we are dealing in the insignificant sum of $20,000,000—this little bill, I say, is to help along transportation by water. The Senator from Wisconsin [Mr. LENROOT] would cut that down and limit us on this $5,000,000 item; he would limit us on items for many other places of $1,000,000; in others to a million and a half dollars; and in some cases to two and a half million dollars and in other cases he would cut us off entirely.

His voice may have been raised against it when we were giving the railroads $500,000,000, but I did not hear it. I think we should be fairly liberal to this great transportation agency when we are so exceedingly liberal to the railroads. I favor them all; I voted gladly for the $500,000,000 for the use of the Director General of Railways, and I will vote a reasonable sum for our highways. I want to see not only the railroads developed but also the waterways and the highways. I want to see the auto trucks used to a very great extent in helping us along in our present transportation emergency. We need all these agencies. We ought to help them all. We ought not to check any.

As the Senator from Florida [Mr. FLETCHER] has so well said, the people in Europe, who are carrying on this war, if we are correctly informed about it, especially the Germans and the French, have never ceased to prosecute work of waterway improvement, and it has been most beneficial to them. I sincerely hope that this amendment will not be adopted.

Mr. KIRBY. Mr. President, I do not understand all about this bill nor all about some other legislation proposed in the Senate. I was born inland and I have never been down to the sea. One Senator says I ought to go. It may be so. I am on the Commerce Committee, however, and I was struck with singular force by the proposal to build dry docks at Charleston and at Los Angeles and the proposed appropriation for digging a deep channel in order that the dry docks can be used when built.

I wondered how the matter was going to be finally determined. Let us attempt to surmise the course of such an appropriation. Doubtless these progressive cities were insistent upon these improvements being made, presented the matter to the departments and engineers, and finally procured recommendations that they were necessary to the conduct of the war, notwithstanding the improvements will not be finished for two or three years. They probably then went to the House committee and had the provision for an appropriation for the dredging of the channel at Charleston inserted, making it conditional and contingent on the fact that a dry dock would be constructed there. They then go to the Shipping Board with the proposition that a dry dock is greatly needed and will be constructed down there if an authorization be made and money loaned for the purpose, insisting with that board that arrangements have already been made for the dredging of the channel to facilitate the use of the dry dock. Then the decision of the whole matter, the entire improvement, finally devolves upon the Shipping Board in authorizing the construction of the dry dock, and each department, Congress included, is but deciding the matter in effect partially and passing it on, and not as the situation really demands but according to a condition that may develop if all other departments decide in accordance with the program and procedure indicated.

I was curious to know how the provision for dredging the channel for the use of a dry dock got into the bill before there was an authorization for the construction of the dry dock, and there was this same old explanation that it was necessary for the conduct of the war. Finally there came before our committee this man, Hurley, who is in charge of the shipbuilding program, and I then thought I would find out something directly about it. I said: "Mr. Hurley, what is the purpose of building a dry dock in a harbor where the channel must be deepened in order to get to and use the dry dock? Is that the best method of procedure?" He said he had not done it yet.

But you easily see that the entire pressure for appropriations for the whole improvement will fall on Hurley and he may not be able to resist it.

It may be asked, What is the remedy for all this? I may not know, but I will tell you the remedy for a great many of these things—and the lack of it is the trouble with this country now—it is intelligent thinking upon the part of the voters and intelligent and courageous action upon the part of officials representing them here.

Mr. SMITH of Georgia. Mr. President——

Mr. KIRBY. I yield.

Mr. SMITH of Georgia. Does the Senator remember how much it was estimated it would cost to really complete this ditch up that river?

Mr. KIRBY. I will say to the Senator that I do not.

Mr. SMITH of Georgia. Was it not $5,000,000, and was it not to take some two years?

Mr. KIRBY. I do not remember that; I am trying to get down to this other proposition.

The Senator from Ohio [Mr. POMERENE] asked a very pertinent question, a question that ought to have disturbed the minds of the Senate and the people behind the Senate for years and years. It was an intelligent question, that will come up forever if the condition continues to exist as it does now. He said: "We have improved the Ohio River, spent vast sums of money on it, and there is not half the commerce upon it now there was before it was improved. Why?" If you improve the Ohio River and the Mississippi River and every other river in this country and do not change the system of rate making and the schedule of railroad rates, you will not have any more commerce on the rivers. Perhaps I can cite you an example. We have the greatest deposit of bauxite in the United States in the State of Arkansas. Bauxite is the substance from which aluminum is made. That bauxite has to be taken to St. Louis to be refined and manufactured after the ore is mined. They could have taken that bauxite under the established railroad rates in my State to White River at Devall Bluff and installed a line of barges and carried it on to St. Louis and made money in the carrying of it by the barge line on the rates which were established and in force in Arkansas for years and years, but as soon as they proceeded to do that the railroads immediately increased the rates from the bauxite plant to the White River station to such an extent that it could not be done. That stopped the water transportation.

In the Mississippi River there is plenty of water to get goods down to Memphis, but there is not any such commerce on the Mississippi River there as there ought to be. Why? Because Memphis is a competitive water-rate point, and the railroads have been allowed to put down their rates so low that they can shut out the river competition and transportation, and they have done so. They have not only done so there, but they have done it at other places, and they will continue to do it as long as they are allowed to proceed as they have heretofore; and our rivers will never be used under such conditions until the railroads are not able to carry all the traffic and refuse to make rates as they are made now.

Mr. HARDING. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. KIRBY. I yield to the Senator.

Mr. HARDING. The Senator has just said that the failure of water transportation in one instance was due to an increase of railroad rates, and he says that the failure in another case was due to the decrease of the railroad rates. I should like to have him say which is the specific evil—the increase or the decrease?

Mr. KIRBY. I say, with the railroads authorized to fix such rates of transportation as will preclude the building up of the river transportation, we will never have water transportation; and that has been the effect of dividing this country into zones and allowing the railroads to carry the freight as it has been carried. That has been the effect of sending different products throughout the country to this place, that place, and the other place, where they would not naturally go. I am not complaining about that; but I do not believe, if we had all our rivers improved now, with the railroad rates made and adjusted as they have been, with rates controlled by the railroads, that we could materially increase commerce upon the rivers until after the railroads get all they want to carry.

Mr. SHEPPARD. Mr. President, will the Senator yield?

Mr. KIRBY. Yes.

Mr. SHEPPARD. Does the Senator think that Government ownership and operation would cause a change in that condition?

Mr. KIRBY. I think it ought to cause a change in that condition, but I do not think it will. Why? Because the same men who have been making the rates heretofore for the railroads and for the railroad interests are now continuing to make the rates as heretofore for them under Government control.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. KIRBY. Yes.

Mr. POINDEXTER. If the Senator from Arkansas will allow me, I should like, in just a word, to answer the question that has been asked by the Senator from Ohio [Mr. HARDING]. The Senator from Ohio asked whether or not the lowering of the rates by the railroads or the raising of the rates by the railroads is the cause of shutting out water transportation.

Mr. KIRBY. They are both responsible.

Mr. POINDEXTER. I should like to say that it is both the lowering and the raising of rates that is the cause of it.

Mr. KIRBY. Certainly.

Mr. POINDEXTER. In this way: The railroads lower the rates at water competitive points; they lower the rates to those points to a less amount than will return interest on the investment. Under the specific permission of the Interstate Commerce Commission the railroads have been allowed to put down the rates at the water competitive points to such a rate as will only

reimburse them for the actual expense of transporting the goods, without regard to paying interest on their bonds and dividends upon their stock. The consequence is that, in order to pay interest on the bonds and dividends on the stock, they have raised rates to an unreasonable amount at the interior points, where there is no water competition. They shut out water competition to get that business and reimburse themselves by imposing extortionate rates upon all that section of the country which has not water transportation. So that it is both the lowering and the raising of the rates, the combination of the two, which has destroyed water transportation.

Mr. KIRBY. That is true. As I have said, the raising of the rates to the point where the shipment was destined in order that it might take the water route cut out the water transportation in one instance. It is exactly like the answer of the old nigger to the question of the court. He was testifying about a particular incident which had something to do with a stairway. He seemed to be equivocating a little about it, or the judge thought so, and said to him, "Now, look here, Sam, you tell the court the truth. How did that stairway run?" He said, "Marse Jedge, it is diss-a-way: It 'pends on whar you is at. If you is upstairs, de stairway runs down, and if you is downstairs, de stairway runs up." [Laughter.] So, like the stairway which runs both ways, up and down, the raising and lowering of railroad rates is what has shut out water transportation.

I am not going to talk a very great while about that. I accepted the statements of members of the committee and of the War Department engineers. I do not know where they got their views and facts, but I voted in the committee for this provision as it stands and I expect to vote for it in the Senate.

Now, in regard to the matter of which the Senator from Georgia spoke. He said, "We need $33,000 at Brunswick, and you are only allowing us $20,000." We discovered on examination of the $33,000 item appropriated last year that there was enough of it still remaining on hand unexpended to give them more than $33,000 this year, and on that account no more was appropriated than $20,000, because that left all the money on hand that was needed or that could be spent.

Mr. SMITH of Georgia. Let me say to the Senator, however, that the failure to expend the appropriation during the present fiscal year made the amount of work that would be required that much more.

Mr. KIRBY. There might be something to that, but the engineers did not think so, and I took the word of the engineers. I have been taking somebody's word—have had to do it—for nearly everything since I have been here. [Laughter.]

Mr. SMITH of Georgia. Did the engineers explain why they neglected to do the work during the past year?

Mr. KIRBY. They did not. They came in and said, "We have all the money we can spend; there is so much left." I said, "All right, if you have all you can spend, that ought to be enough."

Mr. SMITH of Georgia. Perhaps they did not think about the amount of work that would be caused by neglecting to do the work the previous year.

Mr. KIRBY. That is along the line of what I said a while ago—we are not doing enough thinking for our constituents, and our constituents are not doing enough thinking for themselves. I can hardly get used to the way things are done here.

Just to show you an instance, I had a little experience back some years ago when I was a youngster in the Arkansas Legislature, in the house and senate. The constitution of the State provides that upon the passage of every bill, or when any bill is placed on its final passage, there shall be a roll call and record vote. The other day a proposition came into the Senate appropriating $600,000 for some kind of a garbage plant in the District of Columbia. I did not know anything about it. I tried to find out something about it, but nobody else seemed to know anything about it. The question, however, was put and carried. I was on the floor twice trying to get recognition. Nobody voted for it, and nobody voted against it, but it was passed. [Laughter.] That is the procedure here. It only involved $600,000, however——

Mr. GALLINGER. Mr. President, it seems to me that was one of the times the Senator ought to have voted, and he either would have carried it or defeated it. [Laughter.]

Mr. KIRBY. I thank the Senator. As I have said, I tried twice to get recognition; I did not know but that it might be a good thing, but yet when the bill was passed it was done so rapidly I could not get in a vote. [Laughter.]

But, to go back a little further. Not long ago a deficiency appropriation bill came up here appropriating $7,000,000,000 or $9,000,000,000. I have forgotten which. Of course, the difference does not amount to a great deal, but when the question was put upon the passage of that bill I was the only Senator who voted for it; no Senator voted against it. [Laughter.] And there were only 19 Senators in the Chamber. That is exactly what happened. My vote passed it, and the bill would have passed if I had not voted for it. [Laughter.]

Mr. WADSWORTH. Mr. President, will the Senator confide in the Senate to the extent of stating whose word he was taking when he voted for that bill? [Laughter.]

Mr. KIRBY. I was taking the word of everybody—the word of the newspaper reports, the War Department's and the committee's recommendations. I did not know about it then and I do not know much about it yet. [Laughter.]

There is another thing, Senators, which I think it is time for us to get down to business about: There is no man in the United States of America to-day who knows how much money is required for the conduct of this Government in all its activities and how it is going to be raised. It is about time somebody found out how much money is to be required, and what for, and where it shall come from, before all these great appropriations continue to be made. No other business on earth can be run successfully without such knowledge, and the operation of this Government to-day is the greatest business that now is or ever has been in the world.

Mr. KING. Mr. President, will the Senator yield?

Mr. KIRBY. Yes.

Mr. KING. I think I can enlighten the Senator as to the source from which it will come. It will come from taxation and from bonds.

Mr. KIRBY. There is no doubt but that it must come from taxation or it must come from bonds; but we ought to find out, at least with reasonable certainty, how much is necessary, what can be dispensed with, and when and where we are going to get it, so that we may have the whole thing in mind, if it can be done, when we start in. That has not been done; it is not done now, and until it is done the Government is going to continue to suffer by reason of reckless appropriations.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from New Hampshire?

Mr. KIRBY. Yes.

Mr. GALLINGER. If the Senator were a member of the Committee on Finance, he would find that the Secretary of the Treasury regularly comes to that committee and tells the committee how much money is wanted; and I presume the Chief Executive approves of what he tells the committee. So we think we have reasonably definite information on that subject.

Mr. KIRBY. I am not complaining about that, I would have the Senator understand. I am taking the Senator's and the committee's recommendation about it myself. I do not know; members of the committee come in and say, "This is what we need"; but it is about time somebody understood all these matters, and it is about time they were brought before us in such a shape and in such a condition as that we would understand more about them and be able to act more intelligently upon them and not have to vote as some one else says we ought to vote.

Mr. GALLINGER. Mr. President, if the Senator will permit me further, when the last revenue bill was under consideration the committee sat patiently for, I think, five or six weeks in the committee room listening to the Secretary of the Treasury, to the Federal Reserve Board, and to other gentlemen who claimed to be informed on the subject. The committee printed its hearings; the committee made an elaborate report, a report which is in print, and the matter was then discussed in the Senate. I do not think the Senator could possibly ask for any further information than was presented to him in connection with that great bill.

Mr. KIRBY. They did not show the financial program of the country nor the financial needs of the country. The committee said, "We have got to have this revenue bill; we need the money"; that is all. Furthermore, most of these hearings are drawn out to such length and the testimony is so voluminous that a man could not read the hearings through before the session adjourned. I am not complaining especially; I merely make these few observations.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Iowa?

Mr. KIRBY. Yes.

Mr. KENYON. Will not the Senator join with other Senators here who have been working for years to try to secure some budget system for this Government?

Mr. KIRBY. Why, that is what I have been talking about for 20 minutes here. [Laughter.] Yes; we have got to do that sooner or later.

Mr. KENYON. I did not hear the Senator; he spoke so low.

Mr. KIRBY. I did not call it a budget.

Mr. KENYON. I will say to the Senator that we are the only civilized nation in the world that has not some budget plan.

Mr. KIRBY. Yes; I understand so.

Mr. KENYON. No business concern of any consequence could be run for 30 days the way the Government is run. I hope the Senator will join in that movement.

Mr. KIRBY. The Senator need have no doubt about that. I shall be glad to do that. I am trying to find out something about it before I have to do it.

Now, I am going to vote for this bill just as it came from the committee, because they had all the recommendations there and they thought that was the thing to do, and they voted to do that; but I am replying now to the suggestion about the improvement of our waterways that we say is so absolutely necessary, when they never will carry a greatly increased amount of the commerce of this country so long as the railroad transportation is as it is and so long as the railroads are allowed to control the transportation of the commerce of these United States.

Mr. VARDAMAN. Mr. President, my friend, the able Senator from Arkansas, says he is going to vote for this bill.

Mr. KIRBY. Yes.

Mr. VARDAMAN. His attack upon it is for the purpose of making it as unpalatable as possible to the balance of us, is it? [Laughter.]

Mr. KIRBY. Not at all. I was just trying to answer the question of the Senator from Iowa. I think it is about time we got to thinking about some sort of a system that would utilize the waterways after they are improved, and that never will be done so long as the railroads control transportation; not even if you have docks and wharves every mile on every river in these United States.

Mr. VARDAMAN. But that is not the question that is at issue before the Senate now. In order to have rivers and harbors over which to carry the freight, appropriations are required to dig them out and keep the channels clear, and so forth. I agree with the Senator that our system is altogether wrong in permitting the railroads to make that distinction from competing points. I think the fault is in that, and not in the system of waterways, and not in the system that this bill proposes to carry out. I will join with the Senator in an effort to regulate the railroads, and to use both these systems as a means of transportation to move the commerce between the people of the different States; but that has no bearing on this bill.

Mr. KIRBY. It has a bearing in this way—and if the Senator is insisting that I am not confining myself directly to the question and keeping within the record all the time, I might say that I have distinguished precedents, for no other Senator in the Senate has ever done that since I have been here. [Laughter.]

Mr. VARDAMAN. I did not ask the Senator to do that. That would not be fair.

Mr. KIRBY. The main thing about it, Mr. President, is this: I submit that the people must do more intelligent thinking, and so must their Senators and their Representatives. I say that great reforms and great changes come about slowly, all come of necessity, and until there is such necessity as requires that a particular thing shall be done it never will succeed, whether it is done sooner or not.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question or two, if he will permit me.

Mr. KIRBY. Certainly. I had about finished what I was expecting to say. The Senator has the floor.

Mr. SHAFROTH. The Senator seems to think that there ought to be some system concerning these appropriations. I am not a member of the Committee on Rivers and Harbors, but I take it that the Senator is.

Mr. KIRBY. Yes.

Mr. SHAFROTH. I have on several occasions presented an amendment to the river and harbor bill providing that before any appropriation becomes available the people who are interested, either as private individuals or as corporations or as counties or as cities, shall pay a certain percentage—I think 33⅓ per cent—of the amount of the appropriation into the United States Treasury, to be applied in the construction of that improvement. I will ask the Senator whether that is the kind of a measure that he thinks ought to be adopted?

Mr. KIRBY. Mr. President, I do not think so. Very frequently it is just like the case of the people on the lower Mississippi River. We come to Congress and say, "We need a little money for flood control." You say, "Well, why don't you take care of it yourselves?" We say, "Over half the States of the Union are pouring their waters down this river on us, and we are too small financially to take care of the condition." You could not expect only the people whose house burned to pay for the entire upkeep and operation of the fire department. No; you can not do that. The others whose property is not destroyed are more benefited than they.

Mr. SHAFROTH. If all the parties interested in having their docks and their rivers and their harbors enlarged or improved were to unite together, would not that be the way in which to do it?

Mr. KIRBY. That would be better; but you would get no uniform system under that plan; and the rivers belong to the Government, and likewise the sea within our jurisdiction.

Mr. SHAFROTH. We have a law concerning highways, and we provide that when a highway is to be constructed the United States shall contribute not exceeding one-half of the amount and that the people of the States and the counties that are benefited shall make up the balance. There is not any difficulty in getting their part raised for that purpose. Why would not that apply also in the case of rivers and harbors?

Mr. KIRBY. That might be. I am not discussing that, and I do not care to take issue with the Senator on that. I have said about all I care to say on this other matter. I am going to vote for the bill as it is, just because it has been put together and recommended as I have understood and told you.

Mr. GALLINGER. Mr. President, I am in favor of the amendment submitted by the Senator from Wisconsin [Mr. LENROOT]. With reference to this controversy as between the railroads and the rivers of the country, I have no disposition to occupy any time. We all remember that the railroads of this country have been under criticism, denunciation, and legislative action for the last 15 years, until finally they were passed over to the Government of the United States, and the Government of the United States is now running them. I noticed the other day that while the transportation had been very much interfered with, to the discomfort of the traveling public, there was a loss of something over $2,000,000 during the last quarter, which the taxpayers of the country will have to be responsible for, sooner or later. So I think we might dismiss this question of the railroads in their relation to the water transportation of the United States, at least during the time that they are under Government control.

I think the Senator from Wisconsin is absolutely correct when he takes the position that during the war we ought not to spend on the rivers of the country any money that we possibly can save. Why, Mr. President, the Secretary of the Treasury and the Federal Reserve Board have gone to the extent of advising even municipalities that they ought not to make any improvements during the war that possibly could be postponed. They have said that the States ought not to continue to build good roads during the continuance of the war, and the situation is such now that the banks will not loan money for these purposes, and the Federal Reserve Board recommends that no money shall be loaned from the Public Treasury for those purposes.

I have taken some interest in this matter of water transportation. Some years ago—a good many years ago, indeed—a committee of the Senate, at the head of which was the distinguished Senator from Minnesota [Mr. NELSON], traversed the Mississippi River from its source to the Gulf, making investigations, holding meetings, and inquiring as to the matter of commerce on the Mississippi River; and we also took into consideration the commerce on the Missouri River. That report is in print, and it is a very interesting report. Among other things, we recommended that the appropriations for the Missouri River should be discontinued, and in response to that recommendation the appropriations for the Missouri River were discontinued, I think for several years; but a little while after the appropriation appeared again, and it has appeared every year since. We discovered that there was not any commerce on the Missouri River. We discovered that there was practically no commerce on the Mississippi River; and yet we had expended $100,000,000, more or less, on the Mississippi River, and we have continued to pour out the money from the Treasury in improvements on the Mississippi River ever since.

I have stopped combating those appropriations. I felt it was not worth while to worry over them, and I apprehend that the appropriations in this bill will be passed. It carries only thirty millions, they say—just a bagatelle, not worth considering! The Senator from Louisiana [Mr. RANSDELL] suggests that that is just a little appropriation. It is not as big as it used to be when it was $100,000,000 or more, but it is $30,000,000 in time of war; and if we can save a portion of those millions to provide means for our soldiers to fight on the battle front, I think it is desirable to do it.

Mr. RANSDELL. Mr. President, will the Senator yield? I know he does not want to make a misstatement.

Mr. GALLINGER. Certainly; I yield.

Mr. RANSDELL. It is about twenty millions. I did not say thirty. There is about twenty millions carried in the bill.

Mr. GALLINGER. It is only twenty millions, then; and when we are appropriating billions, as the Senator from Arkansas says, without a vote of either yea or nay on the question, the twenty millions is not of much consequence. But if there is a proposed improvement on a river or a harbor or in any other direction in this country that can be held up, without doing great damage to the interests of the country, until after this war is over, it ought to be done. All that the Senator from Wisconsin suggests is that it shall be submitted to the Secretary of the Treasury. If the Secretary of the Treasury says that the finances of the country are such that this appropriation can be made, then it will be made. If the Secretary of the Treasury should say, "The finances of the country are in such a condition that this matter ought to wait a year or two years," then I think it ought to wait a year or two years. So I think the amendment of the Senator from Wisconsin is a proper amendment and ought to be agreed to by the Senate.

We have been going along very recklessly about appropriations. The fact is that the finances of this country are in a deplorable condition at the present time. We can not wink that ought of sight. It is a very difficult matter for any man to get credit at a bank or to borrow money from a bank to-day, and that condition has been such that we have created an association that controls $500,000,000, with the privilege of multiplying that by 8 and making it four billions of dollars, so that in great emergencies they can come to the rescue of corporations and individuals who are in financial straits. Under those circumstances we ought to be very careful about our appropriations, and I think the suggestion made by the Senator from Wisconsin is so reasonable and so just and so much in the interest of the public that it ought to be agreed to without discussion. But I have little faith that it will be agreed to, because these river and harbor bills have been so adjusted that they go through, no matter what the conditions are or what the arguments may be that are presented against them.

I am going to speak, before the bill passes, upon another phase of the river and harbor bill, upon the method that has been adopted now. In place of letting appropriations be for specific purposes, for specific rivers, for specific creeks, as they used to be, they have now bunched them, and they come in here with an omnibus provision, putting 8 or 10 or 12 rivers together and making a lump appropriation for those rivers, so that it is almost impossible for us to differentiate and discuss each individual item as we used to do. But some method will be discovered whereby these bills will be passed through Congress and become laws, and it is of very little concern to those of us who do not agree to them to waste time in discussing them.

Mr. FLETCHER. Mr. President——

Mr. GALLINGER. I yield to the Senator from Florida.

Mr. FLETCHER. May I suggest to the Senator, in connection with grouping the items, that I think it is fair to say that that does not mean any mystery about the appropriation, because the estimates of the engineers are all itemized. The aggregation of the items that make up one group enables the engineers, if the total amount estimated as necessary to go to one particular creek or river or improvement is not used, to use it on some other creek or river or improvement within that group.

Mr. GALLINGER. That is exactly the case.

Mr. FLETCHER. That is the purpose of it.

Mr. GALLINGER. It is the purpose, and it is a very shrewd purpose indeed.

Mr. FLETCHER. It seems to me it is a very wise purpose. Otherwise you might have too much for one item in the bill and not enough for another.

Mr. GALLINGER. But why should we have too much if the engineers make an investigation and report the amount of money that is needed?

Mr. NELSON. Mr. President——

Mr. FLETCHER. The estimates will show the items for each one of the groups. That is in the estimates, and precisely what they recommend can be found there.

Mr. GALLINGER. I will discuss that later.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. GALLINGER. I yield to the Senator with pleasure.

Mr. NELSON. I want to say that the Senator will find that in all those cases of grouping the appropriation relates simply to the question of maintenance, and nothing more. It is to keep the channels in order, and does not involve any new improvement in any of those cases. Those are the cases in which groupings have been made.

Mr. GALLINGER. But those of us who have somewhat undertaken to analyze the river and harbor bills heretofore have discovered that there were appropriations for the maintenance of miserable little creeks that would not float a cake of Ivory soap [laughter], and yet they appear in a group; and they can be appropriated or not, I suppose, according to the wish or view of the men who are going to make these improvements. I think it was a better system to have each individual item in the bill, so that we could understand and see exactly what was wanted for those waterways that have not any water in them. In the case of a waterway that we discussed two years ago, upon which more than a million dollars had been expended and for which they were asking for a further appropriation, at the headwaters there were only 8 inches of water! I should like to see that item in this bill, if it is here—and I presume it is in one of these groups—disassociated from this provision, so that we could take it up and discuss it as we used to do.

That is all I care to say about the matter at present. It is a very clever way of getting rid of a kind of legislation that is subject to attack, as it has been attacked before and as it ought to be attacked again.

Mr. SMITH of Georgia. Mr. President, about an hour ago I was calling the attention of the Senate to the discrepancy in this bill between the appropriation for the great harbor of Brunswick, which is reduced to $20,000, and the appropriation of a million and a half dollars to dig a canal up in the neighborhood of Charleston.

I wish to go just a little further, and call the attention of the Senate to the fact that in the early fifties the engineering deparment of the United States studied the south Atlantic harbors and determined that Brunswick was the great harbor of the South Atlantic coast; and at the instance of the engineering department in 1857 the Government bought in that harbor an island 1,100 acres in size, and with from a mile and a half to two miles front available for navy yards and for other improvements with very little work to be done; less than $500,000 would probably have been sufficient with a little over $30,000 a year for maintenance. This harbor—large enough, as my colleague [Mr. HARDWICK] says, to take upon its waters the navies of the world, landlocked, with a narrow channel over the bar where the principal part of the work is required—is so situated that it has required only $33,250 a year to keep the channel in shape; and yet the engineers have recommended that the appropriation for this year be reduced to $20,000. Why? Because they have part of the appropriation for former years unused, not because the use was not needed but because they had no dredge at Brunswick and neglected to get one. It is unexpended because they have neglected the harbor. It is unexpended because they have taken no dredge to the harbor to put it in shape. In consequence I have here the figures which show, from the engineer's report that it has filled up a foot and a half in parts of the channel. All they need to do is to fail to use this year's appropriation and come to Congress next year and say: "Do not make any appropriation at all."

Mr. KING. Mr. President, will the Senator yield?

Mr. SMITH of Georgia. I yield.

Mr. KING. In the light of the statement made by the Senator from Georgia a short time ago, as well as the statement made by his colleague [Mr. HARDWICK], and also in view of the statement just made by the Senator, I am disposed to move to strike out from this bill the entire appropriation which is provided for Charleston Harbor. I think the Senator from Georgia could do no greater service to the Senate, at least, if not to the country, than to explain fully the reasons, with a harbor so superior as the Brunswick Harbor appears to be, so much better than the Charleston Harbor, a harbor which was recommended, as the Senator says, many years ago, why the change has been made; why the Government is not expending its money at Brunswick Harbor instead of trying to dig an artificial harbor at Charleston. Some of us who have not had the advantage of knowing of these things, I am sure, would be glad to know.

Mr. SMITH of Georgia. I do not know. I think work started at Charleston. It probably started with a small appropriation. Now, if they are really to make a navy yard and dry dock of size, they must have this enormous sum to spend to make practicable the handling of ships to the navy yard and dry dock.

Mr. GALLINGER. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from New Hampshire.

Mr. GALLINGER. So far as Brunswick is concerned, would it not be perhaps proper to suggest that the men representing the State of Georgia so ably to-day slept at their post during these long years since the first appropriation was made?

Mr. SMITH of Georgia. They probably thought that the engineers would investigate the question solely upon merit and neglected to bring the facts to the attention of the engineers. The truth is I never knew that the Government had bought and

owned this land at Brunswick until some time after I entered the Senate.

Mr. HARDWICK. Mr. President, if my colleague will pardon me——

Mr. SMITH of Georgia. I yield.

Mr. HARDWICK. I should like to say in response to the suggestion of the Senator from New Hampshire that, while the responsibility, or a part of it, has been mine for only a short time, Brunswick's claims have been well presented for many years to the different departments of the Government, not by me.

Mr. GALLINGER. If the Senator will permit me, I have greatly wondered in former years why that magnificent harbor there—and I have seen it—should not have been utilized for the purpose of a navy yard and a dry dock.

Mr. HARDWICK. Let me say, if my colleague will further permit me, that for many years the congressional district in which Brunswick is situated was represented by an eminent citizen of that State, Hon. William G. Brantley, a Member of Congress from the eleventh district of Georgia, one of the most brilliant and able Members of Congress who ever served from any State and who made it almost a life work to endeavor to get proper recognition for Brunswick. Somehow or other, however, it has always failed. He always thought that the merits of his case were so great that he relied entirely on them.

Mr. SMITH of Georgia. Mr. President, it never came so forcibly to my attention until this suggestion was made to cut $13,250, the small sum necessary to maintain the harbor. It was a harbor so easily maintained that its people may not have made special fight to protect it; but when the engineers neglected entirely for months to do anything on the harbor and allowed the channel to begin to fill by failing to use the money appropriated and now come to Congress and say, "That the unused money will be enough, cut the appropriation," it very forcibly attracted my attention to the neglect that has taken place in the failure by the Government to utilize certainly the greatest harbor south of Norfolk on the Atlantic Coast.

Now, I grant that Pensacola has a splendid harbor. I join the Senator from Florida in paying tribute to it as one of the very best in the United States; but that is on the Gulf. They wanted a south Atlantic harbor, and they have neglected their very best large harbor. I am determined, Mr. President, that during the balance of the time I am in the Senate the Senate shall know something about Brunswick, and I hope the engineers will find out that the Senate knows something about it, and I hope the chairman of the committee will notify the engineering department that the neglect is appreciated. I think it might be well now, although that is not the subject that is primarily upon my mind, to reject the million and a half appropriated to Charleston. I shall vote to reject it if the motion is made.

Mr. KING. Mr. President, will the Senator yield?

Mr. SMITH of Georgia. I yield.

Mr. KING. In the light of the information that has been given by the Senators from Georgia I shall move to strike that item out of the appropriation bill; and I think, if the Senator from Georgia will pardon me for so stating, that he ought to suggest an amendment requiring the proper officials to make a full and complete report to Congress as to why the recommendations of the Government made years ago with respect to Brunswick Harbor were not followed and why so much money has been spent and so much has been recommended for Charleston. It seems to me that the injustice of turning to a harbor that has to be constructed, when there is a natural one there, is so glaring that it ought to attract the attention of Senators, and that the officials of the Government ought to be required to state the reason why they have abandoned their natural harbor and are spending, or propose to spend, millions to construct an artificial one.

Mr. SMITH of Georgia. I appreciate very much the suggestion of the Senator from Utah.

Mr. HARDING. Will the Senator yield?

Mr. SMITH of Georgia. Certainly.

Mr. HARDING. I have just listened to the suggestion of the Senator from Utah [Mr. KING], and it occurs to me that we are going at this matter in the wrong way. The location of the navy yard and dry dock at Charleston is an authorization by the Department of the Navy, which must have the sanction of Congress before it can be carried out, and is not to be vested in the War Department. If Congress sees fit to withhold the appropriation for digging the channel the Navy Department would not want to build a dry dock which is inaccessible. It looks to me as though we were going at it in the wrong way.

Mr. KING. Will the Senator from Georgia allow me?

Mr. SMITH of Georgia. I yield.

Mr. KING. I do not know that I quite comprehend the import of the Senator's remark, but what I had in my mind was this: I understood that the bill carried with it a large appropriation for the construction of a harbor at Charleston and for the building of a dry dock at that point.

Mr. HARDING. That is not correct.

Mr. FLETCHER. The Senator is entirely mistaken. The bill carries only an improvement of the channel, where there are already 30 feet, to a depth of 40 feet and a width of a thousand feet, provided the dry dock is built under the naval appropriation bill. This appropriation is conditioned on the building of the dry dock. We have nothing to do with the building of the dry dock. As the Senator from Ohio has said, this is a matter that must be taken care of when the naval appropriation bill is up.

Mr. KING. I understand the bill provides for an appropriation, conditioned or otherwise.

Mr. FLETCHER. On condition that the dry dock is built.

Mr. KING. My idea was to strike out the appropriation and to amend the bill so as to require the engineering department of the Government that has this matter in charge to report why they have abandoned Brunswick as a harbor for Government use and have apparently selected Charleston.

Mr. HARDING. I am not responsible for the Navy Department. I think the recommendation in the bill does not come from the engineering department in its initiative, but it is a part of the scheme to improve the navy yard and build a dry dock at Charleston.

Mr. SMITH of Georgia. The recommendation of a million and a half as a starter toward deepening the water up to a dry dock or navy yard comes from the engineering department.

Mr. HARDING. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Ohio.

Mr. HARDING. I think the Senator might reasonably strike it out of the bill.

Mr. WADSWORTH. Did the Senator state how much has been appropriated for deepening the harbor at Charleston up to the navy yard?

Mr. SMITH of Georgia. So far I do not know.

Mr. WADSWORTH. Is it not a fact that last year an appropriation something like $700,000 was carried in the naval appropriation bill?

Mr. SMITH of Georgia. I think there was quite a large appropriation made.

Mr. WADSWORTH. Can the Senator state how much was expended?

Mr. SMITH of Georgia. I do not know. I was desirous to find from the chairman of the committee what the estimate was as to the ultimate cost of accomplishing this project. My impression is that the navy yard is quite a distance up the river.

Mr. RANSDELL. I should like to say to the Senator we can not give him the ultimate cost because it was brought before us as a war-emergency proposition, and no survey has ever been made. The universal rule of the committee is not to adopt a project until it has first been surveyed in the most elaborate manner, the survey submitted by the local engineers to the Board of Engineers for Rivers and Harbors, and by them submitted to the Chief of Engineers. None of those elaborate details have been worked out in this instance because of the fact stated to us that it is an exceptional war emergency. That is why it was put in, and none of us can tell what it will cost.

Mr. SMITH of Georgia. I wish to ask the Senator, who interrupts me with my full approval, if it is not true that the rough estimate was that it would cost $5,000,000 and take three years to finish it? If so, how is it a war emergency?

Mr. NELSON. Will the Senator yield to me?

Mr. RANSDELL. I think some one said it was roughly estimated that it would cost several million dollars, possibly as much as $5,000,000, and that it will take some years to finish it.

Mr. SMITH of Georgia. Three years or more.

Mr. RANSDELL. In further answer to your question, Why is it a war emergency? I wish to heaven the war would close in three years, but I think it will last a great deal longer than three years, and if it lasts longer than three years, which I firmly believe it will, and if this great work be finished inside of three years, it may well do a great work as a war-emergency proposition.

Mr. SMITH of Georgia. Does not the Senator think if the dry dock is a war emergency it ought to be placed where it can be used soon?

Mr. RANSDELL. Ordinarily that is true; but I was not a member of the great naval board which studied this thing, nor have I had an opportunity to examine carefully that report. I understand that it was studied, and studied for years, and studied very thoroughly, and I believe the Senator himself will be satisfied when this matter is thrashed out at the time the naval appropriation bill is considered on this floor.

Mr. NELSON. Mr. President, I simply want to suggest to Senators who are opposed to this item that the simplest way to defeat it is when the naval appropriation bill comes before the Senate providing for the building of a dry dock. If you can eliminate that from the naval bill, and if no provision is made for the building of a dry dock in Charleston Harbor, this appropriation will not be available.

Mr. HARDWICK. If we eliminate this appropriation now, the other would not perhaps come up.

Mr. NELSON. That would not prevent the building of the dry dock.

Mr. SMITH of Georgia. They would not wish to put a dry dock where ships can not get to it.

Mr. NELSON. If the naval bill provides for a dry dock, certainly we ought to make it accessible; but if Senators think a dry dock is not a war emergency and is not needed now, the place to make their objection is on the naval bill.

Mr. HARDWICK. But many Senators may think it could be better located where it would not be so expensively located, nor would it take so long to build it as a war measure.

Mr. NELSON. I take it the Senator from Georgia, if they established a naval station at Brunswick, would want the channel deepened to the extent of 40 feet to make the dry dock and navy yard at Brunswick available and within reach.

Mr. WADSWORTH. Does the Senator realize that there is a dry dock at Charleston now?

Mr. NELSON. There may be a little dry dock, a small one, but they are going into extensive schemes now and there are a good many shipyards down in the south Atlantic—I think one or two near Charleston. The Navy Department and the Shipping Board feel that a dry dock is necessary at that point. That is a question that has to be determined when the naval bill comes up; and if you decide not to build a dry dock there, that ends this appropriation—it is not available at all.

Mr. SMITH of Georgia. Or if defeated now, that ends the dry dock.

Mr. NELSON. No; not necessarily. You can have a dry dock anyway.

Mr. SMITH of Georgia. We would hardly vote several million dollars to build a dry dock where it was so dry that no vessel could reach it. If full investigation shows the dry dock must be built at Charleston, the naval bill could carry the appropriation for digging the channel, and then perhaps we might know what the entire project would cost and how soon it would be finished.

Mr. FLETCHER. I am satisfied that if the provision is stricken out of this bill it will not settle the question of establishing a naval base at Charleston and building a dry dock at Charleston. That is not going to be settled by any action taken in reference to this item. On the contrary, the naval appropriation bill will probably carry that item in it, and if this provision is stricken out of the pending bill with reference to the improvement of the channel the naval appropriation bill will probably include that item. I suggest, as the Senator from Minnesota has said, that we defer the Charleston discussion until the naval appropriation bill is here and the item with reference to a navy yard and dry dock or a naval base and dry dock comes up.

Mr. HARDING. Mr. President, I only wish to answer the question of the Senator from New York [Mr. WADSWORTH] and other inquiries. The total appropriation for the Charleston Harbor to June 30 last year was five and one-third million dollars, while the appropriations for the Brunswick Harbor up to the same period were three million and a half.

The VICE PRESIDENT. The question is on the amendment of the Senator from Wisconsin [Mr. LENROOT].

Mr. CURTIS. Let it be read.

The VICE PRESIDENT. It will be read.

The SECRETARY. It is proposed to add as a new section, at the end of the bill, the following:

SEC. 8. That no new work of improvement appropriated for in this act, involving an expenditure during the fiscal year ending June 30, 1919, of more than $100,000, shall be undertaken until the Secretary of the Treasury shall first certify to the Secretary of War that the condition of the Treasury is such that such expenditure can be made without injury to the war needs of the Government: *Provided*, That the provisions of this section shall not apply to any expenditure heretofore specifically recommended by the Secretary of War as a war emergency.

Mr. CURTIS. I should like to ask the Senator from Florida if he desires a vote on this amendment this evening?

Mr. FLETCHER. I think some Senators want an executive session, and I am going to move an executive session, and afterwards move for a recess.

Mr. CURTIS. And not ask for a vote this evening?

Mr. FLETCHER. Not ask for a vote this evening. I give notice that I shall move for a recess at the close of the executive session.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. FLETCHER. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Saturday, May 18, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 17, 1918.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

CAVALRY ARM.

To be first lieutenants.

Second Lieut. Arthur H. Besse, Cavalry, from March 23, 1918.
Second Lieut. Charles W. White, Cavalry, from April 10, 1918.
Second Lieut. John R. Lindsey, Cavalry, from April 20, 1918.

FIELD ARTILLERY ARM.

To be captains.

First Lieut. Oscar I. Gates, Field Artillery, from April 15, 1918.

First Lieut. Gerald E. Brower, Field Artillery, from April 15, 1918.

First Lieut. William J. Jones, Field Artillery, from April 15, 1918.

To be first lieutenants.

Second Lieut. Edgar A. O'Hair, Field Artillery, from February 26, 1918.

Second Lieut. Stephen Mahon, Field Artillery, from April 15, 1918.

Second Lieut. Addison B. Green, Field Artillery, from April 15, 1918.

Second Lieut. John R. Shepley, Field Artillery, from April 20, 1918.

COAST ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. George M. Holstein, jr., Coast Artillery Corps, from March 22, 1918.

Second Lieut. Joseph G. Cole, Coast Artillery Corps, from April 10, 1918.

Second Lieut. Ward Rubendall, Coast Artillery Corps, from April 11, 1918.

Second Lieut. Clyde LeG. Walker, Coast Artillery Corps, from April 11, 1918.

Second Lieut. Richard B. Gayle, Coast Artillery Corps, from April 11, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 17, 1918.

UNITED STATES MARSHAL.

Stephen J. Doyle to be United States marshal, district of North Dakota.

APPOINTMENT IN THE ARMY.

DENTAL CORPS.

Carl Eaton Safford to be first lieutenant.

POSTMASTER.

MISSISSIPPI.

Preston T. Smith, Ittabena.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 17, 1918.*

The House met at 12 o'clock noon.

Rev. G. I. Keirn, D. D., superintendent of the Universalist Japan Mission, offered the following prayer:

Our Father, who art in heaven and who art here, grant, we pray Thee, that all that is done and said here to-day may be done and said out of the consciousness of Thy presence. Be Thou with us as a Nation, with its Executive head in the heavy responsibilities which Thou hast placed upon him, and with each department of our Government. Grant that in the great struggle in which we are engaged victory may come to righteousness. We desire nothing more, and we ask nothing less; and we ask it with assurance, because Thou art the God of righteousness. Grant that universal brotherhood may be the principle of

all government, and that the peace of righteousness may come and abide in all the world.

We ask it in the spirit and in the name of Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

INDIAN APPROPRIATIONS.

The SPEAKER. The unfinished business is the conference report on the Indian appropriation bill, H. R. 8696. The gentleman from Oklahoma [Mr. CARTER], chairman of the Committee on Indian Affairs, is recognized.

Mr. CARTER of Oklahoma. Mr. Speaker, I believe it was agreed just before adjournment last night that the gentleman from Kansas [Mr. CAMPBELL] has 35 minutes remaining and I 25 minutes. I will ask the gentleman from Kansas to use some of his time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, with all due respect to the very able gentleman from Oklahoma [Mr. CARTER], who is chairman of the Indian Affairs Committee, I desire to suggest that this bill is too largely an Oklahoma bill and that it ought to be sent back to conference to have somewhat of the Oklahoma eliminated.

I am aware that when one attempts to speak upon this floor on the question of what we are to do with or for the Indian he is likely to be reminded immediately how little he knows on the subject by those who are seeking, even without such intent, not only to do something with the Indians and for them, but to them as well.

This bill is not an Oklahoma question alone. It is a national question, because not only are we spending $11,000,000 nationally for the Indians, but the disgrace of any unfair treatment of our Indians is a national disgrace and not alone a local one.

I should like to say something about that provision at the end of the bill which takes the immense funds of the Indians of the Five Civilized Tribes and places them subject to deposit only in Oklahoma banks, eliminating any possibility of outside competition for those funds, thereby to some extent forcing down the rate of interest that those funds will draw; and in times when there is not a demand for that money in Oklahoma I do not know whether they will get any interest or not. I refer to the concluding proviso of Senate amendment 92.

But for the little time that I have I want to speak simply about amendment No. 60, which proposes to take from the Federal Government, so far as it is located in Washington, a large share of its control over the affairs of Indians who are wards of the Government. Senate amendment No. 60, as last agreed upon in conference, is as follows:

SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $185,000: *Provided*, That a report shall be made to Congress by the Superintendent of the Five Civilized Tribes, through the Secretary of the Interior, showing in detail the expenditure of all moneys appropriated by this provision: *Provided further*, That hereafter no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases, excluding oil and gas leases, made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases, except oil and gas leases, now required to be approved under existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however*, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order.

This is a fine example of an effort to legislate in conference. Any rider on an appropriation bill is liable to be objectionable, but in this case the legislation to which I object is not only being carried as a rider upon an appropriation bill, but every effort has been made to radically extend and expand it in conference.

In the first place, when the bill passed the House there was in the above section simply the first clause carrying the appropriation of $185,000. In the Senate they inserted an amendment, substantially as above, providing that—

No part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases, excluding oil and gas leases, made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such claims or leases, except oil and gas leases, now required to be approved under existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma.

You will note therein the important exemption "except oil and gas leases." In conference the conferees struck out that exemption, with the result that if their report had been adopted every oil and mineral lease would be subject to final action by an official out in Oklahoma, the Superintendent for the Five Civilized Tribes.

Mr. HASTINGS. Will the gentleman yield?

Mr. CRAMTON. I regret that I have not time. I will yield if the gentleman will get me more time, not otherwise.

Mr. HASTINGS. I just wanted to correct a misstatement.

Mr. CRAMTON. It is true there was an appeal provided in the following proviso:

Provided, however, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order.

But no Indian would ever appeal, and those immensely valuable oil and mineral deposits of Oklahoma in the hands of the poor Indians were in danger of being swept into private white ownership. Let me quote from a letter handed to the press in 1912 by the gentleman from Oklahoma [Mr. HASTINGS], who now fathers this legislation:

Everybody who is familiar with the Indian, his history and tradition, knows that he needs assistance in the management of his lands. Sixteen hundred and eighty full-blood Cherokees who were arbitrarily allotted land refused to take the patents sent to them through the mails out of the post office, and they refused to go upon the land or accept any proceeds therefrom. Will any intelligent person say that these poor, misguided people do not need assistance, that they are able to care for themselves, or that they will protect themselves? The truth is that everyone knows, who is at all familiar with the Indian, that he will not assert his rights in a civil suit.

Mr. CHANDLER of Oklahoma. Will the gentleman yield?

Mr. CRAMTON. I regret that I have only 10 minutes. If the gentleman will get me more time, I will yield; otherwise not.

The SPEAKER. The gentleman declines to yield.

Mr. CRAMTON. That was what they tried to do in conference, to eliminate the exception of the immensely valuable oil and gas leases, and thereby notably expand in conference the scope of the legislation; but by a point of order in the other body the conference report was sent back to the conferees, and they had to restore that exemption of oil and mineral leases, so that is not before us, not because of the protection of the Indian Affairs Committee, but because of the rules of the Senate. But the conferees went back and put in the word "hereafter" in order to make this provision permanent legislation instead of temporary; but by the ruling of Judge CRISP on yesterday—and I have great confidence in his parliamentary judgment—he holds that their effort was futile, because the intended effect of the word "hereafter" is nullified by the attendant words "no part of said appropriation."

Now, we have before us the proposition, quoted by me in the beginning of my remarks, to allow the Indians to make leases of their lands other than oil and mineral, and to prosecute other business, and have the final decision in the hands of the superintendent in Oklahoma, with no appeal to Washington, except as I have above indicated. A great deal of the harm has been taken out of the provision, but not all of it. And grave possibilities of danger remain, for it is difficult to forecast what authority may be assumed by the Superintendent for the Five Civilized Tribes by virtue of it or what disorganization in the work of protecting these Indians and husbanding their resources may result.

But the proposition is wrong in principle, and I warn the House that this is simply the opening wedge. The camel has his nose under the tent and he will soon have his whole body in if this House is not watchful.

The gentleman in control of the Indian Affairs Committees of this Congress have not done what they want to do, and they have been held down to this minimum by the rules of Congress. They have had the Hastings bill before the House Committee on Indian Affairs for two Congresses and have reported it once, but have never brought it up for consideration and free and full discussion in the House. It will be wise for this House to begin to take notice of what the gentlemen from Oklahoma think is best for the Indians. Having squeezed through this limited success for the coming year, they will be bolder hereafter and urge more complete demolition of Washington supervision of Indian affairs and of Washington protection of the interests of the Indians from local pressure, political and otherwise. The Hastings bill is the next step, and then will come demand for complete divorce of the Interior Department from supervision of Oklahoma Indians. All they will want from Washington will be appropriations to care for destitute, landless Indians, who have disposed of their birthrights for miserable messes of pottage.

The Hastings bill, as reported from the House Committee on Indian Affairs June 29, 1916, by the able chairman of that com-

mittee, the gentleman from Oklahoma [Mr. CARTER], reads as follows:

Be it enacted, etc., That the Superintendent for the Five Civilized Tribes in Oklahoma shall, after the passage and approval of this act, have and exercise all the authority now conferred by law upon the Commissioner of Indian Affairs and the Secretary of the Interior, or either of them, respecting the lands allotted to the enrolled members of the Five Civilized Tribes in Oklahoma and their individual moneys: *Provided*, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes in Oklahoma may, within 30 days from the date of said order or service of such decision, appeal from said order or decision to the Secretary of the Interior.

That is where the gentlemen from Oklahoma are leading Congress in their direction of Indian affairs. Shall we follow them? Shall we even start on the way by accepting the principle which they seek to establish in this conference report?

Is local control of these matters better than detached control? Is it better to have final decision in a political appointee in Oklahoma rather than in the experienced Bureau of Indian Affairs, containing many skilled advisers holding their positions under civil service, and rather than in the Secretary of the Interior, entrenched in the support of national sentiment for justice to the Indians, and unaffected by local pressure for rape of their rights?

Why is so radical a change urged in case of the Five Civilized Tribes? They have an immensely valuable heritage of agricultural and grazing lands, of land rich in oil and minerals. Why is it sought to give to an Oklahoma political appointee the final decision in all matters pertaining to their vast estates?

Yesterday we heard much about——

Mr. CHANDLER of Oklahoma. Will the gentleman yield for a question?

Mr. CRAMTON. I am sorry that I have not the time. We heard yesterday much about the Indians of less than half Indian blood, and of their capacity for business. To that we must subscribe. We all know the gentlemen from Oklahoma, Mr. CARTER, Mr. HASTINGS, and Mr. CHANDLER, and others, and their capacity. But there are thousands of Indians whom they did not talk about yesterday, the Indians of more than half Indian blood. I would be glad to quote a little from the gentleman from Oklahoma [Mr. HASTINGS] in what he said about some of these Indians in a letter in 1912:

We might as well be frank about it. Everybody who is familiar with the Indian, his history and tradition, knows that he needs assistance in the management of his lands. * * *

Mr. HASTINGS. I trust that the gentleman will yield.

Mr. CRAMTON. The gentleman had 25 minutes last night.

Mr. HASTINGS. The gentleman does not want to misquote me, does he?

Mr. CRAMTON. This is a signed letter.

The SPEAKER. The gentleman declines to yield.

Mr. CRAMTON. The gentleman further says:

Through my veins courses Cherokee blood. I trust that I will not live long enough to see the full-blood members of my race homeless in their own country, wanderers in their own land. They thought they were protected by the old treaties, binding upon them and sacred to them; they resisted the change in their form of government; they did not invite the individualization of their lands, because they had never been used to an individual title, and they appreciated that they had never had any experience in dealing with the title to lands. Their fears were justified, for the records show that thousands of leases, deeds, and other evidences of encumbrances in violation of protective provisions of law for little or no consideration have been gotten from them and placed of record.

The gentleman does not want them to be wanderers in their own land, he said, and I am sure that is his sincere desire. But, unfortunately, if Congress follows him in the legislation he proposes and which the House Committee on Indian Affairs, headed by another gentleman from Oklahoma, indorses, we are likely in the end to find many full-blood Indians of the Five Tribes landless and destitute.

The Deputy Commissioner of Indian Affairs, Mr. Meritt, stated before the Committee on Indian Affairs at the hearings last session upon the Hastings bill:

The act of May 27, 1908, removed the restrictions on more than 10,000,000 acres of land. There were originally belonging to the Five Civilized Tribes 19,525,266 acres, which were classified and appraised by 40-acre tracts. It will be seen that restrictions have been removed from practically two-thirds of the enrolled members of the Five Civilized Tribes. It is estimated that 90 per cent of the enrolled members of the Five Civilized Tribes who had their restrictions removed by legislation are to-day without any lands whatever. In other words, more than 50 per cent of the membership of the Five Civilized Tribes have, within the last 10 years, passed from landlords to tenants.

The gentleman says there is nothing in the legislation to bring that about, but I say that is what the gentleman's bill, the Hastings bill, would be very likely to bring about. The Hastings bill points the next step. So Congress might well watch the tendency of these gentlemen and clip their wings before it is too late.

Mr. Meritt further said in connection with what I have above quoted:

In view of the great loss of property which has resulted to those members who have had their restrictions removed by legislative enactment, it is clearly the duty of the department to see that every precaution is taken to protect the property rights of the 35,000 Indians, most of whom are full bloods, whose restrictions have not yet been removed. Some of these restricted Indians have oil allotments valued at hundreds of thousands of dollars. The records show that there was an oil production on Indian lands of the Five Civilized Tribes last year amounting to 27,098,994 barrels, and royalty interest paid thereon to Indians amounting to $1,537,727. Revenue derived from agricultural and nonproducing leases approved by the department during the last fiscal year amounted to $354,571. These restricted Indians owned on June 30, 1915, 3,318,370 acres of land. There are deposited to the credit of restricted Indians approximately $5,000,000, accruing from rents, royalties, and the sale of lands.

Why lodge all the responsibility for protection of these interests in an official stationed in Oklahoma, a political appointee, subject to intense local pressure?

It is said the Indians suffer grave inconvenience by reason of existing regulations; that all leases and expenditures must be sent to Washington for approval, and that tedious and unending delays result.

But in the hearings on the Hastings bill the gentleman from Oklahoma [Mr. HASTINGS], in his very interesting and illuminating statement as to present requirements, stated that a restricted Indian can now make an agricultural lease of his homestead for one year or less, and of his surplus lands for five years or less, without reference of same to Washington for approval. This must take care of multitudes of such leases.

On the other hand, to make such a lease for a longer period, or to make an oil or mineral lease of his land, or to sell any of his land, approval of the Secretary of the Interior is necessary; and in the case of untutored and incompetent Indians such questions are of such fundamental importance to their welfare that such approval should be required.

That serious delay commonly results from such reference to Washington does not appear to be true. At the hearings from which I have quoted, the Indian Bureau furnished a detailed report which showed that of 1,058 restriction cases received approximately 90 per cent had department action taken thereon and were mailed to the superintendent within 10 days from the date of receipt by the Indian Office. In the other 10 per cent of said cases the delays were occasioned in most of said cases by some complication of law or question of general policy. Similar data as to oil leases show that, after the department had once decided upon the general policy to be followed in connection with such leases, action in individual cases has been generally taken within a very few days from its receipt.

Approval of the Secretary is also required with reference to payment of a claim out of the funds of a restricted Indian. This carried out literally would subject the Indian to needless delay of red tape. But, happily, the law is not so administered. In the hearings I find this order applying to such cases:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 6, 1915.

To all disbursing officers of the Indian Service:

Section 9 (A) of the Regulations Concerning the Handling of Individual Indian Money, approved July 14, 1913, is hereby amended to read as follows:

"All emergency needs not provided for in other sections of these regulations may be met by the superintendent without securing specific authority. Expenditures under this section shall be reported in the quarterly accounts, and this section referred to as the authority for the expenditure."

Please acknowledge receipt of this circular and paste same between pages 4 and 5 of your book of Regulations Concerning the Handling of Individual Indian Money.

Respectfully,
E. B. MERITT,
Assistant Commissioner.

Approved, March 15, 1915.
A. A. JONES,
First Assistant Secretary.

Speaking before the committee with reference to this order, Mr. Meritt testified, in part, as follows:

Mr. SNYDER. You say that under the general rule in the department the superintendent has general authority to handle moneys in these matters?

Mr. MERITT. Yes, sir.

Mr. SNYDER. Well, does he handle them?

Mr. MERITT. Yes, sir.

Mr. SNYDER. What proportion does he handle, as to the whole number?

Mr. MERITT. I should say that he handles at this time probably 90 per cent of the investing and spending of the funds of Indians without first procuring authority from the Indian Office except in a general way.

It accordingly appears that, due to the present policy of the department to eliminate red tape where the interests of the Nation's wards will not suffer thereby, preliminary reference and approval of these claims to Washington has in most cases been done away with; but in cases of importance and where good reason for such action appears they are finally passed upon by officers removed from local influence.

That the Indian Bureau and this administration of the Interior Department are solely desirous of perpetuation of their powers and are blind to the interests and progress of the Indians seems to be rather freely intimated here, though I do not think any gentlemen here really desire to be so understood seriously. In any event, the evidence of the case is against them. While insisting on retention of their authority as to the incompetent it is constantly becoming easier and more a matter of course for the competent Indian or person of part Indian blood to be given his freedom from all restrictions. In the last report of the Bureau of Indian Affairs appears the following declaration of policy, which was announced April 17, 1917:

DECLARATION OF POLICY IN THE ADMINISTRATION OF INDIAN AFFAIRS.

During the past four years the efforts of the administration of Indian affairs have been largely concentrated on the following fundamental activities—the betterment of health conditions of Indians, the suppression of the liquor traffic among them, the improvement of their industrial conditions, the further development of vocational training in their schools, and the protection of the Indians' property. Rapid progress has been made along all these lines, and the work thus reorganized and revitalized will go on with increased energy. With these activities and accomplishments well under way, we are now ready to take the next step in our administrative program.

The time has come for discontinuing guardianship of all competent Indians and giving even closer attention to the incompetent that they may more speedily achieve competency.

Broadly speaking, a policy of greater liberalism will henceforth prevail in Indian administration to the end that every Indian, as soon as he has been determined to be as competent to transact his own business as the average white man, shall be given full control of his property and have all his lands and moneys turned over to him, after which he will no longer be a ward of the Government.

Pursuant to this policy, the following rules shall be observed:

1. Patents in fee: To all able-bodied adult Indians of less than one-half Indian blood, there will be given as far as may be under the law full and complete control of all their property. Patents in fee shall be issued to all adult Indians of one-half or more Indian blood who may, after careful investigation, be found competent, provided, that where deemed advisable patents in fee shall be withheld for not to exceed 40 acres as a home.

Indian students, when they are 21 years of age, or over, who complete the full course of instruction in the Government schools, receive diplomas, and have demonstrated competency will be so declared.

2. Sale of lands: A liberal ruling will be adopted in the matter of passing upon applications for the sale of inherited Indian lands, where the applicants retain other lands and the proceeds are to be used to improve the homesteads or for other equally good purposes. A more liberal ruling than has hitherto prevailed will hereafter be followed with regard to the applications of noncompetent Indians for the sale of their lands, where they are old and feeble and need the proceeds for their support.

3. Certificates of competency: The rules which are made to apply in the granting of patents in fee and the sale of lands will be made equally applicable in the matter of issuing certificates of competency.

4. Individual Indian moneys: Indians will be given unrestricted control of all their individual Indian moneys upon issuance of patents in fee or certificates of competency. Strict limitations will not be placed upon the use of funds of the old, the indigent, and the invalid.

5. Pro rata shares—trust funds: As speedily as possible their pro rata shares in tribal trust or other funds shall be paid to all Indians who have been declared competent, unless the legal status of such funds prevents. Where practicable the pro rata shares of incompetent Indians will be withdrawn from the Treasury and placed in banks to their individual credit.

6. Elimination of ineligible pupils from the Government Indian schools: In many of our boarding schools Indian children are being educated at Government expense whose parents are amply able to pay for their education and have public-school facilities at or near their homes. Such children shall not hereafter be enrolled in Government Indian schools supported by gratuity appropriations, except on payment of actual per capita cost and transportation.

These rules are hereby made effective, and all Indian Bureau administrative officers at Washington and in the field will be governed accordingly.

This is a new and far-reaching declaration of policy. It means the dawn of a new era in Indian administration. It means that the competent Indian will no longer be treated as half ward and half citizen. It means reduced appropriations by the Government and more self-respect and independence for the Indian. It means the ultimate absorption of the Indian race into the body politic of the Nation. It means, in short, the beginning of the end of the Indian problem.

In carrying out this policy, I cherish the hope that all real friends of the Indian race will lend their aid and hearty cooperation.

CATO SELLS, *Commissioner.*

Approved:
FRANKLIN K. LANE,
Secretary.

As to this, Commissioner Sells states in his report:

The cardinal principle of this declaration revolves around this central thought—that an Indian who is as competent as an ordinary white man to transact the ordinary affairs of life should be given untrammeled control of his property and assured his personal rights in every particular so that he may have the opportunity of working out his own destiny. The practical application of this principle will relieve from the guardianship of the Government a very large number of Indians who are qualified to mingle on a plane of business equality with the white people. It will also begin the reduction of expenditures and afford a better opportunity for closer attention to those who will need our protecting care for some years longer.

A vitally important result also will be obtained in placing a true ideal before those Indians remaining under guardianship. It will be a strong motive for endeavoring to reach the goal of competency, and prove a material incentive to a sincere effort for that end.

This new declaration of policy is calculated to release practically all Indians who have one-half or more white blood, although there will be exceptions in the case of those who are manifestly incompetent. It will also give like fredom from guardianship to those having more than one-half Indian blood when, after careful investigation, it is determined that they are capable of handling their own affairs. This latter class, however, will be much more limited since only about 40 per cent of the Indians of the country speak the English language and the larger majority of this latter class still greatly need the protecting arm of the Government.

The department is working out these problems in a manner that is sane, wise, and independent of local interest or prejudice and should not be interfered with by radical legislation such as the Hastings bill, which is the goal of the Oklahoma gentleman.

It may well be said that I do not know much about Indian affairs. But I have a right to rely on Mr. Meritt, the Deputy Commissioner of Indian Affairs, whose views in opposition to such legislation I have briefly quoted.

I have a right to rely upon the judgment and experience of the able and efficient Secretary of the Interior, Hon. Franklin K. Lane, who has twice, over his signature, as such official, condemned the Hastings bill. Under date of February 23, 1916, he wrote as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 23, 1916.

MY DEAR MR. STEPHENS: I am in receipt of your letter of January 13, 1916, transmitting, with request for report thereon, H. R. 108, entitled:

"A bill to confer upon the Superintendent for the Five Civilized Tribes in Oklahoma the authority now conferred by law upon the Commissioner of Indian Affairs and the Secretary of the Interior respecting lands allotted to the enrolled members of the Five Civilized Tribes and their individual moneys."

The annual report of the Superintendent for the Five Civilized Tribes for the year ending June 30, 1915, shows that lands have been allotted to Indians of the Five Civilized Tribes in 40 counties of the State of Oklahoma, covering an area of 19,525,966 acres; that there have been enrolled 101,521 members, which comprises approximately one-third of the Indian population of the United States. By virtue of acts of Congress, restrictions have been removed in a large number of cases, so that on June 30, 1915, there were 32,540 restricted Indians of the Five Civilized Tribes. They had 3,318,370 acres of restricted lands under the immediate supervision of the superintendent. There are oil lands of incalculable value in the Creek, Chickasaw, and Seminole Nations, which last year produced 27,098,994.02 gross barrels of oil, in which the royalty interest of the Indian allottees amounted to $1,537,727.47. An annual revenue of $354,571.70 was derived from agricultural and nonproducing leases approved by this department.

The vastness of the estate that is being administered is apparent from the foregoing facts.

The passage of the proposed legislation would, among other powers, place in the hands of the Superintendent for the Five Civilized Tribes all leasing for oil and gas mining purposes, all removal of restrictions, all investments of individual Indian funds, and the settlement of innumerable questions of policy arising out of these matters.

By the act of June 30, 1834 (4 Stat. L., 735) the Department of Indian Affairs was established, with a Commissioner of Indian Affairs as its immediate executive head and with supervision and appellate powers vested in the Secretary of War. See also act of July 9, 1832 (4 Stat. L., 564). By the act of March 3, 1849 (9 Stat. L., 395), establishing the Interior Department, the supervisory and appellate powers previously exercised by the Secretary of War with relation to all acts of the Commissioner of Indian Affairs were transferred to the Secretary of the Interior and the Indian Office was placed under the newly created department.

Section 463 of the Revised Statutes of the United States reads:

"The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations."

The above enactments are of long standing, evidencing a well-established governmental policy applicable to the dealings of the Federal Government with its wards. Justice Holmes, in delivering the opinion of the court in West *v.* Hitchcock (205 U. S., 80), said:

"The Department of the Interior generally has been the custodian of Indian rights."

The regulation of commerce with Indian tribes is a Federal obligation, the executive functions resting primarily upon the President. In the performance of many of his duties arising out of Indian affairs, as in other matters, he acts through an appropriate department of the Government and through the chief officers charged with the immediate supervision of the affairs of that department. (Wilcox *v.* Jackson, 13 Peters, 498.)

One of the chief reasons for placing the control of Indian affairs under the National Government was the *local prejudice* of people of the various States against the Indians. In speaking thereof the Supreme Court, in the celebrated case of United States *v.* Kagama (118 U. S. 375, 383), said:

"These Indian tribes are the wards of the Nation. They are communities dependent on the United States. Dependent largely for their daily food. Dependent for their political rights. They owe no allegiance to the States, and receive from them no protection. Because of the local ill feeling, the people of the States where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been promised, there arises the duty of protection, and with it the power."

While this case was decided in 1885, conditions therein referred to still exist, even if in a modified degree.

Attention is invited to the fact that in the course of business constant reference is necessary to the records and papers of this department and other departments. Especially is this true with litigation. Transference of jurisdiction would, I feel sure, be accompanied with confusion, delay, and uncertainty in obtaining information contained in such records and papers. If sole supervision were granted to the superintendent of the Five Civilized Tribes in the matters enumerated in H. R. 108, the reasons therefor could be advanced for also giving him the sole authority and supervision in the matter of the disposal of the tribal properties worth many million dollars. In the event of the passage of the proposed legislation, the decisions of the superintendent for the Five Civilized Tribes would in said individual Indian matters referred to in the bill be final, and there would be no right of

appeal. No person who initiates and directs the work in the field should in matters of such importance be the final arbiter as to his own acts. The conferring of the power proposed by this bill would vest in the superintendent of the Five Civilized Tribes absolute authority in the administration of the matters indicated, a greater authority than is now conferred upon the Commissioner of Indian Affairs, whose acts are largely supervised by the Secretary of the Interior.

Mr. Gabe E. Parker, the present superintendent of the Five Civilized Tribes, in his report of November 3, 1915, concerning the protest and pressure brought to bear upon Thomas Long, a full-blood Creek Indian, to induce him to invest his accrued oil royalties (of which he had to his credit $60,000) in the purchase of certain land near Muskogee, Okla., said:

"There is every pressure imaginable, not only from those who desire to separate the Indian from his money, but in many cases from Indians themselves, brought to bear upon me to purchase various and sundry things with Indian moneys, or to make loans on all kinds and classes of security, and even to pay out the money without restrictions thereon whatever, to individuals, guardians, administrators, and every other conceivable way possible to get the money out of the hands of the department."

This is but an illustration of a situation. My experience leads me to the conclusion that to bestow such power as is proposed in this bill upon a field official would place in serious hazard the moneys, the properties, and the welfare of our Indian wards. There is abundant evidence in the records of this department to make me feel that this would be a most perilous step. As conditions are now the Superintendent of the Five Civilized Tribes is under the constant check of this department, and the very fact that the disposition of these great properties, while primarily passed upon by him, are subject to supervision by an authority that is removed from local influence gives him a strength which otherwise he could not have. We have millions of dollars of individual Indian money on deposit in the banks of Oklahoma and tens of millions of dollars of property that is under our care and control, which, in my judgment, should not be vested in the discretion of a single individual, no matter how honest he may be. I am satisfied that no private institution—a railroad, for instance, or a great estate—would regard it as businesslike to do what is here proposed.

I sympathize with the desire to decentralize as far as is practicable and wise the control of these properties, giving as wide a discretion as from time to time may seem advisable to local officials, but our trust can not be carried out in the highest good faith by throwing upon the shoulders of one man so great a burden of responsibility.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

Again he wrote the following under date of February 7, 1918, having reference to amendment 60 substantially as it now stands, except that oil, gas, and other mineral leases are now excepted:

FEBRUARY 7, 1918.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR: I am advised that Senator OWEN has offered before the Senate Committee on Indian Affairs the following amendment to H. R. 8696, the Indian appropriation bill, to wit:

"*Provided,* That no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural, oil, gas, or other mineral leases made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such claims or leases now required to be approved under existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however,* That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order."

The proposed amendment is a modified form of H. R. 108, commonly called the Hastings bill, introduced in the House on December 6, 1915, on which I made an adverse report under date of February 23, 1916. Practically the only difference in effect between the Hastings bill, H. R. 108, and the proposed amendment is that the amendment proposes that only undisputed claims and uncontested leases are to be approved, but the right of appeal is afforded an aggrieved party in disputed cases. Such an appeal would provide practically no protection to an Indian who initiates or assents to the removal of his restrictions for the purpose of procuring ready money or for an inadequate bonus given for an oil lease on his allotted land, and therefore such Indian will seldom, if ever, appeal from a decision of the superintendent to the Secretary of the Interior. As Mr. Hastings said (see hearings on H. R. 108, p. 43, line 29):

"The truth is that everyone knows who is at all familiar with the Indian that he will not assert his rights in a civil suit."

The charge that endless red tape and needless delay prolong the work of the Five Civilized Tribes when supervised by the Secretary of the Interior is not well founded and is not supported by the records of the department.

The Superintendent for the Five Civilized Tribes during the fiscal year 1917 handled approximately $42,000,000, and to place in the hands of a local field official final authority, such as is proposed in the amendment, would, it is believed, be without precedent and exceedingly unwise.

No local official should be given such vast powers of final decision without supervisory powers of a superior officer. The adult restricted Indians are not urging any such amendment, but it is an attempt to transfer to local control the vast interests of over 30,000 restricted Indians, to be supervised by a single superintendent of the Indian Service as the sole arbiter of his acts.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

I have a right to rely upon the Indian Rights Association, which has for 40 years fought for fairer and saner treatment of the Indian. In the thirty-fifth annual report of that society it is stated:

A large proportion of the Indians of the Five Civilized Tribes have had but slight experience in business affairs, especially in dealing with titles affecting real estate, and can be easily duped, as shown by almost endless reported instances. It will be suicidal to remove the protection of the Federal Government over these wards and place them under a superintendent made subservient to State patronage by requirement that the appointment must be confirmed by the Senate. As was stated by the late Hon. Joseph H. Choate, in addressing Hon. HENRY F. ASHURST, chairman of the Committee on Indian Affairs, United States Senate:

"The welfare of our Indians is a solemn national obligation. We have no more sacred trust than the protection of the weak from being overreached by the strong. From the earliest times the intent of our people has been to give the Indian that protection."

The Indian Rights Association has actively opposed the adoption of this class of legislation.

I have a right to rely on the judgment of the late Hon. Joseph H. Choate, who fought the adoption of such legislation as this.

On these men I do rely, and I appeal to the House not to establish this precedent, not to permit the entering wedge, which, once it is in, will be followed by renewed efforts for adoption of the full doctrine of the Hastings bill.

Mr. CARTER of Oklahoma. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, for 25 years I have represented the Cherokee Tribe of Indians before the Commission to the Five Civilized Tribes, before the departments in Washington, before the committees of Congress, before all the courts of the United States, and I want to say to you that I have always been the friend of the Indian and am now. The trouble is that the history of the Five Civilized Tribes is not understood by the Members of this House. The Members of this House do not understand that prior to 10 years ago, for a hundred years, there was absolutely no supervision by the Federal Government. They made their own laws, they executed their own laws, they had their own courts, they had their own schools, they made their own appropriations and disbursed their own money, and there was absolutely no supervision.

With reference to this bill, amendment No. 60 does not take away a single bit of supervision over the Five Civilized Tribes. It simply transfers it from the Federal official at Washington to a Federal official in Oklahoma. The Federal official is nominated by the President, confirmed by the Senate, and he has 265 civil-service employees to help him carry out the laws. Our contention is that as to tribal matters, as to the larger questions that need legislation, they should be supervised by the office here. But as to the little things, as to individual matters, they ought to be supervised by the men at home, by the 265 civil employees that are down there.

Let me tell you Members of Congress that the record shows that there were 9,725 letters forwarded to the Indian Office by the superintendent; that there were 8,125 returned. We people who know the Indian, who have his best interest at heart, believe that we could best protect him by men on the ground, who are sympathetic, who have lived with him, who know him, and who can act intelligently and speedily on every question. It does not take away a bit of supervision from any member of the Five Civilized Tribes, but transfers it from Washington, 1,500 miles away, to a local Federal official, and that is all it does do. I never made any statement to the contrary. I have always stood for this legislation. I made a speech two years ago favoring it and spoke at length yesterday. [Applause.]

Mr. CARTER of Oklahoma. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. VENABLE].

Mr. VENABLE. Mr. Speaker, I should like to have followed the gentlemen who are going to oppose the idea of making an appropriation for the relief and education of the Mississippi Choctaws. It appears that I must proceed, and so I must anticipate as best I can what they will say.

My purpose is to demonstrate to the gentlemen of the House that this item is absolutely right and absolutely just.

The purpose of all government, as I understand it, in its last analysis, is to do right and justice, and to see that right and justice are maintained in the world. So I assume that if I can succeed in showing that under the facts the item is right and just it will receive the support of the Members of the House.

What are the facts, and let me state them as strongly as I can against the Mississippi Choctaws?

A number of years ago they owned certain lands in Mississippi. The tribe moved west, and the Indians of Mississippi who remained there were given certain lands, or rather retained certain lands, in Mississippi. After that they were paid certain scrip for those lands. There are in Mississippi to-day a number of Indians—about a thousand or twelve hundred—full-blooded Choctaws, that this provision is designed to relieve. Under the laws of the State of Mississippi these Indians can qualify as citizens and take part in the affairs of the State. Mississippi has maintained as best she could a few schools for these Indians. About a year ago an appropriation was made for an investigation

of their condition, and the commissioner sent by the Interior Department reported that these Indians were in a deplorable condition; that they needed schools; that they needed relief; that their children were growing up in ignorance, and that many could not speak the English language. In fact, everyone who knows anything about the condition of the Mississippi Choctaw knows that unless something is done for his relief it means a practical extermination of that people. Those are the facts. In other words, we have in Mississippi a thousand or twelve hundred full-blooded Mississippi Choctaws who are totally unfit to meet the competition of white civilization. I have not the time to go into a fuller statement as to their condition. Broadly speaking, these are the facts that can not be disputed.

Is this appropriation right and just? As I understand it, the basis of all appropriations for the relief of the Indians is on the broad ground, as has been decided by the Supreme Court of the United States, that the white race having, as we say, a superior civilization, came to America, came in contact with the race which had a totally different civilization, an inferior race, took the country and built it up, changed entirely the living conditions of this inferior race, and put them in sharp competition with white civilization so that they must either conform to it or die out. This has been the fate of all inferior races that have come in contact with a more complex civilization throughout the history of the world. The Supreme Court decided that by virtue of the fact that we put those people in a situation where they must either conform to white standards of civilization or die out, a moral obligation was imposed on the white race to see that these people were furnished the facilities and enabled to become adapted to the white civilization in order that they might not die. It decided that a ward and guardianship relation existed between the Government of this country and the Indian. If these be the reasons for the establishment of the relationship of guardian and ward, then the limitation of the guardianship and the definition of it is to be found within the reasons. The reasons were that we brought these people——

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. CARTER of Oklahoma. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. VENABLE. The reasons were that we brought these people into contact with this civilization, so the moral duty and the duty of the wardship is to furnish them the facilities to adapt themselves to the white civilization. It is said that we gave them lands and that they are asking for more. Yes; we gave them lands, but we gave them lands unrestricted. We gave them land that they did not know anything about. We gave them lands without any restriction, and the thing that happened is what anyone would expect. The Indian alienated his lands for a song in many instances, and became the victim of every blackleg that came along and is now in a pitiful condition. We gave them money, it is true, but the same thing happened. In other words, we gave a man totally unfit to deal with the machinery and the laws of our white civilization certain property, and the result followed which could be expected. We can not plead in estoppel of the performance of our duty as guardian that we gave these men certain things which they have thrown away because of their limitations, when we knew they would throw them away, when we knew they were incompetent to handle them, and when we knew they would be reduced to the situation that now faces them. Some one says that they are citizens, and that we do not want to take over people who are citizens under the Government. You have done it in three instances already. If the relationship of ward and guardian exists, how can we discharge ourselves from that obligation by performing an act with which the Indian had nothing to do by making him a present of citizenship whether he wanted it or not by a State government.

The SPEAKER. The time of the gentleman from Mississippi has again expired.

Mr. VENABLE. One more minute.

Mr. CARTER of Oklahoma. Mr. Speaker, I yield one more minute to the gentleman.

Mr. VENABLE. If that argument be sound, then let the Nation be discharged of all of its obligation to the Indians in this country by inducing the various States and Territories to confer citizenship upon the Indians within their borders. It does not make any difference about citizenship. The Indian was not consulted, did not have to be consulted, did not want it, I suppose, and have never exercised the privilege of citizenship in Mississippi. In other words, because the State gave the Indian something he did not care for, something with which he had nothing to do, it is now said by that act it relieved the Federal Government from discharging its duty. If my reasoning be correct for the grounds of the wardship, as I have stated them, then it is the moral obligation of the Federal Government to give the facilities to the Indian by which he can have a fair opportunity of equipping himself for citizenship under a white civilization. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Speaker, I realize something of the difficulty in the solution of problems growing out of our Indian relations. It is not a question of easy solution. If all of the Indians were equally intelligent, were equally capable of looking after their own business, like many of the Indians now are, then many of these problems that must come to Congress for solution would be quite easy to solve. Having a small reservation in the district which I have the honor to represent, and knowing something of the disposition and traits of the Indians, I feel that there are things in this bill that ought not to be here. I have been very well pleased with the able, wise, and considerate policy in dealing with the Indian problem by the Secretary of the Interior and his very able Commissioner of Indian Affairs. I feel, therefore, that the bill introduced by the gentleman from Oklahoma [Mr. HASTINGS], the principles of which are recognized by this conference report, ought not to be become a part of the statutes of the United States. Let me read just a line from the splendid letter of Hon. Joseph Choate, written on April 3, 1916, on this subject. He says:

Legislation is now pending in Congress which, if adopted, may overturn the present Indian policy and subject the Indian to the worst possible forms of spoliation, not only from the outsider but from unscrupulous persons within the tribal membership.

I shall put the entire letter in the RECORD.

Mr. CARTER of Oklahoma. What is the date of the letter?

Mr. GOOD. April 3, 1916.

Mr. CARTER of Oklahoma. That does not apply to this bill.

Mr. GOOD. It is a letter absolutely opposed to the principle of taking from the administration here in Washington, the Secretary of the Interior and the Commissioner of Indian Affairs, the right to pass finally upon those questions which vitally affect the Indian and his property. I do not believe there is a person here who, if he were a member of his own State legislature, would vote to take from the courts the power to pass upon reports of guardians, administrators, and executors; and yet by this amendment which comes in the conference report we are turning over to the local Superintendent for the Five Civilized Tribes the power to pass finally upon a great many questions that affect these Indians and their property, and we all know the local pressure that will be brought to bear upon him. He can not act impartially; I fear he will not be able to act wisely. I do not blame the gentlemen from Oklahoma. Their constituents are demanding this kind of legislation. They want these barriers removed, and when they are removed that same constituency will demand things under the authority that the local representative ought to deny but can not because of local pressure. The decision of this important matter should be left to the Commissioner of Indian Affairs. That progressive policies for the treatment of the Indian have been adopted by the Commissioner of Indian Affairs in this regard is seen from his report, from which I quote the following:

A vitally important result also will be obtained in placing a true ideal before those Indians remaining under guardianship. It will be a strong motive for endeavoring to reach the goal of competency and prove a material incentive to a sincere effort for that end.

This new declaration of policy is calculated to release practically all Indians who have one-half or more white blood, although there will be exceptions in the case of those who are manifestly incompetent. It will also give like freedom from guardianship to those having more than one-half Indian blood when, after careful investigation, it is determined that they are capable of handling their own affairs. This latter class, however, will be much more limited since only about 40 per cent of the Indians of the country speak the English language and the large majority of this latter class still greatly need the protecting arm of the Government.

As an additional safeguard for those Indians of half or less white blood, a homestead commensurate with the value of the property to be patented may be retained by the allottee and made inallenable except by approval of the Secretary of the Interior. In other cases of manifest incompetency the trust period on their land will be extended whenever it is deemed beneficial and in the interest of the Indians themselves.

As a corollary of this central idea of the declaration, a more liberal policy has been adopted in the sale of inherited lands and Indian allotments, and the Indians are urged to sell that portion of their land which is not available or adaptable for their own uses and utilize the proceeds for the improvement of their remaining land or increasing their facilities for its fuller development by purchasing stock, machinery, etc.

A liberal policy is now being pursued in allowing the use of the proceeds of the sale of the lands of old and indigent Indians, and following the general line of procedure of State laws, in all sales of allotted lands where circumstances warrant it, a part of the allotment may be retained as a homestead so that the Indian may not be deprived of a home. Especially is this desirable where an Indian and his wife need such place during their declining years.

The recent material advancement of the Indian has been remarkable and has kept pace with the vigorous policy of giving him help toward self-support, leading to final dissolution of the ties of paternalism. In 1911 the Indians cultivated 388,025 acres, and last year 678,529

acres; in 1911 they raised crops valued at $1,951,000, sold stock valued at $900,000, realized from native industries, such as basket making, blanket weaving, etc., $847,556; and last year they raised crops valued at $5,293,719, sold $4,583,083 worth of stock, and increased the value of their native wares to $1,206,826. The Indian wage earners for private individuals in 1911 were 3,204, and last year the number thus engaged increased to 6,902, while the value of all live stock owned by the Indians has risen from $17,971,209 in 1911 to $28,824,439 last year.

The Indian is discovering himself. He is coming to a realization of his own possibilities; putting the past behind him and looking to the future; beginning to understand and appreciate the accomplishments resulting from industry; to see the profit in individual effort and comprehend the ultimate difference between a cultivated and uncultivated field; the fact that it requires no more labor or expense to raise a well-bred, profitable animal than it does to produce a long-horn steer, an inbred sheep, or an old-time Indian pony.

Vital statistics for the same period are not available, but the strenuous efforts being made for a betterment of the purely human side of the Indians is illustrated in the fact that 42,110 families, or at least 200,000 Indians, have forsaken the teepee and live in houses built largely in a sanitary manner.

Evidences of material and humanitarian advancement are everywhere apparent. Industrially and socially the Indians are making unparalleled strides toward self-support and civilization. I have discovered that with sympathetic cooperation and intelligent encouragement their response is almost universal.

I have been exceedingly gratified with the very general approval given our new declaration of policy by the Indians and white citizens of the country. There is every indication that it will speedily bring about a revolution in the administration of Indian affairs, greatly benefiting the Indians, with a corresponding reduction in appropriations.

The Indian problem can not be solved in a day; it must be brought about in a deeply serious, in all respects courageous, and continuously sympathetic manner; but the time is approaching when governmental care and supervision will, generally speaking, become unnecessary. However, every true friend of the Indian should guard against precipitate and ill-advised action.

If these policies are carried out, and I am sure they will be, there can be no need for this legislation, which is likely to result in great harm.

But, Mr. Speaker, the thing I desire to call to the attention of the House with regard to this conference report is a matter that was discussed by the very eloquent gentleman from Mississippi [Mr. VENABLE] who has just preceded me. I will not attempt to answer his argument by argument of my own. I do not know enough about that question to do so fully. I recall the argument of the gentleman from Mississippi [Mr. HARRISON] in his attempt to compel a part of the Indian fund belonging to the Choctaws in Oklahoma to be devoted to the Choctaws in Mississippi. I recall the eloquent argument of the gentleman from Oklahoma in reply. And now, what have we? The gentleman from Mississippi [Mr. HARRISON] was defeated. The gentleman from Oklahoma, the chairman of the House conferees, opposed the gentleman from Mississippi. I have those speeches. I wish I had time to read them to the House, but must content myself by putting limited portions of them all in the RECORD. It appears now these two gentlemen have gotten together and they have arrived at this conclusion: That the funds of the Choctaws in Oklahoma will not be disturbed, but that the Choctaws in Mississippi shall now be allowed to put their hands into the Federal Treasury. That they shall not get the money from the funds of the Choctaws of Oklahoma, but, on the contrary, from the taxpayers of the United States. So in this conference report the conferees provide for a farmer and a field matron at $5,000, and the education of the Choctaws in Mississippi by the establishment and maintenance of day schools, including the purchase of land and the construction of necessary buildings, $20,000. And then in encouraging the industry and self-support among the Indians and to aid them in building homes, in the culture of foods, grains, cotton, and other crops, $25,000. To commence with, this conference report recognizes as legal the claims of the Choctaws of Mississippi. It recognizes they have legal rights against the Government, and they appropriate $75,000 for those rights. What did the gentleman from Oklahoma [Mr. CARTER] say in regard to this proposition on January 8, 1915? He said:

The gentleman from Mississippi has often told this House that the Mississippi Choctaws had never been given a day in court, and I doubt not that every man within hearing of my voice has heard him make the statement. He has asseverated and reiterated that the cases of the Mississippi Choctaws have never been tried by court, commission, or otherwise; that they have never had a day in court, had never any trial. Let us hear what the gentleman from Mississippi says about that himself. On January 29 of this year the gentleman from Mississippi introduced a bill providing for the opening of the rolls of the Five Civilized Tribes. Let us read section 2 of the gentleman's own bill, the Harrison bill, and see what information the gentleman really had when he gave this solemn statement to the House. Now, the gentleman knew, or should have known that the Mississippi Choctaw contention had been adjudicated by the trial of the Jack Amos case, not only by a Federal commission but by a Federal court, and that because of the settlement of a similar contention in the Cherokee Nation against Stephens case this Jack Amos case had been dismissed by the attorneys for the Mississippi Choctaws themselves. But let us see whether the gentleman from Mississippi was fully informed on this question. In this Harrison bill I find the following language:

"SEC. 2. That the Secretary of the Interior shall be vested with the power to determine the rights of said claimants upon such evidence as may be produced by the applicant, without regard to any adverse judgment or decision heretofore rendered by any court or commission to the Five Civilized Tribes or the Department of the Interior, and without regard to any condition or disability heretofore imposed by any act of Congress."

What does this section 2 propose to do; provide for adjudication of cases which have not heretofore been tried? Not by any manner of means. It provides to determine the rights of individuals. How? "Without regard to any adverse judgment or decision heretofore rendered by any court or commission," no matter though the Supreme Court of the land may have rendered a decision. If these cases have not been tried, why, pray tell me, set aside decisions of courts and commissions?

On March 3, 1915, the gentleman from Oklahoma [Mr. CARTER] said this:

Mr. Speaker, this matter has been settled by the courts, on one occasion going as high as the Supreme Court of the United States. It was settled by a commission appointed and directed by a specific law to settle. It was afterwards the subject of an agreement with the Choctaws and Chickasaws in Oklahoma and was again settled. It was decided and agreed that no man should be permitted to share in the tribal estate of the Oklahoma Indians unless he established a residence in good faith on the reservation. Let me say that the native Choctaws in Oklahoma who lived there were required to be on the reservation June 28, 1898, or they were eternally and forever barred from any participation in the estate, and some can not participate in it now.

But the Mississippi Choctaws were given, by agreement, until July 1, 1903, five years after the native Choctaws had to settle on the reservation. By a subsequent act they were given until March 4, 1907, to settle on the reservation, and nobody knows it any better than the gentleman from Mississippi. I notice that the gentleman from Mississippi when dealing with facts never states them if it in the least injures his case.

Then, again, on the 9th of January he said:

No man can give any valid reason on the face of the earth why the Mississippi Choctaw has any legal, equitable, or moral right to any part of the Oklahoma Choctaw estate. Furthermore, I have been unable to find any justification for any legal or equitable claim the Mississippi Choctaws might have against the Federal Government. The Federal Government seems to have exerted every effort to protect and assist these unfortunate Indians, and the Federal Government is now under only such moral obligations to the Mississippi Choctaws as might be due any other dependent, helpless Indians who have been deprived of their property by their white neighbors in other parts of the United States.

No legal claim, no moral claim, no equitable claim says the gentleman from Oklahoma, yet conferees turn over $75,000 of the people's money at this time when everybody, aroused by patriotism, is buying thrift stamps and liberty bonds to put money into the Treasury to carry on the war. Is it not unreasonable now, in view of our situation, to take from the Treasury $75,000 and turn it over as a commencement, recognizing that there is a legal, moral, and equitable claim against the Government, of a great movement in Mississippi that will cost millions of dollars. Next year after you have acquired the ground, after you have put up this school, how much will it take to add to the ground and to improve it and to maintain that school? I undertake to say that this item alone will grow to not less than $500,000 a year, and yet the very able gentleman from Oklahoma says there is no legal claim, no equitable claim or moral claim upon which to found it. Why, bless you, these Indians have not been wards of the Government since 1832. The Government owes them nothing; they have no legal claim against the Government, yet in these times of stress——

Mr. LANGLEY. Will the gentleman yield?

Mr. GOOD (continuing). You are recognizing that a legal claim does exist and are appropriating $75,000 to commence to discharge it. On the same ground you could buy farms, build schools, and improve the condition of the colored man in the South, but that is not suggested. The House Committee on Indian Affairs went to Mississippi and investigated this claim, and when they returned a little over a year ago it was, I understand, with a practically unanimous decision that not a dollar should be given for any purpose of this kind.

The SPEAKER. The time of the gentleman has expired.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. GOOD. The following letter from the Secretary of the Interior shows the Secretary's attitude regarding the transfer of additional power to the Superintendent for the Five Civilized Tribes.

The letter written by the late Joseph H. Choate shows his strong opposition to legislation of this character.

DEPARTMENT OF THE INTERIOR,
Washington, February 23, 1916.

MY DEAR MR. STEPHENS: I am in receipt of your letter of January 13, 1916, transmitting, with request for report thereon, H. R. 108, entitled "A bill to confer upon the Superintendent for the Five Civilized Tribes in Oklahoma the authority now conferred by law upon the Commissioner of Indian Affairs and the Secretary of the Interior respecting lands allotted to the enrolled members of the Five Civilized Tribes and their individual moneys."

The annual report of the Superintendent for the Five Civilized Tribes for the year ending June 30, 1915, shows that lands have been allotted to Indians of the Five Civilized Tribes in 40 counties of the State of Oklahoma, covering an area of 19,525,966 acres; that there have been enrolled 101,521 members, which comprises approximately one-third of the Indian population of the United States. By virtue of acts of Congress restrictions have been removed in a large number of cases, so that on June 30, 1915, there were 32,540 restricted Indians of the Five Civilized Tribes. They had 3,318,370 acres of restricted lands under the immediate supervision of the superintendent. There are oil lands of incalculable value in the Creek, Chickasaw, and Seminole Nations, which last year produced 27,098,994.02 gross barrels of oil, in which the royalty interest of the Indian allottees amounted to $1,537,727.47. An annual revenue of $354,571.70 was derived from agricultural and nonproducing leases approved by this department.

The vastness of the estate that is being administered is apparent from the foregoing facts.

The passage of the proposed legislation would, among other powers, place in the hands of the Superintendent for the Five Civilized Tribes all leasing for oil and gas mining purposes, all removal of restrictions, all investments of individual Indian funds, and the settlement of innumerable questions of policy arising out of these matters.

By the act of June 30, 1834 (4 Stats. L., 735), the Department of Indian Affairs was established, with a Commissioner of Indian Affairs as its immediate executive head, and with supervision and appellate powers vested in the Secretary of War. See also act of July 9, 1832 (4 Stats. L., 564). By the act of March 3, 1849 (9 Stats. L., 395), establishing the Interior Department, the supervisory and appellate powers previously exercised by the Secretary of War with relation to all acts of the Commissioner of Indian Affairs were transferred to the Secretary of the Interior, and the Indian Office was placed under the newly created department.

Section 463 of the Revised Statutes of the United States reads:

"The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations."

The above enactments are of long standing, evidencing a well-established governmental policy applicable to the dealings of the Federal Government with its wards. Justice Holmes, in delivering the opinion of the court in West *v.* Hitchcock (205 U. S., 80), said:

"The Department of the Interior generally has been the custodian of Indian rights."

The regulation of commerce with Indian tribes is a Federal obligation, the executive functions resting primarily upon the President. In the performance of many of his duties arising out of Indian affairs, as in other matters, he acts through an appropriate department of the Government and through the chief officers charged with the immediate supervision of the affairs of that department. (Wilcox *v.* Jackson, 13 Peters, 498.)

One of the chief reasons for placing the control of Indian affairs under the National Government was the local prejudice of people of the various States against the Indians. In speaking thereof, the Supreme Court in the celebrated case of United States *v.* Kagama (118 U. S., 375, 383) said:

"These Indian tribes are the wards of the Nation. They are communities dependent on the United States. Dependent largely for their daily food. Dependent for their political rights. They owe no allegiance to the States, and receive from them no protection. Because of the local ill feeling, the people of the States where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been promised, there arises the duty of protection, and with it the power."

While this case was decided in 1885, conditions therein referred to still exist, even if in a modified degree.

Attention is invited to the fact that in the course of business constant reference is necessary to the records and papers of this department and other departments. Especially is this true with litigation. Transference of jurisdiction would, I feel sure, be accompanied with confusion, delay, and uncertainty in obtaining information contained in such records and papers. If sole supervision were granted to the Superintendent of the Five Civilized Tribes in the matters enumerated in H. R. 108, the reasons therefor could be advanced for also giving him the sole authority and supervision in the matter of the disposal of the tribal properties, worth many million dollars. In the event of the passage of the proposed legislation, the decisions of the Superintendent for the Five Civilized Tribes would, in the said individual Indian matters referred to in the bill, be final and there would be no right of appeal. No person who initiates and directs the work in the field should in matters of such importance be the final arbiter as to his own acts. The conferring of the power proposed by this bill would vest in the Superintendent of the Five Civilized Tribes absolute authority in the administration of the matters indicated, a greater authority than is now conferred upon the Commissioner of Indian Affairs, whose acts are largely supervised by the Secretary of the Interior.

Mr. Gabe E. Parker, the present Superintendent of the Five Civilized Tribes, in his report of November 3, 1915, concerning the protest and pressure brought to bear upon Thomas Long, a full-blood Creek Indian, to induce him to invest his accrued oil royalties (of which he had to his credit $60,000) in the purchase of certain land near Muskogee, Okla., said:

"There is every pressure imaginable, not only from those who desire to separate the Indian from his money but, in many cases, from Indians themselves, brought to bear upon me to purchase various and sundry things with Indian moneys, or to make loans on all kinds and classes of security, and even to pay out the money without restrictions thereon whatever, to individuals, guardians, administrators, and every other conceivable way possible, to get the money out of the hands of the department."

This is but an illustration of a situation. My experience leads me to the conclusion that to bestow such power as is proposed in this bill upon a field official would place in serious hazard the moneys, the properties, and the welfare of our Indian wards. There is abundant evidence in the records of this department to make me feel that this would be a most perilous step. As conditions are now the Superintendent of the Five Civilized Tribes is under the constant check of this department, and the very fact that the disposition of these great properties, while primarily passed upon by him, are subject to supervision by an authority that is removed from local influence gives him a strength which otherwise he could not have. We have millions of dollars of individual Indian money on deposit in the banks of Oklahoma and tens of millions of dollars of property that is under our care and control, of which, in my judgment, should not be vested in the discretion of a single individual, no matter how honest he may be. I am satisfied that no private institution—a railroad, for instance, or a great estate—would regard it as businesslike to do what is here proposed.

I sympathize with the desire to decentralize as far as is practicable and wise the control of these properties, giving as wide a discretion as from time to time may seem advisable to local officials, but our trust can not be carried out in the highest good faith by throwing upon the shoulders of one man so great a burden of responsibility.

Cordially, yours,

(Signed) FRANKLIN K. LANE,
Secretary.

Hon. JOHN S. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

FEBRUARY 7, 1918.

MY DEAR SENATOR: I am advised that Senator OWEN has offered before the Senate Committee on Indian Affairs the following amendment to H. R. 8696, the Indian appropriation bill, to wit:

"Provided, That no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees or their heirs, or in forwarding uncontested agricultural, oil, gas, or other mineral leases made by individual restricted Indian allottees or their heirs to the Secretary of the Interior for approval, but all such claims or leases now required to be approved under existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however,* That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order."

The proposed amendment is a modified form of H. R. 108, commonly called the Hastings bill, introduced in the House on December 6, 1915, on which I made an adverse report under date of February 23, 1916. Practically the only difference in effect between the Hastings bill (H. R. 108) and the proposed amendment is that the amendment proposes that only undisputed claims and uncontested leases are to be approved, but the right of appeal is afforded an aggrieved party in disputed cases. Such an appeal would provide practically no protection to an Indian who initiates or assents to the removal of his restrictions for the purpose of procuring ready money or for an inadequate bonus given for an oil lease on his allotted land, and therefore such Indians will seldom, if ever, appeal from a decision of the superintendent to the Secretary of the Interior. As Mr. HASTINGS said (see hearings on H. R. 108, p. 43, line 29):

"The truth is that everyone knows who is at all familiar with the Indian that he will not assert his rights in a civil suit."

The charge that endless red tape and needless delay prolong the work of the Five Civilized Tribes when supervised by the Secretary of the Interior is not well founded and is not supported by the records of the department.

The Superintendent for the Five Civilized Tribes during the fiscal year 1917 handled approximately $42,000,000, and to place in the hands of a local field official final authority such as proposed in the amendment would, it is believed, be without precedent and exceedingly unwise.

No local official should be given such vast powers of final decision without supervisory powers of a superior officer. The adult restricted Indians are not urging any such amendment, but it is an attempt to transfer to local control the vast interests of over 30,000 restricted Indians to be supervised by a single superintendent of the Indian Service as the sole arbiter of his acts.

Cordially, yours,

(Signed) FRANKLIN K. LANE,
Secretary.

Hon. HENRY T. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

NEW YORK, *April 3, 1916.*

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. STEPHENS: Just now, when questions of great national moment are demanding universal attention, there is danger that matters seriously affecting our domestic affairs may be neglected or entirely overlooked.

The welfare of our Indians is a solemn national obligation. We have no more sacred trust than the protection of the weak from being overreached by the strong. From the earliest times the intent of our people has been to give the Indian that protection.

In the majority of cases this obligation is imposed on the Federal Government by treaty. In the absence of treaty obligations, however, the duty of the Nation to its wards is just as great. In the case of Heckman *v.* United States (224 U. S., 413–417), in speaking of the Indians of the Five Civilized Tribes, the Supreme Court says:

"From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been accomplished, there arises the duty of protection and with it the power."

Specific reservations have properly been set apart for Indian tribes, but for almost half a century there has been a tendency to recognize and give responsibility to the individual. The Dawes severalty act, adopted in 1887, was the culmination of this theory. It provides for an allotment of lands to individual Indians, breaking up of tribal relations, and distintegration of communal ownership. The principal thought in this and subsequent legislation has been to place responsibility upon the individual and at the same time protect him in his personal and property rights until the untutored child of nature is equipped to assume full responsibilities of citizenship.

The difficulty is that too much has been expected of the Indian. To some people it is hard to understand why you can't take an untutored, ignorant, full-blood Indian and make an educated citizen out of him in a fortnight. They expect the unreasonable and impossible. It is contrary to all human experience. Extremists have insisted that the process is too slow; that these wards should be released from Government supervision and suffer the results of their own improvidence regardless of their qualifications for self-protection and regardless of the consequences to their property rights.

Great caution is necessary in adopting new methods. The Indian problem has been the subject of too many theories which have proven disastrous in practice. In the early days the theory of extermination existed on the ground that "the only good Indian is a dead Indian." This idea did not appeal to our liberty-loving people, and later the theory of "segregation" was conceived, under which the Indians were virtually herded on reservations and policed that they might not escape and injure some white man. The latest theory, that of individualization, developed under the Dawes severalty act, really seems most plausible. It may prove a solution of the Indian problem, if properly administered and not interfered with by new and inconsistent legislation.

Of the Indians heretofore allotted about 10 per cent only—the full bloods, at least—have been prepared for the additional responsibilities thus cast upon them.

Congress in 1908 clothed the county courts of Oklahoma with jurisdiction over the person and property of minor allottees of the Five Civilized Tribes and further provided that upon the death of an allottee all restrictions against alienation of his land would thereby be removed. The raid upon the Indian's property as a result of this legislation is notorious and the effect on the Indian was disastrous and irreparable.

Legislation is now pending in Congress which, if adopted, may overturn the present Indian policy and subject the Indian to the worst possible forms of spoliation, not only from outsiders, but from unscrupulous persons within the tribal membership. The bill (H. R. 108) introduced by Congressman HASTINGS in the House of Representatives would confer on the Superintendent of the Five Civilized Tribes the authority now vested in the Commissioner of Indian Affairs and the Secretary of the Interior respecting the lands and individual moneys of the enrolled members of the Five Civilized Tribes in Oklahoma. About one-third of the Indian population in the United States belongs to these tribes, with more than 30,000 restricted Indians, their property including over 3,000,000 acres of valuable individually owned land. Perhaps the greatest oil field in the world has been developed in the country of the Five Tribes, from which enormous wealth has accrued to these people.

Under existing law the superintendent of these tribes is nominated by the President and confirmed by the Senate, the appointment being political. The pending bill (H. R. 108) proposes to turn over to this appointee full power and authority over this vast estate, and naturally every pressure, local and otherwise, would be brought to bear on anyone clothed with this great responsibility.

As evidence of the inability of these Indians properly to safeguard their own interests, the following is taken from the opinion of the Supreme Court in 1910 in the case of Tiger v. Western Investment Co. (221 U. S., 286–297):

"That full-blood Indians of the Five Tribes are, as a class, incompetent must be assumed not only from the legislation of Congress with respect to them but from the finding of the Court of Claims, where, in the case of Brown & Gritts v. United States (44 Ct. Cls., 283), it was expressly found that full-blood Cherokees whose right to alienate their lands was forbidden by the legislation contemporaneous with that involved in the case at bar were, as a class, unable to speak the English language and incompetent to guard their interests from designing persons who were constantly attempting to induce them to part with their property at grossly inadequate compensation."

With respect to the Hastings bill, Arthur C. Parker, a highly intelligent Indian, engaged in important educational work for the State of New York at Albany, who is also the secretary and treasurer of the Society of American Indians, says:

"ALBANY, *March 22, 1916.*

"I desire to register my protest against the favorable consideration of H. R. 108, introduced by Congressman HASTINGS, of Oklahoma, designing to confer the authority now invested in the Secretary of the Interior and the Commissioner of Indian Affairs upon the office of the Superintendent of the Five Civilized Tribes. The condition of Indian property and the complex situation that has arisen from inheritance cases and the presence of a large number of incompetent Indians makes it of utmost importance that the administration of their affairs be retained in the hands of the Federal Government. There is precedent enough to show the danger of State control in Indian matters, where these matters are not properly adjusted, and where the mass of Indians are, by reason of ignorance or disability, unable to protect themselves. The Oklahoma situation has been bad enough without now further providing the means for a wholesale plundering of the estates of minors and incompetents. This bill would bring injustice and be a reproach upon the Federal Government."

Another bill recently introduced by Senator JOHNSON of South Dakota (S. 3904) by its terms proposes to confer upon tribes of Indians the right to select their superintendents and other employees. This would divest the Interior Department of the appointing power, and the Indian Service would be deprived of the wholesome restrictions provided by the civil service. Anyone familiar with Indians can readily imagine how the more dependent full bloods would thus become the easy prey of conniving mixed bloods and unscrupulous whites. As so aptly stated by Rev. Sherman Coolidge, president of the Society of American Indians, "by such law the very worst elements will seek to control Indian tribes."

Senator Lane's bill (S. 4452) proposes legislation to abolish the position of Commissioner of Indian Affairs and his assistants, creating in lieu thereof an independent bureau, with three commissioners, subject only to the control of Congress. This bill provides that these commissioners shall be selected from candidates to be named by all the Indian tribes of the United States "congregated in general delegate council." It is further provided that these commissioners shall exercise all the authority now vested in the Secretary of the Interior and the Commissioner of Indian Affairs.

This bill would also deprive the Indian Service of that protection now afforded by the classified civil service, and would subject the Indians to the same pernicious influences as the Johnson bill, the chief difference being that one is retail and the other wholesale destruction. One may suppose that the elements most hostile to the Indians will advocate this and similar vicious legislation.

While the Secretary of the Interior and the Commissioner of Indian Affairs might gladly welcome this relief from the very onerous duties imposed upon them in connection with the administration of Indian affairs, yet these officials, moved by the high sense of public duty the Federal Government owes to its dependent Indian wards, have felt impelled to suggest the great danger to the Indians involved in the legislation contemplated by either of the three bills referred to and have pointed out that existing law is sufficient to enable the Interior Department to place on their own responsibility individual Indians who are qualified to handle their own property. "Competency commissions" are now in the field visiting various reservations where allotments in severalty have been made with a view of removing restrictions against alienation from the land belonging to those Indians found capable of withstanding the machinations of designing persons seeking to prey on members of an unsuspecting race the moment the protecting hand of the Government is lifted.

That wholesale removal of restrictions invites disaster has been amply evidenced by past experience. Should even 50 per cent of the Indians of a given tribe prove competent, is that any reason why the incompetent should be turned over to the mercy of unscrupulous land sharks?

Developments within the past few years show remarkable improvement in the administration of Indian affairs, and just as the latest theory of "individualization" begins to bear good fruit can we afford to destroy the entire structure by removing from the protecting care of the Government even those whose feet are just beginning to tread along the pathway that leads to success?

Sincerely, yours,

(Signed) JOSEPH H. CHOATE.

As an earnest friend of the Indian race, I trust that neither of these bills nor any similar legislation will be enacted.

Mr. HARRISON of Mississippi. Mr. Speaker, I ask unanimous consent, in view of the fact the time was agreed upon by unanimous consent yesterday afternoon and this argument has developed a new question, that the time be extended 20 minutes, 10 minutes to the gentleman from Kansas [Mr. CAMPBELL] and 10 minutes to the gentleman from Oklahoma, and I use those 10 minutes, and that then the previous question shall be considered as ordered.

Mr. STEENERSON. Mr. Speaker, reserving the right to object, I would like to say I would like to have five minutes to inquire of the chairman about some Minnesota items.

Mr. CARTER of Oklahoma. I have only 15 minutes, and having to yield a portion of that to the gentleman from Mississippi [Mr. HARRISON], I would have only a brief period in which to answer.

Mr. WALSH. Mr. Speaker, reserving the right to object, certainly the gentleman does not wish to predicate his request for extension of time upon the fact that this raised a new question, as he stated. This is an old question that has been resurrected.

Mr. HARRISON of Mississippi. I will say to the gentleman I thought everybody admitted the justice of this appropriation and had no idea in the world it would be attacked.

Mr. WALSH. Mr. Speaker, I do not think the time ought to be extended upon that basis.

Mr. HARRISON of Mississippi. I will put it on another basis. I will not give you the reason, then.

Mr. MADDEN. I will ask the gentleman if he will not make it 30 minutes. I want five minutes in which to inquire into the McMurray claim here.

Mr. CARTER of Oklahoma. Mr. Speaker, I have not any objection to the extension of time. Of course, we want to get through as quickly as we can. I realize this is an important proposition, concerning which Members want to secure information, and I want them to have it. I have not any objection, if the House consents, to an extension of 30 minutes.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I want to suggest that practically all the time up to date, I think, barring 20 minutes, out of something more than an hour, has been in favor of the conference report. I supposed we had come to an agreement last night, not an agrement I would like to have had, because I wanted more than 10 minutes, but I yielded to the wishes of the chairman to shorten this debate and gave my consent. I should not feel now that I could consent to a considerable extension of time, all of which is going to be used in support of the report. And under the present phase of things I should feel that I would have to object.

Mr. CARTER of Oklahoma. The gentleman is not fair in saying that everything was in favor of the report. A large part of my time was taken in answering criticisms which the gentleman made and which other gentlemen made.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, unless there is an agreement that half of the time extended shall be given in opposition to the report, I shall have to object.

Mr. CARTER of Oklahoma. My proposition was that half of it was to be controlled by the gentleman from Kansas [Mr. CAMPBELL] and half of it by myself.

The SPEAKER. Objection is made.

Mr. HARRISON of Mississippi. Will the gentleman from Kansas [Mr. CAMPBELL] yield me four minutes?

Mr. CAMPBELL of Kansas. I wish the gentleman would proceed with the time the gentleman from Oklahoma [Mr. CARTER] gives him, and I will see——

Mr. CARTER of Oklahoma. I yield six minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. CAMPBELL of Kansas (continuing). And I will see what I can do.

Mr. HARRISON of Mississippi. Mr. Speaker, in the Congressional Cemetery here in the city of Washington there is a

tombstone erected to a great Indian chief. His name is Pushmataha. On the tombstone are inscribed these words:

Here lies Pushmataha, a Choctaw Indian chief.
He was a warrior of great distinction.
He was wise in council, eloquent in an extraordinary degree, and under all circumstances and all occasions the friend of the white man.

Nearly 100 years ago this apostle of his tribe came to the city of Washington because he had a burning ambition to see the Great White Father. At that time Andrew Jackson was President. And in conference with him Pushmataha told him he came from a far and distant country; that his people had always been the friends of the white people; that they had held the hands of the United States so long and so tightly that their nails had grown long like birds' claws, and that there was no chance of their slipping out. He said, "My people are in trouble, they are in distress, and I want to talk to you. I look upon you as a great father and myself as a little child. I want to lean upon your bended arm like a child looking into the face of its father and tell you about my troubles." He said that he had, as a young man, once before come to Washington and had seen the Great White Father, Jefferson, and he had told him if ever he got into trouble to run and tell him.

I want to say to you, my friends, that that great chief spoke the sentiments of his people when he said they were in distress. They were in distress because the United States at that time was trying to remove them to a far and distant country, away from their hunting grounds; away from the Chickasawha, the Tallahalla, and Chickahominy, in which streams they had fished, and along the swamps of which they hunted their game. They did not want to leave. And so the good father said, "We will let those who want to stay in Mississippi remain, and you shall have certain rights." Eleven hundred of them are there now. They are the descendants of Pushmataha and his fellow tribesmen. They are to-day and have been for a long time in distress. They expect their Great White Father and this Congress to treat them as their suffering children. They have proven every requirement that the Federal Government imposed upon them. They look at each rainbow in the heavens and think it is a promise of hope that the Government some day will do something for them.

Oh, sirs, I remember the arguments that have taken place upon the floor of this House. I repudiate no argument that I have made. God knows that in my heart I believe sincerely that the money to those unfortunate people in Mississippi should come from the funds of the Choctaw Nation. No man who has served in this Congress for eight years will say I have not made an honest effort to try to implant that view upon the membership of this House and try to give to those people the things which I believe are justly theirs. This Congress has passed upon it; they have said they were not entitled to share in the funds of the tribe. And so the Indian Committees, the committee presided over by the gentleman from Oklahoma [Mr. CARTER], presided over at times in the other end of the Capitol by a Senator from Oklahoma, have said that these people should be taken care of by the Federal Government. They have appropriated this $75,000. It is recommended by the Indian Office, it meets the approval of the Indian Committees of the House and Senate, and it seems to me that it comes with poor grace for the gentleman from Iowa [Mr. GOOD], whom I love as a brother, to criticize this item in this bill that merely appropriates $75,000 to a poor, needy, distressed tribe of unfortunate Indians, whose rights have been stolen away from them, who are the outcasts of the Government, and then see year by year in this appropriation bill millions of dollars taken from the funds of the Government and sent throughout the country to the Indians everywhere—Indians that in many cases are rich and prosperous and who need no help. I can not believe that this Congress will vote down this conference report simply because of this $75,000 item. It still has a heart, and justice is not yet dead.

That is all I desire to say. [Applause.]

Mr. CARTER of Oklahoma. Mr. Speaker, there will be only one more speech on this side.

Mr. CAMPBELL of Kansas. Mr. Speaker——

The SPEAKER. The gentleman from Kansas has 15 minutes.

Mr. CAMPBELL of Kansas. This, like all other conference reports, represents compromises made between the representatives of the two Houses. It would be useless here to contend otherwise. That the conferees on the part of the House could not have their way about everything was understood when they went into conference. The conference report represents the result of long and careful deliberation upon the part of the conferees, and we arrived at the result that has finally been brought here.

Mr. MADDEN. Will the gentleman yield for a question, Mr. Speaker?

Mr. CAMPBELL of Kansas. I would rather proceed for a few moments and then submit the question.

Mr. MADDEN. There are a good many things in this bill that ought to be cleared up.

Mr. CAMPBELL of Kansas. First of all, I want to speak of the matter that has been most discussed with reference to this conference report, of submitting certain matters from the Five Civilized Tribes to the representatives of the Government in Oklahoma when these matters are uncontested rather than have them brought here to Washington.

It has been the custom when a small claim was made that it could not be adjusted until it was sent to Washington for approval here. It took weeks to secure a final adjustment. If an Indian wanted to lease his land for grazing purposes to his neighbor, the lease had to be sent to Washington for approval even when there was no question as to the equity or the legality of the lease.

Mr. NORTON. That is not true now.

Mr. CAMPBELL of Kansas. No; because we have corrected it by legislation. We have provided in this bill that undisputed contracts, undisputed claims, shall be approved in Oklahoma by a representative of the Government who is appointed by the President and confirmed by the Senate and gets as much of a salary as the Commissioner of Indian Affairs, and to all intents and purposes is in every way as well qualified. He is upon the ground and is quite as familiar with Indian affairs as is the Commissioner of Indian Affairs, so that these matters that are undisputed are to be adjusted in Oklahoma.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. CRAMTON. It is a fact that a lease of agricultural lands for not more than a year if of the Indian's homestead lands, and for not more than five years if of his surplus lands, can be taken care of now in Oklahoma. I am basing my statement upon the statement of Representative HASTINGS before the Committee on Indian Affairs.

Mr. CAMPBELL of Kansas. I can not yield further on that, because the matter is not in dispute as to certain phases of leases.

Mr. MADDEN. Mr. Speaker, will the gentelman yield to me?

Mr. CAMPBELL of Kansas. Not now. I know what the gentleman has in mind.

Mr. MADDEN. Is that the reason he is not yielding?

Mr. CAMPBELL of Kansas. No; it is not.

Mr. GOOD. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. On this matter?

Mr. GOOD. Yes.

Mr. MADDEN. It seems to me this matter ought to be cleared up.

Mr. CAMPBELL of Kansas. There is nothing cloudy about it.

Mr. GOOD. As stated by the gentleman from Oklahoma [Mr. HASTINGS], the Indian never disputes any claims even in civil suits. Is not that true?

Mr. CAMPBELL of Kansas. My observation of Indians is that they are quite well able in many instances to take care of themselves. They get the best of many of the trades they make with the white man.

Mr. GOOD. If it is true, as stated by the gentleman from Oklahoma [Mr. HASTINGS] in committee, there would be no disputed claims.

Mr. CAMPBELL of Kansas. I can not yield on that phase of the matter.

The promise was made to close up the affairs of the Five Civilized Tribes on the 4th day of March, 1906. I was a party to that contract. Every Member of this House who was a Member at that time was a party to that contract. It was agreed to in the Indian country. It was understood everywhere that the Government of the United States would take its hands off the Five Civilized Tribes and permit them to run their own affairs after that date. In the closing days of that period the Indian Office wanted just another year to finish up some matters that they had not been able to finish up within the time, but said they would undoubtedly have done by the 4th of March, 1907.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Not on this. They have now ceased to ask for extensions of time. They have ceased to make any pretense that there are unsettled matters that they must close up.

Mr. MADDEN. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman can not take a gentleman off the floor when he is making a speech.

Mr. MADDEN. Yes; I think a point of no quorum does.

The SPEAKER. But the gentleman was not recognized to make the point.

Mr. CAMPBELL of Kansas. I did not yield to the gentleman.

The SPEAKER. The gentleman from Kansas has the floor.

Mr. MADDEN. I make the point of order under the rule that nobody has the floor when a point of order is pending.

The SPEAKER. The gentleman from Kansas will suspend. What is the point of order that the gentleman from Illinois makes?

Mr. MADDEN. My point is that there is no quorum present, and that that point always is in order, regardless of whether anybody is on the floor or not.

The SPEAKER. The Chair will entertain the point.

Mr. CAMPBELL of Kansas. I proposed to yield to the gentleman as soon as I reach the discussion of the question he has in mind.

Mr. MADDEN. I do not want anybody to yield to me.

Mr. CAMPBELL of Kansas. The gentleman has been asking that I yield. I know his question. I will yield when I reach it.

The SPEAKER. The gentleman will suspend. Evidently there is no quorum present.

CALL OF THE HOUSE.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Barkley	Flynn	Kinkaid	Rucker
Barnhart	Focht	Kitchin	Sanders, La.
Bell	Foster	Kreider	Sanford
Blackmon	Fuller, Ill.	LaGuardia	Scott, Pa.
Brodbeck	Garland	Larsen	Scully
Burroughs	Garrett, Tex.	Lea, Cal.	Sears
Campbell, Pa.	Glass	Lever	Sells
Cannon	Godwin, N. C.	Little	Shallenberger
Carew	Goodall	Lufkin	Shouse
Carter, Mass.	Goodwin, Ark.	Lundeen	Siegel
Chandler, N. Y.	Gould	Lunn	Sinnott
Clark, Fla.	Graham, Pa.	McAndrews	Slemp
Clark, Pa.	Gray, Ala.	McClintic	Sloan
Connelly, Kans.	Griest	McCulloch	Smith, Idaho
Costello	Hamill	McFadden	Smith, C. B.
Currie, Mich.	Hamilton, Mich.	McLaughlin, Pa.	Smith, T. F.
Curry, Cal.	Hamilton, N. Y.	Maher	Snook
Dale, N. Y.	Harrison, Va.	Mann	Snyder
Darrow	Hayes	Miller, Minn.	Steele
Davis	Heaton	Mondell	Stephens, Nebr.
Delaney	Heflin	Montague	Stevenson
Denison	Heintz	Moore, Pa.	Strong
Dewalt	Hood	Neely	Sullivan
Dies	Howard	Padgett	Swift
Dill	Humphreys	Parker, N. Y.	Taylor, Colo.
Dillon	Jacoway	Platt	Templeton
Dixon	James	Polk	Vare
Dominick	Johnson, S. Dak.	Porter	Ward
Donovan	Jones	Powers	Wason
Dooling	Kahn	Pratt	Watson, Pa.
Drukker	Kehoe	Price	White, Ohio
Eagan	Kelley, Mich.	Ramsey	Winslow
Elston	Kelly, Pa.	Reed	Wood, Ind.
Estopinal	Kettner	Riordan	Zihlman
Fairchild, B. L.	Key, Ohio	Robinson	
Fairchild, G. W.	Kiess, Pa.	Rowland	

The SPEAKER. On this call 288 Members, a quorum, have answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

THE SPEAKER PRO TEMPORE ON SUNDAY NEXT.

The SPEAKER. The Chair appoints Mr. BROWNING to preside next Sunday at the memorial services for the late Representative CAPSTICK.

INDIAN APPROPRIATIONS.

The House resumed the consideration of the conference report on the Indian appropriation bill.

Mr. CAMPBELL of Kansas. Mr. Speaker, when interrupted I was just about to say that after some 12 years the government of the Five Civilized Tribes is costing more to-day than it did in 1906. After a solemn agreement to sever the relations of the Government with the Five Civilized Tribes the Indian Office, by forcing itself upon the Five Civilized Tribes, is costing more than it did 12 years ago. Why? Simply because men in the Indian Office refuse to give up the positions they hold, and they would lose these positions if the Government ceased to exercise its supervision over the Five Civilized Tribes as it has agreed.

Now, Mr. Speaker, there are some matters in this conference report to which I wish to refer. If the gentleman from Illinois [Mr. MADDEN] had read the several reports that have been made upon the items to which he was anxious to direct attention, he would have found that disputed items exist between Mr. J. F. McMurray and the Choctaw and Chickasaw Tribes of Indians. These matters of dispute have been running for many years. Upon the one hand, Mr. McMurray claimed that the tribes owed him a large amount of money, and, on the other hand, it was claimed on behalf of the tribes that he owed them. It was finally proposed to submit the matter to the Court of Claims for adjustment. That is finally agreed upon in this conference report.

The matters in dispute here are submitted to the Court of Claims, so that if Mr. McMurray has anything coming to him he will be allowed what is coming to him. If the Indians have anything coming to them, they will be allowed that. It is provided that the Court of Claims shall adjust these differences between these contentions. It is stated by the Secretary of the Interior that this seems to be the only way in which to adjust these disputed matters. Now, if anyone knows of any better way than in a court properly established for that purpose to adjust disputed claims between individuals or several individuals, I have never found it. It was concluded by the Secretary of the Interior that the matter should finally be brought to a conclusion, and we propose to conclude it in this bill.

Mr. MADDEN. Will the gentleman yield now?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Illinois.

Mr. MADDEN. I suppose the gentleman has some recollection of a case in which Mr. McMurray was interested, where he had $3,000,000 worth of claims against the Indians for legal services.

Mr. CAMPBELL of Kansas. Oh, no; he had nothing of the kind.

Mr. MADDEN. And he got $750,000 out of it, and this may be one of those.

Mr. CAMPBELL of Kansas. I did not yield for a speech. I yielded for a question.

The gentleman from Illinois is hopelessly at sea. He has no more information about this matter now than many other men have had in the years it has been before the House. The gentleman from Illinois has prejudices. He is using them instead of information. The claims between Mr. McMurray and the Choctaw and Chickasaw Indians should be settled just as other claims are settled, and it is provided that that shall be done in a court properly established for that purpose.

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. This conference report should be agreed to.

Mr. CARTER of Oklahoma. Mr. Speaker, with reference to this——

Mr. MADDEN. Now, will the gentleman from Oklahoma yield?

Mr. CARTER of Oklahoma Yes; surely.

Mr. MADDEN. Does the gentleman from Oklahoma, the chairman of the committee and the chairman of this conference, recollect a claim of one Mr. McMurray for about $3,000,000 for legal services against the Choctaw and Chickasaw Indians?

Mr. CARTER of Oklahoma. If the gentleman will let me proceed for just a moment——

Mr. MADDEN. I would like to ask if the gentleman remembers that.

Mr. CARTER of Oklahoma. I remember that Mr. McMurray in 1910 attempted to have some individual contracts with Indians validated.

Mr. MADDEN. Did he get any money out of it?

Mr. CARTER of Oklahoma. He got no money at all out of it. The approval of the contracts was turned down by this House.

Mr. MADDEN. Did he not get $750,000 out of it?

Mr. CARTER of Oklahoma. The firm of Mansfield, McMurray & Cornish drew $750,000 for the services they rendered in the so-called citizenship cases back in 1904 or 1905.

Mr. MADDEN. This is the same McMurray?

Mr. CARTER of Oklahoma. This is the same McMurray.

Mr. MADDEN. This conference, then, deals with the same Mr. McMurray and the same concern to which the gentleman has just alluded.

Mr. CARTER of Oklahoma. The original fee was paid to Mansfield, McMurray & Cornish, and this present claim deals only with Mr. McMurray in a case that he had before the Court of Claims, known as the Freedmen's case.

Mr. MADDEN. What is the Freedmen's case?

Mr. CARTER of Oklahoma. If the gentleman will let me proceed, I will explain it in my own way. The Choctaws and Chickasaws had a contract with J. F. McMurray amounting to some $27,500 to prosecute the so-called Freedmen case. This was the case of freedmen of the Chickasaws claiming a part of the land from the Chickasaw Tribe. He prosecuted the case through the courts and won it. In 1910 there was an item put in the general deficiency bill which provided for payments of this claim of $27,500 to McMurray, and that item in the bill

went out on a point of order made by myself and several other gentlemen. I made the point of order for the reason that that bill proposed to pay $27,500 to McMurray upon a contract that he had with the Indians without having any tribunal pass upon either the legality of the contract or upon the consideration he had rendered for it. The only thing proposed to be done by this bill is to send that controverted matter to the Court of Claims for adjudication.

Along with that is the claim by McMurray for some $10,500 for two Chickasaw warrants and a claim of twenty-odd thousand dollars which he sets up for expenses incurred in citizenship cases.

As opposed to that the tribe is permitted to set up any counterclaim they may have against him. Some have claimed in the past that McMurray has already overdrawn his expense account by some $180,000. There is a judgment now against McMurray for nearly $15,000, as I recall—I have not the figures here—for advance royalties on leases which he has failed to pay. That is in the shape of a judgment. Then the tribe claims further that he owes $15,000 additional advance royalty not included in this judgment, which makes a claim of $210,000 that the Indians have against McMurray, and his claim is about $62,000.

To be perfectly candid, I do not think there is much to the $180,000 claim of the tribe, but I think that the tribe can procure judgment for the advance royalties.

Mr. MADDEN. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. MADDEN. What makes Mr. McMurray so anxious to get legislation and a settlement if he only has a claim of $60,000 against the Choctaws and they have a claim against him of $250,000?

Mr. CARTER of Oklahoma. I thought I had just explained it. I told the House that Mr. McMurray thinks that the tribe can not enforce the claim of $180,000 against him. There is little doubt that they can enforce the claim of $30,000 against McMurray's claim of $62,000. My judgment is that he will fail to realize on his claim for expenses in connection with the citizenship cases, but the $10,000 and the $27,000 he will probably recover. That will leave a balance in favor of McMurray. Be that as it may, however, Mr. McMurray is no more anxious to have the matter settled than the tribe itself. All parties have come before the Committee on Indian Affairs and insisted that the matter be sent to the Court of Claims for settlement. It is the proper place for a settlement.

Mr. MADDEN. The experience of the House with McMurray's claims has been such as to justify doubt as to the legitimacy of any claim he presents.

Mr. CARTER of Oklahoma. That is because the claims had not been sent to a court or any competent tribunal to pass upon them. We propose to send these to a competent tribunal to pass upon them.

Mr. MADDEN. One question more: Is there any possibility that hereafter the claims of McMurray will be swollen up into millions instead of $60,000?

Mr. CARTER of Oklahoma. Absolutely none. The bill sets out specifically the claims which Mr. McMurray may bring action upon, and the letter of the Secretary of the Interior specifies the maximum amount possible of recovery, and these are the amounts I have just given the House.

Mr. MADDEN. Why did not we take it up for consideration when the bill was before the House?

Mr. CARTER of Oklahoma. Because it was not presented to the House. We found it in the bill when we reached conference and had to deal with it. The House Committee on Indian Affairs has already made a favorable report on a similar bill.

Now, Mr. Speaker, I want to pass over this matter and have just a word with reference to this Mississippi Choctaw item. We have had our obliging friend from Michigan [Mr. CRAMTON] and our good friend from Iowa [Mr. GOOD], the great self-constituted defenders of the noble Red Man of the forest, come before the House this morning in a sporadic foray against this bill. They flashed their sabers, they waved their flags, they shook their gory locks and gnashed their teeth about something that was about to be done to the Indian. Let me remind the two distinguished gentlemen that the American Indian at one time owned every acre of land in the State of Michigan; they owned every acre of land in the State of Iowa.

What has become of the Indians' rights to these lands in these States? It has departed from Poor Lo and his heirs. Who is responsible for it? The people of the State of Oklahoma upon whom the gentlemen bent their wrath or the people of the State of Michigan and the State of Iowa? The Indian at one time also owned the entire State of Oklahoma. He is still on the job in possession of a large portion of the land, doing business at his old stand, and for that portion that has departed from him in Oklahoma he has received a higher price than the Indians have received for similar acreage of land in any State in this Union. That is the difference between the treatment the Indian has received in Oklahoma and in the States of his great defenders.

What do we propose to do here with reference to the Mississippi Choctaws?

Gentlemen have said that in the past I have opposed the Mississippi Choctaw amendment. I have opposed the Mississippi Choctaws taking any part of the funds of the Choctaws in Oklahoma, because the courts, the commissions, three Secretaries of the Interior, and two Presidents had decided that they had no equitable interest in those funds. I have no apology whatever for my action with reference to this matter; and if the question ever arises again I hope I may be here on the job to prevent any such injustice and outrage being done the Choctaws in Oklahoma. What I have said with reference to the Mississippi Choctaw connection with the Federal Government is set forth in the records of this House. I quote from the report which I had the honor to assist in making as a member of a committee considering this question several years ago, as follows:

> The Federal Government, as such, is neither legally nor equitably obligated to enroll Mississippi Choctaws with the Choctaws west, and is under only such moral obligation to the Mississippi Choctaws as is due to dependent North American Indians who were originally occupants and owners of the soil, and who have been deprived of their patrimony by white settlers.

I have no apology to make for that statement, but the gentleman from Iowa [Mr. GOOD] says this $75,000 item constitutes a claim against the Federal Government. The difficulty with the gentleman is that he is unable to distinguish between a claim and a gratuity. The gentleman has been a Member of this House and a member of the Committee on Appropriations for several years. In addition to that he is considered as one of the eminent lawyers of the House, and should know the difference between a gratuity and a claim without getting his mind in any such befuddled condition as it seems to be with reference to this matter. The gentleman ought to know that the present item in this bill in no wise constitutes a claim, but is a straight gratuity to the Mississippi Choctaws, just such as is being given to Indians to-day in 26 other States in this Union. As to precedent, Mr. Speaker, nearly all the tribes now under the supervision of the Indian Bureau were taken in just as this tribe is now being taken in.

It is not a question of any claim against the Government. It is not a question of setting a precedent. It is simply a question of policy for us to decide whether the arm of the Government should be thrown around these Indians and their education and civilization provided for as is that of most of the other Indians throughout the United States.

Why, when the Indian Bureau was transferred to the Interior Department away back in 1842, I understand there were less than 12 tribes under the supervision of the Government, and the appropriation carried for their support and civilization at that time was something less than $250,000. Now we find the Indian appropriation bill amounts to more than $11,000,000, including 150 tribes. More than 130 of them taken in just as this bill proposes to take these tribes in. I call attention to the fact that within the last few years there has been taken under governmental supervision in just this manner some four or five different Indian tribes which theretofore were in just the same condition as the Mississippi Choctaws.

The Homeless Indians of California were one instance. Many thousands of dollars have been appropriated for the purchase of lands and support and civilization of these Indians. Then we have the Rocky Boy Band of Chippewas in Montana. They have been taken in within the last few years and thousand upon thousand of dollars appropriated for a like purpose for them. The Wahoe Tribes in Nevada is another case. The Seminoles of Florida another, and I think the Fort Barthold, N. Dak., Indians, if I mistake not. Now, my good friend from Michigan [Mr. CRAMTON] has in his State a school for which there is appropriated from $60,000 to $80,000 annually, as I recall, and yet the records do not show that there is a single tribe of Indians in his State.

The SPEAKER. The time of the gentleman from Oklahoma has expired. All time has expired.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that the gentleman be given two minutes more so that I may ask him a question.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the time of the gentleman from Oklahoma be extended for two minutes. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Speaker, I notice that item 27 has been put into the bill in the Senate and agreed to in this conference, providing $175,000, with a proviso that it shall be taken out of the United States Treasury in the event that the expenditure is unauthorized, and so forth. Has there been any information as to the authority for that expenditure?

Mr. CARTER of Oklahoma. What was the number of that amendment?

Mr. STEENERSON. Twenty-seven. It was $185,000 in the bill as reported by the committee, and the House struck it out.

Mr. CARTER of Oklahoma. The gentleman is mistaken about the amendment as agreed to by the conferees. The conferees struck that language out in their agreement.

Mr. STEENERSON. The proviso?

Mr. CARTER of Oklahoma. They struck out the proviso.

Mr. STEENERSON. That is all right. Now, was there any inquiry as to the authority for this expenditure?

Mr. CARTER of Oklahoma. No; none except that which the Indian Committee already had.

Mr. STEENERSON. I understood from Senator KELLOGG and my colleague [Mr. KNUTSON] that there was an arrangement with the Department of the Interior that the department should investigate the justice and authority for this expenditure as a condition before agreeing to the appropriation.

Mr. CARTER of Oklahoma. I have heard something of that, but that was not an impelling influence upon the conferees.

Mr. STEENERSON. I was told this morning by a representative of the Indians that the department had inaugurated an investigation, but refuses to allow the Indians to participate or see the books or ask any questions. If that be so, it is a violation of the understanding upon which the item was put into the bill.

Mr. CARTER of Oklahoma. Then it is wrong, but I suppose if we attempted to correct that, I predict we would have our good friend, the gentleman from Michigan [Mr. CRAMTON], and the gentleman from Iowa [Mr. GOOD] both arrayed against us.

Mr. STEENERSON. Then I protest. It is violating the understanding that was entered into when the appropriation was allowed to go into the bill.

The SPEAKER. The gentleman's time has again expired. All time has expired. The question is on agreeing to the conference report.

The question was taken.

Mr. GOOD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and fifteen Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on agreeing to the conference report.

The Clerk called the roll; and there were—yeas 242, nays 55, answered "present" 3, not voting 130, as follows:

YEAS—242.

Alexander	Connally, Tex.	Garner	Lazaro
Almon	Cooper, Ohio	Garrett, Tenn.	Lea, Cal.
Ashbrook	Cooper, W. Va.	Garrett, Tex.	Lee, Ga.
Aswell	Copley	Glynn	Lesher
Austin	Crago	Godwin, N. C.	Linthicum
Ayres	Crisp	Goodwin, Ark.	Littlepage
Bacharach	Crosser	Gordon	Lobeck
Baer	Dale, Vt.	Gregg	London
Bankhead	Dallinger	Griffin	Lonergan
Barnhart	Davidson	Hadley	Lundeen
Beakes	Decker	Hamlin	Lunn
Bell	Dempsey	Hardy	McArthur
Beshlin	Denton	Harrison, Miss.	McKeown
Black	Dickinson	Haskell	McKinley
Blackmon	Dixon	Hastings	McLemore
Blanton	Doolittle	Haugen	Magee
Booher	Doremus	Hawley	Mansfield
Bowers	Doughton	Hayden	Martin
Brand	Drane	Helvering	Mason
Browne	Dupré	Hensley	Mays
Browning	Dyer	Hilliard	Meeker
Brumbaugh	Eagle	Holland	Miller, Wash.
Buchanan	Elliott	Hollingsworth	Mondell
Burnett	Ellsworth	Houston	Moon
Butler	Emerson	Huddleston	Moores, Ind.
Byrnes, S. C.	Esch	Hull, Iowa	Morgan
Caldwell	Fairfield	Hull, Tenn.	Morin
Campbell, Kans.	Farr	Igoe	Mott
Candler, Miss.	Fess	Johnson, Ky.	Mudd
Caraway	Fields	Kearns	Neely
Carlin	Fisher	Keating	Nelson
Carter, Okla.	Flood	Kennedy, R. I.	Nicholls, S. C.
Cary	Francis	Kincheloe	Nichols, Mich.
Chandler, N. Y.	Frear	King	Nolan
Chandler, Okla.	Freeman	Kinkaid	Oldfield
Church	French	Kitchin	Oliver, Ala.
Classon	Gallagher	Knutson	Oliver, N. Y.
Claypool	Gallivan	Kraus	Olney
Condy	Gandy	La Follette	Osborne
Collier	Gard	Langley	O'Shaunessy
Overmyer	Rodenberg	Smith, Mich.	Voigt
Overstreet	Romjue	Snell	Volstead
Padgett	Rose	Steagall	Walker
Park	Rouse	Steenerson	Walton
Peters	Rowe	Stephens, Miss.	Watkins
Phelan	Rubey	Sterling, Ill.	Watson, Va.
Purnell	Russell	Sterling, Pa.	Weaver
Quin	Sabath	Stiness	Welling
Ragsdale	Sanders, Ind.	Sumners	Welty
Rainey, H. T.	Sanders, N. Y.	Sweet	Whaley
Rainey, J. W.	Saunders, Va.	Switzer	Wilson, La.
Raker	Schall	Tague	Wilson, Tex.
Ramseyer	Scott, Mich.	Taylor, Ark.	Wingo
Randall	Shackleford	Taylor, Colo.	Wise
Rankin	Shallenberger	Thomas	Woods, Iowa
Rayburn	Sherwood	Thompson	Woodyard
Reavis	Sims	Tillman	Wright
Riordan	Sinnott	Timberlake	Young, N. Dak.
Robbins	Sisson	Van Dyke	Young, Tex.
Roberts	Slayden	Venable	
Robinson	Small	Vinson	

NAYS—55.

Anderson	Gillett	Lehlbach	Temple
Bland	Good	Longworth	Tilson
Borland	Goodall	McCormick	Tinkham
Britten	Graham, Ill.	McKenzie	Towner
Byrns, Tenn.	Gray, N. J.	McLaughlin, Mich.	Treadway
Cannon	Green, Iowa	Madden	Vestal
Cooper, Wis.	Greene, Mass.	Mapes	Waldow
Cox	Greene, Vt.	Merritt	Walsh
Cramton	Hersey	Norton	Wason
Denison	Hicks	Paige	Wheeler
Edmonds	Husted	Parker, N. J.	White, Me.
Fordney	Hutchinson	Rogers	Williams
Foss	Ireland	Scott, Iowa	Wilson, Ill.
Fuller, Mass.	Kennedy, Iowa	Stafford	

ANSWERED "PRESENT"—3.

Dowell	Johnson, Wash.	Juul

NOT VOTING—130.

Anthony	Fairchild, B. L.	Kettner	Scott, Pa.
Barkley	Fairchild, G. W.	Key, Ohio	Scully
Brodbeck	Ferris	Kiess, Pa.	Sears
Burroughs	Flynn	Kreider	Sells
Campbell, Pa.	Focht	LaGuardia	Sherley
Cantrill	Foster	Larsen	Shouse
Carew	Fuller, Ill.	Lever	Siegel
Carter, Mass.	Garland	Little	Slemp
Clark, Fla.	Glass	Lufkin	Sloan
Clark, Pa.	Gould	McAndrews	Smith, Idaho
Cleary	Graham, Pa.	McClintic	Smith, C. B.
Connelly, Kans.	Gray, Ala.	McCulloch	Smith, T. F.
Costello	Griest	McFadden	Snook
Currie, Mich.	Hamill	McLaughlin, Pa.	Snyder
Curry, Cal.	Hamilton, Mich.	Maher	Stedman
Dale, N. Y.	Hamilton, N. Y.	Mann	Steele
Darrow	Harrison, Va.	Miller, Minn.	Stephens, Nebr.
Davis	Hayes	Montague	Stevenson
Delaney	Heaton	Moore, Pa.	Strong
Dent	Heflin	Parker, N. Y.	Sullivan
Dewalt	Heintz	Platt	Swift
Dies	Helm	Polk	Talbott
Dill	Hood	Porter	Templeton
Dillon	Howard	Pou	Vare
Dominick	Humphreys	Powers	Ward
Donovan	Jacoway	Pratt	Watson, Pa.
Dooling	James	Price	Webb
Drukker	Johnson, S Dak.	Ramsey	White, Ohio
Dunn	Jones	Reed	Winslow
Eagan	Kahn	Rowland	Wood, Ind.
Elston	Kehoe	Rucker	Zihlman
Estopinal	Kelley, Mich.	Sanders, La.	
Evans	Kelly, Pa.	Sanford	

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. RUCKER with Mr. SLOAN.

Mr. SEARS with Mr. DOWELL.

Mr. PRICE with Mr. ROWLAND.

Mr. DILL with Mr. JOHNSON of Washington.

Mr. HOOD with Mr. HEATON.

Mr. JACOWAY with Mr. HAYES.

Mr. KETTNER with Mr. LITTLE.

Mr. SANDERS of Louisiana with Mr. HAMILTON of New York.

Mr. STEVENSON with Mr. GARLAND.

Mr. EAGAN with Mr. PORTER.

Mr. HAMILL with Mr. PRATT.

Mr. HOWARD with Mr. GRIEST.

Mr. TALBOTT with Mr. ANTHONY.

Mr. SCULLY with Mr. BURROUGHS.

Mr. BARKLEY with Mr. CLARK of Pennsylvania.

Mr. BRODBECK with Mr. COSTELLO.

Mr. CANTRILL with Mr. CURRIE of Michigan.

Mr. CLARK of Florida with Mr. CURRY of California.

Mr. CLEARY with Mr. DARROW.

Mr. CONNELLY of Kansas with Mr. DAVIS.

Mr. DELANEY with Mr. DUNN.

Mr. DALE of New York with Mr. ELSTON.

Mr. DENT with Mr. KAHN.

Mr. DEWALT with Mr. DILLON.

Mr. DIES with Mr. BENJAMIN L. FAIRCHILD.

Mr. DONOVAN with Mr. FERRIS.

Mr. DOOLING with Mr. FOCHT.
Mr. HARRISON of Virginia with Mr. HAMILTON of Michigan.
Mr. ESTOPINAL with Mr. GRAHAM of Pennsylvania.
Mr. FOSTER with Mr. FULLER of Illinois.
Mr. HEFLIN with Mr. KELLEY of Michigan.
Mr. HELM with Mr. KIESS of Pennsylvania.
Mr. JONES with Mr. KRAUS.
Mr. GLASS with Mr. GOULD.
Mr. KEHOE with Mr. KREIDER.
Mr. KELLY of Pennsylvania with Mr. JAMES.
Mr. HUMPHREYS with Mr. MCFADDEN.
Mr. LARSEN with Mr. LUFKIN.
Mr. MCANDREWS with Mr. MCLAUGHLIN of Pennsylvania.
Mr. MAHER with Mr. MILLER of Minnesota.
Mr. MONTAGUE with Mr. MOORE of Pennsylvania.
Mr. POU with Mr. PARKER of New York.
Mr. SHOUSE with Mr. REED.
Mr. CAREW with Mr. DRUKKER.
Mr. EVANS with Mr. GEORGE W. FAIRCHILD.
Mr. CHARLES B. SMITH with Mr. SELLS.
Mr. THOMAS F. SMITH with Mr. SIEGEL.
Mr. SNOOK with Mr. SLEMP.
Mr. STEDMAN with Mr. SMITH of Idaho.
Mr. STEELE with Mr. STRONG.
Mr. SULLIVAN with Mr. SWIFT.
Mr. WEBB with Mr. VARE.
Mr. DOMINICK with Mr. WATSON of Pennsylvania.
Mr. STEPHENS of Nebraska with Mr. WINSLOW.
Mr. KEY of Ohio with Mr. WOOD of Indiana.
Mr. WHITE of Ohio with Mr. ZIHLMAN.
Mr. SHERLEY with Mr. WARD.
Mr. GRAY of Alabama with Mr. SANFORD.
Mr. MCCLINTIC with Mr. CARTER of Massachusetts.
Mr. LEVER with Mr. MCCULLOCH.

Mr. BROWNING. Mr. Speaker, I voted "yea." I have a pair with the gentleman from Maryland, Mr. TALBOTT. If he were present, I think he would vote the same way and therefore I shall let the vote stand.

Mr. JOHNSON of Washington. Mr. Speaker, I have a pair with the gentleman from Washington, Mr. DILL, and I desire to withdraw my vote of "nay" and answer "present."

The name of Mr. JOHNSON of Washington was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

On motion of Mr. CARTER of Oklahoma, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. CARTER of Oklahoma. Mr. Speaker, I desire to make a unanimous-consent request.

The SPEAKER. In a moment.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On May 14, 1918:

S. 3402. An act to fix the age limits for candidates for admission to the United States Naval Academy.

On May 16, 1918:

H. R. 10265. An act to authorize the President to provide housing for war needs; and

S. J. Res. 123. Joint resolution providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 939. An act relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices;

S. 100. An act to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to Cyrena E. Young;

S. 2552. An act to provide for leave of absence for homestead entrymen in one or two periods and for longer times;

S. 3935. An act to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided;

S. 3571. An act granting lands for school purposes in lots No. 111 in each of the town sites of Forts Shaw and Simms Sun River reclamation project, Montana;

S. 390. An act to establish the Grand Canyon National Park in the State of Arizona;

S. 921. An act for the relief of James Duffy;

S. 2646. An act for the relief of Edward W. Whitaker;

S. 3217. An act providing for the appointment of an additional district judge for the western judicial district of the State of North Carolina;

S. 3399. An act to amend an act approved May 27, 1908 (35 Stat., 417, 418) and for other purposes;

S. 180. An act for the relief of Ellen M. Willey, widow of Owen S. Willey;

S. 3405. An act to amend the naval appropriation act, approved August 29, 1916, relative to the loss of pay by officers and enlisted men of the Navy and Marine Corps who are absent from duty on account of sickness or disease resulting from their own misconduct;

S. 463. An act for the relief of the heirs of Joshua Nicholls;

S. 3391. An act to authorize the Secretary of the Interior to issue a deed to G. H. Beckwith for certain land within the Flathead Indian Reservation, Mont.;

S. 279. An act authorizing the Secretary of the Interior to issue patents in certain cases to missionery or religious organizations; and

S. J. Res. 134. Joint resolution to reimburse soldiers and officers for uniforms and equipment lost on board the *Tuscania* February 5, 1918, and in other like cases.

The message also announced that the Senate had passed with amendments the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, had insisted upon its amendments, and asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. BANKHEAD, Mr. HARDWICK, and Mr. TOWNSEND as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2123) to regulate the practice of podiatry in the District of Columbia.

INTOXICATING LIQUORS, TERRITORY OF HAWAII.

Mr. HOUSTON. Mr. Speaker, I move to take from the Speaker's desk the bill S. 3935, a bill to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided, and put it upon its passage.

The SPEAKER. The Chair lays before the House the bill S. 3935.

Mr. STAFFORD. Mr. Speaker, I reserve a point of order.

The SPEAKER. What point of order does the gentleman reserve?

Mr. STAFFORD. Pending the point of order, I wish to make an inquiry of the gentleman from Tennessee, whether the Committee on Territories had any meeting attended by a quorum authorizing him to call up this bill for action?

Mr. HOUSTON. The Committee on Territories this morning authorized me to call up this bill for consideration.

Mr. STAFFORD. Was a quorum present and took formal action on this bill?

Mr. HOUSTON. Notice was given——

Mr. STAFFORD. But was a quorum present and formal action taken authorizing the gentleman to bring up this bill?

Mr. HOUSTON. There was formal action taken in this way: There were seven or eight members present—something like that; I am not sure of just the number. There were not nine at one time, but members came in and asked what the meeting was for, and it was explained to them, and they said they wanted to be present and wanted to vote, and vote for the consideration of the bill. There were nine members who came into the committee room and gave instructions of that sort. One member came in and said he wanted to be recorded as present.

Mr. STAFFORD. Mr. Speaker, I make the point of order, under the statement made by the chairman of the committee, that the committee has not taken formal action authorizing him under the rule of the House that requires formal action on the part of a committee to call up a Senate bill on the Speaker's table, a similar House bill having been previously considered.

The SPEAKER. Where is that rule?

Mr. STAFFORD. I shall call it to the Speaker's attention. It is subsection 2 of Rule XXIV. This very question——

The SPEAKER. If the gentleman will suspend, the Chair thinks he can shorten this proceeding. He wishes the gentleman from Tennessee would state what happened in the committee.

Mr. HOUSTON. The committee was called and met, and six or seven members were in the room at a time—I am not sure of just the number. It requires nine to make a quorum. There were not nine present in the room at any given time, but they came into the room, cast their vote, told how they wanted to be recorded, and went to attend to other business. There was an attendance of a quorum; they were not all present in the room at any one time, but they came in and told the chairman how they wanted to vote and asked to be recorded by the clerk.

The SPEAKER. The Chair does not think that was a committee meeting. On pages 396 and 397 of the Rule Book, beginning on page 395, the Chair rendered an elaborate opinion on the very same subject, after a most careful scrutiny and consideration. A committee sits as a unit and you can not get a bill up here by getting your report signed by various members of the committee, or any other way except by a formal vote of the committee as a committee, a quorum being present, if anybody insists on the rule.

Mr. SAUNDERS of Virginia. Mr. Speaker, I submit that the situation under consideration does not present the same state of facts as the cases which you have cited. According to the statement made by the gentleman from Tennessee, his committee was regularly called, and he was duly authorized to make the motion which he has made to-day. In the cases cited, authority was sought to be given by a paper signed by a majority of the members of the committee. In this case the committee was regularly called, and the names of the members were regularly noted in conformity with their request.

Mr. DUPRÉ. Will the gentleman yield.

Mr. SAUNDERS of Virginia. I believe that this practice prevails in every committee of this body, namely of counting a member as present on his request, even though he may subsequently withdraw.

Mr. DUPRÉ. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. DUPRÉ. I may be in error, but I was under the impression that the gentleman from Tennessee has stated that there was never a quorum present at any one time.

Mr. SAUNDERS of Virginia. No, he said there were ten members present first and last.

Mr. DUPRÉ. No; he stated that 10 members, he thought, came into the committee room, but he did not state that there were 10 present as a quorum at one time.

Mr. SAUNDERS of Virginia. That is true and that is the state of facts that I am presenting, namely that a quorum of the members had been personally present—and so noted—before action was taken. They were all present of record.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. CARTER of Oklahoma. I wanted to ask whether objection was made by anybody who attended?

Mr. HOUSTON. There was no objection made to the want of a quorum at any time; it was satisfactory to the committee.

Mr. CARTER of Oklahoma. Did anybody object to those gentlemen having their names recorded in favor of the bill?

Mr. HOUSTON. Not by any means; not at all.

Mr. SAUNDERS of Virginia. Mr. Speaker, I yield to the gentleman from Massachusetts.

Mr. WALSH. I would like to ask if the gentleman would contend that the chairman of the committee could call a meeting and have a majority of the committee drop in one by one and say, "I want to be recorded in favor of this," and at no time have a quorum of his committee present?

Mr. SAUNDERS of Virginia. I want to say that that is practically what often happens in every committee of this body.

Mr. WALSH. I disagree with the gentleman. The committee of which I am a member does not conduct its business in that way.

Mr. SAUNDERS of Virginia. I do not know about the gentleman's committee. Let me finish the statement I was making. This is the way this thing is practically done in almost every committee of the House at some time. A meeting is regularly called. The chairman is present. The members of the committee begin to come in, one after another, some remaining, and others asking to be recorded as present. Finally the roll shows that a quorum is present, though actually a quorum may not be physically present. The point of no quorum is not made in the committee, and the business of the committee is proceeded with. According to the committee records, a quorum is physically present. That evidence of the record ought not be assailed in this body, but should be regarded as final. We do business in the House and Committee of the Whole every day without a quorum, but a quorum is presumed to be present. That is what happened in the Committee on Territories, with this difference only that the record of that committee shows that a quorum was present when the chairman was authorized to make his motion.

Mr. STAFFORD. If I may be permitted, I do not believe the gentleman is setting forth the facts as stated by the gentleman from Tennessee [Mr. HOUSTON].

Mr. SAUNDERS of Virginia. If I am in error as to the facts, then I am ready to be corrected.

Mr. STAFFORD. He said that at no time was there a quorum of the committee present.

Mr. SAUNDERS of Virginia. He said that 10 Members were present, though not at one time. They came in, from time to time, and asked to be recorded as present. Some withdrew before the vote was taken, according to the oral statement, but the record shows that all were present. No point of no quorum was raised in the committee. When a report of a committee comes before this body, under such circumstances, it should be accepted and regarded, as the action of the committee.

Mr. BORLAND. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. BORLAND. It is perfectly certain, I think, that everybody will agree that if the committee waited until 11 men had come into the committee room, 11 being necessary to constitute a quorum, and nobody raised the point of no quorum, that action is perfectly valid. Is the gentleman willing to say if no 11 men were ever in the room at any one time, and the committee begins to do business without the presence of a quorum, that that business is in order?

Mr. SAUNDERS of Virginia. Certainly. A quorum is always presumed to be present if the point is not raised in the body transacting business. Take the case suggested by the gentleman, in which the committee begins business with a quorum, but actually loses it before a bill is reported, but no point of no quorum is raised, ought the statement of a Member in this body to the effect that less than a quorum was present when the bill was actually reported, be admitted and cause the bill to be stricken from our calendar as having been improperly reported? If the question of no quorum can be raised in the present instance, as against the record of the committee, then in the case suggested it could be raised, if it is a question of fact to be decided in this body by oral testimony, as against the presumption to conclusiveness in favor of the regularity of the committee's action, as revealed by the records of the committee.

Mr. BARNHART. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. BARNHART. Is it not also true that in the proceedings of this House, when the House is in the Committee of the Whole, if a point of order is made that there is no quorum present, and the roll is called, and the Members immediately withdraw, the Committee of the Whole proceeds with the consideration of business just the same as if the whole number were present?

Mr. SAUNDERS of Virginia. That is true.

Mr. BARNHART. And all the business of this House is practically conducted on that basis.

Mr. SAUNDERS of Virginia. Precisely. The point of no quorum was never raised in the Committee on the Territories in this connection.

The SPEAKER. The Chair thinks the gentleman by his own statement puts himself out of court. Now, it may be true—and I have no sort of doubt it is absolutely true, as the gentleman from Virginia [Mr. SAUNDERS] states it—that this process of one coming in and another dropping out goes on in these committees. That is all right as long as nobody raises the point, but when the point is raised you have to consider it according to the rule. Now, it is true also, as the gentleman from Indiana [Mr. BARNHART] states. I have seen the point of no quorum raised here time and again, when the roll would be called, and gentlemen would come in with their hats and their overcoats in their hands, and stand here just long enough to answer, and then out they would go. But that does not affect the question. When the point is raised you have got to have a quorum acting as a quorum.

Mr. BARNHART. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARNHART. If, under those circumstances, it is developed and it is clearly shown there would be no quorum present after there had been a point of no quorum made, and these men had stepped in here and immediately retired, then, if at the end of the consideration of a bill some Member should make the point of order, as has been made here, would we still go ahead and would it be according to parliamentary practice to try to finish the bill?

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. In this case, this bill having been passed by the Senate and being on the Speaker's table, and the Committee on Territories having considered a similar bill and reported it to the calendar, and now the point being made that there was no quorum in the committee and authorizes the chairman to take up the bill, will it be in order for him to move to suspend the rules and take it up?

The SPEAKER. Not now. It will be in order on next Monday, I think it is.

Mr. HAMLIN. Will the gentleman yield?

Mr. WALSH. Has not the Chair ruled?

The SPEAKER. Yes. But the Chair is not so everlastingly stuck on his own ruling that he will not listen to somebody else. [Applause.]

Mr. HAMLIN. Mr. Speaker, I want to make this suggestion to the Speaker and to the House. I am a member of that committee and was present this morning, and I know that what the gentleman from Tennessee [Mr. HOUSTON] said is true. And yet the committee can only speak by its record. How is the Chair going to determine there was not a quorum present when ordering the reporting of this bill?

The SPEAKER. Because the gentleman from Tennessee [Mr. HOUSTON] was honest enough to tell exactly what happened.

Mr. HAMLIN. And somebody else might get up and dispute that proposition. Then how would you determine the fact?

The SPEAKER. If that kind of a situation arose the Chair would do what would be the sensible thing to do.

Mr. SAUNDERS of Virginia. I thought the gentleman from Missouri just wanted to ask me a question.

Mr. HAMLIN. Just a word further.

Mr. SAUNDERS of Virginia. I will yield to the gentleman in a minute. I was on the point of taking up the very line of argument that the gentleman has presented, and I would like to conclude the statement of what I have in mind in this connection. The chairman of the committee has stated that the record of his committee will show that a quorum was present when the bill was reported. Now how can an oral statement to the effect that a quorum was not present be taken against the conclusive presumption of the record that a quorum was present as evidenced by the record of the names of 10 members of the committee who answered on the roll call?

The SPEAKER. I know; but here is the gentleman from Tennessee [Mr. HOUSTON], chairman of the committee, who elected to make the statement.

Mr. SAUNDERS of Virginia. No. He was asked to make it, and he made it. But in this House he stands on the record of his committee, as affording him the authority to make the motion which he has made.

The SPEAKER. I know; but the Chair has no knowledge of what that record shows.

Mr. SAUNDERS of Virginia. Then should the gentleman from Tennessee bring in the record, that record will be final evidence as to whether a quorum was, or was not present?

The SPEAKER. That is a stream that we have not come to yet. The Chair has not yet come to it.

Mr. SAUNDERS of Virginia. I do not desire to consume the time of the House unnecessarily, but it seems to me that this matter ought to be determined by what the record shows. According to the statement of the gentleman from Tennessee, the record of his committee will show that a quorum was present. The procedure in his committee with respect to securing a record of the names of a quorum of the committee conforms to the common practice in the committees. It was neither unusual nor improper. If a Member of this body wishes to raise the question of whether a quorum was present when the committee vote was taken, then he should call for the records of the committee. But if it is conceded that the records of the committee will show precisely what has been stated by the gentleman from Tennessee, then those records will conclusively show that a quorum was present when the action in question was taken, and no statement to the contrary can be received. A bill may be passed without a quorum by this body, and if the issue is drawn in court, a hundred Members might testify to the effect that a quorum was not present, but the point of no quorum was not raised at the appropriate time, this testimony though truly revealing the facts would not be received against the presumption that a quorum was present.

The SPEAKER. Certainly.

Mr. SAUNDERS of Virginia. That analogy applies to the present situation.

Mr. DUPRÉ. But the House has to act upon it. That is not correct, because the House had something to say after the committee had acted, and nobody has anything to say as to how the House has acted.

Mr. SAUNDERS of Virginia. The question is one of fact to be determined by oral testimony, or by the record. On the case of action by the House, the courts accept the presumptions of the record that a quorum was present, though the Members may be able to overwhelmingly prove that such was not the fact. The House ought to regard the evidence of the committee's record as conclusive on the point of whether a quorum was present at any given time.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. HAMLIN. I want to be heard on this proposition for a few moments. I maintain that the question asked by the gentleman from Wisconsin of the gentleman from Tennessee can only be answered in one way, and that is by reference to the record of the committee, and that is the only basis upon which the Speaker of this House can possibly rule on this point of order, because the only legal way the committee can speak is through its record, and the record of the committee is the only answer to the gentleman from Wisconsin.

But I want to add this much further: Take the statement of the gentleman from Tennessee. It is undisputed that before the committee acted, before any action was taken whatever on this bill, there was a quorum of the committee which answered the call of the chairman of the committee, and reported at the committee room and authorized themselves to be recorded as present and thereby making a quorum. Now, if that quorum was present and they afterwards retired, and no man in the committee raised the point of no quorum, then I maintain that the action of that committee, notwithstanding it was had when less than a quorum were present, can not be challenged before the House. I submit that, in my opinion, the ruling of the Chair, just announced, is manifestly erroneous.

Mr. CRISP. Mr. Speaker, I desire to present my views concerning this situation to the Speaker. Under clause 1 of Rule XXIV, where the House has reported a bill making no charge upon the Treasury and that bill is on the House Calendar, if a similar Senate bill comes over here, it is in order, without asking unanimous consent, to have the Senate bill taken from the Speaker's table and laid before the House for immediate consideration, provided the committee having jurisdiction of the subject matter of the bill authorizes the chairman or some member of that committee to ask the present consideration of the bill.

Now, what may have happened in the House one day, as to its being challenged the next day, as some Members of the House have quoted in this discussion, seems to me to have no bearing on this case, because a condition precedent to the right to take up this bill from the Speaker's table is authority from the committee to call it up. Therefore it is incumbent upon the Chair to determine whether the gentleman proposing to take up the bill has authority from the committee.

Now, it has been the universal practice in the House, where authority from a committee to call up a bill was necessary to the consideration of the bill, for the chairman of the committee or the one calling it up to answer the Chair that he was authorized to call up the bill, and if nothing else appeared and that statement is not challenged, the Chair, of course, accepts the statement that the authority of the committee was granted, and the bill is laid before the House.

Now, I have never seen a question of fact in cases of this kind submitted to the Chair or decided by the Chair. It seems to me, if I were in the chair, I would not care to pass upon a question of fact arising between Members of the House. If one Member of the House says he is authorized to do a thing in the committee, and some other member of that committee disputes it, I would not pass upon it, but I would hold that the minutes of the committee was the highest evidence of the action of the committee; and if a question of fact arose, I would require an amplification or certificate from the minutes of the committee as to what the action of the committee was.

Now, it seems to me that the Member calling up the bill, if he makes a statement of the condition that happened in the committee that showed affirmatively that there was not any legal action by the committee, and if that statement is not challenged, the Chair, in my judgment, is authorized to pass upon that state of facts, and if it does not show legal authority from the committee to call up the bill, to so hold and to decline to entertain the motion for present consideration. On the contrary, if he thinks the statement does bring it within legal action by the committee, he accepts the statement and authorizes the motion.

The SPEAKER. The Chair is ready to rule. The Chair feels very much like adopting the remarks of the gentleman from

Georgia [Mr. CRISP] as the opinion of the Chair. There have been three or four matters brought in by way of illustration. For instance, some gentleman suggested that if we passed a bill here to-day somebody could get up to-morrow and inquire if we had a quorum. They can not do anything of the sort. The RECORD is conclusive. Everybody knows that all Members are sworn in and the roll is called on the first day of the session to ascertain if there is a quorum here, and there always is the first day; and then it is presumed ever after that that there is a quorum here until the fact to the contrary develops, either by roll call or by somebody raising a point of order, and nine-tenths of all the bills ever passed in this House are passed without a quorum. The Chair announces that the ayes have it, the bill is passed, and a motion to reconsider and lay on the table is made. The Supreme Court of the United States has held more than once that it will not go behind the RECORD. So much for that.

There is only one case mentioned in the Constitution where there must be a roll call, and that is when an attempt is made to pass a bill over the President's veto. We go on here and pass bills without a quorum, and everybody knows it, but nobody raises the point. The record is made and that is the end of it.

According to my recollection, the particular question that is up here to-day has not been raised since the 19th day of August, 1912. It was raised then, and the Chair ruled elaborately, after thorough consideration, quoting Jefferson's Manual and everything else that he could lay his hands on, and decided that a committee means a majority of the members of that committee present. The two-thirds of these things that are done otherwise do not amount to anything unless somebody raises the point; but when the point is raised it must be decided. If two opposing statements of fact are made by two different members of the committee, the Chair would do exactly what the gentleman from Georgia [Mr. CRISP] said he ought to do, and that is have the committee record produced. I suppose that since I rendered that decision in 1912 there have been a hundred bills, perhaps 200 bills, passed under precisely the same circumstances as these, except that the point was not raised.

Mr. MAPES rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAPES. Will the Speaker allow me to raise the query as to the distinction between this case and the one which the Chair decided, and to which he refers? It seems to me that the point in that case was that the committee members were not called together.

The SPEAKER. That is true.

Mr. MAPES. And this was a formal meeting of the committee.

The SPEAKER. I went into that whole question, both phases of it, and, whatever anybody else may think, my mind is made up, and it will never be changed unless the House votes to overrule my decision. The Chair holds that the gentleman from Tennessee [Mr. HOUSTON] can not bring up this bill under the circumstances which he describes.

Mr. HOUSTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOUSTON. Would it be in order to move to suspend the rules and take up this bill?

The SPEAKER. Not now. It will be next Monday.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to take up this bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of this Senate bill. Is there objection?

Mr. CALDWELL. I object.

The SPEAKER. The gentleman from New York objects.

ENROLLED JOINT RESOLUTION AND BILL SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bill of the following titles:

S. J. Res. 124. Joint resolution providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; and

S. 3771. An act authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

WESTERN JUDICIAL DISTRICT OF VIRGINIA.

Mr. SAUNDERS of Virginia. Mr. Speaker, H. R. 9864 was passed by the House on yesterday. Inadvertently the House failed to have the title conform to the text of the bill. I ask unanimous consent to have the title properly amended.

The SPEAKER. The gentleman from Virginia asks unanimous consent to vacate the proceedings on H. R. 9864 back to the point where the vote was taken on the bill itself. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 9864) to amend section 3 of the Judicial Code in respect to the western district of Virginia.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Virginia moves that the title be amended to conform to the substance of the bill. Without objection, it will be so ordered.

There was no objection.

On motion of Mr. SAUNDERS of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

EMERGENCY AGRICULTURAL APPROPRIATIONS.

Mr. HARRISON of Mississippi. Mr. Speaker, I desire to present a privileged report (No. 571) from the Committee on Rules.

The SPEAKER. The gentleman presents a report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

House resolution 341.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11945; that there shall be not exceeding three hours of general debate, to be equally divided, one hour and a half to be controlled by the gentleman from Mississippi [Mr. CANDLER] and one hour and a half to be controlled by the gentleman from Iowa [Mr. HAUGEN], which debate shall be confined to the said bill, at the end of which time the bill shall be read for amendments under the five-minute rule, and at the conclusion of said reading the committee shall rise and report the bill to the House, together with all amendments, if any, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. The rule simply gives the number of the bill. The title has not been read. What is the subject matter of the bill?

The SPEAKER. The Chair does not know.

Mr. HARRISON of Mississippi. The subject matter of the bill is to enable the Secretary of Agriculture to carry out during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products."

Mr. Speaker, the adoption of this rule will make possible the immediate consideration of this very important and necessary Agricultural appropriation bill. To win this war the United States must furnish not only men and war materials but foodstuffs for our armies and the armies of our allies. It will avail us nothing if we have armies but nothing by which they may be sustained. America is the granary of the world, and every energy, every economic law must be applied, and applied immediately, systematically, and scientifically, to obtain the greatest results.

The production and conservation of foods, feedstuffs, and live stock are subjects that at this time demand our immediate attention. Last year the farmers of this Nation, following the suggestion of our Commander in Chief and inspired by love of their country, succeeded in producing more foodstuffs than ever before in our history. What the farmers did last year has added immeasurably to the successful prosecution of the war; but great as their efforts have been and wonderful as were the results of those efforts, a greater task now confronts them and the country, and if the obligations of the hour are to be met larger energies must be employed, greater efforts exercised, and every resource of the country utilized. I have no doubt that the wise economies practiced by the people throughout the country to-day and the unbounded patriotism of the American farmer will gather this year still greater results. To do this, however, the Government must encourage the farmer and must cooperate with him in order to meet the abnormal conditions of to-day.

In the present appropriation bill every agricultural arm of the Government is provided and every legitimate appropriation proposed that will aid the productive powers of this Government to obtain the foodstuffs to supply our armies.

Mr. DYER. Will the gentleman yield?

Mr. HARRISON of Mississippi. I yield to the gentleman for a question.

Mr. DYER. Will the gentleman state in a word the object of the bill to which this refers?

Mr. HARRISON of Mississippi. Last year in the general Agricultural appropriation bill we made appropriations to meet this war emergency. Some weeks ago we passed the general Agricultural appropriation bill, and it was stated at that time by the gentlemen in charge of the bill that they were considering the provisions that called for appropriations necessary to meet the emergency, the abnormal conditions in the country, and that they would meet those conditions in one bill that was to be brought in later.

That is the bill that is proposed now to be considered. It carries millions of dollars. It deals in the prevention of diseases and pests to food and live stock, with the mobilization and transportation of labor, furnishing advance railroad fare in carrying labor to the farms, the marketing of vegetable products and foodstuffs, furnishing seeds to drought-stricken sections and elsewhere, educational and demonstrational work through various methods employed by the Agricultural Department to insure greater food production and many other wise and necessary provisions are provided, and for which appropriations are made that will meet the present abnormal and war conditions.

Mr. WALSH. Will the gentleman yield for a question?

Mr. HARRISON of Mississippi. I will.

Mr. WALSH. The gentleman is a member of the Rules Committee, and I want to inquire if this bill is of the character that it is necessary to bring in a special rule for its consideration? Would it not have been in order for the Committee on Agriculture to call this up as one of the appropriations bills that are privileged?

Mr. HARRISON of Mississippi. The Committee on Rules did not think so. The committee thought it was a matter of vital necessity and called for the immediate consideration of Congress. That is why it was prompted to bring in the rule.

Mr. STAFFORD. Will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. STAFFORD. Is it the purpose of the Committee on Rules to make the bill referred to in the rule a continuing order?

Mr. HARRISON of Mississippi. There is nothing said in the rule about it being a continuing order. It was not thought by the committee that it would take very long to consider the bill.

Mr. STAFFORD. The gentleman is aware that under usual conditions we will not be able to conclude the bill to-day, with three hours of general debate. I am inquiring what the purpose of the rule is?

Mr. HARRISON of Mississippi. The committee did not provide by the rule for a continuing order.

Mr. WALSH. Will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. WALSH. What was the idea of the committee as to the interpretation of the words "and said bill is hereby given a privileged status"?

Mr. HARRISON of Mississippi. There is much difference between giving a bill a privileged status and making it a continuing order, but the gentleman from Massachusetts has not the right copy of the rule. That was the rule as originally introduced. The rule we are now considering is a substitute for the original and says nothing about a privileged status.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. HARRISON of Mississippi. I will yield.

Mr. COOPER of Wisconsin. How much money does this bill carry?

Mr. HARRISON of Mississippi. About $18,000,000.

Mr. LONDON. Will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. LONDON. Does the bill contain any new legislation?

Mr. HARRISON of Mississippi. It contains no new legislation.

Mr. STAFFORD. I beg the gentleman's pardon, but there is some new law.

Mr. HARRISON of Mississippi. Yes, I stand for the correction of the gentleman from Wisconsin. The question of the mobilization of labor is new matter.

Mr. STAFFORD. That is one item. The item I refer to particularly is that provision which authorizes the Secretary of Agriculture to commandeer for office purposes any office building in the District, regardless of whether that office building is occupied by other governmental agencies or not.

Mr. HARRISON of Mississippi. The Committee on Rules thought that that was a necessary proposition to be considered.

Mr. BLAND. Will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. BLAND. There was an appropriation recently passed for seed spring wheat. Does this bill cover the same matter?

Mr. HARRISON of Mississippi. It does not; this is a different proposition. Mr. Speaker, I now yield 20 minutes to the gentleman from Kansas [Mr. CAMPBELL], and reserve the balance of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, a year ago the House was asked to pass a bill then known as the food-survey bill. It was stated by the Agricultural Department and the members of the House committee reporting that bill that it was essential to the country's needs for the proper prosecution of the war to make a survey of the food products within the United States. Of course, every practical man in the House and country knew that it was an utterly foolish thing to undertake—that it would not result in the production or discovery of any food product not already known to be available and would be of no good to the country. By the time the report of the surveyors could possibly be sent in and collated conditions of the food products would have so materially changed that the report would be absolutely worthless.

But the Agricultural Department saw an opportunity to get the nose of the camel under the tent, an effort they had been undertaking for years, and proceeded with the action. They secured an appropriation of over $11,000,000. They asked for twenty-five million and got eleven million and a little more. That appropriation will have been spent by the 30th of June of this year. If the Agricultural Department has told the Congress or the country of one dollar's worth of benefit that has come from the expenditure of that more than $11,000,000 I have not seen the report. Of course it could have done no good, it could not have produced nor saved an ounce of food products. A lot of high-brow agriculturists going about over the country, asking the farmers what the assessor had already ascertained—how many fat hogs they had, what they would weigh, how many fat cattle and what they would weigh, how much wheat they had in the bin, how much more flour there was stored, how much rye there was in the granary, and all such questions as that have been answered no doubt by the farmer to these agriculturists, but all this has produced no more wheat or bread or meat or discovered or saved any of either.

A lot of theorists in the Agricultural Department imagine that the way to raise hogs and potatoes and wheat and corn and other food products is to write a thesis. They imagine that the way to kill rats is to write a book upon the methods of killing rats, and they tell you in such a booklet what a pest rats are and have been, and then they tell you the different methods by which they may be killed; that some kill them with traps, some poison them, some kill them with cats and some with dogs, and that all methods are useful if you kill rats; and the farmer has learned absolutely nothing more after he has laboriously gone through that expensive publication on the killing of rats than he knew before he read the costly publication. So it is with practically everything that is proposed to be continued with this appropriation of eighteen million and a quarter dollars. I stated a year ago that it would be better for the country if the young men and the more elderly men who would be called into the public service by the provisions of the food-survey bill were put out into the fields cultivating the soil and producing food products, and would result in some benefit, but that these men called into the public service would result in producing nothing and be of no benefit to the country. I think my prophecy as to the wisdom of the bill has been verified. I understand Mr. Hoover, the food man, stated to the Committee on Agriculture, in talking about this bill, that the food survey was a farce. Now, the Agricultural Department asked the Committee on Agriculture to report this bill, not as a food-survey bill, but "to stimulate food production." In carefully going through this bill I have tried to discover what would produce wheat that has not been taken care of in the regular Agricultural appropriation bill.

I have tried to find out what will produce corn that is not covered in the regular Agricultural appropriation bill, or cotton, or hogs, or cattle, or sheep, or any other thing that is useful for food that is not provided for in the Agricultural appropriation bill. They say that it is necessary to kill pests. I suppose included in that are rats, and I have already stated how valueless the rat publication already issued upon the matter of getting rid of rats has been. We have provided in the regular Agricultural appropriation bill for destroying ticks on cattle and diseases that affect cereals and things of that sort—hog cholera and all that—so that the only excuse for this bill is to continue the fellows in office who were inaugurated under the pretext that the country had to have a survey of the food in the country. In order to find places for these hundreds and thousands of employees that were brought to Washington to make a food

survey of the United States, and the additional thousands that this bill provides for, it is found necessary in this bill to authorize the Department of Agriculture to commandeer any public building in order to find office space for those who are to be perpetuated in office for another year or given positions by the provisions of this bill.

Mr. CANDLER of Mississippi. It especially excepts buildings occupied by any other department of the Government or occupied as private residences.

Mr. CAMPBELL of Kansas. But it does provide for commandeering space in which to house these unnecessary Government employees.

Mr. CANDLER of Mississippi. It provides for that.

Mr. CAMPBELL of Kansas. I can not yield further.

Mr. LINTHICUM. Mr. Speaker, will not the gentleman yield for a moment? The gentleman a moment ago spoke of spending $11,000,000 in ascertaining how many fat hogs and cattle there were.

Mr. CAMPBELL of Kansas. Under the survey.

Mr. LINTHICUM. Yes. Was not that a taking of stock of the Nation's resources?

Mr. CAMPBELL of Kansas. No.

Mr. LINTHICUM. Does not every business concern take stock?

Mr. CAMPBELL of Kansas. It was simply duplicating something that the county assessors have done in every county in Kansas, in every county in Maryland, in every county of Texas and Tennessee and other States throughout the country. It also duplicated the work of the Census Office. There was no sort of question but that the country knew the amount of wheat on hand, the amount of hogs on hand, the amount of potatoes on hand before the bill was brought out a year ago calling for a food survey.

Mr. LINTHICUM. Does the gentleman mean to say that these assessors——

Mr. CAMPBELL of Kansas. I can not yield. I mean to say that this bill, therefore, is simply an effort to perpetuate in the Agricultural Department activities by academicians and agriculturalists who knew nothing about raising food products, and to keep those gentlemen in office. It will not do any good in the prosecution of the war, but will take from the Public Treasury $18,000,000 that ought to be expended for bullets, for arms, for ammunition, for aeroplanes, for something of that kind, to use in bringing the war to a successful termination.

There is no provision in the bill that will produce wheat or that will produce hogs or cattle that is not already taken care of in the Agricultural appropriation bill, and it is simply useless and senseless to say to Congress and to the country that this is a stimulant to agriculture. It merely provides for perpetuating the activities in the Agricultural Department that was inaugurated a year ago under the pretext of the necessity of a food survey. The necessity for a food survey is as great to-day as it was a year ago, but the survey is not to be made this year, it appears. The senselessness of it has even appealed to the Department of Agriculture and to the Committee on Agriculture. They do not call it a food survey this time, but use the more attractive phrase of "stimulating agriculture." It will do no more benefit to the country by stimulating agriculture than the bill a year ago did in making a survey of the food of the country.

Mr. GREEN of Iowa. What are all of these employees going to do now?

Mr. CAMPBELL of Kansas. This bill is to keep them on the pay roll in Washington and find places for more and provide more quarter-sawed oak, more mahogany, more places, more accommodation. I fear this war up to this time has been largely conducted around quarter-sawed oak and mahogany tables.

We have been spending our money lavishly for these purposes, but getting few aeroplanes and war materials we really need. Men brought to Washington, placed in offices here, will not win this war or raise more wheat and pork or beef or make more aeroplanes, bullets, dynamite, and munitions to wage a successful war with. You will have to quit legislating and making places for your friends. We must legislate for the serious business of prosecuting and winning this war.

Mr. QUIN. Will the gentleman yield right there?

Mr. CAMPBELL of Kansas. Yes.

Mr. QUIN. Does the gentleman think this measure has something else in it besides giving some fellow a job?

Mr. CAMPBELL of Kansas. Very little, or to perpetuate jobs they already have.

Mr. QUIN. Does the gentleman mean to say these millions of dollars and all these fine purposes to be performed here do not have to have somebody over them?

Mr. CAMPBELL of Kansas. Surely they do.

Mr. QUIN. Is not that good?

Mr. CAMPBELL of Kansas. As I stated a moment ago, every activity that is essential to producing wheat, corn, cotton, beef, and pork are already provided for in the Agricultural appropriation bill that is now in conference.

Mr. QUIN. Is not this an extension, and will it not be a stimulation——

Mr. CAMPBELL of Kansas. It is an unnecessary extension. If these things had been essential they would have been in the Agricultural appropriation bill; but this is an extension of what was called a food-survey scheme that was enacted a year ago, and this bill is unnecessary now as that was then, and this will be as useless to the country in the coming year as that has been in the last. I deplore the necessity of calling attention to the fact that, with the many matters that are brought here necessarily for the consideration of Congress, millions of dollars are added for the purpose of providing useless places, developing useless theories, and doing senseless things that will result in no benefit to the country in this hour of its greatest need. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman reserves four minutes.

Mr. HARRISON of Mississippi. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. YOUNG].

Mr. YOUNG of Texas. Mr. Speaker and gentlemen of the House, I think that the House will readily agree that heretofore when matters have come from the Committee on Agriculture I have criticized certain items in the bill when I thought the expenditure was not being properly made. This bill has been thoroughly gone over by the Committee on Agriculture. We have cut down many items and we have cut them down to a point where we did not feel it was justifiable in cutting them any further. Some $18,000,000 is carried in this bill; $6,500,000 of that sum is a fund set apart for the purchase of seeds. It is a revolving fund, just as there was a revolving fund in the former bill. Every dollar of that money comes back into the Treasury. It is shown with the fund heretofore had that none of it has been lost, and yet if we do not provide a fund of this kind now while we have congested railroad conditions, while we have many things to contend with, unless we give this power and a fund to the Department of Agriculture to go into the communities where there is a surplus of seed and be able to take away this seed and put it in a community where they have a drought-stricken section and where they have not got seeds, we are going to have a great section of this country that will wake up to the fact that they may not have the seed with which to plant the soil. This is one large item in this bill. If the gentleman from Kansas had his way, he would blot that item out of this bill, even in war times. He would not hand this emergency fund to this department, when every dollar of it expended finally reaches its way back to the Treasury of the country. So that cuts down the bill to something like $11,000,000. That simply is an extension of the work of the different departments down there in the Department of Agriculture in their work they have carried on from year to year, simply doubles up their force down there and prepares that force to take care of agriculture as a war emergency, and you tell me that it is not an essential and important item; that we do everything at this critical time so that they can go out to the farmers of the country and let them know the country is short on wheat, let them know the country is short on grains of different kinds, let them know that we are short on meat, and let them know as a part of this great war program that we want them to come to the rescue not only of our own Nation but of the nations we are allied with in fighting this great war. This bill carries an additional sum not in the regular appropriation bill dealing with diseases of stock, cattle, hogs, sheep, and horses, and in it is an item that deals with live stock that are being shipped to the foreign countries, the horse and mule supply of the country, to keep diseases out of that great bunch of horses and mules that are being shipped away, and yet the gentleman from Kansas would not give that fund for that department of this Government that we may control those diseases.

Mr. TOWNER. Will the gentleman yield?

Mr. YOUNG of Texas. I will.

Mr. TOWNER. I was wondering why the Committee on Agriculture, when they reported the general Agricultural appropriation bill, did not include these items and avoid the duplication in the appropriation?

Mr. YOUNG of Texas. The regular Agricultural appropriation bill has carried in normal times the organization they had in normal times. The bill passed last year, the emergency bill, put in an emergency force, which is no part of the permanent force of the Government. It is not intended as a permanent bill

or as a permanent force. They have those men, and they go off the pay roll the 1st of July, at the end of this fiscal year, unless this bill is passed and we give this fund to keep on this emergency force; and while it is an extension, in a way, of the yearly appropriation bill, yet it is to add impetus to agriculture generally.

That is all I have to say, Mr. Speaker, because I think in the discussion of the items of this bill the gentlemen of the House will see, while we may not agree that the amount is correct, that the purpose of the bill is good and will meet a war necessity.

Mr. CAMPBELL of Kansas. I yield the balance of my time to the gentleman from Iowa [Mr. TOWNER].

The SPEAKER. The gentleman yields four minutes.

Mr. TOWNER. Mr. Speaker, the statement which is made by the gentleman from Texas [Mr. YOUNG], of course, is probably an explanation, but it does not answer the objection that I made to those provisions of the bill that are carried in duplication of the provisions in the regular Agricultural appropriation bill for the very same purposes. It is not an answer, I submit, for the gentleman from Texas to say that the men employed under the provisions of this bill may go off the rolls on the 1st of July of this year. That has nothing to do with the proposition. They may be permanent or they may be temporary. In either event they cover the same items that are covered in the regular appropriation bill and ought to have been included in that bill. It is not only bad legislation but it is vicious legislation to cover in successive bills the same items. Gentlemen of the House have not opportunity to consider what the amount of appropriation is for a specific purpose.

The first provision in this bill is "For the prevention, control, and eradication of diseases and pests of live stock," and the appropriation is over $1,000,000. That is in addition to the appropriations that are specifically made in the regular Agricultural appropriation bill for exactly the same purposes. Then there is a provision "For the prevention, control, and eradication of insects and plant diseases." From time immemorial, in the regular Agricultural appropriation bills, these items have been covered. It is not proper, gentlemen; it is not the way in which these matters ought to be presented to Congress, that they should be presented in successive bills of this kind.

This comes very much in the nature of an urgent deficiency bill, and we are to consider questions now which can not be considered properly unless taken in connection with the very same provisions we had under consideration when we had the agricultural appropriation bill under consideration by the House. This House ought to have an opportunity to consider whether it is necessary that the total amount for these specific purposes is or is not sufficient. I am certainly as much in favor of liberal appropriations for the stimulation of food production as any man can be, but I can conceive of no reason, unless it is for the purpose of securing unjustifiable appropriations, why they should be included in successive bills, carrying the same items.

I trust, gentlemen, that if this is to be carried out now it certainly will not be continued in the future. It ought not to be presented to the House in this form. It is not good legislation. It is not the proper form in which to present it for consideration.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. HARRISON of Mississippi. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER of Mississippi. Mr. Speaker and gentlemen, the speech of the gentleman from Kansas [Mr. CAMPBELL] demonstrated one thing conclusively, and that is that he is not familiar with the provisions of this bill. He would have you to believe that all this money is to be expended for the purpose of providing offices for employees in the Agricultural Department; that all of it is to be expended to bring them to Washington and put them in beautiful houses, furnish them with mahogany furniture, and permit them to walk upon carpets, and things of that character, and that it is all for the purpose of making a survey of the agricultural products throughout the United States.

The survey of agricultural products was provided for in a former bill, which was the food-survey bill. Some provisions in that bill were for food production, making it a combination bill, the food-survey matter being one part of the bill and the food-production proposition being another part of the bill. And he would impress you that the food survey is all that is to be done under this bill—just another proposition to make another survey of the food throughout this country—and that you ought to be able, by the provisions of the bill and the letter of the law, to produce wheat, and to produce corn, and to produce potatoes, and things of that kind.

Mr. CAMPBELL of Kansas. Mr. Speaker——

Mr. CANDLER of Mississippi. I decline to yield to the gentleman, because he declined to yield to me.

Mr. CAMPBELL of Kansas. I ask the gentleman to quote me correctly. I said, on the contrary, that the food survey had been abandoned.

Mr. CANDLER of Mississippi. It has not been abandoned, but the work is being carried on now by the Agricultural Department, and reports are being sent out, and the gentleman is receiving reports in the mail every day, as he will find out if he will read his mail. He will get some to-day, to-morrow, and the day after to-morrow, and every day.

Mr. CAMPBELL of Kansas. May I ask if Mr. Hoover did not state to his committee that the food survey was absolutely valueless?

Mr. CANDLER of Mississippi. I am not responsible for what he says, and this bill makes no appropriation for his department or anything that Mr. Hoover is doing. I have not talked with him about it, and therefore I do not know what he says about it or what he thinks about it. But I do know what this bill proposes to do and what it will do if it is passed and put into operation and goes upon the statute books.

Now, the gentleman from Iowa [Mr. TOWNER], my distinguished friend, says that it is simply a duplication of the identical items that are carried in the appropriation bill. He is badly mistaken about that. There is an item here for live-stock production in the Great Plains region.

Mr. TOWNER. I want to correct the statement. I said some of the items of this bill are duplications, but not all of them.

Mr. CANDLER of Mississippi. I am glad to have the gentleman correct that. Some of the items are extensions of items in the annual appropriation bill, while some are not.

The following are some of the other items that are not included in the regular Agricultural appropriation bill: Utilization of creamery by-products, purchase and sale of seed, peanut conservation and utilization, location of Irish-potato seed stocks, castor-bean production and utilization, field supervision of war-garden work, and 8 or 10 other items, none of which is included in the regular Agricultural appropriation bill, as I have said. It is an extension of some of the work that is included in that bill, but it is an enlargement of the work, in order to stimulate food production in this country. [Applause.]

Mr. HARRISON of Mississippi. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WALSH. Division, Mr. Speaker.

The House divided; and there were—ayes 37, noes 11.

Mr. MADDEN. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present. Evidently there is none. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of agreeing to this resolution will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 246, nays 17, answered "present" 3, not voting 164, as follows:

YEAS—246.

Alexander	Carlin	Emerson	Hadley
Almon	Carter, Okla.	Esch	Hamlin
Anderson	Classon	Fairfield	Hardy
Ashbrook	Claypool	Ferris	Harrison, Miss.
Aswell	Coady	Fess	Harrison, Va.
Austin	Collier	Fields	Haskell
Ayres	Connally, Tex.	Fisher	Hastings
Bacharach	Cooper, W. Va.	Flood	Haugen
Baer	Cooper, Wis.	Fordney	Hawley
Bankhead	Copley	Foss	Hayden
Barnhart	Cox	Francis	Helm
Beakes	Cramton	Frear	Helvering
Bell	Crisp	French	Hensley
Beshlin	Crosser	Fuller, Mass.	Hersey
Black	Dale, Vt.	Gallagher	Hicks
Blackmon	Dallinger	Gallivan	Hilliard
Blanton	Decker	Gandy	Holland
Borland	Dempsey	Gard	Hollingsworth
Bowers	Denison	Garner	Houston
Brand	Denton	Garrett, Tenn.	Huddleston
Britten	Dickinson	Garrett, Tex.	Hull, Tenn.
Browne	Dixon	Glass	Husted
Brumbaugh	Doolittle	Godwin, N. C.	Hutchinson
Buchanan	Doughton	Goodwin, Ark.	Igoe
Burnett	Drane	Graham, Ill.	Ireland
Byrnes, S.C.	Dupré	Gray, N. J.	Johnson, Ky.
Byrns, Tenn.	Dyer	Green, Iowa	Juul
Candler, Miss.	Eagle	Greene, Vt.	Keating
Cantrill	Elliott	Gregg	Kennedy, Iowa
Caraway	Ellsworth	Griffin	Kennedy, R. I.

King	Morgan	Rouse	Thompson
Kinkaid	Neely	Rubey	Tillman
Kitchin	Nelson	Russell	Timberlake
Knutson	Nicholls, S. C.	Sabath	Van Dyke
Kraus	Oldfield	Sanders, Ind.	Venable
Lazaro	Oliver, Ala.	Sanders, N. Y.	Vinson
Lea, Cal.	Oliver, N. Y.	Saunders, Va.	Volstead
Lee, Ga.	Osborne	Scott, Iowa	Walker
Lehlbach	O'Shaunessy	Scott, Mich.	Walton
Lesher	Overstreet	Shackleford	Wason
Lever	Padgett	Sherley	Watkins
Linthicum	Paige	Shouse	Watson, Va.
Lobeck	Park	Sinnott	Weaver
London	Parker, N. J.	Sisson	Webb
Lonergan	Peters	Slayden	Welling
Lundeen	Polk	Smith, Mich.	Welty
Lunn	Pou	Snell	Wheeler
McArthur	Purnell	Steagall	White, Me.
McClintic	Quin	Stedman	Williams
McKeown	Ragsdale	Steele	Wilson, Ill.
McKinley	Rainey, H. T.	Stephens, Miss.	Wilson, La.
McLaughlin, Mich.	Rainey, J. W.	Sterling, Ill.	Wilson, Tex.
McLemore	Raker	Sterling, Pa.	Wingo
Magee	Randall	Stiness	Wise
Mansfield	Rankin	Sumners	Wood, Ind.
Mapes	Rayburn	Sweet	Woods, Iowa
Martin	Reavis	Switzer	Woodyard
Mason	Reed	Tague	Wright
Mays	Robinson	Taylor, Ark.	Young, N. Dak.
Miller, Wash.	Rogers	Taylor, Colo.	Young, Tex.
Mondell	Romjue	Temple	
Moon	Rose	Thomas	

NAYS—17.

Campbell, Kans.	La Follette	Sherwood	Waldow
Cannon	Longworth	Stafford	Walsh
Cary	McCormick	Tilson	
Chandler, Okla.	Madden	Tinkham	
Good	Robbins	Towner	

ANSWERED "PRESENT"—3.

Browning	Dowell	Rodenberg

NOT VOTING—164.

Anthony	Estopinal	Kettner	Riordan
Barkley	Evans	Key, Ohio	Roberts
Bland	Fairchild, B. L.	Kiess, Pa.	Rowe
Booher	Fairchild, G. W.	Kincheloe	Rowland
Brodbeck	Farr	Kreider	Rucker
Burroughs	Flynn	LaGuardia	Sanders, La.
Butler	Focht	Langley	Sanford
Caldwell	Foster	Larsen	Schall
Campbell, Pa.	Freeman	Little	Scott, Pa.
Carew	Fuller, Ill.	Littlepage	Scully
Carter, Mass.	Garland	Lufkin	Sears
Chandler, N. Y.	Gillett	McAndrews	Sells
Church	Glynn	McCulloch	Shallenberger
Clark, Fla.	Goodall	McFadden	Siegel
Clark, Pa.	Gordon	McKenzie	Sims
Cleary	Gould	McLaughlin, Pa.	Slemp
Connelly, Kans.	Graham, Pa.	Maher	Sloan
Cooper, Ohio	Gray, Ala.	Mann	Small
Costello	Greene, Mass.	Meeker	Smith, Idaho
Crago	Griest	Merritt	Smith, C. B.
Currie, Mich.	Hamill	Miller, Minn.	Smith, T. F.
Curry, Cal.	Hamilton, Mich.	Montague	Snook
Dale, N. Y.	Hamilton, N. Y.	Moore, Pa.	Snyder
Darrow	Hayes	Moores, Ind.	Steenerson
Davidson	Heaton	Morin	Stephens, Nebr.
Davis	Heflin	Mott	Stevenson
Delaney	Heintz	Mudd	Strong
Dent	Hood	Nichols, Mich.	Sullivan
Dewalt	Howard	Nolan	Swift
Dies	Hull, Iowa	Norton	Talbott
Dill	Humphreys	Olney	Templeton
Dillon	Jacoway	Overmyer	Treadway
Dominick	James	Parker, N. Y.	Vare
Donovan	Johnson, S. Dak.	Phelan	Vestal
Dooling	Johnson, Wash.	Platt	Voigt
Doremus	Jones	Porter	Ward
Drukker	Kahn	Powers	Watson, Pa.
Dunn	Kearns	Pratt	Whaley
Eagan	Kehoe	Price	White, Ohio
Edmonds	Kelley, Mich.	Ramsey	Winslow
Elston	Kelly, Pa.	Ramseyer	Zihlman

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. SIMS with Mr. GREENE of Massachusetts.

Mr. TALBOTT with Mr. BROWNING.

Mr. DONOVAN with Mr. ANTHONY.

Mr. JONES with Mr. CARTER of Massachusetts.

Mr. KEY of Ohio with Mr. CURRIE of Michigan.

Mr. CALDWELL with Mr. BLAND.

Mr. BOOHER with Mr. TREADWAY.

Mr. CHURCH with Mr. HAMILTON of Michigan.

Mr. SHALLENBERGER with Mr. KIESS of Pennsylvania.

Mr. DOREMUS with Mr. GOULD.

Mr. FLYNN with Mr. MCCULLOCH.

Mr. GORDON with Mr. PARKER of New York.

Mr. KINCHELOE with Mr. ROWE.

Mr. LITTLEPAGE with Mr. STRONG.

Mr. OLNEY with Mr. MUDD.

Mr. PHELAN with Mr. WARD.

Mr. RIORDAN with Mr. BUTLER.

Mr. SCHALL with Mr. CHANDLER of New York.

Mr. SMALL with Mr. COOPER of Ohio.

Mr. WHALEY with Mr. CRAGO.

Mr. DOWELL. Mr. Speaker, I am paired with the gentleman from Florida, Mr. SEARS. I desire to withdraw my vote "aye" and vote "present."

The result of the vote was announced as above recorded.

FOOD PRODUCTION.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from Virginia [Mr. SAUNDERS] in the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11945, with Mr. SAUNDERS of Virginia in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11945, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11945) to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products."

Mr. CANDLER of Mississippi. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. WALSH. Mr. Chairman, I think the bill is of sufficient importance that the membership should hear it read.

The CHAIRMAN. Objection is made. The Clerk will read.

The Clerk read the bill, as follows:

Be it enacted, etc., That to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," approved August 10, 1917 (40 Stats., p. 273), there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the following sums for the purposes indicated:

1. For the prevention, control, and eradication of the diseases and pests of live stock; the enlargement of live-stock production, and the conservation and utilization of meat, poultry, dairy, and other animal products, $1,058,975.

2. For procuring, storing, and furnishing seeds, as authorized by section 3 of the act, the appropriations for said purposes of $2,500,000 in section 8 of the act and $4,000,000 under the heading "Department of Agriculture" in the act approved March 28, 1918, entitled "An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," shall be available until the date when said act of August 10, 1917, shall cease to be in effect, and any moneys heretofore or hereafter received by the United States for furnishing such seeds may be used as a revolving fund until said date.

3. For the prevention, control, and eradication of insects and plant diseases injurious to agriculture, and the conservation and utilization of plant products, $811,300.

4. For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods, through county, district, and urban agents and others, $6,100,000.

5. For gathering authoritative information in connection with the demand for, and the production, supply, distribution, and utilization of food, and otherwise carrying out the purposes of section 2 of the act; extending and enlarging the market news service; and preventing waste of food in storage, in transit, or held for sale; advise concerning the market movement or distribution of perishable products; for enabling the Secretary of Agriculture to inspect and certify perishable agricultural products, as provided in the agricultural appropriation act for the fiscal year 1919, $2,136,028.

6. For miscellaneous items, including the salaries of assistant secretaries appointed under the act approved August 10, 1917; special work in crop estimating; aiding agencies in the various States in supplying farm labor; enlarging the informational work of the Department of Agriculture; and printing and distributing emergency leaflets, posters, and other publications requiring quick issue or large editions, $1,105,980, of which sum not exceeding $25,000 shall be available for rent in the District of Columbia: *Provided*, That the Secretary of Agriculture is authorized, for the official purposes of the Department of Agriculture, and within the limits of the appropriations for rent made by this or any other act making appropriations for the Department of Agriculture, to requisition the use of, and take possession of, any building or any space in any building, and the appurtenances thereof, in the District of Columbia, other than a dwelling house occupied as such or a building occupied by any other branch of the United States Government; and he shall ascertain and pay just compensation for such use. If the amount of compensation so ascertained be not satisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of such amount, and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation for such use in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

7. For enabling the Secretary of Agriculture to provide for and secure the voluntary mobilization and distribution of farm labor for the production and harvesting of agricultural crops, and to advance railroad fares and other actual traveling expenses for the transportation of such labor, upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, $500,000, available immediately, of which not exceeding $50,000 may be expended for the payment of such administrative expenses, including such rent, the expenses of such printing and publications, the purchase

of such supplies and equipment, and the employment of such persons and means, in the District of Columbia and elsewhere, as the Secretary of Agriculture may deem necessary for the purposes of this item. Any money received by the United States in repayment of advances made under this item may, in the discretion of the Secretary of Agriculture, be used as a revolving fund for further carrying out the purposes of this item; any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts. In carrying out the purposes of this item the Secretary of Agriculture is authorized to cooperate with the Secretary of Labor or any other Federal, State, county or municipal department, agency, or officer, or with any association of farmers, board of trade, chamber of commerce, or similar organization, or with any person. Agricultural labor actually employed in agriculture and needed for cultivating and harvesting crops where engaged shall not be mobilized nor transported under the provisions of this item, and the Secretary of Agriculture shall, as soon as practicable after the close of the calendar year 1918, cause to be made to the Congress a detailed statement showing as far as possible the number of persons transported and employed and a detailed statement of all disbursements under this item.

Mr. CANDLER of Mississippi. Mr. Chairman, the bill under consideration, H. R. 11945, is for the purpose of extending the work which was begun under the food-production act passed August 10, 1917. That act carried an appropriation of $11,346,400. It became a law on the 10th day of August, 1917, and the appropriations provided by it expire on June 30, 1918, and necessarily were for only a part of a year. This bill under consideration carries the sum of $11,712,283 for the fiscal year 1919, and hence carries appropriations for a whole year. In addition to that there is a provision in this bill that the amount appropriated in the act of August 10, 1917, of $2,500,000 to provide a fund to be used by the Secretary of Agriculture in the purchase of seeds to be resold to the people at cost, and the appropriation of $4,000,000 appropriated in the deficiency act of March 28, 1918, for the same purpose, reported from the Appropriations Committee, are continued and made a revolving fund, under the provisions of this bill, during the continuance of the war. Therefore, while the total amounts combined aggregate $18,212,283, the sum of $6,500,000 is an insurance fund placed in the hands of the Secretary of Agriculture, with authority to purchase seed for the purpose of reselling to the people at cost, and is made a revolving fund whereby the money going out of the Treasury when the seed is sold goes back into the Treasury, and hence it is not really an appropriation which exhausts the Treasury to any extent.

Mr. QUIN. Will my colleague yield right there?

Mr. CANDLER of Mississippi. With pleasure.

Mr. QUIN. These seeds are sold to farmers at actual cost?

Mr. CANDLER of Mississippi. At actual cost.

Mr. QUIN. There is no profit to the Government?

Mr. CANDLER of Mississippi. No profit at all.

Mr. OLIVER of Alabama. Is the sale of these seeds confined to any section?

Mr. CANDLER of Mississippi. It is not. The fund could be used in any section or in any part of the United States where the necessity demands.

Mr. OLIVER of Alabama. Is it not a fact that the fund has heretofore been used in the purchase of seeds that are largely adapted to the arid regions of the West?

Mr. CANDLER of Mississippi. Some of the fund has been used for that purpose, but not entirely.

Mr. OLIVER of Alabama. The reason I make the inquiry is that I was informed by a representative of the department some time since that no seed purchased under the provisions of the act could be resold in the South.

Mr. CANDLER of Mississippi. I do not see why he made that statement. I do not so understand. Certainly there is no limitation of that kind in this bill.

Mr. YOUNG of Texas. That statement of the representative of the department is absolutely untrue. Quite a large part of this fund was used in my State.

Mr. CANDLER of Mississippi. I will say to the gentleman from Alabama that further along in my remarks I have a full statement in reference to the manner in which this fund has been utilized.

Mr. RAGSDALE. Upon what terms are these seeds sold? Are they sold on credit, on security, or for cash?

Mr. CANDLER of Mississippi. They are sold for cash. Now, in view of the fact that these appropriations were made in the act of August 10, 1917, and under the provisions of that act this work was begun, and in view of the fact that this bill proposes to make appropriations to continue this work, it is natural that gentlemen would like to know what has been done under the other appropriations which will justify appropriations to continue the work. The act of August 10, 1917, provides that it shall continue during the war and a certain number of months thereafter. Upon the arrival of that time, then the law goes out of existence by limitation. So long as the law is in existence, of course it requires the appropriation of money in order to carry on the work provided under the law.

Mr. SMITH of Michigan. What is meant by the statement that the act will continue during the war? Does it mean that each year this amount for the same purpose will be expended?

Mr. CANDLER of Mississippi. I do not know that the same amount will be expended. There will be appropriations every year following this year, so long as that act remains in effect and is upon the statute book.

Mr. SMITH of Michigan. For the same purposes?

Mr. CANDLER of Mississippi. For practically the same purposes, to carry on the work and to keep it moving continuously. These appropriations in this bill are for the fiscal year 1919.

Mr. SMITH of Michigan. Then also we provide that appropriations for these same purposes shall be made for the following years during the continuation of the war.

Mr. CANDLER of Mississippi. And any other activities which may arise as the result of experience. Of course, it may be necessary to provide funds for additional work. I do not take it that it will be confined absolutely to the identical same work all the time, but to such work as is being done under the present law and as will be done under these appropriations, and as will be done under appropriations made in the future, as experience is acquired in carrying on these activities.

Mr. SMITH of Michigan. Can the gentleman tell us how much the Government expended for seed during this past year?

Mr. CANDLER of Mississippi. I have not the figures before me——

Mr. SMITH of Michigan. The gentleman stated something about seeds being furnished to the arid regions.

Mr. CANDLER of Mississippi. I have the facts with reference to that.

Mr. SMITH of Michigan. Does the gentleman expect to show what each State received?

Mr. CANDLER of Mississippi. I expect to show the kinds of seed and the exact locations where the seeds were used.

Now, I hope I may be permitted to proceed. The difference between this bill and the regular annual appropriation is that under the regular annual appropriation bill money is appropriated only for the normal activities of the Department of Agriculture.

When we reported from the Agricultural Committee the annual appropriation bill it was distinctly stated, not only in the report but stated in speeches made on the floor of the House—I stated in a speech that I made on the floor of the House that those appropriations were confined to the normal activities of the department, and that subsequently we would bring in an additional appropriation bill to provide for the other activities of the department.

Another reason why that was done was because the appropriations made under this bill are for the development of agriculture and the stimulation of production for the purpose of the war. When the war is over this bill will cease and the appropriations themselves will cease, and we will revert to the one annual appropriation bill, which will cover the appropriations for the activities of the department.

Another reason was that it was not known at the time the regular annual appropriation bill was introduced and passed just what would be necessary in order to carry on the work, because the work was to some extent in the course of development, and had only gone on a few months before, and the Secretary of Agriculture believed that it was best to wait until by experience and further investigation it might be determined and known what was necessary in order to carry on the work.

Now, gentlemen, I want to call attention to the further fact that there has never been a bill presented in this House that had more thorough consideration than this bill received at the hands of the Agricultural Committee. We had hearings which lasted a week, having before us the officers of the Department of Agriculture, and then after the hearings were concluded it was considered, not by a subcommittee but considered by the full committee day after day for nearly a week more and reported by the committee to this House. Therefore it is not a bill which has not received due consideration, but one in which every phase and every line and every word in it has been thoroughly and fully and completely considered by the members of the Agricultural Committee. I will state, too, that it was as a rule considered during the full attendance of the Agricultural Committee; and I am happy to say that we have one of the greatest chairmen—Mr. LEVER, of South Carolina—and one of the best committees in this House, and the members as a rule attend and take part in the discussion and consideration of the bills which have been before that body. [Applause.]

Now, permit me to present the work done by the Agricultural Department to justify the appropriations now proposed.

No department of the Government responded more quickly or more efficiently for war needs in 1917 than the Department of

Agriculture. Its work is not done in a spectacular way, and therefore it escapes the observation of many people; but a brief review of the outstanding features of its accomplishment will show that the President was warranted in saying not long ago that the Federal Department of Agriculture is the best organization of its kind in the world.

The existence of a state of war between the United States and Germany was declared on April 6. Three days later the Secretary of Agriculture met in conference at St. Louis with agricultural leaders from New England to the Rocky Mountain States. The Nation was represented by the Secretary of Agriculture and specialists of his staff and the States by their commissioners of agriculture, officers of their agricultural colleges, and men in charge of the cooperative agricultural extension work. The editors of 75 farm journals also were present. On April 13 the Western States, in a similar conference at Berkeley, Cal., called at the request of the Secretary of Agriculture, indorsed the conclusions reached at St. Louis, where a program was adopted the substantial part of which has been enacted into law or put into practice without material change. Under the leadership of the department and its associated agencies the farmers of the Nation, in spite of difficulties, greatly increased their activities, with the result that they planted 246,275,000 acres of the leading food crops, compared with 223,337,000 in 1916 and 213,936,000, the average for the five years 1910–1914. The yield of the leading cereals was a full billion bushels, including wheat, corn, barley, rye, oats, and all other cereals, in excess of the production of the preceding year, notwithstanding the fact that the winter-wheat yield for the year was short, because of the very heavy loss from winter killing.

Mr. LONDON. Does that represent more acreage or increased production?

Mr. CANDLER of Mississippi. Both. At the same time live stock of all kinds was increased, including horses to the extent of 1.7 per cent, or 353,000, and mules to the extent of 2.1 per cent, or 101,000, in spite of the great numbers of animals that have been sent to Europe for war purposes. Milch cows increased 1.7 per cent, or 390,000, and other cattle 4.5 per cent, or 1,857,000; sheep, for the first time in several years, increased by 2.7 per cent, or 1,284,000, and swine 5.7 per cent, or 3,871,000. While, of course, these results must be ascribed mainly to our loyal and patriotic farmers, who do the work, still, undoubtedly, no small measure must be ascribed to the work of the Department of Agriculture, especially through the cooperative agricultural extension machinery of State agencies, including the agricultural colleges, and of farmers' organizations.

There was a shortage of wheat in 1917 due to unfavorable weather, but in all other respects food supplies were more abundant. Last fall, when there was still no little apprehension, due to the short wheat yield and the need for increased production, the department called further conferences and projected a campaign for increased wheat and rye acreages. Again this winter, with a view of securing larger production, a new program was planned for the spring and summer operations; and the farmers, who are always patriotic and willing and anxious to help the country, are making every effort to increase the acreage and as a natural consequence increase products necessary for our prosperity. [Applause.]

The gratifying increases of 1917 promise not only to be maintained but further increased in 1918 in spite of the difficulties which the farmers encounter in respect to labor and many supplies. The winter wheat acreage is the largest on record and would have been still larger but for the dry weather which prevailed at planting time in a considerable part of the grain belt. The indications are that there will be a considerable increase in the spring wheat acreage, and the weather and soil conditions of all wheat apparently are very favorable. The crop programs for 1917 and 1918 and the activities of the Department of Agriculture and its associates, the land-grant colleges, could not have been adequately planned and carried on but for the funds provided in the food-production act for the fiscal year 1918. The bill which we are now discussing makes provision for the continuation of these activities during the fiscal year 1919 and are absolutely necessary to continue this splendid work for increased production to furnish food to supply our Army and Navy and our allies.

As the result of the St. Louis and Berkeley conferences the most peaceful industry of a peaceful country had shouldered its war task one week after war was declared, and its agricultural leaders in two days had drawn up a program of production, conservation, distribution, investigation, and legislation, the wisdom of which has not been successfully questioned. That effective and organized agricultural agencies were available to take up the burdens which the war inevitably thrust upon them is due to the foresight of the American people in liberally supporting agricultural development. The results which these agencies were able to report to the country in a relatively short space of time, and which they will continue to accomplish with increased efficiency as the war continues, should be regarded by Americans not as real expenditures but as investments in a better and more progressive farming industry which will bring dividends in the future. [Applause.] Anyone who has followed the rapid course of progress in the industry of the farm does not need to be reminded that much of our hope for success in this war is grounded in a sturdy agriculture which has been greatly strengthened by the Federal and State Governments in such movements for national betterment as were provided for in the cooperative agricultural-extension act, the farm-loan act, the Federal reserve act, the grain-standards act, the warehouse act, the Federal-aid road act, and other progressive measures.

This Nation—

Said the Secretary of Agriculture some time ago—

is exceptionally fortunate in having laid generations ago foundations for scientific and practical agriculture, not only for the whole Nation in the Federal Department of Agriculture but also for each State in the land-grant college, in the State department of agriculture, and in the great farmers' organizations. Representatives of these agencies in two days at St. Louis not only evolved a program involving legislation but a program involving also organization and coordination of agencies for more effective assistance in this crisis. Such organization was quickly developed and I imagine that in this direction, as in others, the Nation has given demonstrations of efficiency that no other nation has equaled.

In this connection another statement made by the Secretary a few months before war was declared is of interest:

We hear much about the efficiency of foreign governments and of the farmers of other nations. There is no other Government in the world which has agricultural establishments at all comparable with those now provided by the people of the United States through their Federal and State Governments. More helpful and constructive agencies are now in operation for the betterment of rural life than ever before in the history of the Nation. Even now no farmer in the world can compare with the American farmer in agricultural efficiency. His adaptability to new and changing conditions, to the use of improved machinery and processes, coupled with the great natural resources with which the Nation is endowed, make him far superior to any of his competitors.

It is true that he does not produce more per acre than the farmers of some of the other nations. Production per acre, however, is not the American standard. The standard is the amount of production for each person engaged in agriculture, and by this test the American farmer appears to be from two to six times as efficient as most of his competitors. With the provisions heretofore and recently made to assist him both in the field of production and distribution, he need not fear the competition of the world. He will inevitably control the home market, except for things which can not be produced here, and will be called upon increasingly to supply the needs of the world.

Therefore, you see the American farmer is the best farmer on earth. For this reason I have always been his friend, before I came to Congress and every minute since I have been a Member of the House, and I propose to stand by him as long as I live in public or private life. [Applause.]

In addition to the agencies already in existence when the United States entered the war, the St. Louis conference suggested the creation in each State, either separately, or preferably in connection with the State council of safety, of a small central division on food production and conservation, composed of representatives of the State boards of agriculture and the land-grant colleges, of such farmers' organizations as the Grange, the Farmers' Union, the American Society of Equity, the Gleaners, the Farmers' National Congress, and others as may exist in a particular State, and of bankers' and business agencies. This suggestion was communicated to the governors of the several States by the Secretary of Agriculture and such an organization promptly was created in nearly every State in the Union. They have rendered very effective service in connection with the organization of agriculture and in the coordination of agricultural activities in the various States. The conference also suggested the creation of county, township, or urban bodies of similar constitution, working in close cooperation with the State central agencies, to study and deal with problems of food production and conservation.

The Secretary of Agriculture, shortly after the St. Louis conference, called to his assistance at Washington men of special training and broad experience to assist him in further projecting the activities of the department, in keeping in touch with the problems and machinery over the Nation, and in promoting large national activities. He also thought it of special importance that he secure the views of the executive heads of the great national farmers' organizations, and therefore invited them to come to Washington on April 23 to advise and confer with him. They responded promptly and, in general, they indorsed the suggestions made in the Secretary's letter to the Senate on April 18,

in which he discussed the recommendations of the St. Louis conference and made specific suggestions for legislative action.

Conferences immediately were held with members of the Agricultural Committees of the House and Senate and, at their suggestion, the Secretary undertook the preparation of tentative measures embodying the necessary legislation as outlined in his letter to the Senate. There were two leading thoughts in mind. One thought was to speed up the activities of existing agencies along normal lines and to have them attack aggressively certain larger problems of production, home economics, and farm marketing. The other was to vest powers in the President, to be exercised through an emergency agency rather than through an existing department, to deal with certain special and urgent problems growing out of the war and having both a national and an international aspect. Hearings were held by the Senate and House committees and changes made from time to time in the tentative drafts and bills perfected and reported to Congress. All the suggestions found final expression in the enactment and approval by the President on August 10, 1917, of two measures:

First. The food-control act, the provisions of which, so far as they relate to foods and feeds, are administered by the Food Administrator; and

Second. The food-production act, which is administered by the Department of Agriculture and carries an appropriation of $11,346,400.

At first glance it might appear that these two measures, the food-control act and the food-production act, overlap unnecessarily and that needless duplication of effort between the Food Administration and the Department of Agriculture would result. This impression, however, is corrected by a proper understanding of the functions of the two agencies which was clearly explained in the Secretary's annual report for 1917:

> In a broad way the Food Administration has as its prime functions the control and regulation of the commercial distribution of foods and feedstuffs; that is, of products which have reached the markets and are in the channels of distribution or in the hands of consumers, their conservation by consumers, and the elimination of waste, through the employment of regular official as well as volunteer agencies.
>
> The Department of Agriculture continues to administer the laws placed under its jurisdiction and to direct its activities in reference to production. It also continues to make the investigations authorized by Congress and to furnish assistance to farmers and live-stock men in the marketing of their products; to stimulate organization among producers for the distribution of their products to the markets; and to promote the conservation of farm and animal products, especially of perishables, through canning, drying, preserving, pickling, and the like. It retains its work in home economics as provided by law, and cooperates in this field as heretofore with the agricultural colleges through the extension service. It directs all these undertakings in greatly expanded form under the authority and with the funds provided by the food-production act. In their promotion it utilizes its own official machinery and enlists the aid of volunteers.
>
> In the main, the Department of Agriculture deals with all the processes of farming and follows the products through the markets to the point where they are available, and are in requisite form, for actual consumption. It aids in these processes through investigation, advice, and demonstration; only in the case of certain products and processes has it regulatory authority. The Food Administration, however, has wide powers of regulation and direction of food materials and food products. Where the Food Administration through its powers can be of assistance to the Department of Agriculture in its field, it is at liberty freely to make suggestions, and, when necessary, to cooperate in execution; and the same relation obtains as to the department's participation in Food Administration matters in which it has a vital interest, and toward the promotion of which it can be of assistance.

Prompt action was necessary to carry out the recommendations included in the St. Louis program. Farmers already were in the field or had made their plans for the season. Pending legislation by Congress, therefore, the department and the States speeded up their work along the most promising lines with the forces and funds at their command. Projects not having an important bearing on the emergency were set aside in order that the energy of the workers might be concentrated on the main problem. The value of the county agent system in the emergency was appreciated from the first. One of the major projects under the food-production act, therefore, was to enlarge this arm of the agricultural service as rapidly as possible. The plan to place at least one agent—and possibly two, a man and a woman—in every agricultural county has been developed since the passage of the food-production act as rapidly as men and women with the requisite qualifications could be found. These agents carry to the farmer's door the latest information regarding production, conservation, and marketing, with special regard to its local application. The number of women county agents is being greatly increased, and other women agents are being assigned to projects in gardening, poultry raising, and food economy in a number of the larger cities and towns. Altogether there are now employed approximately 5,400 men and women in this great educational system. From actual observation I know they are performing effective work and securing splendid results. [Applause.]

The work of controlling plant and animal diseases and insect pests has been greatly intensified, and especially efficient have been the efforts to reduce the losses from cereal smuts and rusts and the diseases of both white and sweet potatoes. Hog cholera losses as a result of the field work of 160 trained veterinarians working in 33 States in cooperation with the agricultural colleges, the State regulatory authorities, and local veterinarians, have been reduced in the last 12 months fully 20 per cent, following a reduction of 50 per cent during the preceding four years. Gratifying progress has been made in control of the cattle tick through the operation of 286 bureau inspectors, 284 State inspectors, and 1,202 county inspectors during the later months of 1917, at which time 21,247 dipping vats were in operation. Fifty-two per cent of the original 328,565 square miles of territory had been released from quarantine in December, 1917. Such progress has been made in the eradication of sheep and cattle scabies that it is believed that by 1920 there will be no territory under quarantine for these diseases. Similar progress has been made in the control of diseases of horses, and an active campaign to control tuberculosis is now under way in 28 States.

Never before have the producers on the one hand and the consumers on the other hand been so well served with comprehensive, prompt, and accurate information as is now being furnished by the Bureau of Markets of the Department of Agriculture. Through its market news service it keeps before the producer, the distributer, and the consumer a perpetual picture of the movement of both staple and perishable products, the supplies arriving in all of the more important cities, and the wholesale prices prevailing in each. Thus, the grower knows daily the shipments of the preceding 24 hours from his own and from each competing district, the destinations of the cars as shown by original billing, and the actual arrivals upon all the principal markets within his reach. In like manner the producer of staple products of the farm and the ranch knows the movement of products in which he is interested, the volume, the demand, and the value in so far as these elements are ascertainable by far-reaching and painstaking processes of survey and report. For instance, 625 wholesale packing establishments and public cold storages are reporting the stocks of frozen and cured meats and lard on the first of each month; 300 storages report the stocks of 5 classes of frozen poultry, and 450 storages report the stocks of case eggs and frozen eggs; 30,000 grain and hay producers, dealers, feed manufacturers, and buyers of feedstuffs, grain, and hay have been furnished information relative to sources of supply, conditions in the different markets, the stocks in dealers' hands, the receipts and shipments and prevailing market prices, and this information is made to serve both producer and consumer in a way to promote the maximum of intelligent and fair dealing and a minimum of sharp practice. Particularly helpful was the work of the bureau inaugurated last summer, and still maintained, in the drought regions of the Southwest and the Northwest. Through offices conveniently located to serve as clearing houses for information for farmers who have feed for sale and farmers who desire to purchase feed, buyers and sellers have been brought together, and thousands of cattle and other live stock have been saved from starvation.

Mr. DENISON. Will the gentleman yield for a question?

Mr. CANDLER of Mississippi. I will.

Mr. DENISON. I would like, if the gentleman can, to have him give the name of the State which has produced the largest amount of agricultural products during the last year.

Mr. CANDLER of Mississippi. I do not remember at this moment.

Mr. DENISON. Will the gentleman permit me to give it?

Mr. CANDLER of Mississippi. Yes.

Mr. DENISON. Illinois produced more than any State in the Union, Texas came second, and Iowa third.

Mr. CANDLER of Mississippi. I am glad to have that information, and I congratulate the gentleman and his great State.

Mr. WALSH. Will the gentleman yield?

Mr. CANDLER of Mississippi. I will.

Mr. WALSH. I am very much impressed by the gentleman's statement in arguing the merits of this proposition and, of course, I appreciate, as most of us do, that he is one of the most earnest champions of the farmer in this body. [Applause.] I would like to ask him if he considers this measure as a pressing public emergency?

Mr. CANDLER of Mississippi. I certainly do.

Mr. WALSH. If that be the case, why does not the President turn over the amount called for in this measure to the Secretary of Agriculture, to be by him used under the authority already conferred on the Department of Agriculture, instead of asking

for an additional appropriation, Congress having provided the President with an emergency fund?

Mr. CANDLER of Mississippi. I do not think the gentleman would insist that the $100,000,000 fund—and I presume that that is what he refers to—placed in the hands of the President for emergency war purposes was intended to be used by him for any purpose of this character. And as evidence of the fact that the President would not so consider it, or consider that he had the authority, is the fact that Congress in 1917, as I have already called attention to, passed a bill providing for this special work and made specific appropriation for carrying out the work. The appropriations in that bill, the act of August, 1917, will expire at the end of this fiscal year. Hence the necessity for the appropriations proposed in this bill to continue the work.

Mr. WALSH. The gentleman would not question that this was as much of an emergency as the establishment and maintenance of the Bureau of Public Information, for which a portion of that fund has been used?

Mr. CANDLER of Mississippi. I do not want to discuss the Bureau of Public Information. There is no politics in the pending bill.

Mr. WALSH. I am not seeking to involve the gentleman in a controversy or in a political discussion, but I do want to point out that instead of having to wait for this legislation to pass through both branches of Congress this emergency might be met in this way.

Mr. CANDLER of Mississippi. There are funds on hand under the bill of August, 1917, to carry on this work up to June 30, 1918, and this is the appropriation bill to continue that work during the fiscal year 1919.

I take special pride, together with other members of the Committee on Agriculture in the House of Representatives, in the fact that our chairman [Mr. LEVER] wrote the law in one of our appropriation bills, with the full approval of every member of our committee, establishing the Bureau of Markets, and we made the first appropriation to start the bureau on its useful and splendid career. I know how this splendid service began because I helped to start it, and am proud of its achievements. Another service of special value was the purchase and sale of seeds authorized in the food-production act for the fiscal year 1918, whereby the department has been enabled to buy and sell seeds at cost for cash to farmers in regions where supplies could not otherwise have been obtained in sufficient volume or of satisfactory quality at fair prices. This service has been confined principally to the drought regions of the Southwest and the Northwest and to the corn belt, where the supply of good seed corn was insufficient. This work has been done with the least possible interference with regular commerce and has insured generous planting in several regions where plantings would have been less but for this service. The amounts of seed purchased and, in the greater part, already sold by the department in the various sections up to April 5 were as follows: Southwest (Texas): Cotton, 169,212 bushels; cane, 2,200,442 pounds; kafir, 369,398 pounds; milo, 1,859,645 pounds; feterita, 297,350 pounds; peanuts, 18,319 bushels; ear corn, 17,907 bushels; shelled corn, 5,656 bushels; Sudan grass, 56,500 pounds. Northwest (North Dakota and Montana): Oats, 750,000 bushels; barley, 100,000 bushels; flax, 3,500 bushels. South Plains (Kansas, Oklahoma, Colorado, New Mexico): Sorghum (all kinds), 72,542 bushels. Indiana: Seed corn, 1,500 bushels. Ohio: Seed corn, 35,000 bushels. Seed corn purchased in New York and New England for Wisconsin and North Dakota, 3,500 bushels. The Department of Agriculture, through its farm-help specialists in every State, in cooperation with the agricultural colleges, the county agents, the Council of Defense, and the Federal and State departments of labor, managed last year, and undoubtedly will manage this year, to overcome the farm-labor difficulties, if the towns and cities will recognize and discharge their responsibility to spare some part of their man power to aid the farmers at the seasons of strain in cultivation and harvest. The department's farm-labor program divides the country into four farm-labor divisions, to wit: First, New England and Northeastern States; second, Southern States; third, North Central States; fourth, Western States. Each of these divisions is in charge of a representative who correlates the activities of the region and is enabled, through the various agencies, not only to supply a large number of men for continuous farm labor, but to mobilize and shift labor from section to section as the need develops. During the last year 15,000 men with previous farm experience were secured from cities and placed on farms in New York. In Ohio 900 experienced men were placed in regular farm work during March. Similar results are reported from other States. The department's farm-help specialists in Kansas have secured pledges from 50,000 city residents in that State to devote from 2 to 15 days of their time to harvest work this summer. Similar results have been obtained in North Dakota, South Dakota, Pennsylvania, Georgia, and Kentucky, and the campaign is in active progress in every State. But, as has been well said, the department can not create labor nor compel men to work in any particular vocation. Hence it becomes increasingly necessary for men of farm experience in the towns and cities to do some farm work, and for public opinion and, if need be, local law to compel the idle and the careless to wake up to a full realization of the necessities of the situation and go to work to help the country. There is no room in this country now for slackers anywhere. The battle cry must be heard and heeded by every loyal citizen and food must be produced and our brave boys at the front taken care of and abundantly supplied with food. He who fails to do his full duty in this hour of our greatest peril and danger ought to and will receive the fiery condemnation of all liberty-loving people. [Applause.]

The production of an adequate supply of vegetables for the individual or family growing them for use fresh during the summer and for canning, drying, and storing was urged last year and is being urged now. Special emphasis is placed on the desirability of each community producing its own food of this kind to the fullest possible extent in order to obviate the necessity of transporting large tonnages of perishable products. At the same time the department is emphasizing the necessity of utilizing the seed supply in the most careful manner, in order that there may be enough for all who desire to maintain a garden.

Many forces and different organizations are helping the garden campaign, but the Department of Agriculture and the agricultural colleges are carrying the larger end of the work of organization and instruction. Through the States Relations Service and the Bureau of Plant Industry cooperative arrangements have been effected for organizing all the interested activities in a general garden campaign. The aim has been to enlist chambers of commerce and commercial clubs in an effort to finance local garden activities, to enlist local committees of national defense in securing volunteers who can assist in the direction of the actual work of making and maintaining gardens, and to assist local organizations, whether citizens' associations, local garden clubs, boys' and girls' clubs, Boy Scout clubs, Camp Fire Girls, or schools in cooperation with the Bureau of Education, in maintaining gardens for food production.

Not only were home-gardening activities very greatly increased last year, but upon the Department of Agriculture and its cooperative forces fell the task of conserving the production, which in many regions was a surplus beyond local or general need. The department's far-reaching campaign for canning and drying vegetables resulted in a larger volume of home-grown canned and dried products in the pantries of the Nation than was ever known before and released a corresponding volume of commercial products for export to Europe. A conservative estimate places the value of the home canned and dried products in the South alone last year at fully $10,000,000. While many individuals and groups of individuals have labored zealously to promote gardening activities, those best informed know that the substantial results accomplished are due to the basic knowledge, the thoroughgoing methods, and the quiet, persistent, organized effort of the Department of Agriculture and the land-grant colleges cooperating, through their extension forces, the county agents, and local agencies, and thereby reaching nearly every agricultural community of the United States.

Under the authority of the food-control act the Department of Agriculture arranged with the War Industries Board to purchase and import 120,000 tons of nitrate of soda to assist farmers in meeting a fertilizer shortage. The contracts with the nitrate companies called for delivery at the wharves in Chile of 24,000 tons each month from January to May, inclusive. At the time the contracts were made it appeared that deliveries could be made in such a way that all applicants would receive, when needed, practically the full amount of their orders. Applications were received from over 75,000 farmers for a total of about 130,000 tons. The applications were received and the distribution effected through county agents and local committees. On account of the difficulty in obtaining the necessary shipping without interference with vital war operations, deliveries have not come up to expectations, and there will be some delay, but advices from the Shipping Board indicate that the department will be able substantially to meet the orders received from farmers up to February 4, which was the date for closing the receipt of applications.

The informational activities of the department under the food-production act have been increased and made more efficient. A total of more than 3,000,000 pieces of literature pertaining to emergency agricultural and conservation activities

have been distributed, and the newspapers and agricultural journals have been supplied, day by day and week by week, with timely and pertinent information, which has served not only to stimulate the energies of farmers but to bring to the thoughtful people of the towns and cities the vital problems of agriculture which they have heretofore ignored as a matter of no concern to any except the tillers of the soil.

Feeling the need of consultation from time to time with representative agricultural and live-stock producers of the United States, the Secretary of Agriculture and the Food Administrator early in March selected an advisory committee of 24 representatives of all phases of agriculture and live-stock production and of typical agricultural regions in the United States. The committee assembled in Washington March 28 and continued in session until April 4. From time to time representatives of the Food Administration, the Department of Agriculture, the War Department, and the Department of Labor appeared before the committee or subcommittees and entered fully into the details of all activities relating to agriculture. In addition, the committee, through subcommittees, caused investigation to be made and discussed at length the various problems which have arisen in relation to agriculture under war conditions. At the conclusion of the meeting the committee adopted a report, which has since been printed as a circular. The committee will be reassembled in Washington from time to time for consultation with the two governmental agencies.

Not only in the field of agriculture, but in other directions as well, the Department of Agriculture has rendered assistance. Meat inspectors of the department, for instance, at the request of the War and Navy Departments, have been detailed to the camps, cantonments, forts, and naval stations to see that the troops have good, wholesome food. All meat and meat food products are thus reinspected and the laboratories of the department carefully analyze samples to detect poisons or other extraneous substances. Butter and milk sources also have been investigated by the department's experts.

The Tenth Engineers of 1,200 men and the Twentieth Engineers, consisting of 10 battalions of 750 men each—the forestry regiments—were organized by the Forest Service in cooperation with the War Department for service in France. These troops will supply lumber, construction timber, railroad ties, and fuel for the British and American troops in France. The war work in the field of forest products has assumed large proportions. A great deal of technical information regarding wood properties, strength, seasoning, and new species of wood suitable for rifles, airplanes, vehicles, and ships has been placed at the disposal of the Army, the Navy, the Shipping Board, Council of National Defense, and manufacturers of war orders. The Weather Bureau is furnishing the troops in France with forecasts of weather conditions and with observations of the upper air, particularly for the needs of aviation and the firing of projectiles. Aerological stations have been established in the United States to aid in the collection of information of value to aeronautics and to supplement the work of the 200 regular field stations of the Weather Bureau. The Weather Service also has been extended to cantonments and encampments in cooperation with the War Department.

Noteworthy progress has been made in the development of certain processes useful in the manufacture of American dyes and substances from which they are produced, and the Bureau of Chemistry in numerous directions has rendered valuable service to the war-making branches of the Government. The Office of Public Roads and Rural Engineering, with its force of experts, has assisted the War Department in building roads at the 16 cantonments and has placed at the disposal of the military authorities much valuable map data. Irrigation and drainage engineers have given expert advice in development and erection of drainage projects involving thousands of food-producing acres.

It is impossible within brief limits to detail all that has been done by the Department of Agriculture and its allies—the land grant colleges and the commissioners of agriculture—as well as by the farmers of the Nation, since the entrance of the United States in the war. I have merely attempted to give some indication of the achievements of the department's force of 20,000 trained workers in its bureaus of Plant Industry, Animal Industry, Entomology, Soils, Chemistry, Markets, Biology, Weather, Forest Service, Public Roads, and States Relations Service, in cooperation with the large forces of the State agricultural colleges and the State departments of agriculture. The farmers of the Nation, following the suggestions of the organized agricultural agencies of the Nation, and inspired by patriotic motives—for, God bless them, they have always been patriotic—last year succeeded in greatly increasing their operations. They planted the largest acreages in the history of the country, produced record crops of most products, and increased the number of all kinds of live stock. With effective organization and application and with such assistance as the department and the State agricultural agencies can render, I am convinced that they will again put forth their best efforts and produce a large supply of foods, feedstuffs, and live stock, not only for this country but for the nations with which we are associated in this war. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. CANDLER of Mississippi. Yes.

Mr. OLIVER of Alabama. I notice from the list of States where the resale of seeds was made they are largely confined to the West and Southwest, bearing out largely the information furnished me by the department that they had perhaps construed the law as authorizing the purchase of seeds for resale in those sections. I assume there is nothing in this bill that would justify the department in construing it as authorizing the purchase of seeds only for those sections.

Mr. CANDLER of Mississippi. There was nothing in the former bill that would justify such a construction, nor is there in this bill. This bill is unlimited and is intended to relieve the necessity which arises anywhere—North, South, East, or West. The Secretary would have authority to use this fund in order to purchase seed and resell it to the farmers at cost in any and every section and part of the United States.

Mr. Chairman, I have already occupied more time than I expected to. I simply want to call attention in conclusion to the fact that this is strictly a war emergency measure. The appropriations for the regular and normal activities of the Department of Agriculture are made in the annual Agricultural appropriation bill, which has been passed and which is now in conference, and these appropriations are merely for the purpose of expanding and enlarging the work throughout every agricultural county in the United States of America, and bringing forth other means of securing, by encouraging agriculture, every particle of food that our soil will produce and which our people can raise. It is necessary because we hear so often that food must be produced in order that we may feed our people, in order that we may have ample supply for our boys in the Army and Navy, and in order that we may supply and feed our allies across the sea on the other side. Therefore I appeal to every Member on the floor of this House to recognize the necessity for this appropriation, and not stand in the way of doing those things which are absolutely required by reason of the fact that the country is at war and the demands are greater upon the United States of America than ever before in all the history of this Republic, and a man who will stand in the way of and obstruct the enactment of a law that is to bring about these results, it seems to me, would be standing in the way of those things which are absolutely necessary to be done for our preservation and the taking care of our boys as well as our people. I hope there is not a man on the floor of this House who will seriously antagonize this bill when he realizes exactly what its provisions and purposes are and the result that it will bring about. [Applause.]

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. CANDLER of Mississippi. Yes.

Mr. ROBBINS. I have been very much interested in the gentleman's statement. I did not notice that Pennsylvania had received any seed under this prior bill. Does this bill propose to extend it so that Pennsylvania can come in if she desires?

Mr. CANDLER of Mississippi. Every State in the Union is included. There are 48 States in the Union, and every one of them can participate in this seed proposition if the conditions exist in the State to justify it. Where there is a necessity for it in any locality, where the people can not secure seed, where production would be hampered by reason of the scarcity of seed, then under these conditions the department would locate and purchase the seed, transfer them to that locality, store them, and sell them to the farmers at actual cost.

Mr. ROBBINS. Are there any new offices created under this bill, and is any part of this appropriation to go for the payment of salaries?

Mr. CANDLER of Mississippi. There is no "office" created under this bill. There will be employed some additional employees to continue this activity, and of course money will be used to pay necessary salaries. Some of the counties, for instance, of the 2,850 agricultural counties in the United States have not yet been supplied with the men and women agents, and it is the purpose and intention of the department to put county agents in every agricultural county in the United States. It may be necessary to enlarge the force to some extent, but there are no "offices" of any kind created in this bill. The persons engaged are simply employees of the Department of

Agriculture, and when this bill expires by limitation, then the appropriations will cease and the employees which have been employed and have been made necessary by the activities under the bill will go out of the service of the Government, and we will return to the normal conditions and to the ordinary appropriation.

Mr. MADDEN. Will the gentleman yield?

Mr. CANDLER of Mississippi. I will.

Mr. MADDEN. I understand under this bill it is possible and altogether likely there will be about 11,000 additional employees put on the Government pay roll outside of the civil service?

Mr. CANDLER of Mississippi. Well, the understanding of the gentleman is incorrect. No such increase or manner of selection is contemplated by the department.

Mr. MADDEN. The bill itself originally, as it was contemplated while it was under consideration by the committee, provided for about 11,900, but a reduction being made in the appropriation the number was reduced to about 11,000.

Mr. CANDLER of Mississippi. Oh, the gentleman is mistaken. There will be, of course, employees made necessary in accordance with the development of the work, but there will not be any unnecessary employees.

Mr. SINNOTT. Will the gentleman yield for another question?

Mr. CANDLER of Mississippi. My time has about expired, and I have taken more time than I intended. If I had more time, I would gladly yield to the gentleman. Let me say in final conclusion that this is a war measure made necessary by war conditions. We must supply our noble and brave boys who are fighting for our country, and to do so and supply our people and our allies everything must be done to increase production. I appeal to you, my fellow Members, to aid in the passage of this meritorious and necessary legislation and thereby have a part in all the good work to be accomplished by it. I thank you for your interest, patience, and attention. [Loud applause.]

Mr. HAUGEN. Mr. Chairman, the proposed bill carries an appropriation of $18,212,283. According to the estimates submitted to the committee, and as stated by the gentleman from Illinois [Mr. MADDEN], it will give employment to about 11,000 people, practically all outside of the classified service, as stated by the gentleman from Mississippi [Mr. CANDLER]. Much of the work suggested is, of course, of much importance, but considering present conditions the enormous expenditures made in connection with its importance and the results obtained in the past, I can not but doubt the advisability of at least a part of many of the appropriations proposed in the bill. The annual appropriation bill now in conference carried when it left the House $26,943,773. The Senate raised it to $28,248,933. In view of the liberal appropriations made for the Department of Agriculture; the stupendous appropriations made by Congress for the current year, aggregating in the billions, which has necessitated the sale of liberty bonds, war-savings and thrift stamps; Treasury certificates mounting up in the billions; the inflation of the currency; the issuing of reserve bank notes; besides we are at war, men are needed in the trenches, on the farms, in the factories, in the mines; in fact, in every line of activity—considering conditions in general, it would seem wise to pause or, as has been suggested, to slow down, to "stop, look, and listen"; to carefully scrutinize all appropriations, at least those of the least importance; and to give due and careful consideration to the mobilization and assignment of our man power.

If so, it may be found that rather than to employ an army of 11,000 people to travel over the country telling farmers how to farm, it might be better to put them back of the plow, as that money might better be appropriated for the furnishing of tractors and sulky plows for the 11,000 people to ride upon instead of in automobiles. If increased production is to be taken into consideration, undoubtedly 11,000 men back of the plow would bring better results than 11,000 talking and riding in Ford cars. Already we have 5,400 people in the field under the supervision of the States Relations Service engaged in demonstration and extension work, an average of two to the counties, besides a large number of people employed by the various bureaus and divisions of the department, traveling in the same direction, riding on the same train, living in the same hotel, and in many instances pursuing the same lines of activity and duplicating their work. Though there appears to be much duplication of work, there is, of course, much to be commended. Nevertheless, the question to be determined is, "Are 11,000 more needed; are their services needed more for this line of activity than in the trenches, on the farms, in the factories, and in the mines?" Already 2,000 employees in the Department of Agriculture have been certified by the Secretary of Agriculture for deferred classification for military service. With that large number already certified, are we doing justice to those required to take their places? Is it fair to provide for a soft berth in the public crib at a salary of from one to three hundred dollars a month for one and to draft another at $30 a month to do the fighting for him? Judging from press reports the people in the country do not seem to take kindly to the proposition to furnish their sons to do the fighting for those exempted from military duties unless for legitimate and proper reasons. Just last week the farmers of North Dakota took a day off, went to town with brush in hand to spread yellow paint over their banker's bank as evidence of their disapproval of their banker's son having been placed in the deferred classification. The same performance took place in Iowa recently because a banker's son-in-law, who had been in the first classification, was transferred to the second. Only a few days ago the House by a large majority rejected a conference report which had for its purpose the exempting of theological and medical students from military service.

With that sentiment, under existing conditions, with 2,000 employees in the department already certified by the Secretary of Agriculture to the military authorities for deferred classification, are we justified in adding 11,000 more employees to the department and to make it possible to excuse them temporarily from military duty? Many of you have, as I have, cheerfully given our sons to the service. Are we doing justice to our own or the sons of others, or those who may be called into the service to take the place of those excused from military service made possible by this bill? In my opinion it is well worth considering. But we are at war, which is held out as a justification for the appropriation; another is that this is no time to question or to dispute the action or estimates of any department of our Government; all agree that the question of how to win the war should be made the paramount issue. In that connection the food supply is, of course, one of the most important problems. It is unnecessary to say that we or our Army can not exist without food. When we take into consideration our allies' limited production of foodstuffs and the proximity of our source of supply to the field of action, it is obvious that it is not sufficient for us to simply supply our own soldiers and people with food, but we must, in a large degree, supply our allies. When we consider that we are confronted with a shortage of foodstuffs not only in our allies' countries, but in our own country as well; that, together with the world's limited shipping facilities and the fact that it requires about three times the time for a ship to make a journey to Australia and return to France and about twice the time to Argentina as to the United States, it is clear to all that we have a tremendous task before us.

Much attention has been directed to the question of building ships, which, of course, we need. Every encouragement should be given to shipbuilding, but ships are of little value if we have not the cargo with which to load them. Hence we must have food, ships, munitions, arms, clothing, and equipment, which are all essential to the winning of the war.

Unfortunately, farmers in general are now facing a serious condition as to farm labor on account of the many farm hands joining the Army; also due to the fierce competition with industrial centers, especially with the munitions manufacturer. In many sections of the country the farmer is short not only on labor but on feed, agricultural supplies, and on credit. Besides, as I have stated, recent legislation and price fixing has, according to the testimony before the House and Senate committees and the press reports, discouraged the farmer and has resulted in a decrease instead of an increase in production.

As all know, feeders of hogs and cattle are losing money; that is, if the price of corn is taken into consideration. I sold feeders in Chicago last fall as high as $11.40 per hundred. The feeder who bought them from the scalper and paid freight to his feed yard paid at least $12 per hundred. If feeding corn, he will, when his steer is finished, have fed 80 bushels to each steer; if he is a successful feeder he may produce—I will be liberal and say 500 pounds of beef and 300 pounds of pork; if he topped the market, he would get in Chicago, according to quotations, from $13 to $14 per hundred. Grant that he got $13.75 and that he started out with 1,100-pound steer at $12 per hundred, or $132 for the steer, and has paid $2 a bushel for 80 bushels of corn, $160; total, $292. If the steer has gained 500 pounds and sells at $13.75, or $13 net, he receives $208.30 for the steer and $46.50 for a 300-pound hog, at $15.50, or a total of $254.80; deduct $254.80 from $292, he has a loss of $37.20 on each steer; to that should be added the risk, his labor, hay, and straw applied to the steer, and interest on his investment.

I recommend careful reading of recent hearings before the Senate and House committees and of farm journals. The Wallace Farmer prints an article in its edition of February 22, 1918, headed "Playing square with the farmer." It also quotes from statements made to the Senate committee, as follows:

THE TROUBLES OF THE STOCK FEEDER.

Patriotism alone keeps the live-stock producers of the country in the business to-day, and they can not exist much longer on patriotism while operating their business at a loss.

The live-stock situation was never so serious as it is to-day. To-day there is only an average amount of live stock in the country, in the face of abnormal consumption, serious transportation conditions, increased raw-material cost, and insufficient live-stock prices.

Seventy-five per cent of the live stock in the corn belt to-day is unmarketable because of lack of transportation, and this results in a waste of 50 per cent in foodstuffs and a loss to the producers of $2 per hundredweight on their product.

The live-stock producers face further sacrifices when transportation opens, for the packers will then lower the price because of increasing live-stock receipts. Retail prices will not be lowered, and the breeder will have to stand the loss. For beef cattle to-day the average price at Chicago is $12 per hundredweight, and the producer should get at least $2 more to get any encouragement to continue production.

On hogs, although the Government has sought to regulate the price, the producers are not making any money. The minimum price fixed by the Food Administration of $15.50 per hundredweight for packers' droves is inadequate with corn at $1.50 a bushel. Corn should be not more than $1 a bushel for the producer to make any money at the $15.50 figure.

The breeding situation this spring is threatening to be short in the face of a constantly increasing demand.

I am sorry to say it, but the Government is losing the confidence of the farmers. The farmers feel that they ought to have some voice, at least, in arranging their own business and the fixing of all the big problems that enter into their own business.

There is a growing feeling of discontent, lack of confidence, and apprehension for the future among live-stock producers of the country. It threatens greatly decreased production, which would be a national disaster. Labor is protected by the Government; the packer is protected; steel producers, sugar, copper, flour, and other producers are protected in liberal profits, and it is essential that something be done in this crisis for the live-stock producers of the country. We do not ask for war profits, but we must get some profits. The live-stock producers can exist no longer on patriotism.

Another unfortunate feature about the food situation is the apparent discrimination against the farmer in fixing and depressing of prices on the products which the farmer has to sell and a failure to do so on the articles which he must buy. That the power lodged in the Food Administration and in the Department of Agriculture to buy and to fix prices has been taken advantage of to lower prices on cattle, hogs, and wheat to the farmer, while no action has been taken to regulate or reduce the price on tools, utensils, implements, machinery, and equipment required for the actual production of foods and feed, notwithstanding authority was granted the same to one as to the other. As a result, the farmer is compelled to sell his hogs, cattle, and wheat at a much lower price than if unhampered by the pooling and buying and price fixing. Not only that, but the farmer and consumer as well are in many instances paying more than 100 per cent increase over prewar prices. The farmer and the consumer pay the price fixed by the trust maker and the price boomer.

The only explanation that can be given is that the Food Administrator has exercised his power, while the Department of Agriculture, to whom was delegated the power to execute the law as to farm implements, fuel, including fuel oil and natural gas, has questioned the power and has remained inactive in the matter.

I hold in my hand a letter written by Ed. Hockaday, of Kingfisher, Okla., stating that the letter sent to me was sent to each Congressman of the 12 principal wheat-growing States. He states that he is one of the largest dealers of the West in the implement line; that he has 12 stores, and alleges that an average advance in grain-raising machinery and other farm implements of more than 100 per cent has occurred, without justification of more than one-third of that advance; that all big concerns manufacturing implements are on the same basis and have made the same price; that in 1916 they started by putting on a small advance of 10 or 15 per cent; that in 1917 they made several advances, later they put on 25 or 30 per cent, making a total advance of from 80 to 125 per cent; that the prices of gang plows have increased from $53 in 1916 to $105 now; that the Harvester Trust advanced prices on 7-foot wheat binders from $120 in 1916 to $203 this year, and on the 12-foot wheat harvesters from $210 in 1915 to $395 in 1918.

I understand that material advances have been made since the writing of the letter; that the retail price on wheat harvesters has been advanced to $250 and on other farm machinery accordingly; that binding twine is to be sold at from 26 to 27 cents per pound instead of 10 cents, as a few years ago.

According to the correspondence, Mr. Hockaday, in his effort to secure relief, first appealed to the Federal Trade Commission. The commission replied, stating that the matter had been referred to Mr. Hoover, who, in turn, informed the commission that the Department of Agriculture was actively handling the question of farm implements, and, to avoid duplication of effort, Mr. Hockaday's letter had been sent to the Department of Agriculture. The department, through Arnold P. Yerkes, assistant agriculturist, courteously acknowledged receipt, stating that Mr. Hockaday's letter had been referred to it for reply, and that the question of prices for farm machinery is one over which the department has no jurisdiction whatever.

In view of the fact that under the license provision of the food-control act power was given to fix prices on farm machinery, same as was given to fix prices on farm products, and the further fact that the power has been exercised by one branch of the Government as to farm products, I am at a loss to know why it was not exercised by another branch of our Government as to the trust-made article.

In addition to the burdens placed upon the farmer by the Implement Trust, owing to the high compensation guaranteed railroad companies, evidently an increase of transportation rates will have to be added. Of all the legislation ever enacted it seems to me to be one of the most unreasonable and unjustifiable.

I quote from an article by Clifford Thorne, formerly chairman of the State Railway Commission of Iowa. In the Annals of the American Academy Mr. Thorne states:

Summarizing the situation, it may be stated that the railroad bill now pending before Congress proposes the following guaranties made on behalf of the Government of the United States: (1) To return the properties at the end of the period of Government control in as good condition as that at the time they were taken over; (2) to loan the railroads all the money necessary for betterments and improvements, probably at the rate on Government bonds; (3) to shield the large prosperous railroad systems from all future increases in the cost of labor and supplies while the war lasts; (4) to protect these larger railroads from all financial hazards of the war which will threaten the very life of many industries and possibly wreck many railroads that will not be granted a Government guaranty; (5) and to guarantee the larger railroads, annually sums that will be sufficient to pay all their operating expenses, taxes, interest, dividends, and surplus equal to that which they have earned during the years 1915, to 1917, inclusive, the most prosperous three-year period in their entire history.

It is also proposed, as stated by the author of the major portion of the bill, that the shippers, who will have their own burdens to carry during this perilous time, will be expected to make up any deficit of the Government in the guaranty made to the railroads.

We can snuff out the life of our boys in the trenches. We can wreck many industries. We can blast the business of the short line, the poor road. But when it comes to these rich, powerful corporations, the big companies, the great railroads, we herolcally announce that we are going to protect them from the effects of the war. And we do all this in the name of patriotism.

To the Burlington Railroad we say: "You now have a stock paying a regular dividend of 8 per cent. While the war lasts please accept this 22 per cent Government bond in lieu of that railroad stock. We not only guarantee you this 22 per cent annually on your stock, but we guarantee to return the principal in full in this manner: After the war is over we solemnly guarantee to give back your property in just as good a condition as we take it. This has all the essential elements of a 22 per cent Government bond. While the war lasts the Government guarantees the annual payment on the stock, and at the end of the war the Government guarantees to return the property in full. Here you have the payment of the principal and the interest. Not only do we guarantee to the Burlington annually that 22 per cent on its capital stock, but we also guarantee, with all the wealth and resources of the United States Government back of the pledge, that we shall pay all interest charges on all its funded and unfunded debt, maintain its properties, adequately and efficiently, and present to the Burlington Railroad an absolute Government credit, enabling the company to borrow all the money it may need. We tell the Burlington Railroad to go ahead, rehabilitate and improve its property out of the Public Treasury, while many other industries are being prostrated—and then, don't forget to take that little check annually for 22 per cent. We do all this in the name of patriotism.

It has been suggested that the payment of these large earnings to the railroads is necessary to facilitate the sale of Government bonds. How will it help the sale of 4 and 4½ per cent Government bonds to give a Government guaranty to railroad stocks amounting to 10 per cent annually? It is axiomatic that the higher you make the prevailing rate on other securities, the more difficult will it be to sell Government bonds at a lower rate. Where is there any reason for thinking a guaranty of 10 per cent instead of 6 or 7 per cent on railroad stocks will facilitate the sale of Government bonds? Why should the stockholder part with the 10 per cent security in order to purchase a 4½ per cent Government bond? The higher you make the earnings on railroad securities the more difficult will it be to persuade the railroad stockholder to part with his security. The logic involved in advocating a 10 per cent or 20 per cent return on railroad stock in order to help the sale of 4 or 5 per cent Government bonds is a charming exhibition of the usual statesmanlike stupidity which governs our public activities.

Our first task is to win the great war, but that can not be used to throw dust in our eyes on matters of justice as between the citizens of this country. There are some offenses that can not be committed with impunity, even though they be done in the name of patriotism. We are patriots first, last, and all the time; but we are not fools. There is such a thing as camouflage in the demagogic penegyrics of the politician who does everything, big and little, right or wrong, in the name of patriotism.

Mr. Thorne is president of the National Association of Railway Commissioners and considered one of our best-informed men upon the subject of transportation rates. His statement is worthy of consideration and credit.

Gasoline used in farm tractors sells for nearly three times the price it did a few years ago. With the Standard Oil attorneys pleading with tears in their eyes against price-fixing legislation and regulations, so that that charitable institution may fix its own prices, the prospects are that gasoline will go still higher. With results attained, with the unjustifiable mix-up, and as an honest and uniform enforcement of laws are always essential in bringing about results desired, especially so in time of war, it seems necessary to now suggest coordination and cooperation in our various departments in order to secure an adequate supply of food to maintain the confidence of the people and in order to more successfully prosecute the war.

What is the food situation?

According to the Statistical Abstract the average yield of the principal crops for the years 1911–1916 was as follows: Winter wheat, 542,000,000 bushels; spring wheat, 264,000,000 bushels; in all, 806,000,000 bushels; corn, 2,754,000,000 bushels; oats, 1,230,000,000 bushels; barley, 197,000,000 bushels; a total of 5,987,000,000 bushels. White potatoes, 363,000,000 bushels; sweet potatoes, 60,000,000 bushels; a total of 423,000,000 bushels. According to the Department of Agriculture's estimates the 1917 crop was, winter wheat, 417,000,000; spring wheat, 250,000,000; total, 668,000,000 bushels; corn, 3,248,000,000; oats, 1,533,000,000; barley, 204,000,000; total for the four principal cereals. 5,653,000,000. White potatoes, 462,000.000; sweet potatoes, 88.000,000; total, 550,000,000 bushels. According to these estimates we are long on potatoes 127,000,000 bushels and short 334,000,000 bushels on the cereals. In addition to that shortage consideration must be given to the inferiority of our 1917 corn crop. As everybody knows, very little of our 1917 corn was marketable; that frost-bitten, immature corn, containing 25 per cent of moisture, is of little value as compared with sound, dry, and matured corn. Grain men and others who have knowledge of the real condition estimate of the corn yield in point of food and feed value to be less than 2,000,000.000 bushels. If so, our 1917 corn crop was only about two-thirds of the average crop of 1911–1916. If so, we are short more than a billion bushels on corn and wheat. Inasmuch as our supply is practically the only available supply, evidently we shall need every bushel of grain, every pound of beef and fat that can be produced. Hence, in order to be on the safe side, we should not only encourage and stimulate production, but should conserve and guard against waste. If one would read Mr. Hoover's testimony before the Committee on Agriculture February 11 1918, he would find cause for the elimination of waste, for conservation, and increased production. On page 3 of the hearings attention is called to the food situation. Mr. Hoover states that—

In Austria at the present moment there are about 225,000,000 bushels of wheat—

But that a gradual shrinkage of shipping has today practically isolated the eastern source; that—

to make the foodstuff accessible means a journey of 120 days to turn a cargo steamer around, as against a journey of 65 or 70 days to the Argentine or alternately 42 days to North America. The consequence is that the given ship has about one-third the carrying efficiency in going into the East as it has coming to the United States; and shipping, as you know, has reached such a degree of restriction that it is hopeless to carry the American Army, if we are going to devote such an amount of tonnage to the East as would be implied by bringing even part of the allied deficiencies from that side. The result is to throw a very much larger load on North America.

On page 5 Mr. Hoover calls attention to the slowing down of transportation in our own country. He states that he collected data from a large number of flour dealers, with the following results from 2,385 cars in transit: Under 15 days, 397; under 30 days, 261; under 45 days, 480; under 60 days, 448; under 75 days, 500; under 90 days, 220; over 90 days, 70 cars. The figures of the last column being between the days mentioned seriatim.

On page 6 Mr. Hoover states that the net result of the calculation is that our available supply of breadstuffs, considering our mill capacity, amounts on January 1 to about 470,000,000 bushels. If we allow all of the export demands, we shall part with about 160,000,000 bushels, or a balance of about 300,000,000 to 330,000,000 bushels, whereas our normal requirements for breadstuffs are 420,000,000 bushels of all kinds of grain; so that we have a deficiency of about 25 per cent in our breadstuffs.

The other essential foods are, first, beef. The allied position is one of extreme difficulty, because they have been largely securing Argentine beef · but with a gradual loss of refrigerating steamers they are forced, for that particular reason and others, onto our markets, and in order to maintain the supplies which they demand we will have to ship in beef products from the United States about 450,000,000 pounds of beef in the six months from January 1 to July 1.

He states:

As you are perhaps aware, in prewar conditions our six-monthly shipments were somewhere about 35,000,000 pounds. This is, therefore, an enormous increase. If we take the cattle in the country and make computations on the average percentage of slaughter and arrive at the problem as best we can as to our available supplies, we have practically but little beef surplus. Theoretically, on that calculation, we can show that there is in the six months 100,000,000 pounds of exportable beef, as against the demand for 450,000,000 pounds. That is the best position that we can arrive at. So that if we are to ship this quantity of beef to the allies we have to save from our consumption at least 350,000,000 pounds. That means that we must save of beef approximately 10 per cent of our consumption.

In pork products—we have to consider pork products and the vegetable oils as one item, because they have become now absolutely interchangeable through the use of lard substitutes. Our supplies of these commodities can therefore be blocked together, because if we run short on pork products we can substitute exports of vegetable-oil compounds, or if the pork products increase we can diminish vegetable-oil exports. Of these two items, the allies and the necessary neutral demands amount to 1,800,000,000 pounds for the period from January 1 to July 1, and we are deficient in our calculations of our minimum supplies of somewhere from 800,000,000 to 1,000,000,000 pounds of being able to ship those quantities without reduction in our consumption, or the need of reducing our consumption 12 to 15 per cent. On the dairy products I have not gone into it, because in this desperate situation of world food dairy products, again, can be substituted with the animal and vegetable fats, the pork, and vegetable oils. They are asking from us from 30,000,000 to 40,000,000 pounds of butter and cheese for the six months, January 1 to July 1, and we are shipping those to the extent that our stock in the country shows that we can do so.

On page 4 Mr. Hoover compares our average consumption with the English rations, which are practically the same as the French:

In butter, margarin, and table fats, generally, the English ration is 4 ounces weekly per capita. Our average normal consumption in the United States is 9 ounces. In meats the English ration is now 1 pound per week per capita, and it is limited to half that amount for children under 10 years, which, reduced to a population basis, means 0.9 pound per capita. That embraces beef, pork, mutton, and poultry. Our normal consumption in the United States is 3.1 pounds per week. In other words, this is a reduction to considerably less than one-third of our normal consumption. In breadstuffs, and that is all the cereals used for human consumption, the present ration is 4 pounds a week in England, and our normal consumption is 6 pounds a week.

* * * * * * *

On sugar the English and French rations are now both on the basis of 36 pounds per annum, which is 3 pounds per month, and our consumption, as you know, is about 84 pounds per annum, or about 7 pounds per month.

The English consumption in normal times is higher than ours. Those figures will indicate to you that they are in a very difficult situation, and one that I think requires all the strength that we can put into it lest the reduction in rations to the civil population should undermine the morale of the people.

As to the problem of conservation, Mr. Hoover states, on page 8:

From the national point of view the first point of conservation is an embargo on exports to all except essential points. We have had that in operation since the Food Administration was created. It has been the most rigid and drastic embargo on foodstuffs, except to the allies, and even certain commodities we have from time to time embargoed the allies. There are neutral countries, however, to which we must relax the embargo. * * * On the other hand, we have taken the attitude, as we are reducing our consumption of foodstuffs among our own people and among the allies, that none of the countries to whom we supply food may expect any larger ratios of consumption than we are endeavoring to impose upon our own people. * * * The second great point of conservation lies in the elimination of waste, and in this first point of the fact is the waste by manufacturing trades. * * *

Mr. Hoover states:

For instance, if the beef fats were trimmed at the packing houses, these fats would be available in large proportion for edible and industrial uses and would be practically a national saving.

Further on Mr. Hoover calls attention to the waste in the handling of potatoes; in the return of stale bread; to the consumption and waste in the household and public eating houses; the dumping of stale bread in the garbage barrel; that the essential step we need to take is the compulsory handling of the public places; that he is not in favor of any direct compulsion on the household, and believes that we can get much better results on the voluntary basis than with a background law. On page 10 Mr. Hoover calls attention to the shortage of shipments to the allies during December, January, and February from various quarters; that we must increase our flour shipments in March and April beyond our normal; that we can only meet that demand by reducing the amount of domestic milling, and for that reason he has voluntarily arranged with millers to mill 70 per cent only of their usual domestic supply and to increase by 30 per cent of the supply to the allies; and followed that with a rule to the wholesalers that they are not to buy more than 70 per cent of what they bought in the same period last year and to sell to the retailers not more than 70 per cent. Concluding with the statement that "with the prospect and hope we have of next year's crop we may be able to take off all repression on breadstuffs of all kinds. Therefore there is not occasion for our laying a foundation of bureaucracy here intended to carry out a rationing system or anything of the kind." Mr. Hoover in his testimony stated that the object of the proposed legislation for the control of distribution in some form and the control of public eating places, then considered one of importance, was that in the distribution he did not believe it necessary to carry it to the consumer himself by rationing, but to carry it through a control of the trades. According to Mr.

Hoover's statement there can be no question as to the urgent need of increased production of food and as to our duty in the matter. Evidently we can not expedite the triumphant termination of this war by permitting profiteering indulged in by many, by providing for unnecessary berths in the public crib at the expense of others, by playing politics, or by calling each other by pet names, nor by denominating a certain class as disloyal. No; if we are to aid in the successful prosecution of this war, it will be well to scrutinize every item of appropriation, to guard the Public Treasury and the best interests of all, so as to encourage and maintain the full confidence of all of our people, to heed Billy Sunday's admonition, "It is up to us to do something besides sit in the grandstand and yell." And also to follow the suggestion of our distinguished ex-President, Col. Roosevelt, "We must shun equally the mere selfish egotist and the mere well-meaning fool." And if you will pardon me from diverting from my line of discussion, I desire to add: Rather than to brand certain ones or certain classes and creeds as disloyal, every individual should be given his just dues, as suggested by our President. I read from the Washington Times of April 29, 1918:

PRESIDENT REASSURES GERMANS IN AMERICA.

UNION HILL, N. J., *April 29.*

At a meeting of Hudson County Germans held here last night a letter from President Wilson was read in which he expressed regret that "suspicion should be attached to those who do not deserve it."

The letter was read in connection with a liberty-loan meeting.

"You may be sure," the letter said, "that I sympathize with you and shall cooperate in every effort to see to it that the loyal residents of the United States of German birth or descent are given genuine proof of the sincerity of our institutions."

We have in this country, as in every other country, disloyal and unworthy people, but that does not imply that because a few of a certain class or creed are disloyal and unworthy that all as a class are. For instance, a few days ago a young man of German descent from my district, wearing the Y. M. C. A. uniform, walked into my office—a young man of excellent bearing and unusual intelligence. He had come to Washington to be inducted into the Army, so that he could get into active service. When asked about his brothers and if any of them were in the service, the answer was that four of his brothers were in the Army, his sister a Red Cross nurse, and he would make the sixth one. Can it be possible that the father, mother, or five sons and the daughter now in active service in defense of our country are disloyal, and that they can be justly denominated as such because they belong to a class often questioned as such? True, a number of sons given to the service, or the number of dollars subscribed for liberty-loan bonds or in support of the Y. M. C. A. or the Red Cross, is not an absolute measure of patriotism; it is not the amount, it is the spirit and ability to give—no; the mite given by the poor widow expresses as much patriotism as a thousand given by the rich. It is not everyone who has five sons and a daughter to give; I have only one. He is in; he got in early, volunteering as a private. He is, I am sure, doing as every American father and mother would want their boy to do—throwing his mind, strength, heart, and soul into his action for the cause. Others have no sons or money to give, but they have sympathetic hearts and prayers to offer. All come in under the same spirit and are entitled to full membership. On the other hand, there are those who have money and sons who give neither money, blood, nor sympathy, and those who content themselves by boasting of their patriotism and in arrogating to themselves a corner on loyalty. It is unnecessary to say that they are not entitled to the same consideration as those who make sacrifices. In saying that, or anything that I may say, it is, of course, understood that no reflection is upon any Member of this or any other body. The true patriot, instead of boasting and criticizing, will give credit to every worthy and deserving patriotic citizen who has been contributing his share to the glory and grandeur of our country, who will gladly do his best, no matter in what position he is placed, and that it is he who will win the war.

I believe that every true patriotic citizen who truly has the best interests of our country at heart realizes that those characterized by Col. Roosevelt as selfish egotists and well-meaning fools are, instead of aiding the cause, doing it harm. No; rather than to advertise to the world and the enemy the questioning of the loyalty of a large portion of our population and thus dividing our people it would be better for those to exhibit fortitude, born of greater courage and more lofty ideals, to cooperate, put forth their best efforts, unite, urge, and inspire patriotic acts, and to aid in every honorable way in the winning of the war. It is difficult to conceive that any American citizen, native or foreign born, with his accumulation, home, family, his country's safety and welfare at stake, can consistently, conscientiously, or prudently do otherwise. In conclusion I repeat, though this Nation, as every other nation, has unpatriotic, unworthy, and undeserving people, I can not but believe that our people, generally speaking, are patriotic, naturally so. In our Nation's progress in civilization, colonization, and Christianization, Uncle Sam has held out his hands and has received with open arms the cream of the world, which has been assimilated, crystallized, and amalgamated into a Nation of more than a hundred million of the most industrious, prosperous, intelligent, law-abiding, and I believe the most patriotic, people on earth. They have never failed to answer their country's call; to the contrary, they have always been found gallantly marching on to victory in times of peace and in times of war. Here they are in this land of equal opportunity; they are here because of their love for liberty and personal independence; here they have established their homes and reared their families; and here in America, with its grand and glorious government and its splendid and magnificent institutions, where we are not required to follow in the beaten paths of former ages, but where each and all are allowed to map out and achieve their own future destiny, where every walk of life is open to all from the humblest to the most exalted, where all our schools, from the most remote school district to the highest classrooms of our universities, are open to every resident child, naturally here lie all their hopes and future aspirations. Have they ever deserted their country's call? No; to their credit and well-deserved praise on many a blood-stained battle field have they proven their loyalty to the Stars and Stripes with their precious blood.

With the loyalty and achievements of the American people in the past, with their generous support of the Red Cross, the Y. M. C. A., and liberal subscriptions to liberty bonds, their ready and generous response to every call; yes, with the generous response of our young men, with the records of the past, it would seem that there need be no fear for the loyalty of our people or as to the conduct of our boys who have gone or may go to the firing line, who have willingly taken their lives in their hands, willing to lay them upon their country's altar as a sacrifice defending it. No; rest assured, wherever our boys may go, whomsoever they may encounter, they will acquit themselves like men, as their fathers and grandfathers did some 50 years ago, who now part with their sons and grandsons, for whom they did such valiant service. So, rather than to boast or criticize, it would be better for everyone to put his shoulder to the wheel and demonstrate to the world that we are a united and loyal people, that all take a just and pardonable pride in our country's growth and greatness, in the fact that we are living in this age of marvelous expansion, and that we have been moving forward at such a mighty pace that all feel, no matter what their political affiliation, creed, occupation, or prejudice may be, to strive to benefit and uphold our Government, to protect the weak, to relieve the distressed, to uplift humanity, to promote and perpetuate true greatness, to give honest and thoughtful consideration in securing the full benefit of our national resources for the development of mechanical appliances, the skill and genius of American labor, to see to it that nobody is imposed upon—that each and all are given adequate protection against imposition or invasion on the part of unscrupulous and dishonest interests in order that this conflict which we are engaged in may be brought to a speedy and triumphant conclusion—that we may have the fullest development of every worthy and legitimate enterprise.

Now, Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. BAER. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. LEE of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. QUIN].

The CHAIRMAN. The gentleman from Mississippi is recognized for 10 minutes.

Mr. QUIN. Mr. Chairman and gentlemen, I am proud of having the privilege of supporting this splendid measure which my distinguished colleague [Mr. CANDLER of Mississippi] is the author of. This is the Candler bill. I wish the gentleman from Kansas [Mr. CAMPBELL] would lend me his ear. When he wants to criticize a bill he should not jump on a measure that the gentleman from Mississippi [Mr. CANDLER] brings out here. Mr. CANDLER has ripe experience in legislation, his heart beats

for the farmers at all times. When he produced from his brain this great bill he brought forth a measure that every man who is a friend of the farmers of this country should support in peace times and still more in war times.

The gentleman from Kansas [Mr. CAMPBELL] saw fit to stamp on this measure, and I was surprised to hear the gentleman from Iowa [Mr. HAUGEN] cuss it out and talk about the great number of people who would have jobs under it. In other words, he just smeared all over this measure, and then contented himself with saying, "It has some good features in it."

I wish gentlemen could rise above this little petty idea about somebody getting a job. The gentleman from Mississippi who brought in this bill knew that there would have to be men and women employed to carry on this great work. Busy hands are needed just as they are needed when a farmer goes out and clears up land and puts several hundred acres under cultivation. He must have the proper number of hands to cultivate that land and make the necessary products in order to get a profit on his investment. The gentlemen who talk about too many employees being engaged in this work do not tell how many employees this bill carries. Any man who wants to be fair about it can take the bill itself and analyze it, and see the different sections of it, every one setting out in concise language what it is for and the exact amount of money that is to go with each provision. The statements made by the gentleman from Kansas and the gentleman from Iowa will not hold water when applied to this bill and to the report which the committee made, although one of those gentlemen is, I think, a member of the committee which made the report.

This measure, my friends, has one feature in it that I am vitally interested in, and that is section 5. My district has thousands of the best men and finest farmers in the world producing vegetables for northern and eastern markets. My work and aid in establishing on a practicable basis and extending the Bureau of Markets has been of great help to those farmers. I am strong for this fifth section of the bill. It carries $2,136,028 to further aid the Marketing Bureau. It has in it a provision to gather the necessary information for produce distribution. It has in it a provision for an enlarged service of news in that regard. It has a provision in it to prevent waste of food in storage and transit, or while being held for sale, and further to give advices concerning market needs, prices, and movements and the distribution of perishable products.

All of this is work that the Secretary of Agriculture has already been engaged in. This one feature of the bill ought to cause every man on this floor to support it. All of this truck that is produced in this country, vegetables of every kind, potatoes and fruits that are perishable, must be considered commercially as different from the staple food products, such as wheat and corn, because this produce, unless it is carried to the proper market in the proper way, will be a total loss, or at least a partial loss, and the public will be deprived of that necessary amount of food.

The truck farmers are entitled to this legislation and they are going to get it even if you gentlemen are endeavoring to kill this bill.

I am a friend to the farmers, and, like my colleague [Mr. CANDLER], I am going to fight for their rights on this floor and everywhere else.

There are many other provisions in this bill that the gentleman from Kansas [Mr. CAMPBELL] could well have looked into. If he is a friend of the farmers of this country, why should he object to this $6,000,000 that is put aside as a revolving fund to buy seed for those destitute portions of the different States of this Union that have been stricken by drought or where there have been crop failures from any other cause? The seed is to be paid for in cash at actual cost to the Government. Yet the gentleman from Kansas objects to this bill, which carries this just and wise help to the farmers.

There is another feature in this measure that the gentleman from Kansas might do well to scrutinize. That is the provision to look after the insect pests and other things that do damage to farm products in this country.

There is another provision here carrying an appropriation in addition to the extension work of the live-stock business. While this war is on we can not be too careful to safeguard the growing of hogs, cattle, sheep, and goats. We can not be too careful either of the growing of horses and mules, because they are needed on every farm in this Republic, and there are many of them needed across the water to haul our cannon and for our Cavalry to ride, in order that this war may be carried on in the proper manner. Yet the gentleman from Kansas [Mr. CAMPBELL] said it was for nothing but for folks to sit around at quartered-oak desks and rock on carpets and for somebody to get a job. And my good old friend from Iowa [Mr. HAUGEN] made the complaint here that this bill carries a great deal of cost with it when we are engaged in a great war, and that we need every dollar for the war. I just want him to stop and consider for one minute. What is this little sum of $11,000,000 to hand out to the greatest class of producers in the world—the farmers of America—to carry on their farming operations properly to produce bread and meat for the soldiers to carry in their stomachs, in order to fight for our liberties, to fight your battles and my battles and the Nation's battles while we stay here at home? Yet he complains of the great cost when the committee that I am a member of has a bill before it carrying $12,000,000,000 for the Army. Yes; $11,000,000 is a small sum to devote to this great purpose of agriculture in assisting to carry on and win this war.

Mr. LAZARO. The gentleman has said that the soldiers need to have something in their stomachs.

Mr. QUIN. You can not win a battle on an empty stomach. Whenever an army marches, it marches on its stomach, and I want to tell you that is the way most of us walk. If we get hungry, there is going to be trouble. Every sensible man realizes that the American people are up against the task of feeding our 104,000,000 people at home, and these millions of soldiers that we are sending across the ocean fighting on the battle lines, and the sailors on our battleships, and the populations of France, Italy, Great Britain, and of some neutral countries across the sea. Yet the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Iowa [Mr. HAUGEN] find fault that these few millions of dollars are to be handed out for the purpose of further carrying on the farming operations in this Republic, all the way from Maine down to the Rio Grande, from the Atlantic Ocean clear across to the Pacific waters. No particular section is favored. Every precinct of every county in the United States comes under the broad and wise provisions of this splendid measure. Yet these gentlemen would want the public to think that it is a great crime of thievery and of robbery to put upon the American people. In truth and in fact it is the most potential measure for the money involved that has been considered on the floor of this House during this entire session.

Who is there that believes the regular appropriation that the Agricultural Committee brought out here three months ago carried a dollar too much money in it? Then when the Secretary of Agriculture and the President of the United States call upon this Congress and say they want additional sums for specific work in farming operations, ought we to refuse them? No; we ought to grant them what they ask. [Applause.]

Mr. HAUGEN. I yield to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, the report of the advisory committee of the agricultural and live-stock producers, appointed by the Secretary of Agriculture and the Food Administrator, on page 28, contains a statement of the committee that the patriotic farmers of the United States have no desire for more than the cost of production and a fair profit; and approval is also given by the committee to the Executive order of the President, which reads as follows:

EXECUTIVE ORDER.

I hereby authorize and direct the United States Food Administrator in prescribing regulations for licensees under section 5 of the act of Congress approved August 10, 1917, entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel" and in enforcing and carrying into effect, so far as it relates to foods, feeds, and their derivative products, that part of section 5 which reads as follows:

"Whenever the President shall find that any storage charge, commission, profit, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, and shall order such licensee within a reasonable time fixed in the order, to discontinue the same, unless such order, which shall recite the facts found, is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory, and unfair storage charge, commission, profit, or practice. The President may, in lieu of any such unjust, unreasonable, discriminatory, and unfair storage charge, commission, profit, or practice find what is a just, reasonable, nondiscriminatory, and fair storage charge, commission, profit, or practice, and in any proceeding brought in any court such order of the President shall be prima facie evidence;"

to find that a just, reasonable, and fair profit is the normal average profit which persons engaged in the same business and place obtained prior to July 1, 1914, under free competitive conditions; to indicate, if he shall see fit to do so, what margin over cost will return such a just, reasonable, and fair profit; and to take such legal steps as are authorized by said act to prohibit the taking of any greater profit.

WOODROW WILSON.

THE WHITE HOUSE,
November 27, 1917.

The committee, according to the report, does insist that regulations of this type should be extended to all other trade industries of the country.

Mr. Chairman, an important statement was made to this House on April 18 by the chairman of the Committee on Agricul-

ture [Mr. LEVER] upon this subject. We were discussing a fixed price for wheat when the following debate took place:

Mr. YOUNG of North Dakota. Mr. Speaker, when the price of wheat was fixed at $2.20 for the year 1918, I think it was understood that there was to be further price fixing of the things that the farmers buy. I would like to ask the chairman of the Committee on Agriculture what progress has been made in respect to the fixing of the prices of farm machinery and other things that the farmers buy?

Mr. LEVER. I would prefer not to answer that question, because I can not give the gentleman those facts. I stated to the committee some time ago that the matter was under consideration, but the bill has not been prepared as yet.

Mr. YOUNG of North Dakota. It has been considered by the Secretary of Agriculture.

Mr. LEVER. That is true.

Mr. YOUNG of North Dakota. And probably by the administration?

Mr. LEVER. Yes. I can say this to the gentleman: Whatever position may be taken by the administration on the proposition of freezing out the profiteering on farm machinery and the like will make no difference to me, as far as I am concerned. I propose to see to it that a bill of that character is introduced and passed, if I can secure its passage. [Applause.]

Mr. YOUNG of North Dakota. I commend the gentleman. As I understand it, our Committee on Agriculture, as far as the chairman of that committee is concerned, will go ahead with legislation of this kind, whether we get a recommendation from the administration or not?

Mr. LEVER. That is true. I can make that assurance to the gentleman.

Mr. YOUNG of North Dakota. I thank the gentleman.

Mr. Chairman, I do not see on the floor just now the gentleman who made this very important pledge [Mr. LEVER]. I have great faith in him and was going to ask him what progress had been made with his bill. The people of the entire country are waiting anxiously for Congress to act in this direction. It vitally affects every man, woman, and child in the country, whether upon the farms or in the cities.

There is an item of the bill to which I wish to call attention for "market news service on live stock and meats." Under the regular appropriation service was given at Boston, New York, Philadelphia, Chicago, Kansas City, Mo., and Omaha, and under the emergency funds a market news service was given Fort Worth, Portland, Oreg., Lansaster, Pa., and St. Paul.

Now, when this matter was up before the committee after Mr. Brand, the director, had gone, I asked for some information, but no one seemed to have any accurate information as to what was done at the different places where this service was established. I was anxious to know what had been accomplished at St. Paul.

A few days afterwards Gen. A. P. Peake, of North Dakota, called at my office, and in conversation we got into this question of price fixing, and from that into profiteering, and he happened to mention that St. Paul was the cheapest market in the United States, in his judgment. Then I happened to remember that in the bill which we passed over a year ago provision was made for this market news service in St. Paul.

Whether it is on account of that particular service or for some other reason I do not know, but it is undoubtedly true that the market for meat in St. Paul is very much lower than it is here in Washington, so much lower that it can not be accounted for upon the ground of freight rates or any one of the usual excuses given for profiteering.

I sent for a copy of the St. Paul Dispatch when I expected this bill to come up early this month. At that time the current issue of the market edition was of May 3. Here in an advertisement of Schoch's I find these prices. They will be startling to the men in Washington who buy meat. Boiling beef, 17 cents a pound; rib roast, 22 cents a pound; pork butts, 25 cents a pound; pork steak, 27 cents a pound; picnic ham, 23 cents a pound; corned beef, 18 cents a pound; and other quotations for various meats running from 18 cents a pound up.

Mr. SMITH of Michigan. Are those retail or wholesale prices?

Mr. YOUNG of North Dakota. Retail prices of May 3, printed in the St. Paul Dispatch. I think the gentleman from Arkansas [Mr. WINGO] said in reference to the profiteering at the Capital, that if any Member of Congress got away from Washington with anything more than a sullied reputation the tradesmen at Washington felt that they had not done their full duty. [Laughter.]

Here is another advertisement. At the Broadway Meat Market they are advertising veal stew at 12 cents a pound. You can not get a soup bone here with all the meat scraped off for that. Veal shoulder, 15 cents a pound; leg veal, 17 cents a pound; pork liver, 7 cents a pound. Of course, somebody may say the extra cost is by reason of freight. These articles can be expressed from St. Paul to Washington and a great saving made.

Mr. SMITH of Michigan. Are prices paid to the farmers for these products given in the paper?

Mr. YOUNG of North Dakota. Not in this paper.

Mr. SMITH of Michigan. How do they compare with the retail prices?

Mr. YOUNG of North Dakota. I am not able to give the gentleman that information.

What I am trying to get at in this discussion is to see whether there is not some way to prevent profiteering after the products leave the farm. Here in the city of Washington the prices for meat are scandalous. There is not one here listening to the prices that I am quoting but what will admit that in Washington on some of the articles they are more than twice as much. We have paid as high as 65 cents per pound for bacon.

Here is another advertisement of the St. Paul Provision Co. They quote pork loin roast, 22 cents a pound; choice rib roasts, 17 cents a pound; beef pot roast, 15 cents a pound; fresh pork sparerib, 16 cents a pound. You all know what you are paying in Washington for meat. There is absolutely no reason on earth why there should be such a great difference between the meat market at St. Paul and Washington, D. C.

Mr. SMITH of Michigan. Can not the gentleman give the corresponding prices here?

Mr. YOUNG of North Dakota. I can not give advertised prices of the same date here, because the evening newspapers did not carry any such advertisements upon that date. May 3. The meat-market people do little advertising here, evidently because they are ashamed of their prices. I have looked through several copies of the Times, Star, and Post without finding any. But the gentleman lives here, and he knows what we must pay for meats: Ham, 40 to 60 cents per pound; boiling beef, 35 to 40 cents per pound; corned beef, 35 cents per pound; sausage, 35 cents per pound; dried beef, 50 cents per pound; pot roast, 40 to 45 cents per pound; porterhouse steak, 50 to 55 cents; sirloin steak, 45 to 50 cents per pound; mutton, 40 to 45 cents per pound; Premium bacon, 65 cents per pound.

If anyone questions the accuracy of these prices, it is all the more reason why we should have a market news service in Washington.

While there were no meat advertisements in the Washington papers of May 3, I found the following in one of the city papers:

MARKET ADVENT OF HEN CAUSES NO CUT IN PRICE.

While the supply of poultry on the wholesale market this morning looked large, and though supplies of spring vegetables coming from the southern gardens are increasing, prices to-day show but few changes from those of early in the week.

In the poultry market, in spite of the raising a week ahead of time of the embargo on the sale of hens, the coming of the hen on the market has caused but little lowering in prices on anything but roosters, and they are selling high. This morning winter chickens advanced 3 cents on the less desirable grades and 2 cents on choice, and are selling to-day at 68 to 70 cents.

But let us look again at the St. Paul prices. The St. Paul Provision Co. quotes bacon at 28 cents a pound, pork shoulder roast at 19 cents a pound, choice veal roast at 16 cents a pound. If any of you gentlemen can buy anywhere in Washington any of these articles for twice the money that I have mentioned, I would like to have you stand up. Here is another advertisement of the People's Market. They quote sugar-cured picnic ham at 21 cents a pound, Cormell's midget bacon at 27 cents a pound, fresh pig liver at 5 cents a pound. When Mrs. Young was in the market yesterday she noticed that the butcher was taking off every ounce of meat from what they used to call the soup bone, scraped it bare; and not only that, but took the marrow out of the inside of it, and then sold it as a soup bone, and as near as I can recollect, at about the price at which they are selling these cheaper real meats up in St. Paul. These things are mighty important to both farmers and consumers. The exorbitant prices charged impoverish the consumers and, unfortunately, make them believe that the farmers are robbing them. A very little investigation will show that this is not true. The middlemen are the offenders, and if we could pass a law to put them behind the bars, perhaps we could put a stop to profiteering. Here is another advertisement: McQuaid, of St. Paul, offers a choice pot roast at 15 cents a pound; lean boiling beef at 15 cents a pound; prime rib roast, 18 cents a pound; sirloin steak at 18 cents a pound; and tenderloin shoulder steak at 18 cents a pound; sugar-cured hams at 29 cents a pound.

Mr. MADDEN. Will the gentleman yield?

Mr. YOUNG of North Dakota. I shall be glad to yield to the gentleman, Farmer MADDEN, who owns the finest grain and stock farm in Illinois.

Mr. MADDEN. Why do we not have introduced this much-boasted marketing facility which, it is said, the astute Secretary of Agriculture has been inaugurating in the country in order to accommodate the people in other sections of the country with the low prices the gentleman is quoting from St. Paul? If I understand the situation, the claim for the enactment of a law such as is now pending is that it affords the Secretary of Agriculture the opportunity to put his scientific knowledge of marketing into effect, so that you and I and others all over the

United States who are being overcharged may be benefited by lower prices of commodities.

Mr. YOUNG of North Dakota. My belief is that we ought to go after the profiteers by general legislation, such as is proposed by Mr. LEVER; but in this bill before us now I think there is some chance of helping the poor people of Washington and at the same time affording an opportunity to study the marketing problem at close range. When we reach the item for market-news service, I hope there will not be serious objection to including an increase sufficient to take care of Washington.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. MADDEN. Mr. Chairman, inasmuch as this bill is so important, carrying about $18,000,000, increasing the number of employees of the Government about 11,000, who will have nothing much to do except to run campaigns between now and the end of the next election period, I think that we ought to have a larger attendance to listen to the statements that are being made with respect to the value of the measure. There are only about 12 Members present out of the 435, and with this vast expenditure of money we should have a quorum. I make the point of order that there is no quorum present.

Mr. CANDLER of Mississippi. Mr. Chairman, I hope the gentleman will not insist upon it, but I want to say that there are many more Members present than the gentleman counted a moment ago. I see a larger number than that; but in view of the fact that this is an important bill and it is necessary to have a larger attendance, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, the Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11945 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. JOHNSON of Washington, for one week.

ORDER OF BUSINESS.

Mr. WALSH. Mr. Speaker, I should like to ask the distinguished gentleman having in charge the measure which has been under consideration in Committee of the Whole, if the time remaining for general debate under the provisions of the rule adopted is, in his judgment, sufficient to take care of the demands of gentlemen who desire to be heard in general debate on this measure on his side, and, if he has any information, on the minority side?

Mr. CANDLER of Mississippi. Mr. Speaker, my information is that it will be sufficient to accommodate gentlemen who desire to speak.

Mr. WALSH. So that to-morrow we will get to a consideration of the bill under the five-minute rule?

Mr. CANDLER of Mississippi. My intention is to consider the bill under the five-minute rule immediately upon the expiration of the general debate provided in the rule.

Mr. WALSH. I think it will be a great relief to Members to get that information.

Mr. ROBBINS. Mr. Speaker does the gentleman expect to pass this measure to-morrow?

Mr. CANDLER of Mississippi. I hope to be able to do so, and I hope I shall have the gentleman's cooperation in that.

Mr. MADDEN. Does the gentleman ask that question for the purpose of inviting those who are not present to stay away?

ADJOURNMENT.

Mr. CANDLER of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until to-morrow, Saturday, May 18, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting an estimate of appropriation for the service of the remainder of the fiscal year and for the fiscal year ending June 30, 1919 (H. Doc. No. 1110); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the United States Food Administrator submitting a revised estimate of appropriation required by the United States Food Administration for the fiscal year 1919 (H. Doc. No. 1111); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Director of the Bureau of Engraving and Printing submitting a tentative draft of legislation raising the limit of the number of sheets of checks and drafts that may be executed during the fiscal year 1918 (H. Doc. No. 1112); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, reported the same with amendment, accompanied by a report (No. 576), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9464) granting a pension to Margaret Jackson, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,

Mr. SIMS introduced a bill (H. R. 12163) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes, which was referred to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. HAMILTON of Michigan: A bill (H. R. 12164) granting an increase of pension to John F. Porter; to the Committee on Invalid Pensions.

By Mr. HEATON: A bill (H. R. 12165) granting an increase of pension to John S. Miller; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12166) granting a pension to James M. Griffith, jr.; to the Committee on Pensions.

By Mr. LAZARO: A bill (H. R. 12167) granting an increase of pension to John Preston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12168) granting an increase of pension to John P. Simer; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 12169) granting an increase of pension to David B. Wilson; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 12170) granting an increase of pension to Ernest B. Brown; to the Committee on Pensions.

By Mr. SCULLY: A bill (H. R. 12171) granting a pension to Rolph M. Collins; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 12172) granting an increase of pension to Jehue Rhodes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12173) granting an increase of pension to James Finch; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 12174) granting a pension to Thomas Shepard; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 12175) granting an increase of pension to Francis Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12176) granting an increase of pension to Martha Hallman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Chamber of Commerce of the United States of America, favoring universal military training; to the Committee on Military Affairs.

Also (by request), petition of the cabinet of the Young Women's Christian Association of Central Wesleyan College, Warrenton, Mo., asking for war prohibition; to the Committee on the Judiciary.

Also (by request), resolution of the Georgia Society of the District of Columbia, urging the immediate submission of the suffrage amendment to the States; to the Committee on Woman Suffrage.

Also (by request), petitions of Wheeler & Motter Mercantile Co., St. Joseph; Hamilton & Co., Fulton; and W. N. Matthews & Bro., St. Louis, all in the State of Missouri, protesting against the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. ESCH: Resolution of the Chamber of Commerce of the United States of America, favoring universal military training; to the Committee on Military Affairs.

By Mr. GOULD: Petition of Congregational Church, West Bloomfield, and of the Fairhaven Women's Christian Temperance Union, Sterling, all in the State of New York, favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Illinois: Petition of the Monday Study Club, of Rock Island, Ill., protesting against the enforcement of the zone system of postage on second-class mail matter; to the Committee on Ways and Means.

By Mr. GREENE of Vermont: Memorial of B. R. Field and other residents of Addison County in the first congressional district of Vermont, protesting against the eight-hour working day policy being carried out at the United States Government farm in Weybridge, Vt.; to the Committee on Labor.

By Mr. HUTCHINSON: Resolution adopted at a public meeting held at Frenchtown, N. J., May 7, 1918, urging an amendment to the Federal Constitution prohibiting the existence of polygamy within the United States; to the Committee on the Judiciary.

By Mr. KINKAID: Petition of a union mass meeting of Ord, Nebr., for enactment of war prohibition; to the Committee on the Judiciary.

By Mr. MERRITT: Petition of Loomis Schofield and 19 other citizens of New Canaan, Conn., favoring Senate bill 3063, for the preservation of the historic naval brig *Niagara;* to the Committee on Naval Affairs.

By Mr. RAKER: Memorial of Chamber of Commerce of the United States of America, urging universal military training; to the Committee on Military Affairs.

Also, memorial of City Council of Santa Barbara, Cal., urging that city as a suitable location for a convalescent hospital; to the Committee on Military Affairs.

Also, petition of East Auburn Woman's Christian Temperance Union, urging war prohibition; to the Committee on the Judiciary.

Also, petition of Applegate Wednesday Club, urging repeal of zone system; to the Committee on Ways and Means.

Also, memorial of Los Angeles County Medical Society, urging erection and maintenance of a national medical museum; to the Committee on Appropriations.

Also, petition of Auburn Woman's Christian Temperance Union, urging prohibition as war measure; to the Committee on the Judiciary.

Mr. Mr. SCHALL: Petition of 147 citizens of Howard Lake, Minn., for enactment of war prohibition; to the Committee on the Judiciary.

By Mr. SNELL: Petition of adult class, Methodist Episcopal Sunday School, Massena, N. Y., for the passage of a bill to effectively prohibit the use of any kind of foodstuffs during the war for the manufacture of intoxicating beverages and to limit liquors on hand to nonbeverage uses; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of the Methodist Congregation of Ava, N. Y., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of the Fortnightly Club, of Remsen, N. Y., protesting against the proposed rates of postage on certain classes of mail matter; to the Committee on the Post Office and Post Roads.

By Mr. SWIFT: Letter from the Twenty-second Assembly District Republican Club of Kings County, N. Y., in re further conservation of the resources of the citizens of the United States; to the Committee on Ways and Means.

By Mr. THOMPSON: Petition of 74 citizens and Maywood Presbyterian Church, of Oklahoma City, Okla., favoring war prohibition; to the Committee on the Judiciary.

SENATE.

SATURDAY, *May 18, 1918.*

(Legislative day of Friday, May 17, 1918.)

The Senate met at 12 o'clock noon.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Chamberlain	Hitchcock	Nelson	Smoot
Culberson	Johnson, Cal.	New	Sterling
Cummins	Jones, Wash.	Nugent	Thomas
Curtis	Kenyon	Page	Thompson
Fletcher	Kirby	Saulsbury	Trammell
Frelinghuysen	Lenroot	Sheppard	Vardaman
Gronna	McKellar	Simmons	Watson
Gulon	McNary	Smith, Ga.	
Hardwick	Martin	Smith, Md.	

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Thirty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. DILLINGHAM, Mr. KELLOGG, Mr. POINDEXTER, Mr. POMERENE, Mr. RANSDELL, Mr. SUTHERLAND, Mr. TOWNSEND, Mr. UNDERWOOD, Mr. WADSWORTH, and Mr. WILFLEY answered to their names when called.

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness.

Mr. HALE, Mr. WILLIAMS, Mr. LODGE, Mr. BANKHEAD, Mr. JONES of New Mexico, and Mr. PHELAN entered the Chamber and answered to their names.

Mr. KIRBY. I wish to announce the necessary absence of my colleague [Mr. ROBINSON] on official business.

Mr. GALLINGER, Mr. SWANSON, Mr. BECKHAM, Mr. SHAFROTH, Mr. FALL, Mr. SHIELDS, Mr. HENDERSON, and Mr. KING entered the Chamber and answered to their names.

Mr. JONES of New Mexico. I announce the absence of the junior Senator from Wyoming [Mr. KENDRICK] on public business in committee.

Mr. BECKHAM. I wish to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, there is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

The message also announced that the House had passed a bill (H. R. 9864) to amend section 111 of the Judicial Code in respect to the western district of Virginia, in which it requested the concurrence of the Senate.

PETITIONS.

Mr. NELSON presented a petition of the Grand Chapter, Order of the Eastern Star, of Minneapolis, Minn., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. JONES of Washington presented resolutions adopted by the Central Labor Council of Tacoma, Wash., favoring the enactment of legislation to provide reeducation and rehabilitation of crippled soldiers and sailors, etc., which were referred to the Committee on Education and Labor.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KELLOGG:

A bill (S. 4554) for the sale of isolated tracts of the public domain in Minnesota; and

A bill (S. 4555) to validate certain public-land entries; to the Committee on Public Lands.

By Mr. WILLIAMS:

A bill (S. 4556) to discharge certain clerical officials and to replace them with others; to the Committee on Military Affairs.

RECLAMATION OF ARID LANDS.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (S. 758) to increase the productive agricultural area of the United States by the reclamation of arid and swamp lands therein, which was ordered to lie on the table and be printed.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. CUMMINS submitted an amendment providing that the dental officers authorized for service in the Naval Reserve Force and in the Naval Dental Corps shall be entitled to equal grades of rank with the dental officers authorized for service in the respective corresponding branches of the Army, and so forth, intended to be proposed by him to the Naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

LEAVE OF ABSENCE.

Mr. WILLIAMS. Mr. President, owing to the sickness of one of my daughters, I feel compelled to ask for an indefinite leave of absence from the Senate, and I ask that my announcement to that effect may stand until further notice.

The PRESIDING OFFICER. Without objection, an indefinite leave of absence is granted to the senior Senator from Mississippi.

PRISON-MADE GOODS.

Mr. SMITH of Georgia. Mr. President, a day or two ago the bill (H. R. 8938) to equip the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes, was referred to the Committee on Education and Labor. The bill deals so largely with matters pertaining to the Department of Justice that, after looking into it more carefully than the title of the bill would indicate, I am authorized by the Committee on Education and Labor to ask that the committee be discharged and that it be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The Senator from Georgia asks that the Committee on Education and Labor be discharged from the consideration of House bill 8938 and that it be referred to the Committee on the Judiciary. Without objection, it will be so ordered.

STATUE OF FREDERICK THE GREAT.

Mr. GALLINGER. A few days ago I offered a resolution (S. Res. 245), and it was objected to and went over. I move that the resolution be referred to the Committee on Military Affairs.

The motion was agreed to.

PURCHASE OF ARLINGTON HOTEL SITE.

Mr. PHELAN. Mr. President, I ask permission to insert in the RECORD a letter from the Secretary of the Treasury, explaining the purchase of the Arlington Hotel site. The question was raised in the Senate the other day and I sought the information.

The Secretary has shown his usual foresight in providing for the needs of the Government. The real estate value is not excessive, and the buildings he contracts for, within the total cost, could not be duplicated for less to-day. He makes a satisfactory showing and answers the criticisms made on the floor.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. What was the request? Let us have order in the Chamber so that the Senator may be heard.

Mr. PHELAN. The other day the question was raised as to the cost of the Arlington Hotel site. I sought information from the Secretary of the Treasury, and I have from him a letter fully explaining the basis of cost, which I know is of very great interest to the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I will say that this matter has been before the committee, and the property has been purchased already, and no matter what the Senate think or what they do it is a closed chapter. Of course, if the Senator wants to take that space in the RECORD, if he thinks any good can come from the discussion of a closed case, I am not going to object.

The PRESIDING OFFICER. Without objection, permission is granted.

The letter is as follows:

TREASURY DEPARTMENT,
Washington, May 13, 1918.

MY DEAR SENATOR: I have your letter of the 2d instant regarding the Arlington property and am glad to write you fully on the subject.

The work of the Treasury Department has assumed such proportions that the question of suitable quarters to accommodate the largely increased force required in the transaction of the public business and to care for the valuable records of the department has become a serious problem.

Two bureaus of the department alone—the War-Risk Insurance and Internal Revenue—require 500,000 square feet, and have been forced, owing to lack of suitable buildings, into congested quarters in a large number of rented buildings scattered all over the city, which has greatly interfered with the efficiency of the bureaus. At present the War-Risk Insurance Bureau is being administered in 11 different buildings in Washington, and the Internal Revenue Bureau in 10 different buildings. This is deplorable from the administrative standpoint, but even a more serious feature is the fact that the invaluable and irreplaceable records of these two bureaus are now stored in nonfireproof buildings and might be destroyed, to say nothing of the possibility of loss of human life because of the overcrowded conditions under which the employees are forced to work.

The War-Risk Insurance Bureau is charged with the very important war duty of collecting and recording the data upon which allotments and allowances are paid to the dependents of our soldiers and sailors and of making the necessary awards, and writing and mailing the monthly checks for their payment. It is also charged with the duty of passing upon and paying compensation claims, representing more than 2,000,000 risks, arising from the death or disability of our soldiers and sailors, and of receiving and recording applications for insurance and passing upon and paying claims arising from death or disability of those who have taken out insurance. Up to date more than 1,900,000 of these applicantions have been received, representing more than $16,000,000,000 of insurance, a larger amount than the total insurance in force upon the books of the 20 largest life insurance companies in the world combined.

It is obvious that promptness and accuracy in the performance of all of this work is essentially important, and also that it is of the highest importance that steps be taken that nothing be left undone to preserve these records from every possible hazard of loss.

At present 3,700 regular employees of this bureau are scattered in various parts of the city, none of the buildings being adapted to the important requirements of the work, and most of them are highly combustible.

This separation of the forces of the bureau has constituted the chief obstacle to its efficiency, and has necessarily resulted in delays and inaccuracies, especially in regrettable delays in replying to thousands of letters received daily making inquiries regarding matters pertaining to the work of the bureau. No one department or section of this bureau can stand alone; records and papers have to be moved by truck or messenger from one building to another; hundreds of thousands of records and cards have to be transported almost daily between the accounts section in the Carroll Institute to the disbursing office, Fourteenth and E Streets; thousands of pieces of correspondence have to be transported daily between each and every one of the 11 different buildings in which the bureau is forced to operate for lack of a suitable fireproof building.

Largely similar conditions obtain with respect to the Internal Revenue Bureau, the important work of which is now compelled to be scattered in 10 buildings, in addition to quarters which it occupies in the Treasury Building.

The activities of these two bureaus are equaled in a large measure by other bureaus of the Treasury which administer the liberty-bond issue. It is impossible to describe the difficulties under which the Treasury is now laboring in its effort not only to raise essential money through the sale of liberty bonds, but to find room for the employees to work in order to turn these bonds out promptly and deliver them to purchasers throughout the country. The corridors of the Treasury Building, where light and ventilation are poor, must be used from time to time for this service. It is an injustice to the employees and a reproach to the Government.

The Railroad Administration will require a large amount of space in order to efficiently manage the railroads of the United States now in the possession and control of the Government. The Interstate Commerce Commission has been good enough to give me as much space in their building as could be spared, but it is wholly insufficient. The Railroad Administration is seriously hampered even now for want of space, and that condition will grow more acute each day.

The War Finance Corporation, just being organized, must have adequate space in which to do the important work assigned to it. This work will constantly increase with the progress of the war, and room must be provided for that purpose.

The responsibilities resting upon the Secretary of the Treasury are numerous and important, and it adds enormously to his burdens if the agencies under his control are unnecessarily scattered. Efficiency of administration will be greatly promoted by the consolidation, as far as practicable, of these great and responsible activities.

It will be evident from this that the providing of adequate quarters for all these activities is a war emergency of the most serious character, and it appeared much more economical and much more advantageous to secure the Arlington property and complete the building than to erect temporary combustible structures, which would present a large loss in the end and be wholly unsatisfactory for the purpose in view. The erection of a permanent building on some other site would have involved great delay and the loss of very valuable time through the razing of standing buildings and the beginning of operations. Moreover, the activities of the Treasury Department, even after the restoration of peace, will necessitate the use of the Arlington Building for a long period of time, if not permanently.

I note the question is asked why the Treasury Annex at the corner of Pennsylvania Avenue and Madison Place will not be sufficient. The construction of that building has commenced and the building will be completed in February of next year, but it will contain less than 100,000 square feet of office space, and will, therefore, not accommodate one-half of the Internal-Revenue Bureau, which alone requires 250,000 square feet.

The fact is that without the prospect of having the Arlington Building soon the situation would be exceedingly critical. The price paid for the property is reasonable, and if it were not for the fact that a considerable number of subcontracts have been let for the main building and much material fabricated the cost would be considerably greater—according to an estimate made some time ago approximately $4,306,000, including site.

At the time the Arlington Building (Inc.) made the offer to the Treasury Department the three stories below ground were completed, the steelwork of the superstructure up to the second story, 80 per cent of the rest of the steelwork fabricated, and the cutting of stone for the facing of the building under way. The company at that time submitted its subcontracts, as far as made, for examination to the Office of the Supervising Architect, which regarded them as reasonable.

Based on these data, an estimate was prepared in that office which showed a reasonable price for the complete building to be $3,122,350. This included $811,502 for an addition and $118,751 for changes required by the Treasury Department, viz, improvement in design and strengthening of the floor construction so as to make it suitable for

Treasury use, and changes incidental thereto. To this must be added $1,000,000 for the site, making a total of $4,122,350. Tabulated, the figures stand as follows:

Main building	$2,192,097
Changes	118,751
Addition to the building	811,502
Site	1,000,000
Total	4,122,350

This corresponds very closely with the proposal, which is for $4,119,072. This gives a rate per cubic foot of slightly over 40 cents. That this is a reasonable rate is shown by the contract recently let for the Treasury Annex.

The bids for that building in limestone ranged from $1,145,603 to $1,397,565. After making some changes, the contract for the building, exclusive of tunnel, was let for $1,079,952. Certain additional items will bring the cost up to approximately $1,140,000.

Both the Arlington Building and the Treasury Annex are faced with limestone, but the treatment of the latter is more elaborate, representing approximately $140,000 in value. After deducting this, the two buildings form a reasonable basis of comparison. The Treasury Annex contains 2,280,000 cubic feet, and would cost, on the basis just explained, $1,000,000. The Arlington Building contains 7,690,000 cubic feet and cost $3,119,072. The figures for both buildings are exclusive of cost of the site. The Treasury Annex gives a rate per cubic foot of 44⅓ cents and the Arlington Building 40½ cents; or differently expressed, the cost of the Arlington Building, computed at the rate of 44⅓ cents, would be $3,372,800, which is $253,728 more than the contract price. Of course, this figure is merely an approximation, but it shows that if competitive bids for the Arlington Building were taken now the lowest bid would be considerably above the actual contract price. The lower price paid for the Arlington Building is accounted for by the fact that for the portion of the building now completed a lower labor rate was paid than is now obtainable, and the further fact that a considerable amount of material is already fabricated. Since the purchase of the building by the Government the cost of ordinary labor has advanced from 30 to 40 cents an hour, or an increase of 33⅓ per cent.

As already stated, the proposal of the Arlington Building (Inc.) for the main building, addition thereto, and site is $4,119,072, but in order to have a fund for contingencies and miscellaneous expenses, such as the installation of electric connections for addressographs and other electrically operated machines, for shades, awnings, etc., the Treasury Department requested an appropriation of $4,200,000, which leaves a balance to be used by the Treasury Department of $80,928.

There seems to be an impression that the department is acquiring only the building originally contemplated by the Arlington Building (Inc.). As a matter of fact, it is acquiring two buildings, viz, the main building, which is now in course of construction, and an addition thereto on I Street, which has not yet been commenced. The latter contains an area approximately one-third that of the main building, and the two buildings combined cover the whole lot of 1⅓ acres, leaving only such areas not built upon as are necessary for proper light and ventilation.

The site, comprising lots 24 and 25 and containing 1⅓ acres, or 58,080 square feet, with the Arlington Hotel Building thereon, was sold in 1912, as ascertained from the District assessor, for $1,400,000. On January 29, 1914, the site was sold under forced sale for $850,000. This sale, however, was not consummated and at an auction sale a week later, viz, on February 5, 1914, the site was sold to the Arlington Building (Inc.) for $847,000. The expenses connected with the sale brought the price up to $858,000.

When the department was first considering the acquisition of the property in December, 1917, and January, 1918, it obtained three appraisals of the site by real estate experts, one of whom was the District assessor. The three valuations were as follows:

First	$1,257,745
Second, district assessor	1,042,821
Third, $900,000 to $950,000, average	925,000

The average of the three valuations is $1,075,188.

After obtaining these valuations, the department felt justified in allowing $1,000,000 as the value of the site.

The main building covers approximately 1 acre and is, in all, 14 stories in height, 3 of which are below grade. The addition covers the remaining one-third acre of the site and corresponds in the number of stories and construction to the main building. The building has a frontage of 70 feet on H Street, 351 feet on Vermont Avenue, and 315 feet on I Street. The three stories below grade have floors designed for a safe load of 300 pounds per square foot and are peculiarly adapted for storing the files of the War-Risk Insurance and Internal-Revenue Bureaus.

The floors of the 11 stories of the superstructure are designed to carry a live load of 100 pounds per square foot for offices and 120 pounds for corridors. The building has a total floor area of 608,000 square feet, of which 471,000 square feet is available for offices. This is about twice the office space contained in the Treasury Department Building.

The impression that the building as designed was unsafe is erroneous.

At this time it is not possible to rent office space of any considerable areas; but when obtainable in small areas, $1.50 per square foot is not an unusual price. In ordinary times 90 cents per square foot is the usual price for space in a modern office building in a good location, and half that amount for filing space. In the following tabulated comparison these figures have been used, and on this basis show an annual saving of $73,390:

Interest on cost of investment, 4 per cent of $4,200,000	$168,000
Depreciation and repairs, 2½ per cent on $3,200,000	80,000
Operation, 27 cents per square foot gross floor area	164,160
	412,160
Rental charges, including operating expenses, for a building of similar construction and equally well located would not be less than—	
471,000 square feet gross area of superstructure, at 90 cents per square foot	423,900
137,000 square feet for files and storage, at 45 cents per square foot	61,650
	485,550
Deduct	412,160
Annual saving	73,390

Applying the rental basis to all the available space in the Arlington Building, the rate is 67½ cents per square foot.

If you desire any additional information, I shall be glad to furnish it.

With best wishes, I am, sincerely, yours,

W. G. MCADOO,
Secretary.

Hon. JAMES D. PHELAN,
United States Senate.

I inclose copy of my letter to the President on the subject of the Arlington Building, dated March 22, 1918.

—

MARCH 22, 1918.

DEAR MR. PRESIDENT: You were good enough to approve on February 12 an estimate which was promptly submitted to the Congress for the purchase by the Treasury Department of the Arlington Building, now under construction, involving a cost, including the proposed annex to it and such changes and modifications as will make it suitable for Treasury needs, of $4,200,000. A bill was promptly introduced in the House, was reported favorably by the Committee on Public Buildings and Grounds, and is now pending. I am hopeful of early action by the House, but the calendar is somewhat crowded with other important matters, and I do not know when this bill will be reached, and even after it has passed the House it must pass the Senate. How much time this will require I do not know. I am sure that there is every disposition on the part of the House and the Senate to expedite consideration of this matter, but at best it will take considerable time.

The situation in the Treasury Department is so exigent that I am deeply concerned about its ability to perform the vital work now required of it in the public interest unless immediate measures are taken to provide the amount of office space imperatively demanded. It is not only a question of amount of space, but also of the time within which it can be obtained. It is equally important that this space should be as far as practicable under one roof in order that efficiency and speed in the administration of important functions of the department may be secured. Not alone that, but the building should be fireproof, in order that invaluable records, especially those in connection with the administration of the War-Risk Insurance and Internal-Revenue Bureaus, may not be imperiled by fire.

The Arlington Building is partly constructed. It will have sufficient space to fill the imperative needs of the Treasury, and if taken hold of immediately by the Government, can be pushed to prompt completion. If taken hold of now, it can also be constructed with reference to the Treasury's particular requirements, and in addition to that the exterior treatment of the building can be greatly improved without large additional cost, so as to make it far more attractive architecturally than the building as now designed.

As you know, the War-Risk Insurance Bureau is now taking care of the dependent families of our soldiers and sailors who are at the front, is administering over $12,000,000,000 of insurance on the lives of our soldiers and sailors, and is performing the most prodigious task of its kind ever undertaken by any Government. This work is rapidly increasing, and of necessity must continue to increase with the growing list of killed and wounded and with the enlargement of the Army and Navy which must come with the progress of the war. The Internal Revenue Bureau must continue to grow as the war proceeds in order to administer successfully the additional duties which will have to be imposed upon it. These two activities alone require more than 500,000 square feet of space in addition to the 96,000 square feet to be provided by the Treasury Annex soon to be erected on the corner of Pennsylvania Avenue and Madison Place. At present the War-Risk Insurance Bureau is being administered in eight different buildings in Washington, the Internal Revenue in 10 different buildings. The inefficiency, delay, and unnecessary expense resulting from this scattering of the activities of these important bureaus are greater than I can describe. It is extremely hurtful to the public interest. In fact, it works an injustice to the dependents of our soldiers and sailors and to our soldiers and sailors themselves, when the functions of the War-Risk Bureau are made inefficient because of inadequate office space in which to do the necessary work.

Not the least serious feature of this situation is the fact that the invaluable and irreplaceable records of the War-Risk Insurance Bureau and of the Internal Revenue Bureau are now in considerable part stored in nonfireproof buildings and might be destroyed, to say nothing of the possibilities of loss of human life from overcrowding in such buildings and the insanitary conditions under which the employees are now forced to work.

The activities of these two important bureaus are equaled in large measure by other bureaus of the Treasury which administer the liberty-bond issues. It is impossible to describe the difficulties under which the Treasury is now laboring in its effort not only to raise essential money through the sale of liberty bonds, but to find room for the employees to work in order to turn these bonds out promptly and deliver them to purchasers throughout the country. The corridors of the Treasury Building, where light and ventilation are poor, must be used from time to time for this service. It is an injustice to the employees and a reproach to the Government.

The railroad administration will require a large amount of space in order to efficiently manage the railroads of the United States now in the possession and control of the Government. The Interstate Commerce Commission has been good enough to give me as much space in their building as could be spared, but it is wholly insufficient. The railroad administration is seriously hampered even now for want of space, and that condition will grow more acute each day.

The War Finance Corporation, which will spring into existence as soon as the pending law is enacted and receives your approval, must have adequate space in which to do the important work assigned to it. This work will constantly increase with the progress of the war, and room must be provided for that purpose.

The responsibilities resting upon the Secretary of the Treasury are so numerous and important that it adds enormously to his burdens if the agencies under his control are unnecessarily scattered. Efficiency of administration will be greatly promoted by the consolidation, as far as practicable, of these great and responsible activities.

This is a war emergency of the most serious character. I can not overstate it. Every day of delay is aggravating the problem and imperiling the public interest. In these circumstances I am moved to beg you to allot to the Treasury $4,200,000 out of the war emergency fund in your control, with authority to expend so much of it as may be necessary in the purchase of the Arlington property and the completion of the building now under construction and in the erection of the proposed annex thereto. This will enable the Treasury to get back of the con-

tractor and expedite the work greatly. If the Treasury can take possession of this property immediately, it will be possible to complete a large part of the building and have it ready for occupancy in the early fall.

If you will grant this request, the war emergency fund may be reimbursed when the Congress passes the pending bill for the purchase of the Arlington property. I am most reluctant to make this request, but the situation is so exigent that I would be derelict in my duty if I did not do so.

I inclose a list of the 18 different buildings, together with a map, upon which is indicated their location in the city of Washington, from which you can see how widely the business of these two bureaus of the Treasury is now scattered.

It is far more economical and far more advantageous to the Government to buy the Arlington property and complete the building than to erect temporary combustible structures, which would represent a large loss in the end and be wholly unsatisfactory for the purposes in view. Moreover, the activities of the Treasury Department, even after the restoration of peace, will necessitate the use of the Arlington Building for a long period of time, if not permanently.

There is no other opportunity in Washington which will meet the Treasury's imperative need within a reasonable time, or at all, so far as I have been able to discover.

With the earnest hope that this request may receive your prompt and favorable consideration, I am,

Faithfully, yours, W. G. McADOO.

The PRESIDENT,
The White House.

Inclosure.

[Copy.]

MAY 14, 1918.

NOTE.—When this letter was written the War-Risk Insurance and the Internal-Revenue Bureaus occupied 18 buildings; they now occupy 21.

HOUSE BILL REFERRED.

H. R. 9864. An act to amend section 111 of the Judicial Code in respect to the western district of Virginia was read twice by its title and referred to the Committee on the Judiciary.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Wisconsin [Mr. LENROOT]. It will be read.

The SECRETARY. It is proposed to add a new section at the end of the bill, as follows:

SEC. 10. That no new work of improvement appropriated for in this act, involving an expenditure during the fiscal year ending June 30, 1919, of more than $100,000, shall be undertaken until the Secretary of the Treasury shall first certify to the Secretary of War that the condition of the Treasury is such that such expenditure can be made without injury to the war needs of the Government: *Provided*, That the provisions of this section shall not apply to any expenditure heretofore specifically recommended by the Secretary of War as a war emergency.

Mr. LENROOT. Mr. President, I desire to say just a word in reply to the remarks made by the Senator from Louisiana [Mr. RANSDELL] yesterday in opposing this amendment. He began by stating that the amendment would apply to only two new projects—the Crescent City Harbor and Los Angeles. I am sure there is no Senator who is more familiar with the phraseology of river and harbor matters than is the Senator from Louisiana. There is a vast difference between the definition of a new project and new work. It is so recognized in all the reports of the Board of Engineers. A project is a scheme or plan that has been adopted by Congress. New work is an improvement of any particular unit of construction in that project, in continuation of it.

A little later, however, the distinguished Senator from Louisiana, notwithstanding the statement he first made that it would be limited to only two projects, made the statement that it would affect the Ohio River, a $5,000,000 item, and he enumerated several large items that the amendment would affect, utterly inconsistent with the statement first made by him.

The fact is that the amendment I have proposed would not affect in the least degree either of the items first mentioned by the Senator. It would not affect the Crescent City item, because that is an appropriation not out of the Treasury but the expenditure of $200,000 contributed by the locality itself, and it is merely an authorization to expend that money in the improvement of the harbor.

In the case of the Los Angeles project my amendment does not in the least affect it, because there is a proviso to the pending amendment that it shall not apply to any work of construction specifically recommended by the Secretary of War as a war emergency, and the Los Angeles item has been recommended by the Engineer Department and by the Secretary of War as a war emergency.

Now, what does the pending amendment do? Let me restate it. It cuts nothing out of the bill. It simply provides that as to new work not necessary in the prosecution of the war this expenditure shall not be made until the Secretary of the Treasury shall first certify that the condition of the Treasury is such that the expenditure can be made without injury to the war needs of the Government.

I was very much surprised, Mr. President, that this amendment was not accepted in the committee. I am more surprised that there is any opposition to it upon the floor, for it resolves itself merely into this proposition, that if as the months go by the condition of the Treasury is such that we need every dollar that is in it for securing aeroplanes, ordnance, and equipment for our soldiers, the money shall be first used for that purpose. If there is money enough in the Treasury for both purposes, my amendment will not in the least degree retard the carrying on of the work. It simply gives priority to the work necessary to the prosecution of the war, and that is all.

Mr. KENYON. Mr. President, I had intended to offer an amendment somewhat along the line of the amendment offered by the Senator from Wisconsin, an amendment that I have offered to every river and harbor bill as it has been pursuing its devious course in this body, but the amendment has been enthusiastically rejected. I ask to have the Secretary read this amendment, and then I desire to comment just a moment upon the two amendments. I shall probably not offer the amendment, but shall support the amendment of the Senator from Wisconsin.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. Add a new section, as follows:

SEC. 10. That no appropriation contained in this bill shall be available if the President of the United States, on or before September 1, 1918, shall file a statement with the Secretary of War that such particular project for which said appropriation is made is not one of public necessity during the period of the war.

Mr. KENYON. I think the amendment would accomplish practically the same result as the amendment of the Senator from Wisconsin. Hence I support his amendment.

I thought, Mr. President, when this bill was presented to the Senate that the committee were to be congratulated in these meatless days and wheatless days in having constructed a porkless river and harbor bill. I believe it is the best river and harbor bill that we have had at least since I have been in the Senate. It is pruned down pretty closely but has many objectionable features.

I observed in looking over the bill during the discussion of yesterday that a number of the same old fragrant enterprises are still in the bill.

It does seem to me that in these days, as the Senator from Wisconsin [Mr. LENROOT] has said, when we are trying to practice economy we ought to be able to cut out these old projects that serve no useful purpose, but which arouse criticism and antagonism to all waterway improvements. While I have been criticized very severely for trying to impede waterway improvement, that criticism has not been true. These old projects are tied up with good projects, and then we are told that we must not oppose the bill, because if we do we are destroying the great waterways of commerce.

This bill carries appropriations for the maintenance of such great national institutions as Fishing Creek, Contentia, Swift, and Smiths Creeks, the Altamaha, the raging Little Pee Dee, the Great Pee Dee, the Kissimmee, the Caloosahatchee, and the Withlacooche, and all the other little couchee-couchees that are found all through the bill; things that ought to be gotten rid of in these times of serious strain upon our National Treasury. I do not know why we can not get rid of them; I do not know why we have to keep on every year appropriating for these little streams that have not enough water in them to wash a newborn babe.

The project for the navy yard at Charleston Harbor, of course, is a meritorious one, because the navy yard ought to be connected with the sea, and this seems to be a project to connect the Charleston Navy Yard, or the dry dock, when we shall have appropriated for that in another bill, with the sea, maintaining the same old policy of distributing navy yards and Army posts where they will do some particular good along certain lines.

I wondered, when the Senator from Wisconsin was talking yesterday, about when we are out asking the people to buy liberty bonds and war-savings stamps, how much enthusiasm could be aroused by picturing to them that we need some sales of liberty bonds to improve Swifts Creek and Smiths Creek and the Kissimmee, and all of these projects, or how many war-savings stamps could be sold on the theory that they would help to maintain these great channels of commerce.

I am not going to discuss this bill, Mr. President. It is hard to discuss this river and harbor bill and at the same time to maintain any Christian spirit, and there is not much use——

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield?

Mr. KENYON. I yield.

Mr. FLETCHER. The Senator from Iowa made some facetious reference to some streams about which I happen to know:

Kissimmee, Caloosahatchee, Orange, Anclote, Crystal, Withlacoochee, and Suwanee Rivers, Charlotte Harbor, Sarasota Bay, and Clearwater Harbor and Boca Ceiga Bay, Fla.

For the improvement of all of those rivers the enormous sum of $4,000 is proposed to be appropriated.

Mr. KENYON. I know it.

Mr. FLETCHER. The Kissimmee River is 300 miles long and has a tremendous commerce; the Withlacooche has a big commerce, so has the Caloosahatchee, and also the Suwanee River has a big commerce, and the appropriation for all of them, as I have said, is only $4,000, and that is for maintenance, not a dollar is for improvements.

Mr. KENYON. I know the appropriation is trivial, of course, for many of these rivers; and that is what I have been contending. If they are meritorious, give them a substantial appropriation; if they are not, cut the appropriation out; but that does not seem possible, no matter how much this bill is cut.

You may trim the river and harbor bill as you will,
But the aroma of pork seems to hang 'round it still.

Just now, when we are urged by the Bureau of Public Information to practice economy—if it would not be considered "slumming" to refer to the article of the Creel bureau—is not the time for any kind of expenditure that is not absolutely essential to our war purposes. I am going to ask the Secretary to read a plea for economy from the Defense Council. That is all I shall have to say about the river and harbor bill.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

UNITED EFFORT FOR ECONOMY URGED UPON ALL AMERICANS.

The Council of National Defense authorizes the following statement:

The Council of National Defense and the advisory commission to the council believe that a concerted effort for economy by the people of the Nation will not only go far toward paying America's expenses in the war but will also reduce consumption of raw and manufactured materials essential to the conduct of the war.

The council urges all to refrain from unnecessary expenditure of every kind and to bear constantly in mind that only one thing is now of real importance, and that is the winning of the war.

The Nation's resources in man power, money, transportation, foodstuffs, raw materials, and fuel have already been subjected to heavy strain, and it is the clear duty of every citizen to guard against increasing this strain by a single wasteful act.

It is most creditable for everyone—man and woman, boy and girl—to be economical in dress, food, and manner of living. Every evidence of helpful self-denial on the part of all in a time like this is most commendable.

This war is more than a conflict between armies; it is a contest in which every man, woman, and child can and should render assistance. Thrift and economy is not only a patriotic privilege; it is a duty.

Mr. SMOOT. Mr. President, I can not conceive of any reason why the Senate would vote against the pending amendment to the river and harbor bill. The amendment is for the purpose of carrying out the same principle in the expenditure of the Government's funds during this war as Congress has directed as to the issue of securities and expenditure of money where that money is required to be borrowed from any source by corporations and individuals throughout the country. Scarcely a month ago, Mr. President, there was passed through Congress and there was signed by the President what is known as the war-finance act. In that act a War Finance Board is created. There was also created a Capital Issues Committee, and no securities can be issued exceeding $100,000 unless the Capital Issues Committee approves of it.

That was done, Mr. President, in order that securities from one end of this country to the other should not be thrown on the market, perhaps at rates of interest that would draw money from investors, and thereby indirectly interfere with the prosecution of the war by preventing the purchase or limiting the market for the purchase of Government bonds. This amendment simply provides that wherever there is a project on which there is to be expended more than a hundred thousand dollars for new work it shall not be undertaken unless the Secretary of the Treasury shall state that the Treasury of the United States is in a condition to justify the expenditure. It is exactly what he has the power to do—at least together with the other members of the War Finance Corporation created by Congress to regulate the issuance of securities. They can say that no issue of securities shall be made of any kind of obligations of an individual or a corporation unless sanctioned by the Capital Issues Committee or the War Finance Corporation itself.

There was no strong opposition, Mr. President, made manifest in the Senate to the restriction against building roads throughout the United States; and yet if a road is proposed to be built the cost of which exceeds $100,000 it can not be built unless there is sanction for it granted by the Capital Issues Committee or the War Finance Corporation. The law was specifically drafted to prevent throughout the United States the construction of expensive buildings, expensive homes, and improvements of all sorts that would create heavy demands on the capital of the country, and the building of which would be of no advantage whatever in the prosecution of the war. We all agreed to that principle; there was not a voice raised in the House or in the Senate against it, and the amendment that is offered by the Senator from Wisconsin has the same idea in view.

Mr. President, there was adopted yesterday, without a roll call and with very few Senators present, an amendment known as section 8, which reads as follows:

SEC. 8. That if the Secretary of War shall determine that any of the contracts for work of river and harbor improvements entered into but not completed prior to April 6, 1917, the date of the entrance of the United States into the war with Germany, have become inequitable and unjust on account of increased cost of material and labor and other unforeseen conditions arising out of the war, he is hereby authorized, in his discretion and with the consent of the contractors, to modify and readjust the terms of said contracts in such manner as he may deem equitable and just: *Provided*, That said modifications and readjustments shall apply only to work under said contracts remaining to be done hereafter and shall not include any relief for work performed heretofore under said contracts, and any such sum as may be necessary to provide for the increased cost of the contracts due to said modifications and readjustments, not exceeding the sum of $2,000,000, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided further*, That as a condition of any such contract be so modified, the Secretary of War shall have the right at the end of any fiscal year until the contract is completed to make such further modifications as in his judgment shall be advantageous to the United States and just to the contractor.

Mr. CURTIS. Mr. President, before the Senator comments on that amendment, which has been adopted, to the bill—I did not hear all of it read—I should like to ask him, Does that provision apply to all contracts, or is it limited to such contracts as are necessary in the carrying on of the war?

Mr. SMOOT. It is unlimited; it applies to all contracts entered into for work on rivers and harbors anywhere in the United States; it applies, however, only to work that may be hereafter done; and that feature I desire to discuss.

Mr. President, the amount appropriated named in the amendment is $2,000,000. I presume that amount was named because it was thought that it would go through the Senate with little objection, and perhaps be agreed to by the House, and would cover all that would be claimed by the contractors; but I wish to say now to the Senate that if this amendment becomes a law, whenever the $2,000,000 is expended there will be deficiencies asked for of Congress amounting not merely to $2,000,000 but to many times $2,000,000.

Mr. NELSON. Mr. President, will the Senator allow me to ask him a question?

Mr. SMOOT. Certainly.

Mr. NELSON. How can the Senator account for the fact that that amendment was introduced largely at the instance of the Senator from Ohio, and that Senator now has an amendment somewhat along the line of the amendment pending, which will neutralize the whole thing?

Mr. SMOOT. Mr. President, I can not account for it, nor shall I try.

Mr. NELSON. But how can the Senator reconcile the two amendments, one an economy amendment and the other an amendment to open the door wide to the contractors?

Mr. SMOOT. Mr. President, I very much prefer to have the Senator from Ohio explain that himself. I am not the keeper of his conscience.

Mr. TOWNSEND. I have just sent for the Senator from Ohio.

Mr. SMOOT. I am not the keeper of his conscience, nor do I know what he had in view when he offered the amendment suggested by the Senator from Minnesota.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SMOOT. Yes.

Mr. LENROOT. In case the Senator from Ohio should not return before the Senator concludes, I wish to remind the Senator from Minnesota that this proposition was introduced not by the Senator from Ohio but at a special hearing before the committee by the contractors themselves, and they asked for very much more than this amendment provides.

Mr. SMOOT. I want Senators to stop just a moment and think what this amendment does. It is virtually an invitation to all contractors to pile up costs from now on as high as possible; and no matter how high they may be, all the contractors will have to do under this provision is to ask that they be paid whatever extra cost has been incurred because of conditions existing to-day on account of the war. We have condemned the 10 per cent of cost plus proposition; there is not a Senator or Representative who will dare defend it, but this is

not only the 10 per cent of cost plus proposition but it is an unlimited percentage proposition.

Mr. KING. Will my colleague yield?

Mr. SMOOT. I yield.

Mr. KING. If we establish this precedent by legalizing the provisions therein referred to and the conditions that will arise, will not we invite every other contractor in every department and activity of the Government, no matter in what department it is, whether connected with the war or the construction of reclamation projects, or what not, to come to the Government and ask for a modification of his contract and for appropriations to cover the alleged increased expenses, and so forth, to which he has been put?

Mr. SMOOT. There is no doubt about it, Mr. President; and not only that, but I do not see how Congress is going to refuse the request. When the Post Office appropriation bill was under consideration, and there was an amendment under consideration providing for just this sort of change as far as envelopes, the Postal Guide, and the blanks and blank books were concerned, I told the Senate then that if that amendment was adopted I saw no reason why every contractor for everything furnished the Government should not have the same privilege. This is the second step. Why, talk about a 10 per cent increase—under this provision a 100 per cent increase can be claimed, and I do not see how we are going to escape the necessity of paying same.

Talk about $2,000,000! Why, Mr. President, taking all the contracts that the Government has—and I think if this provision is adopted it should apply to all contracts, and will apply to all contracts before we are through with it—I doubt very much whether $20,000,000 will cover the claims that will be made. It is a dangerous proposition, it is unfair to the Government, and it never should be adopted.

We can go on and do this sort of thing, but I want to call attention to the fact that after a while the people will have something to say in relation to such appropriations that are being made. We have been told that the appropriations for the next fiscal year will amount to $31,000,000,000. Do the Senators understand that that amount is equal to the profit of all individuals and all corporations in the United States combined?

I know, of course, that whatever appropriations are necessary the American people are going to meet. If it takes not only all their profits but all they have, all necessary requirements of the Government will be met; but I know that those who are responsible for such unheard-of appropriations, unless the expenditures are scrutinized carefully and closely, and unless all the waste is eliminated, will have to answer to the peope sooner or later. The reckoning will not come while the war is on, because nobody wants to say a word or do a thing that will retard the progress of the war; but it will come after the war, when the people will be called upon to pay the debt. No matter how many billions it takes—I was going to say no matter how many lives it takes—the war must go on. But when bills come here, and an amendment like the one just offered, restricting the expenditure of the public moneys where they amount to over $100,000, in the discretion of the Secretary of the Treasury, upon projects that will have nothing whatever to do with the carrying on of the war, is defeated, I think the American people will want to know why.

Mr. President, I am in favor of this amendment. It ought to be adopted, and I sincerely hope it will be. Like the Senator from Iowa [Mr. KENYON], I have in the past bitterly criticized the river and harbor bills. I am not opposed to the improvement of our rivers where commerce can be increased. Never have I said aught against the appropriation for the improvement of harbors of our country in which our commerce arrives and departs; but I am opposed to all appropriations for little creeks and streams that in past appropriations have been specifically mentioned and provided for, but in this bill are cleverly covered up in a lump-sum appropriation, with authority to spend as much or more than has been spent in the past in the maintenance of them.

Yesterday the Senator from Mississippi [Mr. VARDAMAN] wanted to know if there was anyone who wanted to deny appropriations to projects that would stimulate production. Why, Mr. President, if the money that will be spent upon some projects under this appropriation were withheld by the Government, the Government could buy every pound of goods that will be carried upon them, pay for the same, give them to the people to whom they would be shipped, and make a saving over and above the cost.

Mr. POINDEXTER. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. POINDEXTER. I should like the Senator to explain why that is, and I should like to know also if the Senator disputes the proposition that water transportation is cheaper than rail transportation. Furthermore, I should like to know whether or not the Senator from Utah is in favor of developing the facilities for water transportation in the United States.

Mr. SMOOT. I have just stated that I am in favor of water transportation upon rivers where commerce can be successfully carried. In answer to the first question that the Senator asks me, as to whether water transportation is cheaper than rail transportation, I may cite him to Germany. The conditions of water transportation in Germany for short routes are as perfect as anywhere in the world, and yet Germany is compelled to enforce rail rates upon her railroads that are higher than water rates, in order to maintain her water transportation. She has also gone so far as to classify the articles that shall be carried by rail and those which shall be carried by water. If it were not that way, the railroads of Germany, if they were owned by individuals, would destroy water transportation.

Mr. President, I am quite aware that this bill is going to become a law, and I want to say that it is the best river and harbor bill—if such a term can be used in connection with any river and harbor bill—that we have had for years and years past; and I want to congratulate the Senator from Iowa [Mr. KENYON] upon the fact that I believe, at least, that the fight that has been made upon the past river and harbor bills has resulted in an improvement in this one.

Mr POINDEXTER. Mr. President——

Mr. SMOOT. I yield to the Senator from Washington.

Mr. POINDEXTER. From what the Senator says as to water transportation in Germany I infer that he contends that rail transportation is cheaper than water transportation.

Mr. SMOOT. I think it is for short distances.

Mr. POINDEXTER. If the Senator entertains that view, I am at a loss to understand why he says he is in favor of water transportation. I should think he would be in favor of the cheaper system.

Mr. SMOOT. It is only for short distances that it is cheaper. Wherever you have a long route, then of course water transportation is cheaper than rail transportation, and all admit it; but I will say to the Senator that it never will be cheaper on little creeks or small streams with no water during certain periods of the year and whose length from source to mouth is not over 25 miles.

Mr. POINDEXTER. You can not have water transportation on a creek that has no water in it.

Mr. SMOOT. We appropriate for the purpose of encouraging the transportation of commerce upon such creeks. I hope the time will come when we will cease to do it; but it has been done in the past, and I am fearful it will be done in the future.

Mr. POINDEXTER. The waterways in Germany to which the Senator refers have water in them.

Mr. SMOOT. Oh, certainly.

Mr. POINDEXTER. And they must be capable of floating boats, or else they could not carry the commerce that the Senator says the Government of Germany requires to be carried on them; and it is that sort of commerce that he says is more expensive in itself, fundamentally, than rail transportation. Now, if the Senator is an advocate of economy, I should think he would follow his judgment in that regard and oppose any system of water transportation.

Mr. SMOOT. The Senator knows that nearly all the great waterways on which commerce is carried in Europe are but a few miles in length. I say that wherever there is a short haul, rail transportation can be carried on cheaper than water transportation. Wherever there is a long haul, as, for instance, on the Mississippi River, we will say from Illinois to the mouth, particularly if the cargo is going to Europe, thus obviating the necessity of unloading and reloading, then no doubt it would be cheaper by water.

I believe, Mr. President, we ought to agree upon a project and finish it. If it is not a worthy one, we ought never to begin it; and yet the policy of the United States Government of late has been to spend just enough upon our rivers for maintenance to keep them clear of sandbars, and never with a view of finishing the project.

I believe, Mr. President, that if we undertake a project it ought to be completed just as quickly as possible. It would be cheaper for the Government of the United States to do that than to make these piecemeal appropriations, at least three-fourths of all of which are wasted before the final completion

of the project. That has been my position in the past, and I see no reason for changing it.

I simply mention these things with the hope that section 8, which was adopted in the Committee of the Whole, will be disagreed to when the bill reaches the Senate, and also that the amendment offered by the Senator from Wisconsin [Mr. LENROOT], and now pending, will be adopted.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Wisconsin [Mr. LENROOT].

Mr. LENROOT., On that I ask for the yeas and nays.

The yeas and nays were ordered and the Secretary proceeded to call the roll.

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Maryland [Mr. FRANCE] and vote. I vote "yea."

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. THOMPSON (after having voted in the negative). I am paired with the Senator from Illinois [Mr. SHERMAN]. I observe that he has not voted. I transfer my pair to the senior Senator from Oklahoma [Mr. GORE] and let my vote stand.

Mr. BECKHAM. I wish to state that my colleague [Mr. JAMES] is absent on account of illness. He has a general pair with the junior Senator from Massachusetts [Mr. WEEKS].

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. JONES of Washington. I desire to state that the junior Senator from Nebraska [Mr. NORRIS] is absent on Red Cross work. I will let this announcement stand for the day.

Mr. SMITH of Maryland (after having voted in the negative). When I voted I did not observe that the Senator from Vermont [Mr. DILLINGHAM], with whom I have a general pair, is not present. I therefore transfer my pair to the Senator from Nevada [Mr. PITTMAN] and let my vote stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GERRY];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS].

The result was announced—yeas 24, nays 28, as follows:

YEAS—24.

Borah	Hale	Lodge	Shafroth
Cummins	Harding	McNary	Smoot
Curtis	Jones, Wash.	New	Sterling
Fall	Kenyon	Nugent	Sutherland
Gallinger	King	Page	Townsend
Gronna	Lenroot	Pomerene	Wadsworth

NAYS—28.

Bankhead	Jones, N. Mex.	Phelan	Swanson
Beckham	Kellogg	Poindexter	Thompson
Chamberlain	Kirby	Ransdell	Tillman
Fletcher	Lewis	Sheppard	Trammell
Frelinghuysen	McKellar	Shields	Underwood
Hardwick	Martin	Simmons	Vardaman
Henderson	Nelson	Smith, Md.	Wilfley

NOT VOTING—44.

Ashurst	France	Johnson, Cal.	Norris
Baird	Gerry	Johnson, S. Dak.	Overman
Brandegee	Goff	Kendrick	Owen
Calder	Gore	Knox	Penrose
Colt	Guion	La Follette	Pittman
Culberson	Hitchcock	McCumber	Reed
Dillingham	Hollis	McLean	Robinson
Fernald	James	Myers	Saulsbury
Sherman	Smith, Mich.	Walsh	Weeks
Smith, Ariz.	Smith, S. C.	Warren	Williams
Smith, Ga.	Thomas	Watson	Wolcott

So Mr. LENROOT's amendment was rejected.

Mr. HARDING obtained the floor.

Mr. SMOOT. Will the Senator yield to me for just a moment?

Mr. HARDING. Certainly.

Mr. SMOOT. I desire to give notice that when the bill reaches the Senate I shall ask for a separate vote upon section 8.

Mr. HARDING. Mr. President, I rise to address myself for a moment to the amendment which I suggested in committee and mean to call to the attention of the Senate at this time. Before doing so I want to correct a statement made by the senior Senator from Minnesota [Mr. NELSON], inadvertently, no doubt, as to the sponsorship for the amendment to the bill relating to the modification of contracts. I was not present in the Chamber at the time, but I understand the senior Senator from Minnesota gave me the sponsorship for the introduction of the amendment, which is not the fact at all. That statement probably grew out of the fact that the amendment was requested by a number of contractors in dam construction on the Ohio River. I had no more to do with the amendment than any other member of the committee, save that I protested very strongly against any retroactive relief, though I am frank to say that on the recommendation of the Army engineers I think it would be very fair on the part of the Government to extend some needed relief rather than bring about a run of bankruptcy among contractors who have been acting in perfect good faith.

The amendment to which I would call the attention of the Senate is one designed to modify the operation of the bill without striking at any specific improvement. It is not a very agreeable task to be a knocker and it is not my disposition to single out improvements here or there in the country to offer a protest, but I have designed in presenting this amendment to curtail the expenditures under the present bill to actual needs for furthering our efficiency in time of war.

I am very well aware, Mr. President and Senators, that there is not an item in the bill which is not alleged to be a war necessity. I have no quarrel with anyone who is ready to accept that argument, but it is one that can not be maintained. There are improvements in the bill urged as war measures which will be from two to five years in the process of completion. It is possible, as has been suggested by the distinguished Senator from Louisiana [Mr. RANSDELL], that we may be at war for four or five years to come. If that be true, we will be very much more busily engaged looking after enterprises directly concerned with the war than with promoting river transportation in this country.

Mr. President, the amendment is not designed as a measure of economy. I quite agree with all that the Senator from Utah [Mr. SMOOT] has said on the necessity for economy, but I think I am wise enough in this day and generation to know that a man who talks about economy in a $20,000,000 bill is talking to the breezes of Maytime and wastes his breath, though I think it would be an encouraging thing to the country to see an indication in Congress of a desire to minimize expenditures.

The amendment, however, is designed to show some degree of consistency on the part of the Federal Government. It provides, in short, that no specifically new work shall be undertaken except that the engineers of the War Department or the Secretary of War shall directly certify that the enterprise is a war necessity. I am willing to pass that judgment up to the experts who are familiar with the subject. I am perfectly aware that obliging engineers will make a favorable report on any project which is to be presented to the committee; there is always some excuse for having the work looked into and oftimes rather convincing reasons for undertaking it; but when you do ask responsible authorities to pass specifically upon a measure as a war necessity, it is quite another thing.

There is not an item in the bill which can not be proceeded with under this amendment if there is such a certification. Then, apart from that certification, there is a provision in the amendment that any work may go on providing the work in question can be prosecuted at an expense not exceeding 30 per cent additional over the cost in April, 1917.

These figures or percentages were arrived at after a patient hearing on the part of the committee. Those who take the trouble to read the record of the hearings will find that the engineer who sat with the committee testified again and again that work could be continued at a probable increase of cost not exceeding 30 per cent. So I have taken the engineer at his word and provided that any single improvement provided for in this bill can go on without a certification as a war

necessity if the work can be done at not exceeding 30 per cent cost over the figures prevailing last year.

Mr. President, there is good reason for these provisions. The Federal Government ought to be consistent. In my own city less than three weeks ago a Government agent put his veto on the resurfacing of the principal street in a municipality of 30,000. The satisfactory use of that principal street is ten times more essential to current commerce than a dozen of the smaller river improvements in this bill; but because $100,000 was involved an agent of the Government said it is not wise to make this public expenditure at this time, though the people were taxing themselves directly for the enterprise. The Senator from New York [Mr. WADSWORTH] asks me what agent. I assume he was an agent of the War Finance Corporation or the Capital Issues Committee of the War Finance Corporation. At the same time a new hotel project in the same city was in contemplation, and the financing of the enterprise necessitated a bond issue of $100,000. That bond issue came under the provisions of the War Finance Corporation act, and the same Government agent said, "It will not do to go on with this enterprise involving this issue of bonds," and the hotel project, wholly concerning private enterprise, received the veto of a Government agent. I am inclined to think that the Government agent was wise about it. I think in these times of enormous taxation and need for the financial resources of the country on every hand for war purposes it was a perfectly feasible thing to discourage these expenditures. But it is not consistent, Senators, to discourage these enterprises on the one hand and go on with unlimited, unnecessary Federal expenditures on the other hand.

I challenge my Senator on this floor to answer the argument, because in this amendment there is a provision that any measure which is certified as a war necessity may go on regardless of the increase of cost, and any measure which is not a war necessity can go on without interference if the cost does not exceed 30 per cent over last year. I say to you, Mr. President, there is not a Senator to rise on this floor and dispute the argument. Then, in the name of consistency and ordinary common sense, why not put this balance wheel on these improvements as an indication to the taxpayers of the United States that even in a $20,000,000 appropriation we are content to place these perfectly rational limitations?

Mr. President, I am not disposed to go into an argument as to the necessity of these improvements, but I have taken the position I have because it is a disinterested one. The largest single appropriation in this bill is for the Ohio River. Very naturally one representing the State of Ohio is interested in a water improvement that concerns a water course that borders two or three hundred miles of that State, and I have abundant confidence that some day the Ohio River will be made a great waterway off commerce; but the man who urges the continuation of the construction of the Ohio River dams as a war measure talks without a reckoning of the facts.

If I can say it without having subjected myself to the criticism of opposing an improvement in which I am interested as a citizen of Ohio, I want to call the attention of the Senate to the fact that, notwithstanding the enormous expenditures on the Ohio River under a very comprehensive plan of improvements to establish a 9-foot stage of water, with the construction of some 30 dams already, the traffic on the Ohio River has decreased in 15 years from 12,000,000 tons to 8,000,000 tons. I am very much inclined to believe that the maximum commerce can be restored. It certainly can on that waterway if it can be done on any waterway in the United States.

I only speak of this diminution to show that it is a very difficult thing to make an argument in favor of continuing any sort of river work other than that of maintaining an open channel which naturally exists as a relief in this urgent time of war.

Mr. President, the amendment is so constructed that wherever an improvement is under way and it is necessary to continue that improvement to protect the expenditure already made, it may go on regardless of cost. No one would be foolish enough to offer an amendment proposing to discontinue work on a dam costing a million and a half dollars in process of construction, when the suspension of work would result in the loss of the expenditure already made. Nor would anyone have the ill judgment to propose to stop the opening of a channel that is largely completed and the suspension of which would lead to the filling in of sand bars again. None of that is interfered with. The amendment does not strike out any specific appropriation in the bill.

There has been much discussion relating to this bill, having to do particularly with the Charleston Harbor project.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. FALL in the chair). Does the junior Senator from Ohio yield to his colleague?

Mr. HARDING. Certainly.

Mr. POMERENE. If my colleague will permit me, I desire to call his attention to one provision in the amendment which he submits. In the proviso of the amendment is this language:

That this restriction shall not apply to the contracting, undertaking, or prosecution of any river or harbor work herein authorized in case the Chief of Engineers or Secretary of War believes said work to be necessary as a war measure.

As the amendment is drawn it would permit this work to go on if either of these officials should approve it. I think that is a mistake, because it might be possible that the one would approve and the other disapprove. My suggestion is that it would be much better to strike out the provision for approval by the Chief of Engineers, and leave it to the approval of the Secretary of War, or if it is preferred that it should be subject to a decision by the Chief of Engineers, then to so provide. I can, however, see, as the amendment is now phrased, that it might lead to some embarrassment.

Mr. HARDING. Well, Mr. President, I am glad to have the suggestion of my colleague, and I should have no objection to the modification which he proposes, though it is inconceivable to me that there could be any disagreement between the Secretary of War and the Chief of Engineers, because the Chief of Engineers would be the source of information which the Secretary of War would seek in passing upon any of these questions. I think perhaps it would be a little more consistent to leave the authority solely in the hands of the Secretary of War, and if my colleague desires it I have no objection to modifying the proposed amendment to that effect.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator yield further to his colleague?

Mr. HARDING. Certainly.

Mr. POMERENE. With all due respect to my colleague, I desire to say that it does seem to me that it would be very much better to leave it to the Secretary of War, for I can understand how certain people who might be interested in one direction might appeal to the one, and others who might be interested in another way might appeal to the other. Of course, I agree with my colleague that the chances are that these two authorities would get together and determine upon something so that there would not be any conflict as between the views of the two.

Mr. HARDING. Mr. President, I appreciate the interest and the confirmatory attitude of my colleague, but I think we are both wasting our time in discussing a modification of the amendment, because I can do nothing else than assume that it is to receive the very cordial disapproval of those who favor the enactment of the bill without any limitation. I have, however, presented the amendment in perfect good faith. I argued for its adoption before the committee, and I felt I should be remiss in the performance of my duty if I did not renew the offering of the amendment on the floor of the Senate.

In substance, the amendment does nothing more than say to the people of this country that while Congress favors the improvements proposed in the bill, Congress is willing to limit the continuation of them to those which are certified as war necessities. I should be the last man on the floor of this Senate to oppose the appropriation of five or ten or even fifty million dollars for any project which the War Department is willing to certify as being a necessity for the successful conduct of the war or for the marshaling of our industrial resources to make us more efficient in the war; but it seems to me, Mr. President, the most inconsistent, the most inexcusable, the most unjustifiable attitude the Senate can possibly take to go on expending millions of Federal money at this particular time on improvements which have no more to do with the successful conduct of the war than a combination of the Senate pages would have to do with the conduct of the war. So, Mr. President, I should like to have the Secretary state the amendment to the Senate, and I want the decision of this body as to its adoption.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Ohio.

The SECRETARY. It is proposed by Mr. HARDING to add at the end of the new bill a new section, as follows:

SEC. —. That no part of the funds herein appropriated shall be expended in prosecuting any improvement work not heretofore contracted or in any continuing improvement work other than the completion of such individual docks, dams, or other works where completion is necessary to protect the expenditure already made, whether under private contract or Government operation, unless any such new work in the aggregate cost shall not be more than 30 per cent in excess of the cost of doing similar work prior to April 1, 1917: *Provided, however*, That this restriction shall not apply to the contracting, undertaking, or

prosecution of any river or harbor work herein authorized in case the Chief of Engineers or Secretary of War believes said work to be necessary as a war measure.

Concerning such new work as is contracted or prosecuted as a war necessity, as provided herein, the Chief of Engineers or the Secretary of War shall report to Congress at its next session the war necessity because of which the improvement is made.

Mr. HARDING. Mr. President, in compliance with the suggestion of my colleague, I modify the amendment by striking out the words "Chief of Engineers or," in line 13, page 1, and also striking out the words "Chief of Engineers or," in line 5, on page 2, so that the amendment will read:

In case the Secretary of War believes said work to be necessary as a war measure.

Mr. FLETCHER. Mr. President, I presume there is a misprint of the bill in line 4, page 1, and that the word "docks" in that line should be "locks."

Mr. HARDING. Yes; the word should be "locks."

The PRESIDING OFFICER. That modification of the amendment will be made.

Mr. FLETCHER. Mr. President, just a word in reference to this amendment. I presume it would be utterly impossible to frame a river and harbor bill which would meet with universal acceptance. We have done everything we could in this bill to have it conform to the views of those who in the past have taken the position that the river and harbor bill was a pork-barrel proposition, a useless extravagance, and that sort of thing. The bill was framed upon a certain policy and principle. As it came from the House every item in it was cut to the bone. There is not an item in the bill that was not certified to by the Secretary of War as being an emergency matter or as coming within the absolute needs of the country as to these improvements.

There are important things in connection with the war besides the furnishing of men, guns, shot, and shell. There are three important features that must be kept in mind: First, men; second, munitions; and third, transportation. There is no use to have men and there is no use to have munitions unless you can also move them. The problem of transportation is one of the most vital and important with which we have to deal. It is particularly acute now because of the congestion on the railroads.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Ohio?

Mr. FLETCHER. I yield, although I am going to be very brief.

Mr. HARDING. I should like to ask the chairman of the committee if it is not a fact that the amendment provides that if an improvement is certified as a war necessity it may go on regardless of cost?

Mr. FLETCHER. I appreciate that, and I will get to that in a moment.

Now, referring to the policy back of the bill as it was reported by the Rivers and Harbors Committee to the House, the report shows:

The bill makes appropriations for the maintenance of projects heretofore completed, including the maintenance of projects under improvement. It contains appropriations for the further improvement of projects heretofore adopted.

The projects are certified to by the Chief of Engineers as expenditures required during this fiscal year and as amounts that can be profitably expended. The report continues:

In this connection it may be stated that the estimates have been carefully considered in view of all the existing conditions. Among these conditions are the existence of a state of war, the high cost of all materials, and the scarcity and high cost of labor. All of these are recognized as inducements to economy and not only enter into the estimates of the Chief of Engineers but were carefully weighed by the committee in recommending the appropriations contained in the bill.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Ohio?

Mr. FLETCHER. I do.

Mr. HARDING. I have no desire to have a controversy with the distinguished chairman of the committee, but I wish to ask him to state to the Senate if it is not a fact that the Chief of Engineers, in testifying before the committee, repeatedly said that the suspension of work would only have the effect of delaying the project?

Mr. FLETCHER. Well, to be more nearly correct, I think it should be said that in some instances that would be the case, while in other instances there would be waste and depreciation of the project, work on which had been advanced; there would be a loss incurred by discontinuing the work; and not only would there be delay but there would be depreciation by reason of discontinuing it in some instances. The report further shows:

There are no continuing-contract authorizations in the bill.

There are absolutely none; and, for the life of me, I am unable to see how any man, no matter how much opposed he has been in the past to river and harbor bills and appropriations for the improvement of these highways of commerce, can object to this bill. It is impossible to frame a bill that will meet the objections of gentlemen who find objections to this bill.

There are no continuing-contract authorizations in the bill. There are no new projects in the bill requiring cash appropriations or involving future obligations which are not intimately associated with the prosecution of the war, and constituting war exigencies, and so recommended by the Secretary of War.

Let that be understood by everybody; that is the basis upon which this bill was framed in the other House; it is the basis upon which the House acted and passed the bill; it is the basis on which it came to the Senate; and it is the basis upon which the Commerce Committee reports it to the Senate. We have declined to provide for surveys or to add amendments for the development of projects which have already been approved by the engineers or anything of that sort; we have kept it right down to that policy and that principle upon which the bill was introduced as a war-emergency proposition.

Now, there is no use, it seems to me, to hamper and hobble the engineers in carrying out the work authorized by this bill. Already they have discretion to the extent that they are supposed not to let a contract which does not come within reason, where the prices charged are exorbitant, or where, in all reason, the project can wait.

They already have that discretion, and there is no need to dictate to them and say: "You must find out before you undertake the work authorized by this bill or before you go on with the work authorized by this bill that the aggregate cost will not exceed 30 per cent of what it would cost a year ago." That simply is a restriction, a limitation, and an interference with that sound judgment and discretion which the engineers have exercised in the past and which we authorize them to exercise now in connection with this bill. It simply means delay and interference with the carrying out of these works which are declared by Congress to be essential at this time, all conditions considered. It might be that a project would cost, say, 32 per cent more than it would have cost a year ago; that is all very largely a matter of judgment and calculation; but before the work can go on the engineers must go back and ascertain the cost of material, the prices of labor, and every element entering into the cost of carrying on that work a year ago, and then ascertain the situation to-day. Then, if it will cost more than 30 per cent the engineers must say: "We can not do that work or any part of it." That, it seems to me, is not a restriction or limitation that we ought to impose upon the Chief of Engineers and the Secretary of War in carrying out the work authorized and provided for in this bill.

As I have said, the engineers already have discretion to protect the Government against exorbitant charges; that discretion has been exercised for the protection of the Government in the past; and we have no reason to doubt that it will continue to be exercised. But there might be some particular work to-day in connection with which there might be a question whether the cost would not exceed 30 per cent of what it would have cost a year ago, and yet it is absolutely important that that work be done; there may be reasons why it should be done which would overcome the mere difference in cost of construction, which might not amount to a great deal in some instances. There are various circumstances which would enter into a determination to proceed with that work which, it seems to me, we ought not to sweep away and compel by legislative act the engineer to refrain from carrying on the work or making an improvement simply because in his judgment, or according to the figures furnished him, the cost might exceed 30 per cent of what the cost would have been a year ago.

I hope the amendment will not be adopted. As I have said, we ought to keep in mind that every item in the bill is regarded as important, as essential just at this time in view of all the conditions; and that ought to settle the question without restricting and limiting the engineers in the effort to carry out the provisions of the bill.

Mr. POMERENE. Mr. President, just a word in order to indicate the reasons why I propose to vote for this amendment.

I can not accept the statements made by the distinguished chairman of this committee as a reason for the defeat of this amendment. I recognize the tremendousness of the Ohio River improvement, and I want to see that improvement completed at the earliest practicable moment. I think those who have had

charge of river improvements have adopted the worst policy that could be adopted in order to demonstrate the wisdom or unwisdom of river improvements. If they had seen fit to go ahead with one or two or three or four projects and complete them, so as to have some physical demonstration of the fact that they were wise or unwise, then I think we would all have some safe guide before us for our future action. But now let us apply the reasoning to the present project.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. POMERENE. Yes.

Mr. FLETCHER. In other words, the Senator believes that every other river and harbor of the country must go without any development whatever until the whole $63,000,000 is spent on the Ohio River and that project is finished?

Mr. POMERENE. I did not say that, sir.

Mr. FLETCHER. That is what the argument leads to, it seems to me, when the Senator says that the policy should have been to complete one thing before we entered upon another.

Mr. POMERENE. That is exactly what I said. I did not say that we should complete the Ohio River project before the Mississippi River project should be completed.

Mr. FLETCHER. I was using that simply as an illustration.

Mr. POMERENE. I know; but I do not propose to be put in a wrong attitude while I am discussing this question. If it had been for me to prescribe the course to pursue, I would have completed the Mississippi River project first. Then we would know whether or not it was going to prove profitable; but I was addressing myself to the Ohio River project.

Assuming that all of the locks provided for in this bill are to be completed within the next year, still the entire project would not be completed. It would be necessary to construct other locks at some other time. They are not provided for by this legislation. It is true that they are in contemplation; but if we complete the three or four locks that are provided for in this bill the river will be no more able to carry present commerce than it is now, because there are certain shoals and shallow places and locks and dams must be built in order to provide the necessary depth of water for the river boats, and I have no doubt they will be provided for when the entire project is complete. There can not be any question about the fact that there is a very great increase in the cost of improvements of this kind. We have provided for a finance commission to pass upon projects for road improvements. They are discouraging all road improvements unless they are for the immediate purposes of the war. We passed that law—we gave the commission that authority—and now we find that many of these projects are to be discouraged. They can not go on with them because the money is needed for the more immediate purposes of the war, or because the labor is needed, or for some other reason.

Can any sound reason be urged why we should not apply the same principles to river improvements? I do not know of any. I do not know of any reason why we should not complete this Ohio River improvement immediately after the war and make up for lost time. I am willing to accept the responsibility for temporary delay, so far as I may. We are straining every means to get moneys for our war chest. We must go on with the war. We must win and we are going to win. But we should not incur unnecessary expenses now at present high prices unless they are required for war purposes. Those improvements are not necessary for present purposes, and after the war we can redouble our efforts on proper river improvements.

For these reasons, very briefly expressed, I shall vote for the amendment of my colleague.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Ohio [Mr. HARDING] as modified.

Mr. HARDING. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. STERLING (when his name was called). Making the same transfer as on the previous roll call, I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. WEEKS (when his name was called). I transfer my general pair with the senior Senator from Kentucky [Mr. JAMES] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

The roll call was concluded.

Mr. FERNALD. I have a pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from New Jersey [Mr. BAIRD] and vote "yea."

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN], who is necessarily absent, to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. THOMPSON (after having voted in the negative). I have a pair with the Senator from Illinois [Mr. SHERMAN], who, I observe, is absent. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and will let my vote stand.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. HARDING (after having voted in the affirmative). I note that the junior Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair, has not voted. I transfer that pair to the senior Senator from Utah [Mr. SMOOT] and will allow my vote to stand.

Mr. BANKHEAD. My colleague [Mr. UNDERWOOD] is unavoidably absent from the Chamber. If he were present, he would vote "nay."

Mr. FLETCHER (after having voted in the negative). I have just been informed that the senior Senator from New Hampshire [Mr. GALLINGER], with whom I have a general pair, did not vote, and is absent. I transfer my pair with him to the senior Senator from Nevada [Mr. PITTMAN] and will let my vote stand.

Mr. SMOOT. I desire to announce that the senior Senator from New Hampshire [Mr. GALLINGER] is unavoidably detained from the Senate.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GERRY];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS].

The result was announced—yeas 23, nays 30, as follows:

YEAS—23.

Borah	Henderson	New	Sutherland
Cummins	Jones, Wash.	Nugent	Townsend
Curtis	Kenyon	Page	Wadsworth
Fernald	King	Pomerene	Walsh
Hale	Lenroot	Shafroth	Weeks
Harding	Lodge	Sterling	

NAYS—30.

Bankhead	Hitchcock	Poindexter	Swanson
Beckham	Jones, N. Mex.	Ransdell	Thompson
Chamberlain	Kellogg	Robinson	Tillman
Culberson	McKellar	Saulsbury	Trammell
Fall	McNary	Sheppard	Vardaman
Fletcher	Myers	Shields	Wilfley
Guion	Nelson	Simmons	
Hardwick	Phelan	Smith, Ga.	

NOT VOTING—43.

Ashurst	Gore	McCumber	Smith, Md.
Baird	Gronna	McLean	Smith, Mich.
Brandegee	Hollis	Martin	Smith, S. C.
Calder	James	Norris	Smoot
Colt	Johnson, Cal.	Overman	Thomas
Dillingham	Johnson, S. Dak.	Owen	Underwood
France	Kendrick	Penrose	Warren
Frelinghuysen	Kirby	Pittman	Watson
Gallinger	Knox	Reed	Williams
Gerry	La Follette	Sherman	Wolcott
Goff	Lewis	Smith, Ariz.	

So Mr. HARDING's amendment was rejected.

Mr. WADSWORTH. Mr. President, on behalf of my colleague [Mr. CALDER] I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 18, line 14, at the end of section 3, it is proposed to insert:

That upon the order of the President, examinations, surveys, and reports shall be immediately made of the practicability and estimated cost of restoring the canals which were formerly extensively used for the transportation of coal.

Mr. FLETCHER. Mr. President, I wish to say that we have not provided for any surveys in the bill. The bill came to us

without any, and the Senate committee has not proposed any amendments providing for surveys. Therefore, if the bill is to be consistent, we shall have to oppose the proposition to put in any provisions for special surveys.

Mr. WADSWORTH. Mr. President, I think perhaps the Senator from Florida, when he uses the term "surveys," means surveys of new projects. This suggestion is not that any surveys of new projects shall be made, but that surveys of existing canal systems, built years ago and owned in most cases by the States, shall be made on the order of the President for the purpose of ascertaining how much it would cost to put them in shape with such temporary repairs as might be necessary to carry the coal which they formerly carried before they were in effect partially put out of business by the railroads.

It is well known that the Pennsylvania coal fields are connected with the Atlantic ports at and around New York, and the Maryland coal fields with the Potomac by canals, which with very little expense or effort could be made serviceable for carrying coal from those coal fields. The amendment leaves the matter entirely in the discretion of the President to order such examinations to be made as might inform the Congress how much it would cost to put those canals in commission in the event that we are faced with another coal famine such as we had last winter.

That is the entire object of the amendment. I think the term "surveys" should not be understood in the fashion that it is used by the Senator from Florida, when he says that there are no surveys provided for in this bill. This is not for new surveys.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York [Mr. WADSWORTH]. [Putting the question]. The Chair is in doubt.

Mr. FLETCHER and Mr. VARDAMAN called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HARDING (when his name was called). I transfer my general pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the junior Senator from Nebraska [Mr. NORRIS] and vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH] and therefore withhold my vote.

Mr. THOMPSON (when his name was called). I am paired with the Senator from Illinois [Mr. SHERMAN]. I transfer that pair to the senior Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. WEEKS (when his name was called). I transfer my general pair with the Senator from Kentucky [Mr. JAMES] to the Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

The roll call was concluded.

Mr. KELLOGG. Has the senior Senator from Iowa [Mr. CUMMINS] voted?

The PRESIDING OFFICER. He has not voted.

Mr. KELLOGG. I have arranged a pair with the senior Senator from Iowa and therefore withhold my vote.

Mr. FERNALD. Making the same transfer as before, I vote "yea."

Mr. OVERMAN. I am paired with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. ROBINSON. My colleague [Mr. KIRBY] is detained on official business.

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. KNOX]. I transfer that pair to the Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. FLETCHER (after having voted in the negative). I have a general pair with the Senator from New Hampshire [Mr. GALLINGER], which I transfer to the Senator from Arkansas [Mr. KIRBY] and let my vote stand.

Mr. SMOOT. I desire to announce that the senior Senator from New Hampshire [Mr. GALLINGER] is unavoidably detained from the Senate.

Mr. SHAFROTH. I desire to announce that my colleague, the senior Senator from Colorado [Mr. THOMAS] is detained by illness.

Mr. BECKHAM. I wish to announce that my colleague [Mr. JAMES] is detained on account of illness.

The result was announced—yeas 15, nays 38, as follows:

YEAS—15.

Curtis	Hale	New	Sutherland
Dillingham	Harding	Page	Wadsworth
Fernald	Lodge	Poindexter	Weeks
Gronna	McNary	Smith, Ga.	

NAYS—38.

Bankhead	Johnson, Cal.	Phelan	Swanson
Beckham	Jones, N. Mex.	Pomerene	Thompson
Borah	Jones, Wash.	Ransdell	Townsend
Chamberlain	Kenyon	Robinson	Trammell
Culberson	King	Shafroth	Underwood
Fall	Lewis	Sheppard	Vardaman
Fletcher	McKellar	Shields	Walsh
Guion	Nelson	Simmons	Willey
Hardwick	Nugent	Smith, Md.	
Henderson	Overman	Smoot	

NOT VOTING—43.

Ashurst	Gore	McCumber	Smith, Ariz.
Baird	Hitchcock	McLean	Smith, Mich.
Brandegee	Hollis	Martin	Smith, S. C.
Calder	James	Myers	Sterling
Colt	Johnson, S. Dak.	Norris	Thomas
Cummins	Kellogg	Owen	Tillman
France	Kendrick	Penrose	Warren
Frelinghuysen	Kirby	Pittman	Watson
Gallinger	Knox	Reed	Williams
Gerry	La Follette	Saulsbury	Wolcott
Goff	Lenroot	Sherman	

So Mr. WADSWORTH's amendment was rejected.

Mr. STERLING. I offer the following amendment.

The PRESIDING OFFICER. It will be read.

The SECRETARY. On page 18, line 14, at the end of section 3, insert the following proviso:

Provided, That such examinations and surveys shall include an examination and survey of the Missouri River within and on the boundaries of the State of South Dakota for the purpose of determining the location of practicable water-power sites and the relation of such sites, if developed, to the navigation of the river.

Mr. STERLING. Mr. President, on the 11th of this month I presented and had read into the RECORD a petition which was signed by thousands of citizens of South Dakota, including all the State officers, judges of the supreme court, and prominent men throughout the entire State. I wish to read the petition. It is brief:

To the SOUTH DAKOTA DELEGATION IN CONGRESS.

GENTLEMEN: Your petitioners, citizens of South Dakota, most earnestly request you to use every influence in your power to secure provision from this Congress for the survey of the power sites upon the Missouri River in South Dakota. We represent that even if provision is made this year that actual expenditure of money under such act will necessarily be delayed several months, if not for a year or more, and we ask for congressional action at this time, that there may be no unnecessary delay in the accomplishment of the work when the war is over.

This amendment, Mr. President, does not call for an additional dollar of appropriation. It comes under section 3 of the bill, which reads as follows:

That for examinations, surveys, and contingencies for rivers and harbors for which there may be no special appropriation the sum of $200,000 is hereby appropriated.

The amendment is not affected by the amendment of the Senator from Wisconsin [Mr. LENROOT], although that was defeated, or by the amendment of the Senator from Ohio [Mr. HARDING].

I hope, Mr. President, that this amendment may be adopted. The people of South Dakota have again and again expressed their faith in the development of the Missouri River and the great use to which the river may be put, instead of being a means of loss and destruction as it is through so great a part of its course of 500 miles through and along the boundaries of the State.

I think very little of the appropriation of $200,000 carried by section 3 will be needed for the necessary examinations and surveys in determining what are the practicable power sites within the State of South Dakota. With the data already on hand in the office of the Board of Army Engineers, together with what may be readily furnished from previous examinations, voluntary examinations, and preliminary surveys made by citizens of the State of some of these believed-to-be-good power sites, very little of the appropriation of $200,000 will be needed.

Mr. President, it is not alone for power purposes or for irrigation purposes that this survey and examination is asked. The Missouri River may be tamed and utilized for the purposes of navigation, and by the building of dams here and there there will be, of course, great stretches of placid water which will be easy of navigation. It is for the three purposes—power, irrigation, and navigation—that the survey of the Missouri River and the ascertainment of the power sites are asked. I trust that the chairman in charge of the bill will, instead of opposing the amendment, see fit to accept it.

Mr. FLETCHER. Mr. President, this amendment, somewhat like the amendment offered by the Senator from New York [Mr. WADSWORTH], would violate the principle on which the bill is reported; and much as I honor and respect my esteemed friend—and I may say no Member of this body has to a greater extent my confidence in his judgment and in his patriotism and public spirit—I can not consent, as far as I am concerned, to

having the amendment agreed to. It would violate, as I said, the rule that has been adopted, that no surveys are to be taken care of in the bill.

In addition to that, it seems to me, according to the Senator's own statement and according to the reading of the amendment, it involves more of a power-site proposition than a navigation proposal. It has to do with the ascertainment of the power possibilities of the river rather than the navigation possibilities, and that, I take it, would come clearly under the jurisdiction of the Interior Department. The Senator might be able to work it out through that department. At any rate, I think it would violate the rule adopted in reference to this bill, and I could not agree to it. If the amendment were agreed to, it would open the door to numerous others.

Mr. STERLING. May I not ask the Senator from Florida, before he resumes his seat, whether millions and millions of dollars have not been appropriated under the river and harbor bill that were not primarily in the interests of navigation, appropriations the primary purpose of which was not for the improvement of navigation but for the protection of the banks on either side of the stream from erosion and of the farms on either side of the stream from overflow? Is not that the purpose of the great amount of revetment work that has been done on the Mississippi and Missouri Rivers already? Might we not as well acknowledge that?

But the amendment is not unrelated to navigation. The surveys are to be made with reference to that, and on selecting and determining whether this or that is a practical water-power site its relation to the navigation of the river is to be determined by the engineers who make the survey or examination.

We appropriated recently—within a year, I think—$45,000,000 for the lower Mississippi River. It is not all for the purpose of navigation, by any means. Ten million dollars—or not exceeding $10,000,000—is to be spent each year until the whole appropriation is used, and a great deal of that, it is understood I think by everybody, is for protection and not primarily, at least, to improve the channel for purposes of navigation.

Mr. KING. Mr. President, opposition to river and harbor appropriation bills is usually attended with ignominious defeat. There have been a few instances in the history of river and harbor legislation where opposition has resulted in a temporary defeat of proposed appropriation bills. We are all familiar with the filibuster led by a former distinguished Senator from the State of Montana, which defeated for the session a river and harbor bill carrying millions and tens of millions of dollars. But those who enter the list against these measures may expect to be defeated. The car of Juggernaut moves resistlessly forward over their prostrate forms and over every influence or power interposed against them. It seems to be a hopeless task to oppose a system which is so strongly entrenched. Perhaps no Government policy has been more vigorously and justly assailed than the one which has prevailed for so many years in our Nation with respect to appropriations for harbors and so-called inland transportation. Statesmen of ability and students of transportation problems have inveighed against the profligate waste of money by the Government, found in the annual river and harbor appropriation bills, and they have often submitted plans for wise, rational, and legitimate improvement of harbors and of such inland waterways as justified Federal appropriations for their improvement.

The enlightened and independent press of the country for many years has denounced the vicious, indefensible, and wasteful policy or system adopted by the Government in dealing with this important question. It is incomprehensible that a system so archaic, so inefficient, so criminally wasteful and extravagant, so devoid of any justification for its adoption or continuance, should have been adhered to with such singular pertinacity as the one which has taken nearly a billion dollars from the Public Treasury and wasted a large part of the same under the pretext of improving the rivers and harbors of our country. The indignation of patriotic American people has been aroused again and again at the revelations concerning the selfish method employed in framing river and harbor bills, and the sordid and shameful way in which the Public Treasury has been invaded under the policy finding expression in river and harbor legislation. Scientific students of the question of water transportation, naval men of high standing, and others competent to speak upon the question of harbors and their improvements, as well for commercial purposes as for national defense, have upon many occasions mercilessly condemned and exposed not only the weakness, but the wickedness of the method under which our Government has dealt with this important question in the past; and they have submitted rational and scientific methods of treating this question, which is of such tremendous importance to the Nation in a military and naval way, as well as in its relation to the industrial and economical development of the country, but all efforts to effectuate any reforms have been unavailing. We still open the doors of the Treasury and invite its exploitation. Under the present system there is no creek or rivulet in the United States that may not obtain stupendous appropriations for its improvement. It matters not that it be dry the greater part of the year, that it never was and never can be used for transportation purposes, and that there is no freight to be carried, even if there were a navigable stream in the district. It matters not that it rises and ends in one county or one State. It is immaterial that it is purely intrastate. It is quite beside the question that if there is any benefit from it it is purely local and indeterminate. If there is sufficient effort made by the Representative of the congressional district in which the rivulet is found or sufficient influences are brought from other quarters, it is quite likely some appropriation bill will sooner or later carry an enormous sum for the so-called improvement of such rivulet. If anyone were to read the hearings before the various committees that have had the preparation of river and harbor bills, and if he should visit the hundreds and hundreds of unknown and almost unknowable sloughs and creeks and rivulets, he would be shocked and overwhelmed with indignation and be convinced that a government so unwise and profligate in its expenditures needed some corrective measures applied to its legislative methods. I have read hundreds of pages of testimony bearing upon the hundreds of items in various appropriations bills, and it is not too much to say that by far the overwhelming majority of items of appropriation ought never to have been made; and no defense in morals can be offered for the millions and tens of millions of the people's money literally squandered and thrown away. And of course this waste, this criminal folly, will continue so long as the present system prevails.

There ought to be enough patriotism and common sense upon the part of the representatives of the people, and the people themselves, to deal with this important question in a rational and scientific and national way. This ought not to be a political question. So far as the harbors are concerned, it is a broad national question, and the manner of their development and protection relates to the national safety and welfare of the people. Appropriations for rivers and harbors should be made only as required, in accordance with some scientific and rational program, prepared by scientific, competent, and patriotic men who are competent to deal with the question of national defense and of transportation in a broad, comprehensive, national, and patriotic way. A scientific board of trained, technical men, absolutely free from political or other influences, with power and authority to determine where improvements should be made in our harbors, and the extent of such improvements, as well as authority and power to determine what inland streams require improvement and the extent of such improvement, should be created. Of course, there should be coordination between this board and the naval and military authorities of the Government, and, indeed, there should be upon the board representatives of these branches of the executive department of the Government. Obviously, Congress would have to determine the amount which it was willing to appropriate annually or at stated periods to develop and improve harbors and the inland navigable streams. As stated, such a board, to be successful, must be free from political influences. Its decisions would have to be final if, after investigation, it determined that a harbor should be located at one point instead of another. It would defeat the system entirely if Congress could negative the action of the commission or supersede it by one devised by it.

Charges have been made for years that because of political influence certain points have been selected for the building or construction of harbors that were wholly unsuitable; that unimportant streams have received millions of dollars in appropriations solely because of the political pressure that was exerted. Certain it is that these charges are justified if one visits some of the harbors, so called, and some of the streams that have absorbed millions of the Public Treasury. Why do we not adopt a rational system, create a board, and confer upon it such unhampered and unrestricted power as that it may select and plan the improvement of our harbors, and adopt a policy for the development of our waterways as a result of which benefits will come to the people, and the country will be free from the scandals and deserved criticisms that must inevitably continue if the present plan is adhered to.

I confess that the outlook for any reform is exceedingly gloomy. Few voices are raised in either branch of Congress against the prevailing system. We seem to have accepted the present plan as a finality and seem determined to go on wasting in a wanton and criminal way the money of the people.

Old projects, upon which millions and hundreds of millions have been squandered without any benefit whatever to the country, are still demanding additional appropriations, and hundreds of new projects are clamoring for appropriations. A few people, residing upon some insignificant mountain stream or some sluggish slough, seeing appropriations made for other streams and sloughs and rivulets that never carried commerce and never will be available for commerce, demand appropriations to develop and clear out the sloughs and streams flowing through their lands or upon which they reside. Pressure is brought upon the legislature to memorialize Congress for an appropriation or demands are made upon the Representative in Congress from such section, and the result is that sooner or later an appropriation is made in answer to such demands.

It is immoral, it is in contravention of the Constitution, to make appropriations for such purposes. Even if some little stream, by putting in locks and dams, could carry the farm produce of a few agriculturists or a few loads of sand, dirt, or gravel, or float a few logs or sticks of timber, there would be no more justification for such appropriation by the Federal Government than there would for the construction of railroads to carry farm products from the prairies of Kansas and Nebraska to trunk lines or to the Mississippi or Missouri Rivers, or for the purpose of carrying ores or the mineral products from the mines of the West to the Pacific Ocean or to the great continental trunk railroads. As I have stated, it is not only immoral but it is unconstitutional to make appropriations to improve some little stream rising and ending in a State which, possibly after millions have been expended and locks and dams have been constructed, might carry a few hundred tons annually of agricultural or other products of persons residing contiguous to the stream.

But the moral sensibilities seem to have been blunted to such an extent that any sort of an appropriation will be welcomed. It is incomprehensible to me how anyone can defend a policy that appropriates money wrung from the people by taxation for any such purpose. I do not want to challenge attention in an invidious way to any particular State, but an examination of many of the river and harbor bills will show a surprisingly large number of appropriations for certain States and for scores and hundreds of little rivulets, streams, bayous, swales, and swamps that rise and end within such States. The idea seems to be that if a little stream can float a few logs for a few miles it is a subject for Federal appropriation.

I recall that in a State not far from the District of Columbia a large appropriation was made for the so-called "development" of a creek. It was admitted that it was but a few miles in length and that the only commerce that would ever be carried upon it was perhaps a few barge loads of stone and possibly a limited amount of mineral or agricultural products. The stream did not connect with another State or with the sea; it would not be used for interstate commerce; it served a few individuals in a purely local way.

And yet, as stated, the policy of the Government seems to be that no matter how insignificant the stream, and notwithstanding it may be confined to the limits of some interior county of some State, it is the subject of national concern and may receive millions of dollars out of the National Treasury. Naturally such a policy leads to intrigues, to logrolling, to methods of legislation detestable and abhorrent. The people of one section of a State, seeing that millions are expended upon some slough or creek flowing intermittently, will demand some appropriations in their section. And if one stream can get millions then some other stream near by will be entitled to like consideration, and representatives of the people will be importuned to secure appropriations for the benefits that will be derived from the expenditure of large sums in their midst, though the money is wastefully spent and must be placed in the Treasury by taxation.

Mr. President, this plan tends to debauch the people. I have said that it is immoral. If I could find a stronger word to employ in denouncing such a scheme I should not hesitate to use it. The present bill is freer from objections than many other bills of like character; but the proponents of the present river and harbor system boldly declare that because the appropriations called for in this bill have been cut down materially it does not mean that the policy is to be changed, and that as soon as the war is over the appropriation bills for rivers and harbors will be larger than ever before. It is clear that the claim will be made that the beneficiaries of the river and harbor bills were unselfish while the war was on, and did not demand such stupendous sums as formerly had been obtained, and that such virtue must not go unrewarded, that the reward must be a tremendously augmented appropriation for each year immediately following the war. So, Mr. President, the plan undoubtedly is to continue the old system, which is the present iniquitous, unscientific, wasteful, extravagant, demoralizing, and destructive policy. It is true the present bill carries but few new projects and limits the appropriation to twenty-odd millions of dollars. But new projects, as indefensible as hundreds that have received appropriation within the past, will be forced into subsequent appropriation bills.

Mr. President, the present demands made upon us to carry on this great war ought to silence the claims of all sections for appropriations for so-called improvement of rivers and harbors. By this statement I do not mean that there should not be needed appropriations for the protection of our harbors. As a war measure we should make liberal appropriations to defend our country, and the harbors should be put into a condition of defense so as to meet any possible invasion from a foreign foe. But it is obvious that in some sections of our country there is an irrepressible desire for staggering appropriations to be expended upon the little creeks and streams that have carried no commerce but have drawn millions from the Public Treasury. There are still some, notwithstanding the struggle in which our Nation is engaged for its preservation and to preserve liberty in the world, who have a burning desire to secure millions from the Treasury for expenditure in the same useless, ineffective, and wasteful way which has characterized the use made of the hundreds of millions taken from the Treasury under river and harbor appropriation bills.

I stated a moment ago the question of adopting a scientific method of dealing with appropriations for rivers and harbors had been discussed but never adopted.

Promised reforms with respect to the method of dealing with rivers and harbors have never been realized. It is a remarkable thing that statesmen of such broad experience as those who have been in the control of the House and Senate for a hundred years should not have provided and carried into effect some policy, some plan, that would result in developing the inland waterways of our country and would make proper provision for our harbors; but always when efforts have been made to provide some scientific and proper program dealing with this important subject, local questions, provincialism, a desire of some local character have crystallized a sentiment and developed a phalanx of opposition that have swept away all reforms, and now, after 100 years of extravagance, of wastefulness, and of criminal folly, we are repeating the same mistakes and pursuing the same indefensible and criminal course.

As stated, though we are at war, and will be compelled to raise billions of dollars in order to win the war, and at a time when we should practice economies and sternly repress plans, schemes, and intrigues to secure appropriations, a bill is reported calling for millions to be immediately available, which will require, of course, the laying of additional burdens upon the people. This bill calls for hundreds of separate items. It calls for appropriations for hundreds of creeks, rivulets, streams, and so-called rivers. I have not made full investigation but, from my hurried examination, believe that there are nearly as many items of appropriation in the pending bill as can be found in previous river and harbor bills. But there are hundreds of the same inconsequential, unknown streams referred to in this bill and calling for appropriations. There are Newtown Creek, Woodbridge, Matawan, and Compton Creeks. There are Cold Spring and Absecon Inlets, Absecon and Tuckerton Creeks. These last-named streams in New Jersey cry out for thousands of dollars from the Public Treasury; and Delaware, with her unknown creeks, such as Wicomico, Slaughter, Tyaskin, Broad Creeks, Twitch Cove, and Big Thoroughfare River, Lower Thoroughfare, Deal Island, speaks appealing for appropriations. And creeks and channels in Virginia call for hundreds of thousands of dollars, and the great (?) rivers, such as Scuppernong, Pamlico, Tar, South, Bay, Neuse, Fishing, Contentnea, Swift, and Smith Creeks, and Swan Quarter Bay and Deep Bay, also demand the treasures of the Government for their relief. It matters not that they are local and carry but little, if any, commerce, and carry less instead of more as the years go by. South Carolina, with her numerous swamps and creeks and streams, such as Winyah Bay, Waccamaw, Little Peedee, and Great Peedee Rivers, Alligator Creek, and the "branch at Morrison's Landing," are not forgotten. South Carolina is well provided for in this bill, and Georgia is not overlooked. There are Sapleo and Darien Harbors, Cowhead and Satilla Rivers, and Fancy Bluff Creeks, Altamaha, Oconee, and Ocmulgee Rivers (?). Florida has so many rivers and streams and inlets and swales and creeks that one is forced to the conclusion that it has only sufficient land to make banks for waterways and that geography was never taught in the schools.

There are Indian River, Saint Lucie Inlet, Miami Harbor, Kissimmee, Caloosahatchee, Orange, Anclote, Crystal, Withlacoochee, and Suwannee Rivers, Boca Ceiga Bay, Charlotte Harbor, Sarasota Bay, Clearwater Harbor, Tampa and Hillsboro Bays, Hillsboro and Manatee Rivers, Apalachicola and Chipola Rivers, Flint, Holmes, and Blackwater Rivers, Choctawhatchee, Escambia, and Conecuh Rivers, and the narrows in Santa Rosa Sound.

Then money is needed for the removal of the hyacinth from these great streams, and so appropriations are required for that purpose. Mississippi, Alabama, Louisiana, and Texas, with the hundreds of creeks and streams and rivers, the names of which are seldom, if ever, seen outside of river and harbor appropriation bills, are not forgotten, and millions are given by this bill for their improvement.

I am reminded of an incident that occurred when I had the honor to serve in the House of Representatives. When the river and harbor bill was under consideration a distinguished Representative came into the House during the discussion of the bill. He was attracted by hearing the name of his State mentioned in connection with an appropriation for a so-called river in his State. It transpired that it was an obscure, unknown creek. The Representative made inquiry as to the location of the stream, because he had never heard the name and did not know of the existence of a stream at the point where it was supposed to be found. He was tempted to object to the appropriation, but he was remonstrated with and so decided to offer no resistance to the appropriation that the bill carried for this unknown stream in his own State.

With the heavy demands made upon the people by reason of the war, and at a time when every available officer is needed for military service, we are calling by this bill for a great number of officers to superintend the work to be performed upon the projects carried in the bill. Not only will scores of military officers be demanded for this work, but hundreds and thousands of men will be engaged in the useless, wasteful undertakings which this bill provides for. I might add in passing that an appropriation for a given project carried in one appropriation bill does not mean that is all the burden that will rest upon the Government. That is merely the beginning of the great flood that ultimately will be poured into the project; and so the few thousand dollars for some unworthy scheme will in the end entail perhaps millions of dollars of expense upon the Government.

I recall that in the last river and harbor bill a small appropriation was made for the acquisition of the Chesapeake & Delaware Canal. This entering wedge means ultimately a cost to the Government of more than $20,000,000. The evidence showed that this particular project had been unprofitable. It was owned by private parties, who operated it at a loss, but finally it was passed on to the Federal Government. In my opinion it will be as unprofitable in the hands of the Government as it was in the hands of the former owners. It is interesting to learn the methods employed to induce the Government to take over worthless and bankrupt waterways and so-called transportation projects, and also the course pursued to induce the Government to embark upon new schemes and projects. Business organizations are appealed to and they get behind the plan. Committees are appointed, dinners are given, and a vigorous and skillful campaign is entered upon to secure governmental appropriations. Perhaps it would not be parliamentary to characterize the methods employed in some instances to secure Government appropriations and to fix in river and harbor bills projects and schemes unworthy and improper. Selfishness, greed, and other sordid motives inspire many of the activities culminating in the Government taking over projects that are not only valueless, but of such a character as to entail millions of expense to the Government, and to undertake new projects purely local, and which never will be of any benefit for commercial purposes.

Speaking of the last river and harbor bill, I recall the discussion concerning some of its provisions. As I now remember, the appropriations which had been made prior to the date when the bill was being considered had not all been expended. In other words, such enormous appropriations had been made that the Government had been unable to expend the same, and on the 17th of March, 1917, there were unexpended balances in the hands of the engineers reaching the sum of over $50,000,000. As I recall, the record further showed that new projects had been adopted without specific appropriation, but by reason of the transfer of balances—that is, sums unexpended and in the hands of the engineers—and after these balances had thus with authority been expended, the new schemes were fastened upon the Government; and in this manner projects not authorized by Congress finally became a part of the river and harbor scheme, resulting in charging the Government Treasury with millions and tens of millions of dollars.

Mr. President, it seems highly unpatriotic and is evidence of provincialism and selfishness that can not too strongly be condemned to urge the passage of river and harbor bills of this character at this session of Congress. The imperative demands made upon the Government call for amounts so stupendous that the ordinary man can not comprehend what they mean. When Congress appropriated during one session a few years ago only $1,000,000,000 it excited severe criticism and roused the Nation to indignant protest. The sum seemed so staggering that the people could not be convinced that it did not involve extravagance and waste to the verge of corruption. It is not my purpose at this time to discuss the questions of finance and the means of raising sufficient money for the prosecution of the war; but whenever any appropriation bill comes before Congress, it seems to me that it is the duty of every Senator and every Representative to scrutinize with the utmost care the appropriations asked for, with a view to preventing the expenditure of a single dollar that is not absolutely required at the moment. When legislative bodies are in the habit of dealing with enormous amounts there is a disposition to treat lightly measures calling for small and apparently insignificent sums. Often men who deal with millions are careless with thousands and hundreds, and Governments may sometimes become so intoxicated in handling great sums as to be criminally negligent in the disposition of smaller amounts. But Senators know that this war will be won by the nations having the financial resources. Our Government and our allies have sufficient man power to meet their enemies. The financial resources of most of our allies are limited if not substantially exhausted. The financial burden of carrying this war will rest heavily upon this Nation. We will have to supply not only men by the millions, but we will be required to provide money to the extent of billions. The inflation resulting from the expansion of credits and other causes contribute materially to the rising prices. The conditions prevailing will result in the augmentation of prices, thus increasing the cost of the war. We shall be compelled to bear heavily upon the people in the next revenue measure that shall be enacted into law. We shall be compelled to raise by taxation for the fiscal year of 1919 between seven and nine billions of dollars. We shall be compelled to raise many billions of dollars by issuing bonds.

When we contemplate these staggering sums that will be demanded to sustain this Nation until the war shall have ended we can not be other than overwhelmed with the greatness of the task resting upon the American people. The credit of the Government must be unimpaired. To meet what is absolutely necessary for war purposes requires that we shall practice economies to the extent of parsimony with respect to all other appropriations. The American people, with a loyalty and devotion that have never been excelled, are behind the President in this mighty contest. There is almost universal demand in our country that no matter what the cost the war must be won. The American people are beginning to appreciate the issues involved in this mighty conflict. They see that if Prussian militarism triumphs the dark night of bondage and forgotten medievalism would come upon the world. The nations would be plunged a thousand years into a buried past. They realize that our Nation would be destroyed. Democracy would be swept from the earth and a reign of blood and iron would overwhelm the whole earth. They see that now the brave men who are holding upon the battle front the hordes of barbarous Huns are protecting not only our land but the cause of civilization, and from one end of our land to the other patriotic men and women are offering their prayers and giving their sons and their treasure for the triumph of the cause of righteousness and justice. They are praying that strength may be given to their brave and gallant sons and to the heroic men from other lands who fight as our allies, shoulder to shoulder with those whose flag is the Stars and Stripes, and that they may hurl back the opposing hosts and win a glorious victory which will culminate in a lasting peace.

Confronted with this situation, as I have said, we should conserve our resources and devote all the means at our command to the prosecution of the war. Not one dollar should be expended that is not needed, and river and harbor appropriation bills should wait until more vital questions are settled and determined. The record of appropriations for rivers and harbors made during the past 50 or 60 years is tragic. It would be humorous were it not for the facts which it reveals and the sinister, sordid, selfish characteristics which have been exemplified by some of the people and by the American Congress. We have spent nearly a billion dollars for rivers and harbors. Considerably more than 50 per cent of this sum has been expended upon inland waterways. No conscientious, fair-minded man can read

the record of these expenditures and look at the results achieved and defend them. Every honest man must confess that we have filched from the Treasury hundreds of millions of dollars; that unworthy and indefensible projects have been fastened upon the Federal Government; that millions have been squandered within the districts and States, if not to aid politicians, contractors, and political parasites, at least not for any worthy purpose or substantial benefit to the country. It is a national scandal. It is an ugly, putrid, frightful spectacle. This record is a severe condemnation of our legislative activities and demonstrates a lack of patriotism and of national spirit and national conscience that must fill the leaders of this Republic—those who believe in the perpetuity of free institutions—with disquietude and with profound regret. It looks as though when it comes to dealing with the National Treasury there is danger of high-minded men losing their sense of honor and their moral precepts.

I recall reading a number of years ago a preface to Judge Dillon's work on Municipal Corporations, and he discussed the fact which appears to have received attention at the hands of political and sociological writers, that the individual conscience is more acute than the conscience of the mass. As I remember, attention was called by the author to the frequent misconduct of municipal authorities in dealing with franchises and other public questions. The moral perceptions of the individual members of city councils have been as keen as those of the average citizen, and the ethical standards of public officials in the cities, Judge Dillon pointed out, were perhaps in the main higher than those of the majority of the people constituting their constituencies. Nevertheless the history of municipalities shows that these men of high moral standing, men who acting alone would measure up to the highest standard of ethical conduct, when acting with others and where responsibility was divided supported measures that were unjust and in some instances corrupt—measures which if they were called upon to pass upon them individually they would have regarded as detestable and abhorrent. There is, of course, an evolution in the sociological world, as there is in the biological world, and the individual ethical standard is superior to that of the crowd, and the survival of the highest ethical and moral standards makes possible the advancement of the human race and the slow but steady progress from darkness into the light of a brighter and fairer day.

Recommendations have been made by executives, by organizations effected for the public good, by statesmen and thinkers, looking to the abolition of the present system of dealing with rivers and harbors; but, as stated, as often as such recommendations are made, and notwithstanding the fact that plans, scientific and rational in their character, have been devised and suggested, nearly every session a river and harbor bill has been passed that flagrantly violated the principles of justice and that indicated that appropriations were not made in the interest of the public but too often for the benefit of private parties and local interests. It is a matter of history that whenever a particularly obnoxious river and harbor bill was offered, and its infirmities and its hideous deformities were exposed to public view, promises were made that it was the last bill that would be enacted under the existing system. But the next session of Congress would witness a similar bill prepared in a similar way, and it would be driven through Congress by the same methods and influences. And there is always the same formidable, persistent, bitter, and implacable opposition to any reform or to the adoption of any just and scientific system to deal with this important question. So it happens that as often as a new bill has been presented and as often as a scientific and rational plan for reform has been suggested, the latter has been overwhelmed and the old, corrupt, wasteful, pernicious, and indefensible system continued.

I wish I had time to invite attention to the debates that have occurred during the past quarter of a century upon the river and harbor appropriation bills. Men of character and patriotism have challenged these measures and in bold and incontrovertible manner have exposed the follies and wastefulness and criminal expenditures resulting from the policy adopted and still followed by the Government.

I recall that during the discussion of the river and harbor bill in the spring of 1917, the Senator from Illinois [Mr. SHERMAN] stated that the Hennepin Canal, which was within his State and upon which had been expended over eight millions of dollars, had brought no benefit to the State and that the money expended had practically been wasted.

If I had the time, Mr. President, and Senators had the patience to listen, I could present from the records hundreds of examples of projects upon which amounts ranging from a few thousand dollars up to tens of millions of dollars have been expended without profit to the Government or benefit to the people, except such benefit as flows from squandering huge sums in their midst. I want to call attention, however, to a few items on projects that I happened to lay my hand on during the discussion to-day.

These items indicate in rather striking manner some of the evils of the present system. Cold Spring Inlet in New Jersey has received appropriations of more than $980,000. House Document 388, Fiftieth Congress, second session, shows that the commerce by water is practically nothing:

> The proposition for the General Government to join private interests in creating a harbor when there is no present commerce is unusual. Only Congress in its wisdom should decide.

The report concerning this harbor made by the engineers in 1916 states that—

> It is not practical to obtain commercial statistics as to the commerce carried, but the records show that no vessels are trading with Cold Spring Inlet.

The hearings upon this project show that private business interests purchased land near the inlet, and that the hundreds of thousands of dollars expended by the Government were rather in the interest of some real-estate venture than in the interest of commerce. The War Department further reported in respect to this project:

> Regarding commercial advantages little definite information could be obtained. Mr. D. H. Lovell, superintendent West Jersey division of the Pennsylvania Railroad, quotes the present annual tonnage to Cape May as 100,000. This consists largely of supplies that would probably follow the rail route even were water transportation available.

The report further states:

> As increasing the attractive features of Cape May to visitors, a good harbor would doubtless have a very large effect. It would enable persons to travel to and from the cape by water in passenger boats and yachts, would offer good sheltered and open-sea sailing, and would also permit a resumption of the yacht races that were at one time sailed at Cape May and formed the most attractive event of the season.

Hundreds of thousands of dollars have been spent on what is known as Absecon Inlet. The commerce resulting from the expenditure is practically nothing. The record shows that no vessels entered the inlet excepting light pleasure craft and "the only large boat approaching the harbor—so called—is the Government dredge that pumps up sand" and carries it farther from the shore. I find in one of the documents published by Congress the report of Engineer Flagler concerning what is known as Tom River.

It is reported that this is "located on one of the principal automobile lines of travel," and would increase the traffic "owing to the ease with which owners could communicate with their yachts at this point." The commerce for 1914 on this river was 92 tons. An item known as "The pier, Delaware Bay," has received hundreds of thousands of dollars of appropriations, and no commerce has ever been reported as the result of these appropriations. I called attention a few moments ago to the Chesapeake & Delaware Canal. In the river and harbor bill of 1917 the acquisition of the canal by condemnation proceedings was authorized and while the cost was suggested as $20,000,000 no one knows what it will be. One of the reports bearing upon this subject states: "The value of the work of the present canal as a part of a ship canal is relatively very small and has not been estimated."

Another item is known as the waterway from Norfolk to Beaufort. This is a so-called inland waterway. It calls for more than $5,000,000, and the record, I understand, shows that it will be of little or no value to the country or to the people. In one of the appropriation bills a large sum was appropriated to purchase 800 acres of land, largely marsh land, in connection with this project. The Black River project has received large sums. It carries no commerce except a little timber which is floated down the little stream. In a report from the War Department concerning the Congaree River, S. C., it appears that locks and dams are required and that—

> While persistent efforts have been made to keep the channel open by the use of a 12-inch suction dredge, it appears that there are times when depths scarcely more than 2 feet are available in place. The survey discloses the fact that there are 10 shoals below the dam having depths less than 4 feet at low water.

The report further shows that with the "dredging and the snagging" the Government has not been able to maintain the project, and that a new plan was required calling for hundreds of thousands of dollars additional appropriation. Of course, a fair reading of all the record as to this project shows that to plunge the Government into such an undertaking was wholly improper and unjustifiable. After spending nearly $7,000,000 on the Congaree River the War Department report for 1916 shows that expenditures did not result in any permanent increase in depth.

I have here the report by Col. Abbot, of the Corps of Engineers, dated March 8, 1916, with reference to the Ouachita River in Arkansas. Appropriations were made for the "removal of

snags and leaning trees." Notwithstanding the expenditures there was no commerce whatever on the river and "there is no evidence that any is in prospect."

The same report refers to Camden Locks and Dams Nos. 2 and 3 in Arkansas. Nearly three millions had been expended at the time of the report. The engineer reported that the territory adjacent "offers but little commerce other than in timber products." Under the heading of "Ouachita and Blacks Rivers, Ark. and Ala.," the engineer further states that of the 70,000 tons in 1915, 35,000 were timber products, and nearly 9,000 tons were sand and gravel. The report further states that the district officer "is of opinion that the resources of the adjacent country are not sufficient to justify the continuance of operations above Camden." The report further states that at the request of interested parties a hearing was given March 7, 1916, to determine whether the project should be continued. Reference is made to the canalization, and the report states that the project was not "preceded by the usual form of investigation to determine its advisability." In other words, appropriations were made for the purpose of canalizing the stream without any survey or investigation. The report further states that the department is now called upon to "reexamine this project, with the view to determine whether the adopted projects shall be modified or the improvement abandoned." It is then stated that—

The commerce, consisting largely of timber products, is not extensive, and, owing to the character of the adjacent country, which is devoid of large commercial, mining, or manufacturing industries, the river traffic can not reasonably be expected to assume the magnitude considered essential to warrant the construction and maintenance of an expensive system of locks and dams. The question is now complicated, however, by the work already done, and it must be decided to what extent the unexecuted portion of the project should be continued or abandoned.

This report shows the waste and, indeed, the almost criminal methods employed in these waterway projects. Here is a little stream local in character. A few people ask for appropriations, ask that it be made a Government project, and, without having an investigation to determine its advisability, the project "was entered upon." It transpires after thousands of dollars had been squandered that there is practically no commerce, and the character of the country indicates there never will be. It is also apparent that without expensive locks and dams on the stream, if there were any commerce, it could not be carried. So, after these great expenditures, the question is presented whether the project is to be abandoned or not. Hundreds of projects are of like character, only more indefensible, more wrongful, than this one. The same report states that hearings were held at various points, notices being sent out to Senators and Representatives as well as to persons known to be interested. It is further stated that at these hearings information was sought on the following points:

What use would probably be made of the river after the improvement was completed? Where would such freight as might be carried originate, and what would be its character and amount, and what river towns along the river proposed to do in the way of establishing terminals adapted to economically loading and unloading boats?

It must be borne in mind that hundreds of thousands of dollars—and, as I recall, considerably more than a million dollars—had already been spent upon the river, and yet at this date people were being importuned to "come together" to see whether there was any freight and to determine whether any could be carried even if the project were completed. The report of the engineer shows that the project should never have been undertaken and that it was not within the rightful authority of Congress to make appropriations for any such purpose. The report indicates that there might be a slight "carrying business developed to handle lumber." It further states that there is a project on foot to organize a body called the "Ouachita River Navigation Association."

This movement has not yet been long enough under way to justify an opinion as to its practical value. It is proposed that this association shall undertake to see that terminal facilities are provided, boats are run on satisfactory schedules, and in general that a healthy interest in this improvement is maintained.

The following language is quite significant:

There are a number of persons living in the vicinity of Arkadelphia who show marked interest at this time in the continuation of the improvement up to that city. However, since 1909 no commerce had been reported on the Ouachita River between Camden and Arkadelphia, while during the fiscal years 1911 to 1914, inclusive, the Government spent for improvement in this section alone $24,976.68.

All of which shows a sordid, ugly picture. A few people get together or are urged to congregate by some governmental officials to see whether some plan can be devised to secure an appropriation by Congress. There is no commerce and no prospective commerce. Some little stream is to be used as a pretext to burglarize the Treasury.

After spending hundreds of thousands of dollars upon the Big Peedee River the commerce (?) in 1915 consisted of 15,758 tons, of which refuse logs and timber constituted 12,548 tons. The timber would have been carried by the river just as well without the waste of money. After spending thousands of dollars upon the Little Peedee River the commerce in 1914 was 1,626 tons, and in 1915, 1,442 tons. Hundreds of thousands of dollars were expended in the building of the waterway from Mississippi to Sabine. This will be a canal 37.5 miles long and 5 feet deep and 40 feet wide. If there shall be any commerce carried upon the canal, it is purely conjectural. Large appropriations have been carried in bills to remove hyacinths from little stagnant creeks and pools.

As I recall, approximately $7,000,000 have been expended on the Cumberland River. A few tons of timber and sand are carried upon the stream, and aside from that but a few thousand tons are carried during the year. The annual cost of merely operating the locks is approximately $40,000, and the interest and maintenance charges per annum would reach nearly $140,000.

Nearly $12,000,000 have been expended upon the Tennessee River, and the actual commerce has decreased over 50 per cent in 10 years. More than $60,000,000 have been expended upon the Ohio River. It is estimated that it will require $40,000,000 to complete certain contemplated improvements. The reports show commerce carried upon the river as being small in amount. The appropriations for the Missouri River are concededly wasted. Many years ago there were boats used upon the Missouri River for the transportation of passengers and freight. Now there is substantially no commerce whatever upon the river, notwithstanding the millions of dollars appropriated. It is also known that the stupendous amounts appropriated for and expended upon the Mississippi River have not resulted in increasing its commerce. Indeed, the Mississippi River for many years was an important commercial highway. Hundreds of boats carried much of the commerce of a number of States. Until long after the Civil War the river was an important highway, but as railroads were constructed and freight rates upon the railroads were reduced the traffic upon the river grew less, until finally the great Mississippi has ceased to be of commercial benefit. I do not purpose examining the reasons why there is so little water transportation in the United States. This much may be said, however, that the unparalleled development of the railroads, and, in the main, the cheap and satisfactory rates provided by them had great influence in depriving our inland streams of use as means of transportation.

In this connection I desire to submit without reading a resolution which was offered by Congressman FREAR in the Sixty-third Congress, second session, and ask that it be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution referred to is as follows:

[H. Res. 603. Sixty-third Congress, second session. In the House of Representatives, August 25, 1914. Mr. FREAR submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed.]

Whereas the river and harbor bill as it passed the House carried $43,389,000 in cash and over $76,000,000, including proposed dribbling appropriations, for new projects; and

Whereas the said river and harbor bill, now under consideration by another body, has had added to it by the committee of said body over $10,000,000 in additional cash items over and above the $43,000,000 contained in the House bill; and

Whereas some of the items so added had been previously refused approval and place in the bill by the House committee; and

Whereas the said committee of such other body has now stricken from said bill as passed by the House approximately $1,000,000 alleged to have been for wasteful and vicious items, including $72,000 for Mattawan Creek, $47,000 for Kissimmee Creek, $733,000, present and prospective, for Okalawaha Creek, and various amounts for other insignificant creeks; and

Whereas it is currently reported that a proposal is pending to strike from the $53,000,000 rivers and harbors bill, now before another body, approximately $10,000,000, thereby leaving the amount of the appropriation at practically the figures approved by the House, but upon different projects; and

Whereas the Chief Engineer of the Army is authoritatively quoted as stating that not more than one-half of 1 per cent contained in the present bill is "pork"; and

A $93,000,000 PORK BARREL FOR 1914.

Whereas approximately $7,000,000 has been appropriated by Congress during the present session by the sundry civil bill of 1914 for river and harbor improvements in addition to the pending bill of $53,000,000 cash and $33,000,000 new projects, or approximately $93,000,000 in cash and new projects for 1914; and

Whereas press dispatches report that employees of a House committee have circulated letters of inquiry throughout the country asking if people of the particular locality affected by the 400 different projects included in said bill are ready to concede that the local project is a "humbug and a fraud"; and

Whereas House concurrent resolution 38, introduced on the 4th day of May, 1914, is now before said House committee for action and in words and substances is as follows:

"Whereas many millions of dollars of public moneys are annually wasted on our rivers and an absence of businesslike methods is being pursued by the Government in carrying on river and harbor improvements, the following facts are submitted as a preamble in support of this resolution:

"That on March 17, 1914, the chairman of the Rivers and Harbors Committee stated to the House as follows: 'Why, there are propositions advanced, some of them are now before Congress, advocated and supported by men of national repute, the adoption and carrying out of which, it is said by competent engineers, would cost billions of dollars';

"That river and harbor appropriations have increased approximately 500 per cent, while navigation on rivers has decreased 80 per cent, as is shown by the following Government data:

"Appropriations for rivers and harbors: 1875 to 1894 (20 years), $187,099,000; 1894 to 1904 (10 years), $184,425,000; 1911 to 1914 (4 years), $184,345,000;

"The following river traffic is reported from the city of St. Louis: Missouri River, 1890, 31,385 tons; 1906, 6,050 tons; loss, 80 per cent. Lower Mississippi, 1890, 765,880 tons; 1906, 141,575 tons; loss, 81 per cent;

"That commerce on practically all of the inland waterways, excepting the Great Lakes, has greatly decreased and often been driven from the rivers by railway competition;

"That the Interstate Commerce Commission and railway commissions of the several States have general powers to reduce railway freight rates wherever conditions warrant and to prevent increase wherever reduction has been made;

"That the river and harbor bill for 1914 as passed by the House appropriates or authorizes an expenditure of $43,289,004, in addition to $32,895,871 in new projects begun and to be maintained by continuing appropriations from future Congresses, in all calling for a proposed expenditure of $76,184,875. To this vast amount, judging from past experience, will be added from $4,000,000 to $5,000,000 before the bill is returned from the Senate;

"That the adopted projects which we are obligated to complete, including those embraced in the 1914 bill, include a future expenditure of $305,500,000;

"That in addition thereto the Army engineers have recommended 93 new projects, which will require a further expenditure of $92,500,000 whenever Congress can be prevailed upon to make such appropriations;

"That 120 additional surveys are authorized by the 1914 bill as it passed the House, which will require an indefinite amount for such projects, possibly reaching $100,000,000, judging from the average last noted;

"BILLIONS OF DOLLARS FOR PORK BARRELS.

"That to these extravagant expenditures will eventually be added billions of dollars, according to the opinion of the chairman of the Rivers and Harbors Committee of the House, whenever men of national repute now advocating and supporting other projects can secure their adoption;

"That the 1914 bill as it passed the House appropriates $9,500,000 for the Mississippi River, 84 per cent of which is to be expended on the lower river, notwithstanding its commerce decreased over 80 per cent during the past 20 years;

"That the Mississippi River Commission on April 14, 1914, at St. Louis, recommended to Congress a further appropriation of $12,000,000 for the Mississippi River for next year;

"That the 1914 bill as it passed the House appropriates $2,000,000 for the lower Missouri River between Kansas City and the Mississippi, which appropriation is part of a $20,000,000 project for that portion of the river, notwithstanding traffic is negligible and actual commerce is alleged to have cost the Government approximately $100 per ton for 1912;

"That the 1914 bill as it passed the House appropriates $5,000,000 for canalization along the Ohio River, a $64,000,000 project, comprehending 63 locks, but no part of the open-river service. Canal freight for 1912 is alleged to have cost the Government over $35 per ton, after allowing full railway freight rates for coal traffic;

"That after spending many millions of dollars on the Coosa, Trinity, Brazos, and Red Rivers, these projects are now alleged to be of no practical benefit to navigation;

"That the intracoastal waterways project, present and postponed, as reported by the Government engineers, involves a past, present, and proposed expenditure of $96,931,006;

"That this system includes the construction of new canals of doubtful value, the purchase, through the 1914 bill, of a bankrupt canal proposition, the stock of which is shown to be worthless; of projects that propose to especially benefit certain communities to the injury of others, and projects which it is alleged will drive legitimate private waterway ventures into bankruptcy;

"That the 1914 bill as passed by the House contains appropriations for projects where the expenditure, according to engineers' reports, is exclusively for local private business interests and not for use by the general public;

"That the 1914 bill as passed by the House contains appropriations for creeks which, according to the accompanying engineers' reports, are dry for eight months in the year;

"That the 1914 bill as passed by the House contains appropriations for creeks involving in a single instance an appropriation of $750,000, wherein it is alleged the engineers' report was reversed after real estate speculators had brought political pressure to bear in such case;

"That the 1914 bill does not carry appropriations for the amount required to complete projects as asked for by the engineers in many cases, thereby preventing the Government from entering into proper or profitable contracts until full appropriations are made;

"That the 1914 bill is open to all the objections urged by President Taft against the 1910 bill for the last-mentioned reasons, and contains wasteful appropriations amounting to many millions of dollars:

"Therefore, for the foregoing reasons, it is

LET THE INTERSTATE COMMERCE COMMISSION INVESTIGATE.

"Resolved by the House of Representatives (the Senate concurring), That the Interstate Commerce Commission be, and hereby is, authorized and directed to immediately investigate and as soon as practicable report to Congress the following information:

"First. The character and amount of proposed expenditures by the Government now being advocated and supported 'by men of national repute,' as stated on the floor of the House, the adoption and carrying out of which will cost billions of dollars.

"Second. The character and value to the general public of projects to which the Government is now committed aggregating $305,000,000.

"Third. The character and value to the general public of 93 new projects recommended by Army engineers, but not yet adopted by Congress, which will require a further expenditure of $92,500,000.

"Fourth. The character and value to the general public of 120 new surveys authorized by the 1914 bill as it passed the House, which will require an indefinite amount reaching to over $100,000,000, based on average last noted, providing such projects are recommended by the Army engineers.

"Fifth. To report all river or harbor projects begun and afterwards abandoned by the Government within the past 40 years, together with all expenditures so wasted and reasons for such abandonment.

"Sixth. To report as to the truth or falsity of the statement made upon the floor of the Senate that 'the whole scheme of river improvement is a humbug and a steal,' and to report further as to the truth or falsity of statements made during debate in the House that the river and harbor bill for 1914 as it passed the House is a fraud upon the people, a pork-barrel raid upon the Federal Treasury, approximating in its scope an expenditure of over $76,000,000, and more vicious in character than any of its predecessors.

"Seventh. To investigate and report all active influences urging the adoption of the Mississippi River reclamation, the Ohio River canalization, the Delaware & Chesapeake Canal, and other projects contained in the 1914 bill as it passed the House, together with the names of all organizations, companies, individuals, or hired lobbyists now actively engaged in urging such projects.

INVESTIGATE THE MISSISSIPPI RIVER LAND RECLAMATION SCHEME.

"Eighth. To report fully as to the Mississippi River reclamation project, its probable cost, local benefits to be conferred, and value of any lands to be reclaimed; the ownership of such lands; the contributions equitably required from adjoining States, municipalities, or individual interests, if any; the injuries to Memphis, Vicksburg, or other communities alleged on the floor of the House to have been caused by ill-advised engineering projects, and, further, to report as to the permanence of the reclamation project and probable value compared with Government expenditures required.

"Ninth. To investigate and report as to the desirability of having the Government take over the Chesapeake & Delaware Canal at double its actual value fixed by the House committee; to report whether the canal company stock is worthless and its bonds valued at only 50 cents on the dollar, as stated on the floor of the House; to report whether this canal project can be completed for $10,514,290, as estimated by the Army engineers; to report whether such amount includes the Government contribution of $450,000, made about 90 years ago, and interest and dividends wrongfully withheld during that period; and to report further whether or not the project is to be taken over for the especial benefit of canal bondholders and shipping interests of Baltimore and Philadelphia. In making such investigation the commission is directed to not limit its hearings to stock and bond holders of the canal company, or to local political influences or interested shipping interests of Baltimore and Philadelphia.

"Tenth. To report further what river and harbor projects now under consideration are for the benefit of strictly private business interests, without corresponding benefits to the general public, and the interests that secured such projects for such interests.

"Eleventh. To report what proportionate benefits should occasion contributions, and to what extent, from local communities, particularly where improvements are of strictly local value and of no material aid to navigation.

"Twelfth. To report the financial policy or absence of policy pursued by the Government as to the rivers and harbors during the past 40 years; benefits that have accrued to the public through improved river navigation and increased river traffic, if any, resulting from such improvements, together with all further available information on the subject that may be had, together with such recommendations based thereon as may be found proper to make in the premises, having particular reference to the following information:

"Thirteenth. To report the practicability of taking away from the Chief of Army Engineers the exclusive right and power of determining the commercial necessity of river and harbor projects and leaving with the Army Engineer Bureau the single question of technical engineering work.

"Fourteenth. To report the practicability of turning over to the Interstate Commerce Commission or the Department of Commerce all river and harbor improvements, with full power to exercise all the duties now imposed upon the Army Engineer Bureau, excepting such duties as strictly pertain to civil engineering"; and

LET THE JUDICIARY COMMITTEE INVESTIGATE.

Whereas no report has been made to the House in reference to such resolution, nor has any hearing been called for its consideration: Therefore be it

Resolved, That the House Judiciary Committee, in lieu of the Interstate Commerce Commission, be requested to hold hearings upon said resolution (H. Res. 38) at the earliest practicable day and to report to the House its findings, in order that the House membership may be informed as to the facts contained in recitals in such resolutions.

Resolved further, That said committee be directed to ascertain from the Chief of Engineers of the Army what $260,000 contained in the river and harbor bill, being approximately one-half of 1 per cent, is conceded to be "pork."

Resolved further, That such committee be directed to ascertain if the appropriations struck out of the bill for the Kissimmee, Mattawan, Oklawaha, and other creeks, amounting to approximately $1,000,000, consist of wasteful and improper items, as found by the committee of another body.

Resolved further, That such committee be directed to ascertain if the additional amount of $10,000,000 in items proposed to be struck out by such other committee consists, as alleged, of wasteful and improper items.

Resolved further, That such committee ascertain the importance and character of the $10,000,000 added to the House bill of $43,000,000 by such other committee, and that the result of such investigation be reported to the House at the earliest possible moment, together with its recommendations thereon; and the said Judiciary Committee is hereby authorized and empowered to issue subpœnas and examine witnesses and to procure all documents bearing upon the matters referred to, and to employ needed stenographers and clerks in the prosecution of such inquiry.

Mr. KING. Mr. President, an examination of many of the projects undertaken by the Government furnishes convincing proof that the system is wrong and that appropriations have been obtained by improper methods. However, there are paral-

lels found in other legislation enacted by Congress. Scattered throughout the Republic are found in towns of but a few hundred inhabitants magnificent public buildings erected by the Federal Government. The welfare of the Nation has not been considered. The Government has been regarded as legitimate prey, and hundreds of millions of dollars have been taken from the Treasury and expended in unnecessary public buildings throughout the land. It is regrettable that there has been such a lack of moral perception upon the part of the people as to the iniquity of a course that takes from the Public Treasury funds before the demand therefor is imperative and justifiable. It is a matter of common knowledge that men have been retained in the National Congress many years because of the success which has attended their efforts in securing appropriations for public buildings, and for brooks and creeks and streams and rivulets and for other local purposes. The success of a Senator or Representative is often measured by his constituents by the frequency with which he secures appropriations and the extent of such appropriations. I have heard Congressmen and Senators extravagantly praised by the people of their States because of the offices which they had secured or the large and numerous appropriations which they had obtained for their States and districts.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Utah yield to the Senator from Iowa?

Mr. KING. I yield.

Mr. KENYON. I think that is true. Just what the Senator from Utah has said I have said before on the floor of the Senate, and have been severely criticized for doing so. Is it not, however, really an indictment of the people, as well as of the Members of Congress, that the people of this country regard a Representative or a Senator as a great Representative or a great Senator because he comes home with an appropriation for Podunk Creek or for some public building that is not needed? Will not the reform have to come through the education of the people? Must they not learn that Uncle Sam is not merely a great Santa Claus to pass out gifts, and that, instead of their owing no obligation to the Government and the obligations of the Government being to them, exactly the reverse is true? I thought a good deal about that question, and I have wondered how it could be solved.

Mr. KING. Mr. President, the Senator from Iowa perhaps has shown as intelligent an appreciation of the evils of the present method of dealing with rivers and harbors and public buildings as any man in public life. He has frequently raised his voice against the evils which have characterized our national legislation. Unfortunately, Mr. President, the people have not been sufficiently alert and their consciences have not been sufficiently quickened in dealing with these great problems.

I recall, Mr. President, what a Representative said to me a number of years ago, that when he refused to present petitions in favor of public buildings for certain inconsequential cities within his district he was defeated for renomination. We need an awakening of the public spirit of some of the people. They should appreciate this fact, that the Government is not a mere distributor of gratuities; that the National Government must not be converted into a gigantic paternalism or a devouring autocracy.

The independence, the virility, and the strength of the States is slowly being undermined. Indeed, some of the functions of the States seem to be paralyzed. The trend of thoughtless opinion is in the direction of assumption by the National Government of prerogatives and duties clearly resting upon the States. There is nothing so potential in undermining the autonomy and in atrophying the functions of the States as the appropriations obtained from the Federal Government. No matter how purely local an enterprise or scheme may be, if an appropriation can be obtained from Congress it is received with enthusiastic joy by the district or State in which it is to be expended. The very virtue and honor of States are being attacked in an insidious way through the influence of governmental appropriations. The disease is growing and poisons our entire political life. Pleas that legislation by the Federal Government is paternalistic or unconstitutional or beyond the functions and powers of the Federal Government or that the legislation invades the province of the State and relates to purely local and domestic affairs are regarded with disapproval or treated in a half complacent and half contemptuous manner as emanations of a mind too highly technical or too much devoted to academic and legal confinements. It is so easy to justify the reception of gifts and gratuities and bounties and subsidies and appropriations. More and more the people are beginning to regard the National Government as the fountain and the source of all blessings.

Little by little the principles upon which independence and true representative government rest are being undermined and the people taught to appeal to the Federal Government for those powers which they alone possess and for the exercise of functions which can be performed satisfactorily only by the people or by the States to whom the people have delegated certain powers. Unfortunately many who are holding responsible positions in the Government encourage this view and appeal to the people to rely more and more upon the Federal Government and to appeal to it to extend its operations and activities into the remotest corners of the Republic and into domestic and local matters pertaining to the people and to the States themselves.

Mr. President, we are pursuing a dangerous course; we hope and earnestly pray that the ship of state may avoid the shoals and reefs which have wrecked other nations in the past. At this hour the States should be aroused to the responsibilities resting upon them and the people should be jealous of their rights and their liberties and oppose policies that lead to concentration and consolidation and to the overthrow of the form of government established by our fathers. The lines determining the rights of the States should not be obliterated; there should be an awakening of the people against the insidious influences tending to centralize all Government powers at Washington, stripping the people and the States of their reserved and undelegated authority. History is so replete with examples that it seems that we ought not to go astray. Lord Byron stated that—

> 'Tis the moral of all human tales;
> First freedom, wealth, vice, corruption, barbarism, at last,
> And history, with all her volumes, hath but one page.

Strong and vigorous people build Commonwealths under which they enjoy liberty; wealth is produced, and then there comes too often a desire for the trappings of imperial power. Blessed with enormous wealth, there is a disposition to seek special privileges under the protection of centralized authority. Then there follows a decadence of those rugged virtues which make the people great, mental and moral lassitude, autocratic forms of government, and finally a tyranny unendurable. The sequel is revolt, civil strife, a leveling of the citadels of power, and the building anew of a government by the people; thus, as the poet states, "History, with all her volumes, hath but one page."

We sincerely hope and fervently pray that the seeds of dissolution may not be found within our Government; that it has such elements of immortality as to endure for the ages. But we must maintain the letter and the spirit of our Constitution and not wantonly violate the clear mandates laid upon us and upon the people. The people and the States must be aroused to the responsibilities resting upon them and they must see to it that their functions and powers are not destroyed and the solemn duties resting upon them are not abandoned and forgotten.

Congressmen coming to the National Legislature with high purposes and with desires to deal with public questions in a national and in a comprehensive way have been forced by their constituents into a sordid, indecent provincialism.

I recall a number of years ago speaking with one of the great Senators of our Nation. I refer to Senator George Frisbie Hoar, deceased, who for years in the National Congress, with great ability, represented the State of Massachusetts. I would like to say, Mr. President, by way of parenthesis, that we often talk of Webster, Clay, and Calhoun, and the sentiment is sometimes expressed that modern statesmen do not measure up to their standards. This may be true, and yet I have sometimes felt that Senator Hoar was a greater man than Daniel Webster. In scholastic training, in culture, and in general as well as technical knowledge he was superior to Webster. He was a great lawyer, a great statesman, a profound philosopher, and a patriotic, loyal American. He lived up to the highest ideals and traditions of the Senate, and left to his State and to his country a patrimony that has enriched us all.

In the course of our conversation I asked Senator Hoar how he had found time in his arduous public service in the House and in the Senate to make so great a study of the great national and international questions and problems that engaged his attention, and at the same time to cover so many other fields of human thought. I had remarked that I had been compelled to give much of my time—I was then in the House—to looking after local matters and to the answering of communications from my constituents. His reply in substance was that he regarded it as his primary duty to consider great public and national questions, and that local matters were given less consideration. Of course, Senators represent sovereign States, and consideration

must be given to the legitimate interests and demands of their States, but in so doing it must not be forgotten that Senators and Representatives are the protectors of the Federal Government, and must uphold, under their oath, the Constitution of the United States. While representing their respective States, they must not make mendicants of their States or permit them to be debauched by gifts and gratuities and contributions and appropriations taken from the Treasury of the Federal Government.

It is a shortsighted policy that leads to heavy taxation upon all the people to draw money into the Federal Treasury, merely for the purpose of taking it out of the Treasury and transmitting it back to the people. It were far better to develop the spirit of independence upon the part of local communities and encourage the growth of a spirit which leads the States to an assertion of their reserved and undoubted prerogatives. We must not break down the States and produce a vast consolidated Government, all powerful, all dominant, all controlling.

Persons acquainted with the rural press will frequently find most eulogistic references to the Representative or Senator from the district or State because he has succeeded in obtaining a large appropriation for a post office or the promise of a still larger one, or an appropriation for some stream, which it is claimed will be of service commercially to the State. It is well known that many high-minded and conscientious public servants have been defeated for renomination or reelection because they have not enthusiastically supported the demands of some of their constituents that raids be made upon the Public Treasury and that local schemes be carried into execution at the expense of the Federal Government.

The debates in this body and in the other branch of Congress during the past 25 years will show that Congressmen have been threatened and intimidated whenever they have refused to enthusiastically support the biennial raids which have been made upon the Public Treasury under the guise of river and harbor bills.

Right at this point I want to express my disapproval of an organization known as the National Rivers and Harbors Congress, which has its headquarters in this city. This organization has boldly and defiantly announced that its object is to secure millions of dollars from the Treasury of the United States. Its last declaration, so far as I am advised, is that there must be appropriations of $50,000,000 each year for rivers and harbors. It seeks to differentiate itself from other lobbies by contending that its purpose is national and for the benefit of the country, whereas other lobbies that sought to secure legislation were engaged in selfish and sinister and wicked undertakings. For myself I do not see much difference between the latter organization and any other confederated body which, directly or indirectly, secretly or openly, attempts to intimidate or cajole Congress and obtain appropriations from the Public Treasury or obtain desired legislation. We denounced the manufacturers' organization because it sought to obtain tariff legislation. We all know that a large portion of the American people believe in the protective system and in the application of that system for the claimed purpose of stimulating local industries. They believe the Government should impose tariffs in aid of the domestic producer. It is known that organizations of the wool men, the steel men, and other branches of trade and of production have been effected, and that these organizations from time to time have exerted all the influence within their power to secure legislation that would be favorable to those engaged in the industries represented by such organizations. Some of these organizations have been denounced as wicked, corrupt lobbyists. It has been charged that they have debauched, or attempted to debauch, committees of Congress and the Government itself, and have sought to obtain a monetary advantage from the legislation enacted by the National Legislature. It has been alleged that agents have been retained at Washington to represent these organizations; that they have conferred with Senators and with committees and in direct and devious ways sought to influence the tariff and financial legislation of this country.

The people have demanded pitiless publicity and that all lobbyists be scourged from the Capitol and that the atmosphere attending legislation should not be contaminated by the selfish influences which, it is alleged, have been powerful in the history of past congressional legislation; yet, with this quickening of the public conscience, this improved ethical standard, which, I think, influences and is manifest in the labors and work of the House and Senate and public officials generally, there has been a strong and powerful organization seeking to impose its will upon Congress and to secure enormous appropriations each year to be expended under the old, archaic, discredited, and wasteful plan.

It is significant that this organization places itself behind the general river and harbor scheme. It makes no investigation of the rivers and harbors for which appropriations should be made because of their merits, but it stands behind the entire system, bad and vicious as it is, and behind lump-sum appropriations, knowing that millions of dollars will go to improper projects and that millions and hundreds of millions will find their way into the pockets of contractors and machinery men and into districts the result of which will be to aid political machines and political parasites therein.

Heretofore attention was called to one of the activities of the lobby above mentioned by the Senator from Iowa [Mr. KENYON]. In the March session of 1917 a bill carrying $38,000,000, in round numbers, was reported. Eighty-two new projects were added to that bill. It was a vicious omnibus bill, and when patriotic Senators indicated their purpose to oppose it efforts were at once set on foot by the organization referred to to intimidate them and to prevent their opposition to the passage of the bill. This organization had published in various publications of the country statements calculated to incite the people to influence their Senators to support the bill. I have here a copy of one of the circulars, or letters, written in support of that position, which, without taking the time to read, I ask to have inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The river and harbor bill now pending before the Senate is the most constructive piece of waterway legislation introduced in many years. It eliminates a number of the projects which have been sharply criticized and provides for beginning work on 90 new projects, every one of which is of undoubted merit and importance and has received the unqualified approval of the Army engineers. Moreover, provision is made to prosecute and maintain every worthy waterway project in the land which is already under way.

Notwithstanding the great merit of this measure, which carries an appropriation of about $39,000,000 for the next fiscal year, a minority report has been filed by Senators KENYON, JONES, SHERMAN, HARDING, and WATSON, which proposes to substitute a lump-sum appropriation of $25,000,000 to carry out existing projects and also authorizes 11 new projects of more or less importance.

If this substitute is adopted, it will be the hardest blow ever received by river and harbor legislation. I earnestly appeal to every friend of waterways to do his uttermost to defeat this substitute and secure the adoption of the bill as reported by the majority of the Committee on Commerce.

There is great congestion of traffic throughout the Union, and every agency of transportation should be fostered and encouraged to the utmost; not destroyed, or at least badly crippled, as is done by this substitute. The time is short. The emergency is acute. Any action to be effective must be taken at once.

Mr. KING. Mr. President, the junior Senator from Iowa, in a splendid speech which he delivered when the river and harbor bill was under consideration last year, referred to the fact that this article was published in the newspapers in his State for the purpose of arousing a sentiment that would demand of him the support of the measure.

In the Sixty-third Congress, Representative JAMES A. FREAR, of Wisconsin, introduced the resolution which I have placed in the RECORD, for the purpose of investigating this organization. I am not advised what was done with the resolution, but in a speech made by this same distinguished Representative on the 3d of March, 1917, he made this statement:

Original evidence now in my possession was offered to show that, directly or through subsidiary lobbies, the dredgers, railways, and other interests that have a direct financial claim on Government grabs contribute secretly toward the lobby's support. In some instances this lobby equally divided with its collectors the subscriptions paid by gullible supporters. Intrenched from the Capitol Building to the Southern Building, it instigates back fires on Members of Congress to compel support for "pork-barrel" bills. Public and private citizens of undoubted probity have lent their names and presence to the lobby under misleading and persuasive arguments that by so doing they are performing a local duty and advancing legitimate waterway legislation.

The report of the Rivers and Harbors Congress, the organization referred to, on pages 60–62 of the 1911 report (RECORD of Oct. 8, 1914), contains a list of appropriations given to the different States of the Union amounting to $178,616,897 from 1907 to 1911, inclusive. Statements are made in this report for the purpose of giving the relation between the appropriations made to the States and the amounts contributed by the States to this organization.

A statement from this same official report, referring to 14 States and the District of Columbia shows the amount subscribed by each of them and the amount received by way of appropriation from Congress. Without taking the time to read them, Mr. President, I ask that these figures be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

	Amounts subscribed by States, 1906–1911, inclusive.	Amounts of appropriations received by States, 1907–1911, inclusive.
Pennsylvania	$4,295	$4,837,745
Connecticut	2,115	2,318,000
Massachusetts	2,850	1,451,733
Maryland	1,775	2,778,265
New Jersey	2,735	3,481,895
North Carolina	2,538	2,259,614
South Carolina	1,137	1,237,290
Virginia	4,306	4,082,454
Georgia	8,281	4,102,880
Florida	1,620	5,188,670
District of Columbia	1,530	1,243,000
Alabama	6,090	6,952,000
Louisiana	9,505	3,820,292
Texas	8,825	9,193,300
Mississippi River		21,842,775

Mr. KING. One Capt. Ellison was official secretary of the congress, and the official organ of this organization quotes from one of his addresses, which, it is stated, provoked applause. He stated:

We send Congressmen here to legislate for the Nation, theoretically, but actually to get all he can for us; and if he does not get our share, and then some, we do our best to replace him.

A Mr. Thompson was the secretary in 1914, and in his speech before the annual meeting in December of that year he said:

We amended our constitution in 1912 so as to strike out the recommendation of $50,000,000 a year. We did not strike it out because we are the kind of chumps who believe that $50,000,000 a year is too much, but because we believe the safe, sane, and wise policy would be for the Government to spend $100,000,000 or more every year on this great work.

It will be observed that this patriotic "philanthropist" shows his generosity by boasting of the fact that their constitution was amended because it asked for only $50,000,000 a year out of the Public Treasury, when these patriotic and public-spirited men, who were not "chumps," insisted that $100,000,000 was required each year. Congressman FREAR quotes a letter received by him, which is as follows:

WATERWAYS AND COMMERCE,
No. 150 Nassau Street.

HON. JAMES A. FREAR,
Washington, D. C.

MY DEAR CONGRESSMAN FREAR: I inclose herewith original subscription lists obtained from a canvasser named John M. Williams, of the National Rivers and Harbors Congress, who received 50 per cent of the amount set opposite each name. As you will see, these subscriptions cover 1908, 1909, 1910, 1911, and 1912.

You may regard them as your property to do as you please with them.

Sincerely, yours,

RICHARD M. MCCANN, *Publisher.*

It is known that a plan has been devised to secure several hundred millions of dollars out of the Treasury for a canal system along the Atlantic coast. The broad Atlantic is not big enough for the traffic, so a narrow canal must be constructed following the sinuosities of the coast. The construction of this canal system, of course, would mean large sums of money to contractors, dredgers, and manufacturers of machinery used for such purposes. Mr. Williams, representing the organization aforesaid, received authority from this organization to make collections to be used in promoting the purposes for which it was created. This letter of authority was signed by the officers of the organization, and is in part as follows:

WASHINGTON OFFICE, 1910.

To the business interests of Baltimore, Md.:

The National Rivers and Harbors Congress is working earnestly to secure the adoption by the Federal Government of a permanent waterway policy that will provide for improving all the worthy waterways of the Union.

The improvement of the canals and waters of the Atlantic coast, in which Baltimore has such a direct and vital interest, should be among the first to receive the benefit of the increased and regular appropriations for rivers and harbors that this organization is working to bring about.

Funds are needed to carry on the work which the National Rivers and Harbors Congress has persistently urged, and to the end that a strong demand may come from every section of the Republic, we earnestly invite your financial cooperation.

John M. Williams is authorized to receive and receipt for all moneys that may be subscribed. He is working under the direction of and reporting to the undersigned officers of the congress.

The record shows that one of the subscribers to this organization was the Dredge Owners' Protective Organization. Of course it goes without saying that when hundreds of millions of dollars are expended by the Government, millions being expended annually for these schemes covered by the bills known as river and harbor bills, there would be many concerns organized for the purpose of obtaining contracts from the Government, and it is not to be wondered at that these concerns would form associations and organizations in order to procure as large appropriations as possible. The Dredge Owners' Protective Organization, responding to Mr. Williams's efforts to secure money to aid in the purposes of the National Rivers and Harbors Congress, wrote letters to various persons. I have here a copy of a letter signed by Mr. W. P. Ryan, secretary, and, without taking the time to read it, I ask that it be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

[Dredge Owners' Protective Organization: Frank A. Furst, chairman; William P. Ryan, secretary. Executive committee: F. A. Furst, George Leary, John Gerrish, J. McMullen, P. Sanford Ross, W. J. Bradley.]

BALTIMORE, MD., *August 4, 1910.*

MR. JOHN M. WILLIAMS,
General Agent, National Rivers and Harbors Congress,
New York City.

DEAR SIR: I find yours of the 1st instant awaiting my return to the city this morning.

Replying to your inquiry, I am submitting below a list of our members for your confidential use, as follows:

Morris & Cummings Dredging Co., 17 State Street, New York.
Eastern Dredging Co., 247 Atlantic Avenue, Boston, Mass.
Newark Meadows Improvement Co., 62 Cedar Street, New York.
American Dredging Co., Mariner & Merchants' Building, Philadelphia, Pa.
W. H. Beard Co., 21 State Street, New York.
International Contracting Co., 17 State Street, New York.
Atlantic, Gulf & Pacific Co., Park Row Building, New York City.
P. S. Ross (Inc.), 277 Washington Street, Jersey City, N. J.
Hy Steers (Inc.), 17 Battery Place, New York.
North American Dredging Co., San Francisco.
American Dredging Co., San Francisco.
Sanford & Brooks Co., Baltimore.
Coastwise Dredging Co., Bank of Commerce Building, Norfolk.
Norfolk Dredging Co., 217 Water Street, Norfolk, Va.
Bowers Southern Dredging Co., Galveston.
Breyman Bros., East Boston, Mass.
J. S. Packard Co., 31 Market Square, Providence, R. I.
Daly & Hannan Dredging Co., Ogdensburg, N. Y.
Bay State Dredging Co., 185 Summer Street, Boston, Mass.
R. Moore, Mobile, Ala.

Yours, very respectfully, W. P. RYAN, *Secretary.*

Mr. KING. Mr. President, it is very plain that the members of this dredging organization were being used for the purpose of getting money to influence legislation that would result in giving them additional contracts.

Representative FREAR, in his speech delivered March 3, 1917, and above referred to, stated that during the debate on the 1917 river and harbor bill he submitted a statement signed by Mr. Furst, president of the dredgers' organization, in which it was admitted that contracts with the Government were secretly allotted and divided among the dredgers. This evidence shows that these contracts were fraudulently, unlawfully, and secretly divided among them.

The National Rivers and Harbors Congress contributed, it is claimed, to the defeat of the $25,000,000 Kenyon substitute bill in 1917, March session, because it wanted $50,000,000. In December, 1916, Chief of Engineers Black and ex-Chief Bixby appeared and made speeches. They did not seem to appreciate the impropriety in their appearing before the organization referred to and defending the policies and supporting the plans of such an organization. Gen. Bixby, formerly Chief of Engineers, United States Army, in his address, dated December 7, 1916, said:

I had come here expecting to hear a little bit more discussion on this question of "pork," but it does not seem to have been discussed particularly. * * * We ought to see that such accusations are refuted every time that they are made, every time the statement to that effect appears in any newspaper, and every time that they are made in a public address. [Applause by the lobby.] The noisiest men always attract the most attention; the dogs whose fight is least to be feared usually bark the loudest and will often shut up quickly when given the kick that they deserve. In the same way those men who bark loudest against river and harbor appropriations will usually stop barking instantly as soon as you go after them with a few unanswerable facts. * * * I want definitely to say that there has not been anything which is unworthy in the way of river and harbor appropriations for the last six years.

Mr. President, I refer to Engineer Bixby's statement for two reasons: First, to show how close the relation was between one of the engineers of the Government and this organization which was seeking to get millions out of the Treasury for the engineer to spend; and second, because of the statements repeatedly made, and not successfully denied, by such distinguished men as former Senator Burton, the Senator from Iowa [Mr. KENYON], and others who have given consideration to this matter, that millions and hundreds of millions of dollars of appropriations secured from Congress for rivers and harbors have been wasted.

It will not be forgotten that Senator Burton in 1914 led a successful fight against the river and harbor bill recommended by Gen. Bixby. In 1915 Senator Burton again led a successful fight against the river and harbor bill. Notwithstanding that these two Government officials knew of the attitude of Senator

Burton and of the valid and just criticisms of these bills, the former Chief of Engineers, Gen. Bixby, made the speech above referred to, and Gen. Black in his speech at the same meeting used these words:

On the Mississippi River we have an improved waterway of ample depth and sufficient width and open the year round from St. Louis to New Orleans, but it is only within the last year or two that that waterway has begun again to be used. * * * In passing down the Mississippi from St. Louis to New Orleans two weeks ago we left St. Louis one morning early. The same day a large load of freight left St. Louis. All the way down the Mississippi River we saw the barge of freight at intervals. Finally we reached New Orleans, and the barge load of freight got there at exactly the same time. * * * Later I saw the manager of the barge line, and he told me that although this enterprise of theirs is but a new one and as yet is little known, it is to-day making money. [Applause from the lobby.] * * * There is no use recommending too small an improvement. Very often the small improvement, costing little money and resulting in restricted channel dimensions, will be a nonpaying investment, whereas a channel of greater width and depth, with greater expenditure of money, would make ample returns to the United States.

Mr. President, we did not need the statement of Gen. Black to prove that the commerce upon the Mississippi River, upon the Missouri River, and upon other great inland waterways has been steadily diminishing year by year as the appropriations for them have increased. It would seem that Congress has been a deliberate party to the destruction of commerce upon the creeks and rivers of our country. With the knowledge that increased expenditures resulted in diminishing the commerce, Congress kept on making the appropriations.

It will not be forgotten that Gen. Black recommended $6,000,000 as an appropriation for the lower Mississippi for 1917.

As heretofore stated, it is possible that I may have the wrong point of view, but I am unable to justify the existence of this organization and countenance its activities. It seems to me that it is an organization whose efforts must necessarily lead to intrigue and corruption. No matter how patriotic its members may be, of necessity it will become an engine of oppression, of coercion, or intimidation. I would regard it as just as reprehensible for a corporation to be formed and a lobby maintained in Washington to secure annual appropriations of $50,000,000 to build ships, railways, or to make appropriations for the reclamation of swamp lands or arid lands of the West, or to secure tariff legislation, or to obtain money from the Treasury of the United States for private or semiprivate purposes. It is obvious that such an organization must, to be effective, exert power and influence by persuasion, by cajolery, by a propaganda more or less extensive, and finally by coercion and intimidation, if such be necessary, in order to accomplish its ends. It ought to be condemned and it ought to be destroyed.

It is unfortunate that private interests manifest themselves in the activities of Congress. As an example, before the war we had a large number of Army posts in the United States—as I recall, 49. Everyone knows that the maintaining of such a large number was unnecessary and led to extravagance and indefensible waste. Former Secretary of War Stimson said that this large number of Army posts was caused by local and political influences. It was claimed that improper influences were exerted by Senators and Congressmen to have a post established in their town or State. The charge was that the needs of the Army, the best interests of the Nation, the question of economies—these important matters were forgotten or flouted by the Representatives of the people. It was felt that to have an Army post in a city would cause the expenditure of millions of dollars annually, and that would help business, and so the Army was used as a means of furnishing a market for the cities and local communities. In naval matters the charge is that the same reprehensible plan has been pursued.

Mr. President, may I say—and I say this with a great deal of trepidation—that I fear that friendships and other considerations, not venal or such as might be denominated immoral, sometimes influence, in a slight degree, at least, the actions of public men, and particularly with respect to appropriations. As a result there is not that close scrutiny of appropriations which is so imperatively demanded. Friendships too often influence us; benefits received unquestionably affect us. If my State is to receive a large appropriation in a given bill it would probably lead me to regard with less distrust and with greater favor legislation favorable to some other section.

The policy of carrying in one bill provisions affecting many sections of the country can not be otherwise than pernicious. It unites all parties in support of the measure as an entirety, and so the proper and fair provisions are used to carry through the vicious and improper ones. Under this plan of legislation military posts have been established where none was needed. Naval stations and naval works have been placed at unsuitable points. The distinguished Senators from Georgia stated upon the floor of the Senate yesterday that Brunswick Harbor was one of the finest upon this continent, if not in the world. As I recall, the junior Senator from Georgia [Mr. HARDWICK] stated that it would hold within its magnificent embrace all the shipping of the world; and yet that great harbor, built by nature, was passed by, according to the statements made upon the floor of the Senate yesterday, and in another State at a point where there was no natural harbor it was determined that one should be made; and so millions of dollars have been expended to dredge and construct a harbor. Even now this bill reveals that millions more will be required and that extensive dredging operations are still necessary, and excavations through hundreds of feet of solid earth must follow. We are not satisfied with the gifts of nature and a great harbor that Providence provided, but we must search for some unsuitable place and then pour out the treasure of the people. It is unnecessary to indicate the causes leading to such abuses as the one just referred to and others of which it is a type.

So we find in the records of the river and harbor hearings that there have been many appropriations for creeks that were unknown, and it is shown that where there was no water in some of these creeks upon which money had been wasted the engineers suggested the sinking of artesian wells. What a splendid scheme to encourage and develop water transportation!

Mr. President, much of my criticism as now expressed is general, but I do know from an examination of some of the hearings for a number of years—and I have gone through them with more or less care—that there are hundreds of items in river and harbor bills calling for millions and tens of millions of dollars that can not be defended in morals or justified upon the ground of public necessity or public advantage.

The questions of strategy, the needs of the country, what would be the best for the Navy and for our country's defense—all these important questions have often been trampled under foot by the selfish, provincial, and, I was about to say, ignoble methods employed in dealing with rivers and harbors. A broad, comprehensive naval system, the establishment of naval bases with reference to the defense of the Nation—these could not be accomplished because of the selfish demands of sections of our country and Representatives therefrom. So, as a result, in the year 1913, we had 11 first and second class navy yards in the United States. England, with her great navy, had only six. We required fewer. But this method of legislating has characterized the National Congress as it does the legislation of the States. It is a matter of public history that there has been the most shameful logrolling, trading, dickering by local legislators in order to secure advantages for their particular districts. Members would combine and agree to erect a university in one part of the State if the penitentiary or reform school or asylum were erected in some other part of the State. The best interests of the people were not consulted. What would conduce best to the public good was forgotten in the wild scramble for local advantage.

So it would seem that the National Congress has chaffered and traded in Army posts, navy yards, old soldiers' homes, and other Federal enterprises and structures.

As an illustration of the way river and harbor bills are drawn, the bill for 1910 contained items calling for expenditures and appropriations in 296 congressional districts out of 391. This bill was a marvel, as one Senator subsequently said in an article which he contributed to a newspaper, of "geographical logrolling."

There seeems to be some similarity between the methods employed in preparing river and harbor bills and the tariff acts which have been passed. Senator Vest, speaking of the Wilson-Gorman bill, said: "I look back now upon what occurred during the Wilson-Gorman bill as a nightmare, from the effects of which I have never recovered. Before the conferences ended three of the conferees had broken down under the constant strain under which we were subjected."

Congressman Hill, of Connecticut, said:

I hope never to see another downward revision of the tariff, with its consequent upheaval of our whole industrial organization and with the abominable trading and dickering which inevitably result therefrom.

Speaking of tariff acts, Senator GORE used this language:

Burke said that statesmanship is the science of circumstances.

Few there are who will deny the potency of circumstances. But few there are who will deny that facts are the best touchstone upon which to try the virtue of theory; few who will assert that taxable articles can best be determined by intuition, and the rates of duties best determined by inspiration. * * * It is not necessary to convict the old system as being the worst possible system; it is only necessary to find that the new system would be the better system. Whom has the old system satisfied? Has it satisfied the advocates of high tariff? Has it satisfied the advocates of low tariff? Has it satisfied the country? Has it insured industrial peace and commercial progress and prosperity? * * * The most elaborate and most colossal works of fiction ever

produced in the United States are the tariff hearings before the Finance Committee of the Senate and the Ways and Means Committee of the House. As works of fancy, they are unrivaled by the Rape of the Lock. As works of the imagination, they are unapproached by Paradise Lost. They have all the function of ex parte testimony on the part of interested witnesses, alternating between violent hope and violent fear. Every temptation to misstatement is present. Nearly every obligation to truth is absent, save conscience alone, and their consciences are under such perfect control.

I think this striking description of the tariff bills and their preparation will suggest river and harbor bills. These bills satisfy no one. They are predicated upon ex parte testimony and find chief support from local beneficiaries.

During the debates when the last river and harbor bill was under discussion former Senator Burton, of Ohio, was referred to as having been a warm advocate of the river and harbor bills of the past. Probably no one is as familiar with this subject as former Senator Burton, a courageous, high-minded, conscientious, and patriotic statesman. He attempted, but in vain, to reform our river and harbor policy, and to bring economies and honest administration into this important branch of our national activities.

In an article appearing in the World's Work for February, 1913, Senator Burton discussed with great freedom the evils of the existing system and the great waste and criminal extravance which have resulted. He says:

For years we have been struggling under a vicious system of river and harbor improvements. For instance, the river and harbor bill of 1910 contained items favoring 296 out of the 391 congressional districts. This bill was a masterpiece of geographical distribution and a striking tribute to the cohesive power of legislative logrolling. Even the obstacle offered by mountains of considerable size did not prevent certain portions of the country from being represented in this bill.

Now, there are two ways of framing a river and harbor bill. The popular method of drawing a bill is to make such concessions to all the different States and localities that you will have an overwhelming support for the measure. The other method, and the right one, is to select those projects which would benefit the whole country and then finish them with promptness. The first method is irresistible. It will win every time—consult the wishes of the varied localities and projects of the country and they will all join together and pass a bill.

No more truthful, and no more severe, indictment was ever presented against a legislative body. It is a deliberate charge that the interests of the people are betrayed in the river and harbor bills, with selfishness and local interests dominating and controlling in that class of legislation. Senator Burton refers to the scattering of amounts over a large number of districts so that the claimed improvements which ought to be finished within a short time are dragged out indefinitely. He states:

This policy of piecemeal appropriations encourages extravagance and the adoption of injudicious and wasteful projects merely for the purpose of spending money in the greatest possible number of districts. When you give small appropriations to a large number of items it is an invitation to every Congressman who has a harbor, a creek, a well-developed spring, to come in and ask for an appropriation in these bills. It is a very simple matter to come to Congress and secure $100,000 on a project that will cost a million or two millions. One hundred thousand is not regarded as a very large sum. It is considered that one congressional district ought to have that much recognition of the fact that it is on the map and that its Member is active here in Congress. When the $100,000 is appropriated it is very easy to come to Washington and say: "What! Will Congress, after it has committed itself to this great project, although costing a million dollars or more, drop it after $100,000 has been spent and let the money expended be buried in the sea?"

In this way I have seen the most unwarranted and extravagant enterprises undertaken, apparently not so much to improve our waterways as to put the Government's money into circulation in the various congressional districts in order to improve the chances of the different Members of Congress for reelection.

In the same article Senator Burton says:

Communities and individuals, backed by a large share of the public press, whose pages teem with demands for economy and with condemnations of Congress for extravagance, are constantly insisting that large and sometimes utterly unjustifiable appropriations be made in their own locality. A Member of Congress is told, "If you do not get this appropriation for a public building or for this river or harbor, or if you do not join in a movement for this new line of activity, you will no longer be returned to office." Of course no man in public life wishes systematically to adopt a course which will prevent his return to the office he holds, though some theorists and political scientists seem to think the proper course for a Congressman is to go straight ahead to defeat.

Further on in his article he states that—

Public buildings, river improvements, free seeds, departmental publications are being used to reelect Members to Congress. Bluntly the people are furnishing the money by which they are being delivered. The people must be aroused to an indignation against the Members who seek to promote their political fortunes at the expense of the Federal Treasury. Let Members who boast of their prowess in securing millions of dollars from Congress for their home districts realize that the public does not approve their course and will mark them for defeat. Thus the evil will be driven from the Capitol.

The Senator refers to an amusing incident during the Speakership of Mr. Samuel J. Randall, who recognized a Member, and this speech was given:

Mr. Speaker, there are six men in my district after my seat, and I must do something to raise the wind.

Of course the "wind" that he sought to raise was to get an appropriation for his district.

Senator Burton shows in this article the evil effects of the present system and mentions, as an illustration, Red River in Louisiana, Arkansas, and Texas. There the Government had expended over three millions of dollars. The Senator says:

For the last year traffic over this stretch of 476 miles below Fulton Harbor, aside from the saw logs which could be floated without any improvements, was 10 tons of grain, 16 tons of provisions, 26 tons of fish, and 10 tons of ice. In all, 62 tons were carried on these 476 miles of river. The river and harbor bill of 1912 carried an appropriation of $50,000 for this stretch of the Red River. That is at the rate of $806 for every ton of merchandise or grain carried on that river the preceding year. The amount expended for the year is practically eight times as much as all the value of the merchandise and freight carried. Two years ago it was 835 tons, and now it has dropped to 62 tons.

There is a note of pessimism in the Senator's article when he says:

The most discouraging aspect of the system is that, instead of improving, it is constantly growing worse. Insistent pressure is being exerted upon Congress to enact legislation for the so-called Federal improvements of roads. Such measures would promptly equal the vicious pork-barrel features of our public building and river and harbor bills.

In an article by Mr. Walter V. Woehlke, found in the Technical World magazine for June, 1913, there is a frank criticism of our river and harbor policy. He refers to Crystal River, and says:

You will have to look long and hard to find Crystal River on the map of Florida. An appropriation in the river and harbor act, though, had little trouble in locating Crystal River. It carried only $30,000, with an annual maintenance charge of $2,000. For these amounts a 9-mile channel was built. Through it in 1911 moved 5,192 tons, four-fifths of the tonnage consisting of cedar logs carried to a pencil mill. Disregarding those logs, it cost the Nation $3 a ton in interest and maintenance to assist navigation on the Crystal River.

He proceeds:

So far it has cost $405 to pull the gritty teeth in the mouth of the Brazos River, Tex., and $25,000 is required annually to keep the mouth open for the flow of commerce. In 1911 commerce flowed to the extent of 3,063 tons. This aid to navigation on the Brazos cost the Nation more than $10 a ton, exclusive of the water freight. For $10 the railroads move a ton of pig iron from Pittsburgh to San Francisco. * * * Doboy Bar obstructs the entrance to one of the channels leading into Darien Harbor, Ga. To remove this obstruction Congress, through the Rivers and Harbors Committee, appropriated $56,000. The money was spent, a channel dredged, but the navigators declined to accept the proffered aid. The channel was never marked. No one used it. And now it's gone, shoaled up again. * * * Contentnia Creek has no existence on the latest large-scale map of North Carolina. It must be there, though, for it absorbed $14,000 for channel improvement some years ago, and has continued to absorb $1,200 annually for maintenance ever since. Sixteen tons constituted the commerce of improved and maintained Contentnia Creek in 1911.

I might say, in passing, that the river and harbor bill of 1917 carried $15,500 for Contentnia Creek and several other small creeks or springs, which are grouped together for maintenance purposes.

Mr. Woehlke proceeds:

In like manner Broadkiln River, Del., absorbed $88,000 for channel improvements on a 12-mile stretch, sweetened by a maintenance charge of $5,000 annually. The commerce of the Broadkiln will run to 10,000 tons a year. National subsidy is 7 cents per ton-mile. The average cost of moving a ton 1 mile by rail is just one-thousandth of this subsidy. * * * On Hingham Harbor, in Massachusetts, the Rivers and Harbors Committee, feeling specially flush in 1907, spent $10,000 without asking the engineers whether or not the money was needed. "Go to it! Improve Hingham Harbor! Get rid of the money! Stimulate commerce!" ordered the statesmen. Twice that amount had been expended previously. Despite the stimulants the commerce of Hingham Harbor continued to suffer from inanition, the Boston passenger boats ceased calling, a decrepit coal barge now and then was the only sign of life on the $30,000 channel.

The writer proceeds in his satirical fashion as follows:

In its virgin state the Essex River, Mass., was a purling bowlder-strewn brook with a maximum depth of full 19 inches during summer. At an expense of $30,000 the brook was made "navigable." No freight is carried on this "improved" river, says the Chief of the United States Army Engineers, but the "improvement" permits the exit of a few fishing schooners built annually on the banks. This fishing-smack home industry is dying out, adds the chief. * * * Nor is there any commerce in Larchmont Harbor, on Long Island Sound, save that a belated fishing boat occasionally spends a night in the port. But Larchmont Harbor boasts of a nice little breakwater built by Congress at an expense of $108,000. For what purpose? Maybe the members of the exclusive Larchmont Yacht Club, owning a fleet worth $2,000,000, can supply the answer. For the convenience and comfort of a wealthy club, national funds are readily available, but for the protection of a hundred thousand flooded homes, expenditures must be stinted, culled, pared, made with averted, frowning faces. * * *

It cost the Nation $190,000 to deepen a 4-mile channel in the Union River, Me. 11,000 tons of low-grade freight passed through this channel in 1911. Interest charges alone represented a subsidy of 75 cents per ton, and the traffic on the "improved" river is declining. There was money to deepen useless Union River, but there was no money to protect the 10,000 homes behind the 586 miles of utterly inadequate levee. * * *

The depth of water in the Bagaduce River, Me., must be increased to 6 feet. "This improvement is of doubtful public value," says the Chief of Engineers—but nothing is done to keep 16 feet of water out of the business streets of great cities.

In an article appearing in World's Work for August, 1910, written by Mr. Hubert Bruce Fuller, the crime of the pork barrel is discussed. He refers to the passage at the "recent" session of a bill carrying $52,000,000, and says:

A large part will be wasted, as the millions which have preceded it have been.

He quotes from Senator TILLMAN, who stated upon the floor of the Senate:

The whole scheme of river improvement is a humbug and a steal.

Senators will recall that in 1901 Senator Carter, of Montana, filibustered one of these bills to its defeat. In April, 1910, Senator Burton, of Ohio, in a strong and vitriolic speech, attacked the present system and the bill under consideration. He analyzed it, speaking two days. No one attempted to answer him or to defend the bill or the system, but the power of coercion was strong, and the bill was promptly passed, notwithstanding the powerful appeal of Senator Burton. Mr. Fuller in his article says:

The Board of Army Engineers is supposed to pass upon the engineering practicability of the "improvements" proposed. But in the river and harbor bill of the current year numerous projects have been incorporated in direct violation of the findings of the Army engineers, involving an aggregate appropriation of more than $1,100,000.

An appropriation of $30,000 is included for the improvement of Great Salt Pond, a so-called harbor of refuge in Rhode Island. The Federal Government to date has expended $190,000 on this project. All this has been done despite an adverse recommendation, not alone by the corps of engineers, but also by the State officials of Rhode Island, who said in their report of 1904: "This committee is convinced that the public interests have not been subserved by the expenditure of money at Great Salt Pond * * * and that further expenditure of money on this enterprise would be wasteful. The committee was unanimously of the opinion that the expenditure of this sum of money, as well as all other money that has been appropriated and expended for the construction of an inner harbor at Great Salt Pond, could not possibly be applied to such purpose with any beneficial result."

Scarcely a mile distant there is another harbor of refuge, upon which the Government has expended more than half a million dollars.

The original item appropriating $200,000 for improving the Sabine-Neches Canal in Texas by increasing the depth to 24 feet and the botton width to 80 feet was changed in conference to an authorization of a resurvey. This in spite of the fact that a survey just completed condemned the project. The purpose of this improvement is to make seaports of the towns of Beaumont and Orange, located, respectively, on the Neches and Sabine Rivers. The entire project contemplates a total expenditure of $753,000. The "improvement" involved is at once so extravagant and so ridiculous as to tax human credulity.

Probably the most indefensible item of the bill is that which contemplates the appropriation of $1,000,000 for the so-called Lakes-to-the-Gulf Waterway. It does not become immediately available, but it is the opening wedge for the long-agitated 14-foot waterway from Chicago by way of St. Louis and the Mississippi River to the Gulf of Mexico. Elaborate and comprehensive surveys have been made of this project, whose cost has been estimated at $150,000,000. The entire proposition was condemned, and yet the bill contains the appropriation. * * *

From a variety of reasons, one of the most interesting rivers for which an appropriation has been authorized is the Youghiogheny in Pennsylvania. This is a branch of the Monongahela River, which is in turn a branch of the Ohio.

Whatever the avowed reason for this project may be, the real purpose is the improvement of 1,125 acres of land which would thus be reclaimed for manufacturing purposes. In 1907 the engineers reported adversely upon the project. Two years later, however, the improvement of a section of the river up to West Newton, a distance of 18 miles from the mouth, was recommended, at an estimated cost of $1,050,000. The improvement contemplates the building of three locks and dams costing $350,000 each. The river and harbor bill of 1910 appropriates $100,000 for this purpose. The project in itself should never be undertaken. It is not justifiable; it is a local interest, an improvement of a branch of a branch. But the Congressman from that district is the Hon. John Dalzell, one of the ruling trio of the House of Representatives. The whole proposition smacks of "logrolling" and the pork barrel in its most iniquitous form. * * *

A good illustration is the condition of traffic on the Tennessee River near Chattanooga, where the Muscle Shoals Canal has been built at a cost of $3,191,726. More than $1,100,000 has been expended for repairs and maintenance since completion. In the year 1908, $53,443 was expended for this purpose. The amount of freight of all classes carried through this canal in 1908 was 12,539 tons. It fluctuates from year to year, but that is a fair average. Thus, based simply upon the amount expended for maintenance and repairs for the year 1908—the last for which figures are available—the cost to the people of the United States was $4.26 for every ton of freight carried. And if we compute interest at 3 per cent on the original cost of the improvement a further sum of $7.65 per ton must be added, making a total of $11.91 for every ton of freight passing through this canal. * * *

It cost $38,218.50 to maintain a lock and dam in the Wabash River at Grand Rapids, Ill. and Ind., in 1908. The total traffic through this lock for the same year was 5,121 tons, of which more than 4,440 tons were timber and lumber. Lumber and timber do not require canalization for their transportation, since they can best be carried by rafts floated or poled downstream. A balance, then, of 680 tons remains, of corn, shells, and miscellaneous freight. The mere cost of maintaining this lock, therefore, was approximately $7.46 per ton for all classes, including lumber in its various forms, and $56 for every ton of freight carried through it, excluding lumber.

The cost to June 30, 1909, of the improvement undertaken by the General Government on the Big Sandy River and its forks—the Tug and the Levisa—including maintenance, has been $1,399,569. The commercial statistics for the calendar year ending December 31, 1909, on these streams are as follows:

	Tons.
Timber and lumber	75,199
Railroad ties	14,500
Live stock and poultry	171
Grain	82
Produce	35
Coal, bituminous	579
General merchandise	1,143
Total	91,709
Number of passengers	5,046

Exclusive of timber, such as lumber and crossties, the total traffic amounted to 2,010 tons. Computed on a basis of 3 per cent on the investment, it cost the Government $20 for each ton of this freight transported. It should be added that the lumber in this district will soon be entirely exhausted, and thus no longer an object of transportation.

On the Kentucky River the Government has built 11 locks and dams, at a cost of $3,094,000 for construction and $1,772,000 for maintenance, making a total of about $4,900,000. In spite of the enormous amount expended for improving the river, traffic has decreased. In 1889, with but 5 locks and dams, the total tonnage was 435,595 tons, while in 1909, after the completion of 11 locks and dams, it amounted to but 422,854 tons, of which 288,321 tons were made up of lumber and logs. The expenditure for maintenance alone for this year brings the cost to the Government something in excess of $1 per ton. * * *

The Green River, in Kentucky, affords an excellent example of pitiful traffic conditions. Six locks and dams have been built on this stream and three more are urged by the optimistic citizens of the locality. The statistics of commerce passing Lock No. 6 on this river serve as an index of general conditions on the entire stream.

There were about 2,000 tons, yet in the face of these returns the Government was urged to spend approximately $750,000 for three more locks and dams.

On the upper section of the Coosa River, in Alabama, a project was adopted in 1890 and modified in 1892, providing for the construction of 23 locks and dams, at a total cost of $5,106,422. Up to June 30, 1909, $401,372 had been expended, with only 4 per cent of the project completed. I quote from the report of the Army Engineer Corps for 1909:

"On account of the numerous rapids this part of the river has never been navigable. As yet no benefit has been derived from this improvement, and its value is entirely dependent on the completion of the entire system. Amount (estimated) required for the completion of the existing project is $6,059,913."

The Red River has been a petted child of Congress, and speaking of this stream Mr. Fuller says:

The Government first undertook its improvement in 1828. Since that time $2,548,377 has been expended on this section of the river. In 1908, $78,203 was expended for maintenance and improvement. Yet the traffic on this stretch of 500 miles for 1908 was almost negligible. Exclusive of saw logs, the commerce was made up of 6 tons of cotton; 300 tons of cotton seed; hides and skins, 0.05 of a ton; provisions, 6 tons; grain, 18 tons; miscellaneous, 511 tons; a grand total of 841 tons. Thus it seems that the Government expended $93 for each ton of freight carried on this section of the river, exclusive of logs and timber. * * *

The Arkansas River, passing through Oklahoma and Arkansas, and approximately 1,000 miles in length, has received the bounty of Congress to the extent of $2,476,880. Yet in the last year its total commerce was 92,455 tons. * * *

The Mississippi River, famed in history and tradition, is a notable object lesson for the student of American waterways. On the entire river between St Paul and New Orleans the Government has expended more than $90,000,000. On the stretch between the mouth of the Missouri and the mouth of the Ohio, approximately 205 miles—on which is located the city of St. Louis—$12,000,000 has been spent. And yet the traffic on this section of the river has been constantly decreasing. In 1880 fourteen times as much river freight was received and shipped at St. Louis as in 1909. In 1909 it amounted to but 374,093 tons. * * *

The United States has spent more on this stretch of 205 miles of the Mississippi than the central Government of Germany has expended for improving the Rhine from Strasburg to the frontier of Holland, a distance of 355 miles. Yet on this section of the Rhine the total tonnage in 1908 was approximately 40,000,000 tons, as against less than 375,000 tons on the Mississippi. * * *

The United States has spent $339,000,000 in the last 15 years upon its rivers and harbors, and during this time the traffic on the rivers has steadily declined. * * *

Mr. President, I find that I shall have to pretermit any further discussion of this measure, as I am compelled to leave the city in half an hour to visit an adjoining State to speak in behalf of the Red Cross organization. I have considerable material here that I desired to place before the Senate, but time prevents me from doing so. I hope the time is not far distant when we can work out some reforms in the plan of dealing with rivers and harbors.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is on the amendment offered by the Senator from South Dakota [Mr. STERLING].

The amendment was rejected.

The PRESIDING OFFICER. The bill is still in the Committee of the Whole and open to amendment. If there be no further amendment to be proposed——

Mr. SMOOT. Mr. President, there are so few Senators present that I think it wise to have a quorum before any further consideration is given to amendments. I therefore suggest the absence of a quorum.

Mr. FLETCHER. Will not the Senator withhold that suggestion until the bill is reported to the Senate?

Mr. SMOOT. There may be some Senator who desires to offer an amendment while the bill is in Committee of the Whole.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Henderson	New	Smoot
Borah	Johnson, Cal.	Nugent	Sterling
Curtis	Jones, Wash.	Overman	Tillman
Fletcher	Kenyon	Page	Trammell
Frelinghuysen	Lewis	Phelan	Underwood
Gronna	Lodge	Poindexter	Vardaman
Guion	McCumber	Ransdell	Wadsworth
Hardwick	McNary	Sheppard	Willfley

Mr. SMOOT. I desire to announce that the Senator from New Hampshire [Mr. GALLINGER] is unavoidably detained from the Senate.

The PRESIDING OFFICER. Thirty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators, and Mr. KIRBY, Mr. MCKELLAR, Mr. POMERENE, Mr. ROBINSON, Mr. SAULSBURY, Mr. SHAFROTH, Mr. SMITH of Georgia, Mr. SUTHERLAND, and Mr. SWANSON answered to their names when called.

The PRESIDING OFFICER. Forty-one Senators have answered to their names, not a quorum.

Mr. SIMMONS entered the Chamber and answered to his name.

The PRESIDING OFFICER. What is the further pleasure of the Senate?

Mr. FLETCHER. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. NELSON, Mr. BECKHAM, Mr. SMITH of Maryland, Mr. SHIELDS, Mr. THOMPSON, Mr. DILLINGHAM, and Mr. CULBERSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present.

Mr. POINDEXTER. Mr. President, when this bill was introduced in the House of Representatives, I think on behalf of the Rivers and Harbors Committee, it contained section 5, a different section from the section 5 which is now in the bill. It authorized the Secretary of War, within such limitations as he might prescribe, to take proceedings to stop the pollution of navigable streams. I want to call attention to it and hope the chairman of the committee will not object to having it reinserted in the bill. It was stricken out on the motion of some Members representing the committee of the House after the bill was taken up on the floor. That section provides:

> That, within limits to be prescribed by the Secretary of War, it shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited from any source whatever any free acid or acid waste in any form, either directly or indirectly, into any navigable water of the United States or into any tributary of any navigable water; and every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the foregoing provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment (in the case of a natural person) for not less than 30 days nor more than one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That this section may be enforced as provided in section 17 of the river and harbor act of March 3, 1899, the provisions whereof are hereby made applicable thereto.

I call attention to the fact that, as written into the bill when it was introduced, the extent and condition upon which the Secretary of War should prohibit the pollution of navigable waters by the discharge of acids into them was left to some extent in the discretion of the Secretary of War, so that he would have authority under this provision to consider the circumstances and conditions of the manufacturing plants and prescribe the limits within which the discharge of acids into the waters could be prohibited so as not to work an unreasonable injury upon an industry. That provision was based upon a letter from the office of the Chief of Engineers.

Mr. FLETCHER. Mr. President, it is getting late, and it is Saturday afternoon. If it is agreeable to the Senator to have this matter go over, I would be glad to move a recess until 12 o'clock on Monday.

Mr. POINDEXTER. I was in hopes that there would be no difficulty about this provision. I was going to call attention to the letter of the Chief of Engineers, in which he points out the enormous destruction of property.

Mr. FLETCHER. I have no objection to the Senator proceeding.

Mr. POINDEXTER. It will take only a moment. Perhaps the Senator from Florida will be willing to have the matter reinserted in the bill as it was before and be given opportunity to consider it in conference, after further conference with the War Department.

Mr. FLETCHER. I am disposed rather to look into it somewhat before I would feel prepared to accept it. My information is that it was recommended by the Chief of Engineers, and the bill was reported to the House with that section 5 in it, and a great storm was raised throughout the country, and coal mines and paper mills and other manufacturing plants on the rivers and waterways became so disturbed about it that the committee concluded to withdraw that provision. So it went out by reason of their finding that it would create great disturbance and opposition and that it was really not in the public interest just at this time.

As a general thing I think undoubtedly the provision is a sound one, but in this emergency now, when we are putting up plants where we never had them before, and using material we were never accustomed to use, it was thought it would be a mistake to include that section in the bill.

That is my information, and I would rather look into it a little before acting upon it, if it is agreeable to the Senator. At any rate, if the Senator presses it, I am not in a position to accept it. As far as I am concerned, I would have to leave it to a vote, and I feel like I would have to vote against it. Still I think that is the situation which developed after the bill came into the House.

Mr. POINDEXTER. Mr. President, in view of that attitude on the part of the Senator, I feel compelled to present the matter a little more fully. I will yield in just a moment, if the Senator desires to make the motion he referred to, and take it up again when the consideration of the bill is resumed, with this statement, that in so far as the emergency industries to which the Senator refers are now in process of establishment so long as the regulation is in the hands of the War Department there is every guaranty that no war industry will be interfered with in any way at all. So far as my own vote and position in the matter are concerned, the very fact the Senator cites, that when a proposition that is, as he says, generally recognized as a sound one, for reasons that are so well pointed out in this letter from the Chief of Engineers—in which he not only speaks of the destruction of beauty and of the fisheries in the streams, but points out that in the one locality of Pittsburgh alone the acids that are dumped into the water there, by the effect upon the boilers of engines which use the water, lessening the life of a boiler one-half of its normal life, eating away the ironwork of the locks in the canals and other improvements that have been placed in the rivers for the purpose of making them navigable, costs the Government $75,000 a year—it seems to me when you say you will not prohibit this because some interest comes into Congress and overwhelms the committee, after the committee has introduced the measure upon a deliberate recommendation of the War Department, and they give way to these interests and withdraw a sound proposition—that is the very reason why I want to insist upon Congress freeing itself of such an influence and acting upon the merits of the question.

Mr. FLETCHER. If the Senator will allow me, I do not like to be put in that position, and it was not the one I sought to refer to. It is not justified. What I mean to say is that the manufacturing plants are largely engaged in Government work. I understand it is not a question of private interests; it is a question of interfering with the manufacture of products that are used really as war material. It is only that sort of interest that we ought to take cognizance of in connection with it.

Mr. POINDEXTER. I should like to say, before concluding, that in order to limit the effect of this provision I see no reason for not confining it to those waters that are above tidewater, because engines there get their waters for their boilers, and that is where the locks and dams are in the rivers, and the discharge of waste into tidal waters is not apt to do any harm. At the same time there are a number of factories on tidewaters, and the objection of one such industry, located on tidal water, asking that tidal waters be excepted from the provisions of the bill, has just been called to my attention. I see no reason for refusing to except tidal waters from the provision.

Mr. FLETCHER. Then the amendment would be somewhat different from the language contained in the original bill. Has the Senator prepared an amendment?

Mr. POINDEXTER. I have prepared it; I have it here. It is the same as the provision contained in the original bill, with the insertion of the words "above tidewater."

Mr. VARDAMAN. I suggest that it be printed in the RECORD.

Mr. POINDEXTER. I would be very glad to do that. I ask that the amendment I now propose be printed in the RECORD. Then I will yield to the Senator from Florida to make the motion he has referred to, but I should like to ask the Senator if he will not consider this proposition and, if necessary, consult with the War Department about it?

Mr. FLETCHER. I will be very glad to do that, and it is possible I shall make no objection to it.

The PRESIDING OFFICER. Does the Senator from Washington desire to offer it as an amendment and have it printed and lie on the table, in addition to being printed in the RECORD?

Mr. POINDEXTER. I will do that. I should like to have it printed in the RECORD as well as separately.

The PRESIDING OFFICER. It will be so ordered.

Mr. POINDEXTER's amendment is as follows:

Insert as an additional section:

"SEC. 5. That, within limits to be prescribed by the Secretary of War, it shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited from any source whatever any free acid or acid waste in any form, either directly or indirectly, into any navigable water of the United States or into any tributary of any navigable water above tide water; and every person and every corporation that shall violate or that shall knowingly aid, abet, authorize, or instigate a violation of the foregoing provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment (in the case of a natural person) for not less than 30 days nor more than one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That this section may be enforced as provided in section 17 of the river and harbor act of March 3, 1899, the provisions whereof are hereby made applicable thereto."

RECESS.

Mr. FLETCHER. I move that the Senate take a recess until 12 o'clock noon on Monday.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m., Saturday, May 18, 1918) the Senate took a recess until Monday, May 20, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 18, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, from whom cometh all wisdom, strength, and courage, imbue us plenteously with these gifts; that in the present crisis we may be able to adjust ourselves as individuals and as a Nation to the new conditions thrust upon us and meet with becoming grace and patriotic zeal every sacrifice necessary to meet the circumstances.

The task is great, but Thou hast made us strong and powerful and laid upon us great responsibilities.

Hear us and thus bless us with the Spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

INTOXICATING LIQUORS, TERRITORY OF HAWAII.

Mr. HOUSTON. Mr. Speaker, I move to take from the Speaker's table the bill S. 3935 for consideration, and move its passage. I will state, Mr. Speaker, that this bill is identical with one before the House Committee on the Territories, which has been considered and reported favorably to this House.

Mr. STAFFORD. Will the gentleman permit there?

Mr. HOUSTON. Furthermore, I want to state that the Committee on the Territories has instructed the chairman of that committee to call up this bill for its consideration.

OIL AND GAS LEASING BILL.

Mr. FERRIS. Mr. Speaker, if the gentleman from Tennessee will yield to me a moment to make a unanimous-consent request, I had arranged with the majority leader [Mr. KITCHIN] to ask unanimous consent for a matter which will not take up any time at all.

The SPEAKER. Does the gentleman from Tennessee yield?

Mr. HOUSTON. I yield.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that immediately following consideration of the bill now being considered in the House from the Commitee on Agriculture that the bill S. 2812, or rather the substitute for it, be taken up for consideration, and in so far as it does not interfere with the military appropriation bill, conference reports——

Mr. KITCHIN. That is the oil and gas leasing bill?

Mr. FERRIS. It is the oil and gas leasing bill, which has twice passed the House.

The SPEAKER. What was the gentleman's request in reference to the military appropriation bill and conference reports?

Mr. GARNER. Will the gentleman permit a suggestion?

Mr. FERRIS. Certainly.

Mr. GARNER. Let the bill not interfere with appropriation bills, conference reports, and matters on the Speaker's table.

Mr. FERRIS. Certainly; that is all right.

Mr. CAMPBELL of Kansas. That is what is known as the gas leasing bill?

Mr. FERRIS. That has twice passed the House during the last Congress and was killed in the Senate, but the Senate finally passed a bill, and there is a very great demand for it in the West.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that after the disposition of the bill which was considered yesterday afternoon that the bill S. 2812 shall be in order, not to interfere with conference reports, appropriation bills, or ordinary business on the Speaker's desk. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, do I understand the gentleman's request also to preclude business on Monday, unanimous-consent day, and on Calendar Wednesday?

Mr. FERRIS. I do not think we ought to do that; no.

Mr. STAFFORD. The gentleman's request is broad enough to include that.

Mr. FERRIS. I would make that exception. This is an urgent matter.

The SPEAKER. That the business on the Unanimous Consent Calendar, suspension of the rules, and so forth, and Calendar Wednesday business, shall not be interfered with.

Mr. WINGO. That would not prevent a motion to suspend the rules on Monday?

The SPEAKER. That is exactly what the Chair was stating, that it will not interfere with business on Monday's calendar or Wednesday.

Mr. STAFFORD. Mr. Speaker, further reserving the right to object, I notice the committee has reported a substitute for the Senate bill. I suppose the gentleman's request is to consider the House substitute in lieu of the Senate bill and that the substitute be considered as an original House bill, section by section?

Mr. FERRIS. Yes; section by section as an original bill.

Mr. STAFFORD. And not as an entire substitute?

Mr. FERRIS. No; section by section as if it were an original bill.

The SPEAKER. The Chair wants to know of the gentleman from Oklahoma if he means by this request he has made that when this bill is made in order, if it is, that it is going to be a continuing order?

Mr. FERRIS. Yes; I would like that, as this is a great emergency bill.

The SPEAKER. The Chair does not want any quibbling about that.

Mr. STAFFORD. Mr. Speaker, I would like to have it distinctly understood also that the substitute be considered in the Committee of the Whole House on the state of the Union as if it were an original House bill.

Mr. FERRIS. Certainly; I asked that that be done, and think it should be done.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair lays before the House the bill S. 3935.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7634. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3797. An act validating certain applications for and entries of public lands, and for other purposes;

S. 4193. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 4194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 1847. An act to authorize the addition of certain lands to the Wyoming National Forest;

S. 2714. An act authorizing the removal of stumps from cut-over Oregon and California lands;

S. 1760. An act to authorize the sale and disposal of an island in the Coosa River, in the State of Alabama;

S. 1889. An act revoking authority to lease Sibley Island in the Missouri River to the city of Bismarck, N. Dak.;

S. 3392. An act for furnishing water supply for miscellaneous purposes in connection with reclamation projects;

S. 3570. An act granting lands for school purposes in Government town sites on reclamation projects;

S. 2460. An act authorizing the issuance of patent to the Milk River Valley Gun Club;

S. 93. An act to consolidate national-forest lands;

S. 4135. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,' approved September 1, 1916," so as to change the time of holding courts in the western district of South Carolina; and

S. 3469. An act to amend the act of September 1, 1916, entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,' approved March 3, 1915, so as to provide for terms of the district court to be held at Anderson, S. C.," so as to change the time of holding courts in the western district of South Carolina.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 11628. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

INTOXICATING LIQUORS, TERRITORY OF HAWAII.

The Clerk read as follows:

An act (S. 3935) to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided.

Be it enacted, etc., That 90 days after the passage of this act, during the period of the war and thereafter, except as herein provided, it shall be unlawful in the Territory of Hawaii to sell, give away, manufacture, transport, import, or export intoxicating liquors, except for mechanical, scientific, sacramental, or medicinal purposes, for which purposes the sale, gift, transport, import, and export of the same shall be under such rules and regulations as the Governor of the Terrritory may prescribe, and any person violating the provisions hereof shall be fined in a sum not exceeding $500 or imprisoned for a period of not longer than one year, or both: *Provided*, That at any general election of the Territory of Hawaii, held within two years after the conclusion of peace, the repeal of this act may, upon petition of not less than 20 per cent of the qualified electors of said Territory at the last preceding general election, be submitted to a vote of the qualified electors of said Territory, and if a majority of all the qualified electors thereof voting upon such question shall vote to repeal this act, it shall thereafter not be in force and effect; otherwise it shall be in full force and effect.

SEC. 2. That the said petition shall be addressed to and filed with the Secretary of the Territory at least two months before the election at which the question is to be voted upon, and the person obtaining any signature to such petition shall make affidavit that he witnessed the signing of the same and believes the address of each petitioner affixed to his name is the true address of such petitioner. Such election shall be conducted under the laws of the Territory provided for general elections.

Mr. STAFFORD. Will the gentleman yield me some time?

Mr. HOUSTON. Yes; I will yield the gentleman some time for debate.

Mr. STAFFORD. I desire it; not to exceed 10 minutes.

Mr. HOUSTON. I will agree to yield the gentleman five minutes.

Mr. DYER. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee yields the gentleman from Wisconsin five minutes.

Mr. STAFFORD. Mr. Speaker, I think the gentleman ought to be a little more liberal than that. This bill has never been considered by the House, and now he is asking this extraordinary procedure to have it adopted with hardly any debate at all.

Mr. HOUSTON. No; I am not asking anything of the kind.

Mr. DYER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. DYER. Mr. Speaker, I do not believe——

Mr. HOUSTON. Before the gentleman makes a statement, let me answer the statement and request of the gentleman from Wisconsin.

Mr. DYER. I am going to make this statement, Mr. Speaker, that as the membership generally does not know that this matter is coming up this morning, and I think they should know and be here, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Missouri makes the point of order there is no quorum present.

Mr. HOUSTON. Mr. Speaker, I move a call of the House.

The SPEAKER. There is no quorum present. The gentleman from Tennessee moves a call of the House.

The call of the House was ordered.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anthony	Elliott	Kelly, Pa.	Riordan
Barkley	Ellsworth	Kettner	Robbins
Barnhart	Elston	Key, Ohio	Rose
Beshlin	Estopinal	Kiess, Pa.	Rowe
Bland	Evans	Kreider	Rowland
Brodbeck	Fairchild, G. W.	LaGuardia	Rucker
Brumbaugh	Fields	Lea, Cal.	Sabath
Burnett	Flood	Lehlbach	Sanders, La.
Butler	Flynn	Lesher	Scott, Pa.
Caldwell	Focht	Linthicum	Scully
Campbell, Pa.	Foster	Little	Sears
Carew	Freeman	Littlepage	Sells
Carter, Mass.	Fuller, Ill.	Lufkin	Shallenberger
Church	Garland	McCormick	Siegel
Clark, Fla.	Glass	McCulloch	Sloan
Clark, Pa.	Gordon	McFadden	Smith, Idaho
Cleary	Gould	McKenzie	Smith, C. B.
Coady	Graham, Ill.	McLaughlin, Pa.	Smith, T. F.
Connelly, Kans.	Graham, Pa.	Maher	Snook
Costello	Gray, Ala.	Mann	Snyder
Crago	Griest	Meeker	Steele
Currie, Mich.	Griffin	Miller, Minn.	Stephens, Nebr.
Curry, Cal.	Hamill	Miller, Wash.	Strong
Dale, N. Y.	Hamilton, Mich.	Montague	Sullivan
Darrow	Hamilton, N. Y.	Moore, Pa.	Sumners
Davidson	Harrison, Miss.	Morin	Swift
Davis	Harrison, Va.	Mudd	Talbott
Delaney	Hayes	Olney	Templeton
Denison	Heaton	Osborne	Tilson
Dent	Heflin	O'Shaunessy	Towner
Dewalt	Heintz	Paige	Treadway
Dies	Hood	Parker, N. Y.	Van Dyke
Dill	Howard	Polk	Vare
Dillon	Hull, Iowa	Porter	Vestal
Dominick	Humphreys	Powers	Watson, Pa.
Donovan	Jacoway	Pratt	White, Ohio
Dooling	James	Price	Winslow
Doremus	Johnson, S. Dak.	Purnell	Wise
Drukker	Johnson, Wash.	Rainey, H. T.	Young, N. Dak.
Dunn	Kahn	Ramsey	
Eagan	Kehoe	Rankin	
Edmonds	Kelley, Mich.	Reed	

The SPEAKER. A quorum is present.

Mr. HOUSTON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. How much time does the gentleman from Tennessee yield to the gentleman from Wisconsin [Mr. STAFFORD]?

Mr. HOUSTON. I have stated that I would yield to him five minutes. I might be able to yield more. I do not know how much yet.

Mr. STAFFORD. May I inquire of the gentleman from Tennessee whether he intends to yield more liberal time than that to those who are opposed to this bill?

Mr. HOUSTON. I should be willing to yield some time to the opponents of the bill.

Mr. STAFFORD. How much time is the gentleman willing to yield to those opposed to this bill? It has never been considered by this House. Let us see if we can not get some understanding.

Mr. HOUSTON. I am very anxious to get through with this measure and get it out of the way of the Agricultural bill. I have promised them to be as speedy as I can as to action on this bill. I do not want to take up more time than necessary, but I am willing to divide the time between those who are for the bill and those who are against it. I hope to get through with it in less than an hour.

Mr. STAFFORD. How much time is the gentleman willing to yield to those in opposition to the bill?

Mr. HOUSTON. I am trying to make a fair disposition of the time. I can not tell how much time we are going to spend in debate. I will yield to the gentleman from Wisconsin 5 minutes, and perhaps yield to him 10.

Mr. STAFFORD. Is the gentleman willing to yield 20 minutes to those opposed to this bill?

Mr. HOUSTON. If the discussion can be confined to 40 minutes, I will do that. I am willing to yield 20 minutes to those opposed to the bill. I am going to make a statement in my time, and I desire to retain control of the time, and will yield to the different Members of the House for the purposes of debate only, and before my time is out I will move the previous question.

Mr. GILLETT. May I ask the gentleman from Tennessee [Mr. HOUSTON] if he intends to allow any amendments to be offered?

Mr. HOUSTON. I do not, if I can help it.

Mr. STAFFORD. That is the liberal dry policy of those who are in favor of prohibition.

Mr. HOUSTON. It is similar to the tactics followed by some Members who wanted to take advantage of a technicality to prevent the passage of this meritorious measure yesterday. [Applause.]

The SPEAKER. All this talk on both sides is out of order.

Mr. HOUSTON. Mr. Speaker, this bill is a measure introduced by the Delegate from Hawaii in response to an almost universal

demand of the people of that Territory. There are petitions that have been presented to the House Committee on the Territories and to the Senate Committee on Territories from most of the societies, commercial clubs, and different organizations throughout the island. The banks have signed petitions and sent them here. I believe that 190 business organizations have submitted petitions requesting the passage of this bill. In fact Mr. Speaker, after considerable consideration of this measure in the islands where they have been agitating the question of prohibition for some time in different forms, they have harmonized their views, and this measure has received no opposition, so far as I am informed. There is no opposition from the Territory of Hawaii that has been voiced against this measure. The President of the United States, exercising the authority given him by law passed by Congress, by Executive order has prohibited the sale of whisky within the island of Oahu. The license commissioners of the counties of Maui and Kauai have refused to license the sale of liquor in those counties. This leaves only the one county of Hawaii, a large county, in which liquor can be sold under license. Now, the people of that island are complaining, and complaining seriously, at the condition this leaves them in. It is the only island in which liquor legally is sold. They say they have become the dumping ground for liquor transported there. It makes a traffic that is most demoralizing and ruinous to the morals and welfare of the people of that island, as well as to all of the other islands. Now, this bill is presented to relieve an evil that is so strong and so pressing that all of the organizations of the Territory have asked for its passage, and the mayor of the town of Honolulu and many others have asked the President of the United States that he by Executive order prevent the sale of liquor. That he has done in that island. Before that there was a demoralization there that was absolutely ruinous to the morale and the spirit of the American soldiers stationed on that island.

Ten thousand and more were stationed there. They were taking advantage of a bootlegging, wildcatting practice that was in vogue there. They could not buy it themselves, being in uniform, but by appealing to this method of evading the law there was an immense amount of drunkenness, so much so that the officer in command of the post there notified the mayor of Honolulu that if he did not stop the sale of liquor to be conveyed to these soldiers no soldier would be allowed to enter the confines of that city. All these conditions that I have described induced that order.

Now, the question is, Shall we let these other counties go on and sell liquor? Shall we let the one county that is now manufacturing liquor continue it? I want to emphasize that point. In the county of Hawaii, the largest island of the group, they are now manufacturing whisky for sale.

Now, Mr. Speaker, this is a war measure. One object of this bill is to conserve foodstuffs and prevent their being manufactured into liquor and demoralize not only the soldiers in the Army but people of that Territory.

Right on that point I want to say that there is no people on earth that need prohibition more than the people of the Territory of Hawaii, and when I say that I do not mean to reflect upon those people. They are a generous, a social, an amiable, and a patriotic people. They have such a temperament that they are easily led into conviviality, easily led into dissipation; their morals are easily ruined on account of the amiable, childlike disposition, in some ways, of those people there. Now, no country needs prohibition so much as these people. And bear in mind, gentlemen of this House, that when Hawaii had control of her own affairs, when they had their government, their kingdom, their monarchy, they did all in their power to prevent the sale and manufacture of whisky. It was put under ban. It was made unlawful to have it in any form or to manufacture it there. But after they had become attached to the United States, with our civilization and the protection of the American flag, we carried with it the right to sell whisky, and that right has done more to demoralize those people than any other influence in the world. A brave, a happy, a generous, and amiable people, they have been almost ruined. It is claimed by those people there that they have almost destroyed the native race by furnishing and putting in their reach the liquor that they can get.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. HOUSTON. I yield to the gentleman.

Mr. WALSH. I am very much interested in the references the gentleman is making as to those people. If those conditions are true—and I have no doubt they are and not exaggerated by the gentleman—I would like to ask him what is the idea of giving these people an opportunity of repealing this legislation within two years? Why experiment with this problem in that Territory? Why not make it permanent law, as we have in the District?

Mr. HOUSTON. I will say to the gentleman from Massachusetts, in answer to that question, that there have been measures introduced to establish absolute prohibition in Hawaii. I would vote for a measure of that kind. I believe it would be a good thing for those people. But this is a bill introduced by the Delegate from that Territory, representing a compromise vote as between all of the parties, and that is the reason why it has taken preference over the bill for absolute prohibition. The feature that the gentleman alluded to, to give them a chance to repeal it, was put in out of consideration of this claim that so many men make in favor of local option. It puts that feature into the bill, and by having that feature in it it harmonizes all opposing elements there. They all agree to it, and it was thought it would make it more easy to pass the measure.

Now, bear in mind, it gives two years in which to experiment with prohibition. I am such a believer in prohibition, such a believer in the good results that come from it, judging from what I have seen in my own State and elsewhere, that I believe with two years' education, two years' experience in prohibition, those people will never go back from it or go to the licensing of liquor.

Mr. WALSH. Mr. Speaker, will the gentleman yield for another question?

Mr. HOUSTON. Yes.

Mr. WALSH. Assuming, as may be very likely, that the constitutional amendment will be ratified in two years, would that be operative in the Territory of Hawaii—the prohibition amendment that is now being acted upon by the legislatures of the various States? If that should be ratified by the requisite number of States, would it not be effective in the Territory of Hawaii?

Mr. HOUSTON. I would not undertake offhand to give a legal opinion on that proposition. As I remember the terms of the resolution, it was confined to the United States; but I take it that it might cover all the Territories, although I am not sure that it will go beyond continental United States.

Mr. PLATT. Mr. Speaker, will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. PLATT. The Hawaiian Islands are a regularly organized Territory of the United States, are they not?

Mr. HOUSTON. Yes; they are a regularly organized Territory of the United States.

Mr. PLATT. I have no doubt but that they would be included.

Mr. HOUSTON. That may be; but that is not relevant to this discussion. We may revert to that feature after the war is over.

This is a war measure, for the purpose of conserving foodstuffs for making bread and supplying food for the support of our armies that are to win this war. We ought to save in every instance. We ought to save in every way. Those people are patriotic. They want to serve this country and to help win this war, and they will help to win this war, and we do not want any practice or system left in operation that will destroy and take away valuable material for the supplying of food to our soldiers.

After the war is over, within two years, if one-fifth of the qualified voters should so petition, they can have a vote to determine whether or not this law will be in force and effect.

Now, Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD], for debate only.

The SPEAKER. The gentleman from Wisconsin is recognized for 10 minutes.

Mr. STAFFORD. Mr. Speaker, for the first time in the history of the United States Congress is attempting to impose its will upon an integral Territory, the Territory of Hawaii, far removed, on a local question without the people having any determination as to its going into effect.

This is unlike the bill relating to prohibition in Alaska, which had my support, because there the legislature had submitted the question of prohibition to the vote of the people, and they had indorsed it by a large majority. It is my fundamental belief in legislation affecting local questions, that when a community—as Alaska did, when its voters reflected the will of its people that they wished to have prohibition—it is the duty of Congress to carry out their will.

But not so here. You are in effect applying a principle that in any State, in any Territory, Congress should impose prohibition upon a county, or on a State or Territory, regardless of the wishes of that county or State or Territory. But the gentleman from Tennessee tries to excuse this outrageous policy against local self-government by saying that after it has been enforced during the war period, within two years following, that there may be a referendum.

If the gentleman were sincere in his position he would permit an amendment, so that any time after the enactment of this bill into law the people of the Territory of Hawaii could at any

general election move its repeal. It is the purpose of those who are in opposition to this bill to ask the privilege of moving to strike out in lines 3 and 4, on page 2, the words "within two years after the conclusion of peace," so that the people of Hawaii, who are just as well qualified to pass upon this question as were the people of Alaska or the people of any other Territory, may have the privilege at any time after this law takes effect, under the provisions of this section, to say whether they wish to have the law continued or not. Are you in favor of imposing upon these people, far distant from this city—5,000 miles away—a law that they may not wish? There are no troops on the island of Hawaii. That is the largest island of the group.

I am surprised indeed that the gentleman advocating this bill says that the manufacture of strong liquors is continuing there, in spite of the law of this country which forbids the manufacture of liquors at the present time in any part of continental United States or any of its possessions.

Mr. HOUSTON. Will the gentleman yield right there?

Mr. STAFFORD. I will be glad to yield to the gentleman.

Mr. HOUSTON. I want to state that I get information from the islands that they are manufacturing liquor in the county of Hawaii at the present time. Whether they have a license to do it or not I can not say, but they are manufacturing it there, and we want to stop it.

Mr. STAFFORD. Then they are manufacturing it against the mandate of Congress, passed August 10 last, which forbids the use of any grain for the manufacture of distilled liquors after that date. But in these parlous times, when we hear so much of self-determination, we have a bill sponsored by the Democrats, whose faith was once in local self-government, who come here and try to impose their will upon a people far away, when those people may be opposed to it. I would be the last one in this House, and my record justifies the statement, because of my vote on the Alaska liquor bill and other local-option questions, to oppose granting them prohibition if the people had so expressed themselves in their Territorial legislature or by popular vote. But we have no such action on their part.

The gentleman tries to magnify, as all dry orators do, the conditions prevailing in the Hawaiian Islands. Three years ago it was my privilege to visit those islands in company with a congressional party. I could not see there any wild outlawry or any excess in the use of liquor as far as the natives or the Americans or the people of other nationalities there were concerned. We have had no petition from the legislature of the Territory. True, I have received petitions, as you all have, from the advocates of prohibition, asking to have the mandate of Congress imposed against perhaps the local will of the people of Hawaii, but there is nothing in the conditions prevailing there that justifies that action. Now in these days when the country is responding to the idea of the self-determination of the people in their government, you are enacting a law which does not permit them to express themselves, but saying, "We will force this down your throats because perchance the dry vote at home is stronger than the wet vote."

There is a change going on in this country on the question of prohibition. There is a strong sentiment throughout the country against the manufacture and sale of alcoholic liquors. There is just as strong a sentiment in favor of the continued use of maltous liquors and light wines. What is the condition here in the District of Columbia, where you have imposed prohibition? Go to the laboring classes and inquire. They say, "It is wrong, almost a crime, to force them to have brought into this District strong liquor, and not be able to get the maltous beverages." True, you can get the substitutes; you can get the near beer. As was expressed by a vaudeville artist at Keith's Theater this week, "It looks the same and tastes the same, but it has not got the authority." What the laboring men of this country want is these mild beverages in place of the strong liquors that eat away the vitals. In Michigan, for instance, they are going to submit that question to a vote of the people.

Mr. CRAMTON. And they are going to beat it, too.

Mr. STAFFORD. Oh, the gentleman is dry and always dry. The question whether they are going to allow the sale of the milder beverages is to be submitted to the people of the State of Michigan, which went dry on May 1 of this year.

But I bottom my opposition to this bill fundamentally on governmental principles. How can you justify the imposing of our will, without any request from any territorial representatives, on the people of that far-off country? Are we to do the same thing with the Philippines? Are we to legislate always on local questions here, without knowledge of conditions, upon the request of some people here and not upon the request of the people who are affected?

Mr. CRAMTON. The gentleman has spoken about the District of Columbia. I want to ask the gentleman whether he would favor making the Sheppard law applicable to the District and shut out all liquor from the District, and make it really bone dry, and have really efficient prohibition? Does the gentleman favor that?

Mr. STAFFORD. Oh, I do not wish to be a hypocrite, like some of these dry advocates here, who take a position in some places in strong advocacy of prohibition and then use liquor in their homes and otherwheres.

Mr. CRAMTON. Does the gentleman advocate the application of the Sheppard law to the District?

Mr. STAFFORD. I would prefer to have a liberal law that would not drive men over to Baltimore, where they are obliged to get the strong, devitalizing liquors; but would have it so that they could take their mild drinks here which are not injurious to man unless drunk to excess, but really advance his health when used moderately.

Mr. RANDALL. Will the gentleman yield?

Mr. STAFFORD. I always have to yield to the gentleman from California when the question of prohibition is up.

Mr. RANDALL. The gentleman said something about the possibility of the State of Michigan submitting a proposition to permit the sale of light drinks.

Mr. STAFFORD. Not the possibility. They have actually passed a law submitting the question to the people.

Mr. RANDALL. Never mind that; but is the gentleman aware that the States of Oregon and Washington, which adopted prohibition, afterwards submitted proposals to permit the sale of lighter drinks, and that proposition was defeated in each State by a majority three times as great as that by which the original amendment was adopted?

Mr. STAFFORD. I was not aware of that fact. Perhaps there may be a change of sentiment going on in those States, too.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. STAFFORD. I yield to another dry advocate, the gentleman from Ohio.

Mr. COOPER of Ohio. I would like to ask the gentleman from Wisconsin if it is not a fact that the representative of the people of this island, speaking for them, has come and asked Congress to pass this law?

Mr. STAFFORD. There is no petition from the Territory of Hawaii, or the people of Hawaii, which reflects the views of that island as warrant for the passage of this measure. The Delegate from Hawaii has no more superior claims to impose his will on the people of Hawaii than the gentleman from Ohio has the right to impose his will as to prohibition in the State of Ohio.

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. I ask for two minutes more.

Mr. HOUSTON. I do not think I can yield any further.

Mr. STAFFORD. The gentleman said he would yield 20 minutes in opposition, and I do not believe the other 10 minutes are going to be used in opposition.

Mr. HOUSTON. Then I will yield more time to the gentleman from Wisconsin, but not now. Mr. Speaker, I yield to the gentleman from Missouri [Mr. HAMLIN] five minutes.

Mr. HAMLIN. Mr. Speaker, this bill was introduced by the Delegate from Hawaii, he, presumably, knowing what the people of the Territory desire. The bill provides for prohibition during the war and a period of two years thereafter, during which time, after the close of the war, if the Territory desires it and a certain per cent of the legal voters petition for it, they may submit to the legal voters of that Territory the question as to whether the law shall continue and be permanent or whether it shall be ipso facto repealed. The gentleman from Wisconsin objects to that provision of the bill, and I think inadvertently makes a confession which men representing the views that he holds upon the question of prohibition do not intentionally, very often at least, make. Antiprohibitionists usually say that prohibition will prove to be such a miserable failure that the people will be disgusted with it. The gentleman from Wisconsin undoubtedly does not believe that and is therefore afraid to give it a trial. If prohibition is given a trial in the Territory and that experience proves unsatisfactory, undoubtedly the people of the Territory would vote to repeal it as they would have a right to do under the terms of this bill. If on the other hand it proves satisfactory, as we believe that it will, it will remain the permanent law of the islands.

As the chairman of the committee said a while ago, this optional provision was put in out of deference to those who are opposed to prohibition in the Territory of Hawaii. Let prohibition be tried out on its merits.

But, gentlemen, let me call attention to one or two things in connection with this bill. A petition was presented to us in which this statement was made:

The purpose of the organization is—

"To protect our own people from everything that is disastrous to their life and general welfare and to promote the best traditions and principles of our forefathers."

The petitioners declare—

"that experience and facts have shown and proven that alcoholic drinks are an evil and menace to the physical and moral and spiritual welfare of the Hawaiians as well as the other races in the Territory and especially of the fighting men of our country."

And then the grand jury of that Territory submits an observation on this very proposition. Here is what the grand jury said:

Liquor conditions in Honolulu are growing worse. Vice is widespread. The social evil is rampant. Bootleggers and speak-easies flourish. Soldiers and sailors are the principal victims.

That is the statement made by the grand jury, composed of the citizens of Hawaii.

Brig. Gen. Fred S. Strong, formerly in command of the United States Army in Hawaii, said:

The saloon is responsible for 90 per cent of all the pilikia (trouble) we have with our enlisted men, while 5 per cent in addition is indirectly traceable to the same cause.

Here is the character of the nationality of the different people who have petitioned for the passage of this measure:

Hawaiians	1,825
Anglo-Saxons	719
Japanese	394
Chinese	210
Filipinos	226
Portuguese	184
Hawaiian Chinese	166
Koreans	125
Mixed	338
Total	4,187

If it is true that it is wrong to sell liquor to the soldiers in the Army, and I believe that it is, then this bill ought to pass because it is known that we have a considerable number of soldiers upon the island in which Honolulu is situated. The other islands are closely situated around this particular island.

The presidential or Executive order which was recently issued prohibited the sale of liquor to soldiers within a certain limit of the camp over there but would not apply to other counties in the Territory.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. STAFFORD. Does the gentleman mean to say that the other islands are near Hawaii?

Mr. HAMLIN. Not far away.

Mr. STAFFORD. Does the gentleman call five hours by steamer very near?

Mr. HAMLIN. It is not long when you can get liquor by making the trip. [Laughter.] Distance and time are eliminated when you can get liquor. As long as it is permitted to be sold in one of these islands it is impossible to prevent it from being sold illicitly to soldiers in the Army. While I am for prohibition always, and on all occasions, I am unalterably in favor of it in time of war. It seems to me that nothing can be conceived of as a reason for selling liquor to soldiers engaged in the business of prosecuting this war, and this bill should pass.

Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Speaker, I recognize that anything I may say will have very little influence upon the vote of this House upon this measure, but I shall oppose its passage. This is as big a fake measure as was ever introduced here, backed up as it is by false pretense under the guise of a war measure, together with the power and influence of the prohibition movement and forces in this House. I suppose, of course, it is going to pass, and I have not any doubt about it; but it is an imposition upon the business interests and many of the best people of the islands. There is no war measure connected with it, the war is only a pretense. The only island in the Hawaiian group that has any soldiers upon it is the island of Oahu, where the city of Honolulu is located, and under a presidential proclamation the island of Oahu is dry. There is no chance for the soldier to get a drink in the Hawaiian Islands, and we now have a law that prohibits the sale of liquor to a soldier in uniform, and it applies to the islands; and so under the pretense of this being a war measure they want you to vote the islands dry.

What are the facts? The Territory of Hawaii has a legislature of its own, and it has never taken any action with reference to this matter. In the Territory of Alaska the people demanded a prohibition law. Have the people or the legislature of Hawaii ever asked this House for any such measure? No; they have not. They have an intelligent legislature, and they have a new governor who knows the conditions upon the islands better than anyone in this House, and I want to congratulate the people of Hawaii upon his selection. Before we try to crowd down the throats of an innocent people a measure like this, we ought to have some word from them. This is simply a prohibition measure backed up by the prohibition forces uncalled for by the people of Hawaii.

Mr. CAMPBELL of Kansas. Does the new governor of Hawaii favor prohibition?

Mr. GALLAGHER. I do not know whether he does or not, nor does anyone in this House, but before we choke down a law of this kind on the people of Hawaii we ought to find out what the people want. Is not that good reasoning? You know that I am talking sense and for fair play on this measure, and if you have the courage of your convictions you will vote with me against it. I am not a drinking man. I believe in temperance. I believe the saloon and the sale of liquor ought to be regulated, but I do not believe that as a great legislative body we ought to try to make those islands dry without having any advice from the people of Hawaii.

Mr. GARRETT of Texas. Does the gentleman remember that it is a part of the history of the Hawaiian people that they never wanted to become a part of the United States in any particular, and does he now favor turning them loose?

Mr. GALLAGHER. Oh, that has nothing to do with the passage of this bill.

Mr. GARRETT of Texas. The gentleman speaks of doing something without their consent.

Mr. GALLAGHER. And the Hawaiian people know what they want better than we do. They are an intelligent people, and they ought to be given an opportunity through their legislature to pass upon this question before we attempt to give them a law of this kind for which they have never asked.

I have had the pleasure of visiting the islands. I know something of the people, and I know further that the prohibition movement on the island is agitated, fostered, and backed up by the same influence and forces that are at work here to make this country dry. There is a large alien population upon the islands that the planters are compelled to have and to use. They have their native drinks, to which they are accustomed. By this law you will deprive them from procuring the same. How it will affect them I do no know, but I do know the planters of the islands are having a hard time now as it is to procure labor, and the effect of this law upon the labor of the islands may cause hardship and worry to the planter in the matter of procuring help and dissatisfaction and discontent among this element of the population. I think it but fair to have an expression from the great business interest of the islands through the legislature or by some other means upon this important movement before we deprive this great element of the population of their habit and customs. It is evidently the intention of this body to make might instead of right-rule here to-day in passing this bill, and if I stand alone I shall oppose its passage and hope it will be defeated, and if we had an honest expression of opinion on it I am sure it would be defeated, as it ought to be. It is a law, to say the least, that will prove unfair to the people of the islands.

Mr. HOUSTON. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Speaker and gentlemen of the House; if there is any portion of the world over which the United States exercises jurisdiction where it is particularly appropriate and desirable that prohibition should be established, that area is the Sandwich Islands. All of us who have been to those islands and have had an opportunity of observing existing conditions, have been fully impressed with the fact that those conditions demand at our hands the suppression of a traffic which has worked untold mischief in one of the fairest lands in the sunlit Pacific. The gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Illinois [Mr. GALLAGHER] complain that this House intends to force prohibition upon the people of Hawaii. We intend to force prohibition upon that Territory precisely as we have forced it to a measurable degree upon the people of Washington. All of us who live in the city of Washington at the present time, and who lived here under ante-prohibition conditions, and are therefore able to contrast the civic and social life of the two periods, have no reason to be dissatisfied with our action when we voted for prohibition for this city. The only criticism that can be made is that we failed to exclude importations from wet centers. But that omission will be rectified ere long. I take it for granted that there is not a Member upon this floor, not even the most ardent of the wet advocates, who will not admit when he contrasts present conditions on the streets of Washington with those that prevailed 12 months ago, and notes the vast improvement in sobriety and order, that all the argument is in favor of prohibition. The object lesson of a dry Washington is a cogent argument for a dry Hawaii.

But there is an additional reason why in the plentitude of our Federal power, we should establish prohibition in the Sandwich Islands. The people of that Territory are suffering to-day in consequence of the advent in their midst generations ago of the white man with the riot of drink and debauchery that followed. The history of Hawaii informs us that when those islands were discovered by Capt. Cook they were highly populous. It is estimated that at that time the population of the Sandwich Island group was at least three or four hundred thousand. The people were remarkable for their intelligence and physical vigor. Following this discovery by Capt. Cook, and the introduction into Hawaii of ardent spirits, there ensued a period of debauchery and vice during which history informs us the people of that country died like flies. To-day there is but a handful of native Hawaiians compared with the swarming multitudes who peopled those islands 150 years ago. Are the Members of this House aware that when that country was a self-governing country, the native rulers of their own initiative, and in view of the destructive effects upon the native life of the widespread use of ardent spirits, made vigorous efforts to establish prohibition? It is to the shame of civilization, it is to the shame of what are called the great nations of the world, that at times by force, or the threat of force they compelled the people of those islands to abandon a domestic policy of island-wide prohibition which they were earnestly and honestly striving to maintain. History informs us that the efforts of those people struggling to free themselves from the grip of an increasingly destructive habit were rendered abortive by the opposition of the outside world which insisted upon the traffic in spirits as a part of the commerce of the islands. Against these powerful influences the efforts of the native authorities were fruitless, and an honest effort to exclude the importation of ardent spirits was rendered abortive.

It is peculiarly appropriate that this great Nation of ours, which stands in the forefront of all the nations in our activities in behalf of social uplift and moral betterment, should at the request of the people of Hawaii, transmitted to us by their Delegate on this floor, be the chosen benefactor to confer upon that fair Territory the rich blessings that will follow upon the abolition of the traffic in ardent spirits in their midst. Young Hawaii will rise up to bless us, and all that is best and noblest in that country will rejoice that the time at last has arrived when the power of this country became a power for righteousness and struck down by legislative enactment a traffic which has worked untold evil to the native life of Hawaii. I have been in those islands. I have traveled through Hawaii, Oahu, Maui, and Kauai and am able to speak with knowledge of the conditions that prevailed in that Territory two years ago. I know that absolute inhibition of the liquor traffic in the entire Territory will be the greatest boon that we can confer upon the people of those islands.

The SPEAKER. The time of the gentleman has expired.

Mr. SAUNDERS of Virginia. Just a minute.

Mr. HOUSTON. I yield the gentleman one minute.

Mr. SAUNDERS of Virginia. There is one other thought that I wish to present in this connection, and that is that the anti-prohibitionists are always willing to admit that the absence of spirits will be beneficial to a community, but insist that the enactment of dry legislation will not operate to suppress the traffic in ardent spirits or exclude its use. Make a community really and actually dry, they say, and they will admit that conditions of betterment will follow. Well this is the one place in our jurisdiction, where the experiment of prohibition, if it can be any longer regarded as an experiment, can be made under the most hopeful expectations of absolute success.

By reason of the isolation and remoteness of these islands, the opportunity is afforded to make the effort under the most hopeful conditions, to eliminate ardent spirits from the social and public life of that country, and thereby open a way by which a noble native race may attain its utmost development. [Applause.]

The SPEAKER. The time of the gentleman has again expired.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HOUSTON. I yield five minutes to the gentleman from Nebraska [Mr. REAVIS]. [Applause.]

Mr. REAVIS. Mr. Speaker, I would not occupy the time of the House on this measure were it not for my promise to express to you the sincere desire of the Delegate from the islands that the bill be speedily enacted.

It is unfortunate, and he so regards it, that important business elsewhere deprives him of the privilege of participating in this debate and denies us the benefit of his counsel. There is no one on this floor more industrious, more enthusiastic in caring for the interest, the welfare, of those whom he represents than is the Delegate from Hawaii. His long service here has familiarized him with procedure, and his influence and standing with the membership are of great benefit to his people.

It has been stated by the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Illinois [Mr. GALLAGHER] that this measure is not responsive to a demand emanating from the islands. Quite the contrary is true. This bill comes direct from the islands. It was introduced and has been urged by the Delegate who represents Hawaii. It is not a violent presumption to assert that he is quite as familiar with the wishes of his people as is the gentleman from Milwaukee or the gentleman from Chicago. This bill would not be occupying our attention this afternoon were it not for the existence of the demand which some Members deny.

The situation with regard to the liquor traffic in Hawaii is somewhat peculiar. The island of Oahu, upon which the city of Honolulu is situated, was recently made dry by order of the President as a military necessity. The islands of Hawaii, Maui, and Kauai are not affected by this order. The result is, according to my information, that the latter islands are rapidly becoming a storehouse for liquor shipped from the mainland and which is subsequently shipped to Oahu. The order of the President will not become completely effectual until all liquor shipments from the mainland are stopped, and this can not be done until all the islands are bone dry.

The bill provides for bone-dry prohibition during the war period, and grants authority for a referendum vote by the electors of the islands at any time within two years following the war.

Personally, I would gladly support a measure to make the islands perpetually dry. I would be glad if the bill did not contain the right to repeal this law by a direct vote within two years after the war. But unfortunately for those holding my view no amendments will be permitted to the pending measure.

Mr. WALSH. Will the gentleman yield?

Mr. REAVIS. With pleasure.

Mr. WALSH. What have the people of Hawaii to do with it? Is this not a problem for Congress to settle?

Mr. REAVIS. Undoubtedly; and I have just made the statement that I would be glad to see Congress settle it.

Mr. WALSH. I know the gentleman's views——

Mr. REAVIS. But this is not my bill; it does not come from my committee. Personally, it would please me to vote for absolute prohibition for the islands. I am not given that opportunity, and I support this measure as an improvement over present conditions.

Mr. Speaker, when the missionaries first went to the islands, which I think was about the year 1832, there were something like 140,000 natives residing there. To-day I am informed there are less than one-fourth that number on the islands. To anyone who knows the Hawaiian people these figures are productive of great sadness. Within the past few months it has been my privilege to come into more or less intimate association with them. I have visited with them in their homes, talked with them, and observed them with some attention. I remember on the night before the good queen's funeral, I was aboard ship, returning to Honolulu from the island of Hawaii. The boat was crowded with old-time Hawaiians on their way to attend the funeral of the last of the royal house, to pay this last sad tribute to her who in the old days had been their queen. Far into that wonderful night we sat listening to their pathetic songs, their conversations, the stories of other days now gone forever. Yet no regret was expressed that royalty was no more—only the most sincere gratitude and loyalty to our common country.

Way out in that lonely waste of waters the flag flies over dusky hued citizens of the United States whose hearts are as loyal and whose impulses are as patriotic as are yours and mine. There are no more gentle, hospitable, affectionate people on this troubled old earth than are the natives of Hawaii. [Applause.]

Gentlemen, the vices of an occidental civilization are a tragedy when transplanted in a tropical or semitropical climate. The white race took the Christian religion to Hawaii, took all that we had that was good, but we took much that was evil as well. Largely because of these vices the Hawaiian race is fast dying out.

It was a wonderful thing we did for them when the flag was raised over their land; it was a wonderful thing for America, a wonderful thing for the world's civilization, and it will likewise be wonderful when the Congress, by legislation such as this, shall say to those people, "We have come here solely for

your good, not for your evil. We will give to you all of our civilization that is beneficial; we will withhold from you those of our customs that destroy." [Applause.]

Mr. HOUSTON. Mr. Speaker, I agreed to yield 20 minutes to the opponents of the bill. If there is any other gentleman opposed to the bill, I will yield time to him. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker and gentlemen of the House, I shall support this measure, because I am a believer in prohibition, and I shall fight the liquor traffic as long as I live and as long as I have got a drop of blood flowing through my veins, but it seems to me that every time we have a prohibition measure coming before this House we hear a loud noise from the city of Milwaukee in the shape of Mr. STAFFORD. [Laughter.] He stands upon this floor and ridicules and in a sneering way condemns those who honestly believe in prohibition. I am a prohibitionist, but I have no hard feelings against the men who do not agree with me. I have too much respect for them to stand on this floor and sneer and ridicule them.

It is the traffic that I am after, not the men who do not agree with me.

Now, as near as I can understand, by what I have heard from Dr. John Wadman, who has spent many years in the Hawaiian Islands, no greater blessing could come to the native people of those islands than to pass a prohibition law. He has talked to me for hours at a time regarding the conditions in those islands. He told me how our Government introduced strong intoxicating liquor among those people and how it has lowered their morality and almost ruined them as a race.

Why, I believe if this bill is passed that the benefit that will come to the people of those islands will be wonderful. And then again, we have been told that our soldier boys, while they were over there in the islands, got hold of the strong liquor which was made there, and it ruined them physically and morally, a great many of them; and to-day, if we go over here to the hospital for the insane, located in the District of Columbia, we will find many of the American soldier boys that became in this condition on account of the moral conditions and the strong liquor that they received while they were on duty in those islands.

I believe the bill ought to pass, and I shall cast my vote for it. [Applause.]

Mr. HOUSTON. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. STAFFORD. Mr. Speaker, may I inquire how much time has been used up to now by the respective sides?

The SPEAKER. The opponents of this bill have used 13 minutes, leaving them 7.

Mr. STAFFORD. And the proponents?

The SPEAKER. Sixteen minutes, leaving them 9.

Mr. STAFFORD. How much time have the proponents used?

The SPEAKER. They have used all except nine minutes.

Mr. STAFFORD. Of all the hour?

The SPEAKER. Yes. Seven minutes are left on one side and nine on the other. The gentleman from Michigan [Mr. CRAMTON] is recognized.

Mr. CRAMTON. Mr. Speaker, the question of prohibition of the liquor traffic has left the realm of theory and is now in the field of experience. The State of Michigan contains the city of Detroit, and that city is to-day the largest bone-dry city in the world, with a population of 900,000, where they are not even permitted under the law to sell any beverage containing any per cent of alcohol. How prohibition will work in such a city and such a State is bound to be of widespread interest. Fortunately, an excellent law has been enacted, and at the head of the State staff for its enforcement is Hon. Fred L. Woodworth, a fearless and able official.

Now, we did away with saloons in Michigan on the last day of April. Since the 1st of May the State has been dry. We are already getting the reports, and it is our experience that leads me to believe that any place where bone-dry, real prohibition is put into effect will never do away with it.

Mr. RANDALL. Will the gentleman yield?

Mr. CRAMTON. I can not yield.

The Detroit News, the greatest newspaper, I think, in Michigan and one of the greatest in the country, on May 13 had this article on the front page, in which they point out the fact that the business of money lenders has fallen off 50 per cent since the bars closed in Detroit. They say:

The three gold balls, ancient symbols of the pawnbroking business, must seek a new significance in Detroit if police statistics mean anything.

Prohibition has not caused a total eclipse of the loan business, but the man who piles up the records at central police station has figures to prove that since May 1, when Michigan saloons sank into oblivion, money lending has fallen off just 50 per cent.

* * * * * * *

The situation has relieved for other duty one of three persons employed on this particular phase of police record keeping. Miss Nell Connelly and Miss Clara Langnickel, who formerly kept records of pawned rings and watches only, now are able to handle all the pawnshop reports.

"The names of habitual visitors to the pawnshops have disappeared, too," explained Miss Connelly. "It used to be we would get reports every week of the same person borrowing money on the same article. But during the last two weeks these habitual offenders, as we call them, have been keeping away from their loan-shop friends."

* * * * * * *

"We thought at first that the war was entirely responsible for the big cut in pawn business," said Capt. Girardin, in charge of the record bureau. "No doubt the war, taking so many spending young men, is partly responsible; but we can not overlook the fact that the immense decrease has been shown since May 1. With that fact facing you, there is another thing to blame, and that is prohibition."

The next county to Wayne, in which Detroit is located, is the county of Macomb, where the greatest health center of this country is located, Mount Clemens, the great bath city, and a dispatch from Mount Clemens to the Detroit Free Press, under the date of May 14, says:

MACOMB ARID; JAIL IS EMPTY.

[Special to the Free Press.]

MOUNT CLEMENS, MICH., *May 14.*

For the first time in many years in Macomb County the jail is empty. The emptiness is ascribed entirely to the passing of liquor. In two weeks under dry conditions the sheriff has had but one arrest.

A year ago when the construction works at Selfridge Field was in progress, with all the saloons running, there were from 8 to 10 arrests daily.

St. Clair County is the next county north, containing the city of Port Huron, with a population of 25,000. The Times-Herald, its only daily newspaper, has this editorial statement:

WITHOUT THE BOOZE.

For 15 days Port Huron has been without saloons. If the experience of the past two weeks counts for anything, we may be able soon to dispense almost entirely with the police force and to do away with the county jail. The number of arrests has dwindled down to almost nothing, and we were informed on Tuesday that there were only three prisoners held as guests of Sheriff Windsor. This is the lowest number recorded in a quarter of a century.

As for the horrible things which we were warned were bound to follow the closing of the saloons, we can only say that up to the present time they have failed to materialize. We haven't seen any young boys being lured into blind pigs. Neither, as far as we can learn, is the city filled with speakeasies and bootleggers.

We don't want to be misunderstood. We don't mean to say that there is no whisky being consumed in Port Huron. No such miracle has been worked. We do know, however, that those who are accustomed to frequent visits to the saloon find it mighty hard to get a drink, and many of them refuse to take the trouble, and are attending to their work or business instead.

As time goes on, we will wonder more and more how it was that we ever tolerated the saloon in this community. We will look back with the relieved feeling that a cancerous growth has been removed from our civic body and that the operation was so successful that it will never return.

We have done away with the saloons in Michigan, and I want to say to the gentleman from Wisconsin [Mr. STAFFORD], in answer to his reference to the vote to come next fall, that, notwithstanding the beer and wine amendment that is offered us now to bring back the saloons, the people of Michigan will not in November bring them back. The wine and beer amendment proposed comes as the deathbed repentance of the saloon keepers of the State; nay, it comes with its hair singed by the fires of the hereafter; it comes back from the grave of the saloon. There is to be no resurrection of the saloon, and that is what adoption of the wine and beer amendment would mean. Elimination of the saloons from Michigan is already proving a blessing to thousands of homes, and police records, court records, and jail records already are proving it. In the face of such fruits of experience I am satisfied the passage of this measure for Hawaii will likewise bring greater happiness and prosperity for those island, which are peculiarly in our care, and I am pleased to support the measure. [Applause.]

Mr. HOUSTON. Does the gentleman from Wisconsin desire to use some of his time?

Mr. STAFFORD. I do not at this time. I desired time when I was speaking in which to reply to the gentleman from Ohio. I stated to the gentleman from Tennessee [Mr. HOUSTON] that all the time would not be used. A gentleman declined to yield to me, and I do not care to take any time now.

Mr. HOUSTON. Well, I did not propose to give all the time to one Member. I yield three minutes to the gentleman from California [Mr. RANDALL].

SECRETARY OF NAVY MAKES GUAM DRY.

Mr. RANDALL. Mr. Speaker, I ask that the Clerk read a cablegram which appeared in the morning papers.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

PARIS, *May 17.*

"There was only one case of torpedoing in waters where American warships are operating during February, compared with 34 in October, and in April there were none," Admiral Wilson declared to-day in an interview published in the Matin.

Mr. RANDALL. And I may add, Mr. Speaker, that it is well known that the recent successful exploits of the British Navy at Ostend and Zeebrugge were undertaken after repeated urging upon the part of the American naval authorities.

Some four or five years ago the Secretary of the Navy issued an order putting the Naval Establishment under prohibition of intoxicating liquors. There was immediately organized by the brewers and distillers of this country a stupendous and almost terrifying propaganda to drive Secretary Daniels from his post and from public life. The vessels of the Navy were described in thousands of newspapers as rotting hulks, unsafe to float on a mill pond.

The vindication has come quickly and is overwhelming. Who speaks now of the Navy and its head except with bursting pride? Who would have the temerity to suggest that booze again be admitted to our fighting ships?

Mr. Speaker, we are talking about making some of the islands of the Pacific dry. Congress has fooled along with the prohibition measure for Hawaii over two years, ever since I introduced the first bill in 1915, but the Secretary of the Navy has broken our record by a sweeping order which will make that other naval station of ours in the Pacific, the island of Guam, bone dry on the 1st day of next July.

Mr. Speaker, I ask the Clerk to read the letter and the order of the Secretary of the Navy in connection with Guam.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, May 1, 1918.

Hon. CHARLES H. RANDALL,
House of Representatives, Washington, D. C.:

MY DEAR MR. RANDALL: I beg to acknowledge receipt of your letters, one of March 11 and one of April 11, each inclosing a letter from the Rev. Arthur U. Logan, missionary in the island of Guam, in which he calls attention to the undesirable conditions in the island due to the use of intoxicating liquors and urges that steps be taken to abolish the traffic there.

You state that you understand that Guam is entirely under jurisdiction of the Navy Department, and you express the hope that the department will take action to remedy the conditions complained of by Mr. Logan.

Guam is under the control of the Navy Department, and I am now able to advise you that after careful consideration of all the questions involved the department has reached the decision to issue the necessary order abolishing the beverage-liquor traffic in the entire island, a copy of which order is herewith inclosed for your information.

Yours, very truly,

JOSEPHUS DANIELS.

Mr. RANDALL. Mr. Speaker, I ask that the order be also published in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent that the order be published in the RECORD. Is there objection?

There was no objection.

The following is the order referred to:

NAVY DEPARTMENT,
Washington, April 30, 1918.

From: Department.
To: Governor of Guam.
Subject: Prohibition of the liquor traffic in the island of Guam.

The department directs that an order be issued, within 10 days after the receipt of this letter, prohibiting the sale and use of alcoholic liquors in the island of Guam, this order to read in substance as follows:

"That on and after the 1st day of July, 1918, the manufacture, importation, exportation, sale, keeping for sale, the receipt or possession of, or the giving away of any distilled, malt, fermented, or other alcoholic liquors in any part or district of the island of Guam is strictly prohibited; excepting, however, that the importation and sale of wine for sacramental purposes, wine and other alcoholic liquors for medicinal purposes, and methyl alcohol for mechanical purposes will be permitted under regulations later to be adopted and promulgated. All laws and parts of laws inconsistent with the provisions of this order are hereby repealed."

You will make all rules and regulations necessary to insure the effective enforcement of the provisions of this order.

JOSEPHUS DANIELS.

Mr. HOUSTON. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. TAGUE].

The SPEAKER. The gentleman from Massachusetts is recognized for two minutes.

Mr. TAGUE. Mr. Speaker, it was not my intention when this bill came before the House to say a word. I am opposed to the bill not because I do not believe in temperance but for one thing, and that is the constant practice of Members standing upon this floor when they advocate prohibition to urge it on the ground of protecting the young men of our Army and Navy.

How long has it been since the men composing our Army and Navy have made up the drunkards of this country? How long has it been since the Navy of the United States has not been able to take care of itself, no matter where you put it? [Applause.] Still we Members of this House, day after day, must have those who are near and dear to us, those who are clothed with the uniform of Uncle Sam, held up here as the cause for legislation and the expansion of prohibition. It is the hypocrisy, Mr. Speaker, exhibited on this question that makes me vote against it, and I do not believe that half of the men who are going to vote for this bill to-day believe in or practice prohibition. [Applause.]

Mr. Speaker, there are members of my family in the Army of the United States and in the Navy of the United States, and, as one Member of this Congress, I will not permit their occupation to be slurred by the idle prattle of those who will not stand upon their own bottom to defend a bill, but instead, to accomplish their purpose, hold up the young men of the service to ridicule and scorn. You do not dare submit this bill to the people of the Hawaiian Islands. You do not dare to tell them that those who have the right to vote upon a question of this kind in the States will concede such a right to them. You are fearful that these people will resent it. [Applause.]

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. TAGUE. Mr. Speaker, I ask permission to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks permission to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I ask leave to extend my remarks in a very limited way.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. REAVIS. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. HOUSTON. Now, Mr. Speaker, I move the previous question.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield for the purpose of offering an amendment?

Mr. HOUSTON. I will not yield for the purpose of offering an amendment.

The SPEAKER. The gentleman from Tennessee moves the previous question.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. This is a Senate bill. At what time will it be in order to commit?

The SPEAKER. It will be in order to commit under the rules of the House just before the third reading, after the Chair puts the question as to the third reading.

Mr. STAFFORD. I wish to give notice that I will then move to commit.

The SPEAKER. All right. The Chair will recognize the gentleman. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time.

Mr. STAFFORD. Mr. Speaker, I move to commit.

The SPEAKER. The gentleman from Wisconsin moves to commit. The Clerk will report his motion.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: I move to commit the bill to the Committee on the Territories with instructions to report the same back forthwith with the following amendment: Strike out, in lines 3 and 4, page 2, the following words: "held within two years after the conclusion of peace."

The SPEAKER. The question is on agreeing to the motion to commit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the motion to commit will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 40, nays 239, answered "present" 1, not voting 150, as follows:

YEAS—40.

Bacharach	Gard	Lonergan	Phelan
Buchanan	Gordon	Longworth	Pou
Caldwell	Gray, N. J.	McAndrews	Rainey, J. W.
Cannon	Hardy	McLemore	Sherwood
Cary	Haskell	Mansfield	Slayden
Crosser	Hull, Iowa	Martin	Smith, C. B.
Dupré	Igoe	Moores, Ind.	Stafford
Eagan	Lazaro	Nolan	Tague
Gallagher	Lehlbach	Oliver, N. Y.	Tinkham
Gallivan	London	Parker, N. J.	Wilson, Tex.

NAYS—239.

Alexander	Ellsworth	Kraus	Schall
Almon	Emerson	La Follette	Scott, Iowa
Anderson	Esch	Langley	Scott, Mich.
Anthony	Fairchild, B. L.	Larsen	Shackleford
Ashbrook	Fairfield	Lea, Cal.	Shouse
Aswell	Farr	Lee, Ga.	Sims
Austin	Ferris	Lever	Sinnott
Ayres	Fess	Littlepage	Slemp
Baer	Fisher	Lobeck	Small
Bankhead	Fordney	Lundeen	Smith, Mich.
Barnhart	Foss	Lunn	Snell
Beakes	Francis	McArthur	Steagall
Bell	Frear	McClintic	Stedman
Black	French	McKenzie	Steenerson
Bland	Fuller, Mass.	McKeown	Stephens, Miss.
Blanton	Gandy	McKinley	Sterling, Ill.
Booher	Garner	McLaughlin, Mich.	Sterling, Pa.
Borland	Garrett, Tenn.	Madden	Stiness
Bowers	Garrett, Tex.	Magee	Sumners
Brand	Gillett	Mapes	Sweet
Britten	Glass	Mason	Switzer
Browne	Glynn	Mays	Taylor, Ark.
Browning	Good	Mondell	Taylor, Colo.
Brumbaugh	Goodall	Moon	Temple
Burnett	Goodwin, Ark.	Morgan	Thomas
Burroughs	Green, Iowa	Mott	Thompson
Byrnes, S. C.	Greene, Mass.	Neely	Tillman
Byrns, Tenn.	Greene, Vt.	Nelson	Timberlake
Campbell, Kans.	Gregg	Nicholls, S. C.	Towner
Candler, Miss.	Hadley	Nichols, Mich.	Treadway
Cantrill	Hamlin	Norton	Venable
Caraway	Harrison, Miss.	Oldfield	Vestal
Carlin	Harrison, Va.	Oliver, Ala.	Vinson
Carter, Okla.	Hastings	Olney	Volstead
Chandler, Okla.	Haugen	Osborne	Waldow
Church	Hawley	Overstreet	Walker
Classon	Hayden	Padgett	Walsh
Claypool	Helm	Park	Walton
Connally, Tex.	Helvering	Peters	Wason
Cooper, Ohio	Hensley	Platt	Watkins
Cooper, W. Va.	Hersey	Quin	Watson, Va.
Cooper, Wis.	Hicks	Ragsdale	Weaver
Copley	Hilliard	Rainey, H. T.	Welling
Cox	Holland	Raker	Welty
Cramton	Hollingsworth	Ramseyer	Whaley
Crisp	Houston	Randall	Wheeler
Dale, Vt.	Hull, Tenn.	Rankin	White, Me.
Dallinger	Husted	Rayburn	Williams
Decker	Hutchinson	Reavis	Wilson, Ill.
Dempsey	Ireland	Roberts	Wilson, La.
Denison	Johnson, Ky.	Robinson	Wingo
Denton	Jones	Rogers	Wise
Dickinson	Kearns	Romjue	Wood, Ind.
Dixon	Keating	Rouse	Woods, Iowa
Doolittle	Kennedy, Iowa	Rubey	Woodyard
Doughton	Kincheloe	Russell	Wright
Dowell	King	Sanders, Ind.	Young, N. Dak.
Drane	Kinkaid	Sanders, N. Y.	Young, Tex.
Dyer	Kitchin	Sanford	Zihlman
Eagle	Knutson	Saunders, Va.	

ANSWERED "PRESENT"—1.

Rodenberg

NOT VOTING—150.

Barkley	Drukker	Humphreys	Mudd
Beshlin	Dunn	Jacoway	O'Shaunessy
Blackmon	Edmonds	James	Overmyer
Brodbeck	Elliott	Johnson, S. Dak.	Paige
Butler	Elston	Johnson, Wash.	Parker, N. Y.
Campbell, Pa.	Estopinal	Juul	Polk
Carew	Evans	Kahn	Porter
Carter, Mass.	Fairchild, G. W.	Kehoe	Powers
Chandler, N. Y.	Fields	Kelley, Mich.	Pratt
Clark, Fla.	Flood	Kelly, Pa.	Price
Clark, Pa.	Flynn	Kennedy, R. I.	Purnell
Cleary	Focht	Kettner	Ramsey
Coady	Foster	Key, Ohio	Reed
Collier	Freeman	Kiess, Pa.	Riordan
Connelly, Kans.	Fuller, Ill.	Kreider	Robbins
Costello	Garland	LaGuardia	Rose
Crago	Godwin, N. C.	Lesher	Rowe
Currie, Mich.	Gould	Linthicum	Rowland
Curry, Cal.	Graham, Ill.	Lttle	Rucker
Dale, N. Y.	Graham, Pa.	Lufkin	Sabath
Darrow	Gray, Ala.	McCormick	Sanders, La.
Davidson	Griest	McCulloch	Scott, Pa.
Davis	Griffin	McFadden	Scully
Delaney	Hamill	McLaughlin, Pa.	Sears
Dent	Hamilton, Mich.	Maher	Sells
Dewalt	Hamilton, N. Y.	Mann	Shallenberger
Dies	Hayes	Meeker	Sherley
Dill	Heaton	Merritt	Siegel
Dillon	Heflin	Miller, Minn.	Sisson
Dominick	Heintz	Miller, Wash.	Sloan
Donovan	Hood	Montague	Smith, Idaho
Dooling	Howard	Moore, Pa.	Smith, T. F.
Doremus	Huddleston	Morin	Snook
Snyder	Sullivan	Van Dyke	Webb
Steele	Swift	Vare	White, Ohio
Stephens, Nebr.	Talbott	Voigt	Winslow
Stevenson	Templeton	Ward	
Strong	Tilson	Watson, Pa.	

So the motion to commit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. DENT with Mr. KAHN.

Mr. TALBOTT with Mr. HAMILTON of New York.

Mr. SEARS with Mr. STRONG.

Mr. KELLY of Pennsylvania with Mr. JAMES.

Mr. HAMILL with Mr. SWIFT.

Mr. STEPHENS of Nebraska with Mr. GEORGE W. FAIRCHILD.

Mr. STEVENSON with Mr. GARLAND.

Mr. KETTNER with Mr. LITTLE.

Mr. JACOWAY with Mr. HAYES.

Mr. HOOD with Mr. HEATON.

Mr. DILL with Mr. JOHNSON of Washington.

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. BESHLIN with Mr. COSTELLO.

Mr. BRODBECK with Mr. DARROW.

Mr. CAMPBELL of Pennsylvania with Mr. CRAGO.

Mr. SCULLY with Mr. DAVIDSON.

Mr. CAREW with Mr. CLARK of Pennsylvania.

Mr. CONNELLY of Kansas with Mr. DAVIS.

Mr. BARKLEY with Mr. WARD.

Mr. DALE of New York with Mr. DILLON.

Mr. STEELE with Mr. BUTLER.

Mr. DELANEY with Mr. WATSON of Pennsylvania.

Mr. CLARK of Florida with Mr. CHANDLER of New York.

Mr. DEWALT with Mr. CURRIE of Michigan.

Mr. CLEARY with Mr. VOIGT.

Mr. DOMINICK with Mr. CURRY of California.

Mr. DIES with Mr. ELLIOTT.

Mr. KEY of Ohio with Mr. HAMILTON of Michigan.

Mr. EVANS with Mr. ELSTON.

Mr. DONOVAN with Mr. KELLEY of Michigan.

Mr. LINTHICUM with Mr. FREEMAN.

Mr. HEFLIN with Mr. KENNEDY of Rhode Island.

Mr. DOOLING with Mr. GOULD.

Mr. HOWARD with Mr. MEEKER.

Mr. GODWIN of North Carolina with Mr. FOCHT.

Mr. LESHER with Mr. MERRITT.

Mr. DOREMUS with Mr. GREENE of Massachusetts.

Mr. GRIFFIN with Mr. MILLER of Minnesota.

Mr. MAHER with Mr. GRIEST.

Mr. ESTOPINAL with Mr. RAMSEY.

Mr. HUDDLESTON with Mr. KREIDER.

Mr. GRAY of Alabama with Mr. REED.

Mr. FIELDS with Mr. MOORE of Pennsylvania.

Mr. HUMPHREYS with Mr. GRAHAM of Pennsylvania.

Mr. FLYNN with Mr. LUFKIN.

Mr. MONTAGUE with Mr. JUUL.

Mr. KEHOE with Mr. MCCULLOCH.

Mr. FLOOD with Mr. KIESS of Pennsylvania.

Mr. POLK with Mr. MCFADDEN.

Mr. FOSTER with Mr. FULLER of Illinois.

Mr. OVERMYER with Mr. MCLAUGHLIN of Pennsylvania.

Mr. PRICE with Mr. MORIN.

Mr. THOMAS F. SMITH with Mr. PURNELL.

Mr. RIORDAN with Mr. MUDD.

Mr. SABATH with Mr. ROBBINS.

Mr. RUCKER with Mr. ROWE.

Mr. SHALLENBERGER with Mr. PAIGE.

Mr. SISSON with Mr. PRATT.

Mr. SNOOK with Mr. PARKER of New York.

Mr. SULLIVAN with Mr. POWERS.

Mr. WEBB with Mr. SIEGEL.

Mr. VAN DYKE with Mr. WINSLOW.

Mr. WHITE of Ohio with Mr. SLOAN.

Mr. SHERLEY with Mr. TILSON.

Mr. MONTAGUE with Mr. CARTER of Massachusetts.

Mr. CLEARY with Mr. WINSLOW.

On this vote:

Mr. O'SHAUNESSY (for) with Mr. COLLIER (against).

Mr. COADY (for) with Mr. DUNN (against).

Mr. FRENCH. Mr. Speaker, my colleague, the gentleman from Idaho, Mr. SMITH, is unavoidably absent on account of illness in his family. If he were present, he would vote "nay" on this motion to commit.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The motion to commit is lost, and the question is on the passage of the bill.

Mr. GARRETT of Texas. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of no quorum present. The Chair will count.

Mr. TAGUE. Mr. Speaker, a point of order.

The SPEAKER. What is the gentleman's point of order?

Mr. TAGUE. That the point of no quorum is dilatory. The roll call has just revealed that there is a quorum present.

The SPEAKER. The Chair thinks that the point of no quorum present is a constitutional point, and he has always been very tenderfooted about holding it to be dilatory. [Applause.] The gentleman from Texas makes the point of no quorum present. [After counting.] One hundred and eighty-one Members present, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees and the Clerk will call the roll. Those in favor of the passage of the bill will, as their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 238, nays 30, answered "present" 2, not voting 160, as follows:

YEAS—238.

Alexander	Ellsworth	Knutson	Schall
Almon	Emerson	Kraus	Scott, Iowa
Anderson	Esch	La Follette	Scott, Mich.
Anthony	Fairchild, B. L.	Larsen	Shackleford
Ashbrook	Fairfield	Lea, Cal.	Shouse
Aswell	Farr	Lee, Ga.	Sinnott
Austin	Ferris	Lever	Slemp
Ayres	Fess	Littlepage	Small
Baer	Fisher	Lobeck	Smith, Mich.
Bankhead	Fordney	Lonergan	Snell
Barnhart	Foss	Lunn	Steagall
Beakes	Francis	McArthur	Stedman
Bell	Frear	McClintic	Steenerson
Black	French	McKenzie	Stephens, Miss.
Bland	Fuller, Mass.	McKeown	Sterling, Ill.
Blanton	Gandy	McKinley	Sterling, Pa.
Booher	Gard	Madden	Stiness
Borland	Garner	Magee	Sumners
Bowers	Garrett, Tex.	Mapes	Sweet
Brand	Gillett	Mason	Switzer
Britten	Glass	Mays	Taylor, Ark.
Browne	Glynn	Mondell	Taylor, Colo.
Browning	Good	Moon	Temple
Brumbaugh	Goodall	Moores, Ind.	Thomas
Burnett	Goodwin, Ark.	Morgan	Thompson
Burroughs	Green, Iowa	Mott	Tillman
Byrnes, S. C.	Greene, Mass.	Neely	Timberlake
Byrns, Tenn.	Greene, Vt.	Nelson	Towner
Campbell, Kans.	Gregg	Nicholls, S. C.	Treadway
Candler, Miss.	Hadley	Nichols, Mich.	Venable
Cannon	Hamlin	Norton	Vestal
Cantrill	Harrison, Miss.	Oldfield	Vinson
Caraway	Harrison, Va.	Oliver, Ala.	Volstead
Carlin	Hastings	Olney	Waldow
Chandler, Okla.	Haugen	Osborne	Walker
Church	Hawley	Overmyer	Walsh
Classon	Hayden	Overstreet	Walton
Claypool	Heim	Padgett	Wason
Connally, Tex.	Helvering	Park	Watkins
Cooper, Ohio	Hensley	Peters	Weaver
Cooper, W. Va.	Hersey	Platt	Webb
Cooper, Wis.	Hicks	Pou	Welling
Copley	Hilliard	Quin	Welty
Cox	Holland	Ragsdale	Whaley
Cramton	Hollingsworth	Rainey, H. T.	Wheeler
Crisp	Houston	Raker	White, Me.
Dale, Vt.	Huddleston	Ramseyer	Williams
Dallinger	Hull, Tenn.	Randall	Wilson, Ill.
Decker	Husted	Rankin	Wilson, La.
Dempsey	Hutchinson	Rayburn	Wingo
Denison	Ireland	Reavis	Wise
Denton	Johnson, Ky.	Roberts	Wood, Ind.
Dickinson	Jones	Robinson	Woods, Iowa
Dixon	Kearns	Rogers	Woodyard
Doolittle	Keating	Romjue	Wright
Doughton	Kennedy, Iowa	Rouse	Young, N. Dak.
Dowell	Kincheloe	Rubey	Young, Tex.
Drane	King	Russell	Zihlman
Dyer	Kinkaid	Sanders, Ind.	
Eagle	Kitchin	Saunders, Va.	

NAYS—30.

Buchanan	Gallivan	McAndrews	Sherwood
Caldwell	Gordon	McLemore	Stafford
Cary	Hardy	Mansfield	Tague
Chandler, N. Y.	Haskell	Martin	Tinkham
Crosser	Hull, Iowa	Nolan	Voigt
Dupré	Igoe	Oliver, N. Y.	Wilson, Tex.
Eagan	Lazaro	Rainey, J. W.	
Gallagher	London	Sanford	

ANSWERED "PRESENT"—2.

Bacharach	Rodenberg

NOT VOTING—160.

Barkley	Clark, Pa.	Darrow	Donovan
Beshlin	Cleary	Davidson	Dooling
Blackmon	Coady	Davis	Doremus
Brodbeck	Collier	Delaney	Drukker
Butler	Connelly, Kans.	Dent	Dunn
Campbell, Pa.	Costello	Dewalt	Edmonds
Carew	Crago	Dies	Elliott
Carter, Mass.	Currie, Mich.	Dill	Elston
Carter, Okla.	Curry, Cal.	Dillon	Estopinal
Clark, Fla.	Dale, N. Y.	Dominick	Evans
Fairchild, G. W.	Johnson, S. Dak.	Miller, Minn.	Sears
Fields	Johnson, Wash.	Miller, Wash.	Sells
Flood	Juul	Montague	Shallenberger
Flynn	Kahn	Moore, Pa.	Sherley
Focht	Kehoe	Morin	Siegel
Foster	Kelley, Mich.	Mudd	Sims
Freeman	Kelly, Pa.	O'Shaunessy	Sisson
Fuller, Ill.	Kennedy, R. I.	Paige	Slayden
Garland	Kettner	Parker, N. J.	Sloan
Garrett, Tenn.	Key, Ohio	Parker, N. Y.	Smith, Idaho
Godwin, N. C.	Kiess, Pa.	Phelan	Smith, C. B.
Gould	Kreider	Polk	Smith, T. F.
Graham, Ill.	LaGuardia	Porter	Snook
Graham, Pa.	Langley	Powers	Snyder
Gray, Ala.	Lehlbach	Pratt	Steele
Gray, N. J.	Lesher	Price	Stephens, Nebr.
Griest	Linthicum	Purnell	Stevenson
Griffin	Little	Ramsey	Strong
Hamill	Longworth	Reed	Sullivan
Hamilton, Mich.	Lufkin	Riordan	Swift
Hamilton, N. Y.	Lundeen	Robbins	Talbott
Hayes	McCormick	Rose	Templeton
Heaton	McCulloch	Rowe	Tilson
Heflin	McFadden	Rowland	Van Dyke
Heintz	McLaughlin, Mich.	Rucker	Vare
Hood	McLaughlin, Pa.	Sabath	Ward
Howard	Maher	Sanders, La.	Watson, Pa.
Humphreys	Mann	Sanders, N. Y.	Watson, Va.
Jacoway	Meeker	Scott, Pa.	White, Ohio
James	Merritt	Scully	Winslow

So the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. BLACKMON with Mr. LANGLEY.

Mr. CLARK of Florida with Mr. KREIDER.

Mr. CLEARY with Mr. MCLAUGHLIN of Pennsylvania.

Mr. DOREMUS with Mr. ROWE.

Mr. CARTER of Oklahoma with Mr. SIEGEL.

Mr. THOMAS F. SMITH with Mr. GRAY of New Jersey.

Mr. GARRETT of Tennessee with Mr. LONGWORTH.

Mr. SIMS with Mr. LUNDEEN.

Mr. PHELAN with Mr. MCLAUGHLIN of Michigan.

Mr. CHARLES B. SMITH with Mr. LEHLBACH.

Mr. WATSON of Virginia with Mr. SANDERS of New York.

On this vote:

Mr. COLLIER (for) with Mr. O'SHAUNESSY (against).

Mr. DUNN (for) with Mr. COADY (against).

Mr. HAMLIN. Mr. Speaker, my colleague, the gentleman from Missouri, Judge RUCKER, is unavoidably absent. He authorizes me to say that if present he would vote for this bill.

Mr. VESTAL. Mr. Speaker, my colleagues, Mr. PURNELL and Mr. ELLIOTT, are both absent, but if present would vote for the bill.

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

On motion of Mr. HAMLIN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill (H. R. 9960) to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war was laid on the table.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8696. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919; and

H. R. 11628. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4409. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes"; and

S. 2123. An act to regulate the practice of podiatry in the District of Columbia.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7237, the Post Office appropriation bill, disagree to all the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take the bill H. R. 7237, the Post Office appropriation bill, from the Speaker's table, disagree to the Senate

amendments, and agree to the conference asked for by the Senate. Is there objection?

Mr. DALLINGER. Reserving the right to object, I would like to ask the chairman of the committee how many conferees he expects to have appointed?

Mr. MOON. That will rest with the Speaker.

Mr. DALLINGER. Reserving the right to object, I would like to ask the Speaker if the Senate has appointed three conferees is it the custom of the House to appoint three conferees?

The SPEAKER. The House pays no attention to the number of conferees the Senate puts on the committee.

Mr. COX. Reserving the right to object, I would like to ask the chairman of the committee whether the bill has been printed with Senate amendments?

Mr. MOON. It has.

The SPEAKER. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, before the conferees are appointed I desire to make a motion to instruct the conferees. In the matter of compensation for the postal employees the Senate amended the bill H. R. 9414 by striking out the language which I intend to read with respect to the increase of compensation for the clerks in first and second class offices and the carriers in the City Delivery Service, and also the language of the bill passed by the House which increases the compensation and changes the classification of railway mail clerks and clerks and carriers.

I offer a motion to instruct the conferees to strike out of the bill, as amended by the Senate, on page 30, section 2, after the word "nineteen," in the second line, the following language:

On page 30, section 2, after the word "nineteen," in the second line, strike out the words "the annual salaries fixed by law for clerks in first and second class post offices and letter carriers in the City Delivery Service, railway postal clerks of grade 1 to grade 10, inclusive, shall be increased $200 per annum," and insert in lieu thereof "That clerks in first and second class post offices and letter carriers in the City Delivery Service shall be divided into six grades, as follows: First grade, salary $1,000; second grade, salary $1,100; third grade, salary $1,200; fourth grade, salary $1,300; fifth grade, salary $1,400; sixth grade, salary $1,500. Clerks and carriers shall be promoted successively to the sixth grade: *Provided*, That during the fiscal year ending June 30, 1919, clerks in first and second class post offices and letter carriers in the City Delivery Service who are in grades 2, 3, 4, 5, and 6, under the act of March 2, 1907, as amended, shall pass automatically from such grades and the salaries they receive thereunder to the new grades 1, 2, 3, 4, and 5, respectively, with the salaries provided for such grades in this act.

That the salaries of railway postal clerks shall be graded as follows: Grade 1, at $1,100; grade 2, at $1,200; grade 3, at $1,300; grade 4, at $1,400; grade 5, at $1,500; grade 6, at $1,600; grade 7, at $1,700; grade 8, at $1,800; grade 9, at $1,900; grade 10, at $2,000.

The Postmaster General shall classify and fix the salaries of railway postal clerks, under such regulations as he may prescribe, in the grades provided by law; and for the purpose of organization and of establishing maximum grades to which promotions may be made successively, as hereinafter provided, he shall classify railway post offices, terminal railway post offices, and transfer offices, with reference to their character and importance, in three classes, with salary grades as follows:

Class A, $1,100 to $1,400; class B, $1,100 to $1,500; and class C, $1,100 to $1,700. He may assign to the offices of division superintendents and chief clerks such railway postal clerks as may be necessary and fix their salaries within the grades provided by law, without regard to the classification of railway post offices: *Provided*, That railway postal clerks shall pass automatically from the grades they are in and the salaries they receive under the act of August 24, 1912, to the corresponding grade, with salaries provided for in this act.

Mr. WALSH. Mr. Speaker, the gentleman from Illinois in making his motion I think was in error in moving to instruct the conferees to strike out. It seems to me the proper thing is to move to concur in the Senate amendment with an amendment.

Mr. MADDEN. That is all right.

The SPEAKER. The gentleman from Illinois has the right to make a motion to instruct the conferees. What he may put in his instructions is another matter. What point does the gentleman from Massachusetts make?

Mr. WALSH. My suggestion was that the gentleman from Illinois moves to instruct the conferees to strike out of the bill certain language and insert other language. Of course the bill is in conference. This is a House provision and there is a Senate amendment. It seems to me that the motion for instructions should be to agree to the Senate amendment with an amendment.

The SPEAKER. That is one way of getting at it.

Mr. MOON. Oh, the gentleman is mistaken in this, that there is no House provision.

Mr. WALSH. Is there not a House provision to which was an amendment?

Mr. MOON. No; the gentleman is speaking of the provision that was in House bill 9414.

Mr. MADDEN. I think this is the way to do it, and if the Speaker will permit I would like to make an explanation of the matter.

The SPEAKER. The Chair thinks the Clerk should first read the motion, so that the Members can be instructed as to what is in it.

Mr. MADDEN. Very well.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Page 30, section 2, after the word "nineteen," strike out the words "the annual salaries fixed by law for clerks in first and second class post offices and letter carriers in the City Delivery Service, railway postal clerks of grade 1 to grade 10, inclusive, shall be increased $200 per annum"; and insert in lieu thereof:

"That clerks in first and second class post offices and letter carriers in the City Delivery Service shall be divided into six grades, as follows: First grade, salary $1,000; second grade, salary $1,100; third grade, salary $1,200; fourth grade, salary $1,300; fifth grade, salary $1,400; sixth grade, salary $1,500. Clerks and carriers shall be promoted successively to the sixth grade: *Provided*, That during the fiscal year ending June 30, 1919, clerks in first and second class post offices and letter carriers in the City Delivery Service who are in grades 2, 3, 4, 5, and 6, under the act of March 2, 1907, as amended, shall pass automatically from such grades and the salaries they receive thereunder to the new grades 1, 2, 3, 4, and 5, respectively, with the salaries provided for such grades in this act.

"That the salaries of railway postal clerks shall be graded as follows: Grade 1 at $1,100; grade 2 at $1,200; grade 3 at $1,300; grade 4 at $1,400; grade 5 at $1,500; grade 6 at $1,600; grade 7 at $1,700; grade 8 at $1,800; grade 9 at $1,900; grade 10 at $2,000.

"The Postmaster General shall classify and fix the salaries of railway postal clerks, under such regulations as he may prescribe, in the grades provided by law; and for the purpose of organization and of establishing maximum grades to which promotions may be made successively, as hereinafter provided, he shall classify railway post offices, terminal railway post offices, and transfer offices with reference to their character and importance in three classes, with salary grades as follows:

"Class A, $1,100 to $1,400; class B, $1,100 to $1,500; and Class C, $1,100 to $1,700. He may assign to the offices of division superintendents and chief clerks such railway postal clerks as may be necessary, and fix their salaries within the grades provided by law without regard to the classification of railway post offices: *Provided*, That railway postal clerks shall pass automatically from the grades they are in and the salaries they receive under the act of August 24, 1912, to the corresponding grade, with salaries provided for in this act."

Mr. STAFFORD. Mr. Speaker, I reserve the point of order on the motion to instruct.

Mr. MADDEN. Mr. Speaker, I would like to explain what it does.

Mr. STAFFORD. I understand that the reservation of a point of order is pending.

The SPEAKER. Yes.

Mr. GALLAGHER. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. GALLAGHER. Is not this in accordance with the former action of the House in regard to this?

Mr. BLACK. Not on this appropriation bill.

Mr. GALLAGHER. No; but on the same matter.

Mr. STEENERSON. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. STEENERSON. The appropriation bill as it passed the House contained nothing of this at all.

Mr. MADDEN. No.

Mr. STEENERSON. But the gentleman seeks by this motion to insert a part of a bill that was passed by the House some weeks ago on this subject.

Mr. MADDEN. Surely, that is it exactly.

Mr. STEENERSON. Which the Senate ignored.

Mr. MADDEN. The point I wish to state for the information of the House is that the House some time ago passed a bill, H. R. 9414, enacting permanent law for the increased compensation for the men and women engaged in the Postal Service. The bill went to the Senate. The Senate in taking that bill up for consideration inserted parts of the bill in the Post Office appropriation bill. With respect to all other parts of the bill except that which has reference to the clerks in the first and second class post offices, and carriers in the City Delivery Service, and the railway clerks, the Senate inserted substantially in the appropriation bill the exact language of H. R. 9414; but with respect to the employees engaged as clerks and carriers and railway mail clerks the Senate simply included this language in the bill:

The annual salaries fixed by law for clerks in first and second class post offices and letter carriers in the City Delivery Service, railway postal clerks of grade 1 to grade 10, inclusive, shall be increased $200 per annum.

The instructions which I send to the Clerk's desk and which are pending is the language of the bill passed by the House with respect to these two classes of employees.

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLACK. If I understood the reading of the gentleman's motion correctly, as he now offers it, it is to instruct the conferees to agree to legislation that would be permanent legislation?

Mr. MADDEN. No; I did not offer that. I simply offered the classification, not the permanent feature of it, because I recognize the fact that under the rules of the House it would not be in order to offer the permanent feature.

Mr. BLACK. Then the amendment the gentleman has offered just applies to the fiscal year 1919?

Mr. MADDEN. That is it. The Senate, of course, in inserting the language of the bill H. R. 9414, passed by the House, in the appropriation bill, provided that it shall be for the fiscal year 1919, while the bill H. R. 9414, passed by the House, provided that the increased compensation should be paid hereafter. While they have reduced the period to the fiscal year 1919 and have increased the compensation to the same extent that the House bill increased it, yet they have eliminated the classification provisions contained in H. R. 9414, and it seems to me that the least we can do is to have the language of that bill inserted in the appropriation bill, since the Senate has in its wisdom thought it proper to deal with the question of salary increases in the appropriation bill rather than in the bill passed by the House for that purpose by practically a unanimous vote.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LONGWORTH. Let me see if I understand the gentleman's motion. Is it to instruct the conferees to insist upon the language provided in the so-called Madden bill (H. R. 9414) as it passed the House?

Mr. MADDEN. Yes.

Mr. LONGWORTH. Making it applicable only to the fiscal year 1919?

Mr. MADDEN. Yes; instead of permanently, and it is only as to those two classes of employees, because the Senate itself has adopted the language of the House bill H. R. 9414 with respect to fourth-class postmasters, with respect to the supervisory employees, with respect to laborers, with respect to messengers, with respect to everything in the bill except to those two classes of employees. I maintain that inasmuch as the Senate has gone that far, they ought not to ignore these two very important classes of employees, and I simply ask that the conferees of the House be advised of the difference between the attitude of the Senate and the attitude of the House upon this question, to put them upon notice by instructing them to insist upon the attitude of the House.

Mr. SMITH of Michigan. Does the bill provide for an increase of compensation for rural carriers?

Mr. MADDEN. Yes; that also is covered in this bill, and the language of the House bill is employed in the bill as reported by the Senate with respect to rural carriers. Why should it not be employed with respect to all men in the service?

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. WALSH. The gentleman refers to the Senate amendment No. 52?

Mr. MADDEN. That is it.

Mr. WALSH. There is part of that amendment which he desires retained, is there not?

Mr. MADDEN. Yes; I want all retained except what I have just asked should be stricken out.

Mr. WALSH. Of course, the gentleman desires to agree to the Senate amendment No. 52 with an amendment?

Mr. MADDEN. I wish to be certain of the retention of the classification feature of the bill H. R. 9414 as passed by the House.

Mr. WALSH. That should be the instruction.

Mr. MADDEN. I want to do whatever will accomplish the purpose.

Mr. WALSH. The gentleman does not want to strike out amendment No. 52 and insert his language because——

Mr. MADDEN. I have made no such motion. I simply moved to strike out and insert the language which has been read.

Mr. WALSH. The gentleman did at the beginning.

Mr. MADDEN. No; I specifically provide that only certain language shall be stricken out, and stated it in what I said. There are four lines.

Mr. COOPER of Wisconsin. Will the gentleman yield.

Mr. MADDEN. I will.

Mr. COOPER of Wisconsin. I would like to get this clear in my mind. I presume the rest of the gentlemen on this floor have it clearly in their minds. I sent for and have procured a copy of the bill H. R. 9414, to which the gentleman from Illinois refers, which passed the House upon the 6th of March last.

Mr. MADDEN. Yes; that is right.

Mr. COOPER of Wisconsin. Now, what are the two classes of postal employees for which that bill provided which this bill does not?

Mr. MADDEN. This bill does provide for them, but it does not provide for them in the adequate way in which the bill we passed provided for them.

Mr. COOPER of Wisconsin. Just explain that.

Mr. MADDEN. In the one case the Senate provides——

Mr. COOPER of Wisconsin. House bill 9414, what did that provide?

Mr. MADDEN. If the gentleman will permit, that provided just what I read; just exactly what I read.

Mr. COOPER of Wisconsin. I mean as to these two particular classes.

Mr. MADDEN. Just exactly what I read, and I will read it again. The bill H. R. 9414, that passed the House, provides on page 2, beginning with line 6 and running down to the bottom of page 3, that the clerks in first and second class post offices and carriers in the City Delivery Service and railway postal clerks shall be reclassified.

Mr. COOPER of Wisconsin. Yes.

Mr. MADDEN. Now the Senate provides for that, this language:

> The annual salaries fixed by law for clerks in first and second class post offices and letter carriers in the City Delivery Service, railway postal clerks of grade 1 to grade 10, inclusive, shall be increased $200 per annum.

Instead of the language in these pages which I have called to the gentleman's attention. Now, what I want to do is——

Mr. COOPER of Wisconsin. What were the two classes omitted?

Mr. MADDEN. There are three classes.

Mr. COOPER of Wisconsin. What did the Senate omit?

Mr. MADDEN. Well, it omitted all of the language which reclassifies clerks and carriers and railway postal clerks.

Mr. COOPER of Wisconsin. I know it, but do I understand the gentleman bases his objection on the fact that the House in the bill which it passed March 28, 1914, provided for all those that are mentioned in the Senate amendment and two more?

Mr. MADDEN. Oh, no; the Senate has provided for every class in the Postal Service just as it was provided for in the bill H. R. 9414, except those classes—clerks, carriers, and railway mail clerks.

Mr. COOPER of Wisconsin. How much less did the Senate provide for them?

Mr. MADDEN. The Senate provides the same salary but takes away their classification, and the classification of those men is more important than the salary, and that is what I wanted the attention of the House called to, in the hope that the House would see the justice, the necessity, and importance of instructing its conferees to insist upon the acceptance of the Senate amendment with the amendment which I have handed up.

Mr. COOPER of Wisconsin. Mr. Speaker, can the gentleman from Illinois tell the House of any reason which he thinks would be adequate to justify that change by the Senate as to those classes?

Mr. MADDEN. Oh, of course I have no knowledge of why the Senate did what it did, and I do not want to characterize what they did, because I have not any reason for doing so.

Mr. COOPER of Wisconsin. Can the gentleman think of anything that would justify it?

Mr. MADDEN. There is no justification for it at all; certainly it ought not to be done.

Mr. BLACK. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. BLACK. Is it the contention of the gentleman that this Senate amendment changes in any way the present classification of postal clerks, letter carriers, and railway mail clerks?

Mr. MADDEN. No; I do not think it changes the present classification, but it does change the classification as it passed this House under the provisions of House bill 9414.

Mr. BLACK. As I understand this Senate amendment, it leaves the present classification as now provided by existing law and raises the salary of each of the classes $200 per annum?

Mr. MADDEN. That is exactly right, but that is not what the House did. What I am contending for is to carry out the order of the House passed by an overwhelming vote, with only eight dissenting votes.

I want the conferees of the House to realize that when this House by an overwhelming vote, consisting of all the Members who were present except eight, passed H. R. 9414 it intended to amend and did amend the classification act of 1907, while the Senate amendment ignores the House action by simply providing for an increase in compensation under the act of 1907.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. COOPER of Wisconsin. Evidently the gentleman from Illinois thinks that would be unjust.

Mr. MADDEN. Oh, undoubtedly.

Mr. WALSH. Of course, the Senate was perfectly justified in ignoring that, because it was not part of this bill.

Mr. MADDEN. That is true; I am not complaining.

The SPEAKER. The gentlemen can not discuss the Senate.

Mr. MADDEN. I am not criticizing the Senate. The point I wish to make, Mr. Speaker——

Mr. STAFFORD rose.

Mr. MADDEN. If the gentleman will allow me for a moment.

Mr. STAFFORD. Surely.

Mr. MADDEN. The point I wish to emphasize, if I have not already stated it in sufficiently emphatic language, is that since the Senate thought it wise to include the language of the House bill in so far as it referred to the rural carriers and the messengers and the chauffeurs and the watchmen and the laborers and the fourth-class postmasters and all other employees in the Postal Service, the same spirit of generosity and justice ought to apply to the men who are engaged as clerks, letter carriers, and railway mail clerks.

Mr. BLACK. Will the gentleman yield there?

Mr. MADDEN. Yes.

Mr. BLACK. The Senate amendment does not change the classification of any other of these postal employees but does give them all an increase of salary?

Mr. MADDEN. There is no classification with respect to the other employees.

Mr. BLACK. It gives them all a percentage increase of salary?

Mr. MADDEN. It gives them exactly what the House gave. What I am asking is that the House conferees shall insist, when this bill goes to conference, on the adoption of the language of the bill passed by the House and not go back to a bill that existed in 1907, the terms of which are totally inadequate under the present situation.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. MADDEN. Surely.

Mr. BANKHEAD. What reason has the gentleman for assuming that in the present condition of affairs the conferees of the House have not in good faith endeavored to carry out the provisions of the House bill?

Mr. MADDEN. My dear friend, if I have said a word that would indicate that I had any doubt of the good faith of the conferees, I want to apologize to the House. My only purpose in rising was that the House conferees might realize that the House itself expected them to insist on the language of the House bill with respect to these compensations. That was all.

Mr. STAFFORD. Mr. Speaker——

The SPEAKER. Is the gentleman going to debate the point of order? Has the gentleman stated it?

Mr. STAFFORD. I just reserved it. I make the point of order, Mr. Speaker, that the motion of the gentleman from Illinois [Mr. MADDEN] is not in order; first, because it is not germane to the Senate amendment, and, next, because it involves permanent legislation on an appropriation bill, contrary to the rules of the House, and, next, the House, having already disagreed to the Senate amendment by a unanimous vote, the gentleman from Illinois can not now make a motion to agree with an amendment.

Mr. MADDEN. I do not want to agree.

Mr. STAFFORD. I will argue the first objection first, Mr. Speaker.

Mr. MADDEN. Will the gentleman yield? I want to correct the gentleman's statement.

Mr. STAFFORD. I wish to proceed, and then I will yield.

Permit me, Mr. Speaker, to present clearly to the mind of the Speaker and the House the exact situation that is now confronting the Speaker for a decision.

In the Post Office appropriation bill, which we are now considering, as it passed the House, there was no provision made for changing the classification of salaries of any of the postal employees, nor was any provision made for granting them an annual increase of compensation during the next fiscal year. That subject matter was left entirely out of the bill as it passed the House. The bill went over to the Senate. During the interim the House passed a separate bill, known as the Moon-Madden bill, which changed existing law as to the classification of salaries of post-office clerks, letter carriers, railway mail clerks, and rural carriers. The gentleman now endeavors to engraft on this amendment the bill as it passed the House as a separate measure. And the question before the Chair for decision is whether with an amendment to a Post Office appropriation bill, which merely provides for granting an increase of $200 to all the employees of the Postal Service, you can engraft upon that temporary amendment a feature of permanent law, changing the classification under existing law of the pay of all these postal employees respectively, letter carriers, post-office clerks, railway mail clerks, and rural carriers.

Mr. Speaker, when the legislative bill was brought into the House for consideration, with the amendment granting $120 increase of salary to all the employees of the service other than postal employees, certainly neither the Speaker nor any chairman of the Committee of the Whole would have held that just because the appropriation had sought to grant for one year a horizontal increase of $120 to all the employees of the Government that was a warrant and could be used as a handle to change the permanent salaries of every employee of the Government.

Now, Mr. Speaker, that is what the gentleman from Illinois is attempting to do in his amendment. He is seeking to change the classification of the postal employees, for, Mr. Speaker, he admits that it changes the existing classification, and that existing classification is the act of 1907 as amended by the act of 1912, whereby, as to letter carriers and post-office clerks the grades were from $800 to $1,200, under this law the grades are from $1,000 to $1,500, and providing a different method of promotion than in the present classification law. And the same way as to railway mail clerks. The maximum salary for railway mail clerks under existing law is $1,800. Under this amendment as proposed it seeks to raise them to $2,000. As far as the rural carriers' pay is concerned, the maximum pay under existing law to-day is $1,200, with a provision that they shall receive $24 per mile in excess of 30 miles and more carried.

This provision does not seek to apply to the salary of rural mail carriers, but the proposed amendment seeks to extend permanent law during the fiscal year. It seeks to change the classification law during the fiscal year 1919 of the grades of salary of city letter carriers, post-office clerks, and railway mail clerks.

Mr. Speaker, this Senate amendment—and I have a copy, if the Speaker wishes to review it—provides merely a $200 increase of salary to all post-office employees. The Senate had the right to proceed on the idea that they should increase the salary of every employee $200. Certainly when that amendment is brought into the House, as it is brought in here now, as a separate and substantive proposition, it would not be in order for the gentleman from Illinois to offer an amendment that would change the law as to the gradation of salaries of the respective postal employees, as he admits it does. And, therefore, Mr. Speaker, I respectfully contend it is not germane.

Now, furthermore, we are considering an appropriation bill. The gentleman admits you have no right to change existing law on an appropriation bill. And for that reason it should be sustained. As far as the third point I made is concerned, that the House has already disagreed to the Senate amendment, he now seeks to agree with an amendment. I understand his motion is to instruct. I shall not argue at this time the question of the merits of this proposition where the postal employees are given $200 increase, whereas under the amendment of the gentleman from Illinois they will receive but $100.

Mr. MADDEN. Oh, no; the gentleman is wrong.

Mr. STAFFORD. I was arguing merely the point of order.

The SPEAKER. Does the gentleman yield?

Mr. STAFFORD. In one minute. I bottom my opposition strongly on the ground that it is not germane. You can not hold it as germane, I respectfully contend, to a provision that just seeks to grant a temporary horizontal increase of $200 to all postal employees, a change in the permanent salary even for a year, when it changes existing law.

The SPEAKER. Has the gentleman concluded?

Mr. STAFFORD. Yes.

Mr. MADDEN. I wanted to correct the gentleman's statement, Mr. Speaker. The gentleman stated that the proposition that the House had before it under the bill that I have been advocating for some time only proposed an increase of $100 per annum. The truth is, it proposed the same increase that the Senate makes. That is what the House bill provides—$200.

The SPEAKER. The point of order is overruled.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield me five minutes?

Mr. MOON. Yes.

Mr. STAFFORD. It is bad policy to instruct the conferees to adhere to a certain position at the beginning of a conference. It prevents it from being a free conference. Notwithstanding the last statement of the gentleman from Illinois [Mr. MADDEN], the author of the Moon-Madden bill, I respectfully contend that under that bill as it passed the House the post-office clerks and letter carriers and railway mail clerks who are now receiving $1,000 and $1,100 and $1,200 during the fiscal year would receive

but $100 increase. Wherein can the gentleman show that the post-office clerk receiving but $1,200 will, under his amendment, receive during the present fiscal year more than $1,300?

Mr. MADDEN. Yes. The bill so provides itself. This is what the bill provides: That, after the passage of the act, in first and second class post offices the clerks and carriers and City Delivery Service shall be divided into six classes, as follows: The first grade shall receive $1,000, the second $1,100, the third $1,200, the fourth $1,300, and the fifth $1,400, and the sixth grade $1,500.

Now, it also provides that they shall pass automatically from such grades and salaries that they have received thereunder to the new grades. For example, the man in grade 2 now goes to grade 1 at $1,000. He is now getting $800. The man in grade 3 under the act of 1907, getting $900 now, would go into grade 2 at $1,100. The man in grade 4 would go into grade 3 under the present act and get $1,200. He goes into a lower grade, but takes on the $200 increase of salary. That is provided in the bill.

Mr. STAFFORD. Mr. Speaker, the bill provides that those who are now in grade 2——

Mr. MADDEN. To go into grade——

Mr. STAFFORD. That those who are in grades 2, 3, 4, 5, and 6 under the act of March 2, 1907, as amended, shall pass automatically from such grades and salaries they receive thereunder to the new grades 1, 2, 3, 4, 5, respectively.

Mr. MADDEN. That is, the man who is in grade 2 shall go into grade 1. The present grade 2 pays a salary of $800.

Mr. STAFFORD. I am in hearty sympathy with the idea embodied in the Moon-Madden bill of making the initial salary $1,000 instead of $800, and my reading of it, so far as the post-office clerks and letter carriers and railway mail clerks are concerned, inclines me to believe that it will merely provide for a $100 increase.

I am in sympathy with the idea of giving these postal employees $200 increase this year, as provided in the Senate amendment. They failed to receive any increase at all last year, which was accorded to all other employees of the Government, because the representatives of some of these postal organizations thought they could secure more by denying them the increase then voted to all the employees of the Government and await an opportunity to have a permanent law adopted whereby they could get further increases.

I say that this House should not juggle with the proposition, as these postal employees need and want an immediate increase, and that increase, in view of living increases, should be $200, especially in view of the fact that they were deprived of any increase last year by reason of the position taken by the officers of some of these post-office organizations. The proposition is different from that which confronted the committee preparing the legislative, executive, and judicial appropriation bill when they passed upon the increase to be granted these employees during this year because of increased cost of living, because they realized that many of the clerks to whom they were voting the $120 increase were not married but were single. But generally, almost without exception, the postal employees are married, and they are entitled to this $200 increase. Now, if this motion prevails——

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Not at present. If this motion prevails, then the House, at the beginning of a conference, votes that the conferees shall adhere to a certain position, and the Senate conferees may refuse to confer because of the motion of instructions, in which event I hope the House will recede from the instructions, so that these postal employees will this year get an increase, a deserved increase of salary, which they were deprived of last year.

The SPEAKER. The time of the gentleman from Wisconsin has expired. The question is on agreeing to the motion of the gentleman from Illinois [Mr. MADDEN] to instruct the conferees.

Mr. MAPES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAPES. May I ask what the motion is?

The SPEAKER. A motion to instruct the conferees about this postal-salary business.

Mr. MAPES. The motion read by the Clerk simply moves to strike out and insert.

The SPEAKER. No. It moves to instruct the conferees.

Mr. MAPES. I do not think the written motion does that. My parliamentary inquiry is this: Will this motion instruct the conferees to agree to the balance of amendment 52 except this language which is stricken out and with the insertion?

The SPEAKER. The Chair thinks so.

Mr. MOON. Mr. Speaker, this is a matter that I am not particularly concerned in as chairman of the committee, but I want to make this suggestion: When this bill went to the Senate last December it had no legislation whatever upon it. That was largely due to the complaint of the Senate conferees heretofore that the appropriation bills had been loaded down in the House with legislation.

They sent this bill back to us with 65 amendments. The bulk of those amendments or many, it is true, are but copies made from the bill No. 9414 that was passed by the House. Those were tacked onto this appropriation bill by the Senate, together with some other original amendments by the Senate. These amendments are in reference to salaries and other matters and did not originate in the Senate but were copied by the Senate from the House bill 9414, as stated, and were tacked on as riders to this appropriation bill. Among them was the section that the gentleman from Illinois has referred to. That was one amendment among them all that they copied from our bill, modified by leaving out the classification provisions of the House mentioned.

It has been said that it is unusual for conferees to be instructed in the first place on questions of this sort; that there ought to be a free conference between the conferees of the two Houses. But it must be remembered by the House that while it has passed upon these provisions heretofore in bill 9414, which the Senate has not acted on as a separate bill, the Senate took them on as riders on 7237. Therefore, in this particular bill, the House has never taken any action on this particular section. It comes to us different from what it was in H. R. 9414, amended in some very material respects, without reference to that original bill, but apparently as an original rider by the Senate, although copied from H. R. 9414 in part. Now, the House, in my judgment, may well express an opinion to its conferees as to the wisdom of this legislation. Upon this bill, where this legislation is to be passed or not passed, the House has never taken any action whatever, either as to the original proposition or as to its modified status. While, as I say, it may be unusual to instruct in the first place, I would not consider it improper at all for the House to give such instructions as it sees fit, because it has not acted on these Senate amendments in this bill. It is not for me to discuss the reason for the status of this legislation as imposed by the Senate. We hope to be able to take care of the House end of this legislation, but we will have no objection as conferees to an instruction on any of these questions, in order that the Senate may know the judgment of this House and not merely the judgment of its conferees.

Mr. CANNON. Will the gentleman yield?

Mr. MOON. I yield to the gentleman from Illinois.

Mr. CANNON. I should like two or three minutes.

Mr. MOON. I yield to the gentleman three minutes.

Mr. CANNON. As I understand it, this amendment of the Senate, which changes existing law, makes its first appearance in the House upon this bill now.

Mr. MOON. As a Senate amendment; yes.

Mr. CANNON. Ordinarily the House, if that should be its purpose, would disagree to the Senate amendment and ask a conference.

Mr. MOON. The Senate has asked a conference.

Mr. CANNON. The House would accede to the request of the Senate and agree to the conference. That would be the ordinary course of procedure. Of course, the House might at any time instruct its conferees. What was the amendment of the gentleman from Illinois [Mr. MADDEN]?

Mr. MOON. As I understand the amendment proposed by the gentleman from Illinois [Mr. MADDEN], it was to amend the Senate amendment by inserting the provisions on this question that was passed in H. R. 9414, the legislative bill on that proposition, which is a change of the existing law on the subject of classification.

Mr. CANNON. That would be perfectly proper, the Senate having proposed the legislation, to agree to the Senate amendment with an amendment.

Mr. MOON. Yes.

Mr. CANNON. Is that the motion?

Mr. MOON. Yes.

Mr. CANNON. Then, it does not involve any instructions at all. Of course, you could instruct, but ordinarily it is not done. Later on, if the House was willing——

Mr. MOON. I suggest to the gentleman from Illinois that simply to agree to a Senate amendment with an amendment, without stating what that amendment was, would give no information to the conferees.

Mr. CANNON. You propose to put in that amendment?

Mr. MOON. Yes.

Mr. MADDEN. When that goes in, that is all the gentleman from Illinois [Mr. MADDEN] asks for.

Mr. CANNON. It is the difference between agreeing with an amendment and instructing the conferees. I think the House has very rarely instructed its conferees in the first instance. I suppose it has the power to do it, but it is out of the ordinary course, and would not amount to anything more than to pursue the ordinary course, in my judgment, in the event that the Senate would not agree.

Mr. MOON. I think the idea probably was that it carries with it a suggestion from the House as to what the legislation ought to be on a subject on which the House has not legislated in this bill.

Mr. CANNON. But you can do that by concurring in the Senate amendment with an amendment.

Mr. MOON. I understand.

Mr. STAFFORD. If the gentleman will yield, the House has already disagreed to the Senate amendments.

Mr. CANNON. Very well.

Mr. MOON. This is a motion, after a disagreement to the Senate amendments, to instruct the conferees as to what action they shall take as to this particular amendment.

Mr. CANNON. I do not think it changes it at all from what it would be if you pursued the ordinary course.

Mr. MOON. It is a matter about which I am indifferent for myself, because I feel that the House would stand for the position that was taken by the House in House bill 9414, which is the matter now proposed.

Mr. CANNON. Yes; and it may be that between the Senate amendment and the disagreement, and the amendment of the House, you may come to an agreement in the premises. You would have jurisdiction to do so. You might look further ahead if you choose, and move that the House adhere. I suppose that would be in order.

Mr. MOON. We can not move that now, because the House has no provision on that subject.

Mr. CANNON. I think the gentleman is right about that, but ordinarily when you adhere that is a notice to the other body that the bill fails.

Mr. MOON. In the shape in which this bill now is we can never move to adhere. We must move to amend the Senate amendment in conference and let them recede from their position and accept our amendment if they will.

Mr. MADDEN. Question, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. MADDEN].

Mr. MOON. The gentleman from Texas [Mr. BLACK] desires to be heard for five minutes.

Mr. BLACK. Mr. Speaker, I do not think the motion of the gentleman from Illinois ought to be agreed to, for reasons which I will state briefly. In the first place, it is unusual to instruct the conferees before a bill goes to conference, and I do not think that it should be done in this case. In the second place, when we passed the postal salary increase bill we provided for a permanent reclassification of postal clerks, letter carriers, and railway mail clerks, and the Senate provision in the Post Office appropriation bill, which we are now about to send to conference, provides not for permanent increases, but for increases in salaries to postal employees for the fiscal year ending June 30, 1919. The Senate has not provided that these particular employees shall be reclassified, but that their classification shall remain the same, and they shall receive an increase in salary of $200 per annum. It is true that our House bill increased their salaries $200 per annum, but it was by means of the reclassification plan.

Mr. MADDEN. So that the clerks in that bill would have the same increase as the Senate has provided.

Mr. BLACK. Exactly, and that is what I am trying to make clear, with this difference: The Senate has not undertaken to make these salary increases permanent law, but limits the increases to the fiscal year 1919, and gave the postal clerks and letter carriers and railway mail clerks an increase of $200 per annum. I have no criticism of that amount for the next fiscal year and would be willing to vote to concur in this Senate amendment as it is now written in the bill, but I am not willing to add to it the proposed amendment of the gentleman from Illinois.

Now, what does his amendment propose to do? It proposes to reclassify the postal employees, notwithstanding the Senate provision only provides these salary increases for one year. It is not the contention of the gentleman from Illinois that the amendment that he now offers would permanently reclassify them, for he knows that an amendment of that kind would be in violation of the rules of the House if offered at this time. He admits that the salary increase will be the same, both under his amendment and the Senate bill as now written. Then why put the department to the trouble of reclassifying all these employees when the salary increase will be the same? I suppose the gentleman from Illinois expects that if his amendment is adopted that it will serve as a precedent for permanent law later on. That might be wise or it might be unwise. I prefer to wait and cross those bridges when we get to them.

Mr. MOON. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. MOON. The gentleman will observe that the Senate proposition gives the increase not only to clerks of over $1,500, but runs through the whole list of supervisory clerks, whereas the Madden amendment limits it, and the Senate amendment will cost for the next fiscal year many thousand more dollars than the Madden amendment.

Mr. BLACK. I beg to differ with the chairman of the committee. I think he has not read the Madden amendment carefully or he would not make that statement. The amendment of the gentleman from Illinois has no other effect on the Senate amendment except as to these three classes—postal clerks, letter carriers, and railway mail clerks.

Mr. MOON. Does the gentleman understand that the Madden amendment covers the supervisory clerks?

Mr. BLACK. It does not.

Mr. MOON. The Senate amendment does.

Mr. BLACK. Yes; that is true, but the Madden amendment has no bearing on that part of the Senate amendment. The amendment of the gentleman from Illinois simply does this: It changes the six classes we now have of postal clerks and letter carriers—we really only have five, on account of abolishing grade 1 in 1912—it changes them into a new classification and raises the pay $200. Why go to the trouble of causing the Post Office to reclassify them, when the Senate bill proposes to leave them in the same classes they now are and give them $200 increase? If this was to be permanent law, then I could see the force and application of the amendment which has been proposed, but it seems to me to be out of place at this particular time.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLACK. I will.

Mr. STAFFORD. Under the Senate amendment the special clerks receiving $1,400 would receive an increase of $200.

Mr. BLACK. They would.

Mr. STAFFORD. Under the amendment of the gentleman from Illinois the special clerks would only receive $1,500 and thereby be deprived of $100 increase.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BLACK. I will yield to the gentleman.

Mr. COOPER of Wisconsin. The gentleman from Texas has just said that the only purpose of the amendment of the gentleman from Illinois was, in effect, to increase and make trouble for the Post Office Department.

Mr. BLACK. That would be the effect of it, it seems to me, inasmuch as the salary increases are limited to the fiscal year 1919 and in each instance would be $200 per annum.

Mr. COOPER of Wisconsin. How much trouble would it be for the Post Office Department? There would be no great amount of labor in it.

Mr. BLACK. I take it that there would be a good deal of changes to make in classifications, and to no advantage, if such changes were to expire at the end of one year.

Mr. DENISON. Will the gentleman yield?

Mr. BLACK. I yield to the gentleman *from Illinois*.

Mr. DENISON. Has not the House passed the bill making the classification?

Mr. BLACK. Yes; the House passed it as permanent law, but we could not at this time concur with an amendment making it permanent law, for such an amendment would be out of order.

Mr. DENISON. It would fit in with the bill that the House passed.

Mr. BLACK. No; I take this position, that it would be inappropriate for the House to reclassify the postal employees on a temporary basis. What would be the sense of reclassifying them for one year? If any reclassification is done, it should be done as permanent law. If that is not to be done, then I think the Senate provision increasing the salaries $200 per annum is the wiser.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Texas another question. The amount of trouble this causes the Post Office Department the gentleman thinks would be considerable, whereas the chairman of the Post Office Committee, who ought to be very familiar with the subject, says it would take about 30 minutes.

Mr. BLACK. I do not agree with the statement of the chairman.

Mr. COOPER of Wisconsin. That all they would have to do would be to change the numbers.

Mr. BLACK. I do not pretend to say how long it would take, except I do not know that there are many thousands of these employees, and under the Madden amendment they would all have to be reclassified, though it be for but one year, and I would like for the gentleman from Illinois or the chairman of the committee to give the House any good reason why these postal employees should be reclassified for simply one year.

Mr. WALSH. Will the gentleman yield?

Mr. BLACK. I will.

Mr. WALSH. Does the gentleman understand, reverting to the suggestion of the chairman of the Post Office Committee, that this language is stricken out by the instruction offered by the gentleman from Illinois—

and also supervisory and other employees of the Postal Service whose compensation is in excess of $1,500 per annum.

Mr. BLACK. I do not so understand.

Mr. WALSH. That is retained in the Senate amendment.

Mr. BLACK. Yes; it is retained. He only refers to the postal clerks, letter carriers, and railway mail clerks. For the reason I have said I do not think the House ought to adopt an amendment of this kind, though I do not object at all to the increase of $200 per annum, which the Senate amendment provides for the next fiscal year. I am perfectly willing to vote for that.

Mr. MOON. The gentleman has asked me a question. I do not know whether it is well to be too candid or not. I do not know what other gentlemen think, but I think the classification contained in House bill 9414 is correct, and I am willing to see it put into this bill for one year, knowing that when we have put it in there and acted upon it for one year we will make it a permanent law. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Illinois to instruct the conferees.

The question was taken, and the motion was agreed to.

The Speaker appointed as conferees on the part of the House Mr. MOON, Mr. BELL, Mr. ROUSE, Mr. STEENERSON, and Mr. MADDEN.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the table the bill H. R. 7634, an omnibus pension bill, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 7634, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. SHERWOOD, Mr. RUSSELL, Mr. LANGLEY.

BRIDGE ACROSS LITTLE PEEDEE RIVER, S. C.

Mr. RAGSDALE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 11552, granting the consent of Congress to Marion and Horry Counties to construct a bridge across the Little Peedee River.

The SPEAKER pro tempore (Mr. CRISP). The gentleman from South Carolina asks unanimous consent for present consideration of the bill H. R. 11552, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. DOWELL. Mr. Speaker, reserving the right to object, is not this bill in order on Monday, under unanimous consent.

Mr. RAGSDALE. I suppose it is.

Mr. DOWELL. Is there any necessity for getting it through at this time?

Mr. RAGSDALE. I could not say that there is a necessity for it.

Mr. DOWELL. But the gentleman wants to get it through?

Mr. RAGSDALE. I would not have asked unanimous consent otherwise.

Mr. DOWELL. I shall make no objection.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Before consent is given, let the bill be reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Marion and Horry and the State highway commission of South Carolina and their successors and assigns to construct, maintain, and operate a bridge and approaches thereto across Little Peedee River at a point suitable to the interests of navigation at or near the site of the present bridge at Gallvants Ferry, in the counties of Marion and Horry, in the State of South Carolina, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COOPER of Wisconsin. Mr. Speaker, is this bill on the Unanimous Consent Calendar?

The SPEAKER pro tempore. The Chair is advised that it is not.

Mr. RAGSDALE. No; it is not.

Mr. COOPER of Wisconsin. Is there anything urgent connected with it?

Mr. RAGSDALE. Mr. Speaker, the proposition is this: Down there there is a river running between these two counties, and a large part of the produce grown in one county is sold in the other. This bridge is in very bad condition. The State highway commission has asked me to get this legislation through, as have the people of the two counties. The bill was referred to the Committee on Interstate and Foreign Commerce, and that committee reported unanimously upon it. The bill was referred to the War Department, and the War Department reported unanimously upon it. It does not interest anyone other than the people of the particular section affected by the bridge. I have stayed around here to-day a good big part of my time because I want to get it through.

Mr. DOWELL. Should not the gentleman stay here a part of his time anyway?

Mr. RAGSDALE. No; I think I could spend my time to much better advantage almost anywhere else than to stay here and listen to a large part of the hot air that is turned loose on this floor a large part of the time. I have some work to do. I am supposed to take care of my district and represent it down in the departments, because most Members of Congress are little better than messenger boys now.

Mr. DOWELL. Mr. Speaker, I object.

FOOD PRODUCTION.

The SPEAKER. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11945, the food-production bill, with the gentleman from Virginia, Mr. SAUNDERS, in the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11945, with Mr. SAUNDERS of Virginia in the chair.

Mr. CANDLER of Mississippi. Mr. Chairman, will the Chair inform me how the time stands?

The CHAIRMAN. The gentleman from Mississippi has 37 minutes and the gentleman who controls time on the other side 67 minutes.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Chairman and gentlemen of the committee, wheat and wool, two staple products of the northern farmers, have been seized on by the Government, the markets determined, and the price fixed. This was done under legislation authorizing the Government to take such action. That legislation was deemed necessary by the Members of the House. I voted for those bills. They were urged as a necessity. However, no man who spoke on the fixing of the price of wheat at $2 had in mind any intention that that price should be the maximum price. Everyone voted for the bill with the idea that it should be the minimum price. Many men upon the floor of this House anxiously expressed a fear that $2 would become the maximum price.

Those of us who live in territory where the farms are small understand something of the limitations that gather around the raising of wheat. Wheat has many enemies—rust, smut, the fly, winter killing. In my own State it is a gamble. There is much of hazard connected with it. I fear that many of the men upon the floor of this House in studying it can see only great machinery, great mechanical forces, used in the great Northwest for the production of wheat, and perhaps they base their judgment in voting upon the idea that this is an especially lucrative business. Too frequently men come to the conclusion that the amount of wheat that is raised in States like Indiana or Iowa or Michigan or Illinois is of little consequence, compared with the vast output of these United States.

Yet the amount of wheat raised last year in the State of Indiana was 31,000,000 bushels. I think a like amount no doubt was raised in Ohio, in Michigan, and in Illinois, so that with a crop of something like 650,000,000 bushels or 700,000,000 bushels

those four States will raise from one-fifth to one-fourth of the total crop under conditions that are trying in the extreme, with small farms, ranging from 80 to 160 acres. With the intention of making the price of wheat $2 as a minimum, I was pleased last fall to state to the farmers in my own district that we had no idea when urging them to plant wheat that we should make the maximum $2 per bushel.

As Members of Congress and as members of the Government, we believed that the farmer needed no protection. Because the Government asked them, because the Government by its asking endeavored to stimulate production, if peradventure there should be an overproduction, we felt as though they should have guaranteed a certain price, that they might not lose if that overproduction should reduce the price. So we went up and down the State, talking to the farmers through county agencies, through the newspapers, through special agents, to put in more wheat, saying to them, "This is the minimum price, and not the maximum price." On a recent trip in the State of Indiana many farmers asked me how it happened that the two staple productions of northern farmers, wool and wheat, were seized upon by the Government, and the cotton crop of the South had gone unscathed.

I can not answer that question myself. It was pressing for an answer, and while I shall continue to vote for every necessary measure to carry this war to a successful conclusion yet I must ever be mindful of the fact that not only legislation but Executive action should be fair to every part of this country. It was urged that our allies needed wheat. It was urged when the price was fixed that in the great cities the poor and needy would be protected, but the operation of the law is such that to-day flour costs more per barrel than it did when wheat was selling for $2.75 or $3 per bushel. The execution of the law has not only taken from the farmer his right to an enhanced price under the law of supply and demand, but it has greatly inconvenienced him. Small mills within 3 or 4 miles of the farmer's residence, not prepared to manufacture Government flour, have, in many cases been shut up, thus throwing the business to the larger centers of population where the milling interests are able to meet the demands of the Government.

The result of it all is that the poor in the cities pay more, the farmer gets less, the miller and the intermediate man are enabled to prey upon the farmer and the poor man alike. And these men say to me, "Does cotton enter very largely into this question?" And then I am reminded that cotton is a necessary product for ammunition. I am reminded——

Mr. YOUNG of Texas. Will the gentleman yield?

Mr. FAIRFIELD. Certainly.

Mr. YOUNG of Texas. The only cotton that is used for ammunition purposes is cotton linters, which can not be used for manufacturing cloth. The Government long since has fixed the price of cotton linters at the instance of the powder manufacturers of the country, and fixed it at a less price than it brought prior to the war.

Mr. FAIRFIELD. That is a limited amount of cotton that is used.

Mr. YOUNG of Texas. Every pound of cotton linters.

Mr. FAIRFIELD. But only a limited amount of it is used by the Government, while in the case of these northern products all of it is fixed as to price.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FAIRFIELD. That is a vastly different proposition. Could I have three or four minutes more?

Mr. McLAUGHLIN of Michigan. I will yield the gentleman two minutes additional.

Mr. FAIRFIELD. Cotton does enter, however, into the overalls of the farmer. It does enter into the calico that his children and his wife wear. It does enter into nearly every kind of clothing except that which is made out of wool, and wool has been seized upon by the Government, its market determined, its price fixed, and men are asking why. I do not want to be hypercritical; I do not want to array one section against another.

I have friends who live in the Southland who differ from me politically whom I love and respect. I can not think in terms of sectionalism, but this is a fair proposition when your own men and your own communities put the question to you——

Mr. WINGO. Will the gentleman yield?

Mr. FAIRFIELD. I will.

Mr. WINGO. What was the price of wheat in October, 1913?

Mr. FAIRFIELD. The price of wheat in October, 1913, was around $1.25.

Mr. WINGO. What is the price now?

Mr. FAIRFIELD. Recently, $1.75 to $2.

Mr. WINGO. Two dollars and twenty cents is the price.

Mr. FAIRFIELD. Yes; but I am talking about what the farmer actually gets for it.

Mr. McLAUGHLIN of Michigan. The maximum.

Mr. FAIRFIELD. The maximum at the primary market.

Mr. WINGO. That is true in reference to cotton. When you speak of 30-cent cotton you do not mean the farmer gets it.

Mr. FAIRFIELD. No.

Mr. WINGO. When you speak of $2.20 wheat you do not mean the farmer gets $2.20 a bushel for it.

Mr. FAIRFIELD. It means the same, but the Government has seized upon those two northern products, that is unquestioned. Now, why not upon cotton——

Mr. WINGO. Will the gentleman yield for a question there?

Mr. FAIRFIELD. I will.

Mr. WINGO. I will be frank, I do not believe in price fixing, but I voted——

Mr. FAIRFIELD. I agree with the gentleman——

Mr. WINGO. But I voted for fixing the price on wheat because I thought you wheat gentlemen wanted it in order to aid your farmers, so I overcome my theories in this case because I thought that we were calling upon you to furnish additional food; and the reason I voted for it, if you should ask me, was because I thought you wheat growers wanted it and the Government made a price that was twice what was considered a high price in peace times, in order to get the production and aid the wheat farmer.

Mr. RAGSDALE. Is it not a fact that they appropriated $1,700,000 for spring wheat, and they excluded the South and gave it to everybody in the West and North? Was not that sectionalism?

Mr. FAIRFIELD. That was loaned.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. FESS. Mr. Chairman, I ask unanimous consent for one minute in which to ask the gentleman one question.

Mr. McLAUGHLIN of Michigan. I yield one minute to the gentleman.

Mr. FESS. If the Government commandeers the wool of the country and leaves cotton free, what will be the effect upon the price of cotton in the near future?

Mr. FAIRFIELD. It will go into the sky, in my judgment, from the natural law of supply and demand.

Mr. WINGO. Does the gentleman know what the market has been doing lately?

Mr. FAIRFIELD. I know it has been fluctuating very little.

Mr. RAGSDALE. Does not the gentleman know that cotton has been artificially depressed $50 a bale in the last few days?

Mr. FAIRFIELD. I am perfectly willing for you to explain why the Government seizes wool and wheat and does not seize cotton.

Mr. CRAMTON. The market first commenced to fluctuate immediately upon the introduction of the Emerson bill, which proposed to fix the price of cotton.

Mr. FAIRFIELD. These questions and answers at least suggest that men are sensitive on the cotton question. The price of wheat in 1916 had gone up in common with other commodities. The price of cotton had also risen. The price of wheat was fixed by Executive action at a much less figure than it was then commanding in the market. No effort was made to fix the price of cotton until an effort was on foot to secure $2.50 wheat. At that time Mr. EMERSON, of Ohio, introduced a bill to fix the price of cotton. Both bills were referred to the committee for action at the same time. The cotton growers became alarmed. The following telegram was sent to Secretary McAdoo:

The introduction of the Emerson bill, fixing the price of cotton at 20 cents, has had a most demoralizing effect which, if not promptly counteracted, will materially decrease the liberty-loan subscriptions in the South. A summary reduction to 20 cents of stock now held in the South will mean serious financial embarrassment and will to a great extent affect the ability of our citizens to take bonds. We do not believe it possible that such an ill-considered and ruinous bill can be adopted by Congress, but the fear caused by the pendency of such legislation may, and probably will, if not immediately withdrawn, accomplish disastrous results. The critical nature of the situation warrants us in bringing the matter to your attention, and urging you to issue promptly some encouraging statement, and to take such steps as may be best calculated to prevent such a calamity to this section, and a serious setback to the liberty loan in the South. Signed, James F. Butler, chairman of the liberty loan executive committee; John F. Clark, president New Orleans Cotton Exchange.

The same paper that published this telegram made the following statement, "Government takes over all raw wool."

On April 19 the following appeared in the CONGRESSIONAL RECORD:

PRICE OF COTTON.

Mr. OVERMAN. I send to the desk a telegram which I have received from the Senator from Louisiana [Mr. RANSDELL], who is attending the funeral of the late Senator Broussard. I ask that the Secretary may read the telegram.

The Secretary read the telegram, as follows:

NEW ORLEANS, LA., *April 18, 1918.*

Hon. LEE S. OVERMAN,
Washington, D. C.:

Reported from Washington that EMERSON, of Ohio, introduced House bill to fix price of cotton 20 cents; causing demoralization in all branches in the cotton market. After conference with our cotton friends and bankers here, I urge you to make public statement immediately that no bill fixing price of cotton could pass unless it fixed prices on all articles made from cotton, including textiles; also on all products of the farm; also on manufactured articles of all kinds, upon the same basis.

JOSEPH E. RANSDELL.

One gentleman has suggested that cotton dropped. It did when there was talk of the Government fixing the price. If you will note in the telegram put in the RECORD by Senator OVERMAN the cotton raisers insist that if the price of cotton be fixed, then the price on all articles made from cotton, all textiles, all products of the farm, all manufactured articles of all kinds that have in any way to do with cotton shall also be fixed. If that is fair for the cotton growers, why is it not fair for the growers of wool and wheat?

The northern farmer feels that the Government is discriminating against him. In view of all the facts no man can doubt it. It may be unintentional but the facts remain.

I close as I began. Wheat and wool, two products of the northern farmer, have been seized upon by the Government, the market determined, and price fixed. No price fixed on the products manufactured from wheat and wool. Cotton is king; why? Is it not pertinent to ask, "Can the king do no wrong?"

But some one asks, Were there no farmers that determined the price of wheat? There were. They were in the minority. They asked for $2.50 wheat; were voted down. They asked for $2.35 wheat; were voted down again. They scaled all the way down; outvoted every time. Not even $2.21 would be allowed, but $2.20 at primary markets. Two dollars and twenty cents was the heaven-born price. The northern farmers' two staple crops, wheat and wool, were seized upon. No staple southern crop has thus far been seized upon. Why? It is still true, the poor pay more for their bread, the farmer gets less for his wheat, cotton is untouched. Why?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McLAUGHLIN of Michigan. I yield five minutes to the gentleman from New Jersey [Mr. HUTCHINSON].

Mr. RAGSDALE. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum, and evidently there is none. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anthony	Drane	Hood	Nelson
Austin	Drukker	Howard	Nicholls, S. C.
Barkley	Dunn	Humphreys	Nolan
Beshlin	Edmonds	Husted	Oliver, Ala.
Brodbeck	Elliott	Ireland	Olney
Brumbaugh	Estopinal	Jacoway	O'Shaunessy
Burroughs	Evans	James	Overmyer
Butler	Fairchild, B. L.	Johnson, S. Dak.	Parker, N. Y.
Campbell, Kans.	Fairchild, G. W.	Johnson, Wash.	Peters
Campbell, Pa.	Ferris	Kahn	Polk
Cantrill	Flood	Kehoe	Porter
Carew	Flynn	Kelley, Mich.	Pou
Carlin	Focht	Kelly, Pa.	Powers
Carter, Mass.	Foster	Kennedy, R. I.	Pratt
Cary	Frear	Kettner	Price
Chandler, N. Y.	Freeman	Key, Ohio	Purnell
Church	Fuller, Ill.	Kiess, Pa.	Rainey, H. T.
Clark, Fla.	Fuller, Mass.	Kreider	Rainey, J. W.
Clark, Pa.	Garland	LaGuardia	Ramsey
Classon	Garner	Langley	Reed
Cleary	Gillett	Larsen	Riordan
Coady	Glass	Lesher	Robbins
Collier	Godwin, N. C.	Linthicum	Robinson
Connally, Tex.	Goodall	Little	Rodenberg
Connelly, Kans.	Gordon	Littlepage	Rose
Copley	Gould	Longworth	Rowe
Costello	Graham, Ill.	Lufkin	Rowland
Crago	Graham, Pa.	Lundeen	Rucker
Currie, Mich.	Gray, Ala.	McArthur	Sabath
Curry, Cal.	Greene, Vt.	McCormick	Sanders, La.
Dale, N. Y.	Griest	McCulloch	Sanford
Darrow	Griffin	McFadden	Scott, Pa.
Davidson	Hamill	McKenzie	Scully
Davis	Hamilton, Mich.	McKinley	Sears
Delaney	Hamilton, N. Y.	McLaughlin, Pa.	Sells
Denison	Hardy	Madden	Shallenberger
Dent	Harrison, Miss.	Maher	Shouse
Dewalt	Harrison, Va.	Mann	Siegel
Dickinson	Haskell	Mason	Sims
Dies	Haugen	Meeker	Sisson
Dill	Hayes	Merritt	Sloan
Dillon	Heaton	Miller, Minn.	Smith, Idaho
Dominick	Heflin	Miller, Wash.	Smith, C. B.
Donovan	Heintz	Mondell	Smith, T. F.
Dooling	Hersey	Montague	Snook
Doremus	Hilliard	Moore, Pa.	Snyder
Doughton	Holland	Mudd	Steele
Stephens, Nebr.	Templeton	Ward	Winslow
Sterling, Pa.	Tillman	Watson, Pa.	Wise
Stevenson	Tilson	Webb	Woodyard
Strong	Treadway	Welling	Young, N. Dak.
Sullivan	Van Dyke	White, Ohio	
Swift	Vare	Williams	
Talbott	Voigt	Wilson, Ill.	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 11945, finding itself without a quorum, he had caused the roll to be called, and that he presented therewith the names of the absentees for insertion in the Journal and the RECORD.

The SPEAKER. The committee will resume its sitting.

The committee resumed its session.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. HUTCHINSON] five minutes.

Mr. HUTCHINSON. Mr. Chairman, I am not opposed to this bill as a whole, but at the way it has come before Congress, and I do not propose to support it. The Committee on Agriculture spent about two weeks holding hearings and considering this bill by items. This bill comes before us in bulk. In the first section the Book of Estimates gave us an estimate of $1,269,655 for certain items, and the committee reduced it by $210,680, appropriating $1,058,975. That amount includes 10 separate items, but in the bill it is in bulk; and I claim that under the provision all the money can be expended on any one item. It does not seem fair that this Congress should vote for a bill that takes $11,712,283 in bulk without knowing what the money is to be used for.

There are a number of items in here. For instance, there is the item for "making cottage cheese on the farm, $80,000." I know that most of the women on the farm know how to make cottage cheese, providing they have surplus milk to make it with. In the next section there are 25 different items, for which it was proposed to appropriate $876,300, and the appropriation provided in the bill is $811,300, or a reduction of the estimates of $65,000. I defy anyone on the floor of the House here to tell what they are voting for when they vote for this bill. The next section appropriates $6,135,000, with a reduction in the committee of $35,000. That includes 11 items. The next section is the Bureau of Markets, which appropriates $2,136,028, and a reduction by the committee of $232,930. This includes 10 items. It is this way throughout the entire bill. Under the present arrangement I think this bill ought to be recommitted and brought in with the provisions set forth in detail as it was considered by the committee. I shall oppose the measure in its present form, especially when it comes to be debated under the five-minute rule. It is unfair to the Members of this House. It is unbusinesslike. There is not a particle of business judgment shown in it. It is unfair to bring in a bill of this kind carrying $11,712,283, and ask for a vote on it in bulk, without our knowing what is intended to be done. I hope the House will recommit this bill at the proper time and order the committee to bring in a bill properly framed, so that the House will know what it is asked to vote on.

Here are some further items in the Bureau of Plant Industry: Cereal-smut eradication, $110,000. Anyone who knows anything about the smut business knows that it is produced largely by fog or climatic conditions and all the money you could spend would not prevent smut.

Then there is an item for peanut conservation and utilization, $15,000. Then there is an item for farm storage of sweet potatoes, $30,000, and an item for control of cotton, truck, and forage crop disease, $137,550. Then there is an item for location of Irish-potato seed stock, $30,000, and an item for a plant-disease survey of $23,000. Then there is an item for sugar-beet nematode work, $10,000.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. FESS. Why are not those items included in the original appropriation bill rather than in a supplemental bill?

Mr. HUTCHINSON. This is an increase. This provides for an increase all along the line. It is for extension work and provides for about 6,000 additional men.

Mr. FESS. Why were not the increases placed in the original appropriation bill?

Mr. HUTCHINSON. That is a question that I can not answer.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BAER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for three minutes more.

The CHAIRMAN. The Chair will state that the time is already allotted.

Mr. HUTCHINSON. Mr. Chairman, I ask unanimous consent to print these papers.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. HUTCHINSON. To give you an idea of the purposes for which the money was asked and the different objects for which it was to be spent, I submit the following estimates made by the different bureaus for separate work and the bulk amounts provided for in this bill:

Bureau of Animal Industry.	
Eradication of cattle ticks	$191,190
Eradication of hog cholera	202,965
Eradication of influenza, strangles, etc	175,000
Production of beef cattle	105,000
Live-stock production, Great Plains region	100,000
Production of pork	150,000
Production of poultry	168,000
Production of sheep	60,000
Making cottage cheese on the farm	80,000
Utilization of creamery by-products	37,500
Total estimates submitted for the above bureau	1,269,655
Provided for by bill in bulk	1,058,975
Reduction in estimates made by committee	210,680
Bureau of Plant Industry.	
Cereal-smut eradication	110,000
Peanut conservation and utilization	15,000
Control of cotton, truck, and forage-crop disease	137,550
Farm storage of sweet potatoes	30,000
Location of Irish-potato seed stock	30,000
Plant-disease survey	23,000
Castor-bean production and utilization	20,000
Maintenance of field-bean seed supply	10,000
Field supervision of war-garden work	7,500
Production of cereals and grain sorghums	53,250
Sugar-beet nematode work	10,000
Inspection of fruits during processes of marketing	18,000
Control of new sugar-cane disease	20,000
Production of rice	5,000
Bureau of Entomology.	
Control of cereal and forage insects	55,000
Control of stored-product insects	22,000
Control of vegetable and truck-crop insects	35,000
Control of sweet-potato weevil	50,000
Control of deciduous-fruit insects	45,000
Control of citrus-fruit insects	10,000
Control of insects injurious to live stock	20,000
Control of rice insects	3,000
Control of sugar-cane insects	9,000
General supervision of emergency insect-control work	3,000
Bureaus of Chemistry, Markets, and Plant.	
Prevention of plant-dust explosions and fires	135,000
Total estimates submitted for the above	876,300
Provided for by bill in bulk	811,300
Reduction in estimates made by committee	65,000
Bureaus of Chemistry and Plant Industry.	
Fruit and vegetable utilization	35,000
General administration of extension work	35,000
Home-economics work	25,000
Extension work in the Northern and Western States	134,200
County-agent work	1,893,000
Boys and girls' club work	382,900
Home-demonstration work	1,327,400
Extension work in the Southern States (supervision)	90,000
County-agent work	1,333,815
Boys' club work	75,300
Home-demonstration work	803,385
Total estimates submitted for the above	6,135,000
Provided for by bill in bulk	6,100,000
Reduction in estimates made by committee	35,000
Bureau of Markets.	
Market news service on fruits and vegetables	601,770
Market news service on live stock and meats	431,160
Market news service on butter, cheese, eggs, and poultry	164,000
Market news service on grain, hay, feeds, and seeds	180,720
Food and fertilizer survey of the United States	449,700
Conservation and food products in transportation, etc	229,937
Market inspection of perishable foods	51,000
City market service	66,131
Direct marketing activities	85,100
Special marketing activities	109,440
Total estimates submitted for the above	2,368,958
Provided for by bill in bulk	2,136,028
Reduction in estimates made by committee	232,930
General administration.	
Office of the Secretary	76,420
Publication and information work	235,000
Agricultural exhibits	18,000
Rent	15,000
Assistance in supplying farm labor	162,000
Poultry and egg demonstrations	50,000
Sirup demonstrations	7,000
Preparation of sweet sirup	5,000
Handling, transportation, and storage of fish	20,000
Waterproofing leather for Government farm use	3,000
Serviceability tests of leather and leather substitutes	6,000
Utilization of wool-scouring wastes	$9,000
Extension work in beekeeping	15,000
Control of noxious rodents	100,000
Destruction of predatory animals	125,000
Special work in crop estimating	234,540
Rent in the District of Columbia	25,000
Total estimates submitted for above	1,105,980
Provided for by bill in bulk	1,105,980
For enabling the Secretary of Agriculture to provide for and secure the voluntary mobilization and distribution of farm labor for the production and harvesting of agricultural crops, and to advance railroad fares and other actual traveling expenses for the transportation of such labor upon certain terms and conditions	500,000

Mr. CANDLER of Mississippi. Mr. Chairman, I move that the committee do now rise.

Mr. McLAUGHLIN of Michigan. Will the gentleman withhold that motion? I want to yield to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. CANDLER of Mississippi. I will withhold my motion.

Mr. VOLSTEAD. Mr. Chairman, the passage of this bill is demanded as a necessary war measure. Its object is to increase our food supply—a thing that is very necessary. The question is whether the means provided are effective. I believe there is a much better method.

The chief means relied on is aid to farmers in combating pests and diseases that lessen his production and instructions as to methods of producing and marketing his output. This is the old method that we have been trying for years. At best it is slow in accomplishing results and is more suited to years of peace than war. The way to get quick action is to pay for what you want. Increase the price of agricultural products, and every possible effort will be made to swell the output. Turn to the agricultural reports and you will find that years of high prices for any particular grain have been followed by an increase in the acreage for its production, and low prices by a decrease. But prices do not only affect acreage. The farmer in anticipation of a crop that pays well selects for that his best land and cultivates and fertilizes it more liberally than he can afford to do for his less profitable crop.

This is illustrated in another way. While the world's prices remained low the European countries did not raise any more to the acre than we do, but since prices have been maintained at a higher level the production per acre has greatly increased. This same tendency has lately been noticeable in this country, and if prices could be maintained here at the European figures we would no doubt produce as much per acre as they do. It is not a question of skill; it is a question of economics. Nature restores the fertility of the soil slowly. If you want to hasten restoration you can do it by fertilizers, but fertilizers cost money and must be paid for in an increased price for the product.

Instead of passing this bill, which I am afraid is too much in the interest of those who are to get the jobs, the House had better accept the Senate amendment to the Agricultural appropriation bill fixing the price of wheat at $2.50 per bushel instead of $2.20. With this added incentive to increased production of wheat much better results could be anticipated than from the passage of this bill. It is not too late to do that now. Only a few months will pass before the winter wheat must be sown; besides, it will insure extra care in gathering and conserving the growing crop. Apparently the Government has done everything possible to discourage the growing of wheat. It has fixed prices so wheat has for months been the cheapest and least profitable of all crops. As it is the most essential, it should have been the highest. It has been a financial sacrifice to sow it.

One thing that has made many farmers of the Northwest feel that they have not had a square deal is the fact that last fall, just before their crop came on the market, the price was fixed by the Government at $2.20, though the going price was then more than $3, a figure that the more southern wheat raisers had received for most of their year's winter wheat. On top of this came a system of grading wheat under grades established by the Agricultural Department that proved to be very unjust. Every effort was made by the Representatives and Senators in Congress from that section to secure a correction of those grades but without result. I had some personal experience under those grades, as I raised on a farm that I own near my home quite a little wheat. The grade I received was way below the milling value of the wheat and way below what it would have graded under the old Minnesota grades. I have had a good deal of experience under the old Minnesota grades, as I have sold wheat every year for many years, and for that reason know how they compare with the Federal grades.

The farmers in asking for $2.50 per bushel for wheat are not asking a favor; they are asking that a less sacrifice be demanded from them. Fixing the price has not helped them. If prices were not fixed, wheat would no doubt be twice $2.50. Mr. Hoover says it would be much more than that, and he certainly

ought to know. The farmer would not complain if the prices of things he must buy were fixed at fair figures; but it is a bit tough to have the Government limit the price of his wheat to less than half of what it would naturally bring in the market and at the same time permit him to be exploited by war profiteers.

If $2.20 was a fair price when the President fixed that figure last fall, it ought to be raised now. Since then everything the farmer must buy has gone sky-high. Farm machinery, for instance, has about doubled and so has nearly everything else, including labor. In the meantime the farmer has lost much of his help, as his boys have either volunteered or been conscripted, a loss that adds greatly to his expenses.

It is insisted that laboring men in the large cities are against the increase. But labor ought to be fair. Everything is on an inflated basis. But is this opposition justified? The wages of unskilled labor, the ones most in need of cheap food, are, as a rule, more than double what they were before the war. The average person ordinarily uses less than a barrel of flour a year, and he now uses less than half a barrel. The raise asked by the farmers could not increase the cost per individual more than a dollar per year. A person whose wage has been increased more than that for each day is hardly in a position to object. The reason why labor may justly complain is due, not to what the farmer gets but the excessive profits demanded by the middlemen, especially in this part of the country. Mr. YOUNG of North Dakota has just called our attention to the fact that the retail prices of all kinds of meats in this city are more than double the retail prices in St. Paul in my State. The Government has the power to correct this injustice, which affects both the farmers and the consumers, and this should be done.

It has been urged in opposition to this increase that the farmers are opposed to it. I need not deny that. The petitions, letters, and telegrams I have received demonstrate the contrary. Despite the somewhat stepmotherly treatment that the farmers of the Northwest have received, they are thoroughly loyal and deserve better treatment. Like the great body of our citizenship they were anxious to keep our country out of this war, but when war was finally forced on us they entered the struggle with as much alacrity as any other class and have demonstrated by their acts their absolute devotion to the cause. They and their sons have volunteered for military duties and submitted cheerfully to the draft. They have subscribed liberally for Government bonds and have given generously of their time and money to the Red Cross and other war work. In making this statement I do not exclude the people of German ancestry. A Member of this House said to me recently that in several counties of his district the boys volunteered so freely that the draft became unnecessary, and that a roll call of these volunteers sounded like a roll call of the Kaiser's Army. Our citizens of German origin are justly proud of the record they made in the Civil War, and every loyal citizen of the race will be equally proud of the record they will make in this war. Their boys are in the trenches shoulder to shoulder with our boys and are doing splendid work. One of the very first to fall in France from my State was Lieut. J. P. Rosenwald, the son of an old friend of mine, Hon. J. F. Rosenwald, of Lac qui Parle County. While I sincerely mourn his loss, Minnesota is proud of the record he made. Before he fell he was twice decorated for bravery in the field. Loyalty to home and country is a German trait. Rosenwald sprang from that race and exemplified that virtue.

In the last liberty-loan drive the Minneapolis district heads the list in the liberality of its subscriptions. It almost doubled its quota. A very large share of those subscriptions came from the farmers. What we expect of every man is enthusiastic devotion to our country's cause. We can do a great deal to create such devotion by removing every reason for just complaint and by encouraging those who do well. The farmers have done splendidly. Why not treat them more fairly? Their request for $2.50 per bushel for wheat will make it possible for many of them to aid the country still more by increasing the production of this important crop. It is the practical, the fair, the effective way to secure this necessary increase.

Mr. CANDLER of Mississippi. Now, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11945) to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. BAER. Mr. Speaker, I ask unanimous consent to extend my remarks on the war and what is coming out of it.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

DISPENSING WITH UNANIMOUS CONSENT CALENDAR ON MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to dispense on next Monday with the business which is then in order under the rules.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to dispense with the business on next Monday that is in order under the rules. Is there objection?

Mr. WINGO. Reserving the right to object, Mr. Speaker, the gentleman from Virginia [Mr. GLASS], the chairman of the Committee on Banking and Currency, does not seem to be on the floor at the moment, and——

Mr. GLASS. Yes; here he is.

Mr. WINGO. I am glad he has come. I would be glad if he would take the responsibility on himself.

Mr. GLASS. Reserving the right to object, Mr. Speaker, I desire to move on next Monday a suspension of the rules to take from the Speaker's desk the Senate bill authorizing the national banks to make contributions to the Red Cross. If that is not done immediately, it will be unnecessary later, because the Red Cross inaugurates its campaign, I believe, to-day for this fund. I very much wanted to get consideration for that bill.

Mr. KITCHIN. Could the gentleman say that at 5 o'clock he would make that motion, if it would be agreeable to the House? He would have the right to do that anyway. Mr. Speaker, I will modify my request for unanimous consent so that it will not interfere at 5 o'clock with making the motion desired by the gentleman from Virginia.

Mr. GLASS. I will say to the gentleman that I will be here all day Monday, and one hour would suit me as well as any other hour.

Mr. KITCHIN. I modify the request, Mr. Speaker.

The SPEAKER. What is the gentleman's modification?

Mr. KITCHIN. The gentleman from Massachusetts [Mr. WALSH] shakes his head at the proposed modification.

Mr. WALSH. Mr. Speaker, I can not give consent to giving the bill mentioned by the gentleman from Virginia any privileged status.

Mr. KITCHIN. I will say to the gentleman from Massachusetts that the Speaker would recognize the gentleman from Virginia if we did not dispense with the business on Monday by unanimous consent. The Speaker could recognize the gentleman at any time and he would have the right to move to suspend the rules. Dispensing with the business on Monday does not give him the right to do that; it does not change the status; it does not commit the House to vote on it; any Member could move to adjourn or make the point of no quorum. It would be in order to make a motion to suspend the rules at 3 or 5 o'clock just as if we did not dispense with the business by unanimous consent.

Mr. MAPES. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. MAPES. Would there not be this difference, that the Speaker might not recognize the gentleman if we do not dispense with the business next Monday?

Mr. KITCHIN. Then we could make the modification that if he can get the Speaker to recognize him.

Mr. GLASS. I think the Speaker and I will take care of that.

Mr. FESS. If unanimous consent is granted, there would not be over 40 minutes' debate on the bill mentioned by the gentleman from Virginia.

Mr. KITCHIN. It would be 40 minutes, 20 minutes on a side. If we dispensed with the business in order on Monday and the gentleman is recognized by the Speaker, it could not take over 20 minutes on a side anyway.

Mr. FESS. And we would save the balance of the day.

Mr. KITCHIN. Yes.

Mr. CANDLER of Mississippi. And there would be this added advantage, that notice would be given that the bill of the gentleman from Virginia would be taken up at a certain hour.

Mr. SMITH of Michigan. What would be the order of business on Monday?

Mr. KITCHIN. Going on with the Agricultural bill. Mr. Speaker, I renew my request, with the modification that at 5 o'clock it may be in order for the gentleman from Virginia [Mr. GLASS], if he gets recognition from the Chair, to move to suspend the rules on the bill he has mentioned.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that business in order next Monday be dispensed with, except that at 5 o'clock the gentleman from Virginia may move to suspend the rules on the bill in regard to the contribution by national banks to the Red Cross.

Mr. WALSH. Of course, that is predicated on the committee rising.

Mr. KITCHIN. Yes.

The SPEAKER. The Chair will state that in making these recognitions for suspension of the rules he feels under obligations to Congress and the country to recognize first gentlemen who have bills that pertain to the carrying on of the war. Is there objection to the request of the gentleman from North Carolina?

Mr. GARRETT of Texas. Mr. Speaker, reserving the right to object, in the event unanimous consent is granted, with the provision for the consideration of the bill mentioned by the gentleman from Virginia at 5 o'clock, how much time would there be under the motion to suspend the rules?

The SPEAKER. Twenty minutes on a side.

Mr. GARRETT of Texas. It could easily be concluded on Monday.

The SPEAKER. The Chair figures it out that on a motion to suspend the rules, if any Members are in any way pugnacious, they might string it out to 1 hour and 25 minutes, but not longer than that.

Mr. CRAMTON. May I inquire if the request contemplates that there will be any other motions to suspend the rules on Monday?

Mr. KITCHIN. No.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 36 minutes p. m.) the House adjourned until to-morrow, Sunday, May 19, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CROSSER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10887) to amend the act entitled "An act for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, reported the same with amendment, accompanied by a report (No. 578), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MILLER of Washington: A bill (H. R. 12177) to conserve and increase the industrial man power of the United States; to increase the efficiency of the military and naval forces thereof; enlarging the powers of the Public Health Service by creating and establishing a Division of Venereal Diseases therein; providing for the punishment of immoral persons afflicted with venereal disease who go or attempt to go from one political division into another, and persons who assist or connive at the same; establishing internment hospitals; authorizing the Secretary of the Treasury to establish all needful rules and regulations relating to the subject matter of this act; and authorizing an appropriation therefor; to the committee on Interstate and Foreign Commerce.

By Mr. SEARS: A bill (H. R. 12178) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from military or naval forces of the United States, and for other purposes; to the Committee on Education.

By Mr. NEELY: A bill (H. R. 12179) extending the time for the construction of a bridge across the Monongahela River at or near the city of Fairmont, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. MOON: Resolution (H. Res. 349) to pay Mrs. Kittie Ivins, widow of Eugene E. Ivins, late an employee of the House, a sum equal to six months' compensation; to the Committee on Accounts.

Also, resolution (H. Res. 350) to pay Mrs. Joseph I. Howe, daughter of Benjamin F. Craycroft, late an employee of the House, the sum not exceeding $250; to the Committee on Accounts.

By Mr. EMERSON: Resolution (H. Res. 351) requesting the Department of Justice to investigate rent profiteering and recommend legislation; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 12180) granting an increase of pension to John W. Wareham; to the Committee on Invalid Pensions.

By Mr. DENTON: A bill (H. R. 12181) granting an increase of pension to Jonathan F. Titus, jr.; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 12182) granting an increase of pension to Henry Drake; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 12183) granting an increase of pension to Patrick Flanagan; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 12184) granting an increase of pension to Arthur Patterson; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 12185) granting an increase of pension to George F. Albro; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12186) granting an increase of pension to Ezeriah Fiske; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 12187) to cancel allotments made to four members of the Wintu Tribe of Indians on the public domain in California; to the Committee on Indian Affairs.

By Mr. SCULLY: A bill (H. R. 12188) granting a pension to Annie F. Baurer; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 12189) granting a pension to Daisy East; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the select and common councils of the city of Philadelphia, Pa., favoring legislation prohibiting the use of the German language in all public gatherings; to the Committee on the Judiciary.

By Mr. DALE of Vermont: Petition of the Automobile Club of Vermont, indorsing a resolution adopted by the meeting of the highway transportation committee of the Chamber of Commerce of the United States of America for the creation of a centralized Federal authority to determine the Government's highway policy; to the Committee on Interstate and Foreign Commerce.

By Mr. EMERSON: Memorial of the City Council of Cleveland, Ohio, asking action in rent-profiteering situation; to the Committee on the District of Columbia.

By Mr. HAMILTON of New York: Petition of the Philetus Bible Class of the Methodist Episcopal Church of Gowanda, N. Y., and of the Women's Christian Temperance Union of Dewittville, N. Y., favoring the prohibition of the beverage liquor traffic during the period of the war as a war measure; to the Committee on the Judiciary.

Also, petition of sundry citizens of Jamestown and Westfield, N. Y., favoring the adoption of an amendment to the Constitution prohibiting the practice of polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of the Cadiz Band and John Howard and A. C. Long, of Cadiz, Ohio, protesting against any change in original melody of "The Star-Spangled Banner" if adopted as national anthem and favoring such adoption; to the Committee on Military Affairs.

By Mr. OSBORNE: Resolution of the members of the Grand Army of the Republic, departments of California and Nevada, in annual encampment assembled at Oakland, Cal., May 8, 1918, approving of the declaration of war by the United States against Germany and pledging to the President and to the Congress of the United States their loyal support; to the Committee on Military Affairs.

Also, resolution of the Los Angeles County (Cal.) Medical Association, May 10, 1918, recommending to Congress that it appropriate the amount of money necessary for the erection of a new Army museum and the maintenance thereof in accordance with the recommendations of the Surgeon General of the Army; to the Committee on Military Affairs.

Also, resolution of the Commercial Board of Los Angeles, Cal., adopted at its meeting of May 8, 1918, against sympathetic disloyalty; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of 134 citizens of Oklahoma City, Okla., for the enactment of war prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petitions of the general committee of Home Missions of the United Presbyterian Church of North America and Geneva congregation of the Reformed Presbyterian Church, Beaver Falls, Pa., protesting against the legalizing of Sunday baseball in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TIMBERLAKE: Resolution of the Congregational Church of Longmont, Colo., favoring prohibition applied to all intoxicating beverages; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SUNDAY, *May 19, 1918.*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. BROWNING].

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our God and our Father, whose name is sacred to the heart of every true man, and who is the inspiration of every noble deed which reflects itself on the pages of history, sacred and profane, in song and story, in monuments of bronze and granite, we thank Thee for that quality of soul in man which recognizes in his fellows willing and faithful service to his fellow men.

We are here to-day to record on the pages of history the life, character, and public service of such a man. May those who knew him best speak in terms of eloquence of his deeds. A man of great parts, successful in his business ventures, true to his convictions, he served his State and Nation with fidelity and patriotic zeal and leaves behind him a record worthy of emulation—a trusted friend, a devoted husband, a loving father.

We mourn his going and our sympathies go out to his colleagues, friends, and those to whom he was nearest and dearest by the ties of kinship. Comfort them, we beseech Thee, in the blessed thought that he lives to a nobler life and has gone to prepare a place for those whom he loved, and that in Thine own good time he shall receive them in a realm where sorrows never come and love lives on forever.

Hear us and strengthen us to do Thy will and prepare us for the change, which in the dispensation of Thy providence waits upon us all, in the name of Him whose spirit lives in the hearts of men, to inspire, uphold, and sustain, now and evermore. Amen.

THE JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal of yesterday's proceedings.

Mr. PARKER of New Jersey. Mr. Speaker, I desire to ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. PARKER] asks unanimous consent that the reading of the Journal be dispensed with. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the special order.

THE LATE REPRESENTATIVE JOHN H. CAPSTICK.

The Clerk read as follows:

On motion of Mr. BROWNING, by unanimous consent,

Ordered, That Sunday, May 19, 1918, be set aside for addresses on the life, character, and public services of Hon. JOHN H. CAPSTICK, late a Representative from the State of New Jersey.

Mr. PARKER of New Jersey. Mr. Speaker, several Members of the House who expected to speak to-day are unavoidably absent. I ask unanimous consent that any Members, those who speak or those who do not, who desire so to do, may extend by printing in the RECORD their remarks on the life, character, and public services of our late friend.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. Mr. Speaker, I desire to offer the resolutions which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

House Resolution 352.

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. JOHN H. CAPSTICK, late a member of this House from the State of New Jersey.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk transmit a copy of these resolutions to the family of the deceased.

The question was taken and the resolutions were unanimously agreed to.

Mr. PARKER of New Jersey. Mr. Speaker, JOHN H. CAPSTICK was born September 2, 1856, at Lawrence, Mass. It seems to me that that town and its history were an inspiration to the boy. It was one of the mill towns on the Merrimac River. I knew it well only a few years afterwards when I went to school at Andover, Mass. It was created by those merchant princes and public benefactors, the brothers Amos and Abbott Lawrence, who put their mills there and had ended their long, useful, and patriotic lives only a year or two before our friend was born. Their memory is still green in New England and throughout the United States for business ability, activity, and energy in production and in fostering public improvement, for their public benefactions, for their beneficence, and their devotion to duty and faithful service in public office; and that memory must have been an inspiration to that little boy in the town of Lawrence.

Mills have always been the support of that town. The cotton factories of the brothers Lawrence were followed shortly by other factories, such as woolen and paper mills and the manufacture of steam engines. The water power had been developed and was the foundation for the mills.

Our friend's father, John Capstick, an Englishman by birth, was one of those who gave prosperity to the town. He was a practical chemist in dyes and colors for textile fabrics, a most useful and complicated profession whose need we are only now learning with reference to dyestuffs and the fact that they have been made recently abroad rather than here. The boy was brought up and spent his life in this skilled profession. While he was still a schoolboy only 12 years old, the family moved to Providence, R. I., where he found himself in a broader atmosphere, not only one of mills but of the university and the State government and where he attended the Morey and Goff College, a technical higher school of that day. He was even then an ardent American and became a member of Rhode Island's crack First Light Infantry. In 1883, when he was 27 years old, the father and sons moved to Montville, N. J., a few miles east of Boonton, where they established their own dye works under the name of John Capstick & Sons. The works were successful, the town is their town, and the ground around was almost altogether owned by the firm. Our friend built his home, where he lived and died, on the hill above the dye works. Those works a few years ago were burned and torn down.

But his life occupation had already grown out of the works. He had become vice president of the Morristown Trust Co. In 1905 he was made a member of the State sewage commission, a most important work in our thickly settled State. In 1908 he became a member of the State board of health, and his associates immediately chose him as their president. He remained in these duties until he was elected to Congress as a Republican in 1914. He was again elected in 1916. We expected a long service of him, but his health failed. He never thoroughly recovered, and he died on March 17, 1918, at the early age of 62.

His work here shows that he loved what he had to do as a Member. He was full of patriotic energy.

In May, 1916, when we enlarged the Regular Army after the service on the border, he printed a speech saying that the bill should have been stronger; that an Army is an essential factor of safety and protection in emergency; that sparks from the flames of Europe have been carried in our direction; "several times critical conditions have arisen; to-morrow may demand that we face others; history shows that the powers that have lived the longest have been the strongest in security and protection; armament is provocative of war only when it has been procured for aggression, and the fact that we have unlimited resources is only an invitation to attack, a greater invitation to attack unless we utilize wealth and opportunities as means of security and protection, but in order to increase and not diminish our influence in promoting peace; and the cost of preparedness now would be nothing compared with the cost of repelling a foreign invasion."

I would have liked to read all this speech, but I have selected his own words from parts of it.

He offered in that Congress a resolution that soldiers' mail should be carried free. In the speech he printed on the subject he urged that such a measure would be an incentive to soldiers to write oftener, as well as encouragement to the folks at home

to write to their boys, to whom letters from home mean so much.

He printed a speech on the merchant marine, another on the proper and kindly transportation of cattle, and another with his resolution—I doubt whether it was introduced except by that speech—to provide every soldier who went to the border with a service honor flag that he might leave at home as a memento. All his speeches show his great heart.

In the Sixty-fourth Congress he was a member of the Committee on Claims. It was a very hard-working committee, and he did, at least, his share. I have gone over 35 careful reports which he wrote and filed himself during his short service. They are, of course, on business matters and not generally interesting to us all, but it is the kind of work that makes Congress a useful body.

He was most regular in attendance, devoted to his work, and showed sound judgment and care in the preparation of these reports.

In the Sixty-fifth Congress he was assigned to the Committee on Banking and Currency, but he was too ill to take the active part which he certainly would if health had remained.

We all know how devoted he was to home and to its duties and to its privileges. His wife was Ella F. Blake, of Boston. He was altogether a good citizen and neighbor. He was respected and loved by all who knew him. His geniality and generosity were always marked. Among other things, he loved music. He played the violin and the piano. Even on his deathbed his violin was by his side. He even remodeled his house and added a large music room and a beautiful organ, at the time that his wife and himself were left alone after the death of their only daughter and when he wished to take his dear wife's thoughts away from constant grief.

His funeral was attended by men from all over our State of New Jersey, as well as from New York and Massachusetts. We were all sincere mourners at his grave.

His memory will live with those who knew him as an honorable, true, and brave man who loved his country. Perhaps we could use the words:

Write me as one who loves his fellow men.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. LOBECK] is recognized.

Mr. LOBECK. Mr. Speaker, after hearing the story of Mr. CAPSTICK's life told by the gentleman from New Jersey [Mr. PARKER], I regret that I did not know him more intimately.

I did not have the honor and privilege to meet him often. My acquaintance with him was not of an intimate nature. During this Congress we were assigned to the Committee on Banking and Currency, but illness prevented that attendance which I am sure it would have pleased him to give. I am certain that with his wide business experience, could he have been able to attend the committee meetings, his advice would have been very valuable.

In reading the life story of the Congressman I read the same story that the average American boy and man must go through to secure the confidence of the community in which he resides. He must have the confidence of his business associates that he meets with in daily life to secure the eminence that Mr. CAPSTICK attained. The high esteem and regard in which he was held by those who knew him best could not have been attained except by his careful attention to the business he was engaged in and his ideas of commercial honesty. I read that he was successful in his business; that in whatever he did he was most painstaking and industrious and gave the occupation he was engaged in his most careful attention. I do not wonder that he was successful in commercial life.

He was highly honored by the governor of his State, and by his fidelity to the trust placed in him was further appreciated, and greater honors were bestowed on him; and his associates on the State board of health for the State of New Jersey elected him to the presidency of the board, showing their appreciation of his services.

No wonder his neighbors and his home people decided to send him to broader fields of action. They elected him to represent them in Congress. They knew and trusted him and had faith in his fidelity to his people, to his State, and to the flag of our country.

No doubt Mr. CAPSTICK put the same energy in his work in Congress that made him so successful in business. Probably he overdid—there is so much to do at the Capitol—for a Member of Congress can be busy every moment, especially if interested in the work that comes to him.

We shall miss Mr. CAPSTICK. No man of his character and business abilities would pass unnoticed in the House of Representatives. Ability is recognized and asserts its way among the membership. It is a great honor to be a Member of the Congress of the United States, to possess the confidence of the home people, and I am sure he had that confidence.

We know not why men are called away from life when it seems they have just arrived at the period of great usefulness and helpfulness to mankind. Humanity can but demonstrate the fact of what has happened; only Infinity can explain it.

In our associations with Members from every portion of our country we make personal friendships never to be forgotten. Since my coming to Congress many Members have passed away and are no more; but their hearty welcome, their friendly greetings, and their friendship will never be forgotten as long as memory lasts. Loving hands have laid away Mr. CAPSTICK. Those that knew him best, that were his intimate associates, remember him as a good friend and neighbor, and they will miss him in their daily life, they will be better for having known him; for, as I read the story of his achievements, I am sure his "life was worth the living."

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. BACHARACH] is recognized.

Mr. BACHARACH. Mr. Speaker, once again the inevitable hand of death has been laid upon a Member of this House; and, in accordance with its beautiful and time-honored custom, we are assembled here this afternoon to pay public tribute to the life, character, and public service of a departed colleague who has answered the summons of his Master and has rendered an account of his stewardship.

On this occasion we are gathered here to pay tribute to the memory of one of New Jersey's adopted sons and distinguished citizens, JOHN H. CAPSTICK, late Representative of the fifth congressional district, who died at his home in Montville, Morris County, on Sunday, March 17, 1918.

Mr. CAPSTICK was born in Lawrence, Mass., where he dwelt with his parents until the age of 12, when his family moved to Rhode Island. It was there that he received his early education in the public and private schools of Providence.

His father, John Capstick, was a chemist of considerable ability and a practical business man, who specialized in the coloring and printing of textile fabrics.

With his family he migrated to the State of New Jersey in 1883, where he erected a factory at Montville and established the business of printing and dyeing, under the firm name of John Capstick & Sons, consisting of himself and his two sons, John H. and Thomas.

By hard work and the application of good sound business principles success followed their undertaking, and in a few years the name and reputation of Capstick & Sons was well and favorably known throughout the field of textile commercialism.

Following the death of his father, JOHN H. CAPSTICK succeeded to the head of the business, which was continued without change in name. The high order of business ability which he had inherited from his father and which he had developed by close attention to the minutest details of the work well equipped him for the duties which devolved upon him.

Possessed of a strong and vigorous make-up, both mentally and physically, he put into his new responsibilities those energies which characterize the virile man of business. Under the impetus which his leadership gave to the business, increased success attended the enterprise with great rapidity, and not only did it bring wealth to the owners, but it soon became the leading industry of the little village, bringing much happiness and contentment to the community.

It was more than a business to him; it was a living institution, with possibilities of growth and usefulness which awakened his enthusiasm and inspired in him almost filial regard. No labors were too exacting that would contribute to its growth and prestige, for he knew that its expansion and prosperity meant more to the hundreds of men and women in its employ than it did to him.

His tremendous power for work and his ability to do big things was an inspiration to those associated with him to do their best for the mutual success and prosperity of all. By the application of methods of efficiency and the loyalty of those associated with him he developed a very excellent organization, and in the latter years of his life he was able to intrust the operation of the factory to subordinates and to give some of his time and ability to the welfare of his community, his State, and the Nation.

He took an active part in all local civic affairs. In 1906 he was elected as a member of the board of directors of the Morristown Trust Co., one of the largest and strongest financial in-

stitutions in north Jersey; in 1911 he was elected as one of its vice presidents, which office he held at the time of his death. I append herewith a copy of the resolution adopted by the board of directors of that institution upon the death of their colleague:

Whereas the board of directors of the Morristown Trust Co., of Morristown, N. J., has learned with profound regret of the death on March 17, 1918, of their associate, Hon. JOHN H. CAPSTICK, of Montville, N. J.; and

Whereas Mr. CAPSTICK has served continuously as a member of the board from April 14, 1906, and as vice president since January 14, 1911: Therefore be it

Resolved, That the board of directors of the Morristown Trust Co. hereby expresses deep sorrow at the loss of their associate, whose interest in the work of the company has been unremitting, whose character has been so admirable, and whose personality so congenial to the fellow members of this board; and be it further

Resolved, That a copy of this resolution be sent to the family of Mr. CAPSTICK.

GRANVILLE M. WHITE,
HENRY F. TAYLOR,
WILLARD W. CUTLER,
Committee.

It was not my good fortune to know Mr. CAPSTICK intimately prior to our coming to Washington. We both entered as Members of the same Congress. In the days that followed a close intimacy developed between us which cemented a friendship that I shall ever cherish.

To my mind, JOHN H. CAPSTICK was a man of remarkably well-balanced judgment. Although conservative in his views, he was receptive to new ideas. I can readily appreciate him as a man who all through life was possessed of unusual powers of concentration and resolution, those attributes which go to make up a strong, unswerving character.

His was a personality which literally grew on one. Large in stature and possessing a countenance clear cut and well proportioned, his mannerisms at first suggested the austere; but upon becoming better acquainted with him one would find that, while reserved in manner, he was a warm, devoted, and faithful friend and an earnest, public-spirited American citizen. He was a man who had great depth of sentiment for the persons and things nearest his heart, and preferred the quiet surroundings of a beautiful home life to the gayer life of society.

Ill health prevented Mr. CAPSTICK from taking his seat in the Hall of this House when the Sixty-fifth Congress was called into extraordinary session by the President for the purpose of declaring that a state of war existed between the United States and the Imperial German Government; nor was he permitted to take up his duties at any time during the regular session.

This was a matter which caused him very great concern and much mental anguish, for he knew how important it was for him to be at his post of duty during the trying times through which our country was passing. Had he been able to be present he would have cast his vote in favor of a declaration of war, and by his every act he would have supported the Government of the United States for the prosecution of the war until a just and lasting peace should be consummated.

No one can ever question the loyalty and patriotism of JOHN H. CAPSTICK, for he was an American of the highest type in all that the name "American" implies.

His rugged constitution and his indomitable will power gave him many recurrent hopes that he would one day be able to again take his place in Congress. He put up a fight for health and life characteristic of the man, but the body was not able to longer withstand the onslaughts of disease, and early in the month of March he was compelled to again take to his bed, from which he did not arise.

There, in the constant association of a loving wife and amid the surroundings of the home which he so dearly cherished, his soul took flight from the body. The esteem and regard in which he was held by his friends, both rich and poor, was most feelingly and eloquently expressed by their attendance at his funeral and by the many beautiful floral tributes which surrounded him in death. The services were held in the home, and the simple but solemn ritual of the Episcopal Church was in harmony with the modesty of the man for whom it was recited.

He was laid to rest not far distant from his home. There, amid the scenes of his greatest activities in life, on a beautiful day in early spring, as the sun slowly but radiantly sank from view behind the hills of Morris, which he so dearly loved, the mortal body of JOHN H. CAPSTICK was laid away in its final sleep. He has gone, but his memory shall ever linger, for in the death of Mr. CAPSTICK the Nation has lost a valuable servant, the State of New Jersey a distinguished citizen, and I a lovable and true friend.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. PHELAN].

Mr. PHELAN. Mr. Speaker, as I arise to add a few simple words of tribute to the memory of our late colleague, JOHN H. CAPSTICK, I am reminded of our first meeting. We became acquainted almost immediately after he had taken his oath of office as a Member of the Sixty-fourth Congress. We had conversed but a few moments when he informed me that he was born and had spent his early school days in the city of Lawrence, which is located in the congressional district which I represent.

It was not until in subsequent conversations he had made frequent references to that city and those early days that I fully realized that he had especially sought me out because I did represent the city of his birth. The fond regard with which he so often referred to that city, and the tender allusions he made to his father and to his mother in speaking of those early days, manifested to me two of his most prominent characteristics, his intense loyalty and his deeply affectionate nature.

The peculiar tie which had drawn us together served to unite us in a constantly warmer and fuller friendship. I was moved, therefore, by a sentiment of distinct personal grief when death removed him from our midst.

As our friendship had developed, I had become more and more attracted by his genial good-fellowship, his whole-heartedness, and his humanly sympathetic spirit; I had come to be more and more impressed with his sound judgment, his persevering industry, his solidity, and his stability. I could understand why these virtues had gained him distinctive success in the fields of commerce. I could perceive why these same qualities could not fail, once he had entered upon a public career, to enable him to be of genuine service in public life.

That this service within his own State was of a high order is evidenced by his election to the Congress of the United States. Upon the worth of his service here I shall presume to make only brief comment.

It is difficult for us to measure the value of any one of our Members in the highly important and responsible work in which we are engrossed. At times, indeed, we become discouraged at what appears to be the lack of opportunity for an individual to be an influential factor in the legislation which we are enacting.

The individual seems to be overwhelmed by the mere force of numbers, if nothing more. As we contemplate and reflect, however, we can better perceive the full opportunity offered the individual Member through diligent application to make worthy and effective contribution to the great legislative structure which we are building. He can exercise a distinctive influence on the floor, where bills and resolutions are introduced, discussed, and passed, or in the committee room, where measures are framed.

Indeed, entirely outside these two places he can exercise a forceful influence wherever he has intercourse with his colleagues. In our views, in our attitudes on public questions, we are in some degree constantly changing, developing, and maturing. We are constantly affected by the views of our colleagues. We look to them for advice, suggestion, information, and support outside as well as inside this Chamber or the committee room. As the individual Member is affected, so the entire membership is affected, and thereby the course of legislation in some measure influenced by the intellectual power and integrity of each individual Member of this body.

A man of the constructive ability and plain honesty of purpose of JOHN H. CAPSTICK was, therefore, bound to be an effective force in the legislative accomplishment of this body. He had demonstrated his constructive capacity in the upbuilding of a highly successful business enterprise.

With his broad and extensive business training, with his capacity for accomplishment, he came to this House prepared by special qualifications to engage in constructive work. In the comparatively brief period of his service he had already given ample demonstration of his powers. We who know the essential need of men of his type in the great constructive work upon us and ahead of us can best appreciate the loss which his death has entailed.

Of JOHN H. CAPSTICK we shall ever cherish the fondest recollections. The charm of his personality will always linger in our memories. His resolute devotion to public duty will stimulate us in the vast task ahead of us.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. EAGAN] is recognized.

Mr. EAGAN. Mr. Speaker, the heavy hand of death has been laid upon the New Jersey membership in Congress four times since I became a Member of this great body five years ago—

Representative Lewis J. Martin died in 1913, Representative Robert Gunn Bremner in 1914, Senator William Hughes and Representative JOHN H. CAPSTICK in 1918.

By a strange coincidence Senator Hughes and Representatives Martin, Bremner, and CAPSTICK lived within a short distance of one another in New Jersey, and represented adjoining congressional districts. Following the time-honored and beautiful custom of Congress, we have gathered here to-day to pay our tribute of love and respect to the memory of our departed colleague and friend, JOHN H. CAPSTICK.

It was not my good fortune to know Mr. CAPSTICK intimately. I was not acquainted with him before his election to membership in this House, though, of course, I had known of his distinguished service on the State Sewage Commission and on the State Board of Health, and the commercial and banking activities in which he was engaged.

In the very short time in which it was my privilege to know him I learned to love JOHN N. CAPSTICK for his unassuming manner, his genial good nature, to respect him for his unfailing good sense, for his application to his work in this House, and for his thorough Americanism. I am sure that had he been spared for long service in Congress he would have achieved a position of distinction on the committees and on the floor of this House.

Born and educated in New England, he removed in 1883 to Montville, N. J., where, with his father and brothers, he established the print works of John Capstick & Sons, of which he ultimately became the head.

In February, 1913, the entire plant of the Capstick Company was destroyed by fire. Summoned from his bed in the early hours of the morning, Mr. CAPSTICK rushed to the scene of the conflagration without taking precautions to safeguard his health. Throughout the night he labored in the cold and wet with those gallant citizens of the community who had responded to the alarm, but their efforts were without avail.

Years of hard work and effort were reduced to ashes in a few hours. The destruction of the plant brought to a close the long and honored business career of his firm. While he felt the loss of the plant keenly on personal and sentimental grounds, he regretted much more keenly the loss to the little community in which he lived by the destruction of its chief industry.

The fire was a severe shock to his nervous system, and doubtless his death, five years later, is directly traceable to the exposure which he suffered in his efforts to check it.

Early in life Mr. CAPSTICK, believing that the interests of his country were best safeguarded under the principles expounded by Alexander Hamilton, joined the Republican party. He was always a stanch supporter of its principles and a strong believer in party organization.

Before coming to Congress Mr. CAPSTICK twice held appointive office under the government of the State of New Jersey. In 1905 he was appointed by Governor Stokes as a member of the State Sewage Commission, and three years later Governor Fort appointed him as a member of the State Board of Health. Upon the organization of the board he was chosen as its president, which position he held until 1914.

During his régime he insisted upon the rigorous enforçement of the health laws, and much new legislation was enacted which placed New Jersey among the foremost States of the Union in the matter of public health. In 1914 he resigned from the State Board of Health to accept the nomination for Congress. He was elected to the Sixty-fourth Congress, and in 1916 was reelected to the Sixty-fifth Congress.

A devoted husband and father, his untimely death has removed from our midst an able, hardworking, conscientious colleague and friend.

Mr. PARKER of New Jersey assumed the chair as Speaker pro tempore.

Mr. BROWNING. Mr. Speaker, I had never met JOHN H. CAPSTICK personally until after his election to the Sixty-fourth Congress, but in the first clasp of his hand I realized that I was greeting a man whose friendship I would value as long as I shall live. There was a light in his eyes, a kindliness in his manner, and a tone in his voice which drew me to him as to a lifelong and intimate friend. In our service here I sought him often, and we had talks on many subjects. His opinions were always expressed in unmistakable language and with a directness calling for few words.

JOHN H. CAPSTICK was an American business man. He laid no claim to statesmanship. Yet, if his health had not failed and he could have been spared for longer service in this House, the qualities which made him a successful business man would have left their impress upon legislation. Appropriately he was assigned to membership on the great Banking and Currency Committee. This was his natural field of action, for he had been schooled by experience in the complexities of banking, having been a banker in New Jersey, where his judgment and good sense earned him the respect of his associates in business enterprises of wide scope. When this can be said of a man it is predicated upon a character molded by honest and upright dealings.

After the war cloud had come upon us, Mr. CAPSTICK wrote me a number of times from his sick chamber, deploring the fact that he was unable to be in his place here; and while to each of his letters I replied that he must be patient and defer his return until the complete recovery of his health, I, too, wished that it might be otherwise ordered, for I felt that we had need of men of his keenness of vision, breadth of mind, and practical business methods, to sit at committee tables in the preparation of legislation, and in the House to consider and vote upon the great measures necessary to strengthen the arm of the Nation for the performance of the task that had fallen upon us.

Mr. Speaker, New Jersey, like the rest of our sisterhood of States, has profited by the incoming from time to time of men descended from that dependable and sturdy people who settled on the bleak New England coast. There Mr. CAPSTICK was born and spent the early years of his life.

At the age of 27 years he came to Montville, N. J., where he, with his father and brother, established a business which prospered. Later he succeeded to its entire ownership and accumulated sufficient to justify his retirement while still in the prime of life. His keen insight, his just appraisement of men, and his own innate sense of square and fair dealing—a rare combination of attributes, but prerequisites in any legitimate field of industrial enterprise—resulted in what may be described in one word, "success." His years of patient toil, and of foresight, and directness, measured by a high standard of personal rectitude, brought him to the due reward of material success. But the laying up of treasure upon earth was not alone the aim of this man. He so lived amid the changes and chances of this mortal life that he might not lose the things eternal. He did not barter away his "inheritance incorruptible" for the temporal and evanescent things of this life.

He served the State of New Jersey for six years as president of the board of health. He engaged actively in all civic matters, to the advantage of his community. He was identified with every local charitable movement. In countless ways he rendered himself not only a foremost citizen but a public benefactor as well. In the hearts of his people the memory of this generous, kindly, and considerate man will long be cherished.

Mr. Speaker, the life of JOHN H. CAPSTICK typifies the life of many splendid American business men. Our success as an American Nation rests upon the foundation built upon the lives of such men. But it has become a sort of fashion in this country in late years to decry and denounce what is sneeringly called "big business." Little if any differentiation has been made by critics between the successful business man of good character and the comparatively few who use their wits in commercial life that they may defraud their fellows. In what may be termed a crusade against business and business men, the honest have been made to pay the penalty along with the guilty.

The life of JOHN H. CAPSTICK gives the lie completely to the accusation often heard that success and honesty can not go hand in hand. This great war in which we are engaged will, I believe, help to correct many false impressions regarding American business life. Business men upon whom in a crisis of this kind the Republic must depend largely for its source of material strength have demonstrated patriotism not by lip service but by substantial contributions to their country's need, and a self-sacrificing spirit that might well be emulated by their less sagacious and less successful compatriots.

The passing of my colleague is keenly felt as a personal loss to me and to those who knew him best. But he has left a good name and has inherited the reward of the just.

Mr. VENABLE. Mr. Speaker, I did not have the privilege of intimate acquaintanceship with Mr. CAPSTICK, but I have heard the splendid eulogies pronounced upon his character and abilities by those who did know him, and I esteem it a privilege as a Member of this House to bear my own testimony to the worthiness of his character and the value of his work.

It is upon times such as these, when we are brought face to face with the inevitable fate of all mankind, that we are caused to pause, and countless questions arise in our minds. Men in all ages and in all times have been seeking what they call the highest good, each one asking himself the riddle of life and seeking to find the answer. Some have looked upon man as but a high order of brute creation, to live his brief span of years,

to eat, to sleep, to work, and finally to die like the ox, to be assimilated only to the material elements that go to make up the world.

Others believe that life is but a process of training; that death is but the door which will eventually swing open to permit the soul to pass into larger realms of life and activity and usefulness. One's idea of death and the feelings of those who are near and dear to the man who is dead must necessarily be largely influenced by the conception which we have of what death means. If it be the blotting out of all that exists of humanity, if it be the period to the sentence of human life, if it be that when death comes obliteration overtakes the man, then death is, indeed, a source of sorrow; indeed, a great calamity. If, on the other hand, death be but a great adventure, a step forward in the progression of the soul; if it be, as we believe, but the passageway through which the soul must pass to enter into a realm of greater life and light, of greater love and work, then, indeed, according to our belief, while we may feel the natural longings for one who has gone, still we must at the same time rejoice that this soul has taken this advancing step in human progress.

From the testimonies which have been borne by the gentlemen who knew Mr. CAPSTICK intimately and well, we have every assurance to believe that, having lived worthily here, having developed the powers with which he was endowed, having spent his life usefully, having put his talents out at interest, as he passed through the gates ajar he heard the blessed voices say, "Well done, good and faithful servant."

Mr. BROWNING resumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The gentleman from New York [Mr. PLATT] is recognized.

Mr. PLATT. Mr. Speaker, I have been called upon to-day to speak as one of Mr. CAPSTICK's committee colleagues. My recollection of him, however, is mostly as a Member of the Sixty-fourth Congress, in attendance at sessions of the House. He was not then a member of the Committee on Banking and Currency, but of the Committee on Claims and the Committee on Expenditures in the Department of Commerce. Of his excellent work as a member of the Committee on Claims, you have already heard from his colleague, Hon. RICHARD WAYNE PARKER. New Jersey, although one of the great financial and industrial States, had no member of the Banking and Currency Committee in that Congress from either party, and when the present Congress was organized, Mr. CAPSTICK, who had given much of his time as a resident of New Jersey to banking and financial matters, was selected to represent his State on that great committee. I may say here that I think it somewhat unfortunate that he was not placed upon that committee in the previous Congress, so that we could have had the benefit, when the Federal farm loan act was under consideration, of his business and financial experience and sound judgment. Time has shown, I think, that some mistakes were made in that act which his experience and counsel might perhaps have helped to avoid.

I may say also that there was a special reason for assigning Mr. CAPSTICK to the Committee on Banking and Currency. His district was the district formerly represented for a long time by Hon. Charles N. Fowler, who in Republican days was the chairman of that committee, and author of much of the financial legislation of the day, as well as of bills for the reform of the banking system of the country, which were widely known but were never enacted into law. Probably in the fifth New Jersey district the Committee on Banking and Currency was better known, through Mr. Fowler's activities, than any other committee of the House of Representatives, and it was natural that Mr. CAPSTICK, whose training amply fitted him for the position, should have desired to become a member of that committee, and should have been assigned to it.

In the present Congress Mr. CAPSTICK scarcely had a chance to serve. He was taken ill before the special war session. The committee of which he was then a member reported and was successful in passing some of the most important legislation of its history, legislation without which the financing of the gigantic struggle in which our country is engaged, could not have been successfully accomplished. As to some of this legislation we, his colleagues, knew that we had his support and approval. Doubtless all of it would have had his approval if he had not been too ill to consult. We missed him, for there were times when the argument was close and when the counsel of a practical business man of his large experience would have made the path of sound finance easier. We frequently inquired of his New Jersey colleagues as to his condition and what the prospects were of his speedy return to duty, and were disheartened when we seldom received encouraging reports, though the malady, so baffling to his physicians, seemed at times on the point of being mastered.

Mr. CAPSTICK was a man whom we all respected and admired, a man not only of good, sound business judgment but a man of refinement, fond of such of the finer things of life as good music. We was not an old man; and the fact that he was called away from his service here during this critical year of war at the age of 62, just when his service would have been most useful to his country and to the people of his State and district, just when he himself would have felt that his service could have been of the highest usefulness, is a matter of the greatest regret to us all.

Mr. HUTCHINSON. Mr. Speaker, by the death of JOHN H. CAPSTICK this House has lost a valuable Member, New Jersey a loyal citizen, and the Republican Party a stanch supporter.

People of a democracy seldom make a mistake in choosing men for public office, and in the selection of JOHN H. CAPSTICK the fifth district of New Jersey used exceptional foresight and judgment.

He was a man of strong convictions and well educated, possessing qualifications characteristic of his ancestry, which could be traced back to that band of Pilgrims that settled on the New England coast and laid the foundation for the Nation which it was afterwards his privilege to serve.

During his entire life he displayed habits of industry and frugality, and won for himself the confidence of all who knew him. His keen insight in the commercial and financial field, as well as his ever-increasing interest in matters pertaining to the civic and national welfare, marked him as a man of affairs, and his judgment was frequently sought and always freely given, for JOHN H. CAPSTICK was the type of man that never tired of doing good.

He was born in the city of Lawrence, Mass., September 2, 1856, moving to Providence, R. I., at the age of 12 years, where he completed his education and gained the business experience that shaped his future career.

He followed the business of his father, who by profession was a chemist and colorist, and after moving to Montville, N. J., in 1883, he established the firm of John Capstick & Sons, textile manufacturers, where by hard work, honest and straightforward business methods he became successful both commercially and financially, and always regarded his success as an increased responsibility for greater usefulness to mankind.

He retired from the textile business but remained active in the banking institution with which he was connected, and was largely instrumental in making the Morristown Trust Co. one of the leading banking houses in the East.

A man of culture and refinement, a lover of music and the things that make life beautiful, he preferred to leave the allurement of public office to others and spend his time in the companionship of his devoted wife and together enjoy the fruit of their labor. But his ability having been recognized the call was insistent and he was pressed into the service of his State and he served New Jersey faithfully and well as president of the State board of health for six years and as a member of the State sewerage commission for two years.

It was only natural when the time came for the people of the fifth congressional district to choose their Representative that they should select such a man, and the confidence reposed in JOHN H. CAPSTICK was never betrayed.

He came to the Sixty-fourth Congress with a rich experience acquired by years of diligent study in the business world, fully conversant with the needs of the Nation, and by untiring devotion to his duty demonstrated such ability as to mark him one of the most dependable, energetic, and useful of the newer Members.

His constituency appreciated the value of his service and renewed the honor by a threefold confidence, but the hand of disease was laid heavily on their favorite son and he was forbidden the opportunity of having a part in solving the great problems of war.

During the long period of his suffering he followed the trend of national affairs with an eagerness found only in real men, and his last appearance in this House, made against the wishes of those who loved him best, was the supreme sacrifice he made in the service of his country.

JOHN H. CAPSTICK was a man among men, true to his trust, a faithful husband and stanch friend, ready and waiting for the call that summoned him to his reward.

Mr. WINGO. Mr. Speaker, I do not know of any higher tribute that could be paid to anyone when he comes to the end of life than to have so lived that he has gained the confidence and respect of all men with whom he has associated,

regardless of political views. No man could have achieved the success that our departed colleague achieved, no one could have been so universally respected by his associates and those who knew him intimately, without being a man of unquestioned integrity and high character. As you read the story of his life and the success that he achieved in a business way you are impressed with the fact that the greatest factor of success is the personal element, the confidence and respect which one earns from those who depend more upon the character of men than any obligation or security they can give.

It was not my good fortune to know our departed colleague as intimately as some of those who have spoken here to-day. Dealing, as our Committee on Banking and Currency does, with great questions, it is a matter of genuine regret that during this Congress his ill health prevented him from giving us the benefit of his experience and the wisdom that comes from that experience in the consideration of our legislative program. The life and character of JOHN CAPSTICK and the high esteem in which he was held by his colleagues in this House and the fact that, regardless of any sectional relationship or party affiliation, he had the respect of Members on both sides of the aisle is but typical of the spirit and illustrative of the character of the House of Representatives. This House is truly a representative body, representative of the greatest, the freest, the most practical yet the most liberal democracy in the world. Character and ability, industry and devotion to duty, honesty of purpose and love of country are the things that determine one's standing in this body—these are the only coins that pass current here.

Mr. Speaker, it is true in this House, as it is in every other walk of life, that frequently men are stricken down right at the point when they have reached the maturity of their powers and high tide of their efficiency. We do not quarrel with the Divine purpose—our finite minds can not question the wisdom of the infinite—but in spite of our dutiful acceptance and submission to the Divine will, we regret that men like CAPSTICK should at the hour when they have reached the fullest capacity and right at the time when, by reason of the standing they have earned and the respect which their character, their integrity, their ability, and their experience have won, they can be of greatest service to the community and the Nation, they are stricken by ill health and pass away. It may be, Mr. Speaker, as I grow older I notice these things more and more, but I have been more impressed with this fact during the last two sessions of Congress than ever before. We have lost men of simple yet forceful character, like CAPSTICK, that the Nation could ill afford to lose in this trying time, because if there ever was a time in the history of this Nation that we needed men of experience in this body it is now. His experience as a Member of this body had just reached that point where he could be of real practical service to the Nation. His ability and character would have given him an influence in shaping legislation that we are now enacting and which we must enact of even greater importance in the future. We all know as a practical proposition that, however distinguished a man's ability and however great his experience and character may be in other walks of life, it takes that experience and knowledge that comes from active service in this House to equip a man for real service in this body. I have not undertaken to speak at length of the life and character of Mr. CAPSTICK. These have been fully covered by those who knew him intimately and were qualified to speak as they have done to-day. I simply content myself with saying that, from what I knew of the man, from the genuine expressions of regret that have fallen from the lips of his colleagues to-day, the obviously sincere tribute which they have paid to him lead us all to the conclusion that it is a matter of genuine regret not simply to those of you who come from the Commonwealth of New Jersey, not simply to those of you who belong to the same political party to which he belonged, not simply to his business associates, but it is a matter of regret to the entire Nation that men like CAPSTICK fall right at the time when he could have been of greatest service to his country and to his fellow men.

Mr. GRAY of New Jersey. Mr. Speaker, what is the greatest thing a man can do? There can be as many different answers to this question as there are different human desires, philosophies, and creeds.

As the world goes to-day, we might expect that a majority of men would answer that the greatest thing a man can do is to get wealth. They know that the degree of a man's success is popularly measured by the amount of money he possesses.

A much smaller number would answer that fame is more desirable than wealth and is a worthier acquisition. Perhaps the two are not unrelated. How many seek money for its own sake and how many because with it they can purchase prominence? However, real fame has a more intellectual basis than this, such as unusual accomplishment in art, science, morals, or religion.

Wealth and fame are probably the two objects most commonly sought by men, yet a man may attain both to an extraordinary degree and not be a great man. In fact, a man may be great in many respects and not be a great man. He may be a great banker or a great philanthropist or a great statesman or a great general or a great preacher and not be a great man. A great man is a broad man. He is to be measured not alone by what he has accomplished, but by what he is; and what he is is what his mind is, what his soul is.

It is truth that makes men free, and a man is great according to his soul capacity for truth. He is a great man when, stripped of prejudice and bias and superstition and fear, he looks all things squarely in the face and seeks in all things to know and do the truth.

I did not know JOHN H. CAPSTICK very well, but what I knew of him I knew well. He had acquired wealth and fame to a degree that lifted him above the mass of his fellowmen; yet I do not know that he consciously strived for either wealth or fame. He was of the type of men who find joy in mere achievement. He was a successful man, but it would be incorrect to say that he was a great man. At the same time, he approached greatness, as the meaning of the word has here been suggested, by possessing an innate love of truth and a detestation of sham and pretense and hypocrisy. All of us who were associated with him in the House knew that nothing marred his serenity so much as listening to a speech he was satisfied was not sincere. Also was his heart always set on voting right, according to what he considered to be his duty; and when he found his feelings divided on a question or his judgment uncertain it caused him grave worry and concern. No Member of the House of Representatives felt more keenly the responsibility of his membership in the "War Congress" than did Mr. CAPSTICK.

Thus do I pay him my brief tribute. Simple though it be, it is not insignificant. Through his own effort and industry he acquired wealth, position, and influence, which he tried conscientiously to use for the betterment of his country and his fellow beings. While the soul finds enfranchisement in truth, to few, indeed, is the freedman's full title given. Hence, that man has well achieved of whom it can rightfully be said, as it can of JOHN H. CAPSTICK, that his sincere desire was to give back to the world in full measure for that which he had received and that all the ends he aimed at were his country's, his God's, and truth's.

Mr. PADGETT. Mr. Speaker—

> Friend after friend departs:
> Who hath not lost a friend?
> There is no union here of hearts
> That finds not here an end.

We come here from all parts of the country unknown to each other. We come here, many of us, perhaps all of us, with limitations of a very different life from that we find here. In many instances we have our provincialisms, we have our neighborhood surroundings, associations, and habits of life and thought. We come here to a larger and broader sphere of action, and the horizon of our vision broadens very much. Perhaps before we come here we may have very limited conceptions and narrow feelings. Perhaps we may be influenced by very partisan conceptions, but in our associations here the vision of life broadens and we gather a higher and a better and a broader conception of men and of life and of purpose. As we mix here one with the other in our associations we are elevating ourselves into a higher conception and better understanding of human character and human life and human purposes. We broaden ourselves by our associations and our minglings with each other. We may do that by our associations in likeness of thought and also in the very contest of opposed thoughts. After we have been here we form our personal attachments. There is one thing of which we are all proud and that is in our personal attachments, in our affection, one for the other, in our esteem and in our admiration there is no middle aisle of division or separation.

There is no line of demarcation that separates or that limits our admiration and our esteem for that which is honorable, noble, generous, manlike. Here it is that we find, as our vision broadens and the horizon extends further and further out, that within the boundaries of our own country everywhere are produced men of the highest order—noble, pure, generous men, patriotic men, men in whose hearts the love of country and of honor and of truth and right and justice is just as strong and as devoted

as in every other section of the country. And that, I think, is one of the great secrets of the success of the House of Representatives. We bring together men from all portions of the country, and it becomes a great melting pot. The dross gets out, and the pure elements of high character, of devotion to principle, of uplift to a higher standard of manhood as here developed, permeate the whole country, in the influences that go out from the congressional life of this Chamber.

But with all our attachments, our admirations, our friendships, there comes a time of separation. Some leave us voluntarily, retiring to private life for various reasons; some in the changes in the wheel of fortune at home are defeated for reelection, and every now and then there comes, as it has on this occasion, the hand of death, and the friend is taken away. But, Mr. Speaker, there is one thing that is to us a supreme comfort and consolation. The separation, in whatever form it comes, whether by voluntary retirement of a Member or defeat, in the changing of the wheel of fortune or by the pallid hand of death, is not a severance of our friendship, and death is not the end of our love, our esteem, and our admiration. Although death may come and take away from our midst our colleague and our fellow laborer, blessed is the thought that still in our hearts there survive in memory, in cherished memory, the love, and the esteem, and the confidence and the admiration, which our fellowship and our service and our work here begot in our friendships.

Rather, Mr. Speaker, death is only the going before, going before to a larger life, into that life freed from the limitations of the habilaments of flesh, stripped of the bandages, if I may so term it, of the five senses, into that life, broad as the limits of space, as enduring as the eternity of God.

It is life, not death, we crave—a larger, fuller, better life—and when we separate here it is not the forgetting, not the oblivion; it is only the thought that our friend has gone before into that larger, better life.

Mr. Speaker, Mr. CAPSTICK was what we might call a new Member. In the provinces of God it was not permitted him to remain here many years, and yet during his short stay, in his association, limited as it was in time, he commended himself to our esteem, to our confidence, and to our admiration. He made many friends, because his friendship was based upon the solid foundation of real worth. He was a man that was justly and rightly held in high esteem.

It is well that, when the curtain falls, those who remain can say that during our association, our work, and our fellowship, "I knew him to be an honorable man; a man of character, of integrity, and of high-mindedness." And such is the testimony of the life of Mr. CAPSTICK.

His private life was successful. I shall not go into that. It has already been enumerated. But, Mr. Speaker, the same elements of character, the same foundation principles of honor and integrity that manifested themselves in his private life and made it successful are the same elements that commended him here to his associates in the work of Congress.

We believe, Mr. Speaker—it is our faith—that in that larger life we shall meet and shall have opportunity for larger service and larger usefulness. We can not draw the veil that separates that life from this and see into it with distinctness and clearness, and while we may say:

> We know not where His islands lift
> Their fronded palms in air;
> Yet we do know we shall not drift
> Beyond His love and care.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. LEHLBACH] is recognized.

Mr. LEHLBACH. Mr. Speaker, JOHN H. CAPSTICK, to whose sterling qualities and public services we bear witness to-day, reflected to a marked degree the life and views of that section of New Jersey he represented all too briefly in this House. Though born in Massachusetts and reared in Rhode Island, he removed to Montville, in Morris County, N. J., in his young manhood, and it was there that he spent his active life—wrought, achieved, and developed. True, the military schooling of his boyhood and his service in the Rhode Island Militia had their influence in forming that firmness of character and decisiveness which were characteristic; but in very essence he typified the rural Jerseyman from the northern section of the State.

In Morris County are found no great cities, no vast estates, no crass contrast of extreme wealth and dire poverty. Agriculture, on farms generally owned by those who till them, mingles with the industries of the prosperous towns carried on by the intelligence and capital of the inhabitants themselves. Economically independent, these people are consequently politically and intellectually independent. They are of what we consider the soundest and truest type of American manhood. They reverence American traditions, believe in American institutions; they posses a conservatism that impels them to reject new and strange doctrines repugnant to the foregoing fundamentals; but they are intelligently receptive to progressive ideas which seek the development of these sound principles to meet modern social and economic conditions.

In such an atmosphere JOHN H. CAPSTICK spent the years of his manhood. His energy and public spirit led him to participate in the public affairs of his community, and his sound common sense and wise counsel earned him marked influence throughout the countryside. Contented in his devotion to the prosperous industry he had established and developed and in his home circle, he sought no public office. He was at length prevailed upon to accept without remuneration the office of president of the State Board of Health of New Jersey, in which for a period of six years he rendered faithful and effective service.

With his election to Congress there opened before him opportunity for a career of great usefulness. It would seem as if his whole life had been shaped to train and develop in him those qualities which make a sound and successful legislator.

In the inscrutable wisdom of Providence his country, however, was not to benefit from his services. The blighting touch of disease rested on him before he had fully served here his apprenticeship, without which none can attain a position of influence in this body. Manfully he bore the pain and suffering through the progress of his illness, cheery, brave, optimistic, until in His own time the Merciful Father laid his tortured body to rest and took unto Himself a great soul.

JOHN H. CAPSTICK'S most marked quality was a rugged and uncompromising honesty. It was of the very essence of his being. He could neither himself dissemble nor had he patience with equivocation in another. He was sincere in his intellectual processes, held decided views, and never hesitated to give expression to them. This at times gave to one coming casually in contact with him an impression of brusqueness or harshness. Nothing could have been further from his true nature. Although a strong and forceful personality, he was at heart gentle, considerate, and kind.

The loss of a daughter, who had twined herself about his heart, at the very threshold of glorious young womanhood, bowed him with grief, but did not, as it might have done a smaller nature, embitter him. Unmindful of his own agony of soul, he devoted himself with loving gentleness to assuaging the sorrow of the one who shared with him the loss.

Although a busy man of affairs, he had keen appreciation for the fine arts, and was a critic of no mean discernment. He loved music, and understood it as only one may whose very soul is held in its thrall. In times of turbulence and trouble he turned to it for solace and found in its spell rest and peace.

In the untimely end of his career the membership of this House lost a loyal friend, his constituency a valuable Representative, the country a faithful servant. Strong and forceful, gentle and considerate, he was in all respects a true man.

Mr. WOODS of Iowa. Mr. Speaker, when in the splendor of physical manhood our late colleague, Mr. JOHN H. CAPSTICK, entered the Sixty-fourth Congress he seemed as far removed from the summons of the dread reaper of death as any man among us. His active and efficient service in that session of Congress gave promise of usefulness and achievement far beyond that ordinarily attained. Few men indeed had his capacity for labor. During his first session of Congress he spoke on a number of important subjects that showed a thorough understanding and a grasp of the affairs of the Government. He took his work seriously and went into every question presented with the thoroughness of a trained business man. I have often heard him say that the Government was the greatest of all business institutions, and one of its chief functions was to so conduct its affairs that every citizen shared equally in its blessings and benefits. How fortunate the country having such men for its citizens. In this world of ours every act, every word, every thought tends to change the action of men fifty and a hundred years from now. And though his service in Congress was short, the work of Mr. CAPSTICK will tend toward better government, more equitable laws more equitably administered for future generations.

He went about his work with patient industry—an example we all might well follow as Members of Congress in our service for others. The love of a people for their country depends to a considerable extent upon the service of the Government for its

citizens. The people are the Government in our country, and in them rests the sovereignty, not because of the Constitution and laws, but as something inherent and fundamental. The Members of Congress represent and act for the people, and whenever the courts which have the duty of interpreting the laws, or the executive officials who have the duty of administering the laws, legislate by court decisions or by arbitrary rules and regulations, just to that extent is government by the people encroached upon and individual influence and power and liberty of the citizen curtailed. Mr. CAPSTICK stood firm for these principles taught by the fathers as written in the Declaration of Independence and in the Constitution—principles represented by Washington and Lincoln. He did not disdain to follow the beaten paths, but revered the Constitution and laws as safeguards to liberty.

Mr. DRUKKER. Mr. Speaker, JOHN H. CAPSTICK, a man of unusual attainments, strong convictions, and indomitable will, gifted with the power that made him a leader among men, a man whom to know intimately, as was my great good fortune, was to love, was taken from us at a time in the affairs of the Nation when his sober, matured judgment and his broad vision would have won for him a commanding position in this body. Even though he was not spared for this high service, be it said that he had rounded out a career of usefulness, a career filled with activities that were ever for the public weal.

The thought of others was uppermost in his mind; his kindly hand was stretched out to help and his voice was raised for the righting of wrongs. Endowed with a spirit of kindliness, of sympathy with all human grievances and of unswerving fidelity, he retained until the end the affectionate regard and the deep-seated confidence of his electorate.

His home life was ideal; he was idolized by his friends, who valued him for his sterling qualities; and by those in his employment prior to his retirement from active business life, who looked to him for guidance, he was held with a feeling closely akin to worship. No dispute of a personal or business nature that arose between these employees but was brought to him as arbiter. To these men his judgment was infallible.

His memory will be revered by them and by the thousands who called on him for help and strength, not so much, perhaps, for what he accomplished in his public works—

> That best portion of a good man's life—
> His little, nameless, unremembered acts
> Of kindness and of love.

He was a noble type of noble citizenship. The ideals which he carried with him through his public life were those very ideals which had raised him to a high position in the business world.

Born at Lawrence, Mass., of sturdy New England stock, in September, 1856, he attended the public schools of that city and, later removing to Providence, R. I., finished his education at Morey & Goff's College. The military instruction he received at that institution served him when he became a member of the Rhode Island State Militia. Of powerful physique, he carried himself with a soldierly bearing; he had the instincts, the straightforwardness, and the determination of a soldier, and I know, had he been younger when war came to us—he was even then too ill to be here—he would have been among the first to shoulder a rifle and go forth to battle. He would have grasped the opportunity to relieve the oppressed, to uplift the down-trodden.

Pursuing the profession of his father, he became associated in the year 1883 with the textile firm of John Capstick & Sons, at Montville, N. J. By profession he was a chemist and colorist, and in pursuit of this profession he made an outstanding name for himself. His wife, a woman of much talent, was Miss Ella F. Blake, daughter of the Hon. William Wells Blake, of Boston.

Throughout his majority he manifested deep interest in matters of public welfare, acting as president of the New Jersey State Board of Health for six years and holding a membership covering two years on the State sewerage commission.

The same inborn traits that had made him eager to promote all matters for the public good gave him place as a dominant figure in the affairs of his own immediate community—strong, forceful, and conscientious. The perplexing problems arising in a small city received from him the same careful thought and consideration as did those larger and more vexatious questions which a later day brought before him.

When he was elected to the Sixty-fourth Congress his experience as director and vice president of the Morristown Trust Co. and as former president of the Boonton National Bank for 11 years gained for him a place on the Committee on Banking and Currency.

Through living within a short distance of Mr. CAPSTICK I was privileged to be thrown into intimate relationship with him. I loved to be in his company; I marveled at his wisdom and at his wide knowledge of the world and events, and I grew to rely on him as a younger brother would grow to rely on his elder. I profited more than words can tell by this intimacy, and now that he has gone my association with him remains a dear, a jealously-guarded memory, one which I shall always cherish and which ruthless time can never efface; I prize the recollection of those sacred days when the honor of knowing him so well was given me.

He had everything to live for, an adoring wife, a home amid beautiful surroundings, and the love and admiration of his friends. But when the call came he was ready to go; there was no duty left undone. He was a loyal, big-hearted, unselfish friend, an earnest worker, a public servant devoted to his trust.

> His life was gentle, and the elements
> So mix'd in him, that Nature might stand up
> And say to all the world, "This was a man!"

Mr. RAMSEY. Mr. Speaker, I desire to say a few words relative to the character and worth of our late colleague, and in whose honor these memorial services are being held.

JOHN H. CAPSTICK proved his value as a man by the successes he attained throughout his whole life. Born in New England, that part of our country which has produced so many great and distinguished men, he came into the world naturally and by inheritance well equipped to battle with the life's problems that were to confront him, and which he so courageously met and so successfully mastered. But he did not remain long in Massachusetts. When a comparatively young man he sought out New Jersey as his home, where he continued to live until his demise.

JOHN H. CAPSTICK was always a vigorous, painstaking, and successful business man. He applied himself not only to his own private business, but also devoted much of his time and energies to public affairs. He was interested in the financial institutions of his county, and his advice and counsel were of great value and highly appreciated by those with whom he was associated.

He for a number of years was the president of the State Board of Health of New Jersey, and the service he rendered in that capacity was recognized as most efficient as well as beneficial to all the people of our State.

The service he rendered the Nation as a Member of this House was no less conspicuous. Here he performed his work well and with a fidelity that brought many praises to him by his colleagues, when it was learned that it was doubtful whether he would ever again be able to participate in active legislation because of his illness.

He was liked by all and had no enemies. He was a lovable man and a good friend. His home life at Montville, N. J., was one of extreme happiness, and it is too bad that the vigorous and sturdy man that he was could not have been preserved in good health so that he might have lived many years more to be of further assistance to his fellow man, his State, and his country.

He in his illness, which was of long duration, was not depressed, but he was always cheerful, happy, and contented. He lived a life of usefulness. He died in peace, in comfort, and in happiness.

Mr. FESS. Mr. Speaker, my acquaintance with Mr. CAPSTICK did not extend over a long period of time. When he came to Congress he displayed an interest in legislation, especially that character of legislation which looked to the maintenance of business integrity. He seemed concerned about the ability of the country to so direct the Nation's business that no interruption between the producer and consumer might occur. Himself an employer of labor, his chief concern seemed to be for the class of our people who had to depend upon their daily wage for comfort of their families—the constancy of employment of this great mass of our population at such wage to insure not only permanence of employment, but a wage to insure a fair degree of independence and under such conditions as to insure against occupational disease. In a word, he had a keen conception of the need of humanizing industry. At the same time he did not forget the rights of capital, and insisted as labor had its rights which must be respected, so, too, the employer, whose talent of organization and ability in management, which made possible the steady employment of labor, so those taking all the risks of loss should be protected in their rights. I had talked with Mr. CAPSTICK upon this phase of our industrial life quite frequently and found him very responsive to the situation.

He was of the quiet sort in his conduct in the House. He very rarely took the floor, but while he was well enough to attend the sessions he always took a clear-cut position on questions before the House and never hesitated upon what his duty was toward his State and country.

A man of wealth, he was responsive to the needs of the times, and gave freely of his substance to the many movements of altruistic character. I instance the fact that in casual conversation with me one day in the Chamber he asked me about my experience while the head of a college in Ohio. Upon my stating that a college president of to-day must be a successful money collector rather than a great scholar or administrator for scholarly matters, he responded not only by assent to my observation, but without my asking it he drew a check on behalf of the college and requested that I use it for the good of some ambitious student who must have assistance to finish his course. Upon further conversation I found he was making a systematic use of his wealth for the good of the world.

Mr. Speaker, after all, political fame is little more than a bubble, which can not insure real happiness. We have a thousand proofs of it. Riches, as this world goes, have wings, and they are of the moment. None of these things of themselves abide. The rich achievement is in matters of character which are of the substance of successful living. Wealth is a wonderful convenience but can not be of great and abiding value except as used to produce the personal and public weal. Fame is ephemeral and not worthy the seeking, as it inevitably ends in disappointment and frequently sorrow. The man who is famous to-day may be infamous to-morrow, dependent upon the current of a fickle public opinion that sways with the strongest current. The surest road to the greatest happiness is that which leads to the greatest service to mankind. That road may lead through a business career where the accumulations of years are devoted to mankind. It may lead to a professional career whose talent and tact are devoted to the good of the race. The modern slogan of mankind is while making a living learn to live. This demands a service of public spirit where energy, wealth, and reputation are employed to increase the goodness of the world.

For such service, membership in this House is an opportunity. I believe the time is here now when human interest calls for legislation on behalf of our common humanity. In other words, legislation can not be circumscribed by a mere money consideration. My short acquaintance with our colleague convinces me he had the proper angle as a public man, and I desire to pay this brief tribute to his memeory.

Mr. MOORE of Pennsylvania. Mr. Speaker, our New Jersey colleagues have paid their tributes to the late JOHN H. CAPSTICK, Member from the fifth New Jersey district. They have spoken of him as we are wont to do when those with whom we have fraternized in our respective delegations have passed away. What they have said has been appropriate and sympathetic. But the acquaintanceship which a Member of Congress from any State acquires after a brief experience in Washington, widens and broadens until representatives of all the States evince an interest in his life and services.

Mr. CAPSTICK was elected to the Sixty-fourth Congress in 1914. The war in Europe had already started when he made his appearance at the Capitol. Like every other Member who came in with that Congress, he mingled with his fellow Members as one who realized that great events were about to transpire. It was this feeling of uncertainty on the part of all Members of Congress, with regard to the future, that gave Mr. CAPSTICK ready access to the thoughts and expressions of his colleagues the country over. It was not surprising under these circumstances that one of his amiable qualities should rapidly advance in the friendship and confidence of his associates.

I admired Mr. CAPSTICK because of his rugged and practical interest in the new life he assumed. A business man, such as he was, is generally more reticent than the lawyer or professional man in matters of legislation, but our New Jersey colleague came into the congressional life when political and economic conditions were badly mixed and when the advice of a solid man of business was doubly welcome. His hard-headed common sense proved of much value to the committees upon which he was appointed and gave great promise of future usefulness. With him, however, it was as we, unfortunately, have sometimes observed in the case of other new and substantial acquisitions to the House. He was not to be given the opportunity to fully develop his service here. He made a brave beginning. What he did was well and creditably done. Then came his sickness, and it long endured.

The electors of the fifth New Jersey district returned him to the Sixty-fifth or war Congress of the United States, and despite his illness he made a gallant effort to do his full duty. He returned to Washington on several occasions—once accompanied by his physician all the way from the hospital—but so enfeebled as to lead his friends to doubt the wisdom of his journey. It was his grit and mettle that induced him to come. Though he knew the outcome of his appearance in Washington might be fatal to himself he still felt that he owed his vote and his attendance here to the constituency which had honored him. Of such stuff was our colleague made.

I mourn with my colleagues from New Jersey and other States the loss of JOHN H. CAPSTICK. He was a strong and vigorous American, too soon removed from those who loved him, and from the path of patriotic duty which he heroically sought to travel.

The SPEAKER pro tempore. According to the resolutions which were adopted, the House now stands adjourned until to-morrow at 12 o'clock.

Thereupon (at 1 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Monday, May 20, 1918, at 12 o'clock noon.

SENATE.

MONDAY, *May 20, 1918.*

(Legislative day of Friday, May 17, 1918.)

The Senate met at 12 o'clock noon.

THE PRESIDENT'S ADDRESS IN NEW YORK.

Mr. THOMPSON. Mr. President, I desire to have printed in the RECORD the able and eloquent address of the President of the United States upon opening the Red Cross drive in New York City, delivered May 18, 1918.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

"Mr. Chairman and fellow countrymen, I should be very sorry to think that Mr. Davison in any degree curtailed his exceedingly interesting speech for fear that he was postponing mine, because I am sure you listened with the same intent and intimate interest with which I listened to the extraordinarily vivid account he gave of the things which he had realized, because he had come in contact with them on the other side of the water. We compassed them with our imagination. He compassed them in his personal experience.

"I have not come here to-night to review for you the work of the Red Cross; I am not competent to do so, because I have not had the time or the opportunity to follow it in detail. I have come here simply to say a few words to you as to what it all seems to me to mean. It means a great deal.

FACING TWO DUTIES.

"There are two duties with which we are face to face. The first duty is to win the war, and the second duty, that goes hand in hand with it, is to win it greatly and worthily, showing the real quality of our power not only, but the real quality of our purpose and of ourselves. Of course, the first duty, the duty that we must keep in the foreground of our thought until it is accomplished, is to win the war. I have heard gentlemen recently say that we must get 5,000,000 men ready. Why limit it to 5,000,000? I have asked the Congress of the United States to name no limit, because the Congress intends, I am sure, as we all intend, that every ship that can carry men or supplies shall go laden upon every voyage with every man and every supply she can carry.

INSINCERE PEACE PROPOSALS.

"And we are not to be diverted from the grim purpose of winning the war by any insincere approaches upon the subject of peace. I can say with a clear conscience that I have tested those intimations and have found them insincere. I now recognize them for what they are—an opportunity to have a free hand, particularly in the East, to carry out purposes of conquest and exploitation. Every proposal with regard to accommodation in the west involves a reservation with regard to the east. Now, so far as I am concerned, I intend to stand by Russia as well as France. The helpless and the friendless are the very ones that need friends and succor, and if any man in Germany thinks we are going to sacrifice anybody for our own sake I tell them now they are mistaken. For the glory of this war, my fellow citizens, so far as we are concerned, is that it is, perhaps for the first time in history, an unselfish war. I could not be proud to fight for a selfish purpose, but I can be proud to fight for man-

kind. If they wish peace, let them come forward, through accredited representatives, and lay their terms on the table. We have laid ours, and they know what they are.

DUTY OF RED CROSS.

"But behind all this grim purpose, my friends, lies the opportunity to demonstrate not only force, which will be demonstrated to the utmost, but the opportunity to demonstrate character, and it is that opportunity that we have most conspicuously in the work of the Red Cross. Not that our men in arms do not represent our character, for they do; and it is a character which those who see and realize appreciate and admire, but their duty is the duty of force. The duty of the Red Cross is the duty of mercy and succor and friendship.

"Have you formed a picture in your imagination of what this war is doing for us and for the world? In my own mind I am convinced that not a hundred years of peace could have knitted this Nation together as this single year of war has knitted it together, and, better even than that if possible, it is knitting the world together. Look at the picture: In the center of the scene four nations engaged against the world and at every point of vantage showing that they are seeking selfish aggrandizement; and against them 23 Governments representing the greater part of the population of the world drawn together into a new sense of community of interest, a new sense of community of purpose, a new sense of unity of life.

INCIDENT IN ITALY.

"The Secretary of War told me an interesting incident the other day. He said when he was in Italy a member of the Italian Government was explaining to him the many reasons why Italy felt near to the United States. He said, 'If you want to try an interesting experiment, go up to any one of these troop trains and ask in English how many of them have been in America, and see what happens.' He tried the experiment. He went up to a troop train and he said, 'How many of you boys have been in America?' and he said it seemed to him as if half of them sprang up and said, 'Me from San Francisco,' 'Me from New York—all over.' There was part of the heart of America in the Italian Army—people that had been knitted to us by association, who knew us, who had lived among us, who had worked shoulder to shoulder with us, and now, friends of America, were fighting for their native Italy.

"Friendship is the only cement that will ever hold the world together. And this intimate contact of the great Red Cross with the peoples who are suffering the terrors and deprivations of this war is going to be one of the greatest instrumentalities of friendship that the world ever knew, and the center of the heart of it all, if we sustain it properly, will be this land that we so dearly love.

GREAT DAY OF DUTY.

"My friends, a great day of duty has come, and duty finds a man's soul as no kind of work can ever find it. May I say this? The duty that faces us all now is to serve one another, and no man can afford to make a fortune out of this war. There are men amongst us who have forgotten that, if they ever saw it. Some of you are old enough—I am old enough—to remember men who made fortunes out of the Civil War, and you know how they were regarded by their fellow citizens. That was a war to save one country; this is a war to save the world. And your relation to the Red Cross is one of the relations which will relieve you of the stigma. You can not give anything to the Government of the United States, it will not accept it. There is a law of Congress against accepting even services without pay. The only thing that the Government will accept is a loan, and duties performed; but it is a great deal better to give than to lend or to pay, and your great channel for giving is the American Red Cross. Down in your hearts you can not take very much satisfaction in the last analysis in lending money to the Government of the United States, because the interest which you draw will burn your pockets. It is a commercial transaction, and some men have even dared to cavil at the rate of interest, not knowing the incidental commentary that constitutes upon their attitude. But when you give, something of your heart, something of your soul, something of yourself goes with the gift, particularly when it is given in such form that it never can come back by way of direct benefit to yourself. You know there is the old cynical definition of gratitude, as "the lively expectation of favors to come." Well, there is no expectation of favors to come in this kind of giving. These things are bestowed in order that the world may be a fitter place to live in, that men may be succored, that homes may be restored, that suffering may be relieved, that the face of the earth may have the blight of destruction taken away from it, and that wherever force goes, there shall go mercy and helpfulness.

DO NOT GIVE SPARINGLY.

"And when you give, give absolutely all that you can spare, and do not consider yourself liberal in the giving. If you give with self-adulation, you are not giving at all—you are giving to your own vanity. But if you give until it hurts, then your heart blood goes into it.

"Think what we have here! We call it the American Red Cross, but it is merely a branch of a great international organization, which is not only recognized by the statutes of each of the civilized Governments of the world, but it is recognized by international agreement and treaty as the recognized and accepted instrumentality of mercy and succor. And one of the deepest stains that rests upon the reputation of the German Army is that they have not respected the Red Cross. That goes to the root of the matter. They have not respected the instrumentality they themselves participated in setting up as the thing which no man was to touch because it was the expression of common humanity. We are members, by being members of the American Red Cross, of a great fraternity and comradeship which extends all over the world, and this cross which these ladies bore to-day is an emblem of Christianity itself.

TRIBUTE TO WOMEN.

"It fills my imagination, ladies and gentlemen, to think of the women all over this country who are busy to-night and are busy every night and every day doing the work of the Red Cross, busy with a great eagerness to find out the most serviceable thing to do, busy with a forgetfulness of all the old frivolities of their social relationships, ready to curtail the duties of the household in order that they may contribute to this common work that all their hearts are engaged in, and in doing which their hearts become acquainted with each other. When you think of this you realize how the people of the United States are being drawn together into a great intimate family whose heart is being used for the service of the soldiers not only, but for the service of civilians where they suffer and are lost in a maze of distresses and distractions. And you have, then, this noble picture of justice and mercy as the two servants of liberty. For only where men are free do they think the thoughts of comradeship; only where they are free do they think the thoughts of sympathy; only where they are free are they mutually helpful; only where they are free do they realize their dependence upon one another and their comradeship in a common interest and common necessity.

INDIAN'S VIEW OF WAR PURPOSE.

"I heard a story told the other day that was ridiculous, but it is worth repeating, because it contains the germ of truth. An Indian was enlisted in the Army. He returned to the reservation on a furlough. He was asked what he thought of it. He said, 'No much good. Too much salute, not much shoot.' Then he was asked, 'Are you going back?' 'Yes,' 'Well, do you know what you are fighting for?' 'Yes, me know; fight to make whole damn world Democratic Party.' He had evidently misunderstood some innocent sentence of my own. But after all, although there is no party purpose in it, he got it right as far as the word 'party'; to make the whole world democratic in the sense of community of interest and of purpose; and if you ladies and gentleman could read some of the touching dispatches which come through official channels (for even through those channels there come voices of humanity that are infinitely pathetic); if you could catch some of those voices that speak the utter longing of oppressed and helpless peoples all over the world, to hear something like the Battle Hymn of the Republic, to hear the feet of the great hosts of liberty coming to set them free, to set their minds free, set their lives free, set their children free—you would know what comes into the heart of those who are trying to contribute all the brains and power they have to this great enterprise of liberty. I summon you to the comradeship. I summon you in this next week to say how much and how sincerely and how unanimously you sustain the heart of the world."

APPOINTMENT OF CHARLES E. HUGHES.

Mr. THOMPSON. Mr. President, I have also an article from the Christian Science Monitor commending the appointment of former Justice Hughes to the position of assistant in the aircraft investigation. It reviews his great ability and success as an investigator. I should like also to have it printed in the RECORD.

Mr. SMOOT. To this request I object. As I told the Senate some time ago in the absence of the Senator from Arizona [Mr. SMITH], the chairman of the Committee on Printing, I shall object to newspaper or magazine articles going into the RECORD, and I object to this.

Mr. THOMPSON. I hope the Senator will withdraw his objection in view of the fact that it refers to the appointment of

former Justice Hughes. It is a very able article and reviews the successful work of this great jurist as a lawyer. I can not see why it is not pertinent, particularly in view of the question now before the Senate regarding an investigation of aircraft production.

Mr. SMOOT. There is not a Senator who would not agree with all the article says of Gov. Hughes——

Mr. THOMPSON. It certainly can do no harm then, Mr. President, to have it given publicity by printing in the RECORD.

Mr. SMOOT. But that is not the proposition. If one article goes in the RECORD all must go in, and that seems to be the policy. Therefore I object.

Mr. THOMPSON. Of course, the Senator can not keep it out of the RECORD, for I shall take the floor at my first opportunity and read it if necessary. I hope I shall not be obliged to do that.

Mr. SMOOT. The Senator will be obliged to do it if it goes into the RECORD unless the Senate shall decide otherwise. I do not object to the Senator reading it, nor could I object to that.

Mr. THOMPSON. Mr. President——

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McNary	Smith, S. C.
Bankhead	Guion	Nelson	Smoot
Beckham	Hale	New	Sterling
Brandegee	Hardwick	Nugent	Sutherland
Calder	Hitchcock	Overman	Thomas
Chamberlain	Hollis	Page	Thompson
Colt	Johnson, Cal.	Phelan	Townsend
Culberson	Johnson, S. Dak.	Poindexter	Trammell
Cummins	Jones, N. Mex.	Ransdell	Underwood
Curtis	Kellogg	Saulsbury	Vardaman
Dillingham	Kendrick	Shafroth	Wadsworth
Fall	Kirby	Sheppard	Weeks
Fernald	Lenroot	Sherman	Wilfley
Fletcher	Lewis	Shields	Wolcott
France	McCumber	Smith, Ga.	
Frelinghuysen	McKellar	Smith, Mich.	

Mr. LEWIS. May I announce the absence of the Senator from Utah [Mr. KING], occasioned by official business?

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

Mr. KIRBY. I desire to announce that the Senator from Nevada [Mr. HENDERSON], the Senator from Ohio [Mr. POMERENE], and the Senator from Arkansas [Mr. ROBINSON] are detained on official business.

Mr. THOMPSON. Mr. President, I was very much surprised at the objection raised by the Senator from Utah [Mr. SMOOT] to having printed in the RECORD an article commendatory of the distinguished jurist, Hon. Charles E. Hughes, as an investigator. I was glad on Saturday that the Senator from Idaho [Mr. BORAH] commended this appointment from a Republican standpoint and disputed a newspaper comment that it was not satisfactory to the Republican Party. However, it seems from the objection raised now by the Republican leader upon the floor that there must be some objection by that party to this appointment.

I have here a very able editorial appearing in the Christian Science Monitor, printed May 18, 1918, reviewing the work of this lawyer as an able and successful investigator, and showing his success in many of those endeavors. I send it to the desk and ask to have it read as a part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

"CHARLES E. HUGHES, INVESTIGATOR.

"His city and his State had long before known him for something else, but his country first became acquainted with Charles E. Hughes as an investigator into the conduct of certain immensely important, immensely wealthy, and immensely powerful insurance companies, with their headquarters in New York City. To the preponderating majority of his fellow countrymen the beginning of this man's public career dates from the insurance inquiry, but as a matter of fact he never, in all probability, would have been called upon to undertake that famous inquisition had he not already made a great reputation among lawyers through his wonderfully thorough overhauling, overturning, and ventilation of the affairs of the Consolidated Gas Co., of New York, his merciless arraignment of its management, and his pitiless excoriation of the watered-stock system upon which the corporation was floated.

"To the average man, even to the average lawyer, the prospect which the Consolidated Gas Co. offered to an investigator was anything but inviting. Behind it were intrenched powerful and unyielding interests, unwilling to budge an inch. Charles E. Hughes had, so to speak, to blast them out. They would give him no information. They would volunteer no help. They would confess nothing, admit nothing. Their lips and their teeth had to be pried open, as it were, before they would utter a sound. But the quiet, soft-voiced lawyer persisted, convinced them that mere obstruction and stubbornness would be unavailing, and finally had them scrambling and clamoring to tell him all, and sometimes more, than they knew. The result was reform and reorganization and an end to extortion in the gas and electric lighting service of the chief city of the Nation.

"The patience, the perseverance, the tact which Mr. Hughes manifested in the conduct of the legislative inquiry into gas won admiration for him, even among those whom his victory had seriously affected financially. When the great insurance scandal was precipitated, through the lavish display of luxury indulged in by princely salaried but useless officials of certain of the great companies, and a legislative investigation became imperative, the name of Charles E. Hughes, as that of the man most competent to conduct it, was proposed by common impulse. There was never a question on any side as to his fitness or his integrity. Those for whom he had fought and those against whom he had fought in the gas scandal were alike willing to give him abundant confidence.

"As he had delved into the franchises, capitalizations, and watering processes of the combinations that constituted the Consolidated Gas Co., so he bored into the inner recesses, secrets, and mysteries of the great insurance companies. The externals and the sensational things, such as the Sherry dinners, the town and country mansions, the distribution of gratuities and graft, concerned him little, in comparison with the problem presented by the almost unlimited opportunities for evil afforded by the entire insurance system of finance. The prosecuting attorney and the courts could deal with the criminal phases if they thought best. In view of the many attempts made to draw red herrings across the track of the aircraft exposure, it is worth while to recall his course with regard to irrelevancies in the insurance investigation. In the language of a review of the methods followed by him, published while he was before the country as a presidential candidate, "once the investigation got under way the public began to notice the same persistent, painstaking policy that had marked the gas probe. Mr. Hughes refused to be diverted from any phase of the subject until he had exhausted all its possibilities, and he refused absolutely to depart from the general subject of insurance to go into other matters, political or ethical."

"The defense in all such cases labors to becloud the real issue. It is the common practice of those under inquiry to try to turn attention to matters that have little or no relation to the main point. There were ingredients enough to make a score of first-class side sensations in the insurance exposé, but Mr. Hughes kept always in view his principal purpose, which was that of disclosing wherein the methods and practices of the insurance system of New York were wrong and of devising legislation which would prevent the recurrence of such baleful conditions.

"Incidentally, his conduct of the inquiry broke up the old insurance ring completely; but it did far more than that, it placed the insurance system on a sounder basis than ever before. Incidentally, it drove some individuals who had been very conspicuous to the background, but in these personal aspects its accomplishments were trivial compared with the revival of public confidence in the insurance system resulting from the adoption of the reforms which Mr. Hughes proposed and advocated.

"It may be taken for granted that if Charles Evans Hughes shall be given a free hand—and it is well-nigh certain that he will have nothing less—every fact connected with the apparent failure of the aircraft program will be brought to light and weighed and measured in relation to the main question. Nothing will be left uncovered. Light will be poured in upon everything. Camouflage, confusion, and calcimine, at all events, have in the past been foreign to Hughes investigations."

Mr. SMOOT. Mr. President, I merely wish to say to the Senate that if the Senator from Kansas had reference to me in his statement before he asked to have the article read he is certainly mistaken. The Senator can rest his soul in peace, for I assure him that Gov. Hughes's appointment was as remarkable as it was admirable.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed bill (S. 3935) to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 2123. An act to regulate the practice of podiatry in the District of Columbia;

S. 4409. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes";

H. R. 8696. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919; and

H. R. 11628. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a memorial from the Billy Sunday Tabernacle Workers remonstrating against the action of the Board of Commissioners of the District of Columbia permitting Sunday baseball, which will be inserted in the RECORD.

The memorial is as follows:

Hon. THOMAS MARSHALL,
President of the United States Senate, Washington, D. C.

SIR: At a meeting of the Billy Sunday Tabernacle Workers of Washington, D. C., on Tuesday, May 14, I was instructed to transmit the following resolution to your honorable body for consideration:

"*Resolved by the Billy Sunday Tabernacle Workers*, That we strongly disapprove of the action of the Commissioners of the District of Columbia, announced to-day, authorizing the playing of professional baseball games on Sunday.

"Congress has unanimously voted for a day of fasting and prayer for the entire Nation and the President has accordingly designated the 30th day of the present month as the day when all the people are urged to unite in prayer and supplication for the favor and help of Almighty God for ourselves and our allies in the gigantic struggle in which we are engaged for liberty and righteousness.

"It is singularly inappropriate for the civil authorities of the National Capital to follow this action of the President and Congress with an order which is directly in conflict with one of God's laws.

"We believe this action will meet with general disapproval by the better class of our citizens here in the National Capital and throughout the entire country: And be it further

"*Resolved*, That this resolution be sent to the President of the United States, Senate, House of Representatives, the Commissioners of the District of Columbia, and the local newspapers."

Very respectfully,

JOHN O. LEWIS, *Secretary.*

MAY 18, 1918.

Mr. McKELLAR. I present resolutions adopted by the Commercial Club of Nashville, Tenn., which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

COMMERCIAL CLUB OF NASHVILLE,
May 13, 1918.

Hon. K. D. MCKELLAR,
Washington, D. C.

DEAR SENATOR: At a meeting of the board of governors of the Commercial Club held Thursday evening last the following resolution was passed:

"*Resolved*, That our Senators and Representatives in Congress be requested to oppose the postponement of the advance postal charge on publications beyond July 1 next."

I would much appreciate your answer to this letter and a statement as to your position in the matter.

Yours, truly,

W. R. MANIER, *Secretary.*

Mr. McKELLAR. I also present a statement relative to the response made by the citizens of the city of Nashville to the third liberty loan, which I ask to have printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"HE PROFITS MOST WHO SERVES BEST"—NASHVILLE'S RESPONSE.

In the first liberty loan Nashville was allotted $3,120,429.58, and Nashville subscribed $4,381,650.

In the second liberty loan Nashville was allotted $4,511,420.96, and Nashville subscribed $6,642,600.

In the third liberty loan Nashville was allotted $4,800,000, and, although this liberty-loan campaign does not close until May 4, Nashville has already subscribed over $5,000,000.

In the Red Cross drive Nashville was allotted $150,000 and subscribed $185,000, of which over 97 per cent has been paid.

In the Army Y. M. C. A. campaign Nashville was asked for $40,000 and agreed at the beginning of the campaign to raise $75,000 and actually subscribed $94,000.

In the campaign for "eyes for the Navy" Nashville furnished more than 500 pairs of glasses.

In the campaign for books for our soldiers Nashville furnished 47,518 volumes.

In the campaign for clothes for the relief of Belgium Nashville was asked for a carload and furnished one and a half carloads, estimated second-hand value over $50,000.

Nashville was asked for $8,000 for Y. W. C. A. rest rooms buildings at different cantonments. Nashville gave $13,500.

More than 50 representative business men of Nashville are now in the religious and Army work of the Y. M. C. A.

Nashville furnished one complete medical unit, composed of 12 leading physicians, 21 nurses, and 45 enlisted men, who are now in France.

Nashville is one of only nine cities in the United States showing improvement in condition of their boys since the war began—as reported by executive secretary of Boys' Club Federation of America.

APRIL 24, 1918.

Mr. HALE presented a petition of sundry citizens of the State of Maine, praying for the enactment of legislation to provide for the adequate construction of highways and for a Federal centralized authority for the administration of the policy governing same, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Chamber of Commerce of Portland, Me., remonstrating against the adoption of a proposed amendment to the naval appropriation bill, to penalize the granting of bonuses or premiums to employees of the Government, or employees who are under Government supervision, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Federation of Churches of Portland and South Portland, Me., and a petition of the Young Men's Christian Association of Lewiston, Me., praying for national prohibition as a war measure, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 2654) providing for the appointment of two additional district judges in the State of Illinois, reported it with amendments.

Mr. WALSH, from the Committee on Pensions, to which was referred the bill (H. R. 11658) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 446) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11663) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 447) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEW:

A bill (S. 4558) granting an increase of pension to William H. McKay;

A bill (S. 4559) granting a pension to James T. Brown (with accompanying papers); and

A bill (S. 4560) granting a pension to Schuyler C. Jackson (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4561) to reimburse Capt. K. E. Kern, Fifty-fourth Infantry, for certain expenditures, commanding military police, Chattanooga, Tenn., and Douglas, Ariz., for money expended by him at said points in the prosecution of sellers of alcohol and peddlers of narcotics and in the renting of automobiles for transportation of sick and wounded to hospitals; and

A bill (S. 4562) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property (with accompanying papers); to the Committee on Claims.

A bill (S. 4563) granting an increase of pension to Susan E. Nash (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 4564) for the relief of Chauncey Boyce; to the Committee on Military Affairs.

A bill (S. 4565) for the relief of Jay W. Daley (with accompanying papers); to the Committee on Claims.

A bill (S. 4566) granting an increase of pension to Martin Joy (with accompanying papers);

A bill (S. 4567) granting an increase of pension to Enos S. Whitcomb; and

A bill (S. 4568) granting an increase of pension to James E. Embury; to the Committee on Pensions.

VOCATIONAL REHABILITATION OF SOLDIERS AND SAILORS.

Mr. SMITH of Georgia. Mr. President, a few weeks ago I introduced a bill providing for the vocational rehabilitation of men discharged from the military and naval services of the United States. The bill which I then introduced was largely the work of a committee appointed by the Council of National

Defense, of which the Assistant Secretary of the Navy was chairman, and upon which served representatives of the Army, the Navy, the War-Risk Insurance Bureau, the Federal Board of Vocational Education, and others who have made a special study of this subject.

The Senate Committee and the House Committee on Education met jointly and conducted for a number of days hearings upon this bill. The Governor General of Canada did us the favor of sending to our committee the director of this work in Canada, who gave us a full and detailed account of what was being done and what had been accomplished in Canada. The record of our hearings has been printed, and Senators will find in it a synopsis of the action of each one of the countries at war along the line of vocational rehabilitation for their soldiers and their sailors.

A number of modifications of a minor character have been made in the bill by the Committee on Education, only one of any substantial importance, that one being to strike out the provision which during the vocational rehabilitation would put the injured soldier or sailor back under military discipline. The result of the information we have received from foreign countries was that no country among our allies resorts to such an extreme course.

I ask unanimous consent to introduce the bill as the Committee on Education and Labor has practically agreed upon it. I will submit the report of the committee upon it in a day or two.

The bill (S. 4557) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes, was read twice by its title, and referred to the Committee on Education and Labor.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the following act and joint resolution:

S. 3771. An act authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government; and

S. J. Res. 124. Joint resolution providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have since the 5th day of June, 1917, and on or before the day set for the registration, by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

TATSUJI SAITO (H. DOC. NO. 1108).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate:

I transmit herewith, for the consideration of the Senate, the accompanying letter from the Secretary of War in reference to the case of a Japanese subject named Tatsuji Saito, who was killed on the night of May 25, 1916, at Camp San Geronimo, Mexico, presumably by American soldiers. The attention of the Senate is invited to the recommendation of the Secretary of War that, as an act of grace, an appropriation of a reasonable sum of money be made for the benefit of the family of the said Japanese subject.

The matter has also been brought to the attention of the House of Representatives.

WOODROW WILSON.

THE WHITE HOUSE, *20 May, 1918.*

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. FLETCHER. Mr. President, when we took a recess on Saturday last the matter pending was, I believe, the amendment offered by the Senator from Washington [Mr. POINDEXTER]. If the Senator is ready to proceed with that matter now, I should be glad to have him do so. I understood that the amendment had really been offered and read, though I am not sure whether or not the amendment as modified was submitted by the Senator.

Mr. POINDEXTER. Mr. President, I do not know what the RECORD shows, but I think that, as a matter of fact, I offered this amendment just before the Senate took a recess on Saturday; but, at any rate, I offer it now. It has been printed. I was going to ask that it be printed in the RECORD, but as it has already been printed in the RECORD I shall not make that request.

In this connection, Mr. President, I desire to call attention to a letter from the Chief of Engineers in regard to this amendment. Formerly it was incorporated in the bill reported by the Rivers and Harbors Committee of the House of Representatives as section 5 of that bill as it stood at that time. The only change I have made in the language is to limit the effect of it to navigable waters and their tributaries above tidewater. There is some opposition to it from manufacturing interests, and by making that limitation it relieves the measure of opposition, at least to the extent of factories that discharge acid or other pollution into navigable streams that are tidal or tide waters. In my judgment there is not nearly so much damage done by the discharge of acids in waters which are tidewaters which are partly salt and where there are not generally Government locks or improvements which are injured by them. At any rate the amendment restricts the scope of the prohibition to that extent, and I have limited it in that way. Otherwise it is in the same language as the original section 5 of the bill as reported by the Rivers and Harbors Committee of the other House. On that subject the letter of the Chief of Engineers is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 30, 1918.

The discharge of acid and acid waste into the navigable waters of the United States by the numerous mines and manufacturing establishments operating near such waters has been the subject of complaint for many years.

It has been generally recognized and admitted for a long time that such discharge pollutes the streams, destroys fish and fish life, and renders the waters insanitary and unfit for ordinary domestic purposes; but as these are matters peculiarly of local concern and subject to corrective regulation and control under State and municipal laws they did not seem to call for any Federal action.

Studies and investigations in recent years, however, have demonstrated beyond question that the practice has increased to such an extent as to cause very serious injury to commerce and navigation, as well as direct damage to the Government, especially on such important rivers as the Monongahela, Allegheny, and Ohio. Careful tests made in the pools above the navigation dams in the Pittsburgh district show that the quantity of free acid discharged from mines, coal washers, and mills into these rivers aggregates about 6,500 tons per day.

The presence of acid and acid salts in the water results in deterioration to the boilers and hulls of steamboats, and damage to the submerged metal parts of the Government locks and dams.

For use in boilers the water has to be subjected to a special treatment, the expense of which is considerable, and in spite of the treatment experience has shown that the life of the boilers is only about half what it should be. Formerly the boilers of vessels using these waters lasted, with average annual repairs, 20 years; with similar repairs they now last only 10 years. In other words, the boilers in boats employed in commerce and those in the boats belonging to the Government and used for purposes of improvement must be wholly renewed once in 10 years, instead of once in 20 years. It is estimated that the annual loss to these vessels in this district alone due to acid is nearly $25,000.

The damage done to the Government locks and dams is extensive. The valves, gates, plates, operating chains, and all metal parts below water are corroded and eaten away by the action of the acid. Posts have been found almost eaten through after a few years' service, when in pure water they ought to be almost as good as new. While it is difficult to fix the exact money value of the damage done to these works, yet, from careful estimates, excluding as far as possible all other causes, it is safe to say that the cost to the United States of deterioration due to acid in the waters is not less than $25,000 a year on the Monogahela, and not less than $32,000 a year on the Ohio.

It is believed, therefore, that the proper conservation of purely Federal interests requires legislation by means of which this evil may be limited and corrected, and a proposed draft is submitted for consideration.

As will be seen, the letter points out the damage to locks and other metal works used in connection with the improvement of navigation as being to a much larger monetary extent than to the boilers of vessels.

Mr. TOWNSEND. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Michigan.

Mr. TOWNSEND. Does the Senator's amendment apply to navigation on navigable rivers and inland lakes, as well as to the ocean and its tributaries?

Mr. POINDEXTER. It does not now by the limitation which I have placed in it apply to the ocean or to tidal waters, but it applies to navigable waters above tidal waters.

Mr. TOWNSEND. In Michigan we have had some difficulty in past years, and until recently the matter has not been settled. There have been chemical plants and others which have been constructed on navigable streams, which have polluted the waters, and which have thereby affected the healthfulness of the water for drinking purposes and for its habitation by fish. The Senator's amendment, as I understand, would prohibit the construction of plants which would pollute waters in that way.

Mr. POINDEXTER. That is the purpose I have in making this modification of the language; it leaves some discretion in the Secretary of War, operating, I presume, through the Chief of Engineers, as to the extent of the limitations which are to be placed by him upon that matter. Within those limitations and restrictions, having regard, I presume, to the different circumstances and conditions, it is prohibited to pollute waters in that way.

Mr. FLETCHER. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Florida.

Mr. FLETCHER. If the Senator will allow me to interrupt, I will say that, while I have no authority to accept the amendment on behalf of the committee, personally I think that it is a very meritorious amendment, and I should be perfectly willing to have it go to conference and to have the matter thrashed out by the conferees. If we can agree upon it, I shall be glad to have it in the bill. The amendment provides:

That, within limits to be prescribed by the Secretary of War, it shall not be lawful—

And so forth.

Therefore, with that safeguard about it, it seems to me it is a very excellent amendment. I make no contest over it, so far as I am concerned.

Mr. POINDEXTER. Mr. President, I thank the Senator from Florida for that statement, and with that statement from the chairman of the committee, and considering that this language was incorporated originally in the bill, I submit the amendment to the Senate with the hope that it will be adopted.

Everybody is more or less familiar with the general question of the destruction, practically, of the usefulness and beauty of many of our streams in the manner prohibited in the amendment, and the Secretary of War sets out specifically the injury to navigation and the expense to the Government of the United States which is caused by it.

The Senator from Florida has pointed out very succinctly the safeguards that are placed around this amendment to avoid any unreasonable action. I hope the amendment will be adopted.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Washington [Mr. POINDEXTER].

The amendment was agreed to.

Mr. CALDER. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In the New York items it is proposed to insert the following:

Examination and survey for straightening, widening, and improving the waters of Coney Island Creek, in the Borough of Brooklyn, city of New York, for the purpose of providing a ship canal, 200 feet wide at the bottom, connecting Sheepshead Bay with Gravesend Bay, with a view to forming a plan for their improvement, with the cost thereof, it being understood that the cost for the right of way or land to be taken is to be borne by the State of New York in conformity with an act of the legislature adopted at the session of 1918.

The Secretary of War is hereby requested to confer and cooperate with the commissioner of docks of the city of New York and the canal board of the State of New York to determine upon the character of the improvement.

Mr. CALDER. Mr. President, this amendment is an authorization for a survey. The Committee on Rivers and Harbors of the House and the Committee on Commerce of the Senate determined in the consideration of this bill that they would not provide for any new surveys this year. This is not, however, exactly a new survey. There is at present a creek dividing in part Coney Island from Brooklyn, which was used for many years as a waterway, permitting small barges to go from the upper bay in New York Harbor to Jamaica Bay, supplying much of the Boroughs of Brooklyn and Queens with very needed building material, coal, and so forth. While this is in a sense a departure from what the committee has recommended in other directions, it seems to me that the port of New York, where there is such great congestion to-day because of the fact that we are asked to take care of 60 per cent of the Nation's over-sea business, ought to be made an exception.

I might add, Mr. President, that at the recent session of the New York Legislature a bill was passed committing the State to take care of a very material part of the expenditure in connection with this improvement, and recently the board of estimate and apportionment of the city of New York passed a resolution indicating their intention to contribute toward it. If this survey is authorized, Congress may next year, upon a favorable recommendation from the War Department, provide for this important work in conjunction with the State and city of New York. The Government will only be asked to bear relatively a third of the cost. It is a very meritorious proposal, Mr. President, and I hope the chairman of the Committee on Commerce will agree that it be made an exception to the general rule adopted by the committee.

Mr. FLETCHER. Mr. President, I think there were several amendments proposed on Saturday by the Senator's colleague [Mr. WADSWORTH]. I do not know that this is one of them.

Mr. WADSWORTH. On Saturday I proposed one amendment on behalf of my colleague [Mr. CALDER], which was rejected, but this is not the one.

Mr. FLETCHER. The same objection, however, that was raised on Saturday to the amendment which was offered by the Senator applies to this. I have no doubt it is a meritorious proposition, but the House refused to put in any provisions for surveys at all. There were a number of proposals there that were meritorious; but the policy upon which this bill is framed eliminates all new surveys looking to new projects, and the Senate committee has followed that policy in reporting this bill; so that this would be a departure which would open up the whole field of surveys, and other Senators would offer amendments along the same line.

I think it would be a great mistake to provide for surveys in this bill. It is really an emergency measure, and these surveys, I think, can wait. I must insist that the objection to the proposed amendment is sound, in view of the principle and policy on which the bill is based. I therefore can not accept it, and must ask that it be voted down.

Mr. CALDER. Mr. President, just a word in reply to the Senator from Florida [Mr. FLETCHER]. It is a fact that no surveys have been authorized in this bill; but if there is an emergency provision in connection with this measure, this is one. It is so important locally that the State of New York and the city of New York have indicated their willingness to bear a large proportion of the cost of the improvement. It has to do, in a measure, with carrying out a survey adopted last year, which provides for the connection of the waterways along the south side of Long Island.

As I have already stated, Mr. President, the city of New York is asked to handle in these war days 60 per cent of the Nation's over-sea business, and there is nothing that I know of that will help more materially in the performance of that great task than the improvement which is contemplated in this survey.

I hesitate to disagree with the chairman of the Committee on Commerce in this matter, but I do hope that, because of the importance of this matter to the city of New York, which is bearing so heavy a burden in our transportation problems, the Senate will authorize this survey.

Mr. FLETCHER. I will say further that the rule we adopted was that none of these new matters should be taken up unless the War Department certified that it was a war measure and necessary to the national defense. No certificate of that sort has appeared in connection with the pending amendment, and therefore the objection is reinforced.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York. [Putting the question.] By the sound, the "noes" seem to have it.

Mr. CALDER. I ask for a division.

On a division the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments, with the exception of one reserved, were concurred in.

The VICE PRESIDENT. One amendment has been reserved.

Mr. CURTIS. Mr. President, I understood that an amendment was reserved by the Senator from Utah [Mr. SMOOT], and my recollection is that it was on section 8.

Mr. SMOOT. I reserved a separate vote on section 8, which I understand now is section 9 because of a renumbering of the sections.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add a new section, as follows:

SEC. 9. That if the Secretary of War shall determine that any of the contracts for work of river and harbor improvements entered into but not completed prior to April 6, 1917, the date of the entrance of the United States into the war with Germany, have become inequitable and unjust on account of increased cost of material and labor and other unforeseen conditions arising out of the war, he is hereby authorized, in his discretion and with the consent of the contractors, to modify and readjust the terms of said contracts in such manner as he may deem equitable and just: *Provided*, That said modifications and readjustments shall apply only to work under said contracts remaining to be done hereafter and shall not include any relief for work performed heretofore under said contracts, and any such sum as may be necessary to provide for the increased cost of the contracts due to said modifications and readjustments, not exceeding the sum of $2,000,000, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided further*, That as a condition of any such contract being so modified, the Secretary of War shall have the right at the end of any fiscal year until the contract is completed to make such further modifications as in his judgment shall be advantageous to the United States and just to the contractor.

Mr. SMOOT. Mr. President, upon the amendment I ask for the yeas and nays.

Mr. THOMAS. Mr. President, I indulge the vain hope that this amendment may not receive the approval of the Senate.

The best that can be said of the pending bill, in my judgment, is that it is the least objectionable of all river and harbor bills that have appeared since I have been a Member of the Senate. I had hoped that during the war the presentation and enactment of measures like this would be postponed and that appropriations for absolutely needful improvements in the harbors of the country would represent all river and harbor legislation until peace was declared. While the bill has been greatly modified, I regard it as nearly as objectionable as many of its predecessors.

We have gotten in the habit of making appropriations for and expending money upon projects in this country, of which a great many are found in all river and harbor bills, which, in my judgment, can not be successfully defended. Of course, the underlying theory of river and harbor bills is improvement in inland water navigation, and improvement in harbors as well, connected with the high seas, in order to increase and cheapen our facilities for communication.

It is perhaps expecting too much to hope for any substantial abandonment of our methods of appropriation in times of peace during times of war, either as regards rivers and harbors or as regards other subjects which find sustenance in bills that relieve the Treasury of its surplus funds.

I was greatly impressed with the comparison instituted by the junior Senator from Wisconsin [Mr. LENROOT] in his discussion of this measure two days ago, and which consisted in a computation of the number of $50 Liberty bonds which could be purchased by an unneeded appropriation of some $8,000,000 at this time. I might use the same method of illustrating the extravagant nature of other appropriations equally unneeded at the present time which we have enacted into law and which are embodied in bills now upon the calendar, but it is not necessary.

Mr. President, I do not believe that we even now realize what this war will cost before it shall have ended. There is nothing like this war in history, and consequently we have no standards of comparison. The war is a contest of endurance between the manhood and physical resources and forces of the peoples engaged in it. With the exception of German successes upon the eastern front, there has been no appreciable advance in the contest since the fall of 1914. We have been in the war about a year, and already the cost is far more than the cost of the Civil War from its inception to its close. The estimated cost for the current year is greatly in excess of that for the year just ended, and the cost of the next ensuing year will undoubtedly be more, I was about to say, than the combined cost of the two years previous; perhaps not. But its cost is enormous, so utterly beyond the imagination of the human mind to adequately conceive that the ability of this country to respond to the calls of the Government necessarily has a limitation somewhere; and that limitation will be reached earlier or postponed later in proportion as we devote the money paid into the Treasury by the people to the actual purposes for which it is raised.

I apprehend that until the clamorings and mutterings of the taxpayers are loud enough to reach the floors of the two Houses of Congress there will be little in the way of contraction and not much evidence of frugality or economy in our financial legislation. Hence all that I hope to do, in the few moments of time that I shall occupy, is again to register my objection and to protest against the enactment of measures like this beyond the sums absolutely necessary to carry out improvements which relate to harbors which are needed, and badly needed, for our war commerce, for the shipment and exportation of men and of equipment to the French front. That, of course, is not only a war expenditure, and therefore a necessary one, but it permanently and substantially improves those entrances to the sea from our coast which are essential to the transaction of the business of the Nation, and which in peace, as in war, are always active.

Mr. President, I have said, and I wish to repeat it, that we can spend all the money now in the Treasury and all of the revenues that we are to derive in the coming 10 years of the immediate future upon the improvement of rivers and creeks and estuaries and bodies of water which exist in esse and in posse, and we will not increase the water-borne commerce of the United States 1 per cent until the commercial and transportation conditions of the country are very radically changed. The expenditures of the Government for so-called river and harbor improvements have for a long time been in nearly inverse proportion to the decrease of water traffic upon the streams and bodies of water that have been the recipients of these appropriations; and it is inevitable that it should be so, Mr. President, since the land transportation system of the country, controlled by a comparatively few men, is averse to any water participation in the transportation business of the country.

We have taken over the railroads, it is true; but that is in pursuance of a strictly war policy, and a necessary step toward the active and efficient prosecution of our part of that war as one of the allies against Germany. It does not mean, and I do not think it can mean, a permanent transfer of the transportation system to the ends of the Government. I am not one of those who believe that this temporary expedient will become a permanent national policy. That will be determined hereafter. Whether it does or not, Mr. President, for the purposes of bills like this it is safe to say that until such a permanent policy is established there will be no change in railroad policy as affecting water transportation. Therefore the Mississippi, the Ohio, the Missouri, and other great inland rivers which at one time were utilized very freely for purposes of tansportation, may be improved until they are in a perfect condition and capable of carrying the largest boats afloat, but the expected benefits to transportation will not then materialize.

The railroad companies own a very considerable portion, if not the majority, of the real water fronts of the country on the coast and inland as well. Their acquisition of these advantages is intended to discourage water transportation quite as much as it is to aid the railroads in their methods of transportation. In Germany the strong hand of the Imperial Government has been used, and it was necessary that it be used, to divide the traffic between the water transportation system and the railway transportation system, and to compel the cooperation of the two to a common end. Without it the tremendous improvements there made would have failed of their object quite as completely as they have failed here.

A document issued by the Department of Commerce within the past six months tells us that during the 10-year period between 1906 and 1916 the tonnage on the Mississippi River and its tributaries decreased from 4,412,000 tons to 1,621,000 tons, or 63 per cent; and during that time I do not know how many hundred millions have been expended for river and harbor improvement. The same authority informs us that during that period a decrease of 24 per cent appears for canals and other inland waters. An average of these two percentages would be about 45; so that during our time of greatest improvement activity the tonnage upon our inland system—if I may so call it, our water system of transportation—has decreased fully 50 per cent.

Yet in the face of this, Mr. President, we are going ahead just the same, yielding to local pressure, invoking the recommendations of a board of engineers that, as far as I am able to judge, seems to be capable of favorably recommending almost any scheme on earth, and many of whose recommendations of the past, although carried practically to completion, have not materialized in benefits, notwithstanding the immense demands upon the Treasury at the present time for funds so sorely needed elsewhere. But I presume that the good work will go on and we will continue this carnival of expenditure and extravagance, notwithstanding these conditions, and unfortunately the basis of them will be that it aids in the prosecution of the war.

I wonder if we have enacted any bill carrying appropriations up to this time since the 6th day of April, 1917, which has not been based upon the theory or the pretense that it is designed for the prosecution of the war or necessary thereto? It is perhaps very trite to use the old comparison of "stealing the livery of heaven to serve the devil in" and apply it to the situation; yet it is perhaps the most appropriate one that has ever been penned so far.

I shall, as usual, record my vote against this bill.

Mr. FLETCHER. Mr. President, I trust the Senate will agree to this amendment, now section 9 of the bill, which was agreed to in the Committee of the Whole.

It is perhaps needless for me to say that I have no personal knowledge, except only as letters have come to the committee and contractors have appeared before the committee, as to the situation in which these contractors find themselves. The subject was raised before the Committee on Commerce by a delegation of eight or nine contractors on the Ohio River. I do not know them personally. I know nothing of the facts except as they gave them to us. This amendment was framed to cover all contractors doing the river and harbor work. It takes care of the situation on the Ohio River as well as all other contracts made in pursuance of the river and harbor bills.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. FLETCHER. I yield.

Mr. GALLINGER. Has the Senator information as to the probable appropriation which will be necessary to meet these obligations?

Mr. FLETCHER. The amendment provides that the amount shall not exceed $2,000,000.

Mr. GALLINGER. Is it not fair to assume that if the contractors in connection with river and harbor work are compensated for losses that they have sustained we shall have to recognize all the contractors on every branch of work for the Government who may have sustained losses?

Mr. FLETCHER. Of course, that is a suggestion which probably holds good. This committee has only to deal with the particular subject before it, and I do not know myself how far this will extend. But I call the Senator's attention to the fact that this is not intended to reimburse the contractors for any loss. This provision is confined to an authorization to the War Department to readjust and modify contracts made prior to the war as to operations in the future after this act is passed.

Mr. GALLINGER. I understand.

Mr. FLETCHER. It has nothing to do with taking care of any losses that may have occurred heretofore.

Mr. GALLINGER. It simply provides against their sustaining losses in the future. I so understood it. I used the word "losses" with that meaning.

The thing that troubes me, if the Senator will permit just a word, is that this $2,000,000 is simply the beginning. If we are going to guarantee the men who take contracts to build dikes and do revetment work and dredging and all that sort of thing in connection with rivers and harbors, we will necessarily and inevitably be compelled to do the same thing so far as other contractors having Government work are concerned.

Mr. FLETCHER. I do not know how far it will extend. There was some provision inserted in the Post Office appropriation bill to this effect, but I do not believe there is very much public building going on. I think contracts of that sort are pretty well suspended anyhow. I do not know how far it may go, but it is the estimate made by the engineers that to readjust and modify these contracts to cover future work by these contractors the expense can be brought within $2,000,000. At any rate, it is limited to that, and they will have to come within that sum.

Mr. GALLINGER. They are limited to that for the present; but if it shall be found that the $2,000,000 will not cover the necessities of the case, of course we shall be asked to make further appropriations. That goes without the saying.

Mr. RANSDELL. Will the Senator from Florida permit me to ask a question of the Senator from New Hampshire?

Mr. FLETCHER. I yield.

Mr. RANSDELL. I should like to ask the Senator from New Hampshire what he thinks ought to be done in the case of contracts for river and harbor work, or for naval vessels, or for supplies for the Post Office Department, or for any of the great works in connection with the Government which were entered into in good faith by citizens of this Republic prior to April 6, 1917, to be undertaken during the course of the following one, two, or three years, and which are now incomplete, and on which because of the war there is a greatly increased cost of carrying on those works, owing to the high prices of labor, the high prices of material of every kind, the higher price of foodstuffs, and of everything the contractors are obliged to use. I ask in a case of that sort does the Senator think that the individual citizen should be forced to carry out the contract even if it is going to impoverish him, or should the Government authorize the proper officer or officers to revise and recast the contracts for the uncompleted portion of the work?

Mr. GALLINGER. Mr. President, if the Senator from Florida will permit me I will reply in a very few words.

The individual citizen in a great many instances has been ruined in the past by making an unfortunate contract. The Government as far as I know has never reimbursed him. But however that may be, I have offered no objection as to the propriety or necessity of this legislation. What I wanted to get at, if I could, was the probability as to the future, so far as this matter is concerned. I take it that if the $2,000,000 appropriated in this bill does not protect them all we will be asked to make a further appropriation. I have no idea that $2,000,000 will accomplish the purpose the committee has in view.

Then, again, if we take care of these people I see no reason why we should not take care of every citizen of the Republic who has any dealings with the Government and who took contracts under similar conditions. So I was curious to know where it would lead us and what the probable expense would be ultimately. I think it will be, in place of $2,000,000, five times $2,000,000, and perhaps ten times $2,000,000, before we get through with it; but I may be wrong.

Mr. RANSDELL. If the Senator from Florida will permit me just a word more, we do not know exactly where it will lead. We took the best evidence we could. We had the assistance of Col. Newcomer, Assistant Chief Engineer, who told us that it possibly would amount to a million and a half, and might run up to $2,000,000; he could not say. But it was the feeling of the Commerce Committee that any unfortunate citizen who has uncompleted contracts entered into prior to the war ought to be relieved by appropriate legislation. We were told that in the case of the Navy some contracts were given which had several years to run and which had been recast. A prominent member of our committee told of an instance in which if the contractor had been compelled to complete his contract he would have suffered a loss of over $2,000,000 on a single ship.

Surely this great Government ought not to require such awful losses to the citizen when the event is brought about by no act of that citizen; something he could not foresee. The citizen could not tell that this war was coming on. He entered into contract with the Nation in good faith prior to the war, and if subsequent to the outbreak of the war the contractor is going to suffer this awful loss the Nation ought to relieve him, it seems to me.

Mr. GALLINGER. The Senator talks about the citizen. Suppose we extend this to the citizens of our great country, and say that every man who took a contract in good faith not for the Government but in private business shall be protected. The morals of it are the same from my viewpoint.

Mr. THOMAS. And the reasons are the same.

Mr. GALLINGER. And the reasons are the same. This is a class of citizens, and there are many other classes of citizens who are exactly in the same fix.

Mr. FLETCHER. To continue, Mr. President, I call attention to the language of the amendment:

> Any such sum as may be necessary to provide for the increased cost of the contracts due to said modifications and readjustments, not exceeding the sum of $2,000,000, is hereby appropriated—

And so forth.

The department will be limited to that sum. The testimony before the committee was to the effect that when these contracts were made the contractors were able to get labor at $1.35 and $1.50 a day, perhaps as high as $1.75 or $2. Now they are paying for the same labor $3.50 and $3.75 and $4 a day. Further, the testimony shows that the prices they have to pay are at least double former prices for material and labor—100 per cent or 125 per cent higher.

Of course, if the contractors had made a profit on a contract they would not have paid that profit back to the Government. I admit that. But here is a situation where contracts were entered into in 1914, 1915, and 1916, some of them going as far back as 1913. They have, especially since April, 1917, been subjected to conditions that they could not foresee and are not responsible for, which have imposed upon them these extraordinary increases in the cost of their work, so that many of them have already lost everything, practically, that they had when they entered into these contracts. Some of them now are in a position where they will have to discontinue the work because they are utterly unable to go on with it. In one instance one of the contractors told me his concern had lost $600,000 already on their contract, and that it was three-fourths finished, so that they would get very little relief under this bill.

There is some consideration, it seems to me, to be paid in connection with these contracts. The contractors are not responsible for these conditions. Not only has the cost of labor and material enormously increased—from 100 to 125 per cent—but the difficulties of transportation, the difficulties of getting the material that they need, and that sort of thing, have been simply insurmountable in some instances. It is a question whether the public work in such instances will go on at all unless we can authorize the modification or readjustment of these contracts upon a reasonable basis as to the work that is to be done hereafter.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Michigan?

Mr. FLETCHER. I yield to the Senator for a question. I should like to finish. I am not going to take much time.

Mr. TOWNSEND. I can see a great deal of justice in what the Senator is saying and I ask him this question: Is it not true that in many cases some of the losses of the contractors have been occasioned by the very necessities of the Government itself, as to transportation facilities which have been required, so that the contractor is not to blame for it? It has not been an emergency which has been encountered in the ordinary processes of business, but the loss, as I said, has been occasioned in many instances by the necessities of the Government itself.

The Senator from New Hampshire [Mr. GALLINGER] suggested that it ought to be extended possibly on the same basis to private contractors. If private contractors are suffering, I should like to see some relief, if Congress can give it; I should like to see such contractors saved as much loss as possible; but in reference

to governmental matters I know what the Senator from Florida says is absolutely true, that many of the contractors are losing their all. It does not apply, as the Senator from Minnesota [Mr. NELSON] tells me, to past transactions, those that have been completed since the war began, but it simply applies to future transactions. It looks to me that the Government ought really, as a matter of even-handed justice, to be willing to relieve as much as possible from the ruinous condition which the war has imposed on these contractors.

Mr. FLETCHER. I think what the Senator from Michigan suggests is quite true, that the necessities of the Government relating to certain requirements as to transportation and as to material have brought about this situation to a large extent. As I said, the activities of the Government have created an enormous demand for labor and raised the price of labor of this sort very extensively, and the needs of the Government as to certain material and as to transportation facilities have been such that the Government itself is to a degree responsible for the increased burdens which fall upon these contractors.

I think it is fair and just in these circumstances for the Government to say we will authorize a modification of the contract covering operations after this bill becomes a law—not as to what has gone before, as that would involve an enormous expense, a tremendous amount of calculation, and a large variation of opinion as to just what the losses really were; and in that case we would have to take into consideration what the profits were, so as to have the matter equitably adjusted; but as to the future operations under these contracts, beginning away back in 1913 and 1914, all made prior to the war, prior to the existence of these conditions, it seems to me fair and just that we should authorize the Secretary of War or the Chief of Engineers and his force to make a fair and reasonable modification of the contracts.

I am going to leave the matter there for the Senate. It is a matter in which I have no concern whatever except in connection with this bill and with the testimony that developed before the committee. I believe there are instances where it would be an unconscionable thing to look to the bonds of these contractors in those circumstances and force them into bankruptcy, and in many instances it would be a great injury to the Government to compel them to stop their work. In such cases the Government would have to seek other contractors and we would have to pay the prices that now exist as to new work, and so forth.

So the Government is not losing anything, really, by this proposal, it seems to me. Unless this is done, there will be a necessity here and there to call for new bids and enter into new contracts with other people to carry on the work already contracted for by those who are now doing it, because many of them can not continue. In that event there will be necessarily a large additional amount that the Government will have to pay in order to complete the work.

So I do not believe that the Government would be out of pocket really if it readjusted these contracts to-day and allowed the modification of them, because unless they do it the Government will have to make other contracts at enormously advanced prices, and therefore would have to pay more money than the present contracts call for.

I think it is fair and just to make this arrangement. The contractors themselves, of course, would very much desire that this readjustment should relate back to April, 1917, and they have very good argument and reason to offer for that, but the committee has limited it to future operations and only to such work as is done after this bill becomes a law.

Mr. President, with reference to river and harbor legislation I perhaps may be permitted to say just a few words somewhat in reply to the observations of the Senator from Colorado [Mr. THOMAS] this morning. The Senator says that we ought not under any circumstances to enter into any new improvements that are not called for by our war necessities. That is precisely what is done in this bill. There is not a single new improvement provided for that has not been certified to as a war measure by the Secretary of War—absolutely none. Maintenance is provided for so as to prevent the wasting away of the improvements already made, and such work as is already contracted for and undertaken is proceeded with where it is certified to be an economy and a need. That is the principle upon which the bill is framed, so that every objection which can be made to this sort of legislation outside of the general objection that there ought to be no legislation of the kind is overcome by the very principle and policy upon which the bill is founded.

A remarkable speech was made in the Senate last Saturday by the junior Senator from Utah [Mr. KING], remarkable in many ways, because of its general denunciations of river and harbor legislation, remarkable because of its display of lack of accurate information and as an evidence of misinformation on this great public question, the improvement and the development of the waterways of the country. The Senator proceeded to use such strong language in connection with this legislation, as corrupt, as criminal waste, as pork, and a dishonest, reckless misappropriation of public funds, robbery of the Treasury, and all such loose expressions and indictments as those words would imply. Those observations either meant, or they did not mean anything, that for the past 50 years—I think he went back as far as 100 years—this sort of abuse and criticism applies to every great Secretary of War this country has had, to every great Chief of Engineers that the country has had, because they have approved in ninety-odd per cent—I will say practically all—the items in the various river and harbor bills.

The indictment applies to every great Committee on Commerce we have had in the Senate—to such distinguished men as Frye of Maine, to my friend, the Senator from Minnesota, Mr. NELSON, and to other great members of that committee, which is one of the most important commitees of the Senate. The denunciation applies also to the great Committees on Rivers and Harbors of the House of Representatives during that period—to the distinguished chairman of that committee, and to the members of that commitee, which is one of the most active and important in that body. The denunciation applies even to the Presidents of our country, who have approved and signed these bills which have been denounced as corrupt, as robbery, as "pork," and as a reckless waste of public funds.

Why, Mr. President, it is perfectly absurd to make any such claim as that or to make any such sweeping denunciation respecting river and harbor legislation. What situation would we be in to-day, let me ask any reasonable man, if the Government had failed to appropriate money to improve the great harbors at New York, at Philadelphia, at Boston, at Baltimore, at Hampton Roads, at Newport News, at Norfolk, at Charleston, at Savannah, at Brunswick, at Jacksonville, at Key West, at Tampa, at Pensacola, at Mobile, at New Orleans, or at Galveston? The same, at Los Angeles, Portland, and Seattle? What would be the situation of the country to-day if we had not taken care of those harbors? The Government's obligation was to do it, because the Government controlled those navigable waters. The navigable waters of the country were not within the jurisdiction of the States. Individuals could not interfere; individuals could not develop them or improve them; the States could not do it, because they were, as highways of commerce, under the control and jurisdiction of the Federal Government. Therefore the responsibility rested upon this Government to improve and develop them. What would be our situation if we had not built the Soo Canal? What about the great commerce on the Great Lakes—the most stupendous and the least expensive water-borne commerce in the country—if we had not improved the ports and harbors on those lakes? It is perfectly absurd to claim that there has been any mistake about the policy which we have been pursuing in taking care of the navigable waters of the United States.

The same rule applies to the rivers which empty into these harbors and which are tributary to these ports. We would have been in a weak and defenseless position to-day but for the policy which we have pursued.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. FLETCHER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The Senator from Florida is criticizing another Senator, and I have nothing to say about that; but I will ask the Senator if he recalls a time when any of us who have criticized river and harbor bills ever placed ourselves in antagonism to the harbors of the country or the great rivers of the country in the matter of legislation?

Mr. FLETCHER. Mr. President, there have been——

Mr. GALLINGER. A word further. The Senator will recall the fact that two years ago some of us opposed a river and harbor bill then pending with some earnestness, contending that there were items in it which were not necessary; that the proposition was to expend money on small streams and creeks and rivulets that never could bear any commerce. The result of that opposition was to reduce the bill $30,000,000; and even those who were most anxious to have the bill passed in its original form concluded that they had better accept that modification. I do not know that any harm has come to the country through the saving of those $30,000,000. So some of us who are disposed to criticize the present bill are of opinion that there are a great many little streams which are named in this bill for which small amounts are proposed to be appropriated for main-

tenance that might just as well be dropped entirely from consideration in river and harbor legislation. They will never amount to anything. We may expend just as much money as we please on them, but there will be no commerce on them.

Mr. FLETCHER. Mr. President, let me say to the Senator from New Hampshire that all I ask of opponents of this legislation, and all I have ever asked of those who have fought river and harbor bills on this floor, was to specify. Why do you not point out the rivers and streams and creeks, as you call them, that ought to be eliminated from the bill?

Mr. GALLINGER. Mr. President, we did that two years ago, and as a result the bill was reduced. I do not recall the exact amount of the reduction.

Mr. FLETCHER. But that reduction amounted to nothing; it was simply a postponement. The money which was then provided in the bill is going to be expended.

Mr. GALLINGER. The names of those streams have never appeared in a bill since then, and they are not in the pending bill. Those appropriations were taken from the bill as a result of that discussion.

Mr. FLETCHER. There is not one of those small items which was stricken from the bill; they are in the bill here to-day, except as to some projects which have been recommended but have not yet been adopted by Congress, as they will be when normal times come; and they are going to remain in this bill until the improvements are properly taken care of. Talk about the saving to the country of $30,000,000! That is an absurdity; it is perfectly ridiculous. You save nothing; you simply postpone the day when that money will have to be spent upon your rivers and harbors. It has got to be spent, and a part of it is carried in this bill now.

Mr. GALLINGER. We are not talking about this bill; we are talking about scores of little streams——

Mr. FLETCHER. I know, Mr. President. There have been Senators on this floor who have stood for the development of harbors, and the railroads of this country have favored the improvement of harbors because they offered them terminals. The railroads have wanted the harbors improved; but where will you find a railroad that wants a river or a canal as a competitor in the transportation business?

Mr. GALLINGER. Mr. President, the Senator from Florida is not doing me justice.

Mr. FLETCHER. I am answering the Senator.

Mr. GALLINGER. I am not talking about highways which compete with railroads; I am talking about these insignificant small streams. The Senator from Florida knows what I am talking about.

Mr. FLETCHER. I know perfectly well what the Senator is talking about, and I am answering him.

Mr. GALLINGER. The Senator from Florida knows that bill was reduced from over $70,000,000 to $30,000,000. Those appropriations were then discontinued because of the opposition made to them, and they have not appeared in river and harbor bills since then. The Senator on Saturday said that these little appropriations were merely for maintenance.

Mr. FLETCHER. Yes; they are.

Mr. GALLINGER. But they are not the kind of appropriations that were in the river and harbor bill two years ago.

Mr. FLETCHER. Yes; they are. I am simply asking the Senator to name the items in the bill to which he objects. I am perfectly willing to go over every item in this bill with any man.

Mr. GALLINGER. I called attention to some of them the other day, and so did the junior Senator from Iowa [Mr. KENYON], naming them. I think very likely I could call attention to them to-day, but I do not care to take the time to do so.

Mr. FLETCHER. The reason which was urged for opposition to the bill by the Senator from Iowa and the reason now urged for opposition to the bill by the Senator from New Hampshire apparently is that there are insignificant matters taken care of by the bill—matters which are insignificant in amount and insignificant as to the waterways.

Mr. GALLINGER. Yes.

Mr. FLETCHER. If those Senators favor economy, if they object to the bill because it appropriates money, why object to it because it does not appropriate enough, or why object to it because the appropriations are insignificant?

Mr. GALLINGER. This is not the time to do it. We did that two years ago, and, as I have said, reduced the bill from over $70,000,000 to $30,000,000; and the Senator from Florida knows that. The Senator ultimately agreed to it, because the President thought it was a wise thing to do.

Mr. FLETCHER. I do not remember that. The Senator from Utah [Mr. KING] quoted from the speech of Mr. Burton on Saturday, I believe, and yet the last bill reported to the other House by Mr. Burton, as chairman of the Rivers and Harbors Committee of that House, carried something over $80,000,000—the largest appropriation ever carried in any river and harbor bill in the history of the country. The former Senator from Ohio was quoted as authority for these alleged extravagances and wastes that are now going on under a bill which carries less than $20,000,000, while the bill to which the Senator refers carried about $45,000,000, as I remember.

Mr. GALLINGER. It carried more than that.

Mr. FLETCHER. Perhaps it carried $47,000,000. I am contending, however, that we have not saved any money. The amount of the appropriation was subsequently reduced in another bill, but none of the items in that bill have gone off the record. That money will be eventually appropriated by Congress, because it provided for improvements which will be needed and ought to be made.

It is simply a postponement of the appropriation, so far as river and harbor improvements are concerned; it has not saved the country anything. If I contemplate to-day buying a new pair of shoes, but, after thinking it all over and viewing the size of my bank account, I say, "I guess I will get along with the old ones a while yet," and I do not buy the shoes to-day, I have not saved the price of the shoes, because eventually I will have to have those shoes. It is the same way with reference to the alleged saving of $30,000,000. That money has eventually got to go to these improvements, and it will go to them; there is no question about that.

I am not deterred by the general denunciation of river and harbor legislation and by the cry of "pork" with reference to what this country is going to do. The people of this country will say that these waterways are important, and this means of transportation, these facilities for taking care of the commerce of the country, are going to be provided. You may postpone them for a while, you may mislead some people about them for a while, but the people are going to insist upon these improvements, because they mean everything to our prosperity and welfare. You can not get along, you can not do the business here at home, let alone abroad, in a commercial way, you can not move the products of this country, you can not get commodities from the producers to the consumers and from the manufacturers to the dealers and consumers unless you provide means of transportation, and this is one of the means of transportation that the people are going to insist upon being provided.

I am in favor of good roads, I am in favor of railroads, I am in favor of providing every means of transportation that it is possible to provide with any reasonable outlay on the part of the Government. This outlay is incumbent upon the Government, because the Government controls the navigable streams of the country.

So, Mr. President, this general denunciation of river and harbor legislation, the characterization of it as corrupt, as criminally wasteful, as lacking in good faith and honest dealing with the public funds, is based upon just that sort of information that would be submitted to an expert, for instance, who was called upon to give his opinion as to the water-power possibilities of Great Falls if all the data handed to him consisted of a bucket of water out of the Potomac River. The basis for the denunciation of river and harbor legislation, the general broad denunciation that is indulged in and the cry of "pork," the indictment and the criticism of public officials, committees of Congress, and the friends of this kind of legislation is comparable to the situation if an engineer were called upon to give an expert opinion whether the improvement of a given river is commercially justified, without furnishing to him information as to the depth, the width, and the volume of water in that river. There is no foundation at all for this denunciation; there are no facts upon which to base it; it is just a general, broad, sweeping denunciation.

Mr. President, I dislike to discuss the speech of the junior Senator from Utah [Mr. KING] in his absence; it is not in the RECORD; but I heard it, and I do not feel that it ought to be passed by without some response, because he himself said that a good many of the statements which he quoted from others had never been denied; and I do not want any writer or speaker in the future to be able to point to the language used by the Senator when it is printed in the RECORD and to say that nobody denied or questioned any of those statements. I say there is no foundation whatever for that remarkable exhibition of general denunciation and criticism. Both the Utah Senators, I am afraid, are rather vying with each other these days in their attitude toward river and harbor legislation; they are outstripping Don Quixote in his palmiest days when he was fighting windmills; but the junior Senator from Utah has no pacemaker either in history or in literature, unless it be that fellow who, the newspapers told us a short time ago, undertook to ride up the west Capitol steps on his horse, with the intention of proceeding right into the Halls of Congress in an effort to "teach Congress confidence and horse sense." He was

prompted by a high sense of public duty, similar to that which the junior Senator from Utah was laboring under, I take it. The idea of the man on horseback was that he was to represent confidence and the horse was to represent horse sense. So on Saturday the junior Senator from Utah rode into the Senate on his hobby of economy and reactionary conservatism. He himself represented superiority—superiority in wisdom, superiority in integrity, superiority in patriotism, superiority in information, superiority in broad statesmanship, superiority in his conception of fiduciary responsibility.

Mr. President, it may be that that Senator can reach some people in this country with that sort of thing, but I think he underestimates the intelligence of the American people. He must figure that the average intelligence of the people of the United States is that of a 5-year-old child, and he assumes, I presume, that below that age he would be able to find some believers. At any rate, there was no justification whatever for that assault; and the general, broad denunciations of legislation of this kind have just about as much basis as I have indicated in the reference to the observations of the Senator from Utah.

I believe, Mr. President, I will not take up further the time of the Senate. I felt like saying this much, and for the present I leave the matter there.

Mr. BANKHEAD. Mr. President, like every other question, the question we are now discussing has two sides to it. The contractor is on one side and the Government is on the other. It is the duty of the Commerce Committee of the Senate to look after and take care of the interests of the Government when they are preparing river and harbor legislation. The purpose of this provision of the bill was to take care of the Government of the United States and to save it from a very great loss financially. Now, why?

The contracts that are under discussion were made before the outbreak of the war. The bill does not have reference to any other class of contracts. If the Government, having made these contracts in good faith on the part of the Government and the contractor before the beginning of the war, were literally to enforce the contracts, what would happen? These contractors, Mr. President, under existing conditions, can not comply with their obligations. They can not complete the work in which they are engaged without a financial loss of such a character as would put them into bankruptcy, perhaps most of them. Now, if the Government of the United States is going to stand firmly for the enforcement of these contracts according to the terms of the contracts, the result will be that the Government will have to take over these contracts. They will have to declare them forfeited, or the contractors will have to surrender them. Most of them have nominal bonds. I do not know to what extent their bonds cover the amount of their contracts, but the question is whether they are enforceable or not, whether they can be collected or not; and if they can be, we all know that it will be at the end of a long lawsuit. So in order to save the Government, as we saw it, from a heavy loss, we provided that the Government of the United States might readjust these contracts in such a manner as to save the contractors from bankruptcy, if possible, in an amount not in excess of $2,000,000.

Our deliberate judgment, Mr. President, was and is that if these contracts are to be surrendered and the Government of the United States must readvertise and relet these contracts, it will cost five or ten million dollars more than the expenditure we proposed in this bill to remedy the situation which is $2,000,000. That is the whole case as I see it.

It is up to the Senate to say whether or not in justice to the Government this step should be taken. I dismiss the contractor. I make no defense for him. I am not here to plead his cause or to take care of his interests. My business is, as a member of the Commerce Committee and as a Member of the Senate, to take care of the Government as best I can. In doing that I am willing to be fair and just to the citizen; that is all. Our conclusion was that if the Secretary of War, through the Chief of Engineers, was permitted to readjust these contracts along fair and reasonable lines, he might perhaps save a number of these contractors from bankruptcy, and at the same time save the Government of the United States many, many millions of dollars, because, since material and labor have advanced from 75 to 100 per cent, and as a result of the difficulties accruing from the impossibility of transporting materials, the whole business of them will be in bankruptcy, and the Government in the end will have to take over the work and complete it at a cost many, many million dollars more than it can be completed for under the provisions of this bill; and that is why this section is in the bill.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. BANKHEAD. I do.

Mr. POMERENE. Can the Senator inform me as to what will be the probable cost of completing the contracts that are now unfulfilled at the contract prices, and what it would cost at present prices?

Mr. BANKHEAD. Mr. President, I am sorry that I can not give the Senator from Ohio the correct and definite information; but the conclusion of the committee was—and we were aided in reaching that conclusion by the representative of the Chief of Engineers who was before the committee—that these contracts might be readjusted in such a way that all of those now in existence that come within the terms of this bill could be completed for a sum not exceeding $2,000,000 in excess of the present contract prices.

Mr. President, that is the whole case. The Senate can say whether or not they are willing to trust the War Department, through its Chief of Engineers, to investigate this whole question, to take up all of the contracts that come within the provisions of this bill and readjust them in such a manner as to save the contractors from bankruptcy and save the Government in that way many millions of dollars.

It must be borne in mind that these contracts were all entered into before the war. Some of them were made in 1913, 1914, 1915, and so on. They have not been completed. This section does not apply to any other class of contracts. It applies only to those entered into before the war. I insist, Mr. President, that it is good legislation. I insist that it is the only means I can conceive of; it is the only means that the Engineering Department, representing the Secretary of War, could suggest, that would save the Government in the end, as I have already said, many, many millions of dollars, perhaps ten or fifteen, if they have to take over these contracts and execute them now, with the increased cost of materials and labor and the difficulties of transportation.

There is one other observation that I want to make, and then I shall be through.

There has been a great deal said during this discussion about the provisions of this bill that look to the improvement of "cricks"—we call them down in my country "creeks," but I recognize the name—and sloughs. At first blush one would say: "Why are you improving a creek or a slough where there is no commerce?" It is fair to suppose that on these creeks and sloughs there is no commerce, and that none can be carried over them, but if you will examine the reports of the engineers with reference to these matters you will get real information.

For instance, take Cooper Creek. It carries five and a half million dollars of commerce annually—more commerce than a great many so-called rivers of the country carry—at a very small appropriation. This creek is one of those waterways that lead up into an industrial section where transportation is absolutely necessary for the conduct of their business and to get their products out to a market. Its maintenance is appropriated for together with a string of creeks—five or six that have been mentioned—that are in the same category. They are grouped for convenience. Some of these creeks may have no money expended upon them, because the engineers may not deem it necessary, but there are others where they will deem it necessary and they can spend this appropriation on them. Those creeks that have been so severely criticized carry annually $5,000,000 of commerce that can not be gotten to a market in any other way. There are no railroad facilities which can carry to a market the products of the country that these creeks traverse. They must rely upon this water transportation to get their products to a market, and it amounts to more than $5,000,000 annually.

Mr. GALLINGER. Mr. President——

Mr. BANKHEAD. I yield to the Senator.

Mr. GALLINGER. Does the Senator refer to the group when he makes that statement?

Mr. BANKHEAD. I mean that particular group; yes.

Mr. GALLINGER. Some of them carry comparatively little.

Mr. BANKHEAD. Oh, some of them carry comparatively little, and those perhaps will have none of this money expended on them.

Mr. GALLINGER. Will the Senator, who is always frank in his discussions in the Senate, tell the Senate the character of this commerce?

Mr. BANKHEAD. I have not got it here. The reports show it, but I have not got it with these figures. I do not know exactly what the character of the commerce is. All I know is the total. It does not make much difference what the character is if it has the value.

Mr. GALLINGER. It makes a little difference whether it is saw logs, which might be floated down the stream, or whether it is oysters, which in one instance——

Mr. BANKHEAD. There is nothing we need now more than saw logs. They are a war necessity.

Mr. GALLINGER. I understand, but in our country we have water enough to float them down the streams.

Mr. BANKHEAD. Unfortunately, we have not; but then you have not the trees. That is the difference.

Mr. GALLINGER. Oh, yes, we have.

Mr. BANKHEAD. You have not any trees up there that are big enough to build ships like we have.

Mr. GALLINGER. When the debate was on before, when these creeks were referred to—by the way, I pronounce the word "creeks"; is that correct?

Mr. BANKHEAD. I do not know what the correct pronunciation is. We call them "creeks."

Mr. GALLINGER. I think that is right.

Mr. BANKHEAD. I recognize the name, whatever you call them.

Mr. GALLINGER. During that debate it was shown that in a great many instances the commerce was inconsequential——

Mr. BANKHEAD. I think that is true.

Mr. GALLINGER. And that it was made up of saw logs and various and sundry other things that might have been transported, and in our country are transported, in another way.

Mr. BANKHEAD. Yes. That may be true, but we have not got the other way.

Mr. GALLINGER. But apparently where there are these little streams that are hardly big enough to float a canoe the Government is asked to make an appropriation for them, so as to get down the little commerce that could be transported, possibly at a little greater expense, in some other way. That was the criticism that we made.

Mr. BANKHEAD. I am not objecting to the criticism.

Mr. RANSDELL. Mr. President, if my colleague will permit me——

Mr. BANKHEAD. I am through.

Mr. RANSDELL. I have the report here before me, and I can show what the commerce was.

Mr. BANKHEAD. Mr. President, I yield the floor.

Mr. RANSDELL. Let me help the Senator out with this, if he pleases.

Mr. BANKHEAD. Yes; I am glad to have the Senator do so.

Mr. RANSDELL. The Senator from New Hampshire asked what the commerce was. These creeks—Fishing Creek, Contentnea, and Swift—all appear on page 5 of the bill. There are a number of other items in that same appropriation; but the report of the Chief of Engineers, on page 559, shows that in 1915 Fishing Creek had a commerce of 2,450 tons, valued at $34,926. Under the head of "Commercial statistics," the report says——

Mr. GALLINGER. Can the Senator tell, as he goes along, how much money has been expended on those several creeks?

Mr. RANSDELL. Let me answer one thing at a time, if the Senator pleases. The commerce consisted of cotton seed, cottonseed meal, and timber. The report does not give the exact amount. It says that the timber was rafted. I can not find the total amount expended. This does not show.

Now, I want to show the commerce on the next one here, Swift Creek. The commerce on that creek in 1916 was 21,781 tons, valued at $324,309. The principal items of commerce were cotton, cotton seed, general merchandise, fertilizer, and timber.

In the case of the other one, Contentnea Creek, page 573 of the report shows that the commerce in 1916 was 7,447 tons, valued at $148,150; and that commerce, it says, was carried in steamers drawing from 3 to 4 feet, except timber, which was rafted. The principal articles of commerce were cotton, cotton seed, cottonseed meal, fertilizer, and timber.

Those were the creeks which I think the Senator alluded to as not having water enough in them to float a bar of Ivory soap.

Mr. GALLINGER. No; the Senator is wrong.

Mr. RANSDELL. The fact is that they have considerable commerce on them.

Mr. GALLINGER. The Senator is wrong. I may have said that two years ago.

Mr. RANSDELL. The Senator said something about Ivory soap the other day.

Mr. GALLINGER. Yes; I did. I said there were streams that would hardly float a cake of Ivory soap.

Mr. RANSDELL. The Senator spoke of the items that were referred to by the Senator from Iowa [Mr. KENYON]. He mentioned the Kissimmee River in Florida, the Caloosahatchee, and the Withlacoochee, in addition to the three I have just referred to.

Mr. GALLINGER. If the Senator will permit me, I want to secure a little information about Contentnea Creek.

Mr. RANSDELL. All right. I have it here. I shall be glad to try to answer the Senator.

Mr. GALLINGER. The Senator suggests that that creek conveyed a little over 7,000 tons during the year?

Mr. RANSDELL. That is true.

Mr. GALLINGER. Can the Senator tell us just what has been expended on that creek, not this year, but since that vast improvement commenced?

Mr. RANSDELL. The report does not show it. If I can find it, I will give it to the Senator and put it in the RECORD. The report does not show it, but I want to say to the Senator that the item there in which Contentnea Creek appears reads thus:

Manteo Bay, Scuppernong, Pamlico, Tar, South, Bay, Neuse, and Trent Rivers, Fishing, Contentnea, Swift, and Smith Creeks, and waterway connecting Swan Quarter Bay with Deep Bay, N. C.: For maintenance, $19,200.

There are a number of waterways in this item. The total appropriation for the whole is $19,200, and there is a very large commerce in the aggregate on them. It is true that Contentnea Creek had only 7,447 tons, but in the aggregate the commerce of all those creeks runs very considerably into the millions, and into a large tonnage, and we are appropriating very little money for them.

Mr. GALLINGER. Will the Senator take the other items in that same schedule and tell us something about them? He has cited three. I think there are some other items in that same schedule, are there not?

Mr. RANSDELL. Yes, sir. There is Fishing Creek, which I have just read to the Senator, and Swift Creek and Smiths Creek.

Mr. GALLINGER. What are the others?

Mr. RANSDELL. Those seem to be the only creeks in this item. There is Manteo Bay, and then there are the Scuppernong, Pamlico, Tar, South, Bay, Neuse, and Trent Rivers. Those are rivers, and then there are four creeks—Fishing Creek, Contentnea Creek, Swift Creek, and Smiths Creek.

In regard to the improvement of Contentnea Creek, the report shows that—

The work of the year consisted of snagging for the purpose of clearing the natural channel of obstructions from the mouth to Snow Hill, 32 miles above. This work was carried on entirely by Government plant and hired labor, at a cost of $1,010.72. The U. S. hoister *Contentnea* began operations on this stream on February 1, 1917, and to March 16, 1917, removed a total of 38 large logs, 11 stumps, 33 snags, 22 saw logs, and 9 trees from the channel, and cut and hauled back 37 trees from the banks. This work was accomplished at a cost of $942.88, which gives a unit cost of $6.285 per obstruction or threatened obstruction removed. Other expenditures were $67.84, and were in payment for superintendence and main-office expenses.

I want to say just a word about the other items there.

The Kissimmee River in Florida, the Caloosahatchee in the same State, and the Withlacoochee were criticized as worthless creeks. On the Kissimmee River in 1916 13,625 tons were carried, valued at $410,142. On the Caloosahatchee River, in the same year, 55,304 tons were carried; and please listen, Senators, to the value of that commerce—$3,214,943. On the Withlacoochee, in 1915, the commerce was 20,789 tons, valued at $195,186.

In other words, those three creeks or small streams, or whatever you may choose to call them, carried over 4,000,000 tons of commerce.

Now, let me read this item to the Senate. It appears on page 7 of the bill:

Kissimmee, Caloosahatchee, Orange, Anclote, Crystal, Withlacoochee, and Suwannee Rivers, Charlotte Harbor, Sarasota Bay, and Clearwater Harbor and Boca Ceiga Bay, Fla.: For maintenance, $4,000.

For all the enormous commerce on these three small streams, for the commerce of several harbors and the other streams, some very large and important rivers, we give only $4,000. The criticisms are absolutely without foundation. The bill could not have been framed on more conservative and wise lines than this bill has been framed.

Mr. FLETCHER. If I may interrupt the Senator, I ask him whether he will verify this statement. A good deal has been said about the loss of tonnage on these waterways, canals, and rivers in volume. That is the general statement as made by the Senator from Colorado [Mr. THOMAS] this morning, to the effect that there had been a decrease in the amount of tonnage on the inland waterways of the country. I ask the Senator whether he will verify the opinion which has been expressed to me by those who ought to know and do know that whereas the volume of tonnage may have decreased the value of tonnage

has not decreased in that way, that in most instances the value of the tonnage on the contrary has increased.

For instance, the farmer to-day, instead of going to market with his hay, corn, and bulky stuff, carries to market pigs, cattle, butter, chickens, eggs, and a few things that he makes at home. So in transporting these products, whereas the tonnage may show a decrease, the value of those products has enormously increased, and the transportation is needed just as much now for those products as for the more bulky products that the farmer carried—hay and corn—which he now converts into pigs and cattle.

Mr. RANSDELL. I should like to say, in reply to the Senator, I think he has stated the case absolutely fairly. Commerce has diminished, beyond any question, on some of the larger rivers, notably the Mississippi River. There is not as much commerce on the Mississippi River as there was many years ago, and not as much commerce on the Ohio River as formerly. The reason is perfectly apparent. Railroad lines parallel the river on both sides, and those railroads have driven the boats out of business. There is no doubt about that; but taking the country as a whole, I am convinced from my study of the subject—and I have studied it as well as I could for a number of years—there is a great deal more commerce carried on our waterways than ever before. As the Senator from Florida says, it is very much more valuable commerce. There is a little river in my own State not even referred to in this bill. It is the Terrebonne. I was told when I visited it several days ago that there are over 1,000 boats on that little river. They do an immense business down there. It is a local business, if you please. There is no railroad there. They have one of the best shrimp canneries in the world; they can more oysters there than in any place I know of. There are a number of big sugar factories there. There are plants of every kind on that little river. It is not even mentioned in this bill.

So it is in other States. There is a big commerce, especially on these little streams that are referred to as creeks. They are streams which are exceedingly valuable to the people living on their banks. As a rule, they furnish the only transportation for the people. The railroads are not convenient, or if they be convenient the little streams furnish a means of transportation up and down to railroad points, and the amounts are ridiculously small compared with the value of the great commerce on these small streams.

It is not the small streams that ought to be criticized, if any are to be criticized; it is some of the larger streams, on which the commerce has been driven away because of railroad opposition.

I agree with some of the Senators who say we are not going to get the waterways properly used until we regulate, in a very stringent manner, the railroads of this country or take them over. I for one would hate to see them taken over by the Government. Strong advocate as I have always been of waterways, I want to see a wise, proper, businesslike development of every means of transportation we have. I want to see the individual do whatever he can. I am not one of those who would like to see the Government go into every business under the sun. There is enough commerce for all. The waterways, the highways, and the railways all ought to be used wisely, and the railroads should be prohibited from driving the commerce off the waterways by unfair, improper competition.

Mr. VARDAMAN. Mr. President, the wisdom of improving and maintaining the system of water transportation has been proven by experience in this country and every other country in the world where the experiment has been made. It is a tribute to the wisdom and vision of the great railroad magnates and captains of industry that they discovered some years ago the unwisdom of attempting the destruction and prohibition of river transportation. As a matter of fact, the growing commerce of this country, the increase in population, and the conditions of modern civilization demand all the means of transportation both by rail and water available to meet the demands of our increasing trade. These facts are so well known that any lengthy discussion at this time would be entirely out of place and a needless consumption of the Senate's precious time. If there is any graft in this legislation, as has been suggested, no particular section of the country has a corner on it. Really there is no piece of legislation considered by the Congress at this or any other session more general in character than this. You can take the map of the United States—a map of ordinary size—and put a silver dollar on any place on that map and it touches some project provided for in this bill. Beginning on the eastern coast of Maine and going entirely around the Republic to Alaska you will find every State with a water front interested in this bill. The same is true with reference to the States located in the interior. Every river that bears upon its bosom commerce in which the people are interested, every lake with a port and canal which our commerce needs, is provided for in this bill. It is nation-wide in its scope and universal in the opportunities which it is intended to afford.

But I did not rise for the purpose of defending this bill against the immature criticisms, the unwarranted animadversions upon it, and the ill-tempered attacks that have been made by honorable Senators. It is an easy matter to get up and plant oneself on the circumference of universality and "cuss out" creation. Denunciation is easy and criticism requires no special information or technical knowledge of the subject criticized. For my own vote upon this bill I am perfectly willing to leave to the common sense and patriotism of my constituents to determine the correctness of it. But I want to say just a word with reference to the amendment pending before the Senate. It is not the policy of this Government, as I understand it, and never was, and I trust never will be, to drive a hard bargain with its citizens. I do not suppose there is a man living beneath the Stars and Stripes who has quite as much contempt for the craven profiteer or the patriot for pelf, for the man who would plunder and rob his Government, as I have. I think a man who would take advantage of the present emergency brought about by the war to rob and plunder the public is an enemy to the Government and ought to be treated as such. But when men who have taken contracts to do Government work before war was declared, when conditions were so different from what they are to-day, find themselves up against a situation that could not have been anticipated or avoided and to whom it means ruin if the contract shall be enforced, it is perfectly proper for the Government to see that justice shall be done them and save them from bankruptcy. I differ somewhat from the able Senator from Alabama [Mr. BANKHEAD] with reference to the duty of Senators in the matter of protecting the interests of individuals when the interest of the Government is also involved. I deem it quite as much my duty to insist that this Government shall deal justly with the private citizen as it is my duty to see that the private citizen shall deal honestly, patriotically, and justly with his Government.

Now, I do not know personally a single individual who asks relief under the terms of this amendment. I am not interested in any contractor or person to be benefited by the adoption of this amendment; but I do know that conditions have changed, and as conditions have changed it becomes necessary that the Government should modify this contract. To fail to do so, in my judgment, would be the acme of injustice. There is a moral obligation resting upon Congress to see that those men who have entered into contracts with the Government to do Government work prior to April, 1917, which contracts are yet to be executed, are not destroyed on account of the change which the war has brought about. It is insisted that a large amount of money, larger than we probably anticipate, will be necessary to meet or carry out the purposes of this amendment. The amount cuts no figure. A moral obligation can not be measured by dollars and cents. A private individual whose moral obligations are determined by pecuniary consideration is a dishonest man, and I hold that the same moral code should guide governments in dealing with individuals that we insist that our fellow man should observe in their business intercourse with each other.

I think we can safely trust the Board of Engineers to see that absolute justice is done, or as nearly as is possible for human intellect to see that justice is done. Certainly these trained, watchful, patriotic, faithful servants of the Government may be relied upon to see that the Government shall not be robbed and to see also that the Government of the United States shall not withhold from the private citizen anything which of right belongs to that citizen.

Therefore I think the amendment ought to be adopted, and I trust the Senate may agree to it.

Mr. POMERENE. Mr. President, the other day something was said about the dangerous character of legislation of this kind. As a general proposition it is dangerous. If the losses these contractors will probably sustain had been due to any miscalculation of their own, I would feel differently about it; but when they entered into these contracts before war was declared they did it with the reasonable expectation of being able to get labor and material at the current prices or at least that they would not differ materially from what the prices were at the time the contract was entered into.

I have personally had an interview with a member of one of the contracting firms and their lawyer, and I think I am within the truth when I say that unless some relief is granted by the Government this contract will not be completed by the contractors, or if completed it will be at the expense of the bonds-

men, and it will leave the contractors bankrupt. I am satisfied that this contractor and his bondsmen would be very glad to complete the contract under normal circumstances at their own expense, but I do not believe that the great Government of the United States expects the work to be completed, when the prices have been increased as they have been during the last year, due to the war, at a cost that may bankrupt these people.

I do not believe anyone who will pass through the locks and dams on the Ohio River after they shall have been completed would receive any satisfaction from knowing that in their building certain men were made bankrupt by act of war. I think the committee has very carefully guarded the Government against any excessive allowance which may be made. It is my belief that the American people do not want this man and his bondsmen to be bankrupted under the circumstances.

For these reasons I shall support the amendment.

Mr. LENROOT. Mr. President, a short time ago the Senator from Ohio [Mr. POMERENE] asked a question as to the aggregate amount of contracts that would be affected by this amendment. The committee had reports from the Board of Engineers upon that subject, and the committee reported that of the contracts let prior to the entry of the United States into the war but remaining uncompleted on the 1st day of April this year the aggregate was $4,387,000.

Under this amendment it will be very much less than that, because the adjustment can only be upon the portion of the contract remaining not completed at the time this act is approved. So it is fair to say that the total amount will not be more than $4,000,000, and it was testified by Col. Newcomer that, in his judgment, the amount that will be required to readjust these contracts upon an equitable basis would be somewhere between one and a half million dollars and two million dollars.

I wish to say a word, however, with reference to the position taken by the Senator from Alabama [Mr. BANKHEAD]. He stated that he favored the adoption of this amendment solely in the interest of the Government; that in his judgment the adoption of the amendment would save the Government millions upon millions of dollars; and, if I understood him correctly, he undertook to state to the Senate that that was the actuating motive of the committee in recommending the amendment to the bill. That is the first intimation I have had that this amendment should be adopted upon any such theory as that. It was not urged before the committee. It was urged solely as a measure of justice to the contractors, and that is, I think, the basis upon which it ought to be considered by the Senate. Indeed, if it was from the standpoint of the interest of the Government, this amendment is not necessary, because the Secretary of War now has full authority to readjust any river and harbor contract where in his judgment such readjustment will be advantageous to the United States.

So this amendment should be considered solely upon the question whether it is fair and just to the contractors who prior to our entry into the war entered into these contracts. It was represented to the committee that in the Navy, for instance, under a power they already have, on account of the increasing cost of work previous contracts were canceled and new contracts given upon the basis of the increased cost of work. We know that in contracts by the Shipping Board provision is made in the contract itself for a readjustment from time to time depending upon the increased labor costs.

So it seemed to the committee, and I think that was the basis of its recommendations, that it was only fair to give to these contractors the same consideration that is given to contractors for the Navy, contractors for the Emergency Fleet Corporation, and thus do justice to this class of contractors as well as to others.

The PRESIDING OFFICER (Mr. KELLOGG in the chair). The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	France	Kirby	Page
Bankhead	Frelinghuysen	Lenroot	Phelan
Beckham	Gallinger	Lewis	Pittman
Borah	Gulon	McCumber	Poindexter
Brandegee	Harding	McKellar	Pomerene
Calder	Hardwick	McNary	Ransdell
Chamberlain	Henderson	Martin	Robinson
Cummins	Hollis	Myers	Saulsbury
Curtis	Johnson, Cal.	Nelson	Shafroth
Dillingham	Jones, N. Mex.	New	Sheppard
Fernald	Kellogg	Nugent	Shields
Fletcher	Kendrick	Overman	Simmons
Smith, S. C.	Swanson	Townsend	Wadsworth
Smoot	Thomas	Trammell	Walsh
Sterling	Thompson	Underwood	Wilfley
Sutherland	Tillman	Vardaman	Wolcott

Mr. CURTIS. I desire to announce that the Senator from Iowa [Mr. KENYON] is absent campaigning for the Red Cross. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. SMOOT. Mr. President, I sincerely hope that the amendment in its present form will not be concurred in. It could be written so that it would not be so open to abuse as this amendment is.

Senators will remember that there is no limit upon this amendment as to what the extra cost might be. The Senator from Ohio [Mr. HARDING] in offering his amendment for the same purpose limited the amount of cost that it could be over and above the contract price, but to this amendment there is no limit. It is an invitation for every contractor on river and harbor work in the United States to make the cost just as high as possible, to take care of all their relatives and all their friends and all the officers of the association, if it is an association or company that is doing the work, and the Government will pay for it.

I recognize, Mr. President, that it is costing more to do work to-day than it did in 1913 or 1914. Nobody will deny that. Contracts that were made two years ago are costing more to-day than if the work had been done at the time the contract was taken. But here, Mr. President, is a proposition that, no matter what the extra cost piled up, the Government is to pay for it.

Senators know what comes from the 10 per cent plus proposition. That is nothing compared to this. Senators talk about $2,000,000 being sufficient. It will only be the beginning of what it is going to cost the Government of the United States. If you once embark upon this plan there will be no end to paying the claims made against the Government until the last one is made, no matter what the amount. Congress can not hesitate; it can not refuse to pay them after passing a proposition such as has been adopted by the Senate as in Committee of the Whole.

Conditions as to extra cost were exactly the same three months ago as they are to-day. There was no appeal made to the House for a provision of this kind. Nobody asked the House to put it in the river and harbor bill. Those who have suffered on the Ohio River work were suffering at that time just as they are to-day, and nothing was heard of this proposition until the Post Office appropriation bill had a provision of this character inserted in it by the Senate.

The amendment offered is to take care of every contractor who entered into a contract before the war, and hereafter in all the work that is done for the Government the contractor must be paid a sum sufficient to insure that they will lose nothing on the cost of the work.

Mr. SHAFROTH. I am not familiar with the amendment. Is it proposed to indemnify contractors for work that they have entered into contract with the Government to perform?

Mr. SMOOT. Yes. As soon as the bill becomes a law all work done on rivers and harbors, no matter what the price of the contract might be, the Government of the United States is to indemnify all contractors whatever amount it cost extra over and above what it would have cost at the time the contract was entered into.

Mr. SHAFROTH. It applies to past contracts?

Mr. SMOOT. It applies to contracts entered into before April 6, 1917.

Mr. FLETCHER. But, if the Senator will permit me, the readjustment only applies to future contracts.

Mr. SMOOT. That is exactly what I said to the Senator from Colorado.

Mr. FLETCHER. But the Senator from Colorado does not understand it in that way. His question was whether or not it applied to all contracts.

Mr. SMOOT. I said it applied to all contracts entered into before the 6th of April, 1917, and for all work done under those contracts immediately after the signing of this bill, or as soon as the bill becomes a law.

Senators, that is the proposition. As I said on Saturday, this plan will not apply to river and harbor contracts, but it means every contract that the Government of the United States has entered into for any purpose and for goods and supplies of every character and description. Do not be deceived because but $2,000,000 is named in this provision. The Government will not

be relieved by the payment of $2,000,000 or ten times $2,000,000 if this amendment is adopted. I want to say that, if it is adopted, the same principle ought to be extended to all contractors of every name and nature.

Reference has been made to the fact that, if we do not give this relief, contracts will be thrown up, and the Government of the United States will have to ask for new contracts, in which case the cost will be more than we would pay under this provision. Why, Mr. President, if we have to ask for new contracts, we shall have competition, and we shall have a chance to partially save ourselves, but under this provision there is no such opportunity.

Mr. President, I know of no Senator who has criticized the river and harbor bill as such; but there are Senators, and among them myself, who are opposed to many items which have been carried in river and harbor bills in the past. The Senator from Louisiana [Mr. RANSDELL] has asked Senators several times to name the rivers to which we object. Why, the list is too long to undertake such a task. I named some of them when I last spoke at length upon the river and harbor bill in 1916. Mr. Burton at the same time also named a long list of them, and I find in the RECORD a statement which was then made by myself.

Let us take the Arkansas River and see what is the result of river and harbor improvement on that river and then judge whether any sane person would invest his money in such a project if he had to pay the expense of maintaining it and receive all profits from carrying the commerce.

The total appropriations for that river which were made up to 1916 were $3,533,033.40.

Mr. RANSDELL. May I ask the Senator a question?

Mr. SMOOT. The amount of commerce on that river for the year 1916——

Mr. RANSDELL. Mr. President——

Mr. SMOOT. If the Senator will wait until I finish the sentence, then I will yield to him.

The amount of commerce on that river in that year was 79,169 tons, as reported by the Chief of Engineers. The valuation of all the products transported, including everything making up the 79,169 tons, was only $812,657. We were asked to appropriate for that year $334,700, the total value of the products transported on which in dollars and cents was $812,657. I call attention——

Mr. RANSDELL. Mr. President, will the Senator from Utah yield to me? He is talking about a river in my State.

Mr. SMOOT. Certainly, I will yield.

Mr RANSDELL. I am very much obliged to the Senator.

Mr. SMOOT. I never spoke on a river and harbor bill or offered a word of criticism but what the Senator from Louisiana was immediately upon his feet to defend the project—no matter how ridiculous it was.

Mr. RANSDELL. Certainly, whenever slanders are uttered against things in Louisiana or anywhere else in connection with rivers and harbors, I am going to be on my feet. I consider it a slanderous statement for a Senator to rise in his place here and try to make the Senate believe that three million and some odd thousand dollars were spent on a river, the commerce of which is the ridiculously small sum which the Senator states. Why do you not be fair, Mr. Senator, and if you give the total expenditures on that river, also give the total commerce on it from the time we began to make the expenditure? The Senator read the items of expenditure on Red River from the beginning of the Government—that is what he did—and then he gave the commerce for the last year. I ask the Senator now if there is anything fair in that kind of a statement?

Mr. SMOOT. If the Senator has asked his question and will sit down, I will answer it.

Mr. RANSDELL. All right. Now, let us hear the answer.

Mr. SMOOT. The Senator is very impatient and very sensitive upon any question concerning river and harbor bills; and he can not, therefore, have patience with anyone who sees such bills in any other light than that in which he sees them.

Mr. President, I called attention to the amount of money which was spent upon that river up to the day which I have named; and I ask the Senator if it is incorrect?

Mr. RANSDELL. No.

Mr. SMOOT. Well, then, enough for that.

Mr. RANSDELL. I believe the statement is correct, but I desire to say to Senators that there was a very large commerce on that river. I was born and reared on its banks, and know that when I was a boy we were scarcely ever out of sight of the smoke of a steamboat. I know that a great commerce was carried on that river for 500 miles, into all northwest Louisiana and up into the State of Texas. We had no railroads in those days, and a colossal commerce was carried then on the river; but in recent years, when we have had railroads on both its banks, the commerce of the river has been completely driven off. The large appropriation which the Senator from Utah has read is from the beginning of the Government to the present time. A very large portion of it was for removing a great raft above the city of Shreveport and another large sum was to remove obstructions in the river above the city of Alexandria, where I was reared. If we had the figures here to show the total commerce on Red River since we began to improve it, they would compare very favorably with the total expenditure of over $3,000,000, and would show this sum was wisely expended. What I object to in the Senator's statement is that he gives the figures of expenditures for all time, and gives the commerce for but one year. I ask him, Is that fair?

Mr. SMOOT. Mr. President, it is all right for the Senator to hark back to his childish recollection when there was some commerce on the river, but this very argument is against the appropriation for such rivers as is the Arkansas to-day. If there was a time when there was commerce upon that river to justify the Government appropriations, it was years in the past; for I know that during the year 1916 there were only 79,169 tons of commerce carried on the river.

Mr. RANSDELL. How much did the Government spend on the river that year—$3,000,000?

Mr. SMOOT. I stated to the Senate how much it spent.

Mr. RANSDELL. Would the Senator mind stating it again?

Mr. SMOOT. Certainly; I will not mind stating it again. The amount spent that year was $334,700. But, I say to you, Mr. President, that in the figures I have presented for that time I only estimated 4 per cent on the money that was invested; and who would desire to invest money if he did not get 4 per cent interest on it? On that basis I want to call attention now to the cost to the Government of the United States for hauling commerce on some of these so-called arteries of commerce.

Mr. FLETCHER. Mr. President, if the Senator will allow me, I desire to call attention to the provision in the present bill on page 9. The bill now provides:

> Red and Sulphur Rivers, Ark. and Tex., and Cypress Bayou and Waterway between Jefferson, Tex., and Shreveport, La.: For maintenance, $5,000.

Mr. SMOOT. Mr. President, the estimates of the cost to the Government for furnishing waterways to float actual commerce on a few projects in the bill in 1916 were as follows—and this I want it distinctly understood does not include logs as commerce. I have a list of the creeks, the rivers, and the bays that have had money spent upon them by the Government of the United States to float logs down them.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Yes.

Mr. NELSON. If the Senator will allow me, I may say I sympathize with a Senator who has in his State neither creeks nor streams of any kind, nor any logs to float in them. It is quite natural such a Senator should feel as does the Senator from Utah.

Mr. SMOOT. The Senator from Utah will vote as large appropriations for the harbors of the United States as will the Senator from Minnesota; the Senator from Utah will take care of the industries of this country, no matter where they may be located, as well as will the Senator from Minnesota; and I think my record will bear me out in that statement.

Mr. FLETCHER. Mr. President——

Mr. SMOOT. If the Senator will wait a moment——

Mr. FLETCHER. I merely wish to state that, while the Senator from Utah seems to be very economical about rivers and harbors, he is a strong advocate of an increase of $40,000,000 for permanent pensions.

Mr. SMOOT. Why, certainly, Mr. President. I am an advocate of doing justice to the men who saved the Nation and offered their lives for the preservation of this country; and had it not been for the heroic sacrifices of those men the Senator from Florida would not be in this Chamber to-day. If the Senator from Utah is charged with being interested in the Government partially recognizing the labors of such men or the just claims of their widows or their dependent children, he is perfectly willing to stand whatever there may be in the way of criticism or of chastisement for such position, no matter if it does come from friend or foe.

I might proceed further along this line, Mr. President; but I see the Senator from Florida has left the Chamber, and so I will say nothing more in this connection at this time. I wish, however, to assure the Senators present that there is a great deal more that might be said upon this question. If the Senator from Florida wants to be economical and wants to reduce

unnecessary expenditures of the Government, let him cut out of this bill a lot of rotten projects, and if he will follow me I will point out to him not how $40,000,000 may be saved but how a billion dollars may be saved without interfering with the proper maintenance of the Government. Do not let us harp upon the $40,000,000 that is to be paid to the old soldiers in their dying days, to the men who saved this Nation and all that it stands for, but let us look for extravagances and wicked waste that is manifest on all sides.

Now, Mr. President, let me call attention to some of the rivers and creeks for which appropriations have been made, and to the result in connection with such appropriations, based on 4 per cent interest on the amounts the Government has expended and the amount of commerce carried upon the rivers each year.

The Ohio River, a little over $5 a ton, excluding soft coal; on the upper Mississippi, $12 a ton; on the lower Mississippi, $35 a ton; on the Arkansas River, nearly $20 a ton; on the Hennepin, $36.75 a ton; on the Missouri, a little over $40 a ton; Muscle Shoals, $41 a ton; Arkansas Pass Canal, $80 a ton; the Brazos, $80 a ton; the Red River, $100 a ton; the proposed Muscle Shoals project, $100 a ton; and the Big Sandy, Ky., $350 a ton.

Mr. RANSDELL. Mr. President, will the Senator yield?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. RANSDELL. Would the Senator mind telling the Senate how he arrived at those figures?

Mr. SMOOT. I thought I did tell the Senate, but I will tell the Senate again. Those figures are arrived at by taking all the appropriations that have been made and spent——

Mr. RANSDELL. The Senator means from the beginning of the Government?

Mr. SMOOT. From the beginning, and including 4 per cent upon the amount—and the Government is certainly entitled to that much——

Mr. RANSDELL. And giving the rivers credit for the commerce of the current year?

Mr. SMOOT. Then I figure what the interest is and compute the cost of the commerce upon that basis for any given year.

Mr. RANSDELL. Does the Senator think it quite fair to take the total expenditures on a river from the beginning of the Government, say on the Red River, amounting to something over $3,000,000, calculate 4 per cent on that, and charge the commerce of the current year with the total amount expended on that river from the beginning of the Government, without giving any credit to the enormous commerce carried on that river years ago? If he is going to charge it with the whole expense of improvement, does he not think, in common justice, he ought to credit it with the commerce which has been carried in all these years?

Mr. SMOOT. Mr. President, I think that the Government of the United States ought to be treated exactly the same as any man or any set of men in business. Upon every dollar that a man invests in his business, whether in 1 year or in 10 years, or any number of years, he is entitled to interest. So is the Government; and I treated the Government in these estimates precisely the same as I would treat any business man, and in no other way. Why, Mr. President, in the case of a private business, if a man had invested a million dollars and that million dollars had been used for 10 years and the investment still paid dividends, he would anticipate at least dividends in the future; and if he added half a million dollars more, he would anticipate at least a dividend upon that additional amount. That is exactly what the Government ought to expect when it invests money in rivers and harbors.

Mr. RANSDELL. Mr. President, if the dividends in a private enterprise, say a railroad, have amounted to 10 per cent, 15 per cent, 25 per cent, 30 per cent, or perhaps 50 per cent per annum for many years, and have been placed to the credit of the stockholders, the original investment having been $3,000,000, as in the case of the Red River, and if there has been earned all told perhaps ten or fifteen or twenty million dollars in all the years of operation, is it fair to say when the business ceases to be profitable that it should be charged up with all the costs and given no credit for the dividends?

Mr. SMOOT. There has been no dividend paid or credit to the Government in any case referred to.

Mr. RANSDELL. But to the individuals who compose the Government there has been.

Mr. SMOOT. Mr. President, I can not follow the Senator's reasoning, and I know that if he were in business and tried to follow such reasoning himself he would become bankrupt in a very few years. If the railroads make 20 per cent or 40 per cent or 50 per cent, as suggested, and if they pay it to the stockholders in the way of dividends, it does not go to the company but to the stockholders; and if paid as a stock dividend, it also goes to the stockholders, and they will expect interest on the stock dividend the same as their original investment.

Mr. RANSDELL. But does the Senator differentiate between the stockholders of a railroad and the citizens of this great Republic? Are we not the stockholders of the Nation?

Mr. SMOOT. Oh, yes——

Mr. RANSDELL. And if the people of Louisiana, of Texas, of Oklahoma, and of all that region served by the Red River were getting great dividends for the National Government through the expenditures made on the Red River, is not that just the same as if there were being paid dividends to the stockholders of a railroad?

Mr. SMOOT. Well, Mr. President, I am a citizen of the United States; I have got to help pay the amounts to the citizens of Louisiana, and when it comes to my having a word to say as to how they shall be paid, I would rather pay for the goods carried on some of these creeks and give to the people without cost to them, if that is the cheaper way, and in some cases it is cheaper, than to make appropriations for certain rivers and creeks.

I am not complaining of a policy that would construct the best possible harbors, and I care not where they are located; whether they are in the South or in the North makes no difference to me; I want the best. I also want the rivers on which there is commerce to be maintained, but I do not want efforts to be made to have artificial creeks, with no water in them during portions of the year, converted into a waterway system. Mr. President, I say now that the American people will never stand for it. It is a waste of their money. It may be an advantage locally to Representatives or Senators who can get the appropriations, but I believe I can go into any State in the Union and call the attention of the people to the effect of such appropriations, and they will not approve of them.

It is said that 90 per cent of these projects have been approved by the engineers. I have not looked that question up, and I will take it for granted that it is true. I saw, however, in the year 1916 an adverse report from an engineer upon a project; I spoke against it from this very desk; and yet it was not 24 hours until we had a report favorable to the project, a supplementary report, when I knew that within the time elapsing no additional examination could be made; that conditions had not changed; and I knew that there had been a request for such a report made, and that request was granted and a supplementary report made to the Senate.

Mr. RANSDELL. Mr. President, that is a right serious charge against the Engineer Corps. Would the Senator mind stating what the report was and what project was included in the report?

Mr. SMOOT. The Senator can easily find it out if he will but examine the record.

Mr. RANSDELL. Of course, if the Senator *objects to telling* me, I do not care.

Mr. SMOOT. Then the Senator need not ask.

Mr. RANSDELL. Very well; I thought the Senator was a fair man.

Mr. GALLINGER. Mr. President, if the Senator from Utah will allow me, he will recall the fact that in that famous bill there were quite a number of these wonderful projects that had been reported adversely upon by the local engineer, by the division engineer, and by the Chief of the Corps of Engineers, and yet they went into the bill and were defended here, and I think some of them probably got appropriations, although I am not sure as to that.

Mr. RANSDELL. Would the Senator mind giving us the names of those projects?

Mr. GALLINGER. The Senator knows that to be the fact.

Mr. RANSDELL. I do not know it to be the fact; I know the exact reverse.

Mr. GALLINGER. The Senator then is not well informed on the subject.

Mr. RANSDELL. Perhaps I am not, but I have been trying to study this matter closely, and if the Senator knows it to be a fact he ought not to conceal the fact from the Senate. The Senator is a fair man generally.

Mr. GALLINGER. I am not talking about the pending bill, but if the Senator will go back to the debate on the bill to which I refer he will find it all pointed out.

Mr. RANSDELL. The Senator from New Hampshire is a fair man; he never makes a misstatement; I have never heard him make one, and I appeal to him in all fairness and all kindness to tell us the facts. Why, Mr. President, the ordinary murderer is entitled to have a copy of the indictment served on him setting forth the time, the place, and the circumstances of the crime. I ask the Senator to tell us.

Mr. GALLINGER. The Senator, Mr. President, is a bit excited.

Mr. RANSDELL. I am not excited, but I ask the Senator to give us the facts.

Mr. GALLINGER. The Senator from Louisiana called the Senator from Utah a slanderer, which was contrary to the rules of the Senate, and the Senator from Utah very properly did not pay any attention to that. Now, the Senator must not get excited at what I say.

Mr. RANSDELL. I am not a bit excited.

Mr. GALLINGER. The fact is, and the RECORD will bear it out, that there were some projects proposed after they had been turned down by the local engineers.

Mr. RANSDELL. The Senator said a moment ago "a number of them."

Mr. GALLINGER. A number of them; yes.

Mr. RANSDELL. Would the Senator mind naming some?

Mr. GALLINGER. It is not fair——

Mr. RANSDELL. It seems fair to me; we are charged with responsibility for this bill. The Senator says we reported favorably on projects that had not been favorably reported upon by the engineers.

Mr. GALLINGER. I simply say, on my word of honor, that there were several such projects in that bill. Now, the Senator can go look them up for himself.

Mr. RANSDELL. I ask the Senator to name them.

Mr. GALLINGER. They were pointed out in the debate; I do not carry them in my mind; but that is the fact.

Mr. SMOOT. I will mention the Missouri, if the Senator wants to know one. I thought the Senator really knew them; I thought he was merely camouflaging when he asked the question.

Mr. RANSDELL. I recall one or two, but there were not a number. I recall one myself, but there were not a number of them.

Mr. SMOOT. I only referred to one, but the Senator arose and challenged that. Now, if the Senator wants to know I will tell him a number of them.

Mr. RANSDELL. The Senator refused to tell me awhile ago.

Mr. SMOOT. I thought the Senator was camouflaging and trying to make people believe that there were no such projects provided for.

Mr. RANSDELL. I never camouflage; I do not follow my distinguished friend from Utah in that respect. All I ask is a detailed statement, which the Senator from New Hampshire and the Senator from Utah have refused to give.

Mr. SMOOT. Very well; let us get at the facts.

The VICE PRESIDENT. The Chair thinks it is about time to enforce the rule of two speeches in a day. We will never get through. The Chair has been here five years and nobody has ever been converted since he has been here.

Mr. SMOOT. I thank the Chair for the position that he has taken.

There were a number of other statements made that I intended to answer to-day, but I think it is unnecessary for me to do so. All I want is if Senators consider this amendment a wise one, and if there is a Senator in this Chamber who can see the end of it, let him vote for it; but I know that no one appeared before the committee of the house of Representatives and asked for this, but came before the Senate committee. The amendment was offered without being printed; it was adopted with a very few Senators in the Chamber without a record vote, and if anyone wants to see it now he must get the desk copy of the bill. I repeat that I sincerely hope this amendment will be rejected.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. RANSDELL. I ask for a roll call.

Mr. SMOOT. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when Mr. KENYON's name was called). I desire to announce the absence of the junior Senator from Iowa [Mr. KENYON]. If present, he would vote "nay" on this amendment.

Mr. ROBINSON (when Mr. KIRBY's name was called). The junior Senator from Arkansas [Mr. KIRBY] is absent from the Senate on important public business.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my general pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. SMITH of Michigan (when his name was called). I have a pair with the senior Senator from Missouri [Mr. REED]. In his absence I transfer that pair to the junior Senator from New Jersey [Mr. BAIRD] and vote "nay."

Mr. THOMAS (when his name was called). May I inquire if the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The VICE PRESIDENT. He has not.

Mr. THOMAS. I have a general pair with that Senator, which I transfer to the junior Senator from Utah [Mr. KING] and vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. He being absent, I withhold my vote.

Mr. WOLCOTT (when his name was called). I transfer my general pair with the Senator from Indiana [Mr. WATSON] to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

The roll call was concluded.

Mr. THOMPSON. I ask whether the Senator from Illinois [Mr. SHERMAN] has voted?

The VICE PRESIDENT. He has not.

Mr. THOMPSON. I have a pair with that Senator. I transfer that pair to the Senator from Idaho [Mr. NUGENT] and vote "yea."

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. KNOX] to the junior Senator from Montana [Mr. WALSH] and vote "yea."

Mr. HARDING. I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. I am informed that if present he would vote as I shall vote. Therefore I am at liberty to vote. I vote "yea."

Mr. DILLINGHAM. Because of my general pair with the senior Senator from Maryland [Mr. SMITH] I withhold my vote.

Mr. WEEKS. I understand that my pair, the Senator from Kentucky [Mr. JAMES], would vote as I shall vote on this subject. Therefore I vote "yea."

Mr. JOHNSON of South Dakota. I have a pair with the Senator from Maine [Mr. FERNALD]. Not knowing how he would vote on this matter, I withhold my vote.

Mr. BECKHAM. I desire to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Washington [Mr. JONES] with the Senator from Virginia [Mr. SWANSON].

The result was announced—yeas 38, nays 12, as follows:

YEAS—38.

Bankhead	Jones, N. Mex.	Pittman	Sterling
Beckham	Kellogg	Pomerene	Sutherland
Chamberlain	Lenroot	Ransdell	Thompson
Fletcher	McKellar	Robinson	Trammell
Gulon	McNary	Saulsbury	Vardaman
Harding	Martin	Sheppard	Weeks
Hardwick	Myers	Shields	Willey
Henderson	Nelson	Simmons	Wolcott
Hitchcock	New	Smith, Ga.	
Hollis	Overman	Smith, S. C.	

NAY—12.

Borah	Curtis	Lodge	Smith, Mich.
Brandegee	France	Page	Smoot
Cummins	Gallinger	Shafroth	Thomas

NOT VOTING—46.

Ashurst	Gronna	Lewis	Smith, Md.
Baird	Hale	McCumber	Swanson
Calder	James	McLean	Tillman
Colt	Johnson, Cal.	Norris	Townsend
Culberson	Johnson, S. Dak.	Nugent	Underwood
Dillingham	Jones, Wash.	Owen	Wadsworth
Fall	Kendrick	Penrose	Walsh
Fernald	Kenyon	Phelan	Warren
Frelinghuysen	King	Poindexter	Watson
Gerry	Kirby	Reed	Williams
Goff	Knox	Sherman	
Gore	La Follette	Smith, Ariz.	

So the amendment made as in Committee of the Whole was concurred in.

Mr. LENROOT. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill a new section, to be numbered section 10, and to read as follows:

SEC. 10. That no new work of improvement appropriated for in this act, involving an expenditure during the fiscal year ending June 30, 1919, of $100,000 or more, shall be undertaken until the Secretary of the Treasury shall first certify to the Secretary of War that the condition of the Treasury is such that such expenditure can be made without injury to the war needs of the Government: *Provided*, That the provisions of this section shall not apply to any expenditure heretofore specifically recommended by the Secretary of War as a war emergency.

Mr. FLETCHER. Mr. President, I make the point of order that the amendment was offered in Committee of the Whole and voted down.

The VICE PRESIDENT. The point of order is overruled. The Chair has ruled that amendments rejected in Committee of the Whole may be reoffered in the Senate.

Mr. LENROOT. Mr. President, I will say to the Senator from Florida that this amendment is not exactly the same as the other. There is one substantial difference between the amendment I have now proposed and the amendment that was rejected in the Committee of the Whole. The amendment before the Committee of the Whole prohibited the expenditure of any amount exceeding $100,000 under the circumstances stated except with the certificate of the Secretary of the Treasury. The amendment now pending would include all work costing $100,000 as well as work exceeding that amount. In other respects the amendments are the same.

Mr. President, I have reoffered the amendment in the Senate because of the close vote that was had in the Committee of the Whole, and because it does not seem to me that many of the Senators who voted against this amendment in the Committee of the Whole could have been advised as to what the amendment proposed to do, because their action is entirely inconsistent with other legislation passed recently by Congress practically unanimously.

Let me restate what the amendment does. It merely provides as to all new work authorized by this bill costing more than $100,000, except such work as has been certified by the Secretary of War to be war-emergency work, that before that new work can be undertaken the Secretary of the Treasury shall certify that the condition of the Treasury is such that the proposed expenditure can be made without injury to the war needs of the Government. In effect, it merely means that if at any time the condition of the Treasury is such that we need the money in it to actually carry on the war, the prosecution of the new work provided for in this bill shall be suspended until such time as there is money in the Treasury to do it.

A very striking illustration of the present situation came to me this morning. The Senator from Utah the other day called attention to the legislation recently passed creating the War Finance Corporation and the Capital Issues Committee, whereby private undertakings can not float bonds or indebtedness in excess of $100,000 without securing the prior approval of the Capital Issues Committee. A city in my State voted $100,000 in bonds to build a schoolhouse, because they were absolutely unable to care for and properly house children in the existing schools of that city. They made arrangements with a bank to take the whole issue of $100,000. That bank is ready to take the issue to-day if it can get the prior approval of the issues committee. The matter was submitted to that committee and the committee rejected the application, and the city has a representative here in Washington to-day undertaking to get a rehearing of the matter before this committee.

In other words, because of the war condition that we are in we are not going to permit cities throughout the United States to build schoolhouses for their children, we are not going to permit them to improve their streets, we are not going to permit them to do many necessary things, because we will need the money in subscriptions to liberty bonds and in other ways to carry on this war. Yet we have the amazing condition, Mr. President, that it is proposed in this bill to appropriate at least $8,000,000, and no doubt more—but my amendment would lie to at least that much—to go on with these improvements that have nothing to do with the war, that can not benefit commerce for years and years to come, and in some cases in all probability will never benefit commerce at all; and the Senate votes down an amendment that refuses to apply to the Government itself the same terms and conditions that it does apply to every private citizen in the land.

That is all I have to say about the matter, Mr. President. Either this amendment should be adopted or else Congress ought to repeal the legislation creating the Capital Issues Committee.

Mr. FLETCHER. Mr. President, I think it would be very unwise and, in fact, inexcusable for us to postpone the work provided for in this bill until the Secretary of the Treasury certifies that it may be done. The proposition is an absurd one.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Wisconsin [Mr. LENROOT].

Mr. SMOOT and Mr. FLETCHER called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Again announcing my pair with the Senator from Maryland [Mr. SMITH], I withhold my vote.

Mr. HARDING (when his name was called). I transfer my general pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the junior Senator from Iowa [Mr. KENYON] and vote "yea."

Mr. MYERS (when his name was called). I make the same announcement that I made on the last roll call as to my pair and its transfer and vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I therefore withhold my vote.

Mr. SMITH of Michigan (when his name was called). Making the same announcement as on the previous roll call and the same transfer, I vote "yea."

Mr. THOMAS (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. He being absent, I withhold my vote.

Mr. WOLCOTT (when his name was called). Making the same announcement as on the last roll call as to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. JOHNSON of South Dakota. I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. CHAMBERLAIN. Transferring my general pair with the junior Senator from Pennsylvania [Mr. KNOX] to the junior Senator from New Hampshire [Mr. HOLLIS], I vote "nay."

Mr. CURTIS. I desire to announce the absence of the junior Senator from Iowa [Mr. KENYON], and to state that were he present he would vote "yea."

Mr. THOMPSON (after having voted in the negative). I have a general pair with the Senator from Illinois [Mr. SHERMAN]. I observe that he has not voted. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and will let my vote stand.

Mr. ROBINSON. I wish to announce that my colleague [Mr. KIRBY] is detained on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Washington [Mr. JONES] with the Senator from Virginia [Mr. SWANSON];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GERRY].

The result was announced—yeas 23, nays 30, as follows:

YEAS—23.

Borah	Hale	Nugent	Sterling
Brandegee	Harding	Page	Sutherland
Cummins	Kendrick	Pomerene	Thomas
Curtis	Lenroot	Shafroth	Townsend
France	Lodge	Smith, Mich.	Walsh
Gallinger	New	Smoot	

NAYS—30.

Bankhead	Jones, N. Mex.	Phelan	Thompson
Beckham	Kellogg	Poindexter	Tillman
Chamberlain	Lewis	Ransdell	Trammell
Fletcher	McKellar	Robinson	Vardaman
Guion	McNary	Sheppard	Wilfley
Hardwick	Martin	Shields	Wolcott
Henderson	Myers	Simmons	
Johnson, S. Dak.	Nelson	Smith, S. C.	

NOT VOTING—43.

Ashurst	Gore	La Follette	Smith, Ariz.
Baird	Gronna	McCumber	Smith, Ga.
Calder	Hitchcock	McLean	Smith, Md.
Colt	Hollis	Norris	Swanson
Culberson	James	Overman	Underwood
Dillingham	Johnson, Cal.	Owen	Wadsworth
Fall	Jones, Wash.	Penrose	Warren
Fernald	Kenyon	Pittman	Watson
Frelinghuysen	King	Reed	Weeks
Gerry	Kirby	Saulsbury	Williams
Goff	Knox	Sherman	

So Mr. LENROOT's amendment was rejected.

Mr. GALLINGER. Mr. President, I shall occupy but a moment more in the discussion of this bill.

I have not allowed myself to get at all excited over the matter, because I propose to vote for the bill. I shall vote for it for the reason that it carries appropriations for harbors that are essential to the commerce and the prosperity of the country, and for some of the great rivers of the country. Whatever criticisms I have offered, either to-day or on a former occasion, were directed against the small and inconsequential streams that in the very nature of things never can become arteries of commerce in the proper sense of the word.

I have been comparing the bill of 1916 with the present one, and I find that a great many of my old friends have disappeared from this form of legislation. The work that was done by the Senate on that occasion in reducing the appropriation almost one-half, if not one-half, has borne fruit, and it will continue to bear fruit in the years to come.

I may not have examined the bill with the care that I ought to have done, but I even fail to find in the bill my old friend from Texas, the Trinity River. It may be packed away somewhere in these omnibus paragraphs that are in the bill, but I have failed to find it, and I feel bad to think that the Trinity River has gotten lost in the shuffle. That river has had only about four millions, I think, expended upon it up to date.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I yield.

Mr. BORAH. I understand that the Trinity River has been turned into an automobile road. [Laughter.]

Mr. GALLINGER. I believe I almost suggested once on the floor myself that that would be the best use to make of it. But we have spent $4,000,000 or thereabouts on the Trinity River—I am not exact in the statement I make—and now it has disappeared. It never will become a great waterway; it never can become a great waterway; and I hope that the appropriation for that river will not appear in the bill again.

A little while ago the Senator from Louisiana [Mr. RANSDELL], with a good deal of warmth, challenged my suggestion that in the bill of 1916 there were, as I said, several items that had been adversely reported on by the local engineer, the division engineer, and the Chief of Engineers. After giving the matter a little consideration, the Senator admitted that there was one such item, as he recalled. Now, I spoke in entire sincerity, and I believe advisedly, when I said there were several such items; but I have not had time to verify the statement and it is inconsequential at best. There was certainly one such item, according to the admission of the Senator from Louisiana, and that item ought not to have been in the bill.

Mr. RANSDELL. I will go further, and say I think there were two. I think there was a little item up in Michigan and a little item on the Missouri River. They were the exceptions which prove the rule.

Mr. GALLINGER. I am glad the Senator has mentioned those two because I said there was a number, and I believe two is a number. So I think I was not inaccurate.

Mr. President, it would be idle to waste time in the further discussion of the bill. I think a good purpose was served in 1916 in the discussion we then had. I think a good purpose has been served to-day in discussing the bill. I regret that the amendment submitted by the Senator from Wisconsin [Mr. LENROOT] was not agreed to. I equally regret that the amendment proposing to reimburse these contractors under the conditions of the amendment was not either rejected or modified. But that is past. The bill is going to pass, as these bills always pass. They are written to be passed, and the man who undertakes to defeat them is simply beating the air and wasting time which might be better employed. I suggested that a good many of my old friends had disappeared from the bill but in looking it over I am gratified to find that Alligator Creek and Black Fish Bay are still retained. If we can only take care of the alligators and the black fish in this bill we will be doing something toward winning the war, because it will provide some food for our people and for our allies.

Mr. President, that is all I care to say. I shall vote for the bill, as I suggested a moment ago, for the reason that the good in it outweighs the bad in it. The appropriations which are designed to improve our harbors and the great waterways of commerce in this country are of more consequence to me, as a man who wants to legislate for the best interests of the entire people, than the inconsequential and unnecessary appropriations that I find in the bill.

Mr. STERLING. Mr. President, I present the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 18, line 14, at the end of section 3, add:

That, subject to the approval of the Secretary of War, such examinations and surveys shall include an examination and survey of the Missouri River within and on the boundaries of the State of South Dakota for the purpose of determining the location of practicable water-power sites and the relation of such sites, when developed, to the navigation of the river.

Mr. STERLING. Mr. President, I hope I do not tax the patience of the chairman of the committee having the bill in charge or seem unduly persistent in presenting this proposal in regard to the survey of the Missouri River. In view of the petition that I presented the other day, and which has been twice read here in the Senate, signed by thousands of citizens of South Dakota, and in view, too, of the abiding faith that I myself have in the development of the Missouri River and the great benefit the improvement of that river will be, I can do nothing less than present this amendment here in the Senate.

I wish to say that I present it in a modified form, and now, fair as it was before, it ought to be acceptable, it seems to me, to the chairman of the committee, for, as modified, the amendment provides that the survey shall be subject to the approval of the Secretary of War.

As I stated in discussing the amendment when in Committee of the Whole, not a single dollar of appropriation is asked. It comes after the item in the bill appropriating $200,000 for surveys and examinations.

I want to say this: That in the petition these petitioners recognize the fact that we are in a state of war. They recognize the fact that no appropriation for an improvement is contemplated by the people of South Dakota until after the war is over. I may say, Mr. President, that when the people of South Dakota come to ask an appropriation by Congress of any improvement of the Missouri River the request for that appropriation will be accompanied by an offer which will be a generous contribution on the part of the people of the State to the improvement for which they ask an appropriation at the hands of Congress.

In qualifying the amendment so as to make it subject to the approval of the Secretary of War I simply make it in harmony with the act of 1917, which contained a provision that no surveys therein provided should be made until after the close of the war with Germany, except such as the Secretary of War shall direct. The amendment as now modified and presented here in the Senate is in conformity with that provision of the act of 1917.

I trust, Mr. President, that the amendment will prevail. I hoped the chairman of the committee would see fit to accept it. It is a very little thing we are asking, and I see no reason in all fairness and justice why the amendment should not prevail.

Mr. FLETCHER. Mr. President, I regret that I can not find myself in full accord with the Senator who has just offered this amendment, but I am obliged to ask that it keep company with all the others that have been left out of the bill providing for surveys, however meritorious. In ordinary conditions I might have been willing to agree to the proposal, but under the circumstances I think I am quite justified, and besides the feature in connection with it as a water-power development lessens its value in a river and harbor bill.

Mr. STERLING. If the Senator will permit me to interrupt him——

Mr. FLETCHER. I am inclined to think that our friends out there who want to develop the water power of the river ought to go to some little expense in making their own surveys. However, that is aside from the main question, and that is that we have not provided for any surveys in the bill.

Mr. STERLING. I think I can safely say, Mr. President, that no other proposition for a survey presented here by way of an amendment to this bill contained a provision that it shall be subject to the approval of the Secretary of War, as my amendment now proposes.

The VICE PRESIDENT. The question is on the amendment of the Senator from South Dakota [Mr. STERLING].

On a division the amendment was rejected.

Mr. CALDER. Mr. President, I want to occupy the time of the Senate for just a moment to call attention to the fact that this bill contains a provision which requires the dredging of a channel to a depth of 40 feet through Hell Gate connecting East River with Long Island Sound. I consider this by far the most important provision in the bill. When this work is completed it will mean that a fleet of battleships and the largest merchant ships that float can come through the Sound and the East River to the city of New York, affording two means by which vessels can come in and out of that great harbor.

The city of New York has for years on its own account ,at the expense of the State and the city, spent vast sums of money to

make that great harbor meet the requirements of the country. Last year the business—the foreign business—done in this port, including imports and exports, aggregated a sum in excess of $4,000,000,000—one-half the foreign trade of the Nation.

New York has just completed a great barge canal which has cost the State on its own account over $130,000,000. There has been some complaint of late that New York Harbor was not quite equal to the demands placed upon it in these war times. Mr. President, New York has provided a great port and a great series of piers for the accommodation of the Nation's shipping. It has taken care of 60 per cent of the business of the country in peace times. But Congress has not done its full duty by New York in the past. Despite this neglect, with a commerce double in value of what it was three years ago, one great port is taking care of the demands made upon it. We want a proper organization of our terminal equipment, and when this is arranged there can be no doubt of our ability to handle even a much greater business than we do to-day.

I simply call these facts now to the attention of those in charge of preparing river and harbor bills in the future, that they may see to it that a survey is made of the great harbors of the Nation, to the end that the congestion at those harbors may not occur again when the country so much needs these facilities.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. FLETCHER. I ask leave to insert in the RECORD certain communications from the War Department bearing on matters mentioned in the bill.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, that order will be made.

The matter referred to is as follows:

WAR DEPARTMENT,
Washington, April 22, 1918.

Hon. DUNCAN U. FLETCHER,
Chairman Committee on Commerce, United States Senate.

MY DEAR SENATOR: In response to your letter of April 19, 1918, calling my attention to the provision made in the pending river and harbor bill for the improvement of Key West Harbor in accordance with the report published in House Document No. 185, Sixty-fifth Congress, first session, and to the great importance attached to this improvement by the Navy Department, I have the honor to inform you that I have just received a confidential letter from the Acting Secretary of the Navy setting forth that department's interest in the locality and expressing the conclusion that this work is considered by the Navy Department as an essential war measure. I therefore recommend its retention in the bill as coming within the rule observed by the War Department which limits favorable consideration of new projects for adoption at this time to those that are deemed essential in connection with the prosecution of the war.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

—

WAR DEPARTMENT,
Washington, May 1, 1918.

Hon. DUNCAN U. FLETCHER,
Chairman Committee on Commerce, United States Senate.

DEAR SIR: I have the honor to invite your attention to the report on preliminary examination and survey of the west basin of Los Angeles Harbor, Cal., which has just been submitted to Congress, and is to be published as House Document No. 1072, Sixty-fifth Congress, second session, in which improvement of the west basin is recommended to provide a necessary channel of approach to a large floating dry dock which is to be built in connection with the operations of the Emergency Fleet Corporation. The Board of Engineers for Rivers and Harbors and the Chief of Engineers report that this work is considered essential as a war measure. I concur in their views, and therefore recommend that provision for this work be made, if practicable, in the pending river and harbor bill.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

—

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 17, 1918.

Hon. DUNCAN U. FLETCHER,
United States Senate.

MY DEAR SENATOR: 1. In response to your letter of May 15, 1918, inclosing a letter from Senator HARDWICK and another from the secretary of the board of trade of Brunswick, Ga., complaining about the delay in expending the funds appropriated for Brunswick Harbor, I have the honor to state that this office has no record of any former complaint about the use of the funds supplied for this harbor, and I am not in a position to state whether the omission of dredging operations up to the present time during the current fiscal year has been justified or not. In the absence of any complaint from local interests on this point, and with the understanding that the district engineer would take such steps as the conditions might warrant, it was assumed that no dredging had been urgently required. Copies of these papers will be sent to the district engineer, however, for report, and it is expected that the work will be prosecuted as the needs of the situation demand. It is suggested that the secretary of the Brunswick Board of Trade communicate direct with the district engineer, Col. John Millis, Corps of Engineers, post-office building, Savannah, Ga., if he has any further suggestions to make as to the work, as the details of administration of the affairs of the district are left largely in the hands of the district engineer.

2. The inclosures to your letter are returned herewith, as requested.

Very truly, yours,

W. M. BLACK,
Major General, Chief of Engineers.
By H. C. NEWCOMER,
Colonel, Corps of Engineers.

THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar under Rule VIII, commencing at Order of Business 314, Senate bill 954, and considering only bills to which there is no objection.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Utah?

Mr. HARDWICK. Why does the Senator suggest that we begin at No. 314?

Mr. SMOOT. That is the point where we left off when we last considered the calendar.

Mr. HARDWICK. I have no objection.

The PRESIDING OFFICER. The Chair hears no objection.

COAL-LAND ENTRIES.

The bill (S. 954) to amend an act approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, on page 1, line 9, after the word "Alaska," to strike out "including surplus lands in any Indian reservation heretofore or hereafter opened to settlement and entry," and, on page 3, line 14, after the word "disposal," to strike out the words:

Provided, That the proceeds arising from the disposal of such coal deposits in surplus Indian lands opened to settlement and entry shall be deposited in the Treasury of the United States and shall be applied in the same manner as the proceeds arising from the disposition of the surface lands therein.

So as to make the bill read:

Be it enacted, etc., That the act entitled "An act to provide for agricultural entries on coal lands," approved June 22, 1910, be, and the same is hereby, amended to read as follows:

"SECTION 1. That from and after the passage of this act unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry, selection, or sale under any of the nonmineral public-land laws applicable to the particular lands desired if not containing coal, and to withdrawal under the act approved June 17, 1902, known as the reclamation act, whenever such entry or withdrawal shall be made with a view of obtaining or passing title with a reservation to the United States of the coal in such lands, and of the right to prospect for, mine, and remove the same: *Provided*, That those who have initiated nonmineral claims under the public-land laws in good faith prior to the passage of this act on lands withdrawn or classified as coal lands may perfect the same under the provisions of the laws under which said claims were initiated, but shall receive the limited patent provided for in this act.

"SEC. 2. That any person, State, or corporation desiring to make entry or selection under any nonmineral public-land law of lands withdrawn or classified as coal lands, or which are valuable for coal, shall state in the application for entry or selection that the same is made in accordance with and subject to the provisions and reservations of this act, and the Secretary of the Interior, in withdrawing under the reclamation act lands of this character, shall state in the notice of withdrawal that such withdrawal is made subject to the provisions and reservations of this act

"SEC. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which the entry or selection is made, and of this act, the entryman or selector shall be entitled to a patent or to a certification, as the law may require, to the land entered or selected, which patent or certificate shall contain a reservation to the United States of all the coal in the lands so patented or certified, together with the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right at all times to enter upon the lands selected, entered, or patented, as provided by this act, for the purpose of prospecting for coal thereon upon the consent of the surface entryman or owner, or upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal deposits in any such lands, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine coal for use upon the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, enter, or select, under the land laws of the United States, lands which have been classified as coal lands with a view of disproving such classification and securing a patent without reservation."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SMOOT. I ask that the next two bills on the Calendar, House bill 8496 and House bill 9160, be passed over temporarily until the Senator from Montana [Mr. WALSH] arrives.

The PRESIDING OFFICER. Without objection, that order will be made.

Mr. SMOOT. I am quite sure that some of the beneficiaries named in those two bills have died since the bill was reported to the Senate, and we would like to have those eliminated from the bill as soon as the Senator from Montana gets here.

CLAIMS OF COWLITZ TRIBE OF INDIANS.

The bill (S. 3663) authorizing the Cowlitz Tribe of Indians, residing in the State of Washington, to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, on page 2, line 13, to strike out the words "decree the fees" and insert "fix and determine a reasonable fee not to exceed 10 per cent of the recovery," and, in line 17, to insert "included in the decree and shall be," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature, both legal and equitable, which the Cowlitz Tribe of Indians, residing in the State of Washington, may have against the United States, shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and to render final judgment thereon.

The Court of Claims shall advance the causes upon its docket for hearing and shall have authority to determine and adjudge the rights, both legal and equitable, of the said Cowlitz Tribe and of the United States in the premises, notwithstanding lapse of time or statutes of limitation. The suit or suits instituted hereunder shall be begun by the Cowlitz Tribe of Indians as parties plaintiff and the United States as the party defendant. The petition or petitions may be verified by the attorney or attorneys employed by the Cowlitz Tribe upon information and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee not to exceed 10 per cent of the recovery, to be paid to the attorney or attorneys employed by the said Cowlitz Tribe of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found due said tribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT HALL INDIAN RESERVATION, IDAHO.

The bill (H. R. 4910) to authorize the establishment of a town site on the Fort Hall Indian Reservation, Idaho, was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to set aside and reserve for town-site purposes a tract of land within the Fort Hall Indian Reservation, Idaho, as in his opinion may be required for the future public interests, and he may cause the same to be surveyed into suitable lots and blocks and to dedicate the streets and alleys thereof to public uses; and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in such town site; and patents shall issue for the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes on condition that Indian children shall be permitted to attend the public schools of such town under the same conditions as white children.

SEC. 2. That the Secretary of the Interior is further authorized to cause the lots within such town site as may be established hereunder to be appraised and disposed of under such rules and regulations as he may prescribe and any and all expenses in connection with the survey, appraisement, and sale of such town site shall be reimbursed from the sales of town lots, and the net proceeds derived therefrom shall be placed in the Treasury of the United States to the credit of the Indians of the Fort Hall Reservation and shall be subject to appropriation by Congress for their benefit: *Provided, however*, That any lands disposed of hereunder shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SMOOT. I ask that the next two bills on the Calendar, House bill 9506 and House bill 9612, may go over temporarily.

The PRESIDING OFFICER. Without objection, that order will be made.

PUBLIC LANDS IN RECLAMATION PROJECTS.

The bill (S. 3943) to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws and which are no longer needed in connection with said laws was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That whenever in the opinion of the Secretary of the Interior any public lands which have been withdrawn for or in connection with construction or operation of reclamation projects under the provisions of the act of June 17, 1902, known as the reclamation act, and acts amendatory thereof and supplemental thereto, and which have been improved by and at the expense of the reclamation fund for administration or other like purposes, are no longer needed for the purposes for which they were withdrawn and improved, the Secretary of the Interior may cause said lands, together with the improvements thereon, to be appraised by three disinterested persons to be appointed by him and thereafter sell the same, for not less than the appraised value, at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than 30 days in a newspaper of general circulation in the vicinity of the land.

SEC. 2. That upon payment of the purchase price the Secretary of the Interior is authorized, by appropriate patent, to convey all the right, title, and interest of the United States in and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over 160 acres shall be sold to any one person, and if said lands are irrigable under the project in which located they shall be sold subject to compliance by the purchaser with all the terms, conditions, and limitations of the reclamation act applicable to lands of that character.

SEC. 3. That the moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been withdrawn.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF INDIANS IN THE STATE OF WASHINGTON.

The bill (S. 3923) authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That all claims of whatsoever nature, both legal and equitable, of the tribes and bands of Indians, or any of them, with whom any of the treaties of Medicine Creek, dated December 26, 1854; Point Elliott, dated January 22, 1855; Point-no-Point, dated January 26, 1855; the Quin-al-elts, dated May 8, 1859, growing out of said treaties, or any of them, including claims for allotments of land, or the value thereof, which they failed to receive under any of said treaties; and that all claims of whatever nature, both legal and equitable, which the Muckelshoot, San Juan Island Indians; Nook-Sack, Chinook, Upper Chehalis, Lower Chehalis, and Humptulip Tribes or Bands of Indians, or any of them (with whom no treaty has been made), may have against the United States shall be submitted to the Court of Claims, with right of appeal by either party to the Supreme Court of the United States for determination and jurisdiction, both legal and equitable, is hereby conferred upon the Court of Claims to hear and determine any and all suits brought hereunder and to render final judgment therein: *Provided*, That the right of appeal to the Supreme Court of the United States shall not extend to those tribes or bands of Indians, or any of them, with whom no treaty has been made: *Provided further*, That the court shall also consider and determine any legal or equitable defenses, set-offs, or counter claims which the United States may have against any of said tribes, bands, or individual Indians.

SEC. 2. The Court of Claims shall advance the cause or causes upon its docket for hearing, and shall have authority to determine and adjudge all rights and claims, both legal and equitable, of said Indians, tribes or bands of Indians, or any of them, and of the United States in the premises, notwithstanding lapse of time or statutes of limitation.

SEC. 3. The suit or suits instituted hereunder shall be begun by such Indians, tribe, tribes, or bands of Indians, as parties plaintiff, and the United States as the party defendant. The petition or petitions may be verified by attorney or attorneys employed by such tribes or Indians upon information and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided*, That the attorney or attorneys of said tribes or bands of Indians, or any of them, shall be selected by the claimant Indian or Indians with the approval of the Secretary of the Interior and the Commissioner of Indian Affairs, and upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, to be paid to the attorneys employed by the said tribes or bands of Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COOS BAY, UMPQUA, AND SIUSLAW TRIBES OF INDIANS.

The bill (S. 3572) authorizing the Coos Bay, Umpqua, and Siuslaw Tribes of Indians in the State of Oregon to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, on page 2, line 18, to strike out the words "decree the fees" and to insert "fix and determine a reasonable fee not to exceed 10 per cent of the recovery" and, in line 22, to insert "included in the decree and shall be," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature, both legal and equitable, which the Coos Bay, Umpqua, and Siuslaw Tribes of Indians residing in the State of Oregon may have against the United States, shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and to render final judgment thereon.

The Court of Claims shall advance the cause upon its docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of the said Coos Bay, Umpqua, and Siuslaw Tribes and of the United States in the premises, notwithstanding lapse of time or statutes of limitation. The suit or suits instituted hereunder shall be begun by the Coos Bay, Umpqua, and Siuslaw Tribes of Indians as parties plaintiff and the United States as the party defendant. The petition or petitions may be verified by the attorney or attorneys employed by the Coos Bay, Umpqua, and Siuslaw Tribes upon informa-

tion and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee not to exceed 10 per cent of the recovery to be paid to the attorney or attorneys employed by the said Coos Bay, Umpqua, and Siuslaw Tribes of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found due said tribes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

Mr. SMOOT. I ask that Order of Business 328, House bill 9641, and all down to and including Order of Business 345 may go over.

The PRESIDING OFFICER. The Chair will call the attention of the Senator to the fact that Order of Business 328 is a pension bill.

Mr. SMOOT. Let that go over, too, because the chairman of the committee is not here.

The PRESIDING OFFICER. The bills will be passed over.

Mr. SHAFROTH. Is objection made to the consideration of Order of Business 331, the bill (S. 3898) to require cashiers and other officers of a national banking association handling its funds to give bond and to prevent its officers and employees from making erasures on the books of the association.

Mr. SMOOT. Yes; there is objection to the consideration of all those bank bills.

Mr. SHAFROTH. I hoped to get consideration of some of those measures. I have no objection to passing over bills that involve a dispute, but Senate bill 3898 involves simply the question of requiring subordinates to give bond and preventing the erasure of items in the ledgers of banks. There can not be any possible objection to that bill. It is evidently a measure that is in the interest of good banking. I ask that the bill may be read. I am sure that everyone will agree to it.

Mr. SMOOT. I objected to its consideration to-day, and it went over. I promised to object to all those bills.

The PRESIDING OFFICER. Objection is made, and the Secretary will announce the next bill on the calendar not objected to.

Mr. SHAFROTH. Mr. President, I do not feel that these bills ought to be objected to, and there can not be any objection to them. Here is a bill simply for the purpose of requiring subordinates to give bond——

The PRESIDING OFFICER. But they are objected to, and the Secretary will announce the next bill.

Mr. SHAFROTH. I am asking the Senator from Utah to withhold his objection so that I may make an explanation.

Mr. SMOOT. As I stated to the Senator, I promised to object to all these bills to-day, and I can not violate the promise I made.

ALFRED SJOSTROM.

The bill (S. 280) for the relief of Alfred Sjostrom was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment in line 6 to strike out "$5,000" and insert "$720," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alfred Sjostrom the sum of $720 for injuries sustained by him while in the performance of his duties as an employee of the Government at Battle Mountain Sanitarium, Hot Springs, S. Dak., on December 3, 1910, in an accident in which he lost all the fingers of his right hand.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER M'KAY.

The bill (S. 304) for the relief of Peter McKay was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, to strike out "$5,000" and insert "$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Peter McKay, or his legal representatives, the sum of $2,500, as full compensation for permanent injuries received by the said McKay on the 5th day of May, 1904, at Fort Worden, in the State of Washington, by being struck with a large piece of log hurled by the explosion of an excessive blast of powder discharged without warning by employees of the United States Government engaged in clearing lands at said Fort Worden under the direction and control of the United States Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALASKA STEAMSHIP CO.

The bill (S. 1090) for the relief of the Alaska Steamship Co. was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 1, line 7, to strike out "$9,024.27" and insert "$5,974.27," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Alaska Steamship Co., a corporation organized and existing under the laws of the State of Nevada, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,974.27, in payment of the balance due said company for services rendered at the request of the United States deputy collector of customs at Unalaska, Alaska, and in pursuance of an agreement with him, for the transportation and care of 193 survivors of the wreck of the American ship *Columbia* near Scotch Cap Lighthouse, Alaska, in May, 1909.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATE CANNIFF.

The bill (S. 57) for the relief of Kate Canniff was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 5, to strike out "$5,000" and insert "$1,345," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Canniff the sum of $1,345, out of any money in the Treasury not otherwise appropriated, in full compensation for the death of her husband, James Canniff, who received injuries April 15, 1901, while in the service of the United States on the lighthouse tender *Haze*, and as a result of which he died on October 20, 1909.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE T. HAMILTON.

The bill (S. 1804) for the relief of George T. Hamilton was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 5, to strike out "$5,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to George T. Hamilton, as full compensation for wounds received at the hands of soldiers of the United States in the year 1863.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN WYOMING.

Mr. KENDRICK. I ask that the bill (S. 728) to permit the State of Wyoming to relinquish to the United States lands heretofore selected and to select other lands from the public domain in lieu thereof be taken from the calendar and recommitted to the Committee on Public Lands.

Mr. SMOOT. There is no objection to that.

The PRESIDING OFFICER. Without objection, that order will be made.

DELILAH SIEBENALER.

The bill (S. 924) for the relief of Delilah Siebenaler was considered as in Committee of the Whole. It authorizes the Secretary of Agriculture to refund to Delilah Siebenaler the sum of $188.41, paid to the Department of Agriculture by her for certain timber which she cut from her homestead entry within the Cabinet Forest Reserve, Mont., prior to her receipt of patent therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WAR DECORATIONS.

The joint resolution (S. J. Res. 143) to permit any and all members of the military or naval forces of the United States serving in the present war to accept decorations from the government of any of the countries concurrently engaged with the United States in the prosecution of said war was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Military Affairs with amendments, on page 1, line 5, to insert "during the present war or within one year thereafter"; on page 2, line 5, to insert:

Provided, That any officer or enlisted man of the military or naval forces of the United States is hereby authorized to accept and wear any medal or decoration heretofore bestowed by the government of any of the nations concurrently engaged with the United States in the present war.

And, after line 9, to insert a new section, as follows:

SEC. 2. That the President is authorized under regulations to be prescribed by him to confer such medals and decorations as may be authorized in the military and naval services of the United States upon officers and enlisted men of the military and naval forces of the countries concurrently engaged with the United States in the present war.

So as to make the joint resolution read:

Resolved, etc., That any and all members of the military or naval forces of the United States serving in the present war be, and they hereby are, permitted and authorized to accept, during the present war or within one year thereafter, from the government of any of the countries engaged in war with any country with which the United States is, or shall be, concurrently likewise engaged in war, such decorations, when tendered, as are conferred by such government upon the members of its own military and naval forces; and the consent of Congress required therefor by clause by 8 of section 9 of Article I of the Constitution is hereby expressly granted: *Provided*, That any officer or enlisted man of the military or naval forces of the United States is hereby authorized to accept and wear any medal or decoration heretofore bestowed by the government of any of the nations concurrently engaged with the United States in the present war.

SEC. 2. That the President is authorized, under regulations to be prescribed by him, to confer such medals and decorations as may be authorized in the military and naval services of the United States upon officers and enlisted men of the military and naval forces of the countries concurrently engaged with the United States in the present war.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the acceptance by members of the military or naval forces of the United States of decorations from the government of any of the countries concurrently engaged with the United States in the prosecution of the present war and the issuance by the United States of decorations to members of the military and naval forces of said countries."

CACHE NATIONAL FOREST, UTAH.

The bill (S. 4103) to consolidate certain forest lands within the Cache National Forest, Utah, and to add certain lands thereto was announced as next in order.

Mr. SHAFROTH. I object to the consideration of that bill.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SMOOT. The next two bills, Order of Business 361 and 362, House bills 10027 and 10477, I ask may go over on account of the chairman not being here.

The PRESIDING OFFICER. The bills will go over.

RIGHTS OF WAY OVER FOREST RESERVES IN CALIFORNIA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4023) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Cal., to the city of Los Angeles, Cal.," approved June 30, 1906, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 3, after line 2, to insert:

Provided, however, That the grant hereby made shall not apply to lands located in the drainage basin of Mono Lake or of Kern River, in said State.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 22, after the word "and," to insert "until said map or maps and the proposed plan of development have been"; on page 4, line 6, after the word "approval," to insert "by the Secretary of the Interior"; in line 7, after the word "maps," to insert "and the plan of development"; and in line 8, after the word "to," where it occurs the first time, to strike out "by the Secretary of the Interior," so as to make the section read:

SEC. 2. That section 2 of the act entitled and approved as aforesaid be, and the same is hereby, amended to read as follows

"SEC. 2. That on or before the 31st day of December, 1922, the city of Los Angeles shall file with the register of the United States land offices in the districts where the lands traversed by said rights of way are located a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section 1 of this act, and there shall also be filed within that time all desired changes of location, the amended map or maps necessary to show such changes of location to be filed in the same manner and subject to the same approval as are the original map or maps of location, but no construction work shall be commenced on any of said lands until the map or maps have been filed as herein provided and until said map or maps and the proposed plan of development have been approved by the Secretary of the Interior, and the approval by the Secretary of the Interior of any amended map or maps showing changes of location of said rights of way shall operate as an abandonment ipso facto by the city of Los Angeles, to the extent of such change or changes, of the rights of way indicated on the original map or maps: *Provided*, That any rights inuring to the city of Los Angeles under this act shall, on approval by the Secretary of the Interior of the map or maps and the plan of development referred to, relate back to the date of the filing of said map or maps with the register of the United States Land Office, as provided herein."

The amendment was agreed to.

The next amendment was, on page 4, after line 10, to insert a new section, as follows:

SEC. 3. That section 5 of the act entitled and approved as aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 5. That all lands over which the rights of way mentioned in this act shall pass shall be disposed of, subject to such easements: *Provided, however*, That if the construction of said waterworks shall not have been begun in good faith within five years of the date of the approval of this act, then all rights hereunder shall be forfeited to the United States: *And provided further*, That if any power or electric works or structure to be used in connection therewith shall not be completed within five years after approval of the map or maps of rights of way for such works or structure as herein provided, or within such additional time as the Secretary of the Interior shall, in his discretion, grant, then such rights herein granted shall be forfeited as to any uncompleted portion of such works or structure, to the extent that the same is not completed at the date of the forfeiture."

The amendment was agreed to.

Mr. LENROOT. Mr. President, I should like to ask merely one question in reference to section 5 of the bill.

Mr. SMOOT. I think I can answer the Senator's question, or the Senator from California [Mr. JOHNSON] can do so.

Mr. LENROOT. My inquiry is as to the language of the section:

That all lands over which the rights of way mentioned in this act shall pass shall be disposed of subject to such easements.

Is there an authorization or a direction to dispose of lands a part of which are in forest reserves?

Mr. SMOOT. The Secretary of the Interior has that right and authority, and he issues these easements over the public lands.

Mr. LENROOT. I understand that; but the lands within the forest reserves are not subject to disposition at all except in certain cases. Whether this is a direction to dispose of all lands covered by these rights of way is my question.

Mr. SMOOT. Mr. President, this is in conformity with a request made by the Secretary of Agriculture. The land being situated in forest reserves, if the Senator will notice the report——

Mr. LENROOT. I did notice that that is the recommendation of the Secretary.

Mr. SMOOT. On page 4 of the report the Secretary himself recommends that section 5 be amended to read exactly as the bill provides.

Mr. GRONNA. I think that this is a change of the present law. I do not think that there is any statute which provides for the disposal of a right of way in a forest reserve. There is a general law providing for the disposal of rights of way on public lands.

Mr. SMOOT. As the Senator from North Dakota will see, this is the provision of the law.

That all lands over which the rights of way mentioned in this act shall pass shall be disposed of subject to such easements.

In other words, the lands can not be disposed of in any other way except subject to the easements which have been granted.

Mr. GRONNA. Then I ask for whose benefit this is proposed?

Mr. SMOOT. For the benefit of the city of Los Angeles.

Mr. GRONNA. Why should those lands be disposed of for the benefit of the city of Los Angeles or for the benefit of any other city so long as they are in a forest reserve?

Mr. SMOOT. Because a pipe line must run through the forest reserves in order to get the water from where the intake is to the city.

Mr. GRONNA. I know that the city of Los Angeles has been given the privilege to use the lands in this forest reserve for this particular purpose, but for no other purpose. Mr. President, if it is not too late I shall object to the consideration of the bill.

The PRESIDING OFFICER. The bill will go over.

Mr. PHELAN. Mr. President——

Mr. GRONNA. If I may be permitted, I will reserve the right to object to the consideration of the bill. I should like to have a further explanation of it from the Senator from Cali-

fornia [Mr. JOHNSON]; but I am opposed to disposing of any of the public lands for the benefit of any city or for the benefit of any private corporation. That is my objection to the bill.

Mr. JOHNSON of California. Mr. President, if I may enlighten the Senator from North Dakota, the design of this bill is not at all of that sort. Its purpose is to give a mere right of way for the particular pipe line that is now there in existence. It legalizes what has already transpired and does not do what the Senator from North Dakota thinks that it does.

Mr. SMOOT. Mr. President, I think that what I said covers it all; that there is no transfer of land whatever to the city of Los Angeles or to anyone else, but—

That all lands over which the rights of way mentioned in this act shall pass shall be disposed of subject to such easements.

Or, in other words, whatever easements have been granted in these lands, if the Government itself should dispose of them in any way, they would be subject to the easements which the Government has given to the city of Los Angeles. That is all there is to it.

Mr. JOHNSON of California. That is it.

Mr. GRONNA. Why should the city of Los Angeles be given the right at all to dispose of the land in any manner or to use it in any way except for specific purposes?

Mr. SMOOT. They have no such right.

Mr. JOHNSON of California. They have no such right, but have only the mere easement, a right of way for the pipe line; nothing more than that.

Mr. GRONNA. I confess, Mr. President, that I never even have read the bill, but the inquiry of the Senator from Wisconsin [Mr. LENROOT] led me to believe that this was legislation which provided for the granting of some right to this particular city, and if it were not used by the city of Los Angeles that city could dispose of it to some one else.

Mr. SMOOT. It may be that I can explain it to the Senator from North Dakota more in detail in this way——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. GRONNA. I do.

Mr. SMOOT. The bill grants an easement for a pipe line through a forest reserve to the city of Los Angeles. If the Government decides later to sell any part of this land in the forest reserve—for instance, to some lumber people who may desire it—in selling that land to anyone it must be sold subject to the easement which has been granted for a pipe line to the city of Los Angeles. That is all there is to the proposition.

Mr. JOHNSON of California. Exactly. If the Senator from North Dakota will yield for an instant——

Mr. GRONNA. I yield to the Senator from California.

Mr. JOHNSON of California. The Senator from Wisconsin presented merely a question of phraseology, and that related to section 5. If the Senator from North Dakota will follow me for just an instant he will see that the language is:

That all lands over which the rights of way mentioned in this act shall pass shall be disposed of subject to such easements.

It simply requires that the subsequent disposition of the land over which these pipe lines pass shall carry with the transfer the easements for the right of way. That is all; that is the only purpose.

Mr. GRONNA. Mr. President, I have no objection to the bill.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WAR AGAINST BULGARIA AND TURKEY.

The resolution (S. Res. 229) to request the Committee on Foreign Relations, to which was referred S. J. Res. 145, to give said resolution early consideration and report to the Senate thereon was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDING OFFICER. The resolution goes over.

JACOB NICE.

The bill (S. 1477) for the relief of Jacob Nice was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Jacob Nice, who was a private of Company G, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that company and regiment on the 17th of August, 1865, but no back pay, pension, or other emolument shall accrue prior to the passage of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN DOYLE, ALIAS JOHN GEARY.

The bill (S. 1923) for the relief of John Doyle, alias John Geary, was announced as next in order.

Mr. SMOOT. Mr. President, I notice that there is no report here from the War Department upon this bill; and I really can not, from the committee report, see why the bill should be passed. The same is true as to the bill just previously passed, being Senate bill 1477. There is generally a report from the department as to why such bills should be passed. Can the Senator reporting the bill tell us why such a report was not called for?

Mr. SHAFROTH. Mr. President, if the Senator from Utah will let this bill go over for a moment and let it come up a little later, I shall probably be able to enlighten him.

Mr. SMOOT. I ask that the vote by which the bill (S. 1477) for the relief of Jacob Nice was passed be reconsidered and that the bill then be passed over temporarily.

The PRESIDING OFFICER. Without objection, it will be so ordered; and that bill and the bill last announced on the calendar, being the bill (S. 1923) for the relief of John Doyle, alias John Geary, will be passed over for the present.

BILLS PASSED OVER.

The bill (S. 3907) to provide for the consolidation of national banking associations was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 4426) to amend and reenact sections 5235 and 5236 of the Revised Statutes of the United States by providing for a guaranty fund for payment of certain deposits, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

FRANCIS M. ATHERTON.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3124) for the relief of Francis M. Atherton. It proposes that in the administration of the pension laws Francis M. Atherton shall hereafter be held and considered to have been mustered into the service of the United States as a member of the First Battery Vermont Volunteer Light Artillery on the 15th of March, 1862, and to have been honorably discharged on the 1st of February, 1863, and to have been mustered into the service of the United States as an unassigned recruit on the 19th of December, 1863, and to have been honorably discharged on the 9th of March 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF ARMY FIELD CLERKS.

The bill (S. 4451) to provide for allowances for and minimum pay of Army field clerks, to provide for increased pay to Army field clerks for service beyond the continental limits of the United States, and to provide quarters or commutation thereof to Army field clerks in certain cases was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That hereafter Army field clerks shall have the same allowances and benefits as heretofore allowed by law to pay clerks, Quartermaster Corps: *Provided, however*, That the minimum or entrance pay, exclusive of said allowances, of said Army field clerks shall be $1,200 per annum: *And provided further*, That Army field clerks shall receive the same increase of pay for service beyond the continental limits of the United States as is now allowed by law to commissioned officers of the Army.

SEC. 2. That during the present emergency every Army field clerk, while on active duty in the field or on active duty without the territorial jurisdiction of the United States, who maintains a place of abode for a wife, child, or dependent parent, shall be furnished at the place where he maintains such place of abode, without regard to personal quarters furnished him elsewhere, the number of rooms heretofore allowed by law to pay clerks, Quartermaster Corps, to be occupied by, and only so long as occupied by, said wife, child, or dependent parent; and in case such quarters are not available every such Army field clerk shall be paid commutation thereof and commutation for heat and light at the rate authorized by law in cases where public quarters are not available: *Provided*, That nothing in this act shall be so construed as to reduce the allowances now authorized by law for any person in the Army.

Mr. SMOOT. Mr. President, I have received a number of communications in reference to this bill, and I thought I had them here in my desk. I find, however, that I have not, and I desire to ask some member of the Military Committee relative to a certain provision in the bill which was referred to in those letters. I dislike to ask that it go over, but I will inquire of the Senator from New York if this was a unanimous report from the Committee on Military Affairs?

Mr. WADSWORTH. My recollection is that it was a unanimous report, but I am not absolutely certain of it.

Mr. SMOOT. Does the Senator think it is a just bill?

Mr. WADSWORTH. I do; yes.

Mr. SMOOT. I know that letters I have received complained about the bill, but I do not feel justified in asking that it go over because I have not the letters with me.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COPPER RIVER & NORTHWESTERN RAILWAY CO.

The bill (S. 3002) for the relief of the Copper River & Northwestern Railway Co. was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the Copper River & Northwestern Railway Co., a corporation organized and existing under the laws of the State of Nevada, $3,102.92, in refund of the gross income tax paid to the collector of internal revenue at Tacoma, Wash., on May 21, 1915, pursuant to a tax levied under the act of Congress approved July 18, 1914 (38 Stat., p. 517), for the period beginning January 1 and ending June 30, 1914, for which period the company had previously paid the license fee or tax provided by the act approved March 3, 1899 (30 Stat., pp. 1336, 1337), as amended by the act approved June 6, 1900 (31 Stat., pp. 330, 331).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARTER OF NATIONAL GERMAN-AMERICAN ALLIANCE.

The bill (S. 3529) to repeal the act entitled "An act to incorporate the National German-American Alliance," approved February 25, 1907, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment to strike out section 2, as follows:

SEC. 2. That the Attorney General is directed to bring an action in any district court of the United States having jurisdiction of the property of said corporation to have a receiver appointed to take charge of such property, pay the debts, and wind up the affairs of said corporation.

So as to make the bill read:

Be it enacted, etc., That the act approved February 25, 1907, entitled "An act to incorporate the National German-American Alliance," be, and the same is hereby, repealed.

The amendment was agreed to.

Mr. SMOOT. Mr. President, as I understand, the Senator from Idaho [Mr. BORAH] desired to be present when this bill was under consideration. I also think that there was a similar request from another Senator. I will, therefore, ask that the bill go over temporarily, and if the Senator returns to the Chamber we can revert to it.

The PRESIDING OFFICER. The bill will be passed over.

ANSEL G. WINEMAN.

The bill (S. 3566) authorizing the President to appoint Second Lieut. Ansel G. Wineman as a provisional second lieutenant in the Regular Army was considered as in Committee of the Whole. It authorizes the President to issue a commission to Second Lieut. Ansel G. Wineman as a provisional second lieutenant in the Regular Army, to take rank from the date he would have taken rank had he been considered eligible at the date of his examination, July 23, 1917.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC J. REESE.

The bill (S. 2205) for the relief of Isaac J. Reese was considered as in Committee of the Whole. It provides that in the administration of the pension laws Isaac J. Reese shall hereafter be held and considered to have been in the military service of the United States as a private of Company K, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, from the 24th day of July, 1864, to the 6th day of November, 1864, and to have been honorably discharged from the service on the date last named, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 10843) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF PENAL LAWS.

The bill (S. 4428) to amend section 272 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was considered as in Committee of the Whole. It proposes to amend section 272 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stats., p. 1142), by adding thereto a paragraph to read as follows:

Fifth. When committed upon the person of any officer or enlisted man of the Army, Navy, or Marine Corps of the United States while said officer or enlisted man is engaged in the performance of his official duties.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CARE OF ALIENS DISCHARGED FROM MILITARY FORCES.

The bill (S. 4365) to authorize the President to make provision for the care and treatment of persons discharged from the military or naval forces of the United States who are citizens of any nation at war with a nation with which the United States is at war was considered as in Committee of the Whole. It authorizes the President of the United States to make provision for such care and treatment as he may deem advisable of persons discharged from the military or naval forces of the United States on account of physical disability who are citizens of any nation at war with a nation with which the United States is at war; but such provision shall be made only for the citizens of a nation that makes suitable provision for the care and treatment of persons discharged from the military or naval forces on account of physical disability who are citizens of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PINEY BRANCH ROAD, DISTRICT OF COLUMBIA.

The bill (S. 3172) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LAND AT LEON SPRINGS, TEX.

The bill (S. 2704) for the acquisition of additional land at the Leon Springs Military Reservation, Tex., was announced as next in order.

Mr. SMOOT. I notice from the calendar I have, which was printed to-day, that No. 2704 does not appear on it.

The PRESIDING OFFICER. The suggestion is made to the Chair that the Printing Office probably dropped it from the calendar through inadvertence.

Mr. SMOOT. I will ask the Senator from Texas [Mr. SHEPPARD] if the bill, the title of which has just been read, was unanimously reported from the Committee on Military Affairs?

Mr. SHEPPARD. It was; and the Military Affairs Committee reported it at the urgent request of the Secretary of War. I had previously introduced the bill.

Mr. SMOOT. Very well.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $316,941 for the acquisition of land as an addition to the Leon Springs Military Reservation, Tex.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHEPPARD. I ask that the bill as passed by the Senate, together with the report submitted by me from the Committee on Military Affairs, be printed in the RECORD.

There being no objection, the bill as passed and the report were ordered to be printed in the RECORD, as follows:

A bill (S. 2704) for the acquisition of additional land at the Leon Springs Military Reservation, Tex.

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $316,941 for the acquisition of land as an addition to the Leon Springs Military Reservation, Tex.

Mr. SHEPPARD, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to which was referred the bill (S. 2704) for the acquisition of additional land at the Leon Springs Military Reservation, Tex., having had the same under consideration, reports thereon with the recommendation that it do pass, and in support thereof submits the following communications from the War Department:

WAR DEPARTMENT,
Washington, November 22, 1917.

To the CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

SIR: Favorable consideration of this bill (S. 2704) is requested.

Inclosed is an extract copy of an indorsement from the officer in charge of cantonment construction which I beg leave to bring to your notice, as it shows conclusively the necessity of acquiring the land as an addition to the Leon Springs Military Reservation, Tex.

Respectfully,

NEWTON D. BAKER,
Secretary of War.

—

1. The land in question contains approximately 16,000 acres, and the estimated cost of the same is $316,941.

2. On September 12, 1917, the commanding general, Southern Department, was authorized to lease this land for target range, maneuver, trench work, bombing instruction, and other drill purposes, for $75,000 to the end of fiscal year (June 30, 1918), and in the event land is purchased all the unaccrued portion of lease money is to be credited to the purchase amount. A purchase option was included in the leases which will expire on June 30, 1918.

3. The target range to be constructed on these leased lands will cost approximately $60,000, and the damage to improvements necessary in constructing the range will be considerable.

4. Should the land not be purchased some of the owners will have leased at a sacrifice on account of having to remove cattle, etc., from the lands. This necessitated either their selling at the present low prices or securing other pasture lands.

5. By first indorsement, date June 24, 1917, from the commanding general, Southern Department, to The Adjutant General of the Army, the following reasons were given for the acquisition of this land:

"The Leon Springs Military Reservation is an excellent tract of land, of about 17,273.87 acres, for military purposes. It has, however, a number of disadvantages.

"(a) Owing to its distance (22 miles) from Fort Sam Houston, it takes two days for Infantry to make the march.

"(b) It is now becoming somewhat crowded on account of the cantonments recently completed and under construction for four regiments of Field Artillery, one regiment of Infantry, one regiment of Engineers, a training camp that will accommodate 3,000 student officers, a large remount depot, storehouse, and two small-arms target ranges.

"(c) The greatest dimension of the reservation from north to south is about 5 miles and from east to west about the same, but the tract is quite irregular, and the difficulties of conducting suitable maneuvers on this ground have been found in the past to be serious when large bodies of troops are employed.

"(d) Additional room is very much needed for artillery practice, machine-gun practice, exercises in combat firing, and for maneuvers of large bodies of troops, notwithstanding that the cantonment now under construction for the Regular troops was located up against the western boundary line of the reservation in order to avoid undue interference in the use of the ground for range practice and maneuvers.

"It is proposed to extend the reservation toward the south for a distance of about 5 miles, having an area of approximately 16,000 acres, the land costing on an average of $18.96 per acre—a very reasonable price. The advantages of this enlargement are as follows:

"(a) It will bring the portion of the reservation on which camping is possible within 10 miles of the post instead of 22 miles, making it an easy march for Infantry.

"(b) It will more than double the value of the tract for maneuvers and for artillery practice.

"(c) It will bring on the reservation 12 additional wells, with a total of 168,000 gallons of water per day. This is an important matter, as water has been scarce at times. [There are also two on the Muesser tract, one on the Lieber tract, a very strong well on the Sand, Lime & Brick Co. tract, and one on the Rudolph Aue tract valued at $1,200.]

"(d) It will afford large additional areas for grazing animals and for cutting hay. It is to be noted that by using hay cut on the reservation it will be possible to save $5 per ton. Since each animal consumes on an average of 2 tons of hay per year, it is not impossible to pay the interest on the value of this property in savings on hay alone.

"(e) Finally, it will add to the reservation an area making the whole an important field for the concentration of troops and training ground worthy of its importance."

—

WAR DEPARTMENT,
Washington, April 9, 1918.

To the CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

SIR: Favorable consideration of Senate bill 2704 is requested. The desirability of this tract of land for military purposes has previously been brought to your attention by a letter under date of November 22, 1917. The purchase option on this leased ground, which it is proposed the Government acquire by purchase, expires July 1, 1918. Should the land not be purchased, some of the owners will have leased at a sacrifice on account of having to remove their stock from the land, necessitating the disposing of same at the market price at that time or securing other pasture lands. This land is used as a target range at present for both Artillery and Infantry troops, and it is of the greatest importance that for the training of troops at that point this land be acquired by the Government.

Respectfully,

BENEDICT CROWELL,
Acting Secretary of War.

CORRUPT PRACTICES.

The bill (S. 3438) to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress was announced as next in order.

Mr. MARTIN. Mr. President, I have no familiarity with that bill, but evidently it is an important measure, and, as only a few Senators are present, I object to its immediate consideration.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

BILLS PASSED OVER.

Mr. SMOOT. I ask that Calendar No. 385, being House bill 10850, Calendar No. 386, being House bill 10924, and Calendar No. 389, being House bill 11364, all being pension bills, be passed over.

The PRESIDING OFFICER. The bills will be passed over.

The bill (S. 3914) authorizing a right of way for the transportation of water for improvement of grazing and development of the live-stock industry upon public and national forest lands in Arizona was announced as next in order.

Mr. LENROOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3735) to provide for enlistments in the National Guard of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I have had a visit from some person residing in the District who made complaint about this bill. I do not know anything about it, and I should be very glad if the Senator from New York [Mr. WADSWORTH] would briefly explain the object of the measure.

Mr. McKELLAR. I will ask the Senator from New York if the bill now called on the calendar is the one relating to the National Guard of the District?

Mr. WADSWORTH. It relates to the National Guard of the District of Columbia.

The PRESIDING OFFICER. That is the bill now before the Senate.

Mr. McKELLAR. I object to that bill.

The PRESIDING OFFICER. The bill will be passed over.

PROTECTION OF MILITARY CAMPS.

The bill (S. 4498) to amend section 13 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, was considered as in Committee of the Whole. It proposes to amend section 13 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, to read as follows, subject to the same modifications as prescribed in the act approved October 6, 1917:

SEC. 13. That during the present emergency it shall be unlawful, within such distance of any military camp, station, fort, post, cantonment, training or mobilization place as the Secretary of War shall determine to be needful to the efficiency and welfare of the Army, and shall designate and publish in general orders or bulletins, to engage in prostitution or to aid or abet prostitution, or to procure or solicit for purposes of prostitution, or to keep or set up a house of ill fame, brothel, or bawdy house, or to receive any person for purposes of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure, or building, or to permit any person to remain for purposes of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building; and any person, corporation, partnership, or association violating the provisions of this section shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment, and any person subject to military law violating this act shall be punished as provided by the Articles of War; and the Secretary of War is hereby authorized, empowered, and directed to do everything by him deemed necessary to suppress and prevent violation thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF ACTION FOR INJURIES.

The bill (S. 72) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States was considered as in Committee of the Whole. The bill has been reported from the Committee on the Judiciary with an amendment, in line 11, after the word "State," to strike out "wherein" and insert "within," so as to make the bill read:

Be it enacted, etc., That in the case of the death of any person by the neglect or wrongful act of another within a national park or other place subject to the exclusive jurisdiction of the United States, such right of action shall exist as though the place were under the jurisdiction of the State within whose exterior boundaries such place may be; and in any action brought to recover on account of injuries sustained in any such place the rights of the parties shall be governed by the laws of the State within the exterior boundaries of which it may be.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. HESSE.

The bill (S. 1879) for the relief of John C. Hesse was considered as in Committee of the Whole. It authorizes the Secretary of War to restore the name of John C. Hesse to the official medal of honor list and to the Army and Navy medal of honor

roll, with all the rights, privileges, and benefits thereof, in view of the fact that the congressional medal of honor authorized by the act of Congress approved March 3, 1863, was presented to him in person by Secretary of War Stanton on September 10, 1864, for distinguished gallantry and great personal bravery in preserving and bringing away the colors of the Eighth Regiment United States Infantry after the capture of the regiment at San Antonio, Tex., in the month of April, 1861, at which time he was a sergeant of Company A of that regiment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COPYRIGHTED MEDICAL BOOKS.

The bill (S. 4423) relating to the deposit of copyrighted books upon medical and allied subjects was announced as next in order.

Mr. SMOOT. Mr. President, I should like to ask the Senator from New York [Mr. WADSWORTH], who reported the bill, why three copies of medical books published should be deposited, while under the law, as I remember it, only two copies of other kinds of books are required to be deposited?

Mr. WADSWORTH. The purpose of this bill is to enable the library of the Surgeon General's Office to acquire copies of all the new medical publications. It is an amendment to the law and merely provides that, instead of two medical books being deposited with the Library of Congress, three shall be deposited, one to be used by the Army Medical Library.

Mr. SMOOT. I think that it will work a hardship upon publishers of this class of books, because usually they are issued in limited numbers and are not sold to the public generally, and I am fearful that if the publishers are required to deposit three copies it may work a hardship.

Mr. WADSWORTH. We had the matter up in the Committee on the Library and we concluded that it would not amount to much of a hardship to have one more copy of a book filed with the Government.

Mr. SMOOT. We might say that of every book that is copyrighted.

Mr. WADSWORTH. It might involve a dollar and a half or two dollars to the struggling publisher.

Mr. SMOOT. It will not fall altogether on the publisher; it is the author of works of this kind who will have to pay.

Mr. WADSWORTH. I may say that the Surgeon General regards this as an exceedingly convenient and valuable way of reenforcing the medical library of the Army.

Mr. SMOOT. That is all; and the Government is not to pay for the books, but somebody else is to advance the money. If it were made universal I would not object at all, but it does seem to me that to pick out just one class of copyrighted books, a class which is never published in large quantities, is a discrimination that never ought to be made. I dislike to object to the consideration of the bill, and yet I feel like offering an amendment to it to make it apply to all books copyrighted, if we are going to undertake to make this kind of a requirement in the case of a certain class of books under our copyright laws.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I will not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in copyrighted books upon medical and allied subjects there shall be deposited with the Congressional Library three copies, one of which shall be for file in the library of the Surgeon General's Office of the United States Army, that library being the large general medical library for the use of the medical profession of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JUDICIAL DISTRICTS IN OKLAHOMA.

The bill (H. R. 5558) to amend section 101 of the Judicial Code was considered as in Committee of the Whole. The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 5, after the word "approved," to strike out "May" and insert "March"; in line 8, after the word "amended," to insert "so as"; and in line 9, before the words "State of Oklahoma," to strike out "That the" and insert "The," so as to make the bill read:

Be it enacted, etc., That section 101 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act approved February 20, 1917, be, and the same is hereby, amended so as to read as follows:

"SEC. 101. The State of Oklahoma is divided into two judicial districts, to be known as the eastern and western districts of Oklahoma. The eastern district shall include the territory embraced on the 1st day of July 1916, in the counties of Adair, Atoka, Bryan, Craig, Cherokee, Creek, Choctaw, Coal, Carter, Delaware, Garvin, Grady, Haskell, Hughes, Jefferson, Johnston, Latimer, Le Flore, Love, McClain, Mayes, Muskogee, McIntosh, McCurtain, Murray, Marshall, Nowata, Ottawa, Okmulgee, Okfuskee, Pittsburg, Pushmataha, Pontotoc, Rogers, Stephens, Sequoyah, Seminole, Tulsa, Washington, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January, at Vinita on the first Monday in March, at Tulsa on the first Monday in April, at South McAlester on the first Monday in June, at Ardmore on the first Monday in October, and at Chickasha on the first Monday in November of each year. The western district shall include the territory embraced on the 1st day of July, 1916, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Osage, Pawnee, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. Terms of the district court for the western district shall be held at Oklahoma City on the first Monday in January, at Enid on the first Monday in March, at Guthrie on the first Monday in May, at Lawton on the first Monday in September, and at Woodward on the second Monday in November: *Provided*, That suitable rooms and accommodations for holding court at Woodward are furnished free of expense to the United States. The clerk of the district court for the eastern district shall keep his office at Muskogee and the clerk for the west district at Guthrie, and shall maintain an office in charge of himself or a deputy at Oklahoma City."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

Mr. SMOOT. I ask that Order of Business No. 400, being Senate bill 4542, a pension bill; Order of Business 401, being Senate bill 4543, a pension bill; and Order of Business 402, being Senate resolution 241, be passed over.

Mr. WADSWORTH. Does the Senator ask that Order of Business 402 go over?

Mr. SMOOT. I do at this time. I will say to the Senator that the committee expects to meet in a very few minutes.

The PRESIDING OFFICER. Does not the Senator mean Order of Business No. 400 and Order of Business No. 401?

Mr. SMOOT. I desire Order of Business 400, Order of Business 401, and Order of Business 402 to go over at this time, for the reason that the committee expects to meet in a very few moments for the further consideration of the resolution. I think we can get it up to-morrow morning; we certainly can if we have the votes; and I believe it would be the best policy to allow it to go over at this time.

Mr. WADSWORTH. Mr. President, it was just on that point that I desired to make a statement. If this resolution goes over until to-morrow morning it will find the subcommittee on ordnance of the Committee on Military Affairs absent. It is fair to say that while these discussions and conferences have been going on, the subcommittee on ordnance of the Committee on Military Affairs is proceeding with its work upon the invitation of the War Department; and our tickets are purchased for a trip to the Aberdeen Proving Grounds, and the train leaves at 5 minutes of 7 to-morrow morning. I hope the resolution will not be brought up in my absence.

Mr. THOMAS. Mr. President, how long does the Senator expect to be absent?

Mr. WADSWORTH. We will be gone for the entire day.

Mr. McKELLAR. Will the subcommittee be back on Wednesday?

Mr. WADSWORTH. It expects to get back to-morrow night.

Mr. McKELLAR. Then I will say to the Senator that in so far as I am able to do it, I give notice now that I intend to bring this matter before the Senate on Wednesday morning.

Mr. SMOOT. That will be satisfactory.

Mr. LEWIS. Mr. President, may I inject a parliamentary inquiry? Is this the resolution touching the aircraft?

Mr. McKELLAR. It is.

Mr. LEWIS. The Senator gives notice that he desires and intends to bring up the matter on Wednesday morning?

Mr. McKELLAR. On Wednesday.

Mr. LEWIS. And from that statement may we gather that not until Wednesday is the matter to be brought up?

Mr. McKELLAR. Not so far as I am concerned.

Mr. SMOOT. Or as far as I am concerned.

Mr. THOMPSON. Mr. President, for the moment I was absent from the Chamber when the Senator from Tennessee made his statement regarding Senate resolution 241. May I inquire as to what it was?

Mr. McKELLAR. I merely gave notice that I intended to call it up on Wednesday in the morning hour.

Mr. THOMPSON. Very well; but, of course, that does not necessarily mean it will be taken up at that time.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The joint resolution (S. J. Res. 139) for the appointment of three members of the Board of Managers of the National Home

for Disabled Volunteer Soldiers was considered as in Committee of the Whole. It proposes that George H. Wood, of Ohio; James S. Catherwood, of Illinois; and John C. Nelson, of Indiana, be appointed members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to succeed George H. Wood, of Ohio; James S. Catherwood, of Illinois; and John C. Nelson, of Indiana, whose terms of office expired April 21, 1918.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. This concludes the call of the calendar.

JOHN DOYLE, ALIAS JOHN GEARY.

Mr. SHAFROTH. Mr. President, I ask unanimous consent to take up a case which was temporarily passed over, being Senate bill 1923, for the relief of John Doyle.

The PRESIDING OFFICER. The bill was passed over for the time being.

Mr. SHAFROTH. Mr. President, in relation to that measure, some reference was made to the fact that the report of The Adjutant General was desired. I have here the report of The Adjutant General in this case. It was made a considerable number of years ago, but nevertheless it is a report on the matter [reading]:

CASE OF JOHN DOYLE, ALIAS JOHN GEARY, LATE PRIVATE COMPANY C, ELEVENTH REGIMENT ILLINOIS VOLUNTEER CAVALRY.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
July 11, 1911.

The honorable the SECRETARY OF WAR:

It is shown by the records that John Geary was enrolled October 19, 1861, and was mustered into service December 20, 1861, as a private of Company C, Eleventh Illinois Volunteer Cavalry, to serve three years. He was captured September 25, 1862, and paroled October 9, 1862, and was declared exchanged in orders from this department dated January 10, 1863. Although the orders in which this soldier was declared exchanged were widely published in the newspapers throughout the country, it does not appear that he ever thereafter reported his whereabouts to the military authorities or returned to his command, which remained in service until September 30, 1865. The publication of the orders in question was a notice to all paroled prisoners concerned to place themselves under military control. Failing to report his whereabouts or the cause of his absence to the military authorities, this soldier became a deserter on January 10, 1863, the date of the promulgation of the order of exchange in his case.

Applying to this department for an honorable discharge, John Doyle, aged 72 years, a resident of Homer, Iowa, in an affidavit executed August 2, 1910, declared as follows:

"That he enlisted in Company C, Eleventh Illinois Cavalry, at Galesburg, Ill., about September or October, 1861, under the name of John Geary. That he served until taken prisoner at Davis Bridge, Miss., in the fall of 1862. He remained a prisoner about 15 days and was then paroled at Holly Springs. He further says that after being paroled he went to Baton Rouge, La., and down the river to New Orleans, and from thence to New York by the steamer *General McClellan*. While in New York Maj. Wagner, who was also paroled, went to Washington and got transportation for us home, with the understanding that he would notify us when we were exchanged and we could return to our commands. Not receiving any notice, the said John Doyle remained at home and never received any discharge."

The application for an honorable discharge in the case of this soldier, involving removal of the charge of desertion, has been denied by the War Department, and now stands denied, on the ground that he did not complete his term of enlistment, and that it appears from his own statement that he was not prevented from completing it by reason of wounds, injuries, or disease received or contracted in the line of duty, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, the only law in force governing the subject of removal of charge of desertion.

Respectfully submitted.

F. C. AINSWORTH,
The Adjutant General.

Mr. SMOOT. Mr. President, I just want to ask the Senator a question, and perhaps it will obviate the necessity of any further discussion of this matter.

Mr. KING. Mr. President, I hope the Senator will not state that, because, with my present views, I shall object. No deserter shall get a pension, as far as I can prevent it.

Mr. SHAFROTH. Mr. President, this man was totally ignorant. He could not read or write. He was turned loose with the declaration that he would be notified when wanted, and the War Department says that the only notice that was ever given was a published notice. When a man can not read, I should like to know how notice was given to him. He is probably 78 or 79 years old now. Upon his statement, having served for over 18 months, having been taken prisoner in Mississippi and taken to Louisiana, and then to Washington, and then taken by his major to New York, and there having been told that he would be notified when he was wanted, I should like to know why it is not a meritorious case.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to his colleague?

Mr. SHAFROTH. I do.

Mr. THOMAS. May I ask my colleague how many years elapsed between the time of the entry of this order against this man and the time when he made application to have his record corrected?

Mr. SHAFROTH. Oh, I do not know. I think he has been after it ever since the war was over.

Mr. THOMAS. But does the Senator know?

Mr. SHAFROTH. No; I do not.

Mr. THOMAS. My experience is that in most of these cases the application is not made until the Government testimony is all under the ground.

Mr. SHAFROTH. The Government had no testimony and never did have any testimony. The Adjutant General says that the notice which was given was a published notice. Here is a man who has signed his affidavit simply by mark, who can not read or write, and when the War Department says that notice was given by publication it means that no notice was given to him. He served for 18 months and was taken prisoner. He was not a man who went into the Army for 90 days and quit. It seems to me that the case is a meritorious one and ought to be approved.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I dislike very much to object to the consideration of this bill. I recall a number of years ago, when I had the honor to serve in the other branch of Congress, that a large number of applications were made by men who had been deserters to clear their records and to be placed upon the pension rolls. It seems to me that that practice has been continued. I have no doubt that there are some instances where their names ought to be placed upon the roll, and they are entitled to a pensionable status; but I am satisfied that there are many who, as the Senator from Colorado [Mr. THOMAS] has just stated, wait until the Government's evidence of their desertion is under the ground, and then they come here with the utmost serenity and ask for a pension.

I object to the consideration of this bill.

Mr. SHAFROTH. Mr. President, I hope the Senator will withhold his objection for a minute. I want to read this affidavit to the Senator. It is the affidavit of this man, made in 1911.

Mr. KING. Let me suggest to the Senator that I shall be glad to look into this case a little further, and it can be called up to-morrow or on some succeeding day.

Mr. SHAFROTH. All right.

CORRUPT PRACTICES.

Mr. POMERENE. Mr. President, I was attending a committee meeting at the time of the call of the calendar. I ask unanimous consent that we return to Order of Business 384, Senate bill 3438.

Mr. SMOOT. What is the bill?

Mr. POMERENE. It is a very short bill on the subject of corrupt practices.

Mr. SMOOT. That bill can not be passed to-night, Mr. President.

Mr. POMERENE. What is the objection?

Mr. SMOOT. There are only a few Senators here, and it would lead to discussion that could not be concluded to-night.

Mr. POMERENE. I know; but this is a matter which simply relates to the giving of money or some other substance in a corrupt way, and there is no Federal statute on the subject. Nearly all of the States have statutes bearing upon the subject. I do not see how any possible objection can be raised to it.

Mr. SMOOT. The Senator from Virginia [Mr. MARTIN] objected to its consideration.

Mr. MARTIN. Mr. President, I objected to the consideration of the bill simply because it seemed to be an important subject, and I knew nothing about it. The Senator in charge of the bill was not in the Chamber at the time, and there was no information regarding it before the Senate.

I think it is just as well, as the bill has been passed over, to have it go over for to-day, and there will be an opportunity to bring it up again. I know nothing about the bill, and did not make my objections on the merits, but simply from the facts I have stated.

Mr. POMERENE. Of course, if objection is made I am powerless in the matter at this time. I may say that this matter was gone into very carefully by a subcommittee composed of the junior Senator from Iowa [Mr. KENYON], the junior Senator from Montana [Mr. WALSH], and a third Senator whose name I have forgotten, and it relates to a subject on which we have no Federal statute whatever. It simply goes to the question of the honesty of Federal elections.

Mr. MARTIN. Mr. President, I am in no sense antagonistic to the bill. I objected simply because there was no one here to explain it, and I knew nothing about it, and there were only a very few Senators on the floor. There will be an opportunity to look into it.

Mr. POMERENE. There is some one here to explain it now, so I hope the Senator will not insist on his objection.

Mr. SMOOT. Mr. President, I think that to-morrow we can take up the calendar, and go over it again and go through it.

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m., Monday, May 20, 1918) the Senate adjourned until to-morrow, Tuesday, May 21, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 20 (legislative day of May 17), 1918.

APPOINTMENTS IN THE ARMY.

CHIEF OF COAST ARTILLERY.

Brig. Gen. Frank W. Coe, National Army, to be Chief of Coast Artillery, with rank of major general, for a period of four years from May 24, 1918, vice Maj. Gen. Erasmus M. Weaver, to be retired from active service May 23, 1918.

GENERAL OFFICER.

Brig. Gen. John D. Barrette, National Army, to be brigadier general in the Regular Army from February 21, 1918, vice Brig. Gen. James Parker, retired from active service February 20, 1918.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of March, 1918:

Alfred T. Clay,
Robert C. Lee,
Leslie L. Jordan,
Lawrence F. Reifsnider,
Bolivar V. Meade,
George L. Weyler,
John F. Donelson,
Oliver L. Wolfard,
Thomas S. McCloy,
Lucien B. Green, 2d,
James H. Taylor, and
Frederick L. Riefkohl.

Boatswain John Evans to be a chief boatswain in the Navy from the 9th day of January, 1915.

The following-named gunners to be chief gunners in the Navy from the 15th day of February, 1918:

William Eberlin,
Thomas J. Bristol, and
William Taylor.

Pay Clerk Herbert H. Lowry to be a chief pay clerk in the Navy from the 15th day of March, 1918.

Pay Clerk Lester A. Dyekrman to be chief pay clerk in the Navy from the 16th day of March, 1918.

Lieut. Thomas E. Van Metre to be a lieutenant commander in the Navy, for temporary service, from the 24th day of April, 1918.

Ensign John Evans to be a lieutenant (junior grade) in the Navy, for temporary service, from the 1st day of January, 1918.

Chief Boatswain John Evans to be an ensign in the Navy, for temporary service, from the 1st day of July, 1917.

Carpenter Frank A Saar to be an ensign in the Navy, for temporary service, from the 15th day of May, 1918.

Acting Pay Clerk Wiley B. Jones to be an ensign in the Navy, for temporary service, from the 15th day of May, 1918.

The following-named temporary warrant officers to be ensigns in the Navy, for temporary service, from the 15th day of May, 1918:

Charles H. Phillips,
Claude Farmer,
Abraham M. Rosenberg,
Harry B. Luessen,
Eldridge L. Lineberry,
Harry A. Wentworth,
William F. Verleger,
Walter E. Hewitt,
Robert L. Bryan,
Gottlieb Grosch, and
Walter M. McCarthy.

The following-named enlisted men to be ensigns in the Navy, for temporary service, from the 15th day of May, 1918:

Ralph J. Pyatt,
Alfred E. Green,
Rodney B. Starr.
William Wakefield,
Thomas H. Es ott,
Timothy Brown,
John C. Bauman, jr., and
Harley E. Barrows.

Ensign Francis S. Page, United States Naval Reserve Force, to be an ensign in the Navy, for temporary service, from the 15th day of May, 1918.

The following-named citizens to be acting chaplains in the Navy, with the rank of lieutenant (junior grade), for temporary service, from the 24th day of April, 1918:

Earl W. Foster, a citizen of Kentucky, and
Alfred de G. Vogler, a citizen of New York.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 20 (legislative day of May 17), 1918.

APPOINTMENT IN THE NATIONAL ARMY.

MEDICAL CORPS.

Col. Robert E. Noble to be brigadier general.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

INFANTRY.

Second Lieut. William F. Stromeyer to be first lieutenant.

APPOINTMENTS IN THE ARMY.

DENTAL CORPS.

To be first lieutenants.

John Rudolph Wikeen, and
Richard Carlton Hoblitzell.

POSTMASTERS.

CALIFORNIA.

George M. Kemble, Alturas.
Stella L. Vincent, Carmel.

CONNECTICUT.

Louis E. Chaffee, Stafford Springs.

INDIANA.

Otto O. Griffin, Carthage.

IOWA.

Ida M. Truesdell, Ringsted.
Mae K. Honzelka, Van Horn.

MASSACHUSETTS.

Molly A. Gilman, Allerton.

MONTANA.

Victor N. Weber, Deer Lodge.
Rudolph P. Petersen, Rudyard.

NORTH CAROLINA.

Mal H. Jones, Rutherfordton.

NORTH DAKOTA.

Lena L. Diehl, Dunn Center.

OHIO.

Edward F. Laner, Prospect.

TEXAS.

Hecton N. McKellar, Pecos.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 20, 1918.*

The House met at 12 o'clock noon.

Rev. John R. Carpenter, of Markesan, Wis., offered the following prayer:

Our Father who art in heaven, we hallow Thy name, because Thou art Love.

We thank Thee for the light of another new day here upon earth. May we live this day aright. Whenever duty calls us, wilt Thou give us a clearer vision and the strength of character to accomplish that duty.

We thank Thee for our beloved Nation. Every day and every hour we pray for our success in everything that is true and right.

Bless the President of the United States and all who are holding responsible positions. Help us all in our various duties

in life, to do that which will result in the greatest good to the greatest number.

Be with those who are on battle fields far away. May Thy "everlasting arms" be about them, to protect, to defend, and to save, that they may be victorious in this great struggle for the betterment of mankind.

These and all blessings we ask in the name of Jesus our Savior. Amen.

THE JOURNAL.

The Journal of the proceedings of Saturday, May 18, 1918, was read.

The SPEAKER. Without objection, the Journal as read will be approved.

Mr. STAFFORD. Mr. Speaker, reserving the right to object to the approval of the Journal, I wish to direct the Speaker's attention to the record of the proceedings as stated in the Journal, so far as the motion of the gentleman from Illinois [Mr. MADDEN] is concerned, relating to the Senate amendment to the Post Office appropriation bill numbered 52. As the Journal states it, the motion was that the House agree to the Senate amendment with an amendment. The original motion, as borne out by the record of the proceedings, was to instruct the House conferees to insist on the following amendment, by striking out a certain part of it. This motion was limited to that certain part. If the Journal is approved as it is now recorded, the conferees on the part of the House will be barred entirely from entering upon the consideration in the conference of the rest of amendment numbered 52. I have in the last minute conferred with the chairman of the Committee on the Post Office and Post Roads [Mr. MOON], and he advises me that it was not his intention to agree to the Senate amendment numbered 52, but wished all the rest of the Senate amendment, other than that part which related to letter carriers, postal clerks, and railway mail clerks, to be in conference. The Speaker will remember that the gentleman from Tennessee [Mr. MOON] moved to disagree to all of the Senate amendments. That motion was agreed to. Then, after the House had voted to disagree to all of the Senate amendments, the gentleman from Illinois [Mr. MADDEN] rose and moved to have the conferees instructed as to a certain portion of one of those amendments. It was within his province at that time to move to instruct; but it was not within the province of any Member of the House, after the House had by vote disagreed to all of the Senate amendments, to immediately move to agree to one of those amendments with an amendment. In order to get to the voting stage on all the amendments, back to that position where the House could vote to agree to any one of them, it would have been necessary to move a reconsideration. It was perfectly compatible with the House proceedings, after the House had disagreed to all the Senate amendments, for the gentleman from Illinois to move to instruct the conferees, but it was not within his province to move to agree to any of them with an amendment. I had made a point of order, but when I found from the statement of the gentleman from Illinois that his motion was not to agree to the Senate amendment with an amendment but was a motion to instruct the conferees as to one of the amendments, I did not insist upon the point of order for that additional reason. I am making this suggestion so that the conferees will not be in a confused position when they get into conference. If the Journal stands as it is submitted to the House, when the conferees would get into conference the Senate conferees would say that the only question in conference, so far as Senate amendment No. 52 is concerned, is that part which relates to letter carriers, post-office clerks, and railway mail clerks; but I am assured by the gentleman from Tennessee [Mr. MOON] that he wants all the rest of the Senate amendment in conference, so that he can determine what should be the policy of the conferees and the policy of the House so far as voting $200 per year increase to all of the postal employees other than letter carriers, postal clerks, and railway mail clerks. I would not at this time submit this matter to the attention of the House were it not that I have the statement of the gentleman from Tennessee that he wishes to have in conference all of the remaining part of amendment No. 52, the part other than that which relates to railway mail clerks, post-office clerks, and letter carriers.

Mr. WALSH. Will the gentleman yield?

Mr. STAFFORD. I will yield.

Mr. WALSH. Of course, the gentleman is aware that the gentleman from Illinois, who made this motion, stated that he wanted all of Senate amendment No. 52 retained except what he moved to strike out.

Mr. STAFFORD. I am not aware of that.

Mr. WALSH. If the gentleman will refer to page 6743 of the RECORD he will find——

Mr. STAFFORD. What part?

Mr. WALSH. First column, toward the bottom of the column, where I said:

> The gentleman refers to the Senate amendment No. 52?
> Mr. MADDEN. That is it.
> Mr. WALSH. There is part of that amendment which he desires retained, is there not?
> Mr. MADDEN. Yes; I want all retained except what I have just asked should be stricken out.

Now, of course it makes no difference whatever what the distinguished chairman of the Committee on the Post Office and Post Roads may desire; it is the desire of the gentleman who offered the motion to strike out to instruct the conferees, and he made that motion upon suggestion from me incorporating the language that the conferees should be instructed to agree to the Senate amendment with an amendment which is——

Mr. STAFFORD. Oh, Mr. Speaker, I remember distinctly, and the RECORD will show, that the gentleman from Illinois in the debate stated that he only wished to have the conferees instructed, so far as railway mail clerks, postal clerks, and letter carriers were concerned. He was not insisting on agreeing to the rest of the Senate amendment. In the debate during the pendency of the point of order, if he had stated that his motion was to agree to the Senate amendment 52 with an amendment, then I would have argued the question, and the Chair would necessarily have been obliged to hold that after the House had voted to disagree to all Senate amendments that it was then too late to move to concur in a Senate amendment with an amendment.

Mr. WALSH. The gentleman did make that point, but did not argue it.

Mr. BANKHEAD. Mr. Speaker, what is the parliamentary situation?

The SPEAKER. The parliamentary situation is that the Speaker announced that without objection the Journal would be approved, whereupon the gentleman from Wisconsin reserved the right to object to agreeing to the Journal. Now he is expounding the reasons why he objected. That is the parliamentary situation.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. STAFFORD. I will.

Mr. DOWELL. Is it not correct that the Senate adopted the House bill except the amendment the gentleman from Illinois suggested to add to that amendment——

Mr. STAFFORD. It is not. The House bill contained no provision whatsoever for increase of the salaries of supervisory officials, and the Senate amendment is an entirely different proposition. Now, Mr. Speaker, I will read what the gentleman from Massachusetts said in this discussion. I read from page 6743. Here is what the gentleman said then:

> Mr. WALSH. The gentleman refers to the Senate amendment No. 52?
> Mr. MADDEN. That is it.
> Mr. WALSH. There is part of that amendment which he desires retained, is there not?
> Mr. MADDEN. Yes; I want all retained except what I have just asked should be stricken out.
> Mr. WALSH. Of course, the gentleman desires to agree to the Senate amendment No. 52 with an amendment?
> Mr. MADDEN. I wish to be certain of the retention of the classification feature of the bill H. R. 9414 as passed by the House.
> Mr. WALSH. That should be the instruction.
> Mr. MADDEN. I want to do whatever will accomplish the purpose.

Now, going through the RECORD there is no reference to the motion of the gentleman from Illinois [Mr. MADDEN] other than the formal motion submitted by him and read by the Clerk. Now, on page 6742 this occurs:

> Mr. WALSH. Mr. Speaker, the gentleman from Illinois in making his motion, I think, was in error in moving to instruct the conferees to strike out. It seems to me the proper thing is to move to concur in the Senate amendment with an amendment.
> Mr. MADDEN. That is all right.
> The SPEAKER. The gentleman from Illinois has the right to make a motion to instruct the conferees. What he may put in his instructions is another matter. What point does the gentleman from Massachusetts make?
>
> Mr. WALSH. My suggestion was that the gentleman from Illinois moves to instruct the conferees to strike out of the bill certain language and insert other language. Of course, the bill is in conference. This is a House provision, and there is a Senate amendment. It seems to me that the motion for instruction should be to agree to the Senate amendment with an amendment.
> The SPEAKER. That is one way of getting at it.
> Mr. MOON. Oh, the gentleman is mistaken in this, that there is no House provision.
> Mr. WALSH. Is there not a House provision to which was an amendment?
> Mr. MOON. No; the gentleman is speaking of the provision that was in House bill 9414.

The SPEAKER. Where is the gentleman reading?

Mr. STAFFORD. That is in the beginning of the discussion immediately following the offering of the motion by the gentleman from Illinois [Mr. MADDEN], first column, page 6742. The Speaker will remember that the gentleman from Illinois [Mr.

CANNON], before the motion was put, entered into discussion as to whether after a disagreement it was proper at the very beginning of the conference to instruct the conferees, so I think that it was the purpose of the House to move to instruct the conferees to insist on the Madden amendment to the Senate amendment No. 52 and disagree otherwise as to the entire amendment, and that the Journal should so state.

Mr. WALSH. Will the gentleman yield further?

Mr. STAFFORD. I now yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, if the Speaker will allow me, I think I can clear this thing up. I think I stated in the discussion which took place that there was no difference between the House and the Senate in respect to rural carriers, laborers, chauffeurs, and other employees of the Post Office Department; that the only difference which existed was in the matter of clerks in first and second class offices, carriers in the City Delivery Service, and railway mail clerks.

And what I wanted to do—and whether I did it or not I do not know—was to provide instructions to the conferees to insist upon the retention of the classification provided in the bill H. R. 9414 in the consideration of the question in conference, leaving the other items inserted in the appropriation bill by the Senate open to such conference as might be thought proper.

Mr. STAFFORD. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. STAFFORD. The gentleman wished to have in disagreement between the two Houses the increase of salary allowance of supervisory officials and all other post-office officials which are carried in the Senate amendment, but which were not embodied in the original Moon-Madden bill?

Mr. MADDEN. What I wanted to do, I will say frankly, was to provide instructions to the conferees to insist upon the insertion of the provisions of the bill H. R. 9414 as those provisions related to clerks in first and second class offices, carriers in City Delivery Service, and railway mail clerks.

Mr. WALSH. Mr. Speaker, in response to a parliamentary inquiry on Saturday, propounded by the gentleman from Michigan [Mr. MAPES], which inquiry was as follows:

Will this motion instruct the conferees to agree to the balance of amendment 52 except this language which is stricken out and with the insertion?—

The Speaker replied:

The Chair thinks so.

Now, that is found on page 6745, at the bottom of the left-hand column, when the debate had been about concluded. The gentleman from Michigan [Mr. MAPES] rose to ask as to the motion and as to its effect, and the Chair's understanding of it was in conformity with the understanding that prevailed during the colloquy and the discussion of the motion of the gentleman from Illinois, namely, that all he wanted to do was to strike out certain language and insert the classification plan which had been approved by this House in a former bill, and in reply to a question by me he stated that he wished the rest of the Senate amendment 52 retained. And I submit that his motion to agree to Senate amendment 52 with an amendment was in effect a disagreement, and it was not in conflict with the previous action of the House by unanimous consent disagreeing to the Senate amendment. I submit that the Journal as read states the action taken by the House and sets forth the effect of it as understood by both the Speaker and the gentleman from Illinois [Mr. MADDEN].

Mr. SAUNDERS of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAUNDERS of Virginia. What does the Journal actually show in this connection?

The SPEAKER. The Journal shows this, that Mr. MADDEN moved that the conferees be instructed to agree to Senate amendment No. 52 with the following amendment, and then recites the amendment.

Mr. SAUNDERS of Virginia. Now, Mr. Speaker, as I gathered the attitude of the gentleman from Wisconsin [Mr. STAFFORD], from his statement, it was to the effect that the House, having disagreed to the Senate amendments, it was therefore not competent for this body to instruct the conference committee to do a certain thing which, in substance, would amount to an agreement in part, of the matter in dispute.

Mr. STAFFORD. The gentleman misunderstands my position. That is the very point I am arguing, namely, that the Journal should state just what the gentleman from Illinois attempted to do, which was to instruct the conferees as to matters relating to letter carriers, post-office clerks, and railway-mail clerks.

Mr. SAUNDERS of Virginia. The gentleman's contention was that having in general disagreed, the House could not promptly turn around and agree?

Mr. STAFFORD. If the gentleman will permit, my contention is that the gentleman who moved to disagree to the amendment, the gentleman from Tennessee [Mr. MOON], wished to have a disagreement to that portion of the Senate amendment which related to supervisory officials, post-office inspectors, and everybody else, and also that which related to city letter carriers, post-office clerks, and railway-mail clerks.

Mr. SAUNDERS of Virginia. Mr. Speaker, I merely wish to say in this connection that the proposition that having disagreed to the Senate amendments, we are unable to instruct the conference committee to take any action which in substance would be an agreement pro tanto, can not be sound, for the following reason, that the instructions of the House to a conference committee are not the equivalent of an agreement by the House to the matter to which the instructions relate. I think the gentleman has in mind the principle that when the House inserts matter it can not turn about and strike out the same matter or strike out matter which it has inserted. But that principle does not apply for the reason given.

The SPEAKER. The gentleman is entirely correct.

Mr. SAUNDERS of Virginia. In spite of the instructions the conference committee may disagree to matter to which the instructions commit it to agree, and vice versa. Hence instructions to a committee to agree to an amendment can not be regarded as the formal agreement of the House to that amendment—and that being so, the logic of the gentleman from Wisconsin [Mr. STAFFORD] fails.

The SPEAKER. The situation was this, and the thing that attracted the attention of the Chair was that during a long service here he had never seen the matter transacted in the way the gentleman from Illinois [Mr. MADDEN] was trying to do. The gentleman from Massachusetts [Mr. WALSH] made a suggestion, with which the Chair agreed, that the effect of the Madden motion was really to agree to the Senate amendment No. 52 with an amendment. And that has been done repeatedly; and the suggestion of the gentleman from Virginia [Mr. SAUNDERS] is entirely correct. Now, even if the idea of the gentleman from Wisconsin [Mr. STAFFORD] was correct that the House, having just disagreed to all these Senate amendments, could not do the thing the gentleman from Illinois [Mr. MADDEN] was trying to do, he never made any such point in his argument, and it was rather an elaborate one, about the Madden motion, but he confined his objections to an entirely different thing. The Chair has read this thing over a half dozen times, and it seems to me that the effect of the Madden motion was simply to agree to Senate amendment No. 52 with an amendment which was embraced in his instructions. That is not an agreement to Senate amendment No. 52, and the Chair thinks that it has been journalized correctly. And the Journal as read will be adopted, without objection.

Mr. MOON. Mr. Speaker, we can not make a decision without a statement of the exact facts.

Now, there was at no time a motion by the gentleman from Illinois [Mr. MADDEN] to agree to the whole of Senate amendment No. 52 or to any part of it. The House had disagreed to the whole of it. Now, his proposition was not to agree to any part of it but to strike out a part of it, which, in effect, was an amendment to that extent only, and applicable to that part only—to strike out a certain part of it and insert other matter. It occurred to me that that does not have the legal effect of an agreement to the part of the matter that had been disagreed to heretofore, but simply applies to that particular portion of amendment No. 52 which Mr. Madden desired to correct by striking out and leaving the balance of the amendment disagreed to.

Inasmuch as there was no motion made at all to agree to any part of Senate amendment No. 52, it seems to me that the Journal of this House, in order to show the intent and purpose of the mover of that motion, and evidently the opinion of the House when it was passed, ought to show that the House insisted upon the amendment that Mr. MADDEN proposed, but maintained its disagreement as to the balance of Senate amendment No. 52.

It comes to us in a different shape from legislation usually. There was no provision in the original bill as it left the House on this question at all. It comes back now to us with an original Senate amendment. We disagreed to that amendment; want a certain portion of the amendment, or all of it, stricken out and new matter inserted. We expressed an opinion only as to a part of that amendment, which we desired removed and something substituted in its place.

Now, it occurs to me that the legal effect of that is not to affirmatively approve of the other part of that amendment. We

are taking action simply on the part referred to by Mr. MADDEN in his amendment, and we leave the balance of it disagreed to.

Mr. STAFFORD. Mr. Speaker, affirming the position of the gentleman from Tennessee, may I be privileged to read to the Speaker and to the House, in confirmation of that position, just what took place after all these matters heretofore referred to and before the vote was taken? In the discussion between the gentleman from Illinois [Mr. CANNON] and the gentleman from Tennessee [Mr. MOON], the gentleman from Tennessee made this statement, which will be found on page 6745 at the bottom of the second column. I read:

Mr. CANNON. The House would accede to the request of the Senate and agree to the conference. That would be the ordinary course of procedure. Of course, the House might at any time instruct its conferees. What was the amendment of the gentleman from Illinois [Mr. MADDEN]?

Mr. MOON. As I understand the amendment proposed by the gentleman from Illinois [Mr. MADDEN], it was to amend the Senate amendment by inserting the provisions on this question that was passed in H. R. 9414, the legislative bill on that proposition, which is a change of the existing law on the subject of classification.

Mr. CANNON. That would be perfectly proper, the Senate having proposed the legislation, to agree to the Senate amendment with an amendment.

Mr. MOON. Yes.

Mr. CANNON. Is that the motion?

Mr. MOON. Yes.

Mr. CANNON. Then, it does not involve any instructions at all. Of course, you could instruct, but ordinarily it is not done. Later on, if the House was willing——

Mr. MOON. I suggest to the gentleman from Illinois that simply to agree to a Senate amendment with an amendment, without stating what that amendment was, would give no information to the conferees.

Mr. CANNON. You propose to put in that amendment?

Mr. MOON. Yes.

Mr. MADDEN. When that goes in, that is all the gentleman from Illinois [Mr. MADDEN] asks for.

Mr. CANNON. It is the difference between agreeing with an amendment and instructing the conferees. I think the House has very rarely instructed its conferees in the first instance. I suppose it has the power to do it, but it is out of the ordinary course, and would not amount to anything more than to pursue the ordinary course, in my judgment, in the event that the Senate would not agree.

Now, here is the potential part of this discussion:

Mr. MOON. I think the idea probably was that it carries with it a suggestion from the House as to what the legislation ought to be on a subject on which the House has not legislated in this bill.

Mr. CANNON. But you can do that by concurring in the Senate amendment with an amendment.

Mr. MOON. I understand.

Mr. STAFFORD. If the gentleman will yield, the House has already disagreed to the Senate amendments.

Mr. CANNON. Very well.

Mr. MOON. This is a motion, after a disagreement to the Senate amendments, to instruct the conferees as to what action they shall take as to this particular amendment.

That is the last expression of the gentleman as to what he wished on this subject.

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BLACK. The gentleman from Tennessee was not making the motion. I suggest that.

Mr. MADDEN. If the gentleman will permit me, I want to state that it certainly was not my intention to accept the Senate provisions of the salary legislation with an amendment. My sole intention was to strike out certain language in that part of the Senate amendment which provided for a $200 per annum increase in the compensation of the clerks in first and second class offices, the carriers in City Delivery Service, and the railway mail clerks, and to substitute for the language stricken out the language pertaining to that particular phase of the salary legislation embodied in the classification features of House bill 9414.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. WALSH. What did the gentleman mean, then, when he stated, in reply to a question, that he wanted Senate amendment 52 retained except what he had just asked to be stricken out?

Mr. MADDEN. What I mean was that I had personally no objection to language employed by the Senate as to the other features of the legislation, but I seriously objected to the language employed by the Senate as to that feature of the legislation which dealt with the clerks and carriers and railway mail clerks.

The SPEAKER. The Chair thinks the easiest way to settle this matter is to defer the adoption of Saturday's Journal, and let the gentleman from Tennessee [Mr. MOON] and the gentleman from Illinois [Mr. MADDEN] and the gentleman from Wisconsin [Mr. STAFFORD] retire to some quiet place and see if they can put that proposition in such shape that it will not get the House conferees into a tangle over in the Senate. I will ask that that be done. The Clerk will read Sunday's Journal.

The Journal of the proceeding of Sunday, May 19, 1918, was read and approved.

THE LATE REPRESENTATIVE WILLIAM A. JONES.

Mr. MONTAGUE. Mr. Speaker, some days since the House agreed to have the memorial exercises in relation to the late Representative JONES on next Sunday, May 26. Owing to the inability of several Members to participate in these exercises on this date and awaiting the memorial proceedings, official and semiofficial, from the Philippine Islands, I ask unanimous consent that that order be vacated. Subsequently I will ask that another date be fixed.

The SPEAKER. The gentleman from Virginia asks unanimous consent to vacate the order for memorial services on May 26 for the late Representative JONES of Virginia. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. NICHOLS of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by my colleague [Mr. JAMES] at a patriotic meeting on April 21 last.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by inserting a speech made by his colleague [Mr. JAMES] on a patriotic subject. Is there objection?

There was no objection.

SOLDIERS' VOTE.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

Mr. GARRETT of Tennessee. On what subject?

Mr. ROGERS. I want to refer again to the matter of the soldiers voting.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts to address the House for three minutes?

There was no objection.

Mr. ROGERS. Mr. Speaker, I think the House and the country have been a good deal mystified by the divergent and irreconcilable reports issued from the various branches of the War Department with reference to the policy to be pursued this fall by the War Department on the subject of the soldiers voting in France.

In the first place, the Acting Secretary of War gave to the Commonwealth of Massachusetts last month, while Secretary Baker was still in Europe, a long written opinion in which it was laid down as a positive rule that the taking of the soldiers' votes in France would not be tolerated by the department. In letters signed by The Adjutant General, addressed to me and to one of the Senators, which I printed in the CONGRESSIONAL RECORD a few days ago, practically the same thing was stated. Since then Mr. Baker has returned from France where, presumably, he looked into the whole matter and considered the feasibility of taking the overseas soldiers' votes. He has within a few hours given out a statement concerning the matter, which I think will be of interest to the House and which I ask to have read in my time.

The Clerk read as follows:

STATEMENT OF THE SECRETARY OF WAR.

MAY 18, 1918.

The question of having the soldiers vote is a difficult one, but everybody is anxious to have it done if possible.

You know with the soldiers in this country we made a rule that wherever a State had provided the machinery for taking the vote of the soldiers we would help all we could to facilitate the operation of that machinery. The War Department obviously can not take the responsibility of taking, collecting, and returning the votes. If it is possible for us to work out a plan by which we can facilitate the States doing it through their own agencies, agencies of their own creation, we would be very happy to do it.

If States provide machinery which is practicable and can be worked we will do our utmost to enable them to work it. If some plans are practicable and some impracticable we will not punish those who are practicable because of the impracticability of others.

If it is possible to work out a plan it will apply to the American Expeditionary Force.

Mr. ROGERS. Now, Mr. Speaker, if I may be permitted to express an opinion, I think the statement represents precisely the view which the War Department ought properly to adopt and which it apparently has now definitely decided to adopt. In the first place, military considerations must come first. In the second place, subject only to these military considerations, everything will be done to permit the soldiers in France to vote this fall. The statement makes it clear—what must be clear under the Constitution—that it is up to the States themselves; but that the War Department will cooperate in every way with the States in order to make possible the voting in France. Six or eight, possibly ten States have already submitted plans for soldiers voting in France. Massachusetts is one that has been working very hard on the question; Mississippi is another, as the

gentleman from Mississippi [Mr. HARRISON] discussed fully the other day; others are North Carolina, New Jersey, Connecticut, Kansas, and Nebraska. The War Department officials have told me this morning that they regard the Mississippi plan as entirely practicable, because it does not overburden the War Department officials in this country or in France. So it is squarely before the several States to decide what to do on this important matter. It rests with each to determine whether or not its over-seas citizen soldiers shall be disfranchised.

The SPEAKER. The time of the gentleman has expired.

CONTRIBUTION BY NATIONAL BANKS TO THE RED CROSS.

Mr. GARRETT of Tennessee. Mr. Speaker, may I suggest that it might be well for Members to understand that there is a special order for 5 o'clock this afternoon. There was a special order made Saturday whereby the gentleman from Virginia [Mr. GLASS] would be recognized to move a suspension of the rules for the purpose of passing a bill authorizing national banks to contribute to the Red Cross.

EXTENSION OF REMARKS.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of a bill which I introduced to-day to punish those who are guilty of mob violence in attempting to execute the laws of the United States. I want to have the short bill printed with some remarks of my own.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD.

Mr. GARRETT of Tennessee. Is it simply a bill which the gentleman wants to print?

Mr. MASON. A short bill, and my remarks in support of it, which bill goes to the Judiciary Committee.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD and to incorporate the bill in his remarks. Is there objection?

There was no objection.

Mr. FESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. Frequently within the last two weeks, and perhaps longer, there have been reports in the form of speeches of what has been said in the Senate by Senators, always complimentary, nothing critical except in a friendly way, as to the value or merit of a particular bill. My inquiry is whether it is in order for a Member to quote anything, favorable or unfavorable, that a Senator has said on the floor of the Senate

The SPEAKER. It is not. It is liable to provoke crimination and recrimination on the floor of the House, and also to get up crimination and recrimination between the House and the Senate.

FOOD PRODUCTION.

The SPEAKER. The unfinished business is the bill H. R. 11945, relating to food production, and the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS of Virginia in the chair.

The CHAIRMAN. The gentleman from Mississippi [Mr. CANDLER] has 37 minutes remaining, and the gentleman from Iowa [Mr. HAUGEN] has 45 minutes remaining.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, in respect to the time yet at the disposal of the gentleman from Iowa, on Saturday afternoon the gentleman from Mississippi asked how the time stood, and the Chair replied at that time that the gentleman from Iowa had still 67 minutes at his disposal. In the absence of the gentleman from Iowa, I yielded 10 minutes to the gentleman from Indiana [Mr. FAIRFIELD] and later extended his time two minutes. I then yielded five minutes to the gentleman from New Jersey [Mr. HUTCHINSON], and that was all the time used on this side out of the 67 minutes, with the exception of one minute by the gentleman from Minnesota [Mr. VOLSTEAD]. That makes 18 minutes of time that was consumed out of the 67 minutes.

The CHAIRMAN. The Chair, of course, is merely stating what the memorandum of the Clerk shows. He has two other items of time which the gentleman from Michigan has not referred to.

Mr. McLAUGHLIN of Michigan. The gentleman from Indiana [Mr. FAIRFIELD] was yielded 10 minutes and 1 minute, and the gentleman from New Jersey [Mr. HUTCHINSON] was yielded 5 minutes and the gentleman from Minnesota 1 minute. If they consumed more time, it was up to the Chair, and it should not be taken out of our time.

The CHAIRMAN. Of course not. The gentleman will get all the time he is entitled to. If the Chair's recollection is of any value, it is that the gentleman from Indiana [Mr. FAIRFIELD] had 2 minutes yielded him in addition to the 10.

Mr. McLAUGHLIN of Michigan. I think the gentleman asked for two and I yielded one.

Mr. CANDLER of Mississippi. Mr. Chairman, according to the gentleman's statement there is a difference of only 2 minutes, and according to him he is entitled to 50 minutes. Why not make it 50 minutes?

The CHAIRMAN. That is what it will be. The gentleman from Michigan is entitled to 50 minutes and the gentleman from Mississippi to 37 minutes.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, in the absence of the gentleman from Iowa [Mr. HAUGEN], I yield 10 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I appreciate very much the courtesy of being extended this privilege on this first Red Cross day, and I will show my appreciation by being as brief as I can. Let me say that the Red Cross bill that is coming up later to-day for the amendment of the national-banking act is a war measure and is a very important bill. Its purpose is to permit national banks to contribute to the Red Cross. I thought at one time that by consent of all of the stockholders of a bank it might make contributions to the Red Cross for war purposes, but something more is required. The depositors are interested in the security and management of the bank. We can not under the law by action of the board of directors or even with the consent of the stockholders themselves contribute this money. There is one other suggestion I wish to make in reference to that bill, and that is I hope there will be an amendment offered to it by which national banks may be permitted to contribute to the war Y. M. C. A., which is a counterpart, a running mate with the Red Cross.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. CANNON. If national banks, through directors not representing in many instances much stock, can contribute, what is to become of State banks that have gone into the Federal Reserve System? They are not authorized to contribute, and have we authority to authorize them to contribute? Have we authority to take the small holders who happen to be directors and permit them to dispose of the property of the big holders, or have we the right to permit the big holders to dispose of the property of the small holders, and then after that is done have a drive upon them as citizens in their particular localities to contribute to the Red Cross? Take the New York banks, for example. Their stock is distributed all over the country. The directors contribute personally. If you have any New York bank stock, do you want them to dispose of your property?

Mr. CANDLER of Mississippi. Mr. Chairman, I regret very much to call the attention of the gentleman from Michigan to the fact that the rule under which we are operating confines the discussion to the bill. I did not want to interrupt, but I have been advised that if I permit anyone to depart from the rule that a point of no quorum will be made and I shall be compelled to wait 45 minutes.

Mr. SMITH of Michigan. Permit me to answer the question of the gentleman from Illinois [Mr. CANNON] by saying that Congress has nothing to do with State banks. In reference to this bill, it is an act to provide further for the national security and defense by promoting agriculture and by stimulating the distribution of agricultural products. And, it being a war measure, and all our legislation and the life and very existence of our Nation being at stake, makes the welfare of our Army and Navy always in order, and especially the Red Cross.

The CHAIRMAN. The gentleman will proceed in order with reference to the pending bill.

Mr. SMITH of Michigan. I think I am in order when talking about the national security and the national defense which is contained in the title of the bill.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan be permitted to discuss the bill to which he has referred, the Red Cross bill,

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that his colleague may be permitted to discuss the Red Cross bill. Is there objection?

Mr. WALSH. Mr. Speaker, the Red Cross bill will come up later in the day. This bill was brought up under a special rule as to debate on the merits of this measure. Now, I have no objection, of course, to the gentleman discussing the Red Cross bill at the proper time, but if it is injected into the discussion

upon this bill some of us gentlemen who are waiting to be advised of the merits of this proposition will not be advised. I do not think we ought to try to discuss the two measures under a special rule confining debate to one measure.

Mr. SMITH of Michigan. I do not think there will be any opportunity of saying anything on the Red Cross bill when it comes up to-day, and I only want now to say that I think it is an important bill and ought to be allowed, but amended. That is all I care to say as to that.

If I may now be permitted, I wish to say something about food and fuel. Fuel is just as important to win the war as food, and it is just as bad to freeze to death as to starve to death. There is not much difference. A part of this money is to be used in the production of coal, or can be so used. We are told that mining coal is a mere matter of transportation. Dr. Garfield says that. Trains can be run almost continually upon all of the railroads. We have the trackage. It is a matter of trains, of hiring of men to dig the coal, putting it on the cars, and transportation. It is a question of having the coal mined, the cars, the engines, and the men to run them. It is a matter of cost, a matter of price. And we ought to begin to-day to get coal for next winter. We are advised that now is the time to order our coal. But when we order it we can not get it. A gentleman told me Saturday he had ordered his coal two months ago and he has not got it yet. He is told that the coal yard has not the coal. Coal dealers should fill up their coal yards and do it now.

I wish to speak about the food provisions of the bill. We were told when we were discussing the Agricultural bill a short time ago that the minimum price of wheat should be fixed at $2.20 a bushel.

The farmers are all urged now to raise more wheat. They are offered the inducement of $2.20 per bushel. Whether this is sufficient or not remains a question. The farmers are patriotic, and I am sure they would raise the wheat at a loss if necessary in order to support our armies and to feed our people during war time. From the list of States following there can not be much profit to the farmer in raising wheat at $2.20 per bushel. These figures are taken from the Agricultural Yearbook, prepared by the Agricultural Department of the Government for the year 1916, on page 575:

Yield of wheat crop, 1916.

	Bushels per acre.
Indiana	12
Illinois	11
Minnesota	7.4
Missouri	8.5
North Dakota	5.5
South Dakota	6.8
Kansas	12
Kentucky	9
North Carolina	10.5
South Carolina	10.6
Georgia	11.4
Tennessee	9.2
Alabama	9.5
Texas	11
Oklahoma	9.7
Arkansas	8
Average	10.13
Delaware	15
Virginia	12.5
West Virginia	14.5
Ohio	13.5
Iowa	15.8
Mississippi	15
Kansas	11
Average	13.9

Average yield per acre for whole United States.

[From Agricultural Yearbook, 1916, p. 67.]

1866 to 1875	11.9
1907 to 1916	14.7

The following I take as a fair average cost of raising an acre of wheat in Michigan. Of course, the cost will be slightly less than these figures where the soil is light and sandy or a tractor can be used. It will cost slightly more where the ground is rough or heavy and where a walking plow is used:

Cost per acre to produce wheat.

Plowing	$3.00
Rolling	1.00
Dragging	1.50
Fertilizer	3.00
Seed	4.00
Twine and cutting	2.00
Drawing in and stacking	1.00
Thrashing and help	2.00
Marketing	1.00
Interest on land and tools	5.00

Making a total cost of $24 per acre.

In making this estimate I might add that some seed wheat in the fall of 1917 cost as high as $3.80 per bushel and rye as high as $3 per bushel, while the price of fertilizer is estimated at $30 a ton.

There was only one State in the United States—Arizona—that produced an average yield of 29 bushels per acre, and that State raised only 1,600,000 bushels. The next highest yield was by Nevada, being 28.9 bushels, which raised only 1,593,000 bushels. Maine raised next highest, average yield of 27 bushels, which raised only 135,000 bushels.

All the other States were below those figures, and the total average for the United States in 1916 was only 12.1 bushels.

The yield for the year of 1917 I have not at hand, but it was slightly more than for the year 1916.

The estimate for the present year, 1918, in Michigan is around 57 per cent of an average crop, which may be increased by fair weather and conditions.

The estimate of the Agricultural Department for the whole United States for the year 1918 is 572,539,000 bushels of winter wheat, which, together with the planting of spring wheat, may bring the yield of both winter and spring wheat up to the 1,000,000,000-bushel mark. If so, this will be a bumper wheat crop for America. I included nothing in the above cost per acre for the wear and tear or use of tools.

Mr. BRITTEN. What is the total?

Mr. SMITH of Michigan. The total cost is $24 an acre.

Now, as to live stock, it takes a bushel of corn to put 5 pounds of meat on a grade steer. It will put 8 pounds on a hog and produce 5 pounds of mutton fed to a sheep or lamb. Corn costs $1.25 to $1.50 a bushel. Divide the cost of a bushel of corn by 5 and you get what it costs the farmer to fatten sheep and cattle. Talk about price fixing! I say the price of wheat should have been fixed at $2.50 a bushel, and I do not know how the President fixed it at $2.20. I do not know how the House fixes it at $2.20. I can see how the Senate fixed it at $2.50. The farmer is entitled to what it costs him and a fair, reasonable profit for his labor. Some have stated that $2.50 would make flour cost $18 a barrel and increase the cost of bread. Bread to-day costs the consumer practically the same price with wheat at $2.20 per bushel as it did in May, 1917, when wheat sold at $3.40 a bushel. I leave it to any man in the House if it is not as high to-day, or higher, with wheat at $2.20 than it was a year ago when wheat was $3.40 a bushel on the Chicago and St. Louis markets.

Mr. PLATT. Will the gentleman yield?

Mr. SMITH of Michigan. I will.

Mr. PLATT. Has the gentleman seen any bread with wheat in it in the last six months?

Mr. SMITH of Michigan. I hope not.

Mr. PLATT. I have not.

Mr. SMITH of Michigan. The American people ought not to eat a loaf of bread until we lick the king of tyranny, the lord of barbarity, the outrager of virtue, and the murderer of innocent women and children. Think of a command to murder four children out of a family of five, so that the mother would advocate, beg, and pray for peace! Talk about peace now, as I have seen in some speeches made——

Mr. REED. Will the gentleman yield for a question?

Mr. SMITH of Michigan. I will.

Mr. REED. Is it not a fact that the administration claims that is the minimum price of wheat, that there is no maximum price?

Mr. SMITH of Michigan. The minimum price in this case is the maximum; it is the same thing. I have heard—it was stated here by some Member; I do not remember who it was—that if wheat was $2.50 a bushel, flour would be $18 a barrel. It takes 4½ bushels of wheat to make a barrel of flour in an up-to-date mill, and any mill can make a barrel of flour out of 5 bushels of wheat. There is not a mill in the United States but what will be glad to grind those 5 bushels for the middlings and the by-products, in which case the barrel of flour would cost $12.50 with wheat at $2.50 a bushel.

Mr. WALSH. Does the gentleman know whether the farmers had any representative on the board or committee that assisted in arriving at the minimum price for wheat?

Mr. SMITH of Michigan. I do not know of any, and I looked to see who was on that committee, but could not find it; but, anyhow, whether they were on or whether they were off——

Mr. WALSH. I was informed they had no representative.

Mr. SMITH of Michigan. I would think that they had not.

Gentlemen, we want and must have wheat, and now is the time to prepare for putting in the fall crop of 1918. Planting time is only a little more than 90 days off.

Mr. HUTCHINSON. I want to say that there were farmers on the committee that fixed the price at $2.20.

Mr. SMITH of Michigan. They did not fix it high enough, according to the record.

Mr. McLAUGHLIN of Michigan. There were farmers on that board, but their wishes were utterly ignored in the matter of fixing the price of wheat.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEE of Georgia. Mr. Chairman, I yield further time to the gentleman.

Mr. SMITH of Michigan. I am pleased to have the statement of my colleague [Mr. McLAUGHLIN of Michigan], and I thank the gentleman from Georgia [Mr. LEE] for yielding me more time.

Mr. FESS. Will the gentleman yield?

Mr. SMITH of Michigan. I will.

Mr. FESS. We hear it constantly stated that the price was the minimum. Is it not true that if the Government becomes the buyer of an article that there is no competition later and the minimum price must be the maximum?

Mr. SMITH of Michigan. I am very glad the gentleman asked me that question. That is a well-established fact. The Government now buys wool. No one else is buying wool. The price was fixed at the same price for which it sold on the 25th of April, 1917, but it is only purchased on Government account and when the Government wants it. If the farmer tried to sell his beans, the local buyers were not taking in beans, and also they were not buying hay, because they could not get the cars to load it in.

So I say these things about farming. I will put the figures in the RECORD. I shall approximate them, because some lands work easier than other lands and you can put in a crop for less. But I am talking about my own State, which is surely an average State for agriculture. And I would say to the gentleman from Ohio [Mr. FESS] that I think he is right in that the minimum price is the maximum price, when the Government fixes it, in all things.

Mr. FESS. Whenever the Government becomes the purchaser of an article the maximum will be in unison with the minimum.

Mr. SMITH of Michigan. Yes.

And I am glad to see that this bill is reported as a war measure, because we can not whip Germany unless we have food. That is plain enough. Some put the limitation of an army at 5,000,000, some say 8,000,000, and some say we should remove the lid. I want to tell you now what I think about that. We are fighting the whole German nation. We are fighting 75,000,000 people, and I do not know whether or not we have fully comprehended it. But whether our Army is 1,000,000 or 2,000,000 or 5,000,000 men, every one of us here at home should do all we can to aid and support the Army and raise all the food we can to supply food and munitions to win this war. Until it is won we should not talk peace. We should talk about war.

Mr. McKENZIE. Will the gentleman yield?

Mr. SMITH of Michigan. In just a second. We should talk about war because we are engaged in it, and there can be no lasting peace without victory. When you see the peace cards put down on the table, look and see whether or not Belgium is to be restored; whether or not bleeding France is to be indemnified; and, above all, whether or not there is going to be any more wars and that there will be a lasting peace. We are fighting now for the welfare, safety, and the very existence of our Nation.

Mr. McKENZIE. I take it the gentleman has studied this bill, and although I do not suppose he will have time enough, if he does I would like to have him point out to me just any one way that this bill that we are now discussing will increase the output of the farms for this year and help us win this war.

Mr. SMITH of Michigan. I will be very glad to do that right now. I have read the bill quite carefully, also the report, and would say that in September, 1918, we will put out our wheat crop. In Michigan the average wheat crop this year is estimated at about 9 bushels an acre, according to the reports; and it will take $24 an acre, my friends, to put that wheat out, harvest it, and put it on the market. If you can see how a man can get his money back when receiving $2.05 a bushel—and that is what the farmer gets, although they talk $2.20—I would like to know it. Of course the miller pays more; possibly $2.50. But now is the time to prepare for the next year's crop. The Thirty Years' War, the Napoleonic War of 10 years duration, and the Seven Years' War were all long ones. Let us prepare for a long, hard war; then if the end comes sooner we will all rejoice, but if not we will be ready to do our best. We will be fighting next year; we will be fighting, maybe, for 10 years. The Seven Years' War was successfully fought by Prussia with a population of 5,000,000 against an allied population of 100,000,000. We are a nation of 100,000,000 people and with our allies we are going to win this war. I am for coordinating every allied nation; I am for getting all the nations who have declared war against Germany together now. Let us get in all we can of South America as we have all of North America. Let us go down and see if we can not get Mexico in some way to come in. Let us take in Japan, let us take in China, and every South American Republic, and let us lick Germany decisively and have no more wars. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Mississippi. Mr. Chairman, I shall support this measure, as I have supported every measure that appeared to me to be for the best interest of the Nation and that would help to further the interest of our country in this great conflict in which we are now engaged.

My colleague, Mr. CANDLER, has been a member of the Committee on Agriculture for a number of years. Knowing how great an interest he always displays in regard to everything affecting the agricultural interests of the country, and having seen such frequent evidence of the wide information on such subjects, and having such confidence in his judgment and integrity, I would feel justified in supporting this bill simply because it is reported by him and has his indorsement.

Having read the bill and given it some thought, my conclusion is that we should follow his lead on this matter and give it hearty support.

This is an act "to promote further the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products."

As I recall the debate, there have been only two or three criticisms of the measure. The gentleman from Iowa [Mr. TOWNER] had a lot to say about the form of the bill. He says there are duplications, that many of the items in this bill are covered by similar items in the regular Agricultural appropriation bill.

That is true. But that is not a proper subject for criticism. Where the same item appears in both bills it is not provided twice for the same work. It is an extension of the work. It is no criticism of the committee to say that it did not make as full provision on many subjects in the regular bill as is proposed now. We are living now in abnormal times. New conditions are confronting us. Each rising sun brings with it new problems. Our vision is broadening. We realize that there must be expansion and extension along a great many lines, and it is the effort and intention of the committee in bringing out this bill to meet conditions as they exist at present and to anticipate the future as best it may.

Mr. QUIN. Will my colleague yield?

Mr. STEPHENS of Mississippi. Certainly.

Mr. QUIN. Six of the vital provisions of this measure, which are supplemental to the other bill, are worth more than any other legislation that Congress ever brought up, are they not?

Mr. STEPHENS of Mississippi. I agree that they are all matters of great importance even in normal times, and I believe that they may well be considered as matters of almost vital importance in the present circumstances.

Mr. QUIN. The Market Bureau has a large sum provided for, and there is a live-stock provision that is very valuable.

Mr. STEPHENS of Mississippi. All those items are very important and very necessary. The Bureau of Markets, to which the gentleman refers, is exceedingly important. The distribution of agricultural products is a matter of great moment, both to the producer and the consumer.

Mr. QUIN. All the great American food products are cared for in this measure, are they not?

Mr. STEPHENS of Mississippi. Yes. I desire to commend the committee for being able to so thoroughly grasp the situation and to discern the present condition of the country in this regard.

As I was saying when interrupted, the gentleman from Iowa criticized the form of the bill. It is not "form" but substance in which we should be interested. We should inquire: Does it meet the conditions? Will it help to advance the interests of the Nation in this conflict? Will it stimulate agriculture as it is designed to do? Will it facilitate the distribution of agricultural products? Is the legislation necessary for the prosecution of the war?

If these questions are answered in the affirmative, then there should be no quibbling about matters of form.

All realize, as the gentleman from Michigan [Mr. SMITH] stated a moment ago, that the production of food is a very important and necessary work at this time. A great army of men, a strong naval force, large guns, an immense fleet of aircraft, and all those things that go to make up a fighting force will avail nothing unless there is a supply of foodstuff.

Mr. QUIN. I know how ardent a friend the gentleman has always been in behalf of the farmers. It will aid the farmers, too, will it not?

Mr. STEPHENS of Mississippi. Indeed it will. There is no question about that.

Some gentlemen criticized the committee because the bill simply appropriated lump sums. Why, gentlemen, should we stop to quibble over a little matter of that kind? We have practically placed the entire power of the Nation into the hands of one man. We have said: "Here are the resources of the country, take them and use them as you deem best." Time after time, since the war began, we have appropriated many millions of money in lump sums to the various departments.

In this time of crisis it is proper to do this. We trust the honor, the integrity, and the judgment not only of the President but of the various men at the head of these great departments. The right to exercise their discretion in many matters should not be hampered. We have granted this right frequently, and there is no good reason for refusing it to the Secretary of Agriculture, who will undoubtedly expend this money in an effort to stimulate agriculture, help the farmer, and benefit the entire Nation.

This is a war measure. My friends, we are all of one mind, I am sure. The gentleman from North Carolina [Mr. POU] said in this House only a few days ago:

Mr. Speaker, there were differences among us in the beginning of this war. But there is one proposition about which there is no division in this Chamber. Germany may as well understand that America will never submit to a peace dictated by Berlin. Americans know now, if they have not realized heretofore, that free America can not survive if Germany wins. I do not believe that there is a man in this Chamber who would hesitate to give all he has if it shall become necessary to give all in order to win.

He was stating the truth when he credited the membership with patriotic impulses and an earnest desire to see victory crown our efforts in this conflict. [Applause.]

There have been, of course, differences of opinion as to methods of procedure—some have preferred one plan and some another—but on the one great question of winning the war there has been no disagreement. The success of our country, the preservation of our institutions, the honor of our flag, are of interest to all alike, and all have been prompted to action by those things.

Because a man differs from me as to how to win the war does not mean that he is any less patriotic than I am or any more so. Dr. Frank Crane, a noted American writer, recently said:

Be patriotic but not hysterical. Don't accuse all who do not agree with you of being pro-German.

He is right. This is not a time for hysteria. What we want is cool, steady, earnest action. We are opposed by a cruel, determined enemy. All our intellect and energy must be used to the very best advantage. Nothing should be allowed to weaken the full force of our powers. We should hit hard and direct our blows well, so that they may have the desired effect.

Mr. Chairman, I do not doubt now—indeed, I have never doubted—the loyalty and patriotism of the American people. Naturally there was deep sorrow and regret that war came upon us. On April 2, 1917, when President Wilson addressed Congress in regard to a declaration of war, his countenance was grave, his appearance indicated how deeply he regretted that war should come to the Nation, and he said that he was performing "a distressing and oppressive duty."

To suffer physically and mentally; to sacrifice fond desires and cherished ambitions; to endure hardships and privation is, to use the language of the President, "a distressing and oppressive duty," but it is a duty and one that will be performed well and nobly by our people.

There is too much at stake to do otherwise. That we shall become the serfs of German government, to be ruled by the Kaiser, is too horrible a thought to be indulged in. Better, far better, to be blotted out as a race and a Nation and become only a name and a memory in the history of the world.

"Woe to the conquered" has always been the motto of the Prussian. Rapine, murder, and pillage blacken the annals of every campaign. Bloodthirstiness and lust and a mania for destruction are Prussian characteristics. They have written a record of infamy that can never be blotted out. Every humane heart in the wide world has been made to bleed by their atrocities and barbarism.

In the public forum, the pulpit, and the schoolroom the most pernicious, the foulest, doctrines have been announced. The people of that country have been taught most horrible precepts. They have been taught the "law of the jungle," of the lion and the tiger and the wolf; that might makes right; that war alone can bring true honor and glory; that "man is stunted by peaceful days"; that the Germans are the chosen people of God and that nothing, no matter how frightful or hideous or ghastly, should prevent them from overrunning the entire world.

One of them said:

Ye have heard men say, "Blessed are the peacemakers"; but I say unto you, "Blessed are the war makers," for they shall be called, if not the children of Jahve, the children of Odin, who is greater than Jahve.

Neitzsche, one of their greatest writers, said:

Life is essentially the appropriation, the injury, the subduing of the alien and weak. It is suppression, compulsion, the enforcing of its own forms. It is assimilation and, at the least and gentlest, exploitation.

The weak and crippled should go to the wall; that is the first principle of our philanthropy.

Do I counsel you to love your neighbor? Nay, I counsel you rather to shun your neighbor and to love those farthest away.

This great teacher of his people said, in discussing the doctrine of Jesus Christ enjoining brotherly love:

Believe me, my brethren, He died too early; He himself would have revoked His doctrine had He reached mine age—about 38 years.

They have been taught to harden themselves, so far as other people are concerned, against feelings of brotherhood, of compassion, of mercy and charity, and that war is necessary and normal, and that peace is a disease that insidiously saps the life of a nation, robbing it of honor, strength, and beauty.

They look upon the whole world as theirs to take if they desire it. Less than one year ago one of their statesmen said:

The whole history of the world is neither more nor less than a preparation for the time when it shall please God to allow the affairs of the universe to be in German hands.

Bismarck contemptuously referred to the United States as "a big, fat hog that we will stick some day." Germany has always objected to the Monroe doctrine and has felt aggrieved at us for it. During the Spanish-American War the Kaiser expressed himself as regretting that his Navy was not large enough to enable him to "take the United States by the scruff of the neck."

Mr. Chairman, it is unnecessary to multiply citations to prove the character of our enemy nor to show his feeling toward and his designs upon us. Hundreds of instances might be given.

We have been taught to love peace and abhor war. We regret deeply that our Nation is at war; but being in it, there is only one thing to do—give a good account of ourselves in it, with a firm and steady purpose that never while there is a man left to fight nor a dollar left to spend shall this cruel, barbarous enemy be able to say that our Nation has been conquered.

My sympathies from the very beginning of this war have been with the allies. The invasion of Belgium, the raping of women, the mutilation of children, the murder of old men, the horrible orgy of frightfulness inaugurated in the very beginning of the war prevented me from having the slightest feeling of sympathy with Germany.

Of course, since our entrance into the war every true American citizen, no matter on what side his sympathies may have been prior to that time, is wholeheartedly on the side of his country now. Every time the true American sees the Nation's flag he sees not merely a piece of cloth waving in the breeze, but he sees behind it his family and friends, his country's honor, and all that country can mean to a patriotic, liberty-loving man.

Mr. Chairman, I have here a tribute to the flag that is worthy of a place in the RECORD:

A TOAST TO THE FLAG.

Here's to the Red of it—
There's not a thread of it,
No; nor a shred of it
In all the spread of it,
From foot to head,
But heroes bled for it,
Faced steel and lead for it,
Precious blood shed for it,
Bathing it red.

Here's to the White of it—
Thrilled by the sight of it,
Who knows the right of it
But feels the might of it
Through day and night?
Womanhood's care for it
Made manhood dare for it;
Purity's prayer for it
Kept it so white.

Here's to the Blue of it—
Heavenly view of it,
Star-spangled hue of it,
Honesty's hue of it,
Constant and true.
Here's to the whole of it,
Stars, stripes, and pole of it;
Here's to the soul of it—
Red, White, and Blue.

—New Britain (Conn.) Herald.

In defense of that flag which symbolizes to us all life and liberty, home and country, honor and civilization, we will defend ourselves. Every true man will do his duty. All the responsibility does not rest upon the soldiers. Those in civil life must do their part. Not only must they pay taxes, buy

bonds, subscribe to the Red Cross, but each one, man, woman, and child, has the duty of extending his cooperation toward putting in force the full power of the United States in its fight against Germany.

Let us do all the work that we can; let us pray that peace may come; let us make peace come by using every energy, every power, every resource in the Nation that will contribute to bring us victory. The war will be won. The greater the effort we put forth now, the sooner will be the end. Let us hasten the day of peace and victory by giving everything that is needed now. And let us hope that, at the end of this war, there shall come a more perfect peace, a firmer happiness, and a more splendid civilization than the world, in all its history, has ever known. [Applause.]

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. WALDOW].

The CHAIRMAN (Mr. HARRISON of Virginia). The gentleman from New York is recognized for five minutes.

Mr. WALDOW. Mr. Chairman and gentlemen, I am in favor of this bill, although I voted against the adoption of the rule to bring it in, believing that three hours' time was not sufficient to enable the Members to discuss it.

I desire to make a few observations relative to the Food Administrator and some of the rules and regulations the people of the country are now subject to. These observations are made with a spirit of friendliness toward our Food Administrator, Mr. Hoover, and I hope some good may result therefrom. I understand that at the present time the people of this country are consuming but 35 per cent of our normal consumption of wheat flour, and I do not hesitate to submit the opinion that without regulations wheat flour would be selling to-day at three times its present price, and I know that the people of this country are ready to sacrifice and are willing to assist in the saving of all foods so as to enable us to assist in supplying our allies and our armies now fighting in France.

I submit, however, that if it is necessary for the people of the United States to continue to use substitutes and to continue to conserve our supply of wheat flour a better method than the one now in vogue would be to ration wheat to each person and then allow them to purchase other substitutes if they desire, and the kind of substitutes they desire. The present method compels the purchaser of a sack of flour to purchase many packages of substitutes, some of which he is unable to use, and in consequence the money paid for the substitutes and the substitutes themselves are wasted.

I notice in one of the local papers that the Food Administrator informed the retailers that they must sell cereals from 10 to 20 per cent less than wheat flour, but the compulsory purchasing of these cereals have made such a heavy demand upon the stock of the retailers that most of them cost the consumer a greater amount than wheat flour, and in many cases the consumer finds it impossible to secure the desired cereals he can use and is forced to purchase foodstuffs that are of no value to him. I have in mind a grocer's bill that a friend of mine submitted to me several weeks ago. He desired to purchase a sack of flour that cost $1.65. In order to do so he was compelled to purchase the following:

1 sack of flour	$1.65
6 packages puffed corn	.90
6 packages puffed wheat	.90
3 packages puffed rice	.60
4 packages cornstarch	.48
4 packages oatmeal	.60
5 pounds corn meal	.35

Making a total purchase of $5.58. This man is working for a daily wage of $2.70, and he was forced to labor two days in order to secure enough money to buy a small sack of flour.

It seems to me that if this man and his family were allowed to purchase a sack of flour once a week or once a month, whatever his ration might be, and then permit him to use the balance of his money to purchase whatever edibles he desires, he would be undergoing less hardship and thousands of packages of cereals that are now being wasted would be conserved, and that, of course, would have a tendency to automatically lower the price of cereals.

I have had considerable complaint from the people I represent, as my district is in close proximity to Canada, and I have been informed upon numerous occasions that the residents of Canada have little difficulty in securing flour and sugar, and there is no compulsion by the food administrator of Canada for the purchase of substitutes when purchasing flour, and I understand they have little or no trouble in securing sugar in large quantities, while the people in my district are compelled to purchase it 1 pound at a time and very often are unable to secure even that small amount. If we intend to continue the conservation of wheat and sugar and other foods, I believe it will be necessary for a coordination in the activities of the Food Administrator of the United States and the food administrator of the Dominion of Canada.

I sincerely hope that Mr. Hoover will make some effort to create conditions more equal than those now existing in certain parts of the Dominion of Canada and the United States. The civilian population of both of these countries, I believe, are willing to assist in the conservation of all foods so as to enable our armies to have not only an abundance of food but the very best that can be obtained. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BAER. Mr. Chairman, will the gentleman yield for a question?

Mr. McLAUGHLIN of Michigan. I yield one additional minute to the gentleman.

Mr. BAER. Can the gentleman explain why England and Ireland have got flour for $8 a barrel, made of American wheat, and over here we pay $14 and $15 a barrel for it?

Mr. WALDOW. I have just suggested that a closer coordination of the activities of the two food administrators might help the condition, but I do not know the reason for it.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield 10 minutes to myself.

Mr. HUTCHINSON. Mr. Chairman, I make a point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New Jersey makes the point of order that there is no quorum present. Evidently there is not a quorum present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ashbrook	Fairchild, G. W.	Keating	Rankin
Beshlin	Farr	Kehoe	Riordan
Brodbeck	Flood	Kelley, Mich.	Robbins
Butler	Flynn	Kelly, Pa.	Roberts
Campbell, Kans.	Focht	Kennedy, R. I.	Robinson
Campbell, Pa.	Foster	Kettner	Rose
Carew	Fuller, Ill.	Key, Ohio	Rowe
Carlin	Gandy	Kiess, Pa.	Rowland
Carter, Mass.	Gard	Kitchin	Rucker
Chandler, N. Y.	Garland	Kreider	Sabath
Clark, Fla.	Godwin, N. C.	LaGuardia	Sanders, La.
Clark, Pa.	Gould	Langley	Sanford
Classon	Graham, Ill.	Lesher	Scott, Pa.
Cleary	Graham, Pa.	Little	Scully
Copley	Gray, Ala.	Lufkin	Sears
Costello	Gray, N. J.	McFadden	Sells
Crago	Griest	McKeown	Slemp
Crosser	Griffin	McKinley	Sloan
Currie, Mich.	Hamill	McLaughlin, Pa.	Smith, T. F.
Curry, Cal.	Hamilton, Mich.	Maher	Snell
Dale, N. Y.	Haskell	Mann	Snook
Darrow	Hayes	Mason	Snyder
Davis	Heaton	Miller, Minn.	Steagall
Dempsey	Heflin	Miller, Wash.	Steele
Dent	Heintz	Moon	Steenerson
Dewalt	Hicks	Moore, Pa.	Stephens, Nebr.
Dies	Hilliard	Morin	Sterling, Pa.
Dill	Hood	Nolan	Strong
Dillon	Houston	Olney	Sullivan
Donovan	Howard	Paige	Swift
Dooling	Humphreys	Parker, N. Y.	Tague
Doremus	Husted	Porter	Templeton
Drukker	Jacoway	Powers	Tilson
Dunn	James	Pratt	Vare
Edmonds	Johnson, S. Dak.	Price	Watson, Pa.
Ellsworth	Johnson, Wash.	Ragsdale	Webb
Estopinal	Kahn	Rainey, H. T.	Wilson, Tex.
Fairchild, B. L.	Kearns	Ramsey	Winslow

The committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having under consideration the bill H. R. 11945, finding itself without a quorum, he had caused the roll to be called under the rule and 278 Members answered to their names, and he presented a list of the absentees.

The committee resumed its sitting.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I am opposed to this bill in its present form, and opposed to many of its features in any form, particularly opposed to the very large sums which some of these items carry, put into the bill and attempted to be put through the House under the guise of a war measure.

I am a member of the committee that reported the bill, and the committee gave very careful consideration to it. A minority of the members urged very strongly the elimination of some of the provisions and a reduction of many of the amounts. There was some success attending their effort, but the bill as reported carries objectionable features and some amounts that are very much too high. I said an attempt is made to put the bill through the House under the guise of a war measure, and of that I have no doubt, nor has any member of the committee, although I should, I presume, speak only for my-

self and others who oppose the bill in its present form and as to sums that we think are extravagant.

Many of the departments of the Government are getting large amounts of money, large beyond comprehension, to be used in preparing for and carrying on the war, granted by Congress without question. Other departments, and the Department of Agriculture is one of them, seeing large sums of money appropriated for and made available for use of other departments, are asking large appropriations for themselves. Some of the bureaus in the Department of Agriculture, seeing other bureaus getting large sums of money, some of them properly, are demanding large sums and large increases for themselves. Of that there can be no doubt. Some of the work that is provided for in this bill is important and necessary work. Much of it, however, is provided for in the regular appropriation bill, and the appropriation of larger amounts is unnecessary and improper and a wasteful use of money. I am, and during my entire service have been, much interested in the work of the Department of Agriculture, and have favored liberal appropriations, and at this time there are certain lines of work that must be extended and improved; but appropriations ought not to be extravagant simply because the Congress during the war is dealing in large sums of money and is making previously unheard-of appropriations. On the contrary, that is reason for economy and retrenchment when economy can be properly exercised.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. GREEN of Iowa. I notice that the appropriations contained in this bill are largely lump sums.

Mr. McLAUGHLIN of Michigan. I wish to speak of that later; that is one of the things I shall speak of if I have time.

Mr. GREEN of Iowa. We do not know from the bill what the money is going to be spent for.

Mr. McLAUGHLIN of Michigan. Some of this work is going to be done by bureaus largely as extension of their regular work, and as to some of their work, while the heads of these bureaus were before our committee and talking about their work, how it was done, why it was not extended—I mean during normal times—the reply was that it could not be extended for lack of men, on account of the difficulty of finding suitable men, but now, upon their insistent demand, the majority of the committee, as appears by this bill, proposes to provide immense sums of money for the employment of additional men and for the extension of the work of these bureaus two, three, four, five, and as high as seven times over normal years.

An examination of the bill and comparison with former bills will prove what I say to be true.

The Department of Agriculture is employing a large number of young men who are of draft age and subject to military service. The records of the department show that already the Secretary of Agriculture has certified more than 2,000 of these young men for deferred classification under the draft law. I shall at the proper time offer an amendment, which, if agreed to, will not permit employment of men of draft age or will make it impossible to certify men employed under this law for deferred classification. I might go on and particularize, Mr. Chairman, and point out the different provisions of the bill where men are asked for, and money for salaries and expenses are asked for extension of work that was carried on to the limit before the war began, carried on to the limit because of the difficulty of getting trained, suitable men to do the work. But my time is limited and I shall speak of the feature of the bill referred to by the gentleman from Iowa [Mr. GREEN].

Mr. LONGWORTH. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. LONGWORTH. I understood the gentleman to say that there was a substantial number of the committee who were opposed to the bill as it stands. There is no minority report, is there?

Mr. McLAUGHLIN of Michigan. No minority report.

Mr. LONGWORTH. I observe that the majority report contains these words:

> After very careful consideration of all the various items, the bill herewith presented represents the judgment of the committee as to the provision that should be made for the emergency activities of the department during the next fiscal year.

Will the members of the committee who agree with the gentleman offer amendments as the items are reached reducing the amounts?

Mr. McLAUGHLIN of Michigan. Yes; some amendments will be offered.

Mr. LONGWORTH. So that the statement in the report then is misleading, in fact, as to the committee being united.

Mr. McLAUGHLIN of Michigan. The report is accurate to the extent that it represents the action of the committee, a majority of the committee. Of course, it says nothing about the strenuous fight that was made, the most vigorous fight I know of being made in the Committee on Agriculture during the last 12 years.

Mr. CANDLER of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. CANDLER of Mississippi. I will say to the gentleman that the bill was reported——

Mr. McLAUGHLIN of Michigan. The gentleman will pardon me, but I do not like to yield for a statement. I thought he wished to ask a question. The gentleman has plenty of time at his disposal.

Mr. GILLETT. In addition to what the gentleman from Ohio [Mr. LONGWORTH] says, would it not be impossible on the floor to offer amendments segregating these lump sums? You could not do that very well on the floor.

Mr. McLAUGHLIN of Michigan. I think amendments can be made segregating them.

Mr. LONGWORTH. If the gentleman will pardon me again, the only reason I ask the question is that it seems to me if such a vigorous fight had been made and there was such objection to certain features of the bill, it was due to the House that it be made acquainted with some of these questions before the bill came up for consideration.

Mr. McLAUGHLIN of Michigan. Perhaps that is true. Perhaps the minority of the committee should have made a report; but of course no one, none of the minority at least, had any idea that the bill would be presented in this form. We thought it would be itemized, as bills usually are, and as this House has always insistently demanded appropriation bills shall be itemized. These are lump sums, gathering together a lot of items, and it is hard to tell how they are gathered together to make the total carried in the items in the bill.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. CANDLER of Mississippi. Was not the bill reported upon the motion of the gentleman from Missouri, Mr. RUBEY? He moved that the bill be favorably reported, and that it be reported in the form in which the food-production act was reported before, and this is in identically that form, and that motion was unanimously carried. There was not a vote against it at the time in committee.

Mr. McLAUGHLIN of Michigan. In reply to the gentleman, I will say that I was not present at the very last meeting, the meeting at which that action was taken. If it was taken, as the gentleman states, as I presume, of course, it was, the committee at its last meeting had reached a part of the bill where it seemed there was not much opportunity for reduction and others who had opposed it, just as I had, were tired of objecting without prospect of eliminating improper features or of reducing extravagant sums.

Mr. LONGWORTH. Do I understand the gentleman to say that he had no idea that the bill would be presented in this form?

Mr. McLAUGHLIN of Michigan. I had no idea it would be presented in this form.

Mr. LONGWORTH. Because in this form it is impossible for a Member of the House who has not been through the hearings to get any idea of how the items are made up.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, of course this bill is going to pass. I have no doubt about that, but it ought not to pass. It ought to be defeated. There is no necessity for the legislation. It will not accomplish anything except add 11,000 additional men to the pay roll. What they will have to do after they get on the pay roll I do not know, but I am beginning to get pretty tired of appropriating millions of dollars in lump sums to add more men to the pay roll, without any specific duties to perform, and it is about time we were saying so. Of course, those who are going to have the men placed on the pay roll are enthusiastic for the legislation. It is proposed, or pretended to be proposed, to increase crops, to add to the output on the farms. Last year was the worst farm-crop year we have had in many years. If the present indications are followed to a logical conclusion, we will have the largest farm crop this year that we have ever had in the United States, and after we have supplied our own needs and the needs of the allies, we will have over 200,000,000 bushels of wheat that we will not know what to do with, for which we have no storage facilities. They are proposing now to build storage warehouses to take care of the surplus wheat that it is anticipated will be

on the market in a very short time. There are over 200,000,000 bushels of wheat in Australia on the ground that is being rotted and eaten by rats, for lack of transportation facilities. It is not long since that the Agricultural Department or the Hoover department wanted to build warehouses to take care of potatoes in order that we might have potatoes to feed to the people when the time came, and men who had common sense told them that the only way to take care of potatoes was to let the farmer do it, to put them into storage on ;e farm, under the ground, and feed them out to the people as they were needed. But that is not what these men do who are at the heads of these departments. They do not use their heads, they use the Treasury of the United States. How much more convenient it is to have a lot of money in the Treasury of the United States where these fellows can shove their arms up to their elbows, than it is to exert the brains they are supposed to have when they are appointed to these important places. There is a greater crop of wheat growing to-day than we have ever had in the United States. The estimated return for the wheat crop this year is over 900,000,000 bushels. Last year it was less than 600,000,000 bushels, about 550,000,000 bushels. The Agricultural Department estimated 680,000,000 bushels. When a friend of mine who happens to know what crops are in the country was asked how much stock he took in the Government's crop reports, he said they were not worth the paper they are written on, that they overestimate and underestimate and do not estimate at all, but make figures, without respect to whether there is any definite justification for them or not. So, in order that we may have plenty of men to make figures, which they want to make, they add $6,000,000 to this bill to hire new men to go throughout the country to demonstrate the best methods of raising crops.

Why, the best method of raising of crops is through the tilling of the soil by the ordinary average farmer, who knows more about it than anybody else and who will continue to raise crops as long as he can get a price for the products which he raises. All you have got to do is to show him that there is something in it for him, he will do the rest. [Applause.] You do not have to hire some shoemaker or corn doctor to go on a farm and demonstrate to a farmer the need for raising crops, he knows how to do that himself. How can you get these men with all this agricultural intelligence this bill proposes——

Mr. MONDELL. Will the gentleman yield?

Mr. MADDEN. In a moment—for $6,100,000? You will probably take men who ought to be in the Army. These men are going to be taken out of the Army, made slackers——

Mr. DENISON. Will my colleague yield?

Mr. MADDEN. In a moment—in order to have a peaceful and easy job at a safe distance away from the guns and on the Government pay roll to instruct people who are already full of knowledge of how best to raise crops. Why, it is ridiculous. I yield to my colleague.

Mr. DENISON. Does not my colleague think there ought to be a provision in here that men employed by this act ought not to be put in the deferred classification?

Mr. MADDEN. There ought not to be any man put on this pay roll who is subject to Army service. There ought to be nobody put on who has no experience, either collegiate or otherwise, in agricultural matters.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MADDEN. I will yield.

Mr. LONGWORTH. Did I understand the gentleman to say item 4, carrying $6,100,000, was only for increases of salaries?

Mr. MADDEN. Why, it is only for increased places; I do not know whether they increase salaries or not, but they just add new places, I take it, with this money. What else is it for?

Mr. LONGWORTH. Simply additional places?

Mr. MADDEN. What else could it be for?

Mr. LONGWORTH. I do not know.

Mr. MADDEN. Every time anybody under Mr. Hoover gets authority to increase his activities, of course, the Agricultural Department wants to duplicate that. They want to increase theirs just like in the Army and Navy; if you increase the rank of a man in the Army, the man of the same rank in the Navy wants to have his rank increased. So with other departments of the Government they are competing with each other and seeing how much money they can take out of the Treasury and how much they can load as an additional burden on the backs of the taxpayers.

Oh, this is a beautiful record you are making; it will come back to plague you one of these days. But we are in war, and they say this is a war measure and an emergency measure. Yes; I suppose they do need a few more places for which there is an emergency for which otherwise no emergency exists. Why, here you are trying to compete with the Secretary of Labor. The Secretary of Labor was authorized to establish employment agencies in order that we might get labor for the farms. He has established those employment agencies. He was authorized to send men to the farms and pay their railroad fares. Now, what do we find? We find the Secretary of Agriculture wants to do that job, too. Which one of these men will do it? Will either of them do it, or will there be such a conflict of authority that neither will do it? What men can they get for the farm that will amount to anything? You can not put a dude on the farm and make him know anything about farming. You can not take a fellow off the street who is a loafer and send him to the farm and make him worth anything to the farmer. These bills do not accomplish anything in connection with increasing farm products, except if you call it accomplishing something when you are farming the Treasury of the United States. You are developing a good crop of expenses, and you are not afraid to sow the seed which will yield new jobs to the faithful.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. GREEN of Iowa. Another emergency my friend forgot to mention is some of the employees want to get out of the draft very badly.

Mr. MADDEN. I said that. I said that the purpose of this legislation is, in a large measure, to take men away from military service and give them nice hiding places away from the thunder of the guns. They do not want to hear the noise or be disturbed by anything but bird notes. They do not want to hear the peltering of shots flying from the guns on the French front. I have all of my blood kindred who are able to fight on the west front in France, and I am proud to say so, and so are they. [Applause.] I do not want any money taken out of the Treasury of the United States for the purpose of protecting slackers in their efforts to keep away from the dangers when the rest of our people are fighting for the honor of America.

Mr. NORTON. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. NORTON. Does the gentleman think the gentleman in charge of the bill would object to an amendment providing that none of this money should be expended for the employment of men within the draft age?

Mr. MADDEN. I do not know whether he would object, but let us try and see.

Mr. MONDELL. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. MONDELL. Does not the gentleman understand it is important we shall have a few Federal employees to aid in making the country safe for Democratic candidates toward the ides of November?

Mr. MADDEN. Of course, it is natural that that should be true, and if you confine it to a few I would not object; but when you make a war emergency the means, an excuse for adding millions of dollars to the payment of loafers who have no knowledge of the duties they are employed to perform, I am opposed to it. [Applause.]

Mr. CANDLER of Mississippi. I yield five minutes to the gentleman from Indiana [Mr. COX.]

Mr. COX. Mr. Chairman and gentlemen of the committee, I voice practically everything which my friend from Illinois [Mr. MADDEN] says [applause on the Republican side], though I may vote for this bill. [Laughter.] The gentleman from Illinois says he will, too. I am a firm believer in the conservation of food. I think it is one of the essential necessities to our success in this war. I voted for the bill which passed Congress some time last year giving the Secretary of Agriculture power to take a census of the various food products of the United States.

I want to briefly touch upon that proposition at this time. It is within the power of the Government at the end of each month to locate exactly the amount of food commodities there are in the country, upon the farms, in the elevators, in the warehouses, the cold-storage houses, or wherever it may be. We have forty-three thousand and some odd rural-route carriers in this country who reach practically 90 per cent of all the rural districts where food is actually produced. If I recall correctly, we have something like 8,000 star-route carriers in this country performing substantially the same, identical service that a rural-route carrier performs, inasmuch as they reach the farmers and put the farmers' mail in the box.

Now, my ideas may not be sound; they may be illogical; but it has occurred to me time and time again that if the Agricultural Department or the Bureau of Census, working through the Agricultural Department, would prepare a little card and place these cards in the hands of postmasters at the offices where the rural routes originate, and have the route carriers deposit those cards in the farmers' boxes, calling upon the farmer to state how many bushels of wheat, rye, and oats that

he thrashed, and the number of tons of hay and the number of bushels of potatoes and corn that he raised, and how many head of live stock he has upon the farm, that that would be a complete scientific census of the foodstuffs and supplies on hand in this country, and easily available, without any extra cost or charge whatever. [Applause.] And those cards should be frankable, so that the farmer would not be at any trouble or expense in sending them back to the Department of Agriculture.

That would give that department the point of view as to the food produced in the country and the supplies that are actually on hand. It would be able to locate where the food commodities were, and by that means they could easily trace the sum total of the amount of grain or other commodities at the warehouses or storage plants, and so forth. Believing that, I am unable to see why we should spend millions upon millions of dollars in taking a food survey of the country, when we already have the organization, working six days out of every week, and reaching probably 95 or 98 per cent of the men in this country who actually produce food. But for some reason or other—I do not know why—the Agricultural Department has not seen fit to adopt it, unless it be, as the gentleman from Illinois [Mr. MADDEN] said, they desire to make places for a large number of employees, traveling over this country and trying to tell men, men of practical experience, how to farm. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. COX. For a question.

Mr. FESS. As I remember, the gentleman urged this method of getting this very data when the Agricultural bill was up.

Mr. COX. I did.

We are soon to have a census bill in the midst of this war. I had occasion a few years ago to look up the way other nations took their census. I found that some of the European Governments took their census through their mail facilities. We are about to spend many millions for the purpose of taking a census, when by utilization of the mail facilities we could cut it out and save the money, so much needed, to prosecute the war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. I may vote for this bill, but it will mean the stacking up of jobs here; and that is all it is. In my judgment, it will not produce an extra bushel of wheat or an extra bushel of corn or raise an extra pound of pork. I think the time has come—although I recognize that a man almost takes his political life in his hands to get up on the floor here and say anything against appropriations; we have got to accept it——

Mr. SHERLEY. The gentleman does not have to vote for this bill if he does not wish to do so.

Mr. COX. I know I do not. I will exercise my spirit of independence when my name is called. But I do think the time has come when we ought to cut these appropriations to the very marrow, unless it be an appropriation designed exclusively for the Army or the Navy.

Mr. GREEN of Iowa. Will the gentleman yield there?

Mr. COX. For a question.

Mr. GREEN of Iowa. How can we cut appropriations when they are brought in here in a lump sum, so that we do not know how the money is to be spent or what it is to be used for?

Mr. COX. I do not know about that. We might strike out some of the items.

Mr. HAUGEN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Fourteen minutes.

Mr. HAUGEN. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I think it was Madame Roland who, agonized by the excesses of the French Revolution, exclaimed, "O Liberty, what crimes are committed in thy name!" The time is coming, if it is not already here, when every good patriot will feel like exclaiming, "O Slogan of the winning of the war, what useless, senseless, wicked, wasteful extravagances are proposed in thy name!"

This bill has a compelling title: "To provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products." What patriot in these times of stress and war can vote against purposes thus expressed? And yet there is not a man on this floor, in my opinion, who in his heart of hearts believes that all or a large proportion of this $11,000,000 of appropriation will accomplish beyond question considerable results toward the winning of the war or largely increasing the agricultural products of the country. We do not know yet, although we would like to know, just what force of motive power is to be developed by the Liberty motor. We hope that it will be all and more than we expect of it, and we hope that it will develop its claimed 400 horsepower under the most trying and difficult circumstances and conditions. But however powerful it may prove to be, as an instrument of propulsion it will not be a circumstance to the compelling power of the $6,000,000 item contained in this bill. For what? For the purpose of employing busybodies to go around over the country and take the time of busy farmers and farmers' wives and tell them what they ought to do. It is not a far cry to November, and $6,000,000 will go a long way toward hiring folks to travel hither and yon throughout the country, making the land safe for Democratic candidates. That is to a large extent the compelling force behind this legislation, and it is well that some one should state it plainly.

I am going to vote for this bill if it is trimmed as I hope it will be trimmed, and as it ought to be trimmed, and not because I approve all of its items even as they are likely to be after some trimming, but because there are needed and useful activities provided for in the bill and because, having followed the policy of resolving every doubt in favor of the request of the administration's departments in their request for funds, I deem it my duty after having made every effort to perfect legislation and reduce appropriations clearly unnecessarily large to vote for the legislation and appropriations after getting them in the best form and amount possible. If the items in this bill which provide for agents, inspectors, investigators, and demonstrators are not reduced, and if the items which duplicate the activities of other bureaus are not stricken out on the amendments that will be offered, the fault will not rest on this side and you gentlemen on the Democratic side and the administration must take the blame. I shall vote for the bill in the best form we can get. The Agricultural Department has done good work. It will continue to do good work. But the Agricultural Department does not need any such funds as these in addition to its regular appropriations in order to do all that is necessary and all that can be wisely and properly done to stimulate the agricultural production of the country.

We have reached a point when every department of the Government comes before appropriating committees trying to get their share of the swag of war. That is what it amounts to. One department sees another augmenting its appropriation and extending its activities, and they just hanker, not to do something that is necessary, but to get "their share" of the big appropriations that are made even if they must occupy the same identical field of some other department or bureau. They want to "git" while the "gittin" is good. We have just completed a hearing in a subcommittee of the Committee on Appropriations where the representatives of the Department of Labor came before us and outlined an organization which has been carefully, completely, and, in my opinion, wisely perfected in that department for the purpose of supplying the industries and the agriculture of the country with labor. No doubt the story of that organization has come to the Department of Agriculture and they want half a million dollars to cover the same ground and for the same purpose.

The Department of Labor has and will have abundant funds for all necessary purposes in securing and distributing labor, including funds to advance where necessary to pay for transportation. They have a fine organization; they can cover the field without confusion or conflict of plan or purpose, but the Agricultural Department can not tolerate the idea of anybody having anything to do with farm labor but themselves.

The county farm agents are doing a fine work. I took occasion to refer to it approvingly quite recently on this floor. There are further activities along this and other lines we are taking up and may well pursue during the war, but the sums carried in this bill for these purposes are scandalous when we think that the taxpayers and bond buyers must furnish the money. It becomes almost criminal—these excessive sums in addition to the large regular appropriations—when we reflect that they are to pay for the personal services of an army of several thousand men who ought to be either on the firing line or engaged in productive enterprises.

These days, when we need farm help as we never did before, is no time to take men from production and possibly exempt them from the draft, as 2,000 of the employees of the Agriculture Department have been, and pay them the money we are supposed to be raising to carry on the war, to gad about, teaching farmers what they already know much better than the majority of these hurriedly selected instructors do. The whole scheme and plan is forced, overdone, and, to a large extent, ridiculous—from the brilliant plan to send patriots seeking

bullet-proof jobs around to tell farmers' wives how to make cottage cheese to the almost inspired announced purpose of sending spies out to locate supplies of spuds. When will the Committee on Agriculture do its duty in protecting the country against Treasury raids of this sort?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield six minutes to the gentleman from Missouri [Mr. RUBEY].

The CHAIRMAN (Mr. CARAWAY). The gentleman from Missouri is recognized for six minutes.

Mr. RUBEY. Mr. Chairman and gentlemen of the House, it was not my intention to say a word in relation to this bill, but I do not believe that in the seven or nearly eight years in which I have been a Member of this House I have listened to as much misrepresentation as I have listened to within the last 15 or 20 minutes. Gentlemen have gotten up on the floor of this House and talked about this bill and made assertions concerning it that are absolutely incorrect, that are absolutely untrue, and why they do it I do not know, unless it be that they simply do not know any better, that they are not informed as to work of the Department of Agriculture under the provisions of this act.

This identical bill was passed by this very Congress a year ago. We provided for these appropriations for the purpose of stimulating agriculture from one end of this country to the other. That work is being done now. The men have been employed and they are now in the field.

Mr. GILLETT. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. No; I can not yield in five minutes. Every one of those men has been employed under the regulations of the civil service, every one of them, and to-day they are in the employment of the Department of Agriculture under civil-service regulations.

The proposition here before us to-day is whether or not we shall continue this same work and permit those men who have been employed under the former bill to continue their work. The appropriations made under that bill expire on the 30th of June. The term of every man who is now in the field, who is now employed in the Department of Agriculture under the provisions of that bill, will expire on the 30th day of June.

This bill is to continue that work. If you thought a year ago that it was an important work to be done, if you passed the bill then and said to the people, "We are going to increase agriculture, we are going to promote agriculture in every line from one end of the country to the other," and if you voted for it then do you want to stop that work or do you want to continue that work?

Much has been said here about these men being exempt from military service. In the Department of Agriculture there are, including the men employed under this act, something like 22,000 men. Before the war began we had between sixteen and seventeen thousand men in the service of the Department of Agriculture. There have now been placed in deferred classes, upon the request of the Secretary of Agriculture, as men especially qualified for agricultural work, about 2,000 men, and no other man in the Department of Agriculture within the limits of 21 to 31 years of age has been in any way exempted from the call to arms.

These men who are now in the field, except those 2,000 that I have mentioned, who are within the age limit, are within the call and are not exempted. And even these men were not exempted; they were simply put in a deferred class. The Secretary of Agriculture puts these men, or rather he recommends that they be put, in a deferred class, and then it is up to the local boards to say, after examining into the conditions surrounding them, whether or not the request of the Secretary of Agriculture shall be granted. It is up to the local boards to determine that question on the recommendation of the Secretary of Agriculture, and they can put them in a deferred class if they want to or they can refuse to put them in a deferred class.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. No; I must decline to yield. I have only six minutes.

Much has been said about the large number of men running around through the country, and about the expenditure of this $6,000,000 appropriation that we recommend. Some years ago we passed the Smith-Lever bill; I prefer to call it the Lever bill. [Applause.] Practically every man then in this House voted for that bill, to put farm demonstrators at work in all parts of the country. In that bill it was provided that the appropriation be increased year by year until, by and by, we would get enough money, in cooperation with the States, to put a county agent of high character in every county in the Union.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CANDLER of Mississippi. I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from Missouri is recognized for one minute more.

Mr. RUBEY. When this war broke out we decided that we would not wait for that, but we would put a farm demonstrator in every county in the United States. This $6,000,000 is to accomplish that purpose, to place a farm demonstrator in every county in the State of Illinois, whence comes the gentleman who spoke a moment ago against this bill. These men are going to be placed in every county in Illinois and in every county in every other State of the Union for farm-demonstration work.

If this bill is so bad as gentlemen have stated who have spoken against it this afternoon, why do they not vote against it? [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HAUGEN. Mr. Chairman, I yield four minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

The CHAIRMAN. The gentleman from Michigan is recognized for four minutes. The gentleman does not seem to be present.

Mr. HAUGEN. He has temporarily stepped out.

Mr. Chairman, I rise simply to call the gentleman's attention to the number of people proposed to be employed outside of the classified service. I desire to say that on page 35 the gentleman will find that 3,707 are suggested in the extension work in the Northern and Western States and 2,110 in the Southern States. Those together would make 5,817 who are outside of the classified service.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. In just a minute. I call the gentleman's attention to the 2,938 county agents, every one of them outside of the classified service. That makes the number 8,755, and yet the gentleman gets up here before this House and says that misrepresentation has been made. There are at least 8,000 of those outside the classified service. I have not had time to go over the list carefully, but I think I can find a thousand or two more. According to the estimates of the department, in all, 11,907 would be employed.

Mr. RUBEY. The gentleman knows how those farm demonstrators are appointed. He knows how they are appointed by the States themselves.

Mr. HAUGEN. They are outside the classified service.

Mr. RUBEY. I understand that, but in those cases they are not appointed by the Secretary of Agriculture. All of those appointed by the Secretary of Agriculture are in the classified service, appointed under the Civil Service Commission.

Mr. HAUGEN. They do not come in under the civil-service examinations by any means.

Mr. RUBEY. Those appointed by the Secretary of Agriculture?

Mr. HAUGEN. Yes; but these are not appointed by the Secretary of Agriculture.

Mr. RUBEY. They are appointed by the State authorities.

Mr. HAUGEN. I am speaking of the number of people outside the classified service.

Mr. CANDLER of Mississippi. Mr. Speaker, is the time exhausted on the other side?

Mr. HAUGEN. I will yield back the balance of my time.

Mr. GREEN of Iowa. Will the gentleman yield to me for a question?

Mr. HAUGEN. I will.

Mr. GREEN of Iowa. Is not there more than one county agent in each county?

Mr. HAUGEN. There are 5,400 of them, about two to a county, and it is proposed to increase the number.

Mr. GREEN of Iowa. Is there any necessity for having two to each county?

Mr. HAUGEN. That is what the bill calls for. For the information of the House, let me give the gentleman the number. The total number estimated is 11,907. Under the same bill a year ago there were 6,280. The total increase over 1918 is 5,627. The total number estimated for 1919 was temporary 690, permanent 11,309. The total number employed in the department is about 20,000, and in the extension and demonstration field service from 5,500 to 6,000 people.

Mr. MONDELL. And none of these people are under the civil service?

Mr. HAUGEN. Not in the extension service or the county agents estimating crops, and there are 8,000 of them.

Mr. MONDELL. Then the gentleman from Missouri was mistaken.

Mr. RUBEY. The gentleman from Missouri was not mistaken; the gentleman from Missouri stated that the men appointed under this bill by the Secretary of Agriculture are under the civil service. These other gentlemen that the gentleman from Iowa is talking about are men in the service appointed by the various States upon their recommendation alone.

Mr. HAUGEN. The majority of the people provided for in this bill are appointed by the Secretary of Agriculture, and every one of them outside of the classified service. Besides there are others appointed without examination as provided for by the civil-service laws.

Mr. CANDLER of Mississippi. Mr. Chairman, how much time is remaining to this side?

The CHAIRMAN. The gentleman has nine minutes remaining.

Mr. CANDLER of Mississippi. Mr. Chairman and gentlemen of the House, I fully agree with the statement made by the gentleman from Missouri [Mr. RUBEY] a moment ago that I have never in my service seen a bill on the floor of this House—and I have been here a longer time than the gentleman from Missouri—that has been so persistently and energetically misrepresented as the bill now before us. The gentlemen who have made these statements evidently have not read the bill and evidently do not know its provisions or they certainly would not make the broadside statements of condemnation which they do make, which are totally at variance with the provisions of the bill or anything authorized in the bill.

The gentleman from Iowa [Mr. HAUGEN] in his speech the other day, which I have read in the RECORD, stated that I admitted on the floor of the House that we provided for 11,000 additional employees outside of the civil service. I did not make that admission; I do not make it now, because that is not in accordance with the information I have and I am sure is incorrect.

Mr. HAUGEN. The gentleman desires to be fair, I know. Will he yield?

Mr. CANDLER of Mississippi. Yes. I not only want to be fair, but I will be fair.

Mr. HAUGEN. I said that practically all of them were outside of the classified service.

Mr. CANDLER of Mississippi. What I am complaining about is the statement in the gentleman's speech that I admitted the proposition, which I did not. The question was asked me by the gentleman from Illinois [Mr. MADDEN], and I disagreed with him. I not only did not admit it, but I denied it at the time and deny it now.

Mr. HAUGEN. The gentleman will admit that there are 8,000 outside the classified service.

Mr. CANDLER of Mississippi. No; I will not. The Lever bill provided for the appointment of many of those men. It passed a number of years ago, practically by unanimous consent on the floor of this House. Nobody objected to it, and it provided for the appointment of these men throughout the country, and it provides the manner in which they shall be appointed and the manner of their appointment is not changed in this bill or any other; they are continued to be appointed under that bill up to the present time.

There are employed in the Department of Agriculture 22,683 people. Of this number 15,679 are employed under the regular appropriations of the agricultural bill. There are 4,508 people employed under the cooperative plan. Under the legislation of Congress, the people employed under the cooperative plan are permitted to be selected by the local communities in which they live. They are selected by the counties, by the municipalities, or by the boards of supervisors, or by the county boards of administration, and they pay a part of their salaries and the Government pays a part and therefore it is impossible for them to be placed under the civil service. In deed and in truth they are not strictly speaking employees of the Department of Agriculture or employees of the Government of the United States, but they are cooperative employees on the part of the Government of the United States and the local communities in which they perform the services in which they are engaged. Therefore 4,508 people employed in that way are not under the civil service. But every employee in the Department of Agriculture that is appointed as an employee of the department under the provisions of this bill and the last bill that passed, which was just like this, and under the annual appropriation bill, are under the civil service and will remain under the civil service.

Gentlemen have tried to bring in propositions about the draft. They have said that this bill is an effort to keep people out of the war. I did not know there was any political matter in this bill. If they want to make that charge let them make it and be responsible for it. But the man who makes the charge charges the Secretary of Agriculture and the officials of the Agricultural Department with willfully making an effort to keep people out of the war by putting them in bomb-proof positions and shielding them from going forth to fight the battles of their country. I would not make that statement anywhere, and I would certainly not make it on the floor of this House, because I do not believe the statement is true. I do not believe the Secretary of Agriculture or any official of the Department of Agriculture or any official of this Government is guilty of anything of that kind. They are as loyal and patriotic as you are and have no more desire to keep people out of the Army than you have.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. CANDLER of Mississippi. I have not the time; I have but a few minutes. There has been, as was stated by the gentleman from Missouri [Mr. RUBEY], about 2,000 scientists, experts, and specially qualified and useful men in the department who have been put in the deferred classes, upon the certification of the Secretary of Agriculture, by the local boards. All of them have not been even placed in deferred classes by the local boards. A young gentleman came into my office the other day who had been certified. The local board refused to exempt him or place him in a deferred class. He wanted me to try to help him out. I told him the local boards had absolute authority in the matter, and that the Secretary of Agriculture or the Department of Agriculture or any other department could merely furnish the certificate or the evidence on which to act, but that the local boards are the ones who pass upon it, and that if they had denied him exemption he would have to shoulder a gun and go to the front. He smiled like a good American and went out of my office, and went into the training camp where he had been ordered to go. Therefore it will be very readily seen that they have not all been put in deferred classes; but those have been deferred who have been necessary for carrying on the work of the Government, and you will practically destroy the Agricultural Department if you take the people out of there whom the Secretary said were absolutely necessary and who, because of their qualifications, were required to remain there in order to continue this work. Twelve or fifteen hundred have been taken out of the Department of Agriculture and have gone under the draft into the Army. All of these people outside, who are in the service away from here, who are subject to the draft, must go before the local board, and if they can not furnish justification within the provisions of the law as passed by Congress, they will be denied exemption or deferred classification and will have to shoulder a gun like the rest of the boys, and ought to do so. [Applause.]

There has been a great deal of talk about this money going for the employment of additional employees in the department simply to do political work throughout the country, to build up the Democratic cause. There is no foundation in fact for any such statement. No unnecessary employees will be employed. The Department of Agriculture does not play politics and no such statement ought to be made. There were some additional employees required. They have been employed under the provision of the former bill, 7,004 people. Because there is necessity to employ additional men is no reason why the provisions of this bill are not good. You need men to do work. You can not do work without men. You can not cultivate a farm unless you provide men on the farm. If you have 100 acres it will take so many men, and if you have 500 acres you will have to have so many more men. The United States is simply a great farm, under the supervision of the Agricultural Department, in which we are producing products to feed our Army and our own people and to sustain our allies. Do you not want to help do that? If so, quit criticizing and obstructing this bill, for that is its sole purpose, and when it becomes law it will secure that result. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," approved August 10, 1917 (40 Stats., p. 273), there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, the following sums for the purposes indicated.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 2, at the end of line 2, add the following:

"*Provided*, That no part of the money hereby appropriated shall be used in paying salary or expenses of any man who on account of employment in which he is or may be engaged under the provisions of this act has been or shall hereafter be certified by the Secretary of Agri-

culture or by any other official of the Department of Agriculture for deferred classification, or by action of any other Federal official or authority has been or may hereafter be placed in a deferred class under act No. 12, Sixty-fifth Congress, entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, or under any act amendatory thereof that has been or shall hereafter be enacted."

Mr. McLAUGHLIN of Michigan. Mr. Chairman, this matter has been referred to, and I gather from what has been said on both sides of the Chamber there will be little opposition to the amendment. As has been stated, the Secretary of Agriculture has himself certified for deferred classification more than 2,000 of the young men employed in one capacity and another in the Department of Agriculture, and no one knows how many of the young men throughout the country employed in the kind of work provided for in this bill or engaged in other work for the Department of Agriculture have been placed in deferred classes by local or district boards on account of such employment, and so classified without the knowledge of the Secretary. This amendment is designed to remove from all of the young men of the country the opportunity of entering the service of the Department of Agriculture under the provisions of this act and thereby having or giving reason for deferred classification under the draft law. It seems to me there ought to be no objection to this amendment. The draft act, as it is called, authorizes the exemption of men on account of employment in certain of the industries of the country, including agriculture. The words "including agriculture" were added to the bill while it was under consideration on the floor on the motion of the distinguished gentleman from South Carolina [Mr. LEVER], chairman of the Committee on Agriculture. It was supposed that some attention would be paid to that provision, and for a time there was as far as it related to farm labor; but it is learned now that few, if any, of the young men of the country actually employed on farms and needed there are excused from a place in class 1 on account of their employment; and the boards throughout the country are becoming more and more strict and are refusing to grant deferred classification to farm laborers. That is, men who are actually employed on farms are denied deferred classification.

They are refused the privilege which the draft act was intended to give them. Thus men on the farms, real farmers, are taken from the farms and put into the Army, while young men just like them, who get jobs with the Secretary of Agriculture to go out and try to tell farmers how to farm, will on their own application or by action of the Secretary be placed in a deferred class and be able to draw good salaries and escape military service; that is, they will if my amendment is not adopted.

Mr. RUBEY. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I can not now. Under this bill, without amendment, and in the Department of Agriculture thousands and thousands of young men are employed and will be employed and opportunity will be given for them to plead that employment in order to receive a deferred classification. It ought to be impossible. But this bill is necessary, much of it, although, as I have said when speaking a few minutes ago, much money is asked for simply because other departments are getting it. It is a grab, and many men will be employed. It will be easy enough to get men beyond the draft age, men who are exempt from military service on account of age or for disability. They ought to be employed. There is need of soldiers. We ought not to take 2,000, as we have—and perhaps 2,000 more if this bill shall become law—and give them a chance, practically invite them, to evade military service. The gentleman from Missouri says only scientists have been exempted. Two thousand scientists! Everybody knows there are not 2,000 scientists in the department unless we adopt the definition of a scientist sometimes given, "a man who discovers something that everybody knew before and writes about it in language that nobody can understand." [Laughter and applause.] Here is an opportunity for the employment of some 6,000 men more than are now employed. It seems to me it would be only proper, plain justice to require them to be taken from a class of men not subject to military service. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, I hope this amendment will not be adopted for the primary reason that this is certainly not the place to enact law in reference to the draft. If the provisions suggested by the amendment of the gentleman from Michigan are proper provisions and ought to be placed in the law, then he should introduce a bill to that effect, and have it referred to the proper committee of this House, which is the Committee on Military Affairs, because that committee is absolutely conversant with what the law now is and could sift it out and determine after a full investigation of it as to whether or not it is such an amendment as should be placed in the draft law governing the selection of those to enter the Army.

Mr. MONDELL. Will the gentleman yield?

Mr. CANDLER of Mississippi. I will.

Mr. MONDELL. I judge from what the gentleman is now saying that he is not as anxious to have the slacker excluded from this force as he seemed to be a few moments ago when defending the bill.

Mr. CANDLER of Mississippi. If the gentleman intimates I am in favor of having slackers exempted, he misrepresents me.

Mr. MONDELL. Why does the gentleman object to an amendment which will make that impossible?

Mr. CANDLER of Mississippi. I object to this amendment because it ought not to be placed in a bill of this character that has nothing on earth to do with the selection of soldiers and nothing on earth to do with the organization of the Army, but it ought to be passed, if passed at all, by regular process of legislation, coming from the committee which ought to consider it, and consider it in connection with the law as it stands to-day. Now, I can not yield further. I think it would be a dangerous thing, Mr. Chairman, to attempt upon the floor of the House, simply upon an amendment introduced without consideration by a committee and without time to know exactly the full force and effect of the language that is contained in the amendment offered, to adopt it.

It is not only amending the fundamental law under which the Army has been selected up to the present time, but under which it is proposed to select the remainder of the Army which shall be called in the future. I could not tell, and I doubt whether the gentleman from Michigan himself could tell, exactly how far this amendment would go or exactly to what extent it might be applied when construed in its full force and effect, because it is impossible, unless you have the other law before you, to see exactly the words in the law that it would strike out or what language it would modify or it would change, and you would have to know all that before it would be possible for you to know the effect of this amendment. Therefore I say it would be a very dangerous proposition to undertake upon such an amendment and without consideration and without investigation and without full knowledge of all the legislation as it exists at the present time to amend it in this way. Now, the gentleman says we need soldiers. Yes; we need them, and they are going from all over the country, and they will continue to go under the law as it is to-day. There are plenty of them going courageously to fight for their flag and for their country and resent the insults which have been offered to it, thereby proving themselves genuine patriots. The patriotism of this country is not to be questioned anywhere. There may be a few possible exceptions of disloyalty, but they are rare and few, indeed, and becoming more so, and, as the gentleman said a moment ago, the local exemption boards are becoming more careful than they were in the past, and they are not granting exemptions or deferred classifications at the present time in instances where they granted them at the outset. They will grow more strict as the days go by, because public opinion will grow more intense and patriotism grow to fever heat and will require that the man who secures exemption or deferred classification will have to come not only within the spirit but within the letter of the law before he can be granted any full or partial exemption. That being the case, I think it is best to leave the law as it is and not amend it in a manner in which you could not know what the effect of the amendment would be.

Mr. LONGWORTH. Will the gentleman yield?

Mr. CANDLER of Mississippi. I will.

Mr. LONGWORTH. What probable effect can this amendment have upon the draft law, which simply provides that salaries should not be paid to men subject to the draft? It does not amend the law in any respect.

Mr. CANDLER of Mississippi. It does amend it, because it says that nobody shall be employed or put in deferred classes or exempted. If the amendment does not change the existing law what is the necessity to adopt it? They are not exempt now upon the certificate of the Secretary of Agriculture unless exemption or deferred classification is granted by the exemption board. This would amend the draft law, and this is no place to amend it, on a bill which provides for the production of food and has nothing to do with the Army, except to produce food to feed the soldiers who are patriotically fighting for our country.

Mr. STAFFORD. Will the gentleman yield?

Mr. CANDLER of Mississippi. I will.

Mr. STAFFORD. I assume the gentleman is acquainted with the amendments offered on several occasions by the gentleman from Pennsylvania [Mr. MOORE] limiting appropriations, to the effect that they should not be used to employ persons to exempt them from the draft?

Mr. CANDLER of Mississippi. I would not have any objection to an amendment of that kind.

Mr. STAFFORD. This amendment is along the same line.

Mr. CANDLER of Mississippi. It may be along the same line, but it goes much further than that. Mr. Chairman, I have nothing further to say, and I ask for a vote.

Mr. ANDERSON. I would like to be heard on the amendment.

Mr. Chairman, I understand the Provost Marshal General has just issued an order rescinding a previous order made by him, under which it was declared to be the policy of the Provost Marshal General's office in administering the draft, when men actually engaged in agricultural production in class 1 were reached in the regular call of the quota, to place those men at the foot of the quota instead of calling them immediately. That means that hundreds, perhaps thousands, of men who are actually engaged in agriculture, who have put in crops, will be taken from their farms, and those farms left idle and the operators sent to training camps. I do not know of any reason, when men actually engaged in farming, in the raising of crops, are taken from their farms, with resultant financial loss to them and a loss of food to the Government, and sent to training camps, why we should exempt men in the Department of Agriculture who are doing no more than to talk about raising crops. And I will therefore support the amendment of the gentleman from Michigan [Mr. MCLAUGHLIN].

We are fast arriving at the time, if we have not already reached it, Mr. Chairman, when we must make a survey of our situation with a view of determining the relative importance of agricultural and industrial production and military participation. We must determine just what the necessities of the occasion are, just what limitations we can put upon production, and, having determined it, we must apply the draft with reference to those determinations. In my opinion we have almost, if we have not actually, reached the irreducible minimum of the men who can be actually taken from the farm and placed in the trenches, if we are to produce anything like the amount of food necessary in order to maintain those armies.

Mr. STERLING of Illinois. Will the gentleman yield for a question?

Mr. ANDERSON. I will yield.

Mr. STERLING of Illinois. Does the gentleman know whether the resolution passed by Congress several weeks ago to furlough soldiers who want to work on the farms went into effect or not, and whether or not they are furloughing soldiers who desire to work on the farms?

Mr. ANDERSON. I do not know definitely to what extent that provision has been taken advantage of, but it is my impression that very, very few men have been furloughed, largely because of the limitation of the department under which men who are in contemplation of being sent abroad are not furloughed, and under existing circumstances practically everybody in the Army is in that situation at the moment.

This bill proposes to increase the supply of agricultural products by reducing the losses resulting from plant and animal diseases and insects and by direct propaganda to stimulate agricultural production and to produce the highest and most efficient uses of our agricultural resources.

In my opinion, this propaganda will be of little avail unless it is accompanied with a policy both more definite and more equitable than now exists in the regulation of the prices of farm products and the prices of the materials and machinery necessary for their production, and also in respect to agricultural labor. It is my intention to discuss only that part of the production equation which is represented by the labor situation.

It has been announced, doubtless with some official sanction, that it is the desire and the purpose of the Government to increase our military forces in France to 3,000,000 and perhaps to 4,000,000 men. With this purpose I am in entire accord, but it must be apparent to anyone who is at all conversant with the labor situation in the country that the increased number of men can not and ought not to be taken from the industry of the country without definite information as to the effect of taking them upon that industry or without careful prevision of the policy which is to characterize their translation from industry to the Army.

The number of men who can be placed on the fighting line in France will be determined by other factors than the provisions of any legislation creating an army on paper which the Congress may adopt. It will be limited by training, transportation, and port facilities abroad, by the amount of shipping available both for transport and cargo, and also by possible available training facilities on this side of the water.

It would be the utmost folly to take men more or less indiscriminately and more or less uniformly from industry in the country generally and put them into training in this country without reckoning on the possibility of transporting and supplying those men as fast as they are trained. Ordinary common sense would seem to dictate that men should not be taken from industry and trained faster than our transportation facilities, both here and abroad, can carry them to and supply them at the front.

We have in the United States to-day in the different cantonments some thousands of troops, perhaps hundreds of thousands, who have been in training in this country more than nine months and who, I am convinced, have long since reached the limit of the training which it is feasible to give them on this side. Further drafts of men from industry ought to be made with reference to proper calculations of the amount of time required for training here and available transportation facilities here and abroad.

These preliminary observations bring me to the suggestion that if we are soon to transfer the large number of men contemplated from industry to the military forces we are face to face with the problem of determining the relative importance in our participation in the war of agricultural production, industrial production, and military participation. We must determine whether the necessities of our military participation in the war are now so great as to justify limitations upon agricultural or industrial production and just where these limitations shall begin and how far they shall proceed.

With the exception of England, whose agricultural production is in the whole scheme of agricultural production rather insignificant, the agricultural production of every country abroad engaged in the war has been and will continue to be materially decreased; and it will be decreased in the United States unless it is determined in advance that agricultural production is of so great importance in our participation in the war that it must not be limited under any circumstances.

In my opinion, the labor available for agriculture will soon be, if it has not already been, reduced by volunteering and the operations of the draft to a point where further reductions can not be accomplished without decreasing production.

In this connection it must be remembered that a large amount of the labor on industrial production is nominally drawn from the farm and that the stupendous increases of industrial production due to the war, coupled with the high wages offered by governmental as well as by private industrial enterprises engaged upon war work, have still further depleted the supply of agricultural labor, and that these high wages will serve in a measure, at least, to recruit from the farm-labor supply the men taken out of industry by the draft. Thus the whole force of the draft, as well as increased industrial production and high wages, implements itself against the farm-labor supply.

If agricultural production is to be maintained at a normal level, to say nothing of increasing it, and a normal supply, at least, is imperatively necessary in the prosecution of the war, we shall be obliged to abandon the application of the draft which heretofore has operated with practically uniform results against all of the industry of the country, agriculture included. In its place we must adopt a policy which will permit of an operation of the draft with relation to the different industries of the country corresponding to their importance and necessity in our participation in the war.

The adoption of this policy will necessitate a classification of industry with relation to its importance and essentiality to the conduct of the war as a basis for determining where the weight of the effective operation of the draft ought to fall first. This basis having been determined, the larger effect of the draft would seem naturally to operate first against those employed in nonessential industries, and, secondly, against those industries where the labor of women can be most conveniently substituted for the labor of men, including the industries directly engaged in the manufacture of war munitions.

The farming industry is not generally susceptible to the employment of women. In large part, particularly in those sections of the country where diversified farming is carried on, farm labor is essentially skilled labor, but even assuming that skilled labor is available for farming, it would be folly to take from the farms the skilled farm owner or tenant and to supplant him with skilled farm labor drawn from some other source.

The application of the draft has already served in many places to take from the farm the farm owner or tenant, leaving the farm itself unoperated.

If the total number of troops now contemplated should be drawn from class 1, thousands of farm owners and farm tenants, as well as thousands of men engaged in farm labor, will be withdrawn from the farm and thousands of acres now planted will be unharvested as a result.

The farmers of the country seek no exemption from the military burdens of the war. Many of them, with far-seeing vision,

however, believe that their services on the farm are of much greater value to the Government in the prosecution of the war than their services in the trenches could possibly be. If the military necessity of the country requires it the young farmers will willingly abandon their farms for the trenches, but surely such abandonment ought not to be required of them until a careful and comprehensive review of our participation in the war in all of its phases compels us to the conclusion that our military necessity requires it.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, if it is not out of order I should like to be recognized again.

The gentleman from Mississippi [Mr. CANDLER] says it is not right to adopt this amendment, because it is not thoroughly understood. The gentleman himself has not taken the trouble to read it. If he will read it, he will find it is easily understood. It is plain and simple. It does no more than this, namely, to refuse deferred classification to any man on account of employment under the provisions of this act. It does not interfere with the ordinary operations of the Department of Agriculture or with the thousands and thousands of men now employed in that department under other laws—the scientists and the others that we talk about—and all others who are not employed under the provisions of this act.

Mr. ANDERSON. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. ANDERSON. Of course, the gentleman's amendment would not prevent the department from employing any man who was not within the draft age, but if they can not get men outside the draft ages they ought not to take the men who are in the draft ages.

Mr. McLAUGHLIN of Michigan. That is true.

Mr. CANDLER of Mississippi. It is a fact that none of the departments at the present time, so far as I am informed, are taking anybody into the employment that are within the draft age. They are excluded.

Mr. MADDEN. Will the gentleman from Mississippi yield there?

Mr. McLAUGHLIN of Michigan. Not in my time.

Mr. MADDEN. Will the gentleman from Michigan yield to me?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. MADDEN. If that be true, why is it that the Secretary of Agriculture has recommended the exemption of 2,000 men in his department?

Mr. McLAUGHLIN of Michigan. That is true. And if we permit it, many men to be employed under the provisions of this act will take the deferred classification on account of the employment that this act will give them. We ought to forbid that, and it is no reflection upon the Secretary of Agriculture or anybody else. I am tired of hearing this talk about reflection on the President if we question the advisability of giving him unlimited authority. I am tired of hearing this talk about reflecton upon the Secretary of Agriculture if we suggest a limitation upon his authority. The fact is that gentlemen in high official places are now so burdened with work that it is positively impossible for them to give personal consideration even to a small part of the duties that Congress imposes upon them, and the result is that they leave a large part of such work to their subordinates. The heads of the departments have not even time to look over carefully the recommendations made by the subordinates. The result is that subordinates do much of the work and exercise much of the authority, while we try to make ourselves believe the high officials do it. The amendment proposed by me will be no reflection upon the Secretary of Agriculture.

And the gentleman from Mississippi [Mr. CANDLER] speaks about the very, very strong sentiment in this country against exempting anyone who is fit for military service or permitting him to be placed in a deferred classification. Then, why can not Congress respond to that sentiment and pass an act in accordance with it?

This amendment of mine is easily understood. It was not drawn for the purpose of deceiving anyone or embarrassing the Department of Agriculture in any of its activities. It is as plain as words can make it. It simply would prevent any man who is to be employed under this act from claiming exemption or deferred classification on account of the employment under this act. Could anything be more simple? Could there be more justice in any proposition relating to the employment of labor or the enlistment of soldiers? [Applause.]

Mr. RUBEY. Mr. Chairman, I am opposed to this amendment. I want to say just a word or two in answer to the statements made by the gentleman from Michigan [Mr. McLAUGHLIN]. The Secretary of Agriculture, as I said a moment ago, has certified about 2,000 experts and men of experience in the Department of Agriculture, men who are already in the Department of Agriculture, asking that they be placed in deferred classes. I am informed that the Secretary of Agriculture has given his personal attention to every single, solitary application that has come into his office asking for a deferred classification, and that he has absolutely refused to be guided by the recommendations of anybody else or refer this matter to anybody else, but has acted upon each case himself personally.

I say that this proposed amendment is a reflection on the Secretary of Agriculture, and I say it advisedly. This amendment here would have been clearly subject to a point of order if the point had been made at the proper time. You are asked here to amend another act which has no relation to this whatever. If the point of order had been made, it would have clearly been subject to a point of order, but it was not made. We preferred to leave the matter to the House.

Now, then, when we passed the draft act we said to the Secretary of Labor, as we said to the Secretary of Agriculture, and to the head of every other department of this Government, "You shall have authority to certify to the local board men who are within the draft age and whom you absolutely need in your department, men who are absolutely essential to the work of your department." We said that to every department of the Government, and now here to-day you are seeking to amend that act by taking that authority away from the Secretary of Agriculture alone. It can not be taken otherwise than as a reflection on the Secretary of Agriculture, and I am opposed to it.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. GREEN of Iowa. The gentleman is doubtless aware of the fact that in two, and I think in three, bills we have already inserted similar provisions. Was that an insult to the heads of those particular departments that had to do with those appointments?

Mr. RUBEY. As I said a moment ago, the Secretary of Agriculture has not the authority to place those men in a deferred class. The only possible thing he can do is to say to the various local boards, "We need this man; he is essential to our work." If he does that that local board looks into the situation locally and passes upon it. It is not within the power of the Secretary of Agriculture to place any individual in a deferred class.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. MADDEN. It would be in the power of the Secretary of Agriculture, however, to refuse to take a man into this service who was not in a deferred class, would it not?

Mr. RUBEY. I think not.

Mr. MADDEN. I think it would be. They would not be appointed.

Mr. RUBEY. You mean it is not in the power of the Secretary of Agriculture to appoint a man who is not in a deferred class?

Mr. MADDEN. No. I say this would take away from the Secretary of Agriculture the power to appoint to one of these positions a man who was not in a deferred class or who is of draft age. I think that ought to be done.

Mr. RUBEY. It applies to every man who has heretofore been appointed under the provisions of this act. There are only a few men who have been placed in a deferred class under this law and who will be exempted for a time by this law.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. COX. In a general way, what are these 2,000 men doing who have been given exemption?

Mr. RUBEY. In a general way they are specialists, men employed in the Department of Agriculture, many of them who have been there a number of years.

Mr. COX. But they are not men engaged in plowing and sowing and mowing and reaping?

Mr. RUBEY. Oh, I will say to the gentleman that in the Department of Labor there are very few men who are absolutely using the shovel and the hoe and the pick and the ax. [Laughter.]

Mr. COX. And many of them ought to be put to that work. [Laughter.]

Mr. RUBEY. And it is the same way in the Department of Agriculture. Everybody knows that the men employed in the Department of Agriculture are not the men who actually till the soil.

Mr. COX. They will be.

Mr. RUBEY. If we are going to put those men on the farm and have them go out to work, we had better get ready to change

the entire plan and aim of the Department of Agriculture, not only of the Nation but of every State in the Union.

Mr. MEEKER. Mr. Chairman, I think it would be just as well for us to read the amendment again. It reads:

Amendment offered by Mr. MCLAUGHLIN of Michigan: Page 2, at the end of line 2, add the following:

"*Provided*, That no part of the money hereby appropriated shall be used in paying salary or expenses of any man who on account of employment in which he is or may be engaged under the provisions of this act has been or shall hereafter be certified by the Secretary of Agriculture or by any other official of the Department of Agriculture for deferred classification, or by action of any other Federal official or authority has been or may hereafter be placed in a deferred class under act No. 12, Sixty-fifth Congress, entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, or under any act amendatory thereof that has been or shall hereafter be enacted.'

That does not affect the military law of this country one iota. It affects nothing but this act.

It does two things. In the first place it absolutely closes the doors of hope for the would-be slacker who is looking to this place as a haven of refuge. I no not think that any man in this House would object to that. In the second place it will be very, very salutary in establishing a policy at the outset respecting the putting in of men above the draft age, so that they will not be constantly changing to put in men of the draft age and then let them out when called by the board, and then take them out and put older men in or take other men subject to the draft. There is such a constant change going on in all these departments as keeps a constant stream of newcomers entering the department. But if this amendment goes in we know that from the very outset they will not have any men in here who will be removed in a few weeks or months and thereby cripple the department.

Mr. CANDLER of Mississippi. Will the gentleman yield?

Mr. MEEKER. I will.

Mr. CANDLER of Mississippi. No department of the Government is appointing anybody as a clerk or to any position of that character who is within the draft age under the provisions of this bill.

Mr. MEEKER. Does the gentleman mean between 21 and 31?

Mr. CANDLER of Mississippi. Yes.

Mr. MEEKER. Then why the opposition to this amendment?

Mr. CANDLER of Mississippi. The order has been already issued.

Mr. MEEKER. Then I can not understand the opposition to the amendment if that is the fact. It looks as if the department would welcome the legislation.

Mr. WASON. Will the gentleman yield for me to ask the chairman a question?

Mr. MEEKER. Yes.

Mr. WASON. Does the gentleman contend that a man already in the department should be treated differently from the man that is to be called in?

Mr. CANDLER of Mississippi. I do not think there should be any difference between them—all should stand alike. But I am opposed to the amendment to the draft law of this kind being put in this bill without any consideration.

Mr. PLATT. Will the gentleman yield?

Mr. MEEKER. I will.

Mr. PLATT. Does the gentleman say that the department refuses to take men under the civil service of draft age?

Mr. MEEKER. That is what the gentleman from Mississippi says.

Mr. PLATT. I know that I have received several letters indicating that that is not the fact.

Mr. MEEKER. The gentleman from New York uses a shorter word than I would myself, but I think the chairman of the committee is mistaken. Now, it seems to me that we might as well be frank about this matter. They talk about there being no slacker sentiment in this country. That is bunk. There are thousands of men who are trying to find bullet-proof jobs, and we all know it. Every time one of these men can worm his way into a place the minute he gets in he begins to try to build up a wall behind himself so they can not pull him out. The thing that Congress will do by this amendment, as far as the Department of Agriculture is concerned, will be to stop the putting of men in who will be there only a short time before they are taken out, and then putting in men beyond the draft age. Men that will be put in will be beyond the draft age, and this will only give us one school of development, whereas by the present system there are continual changes. The first six months of this work, as you all know, is practically given to the man until he learns it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, let us see how much more debate is wanted. I ask unanimous consent that debate on this amendment and all amendments thereto close at the expiration of 20 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this amendment and all amendments thereto close at the expiration of 20 minutes. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, I am heartily in favor of this amendment. I was surprised, if not dumfounded, when the statement was made here that the Secretary of Agriculture had asked for 2,000 exemptions in his department. Two thousand exemptions in his department! Now, there is but one way, as far as we possibly can, to play this war game, and that is to play it on the absolute square. [Applause.]

When the Secretary of Agriculture, or any other Secretary, goes on record asking for 2,000 exemptions in his department, pray, tell us what his department would do if that 2,000 should fall dead overnight? Would it go to pieces like a rag? This is unfair; manifestly so. No one man's services are indispensable to a success in the war, and no 2,000 men's services in any branch of the Government are indispensable; and it is unfair to ask for their exemption.

I have not much confidence, anyhow, in these men traipsing around over the country, but I will tell you who I have got confidence in, and that is the practical farmer—the man that knows how to plant and when to plant; how to plow and when to plow; how to sow and when to sow; how to reap and when to mow. There is a young farmer in my district who lives close to me. I know him, I know his father, and I know his family. I have been upon his farm twenty times or more. He is the only boy on that farm, and the local board put him in class 4. Then the district board put him in E class 1. It is nothing to me. The fact that he was improperly placed or reclassified was brought to my attention. I went to see Gen. Crowder and was informed that there was not one chance in a thousand to have that boy put back in class 4. It is nothing to me, but the result will be that that farmer will have a public sale in a few days, because he can not hire labor. He can not get it for love or money. It is not a question of price, and so the result will be a public sale. I am not complaining, I am not criticizing anybody, but that is the condition and not a theory. There is a boy that has raised oceans of stuff—wheat, rye, corn, barley, hogs, cattle, everything that grows in my country. He was put in class 4 by the local board, reclassified by the district board, and now he is up against the call soon to go into the service. He could not get exemption; his classification was even changed. He is a practical man; a farmer from the ground up; a graduate of the school of farming experience; and yet the Secretary of Agriculture has asked, according to the statement made here to-day, for the exemption of 2,000 persons in his department. I take it that the vast majority of them are theoretical men, men that never plowed in their lives, never put up a shock of wheat, never stood on a straw stack and stacked straw, but men that are supposed to go out and tell the farmer how to produce more crops; how to make his farm a success. Here is a farmer who has made his farm a success, and here is the statement that the Secretary of Agriculture has made, that 2,000 of these men going around over the country telling the old farmer how to produce more stuff should be exempted. Why does not the Agricultural Committee accept this amendment without debate? Every man on it should vote for it to go on this bill. I propose to vote for it myself. [Applause.] Some of the departments are taking in men of draft age to-day. A young man found his way into my office last week who, 22 years of age and in class 1, a single man, got in the civil service and got a job here——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

By unanimous consent Mr. Cox was granted leave to extend his remarks in the RECORD.

Mr. Chairman, there are 20,000 men and women employed in the Agricultural Department. I do not know how many of those are women, but assuming that they are all men we have here the recoord of the statement to the effect that the Secretary of Agriculture has asked for the exemption of 1 man out of every 10 in his department from military service. Do you believe in this sort of practice? If not, then here is a remedy. The adoption of this amendment simply means that the Secretary of Agriculture shall not employ in these activities any man who is within the draft age. Are there men beyond the draft age who are qualified to perform this kind of work? I would hate to think there are not. Then, if there are, why not employ them? Why give the Secretary of Agriculture or any other man the power to employ men and thereby relieve them from military service? We are engaged in a great war in which every man, woman, and child in America is interested. Shall we say that those who are employed in the Agricultural Department are to be exempt from military duty? I hope not. There can be no question about the wisdom of the

adoption of the amendment that is pending. What does it do? It simply directs the Secretary of Agriculture that under no circumstances must he employ and thereby relieve from military duty anybody within the draft age. It serves notice upon him that for every man needed in these activities he must find a man beyond the draft age. Is that any evidence of distrust of the Secretary of Agriculture? Not at all.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. COX. Is not this the fact: That in the recent draft bill which the House passed we put all of the students of divinity and medicine hereafter in the Army and prevented them from stacking up in medical and divinity schools?

Mr. MADDEN. Yes; and the House was most emphatic upon that question.

Mr. COX. Absolutely.

Mr. MADDEN. Why place the Secretary of Agriculture upon a pedestal above criticism? Why say that he alone shall have the power to exempt men from military service? Why compel the widow whose only boy, is needed at home to send him to the front to fight for America, to send that boy and then permit the Secretary of Agriculture to employ men whom he can exempt from military service? Why not say to the Secretary of Agriculture that no man under 31 years of age shall be given employment under this act? Why not say that no person under 31 years of age shall be paid from this appropriation? That is what the amendment says. That is what it does. It seeks not to amend the draft act, not at all. It simply places a limitation on the expenditure of this $6,100,000. Is it just to place such a limitation upon it? Shall we say to the widows of America your boy is without influence and shall be sent to the front to fight, while boys within the draft age who have influence enough to get upon the Agricultural pay rolls shall be hidden away in a safe place beyond the danger of the firing line? Gentlemen, do it if you will; but you can not do it with my vote. [Applause.]

Mr. SMITH of Michigan. Mr. Chairman, one of the principles upon which our Government was established and founded, at the very threshold, was that all men are created equal in the eyes of the law. I look around this Chamber, and I see your boy, and yours, and your two boys in the Army, and I think they are just as good as those boys who would be exempt from the draft under this bill providing they secured employment in the Agricultural Department. I think the amendment of the gentleman from Michigan, making everyone within the draft age liable for military duty ought to prevail and not allow exemption because employed in any department.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. COX. Does the gentleman not remember that when the food-control bill was under consideration last year the gentleman from South Carolina [Mr. LEVER], who had charge of it, accepted an amendment almost identical in language with this?

Mr. SMITH of Michigan. I think that is true, and I thank the gentleman for his suggestion. If we are going to raise an army, let us have an army of enlisted men ready for military duty. If it is generally understood that there is to be a haven where men can get civil employment from the Government and be exempted from military duty, it will have a bad effect upon the morale not only of the Army, but of the people at home. It will cause ridicule, and it will have a bad effect on the boys now in the service. This bill is all right, but it needs a few amendments. I wish they could amend the report of the committee where it says that certain thousands of dollars are to be employed in locating Irish potatoes. That should be amended by adding the words "in Michigan" after the word potatoes, because there is such a superabundance of Irish potatoes from last year's crop up in Michigan that it has all Ireland staggered.

Mr. MADDEN. The farmers are selling potatoes now at 60 cents a bushel on the market and have to pay the freight out of that 60 cents.

Mr. SMITH of Michigan. That is true. This whole country should prepare for fighting first, last, and all the time. If they are looking for more men to do the harvesting with this $500,000, they might step over to the Labor Department and take a peep at the list of 300,000 laborers that is there, and they may find them in that institution, which is employing the activities of the Post Office in getting laborers and workmen. There are 10,000,000 men in this country within the draft age. That leaves 90,000,000 outside. Is anyone going to say that there can not be procured enough men from the 90,000,000 to run the Agricultural Department for the farmers? Why, of course, they can get them. The Government takes the best experts in the country—all kinds of engineers, college men, mechanics, machinists, architects, bankers, and I was going to say lawyers—and puts them in the Army, and I think Government employees ought not to be exempted. [Applause.] Let us not exempt them. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I ask for a vote.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

First. For the prevention, control, and eradication of the diseases and pests of live stock; the enlargement of live-stock production, and the conservation and utilization of meat, poultry, dairy, and other animal products, $1,058,975.

Mr. HUTCHINSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, after the word "first," strike out the remainder of the paragraph and insert the following:

"For the prevention, control, and eradication of cattle ticks, $61,610; of hog cholera, $202,965; of abortion, influenza, strangles, etc., $175,000; for the production of beef cattle, $105,000; for live-stock production in the great plains region, $100,000; for the production of pork, $150,000; for the production of poultry, $129,600; for the production of sheep, $60,000; for the making of cottage cheese on the farms, $52,950; for the utilization of creamery by-products, $21,850."

Mr. CANDLER of Mississippi. Mr. Chairman, I reserve a point of order on the amendment.

Mr. HUTCHINSON. Mr. Chairman, this amendment has exactly the same aggregate as the section provided in the bill. The object of the amendment is to itemize it. The committee spent a considerable time, and on four items in this section there was a reduction of $210,680. The first was the eradication of cattle ticks, and the estimate asked was $191,190, and we reduced it to $61,610. The next was the production of poultry, and the estimate was $168,000, and we reduced it to $129,600. The third was making of cottage cheese on the farm, $80,000, and we reduced it to $52,950. The fourth was $37,500, and we reduced it to $21,850. The total, as I said, is the same amount as in the bill. My object in introducing the amendment is to itemize it. This gives power to the Secretary of Agriculture to spend all of this amount on any one item. My idea of it is that our work is useless if they can spend it all on one item, and it ought to be specified, so that each item would get their proper share. One item, for instance, the making of cottage cheese on the farm, $80,000, an article in common use, was cut down to $52,950, one of the most useless things that the Department of Agriculture can do, because the average woman on the farm knows how to make cottage cheese. In fact, I could give in four or five words the recipe that will do the work which this $52,950 will do. This bill, I think, ought to be itemized in this section and all the others, so that we will know what we are voting for. [Applause.]

Mr. COX. Will the gentleman yield for a question?

Mr. HUTCHINSON. I will be glad to yield.

Mr. COX. If I understood the gentleman's amendment, it strikes out all of paragraph 1, which carries an appropriation of $1,058,975, and inserts in lieu thereof——

Mr. HUTCHINSON. Ten items, amounting to the same amount.

Mr. COX. I have not had time to foot up the appropriation carried in the gentleman's amendment, but does it foot up the same thing?

Mr. HUTCHINSON. Exactly the same amount. It is only itemized.

Mr. STAFFORD. Mr. Chairman, as I understand the amendment of the gentleman from New Jersey, it purposes to carry out the conclusion of the committee in the amount of money that they should award for the respective purposes enumerated in this item, which is lumped in one amount under general phraseology in the bill reported by the committee. If there is one thing for which the Congress has been contending for a long time it is to try and have control of the expenditures of the respective activities in the departments, but the proposal of the committee would grant the head of a department carte blanche to use any amount that he saw fit up to $1,058,000. For instance, the full amount could be used for what I regard as a foolish and fantastic experimentation with respect to the making of cottage cheese on the farm; especially in these times is it rather fantastic, as any person who knows anything about schmierkase ought to know that there is no necessity even to spend $52,950.

Mr. COX. Will the gentleman yield?

Mr. STAFFORD. Another advantage of the amendment proposed by the gentleman from New Jersey is that if the House wishes to eliminate and strike out some of these appropriations for these respective items it would be privileged to do so, but when you read the general item reported by the majority of

the committee no one can find there such a scientific investigation as the making of cottage cheese on the farm——

Mr. COX. Can the gentleman inform the committee in all seriousness how that item of $52,950 is to be expended—by employing people to travel over the country or publication of pamphlets or what?

Mr. HAUGEN. They are going to send men to each county, in each State, to teach the farm wife how to make cottage cheese.

Mr. STAFFORD. I will yield to the gentleman from Iowa and let him explain what this really scientific work consists of in these stressful times of war.

Mr. COX. The first thing I ever knew was of my mother making cottage cheese.

Mr. HAUGEN. The gentleman can go ahead in his own time, and I will take time later.

Mr. STAFFORD. At the request of the gentleman from Iowa, I shall proceed. Mr. Chairman, especially in these times when we are pressed for revenue, especially in these times when we should scrutinize with care the expenditures of the departments which are not engaged in war activities, should this Congress adopt a policy of segregation of items rather than the policy of lump-sum proposals, especially as reported in this bill when the amounts run up into the millions of dollars.

Mr. FESS. Will the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman from Ohio.

Mr. FESS. Is it not true that with all of these items covered in one lump sum there is no way of getting at any indefensible item like the making of cottage cheese, and that is probably why it is put in that way?

Mr. STAFFORD. I do not know what the motive of the members of the committee may have been in recommending it in this omnibus form, but certainly the House can not determine as to whether it should exercise its prerogative in allowing certain activities to continue or not. We have the right to determine how much should be expended for these various activities. If we want to increase the appropriation for the eradication of cattle tick, we should do it. If we wish to strike out the appropriation for that fanciful latter-day creation of a survey and investigation of cottage cheese on the farm, we should do it. Then there is the other provision, which was included in the omnibus bill, of utilization of dairy products, $21,050. That may be an activity which the members of the committee can inform the House as to whether it is desired or not. In the form submitted by the gentleman from New Jersey [Mr. HUTCHINSON] it is left to the House to determine whether the respective appropriations for these segregated items should continue or not.

Mr. HAUGEN. Mr. Chairman, in response to the question of the gentleman from Ohio, I desire to read from Mr. Rawl's statement before the committee, which appears on page 27. It says:

> The CHAIRMAN. Your first item, Mr. Rawl, is No. 9, on page 8, "Making cottage cheese on the farm." The allotment for 1918 was $52,950, and the estimate in this bill is $80,000, which is an increase of $27,500.

And he says, among other things:

> The experience of the department during the present fiscal year clearly indicates the desirability of carrying on an active campaign for the purpose of encouraging the making and consuming of cottage cheese. With the emergency funds available this year an agent will be assigned to each State to demonstrate proper methods of making cottage cheese and to give definite information regarding its use.

I would like to read the gentleman's testimony given a year ago, as follows:

> I believe if you go into a county and teach the domestic-science agent how to make cottage cheese, and how to make it on the farm—

Experts are to be sent into the States to teach the Government employees how to make cottage cheese, they in turn to teach the farmer's wife. Now, I believe it is safe to say that there is hardly a 12-year-old girl on a farm that does not know how to make cottage cheese. All there is to it is to put a little clabbered milk in a cheese cloth, hang it up overnight, and add a little salt to it in the morning; and if butter and cream is added it improves its quality. That is all there is to it. And we are here proposing to send men out at the rate of $2,500 a year to show Government employees in the country how to make cottage cheese—$80,000 was suggested in addition to the appropriation made in the annual appropriation bill. Here is the process, and it is an interesting one. Dr. Rawl said:

> And if that agent goes back the next week and gives two or three more demonstrations, and the next week does the same thing—

And so on.

He believes the farmer's wife can be taught to make and made to eat cottage cheese.

What a wonderful process, gentlemen!

Mr. COX. Are these agents who are trooping around for this purpose, men or women?

Mr. HAUGEN. I presume both; I do not know what they are.

Mr. COX. What salaries do they draw?

Mr. HAUGEN. They draw from $100 to $300 a month. There is no limitation in many salaries fixed by the Department of Agriculture. Many are scientists, and the only limitation is the $3,500.

Mr. COX. If there is a woman on the farm in all this broad land who does not know how to make cottage cheese, could not that information be carried to her in a bulletin?

Mr. HAUGEN. It does not have to be carried in a bulletin. Every housewife knows how to make cottage cheese.

Mr. COX. They had better move to the cities.

Mr. HAUGEN. Well, everybody in the cities knows how to make cottage cheese, as well as those on the farm. It is a very useful food product.

Now, Mr. Chairman, all I desire to say, and I believe it is clear to everybody, is that this bill should not be passed in the form in which it is drawn, and the only practical way of doing business would be to send it back to the committee with instructions to have this bill reported as the bill should be reported and as committees have been instructed from time to time to report bills, and that is, that every item should be segregated in order that Congress may know something about how this money is to be appropriated.

Mr. RUBEY. I want to ask the gentleman and also the gentleman from New Jersey [Mr. HUTCHINSON] why it is that that suggestion was not made by you or by him in the committee? There was no man in the committee that made any suggestion of that kind whatever, to my knowledge.

Mr. HAUGEN. Mr. Chairman——

Mr. WASON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WASON. I would like to know if it is proper in here to bring in the doings of the committee?

The CHAIRMAN. The question of what passed in the committee properly ought not to be brought in here. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, may I have one minute more?

Mr. RUBEY. Are you ashamed of what occurred in the committee?

Mr. WASON. It is not a question of whether I am ashamed of the gentleman from Missouri or not. It is a question of keeping within the rules.

Mr. HAUGEN. I would like one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. As stated by the gentleman from Michigan [Mr. MCLAUGHLIN], if there ever was a bill contested in that committee it was this bill, from beginning to end; but, as the gentleman knows, the bill was reported; that there was an effort made to cut down many of the amounts carried in the bill and to have it reported in a regular way in which appropriation bills are generally reported. It is a matter that ought to be sent back to the committee and the items segregated. The department and the Congress ought to know just how and where this money is to be expended. Under the present form the whole amount, $1,058,975, can be used for the purpose of encouraging the making and consuming of cottage cheese, for the employment of agents, which seems an absurd and unbusinesslike way of making appropriations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I ask unanimous consent that debate upon this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that debate on this amendment and all amendments thereto shall terminate in 15 minutes.

Mr. CANDLER of Mississippi. I modify the motion and ask for 25 minutes.

The CHAIRMAN. The gentleman modifies the request and instead of 15 minutes asks for 25 minutes. Is there objection?

Mr. GREEN of Iowa. Mr. Chairman——

Mr. CANDLER of Mississippi. That includes five minutes for the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Somebody told me just now that we were to vote at 5 o'clock. Do you expect to use all the time up to then?

Mr. CANDLER of Mississippi. The vote at 5 o'clock is on another bill. I reserve a point of order on the amendment.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Mississippi? [After a pause.] The Chair hears none. Now, will the gentleman from Mississippi indicate the gentlemen who are to occupy this time?

Mr. CANDLER of Mississippi. The gentleman from Iowa [Mr. GREEN] asks for five minutes, the gentleman from Michigan [Mr. MCLAUGHLIN] five minutes, the gentleman from Indiana [Mr. COX] five minutes, and the gentleman from Missouri [Mr. RUBEY] five, and I want five.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BURNETT having taken the chair as Speaker pro tempore, a message from the President, by Mr. Sharkey, one of his secretaries announced that the President had, on May 20, 1918, approved and signed bills and a joint resolution of the following titles:

H. R. 11245. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917;

S. 3771. An act authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government; and

S. J. Res. 124. Joint resolution providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approval May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

FOOD PRODUCTION.

The committee resumed its session.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, this bill in its present form is utterly and absolutely indefensible. There is not any defense that can be made for bringing in a bill carrying over $11,000,000 in lump sums, the intention of which, it is admitted, is to scatter it around among a large number of items, as to which not a man in the House has any information except what has been given by the gentleman from New Jersey [Mr. HUTCHINSON].

It is not alone this absurd and ridiculous proposition of appropriating $80,000 for disseminating information as to making cottage cheese. And right here I want to warn any agents who propose giving information on that subject from going into the houses of any Iowa farmers and attempting to give instruction to the housewives along that line. They will probably be instructed in something themselves, if they undertake it. [Laughter.]

There are others of these items that ought to be cut down or entirely eliminated. But there is no way by which it can be done, because of the peculiar manner in which this bill is brought in. The last Agricultural appropriation bill carried an item of $460,000 for the elimination of hog cholera. Now, they want $200,000 or $300,000 more, as we are informed by the gentleman from New Jersey, for the elimination of hog cholera, when they would have to search in order to find the hog cholera existing in this country at this time, because hog cholera, as everyone conversant with that disease knows, goes by cycles. This is one of the particular times when it is not prevalent and it is not necessary to have so large appropriations to use at present.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SMITH of Michigan. Is it not true that the appropriations heretofore for that purpose have been well used and that the disease has been stamped out?

Mr. GREEN of Iowa. I think it likely. At all events, the disease is not very prevalent at this time.

No showing can be made as to why the amount should be increased at this time, or why we should have a larger sum now for the extermination of the cattle tick. Has not the sum heretofore appropriated been found sufficient?

Why, in Heaven's name, should we be appropriating money for the distribution of laborers or obtaining farm labor when the Department of Labor has a complete plan on an elaborate scale to distribute and supply laborers? Why should we duplicate this? I find from the tables presented by the gentleman from New Jersey that they even want something like $20,000 or $30,000 for promoting the culture of the castor bean. Gentlemen of the House, we have learned about the failure of the airplane program; we have learned from the voluminous report that they had submitted that they had made no fighting airplanes, but they made much of the fact that they had provided for the culture of castor beans. Now, it seems it was not in such a way but that the Department of Agriculture finds it necessary to spend more money for the same purpose. [Laughter.] You can go into every supposed item included in this bill and find some reason why it should be cut down or entirely eliminated.

What do we want with two county agents in each county? Why is not one enough? Of course, some gentleman will say, "You do not know that this is for two county agents." That is just the trouble. We do not know how this money is going to be expended, or what it is going to be expended for. We have no justification whatever for the bill in its present form. We do not know where to cut it; we do not know how to reach the objectionable items. In short, we know nothing about the bill, except that it ought to be recommitted to the committee and brought forth in proper form, so that we can tell something about it.

Mr. Chairman, how long are we to go along in this way, facing a situation where we are expected to raise $30,000,000,000 for the next year, and when we come in with a bill carrying $18,000,000 have some one say, "We do not know what these items are, but we think they are all right. The Secretary of Agriculture wants the money." [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, may I have a minute more, or does the limitation of time prevent?

The CHAIRMAN (Mr. CARTER of Oklahoma). The time has been allotted.

Mr. GREEN of Iowa. Otherwise I would like to have five minutes more.

Mr. CANDLER of Mississippi. The time was allotted by unanimous consent. The gentleman was given 5 minutes out of the 25.

Mr. CANNON. The gentleman can get time by unanimous consent.

Mr. COX. Mr. Chairman, I offer an amendment to the amendment, to strike out $52,950 and insert in lieu thereof $25,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. COX to the amendment offered by Mr. HUTCHINSON: Strike out the figures "$52,950" and insert in lieu thereof "$25,000."

Mr. COX. Mr. Chairman, the amendment of the gentleman from Michigan [Mr. MCLAUGHLIN], adopted a little while ago, materially strengthened the bill, in my opinion, and makes it a much better bill than it was when it was brought into the House. The amendment now before us, offered by the gentleman from New Jersey [Mr. HUTCHINSON], ought to be adopted. It ought to have the unanimous support of every member of the committee.

This bill, gentlemen, furnishes an unanswerable argument as to the necessity of a budget committee in the House. One department is duplicating another. One department is asking an appropriation for a certain kind of work, and another department is asking an appropriation for the same kind of work. I think before we get through with this war we shall certainly get a budget committee, a Committee on Appropriations combined with a revenue committee, the two going hand in hand to raise the revenue and make the appropriations.

Now, unless the amendment of the gentleman from New Jersey is adopted, as the argument has been well made here, there will be no limitation on the amount that can be expended on any one item in this bill; not at all. They can spend the entire $11,000,000 for any item they want.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. MONDELL. Does the gentleman think this entire appropriation could be used for the cottage-cheese investigation?

Mr. COX. I am going to discuss that in a moment.

Mr. CANDLER of Mississippi. Has the gentleman any idea in the world that it would be used for any such purpose?

Mr. COX. I have no idea, but I would just as soon trust the judgment of Congress as to trust the judgment of any Cabinet officer when it comes to spending money.

Mr. CANDLER of Mississippi. Does the gentleman believe that the Secretary of Agriculture would squander the money in that way?

Mr. COX. No; I do not think he would recklessly squander the money. I presume he would be economical in its expenditure, although I would prefer the judgment of this Congress to limit his ability and permit him to spend only so much on each item. But the idea of spending $52,000 to teach the women of this country how to make cottage cheese is astounding; the

idea of appropriating $52,000 to employ men and women to travel about through the rural communities telling farmers' wives how to make cottage cheese is absurd, preposterous, unbelievable, if not unthinkable, in time of war or in time of peace. Why, the first food commodity that I distinctly recollect my mother having made was cottage cheese. Forty-five or forty-eight years ago, I remember it well, and that was almost before we even had the Agricultural Department or even a bureau of it. Now, there might be some sense is using this money in some sections of the country where farmers' wives do not know how to make cottage cheese, but I do not know where those sections are. You will find the wives of the farmers in the North that can throw a ring around these people who go out and try to teach them how to make cottage cheese. You can find farmers' wives in the North who can make these people look like 30 cents with a hole in it in this line of work. I do not care if these people who go out are college graduates, because the old woman on the farm is a graduate, too, although she has not worn out her back in sitting in colleges, but she has worn it out in the school of experience in learning how to produce things.

Mr. HERSEY. Will the gentleman yield?

Mr. COX. Not just now. It may be that the department might need a little appropriation here for the publication of bulletins or circulars or something of that kind that could be sent through the mails, distributed among the women, if there be any in the country that do not know how to make cottage cheese, and tell them all about it. I think my amendment ought to carry. It only saves, it is true, $25,000.

Mr. HERSEY. Will the gentleman yield?

Mr. COX. I will yield for a question.

Mr. HERSEY. Has the gentleman understood that it was the purpose to ship cottage cheese to the soldiers in France?

Mr. COX. I do not know anything about that. If it is, this thing would not tell the farmers' wives anything more than they already know about it. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, one of the peculiarities in this body is that whenever a bill is brought before the committee recommending a comparatively small appropriation for anything touching agriculture there is always raised a tremendous howl against it. I have seen pension bills carrying $150,000,000 pass this body without 10 minutes of debate. I have seen the Post Office appropriation bill, carrying over $250,000,000 to $300,000,000 pass practically without discussion. I have seen the great naval bill take the same course. I suspect that in a few days we will have the Army appropriation bill, carrying not millions but billions; and there will not be a single little chirp about it from those gentlemen who are so solicitous of the funds in the Treasury. It is only when the Agricultural Committee comes in that the watchdogs from certain large committees in this House who would like to control all the appropriations that Congress makes get into action and get busy. I have seen it take place here for many, many years. I see the evidences of it again this afternoon. I assume that we shall see more evidences of it on to-morrow and the next day, and as long as this bill is under consideration.

Mr. MONDELL. Will the gentleman yield?

Mr. LEVER. I have only five minutes which was graciously yielded to me by the gentleman from Mississippi. This bill prepared by the Committee on Agriculture now in charge of the energetic and active gentleman from Mississippi [Mr. CANDLER] is not an unsual piece of legislation. It is following the exact lines verbatim of the food-production act which passed this body last year and became an act of Congress by the signature of the President on the 10th of August, 1917.

It might have been better to have segregated these items. It has been the policy of the Committee on Agriculture, in dealing with the regular appropriation bill, to segregate the items as far as possible. This committee in making up this bill, however, has followed the dictates of Congress itself in lumping the funds into several general items.

My friend from Indiana [Mr. Cox] raised a good deal of smoke about that fact, that we are appropriating a small fund here for the encourgement and the production of cottage cheese. I want to say to the gentleman that my old grandmother—my mother having died when I was a baby—also knew how to make cottage cheese. We called it clabber cheese in my country. There are thousands and thousands of women in this country to-day, country women, who know how to make it. I agree with the gentleman from Indiana on that, but they have not had impressed upon them the importance of making cottage cheese to use as a substitute for meat. That is the purpose of this appropriation. There is hardly a rural woman in the United States who does not know how to make cottage cheese, but there are tens of thousands who have not had it brought to their attention that by utilizing the milk, much of which is wasted on the farm, they can save meat that can be sent to our boys who are dying in the trenches across the water. That is the purpose of the $52,000 appropriated in this bill. Is that good work?

Mr. ANDERSON. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. ANDERSON. Is it not a fact that the appropriation of $52,000 was to stimulate the commercial production of cottage cheese and to utilize the by-products of the creamery?

Mr. LEVER. Both. One is to encourage production of cottage cheese among the rural women and the other is to encourage utilization of by-products of the creamery in order that we may save meat; and it is a better proposition than gentlemen think it is, after all. [Applause.]

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I think this item in the bill should be separated into its proper parts by the adoption of the amendment of the gentleman from New Jersey. If this bill should pass in its present form, the Secretary of Agriculture will not know how much money has been appropriated for the several lines of work, because the bill carries no information. He will be permitted to expend it all for one thing to the exclusion of all others. It will only be by going and looking over the minutes of the Committee on Agriculture that he can determine how much money was intended for each of the several items. We reduced one item $129,000. We have reduced others. We increased some. What information has the Secretary of Agriculture as to how much money was allowed for any particular thing? What would he do in spending the money? How much would he know had been allowed by Congress?

The will of Congress should control the Secretary of Agriculture, although, if we take the word of the gentleman from Mississippi, a suggestion from Congress to the Secretary is a reflection upon him. The gentleman from Iowa [Mr. GREEN] asks why it was necessary to employ two county agents in a county. Under this bill, if it should be enacted into law, provision is made for sending not alone two, but four or five or a half-dozen agents into a county. Over and over again I have asked gentlemen representing the department appearing before the committee why it is necessary to have one man go to talk with a farmer about his beef cattle, and another to go to talk about poultry, and still another go and talk about sheep production, and a fourth man go and talk about diseases of hogs or about the increase in the production of them.

Mr. SMITH of Michigan. On dairy work also.

Mr. McLAUGHLIN of Michigan. And as to dairy work, yes; and the reply of each one of these gentlemen was that each man was an expert in his line, that it takes an expert, and that a man can be an expert in only one line of work. The result is that these automobiles we are supplying will be filled with a half dozen of these agents and representatives of the Department of Agriculture going to and fro, going in a bunch to a farm, each "expert" to talk to the farmer about a particular line of work. That is a legitimate criticism of this bill and of some of the work it provides for. That objection has been made in committee over and over again, and argument made against the employment of so many men, but the argument fell upon deaf ears, and this bill comes in its present form. My statement respecting these matters is not overdrawn; it is in no respect a misstatement or an exaggeration. I have made that objection, and I have called it to the attention of the heads of the bureaus and of the Secretary of Agriculture himself more than once. Time and time again when they came before the committee I asked why it was necessary to have two, three, four, and five men employed to go to a farm, each one to talk about a particular line of work, all work that one man, if he is fit to hold the humblest of these positions, ought to know all about, and the answer is that it is expert work, and that therefore all of these men must be employed.

In case there is danger of these "experts" crowding the inhabitants or themselves in small towns, or if their joint visit to a farm is liable to interfere with the farmer or inconvenience the men themselves they are advised, I presume, to hold a convention before entering the town and arrange a schedule of operations.

Mr. LA FOLLETE. Was any suggestion ever made that they go in the wintertime so as to give the farmer a little chance to do some real work?

Mr. McLAUGHLIN of Michigan. There is a suggestion by some one that they go in war time, when they can be exempt from active military service, but this House in its wisdom has prevented that. It is absolutely necessary, if we are to give any direction whatever to the Secretary of Agriculture as to the expenditure of a sum of more than $2,000,000, if the will of Con-

gress is to be expressed in any form as to the manner in which this fund shall be used, that the amendment of the gentleman from New Jersey [Mr. HUTCHINSON] be adopted.

Mr. CANDLER of Mississippi. Mr. Chairman, I reserved a point of order on this amendment, and I ask the Chairman to rule upon it. This bill is in the language of the food-production act passed at the last session of Congress. This item is in identically the language of that bill. The item reads as follows:

For the prevention, control, and eradication of the diseases and pests of live stock; the enlargement of live-stock production, and the conservation and utilization of meat, poultry, dairy, and other animal products, $1,058,975.

This bill is simply making an appropriation to carry on that work. That was the work that was authorized at the last session by that law. To divide it up, to itemize it, and chop it to pieces would be a change of that law, and it seems to me that it is subject to a point of order on the ground that it changes existing law. Furthermore, the amendment offered by the gentleman in the form in which he offers it is not germane to this section. I submit that to the Chairman.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CANDLER of Mississippi. Yes.

Mr. WALSH. Is not the effect of the amendment in the nature of a limitation as to how much of the appropriation may be used for certain specified purposes, all of which are within the purview of the act?

Mr. CANDLER of Mississippi. No; I do not think it would be a limitation. It is a specific direction as to how it shall be expended—that he shall expend so many dollars, no more and no less, for a specific purpose.

Mr. WALSH. If it says $52,000 for cottage cheese, it certainly limits the amount that can be used for that purpose.

Mr. CANDLER of Mississippi. It limits the amount to that particular item, but it is a direction that not one cent more can be expended for this or that.

Mr. WALSH. And the gentleman is opposed to that?

Mr. CANDLER of Mississippi. I am in favor of giving the Secretary of Agriculture the discretion in reference to the expenditure of sums for various items, just like was given under the food-production act a year ago.

Mr. STAFFORD. Mr. Chairman, unless the Chair is ready to rule, I desire to say a word or two.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. STAFFORD. The logic of the position of the gentleman having the bill in charge is that the House must appropriate for every item of expenditure as carried in general language in the food act of August 10, 1917. I grant that the language of the paragraph under consideration, which the amendment of the gentleman from New Jersey seeks to strike out, is in the identic language carried in the original food act, but I do not grant that Congress has not the right in voting the appropriation to determine how much money shall be voted for the respective purposes. Congress has the authority to refuse to vote the money for these respective purposes. If it has authority to refuse to appropriate, it also has authority to segregate and designate the respective character and the extent of service which come within the generic language as included in the original food-survey law. I contend, Mr. Chairman, that the language of the substitute offered by the gentleman from New Jersey does not contain one item of activity that can not be included within the general phraseology of the bill as reported from the committee. Certainly this Congress is not limited to the phraseology of the act of a year ago. It may be limited as to the purposes which were included in the general language in that authority of a year ago. Congress has the right at all times to appropriate or to refuse to appropriate, and it has the further right now, without changing the existing law, to designate specifically the activities and functions for which these appropriations will be made. If the Chair will study the substitute offered by the gentleman from New Jersey he will see that there is not an item there included that is not covered under the general phraseology of the item as reported by the committee.

The CHAIRMAN. The Chair has been looking over this amendment pending the debate. I believe it is agreed that the language of the paragraph proposed to be replaced is the language of existing law, and that it provides in a large way, and in general terms for extensive activities on the part of the Agricultural Department. Looking to the proposed amendment the Chair does not note that in its enumeration of activities there is a single one that is not possible for the Agricultural Department to set on foot and pursue under the general authority of the existing law. A fixed amount is proposed by the amendment for each of the enumerated activities. Whatever Congress is empowered to appropriate for, it can refuse to appropriate for, and in the exercise of this power to deny any appropriation whatsoever, it can appropriate for a limited extent only. This being so, it can fix this limited appropriation at whatever amount it deems to be fair and just. Its judgment on that matter is final and conclusive. This amendment enumerates certain activities which the Agricultural Department is empowered to set in motion, as and with respect to these activities, it fixes the amounts that may be expended thereon. If the amendment is adopted, it is in substance a declaration by Congress that, under this particular head, the activities indicated, are the only activities for which it is willing to appropriate. Should Congress choose to exercise its authority to award, or deny an appropriation, for an authorized purpose, by appropriating for one, or more items falling within that purpose, and refusing it to others, who is there to say it nay, and in fact in principle who should say it nay? It is a reasonable exercise of a power that belongs to, and ought to belong to, and remain with the Congress. The Chair overrules the point of order.

Mr. CANDLER of Mississippi. Mr. Chairman, I think I have five minutes remaining. I desire to call attention to the fact that this bill as reported by the committee is exactly in accordance with the food-production bill which was reported a year ago, which was approved by Congress by a vote that was almost unanimous. There were 365 votes for that bill and only 5 votes against the bill in identically the same language that you will find in this bill making lump-sum appropriations just exactly as made in this bill, and without any change whatever from the language of that bill this bill was reported by the direct authority and under the direction of the Committee on Agriculture. There was no objection expressed in committee to reporting the bill in this form, but on the contrary I was directed by a unanimous vote of those present and voting in committee to report it in this form.

Mr. STAFFORD. Will the gentleman yield?

Mr. CANDLER of Mississippi. I have but five minutes.

Mr. STAFFORD. For just a question.

Mr. CANDLER of Mississippi. All right.

Mr. STAFFORD. Is it not a fact that last year this was the initial legislation along this line. Congress did not put a restriction upon the department's activities, but now there are specific recommendations that have been made, so why should it not limit the authority in the way proposed by the amendment suggested by the gentleman from New Jersey?

Mr. CANDLER of Mississippi. It was new legislation at the last session of Congress, and Congress passed the law in this identical form and put the fund in the hands of the Secretary of Agriculture, and thereby charged him with the responsibility of administering it, and the Secretary of Agriculture has kept it absolutely under his own personal control. None of it has been expended and none has been allotted to a single bureau or a single division of the Department of Agriculture except by the Secretary himself, and the bureau chiefs or division chiefs or the other employees in the Agricultural Department who have expended any part of it have had to go to him every time and submit their proposition to him and secure his approval of it and then get from him an allotment out of the fund for the activities they proposed to undertake.

Now, that having been the policy before, the Secretary of Agriculture is better qualified now by experience, and his department is better qualified by experience and investigations which they have made, to carry out the provisions of this law under the lump-sum appropriation and general legislation as provided in this bill than they were a year ago. Why change the whole plan of legislation and take the discretion away from the Secretary of Agriculture in these war times when emergencies frequently arise and say to him, "You can spend a thousand dollars on this matter and a thousand dollars on that, but you shall not spend $999 for this and you shall not spend $1,001 for the other." I have absolute confidence in the Secretary, in his good judgment and patriotism, to give him this discretion to spend this money to get the best results, and therefore I am opposed to the amendment offered by the gentleman from New Jersey. Pass the law as it is, and put the money in the hands of the Secretary. It is true that the department says this is the manner in which they propose to use it, specifying the items; and each item was fully considered by the committee and a full hearing was had. Then after the full hearing was completed, then each and every item was taken up, each and every item was considered by the full committee—not a subcommittee—and each and every item was passed by the committee, and the total amount included in each and every section in the bill as reported by the committee by the specific direction of the committee is the total amount of the items passed upon and approved by the members of the committee to make up the several amounts in each section of the bill as reported to the House.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. CANDLER of Mississippi. I will.

Mr. McLAUGHLIN of Michigan. There was a reduction of $210,680 from the estimate of the Secretary. If this bill passes in its present form, how will he know from which items the deductions were made?

Mr. CANDLER of Mississippi. The report shows the reductions made.

Mr. McLAUGHLIN of Michigan. The Secretary will have to look at the report?

Mr. CANDLER of Mississippi. Each item shows for itself.

Mr. McLAUGHLIN of Michigan. The gentleman admits it will be necessary for the Secretary of Agriculture to go to the report of the committee, does he?

Mr. CANDLER of Mississippi. It will not be necessary for him to go to the report of the committee. When he is given the lump sum he might not allot the same amount; he might reduce or increase it to meet emergencies, and I favor giving him that discretion. He will know the amount available and he will allot it to secure best results.

Mr. McLAUGHLIN of Michigan. The gentleman did proceed on the theory he was not recommending an amount beyond what he should use——

Mr. CANDLER of Mississippi. The gentleman is proceeding upon the theory that the amount which the committee approved was a sufficient amount to be used for the purposes indicated in the provisions of the bill. I ask for a vote.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported by the Clerk.

There was no objection.

The amendment was again reported.

Also the amendment to the amendment was read.

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MADDEN. To oppose the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment to the amendment offered by the gentleman from Indiana [Mr. Cox].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MEEKER. Division, Mr. Chairman.

The committee divided, and there were—ayes 35, noes 40.

Mr. HUTCHINSON. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from New Jersey demands tellers.

Mr. HUTCHINSON. Mr. Chairman, I withdraw the request.

The CHAIRMAN. The gentleman withdraws the request for tellers.

The question is on the amendment offered by the gentleman from New Jersey [Mr. HUTCHINSON].

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. CANDLER of Mississippi. Division, Mr. Chairman.

The committee divided; and there were—ayes 37, noes 40.

Mr. HUTCHINSON. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from New Jersey demands tellers. All who are in favor of taking this vote by tellers will rise and stand until counted.

The Chair proceeded to count.

Mr. MADDEN. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] makes the point of no quorum. The Chair will count. [After counting.] Eighty-six Members are present, not a quorum, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anthony	Crago	Fairchild, G. W.	Greene, Vt.
Beshlin	Crosser	Farr	Griest
Brodbeck	Currie, Mich.	Fields	Griffin
Butler	Curry, Cal.	Flood	Hamill
Byrnes, S. C.	Dale, N. Y.	Flynn	Hamilton, Mich.
Caldwell	Darrow	Focht	Hamilton, N. Y.
Campbell, Pa.	Davidson	Foster	Harrison, Miss.
Cantrill	Davis	Freeman	Haskell
Caraway	Dempsey	Fuller, Ill.	Hayes
Carew	Dent	Fuller, Mass.	Heaton
Carlin	Dewalt	Gallivan	Heflin
Carter, Mass.	Dies	Gard	Heintz
Carter, Okla.	Dill	Garland	Hicks
Chandler, N. Y.	Dillon	Glynn	Hilliard
Church	Donovan	Godwin, N. C.	Hood
Clark, Fla.	Dooling	Gordon	Howard
Clark, Pa.	Drukker	Gould	Humphreys
Connelly, Kans.	Dunn	Graham, Pa.	Husted
Copley	Edmonds	Gray, Ala.	Jacoway
Costello	Estopinal	Gray, N. J.	James
Johnson, S. Dak.	Maher	Rankin	Snook
Johnson, Wash.	Mann	Riordan	Snyder
Kahn	Martin	Robbins	Steele
Kearns	Mason	Rose	Stephens, Nebr.
Kehoe	Merritt	Rowe	Sterling, Pa.
Kelley, Mich.	Miller, Minn.	Rowland	Strong
Kelly, Pa.	Montague	Rucker	Sullivan
Kettner	Moore, Pa.	Sabath	Swift
Key, Ohio	Morin	Sanders, Ind.	Tague
Kiess, Pa.	Mudd	Sanders, La.	Templeton
Kreider	Nichols, Mich.	Sanford	Tilson
LaGuardia	Norton	Scott, Mich.	Vare
Langley	Oldfield	Scott, Pa.	Voigt
Lesher	Olney	Scully	Ward
Little	Overmyer	Sears	Watson, Pa.
Longworth	Paige	Sells	Webb
Lufkin	Parker, N. Y.	Sherley	Williams
Lunn	Porter	Sisson	Wilson, La.
McFadden	Powers	Sloan	Winslow
McKenzie	Pratt	Small	Wise
McKinley	Price	Smith, T. F.	Woods, Iowa
McLaughlin, Pa.	Ramsey	Snell	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 11945, finding itself without a quorum, he had caused the roll to be called, and that he presented therewith the names of the absentees for insertion in the Journal and the RECORD.

The SPEAKER. Two hundred and sixty-three Members, a quorum, are present.

The committee resumed its session.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUTCHINSON] and the gentleman from Mississippi [Mr. CANDLER] will take their places as tellers.

Mr. WALSH. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. The House having by previous order decided that at 5 o'clock the committee should rise and proceed to a matter under the suspension of the rules, I desire to ask that if the hour of 5 o'clock arrives while the Members are passing through the tellers, the committee would have to rise before completing the vote; or would it be completed?

The CHAIRMAN. If the point is insisted on now, the Chair will rule on it.

Mr. WALSH. I make the point that the hour of 5 o'clock has arrived.

Mr. LEVER. I make the point that it has not, by this clock over here.

Mr. WINGO. As a matter of fact, the House did not make any order at all. They agreed it would be in order.

Mr. GARRETT of Tennessee. Mr. Chairman, I believe that by consulting the RECORD of Saturday it will be found that in the discussion it depended on when the committee rose.

The CHAIRMAN. It is purely a technical proposition.

The gentleman from New Jersey [Mr. HUTCHINSON] and the gentleman from Mississippi [Mr. CANDLER] will take their places as tellers. The question is on the amendment offered by the gentleman from New Jersey [Mr. HUTCHINSON].

The committee again divided; and the tellers reported—ayes 92, noes 102.

So the amendment was rejected.

Mr. CANDLER of Mississippi. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11945) to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," and had come to no resolution thereon.

CONTRIBUTIONS BY NATIONAL BANKS TO THE AMERICAN RED CROSS.

Mr. GLASS. Mr. Speaker, I desire to move to take from the Speaker's desk Senate bill 3911, authorizing the national banks to subscribe to the American National Red Cross, and move to suspend the rules and pass it.

Mr. MADDEN. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Virginia moves that the Senate bill 3911 be taken from the Speaker's stand and the rules suspended and the bill passed, and the gentleman from Illinois demands a second.

Mr. GLASS. I ask that the second be considered as ordered.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Virginia has 20 minutes, and the gentleman from Illinois 20.

Mr. CANNON. Mr. Speaker, I would like to ask unanimous consent, the motion having been made, to see if we can not get more than 20 minutes to a side. It is a very important proposition. I think we ought to have at least 40 minutes on a side.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the debate shall be 40 minutes to a side. Is there objection?

Mr. GLASS. Mr. Speaker, this is a self-evident proposition. It does not require a great deal of explanation, if any at all. The Members may very definitely or quickly determine whether they want to vote for it or against it, and I hope the gentleman will not suggest an extension of the time. Twenty minutes on a side, it seems to me, will be ample. Twenty minutes is more than I shall want on this side.

The SPEAKER. Is there objection?

Mr. GLASS. I object.

The SPEAKER. The gentleman from Virginia is recognized for 20 minutes. The Clerk will report the bill.

The clerk read as follows:

A bill (S. 3911) authorizing national banks to subscribe to the American National Red Cross.

Be it enacted, etc., That during the continuance of the state of war now existing it shall be lawful for any national banking association to contribute to the American National Red Cross, out of any net profits otherwise available under the law for the declaration of dividends, such sum or sums as the directors of said association shall deem expedient. Each association shall report to the Comptroller of the Currency within 10 days after the making of any such contribution the amount of such contribution and the amount of net earnings in excess of such contribution. Such report shall be attested by the president or cashier of the association in like manner as the report of the declaration of any dividend.

SEC. 2. That all sums so contributed shall be utilized by the American National Red Cross in furnishing volunteer aid to the sick and wounded of the combatant armies, the voluntary relief of the Army and Navy of the United States, and the relief and mitigation of the suffering caused by the war to people of the United States and their allied nations.

Mr. GLASS. Mr. Speaker, this bill is identical with the bill reported from the House Committee on Banking and Currency, now on the calendar. It is a perfectly self-evident proposition and requires scarcely any explanation. Ordinarily I would not favor such a bill; but in the circumstances it is a war measure, if there ever was a war measure. The bill explicitly provides that the permission granted to national banks to subscribe to the American Red Cross fund shall be only for the duration of the war.

It is needless to remind the House that the Red Cross is a nonsectarian organization. It recognizes no creed, no religion. It is merciful and humanitarian altogether in its conceptions, its functions, and activities. Anybody may belong to it; anybody may contribute to its funds and help in its work, Jew or Gentile, Protestant or Catholic, white or black, Christian or pagan. It is universal in its purpose, its scope, and activities.

I would like to draw the attention of the House for a moment to an extract from a letter by Mr. Henry P. Davison, written on the day before yesterday. Mr. Davison has just returned from the battle front, and he says:

The outstanding feature of the German method at the present time is the effort to terrorize the women, children, and old men at home. While the German troops are making their drive on the front airplanes are bombing, nearly every night, towns behind the lines, with the deliberate and declared purpose of terrorizing civilians.

The purpose of the fight behind the line is to break down the morale of the civilian population to such a point that they will importune their governments for peace. It is the most dastardly, unrighteous, cruel, devilish plan which could be conceived. It is based upon the theory that the killing of four children out of five will induce the mother to implore her government to have the war stopped, that her fifth child may live. It is carried on from the English Channel to the Swiss border and from the Swiss border to the Adriatic, and has resulted in the murder and maiming of thousands of women and children and the driving of hundreds of thousands of terror-stricken from their homes to wherever they might seek refuge.

The people in Europe were simply astounded at the news of the American Red Cross having attained a membership of 23,000,000 adults. We shall need money, and we shall need workers, more and more; and we need always to let it be known to our soldiers and the soldiers of our allies and the peoples behind their lines over in the war zone itself, that the American people are with them heart and soul.

It is to help relieve frightful conditions like that that this measure is presented. Until within the last 10 years national banks were not inhibited from contributing to any cause. The reason why we have a statute on the subject is that some banks inaugurated the reprehensible practice of contributing to party campaign funds, which did not appeal to the sense of propriety or the spirit of American fair play. The situation now is that some of the States, notably New York, Massachusetts, and other large States, have passed laws permitting State banks and trust companies to contribute to Red Cross funds. Other States do not prohibit benevolent contributions by corporations.

National banks, because of the circumstances I have cited, are expressly prohibited from making contributions. That law is founded on good sense and was prompted by a just spirit. Ordinarily I would not be in favor of its modification in any particular. But now there is justification of the proposal. The Red Cross is not only nonsectarian, but is a quasi governmental institution. It has for its president the President of the United States. It has on its board of governors a representative from the State, War, and Navy Departments and from the Treasury and the Department of Justice. Its funds are expended under the strictest scrutiny of representatives of the United States Government, and I think I may confidently appeal to the spirit of this House and to its desire to aid any institution which is an essential and an indispensable part of the effort to win this war to suspend the rules and vote for this bill.

I reserve the balance of my time.

Mr. MEEKER. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The gentleman reserves 14 minutes.

Mr. MEEKER. Will the gentleman yield?

Mr. GLASS. I yield for a question; yes.

Mr. MEEKER. Is it the opinion of the gentleman that the Red Cross fund can not be raised without this assistance?

Mr. GLASS. I have been assured by officials of the Red Cross that the passage of this bill will, in their judgment, mean as much as $5,000,000 to the total of the fund that will be raised.

Mr. GORDON. Will the gentleman yield?

Mr. GLASS. Yes.

Mr. GORDON. Does that mean that contributions to the amount of $5,000,000 will be enforced from the persons who otherwise would not contribute?

Mr. GLASS. I do not think contributions will be "enforced," since this is a permissive proposition. If the stockholders do not desire the directors of banks to make the contribution, they have it in their power to prevent the contribution.

Mr. GORDON. How would they prevent it?

Mr. GLASS. By prohibiting the board of directors from making it.

Mr. GORDON. How can a minority stockholder prevent the directors from making the contribution?

Mr. GLASS. A minority stockholder could not. A minority stockholder in this, as in all matters covering banking business, would have to submit to the majority.

Mr. MADDEN. Will the gentleman yield?

Mr. GLASS. Yes.

Mr. MADDEN. What is meant by this language in the bill, pages 1 and 2:

Each association shall report to the Comptroller of the Currency within 10 days after the making of any such contribution the amount of such contribution and the amount of net earnings in excess of such contribution. Such report shall be attested by the president or cashier of the association in like manner as the report of the declaration of any dividend.

Mr. GLASS. That means additional Government scrutiny, that is all. Mr. Speaker, I reserve the balance of my time.

Mr. MADDEN. So the Comptroller of the Currency is going to direct the contributions of the banks. Mr. Speaker, I yield the 20 minutes I am entitled to to the gentleman from Vermont [Mr. DALE], a member of the committee.

Mr. DALE of Vermont. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I think there is no Member within the sound of my voice who does not desire to do everything that can be properly done to carry on this war. In the first place we can by law tax without limit; we can tax corporations, national banks, State banks, trust companies, and all corporations, State and National, without limit. It is a political power that we can use. Now, I would cheerfully vote at this time, or at any future time, to support the Red Cross by direct contributions or appropriations from the Treasury, and that would cover 110,000,000 of people to fill the Treasury of the United States.

I know it is not a gracious thing; it is not a thing that I care to do, get up and oppose this bill without full consideration. But let us analyze it a little bit. I have had recourse to the report of the Comptroller of the Currency. The number of shareholders in national banks is 459,610. That was the number in the last report that was made. Of those there are 138,204 women. I call your attention to the fact that there are many small and large stockholders across the water in the United States Army on the other side.

The national banks have a capital of something over $1,000,000,000. The State banks have a larger capital than have the national banks. I mean the State banks, trust companies, and loan companies. This legislation does not touch them. The gentleman from Virginia says that some of the States have authorized such contributions.

Now, what does this bill do. The national banks are scattered all over the country, but the great banks are in the cities. There are some shares of stock in cities held by individuals in other cities and elsewhere in the United States.

I want to say that the five directors on the average in the country banks own a very small minority of the stock. They are selected because they are generally men of influence in the little town or city, and they come in contact with people, and are supposed to know how to run a bank.

The gentleman from Virginia said it was not prohibited to make contributions for political purposes or church purposes before the amendment to the law.

Mr. GLASS. I did not catch what the gentleman said.

Mr. CANNON. The gentleman from Virginia said it was not prohibited prior to the amendment of the national banking act to make contributions for political purposes or for other purposes if they saw fit. Now, while that is true, they were not prohibited by express law; there never was a contribution made for political purposes by a national bank or for religious purposes but what the people who paid the money could be compelled to pay it back, because it was illegal all the time.

Mr. STERLING of Illinois. Does the gentleman limit it to national banks? Is not that true with reference to State banks?

Mr. CANNON. I understand it is true. It is true in the State of Illinois. But there are a great many stockholders, nearly half a million in the national banks alone—widows, small trust funds, scattered here and there, farmers, little shopkeepers—and, of course, they did not do much suing to recover the amounts that were illegally given for political, religious, or other purposes not connected with the bank; they did not want to go through the litigation, and, perhaps, go to the Supreme Court of the United States. It became a scandal, and it was from a political standpoint very largely that that scandal was cut out by the roots. I just want to add this: Take it to yourselves, take your little banks, your farmers, representing what is called substantial rural parts of the country——

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Yes.

Mr. CALDWELL. The gentleman, out of the length of his years of service and wisdom, says that this was a great scandal. Would he mind stating in what campaign the greatest scandal——

Mr. CANNON. Oh, I do not recollect what it was, and I do not care. If it was the gentleman's party, his party participated, and if it was my party, the criticism would apply just the same. Let me say to the gentleman that is a little peanutty. [Laughter.] I want to see to it that the widow, the small trust fund, the small fellow, can not be legally deprived of his property by putting it into the power of a board of directors, owning themselves less than the majority of the stock, to spend his property, without his consent.

Mr. GORDON. Or give it away.

Mr. CANNON. Or give it away. When I have stated that I think I have stated substantially the whole thing. I might talk an hour about it, but I wanted to put it to you. If you want money, why do not you let Ford, with his great holdings in banks, as I am told; why do not you let Rockefeller and his great holdings in banks and in corporations; why do not you let the great holdings in the United States Steel be contributed by authorizing the board of directors in these great corporations throughout the United States, with their ten—yes; twenty and thirty—billions of dollars, contribute from their earnings? All of the great holdings and the small holdings in corporations, States or United States, can be reached by law to get revenue for the Treasury of the United States to carry on the war, including the support of the Red Cross.

Mr. GLASS. Because Congress has no authority, I may say, to authorize them, but as a matter of fact they have made these contributions, and Mr. Justice Hughes and Judge Morgan J. O'Brien said they are perfectly legal.

Mr. CANNON. Oh, Mr. Justice Hughes—and who is the other gentleman?

Mr. GLASS. Mr. Justice Hughes is sufficient.

Mr. CANNON. I do not know whether Mr. Justice Hughes said it or not. He never said it on the bench. [Applause.]

Mr. GLASS. Does the gentleman mean to intimate that Mr. Justice Hughes said one thing on the bench and another off it?

Mr. CANNON. I am neither defending nor attacking Mr. ex-Justice Hughes, but I say it is not fair to let five directors in a little bank or in a considerable bank, with all of the national banks having a half million stockholders—it is not fair to say that those directors can use the money that belongs to the trust fund, to the widows, and contribute it to any purpose. I believe in protecting the smaller holder.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CANNON. Give me half a minute more.

Mr. DALE of Vermont. Mr. Speaker, I yield one minute more to the gentleman from Illinois.

Mr. CANNON. One minute more. I understand we are to have a revenue bill yet this session, and if this contribution is not made freely in the United States up to $100,000,000 or to $200,000,000, or any other sum, for the Red Cross, that it needs in performing its function during this war, then I stand ready to vote the money directly from the Treasury. Having said this much, I shall resume my seat, because my time is up. [Applause.]

Mr. DALE of Vermont. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, patriotic? Yes. No more patriotic work is done by any people in all the world than is done by the Red Cross; but why not let the individual citizens of America contribute to the funds of the Red Cross? Why not let the men and women of America, who are willing to contribute, contribute their own funds? Why authorize the national banks of America to contribute the funds of the individuals who own these banks? Why should the Comptroller of the Currency require a report of contributions by national banks to the Red Cross? I do not hold myself responsible for the statement, but I understand that the Comptroller of the Currency requested the national banks of America to contribute to the Red Cross fund, and that many of these banks refused because they were not permitted to do so under the law, and now a law is proposed, coming from the Comptroller of the Currency, to require the banks to do the thing which they refused to do on his request. Every patriotic American is proud if he is able to contribute to the Red Cross fund. Then, why take the right away from him and hand it over to a board of directors who are elected to manage his business? Do you want to give the individual stockholders of the banks an opportunity to say that they have already contributed through their banks and therefore ought not to be called upon for further contributions? That is what this law will do. Instead of increasing the contributions to the Red Cross, the enactment of this law will prevent contributions to the fund, because it will give to every man who is a stockholder in a national bank the excuse that his bank has already made the contribution. [Applause.] I am willing to contribute to the Red Cross fund every time I can, but I do not want to give the powers to the directors of the banks in which I am interested to contribute of the funds that belong to me in their banks. You are making a mistake. You have no right to give Government sanction to a thing of that sort, and you are doing harm instead of good and preventing the collection of a large fund for a patriotic work by preventing patriotic citizens from doing the thing which they want to do and which you by this legislation prevent them from doing.

Mr. BRUMBAUGH. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I have not the time. All I have to say is that this legislation is uncalled for, unjustified by the facts. Everybody in America is glad to help the Red Cross. Why not give them the opportunity; why not depend upon their patriotic fervor to make the contributions which the Red Cross needs? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. DALE of Vermont. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Speaker and gentlemen, I am not arguing against the collection of money to aid the Red Cross, but for the Congress of the United States to attempt to authorize the directors of a corporation to give other people's money away is bad legislation. [Applause.] There is no occasion for it; there is no justification for it. No matter whether this bill becomes a law or not, as a director in a national bank I would not vote away the stockholders' money without being authorized by every stockholder of that bank. I do not think any other man has any justification in voting other people's money away. If you by legislation can authorize the directors of a national bank to vote away the fund of that bank by donation, you can give authority to any set of directors representing any corporate organization of this country. The Federal Government has no control over the funds of a national bank further than to see to it that the funds of that bank are used to protect the depositors in that bank. That is all the authority the Federal Government has over those things.

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. FORDNEY. Yes, briefly; I have only three minutes.

Mr. BRUMBAUGH. I will be brief. I want to state how my city has paid its quota by the citizens voluntarily organizing a war-chest fund, where 95,000 people subscribed $3,000,000

in five days, and the day we got the report of what the quota was we sent a check in full. I propose to present our plan to the House at the first opportunity——

Mr. FORDNEY. That is too long a question; I have only three minutes, and I could not answer that in my time. But let me tell you, I am ready to give my share to the aid of the Red Cross. I have been aiding it, and I will continue to do so, but I do not want you to authorize a board of directors to give my money away without my consent. Another matter, whether you pass this law or not, if you do pass this law I firmly believe—I am not a lawyer, but that, to me, is but horse sense—that any stockholder in a bank could restrain by injunction the directors of the bank from giving away their money. Why, it is the biggest piece of folly, in my opinion, that has been presented to the Congress of the United States. Nobody refuses to give to the Red Cross who can afford it, but, as the gentleman from Illinois [Mr. MADDEN] well said, if you pass this law, and a national bank does subscribe to the Red Cross fund, you have given the stockholders an argument to say, "I have given through a national bank, I am a stockholder, and I will give no more." I am opposed to this bill.

The SPEAKER. The time of the gentleman has expired.

Mr. DALE of Vermont. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. GORDON].

The SPEAKER. The gentleman has only two minutes remaining. The gentleman from Ohio is recognized for two minutes.

Mr. GORDON. Mr. Speaker, this is a bill to relieve from criminal responsibility directors in national banks who give away the funds of the bank. It does not, in my judgment, legally authorize the directors to do that thing. It is proposed to authorize these bank directors to levy upon unwilling men, or upon men who have already donated toward a very worthy purpose all the money they feel they are able to donate, to coerce and compel them to pay more. It is either that or it is nothing. In legal effect it does relieve the directors from Federal prosecution under the law which was passed some years ago by Congress making it a crime for men in the capacity of directors to give away the funds of the stockholders for whom they are trustees. I wholly disagree with the gentleman from Virginia [Mr. GLASS] in his statement that every banking corporation or any other private corporation can give to any purpose, however worthy, the funds of the stockholders. It is an ultra vires act; it is unlawful; and the money so donated can be recovered back by a private suit of an objecting stockholder. The fact that he can not afford to bring that suit, because he would be penalized in expenses for lawyers' fees a great deal more than his share of the enforced contribution, will illustrate the injustice of such a statute as this. Widows and orphans who have stock in these banking corporations can be forced by the directors to contribute. Imbeciles, idiots, and lunatics who are under guardianship where the guardian is the holder in trust of stock that came by gift or descent, perhaps, to his wards are forced to contribute, and that guardian would be subject to removal and his accounts would be corrected and his bond held liable if he made a donation of his ward's funds for any purpose, however worthy. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GARD. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, I thank the gentleman for his courtesy. I do not believe anybody is more interested in the Red Cross than I am. I was one of the original incorporators of that corporation. I have been one ever since. I am always eager, as every man here is, to do everything we can for the magnificent work it is accomplishing; but, Mr. Speaker, I do not like to see the great popularity of that superb organization used to break down one of the most wholesome principles which has been established in recent years in the United States. [Applause.]

I think one of the healthiest growths in the public conscience of recent years has been that the directors of corporations are trustees and that they have no right to give away their stockholders' money; and I am unwilling, even for such a splendid purpose as this, that the bank directors should be given the right to give away money which does not belong to them, and that they should have the glory and the credit of a generosity which belongs to their stockholders.

The gentleman says that certain States have authorized such acts. My State of Massachusetts has authorized corporations to give away funds for war purposes. But the bill provides that any stockholder can, by writing, express his opposition to such an act, and then it shall not apply to him. That preserves the rights of individuals. Why not insert such a provision here? But for Congress to come forward and suddenly contradict the policy which has been settled and growing among the people for so many years, and use the glorious work of the Red Cross to excuse it, is, I think, a mistaken and an injurious policy. Let us vote the money directly from the Treasury, if it is necessary as a war measure, but let us not permit officers of corporations to give away what does not belong to them. It is very hard to vote against such a bill. The fear of being accused of lukewarmness toward the Red Cross will compel many to vote for it who thoroughly disapprove the principle. Disagreeable as the duty is, I shall not shirk it.

Mr. GLASS. Mr. Speaker, perhaps I ought not to say so, but I take leave to observe that no reason has been presented in the discussion that has at all altered my view of the proposition. I have no doubt the gentleman from Ohio [Mr. GORDON] is a sound constitutional lawyer. Certainly he knows better than I, who am not a lawyer at all, whether it is "criminal" or wise to pass this bill; but I have, within the past two days, read an exceedingly well-considered opinion by former Justice Hughes on the subject, and likewise a clear, cogent argument by Judge Morgan J. O'Brien, of the Supreme Court of New York State, and I venture, at least, to agree with them in the belief that it would be legal, if Congress shall pass an act to make it so, for national banks, as it is now for corporations generally, to aid an essential enterprise in a great war which has put at stake the Nation's very existence. It is not as if we were permitting banks to contribute their funds merely to "a worthy cause," but to an indispensable arm of the military service, potentially effective as a part of the scheme to win a war that involves the life of these very corporations and the value of their property.

I have in the files of the Banking and Currency Committee, received within the last 10 days, scores of letters from national and State banks protesting against the proposition to insure, in a limited way, the deposits of those who put money in the banks. I have letters from hundreds of State banks and trust companies protesting against the so-called Phelan bill, which this House has passed, giving national banks fiduciary powers and trust functions, but I have not in the files of the committee a single protest from a single stockholder in a single national bank in the United States against this proposition to permit national banks to contribute to the Red Cross fund. That is, as it seems to me, conclusive as to the feeling on the subject.

Mr. GORDON. Maybe they have contributed all they are able to.

Mr. GLASS. Maybe they are like some others who have contributed individually, but are willing to contribute collectively, also. The gentleman from Illinois [Mr. MADDEN] said that he had contributed already and was willing to contribute all that he could, but protested against the contribution of banks in which he has an interest.

May I be permitted to say that I have contributed not all I can contribute, perhaps; I doubt if any of us ever contribute all we really can. But I am willing for the banks in which I am interested to contribute every farthing of my profits in them to the Red Cross fund, or any other fund that seems essential to win this war. And if the stockholders or the widows and orphans or imbeciles have not protested——

Mr. GORDON. They could not. They are under guardianship.

Mr. GLASS. Why should gentlemen here protest for them?

Mr. Speaker, the American Red Cross for the effective purposes of this war is an essential institution. It ought to be supported in every conceivable way. The banks, and I say it confidently, because there has been no protest from any banking source, are willing to do this thing, and Congress, therefore, should not object to its being done. The only bank officials, the only bank stockholders, that I know anything of, who have protested, have been the gentlemen who have spoken against the bill here to-day.

Mr. GORDON. I will say to the gentleman that I am not a stockholder in any national bank. I do not own a cent of stock.

Mr. GLASS. Well, I am; and I am willing that every dollar of my profits should be appropriated to the Red Cross, if it is essential, aside from my individual subscription. When men are giving their sons to fight and, perhaps, die for their country, it seems to me unfortunate that gentlemen should get up here and protest against a bank being permitted to make a contribution to the Red Cross.

I hope it will be the judgment of this body, as it was of the other body, that banks, for the period of the war, shall be authorized, if they please to do so—because there is no compulsion about it—to subscribe to this fund out of the profits of the institutions. And then if there is any stockholder who wants to

split hairs, or whose greed or penchant for technical dispute shall lead him to protest, let him go to the officers of the bank——

Mr. PURNELL. Does the gentleman believe the success of the Red Cross drive depends upon contributions from these banks?

Mr. GLASS. I have stated to the House that officials of the Red Cross Society have said to me that the passage of this bill to-day involves, in their judgment, $5,000,000 to the general fund of the Red Cross.

Mr. MEEKER. Will the gentleman yield?

Mr. GLASS. I will.

Mr. MEEKER. He does not mean to say that the people will not put up the $5,000,000 if it is not procured in this way?

Mr. GLASS. I have said that there will possibly be a difference of $5,000,000 in the funds of the Red Cross if this bill does not pass. The American people are generous. The stockholders of the national banks are generous. I do not believe you could get 3 per cent of them to petition Congress not to pass this bill.

Mr. GILLETT. Will the gentleman yield?

Mr. GLASS. Yes.

Mr. GILLETT. Why would not the gentleman then put in an amendment such as was put in the Massachusetts statute, saying that if the stockholder objects his money shall not be given away by the directors?

Mr. GLASS. If there is any stockholder of a bank who is close-fisted enough to object to the paltry contribution which his percentage would represent, when the majority of the stockholders feel it is essential to make the contribution, I would not take the trouble to relieve that fellow by law.

Mr. GREENE of Vermont. But suppose the share of stock held by this fellow you had the slight opinion of was that of a poor woman, and that it was her only estate in life?

Mr. GLASS. What would be the percentage of any poor woman who owned $100 in a national bank? It would be 10 cents.

Mr. GREENE of Vermont. It is not a question of percentage. It is a question of principle. [Applause.]

Mr. GLASS. It is "a question of principle" that never was put into statutory law until 40 years after national banks were established, and only then because of scandalous abuses by politicians on banking boards. It was not such a great "principle" during that long period as to be regarded with deep concern or apprehension, and all this talk about "widows and orphans" is to prop a lame case. A widow with $100 in a national bank would have to pay about 10 cents, and she would pay it, too, with as much cheerfulness as some of the gentlemen who are protesting in behalf of the widows. [Applause.]

The SPEAKER. The time of the gentleman from Virginia has expired. All time has expired. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER. In the judgment of the Chair——

Mr. GLASS. Mr. Speaker, I ask for a roll call.

The SPEAKER. The gentleman from Virginia demands a roll call. Those who desire a roll call on this bill will rise and stand until they are counted. [After counting.] Evidently a sufficient number have risen. The Clerk will call the roll. Those in favor of suspending the rules and passing the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 194, nays 70, answered "present" 2, not voting 164, as follows:

YEAS—194.

Alexander	Candler, Miss.	Fairchild, B. L.	Hull, Tenn.
Almon	Carlin	Ferris	Igoe
Anderson	Classon	Fields	Ireland
Aswell	Cleary	Fisher	Johnson, Ky.
Austin	Collier	Francis	Jones
Ayres	Connally, Tex.	Frear	Juul
Baer	Cooper, Ohio	French	Keating
Bankhead	Cooper, W. Va.	Gandy	Kennedy, Iowa
Barkley	Cox	Garrett, Tex.	Kennedy, R. I.
Barnhart	Cramton	Glass	Kincheloe
Beakes	Crisp	Goodwin, Ark.	King
Bell	Dallinger	Graham, Ill.	Kinkaid
Black	Decker	Gregg	Knutson
Blackmon	Delaney	Hadley	Larsen
Bland	Denison	Hamilton, N. Y.	Lazaro
Blanton	Denton	Hamlin	Lea, Cal.
Booher	Dickinson	Hardy	Lee, Ga.
Bowers	Dixon	Harrison, Miss.	Linthicum
Brand	Dominick	Harrison, Va.	Littlepage
Britten	Doolittle	Hastings	Lobeck
Brumbaugh	Doughton	Hawley	London
Buchanan	Dowell	Hayden	Lonergan
Burnett	Drane	Helm	Lunn
Byrnes, S. C.	Dupré	Helvering	McAndrews
Byrns, Tenn.	Eagle	Hensley	McArthur
Caldwell	Emerson	Holland	McClintic
Campbell, Kans.	Esch	Houston	McCulloch
McKeown	Park	Siegel	Voigt
Magee	Peters	Sims	Waldow
Mansfield	Phelan	Sinnott	Walker
Martin	Platt	Small	Walton
Mays	Quin	Smith, Mich.	Watkins
Miller, Wash.	Ragsdale	Smith, C. B.	Watson, Va.
Moon	Rainey, H. T.	Steagall	Weaver
Morgan	Rainey, J. W.	Stedman	Welling
Mott	Ramseyer	Stephens, Miss.	Welty
Mudd	Randall	Stevenson	Whaley
Neely	Rayburn	Stiness	Wheeler
Nelson	Reed	Sumners	White, Me.
Nicholls, S. C.	Roberts	Sweet	White, Ohio
Nichols, Mich.	Robinson	Switzer	Wilson, Tex.
Nolan	Romjue	Talbott	Wingo
Norton	Rubey	Taylor, Ark.	Woodyard
Oliver, Ala.	Russell	Taylor, Colo.	Wright
Oliver, N. Y.	Saunders, Va.	Thomas	Young, N. Dak.
Olney	Shackleford	Thompson	Young, Tex.
Osborne	Shallenberger	Tillman	Zihlman
O'Shaunessy	Sherwood	Van Dyke	
Overstreet	Shouse	Vinson	

NAYS—70.

Anthony	Freeman	Lehlbach	Slayden
Ashbrook	Gallagher	Lundeen	Slemp
Bacharach	Garner	McKenzie	Stafford
Borland	Garrett, Tenn.	McLaughlin, Mich.	Sterling, Ill.
Browne	Gillett	McLemore	Temple
Browning	Glynn	Madden	Timberlake
Burroughs	Good	Mapes	Tinkham
Cannon	Goodall	Mecker	Towner
Dale, Vt.	Gordon	Moores, Ind.	Treadway
Dyer	Green, Iowa	Parker, N. J.	Vestal
Eagan	Greene, Mass.	Pou	Volstead
Elliott	Greene, Vt.	Purnell	Walsh
Ellsworth	Hersey	Raker	Ward
Elston	Hollingsworth	Reavis	Wason
Fairfield	Hutchinson	Rogers	Wilson, Ill.
Fess	Kitchin	Sanders, Ind.	Wood, Ind.
Fordney	Kraus	Schall	
Foss	La Follette	Scott, Iowa	

ANSWERED "PRESENT" 2.

Chandler, Okla. Rodenberg

NOT VOTING—164.

Beshlin	Evans	Kehoe	Rose
Brodbeck	Fairchild, G. W.	Kelley, Mich.	Rouse
Butler	Farr	Kelly, Pa.	Rowe
Campbell, Pa.	Flood	Kettner	Rowland
Cantrill	Flynn	Key, Ohio	Rucker
Caraway	Focht	Kiess, Pa.	Sabath
Carew	Foster	Kreider	Sanders, La.
Carter, Mass.	Fuller, Ill.	LaGuardia	Sanders, N. Y.
Carter, Okla.	Fuller, Mass.	Langley	Sanford
Cary	Gallivan	Lesher	Scott, Mich.
Chandler, N. Y.	Gard	Lever	Scott, Pa.
Church	Garland	Little	Scully
Clark, Fla.	Godwin, N. C.	Longworth	Sears
Clark, Pa.	Gould	Lufkin	Sells
Claypool	Graham, Pa.	McCormick	Sherley
Coady	Gray, Ala.	McFadden	Sisson
Connelly, Kans.	Gray, N. J.	McKinley	Sloan
Cooper, Wis.	Griest	McLaughlin, Pa.	Smith, Idaho
Copley	Griffin	Maher	Smith, T. F.
Costello	Hamill	Mann	Snell
Crago	Hamilton, Mich.	Mason	Snook
Crosser	Haskell	Merritt	Snyder
Currie, Mich.	Haugen	Miller, Minn.	Steele
Curry, Cal.	Hayes	Mondell	Steenerson
Dale, N. Y.	Heaton	Montague	Stephens, Nebr.
Darrow	Heflin	Moore, Pa.	Sterling, Pa.
Davidson	Heintz	Morin	Strong
Davis	Hicks	Oldfield	Sullivan
Dempsey	Hilliard	Overmyer	Swift
Dent	Hood	Padgett	Tague
Dewalt	Howard	Paige	Templeton
Dies	Huddleston	Parker, N. Y.	Tilson
Dill	Hull, Iowa	Polk	Vare
Dillon	Humphreys	Porter	Venable
Donovan	Husted	Powers	Watson, Pa.
Dooling	Jacoway	Pratt	Webb
Doremus	James	Price	Williams
Drukker	Johnson, S. Dak.	Ramsey	Wilson, La.
Dunn	Johnson, Wash.	Rankin	Winslow
Edmonds	Kahn	Riordan	Wise
Estopinal	Kearns	Robbins	Woods, Iowa

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. PRICE with Mr. ROWLAND.

Mr. GRIFFIN with Mr. GRIEST.

Mr. SCULLY with Mr. ROSE.

Mr. COADY with Mr. PORTER.

Mr. JACOWAY with Mr. HAYES.

Mr. KETTNER with Mr. LITTLE.

Mr. STEPHENS of Nebraska with Mr. GEORGE W. FAIRCHILD.

Mr. HAMILL with Mr. SWIFT.

Mr. KELLY of Pennsylvania with Mr. JAMES.

Mr. SEARS with Mr. STRONG.

Mr. HOOD with Mr. HEATON.

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. KEY of Ohio with Mr. HICKS.

Mr. DENT with Mr. KAHN.

Mr. FOSTER with Mr. MCKINLEY.

Mr. SABATH with Mr. CHANDLER of Oklahoma.
Mr. DILL with Mr. JOHNSON of Washington.
Mr. HILLIARD with Mr. DUNN.
Mr. DEWALT with Mr. COOPER of Wisconsin.
Mr. BESHLIN with Mr. HAUGEN.
Mr. BRODBECK with Mr. GARLAND.
Mr. CAMPBELL of Pennsylvania with Mr. LANGLEY.
Mr. CANTRILL with Mr. CARTER of Massachusetts.
Mr. CARAWAY with Mr. WATSON of Pennsylvania.
Mr. CROSSER with Mr. TILSON.
Mr. CLARK of Florida with Mr. STEENERSON.
Mr. WISE with Mr. COPLEY.
Mr. VENABLE with Mr. WILLIAMS.
Mr. CAREW with Mr. COSTELLO.
Mr. TAGUE with Mr. DARROW.
Mr. CONNELLY of Kansas with Mr. CLARK of Pennsylvania.
Mr. WILSON of Louisiana with Mr. CURRIE of Michigan.
Mr. SULLIVAN with Mr. DAVIDSON.
Mr. CARTER of Oklahoma with Mr. CRAGO.
Mr. DALE of New York with Mr. DILLON.
Mr. CLAYPOOL with Mr. CURRY of California.
Mr. WEBB with Mr. EDMONDS.
Mr. CHURCH with Mr. DEMPSEY.
Mr. STERLING of Pennsylvania with Mr. FOCHT.
Mr. DIES with Mr. FULLER of Illinois.
Mr. STEELE with Mr. BUTLER.
Mr. DONOVAN with Mr. DAVIS.
Mr. ESTOPINAL with Mr. FARR.
Mr. FLOOD with Mr. WOODS of Iowa.
Mr. DOOLING with Mr. FULLER of Massachusetts.
Mr. EVANS with Mr. PAIGE.
Mr. FLYNN with Mr. PARKER of New York.
Mr. DOREMUS with Mr. PRATT.
Mr. GALLIVAN with Mr. RAMSEY.
Mr. PADGETT with Miss RANKIN.
Mr. RIORDAN with Mr. ROBBINS.
Mr. GARD with Mr. SANDERS of New York.
Mr. POLK with Mr. SCOTT of Michigan.
Mr. ROUSE with Mr. ROWE.
Mr. GODWIN of North Carolina with Mr. SLOAN.
Mr. SHERLEY with Mr. WINSLOW.
Mr. SISSON with Mr. GOULD.
Mr. THOMAS F. SMITH with Mr. GRAHAM of Pennsylvania.
Mr. SNOOK with Mr. GRAY of New Jersey.
Mr. GRAY of Alabama with Mr. HAMILTON of Michigan.
Mr. HOWARD with Mr. HASKELL.
Mr. HUDDLESTON with Mr. HUSTED.
Mr. HUMPHREYS with Mr. KEARNS.
Mr. KEHOE with Mr. KELLEY of Michigan.
Mr. LESHER with Mr. KIESS of Pennsylvania.
Mr. LEVER with Mr. KREIDER.
Mr. MAHER with Mr. LONGWORTH.
Mr. MONTAGUE with Mr. LUFKIN.
Mr. NEELY with Mr. MCFADDEN.
Mr. OLDFIELD with Mr. MERRITT.
Mr. OVERMYER with Mr. MILLER of Minnesota.
Mr. RUCKER with Mr. MOORE of Pennsylvania.
On the vote:
Mr. HEFLIN (for) with Mr. SANFORD (against).

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4193. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 4194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3935. An act to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided.

EXTENSION OF REMARKS.

By unanimous consent, the following Members were given leave to extend their remarks in the RECORD: Mr. GLASS, Mr. CALDWELL, Mr. MADDEN, Mr. BELL, Mr. SMITH of Michigan, Mr. CANNON, Mr. SIEGEL, and Mr. GORDON.

THE JOURNAL.

Mr. MOON. Mr. Speaker, I move to correct the Journal of Saturday's proceedings on page 6742 by striking out the language and inserting other language which I send to the desk.

The Clerk read as follows:

Mr. MADDEN moved that, notwithstanding the disagreement of the House to all Senate amendments, the conferees be instructed to urge the elimination of the following language from the amendment of the Senate No. 52: "the annual salaries fixed by law for clerks in first and second class post offices and letter carriers in the City Delivery Service, railway postal clerks of grade 1 to grade 10, inclusive, shall be increased $200 per annum"; and to insist upon the insertion in lieu thereof of the following language:

"That clerks in first and second class post offices and letter carriers in the City Delivery Service shall be divided into six grades, as follows: First grade, salary $1,000; second grade, salary $1,100; third grade, salary $1,200; fourth grade, salary $1,300; fifth grade, salary $1,400; sixth grade, salary $1,500. Clerks and carriers shall be promoted successively to the sixth grade: *Provided*, That during the fiscal year ending June 30, 1919, clerks in first and second class post offices and letter carriers in the City Delivery Service who are in grades 2, 3, 4, 5, and 6, under the act of March 2, 1907, as amended, shall pass automatically from such grades and the salaries they receive thereunder to the new grades 1, 2, 3, 4, and 5, respectively, with the salaries provided for such grades in this act.

"That the salaries of railway postal clerks shall be graded as follows: Grade 1 at $1,100, grade 2 at $1,200, grade 3 at $1,300, grade 4 at $1,400, grade 5 at $1,500, grade 6 at $1,600, grade 7 at $1,700, grade 8 at $1,800, grade 9 at $1,900, grade 10 at $2,000.

"The Postmaster General shall classify and fix salaries of railway postal clerks, under such regulations as he may prescribe, in the grades provided by law; and for the purpose of organization and of establishing maximum grades to which promotions may be made successively, as hereinafter provided, he shall classify railway post offices, terminal railway post offices, and transfer offices with reference to their character and importance in three classes, with salary grades as follows:

"Class A, $1,100 to $1,400; class B, $1,100 to $1,500; and Class C, $1,100 to $1,700. He may assign to the offices of division superintendents and chief clerks such railway postal clerks as may be necessary, and fix their salaries within the grades provided by law without regard to the classification of railway post offices: *Provided*, That railway postal clerks shall pass automatically from the grades they are in and the salaries they receive under the act of August 24, 1912, to the corresponding grade, with salaries provided for in this act."

during their consideration of said Senate amendment No. 52, to all of which the House disagreed.

The SPEAKER. The question is on making the correction as stated.

The question was taken, and the motion was agreed to.

The Journal of Saturday's proceedings as amended was approved.

On motion of Mr. GLASS, the bill (H. R. 9457) authorizing national banks to make contributions to the American National Red Cross was laid on the table.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 19 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 21, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the chairman of the Federal Trade Commission submitting estimate of appropriation for the service of the fiscal year ending June 30, 1919 (H. Doc. No. 1113); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Sterling Basin, at Greenport, N. Y., with a view to securing adequate width and depth (H. Doc. No. 1114); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 3799) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 579), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MASON: A bill (H. R. 12190) to punish mob violence directed against persons charged with violation of the laws of the United States; to the Committee on the Judiciary.

By Mr. HUDDLESTON: A bill (H. R. 12191) to provide for free carriage of first-class mail matter to and from persons in the Army and Navy of the United States; to the Committee on the Post Office and Post Roads.

By Mr. NORTON: A bill (H. R. 12192) authorizing the Secretary of the Interior to make investigations, through the Bureau of Mines, of lignite coals, to determine the practicability of their utilization as a fuel and in producing commercial products; to the Committee on Mines and Mining.

By Mr. SMITH of Michigan: A bill (H. R. 12193) to punish and fix the penalty for high crimes, offenses, and misdemeanors against the welfare, safety, and dignity of the Nation; to the Committee on the Judiciary.

By Mr. PADGETT: A bill (H. R. 12194) to provide for the award of medals of honor, distinguished-service medals, and Navy crosses, and for other purposes; to the Committee on Naval Affairs.

By Mr. PLATT: Joint resolution (H. J. Res. 293) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. ALEXANDER: Resolution (H. Res. 353) for the consideration of H. R. 12099; to the Committee on Rules.

Also, resolution (H. Res. 354) for the consideration of H. R. 12100; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARLIN: A bill (H. R. 12195) granting an increase of pension to William H. Ross; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 12196) granting an increase of pension to Ambrose White; to the Committee on Pensions.

By Mr. CLAYPOOL: A bill (H. R. 12197) granting an increase of pension to Augustus Scherr; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 12198) granting an increase of pension to William P. Hughes; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 12199) granting a pension to Mary J. McKay; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 12200) granting an increase of pension to John Coss; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 12201) granting a pension to Lucy A. Gardner; to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 12202) granting an increase of pension to David Hofer, alias John Burkhardt; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 12203) granting a pension to Loretah B. Farlee; to the Committee on Pensions.

Also, a bill (H. R. 12204) granting a pension to Kate A. Wallace; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 12205) granting a pension to Mary E. Beall; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 12206) granting a pension to David Evans; to the Committee on Pensions.

By Mr. WHITE of Ohio: A bill (H. R. 12207) for the relief of James F. Ayers; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 12208) granting an increase of pension to Henry G. Gardner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. EMERSON: Resolution of the churches of Plymouth Rock Association, pledging loyalty; to the Committee on Military Affairs.

By Mr. HILLIARD: Petition of W. M. Duff and 37 others, all of Denver, Colo., urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KELLEY of Michigan: Petition of the Presbyterian Church of Northville, Mich., in favor of repeal of postal zone system of second-class mail matter; to the Committee on Ways and Means.

Also, petition of the Ladies' Round Table Club, of Pontiac, Mich., in favor of repeal of postal zone system of second-class mail matter; to the Committee on Ways and Means.

By Mr. KNUTSON: Petition of residents of Beltrami County, Minn., favoring fixing the prices of wheat substitutes; to the Committee on Agriculture.

By Mr. MERRITT: Petition of the Hartford (Conn.) Clearing House Association, protesting against the passage of Senate bill 4426; to the Committee on Banking and Currency.

By Mr. STEENERSON: Petition of Rev. J. M. Sundheim, president of the northern Minnesota district, the Norwegian Lutheran Church of America, protesting against the enactment into law of House bill 5712; to the Committee on the Post Office and Post Roads.

By Mr. TAGUE: Petition of the Massachusetts Society for the Prevention of Cruelty to Animals, protesting against the proposed postal increases for publishers effective July 1; to the Committee on Ways and Means.

By Mr. TIMBERLAKE: Petition of the El Paso County (Colo.) Retail Grocers' and Butchers' Association, asking that prices on wheat substitutes be fixed; to the Committee on Agriculture.

SENATE.

TUESDAY, *May 21, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we bless Thee that in all the long and weary and tragic months through which we have come, as we have pressed forward in the performance of our high mission, we have had no question about the pureness of Thy motive, the unselfishness of our design, and the full and free committal of ourselves to the rights of men. We believe that Thou hast been leading us on. We pray that Thou wilt continue to lead us. Bless those who represent us on the bloody field of battle, and those who guide in the affairs of nations, and those who are delivering their strength of means and life to the great end of establishing peace and righteousness among men. Bless us this day in the performance of our duty. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore assumed the chair.

The Journal of the proceedings of the legislative day of Friday, May 17, 1918, was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills which had previously been signed by the Speaker of the House:

S. 2123. An act to regulate the practice of podiatry in the District of Columbia;

S. 4409. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes";

H. R. 8696. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919; and

H. R. 11628. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

PETITIONS AND MEMORIALS.

Mr. STERLING. Mr. President, a few days ago I received and had read into the RECORD an editorial from a newspaper in a neighboring State to that of South Dakota relative to the subscriptions of the State for the third liberty loan. I now send to the desk a telegram with reference to the subscriptions to the second Red Cross war fund, which I ask may be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

SIOUX FALLS, S. DAK., *May 20, 1918.*

Hon. THOMAS STERLING,
Washington, D. C.:

With every city, village, and township under perfect organization, drive for second Red Cross war fund was begun this morning at 8 o'clock in every community in South Dakota. At 6 o'clock to-night the State campaign is concluded with a subscription of 170 per cent of our allotment. Our home county (Minnehaha) wins the honor with more than 300 per cent subscription of its allotment. South Dakota is the first State to go over the top.

GEO. R. DOUTHIT,
Vice Chairman for South Dakota.

Mr. JONES of Washington. Mr. President, I have resolutions adopted by the Chamber of Commerce of Spokane, Wash., with reference to the zone system. I wish to read an extract from the letter of the secretary transmitting it:

You will notice that it is a protest against the zone system of postage as applied to periodicals. I want to say for your information that this action was not taken hastily by the chamber of commerce, but after the most careful consideration.

Then he names the committee who had charge of it. I move that the resolution be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. JONES of Washington. I also present a resolution of the Board of County Commissioners of Skamania County, State of Washington, urging the importance of the survey and the construction of national military roads as a matter of national preparedness. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. THOMAS. Mr. President, I yesterday received a letter, which is signed by Ed Gammons, publicity director of the International Workers' Defense League, of San Francisco, Cal. This gentleman seems to think that I have recently done an injustice to an organization called the I. W. W. in some remarks I made upon the floor of the Senate concerning that association. I have no wish to do injustice to anyone, even to that organization, and therefore ask leave to print in the RECORD without reading the criticisms which this gentleman makes of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL WORKERS' DEFENSE LEAGUE,
San Francisco, Cal., May 1, 1.

DEAR MR. SENATOR: I notice in my copy of the CONGRESSIONAL RECORD, containing the report of the discussion in the Senate on the punishment of unlawful associations' bill, that you stated that an I. W. W. organizer stated before the Federal commission appointed by President Wilson to investigate the Mooney case said that murder and destruction of property was justified. You further stated that he went before the commission to protest that Mooney had not been convicted according to the forms of the Constitution and the law.

You inadvertently have done us an injustice. The I. W. W. have never been identified with the Mooney case here. None of them appeared before the commission. The incident you referred to occurred in one of the sittings of the Commission on Industrial Relations, of which Mr. Frank P. Walsh was chairman. The organizer in question was Vincent St. John. You will find the portion of the evidence you referred to on page 1452 of the report of that commission. As you will see by our letterhead, the unions defending Mr. Mooney are all identified with the American Federation of Labor.

I hope you will correct this, as it is liable to prejudice other Congressmen against us who are unacquainted with the facts.

Respectfully,

ED GAMMONS, *Publicity Director.*

Mr. NUGENT. I send to the desk resolutions adopted by the Council of Defense of Shoshone County, Idaho, which I ask may be read and appropriately referred.

There being no objection, the resolutions were read and referred to the Committee on Education and Labor, as follows:

Whereas our country is engaged in a great war in which every ideal of government and social life we hold dear is threatened with destruction and our national life as the world's great Republic is at stake; and

Whereas the shortage of labor in shipyards and factories, mills and mines, forests and farms, is appalling; and

Whereas interned aliens are living in idleness at public expense and thousands of able-bodied Americans of all classes and conditions are spending their time aimlessly and without serious purpose; and

Whereas the vagrancy laws of the States generally are not sufficiently drastic to meet the crisis; and

Whereas the flower of our young men are being conscripted to endure the hardships of war and face death upon the battle fields of Europe in order that government of the people, for the people, and by the people shall not perish from the earth. Be it

Resolved by the Council of Defense of Shoshone County, State of Idaho, in regular session assembled:

First. That we do hereby petition the Congress of the United States to at once enact a uniform law, applicable to all the States, sufficiently comprehensible and drastic to control and perfect the labor situation; that all interned aliens be compelled to work and labor, under armed guard if necessary, in lumber camps, in mills and mines, and on farms, under such conditions as may be humane, receiving such wages as may be just.

Second. That in like manner it be enacted that our own idle people, rich and poor alike, be compelled to work at least five days weekly in some useful occupation, the results of which will help us win the war by adding to our stores of food and fuel, munitions of war, and supplies of every kind necessary for the well-being of our soldiers in trench or battle field, fighting in the air, or wherever duty calls; that this work may be done, and well done, in order that unlimited streams of our great abundance may steadily flow overseas to cheer and comfort and sustain our soldiers and the equally brave men and women of our magnificent Red Cross army; be it further

Resolved, That during the period of war all "red-light districts" in the United States be closed; that the inmates be interned in camps over the country; that under proper supervision and control they be employed in making clothing and other supplies for Army use and in producing anything that may be useful, permitting them to live under humane conditions and allowing them just compensation, at the same time protecting them from vicious influences; and in this connection we suggest that if some such plan be adopted and executed not only will labor conditions be helped but the general health will be better protected and humanity uplifted, and after three, or even two, years, if the war lasts so long, it is more than probable that a large percentage of these unfortunate creatures will be fitted for and return to the decent life; be it further

Resolved, That copies of this resolution be forwarded at once to our Senators and Representatives in Congress, and that they be requested to use their best endeavors to secure the desired congressional legislation.

Mr. OWEN presented a petition of Local Branch, National Woman's Party, of Tulsa, Okla., and a petition of sundry citizens of Tulsa, Okla., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. TILLMAN. Mr. President, I have been necessarily absent from the city for a week, and this morning I received in the mail a very important letter, which I desire to present as a petition and ask that it be published in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OPPOSED TO WOMAN SUFFRAGE,
Washington, D. C., May 16, 1918.

Senator BENJAMIN R. TILLMAN,
Washington, D. C.

MY DEAR SENATOR TILLMAN: Instead of allowing the Susan B. Anthony suffrage amendment to be voted upon by the Senate last Friday, as they agreed, the advocates of this force bill submitted a table, cleverly designed to properly impress the Senate with the number of alleged suffrage "victories" scored in 1917.

This table was introduced into the CONGRESSIONAL RECORD, and is on page 6306. We sincerely hope that you will consider it carefully and observe the following facts:

1. There are 32 alleged "victories" listed.

2. Every one of them, with the single exception of New York, was a legislative victory.

3. The State of Ohio is credited with three of these "victories"—in the legislature—yet nothing whatever is said of the fact that the voters of Ohio by a majority of 146,120 defeated and repealed these "victories" on November 6.

4. The State of Maine is credited with two legislative victories, submitting suffrage to the voters, but not a word is said of the fact that the voters of Maine on September 10 defeated woman suffrage at the polls by 2 to 1.

5. The State of Indiana is credited for three of these alleged "victories"—in the legislature—but not a word is said of the fact that the Supreme Court of Indiana has declared these "victories" unconstitutional.

The table was prepared by the official suffrage organ and was introduced into the CONGRESSIONAL RECORD for the express purpose of influencing the United States Senate. It is a fair sample of the "purified politics" being used to forward the Susan B. Anthony force bill, in that it deliberately suppresses every unfavorable fact about these alleged "victories."

Moreover, why was the United States Senate told nothing in this table about the greatest suffrage victory in 1917—the enfranchisement of 26,000,000 women in Russia—the socialist-suffragist Republic that has deserted America and the allies in this war?

In view of the suffrage table we feel that you will be interested in the facts on this question and therefore inclose a table of all the victories and defeats of woman suffrage at the polls.

It shows that woman suffrage in 25 years won but 11 times at the polls, by an aggregate majority of only 199,214.

On the other hand, in five years woman suffrage has been defeated 18 times at the polls, by an aggregate majority of 1,346,597.

There is no mathematical fact more certain than that the majority of the voters of the United States are opposed to woman suffrage, and the sole object of the Susan B. Anthony amendment is to disfranchise these voters on this question.

The advocates of this bill believe that it will enable them to subject the members of 36 legislatures to so much lobbying and political nagging that the will of the majority of the women and the verdict of the voters at the polls will be ignored.

The suffrage table itself is the best confirmation of this fact, showing as it does that these legislative "victories" upon which they base their greatest claims by no means represent popular sentiment and that when submitted to popular vote these "victories" are emphatically repudiated by the voters at the polls in the vast majority of cases.

Respectfully,

ALICE H. WADSWORTH, *President.*

Record of woman suffrage at the polls.

DEFEATS (18 IN 5 YEARS).		VICTORIES (11 IN 25 YEARS).	
	Majority against.		Majority for.
		1890.	
		Wyoming (indorsed with constitution when Territory became State).	
		1893.	
		Colorado	6,347
		1896.	
		Idaho	5,844
		Utah	23,618
		1898.	
South Dakota	3,286		
		1910.	
		Washington	22,623
		1911.	
		California	3,587

DEFEATS—continued.	Majority against.	VICTORIES—continued.	Majority for.
1912.			
Ohio	87,455	Oregon	4,161
Wisconsin	91,478	Arizona	7,240
Michigan (November)	760	Kansas	16,049
1913.			
Michigan (April)	96,144		
1914.			
South Dakota	11,914	Nevada	3,678
Ohio	182,905	Montana	3,714
North Dakota	9,139		
Nebraska	10,104		
Missouri	140,206		
1915.			
New Jersey (granted women the franchise in 1776, but withdrew the right in 1807)	51,108		
Massachusetts	133,447		
Pennsylvania	55,686		
New York	194,984		
1916.			
Iowa	10,341		
South Dakota	5,219		
West Virginia	98,067		
1917.			
Maine	18,234	New York (woman suffrage was imposed on New York State by the pacifist-socialist vote of New York City, aroused by Morris Hillquit and Dudley Field Malone. Outside of New York City, woman suffrage was defeated throughout the State)	102,353
Total majority number of ballots against	1,346,597	Total majority number of ballots for	199,214

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 130) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, reported it without amendment, and submitted a report (No. 449) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (S. 4108) to provide for the entry under bond of exhibits of arts, sciences, and industries, reported it without amendment.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 3264) to remove the charge of desertion from the military record of Harrison H. Frain, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 3267) to correct the military record of William Harman, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WALSH, from the Committee on Indian Affairs, to which was referred the bill (S. 4404) repealing that portion of the Indian appropriation act of March 1, 1907 (34 Stat. L., pp. 1015, 1035), which relates to the disposal of the surplus unallotted lands within the Blackfeet Reservation, in Montana, reported it without amendment and submitted a report (No. 451) thereon.

NAVAL APPROPRIATIONS.

Mr. TILLMAN. From the Committee on Naval Affairs I report back favorably with amendments the bill (H. R. 10854) making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes, and I submit a report (No. 448) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. TILLMAN. I ask that the report accompanying the bill be printed in the RECORD so that Senators may examine it, as I expect to call up the bill to-morrow and put it on its passage.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Mr. TILLMAN, from the Committee on Naval Affairs, submitted the following report:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 10854) making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes, reports the same to the Senate with various amendments and as amended recommend its passage.

The amount recommended in this bill is $1,587,656,540.84, or $202,840,124 more than carried by the bill as passed by the House of Representatives.

The naval appropriation act approved March 4, 1917, carried appropriations totaling $516,698,802.08, and that has been supplemented by three deficiency bills, bringing the total current year appropriations up to $1,650,709,668.70. This bill falls $63,053,127.86 short of that sum.

The increase of $202,840,124 over the House bill is accounted for as follows:

Aviation	$32,340,150
State marine schools	25,000
Transportation, Bureau of Navigation	6,900,000
Ordnance and ordnance stores	6,328,234
New batteries for ships of the Navy	45,537,712
Ammunition for vessels	34,530,350
Torpedoes and appliances	10,000,000
Reserve ordnance supplies	13,000,000
Contingent, Bureau of Ordnance	40,500
Mine depot	3,000,000
Nitrate plant	9,150,000
Maintenance, Bureau of Yards and Docks	3,500,000
Temporary storage	1,000,000
Navy yard, Boston—public works	1,300,000
Navy yard, New York—public works	400,000
Navy yard, Washington—public works	900,000
Marine Barracks, Quantico, Va	475,000
Naval Academy, Annapolis—public works	2,530,000
Marine Recruiting Station, Port Royal, S. C. (Paris Island)	60,000
Navy yard, Charleston, S. C.—public works	250,000
Navy yard, Pensacola, Fla.—public works	100,000
Submarine base, Key West, Fla	2,500,000
Navy yard, Mare Island, Cal.—public works	150,000
Navy yard, Puget Sound, Wash.—public works	825,000
Naval Proving Ground, Indianhead, Md.—railroad	550,000
Torpedo station, Newport, R. I.—public works	800,000
Depots for coal—fuel-oil base, Chesapeake Bay	55,000
Naval Training Station, Newport, R. I.—public works	280,000
Naval fuel depot, San Diego, Cal.—public works	175,000
Naval operating base, Hampton Roads, Va.—public works	500,000
Repairs and preservation, navy yards and stations	1,000,000
Fuel and transportation	1,000,000
Naval Academy, pay of employees	10,578
Marine Corps—	
Pay of employees	400
Repairs of barracks	550,000
Commutation of quarters	400,000
Reserve supplies	16,677,200
Improvement and equipment of navy yards for construction of ships	6,000,000
Total increase	202,840,124

The following is a comparative statement of the appropriations for 1918, the amounts of this bill as passed by the House, and the amounts recommended by your committee:

	Appropriated, 1918.	Provided in House bill.	Recommended in this bill.
Pay, miscellaneous: Act Mar. 4, 1917 $1,134,000.00; Act June 15, 1917 1,801,500.00	$2,935,500.00	$4,350,000.00	$4,350,000.00
Contingent, Navy: Act Mar. 4, 1917 $46,000.00; Act Mar. 28, 1918 50,000.00	96,000.00	100,000.00	150,000.00
Temporary government for West Indian Islands (act Mar. 3, 1917)	100,000.00	200,000.00	200,000.00
Expenses Civilian Naval Consulting Board: Act Mar. 4, 1917 $25,000.00; Act Oct. 6, 1917 75,000.00	100,000.00	100,000.00	100,000.00
Investigation of fuel oil, etc., Navy	60,000.00	60,000.00	60,000.00
Aviation, Navy: Act Mar. 4, 1917 $5,133,000.00; Act June 15, 1917 11,000,000.00; Act Oct. 6, 1917 45,000,000.00	61,133,000.00	188,042,969.00	220,383,119.00
Basic patents of aircraft	1,000,000.00		
National Advisory Committee for Aeronautics	107,000.00	(1)	
State marine schools	50,000.00	50,000.00	75,000.00
Care of lepers, etc., Island of Guam	20,000.00	20,000.00	20,000.00
Bureau of Navigation: Act Mar. 4, 1917 $7,910,430.54; Act June 15, 1917 19,516,124.00; Act Oct. 6, 1917 850,000.00; Act Mar. 28, 1918 3,100,000.00	31,376,554.54	23,799,010.00	30,699,010.00
Bureau of Ordnance: Act Mar. 4, 1917 43,594,359.00; Act June 15, 1917 198,086,024.00; Act Oct. 6, 1917 152,677,121.50; Act Mar. 28, 1918[2] 15,499,737.00	409,857,243.50	165,957,248.50	287,514,044.50
Bureau of Yards and Docks: Act Mar. 4, 1917 2,784,000.00; Act June 15, 1917 2,810,000.00; Act Oct. 6, 1917 2,500,000.00; Act Mar. 28, 1918 4,500,000.00	12,594,000.00	12,000,000.00	15,500,000.00

[1] Appropriation for 1919 carried in another bill.

[2] The deficiency act approved Mar. 28, 1918, also authorized the incurrence of obligations for ordnance purposes to the extent of $31,264,000 in excess of appropriations.

		Appropriated, 1918.	Provided in House bill.	Recommended in this bill.
Public works, Bureau of Yards and Docks:				
Act Mar. 4, 1917	$16,976,255.01			
Act June 15, 1917	11,903,500.00			
Act Oct. 6, 1917	17,465,000.00			
Act Mar. 28, 1918	23,965,072.25			
		$59,409,827.26	$36,149,375.00	$49,999,375.00
Bureau of Medicine and Surgery:				
Act Mar. 4, 1917	$1,445,478.00			
Act June 15, 1917	7,300,000.00			
		8,745,478.00	10,869,600.00	10,869,600.00
Pay of the Navy:				
Act Mar. 4, 1917	51,023,776.15			
Act June 15, 1917	75,508,672.42			
		126,532,448.57	227,372,946.00	227,372,946.00
Bureau of Supplies and Accounts:				
Act Mar. 4, 1917	25,244,943.40			
Act June 15, 1917	67,424,412.45			
Act Oct. 6, 1917	4,500,000.00			
Act Mar. 28, 1918	55,000.00			
		97,224,355.85	172,756,841.00	173,756,841.00
Bureau of Construction and Repair:				
Act Mar. 4, 1917	13,050,000.00			
Act June 15, 1917	57,327,340.00			
		70,377,340.00	60,200,000.00	60,200,000.00
Bureau of Steam Engineering:				
Act Mar. 4, 1917	12,965,000.00			
Act June 15, 1917	34,960,500.00			
Act Oct. 6, 1917	10,200,000.00			
		58,125,500.00	50,160,000.00	50,160,000.00
Naval Academy:				
Act Mar. 4, 1917	909,049.20			
Act June 15, 1917	380,000.00			
Act Oct. 6, 1917	18,900.00			
		1,307,949.20	1,242,271.20	1,252,849.20
Marine Corps:				
Paymaster—				
Act Mar. 4, 1917	7,132,802.78			
Act June 15, 1917	6,398,800.00			
Act Mar 28, 1918	6,000,000.00			
		19,531,602.78	50,135,474.14	50,135,874.14
Quartermaster—				
Act Mar. 4, 1917	6,200,385.00			
Act June 15, 1917	20,408,161.00			
Act Oct. 6, 1917	3,150,000.00			
Act Mar. 28, 1918	3,930,000.00			
		33,688,546.00	92,803,682.00	93,753,682.00
Expenses Marine Corps Reserve		25,000.00		
Reserve supplies, Marine Corps				16,677,200.00
Increase of the Navy (on account of vessels heretofore authorized):				
Construction and machinery		59,349,000.00		
Torpedo-boat destroyers (act Oct. 6, 1917)			125,000,000.00	125,000,000.00
Torpedo boats (submarines)		16,816,110.00	32,397,000.00	32,397,000.00
Armor and armament		20,000,000.00	20,000,000.00	20,000,000.00
Ammunition		3,490,143.00	7,000,000.00	7,000,000.00
Increase of the Navy (new construction):				
Construction and machinery		33,774,000.00		
Torpedo boats (submarine)		24,115,170.00		
Torpedo-boat destroyers (act Oct. 6, 1917)		225,000,000.00		
Armor and armament		24,180,000.00		
Ammunition		11,037,900.00		
Total increase of the Navy		417,762,323.00	184,397,000.00	184,397,000.00
Naval emergency fund:				
Act Mar. 4, 1917	$115,000,000.00			
Act Oct. 6, 1917	100,000,000.00			
		215,000,000.00	100,000,000.00	100,000,000.00
Improving and equipping navy yard for construction of ships:				
Act Mar. 4, 1917	$12,000,000.00			
Act Mar. 28, 1918	1,570,000.00			
		13,570,000.00	4,000,000.00	10,000,000.00
Grand total		1,650,709,668.70	1,384,816,416.84	1,587,656,540.84
		1,587,656,540.84		
Decrease of appropriation, 1919, as compared with 1918		63,053,127.86		

Total appropriated:

Act Mar. 4, 1917	$516,698,802.08
Act June 15, 1917	514,805,033.87
Act Oct. 6, 1917	561,436,023.50
Act Mar. 28, 1918	57,769,809.25
Total	1,650,709,668.70

BARTHOLOMEW BAYOU BRIDGE, ARKANSAS (S. REPT. NO. 450).

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9715) extending the time for the construction of a bridge across the Bayou Bartholomew in Ashley County, Wilmot Township, State of Arkansas. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ILLINOIS MEMORIAL COIN.

Mr. OWEN. From the Committee on Banking and Currency I report back favorably with an amendment the bill (H. R. 8764) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 1, line 14, to strike out the word "minor" before the word "coins" and insert in lieu thereof "subsidiary silver," so as to make the bill read:

Be it enacted, etc., That, as soon as practicable, and in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union as a State, there shall be coined at the mints of the United States, silver 50-cent pieces to the number of 100,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design, as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, and said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the Government shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. LEWIS subsequently said: Mr. President, the Senate has just passed a proposed act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union. My colleague [Mr. SHERMAN] and myself jointly moved for its passage. I want now to thank the Senator from Oklahoma [Mr. OWEN], chairman of the Banking Committee, who presented this matter, for the haste and promptitude with which the measure was presented, and to thank the whole Senate for unanimously allowing it at this time to go through, when it could, of course, have been postponed by a single objection.

Mr. President, this act of legislation has for its object the striking off of an appropriate coin to commemorate the one hundredth anniversary of the admission of the State of Illinois into the Union. I think that I may be permitted at this time to invite the attention of the Senate to the propriety of this tribute to that illustrious State.

At this day, sir, more than a hundred thousand of her sons are moving to the fields of conflict in foreign lands. Thousands of others are encamping at home territory, preparatory to crossing the seas to offer all that they have for the cause which this Republic represents. Her women are yielding their hearts' love—their children—and giving the full of woman's sacrifice. It is history to every Senator sitting here that of all States in the Union that were torn in body and shattered in heart Illinois was not exceeded by any in her endurances at the time of the Civil War. The question of the day, misunderstood by all, over which we spent so much of blood and sacrificed so greatly of everything, finally culminated, sir, into the present concrete union of love and united loyalty. Sir, however much those who were led by Douglas or those who followed Lincoln might have severed State and home in their differences in that hour, the sons of those men, forgetful of the past, have now joined in one great union of every labor and of every offering to the common cause of our Republic for which we went to war. Mr. President, we of Illinois now celebrate the admission of that State into the Union and its living for 100 years the re-

nowned life of its history. The Senate has paid its tribute by allowing this bill to be passed. This act is a certification by the Congress of the United States, among other things, that Illinois has been loyal in every hour of every test. At this particular time I could not allow this measure to pass, carrying as it does the tribute of the Senate to the State, without also calling the attention of the Senate to the sacrifice the State has made, the credit it reflects upon the Union, the honor it is to the Republic, and the glory it is to the world.

Mr. President, we cast no reflection upon any State by comparisons; but I express my feeling that when the present cataclysm is ended and the world shall look into the new sky for some guiding star to light the course of those who will remold the future, the prophets of the coming day will turn their eyes to America and behold in the distance, among other planets, the great State of Illinois and, flaming by her side, the inspiring image of her immortal Lincoln.

I want to thank the Senate for the passing of this measure, and to express my appreciation of its tribute.

VOCATIONAL REHABILITATION OF SOLDIERS AND SAILORS.

Mr. SMITH of Georgia. From the Committee on Education and Labor I report back favorably without amendment the bill (S. 4557) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes.

This bill was introduced by me on yesterday, having been prepared by the Committee on Education and Labor really, and is a substitute for Senate bill 4284, each bill being a bill to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States. As the original bill, 4284, will need no further consideration, I ask that the Committee on Education and Labor be discharged from its further consideration.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. SMITH of Georgia. I move that Senate bill 4284 be indefinitely postponed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 3911) authorizing national banks to subscribe to the American National Red Cross.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOON, Mr. BELL, Mr. ROUSE, Mr. STEENERSON, and Mr. MADDEN managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 7634) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message also transmitted to the Senate resolutions on the life and public services of the Hon. John H. Capstick, late a Representative from the State of New Jersey.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 3935) to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided, and it was thereupon signed by the President pro tempore.

ATROCITIES ON WEST COAST OF MEXICO.

Mr. BRANDEGEE. Mr. President, I have here a clipping from the Oakland (Cal.) Tribune of May 14 in relation to Mexican horrors on the Pacific coast and what the Germans are alleged to be doing. I should like to have the Secretary read it—it is very short—with a view of calling it to the attention of the proper department of the Government.

The PRESIDENT pro tempore. The Chair hears no objection, and the Secretary will read.

The Secretary read as follows:

MEXICAN HORRORS HUN BORN—REFUGEES TELL OF CRUELTIES.

A PACIFIC PORT, *May 14*.

Terrible and ghastly accounts of atrocities on the west coast of Mexico, instigated by German resident agents there, were authorized to-day by naval officers here, coincident with the arrival of the British steamer *Violet*, under the escort of an American warship, after a thrilling experience by the crew at Mazatlan, where efforts were made to prevent its departure.

A Federal account of the plight that the American mining men are in comes vouched for by reliable authorities. The men are held by the State troops of Tepic, south of Mazatlan, for tribute, and reminders that tribute is wanted are sent every little while to the American authorities. They consist of fingers purporting to be those of the captives.

The first demand called for a ransom of $5,000, which was paid. The second demand was met by the friends of the prisoners, and then another demand for $10,000 came, with another ghastly memento. The State Department at Washington now has this case in hand. The Tepic troops are reported in revolt and only this week have seized the important Tepic State ports of San Blas and Las Penas.

German raider reports are received at Mazatlan daily through the Mexican radio stations, the Government subsidized press there given daily accounts of the war, it is reported. The German papers inform the people of Mexico that the allies are struggling, fighting among each other, torn with anarchy, and that the victory of Germany can be expected at any time. The Germans also are said to make every possible use of the blacklist, inciting the Mexican people against this country by misrepresenting the blacklist laws.

A formidable warship, equipped with full sea stores and armed with 4.7-inch guns, is reported at Mazatlan awaiting for a dash to the open sea. The ship is the old Mexican gunboat *Morelos*, sunk by rebels in 1914, that recently was floated and overhauled at great cost. The German firm of Metcher & Co. is said to have taken a leading part in salvaging the ship. Nominally the *Morelos* is under Mexican control, but the American authorities are watching it constantly in the fear that it may dart to sea at the first opportunity and begin privateering work for the German cause.

The Americans say that the Germans at Mazatlan constantly brag of their knowledge of the warships on the Pacific.

Heavy fighting at Acapulco, the most severely important place on the Mexican west coast, is reported continuing. A recent disturbance there resulted in 100 casualties among the natives, the Americans and British there barely escaping to the protection of the warships. American consul at that port reported the situation safe for his charges.

Mr. SMITH of Michigan. Mr. President, I am glad the Senator from Connecticut [Mr. BRANDEGEE] has had this item read and that the attention of Senators is to be called to the situation on our southern border and on the Pacific coast as well. There is no question at all that the most dangerous propaganda is now being circulated to the south of us. It is the hiding place for conspirators, anarchists, propagandists, and sympathizers with the enemies of our country. While on the Pacific coast I was told by a prominent official of this Government that he suspected that every wireless message which was sent by him to Washington or up and down the coast was caught up in Mexico. For what purpose Senators may conjecture.

Mr. THOMAS. Mr. President——

Mr. SMITH of Michigan. Just one moment, Senator, and I will yield. Men whom I have personally known to be intriguers in Mexican revolutionary movements are on our border and are said to be visiting the so-called Mexican Republic in the interest of German propaganda and German usefulness to our enemies. I simply desire publicly to thank the Senator from Connecticut for calling the attention of the Senate through these representations to a condition of affairs on our southern border that demands and should receive the attention of the American Government. The border of Mexico is the hotbed of anarchy and disorder, and the rights of our citizens are ruthlessly trampled upon.

Mr. THOMAS. Mr. President——

Mr. SMITH of Michigan. I hope the Senator from Colorado will pardon me. I had intended to yield when he first addressed the Chair.

Mr. THOMAS. Mr. President, I merely wish to add to what the Senator from Michigan has said, that there is a relieving feature to the situation to which he has referred in the fact that the representatives of our Government also catch and utilize all wireless messages from Mexico.

Mr. SMITH of Michigan. Yes; that is probably true; but it is nevertheless a most distressing thing to think that a wireless message may be sent out by our officials only to be caught up and turned over to the enemies of our country now in Mexico. Why we should not give our attention to the disorder upon our southern border, and just across the border in Mexico, is beyond my comprehension. Perhaps this is being done, and I would not willingly add to the burdens now so heavily resting on the shoulders of the President. I know that intriguers are there at work. The money of our enemies is being used freely in Mexico, and it will takes lives and blood and money to pay for the tolerance which we are now showing.

I sincerely hope that something more may come of the suggestion made in this article which has been read from the Secretary's desk and from what little I may have said than a mere passing thought.

RENTAL OF PROPERTY IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER (Mr. WALSH in the chair) laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia, which were, on page 1, lines 3 and 4, to strike out "adjournment sine die of the present session of the Congress" and insert: "expiration of one year after a treaty of peace shall have been definitely concluded between the United States and the Imperial German Government"; on page 1, line 4, after "order," to insert: ", decree, or judgment"; on page 1, line 5, after "estate," to insert: "in the District of Columbia"; on page 1, line 5, after "oral," to insert: "or written"; on page 1, in lines 10 and 11, to strike out ", except on the ground that" and insert: "which are not inconsistent herewith, unless"; on page 1, in line 11, and in line 1, page 2, to strike out "has failed to take reasonable care of the premises, or"; on page 2, line 1, after "guilty," to insert: "on the premises"; on page 2, line 2, to strike out "is" and insert: "constitutes"; on page 2, line 2, to strike out "amounts to"; on page 2, line 2, to strike out "disturbance" and insert: "breach"; on page 2, in lines 3 and 4, to strike out "of adjoining or neighboring occupiers or a violation of law" and insert: ", or other misdemeanor or crime"; on page 2, line 4, to strike out "reasonably" and insert: "necessarily"; on page 2, line 5, after "occupation," to insert: "either"; on page 2, line 6, to strike out "family" and insert: "wife, children, or dependents"; on page 2, line 6, after "while," to insert: "he is"; on page 2, line 6, after "with," to insert: "any branch of"; on page 2, line 7, to strike out "disposed of" and insert: "sold"; on page 2, line 9, after "order," to insert: ", decree, or judgment"; on page 2, line 10, after "order," to insert: ", decree, or judgment"; on page 2, line 10, to strike out "may" and insert: "shall"; on page 2, line 11, after "order," to insert: ", decree, or judgment"; on page 2, line 13, after "order," where it first occurs, to insert: ", decree, or judgment"; on page 2, line 13, after "order," where it occurs the second time, to insert: ", decree, or judgment"; on page 2, line 15, to strike out ": *Provided*, That" and insert: "; and"; on page 2, line 15, to strike out "judicial"; on page 2, line 15, after "remedies," to insert: ", at law or in equity,"; on page 2, line 16, after "oral," to insert: "or written"; on page 2, after line 21, to insert: "That the term 'real estate' as herein used shall be construed to include any and all land, any building, any part of any building, house, or dwelling, any apartment, room, suite of rooms, and every other improvement or structure whatsoever on land situated and being in the District of Columbia."

Mr. SAULSBURY. Mr. President, I move that the Senate concur in the amendments of the House of Representatives to the joint resolution as just reported by the Secretary. I may say that the amendments proposed are merely formal, I think, except in one case, and that is the first amendment to the joint resolution by which the House of Representatives proposes to extend the operation of the joint resolution during the period of the war and one year thereafter, while the joint resolution as passed by the Senate provided only for its operation during the present session of Congress.

Mr. SMOOT. Mr. President, there was so much confusion in the Chamber that I could not distinctly hear what the Senator from Delaware said; but as I caught it, the only change proposed to the joint resolution by the House of Representatives, outside of a mere change of verbiage, is in relation to the length of time of its operation. As I understand, the joint resolution as it passed the Senate was to remain in force only until the close of this session of Congress.

Mr. SAULSBURY. That is quite correct.

Mr. SMOOT. While the House has amended it so that it will remain in force for one year after the close of the war.

Mr. SAULSBURY. Yes.

Mr. SMOOT. Will the passage of the joint resolution in that form conflict with the bill which has been passed by both Houses covering this same subject and which it is expected will be enacted into law at this session?

Mr. SAULSBURY. By no means, Mr. President. The effect of the House amendment will be, as I construe it, to continue the provisions of this joint resolution until such time as they are superseded by the more general legislation which is proposed in the House bill which was sent to the Senate and which the Senate passed in a radically amended form. Of course, the provisions of that bill, which cover practically all cases of rent profiteering and deal comprehensively with the subject will supersede the provisions of this joint resolution when that legislation shall have been finally enacted.

I see no objection to the amendment of the House, assuming that the legislation now under consideration by the conference committee will be passed, and I rather think that the joint resolution in its present form is somewhat preferable to the joint resolution as it passed the Senate.

The matter has been considered this morning by the Committee on the District of Columbia, and they concurred in this view and authorized me to move the concurrence of the Senate in the amendments of the House.

Mr. BRANDEGEE. Mr. President, let me ask the Senator one question. I gave no particular consideration to the joint resolution which was passed by the Senate, but, if I comprehend it as just stated by the Senator, it continues against the will of a landlord an existing lease upon a residence until a year after the war.

Mr. SAULSBURY. It maintains the status of the landlord and tenant on the same terms as now exist.

Mr. BRANDEGEE. It really attempts to force upon the landlord a contract which he himself has not voluntarily made, does it not?

Mr. SAULSBURY. The Senator may possibly construe it in that way. It really suspends the landlord's remedy for ouster and dispossessing the tenant where the tenant pays his rent regularly and performs the duties of a good tenant.

Mr. BRANDEGEE. I give no consideration as to whether it is within the power of Congress to do that; but, if it is done, it seems to me that provision ought to be made for a state of facts where, for instance, a landlord has made a lease for a year, say, and there is a mortgage on the property which falls due at the end of that year, and the landlord's only hope of saving his property is to sell it in the market in order to pay the mortgage and prevent the foreclosure of the mortgage. Unless a provision to cover such a case is put in this joint resolution or is provided for in a subsequent resolution we will be putting the landlord in the position where he has no remedy at all; the tenant continues the existing lease at the existing price; the man who holds the mortgage on the property forecloses the mortgage while it is in the hands of the tenant, and the landlord loses the whole thing; he is deprived of his market to sell his property and pay his mortgage, as it seems to me. I have, however, given the subject no particular consideration.

Mr. SAULSBURY. The Senator is mistaken about that.

Mr. BRANDEGEE. I hope so.

Mr. SAULSBURY. There is no interference with the right of sale at all, except that the tenure of the present tenant is continued pending the adoption of more comprehensive legislation.

Mr. BRANDEGEE. Yes; but why does not that to a large extent deprive the landlord of a market for the sale of his property, because it can only be sold subject to a future year's lease and the new purchaser can not get possession of it?

Mr. SAULSBURY. There is a special provision, I may say, in the joint resolution allowing a bona fide purchaser to buy for his own occupancy.

Mr. BRANDEGEE. And then the tenant can be evicted?

Mr. SAULSBURY. The tenant can be evicted under those circumstances.

Mr. BRANDEGEE. Very well.

Mr. SAULSBURY. We tried to provide for cases which seemed somewhat along the line indicated by the Senator from Connecticut.

Mr. McCUMBER. Mr. President, I wish to ask the Senator as to the status of the general bill, and why it is necessary, inasmuch as that bill has passed both Houses and is now in conference, as I understand, to take up this joint resolution, which is merely temporary?

Mr. SAULSBURY. The necessity for this temporary legislation is to preserve the status of the tenants in the District who have been practically brought into a condition of panic by the notices which they have received that they will be evicted, and by the efforts of so-called rent profiteers to compel tenants to buy, if they can buy, and to raise the rent if the tenants remain on the property.

Mr. McCUMBER. Could we not get the general law through about as quickly as we could get this joint resolution through?

Mr. SAULSBURY. I may call the attention of the Senator to the fact that the only thing we need in order to get this legislation through is the agreement of the Senate to the motion which I have made, which is to concur in the House amendments.

The reason for doing it is possibly obvious. The House bill and the Senate bill to cure this condition, which all admit must be cured, proceed along entirely different lines in their methods of curing the evil. It will require, doubtless, a very great effort on the part of the conferees to agree on a bill, and in the meantime the condition of tenants in this city appeals to the sympathies of one from the testimony which has been adduced.

Mr. McCUMBER. In a nutshell, then, the necessity for immediate action upon this joint resolution is due to the fact that there will probably be considerable delay in arriving at an agreement by the conferees on the general measure.

Mr. SAULSBURY. There will doubtless be considerable delay, but the necessity is due to the present condition of tenants in the District.

Mr. KELLOGG. Mr. President, I should like to ask the Senator, in regard to the joint resolution, if, so far as its legality is concerned, there is the slightest difference between this case and the power of Congress to pass a law saying that A shall rent his property to B for a certain price, whether he wants to do so or not?

Mr. SAULSBURY. I do not think so.

Mr. KELLOGG. And if the Senator considers that the Congress has any power to pass such legislation?

Mr. SAULSBURY. Mr. President, my belief is that Congress can pass this act, particularly under the war power. I also think that Congress might suspend civil remedies—of course, not taking property. The only thing that this joint resolution proposes to do is, pending the consideration of comprehensive legislation, to preserve a condition in the District so that possibly, if one were to speak broadly, the operations of the Government may proceed. I think the court might base the necessity of this proposed act on the idea that it was necessary to so control the property in the District that employees of the Government might be comfortably housed while performing their duties.

Mr. KELLOGG. It is, of course, then, perfectly evident that Congress can simply take the property of A and give it to B; there is not any doubt about that, is there?

Mr. SAULSBURY. I myself am not a believer in the commandeering of property unless it is absolutely necessary, but I do not think this goes that far.

Mr. KELLOGG. This does not propose to pay any compensation at all for the taking, except whatever rent may have been heretofore paid.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from North Carolina?

Mr. SAULSBURY. With pleasure.

Mr. OVERMAN. I think this joint resolution, if adopted, may work a great hardship on some people in the District; and why not let it remain unacted upon until it can be determined whether the general bill to which reference has been made can be enacted into law? A man came to me this morning who said he would be seriously affected by this joint resolution. There is a mortgage held on his property, which he has rented to a tenant. He is a poor man, and since this joint resolution passed he has been trying to sell the property to get his money back, but the tenant refuses to let anybody go in to see the property. The tenant is going to hold on under this proposed legislation and will not let anybody see it, and says that she will fight the owner and fight everybody else. So if he attempts to sell it there will be no market for it, because nobody will buy it under the circumstances, and really this man's property will go to waste.

Mr. THOMAS. Mr. President——

Mr. SAULSBURY. I yield.

Mr. THOMAS. There is no question but that a measure of this kind in its operations will work hardships. Bills of this kind necessarily work hardships, but they are designed to prevent greater hardships, and a greater number of hardships, which men and women have been experiencing and are now experiencing.

I do not pretend to defend my vote for this joint resolution except upon the theory that the District of Columbia having been set aside for the exclusive uses of the Government of the United States, and this great congested population being brought here for that purpose, we must take care of them; and, of course, if these occasional hardships occur, I am satisfied that the ordinary sense of justice, not only in Congress but outside, will take care of them in due season.

Mr. SAULSBURY. Mr. President, the Senator from Colorado has expressed much better than I could have done the thought that was in my mind in attempting to answer the inquiry of the Senator from South Carolina.

Mr. OVERMAN. Mr. President, I was not through, although I yielded to the Senator. I understand that when the other bill, which is now pending, passes both Houses and becomes a law this one will be superseded.

Mr. SAULSBURY. Yes; the provisions of this joint resolution will necessarily be superseded by any bill or joint resolution that may be passed subsequently dealing with the same subject.

Mr. OVERMAN. Why not let this joint resolution await the passage of that bill, then? It has passed the Senate and promises to pass the House, and then it will go to conference. I can see great hardships that this legislation may work upon some of the people in this District. Of course, I am as much against profiteering as anybody, but I can see what great hardships will be worked on some of the people.

If the Senator would let this await the action of the Senate and the House, which certainly will be taken in two or three weeks, I see no reason for hurrying along this joint resolution.

Mr. SAULSBURY. I can only say that during that period of two or three weeks the conditions of the landlords and tenants in this District will become such that I think anyone who now suggests delay will be sorry for having suggested it. As a matter of fact, the mere pendency of this joint resolution has quieted down the situation to such an extent that there is not the same outcry since it became known that this joint resolution had passed both Houses; but if it is known that this joint resolution is going to be held up until the general legislation passes you will have in a few weeks a condition of notifying tenants in this District to move and of ousting them such as you have never seen, in my judgment, in any community before.

Mr. SMITH of Michigan. Mr. President, if I understand this joint resolution—I had not seen it until this morning—it maintains the present status quo.

Mr. SAULSBURY. Precisely.

Mr. SMITH of Michigan. And if a man has bargained to buy a piece of property, and the contract of purchase matures, and is in default, the present occupant of the property, even if he is in default on his contract, may maintain his occupancy of that property until a year after the war.

Mr. SAULSBURY. The joint resolution does not attempt to deal with questions relating to defaulted contracts for purchase or sale. It deals only with the matter of landlords and tenants.

Mr. SMITH of Michigan. I think the language is open to that construction. It says that until the expiration of the war, and so forth—

> No judicial order, decree, or judgment for the recovery of possession of any real estate in the District of Columbia now or hereafter held or acquired by oral or written agreement or written lease for one month or any longer period—

And so forth.

A written agreement might mean that contracts of sale were included.

Mr. SAULSBURY. I may say that that phraseology was adopted on request of the senior Senator from New Hampshire [Mr. GALLINGER], who thought it should go to that extent to show that an oral agreement was a lease. The House afterwards put in one or two words; but in my judgment it refers only to leases of property.

Mr. SMITH of Michigan. Of course, I am glad to have the Senator's judgment upon it, although I think that a purchaser of a piece of property upon condition that he could go into possession of it and occupy it until his contract had been fulfilled gets an absolute stay of proceedings against ouster under this rule.

I want to say further, if I am not trespassing, that the whole theory of rent regulation in the District of Columbia, in my opinion, is wrong. I do not think there is any justification for it.

I think a property owner should make money out of his investment, in which event he will continue to build houses and to build apartments, and if he is stripped of any profit there will be no new building in the District. There are plenty of unemployed carpenters in the District of Columbia and adjoining States who would like work of that kind.

I do not think this measure is going to accomplish its purpose. I think it will tend to arrest the further building of houses for rent, apartment houses and private residences, in the District of Columbia, and that it will circumscribe the opportunities of the transient or the permanent residents here very much. On general principle I am opposed to it; but to pass a joint resolution arresting proceedings to oust a defaulting tenant or a defaulting purchaser under contract is high-handed, confiscatory, and outrageous from my point of view, and I will not vote for it.

Mr. SAULSBURY. The Senator is entirely in error. A defaulting tenant can be ousted under the terms of this joint resolution. It preserves the status only in case a tenant has conformed to all the terms of his lease, has paid the rent regularly, and has conducted himself properly as a tenant in the premises. There is no possibility of a defaulting tenant, or a tenant conducting himself improperly as such, holding property against the will of his landlord. All the rights of the landlord remain

under this joint resolution, except the single one of obtaining possession of his property where the tenant has properly conducted himself and paid the rent.

Mr. SMITH of Michigan. If the Senator will permit me, while I do not like to take issue with him, I want to ask him a question: Suppose that a landlord sells a house on a contract, with condition that the purchaser of the property shall go into immediate possession and occupy it, continuing to pay monthly payments therefor until the purchase is completed; does the Senator say that this resolution does not prevent such landlord from dispossessing the tenant of his home if he is in default?

Mr. SAULSBURY. The Senator has confused questions of purchase with questions of lease. I am unable myself to distinguish them, but I can only say to him, in reply, that a bona fide purchaser can obtain possession of a property which he desires for his own occupancy. If he is an employee in the Government service, there are special provisions relating to him. A landlord, for his own necessary occupancy, can retake possession of the property. There is no inhibition on the sale of property, except that the purchaser of property must come into the same position that the landlord occupies as to the tenant, and if he is a Government official he can go into possession of the property at the end of the existing lease.

Mr. THOMAS. Mr. President, I am informed—I do not vouch for the information, but it comes from a reliable source—that since this joint resolution was introduced a means of evading it has been found in requiring a would-be tenant to purchase the furniture in the apartment at the landlord's price. For example, property worth $100 is to be taken off the hands of the landlord at $200 or $300 or whatever may suit his whim, thus in that indirect way carrying on the same practice which I think this joint resolution, in part at least, will do away with. That is one of the conditions which I think make it necessary to pass this joint resolution as soon as possible.

Mr. BORAH. Mr. President, it is much easier to criticize this class of legislation than it is to construct legislation which will meet the situation. We all know that there is a very serious situation in the District of Columbia with which we have to deal, but I do not want to punish the owner who is dealing fairly with the community the same as the profiteer. But I want to say, Mr. President, in view of the fact that there may not be a roll call upon this measure, that I am unable to vote for this joint resolution. I doubt if this is the way to deal with the situation. I am afraid it will have a bad effect instead of a good effect. In the long run it will do much harm to those whom we would help. But that is not the only reason why I am unable to vote for it. I would be willing to trust some one else's judgment as to the policy, but I do not believe this joint resolution is worth the paper it is written on. I do not believe it would stand in the courts if it were up for consideration. Therefore, while I am not going to take up the time of the Senate in discussing it, for fear that there will not be a roll call upon it, I want to record myself as opposed to the joint resolution.

Mr. KELLOGG. Mr. President, so far as I am concerned, I can not see the slightest difference in principle between this joint resolution and a resolution which provides that A's property shall be taken and given to B for whatever rent B may be willing to pay for it, or without rent at all, so far as principle is concerned. To be sure, it may be presumed that most men have obtained a fair rental for their property. Some may not have done so. Whether they have or not, this bill simply says that A must be the tenant of B for another year.

I sympathize with the people of the District of Columbia who are overcharged and who are laboring under a burden which it is almost impossible to bear; but there is a limit to the point to which a lawyer ought to go in legislation in war times or in any other times. It is setting an example of legislation that is exceedingly dangerous, unless we concede that in time of war there is no Constitution at all; and I do not make any such concession as that.

Mr. BORAH. Mr. President——

Mr. KELLOGG. I yield to the Senator from Idaho.

Mr. BORAH. It is not only a question of no Constitution, but there are certain fundamental principles of right and justice which the courts of this country enforce regardless of the Constitution. If you can say that a man shall not change the status of his property for one reason, you can say that he shall not change the status of his property for another reason; and if you can say that he shall not change the status of his property for a year, you can say the same thing for 10 years. There is no distinction between such a proposition and the principle upon which the Bolsheviki are now trying to erect the government in Russia.

Mr. KELLOGG. I do not see any distinction. I am willing to go as far as anyone in the way of doing anything possible to relieve the people of this District or any other district in this country from the burdens which high prices, and perhaps extortion, have cast upon them, but I am not willing to vote for legislation which apparently is unconstitutional on its face.

Mr. SHERMAN. Mr. President, this joint resolution is like many others of a new kind; it is rather of a pioneer character. There would be an improvement made with experience and with longer opportunity for reflection; but it was intended to cover a pressing emergency at this time, taking the place of some legislation which it is hoped will be enacted by Congress later. Being of that kind, it seems to me that we can take it up for what it may accomplish for the temporary purpose.

I know that for about 300 years all of the laws of the English-speaking race have been framed by and for landlords for the government of tenants. I have had occasion, as many lawyers in this Chamber have, in days past, to examine the law of landlord and tenant, and I know the tender solicitude with which the common law regards the rights of landlords. Next to human life, the most sacred thing I know of is the right to distrain for rent, to evict a tenant, and to protect the property of the landlord against all comers and by all kinds of contracts.

Here in Washington is the Capital City of the Nation. There are probably 400,000 people in it at the present time. Two hundred and fifty thousand of them, either the heads or the members of families, are tenants. Now, the matter being in that condition, war questions have intruded themselves. The increase in price has come. Some landlords, very much to their credit, have not taken much profit. One who came before the committee testified that he had made an increase of only 50 cents per room per month; that he thought that would equal the difference between the old price of coal and the present price, and some of the costs of help about the house, so that he thought he would come out even. If he did not, as the printed hearings show, he said that he would rather the expense would be on his side than against the tenant.

This spirit is not manifested by all of them, and especially not by the subtenants. The subleases, many of them, that are made, it seems to me, are very grasping in character in many instances. Making a fair average of them, 75 per cent of the subleases made in the city of Washington are sheer, unadulterated robbery. The other quarter are obtaining fair prices for the furniture and a fair profit for the service in leasing out the term which they have taken the trouble to obtain from the landlord.

Mr. BORAH. Mr. President——

Mr. SHERMAN. I yield to the Senator from Idaho.

Mr. BORAH. I am rather inclined to agree with the Senator's view that many of these subleases are founded in that form of extortion that might be characterized as robbery; but can we not legislate so as to catch the robber, rather than the honest citizen who is dealing with his property in a right and proper way? This touches the man who deals with his property righteously and justly just the same as with the robber. We make no discrimination; and it ought to be a fundamental principle of any law to discriminate between the just and the unjust, the righteous and the unrighteous, those who are obeying the law and those who are not.

Mr. SHERMAN. In the times of the Scriptures the rain fell upon the just and the unjust just as it does now. The sinner gets as much benefit out of it as the man who walks righteously. I never knew the Lord to discriminate in sending a shower for the benefit of a crop.

Mr. BORAH. I want to advise the Senator that there comes a time when the Lord has promised us He will discriminate; that He will separate the sheep from the goats; and the Senator had better pay attention to that fact.

Mr. SHERMAN. I have paid some attention to that; I trust as much as the Senator. I have read in Genesis that so long as the earth remaineth seedtime and harvest, heat and cold, winter and summer, and night and day shall not cease. The bow was hung in the heavens as a living evidence that the world was not again to be destroyed by water, with the pledge I have heretofore quoted, that seasons come and go indefinitely, and that there is to be no more destruction of the world by water. Notwithstanding the fact that I am a prohibitionist, I feel safe, I will say to the Senator from Idaho, from any of the aqueous maledictions leveled upon the wicked in Genesis and elsewhere.

Mr. BORAH. The Senator has assurance from the rainbow in the heavens that there would be no more drowning, but he has no assurance that we will not starve to death. There is no promise that we will not freeze to death and there is no promise

that our civilization will not be destroyed by chaos. There is no Senator here who has denounced the socialistic trend of affairs more powerfully than the Senator from Illinois. No Socialist would propose so unjust a measure as this. I ask the Senator from Illinois what is the distinction between our civilization and the civilization of the Bolsheviki, except that we undertake to discriminate between those who do right and those who do wrong, regardless of whether they happen to own property or not, while they do not discriminate at all, but punish all alike who are opposed to them or who happen to come within a particular class? Now, I do not want to punish a man simply because he is a landlord, but I do want to reach him if he is a profiteer.

Mr. SHERMAN. Neither do we, the Senator says, but we do. We discriminate between the good landlord and the bad one. This resolution will punish no good landlord. It enables him to take fair charges he voluntarily fixed last October. It is said it treats them all alike, and that is the original complaint, that the good landlord was not segregated from the bad one.

I want to call the attention of the Senator from Idaho to the fact that in the food-administration law there is no difference between the wheat farmer in North Dakota and in southern Illinois. There is no difference between the elevator owner in one place in Oklahoma or in Illinois or in Missouri. They are treated just the same way. The great milling companies in the Mississippi Valley are treated the same way under that law. They are stopped from milling the wheat that they held in their elevators, and had held there and bought and paid for under the right of private contract when the law became operative. The same wheat that came up from Oklahoma to Alton, Ill., to be milled there was private property at the time the law became operative, just as it is now, and just as the landlord owns property now. Still——

Mr. BORAH. Mr. President——

Mr. SHERMAN. Just a moment. Still, Mr. President, the man who owns wheat, whether he was profiteering or not, was treated just the same way as the man who behaved himself. There was not any discrimination. It was a general rule made to cover the question of that kind of foodstuffs, and this is a general rule made to cover a particular kind of a commodity that the human being in Washington must have.

Mr. OWEN. Mr. President——

Mr. SHERMAN. I yield to the Senator from Idaho first.

Mr. BORAH. The Senator from Oklahoma has been on the floor for some time, and I yield to him.

Mr. OWEN. Does not this measure take as a standard of fair treatment the contracts which the landlords themselves were satisfied with, and proceed upon that basis, and, being used as a basis, can that be held as unjust or unfair treatment when they are precluded from making extortionate demands beyond the basis which they themselves have already set as fair?

Mr. SHERMAN. Yes, sir. That certainly is true. The landlord fixed it himself last October, six months after we declared war. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I do not think, if the Senator will examine the resolution, that that is in the working of the resolution. The Senator has referred to the wheat crop, and there is the vice of this universal rule which is established, regardless of the position either party may occupy who must obey the rule. In the Minnesota country and in that portion of the United States the farmers realized from wheat $2 and $2.20. The farmer in my State realized $1.60 and $1.70 under that rule. He was differently situated. He was not so accessible to the market. It was in every sense a thorough discrimination against the very large portion of wheat growers of the United States. The Senator does not believe that that kind of a rule is a fair rule? There is no reason why the Congress of the United States could not have made that rule so that it would apply to the farmer in the West and the farmer in Minnesota under such conditions that both would realize the same from their wheat.

Mr. SHERMAN. It depends upon where you live. The nearer you are to the market, to a large number of ultimate consumers, as the phrase goes, the better the price you get, and the farther you are removed from the market the more is sold out by the common carrier and bored out by the inspector, and naturally so. The farmer in Idaho is unfortunate in location to reach the $2.20 price. Those in the Mississippi Valley are a little more fortunately situated. There are many of the large mills of the country that convert it into a more portable and cheaply carried form, and therefore the farmer there gets a better price, because he is nearer the mills and nearer some of the large consuming centers of the country. But that ought not to be made a penalty upon those who are more fortunately located.

Here are men and women in Washington who are unfortunately located. The landlord is fortunately located. That is no reason why we ought to deny to the tenants the protection of the law or the resolution, whichever it shall be. If we make that the rule, then the law must be made to fit localities. On the other hand, the Food Administration act was made to fit the United States, and those who are unfortunately located receive a lower price naturally because of their being far removed from market.

Mr. GRONNA. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. GRONNA. May I ask the Senator from Illinois if that applies to the finished product.

Mr. SHERMAN. Not so much so. It does some.

Mr. BORAH. Why does it not apply to the finished product?

Mr. SHERMAN. Any part of it?

Mr. BORAH. Yes. Why should not the same rule apply, if we make laws here which are to be universal in their application, and so forth?

Mr. CUMMINS. Mr. President——

Mr. SHERMAN. All right. Ask your questions all together and I will answer all at once.

Mr. BORAH. I have asked a question of the Senator, and he can proceed.

Mr. GRONNA. Of course, I do not need to remind the Senator from Illinois that people do not eat whole wheat. We have to manufacture it. It has to be ground into flour. The Senator made a comparison stating that the people who live out West were not as fortunate as people who live in the Mississippi Valley. Has the Senator taken into consideration what it costs the people in the West for what flour they consume, or, rather, what the wheat costs those who really consume it?

Mr. SHERMAN. I yield to the Senator from Iowa.

Mr. CUMMINS. I do not want to break in upon the subjects that have been discussed by the Senator from Idaho and the Senator from North Dakota, but there is a point in this bill or resolution which interests me a good deal. The Senator from Illinois is discussing it as though it were confined to landlords and tenants, and the effect of the bill as between landlords and tenants is simply to continue the lease indefinitely; but the occupation is dependent upon the performance by the tenant of the terms of the lease. There is an element of fairness about that. But the resolution covers other kinds of possession as well. For instance, I put my own case, because I recently did this thing. I sell a piece of property in Washington. The payments are to be made annually, monthly, or every three months, or whatever period may be determined upon. A part of the agreement is that the purchaser shall be put in possession of the property. This resolution not only prevents the seller of the property from taking any process at all for the recovery of possession, but does not even require the purchaser to make the payments that he has agreed to make in order to be entitled to possession.

I am sure the Senator from Illinois does not believe that that ought to be put in the law. Not only it ought not to be put in the law from the standpoint of justice and fair dealing, but I am sure the Senator will agree with me that it is clearly unconstitutional and opposed to the fundamental compact of society if put into the law.

Mr. SHERMAN. I will take up the question of the Senator from North Dakota [Mr. GRONNA] first. We would be better off if we did eat the wheat whole. It would last longer and would be healthier. We would have fewer intestinal troubles, which now are a part of the usual surgical difficulties, especially in families of great wealth. Highly bolted flour has been a menace to humankind for many years. Nature knows more about how to prepare food for ourselves than we do ourselves. The chemist and miller have done more to injure the human race than he has ever done himself. We are eating whole-wheat bread now, and we are better off for it. It goes further, the Government thinks. I do not know that they have the health question in mind, but the entire American people would be better off, I say to the Senator from North Dakota, if we ate wheat in nearer its whole form of the berry than having it highly purified and bolted. We gain nothing in health. We gain very much to our disadvantage. Many farmers complain since highly bolted flour has come into use in the last 20 years.

Mr. GRONNA. Mr. President——

Mr. SHERMAN. I want to answer the rest of the question.

Mr. GRONNA. But right there——

Mr. SHERMAN. All right; I yield.

Mr. GRONNA. The Senator knows that the consumer is charged a higher price for unbolted flour than he is charged for bolted flour.

Mr. SHERMAN. Yes.

Mr. GRONNA. Is that an injustice to the consumer? The Senator was stating a parallel case. He was comparing the food-administration law. I understand he is defending this measure by the act which is known as the food act. We know that the consumer is paying a higher price for raw wheat than he is paying for bolted wheat. Is not that true?

Mr. SHERMAN. Yes, sir. That is not because it is the whole-wheat flour. It is because it is war times and we are feeding our allies as well as ourselves, and a large number of farmers have left the field of production and gone to the military field. It is not because we are getting what is popularly supposed to be a purer brand of flour and paying a higher price, so that somebody is profiting unduly. It is because of the market condition.

Let me continue. The flour having been prepared from the wheat berry, is shipped into the market in much less bulk than when it left the local elevator or the farmer to be carried to the milling center. Everybody knows it who studied the freight question and the capacity of the rolling stock of the carriers. All the cars accumulate in the eastern centers. That is because from the West, as a rule, a greater tonnage of bulky merchandise or unmanufactured merchandise comes to the East. That takes the space. When the cars are emptied of the bulky merchandise, the grain unmanufactured, or if it is not the coarse grain unmanufactured, or if it is flour not made up yet at the plant of the different baking or biscuit companies and put into boxes, it requires bulk; but when it is in the highly manufactured form, ready for consumption, run through the bakeshops and ready to go from the box to the table of the consumer, it then occupies a comparatively small part of a freight car.

The result is that freight accumulates in the East and the empties have to be sent back West. That is the standing evidence of the fact that from the West comes the coarse form of merchandise, not so highly manufactured, as flour unmanufactured. The price is added to it. It reaches the form of foodstuffs in its final state. Of course, the price is higher the nearer it reaches that form. When we pay for it in its finished form there is less of the freight in the cost than there is in the bulky grain.

The query of the Senator from North Dakota is based on that fact. The more highly manufactured the merchandise is the lower the price of freight in the transportation. That is the natural effect of it. That I think explains mainly the question asked by the Senator from North Dakota.

Now, to return to the query of the Senator from Idaho [Mr. BORAH], the question it seems was one interfering with the right of property, the private right, and that I have been at times somewhat vociferous in my criticisms of socialistic schemes. I have, and I expect to be more so in the future if it is possible within my limited knowledge of the question and my ability to express myself.

Mr. President, if this be a socialistic scheme then the moratorium for the benefit of the soldier in the camp or field is socialistic. The moratorium now delays the collection of every debt owed by any person in the military or naval service of the United States. I have several constituents at home holding considerable in the form of negotiable paper against those in the military service. I have written them, Mr. President—all of them, where they have taken the trouble to write me to get the current information before the law was well known—and I have sent them copies of the act so that they might know what their rights were. They can not collect; they can not sue on a note; they can not foreclose on a mortgage, whether maturity of principal has come or not, or it is merely the maturity of interest. They are bound to hold their indebtedness as it now is until the end of the war or a given period thereafter.

Now, I do not think the holder of negotiable paper, of a note secured by a mortgage on real estate, where the maker or debtor is in the military or naval service, has any more right than a landlord or vice versa. If the landlord has more right here than the one holding the paper against one in the military service, then he can rightfully criticize this resolution and the legislation that will follow it.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Minnesota?

Mr. SHERMAN. Yes, sir; I yield.

Mr. KELLOGG. On that point I should like to make a suggestion to the Senator from Illinois. Suppose the Senator from Illinois had done as many do in Washington—that he had leased his house for two summer months at a small rental because he would rather have it occupied than to have it vacant. This bill is passed. He must continue that lease and his house is taken away from him for a year after the war closes for the rent he has been receiving as a matter of accommodation for two or three months. Does the Senator from Illinois believe that that is constitutional or within the power of Congress to do when it is merely applied to landlords in the city of Washington?

Mr. SHERMAN. I do, if any such stay laws in war are. If that be not constitutional in a joint resolution, Mr. President, then the moratorium is unconstitutional. Those employed in the civil service of the Government in Washington have as much right to protection, they have as much constitutional right to appeal to Congress and to obtain legislation for protection for those in the civil service of the Government as those in the military and naval service have a right to appeal for and to obtain, as they have done, proper protection against the collection of debts.

Mr. SMITH of Michigan. Will the Senator let me ask him a practical question?

Mr. SHERMAN. Yes, sir.

Mr. SMITH of Michigan. Suppose a landlord had rented a house last year for $100 a month to a tenant for one year or for a year and a half, the condition being that the landlord should keep it heated in the wintertime, but that after the lease was made difficulties attending the coal situation ensued and added greatly to the expense which the landlord was under; does the Senator from Illinois think that a bill should be passed by Congress maintaining the status quo of that tenant without imposing any additional burden upon him? Would that be just or equitable or fair?

Mr. SHERMAN. It would not be if imposed as a permanent rule, but this joint resolution is not intended for a permanent rule; it is only intended to sustain present conditions until the legislation following in the form of a bill is enacted. The joint resolution is to remain in force during the war and for a given time afterwards, when proper legislation covering the subject may be brought before both branches of Congress and be enacted; but, for temporary purposes, I think this proposed legislation is within the power of Congress.

The Senator from Iowa [Mr. CUMMINS] propounded practically the same query, as to whether a landlord can be kept from the possession of his property, amounting to a dispossession of the landlord. I answered that the same as I have answered the query of the Senator from Minnesota [Mr. KELLOGG], that if the law granting a moratorium is valid, if these laws that sustain the right of one who is in the military or naval service to be free from annoyance, that his family shall be free from dispossession or eviction while the head of the family is absent in the service, if these matters are based upon a sound reasoning, then it is likewise as to the persons here in Washington who are living in the Capital City—a city the like of which there is no other one in the United States—in that event, this joint resolution and the succeeding legislation are valid.

Mr. CUMMINS. Will the Senator from Illinois yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Iowa?

Mr. SHERMAN. I yield.

Mr. CUMMINS. I think the Senator from Illinois just referred to me as having raised the same question about the propriety of this legislation as between landlord and tenant. The Senator is in error about that. I made the suggestion that where a purchaser had entered into possession under a contract of sale or purchase there ought to be at least a provision in the measure that if the purchaser did not fulfill the terms of the contract of purchase the seller could resume possession, just as the landlord under the contract can resume possession if the tenant does not perform the conditions of the contract of lease.

Mr. SAULSBURY rose.

Mr. SHERMAN. In just a moment I will yield. The tenant must keep the terms of the lease as provided on page 2. There are some matters in this joint resolution as it left the other House, if I were myself writing it, that I, together with my colleagues on the committee, should prefer had been otherwise disposed of, but rather than delay it I was willing to take it as it was.

Mr. President, I wish to say before yielding to the Senator from Delaware [Mr. SAULSBURY] that I will suggest to the senior Senator from Idaho [Mr. BORAH] that I myself will take my chances when the final accounting is had, with my many imperfections and sins, with those who are covered in the bill or the joint resolution. I will take my chances, Mr. President, with Mr. Munsey, although he is the owner of newspapers and magazines, and is a gentleman, no doubt, not to be spoken of

without fear and trembling; one who will level his maledictions and shed printer's ink like gore upon the battle field on those who offend him—I will take my chances with Mr. Munsey in the final accounting with as much courage as I ever did anything in my life if he perseveres in his present conduct. Before the committee, both in the House of Representatives and in the Senate, the evidence shows that Mr. Munsey—reformer as he is—who is leasing to the Government space for which he collects under the old rate $10,500 a year, has notified the Government that on the 1st day of July, 1918, he will raise it to $31,500 a year for the same space in the same building in the same city. I will take my chances, I will say to the Senator from Idaho, alongside of the redeemed and regenerated Mr. Munsey when it comes to a question of profiteering upon the Government at the rate of 300 per cent, as he is doing according to the evidence at the hearing before the committee.

I would be perfectly satisfied if there were an explanation made—and I hope it will be made—in which it would be shown that this is erroneous; but it was the testimony a long time ago, heard before the House committee and heard again before the Senate committee. There has been no explanation, there has been no contradiction by the agent of the building, who is convenient of access here any day. So I am led to the conclusion that in the dire need of the Government, when it is collecting from the taxpayers of the country all that it in justice feels that it can collect in intervals from them to meet the great exigencies of the war, along comes this gentleman and insists upon collecting from the Government 300 per cent more than he did the year before. It is an instance, Mr. President, of another reformer who has lost his civic chastity in the mad rush for gain.

The mere fact that Mr. Munsey may own newspapers does not terrify many of us. I have seen a great many gentlemen who have owned newspapers but could not get anywhere when they ran for office. I have seen them run for office all the way from alderman in my own city and in Chicago to Senator of the United States, and I never in my life saw a great newspaper editor of a metropolitan paper elected.

Mr. BORAH. Mr. President, there are some newspaper men who are now Members of this body.

Mr. SHERMAN. I am entirely impartial in my observations if there are. The Senator will notice I made no exceptions in the particular group.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Delaware?

Mr. SHERMAN. I yield.

Mr. SAULSBURY. I think the matter covered by this joint resolution can probably be expedited by asking leave to withdraw my motion to concur in the House amendments and moving that the Senate disagree to the amendments of the House of Representatives and ask for a conference with the House on the amendments of the House, the conferees on the part of the Senate to be appointed by the Chair.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware.

Mr. FLETCHER. Mr. President, I do not rise to object, but before the motion is put I should like to ask leave to insert in the RECORD a letter which I received this morning bearing on this subject. I do not vouch for the facts set out in the attached statement and communication, but it is a very intelligent communication and conceivably states the situation quite fairly, I think. I do not even know personally the writer, but I am acquainted sufficiently with the conditions in the District of Columbia myself to believe what he is stating to be a correct representation of the situation so far as it goes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

There being no objection, the letter was ordered printed in the RECORD, as follows:

FIDELITY STORAGE CO.,
Washington, D. C., May 17, 1918.

Senator D. U. FLETCHER:

The writer is in the building and real estate business, and, of course, is interested in the various bills under consideration by Congress to prevent profiteering.

Doubtless some unwarranted raises in rent have been made, but some increase is necessary to cover the enormous increases in the cost of maintaining and upkeep of real estate.

The enormous prices paid for labor and material on the buildings erected by the Government is largely responsible for the increased cost.

A carpenter recently working for me at $5 per day worked last week on a Government building at Sixth and B Streets and drew $107 for the week's labor, including overtime. An electrician formerly worked for me (recently) drew $120 for one week's pay on a Government building.

Many laborers—not trained mechanics—have been taken from my force and put to work on Government buildings, under the guise of carpenters; they are put to work doing common labor, and with allowance of time and half and double time frequently draw $75 to $90 per week.

The upkeep of real estate has increased in greater degree than cost of food, shoes, and all other merchandise, dependent largely on cost of labor.

A building must be kept in repair. Roofing, glass, outside woodwork, parking, plumbing, heating plant, electric work, painting, papering, etc.

Material and labor have gone up over 100 per cent on all of the above. Carpenters two years ago were paid $3.50; now $5 to $6. Painters two years ago were paid $3; now $5 to $6. Laborers were formerly paid $1.50 per day; now $3.50 to $4 per day.

Plumbers, electricians, masons in like proportion. Wall paper, paint, plumbing material, tin, glass, etc., are more than double. Labor is much less efficient. No one cares whether he keeps his job or not.

An insurance trust is operating in the District, which has raised insurance in some instances 300 per cent. Congress passed a bill presumably attempting to stop this, but by careless wording of the law insurance business slipped through.

Probably 70 per cent of owners are obliged to borrow money. Interest rates, formerly 4½ and 5 per cent, have advanced to 6 per cent on all except the choicest loans. Borrowers are obliged to pay a commission in addition, which makes the rate about 6½ per cent.

Awnings and screens have increased about 200 per cent and last about three years.

People not familiar with real estate business overlook the annual depreciation, which will average on brick buildings 2½ per cent on the whole building. Plumbing must be renewed on an average of 25 years, 4 per cent depreciation; electric work, 20 years, 5 per cent depreciation; roof, 8 to 10 years, 12½ to 10 per cent; heating plant, 25 years, 4 per cent; outside blinds, etc., 20 years, 5 per cent. This is in addition to the annual repairs of leaks and minor replacements.

Taxes are higher. Now owner pays for renewal of street pavements, resetting curb, relaying sidewalk, etc.

Where service is supplied coal formerly $3.85 per ton now $8.85 per ton put in cellar. Removing ashes about three times increased. Fireman's wages about double. Elevator operators about double. Telephone switch labor about double. Hall cleaners, janitors, and manager about double. All cleaning supplies, soap, brushes, etc., about double. Elevator repairs, new cables, grease, etc., and labor about 300 per cent.

I can't make this letter too long, but many additional items all go to make up the annual cost of carrying real estate.

These are facts which can not be obscured by abuse of owners.

If ignored by intemperate legislation, it must necessarily stop all building for rental purposes. Just as effectively as if a ukase called for shoes, to be sold at prewar prices, no shoes would be for sale in the District.

The city is growing and should have more dwellings to accommodate the inhabitants.

The threat of confiscatory legislation has now scared nearly every owner into selling his house, rather than continue renting.

Practically no building is done without borrowed money for part of the cost. The proposed legislation has already made it almost impossible to borrow money on new projects.

JAMES L. KARRICK.

A REAL ESTATE FACT.

WASHINGTON, D. C., *May 17, 1918.*

A man died a few years ago and left two houses to his widow in expectation that the rents would maintain her during her declining years. These houses are located in a fashionable neighborhood, they cost 12 to 15 years ago about $12,000 each to build, the lots cost about $3,000 each, a total cost of about $15,000.

The husband to help build the houses had borrowed on one $7,000 and on the other $5,000. The widow had been obliged to raise an additional $1,200 secured by a second mortgage, to pay the carrying expenses during the vacancies.

During 1917 one of the houses was vacant, the other rented to a gentleman at, per year		$660
The widow's expenses for the house that was rented was:		
Interest and commission on $5,000	$275	
Interest and commission on $1,200, second mortgage	120	
Taxes	78	
Insurance	10	
Water	12	
To real estate agent for collection	33	
		528
Leaving for repairs and income on $8,800 invested in the house		132

No income was received from the vacant house next door. The widow, in desperation, tried to save both houses from foreclosure, but failing to pay her taxes and interest, the rented house sold at foreclosure of the first mortgage.

The lessee then notified the purchaser that unless certain repairs were made he would move out. A list was submitted which was estimated to cost about $2,000. Failing to get these repairs the lessee thereupon proposed to take the widow's other house at $660 provided $200 was expended on repairs. The widow, hoping to save the balance of her inheritance, agreed to this, provided the lessee would spend the $200 and deduct from the rent $25 per month until reimbursed. The result is she is behind in taxes and interest and is about to lose this house also, under foreclosure sale. The lessee is not to blame for making the best bargain he could for himself.

But do you propose to enact a law compelling this poor woman to continue to accept $660 for what formerly brought $1,200, and which she would now have no difficulty in getting again?

Such a law means not only a temporary loss of income but total financial ruin. Hundreds of cases can be shown of just as great hardship. All this poor widow begs for is a law giving her a reasonable rental.

Mr. FLETCHER. I will say further, Mr. President, that I am glad that the committee has asked that the joint resolution go to conference. It seems to me it involves a monstrous proposition. I have no acquaintance with Mr. Munsey or any of his affairs, and I am not attempting to defend him, nor would I for a moment utter anything here by way of justification or excuse for the profiteers who are making money at the expense of the people by extortionate charges, but I am impressed with the fact that most of the profiteering comes from subtenants and

sublessees, people who have rented from landlords, who let them have the premises at reasonable prices, and who have themselves furnished, in some instances, apartments or buildings and sublet them and are making enormous and exorbitant profits by subletting those premises. That condition ought to be adequately dealt with and remedied. I would say a word in behalf of the honest, straightforward, patriotic landlords of the District, and there are landlords in that relation. There are plenty of people here who have invested their money in apartments and other buildings in good faith, and who are entitled, it seems to me, to some little consideration. I will admit that the tenants are entitled to consideration also, but the people who own property and who have developed that property, who have invested their money in it, are entitled to some slight consideration at the hands of Congress. This joint resolution would deprive them largely of any sort of control of their own property, even the right of possession of their property.

Take, for instance, a landlord who rented a house last October—and the leases in the District usually run from October to October—and suppose the tenant occupying such a house or such an apartment has not violated the lease by committing any of the torts or wrongs which would violate the covenants usually embodied in leases, but is nevertheless undesirable and unsatisfactory, and suppose the lease by its very terms and the solemn covenants contained in it expires on the 1st of next October. In those circumstances Congress undertakes to say that the owner of the property can not have possession of it; that the tenant must stay there on the same terms as to rent, provided he pays his rent—and, of course, he will do that—not only for another year or two years or three years, but for an indefinite period, until the expiration of one year after the treaty of peace, and the Lord only knows when that will be; nobody can guess, nobody can say. It is an indefinite appropriation by the Government of a man's property, and denying him, the owner of the property, the right to its possession. I never heard of such a monstrous proposition. It is absurd; it is too ridiculous, it seems to me, to be urged for a moment. It may be that the landlord has rented that property at a figure much below its actual value. Undoubtedly it is true, and everybody knows it is true, that the expense of heat and light for apartments has increased and the expense for repairs has greatly increased. I do not know that the taxes have increased very much; the taxes in the District, I think, are quite reasonable; but generally throughout the country the taxes have increased. At any rate, however, all these necessary charges against the property have greatly increased since last October; but in spite of all that the landlord, the owner of the property, is not permitted to get one cent more than he did a year ago for those premises, and he is obliged to keep there the present occupant, no matter how undesirable that occupant may be.

I am very glad that the Senator from Delaware has seen fit to move that the joint resolution go to conference, in the hope that they will bring it back in a somewhat more reasonable shape than it is at present.

Mr. SAULSBURY. Mr. President, I wish only to say a word. I can not permit my friend, the Senator from Florida [Mr. FLETCHER], to make the statement he has about this joint resolution unless he can say to me that he has read the testimony which the committee with great industry took before proposing the joint resolution. Of course, the speech just made by the Senator from Florida is the old-fashioned property holder's speech in favor of protecting the landlord. I think that one of the great things this war is doing for us everywhere is making the people of this country and throughout the world feel more keenly the rights of humanity, as compared to the rights of property, and appreciate that we can not deal as tenderly in all cases as we have heretofore done with the rights of property when the rights of men and the rights of women come in conflict with the rights of property.

Mr. JONES of Washington. Mr. President, I am not going to oppose the request of the Senator from Delaware [Mr. SAULSBURY] to send this joint resolution to conference, although I can not see how the conference committee can meet any of the objections which have been made to the joint resolution today. All the substantial provisions of the joint resolution have been agreed to and passed by both the House and the Senate. The amendments made by the House are in a sense immaterial; they do not go to the substance of the joint resolution as it passed the Senate, and when the conferees bring it back, unless they violate the rules of conferences, the objections that have been made to it will apply to any conference report that can be brought in here, as far as that is concerned.

Mr. FLETCHER. Mr. President, if I may say just a word? I do not care to be put in the position of speaking for the interests of profiteers or of championing specially the interests of landlords. I am simply appealing for fair consideration for them, as well as consideration for tenants. My impression was when this joint resolution originally passed the Senate that it was intended to cover a situation until a general bill, which was to apply not only to landlords and not only to tenants but to other conditions in the District, might be agreed upon. The Senate subsequently passed that bill, and it went back to the House. If this joint resolution should be limited to the time when that legislation can be written into law, I am agreeable that it should be done, but the present proposition is to have the joint resolution remain a law for a year after a treaty of peace. That is my objection to it.

I will say further, with reference to a good many of the landlords, that I presume over 50 per cent of the property owned here is under mortgage, and under heavy mortgage. It will be utterly impossible for them to meet their obligations if they are to be deprived of their reasonable rights in connection with their own property.

Mr. JONES of Washington. Mr. President, I might say that it is possible for the conferees to meet the objection which the Senator from Florida makes. We can limit the time to less than one year after the close of the war and put it as the Senate passed it, or make it either a shorter or a longer time.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware [Mr. SAULSBURY].

The motion was agreed to, and the Presiding Officer appointed Mr. SAULSBURY, Mr. POMERENE, and Mr. SHERMAN conferees on the part of the Senate.

The PRESIDING OFFICER. If there be no further reports of committees, bills and joint resolutions are in order.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE:

A bill (S. 4569) to establish the Mount Desert National Park in the State of Maine; to the Committee on Public Lands.

By Mr. HARDING:

A bill (S. 4570) granting a pension to John E. Graham (with accompanying papers); and

A bill (S. 4571) granting an increase of pension to Stephen R. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. NUGENT:

A bill (S. 4572) granting an increase of pension to John W. Dickens (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 4573) granting an increase of pension to Charles Belknap (with accompanying papers); and

A bill (S. 4574) granting an increase of pension to Adoniran C. Harper (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. HARDING submitted an amendment providing that the Paymaster General of the Navy shall cause to be paid to Mrs. Susie A. Van Kirk, mother of the late Dean R. Van Kirk, ensign, National Naval Volunteers, an amount equal to one year's pay at the rate received by that officer at the date of his death, May 1, 1917, intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

LIGNITE COALS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 3220) authorizing the Secretary of the Interior to make investigations, through the Bureau of Mines, of lignite coals, to determine the practicability of their utilization as a fuel and in producing commercial products, which was referred to the Committee on Mines and Mining and ordered to be printed.

COMMITTEE SERVICE.

On motion of Mr. MARTIN, it was

Ordered, That the junior Senator from Idaho, Mr. NUGENT, be assigned to membership upon the Committee on Finance.

THE CALENDAR.

The PRESIDENT pro tempore. The morning business is closed. The calendar under Rule VIII is in order.

Mr. MYERS. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, and that unobjected bills be considered.

The PRESIDENT pro tempore. That is the regular order.

Mr. MYERS. Not unobjected bills. The regular order is the calling of the calendar for anything, as I understand.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the Senate proceed to the consideration of the calendar, and that unobjected bills only be called. Is there objection? The Chair hears none and it is so ordered.

BILLS PASSED OVER.

The first business on the calendar was the joint resolution (S. J. Res. 39) to appropriate $3,000,000 to enable the Secretary of Agriculture to prosecute the work of eradicating the southern cattle tick.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 53) authorizing the President to appoint two additional Assistant Secretaries of Agriculture, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1725) to stimulate the production of food upon private and public lands within reclamation projects, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 91) extending the authority of and provision for the committee appointed under S. Res. 92, Sixty-third Congress, first session, to investigate the charges of alleged attempts to influence legislation, was announced as next in order.

Mr. SMOOT. I ask that that go over, Mr. President.

The PRESIDENT pro tempore. The resolution will be passed over.

The joint resolution (S. J. Res. 25) providing for the appointment of a joint committee to be known as the joint committee on the conduct of the war, was announced as next in order.

Mr. FLETCHER. I ask that that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The concurrent resolution (S. Con. Res. 10) authorizing the appointment of a joint committee to investigate the causes of the recent riots in East St. Louis, Ill., and to report thereon, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The concurrent resolution will be passed over.

The joint resolution (H. J. Res. 200) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 12) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President without the intervention of the electoral college, establishing their term of office from the third Tuesday of January following their election, and fixing the time when the terms of Senators and Representatives shall begin, was announced as next in order.

Mr. SMOOT. Mr. President, that joint resolution is adversely reported. The Senator reporting it is not in the Chamber, but I do not think there will be any objection to its consideration.

Mr. LODGE. Why not dispose of it?

Mr. SMOOT. I will ask that it go over.

Mr. FLETCHER. Let it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 385) to authorize mining for metalliferous minerals on Indian reservations was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

NONMINERAL ENTRY OF LANDS IN ALASKA.

The bill (S. 950) to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska was considered as in Committee of the Whole.

Mr. SMOOT. I believe the bill has been read, Mr. President.

The PRESIDENT pro tempore. The bill has been read in full. The bill is in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. LEWIS. Mr. President, for information, does the Senator from Utah know the purport of this bill? My only object in making the inquiry is that I do not wish to let a bill pass with my assent, though I would not work an obstruction, that gives to any private ownership in this country control of the coal and oil. I have long been an advocate, and would say to the Senator now that my purpose is to continue the advocacy, of the doctrine that coal and oil, the substances of fuel, ought to be taken charge of by the Government and supervised in their disposition, whether by lease or otherwise, or by sale, as the Secretary of the Interior may direct. I am opposed to the policy of private ownership of these minerals.

Mr. SMOOT. I will assure the Senator that there is nothing in the bill with that in view. It is a departmental bill, approved by the Secretary of the Interior, who asks for its passage.

Mr. LEWIS. Since the Secretary takes that attitude, I certainly shall interpose no obstruction.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUSINESS PASSED OVER.

The bill (S. 23) granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State university of the State of Nevada was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 90) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. LODGE. That may go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 3311) to increase and expedite the supply of munitions of war was announced as next in order.

Mr. FLETCHER. I think that had better go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 49) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1795) to relieve Congress from the adjudication of private claims against the Government was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3522) to amend an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, was announced as next in order.

Mr. OWEN. Let that go over.

Mr. LODGE. I do not see in the Chamber the Senator who has the bill in charge, but I should like to ask whether that bill has not been entirely covered by the espionage act?

Mr. FLETCHER. I think it has. The Senator from Texas [Mr. CULBERSON] is not in the Chamber, but I think that is quite true.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

INTERNATIONAL CONFEDERATION OF DEMOCRACIES.

The resolution (S. Res. 196) to print the pamphlet entitled "An International Confederation of Democracies under a Constitution" as a Senate document was announced as next in order.

Mr. FLETCHER. That may be indefinitely postponed. The article referred to was printed in the RECORD under extension of remarks in the House. I ask to have the resolution indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the resolution will be indefinitely postponed.

BILLS PASSED OVER.

The bill (S. 947) validating certain homestead entries was announced as next in order.

Mr. LENROOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 951) to provide for the sinking of artesian wells, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3783) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who

served in the Civil War and the War with Mexico," approved May 11, 1912, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

OREGON & CALIFORNIA RAILROAD CO.

The bill (H. R. 5489) to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co. was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, in the administration of the act of June 9, 1916, entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon,' approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes" (39 Stat. L., p. 218), is hereby authorized and empowered, in his discretion, to exchange lands formerly embraced within the grant to the Oregon & California Railroad Co. and revested in the United States by said act for other lands of approximately equal aggregate value held in private ownership, either within or contiguous to the former limits of said grant, when by such action he will be enabled thereby advantageously to consolidate the holdings of timberlands by the United States: *Provided*, That all lands and timber secured by virtue of such exchange shall be disposed of in accordance with the terms and provisions of said act of revestment.

SEC. 2. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF OFFICERS AND ENLISTED MEN.

The bill (S. 3527) to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States," approved March 3, 1885, was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The bill has already been read. It is in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECLAMATION OF ARID LANDS.

The bill (S. 758) to increase the productive agricultural area of the United States by the reclamation of arid and swamp lands was announced as next in order.

Mr. GRONNA. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

KATHERINE MACDONALD.

The bill (S. 2975) for the relief of Katherine Macdonald was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 5, to strike out "$9,819" and insert "$9,117," so as to make the bill read:

Be it enacted, etc., That there is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $9,117 to and for Katherine Macdonald, of Butte, Mont., for and on account of unpaid claims held by her on account of work and services performed on or supplies furnished for the construction of the Corbett Tunnel, a part of the Shoshone reclamation project in the State of Wyoming.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3439) for the relief of certain homestead and desert-land entrymen was announced as next in order.

Mr. SMOOT. Mr. President, I shall have to ask that that go over for the day.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 132) to amend section 14 of the food-control act by increasing the guaranteed minimum price of wheat for the crop of 1918 from $2 to $2.50 per bushel was announced as next in order.

Mr. GRONNA. Mr. President, that amendment was put in the agricultural bill. As the Senator from Oklahoma [Mr. GORE] is not here, I shall ask that it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

DISTRICT JUDGE FOR CALIFORNIA.

The bill (S. 2910) providing for an additional judge for the northern district of California was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment to strike out all of sections 2 and 3, so as to make the bill read:

Be it enacted, etc., That the President of the United States shall appoint, by and with the advice and consent of the Senate, an additional judge for the northern district of California, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same salary now prescribed by law in respect of the present district judges therein.

The amendment was agreed to.

Mr. THOMAS. Mr. President, when this bill was reached upon the calendar, yesterday or the day before, I objected to its consideration. It was called some time before that, and I then also objected to its consideration.

I shall not interpose any objection now, for the reason that I do not feel that I should discriminate between my friend the Senator from California [Mr. PHELAN] and those who are favoring other bills for similar purposes; but I think it is a mistake to increase the number of judges now upon the Federal bench, just as I have opposed at various times in my own State the increase in the number of judges upon the State bench. The number of our judiciary is enlarging beyond all reason and all necessity. I am quite aware that in making that statement I shall provoke the very decided opposition of many of my associates, but I am expressing an opinion that is the result of considerable observation and has been long entertained.

The number of judges in Great Britain is less than the number of judges in the State of Illinois, while the population which they serve is infinitely larger, and the reason for the difference in the two is found in the different methods of procedure. The judges in the older country are at work practically all the time. Our judges think they do pretty well if they meet at 10 o'clock, take a recess for lunch, and adjourn for the day at 4 or half past 4, and that regardless of the state of the docket or the character of the business then before the court. If instead of doing that, the judges would perform 50 per cent more work that might be done, and done efficiently, instead of there being need for more judges at a bigger salary roll the tendency might be the other way.

In my State, having a population of a million in round numbers, we have one district judge. He occasionally requires some assistance outside and gets it in the assignment of a judge from another district to help him out. Now we are entering upon the practice, and it will grow and continue to expand, of relieving overcrowded dockets by increasing the number of judges. The precedent once established grows like a Canada thistle. There are a number of such bills on the calendar or at least several of them have been enacted or have passed the Senate during the present session. The people of my State will very soon be demanding another judge, possibly two of them, and their demand will be reenforced by the precedent to which I refer. I have no doubt that in the discharge of my duties here I shall be required to advocate an increase of the Federal judiciary in my State, notwithstanding the fact that I am convinced, and I know the judge of that district is convinced, that it is not necessary.

It is for that reason I have made these objections. I think they are well founded, and I shall always continue to think so.

Mr. PHELAN. Mr. President——

Mr. LODGE. Has objection been made?

The PRESIDENT pro tempore. There was no objection made.

Mr. LODGE. Then I ask for the regular order. Under this unanimous consent I do not think indefinite debate is in order.

Mr. PHELAN. I am quite willing to refrain from making any remarks. I understand the Senator from Colorado has not objected to the consideration of the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT FOR DEFALCATIONS OF NAVY PAYMASTER'S CLERK.

The bill (S. 3125) for the relief of certain enlisted men of the United States Navy was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named men the sums of money following their names, respectively, or so much thereof as may be found by the Secretary of the Navy, upon evidence satisfactory to him to have been lost by said men and upon certificate from the Secretary of the Navy as to the amount to be paid: A. Balton, $67; Bernard C. Blezunski, $36; C. C. Bleam, $57; W. J. Brown, $50; Lemuel F. Dixon, $50; Elmer M. Hall, $30; J. Hello, $5; W. P. Hunt, $67; C. E. Jordan, $47; T. E. Kent, $40; Gustave A. Lohse, $76; L. E. Looney, $50; George L. Rice, $60; R. R. Sprott, $50; E. A. Stoner, $62; Max Szwajkowski, $102; E. T. Taylor, $50; Wenford P. Thorogood, $55; N. J. Turpin, $50; W. H. Wilson, father of A. W. Wilson, $87; Elmer Wilson, $50; Robert Wittig, $85; John A. Wohlgren, $85; and the sum of $1,311, or so much thereof as may be found, as above provided, to have been lost, is hereby appropriated to carry

out the provisions of this act, the said sums being the amounts claimed to have been lost by the parties named by reason of the defalcations of former paymaster's clerk, Theodore N. Carter, United States Navy, who deserted January 10, 1912, and who is still in desertion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2120) for the relief of the Wisconsin Band of Pottawatomie Indians, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The bill will go over.

The bill (S. 3011) for the relief of Winfield S. Solomon was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3646) to grant rights of way over Government lands for reservoir purposes for the conservation and storage of water to be used by the city of San Diego, Cal., and adjacent communities was announced as next in order.

Mr. GRONNA. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The next business on the calendar was the joint resolution (S. J. Res. 136) providing for the registration for military service of the subjects or citizens residing in the United States of a foreign country with whose Government the United States has concluded or hereafter concludes a convention or agreement consenting to such aliens being drafted into the military forces of the United States under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," and all amendments thereto.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The joint resolution goes over on objection.

The bill (S. 1478) for the relief of John F. Kelly was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 164) for the relief of Adolph F. Hitchler was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will go over on objection.

The joint resolution (H. J. Res. 70) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The joint resolution will go over.

STEAMBOAT INSPECTION.

The bill (S. 2104) to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States was announced as next in order on the calendar.

The PRESIDING OFFICER. The bill has been heretofore considered and the first amendment of the Committee on Commerce, increasing the number of supervising inspectors from 10 to 11, was agreed to. The next amendment will be stated.

The next amendment was, on page 2, line 17, to strike out "$3,600" and insert "$3,450," so as to read:

Each supervising inspector shall be entitled to a salary of $3,450 a year and his actual necessary traveling expenses while traveling on official business assigned him by competent authority, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce.

The amendment was agreed to.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDING OFFICER. It will go over on the request of the Senator from Utah.

ADULT ILLITERACY.

The bill (S. 4185) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. It will go over.

HEIRSHIPS IN FIVE CIVILIZED TRIBES.

The bill (S. 4151) to provide for a determination of heirship in cases of deceased members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Tribes of Indians in Oklahoma, conferring jurisdiction upon district courts to partition lands belonging to full-blood heirs of allottees of the Five Civilized Tribes, and for other purposes, was announced as next in order.

Mr. OWEN. Mr. President, that bill relates to the question of titles in the Five Civilized Tribes of Oklahoma and is asked for by the Farm Loan Bank at Wichita, Kans. It is a short bill, and I think there is no objection to it provided one or two amendments are made to it in order to remove what would be objections.

Mr. SMOOT. I ask the Senator if this is the bill that he was consulting with the Senator from Kansas [Mr. CURTIS] about?

Mr. OWEN. Yes; the Senator from Kansas and I have agreed upon the amendments to be made.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. OWEN. On page 2 I move to strike out lines 2, 3, and 4, in the following words:

and when such proceedings have heretofore been conducted in compliance with the laws of said State then in force, the judgment and final order therein entered shall have like effect as of the date of its entry.

The amendment was agreed to.

Mr. OWEN. After the word "begun," in line 15 on page 2, I move to insert:

But this proviso shall not be construed to reopen the question of the determination of an heirship already ascertained by competent legal authority under existing laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRED H. GALLUP.

The bill (S. 3945) to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Fred H. Gallup, formerly a captain of Field Artillery, whose nomination as major of Field Artillery was confirmed by the Senate in June, 1916, a major of Field Artillery, to take rank at the foot of the list of majors of Field Artillery, and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of majors of Field Artillery now authorized by law by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS AND SAILORS' CIVIL RELIEF ACT.

The next business on the calendar was House concurrent resolution 39, to authorize the printing of 250,000 copies of the soldiers and sailors' civil relief act, approved March 8, 1918, etc.

Mr. SMOOT. I ask that that may go over.

The PRESIDING OFFICER. It will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 8496) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. THOMPSON. The Senator from Montana [Mr. WALSH], the chairman of the Committee on Pensions, is obliged to be absent in attendance upon a very important meeting of the Committee on Indian Affairs, and he requested me, as a member of the committee, in his absence to take charge of the pension bills on the calendar. I ask that this bill be taken up for action on the committee amendments.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, after line 5, to strike out:

The name of Barbara F. Hicks, widow of Francis M. Hicks, late of Company G, Twenty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Allie Hicks, helpless and dependent child of said Francis M. Hicks, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Barbara F. Hicks the name of said Allie Hicks shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Barbara F. Hicks.

The amendment was agreed to.

The next amendment was, on page 4, line 16, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Isaac D. Nichols, late of Company A, battalion, Forty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 24, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of John Sanders, late of Company F, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 3, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Samuel H. Smith, late of Company C, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 7, before the words "per month," to strike out "$24" and insert "$21," so as to make the clause read:

The name of William H. Brenner, sr., late of Company D, Tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $21 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 3, before the words "per month," to strike out "$30" and insert "$27," so as to make the clause read:

The name of James M. Birdwell, late of Company C, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 3, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Andrew P. Grubaugh, late of Company C, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 7, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of John Ervin, late of Company D, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 21, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Archibald W. Mayden, late of Company M, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 10, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Simeon Flory, late of Company C, One hundred and seventy-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 16, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Josiah W. Lamb, late of Company I, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 20, before the words "per month," to strike out "$30" and insert "$27," so as to make the clause read:

The name of Nathaniel H. Guthery, late of Company D, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 21, to strike out:

The name of Benjamin B. Cravens, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 7, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of James W. Stine, late of Company F, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 19, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Upton J. Hammond, late of Company A, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 11, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Enos Pearce, late of Company A, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 20, to strike out:

The name of Charles W. Webster, late of Company F, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 22, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of George W. Horton, late of Company B, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 1, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Nelson G. Mills, late of Company D, Seventieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 5, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Zedekiah Stapleton, late of Company A, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 14, before the words "per month," to strike out "$24" and insert "$21," so as to make the clause read:

The name of Edward Van Kleeck, late of Company A, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $21 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 9, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Morris Lincoln, late of Company K, One hundred and thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 16, before the word "Mounted," to insert "Volunteer," and in the same line, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of James Layne, late of Company C, Sixth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 1, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Cyrus S. Lyon, late of Company I, Twenty-seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 20, before the word "Regiment," to strike out "Thirtieth" and insert "One hundred and eighty-eighth," so as to make the clause read:

The name of Hiram Eells, late of Company C, One hundred and eighty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 21, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Hiram Hineline, late of Company D, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 2, to strike out:

The name of Elizabeth Mathews, the widow of Dana Mathews, late of Company F, One hundred and thirtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 22, line 9, before the words "per month," to strike out "$30" and insert "25," so as to make the clause read:

The name of Samuel Shoup, late of Company K, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 10, to strike out:

The name of John Waterhouse, late of Company E, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 21, before the words "per month," to strike out "$40" and insert "30," so as to make the clause read:

The name of Miers B. Betts, late of Company C, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 6, to strike out:

The name of Myrenus Loomis, late of Company I, One hundred and second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 17, before the words "per month," to strike out "$50" and insert "$36," so as to make the clause read:

The name of Emanuel Mayberry, late of Company K, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 10, before the words "per month," to strike out "$36" and insert "$50," so as to make the clause read:

The name of Frederick J. Cressey, late of Company G, Fourteenth Regiment United States Colored Infantry, and Company B, Seventeenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 6, before the words "per month," to strike out "$36" and insert "$50," so as to make the clause read:

The name of George Young, late of Company C, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, after line 16, to strike out:

The name of Isaac B. Robinson, late of Company H, One hundred and thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 23, before the words "per month," to strike out "$40" and insert "$27," so as to make the clause read:

The name of James N. Russell, late of Company D, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, after line 8, to strike out:

The name of Thomas Phillips, late of Company G, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 8, to strike out:

The name of Samuel Cooper, late of Company D, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, line 19, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of John E. Spilman, late of Company G, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 20, to strike out:

The name of Joseph C. Whittington, late of Smith's independent company, Maryland Volunteer Cavalry, and pay him a pension at the rate of $24 per month.

The amendment was agreed to.

The next amendment was, on page 34, after line 23, to strike out:

The name of Frances Watches, the widow of Allen Watches, late of Company C, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 35, line 12, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Edward Smith, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 3, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Horatio S. Howe, late of Company E, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 7, before the words "per month," to strike out "$30" and insert "$27," so as to make the clause read:

The name of Henry Brown, late of Company L, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 11, to strike out "$30" and insert "$25," so as to make the clause read:

The name of George F. Bennett, late of Company B, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, after line 16, to strike out:

The name of Mary F. Russell, widow of Alfred W. Russell, late of Company F, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 39, after line 22, to strike out:

The name of Abbie H. Lewis, widow of Henry A. Lewis, late of Company B, One hundred and twenty-fourth Illinois Infantry, and Company E, Sixty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 40, line 5, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of David K. W. Briggs, late of Company D, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, line 21, before the words "per month," to strike out "$30" and insert "$27," so as to make the clause read:

The name of John Geuder, late of the band, Twelfth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, line 17, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of August Dorman, late of Company A, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, line 21, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Robert Stevenson, late of Company F, Sixty-ninth Regiment New York State Militia Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 46, to strike out:

The name of Charles S. Phelps, late of Campany F, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 46, line 15, before the words "per month," to strike out "$40" and insert "$50," so as to make the clause read:

The name of Allen McKee, late of Company I, Third and Fifth Regiments Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 49, after line 10, to strike out:

The name of Harriet J. Houghtaling, widow of Aaron Houghtaling, late of Company D, Fourth Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

Mr. THOMPSON. On page 25, at the bottom of the page, I move to strike out lines 23 and 24 and lines 1 and 2 on page 26, the beneficiary having died since the bill was reported.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 25, beginning on line 23, it is proposed to strike out the following:

The name of Charles G. Craig, late of Company H, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. GRONNA. I wish to ask the Senator having the bill in charge a question just for information. I notice that quite a number of the items which were passed by the House have been stricken out. Will the Senator kindly give briefly an explanation as to why they have been stricken out?

Mr. THOMPSON. As the Senator may know, these items are considered by subcommittees of the Committee on Pensions, and I have no personal knowledge of the reason any particular item was stricken out. They are all handled by a subcommittee, but I will say to the Senator I expect to ask for a conference with the House, and the conferees will adjust differences in amounts.

Mr. GRONNA. I assume, of course, that the reason why these items were stricken from the bill was because the beneficiaries have died since the bill passed the House. Is not that the reason in most cases?

Mr. THOMPSON. It is my information that the Senator from North Dakota is correct as to most of the items, but a few cases have been considered by the committee on their merit.

Mr. THOMAS. I ask the Senator having charge of the bill what the aggregate increase of pensions carried by the bill amounts to?

Mr. THOMPSON. I am unable to furnish that information because it has not been figured out or estimated.

Mr. THOMAS. I suppose the same is true as to all of these bills? There has been no estimate of the increases?

Mr. THOMPSON. These are House bills.

Mr. THOMAS. I understand that they are, and yet I suppose that the report of the House committee comes to the Senate.

Mr. THOMPSON. I have no knowledge of any estimate having been made as to the exact amount. Of course, it could be ascertained in a short time. There is, however, a full explanation of each case in the committee report.

Mr. THOMAS. Presumably it is too small an item to have concerned the committee.

Mr. THOMPSON. Oh, no; but each individual case is considered by itself, and, of course, the Senator understands that when the cases are put in what is called an omnibus bill it has not been the custom to give the total increase.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 9160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. KIRBY. Mr. President, I believe there ought to be more Senators in attendance when these matters are being passed on. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Guion	Myers	Simmons
Baird	Harding	Nelson	Smith, Md.
Brandegee	Henderson	New	Smith, Mich.
Calder	Johnson, S. Dak.	Nugent	Smith, S. C.
Culberson	Jones, N. Mex.	Overman	Smoot
Cummins	Jones, Wash.	Owen	Sterling
Curtis	Kendrick	Page	Thomas
Fernald	Kirby	Phelan	Thompson
Fletcher	Lenroot	Poindexter	Tillman
France	Lewis	Ransdell	Trammell
Gallinger	McCumber	Saulsbury	Underwood.
Goff	McNary	Shafroth	Wilfley
Gronna	Martin	Sheppard	

Mr. CURTIS. I desire to announce the absence of the Senator from New Jersey [Mr. FRELINGHUYSEN] on account of death in his family.

I wish also to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from West Virginia [Mr. SUTHERLAND] are absent on Red Cross work.

Mr. KIRBY. I wish to announce the absence on official business of my colleague [Mr. ROBINSON], the Senator from Ohio [Mr. POMERENE], the Senator from Mississippi [Mr. VARDAMAN], the Senator from Montana [Mr. WALSH], the Senator from Delaware [Mr. WOLCOTT], the Senator from New Mexico [Mr. FALL], the Senator from Minnesota [Mr. KELLOGG], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Illinois [Mr. SHERMAN], and the Senator from Utah [Mr. KING].

Mr. MYERS. I wish to announce that my colleague [Mr. WALSH] is detained on official business.

Mr. SHEPPARD. I wish to announce that the senior Senator from Kentucky [Mr. JAMES] is detained by illness. I wish also to announce that the junior Senator from Kentucky [Mr. BECKHAM] is absent on official business.

The PRESIDING OFFICER. Fifty-two Senators have answered to the roll call. There is a quorum present.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 2, after the word "Missouri," to strike out "Volunteer," so as to make the clause read:

The name of William Baynes, late of Company L, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 11, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Lizzie Yorker, helpless and dependent child of Paul Yorker, late of Company G, Tenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to strike out:

The name of Daniel Kelly, late of Company G, First Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 5, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of William Gibson, late of Company C, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to strike out:

The name of George W. Mayden, late of Company F, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 14, to strike out:

The name of Joseph Quinn, late of Company F, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 6, to strike out:

The name of William R. Hogue, late of Company G, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to strike out:

The name of Abbie P. Haskell, widow of Joshua Haskell, late of Company B, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 23, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Samuel Mickey, late of Company K, One hundred and seventy-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 9, to strike out:

The name of Silas J. Pickerill, late of Company I, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 3, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Joseph W. Santee, late of Company H, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 12, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of George Gunnell, late of Company M, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 24, before the words "per month," to strike out "$27" and insert "$25," so as to make the clause read:

The name of Joseph R. Moore, late of Company A, One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 5, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of John W. Barnett, late of Company F, One hundred and fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 13, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of William Henderson, late of Company K, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 23, before the word "widow," to strike out "alleged," and on page 14, line 1, after the words "per month," to strike out: "*Provided*, That upon reappearance of the husband and proof thereof, this pension shall cease and determine" and insert "such pension to cease upon proof that the soldier is still living," so as to make the clause read:

The name of Martha E. Gibbins, widow of Edward J. Gibbins, late of Company G, Thirtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month, such pension to cease upon proof that the soldier is still living.

The amendment was agreed to.

The next amendment was, on page 14, after line 16, to strike out:

The name of Hattie M. Dunsmoor, widow of James F. Dunsmoor, late of Company D, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 15, after line 6, to strike out:

The name of Adelia Hamilton, former widow of Henry Mathews, late of Company C, Sixth Regiment Michigan Volunteer Cavalry, and Thirty-third Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 15, line 18, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of Ruel Rounds, late of Company K, Twelfth Regiment Vermont Militia Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 6, to strike out:

The name of Ellen M. Smith, widow of Emory B. Smith, late of Company I, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 17, after line 14, to strike out:

The name of Margaret Steele, widow of Edward T. Steele, late of Company I, Twelfth Regiment, Connecticut Volunteer Infantry, and Company G, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 18, line 9, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Chauncey W. Young, late of Company K, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 5, before the words "per month," to strike out "$50" and insert "$36," so as to make the clause read:

The name of Canada D. Hicks, late of Company K, Forty-ninth Regiment Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 9, before the words "per month," to strike out "$40" and insert "$36," so as to make the clause read:

The name of Percival C. Bishop, late of Company I, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 17, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of William A. Woods, late of Company E, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 2, before the words "per month," to strike out "$27" and insert "$25," so as to make the clause read:

The name of Joseph B. Sullivan, late of Company B, One hundred and fourth Regiment, and Company K, Thirty-fourth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 3, to strike out:

The name of Adaline Ballard, widow of Hiram Ballard, late of Company C, Fourth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 23, to strike out:

The name of John C. Morgan, late of Company A, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 2, to strike out:

The name of Katherine W. Hauns, widow of Valerian Hauns, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 23, line 9, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of James C. Weller, late of Company I, One hundred and thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, after line 21, to strike out:

The name of John R. Ogden, late of Company F, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 24, to strike out:

The name of George W. Hicks, late of Company G, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 4, to strike out:

The name of Sarah D. Bowman, widow of Henry Bowman, late of Company I, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 27, line 7, before the words "per month," to strike out "$30" and insert "$25"; so as to make the clause read:

The name of William Harrier, late of Company A, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 25, before the word "late," to strike out "Cline" and insert "Kline," and on page 28, line 1, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of John L. C. Kline, late of Company E, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, after line 6, to strike out:

The name of Oliver P. Krutz, late of Company E, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 9, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Valentine Fish, late of Company H, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, after line 10, to strike out:

The name of Ellen Hawkes, late of the Medical Department, United States Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, after line 18, to strike out:

The name of Mary A. Luther, former widow of Edwin Otis Evans, alias Edward Jones, late of Company A, Twenty-sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 29, after line 22, to strike out:

The name of Ellen M. Cornell, widow of Josph P. Cornell, late of the Signal Corps, United States Volunteers, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 30, line 19, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of James Beyea, late of Company H, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. THOMPSON. I move to strike out lines 19 to 22, on page 16, in the following words:

The name of Sargent Clark, late of Company A, Fifth Regiment, and Company I, Twelfth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The committee finds that this beneficiary has died since the bill was reported.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9506) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, after line 15, to strike out:

The name of George W. Rathman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 1, after the word "month," to strike out "Pay to the duly appointed guardian," so as to make the clause read:

The name of Pearley Rex Harbert (insane), late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 15, to strike out:

The name of Theodore J. Kountz, late of Company G, First Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

The name of James F. Connell, late of Company A, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 12, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of Lory H. Powell, late of Troop H, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 12, to strike out:

The name of Mack Rittenberry, late of Company A, First Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 22, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of Charles F. Russell, late of Company E, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 22, to strike out:

The name of James E. Norman, late of Company A, First Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 9, after the words "Regular Establishment," to strike out "and Quartermaster's Department," so as to make the clause read:

The name of Charles D. Skirdin, late of Troop I, Fourth Regiment, and Troop I, Second Regiment, United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to strike out:

The name of Fred O. Hamilton, late of Company M, Fourth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, at the top of page 9, to strike out:

The name of John Dowdy, late of Company G, Second Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, after line 7, to strike out:

The name of Seaborn A. Frost, late of Company L, Ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 2, to strike out:

The name of Peter F. O'Brien, late of United States Navy, and Company M, Fourth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 6, to strike out:

The name of Stephen Hill, late of Company C, Twelfth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 17, to strike out:

The name of Richard Gurney, jr., late of Battery F, Fifth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 24, after the words "per month," to strike out "Pay to duly appointed guardian," so as to make the clause read:

The name of Charles V. Bradford, insane, late of Company B, Eighth Regiment United States Infantry, Regular Establishment, and pay to him a pension of $30 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 7, to strike out:

The name of James A. Kelly, late of Company I, Forty-first Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 23, before the words "late captain," to strike out "deceased"; in the same line, after the word "captain," to strike out "and commander"; and in line 24, after the words "United States Navy," to insert "retired," so as to make the clause read:

The name of Sally Speer Signor, widow of Matt Howland Signor, late captain United States Navy, retired, Regular Establishment, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of the minor child, Eugenia, of the said Matt H. Signor, until she reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 14, after line 13, to strike out:

The name of Herschel Spainhour, late of Company D, One hundred and fifty-ninth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The amendment was agreed to.

Mr. THOMPSON. Mr. President, on page 14, I move to strike out lines 7, 8, and 9 of the bill, the proposed beneficiary having died since the bill was reported.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. On page 14, after line 6, it is proposed to strike out:

The name of Joseph Whitney, late of the United States Navy, War with Spain, and pay him a pension at the rate of $24 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9612) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, line 8, before the words "per month," to strike out "$30" and insert "$27," so as to make the clause read:

The name of John Blackburn, late of Company G, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 18, to strike out:

The name of Sarah E. Canton, widow of John Canton, late of Companies I and B, Eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 9, after the word "Infantry," to insert "and brevet brigadier general, United States Volunteers," so as to make the clause read:

The name of Adaline L. Black, widow of John C. Black, late colonel Thirty-seventh Regiment Illinois Volunteer Infantry, and brevet brigadier general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 22, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of John Norfleet, late of Company F, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 5, before the words "per month," to strike out "$24" and insert "$21," so as to make the clause read:

The name of James Smalley, late an unassigned drafted recruit, tenth congressional district of Indiana, and pay him a pension at the rate of $21 per month.

The amendment was agreed to.

Mr. THOMPSON. On page 5, after line 5, I move to strike out lines 6, 7, and 8, relative to John Burns, the beneficiary having died since the bill was reported by the committee.

The PRESIDING OFFICER. The amendment offered by the Senator from Kansas will be stated.

The SECRETARY. On page 5, after line 5, it is proposed to strike out the following clause:

The name of John Burns, late of Company I, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 5, line 12, before the words "per month," to strike out "$27" and insert "$25," so as to make the clause read:

The name of Isaac C. Pierce, late of Company L, Third Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 8, to strike out:

The name of Georgeanna McNatt Mills, former widow of William J. McNatt, late of Company D, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 11, before the words "per month," to strike out "$30" and insert "$27," so as to make the clause read:

The name of Simeon C. Shields, late of Company G, One hundred and forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 16, to strike out:

The name of Eliza H. Cooley, former widow of Newton S. Parker, late of Company B, Eighth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 10, before the word "Regiment," to strike out "One hundred and forty-seventh" and insert "Forty-seventh," so as to make the clause read:

The name of John McKinney, late of Company G, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 12, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of John W. Rawley, late of Company H, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 17, to strike out:

The name of David F. Pierce, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 24, before the words "per month," to strike out "$36" and insert "$25," so as to make the clause read:

The name of David Hunter, jr., late of Company F, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 4, to strike out:

The name of George Saunders, alias "Sandy," late of Company A, First Regiment United States Colored Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to strike out:

The name of Edward R. Chapin, late of Company B, Fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 15, before the words "per month," to strike out "$30" and insert "$27," so as to make the clause read:

The name of James Hagen, late of Company E, One hundred and ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 15, to strike out:

The name of Effie C. Strout, widow of Reuben Strout, late of Company E, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 15, line 22, before the words "per month," to strike out "$40" and insert "$36," so as to make the clause read:

The name of James Thomas, late of Company H, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 6, to strike out:

The name of Polly Kiff, former widow of Edson Murray, late of Company F, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 17, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Morton B. Fitts, late of Company C, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. THOMPSON. On page 16, I move to strike out lines 19, 20, 21, and 22, the soldier therein referred to, Robert Hart, having died since the bill was reported.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. On page 16, after line 18, it is proposed to strike out:

The name of Robert Hart, late of Company G, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 17, after line 14, to strike out:

The name of Sarah E. Dieffenbacher, widow of James G. Dieffenbacher, late of Company B, Fifth Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 17, line 21, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Arba H. Trufant, late of Company A, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 10, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Thomas C. Layton, late of Company E, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 23, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Samuel H. McCartney, late of Company E, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 19, to strike out:

The name of Frances McCloe, widow of Edward S. McCloe, late of Company C, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 19, line 7, before the words "per month," to strike out "$30" and insert "$27," so as to make the clause read:

The name of Elijah Houghton, late of Company D, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 23, before the words "per month," to strike out "$30" and insert "$40," so as to make the clause read:

The name of George W. Littleton, late of Company F, Eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 19, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Samuel A. Bennett, late of Battery B, First Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 21, before the word "Regiment," to strike out "Fourteenth" and insert "One hundred and forty-fifth," so as to make the clause read:

The name of Abraham G. Hendryx, late of Company A, First Regiment Illinois Volunteer Cavalry, and Company I, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 12, after the words "New York," to insert "Veteran," so as to make the clause read:

The name of Annie Sangamo, widow of John Sangamo, late of Company M, Second Regiment New York Veteran Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 24, line 20, after the words "late of," to strike out "Company B, Forty-second Regiment Pennsylvania Enrolled Militia, and," so as to make the clause read:

The name of Catharine F. Reinart, widow of Franklin Reinart, late of Company H, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 24, after line 23, to strike out:

The name of William C. Tanner, late of Company B, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 2, to strike out:

The name of James E. Merrifield, late of Company G, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 1, before the words "per month," to strike out "$36" and insert "$30," so as to read:

The name of George M. Burns, late of Company K, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 10, to strike out:

The name of Emma L. Parker, former widow of William C. Parker, alias Charles Williams, late of Company I, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 27, line 5, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of James H. Baker, late of Company H, One hundred and fifty-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 1, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of John Gillon, late of Company D, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 5, before the words "per month," to strike out "$24" and insert "$21," so as to make the clause read:

The name of Albert Burgher, late of band, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $21 per month.

The amendment was agreed to.

The next amendment was, on page 29, line 8, before the words "per month," to strike out "$36" and insert "$25," so as to make the clause read:

The name of James E. Upham, late of Company C, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 11, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of William R. Tingley, late of Company A, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. THOMPSON. On page 30 I move to strike out lines 13, 14, 15, and 16, the soldier named therein, James Longmire, having died since action on the bill by the committee.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. On page 30, after line 12, it is proposed to strike out the following clause:

The name of James Longmire, late of Company A, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 31, line 1, before the words "per month," to strike out "$36" and insert "$40," so as to read:

The name of John W. Walker, late of Company I, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9641) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army

and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, after line 8, to strike out:

The name of James O. Carroll, late of Company K, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to strike out:

The name of Jessie G. Frier, late of Company L, First Regiment Florida Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to strike out:

The name of Michael P. Connaughton, late of Company E, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 16, before the words "per month," to strike out "$24" and insert "$12," so as to make the clause read:

The name of Sommers J. Love, late of the Seventh and Ninth Companies of the United States Volunteer Signal Corps, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 19, to strike out:

The name of Charles A. Walters, late of Company G, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BONDS OF OFFICERS OF NATIONAL BANKING ASSOCIATIONS.

The bill (S. 3898) to require cashiers and other officers of a national banking association handling its funds to give bond and to prevent its officers and employees from making erasures on the books of the association was announced as next in order.

Mr. SMOOT. Mr. President, I ask that the bills on the calendar, beginning with Order of Business No. 331 down to and including Order of Business No. 345, be passed over.

Mr. OWEN. Mr. President, the measures referred to by the Senator from Utah have been on the calendar for a long time. I have attended the sessions of the Senate many times with a view to having them disposed of. I do not feel willing that those bills shall now be passed over. There are some of them that will excite discussion, and two or three—one being the bank guaranty act—I should be willing to have go over; but the first bill objected to, for instance, merely requires a bond of officers in banks and prohibits their striking out pages of the records of banks without leaving them clearly legible. There can be no possible objection to the passage of this bill. I think the Senator from Utah should be content to make his objection to bills to which there may be real objection.

The PRESIDING OFFICER. The Chair understands that the Senator from Utah objects to the consideration of the bills extending on the calendar from Order of Business 331 to Order of Business 345.

Mr. OWEN. Then I move that the Senate proceed to the consideration of Order of Business 331, being Senate bill 3898.

Mr. SMOOT. We are working under a unanimous-consent agreement.

Mr. OWEN. I did not understand that the Senate was proceeding under a unanimous-consent agreement.

The PRESIDING OFFICER. The Chair understands that the Senate is proceeding to the consideration of unobjected bills on the calendar under a unanimous-consent agreement.

Mr. OWEN. Then I shall object to all other bills——

Mr. SHAFROTH. Let me suggest——

Mr. OWEN. And I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oklahoma that the Senate adjourn. [Putting the question.]

Mr. BRANDEGEE. I ask for the yeas and nays on that.

The PRESIDING OFFICER. The noes seem to have it; the noes have it, and the motion is lost.

Mr. OWEN. I call for a quorum.

Mr. BRANDEGEE. I withdraw my request for the yeas and nays.

The PRESIDING OFFICER. The Senator from Oklahoma suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Martin	Sheppard
Baird	Henderson	Myers	Smith, Md.
Brandegee	Johnson, Cal.	Nelson	Smith, Mich.
Calder	Johnson, S. Dak.	New	Smith, S. C.
Cummins	Jones, Wash.	Nugent	Smoot
Curtis	Kenyon	Overman	Swanson
Fernald	King	Owen	Thomas
Fletcher	Kirby	Page	Thompson
France	Lenroot	Phelan	Tillman
Gallinger	Lewis	Poindexter	Trammell
Gronna	Lodge	Ransdell	Wilfley
Guion	McCumber	Robinson	
Hale	McKellar	Saulsbury	
Harding	McNary	Shafroth	

Mr. McNARY. I wish to announce that my colleague, the senior Senator from Oregon [Mr. CHAMBERLAIN], is detained on official business.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

PENSIONS AND INCREASE OF PENSIONS.

Mr. THOMPSON. Mr. President, a few moments ago, while the Senator from Delaware [Mr. SAULSBURY] was unavoidably absent, the Senate passed the bill (H. R. 9612) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war. There is an item in that bill in which the Senator from Delaware is interested and which was stricken out. He desires to have the action of the Senate reconsidered in striking out that item. I therefore ask unanimous consent that the vote whereby House bill 9612 was ordered to a third reading, read the third time, and passed be reconsidered, so that the Senator from Delaware may present the item he has in mind.

The PRESIDING OFFICER. Without objection——

Mr. SMOOT. Mr. President, I do not know what the item is which the Senator from Delaware has in mind, but I will say to him that, as the bill has passed, it will go to conference. I presume that he desires now to reinsert some item which was stricken out by the Committee on Pensions.

Mr. SAULSBURY. That is precisely the case.

Mr. SMOOT. Let me tell the Senator why I will ask him not to make the request at this time. The Committee on Pensions which reported these bills recommended that certain items be stricken out because they did not fall within the rules adopted by the committee; and they have gone out. The House put them in perhaps under their rule, and if they have been put in under their rule, and are justifiable, then the Senate will recede from their amendments, but if we make an exception in the case of the amendment the Senator has in mind we will have to go through every one of the pension bills we have passed and change them in accordance with the action taken on the Senator's request, if the request is acted on favorably

Mr. SAULSBURY. Mr. President, the Senator misunderstands the object of the request. This is the condition, if I may explain it: The House sent a bill here which contained a pension for a widow named Georgeanna McNatt Mills. The committee, under what they conceived to be a rule which they have adopted, struck that item from the bill. In the report on this bill it is stated that, according to the records of the War Department, the soldier whose widow is applying for a pension is a deserter. Personally, I knew that man, and I took the trouble to go to the State of Delaware and get a report from the adjutant general's office of the State, which shows that that man was enlisted for three years; was taken prisoner and confined in Richmond; was exchanged; was in the hospital time and time again; and was finally discharged before Petersburg at the end of his three years' enlistment.

One of the reasons given by the committee for its unfavorable report upon this item was that the man himself had never applied for a pension. As a matter of fact, which is stated to me by the Representative from Delaware, who lives in the same town where the widow lives and where the old man lived during his life, and, as I remember, the soldier was a very peculiar man in many ways. Among others, he disliked to have the idea suggested to him that he should apply for a pension, and he denounced every soldier who was not actually wounded in the war who applied for one. And here, by a report from a committee of this body in the case of a man who took the position that it was a man's duty to fight for his country and it was not the country's duty to support him forever afterwards because he had fought for it, his widow is refused a pension because that

is reason to suppose that he was a deserter, in connection with the absence of certain book entries in the War Department which some clerk may have neglected to make.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Colorado?

Mr. SAULSBURY. Certainly.

Mr. THOMAS. I merely wish to say that I think that man ought to have as big a monument as the Government of the United States can possibly erect to his memory.

Mr. SAULSBURY. Absolutely; and it is an injustice to deny his widow a pension.

Mr. SMOOT. The Senator from Colorado may change his mind on further consideration when he knows all the facts.

Mr. THOMAS. That may be, but the soldier's attitude is certainly most unique in these degenerate days.

Mr. SMOOT. It would be if that were the view taken by him, but I wish to call the Senator's attention to the facts.

Mr. THOMAS. I assume that what the Senator from Delaware has said is true.

Mr. SAULSBURY. And I am assuming that no one will accuse me of not saying what I believe to be true.

Mr. SMOOT. Oh, no.

Mr. SAULSBURY. The man was a Union soldier; I knew him when I was a small boy, and knew that he was a very peculiar man; and I know that the Representative who lives in the very town where this man lived makes that statement to me. I have his record here from the adjutant general of the State and also as set forth in the history of the regiment, which was published by the chaplain of the regiment, as long ago, I think, as 1864 or 1865. It is as much a matter of justice to the memory of that man as anything else that I want this question fairly considered.

I was called from the chair for a moment; I have been in the Senate all day, but while I happened to be out for less than 10 minutes the bill was passed.

Mr. SMOOT. Mr. President, I wish to call the Senator's attention to the record of this soldier as shown by the War Department and to state why the committee refused to grant this pension.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. Yes.

Mr. THOMPSON. I merely wish to inquire whether or not we are going to reconsider the measure.

Mr. SMOOT. I should like to make a statement before action is taken on reconsidering the vote whereby the bill was passed.

William J. McNatt, late a private, Company D, First Regiment Delaware Infantry, who enlisted September 26, 1861, and whose name appears to have been carried on the rolls of the company to the date of mustering out of the organization, September 30, 1864, and while he was reported absent on account of sickness since October 18, 1863—

That is, he was absent for nearly a year—

no record of his discharge has ever been entered.

He claimed no pay from the Government during that whole time, and the only thing that the Government could do was to place upon the records that he was a deserter.

Mr. SAULSBURY. That has never been done. If the Senator will pardon me, he has never been characterized as a deserter.

Mr. SMOOT. The record so shows.

Mr. SAULSBURY. No; the record shows nothing to that effect.

Mr. SMOOT. Let us see what it shows. It says here:

No record of discharge has ever been entered. The records of the War Department show that he was captured at Snickers Gap October 27, 1862, and confined at Richmond, Va., November 4, 1862; paroled at City Point November 22, 1862; reported sick in convalescent camp December 31, 1863, being so carried on the records until August 31, 1864.

Then the letter from the War Department shows that the soldier was absent from the military control without authority from March 15, 1863, and there is no record of payment for service after that date.

Mr. SAULSBURY. Mr. President——

Mr. NELSON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. I yield to the Senator from Minnesota.

Mr. NELSON. I imagine this case is like a good many other cases of which I have knowledge. When the war was over it frequently happened that soldiers would go home without waiting to be mustered out. The man, I think, is not a deserter, but he was not mustered out.

Mr. SMOOT. The war was not over, I will say to the Senator, March 15, 1863.

Mr. NELSON. I understand that, but if the man had served his time out——

Mr. SMOOT. That was not the case, as the Senator would know if he had listened.

Mr. NELSON. The records in the adjutant general's office of the State show that he was not a deserter.

Mr. SMOOT. I am only telling the Senator what the records of the War Department show.

Mr. NELSON. I have known of a number of cases where the records of the department and of the adjutant general's office of the State entirely disagreed. I know in my own case I caused the records of the War Department to be corrected. I was wounded and taken prisoner at Port Hudson, but the War Department records did not show that fact. So I sent to the adjutant general of the State of Wisconsin and got a certified copy of the record and filed it with the department. After that record was filed they finally amended my record and allowed me commutation of rations at 25 cents a day while I was a prisoner of war.

Mr. GALLINGER. May I ask the Senator from Utah a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. Yes.

Mr. GALLINGER. I am puzzled to know how a man could have left his command in the year 1863 and remained absent until some time in 1864, nearly a year, without having been arrested as a deserter.

Mr. SMOOT. I do not know whether or not they could find him. Evidently they did not pay him anything, and he did not claim any pay.

Mr. GALLINGER. I have never known an instance of a soldier leaving his command for over a year during a time of war without being disturbed by the military authorities. It is a remarkable case.

Mr. SMOOT. I have known of many cases where the man who left was not apprehended at all.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Delaware?

Mr. SMOOT. Yes.

Mr. SAULSBURY. If I may be permitted, I should like to state just what the conditions were as shown by the records of the War Department, by the records of the Treasury Department, and by the records of the adjutant general's office of the State. Then the Senator from Utah can find such fault with this man's record as he sees fit. The records of the War Department simply show that this man was taken prisoner, paroled, and then show him in the hospital and in convalescent camp; "on the roll of paroled prisoners at Annapolis, Md., to December 31, 1862. Not paid and no remarks."

The record proceeds:

On company roll from November 1, 1862, to February 28, 1863; remarks—not paid. "Captured at Snickers Gap." Last paid to June 30, 1862.

On company roll from March 1, 1863, to April 30, 1863; remarks—not paid. Absent in convalescent camp. Last paid to June 30, 1862.

On company roll from May 1 to June 30, 1863; remarks—not paid. Absent in convalescent camp.

On company roll from July 1 to August 31, 1863; remarks—not paid. Absent in convalescent camp. Last paid to June 30, 1862.

On company roll from September 1 to October 31, 1863; remarks—not paid. Absent in convalescent camp. Last paid to June 30, 1862.

On company roll from November 1, 1863, to February 29, 1864; remarks—not paid. Absent, sick in general hospital.

On company roll from March 1 to April 30, 1864; remarks—not paid. Absent, sick in hospital. Last paid, unknown.

On company roll from May 1, to August 31, 1864; remarks—not paid. Absent, sick in hospital. Last paid, ——.

On det. muster-out roll of non. vets., dated September 30, 1864, his name is borne as William McNatt, with remarks—not paid. Absent, sick, since October 18, 1863. Last paid, unknown.

The record from the adjutant general's office of the State of Delaware is as follows:

Name, William J. McNatt. Private, age 18. Joined for service at Milford, Del. Enrolled by Capt. Smithers. Enlisted for three years. Mustered into service September 26, 1861, at Wilmington, Del., by Lieut. Derrickson. Remarks: Discharged September 30, 1864, before Petersburg, Va., expiration of term of service.

That is the official record of the adjutant general's office of the State of Delaware.

I have here in my hand a publication by the chaplain of the First Regiment of Delaware Volunteers. The imprint is 1866. It was written just after the war by the chaplain of that regiment, and the muster roll, as given, shows that William J. McNatt was a private who joined August 10, 1861, at Wilmington, Del., for three years, and his time expired.

It seems to me that the mere failure of some clerk in the War Department should not cause the blackening of the memory of a Union soldier who served his country, was captured, and had to go to the hospitals from time to time; and I am informed by the Congressman who lives in his very town that he was known to be a man who claimed the right to serve his country, as he did, by volunteering, and was absolutely opposed to anybody being paid pensions for simply doing their duty to the country.

That is the record of this man, and I think it is a very, very hard thing for the report of the committee to make such a record as it does for this man, after his death, when his widow is applying for a pension.

Those are the facts as I know them. I have given you my authority. I think this pension ought to be allowed.

Mr. SMOOT. Mr. President, all I want to say is that the testimony that was before the committee, and upon which this report was based, shows that on October 18, 1863, this soldier was reported absent on account of sickness. His mustering-out time was September 30, 1864. During all that time there was no report made as to where he was. He did not claim any compensation whatever from that time until the time he died. He made no effort at all to have his record straightened. He never applied for a pension. It may have been upon the ground the Senator says; but, taking all of those things into consideration, the committee thought that a pension should not be granted to his widow, as this man's record was not complete in that he was considered a deserter.

It may be possible that he was not a deserter. Such a thing, I suppose, could happen, but it is not very probable; and I think that the records in the War Department ought to be straightened out if he was not a deserter. But when a man was absent from his company for 11 months, when he lived for years after the war, when he never asked for compensation during that 11-months' period, and never applied for a pension, it did seem to the committee that the records in a case of that kind ought to show positively whether or not he had deserted. Those are the facts in the case. If the Senate wants to reverse its action, well and good.

Mr. McCUMBER. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. McCUMBER. How long did this man serve before he left the Army?

Mr. SMOOT. He was enlisted on September 26, 1861, and it was on October 18, 1863, that he was to have been mustered out. That is a little over two years.

Mr. McCUMBER. I just wish to suggest to the Senator from Utah, and also to the Senator from Delaware, that the general rule heretofore has been that before the Committee on Pensions would deal at all with the case of a man whose record, according to The Adjutant General's office, showed desertion he would first have to apply to have that record of desertion cleared up. That matter was settled by the Committee on Military Affairs, and, after the question of desertion had been tried out by the proper committee and a reinstatement made, then the bill for pensions would be proper before the Committee on Pensions.

I can not understand why in this particular instance a different course has been pursued.

Mr. SAULSBURY. This man's memory is a thing that probably amounts to more with his relations than the $25 a month which his widow is to get. The idea of accusing a man of being a deserter because the records of the War Department show nothing about the matter except that he was captured fighting for his country, was in prison at Richmond, was paroled, and after that was in hospitals from time to time, showing that he probably was a man in broken health! When a history of the regiment, published in 1866, shows that man discharged, and when the records of the adjutant general of his State show that he was discharged before Petersburg, why, for the purpose of making good the omission of a mere clerk in the War Department, should we have an act of Congress passed?

Mr. McCUMBER. Then, as I understand the Senator, the department records do not show desertion at all?

Mr. SAULSBURY. By no means. They show that this man, so far as its records go, was absent, sick in a hospital or sick in a convalescent camp. He is not denominated as a deserter in the records of the War Department. That is a pure assumption, because the records do not show where he was at the time of his discharge. That is the only omission. This man is termed a deserter when the records of the War Department show nothing of the kind.

Mr. McCUMBER. I had understood from the discussion of the Senator from Utah, in which he used the term "deserter," that of course the records showed that he was a deserter.

Mr. SAULSBURY. There is absolutely no such evidence.

Mr. SMOOT. I will say to the Senator that the records show that after October 18, 1863, the department knows nothing of him. He is not designated on the record as a deserter, because he was never apprehended after that time. There was no record at all after the report that was given on October 18, 1863. The day on which his organization was to be mustered out, the term for which he enlisted, was September 30, 1864, and they heard nothing of him between October 18, 1863, and September 30, 1864. The record closes there.

Mr. McCUMBER. Let me ask the Senator this question: Under the Army rules, if there had been a desertion or if nothing had been heard from the man, if the officers knew nothing about where he was, was it not their duty to report him as a deserter?

Mr. SMOOT. I think so, Mr. President.

Mr. McCUMBER. And the fact that they did not report him as a deserter would be some evidence that they did not regard him as a deserter, would it not?

Mr. SMOOT. The department did not even know where he was. He was never paid during that time.

Mr. SAULSBURY. Let me add this one bit of personal testimony: I know where this man was somewhere along about 1870, because I was born in the town where he lived, and, as a child, I remember a man known as William J. McNatt who was a Federal soldier. He was an old man to me at that time, of course. I knew that he was there, and my recollection is that he kept a little shop where we children used to buy things.

Mr. SMOOT. Oh, he lived for a number of years after the war.

Mr. SAULSBURY. He lived at Georgetown, Del., all his life, and was a respected man in the community.

Mr. SMOOT. He did not die for years after the war, Mr. President.

Mr. THOMPSON. Mr. President, I renew my motion to reconsider the votes by which House bill 9612 was ordered to a third reading and passed.

The PRESIDING OFFICER (Mr. HENDERSON in the chair). The question is on the motion of the Senator from Kansas.

The motion to reconsider was agreed to.

Mr. THOMPSON. Now, Mr. President, I move to reconsider the vote by which the item on page 6, lines 9 to 12, was stricken from the bill.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. Now the question is on agreeing to the amendment.

The amendment was rejected.

The amendments were ordered to be engrossed for a third reading and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER.

The bill (S. 4103) to consolidate certain forest lands within the Cache National Forest, Utah, and to add certain lands thereto was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 10027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, in line 8, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Alfred Cooper, late of Company I, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, in line 1, before the words "per month," to strike out "$36" and insert "$30," so as to read:

The name of George H. J. Little, late of Company I, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 1, before the words "per month," to strike out "$30" and insert "$25," so as to read:

The name of John Reid, late of Company H, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 11, to strike out:

The name of Phoebe A. Jones, widow of Benjamin Jones, late of Company A, Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 2, before the words "per month," to strike out "$30" and insert "$25," so as make the clause read:

The name of Francis M. Kirkpatrick, late of Company D, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 15, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Henderson Morgan, late of Company D, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 16, to strike out:

The name of Almeda King, former widow of Robert E. Porter, late of Company D, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 23, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of James M. Shuey, late of Company H, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 7, before the words "per month," to strike out "$40" and insert "$25," so as to make the clause read:

The name of John O. Harmon, late of Company E, One hundred and fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 24, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of William J. Coleman, late of Company I, One hundred and forty-fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 8, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of J. Comly Rich, late of Company G, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 8, to strike out:

The name of Edith King, widow of William J. King, late of Company B, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 24, before the word "widow," to insert "former," so as to read:

The name of Mary Lydick, former widow of Samuel A. Lydick, late of Company K, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 18, to strike out:

The name of Mary J. Titus, widow of Francis J. M. Titus, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 17, line 17, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Gustavus Odor, late of Company I, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 1, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of John Lattimore, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 6, to strike out:

The name of Ida E. Jones, widow of William A. T. Jones, late of Company E, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 18, line 17, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Frederick Von Dissen, late of Company I, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 1, before the words "per month," to strike out "$40" and insert "$30," so as to read:

The name of Albert Cunningham, late of Company F, Second Battalion, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 5, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Alvin O. Thayer, late of Company K, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 13, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of George S. Armstrong, late of Company B, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 5, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Jonathan Bondy, late of Company H, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 18, to strike out:

The name of John R. Bungard, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 2, to strike out:

The name of Annie L. Marksbury, widow of James W. Marksbury, late of Company G, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 24, line 21, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of William W. Carson, late of Company E, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 9, before the words "per month," to strike out "$27" and insert "$25," so as to make the clause read:

The name of Anderson Bandy, late of Company E, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 13, before the words "per month," to strike out "$50" and insert "$36," so as to make the clause read:

The name of Robert S. McCreary, late of Company B, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 18, to strike out:

The name of Melissa C. Lewis, former widow of Eugene Risley, late of Company C, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 27, line 6, after the word "receiving," to insert "the same to be paid him without deduction or rebate on account of former alleged erroneous payments or overpayments of pensions," so as to make the clause read:

The name of Samuel Smith, late of Company F, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving, the same to be paid him without deduction or rebate on account of former alleged erroneous payments or overpayments of pension.

The amendment was agreed to.

The next amendment was, on page 27, after line 20, to strike out:

The name of Guilford D. Taylor, late of Company C, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 5, before the words "per month," to strike out "$40" and insert "$25," so as to make the clause read:

The name of Matthew McGoldrick, late of Company H, Ninety-ninth Regiment New York National Guard Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 10477) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, in line 12, before the words "per month," to strike out "$36" and insert "$25," so as to make the clause read:

The name of Thomas C. Thodey, late of Company B, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to strike out:

The name of Phebe Morgan, widow of John H. Morgan, late of Company F, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 16, to strike out:

The name of Alfred A. Gambill, late of Company A, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 12, before the words "per month," to strike out "$36" and insert "$30" so as to make the clause read:

The name of Charles Nack, late of Company D, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, in line 1, before the words "per month," to strike out "$40" and insert "$30," so as to read:

The name of Michael C. Bierring, late of Company I, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, in line 16, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of William H. Snedaker, late of Company B, One hundred and seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 14, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of John T. McGown, late of Company F, One hundred and thirty-sixth Regiment, and Company G, Forty-ninth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 14, to strike out:

The name of Amanda L. Townsend, widow of Jacob Townsend, late of Company D, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 14, line 6, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Benjamin D. Cole, late of Company A, One hundred and seventy-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 8, to strike out:

The name of Maggie A. Skinner, former widow of Zachariah D. Epperly, late of Company F, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 17, in line 20, after the word "additional," to strike out "for each of two minor children of the soldier in lieu of that she is now receiving" and insert "on account of each of the minor children of said Adon Butler until they reach the age of 16 years, all such pension to be in lieu of that now being paid under certificate numbered 819840 on account of the soldier's minor children," so as to make the clause read:

The name of Mary R. Butler, widow of Adon Butler, late of Company H, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of each of the minor children of said Adon Butler until they reach the age of 16 years, all such pension to be in lieu of that now being paid under certificate numbered 819840 on account of the soldier's minor children.

The amendment was agreed to.

The next amendment was, on page 20, after line 19, to strike out:

The name of Ellen M. Davenport, widow of John L. M. Davenport, late of Company K, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 16, to strike out:

The name of John Short, late of Company B, Fifth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to strike out:

The name of Albert N. Hopkins, late of regimental band, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, after line 4, to strike out:

The name of Allen Farler, late of Company I, Fifty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 1, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Albert Wentink, late of Company K, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS, ETC., PASSED OVER.

The resolution (S. Res. 229) to request the Committee on Foreign Relations, to which was referred Senate joint resolution 145, to give said resolution early consideration and report to the Senate thereon, was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The resolution will be passed over.

The bill (S. 1923) for the relief of John Doyle, alias John Geary, was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3907) to provide for the consolidation of national banking associations was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4426) to amend and reenact sections 5235 and 5236 of the Revised Statutes of the United States by providing for a guaranty fund for payment of certain deposits, and for other purposes, was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3529) to repeal the act entitled "An act to incorporate the National German-American Alliance," approved February 25, 1907, was announced as next in order.

Mr. SMOOT. I ask that that bill go over. The Senator from Idaho desires to be present when it is disposed of.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 10843) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions, with amendments.

The first amendment was, on page 2, after line 10, to strike out:

The name of William L. Snider, late of Company I, First Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 14, before the word "late," to insert "junior," so as to make the clause read:

The name of Thomas J. Harris, jr., late of Company C, Eighth Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 23, before the word "late," to strike out "deceased," so as to make the clause read:

The name of Pauline A. Randt, dependent mother of John W. Randt, late of Company I, Twenty-first Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out:

The name of Andrew E. Younginer, late of the Thirteenth Recruit Company United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 7, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of George H. McCauley, late of Company G, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 4, to strike out:

The name of Howard A. Littlejohn, late of Heavy Battery, South Carolina Volunteer Artillery, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 10, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of Lemial S. Darr, late of Troop B, Eighth United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 17, to strike out:

The name of John E. Root, late of Troop D, Eighth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 17, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of Joseph Harris, late of Troop C, Tenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 21, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of John F. Smoot, late of Company E, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 13, to strike out:

The name of Walter L. Jewell, late of Troop B, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 22, to strike out:

The name of Howard P. Hare, late of the Eighteenth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 8, to strike out:

The name of Charles F. Schiller, late of Troop B, First Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 20, to strike out:

The name of Hulbert O. White, dependent father of Claude R. White, deceased, late of Company A, Twenty-third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 4, to strike out:

The name of Richard Thrash, late of Troop A, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, line 3, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of Olaf H. Heleie, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 23, to strike out:

The name of James Manning, late of Company E, Forty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 6, to strike out:

The name of Christine Cook, dependent mother of Frederick H. Cook, deceased, late of Company L, First Regiment Rhode Island Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 15, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of William C. Crockett, late of Company G, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 14, to strike out:

The name of Mary Leahy, dependent mother of Cornelius J. Leahy, late of Company A, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 12, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of Mart Bradshaw, late of Company A, Twenty-seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Texas offers an amendment, which will be stated.

The SECRETARY. It is proposed to add, as a new section, the following:

That the provisions of section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, relating to intoxicating liquors in interstate commerce, be, and the same are hereby, made applicable to the District of Columbia.

Mr. SMOOT. Mr. President, I have not any objections at all to the provisions of this amendment. I should be very glad to have it adopted; but I will say to the Senator that I hardly think it is proper to put it on a pension bill.

Mr. SHEPPARD. I will state that this may be the only chance to get the measure through the Senate at this session.

Mr. SMOOT. There are more appropriation bills that it can be placed upon instead of putting it upon a pension bill.

Mr. SHEPPARD. I do not think it will injure the chances of the pension bill in any way. I trust the Senator will not object.

Mr. SMOOT. I do not know how else to do, and I am going to ask the Senator to withdraw it and offer it as an amendment to some bill where it will be more appropriate than on this one.

Mr. SHEPPARD. I withdraw the amendment, Mr. President, and will offer the measure again at some later time.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (S. 3172) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia, was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3438) to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 10850) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, after line 8, to strike out:

The name of Isabella C. Waddell, late a nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 20, after the word "Eighteenth," to strike out "Regimnet" and insert "Regiment," so as to make the clause read:

The name of David Lantz, late of Company D, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 25, after the word "Company," to insert the letter "D," so as to make the clause read:

The name of Jacob Conkle, late of Company D, Fourth Regiment West Virginia Cavalry, and Company D, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 10, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Samuel H. Samples, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 18, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of William H. Eply, late of Company I, One hundred and fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 9, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of George Houts, late of Company G, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. THOMPSON. On page 8, lines 19 to 22, inclusive, I move to strike out the item, for the reason that the soldier has died.

The PRESIDING OFFICER. The Senator from Kansas proposes an amendment, which will be stated.

The SECRETARY. On page 8, lines 19 to 22, it is proposed to strike out the following words:

The name of Myron I. Hartwell, late of Company F, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 22, to strike out:

The name of Henry H. Crane, late of Companies B and G, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. THOMPSON. On page 9, I move to strike out lines 3 to 6, both inclusive, relative to Lucius A. West, he having died since the introduction of the bill.

The PRESIDING OFFICER. The Senator from Kansas offers an amendment, which will be stated.

The SECRETARY. On page 9, it is proposed to strike out lines 3 to 6, in the following words:

The name of Lucius A. West, late of Company M, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to strike out:

The name of Samuel Gooding, late of Company F, One hundred and seventieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 21, to strike out:

The name of Elizabeth Shoeman, widow of David Shoeman, late of Company I, Fourteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 12, line 2, before the word "Regiment," to strike out "Tenth" and insert "Nineteenth," so as to make the clause read:

The name of Hezekiah S. Williams, alias Hezekiah Straw, late of Company H, Nineteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 4, to strike out:

The name of Horace W. Brown, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 20, before the word "Sollars," to strike out "Williams" and insert "William," so as to make the clause read:

The name of William Sollars, late of Companies A and D, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 7, after the words "John Van," to strike out "Schoyk" and insert "Schoyck," so as to make the clause read:

The name of John Van Schoyck, late of Company I, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 18, after the words "per month," to insert "in lieu of that she is now receiving," so as to make the clause read:

The name of Lucretia Napier, dependent mother of Richard Napier, late of Company H, Fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 10, to strike out:

The name of Annia Branigan, widow of John J. Branigan, late of Company C, Fourth Regiment, and Company L, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 24, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Isaac L. Prescott, late of Company B, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 16, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of James Powers, late of Company E, Thirty-ninth Regiment, and unassigned, Thirty-third Regiment, New Jersey Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 1, before the word "widow," to insert "former," so as to make the clause read:

The name of Eva M. Bevier, former widow of James E. Bevier, late of Company H, Second Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 20, to strike out:

The name of Mary A. Kiplinger, widow of Reuben D. Kiplinger, late of Company C, Forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 20, line 7, before the words "per month." to strike out "$30" and insert "$25," so as to make the clause read:

The name of Chester E. Kyte, late of Company A, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 11, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of Garrison J. Jaques, late of Company D, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 12, to strike out:

The name of Sarah L. Seltzer, widow of A. Frank Seltzer, late of Company G, One hundred and fifteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 22, line 1, before the words "per month," to strike out "$30" and insert "$25," so as to read:

The name of Irving Holcomb, late of Company B, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 5, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Philo M. Russell, late of Company G, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 19, after the word "Company," to strike out "F" and insert "I," and in line 20, after the word "Infantry," to insert "and widow of Solomon Woggerman, late of Company C, Sixty-eighth Regiment Ohio Volunteer Infantry," so as to make the clause read:

The name of Rachel Woggerman, former widow of Daniel Lobaugh, late of Company I, Seventy-first Regiment Ohio Volunteer Infantry, and widow of Solomon Woggerman, late of Company C, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 23, after line 19, to strike out:

The name of Charles W. Cross, late of Company L, Third Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 2, to strike out:

The name of Mary E. Croasmun, widow of Oliver Croasmun, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 24, after line 22, to strike out:

The name of Sabina Chaney, former widow of William J. Burcham, late of Company C, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 25, line 22, before the words "per month," to strike out "$27" and insert "$25," so as to make the clause read:

The name of William S. Kiddey, late of Company K, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 1, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of Henry G. C. Rose, late of Company G, Tenth Regiment Pennsylvania Reserve Infantry, and Thirty-seventh Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 5, before the words "per month," to strike out "$36" and insert "$25," so as to make the clause read:

The name of John P. Simonds, late of Company H, First Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 10924) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, after line 10, to strike out:

The name of John Groth, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to strike out:

The name of Margaret C. Fargo, dependent mother of William H. Fargo, deceased, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 4, to strike out:

The name of T. McElvaney, late of Company C 2, Arkansas Veteran Infantry, and Company K, Thirty-third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

And insert:

The name of T. McElvany, late of Company C, Second Regiment Arkansas Volunteer Infantry, and Company K, Thirty-third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was on page 5, after line 16, to strike out:

The name of Mary Diven, dependent mother of Edward T. Diven, junior, deceased, late of Company I, First Regiment Maryland Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said was was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, line 8, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Nathan L. Nims, late of Company G, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out:

The name of Jacob Schofler, late of Company D, Tenth Regiment, and Company C, Second Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 8, after the words "per month," to strike out "*Provided*, That the pension heretofore granted Luzenia Brown shall not be affected by this act," so as to make the clause read:

The name of Sallie Blevins, helpless and dependent child of George Blevins, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to strike out:

The name of Mary A. Ames, widow of Florian W. Ames, late of Company C, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to strike out:

The name of Joseph K. Kelly, late of Company F, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 10, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Jacob Barger, late of Company B, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 2, to strike out:

The name of Mary F. Church, widow of Milton Church, late of Company L, First Illinois Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 5, to strike out:

The name of Margaret J. Rogers, former widow of George Musser, late of Company F, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 18, to strike out:

The name of George Stoneking, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 14, to strike out:

The name of Eliza J. Fosha, divorced wife of George W. Fosha, late of Company E, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 21, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of John Fasnacht, late of Company K, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 24, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of William J. Wyatt, late of Company F, One hundred and first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 24, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of James M. Hummer, late of Company F, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 8, to strike out:

The name of Nancy E. Benedict, widow of Lafayette Benedict, late of Company C, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to strike out:

The name of Margie A. Raines, former widow of William Mathews, late of Company A, Twenty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 24, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Richard C. Newsom, late of Company H, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 3, before the words "per month," to strike out "$25" and insert "$21," so as to make the clause read:

The name of David A. Gage, late of Company H, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $21 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 3, to strike out:

The name of Emma Chase, widow of Augustus L. Chase, late of the United States Navy, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to strike out:

The name of Daniel Keene, late of Company B, Sixty-seventh Regiment, and Company F, Sixty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 19, to strike out:

The name of Annie Ridgway, widow of William Ridgway, late of Company E, Fifth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 19, line 15, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Hezekiah E. Hawver, late of Company A, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 7, before the words "per month," to strike out "$27" and insert "$25," so as to make the clause read:

The name of Milton T. Bedford, late of Company B, One hundred and fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 15, before the words "per month," to strike out "$50" and insert "$30," so as to make the clause read:

The name of Lucian B. Walker, alias Burt Crowell, late of Company H, Forty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, after line 14, to strike out:

The name of Henrietta Schmidt, former widow of Peter Eberle, late of Company B, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 11, before the words "per month," strike out "$36" and insert "$30," so as to make the clause read:

The name of Mathias Klingel, late of Company I, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 7, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of William W. Agee, late of Company M, Third Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 2, after the word "determine," to strike out:

Provided further, That in the event of the death of Lettie Edie, the name of said Mary E. Edie shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Lettie Edie.

So as to make the clause read:

The name of Lettie Edie, widow of Arthur S. Edie, late of Company A, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary E. Edie, helpless and dependent child of said Arthur S. Edie, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 28, line 10, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Martin T. Shadwick, late of Company C, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, after line 18, to strike out:

The name of Joseph B. Doan, late of Company E, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 30, line 17, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Charles J. Mead, late of Company F, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 5, before the words "per month," to strike out "$40" and insert "$36," so as to make the clause read:

The name of Alonzo Green, late of Company F, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, after line 10, to strike out:

The name of Etta C. Bartholomew, widow of William S. Bartholomew, late of Company E, Twenty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 33, line 12, after the word "determine," to strike out:

Provided further, That in the event of the death of Sedonia A. Smedley the name of said Lemuel T. Smedley shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sedonia A. Smedley.

So as to make the clause read:

The name of Sedonia A. Smedley, widow of Henry A. Smedley, late of Company L, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lemuel T. Smedley, helpless and dependent child of said Henry A. Smedley, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 34, line 3, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Samuel P. Thurber, late of Company B, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, line 7, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Charles H. Williams, late of Company F, Fifty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, line 11, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Benjamin F. Smith, late of Company D, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FOREST LANDS IN ARIZONA.

The bill (S. 3914) authorizing a right of way for the transportation of water for improvement of grazing and development of the live-stock industry upon public and national forest lands in Arizona was announced as next in order.

Mr. LENROOT. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

NATIONAL GUARD OF THE DISTRICT OF COLUMBIA.

The bill (S. 3735) to provide for enlistments in the National Guard of the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The PRESIDING OFFICER. The bill has been read heretofore, and, unless requested, the reading will be dispensed with. One amendment of the Committee on Military Affairs has been agreed to. The other amendments will be stated.

The remaining amendments were, on page 2, line 6, to strike out "the" and insert "this"; and, on the same page, line 25, to strike out the words "except as hereinafter provided," so as to make the bill read:

Be it enacted, etc., That during the present war enlistments in the National Guard of the District of Columbia and appointment of officers in said National Guard shall be made from men who, upon examination, are found to be physically and mentally fit for military service, and within such age limits as may be prescribed by the commanding general of the District of Columbia Militia, with the approval of the President of the United States: *Provided, however*, That the joining of the National Guard of the District of Columbia, under the provisions of this act by anyone either as an officer or an enlisted man, shall not relieve him from liability for any service in the United States military or naval forces to which he would otherwise be subject: *And provided further*, That enlistments under the provisions of this act shall not prevent the continuance of enlistments, during the period of the war, of such men in the National Guard of the District of Columbia who may so elect, under the requirements of six-year contract of enlistment as heretofore prescribed: *And provided further*, That enlistments in the National Guard of the District of Columbia of the special class, and appointments of officers as herein specially provided, shall be for the period of the war and for a period not exceeding three months thereafter, if such additional term of service be required by the President of the United States, and, further, for service within the District of Columbia, or in cases of emergency, in the adjoining States of Maryland and Virginia, and such officers and enlisted men when in service, shall receive the same pay and allowances as are now provided by law for the National Guard of the District of Columbia: *And provided further*, That all officers appointed under the provisions of this act shall be commissioned by the President of the United States, on the recommendation of the commanding general of the District of Columbia Militia, and no officer shall be commissioned without first being subject to an examination to determine his fitness to hold commission: *And provided further*, That during the period of the war retired officers of the National Guard of the District of Columbia may, if they so request, be assigned to duty as officers of the District of Columbia National Guard, in such grades as the President may direct, subject to examination: *And provided further*, That officers who have served in the National Guard and have resigned therefrom and officers and enlisted men who have been honorably discharged shall, during the period of the war, be eligible to reappointment and commission in the National Guard of the District of Columbia in such grades as they may be found qualified by examination to fill.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4542) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

It proposes to pension the persons named at the rates given:

John B. Chandler, late of Company K, Fourth Regiment United States Infantry, War with Spain, $12 per month.

John Barker, late of Company D, Thirty-seventh Regiment United States Volunteer Infantry, War with Spain, $17 per month in lieu of that he is now receiving.

Roila King, late of Battery E, First Regiment United States Artillery, War with Spain, $12 per month.

John B. Raines, late of Company A, Second Regiment United States Infantry, War with Spain, $12 per month.

John W. Ferris, late chaplain, Sixth Regiment Illinois Volunteer Infantry, War with Spain, $12 per month.

Emmett L. Warren, alias Alanson Warren, late of Captain L. Buoy's Company B, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $30 per month in lieu of that he is now receiving.

Roswell B. Van Wagenen, late of Company E, Third Regiment Wisconsin Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

John Fitzgerald, late of Company C, Eighth Regiment United States Infantry, War with Spain, $12 per month.

Green B. Riggs, late of Captain J. Williams's Company N, Second Regiment Washington Territory Mounted Volunteers, Oregon and Washington Territory Indian war, $30 per month in lieu of that he is now receiving.

Barnard J. Irwin, late of Company C, Third Regiment Tennessee Volunteer Infantry, War with Spain, $50 per month in lieu of that he is now receiving.

Laura A. Workman, widow of Eddy J. Workman, late of Battery I, First Regiment United States Artillery, War with Spain, $25 per month, and $2 per month additional on account of each of the minor children of said Eddy J. Workman until they reach the age of 16 years.

George R. Hamilton, late of Company I, Twenty-second Regiment United States Infantry, Regular Establishment, $12 per month.

Orval W. Hiatt, late of Company E, Fortieth Regiment United States Volunteer Infantry, War with Spain, $20.

Charles R. Walters, late of Troop D, Eighth Regiment United States Cavalry, Regular Establishment, $12 per month in lieu of that he is now receiving.

Agnes Swarts, widow of John L. Swarts, late of U. S. S. *Independence*, United States Navy, Regular Establishment, $17 per month and $2 per month additional on account of each of the minor children of said John L. Swarts until they reach the age of 16 years.

Mary Howard, widow of George Howard, late of Battery M, Fourth Regiment United States Artillery, Regular Establishment, $20 per month in lieu of that she is now receiving.

Berlie Cross, late of the Fifty-first Company, United States Coast Artillery Corps, Regular Establishment, $12 per month in lieu of that he is now receiving.

Willis Hood, late of the Hospital Corps, United States Army, War with Spain, $12 per month.

John L. Daries, late of Company C, Fourth Regiment United States Artillery, Regular Establishment, $30 per month in lieu of that he is now receiving.

James F. Byard, late of Company H, Second Regiment United States Cavalry, Regular Establishment, $30 per month in lieu of that he is now receiving.

Ada Johnston Cowles, widow of Walter Cleveland Cowles, late rear admiral, United States Navy, Regular Establishment, $50 per month.

Florence M. Anderson, widow of James L. Anderson, late captain Company L, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, $25 per month.

Fred Boyd, late of Company F, Second Regiment Oregon Volunteer Infantry, War with Spain, $12.

Ellen H. Sharp, widow of Frederick D. Sharp, late captain, Twentieth Regiment United States Infantry, Regular Establishment, $25 per month.

George W. Goodman, late of Capt. Robert Porter's company California Volunteers, California Indian war, $20 per month in lieu of that he is now receiving.

Edward Jordan, late of Company M, First Regiment New Hampshire Volunteer Infantry, War with Spain, $12 per month.

Lanson O. Brown, late of Company H, First Regiment New Hampshire Volunteer Infantry, War with Spain, $12 per month.

Louis H. Roberts, late of Company G, Fourth Regiment Illinois Volunteer Infantry, War with Spain, $30 per month.

Persis M. McKee, widow of Thomas McKee, late of Capt. Allred's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, $20 per month in lieu of that she is now receiving.

Mary P. McIntire, former widow of William B. Skinner, late of Company I, First Regiment Illinois Volunteer Infantry, War with Mexico, $25 per month in lieu of that she is now receiving.

Feracane Paolo, late of Company D, Thirteenth Regiment United States Infantry, Regular Establishment, $12 per month in lieu of that he is now receiving.

Louis N. Mallet, late of Company I, First Regiment District of Columbia Volunteer Infantry, and Company A, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, $30 per month.

David M. Thompson, late of Company E, Forty-fourth Regiment United States Volunteer Infantry, War with Spain $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 4543) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

It proposes to pension at the rates given the following persons:

Emma C. Hill, widow of Nathan S. Hill, late captain Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that she is now receiving.

Robert Kinkead, late of Company G, Two hundredth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Chase Cummins, late of Company B, Seventh Regiment Wisconsin Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Daniel W. Bartlett, late of Company B, Eleventh Regiment, and Company B, Tenth Regiment, West Virginia Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Luke P. Brooks, late of Company B, Tenth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William A. Cale, late of Company K, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joshua C. Ogden, late of Company F, Seventeenth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Daniel W. Welsh, late captain Company B, Sixty-second Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Isaac Boyce, late of Company D, Third Regiment West Virginia Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Littleton T. Morgan, late of Company B, Third Regiment West Virginia Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Aaron M. Elliott, late of Company G, Seventy-fifth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John Patty, late of Company K, Second Regiment Missouri Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

Rufus Mapes, late of Company I, Second Regiment Illinois Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

William G. Simpson, late of Company D, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John D. Brooks, late of Company K, One hundred and forty-first Regiment, and Company F, One hundred and ninety-fifth Regiment, Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

The name of Henry Perrine, late of Company G, Twenty-sixth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Jacob A. Kenoyer, late of Company C, First Regiment Oregon Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Orin Tucker, late of Company L, Fourth Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Jonas H. Evans, late of Company H, One hundred and third Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Lewis Norman, late of Company F, Seventy-first Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Henry C. Rowley, late of Company B, Fiftieth Regiment New York Volunteer Engineers, $30 per month in lieu of that he is now receiving.

Andrew F. Maxwell, late of Company G, Fifteenth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Payton S. Lynn, late of Company F, Third Regiment Indiana Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Samuel Lowery, late of Company B, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Albert P. Leavitt, late of Company A, Thirtieth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles W. Lathrop, late of Company F, Fifty-third Regiment Pennsylvania Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Thomas J. Stanfield, late of Company A, Twenty-third Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William M. Wright, late of Company C, Twenty-first Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Andrew J. Wright, late of Company A, Second Regiment Iowa Volunteer Infantry, and Company A, First Regiment Iowa Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Edgar A. Kesler, late of Company A, Eighth Regiment Michigan Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Jahiel Bowers, late of Company F, Fifty-seventh Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lewis Atkinson, late of Company I, Thirteenth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John T. Criswell, late of Company D, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William A. Kilton, late of Company H, Ninth Regiment Maine Volunteer Infantry, and Company I, Fourth Regiment United States Veteran Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Asa D. Whitmore, late of Battery E, Third Regiment New York Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

James M. King, late of Company K, Twenty-third Regiment Wisconsin Volunteer Infantry, $27 per month in lieu of that he is now receiving.

Zed Culver, late of Company G, Fifth Regiment Tennessee Volunteer Mounted Infantry, $27 per month in lieu of that he is now receiving.

James H. Knight, late hospital steward, Twenty-seventh Regiment Indiana Volunteer Infantry, assistant surgeon, Third Regiment Indiana Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

John Reiman, late of U. S. S. *Arcnger*, United States Navy, $36 per month in lieu of that he is now receiving.

James B. Atkinson, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Francis Mayhew, late of Company A, Third Regiment Massachusetts Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

Anton Lawrence, late of Company F, Third Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William N. Webb, late of Company A, Ninth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Melinda A. Smiley, widow of Sylvanus C. Smiley, late of Company A, Thirty-third Regiment Massachusetts Volunteer Infantry, $25 per month.

Dora Broom, helpless and dependent daughter of James W. Broom, late of Company F, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, $12 per month.

Zadok M. McCleary, late of Company F, Forty-second Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Hosea Butterfield, late of Company B, Thirteenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William T. Eustis, late first lieutenant and adjutant, Fifth Regiment Massachusetts Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Joseph Galbraith, late unassigned, Brackett's Battalion Minnesota Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Sarah Ann Ross, widow of Samuel B. Ross, late of Company C, Tenth Regiment Pennsylvania Reserves Volunteer Infantry, $20 per month.

Jacob Witmer, late of Company E, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John J. Houswerth, late of Company H, Two hundred and eighth Regiment, Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Theodore W. Davis, late of Company B, Sixteenth Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Seymour A. Stearns, late of Company A, Sixth Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John L. Harvey, late of Company E, Sixty-eighth Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Jonathan Dellinger, late of Company H, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thompson M. Hollabaugh, helpless and dependent son of John Hollabaugh, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, $12 per month.

George Blake, late of Company C, Thirty-second Regiment, and Company C, Thirty-first Regiment, Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Phebe Bushee, widow of Moses Bushee, late of Company A, Sixth Regiment Vermont Volunteer Infantry, $25 per month.

Charles H. Whiteley, late of Company H, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Albert Young, late of Company H, Two hundredth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Louisa Simon, widow of Jacob Simon, late of Company K, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, $25.

Daniel Duncan, late of Company G, Twenty-eighth Regiment Maine Volunteer Infantry, $27 per month in lieu of that he is now receiving.

Joseph Wood, late of Company G, one hundred and forty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Butler, late of Company I, One Hundred and ninety-first Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Beahen, late of Company B, Veteran Battalion, Fourteenth and Fifteenth Regiments Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Charles W. Cross, late captain Company F, Seventh Regiment Tennessee Volunteer Mounted Infantry, $30 per month in lieu of that he is now receiving.

Charles M. Colby, late of Company E, First Regiment Maine Volunteer Sharpshooters, $30 per month in lieu of that he is now receiving.

Samuel W. Presley, late of Company B, Tenth Regiment New York Volunteer Heavy Artillery, $27 per month in lieu of that he is now receiving.

Joseph E. Gammon, late of Company B, Twenty-third Regiment Maine Volunteer Infantry, and unassigned, Twelfth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Granville Fernald, late captain Company B, Twenty-third Regiment Maine Volunteer Infantry, and Company A, Fourteenth Regiment Veteran Reserve Corps, $40 per month in lieu of that he is now receiving.

Oliver P. Chambers, late of Company A, Eleventh Regiment Tennessee Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Elizabeth Cole, widow of Samuel C. Cole, late of Company H, Fourth Regiment New York Volunteer Heavy Artillery, $25 per month.

William H. Morgan, late of Company B, Eighth Regiment Ohio Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Cyrus Wood, late of Company G, Eleventh Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

David A. Sawyers, late of Company C, Thirty-sixth Regiment Iowa Volunteer Infantry, and hospital steward, United States Army, $50 per month in lieu of that he is now receiving.

George McDowell, late of Company H, Twenty-fifth Regiment Wisconsin Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Thomas Higgins, late of Company E, Thirty-seventh Regiment New York Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William P. Hodsdon, late commissary sergeant, Twelfth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Andrew J. Martin, late of Company C, Twenty-fourth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles J. Higgins, late of Company C, First Regiment Maine Volunteer Cavalry, and Eighty-first Company, Second Battalion, Veteran Reserve Corps, $50 per month in lieu of that he is now receiving.

Isaiah Hutchison, late of Company C, One hundred and twentieth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George A. Gardner, late of Company G, One hundred and fortieth Regiment Illinois Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Joseph Vincent, late of Company H, Fifty-sixth Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Jacob W. Kinsey, late of Company H, First Regiment Nebraska Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Frederick E. Sprague, late of Company A, Twenty-sixth Regiment Massachusetts Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Levi R. Gray, late of Company K, Sixteenth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Ellison Gilbert, late of Company G, First Regiment Maine Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

James N. Harris, late of Company C, Sixty-second Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Warren M. Easton, late of Company E, Eighty-ninth Regiment, and Company H, Fifty-ninth Regiment, Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John F. Loehr, late of Company I, Forty-fifth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Josiah Weaver, late of Company E, Forty-seventh Regiment Pennsylvania Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Alonzo L. Whitcomb, late of Company F, Second Regiment Wisconsin Volunteer Cavalry, and Company F, Thirty-third Regi-

ment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Edward Shattuck, late of Company F, Eighteenth Regiment Massachusetts Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Edward Foster, late of Company C, Ninth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Adaline D. Norris, widow of Wesley W. Norris, late lieutenant colonel Forty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Cecilia Hall, widow of Robert M. Hall, late colonel Thirty-eighth Regiment United States Colored Volunteer Infantry, and brevet brigadier general United States Volunteers, $50 per month in lieu of that she is now receiving.

Thomas J. Vinyard, late of Company G, Thirty-third Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Henry Strouse, late of Company D, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Andrew Nelson, late of Company F, Second Regiment Minnesota Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Martin B. Fitch, late of Company H, Eighteenth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George W. Childs, late of Company E, Fifth Regiment Ohio Volunteer Infantry, $21 per month.

Beckwith A. McNemar, late of Companies M and O, Sixth Regiment West Virginia Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Janet H. Morrison, widow of William Morrison, late of Company G, Seventy-ninth Regiment New York Volunteer Infantry, $25 per month.

Austin D. Bates, late second lieutenant Company F, Eighth Regiment Michigan Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Daniel B. Grant, late of Company I, First Regiment Minnesota Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Alvin Jones, late of Company K, One hundred and sixty-second Regiment Ohio Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Martha L. Cutler, widow of John H. Cutler, late acting assistant surgeon, United States Army, $25 per month.

Thomas Ewing, late of Company F, Third Regiment Maryland Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

John W. Gard, late of Company I, Eleventh Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Frank Baker, late of Company G, One hundred and eighth Regiment United States Colored Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John C. Carkin, late of Company H, Sixteenth Regiment New Hampshire Volunteer Infantry, and Company F, First Regiment New Hampshire Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

John S. Ranlett, late of the U. S. S. *Florida*, United States Navy, $30 per month in lieu of that he is now receiving.

William K. Annis, jr., late of Company I, Fifteenth Regiment Vermont Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Sabra J. Swisher, former widow of Alexander Swisher, late of Company E, Ninety-fifth Regiment Ohio Volunteer Infantry, $25 per month.

William H. Dixon, late unassigned, One hundred and twenty-eighth Regiment, and Company A, Ninth Regiment, Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Pulver Kline, late of Company D, Forty-seventh Regiment New York Volunteer Infantry, and Company F, Tenth Regiment Veteran Reserve Corps, $40 per month in lieu of that he is now receiving.

Wilson S. Richards, late of Company E, Sixty-eighth Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William L. Heiskell, late of Company A, One hundred and thirty-second Regiment Indiana Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Thomas J. Locey, late of Companies D and E, Fifteenth Regiment, and Company L, Tenth Regiment, Illinois Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Sarah E. White, former widow of Charles H. Crossman, late of Company G, Fourth Regiment Maine Volunteer Infantry, and widow of Joseph H. White, late of Company F, Second Regiment Massachusetts Volunteer Heavy Artillery, $25 per month.

Monroe Eddy, late of Company H, First Regiment Connecticut Volunteer Heavy Artillery, $36 per month in lieu of that he is now receiving.

Cyrus B. Norris, late of Company E, Ninth Regiment New Hampshire Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Charles A. Nimocks, late of Company C, Seventh Regiment Michigan Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Jonathan Paulus, late of Company B, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Zachariah Blake, late of Company B, One hundred and eighteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ellen Lee Scantling, widow of John C. Scantling, late major One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and lieutenant colonel United States Army, retired, $30 per month in lieu of that she is now receiving.

John H. Scott, late of Company B, Twenty-sixth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Levi H. Miller, late of Company H, Eighth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William C. Roose, late acting third assistant engineer, United States Navy, $27 per month in lieu of that he is now receiving.

Henry J. Lane, late of Company G, One hundred and twentieth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William Morgan, late of Company F, Thirteenth Regiment New Hampshire Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Joshua Boreing, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George W. L. Nesbitt, late of Company E, Forty-eighth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William Hill, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Alexander P. Settle, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Samuel W. Scoggins, late second lieutenant Company B, One hundred and twentieth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Louisa M. Ferrier, now Wright, former widow of Jacob Ferrier, late of Company A, Twenty-ninth Regiment Indiana Volunteer Infantry, $25 per month.

James W. Elwell, late of Company H, Twentieth Regiment Maine Volunteer Infantry, $25 per month in lieu of that he is now receiving.

Joseph T. Lewis, late of Company G, Eleventh Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John M. Safford, late of Companies L and C, and commissary sergeant First Regiment Vermont Volunteer Heavy Artillery, $36 per month in lieu of that he is now receiving.

Charles A. Lauman, late of Company D, One hundred and forty-seventh Regiment, and Company K, One hundred and thirty-second Regiment, Illinois Volunteer Infantry, and Company H, Sixteenth Regiment, and Companies F and H, Thirty-fourth Regiment, United States Infantry, $40 per month in lieu of that he is now receiving.

Victoria A. Amberg, former widow of George R. Anderson, late of Company K, Second Regiment Minnesota Volunteer Cavalry, $25.

Permelia L. Dutcher, widow of John Dutcher, late of Company B, Forty-third Regiment Missouri Enrolled Militia, $25 per month.

Mr. THOMPSON. On page 25, I move to strike out lines 1, 2, 3, and 4 in the following words:

The name of Joseph T. Lewis, late of Company G, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

This is a duplicate of the item that has been taken care of in House bill 7634, which has already been passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AIRCRAFT PRODUCTION.

The next business on the calendar was Senate resolution 241 directing the Committee on Military Affairs to inquire into and report to the Senate the progress of aircraft production in the United States.

Mr. LEWIS. That by understanding—the Senator from Kansas will probably justify my understanding—goes over until to-morrow. Am I right?

The PRESIDING OFFICER. The resolution will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 11658) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 4, after line 8, to strike out:

The name of John McMahon, late of Company E, Twenty-fourth Regiment United States Infantry. Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to strike out:

The name of Wilbur S. Chapman, late of Company H, Third Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 9, to strike out:

The name of John Hammons, late of Company C, Second West Virginia Volunteer Infantry, and Troop A, First Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 17, to strike out:

The name of Clarence L. Wimer, late of Company A, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to strike out:

The name of John W. Hamilton, late of Company B, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 21, to strike out:

The name of Freda Burow, widow of William M. Burow, late of Company I, Sixteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, at the top of page 10, to strike out:

The name of James Green, late of the Thirty-first Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, after line 22, to strike out:

The name of Margaret A. McAdoo, widow of Austin McAdoo, late of Company B, Second Regiment Tennessee Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 2, to strike out:

The name of Oliver P. Jackson, late of Company K, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 16, to strike out:

The name of Elmer D. Hopper, late of Company M, Eleventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 2, before the words "per month," to strike out "$25" and insert "$20," so as to make the clause read:

The name of Mary F. Kenaday, widow of Elias J. Kenaday, late of Capt. Morgan's company, Iowa Mounted Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 3, to strike out:

The name of Mary C. Shell, dependent mother of Willis A. Shell, late of Company M, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 8, to strike out:

The name of John M. Hall, late of Company H, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 12, to strike out:

The name of Dallas Mills, late of Company D, Forty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 21, to strike out:

The name of Amanda Foster, widow of William Foster, late of Company E, District of Columbia and Maryland Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 5, before the word "Cavalry," to strike out "Volunteer," so as to make the clause read:

The name of William D. Harris, late of Troop I, Eighth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 11663) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, line 8, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Silas D. Taylor, late of Company E, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 1, line 11, after the word "Battalion," to strike out "Fourteen" and insert "Fourteenth Regiment," so as to make the clause read:

The name of Joseph K. Dixon, late of Company F, Fourteenth Regiment, and Company D, Battalion Fourteenth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to strike out:

The name Serelda Pargin, widow of David Pargin, late of Company I, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 25, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of James West, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 22, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of John W. Amos, late of Company H, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 5, before the words "per month," to strike out "$30" and insert "$21," so as to make the clause read:

The name of John W. Ramsen, late of Company B, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $21 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 9, before the words "per month," to strike out "$25" and insert "$18," so as to make the clause read:

The name of Charles W. Brace, late of Company F, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $18 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 19, after the words "Home Guards," to insert "and widow of Charles A. Vining, late of Company B, Ninth Regiment Kansas Volunteer Cavalry," so as to make the clause read:

The name of Sarah E. Vining, former widow of Jacob James, late of Company F, Osage County Missouri Home Guards, and widow of Charles A. Vining, late of Company B, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 9, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Jonas Bratton, late of Company B, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 18, to strike out:

The name of Sarah C. Haggard, widow of William Grant, alias William Grant Haggard, late of Company F, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 23, after the words "late of," to strike out "unattached" and insert "Seventeenth Unattached Company," and, in line 25, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of William Richardson, late of Seventeenth Unattached Company, Massachusetts Militia Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 4, to strike out:

The name of Harrison Ruark, late of Company A, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 15, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Abraham Mott, late of Company D, One hundred and thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 20, to strike out:

The name of Hanson Harmon, late of Company C, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 14, before the words "per month," to strike out "$30" and insert "$25, so as to make the clause read:

The name of Irwin Jordan, late of Company F, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 18, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Richard G. Paynter, late of Company G, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to strike out:

The name of Charlotte Heald, former widow of Willard E. Converse, late of Company G, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 6, to strike out:

The name of Ellen E. Greenfield, widow of William A. Greenfield, late of Company C, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $29 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of either or both of said minor children of said William A. Greenfield the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Ellen E. Greenfield the names of said Marguerite A. and Wilma A. Greenfield shall be placed on the pension roll, subject to the provisions and limitations of the pension laws from and after the date of the death of said Ellen E. Greenfield, as provided by the law under which now pensioned.

The amendment was agreed to.

The next amendment was, on page 14, line 1, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of John Jarrett, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 5, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Jeremiah Hunt, late of Company G, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 1, after the words "Reserve Corps," to insert "Missouri Home Guards," so as to make the clause read:

The name of Eva Muller, widow of Peter Muller (alias Miller), late of Company H, First Regiment United States Reserve Corps, Missouri Home Guards, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 15, line 3, after the words "Doctor William," to strike out "Warner" and insert "Warren," so as to make the clause read:

The name of Doctor William Warren, late of Company I, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 14, to strike out:

The name of Henry Stone, late of Company I, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after the word "Infantry," to insert "and widow of Jacob Landsittel, late of Company F, Thirty-ninth Regiment Ohio Volunteer Infantry," so as to make the clause read:

The name of Calla R. Landsittel, former widow of George Long, late of Company A, Thirty-sixth Regiment Ohio Volunteer Infantry, and widow of Jacob Landsittel, late of Company F, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 15, after line 23, to strike out:

The name of Presley Jackson, late of Company F, Fifty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 13, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of George Snow, late of Company E, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 1, before the words "per month," to strike out "$40" and insert "$36," so as to make the clause read:

The name of John S. Wray, late of Company F, One hundred and twenty-fifth Regiment, and Company A, Sixtieth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 9, before the words "per month," to strike out "$40" and insert "$25," so as to make the clause read:

The name of Joseph Holmes, late of Company F, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 17, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of James McCammon, late of Company K, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 1, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of James A. Brown, late of Company L, Fifth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, before the words "per month," to strike out "$36," and insert "$30," so as to make the clause read:

The name of James W. Calkins, late of Company M, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 23, to strike out:

The name of Mary J. McGuire, widow of Columbus M. McGuire, late of Company H, First Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 19, line 5, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read.

The name of Amara J. Bachelder, late of Company I, Thirtieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 10, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of John McGill, late of Company A, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 18, before the words "per month," to strike out "$50" and insert "$36," so as to make the clause read:

The name of Charles Plummer, late of Company K, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 22, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of John Heblanthal, late of Company A, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 1, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Augustus Brown, late of Company A, One hundred and thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to strike out:

The name of Mary E. Livingston, widow of Sherman Livingston, late of Company C, Twentieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 25, line 19, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Irvin Howard, late of Company F, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. THOMPSON. On page 7 I move to strike out lines 4, 5, 6, and 7 in the following words:

The name of John H. Maxwell, late of Company C, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

This beneficiary is reported dead, and hence I move the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ADDITIONAL JUDGES IN ILLINOIS.

Mr. SHAFROTH. There was a bill objected to——

Mr. THOMPSON. Will the Senator yield to me that the amendments of the House to a Senate bill may be laid before the Senate and a conference appointed?

Mr. LEWIS. The calendar is not finished. I have a bill on the calendar not yet reached.

The PRESIDING OFFICER. There is a remaining bill on the calendar. It will be stated.

The bill (S. 2654) providing for the appointment of two additional district judges in the State of Illinois was announced as the last bill on the calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That the President of the United States, by and with the advice and consent of the Senate, shall appoint two additional district judges for the northern judicial district of the State of Illinois, each of whom shall possess the same qualifications and have the same powers and jurisdiction as now prescribed by law in respect to the present judges for that district.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the appointment of two additional district judges in the northern district of the State of Illinois."

JOHN DOYLE, ALIAS JOHN GEARY.

Mr. SHAFROTH. Objection was made to the bill (S. 1923) for the relief of John Doyle, alias John Geary, by the Senator from Utah [Mr. KING]. He is willing to withdraw his objection, and I ask for its consideration. It is the same bill I referred to on yesterday.

Mr. SMOOT. My colleague [Mr. KING] objected to the bill yesterday.

Mr. SHAFROTH. Yes; and I have seen the Senator's colleague, and he wants me to call it up and proceed with it.

Mr. SMOOT. Then I have no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers of the Volunteer Army, their widows and dependent children, John Doyle, alias John Geary, shall be held and considered to have been honorably discharged from the military service of the United States as a private, Company C, Eleventh Regiment Illinois Volunteer Cavalry, on the 10th day of January, 1863: *Provided*, That no back pension, pay, bounty, or other emolument shall be paid prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7634) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. THOMPSON. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. HOLLIS, and Mr. SMOOT conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. THOMAS. I think the Senator from Oklahoma [Mr. OWEN] has a matter that he desires now to bring to the attention of the Senate, and therefore I suggest the absence of a quorum.

Mr. SMOOT. No; he does not want to bring it up this evening.

Mr. THOMAS. I withdraw the suggestion I made.

Mr. SWANSON. I should like to submit a request for unanimous consent that the naval appropriation bill, which was reported to-day, be made the unfinished business, and then it is my purpose to ask for a recess and commence the consideration of it promptly at 12 o'clock to-morrow. Possibly we may be able to dispose of it to-morrow.

Mr. SMOOT. The Senator from Tennessee [Mr. MCKELLAR] is not in the Chamber. Yesterday just before adjournment it was tacitly understood, at least by the Senators present, that Senate resolution 241 would be called up to-morrow morning. I would dislike to give consent to the request of the Senator from Virginia, and therefore I shall have to object to making the naval appropriation bill the unfinished business.

The PRESIDING OFFICER. Objection is made.

ADJOURNMENT.

Mr. MARTIN. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 22, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 21, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, God our Father, never far from us, we would draw near to Thee in the present world crisis and receive wisdom, strength, courage, fortitude, that we may meet the exigencies of the hour and prove ourselves worthy of the great gifts bestowed upon us as a free people—lovers of liberty, truth, justice, and equal rights for all mankind.

We thank Thee for the wave of patriotism sweeping through our land, which searches the heart and inspires men to heroic deeds.

We thank Thee that the young men have responded to the call of the colors, and we bless Thee for the spirit which lives in the hearts of men, illustrated in the Red Cross, the embodiment of all that is purest and best in man; a moral and spiritual force behind the men behind the guns, carrying succor, courage, fortitude to them, and deft hands, guided by warm hearts, to bind up their wounds and inspire them to hope; giving courage and comfort to those who are passing from time to eternity; reaching out the helping hand to all the sorrowing and misery-suffering people, caused by an implacable foe, who would stop the wheels of progress and turn back the tide of civilization.

The call is imperative, the needs are wide reaching; grant that every man, woman, and child shall give of their substance, that it may go forward in the humane work without hindrance.

God bless the Red Cross; uphold, sustain, and guide it; and God grant that we may all stand behind it in prayers and in money, until a righteous peace shall be established throughout the world; that right may live and wrong perish, to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the zone postal rates.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the zone postal rates. Is there objection?

Mr. WALSH. Mr. Speaker, does that include the gentleman's own remarks only?

Mr. RANDALL. Nothing but my own remarks, and they are very brief.

Mr. WALSH. None of these resolutions?

Mr. RANDALL. No.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 954. An act to amend an act approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands";

S. 3663. An act authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims;

S. 3943. An act to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws and which are no longer needed in connection with said laws;

S. 3923. An act authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise;

S. 280. An act for the relief of Alfred Sjostrom;

S. 304. An act for the relief of Peter McKay;

S. 1090. An act for the relief of the Alaska Steamship Co.;

S. 57. An act for the relief of Kate Canniff;

S. 1804. An act for the relief of George T. Hamilton;

S. 924. An act for the relief of Delliah Siebenaler;

S. 4023. An act amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Cal., to the city of Los Angeles, Cal.," approved June 30, 1906;

S. 3124. An act for the relief of Francis M. Atherton;

S. 4451. An act to provide for allowances for and minimum pay of Army field clerks, to provide for increased pay to Army field clerks for service beyond the continental limits of the United States, and to provide quarters or commutation thereof to Army field clerks in certain cases;

S. 3002. An act for the relief of the Copper River & Northwestern Railway Co.;

S. 3566. An act authorizing the President to appoint Second Lieut. Ansel G. Wineman as a provisional second lieutenant in the Regular Army;

S. 2205. An act for the relief of Isaac J. Reese;

S. 4428. An act to amend section 272 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909;

S. 4365. An act to authorize the President to make provision for the care and treatment of persons discharged from the military or naval forces of the United States who are citizens of any nation at war with a nation with which the United States is at war;

S. 2704. An act for the acquisition of additional land at the Leon Springs Military Reservation, Tex.;

S. 4498. An act to amend section 13 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917;

S. 72. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States;

S. 1879. An act for the relief of John C. Hesse;

S. 4423. An act relating to the deposit of copyrighted books upon medical and allied subjects;

S. 3572. An act authorizing the Coos Bay, Umpqua, and Siuslaw Tribes of Indians in the State of Oregon to submit claims to the Court of Claims;

S. J. Res. 139. Joint resolution for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was considered as in Committee of the Whole. It proposes that George H. Wood, of Ohio; James S. Catherwood, of Illinois; and John C. Nelson, of Indiana, be appointed members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to succeed George H. Wood, of Ohio; James S. Catherwood, of Illinois; and John C. Nelson, of Indiana, whose terms of office expired April 21, 1918; and

S. J. Res. 143. Joint resolution authorizing the acceptance by members of the military or naval forces of the United States of decorations from the government of any of the countries concurrently engaged with the United States in the prosecution of the present war and the issuance by the United States of decorations to members of the military and naval forces of said countries.

The message also announced that the Senate had passed with amendments the bill (H. R. 5558) to amend section 101 of the Judicial Code, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 4910) to authorize the establishment of a town site on the Fort Hall Indian Reservation, Idaho.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

An act (S. 390) to establish the Grand Canyon National Park in the State of Arizona; to the Committee on the Public Lands.

FOOD PRODUCTION.

The SPEAKER. The House will automatically resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11945, relating to food production.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SAUNDERS of Virginia in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Second. For procuring, storing, and furnishing seeds, as authorized by section 3 of the act, the appropriations for said purposes of $2,500,000 in section 8 of the act and $4,000,000 under the heading "Department of Agriculture" in the act approved March 28, 1918, entitled "An act making appropriations to supply urgent deficiencies in appropriations for

the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," shall be available until the date when said act of August 10, 1917, shall cease to be in effect, and any moneys heretofore or hereafter received by the United States for furnishing such seeds may be used as a revolving fund until said date.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. When the urgent deficiency appropriation bill was under consideration in the Committee on Appropriations representatives of the Department of Agriculture came before the committee and urged the pressing need for an additional appropriation of $4,000,000, which was granted them in that act. I have not had time to examine the hearings of the committee on this pending bill, and I wish to ask for information as to what was disclosed in the expenditure of that additional sum of $4,000,000, which is by this paragraph continued in effect. The hearings then disclosed, as I recall, that two million and a half dollars which had been appropriated in the original food-supply bill was to be utilized largely in Texas and in the Northwest. There were certain districts of the country, like Indiana, where there was need for supplying seed by reasons of drought or failure of crops, but the department did not have the time and did not have the money to supply that need. I am seeking information as to whether this $4,000,000 was available for other parts of the country than those in which the original sum was utilized.

Mr. CANDLER of Mississippi. Yes; it was utilized in other sections of the country. As the gentleman states, some of this appropriation was expended in Texas and in North Dakota and South Dakota and through the drought-stricken regions. Subsequent to that, under the appropriation made by the Committee on Appropriations, the other sections of the country were taken up wherever the need was shown, and the money applied in those sections, going into the corn belt and even as far as New York State. In some remarks the other day I mentioned the exact States in which it had been expended.

Mr. STAFFORD. Can the gentleman give us any information, as disclosed in the hearings, as to what the prospect is for want of seed by reason of shortage of crops during the coming year?

Mr. CANDLER of Mississippi. All the hearings we had in reference to this matter—and they were quite extensive at different times, because there were hearings on special bills as well as the appropriation bill—showed there was great necessity for looking after the furnishing of seed through various sections of the country, and the demand was very great indeed. Of course this fund provided for in this bill will be more in the nature of an insurance fund, so that these emergencies may be met as they arise. If they do not arise, of course the money will not be expended.

Mr. STAFFORD. I heard it stated in private conversation on the floor of the House here by a gentleman who is not now present that an estimator of the wheat crop predicted that the supply for the coming year from the present outlook would be several hundred million bushels more than the crop of last year. Was there anything in the hearings to justify the committee in coming to that conclusion?

Mr. CANDLER of Mississippi. The estimate showed that there would be an increase in the production of wheat this year, and we shall in all probability make the very largest wheat crop ever made in the United States. So far as the crop is concerned at the present time the conditions are very encouraging. General conditions in reference to the crop are much better than they were last year. I think there is no question but that there will be an increased production of wheat.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

Mr. WALSH. Mr. Chairman, I move to strike out the last two words. The effect of this paragraph is not to make any new appropriation.

Mr. CANDLER of Mississippi. Not a cent.

Mr. WALSH. The gentleman said that a great deal of this seed probably would be used in cases of emergency, and that unless the emergency arose the money would not be expended for the purchase of the seed. Is that correct?

Mr. CANDLER of Mississippi. That is true. By emergencies I mean, of course, where it develops in any part of the country that there is necessity to look after the furnishing of seed. The money would not be expended unless this demand should arise. That may arise and come to the attention of the department, and then the department will take cognizance of the facts furnished them and make such an investigation as is necessary, and if it is shown that the necessity does exist then seed will be secured and the people will be notified where they are and where they can be obtained, and if large quantities are demanded of course the Government will get them and transfer them to those localities and store them and sell them at cost.

Mr. WALSH. What will be the necessity of storing in large quantities of seed if that is the plan of the department?

Mr. CANDLER of Mississippi. Of course, seed would not be stored any great length of time, but it would be necessary to secure some place to take care of them until they were distributed out to individual farmers.

Mr. WALSH. Now, the gentleman has stated the outlook for the coming wheat crop is excellent, as I understand him, and the general conditions are better than they were last year.

Mr. CANDLER of Mississippi. Very much better.

Mr. WALSH. And we will probably have a bumper crop of wheat this fall or whenever it is harvested?

Mr. CANDLER of Mississippi. It is estimated there will be a considerable increase over last year.

Mr. WALSH. Now, that result has been obtained without the utilization of this somewhat modest appropriation which was carried in the bill which passed this House for the purchase of seed wheat to be sown this year—the bill which passed early in the session. We have got this big crop coming, if nature will be kind, without the utilization of that somewhat modest sum of money we appropriated in that bill.

Mr. CANDLER of Mississippi. I presume the gentleman refers to the bill which passed the House and is now pending in the Senate.

Mr. WALSH. It is pending somewhere, I assume.

Mr. CANDLER of Mississippi. In the Senate.

Mr. STAFFORD. It is up in the air.

Mr. CANDLER of Mississippi. The emergency provided for by that bill having passed, possibly and probably that bill will not be passed.

Mr. WALSH. So the wheat crop is absolutely safe, and there will be no need of worrying about it.

Mr. CANDLER of Mississippi. About that appropriation?

Mr. WALSH. No; without it.

Mr. STAFFORD. Will the gentleman yield?

Mr. CANDLER of Mississippi. I will yield to the gentleman from Wisconsin.

Mr. STAFFORD. When hearings were had on this additional appropriation before the Committee on Appropriations all of the two and a half million dollars of this revolving fund had been spent, but no money, as I recall, had been received from the farmers in payment of these seeds. Can the gentleman from Mississippi in charge of the bill inform the committee whether any amount of this large fund has been returned so as to recoup the fund that was paid out by the department agents?

Mr. CANDLER of Mississippi. My information is the Government has not lost anything by the sale of seeds.

Mr. STAFFORD. Not lost anything, but whether any of the money for the seeds furnished has been returned to the fund.

Mr. CANDLER of Mississippi. As fast as cash is received by the department from the sale of seeds it goes back into the Treasury. The amount collected from the sale of seed up to the present time, my information is, has been returned to the Treasury.

Mr. STAFFORD. The gentleman can not give the committee any information as to the total amount of seed of various kinds that has been purchased under this authorization from the department?

Mr. CANDLER of Mississippi. I stated that the other day. I will, in my speech, be glad to furnish the information again to the gentleman.

Mr. STAFFORD. If it is in the RECORD, that will be satisfactory.

Mr. CANDLER of Mississippi. I stated that the other day in detail exactly the kind and quantity of seed, and it will appear in the RECORD.

The Clerk read as follows:

Third. For the prevention, control, and eradication of insects and plant diseases injurious to agriculture, and the conservation and utilization of plant products, $811,300.

Mr. HUTCHINSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUTCHINSON: Page 2, line 23, after the word "products," insert: "for the following stated purposes and in amounts as follows: Cereal-smut eradication, $110,000; peanut conservation and utilization, $15,000; control of cotton, truck, and forage crop diseases, $117,550; farm storage of sweet potatoes, $30,000; location of Irish potato seed stocks, $30,000; plant-disease survey, $23,000; castor-bean production and utilization, $20,000; maintenance of field-bean seed supply, $10,000; field supervision of war-garden work, $7,500; production of cereals and grain sorghums, $53,250; sugar-beet nematode work, $10,000; inspection of fruits during processes of marketing,

$18,000; control of new sugar-cane disease, $20,000; production of rice, $5,000; control of cereal and forage insects, $55,000; control of stored-product insects, $22,000; control of vegetable and truck crop insects, $35,000; control of sweet-potato weevil, $30,000; control of deciduous-fruit insects, $45,000; control of citrus-fruit insects, $10,000; control of insects injurious to live stock, $20,000; control of rice insects, $3,000; control of sugar-cane insects, $9,000; general supervision of emergency insect-control work, $3,000; prevention of plant-dust explosions and fires, $75,000; total, $776,300"; and strike out the figures "$811,300."

Mr. CANDLER of Mississippi. Mr. Chairman, I reserve a point of order on the amendment.

Mr. HUTCHINSON. Mr. Chairman, I do not desire to take up the time of the House, and I ask that the gentleman make the point of order.

Mr. CANDLER of Mississippi. I will, then, ask the gentleman a question. Is this a similar amendment to the one offered by the gentleman yesterday?

Mr. HUTCHINSON. It is similar in that it is itemized, but makes it $35,000 more, owing to an error of somebody in drawing the bill.

Mr. CANDLER of Mississippi. This is in identically the same form as the amendment offered by the gentleman to the first paragraph upon which the chairman ruled yesterday and held it to be in order.

Mr. HUTCHINSON. It is.

Mr. CANDLER of Mississippi. Then I do not insist on the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. HUTCHINSON. Mr. Chairman, the committee made three reductions. First, the control of cotton, truck, and forest crop disease, $20,000; second, control of sweet-potato weevil, $20,000; third, in the Bureau of Chemistry, markets and plants, $60,000, making a total of $100,000.

The amount as submitted in the section is $811,300. The total estimate was $876,300, making a difference of $65,000. My amendment makes the amount just $100,000 less. So there is an error in the section before us of $35,000. While this does not seem a very great amount, especially if you are going to give carte blanche to the Secretary of Agriculture to use it for any one item, I could discuss several of the items in this amendment, but I am only going to say a few words about one, and that is the general supervision of the prevention of plant-dust explosions and fires. When that was before the committee it was divided into three sections—first, for the prevention of thrasher explosions and fires, and, second, for the prevention of mill and elevator explosions, and then for the prevention of cotton-gin explosions and fires. We reduced that $60,000, leaving an appropriation of $75,000. Now, I would like to ask the acting chairman of the committee [Mr. CANDLER of Mississippi], in charge of the bill, where that would be taken off, namely, whether it was for the prevention of mill and elevator explosions, or for what part?

Mr. CANDLER of Mississippi. It was agreed in the committee that we would leave the three executive officers that would have the execution of this law to apportion, under the direction of the Secretary, the amount that was reduced by the committee from the total amount, so that the total amount would be reduced proportionately from the several amounts proposed to be used in these bureaus of the Government.

Mr. WALSH. Will the gentleman from New Jersey yield?

Mr. HUTCHINSON. I will.

Mr. WALSH. Do I understand that the Department of Agriculture is traveling around the country to prevent explosions?

Mr. HUTCHINSON. Yes.

Mr. WALSH. Do they prevent these explosions before they occur or during the conflagration, or what is it they are doing to prevent explosions?

Mr. HUTCHINSON. I will explain that.

Mr. WALSH. I wish the gentleman would.

Mr. HUTCHINSON. Mr. Chairman, this provision is an appropriation of $40,100 for traveling expenses. It also makes provision for 42 extra men. The first is for the prevention of thrasher explosions, and provides for 23 men. I suppose it would take 23,000 men to investigate the thrashers that are traveling around the country. The only thing that they can do to prevent these explosions is to see that the machines are well oiled and that there is no smoking around while the thrashing is going on.

The second item I know something about, which is the prevention of mill and elevator explosions. I have a mill and an elevator and know something about the work and conditions under which they are operated. I am also a director in a large insurance company which places millions of dollars of insurance on flour mills, and it has men to go around and investigate and report to the company. If a mill owner does not keep his mill clean his insurance is revoked. This item is for the purpose of enabling them to go around and tell the different mill and elevator owners the necessity for cleaning up their establishments. And I would suggest to the department they ought to have another bureau, and that is one to investigate the mill owner or his business or his books or his last statement, as those are among the causes of a great many explosions, especially when the buiness is not a paying proposition.

Mr. TREADWAY. Will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. TREADWAY. Is it not a fact that the insurance companies, for their own protection and the protection of the mill owners, make these various investigations themselves, and the cost of it is included in the cost to the owners indirectly, and for which they pay?

Mr. HUTCHINSON. I believe that this item would be absolutely useless.

Mr. WALSH. Of course, these insurance men are experts, but the department aids are scientists.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HUTCHINSON] has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I desire to say but very little in reference to this. This is an item which is earnestly urged by the Department of Agriculture. It was strongly presented to the committee by the chief of the Bureau of Chemistry, Dr. Alsberg, who is one of the most scientific men in the department, and a man possessing as much information as any gentleman now in the employment of the Agricultural Department. In addition to that, I talked with the Secretary himself in reference to this item and asked him his views in regard to it. He stated to me in so many words that he considered it exceedingly important, and that he wanted this appropriation made. The committee saw proper to reduce the amount from the amount estimated. That reduction is made in the total of the bill. This appropriation as presented here is for the work proposed to be done, but, of course, it will be curtailed to the extent of the amount of reduction of the amount of money provided for.

Mr. WELLING. Will the gentleman yield?

Mr. CANDLER of Mississippi. I will.

Mr. WELLING. Can the gentleman state, in a word, why he objects to the different items being itemized here?

Mr. CANDLER of Mississippi. Because when you put in provisions and itemize the bill throughout, and specify the amount that may be expended for different purposes, then you tie down the department absolutely to the specific amount for the specific purpose which might be mentioned in the bill. The general provisions of the bill place the discretion in the Secretary of Agriculture to use this money for these purposes in a general way to secure best results. The work to be undertaken is stated in the estimates. It is proposed by the department to use the money for these purposes so far as known now, but if something should arise suddenly, as things are arising under conditions as now existing in this country, then we want him to have the discretion to allot such money as might be necessary to take care of the situation. And this is the form of the bill that is desired by the Agricultural Department, and it is approved by the Secretary himself as the best way in which to make the appropriations to accomplish the results desired.

Mr. WELLING. I notice that there is here an appropriation, according to the gentleman's amendment, for sugar-beet nematode work, $10,000. Have we any assurance, without that amendment going in, that any of this money will be expended in eradicating nematode in sugar beets?

Mr. CANDLER of Mississippi. It certainly will be expended in that way, probably that amount, *possibly more* than that, if the emergency should arise. Suppose it should be demonstrated by absolute observation that the disease was greater and covered a larger territory than at present supposed; if the appropriation is made in the lump sum, as it is made here, the Secretary could go beyond the $10,000. And that is the very reason why it is in the bill as it is.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. CANDLER of Mississippi. Yes.

Mr. LONGWORTH. The gentleman said this item was specifically asked for by the Secretary. Does the gentleman mean that the Secretary asked for it in a lump sum before the committee?

Mr. CANDLER of Mississippi. The Secretary himself was not before the committee.

Mr. LONGWORTH. I mean that the department asked for it specifically?

Mr. CANDLER of Mississippi. I stated that I had a personal conversation with the Secretary himself and talked over the whole bill with him from one end of it to the other, and we considered in that connection in our conversation this specific

item; I asked him as to the necessity of this particular item, and whether or not it could be reduced.

Mr. LONGWORTH. But the amendment offered shows that the addition was wrong in this case. Does the gentleman advocate that?

Mr. CANDLER of Mississippi. If the addition is shown to be wrong, we will correct it.

Mr. LONGWORTH. Does the gentleman announce that he believes in the policy of lump-sum appropriations for the Department of Agriculture?

Mr. CANDLER of Mississippi. Not in a general way, not all the time, because we appropriate in the annual appropriation bill in detail and segregate the items. But this is an emergency appropriation, which is intended to take care of conditions as they may arise and as they come up suddenly and unexpectedly. For the general work of the Department of Agriculture we make all of the appropriations in detail and segregate them and report the several items in thebill.

You can do that with reference to the activities of the department itself, because the officials of the department, from the Secretary down to the various chiefs of bureaus and divisions, know what the actual necessities of the department will be in order to carry on the normal work of the department. But no man can read the future, and therefore it is impossible for anybody to tell what will arise suddenly calling for immediate and prompt action. Therefore these appropriations in this emergency bill were made in that way a year ago, and that plan has been followed in this bill at this time.

Mr. LONGWORTH. Then the gentleman does not believe in that as a regular policy?

Mr. CANDLER of Mississippi. I do not believe in it as a regular policy. Regular and normal appropriations should be itemized. In emergency appropriations, in times like these, discretion should be given.

Mr. LONGWORTH. Then why does the gentleman oppose the amendment offered by the gentleman from New Jersey?

Mr. CANDLER of Mississippi. Because of the reason I have just expressed to the gentleman from Ohio. It is because of the difference in the purposes of the bill. In the annual bill we know what the normal activities are, but nobody can tell what the necessities might be and what might arise to be taken care of under this bill, hence the necessity for discretion to be used by the Secretary of Agriculture.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Chairman, I ask that the gentleman may have a little more time. I move to strike out the last word myself.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. LONGWORTH. Mr. Chairman, I am a little surprised to hear my friend defend this policy of lump-sum appropriations, particularly in view of the fact that I have listened for so many years to his eloquent argument in favor of the appropriation for that beautiful river, the Tombigbee.

Mr. CANDLER of Mississippi. I am in favor of the largest lump-sum appropriation which the Government will give for that purpose and which the gentleman from Ohio will lend me his transcendant ability to obtain. [Laughter.]

Mr. WALSH. As a war measure?

Mr. LONGWORTH. I have always supported consistently the gentleman's appropriations intended specifically for the use of the Tombigbee River; but I would not support, and I do not think the gentleman would ask me to support, a lump-sum appropriation to be expended by the Secretary of War, who, perchance, in his wisdom might see fit not to give any portion of that appropriation to the gentleman's river. Therefore I am surprised, as I say, to hear the gentleman advocate what I regard as practically an indefensible matter, namely, the making of appropriations in lump sums for the Government service. [Laughter.]

Mr. CANDLER of Mississippi. I am always for the Tombigbee, and I do not want my good friend to ever give me out on that great enterprise. I invite his help and assistance, and together we will yet improve that great river and preserve the commerce of the Nation. [Laughter and applause.]

The CHAIRMAN. The gentleman withdraws the pro forma amendment.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I am in favor of the amendment offered by the gentleman from New Jersey [Mr. HUTCHINSON], because it is in line with the insistent demand of this House in the matter of the preparation of appropriation bills, that they should be itemized. The gentleman from Mississippi [Mr. CANDLER], inadvertently of course, has not stated the real situation. Appropriation bills are usually, if not always, properly itemized, as demanded by the House and as is eminently proper.

This is not an emergency appropriation; these appropriations are not intended to be placed at the disposal of the Secretary of Agriculture to do just as he may please with them. These are appropriations urged during this year of war for particular work, and the committee took action on each particular item, and designated definitely how much money should be used for each particular line of work in which the Department of Agriculture should engage.

Every regular appropriation bill passed by the Congress for the Department of Agriculture contains a provision to the effect that during the year for which the appropriation is provided the Secretary of Agriculture may divert 10 per cent of the money appropriated for one purpose aad use it for another purpose different from that for which it was specifically appropriated. That is necessary in order that he may meet an emergency respecting any line of work in which the department is engaged. That matter was brought up in the Committee on Agriculture when this bill was under consideration. It was suggested that the usual 10 per cent provision be inserted in this bill to give the Secretary of Agriculture the opportunity of diminishing or increasing the amount intended to be used for one purpose and applying the difference to other purposes, and the committee refused to insert that provision in this bill, insisting that the particular amounts it fixed are all that should be allowed for particular lines of work.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. If the records of the committee show the full action of the committee, they will show exactly what I have stated.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. CANDLER of Mississippi. Was there any proposition to include in this bill any provision for the shifting of funds to the extent of 10 or 20 per cent in this bill?

Mr. McLAUGHLIN of Michigan. There was; 10 per cent was suggested.

Mr. CANDLER of Mississippi. I do not remember it.

Mr. McLAUGHLIN of Michigan. It was suggested before the committee, and it met with no approval from any member of the committee. It was insisted, and the committee decided, that the Department of Agriculture should be held to the use of the specific amount set opposite each proposition.

Now, the gentleman says he wishes to give large authority to the Secretary of Agriculture. I have attended all, or nearly all, of the meetings of the committee. I am familiar with the discussions had on these particular matters. I know of the increases that were made, because some items were increased, and I know of the reductions that were made, and I know why they were made. The reductions were not as large as some of us demanded, but we could not have our way. We asked that some of these items be eliminated altogether.

Now, when this bill is brought in carrying lump sums, we find two millions, and so recommended, for one item, and $800,000 for another, and we know, of course, that a lot of these separate items have been put together to make the total amounts. I have diligently gone through the estimates and through all the memoranda available that were made or used at the time the committee was considering this bill in an effort to find the separate amounts which put together would make these aggregate sums, and I have been unable to find the amounts or to make the proper calculation of the sums that would foot up the gross amounts carried in these lump-sum items; and I insist, Mr. Chairman, that neither the Secretary of Agriculture nor anybody else can take this law after it has been passed in this form and determine how much money is available for use under any one of the particular items contained in the estimates that we considered.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. That was urged before the House yesterday when the other amendment, similar to this, was offered by the gentleman from New Jersey [Mr. HUTCHINSON] and the gentleman from Mississippi [Mr. CANDLER], in charge of this bill, insisted that the Secretary of Agriculture should have large discretion, should be permitted to spend money without any restriction whatever, admitting what I said, that

it would be necessary for the Secretary to go to the office of the Committee on Agriculture and look over the minutes of its meetings and see what amounts had been fixed for each particular line of work. If that is not a ridiculous proposition I never heard one. I never knew of a law being passed along such lines. Suppose the Secretary should not do it; and, of course, he would not do it.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. TOWNER. The statement made by the gentleman is certainly a very important one. As I understand him, he says that in the estimates made by representatives of the department of separate items that constitute the gross amounts that are appropriated for he has failed in any instance to find that they aggregate as much as the amounts contained in this bill. Is that correct?

Mr. McLAUGHLIN of Michigan. I have been unable to pick out the different items and put them together and add them together and make the aggregate as carried in these lump-sum appropriations; no one can do it without referring to the minutes of the Committee on Agriculture. The gentleman from New Jersey, like myself, has made inquiry and investigation, and he says there is a discrepancy in this very item, and he is unable to account for it.

Mr. TOWNER. Then it is utterly impossible for the House to understand whether or not the amounts asked for in this bill are really recommended by the representatives of the Agricultural Department.

Mr. McLAUGHLIN of Michigan. That is entirely true, and further along the line I have spoken of, about the difficulty confronting the Secretary of Agriculture, he will be unable to determine how much the committee has recommended or how much Congress has appropriated for any particular line of work. It will be impossible for him to determine.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. TREADWAY. Would it be impossible to tell what salaries the men who are to be employed, the experts, shall receive under this lump-sum appropriation? Will not they be able very readily to determine the salaries that the men will get?

Mr. McLAUGHLIN of Michigan. That is a very pertinent question. In these different lines of work many men are to be employed. In some lines the salaries are high and in some they are comparatively low. As the gentleman from Iowa [Mr. HAUGEN] says, they run from $100 a month to $300 a month. We did make large reductions in some of the amounts which would provide for large salaries, and in some cases we lifted the recommendation for the cheaper work, as we may call it, the department wished to do. In some cases we increased the appropriation which would provide for paying the smaller salaries.

How in the world can the Secretary of Agriculture know whether he is enabled under the appropriation to employ men at high salaries or at low salaries? How can he tell anything about it? And if he should be given the unlimited authority or discretion which the gentleman from Mississippi [Mr. CANDLER] suggests he should have, and as he will have if the bill in its present form shall become a law, what is to prevent him from using the entire amount in hiring and paying men at the higher salaries? There is no limit upon his authority. Congress has determined, and the Appropriations Committee of this House have almost invariably brought in bills in accordance with that determination, that these matters should be itemized as far as possible. We are departing radically from that rule without any possible excuse for it.

Mr. TREADWAY. I would like to ask the gentleman in reference to a statement made yesterday. I understood the gentleman from Illinois [Mr. MADDEN] to say that there were covered in this bill 11,000 employees.

Mr. McLAUGHLIN of Michigan. Yes.

Mr. TREADWAY. Later on the gentleman from Missouri [Mr. RUBEY] stated that this was identical with the bill as passed last year. There seems to be a great conflict of opinion as to that—whether there are to be 11,000 new employees.

Mr. RUBEY. Mr. Chairman——

Mr. McLAUGHLIN of Michigan. Pardon me, but the gentleman from Missouri can get his own time.

Mr. RUBEY. But the gentleman from Massachusetts has made a misstatement concerning me, and I want to correct it.

Mr. McLAUGHLIN of Michigan. The gentleman from Missouri can get time to make a statement.

The CHAIRMAN. The gentleman from Michigan has the floor, and he yields to the gentleman from Massachusetts.

Mr. McLAUGHLIN of Michigan. A similar bill passed a year ago, was in operation for only a few months, and about 5,400 were employed. Under this bill some 11,000 employees will be provided for, a part of them engaged a year ago and the rest will be employed now, and all will be paid out of money we are now appropriating; that is, this bill will provide for about 6,000 men in addition to the 5,400 employed under the bill of last year, or more than 11,000 altogether. Or, to state it in another way, 5,400 employed last year will be continued in their jobs and 6,000 will be added this year, making more than 11,000 altogether, and they will all be paid out of money provided by this bill.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. RUBEY. Mr. Chairman, I desire to correct a statement made by the gentleman from Massachusetts [Mr. TREADWAY], I know unintentionally. I did not say that the bill was identical in the number of employees. I said it was identical in language and identical in purpose; that the appropriations, however, were different, and that it was not identical in the number of men employed. This bill will carry additional men.

Mr. TREADWAY. Will the gentleman say how many he considers it will carry?

Mr. RUBEY. It will not carry 11,000 additional men.

Mr. TREADWAY. How many?

Mr. RUBEY. Probably two or three thousand. There are now included in the Department of Agriculture about 16,000 or 17,000, as I stated yesterday. This bill we are now considering provided for 7,000 men, making a total of about 22,000 men. There will be some additions, because, as I said yesterday, it is proposed to put a farm demonstrator, if possible, in every county in the United States, and every time we get a good man and put him into a county as a farm demonstrator that will add one man to the pay roll. There is no question about that. There will be others added to the pay roll.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. HAUGEN. I know the gentleman wants to be fair.

Mr. RUBEY. I do not know whether I ought to yield or not, because the gentleman from Michigan [Mr. MCLAUGHLIN] refused to yield to me, his colleague on the committee, and said that I could get time in my own right.

Mr. McLAUGHLIN of Michigan. I would have yielded for a question, but not for a long statement.

Mr. RUBEY. I yield to the gentleman from Iowa.

Mr. HAUGEN. I take it the gentleman will accept the figures submitted by the Secretary of Agriculture and put in the estimates. If he will accept these figures he will find the figures are exactly 11,907. The gentleman knows the committee reduced the appropriation to some extent and estimated about 11,000. That is not increasing it over the number employed last year. I gave the exact figures yesterday. The total number estimated in the Book of Estimates, 11,907. Now, the total number employed last year under the food-survey bill was 6,280; total increase, 5,627.

Mr. RUBEY. Now, the statement of the Secretary of Agriculture and the secretary to the Secretary of Agriculture is that the number of men used under this bill is about 7,000, and there will be two or three thousand added to that.

Mr. HAUGEN. Six thousand two hundred and eighty.

Mr. SWITZER. Will the gentleman yield for a question?

Mr. RUBEY. Go ahead.

Mr. SWITZER. Speaking about the farm demonstrators, and so forth, do they have to devote all their time to this work?

Mr. RUBEY. They do.

Mr. SWITZER. Then, they are prohibited from farming and the actual production of food——

Mr. RUBEY. Let me ask the gentleman a question.

Mr. SWITZER. I want to know——

Mr. RUBEY. I am asking the gentleman a question. Will he answer it?

Mr. SWITZER. If I can.

Mr. RUBEY. The gentleman has in his State a number of superintendents of schools in every county, has he not? Does that superintendent of schools in each county teach school or act as supervisor of schools?

Mr. SWITZER. The farmers are rising up in my State against the proposition——

Mr. RUBEY. I am sorry for them.

Mr. SWITZER. Some farmers are going to beat a man in the primaries right in my own county, so they say, because he is a school-teacher. We have got now a farm demonstrator, or some sort of farm supervisor, in my county. How many have we got to support who will not be producing anything?

Mr. RUBEY. You have one good supervisor in your county, and you ought to have him, and you ought to have one good woman to help the women in that county. Thus, you have two, or you ought to have them. I do not know whether——

Mr. SWITZER. We are not asking for any more.

Mr. RUBEY. Now, I shall decline to yield. I want to say just one word. A great deal has been said about lump-sum appropriations and about the appropriations provided in this bill. In our regular agricultural appropriations we have always endeavored in every possible way to give the House the information necessary and to subdivide this work and report the appropriations together in an itemized statement, so we know just what we are doing in this and in that particular line. Now, then, as has been said by the gentleman from Mississippi, this is emergency work and comes up here during war times. We do not know to-morrow what may be needed over in the State of Kansas to take care of pests in connection with wheat. We do not know what may happen next week or month in connection with hog cholera. It may be necessary for the Department of Agriculture to take a great deal more money that would be used in a certain item here to take care of some particular emergency. Now, I want to say another thing. I was called to order yesterday for talking about things that occurred in the committee. I am going to talk about something that did not occur in committee. If there was in the committee a word said about reporting this bill in an itemized form I never heard it, and I was right there when the bill was reported. No member of the committee said anything about it, and yet to-day they come here and ask for an itemized bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. Mr. Chairman——

The CHAIRMAN. The gentleman from Massachusetts.

Mr. CANDLER of Mississippi. Let me see if I can arrive at how much time will be needed.

Mr. HEFLIN. Mr. Chairman, I am a member of the committee, and I want to be heard in reply to the gentleman.

Mr. WALSH. The gentleman has not been recognized.

The CHAIRMAN. The gentleman from Massachusetts has been recognized by the Chair.

Mr. CANDLER of Mississippi. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to this paragraph close at the end of 10 minutes.

Mr. HEFLIN. And I to have five minutes.

Mr. ANDERSON. I object.

The CHAIRMAN. Objection is heard.

Mr. CANDLER of Mississippi. How much does the gentleman want?

Mr. ANDERSON. I want five minutes.

Mr. CANDLER of Mississippi. I ask unanimous consent that all debate close on this amendment and all amendments to the section at the end of 30 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph, the pending amendment, and all amendments thereto shall terminate at the expiration of 30 minutes. Is there objection? [After a pause.] The Chair hears none. Will the gentleman give the names of the gentlemen who are to speak?

Mr. CANDLER of Mississippi. The gentleman from Massachusetts [Mr. TREADWAY], five minutes; the gentleman from Minnesota [Mr. STEENERSON], five minutes; the gentleman from Minnesota [Mr. ANDERSON], a member of the committee, five minutes; the gentleman from Alabama [Mr. HEFLIN], five minutes; the gentleman from Massachusetts [Mr. WALSH], five minutes; and I reserve five minutes for myself.

Mr. TREADWAY. Mr. Chairman, while the gentleman from Michigan [Mr. MCLAUGHLIN] had the floor a few moments ago I asked him whether he agreed with the statement made by the gentleman from Illinois [Mr. MADDEN] yesterday in regard to the increase of number of employees, and I referred to the speech made yesterday by the gentleman from Missouri [Mr. RUBEY]. He at once said that I had misquoted him, saying we passed this bill a year ago. Now, my impression from what had been said came from listening to the gentleman from Missouri at that time, and in order to verify my impression I want to quote the very language as it appears in the RECORD this morning of what the gentleman from Missouri did say:

> This identical bill was passed by this very Congress a year ago. We provided for these appropriations for the purpose of stimulating agriculture from one end of this country to the other. That work is being done now. The men have been employed, and they are now in the field.

Now, I think, Mr. Chairman, I was justified in my inference that he gave the House to understand that this bill was identical with the bill which we previously passed.

Mr. RUBEY. It is identical.

Mr. TREADWAY. That is all I said, but the gentleman said I did not make a correct statement at the time.

Mr. RUBEY. I know the gentleman wants to be fair, and so do I.

Mr. TREADWAY. Certainly.

Mr. RUBEY. I supposed the gentleman referred to the number of men employed in the department, but I did not state that the number that will be employed in the department under the provisions of this act are the same.

Mr. TREADWAY. I have not had access to the record of the committee, of course.

Mr. RUBEY. I would not have made that statement.

Mr. TREADWAY. But there is a very great difference between the members of the committee as to the number of additional employees that are to be added. The gentleman from Missouri said that there was to be something like 2,000, because the work has been so successful by those already employed. The gentleman from Iowa [Mr. HAUGEN], who has the records before him, says there are to be nearly 6,000 additional employees.

There must be something wrong here somewhere when there is a difference of at least 4,000 among the members of the committee as to the probable employees under this act. It seems to me that we ought to have more definite information. Now, for instance, take that one item of the prevention of explosions. I understand there are at present employed by that department 17 men. There are to be 42 men added in that department, according to the estimates as submitted to the committee. Now, if there is useless duplication of employment it is by men who are going around snooping into the mills and factories, officially representing the Government, in order to do something that experts are employed to do by the insurance people and paid for by the mill owners themselves. They must have that class of people for their own self-protection, and why, in the name of all that is good, must we duplicate that work, unless it is as suggested by the gentleman from Illinois [Mr. MADDEN] yesterday, in order to make positions for deserving men along toward election time?

I find that under this one amendment here there are provided at least 140 additional men, according to a hasty compilation by the gentleman from New Jersey [Mr. HUTCHINSON]. What are these people going to do that is beneficial to the farming interests of the country?

I represent such a community. I am always interested in the welfare of agricultural sections. I do not want to vote against this bill with a view of doing any injury to the farming interests, but I shall vote against the bill if it means that a political subterfuge and camouflage is being played here for the benefit of any aspiring political people looking for good positions for some of their subservient politicians.

That looks to me to be the real merit and crux of this bill. I think those of the committee who are taking an attitude in opposition to it are upon sound ground.

Mr. CANDLER of Mississippi. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. CANDLER of Mississippi. The gentleman does not really believe the Agricultural Department is asking these appropriations from Congress to be used for political purposes, does he?

Mr. TREADWAY. I do not wish to pass judgment on the merits of the various people in the executive departments at the present time. I should rather leave it to the judgment of the gentleman from Mississippi.

Mr. CANDLER of Mississippi. I doubt if the gentleman really believes that.

Mr. ANDERSON. Mr. Chairman, I think we have gotten rather far away from the merits of the amendment now pending. There is a great deal of the work under the general item which we are discussing which is valuable. It seeks to provide a fund for the elimination, eradication, and control of the diseases of plants, and thereby to conserve the food supply of the country. There are many of us who are in sympathy with much, if not all, of the work which will be done under this general item.

But the amendment of the gentleman from New Jersey [Mr. HUTCHINSON] does not in any way affect the work which will be done under this item. It is amendment of form entirely rather than an amendment of substance, although it is an extremely important amendment from the standpoint of making this legislation what it ought to be. In order to understand just what this amendment does it is necessary to keep in mind just how this bill was made up.

The Secretary of Agriculture in making his estimates for this bill followed, in a general way, the same form of language that was in the bill we passed last year. But under each one of these general items he segregated each particular item of work. In other words, he made a statement of each project which was to be conducted under the general language, and accompanied each item with a statement of the character of the work which was to be done under it. The committee considered each and every item, disallowed some of them in toto, I think, reduced some of the others, and increased a number of them.

Now, then, if the Secretary is to have any information at all as to what the committee allowed and as to what the House allowed, if the Secretary is to have any information as to what the Congress desires to have done under this bill, then the amendment of the gentleman from New Jersey ought to pass, because he can get his information only from the terms of the bill itself. If he does not get it from the terms of the bill, and he can not get it and ought not to get it from the minutes of the committee, he would then, under the terms of the law itself, be entitled to use this money for any of the general purposes mentioned in the general language. He would not be confined to the use of the money for the specific purposes for which the Committee on Agriculture allowed it, nor would he be confined in its expenditure to that which the House understands the money is appropriated for.

Now, one of the items which has been discussed, and which is covered by this language, is the item for the control of dust explosions, which has been referred to by the gentleman from Massachusetts [Mr. TREADWAY].

Now, what we intend in that case is this: It is not an experimental item, not a research item, but it is a propaganda item pure and simple. The Bureau of Chemistry has made some experiments touching the causes of explosions in thrashing machines. They observed that most of these explosions were caused by the creation of static electricity in the pulleys and belts of the machines, and that by a suitable system of commutators and electric wiring that static electricity could be gathered and grounded, so that it would not cause a spark and thus set fire to the dust in the machine. Now, this item is intended for work among the people who run these thrashing machines, to induce them to adopt the methods worked out by the Bureau of Chemistry for the purpose of preventing explosions in such machine.

Practically the same kind of work will be done under the item for the prevention of explosions in flour mills. Any man who wants to put on any one of these preventive instruments can do it. He can get them on the market. There is nothing secret about it. It is simply a question of whether he wants to do the thing which the Bureau of Chemistry says can be effectively done in order to prevent explosion.

It seems to me that the Secretary of Agriculture ought not to be in the business of soliciting for this purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Chairman, I was considerably surprised yesterday when the amendment offered by the gentleman from New Jersey [Mr. HUTCHINSON] was voted down, and I was more surprised at the arguments used against it. For instance, the chairman of the Committee on Agriculture, the gentleman from South Carolina [Mr. LEVER], said, in defense of this lump-sum appropriation, that he had seen on this floor pension bills carrying hundreds of millions passed in a few hours; that he had seen the post office bill passed in a few hours, and inasmuch as those committees had done wrong he thought this committee ought to be entitled to do wrong also.

Now, the trouble with the illustration was that it did not fit. There is no lump-sum appropriation in the pension bill. Everybody ought to know that, especially the chairman of the Committee on Agriculture. Is there any authority vested in the Secretary of the Interior to distribute pensions around among his favorites, as it could be done under this lump-sum appropriation? Not at all.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. CANDLER of Mississippi. The pension appropriation bill, which passed the other day, carried in a lump sum $185,000,000.

Mr. STEENERSON. Oh, the gentleman is mistaken. There is no authority there to distribute it to Tom, Dick, and Harry, as there is under this bill to distribute the salaries to whom they please.

But however that may be, it is no defense of a wrong bill to say that some other bill is worse than this. That is no defense at all. It has been the uniform practice and it is recognized to be good legislation to have segregated items everywhere, and in this bill especially there is more necessity for it than ever. What is there in this war argument that it is a great necessity, and therefore we should not segregate these items and thereby limit the discretion of the Secretary of Agriculture to distribute this money as he might see wise? War? Yes; we are at war. God knows we are at war. We have to raise large sums of money. Is that an admonition that we should use that money economically and wisely or not? Is it not an admonition for economy when we see the solicitation of the children's pennies for war stamps, when we see the solicitation for larger sums for liberty bonds, when we see everybody straining every effort to contribute to the war, when this magnificent effort is made on the part of the women and children of the United States to raise funds for the war? Is not that an admonition to us when we are considering an appropriation bill that we should prevent waste in the expenditure?

One of the objects of the bill is said to be preventing waste. My God! Can you ever find a more wastefully framed bill on the statute books than the one that is brought in here? [Applause.] Never. It literally encourages wasteful expenditures. I am surprised that anybody on that side of the House, after his attention has been called to it, will vote against a proposition to segregate these items, as desired by the gentleman from New Jersey. [Applause.] It seems to me to be unthinkable in these times, when we are raising money in the way we are, that we should outdo all the wasteful Congresses of the past in order to bring in here a bill that is an example of wastefulness in itself. [Applause.]

Mr. WALSH. Mr. Chairman, I know it is unpleasant for that side of the House to hear these statements, but I ask for order.

The CHAIRMAN (Mr. CRISP). The committee will be in order. The gentleman from Minnesota will proceed.

Mr. STEENERSON. I am very glad to see that the Members on that side of the House over there are listening and paying attention to every word. I hope what I say will fall upon willing ears. I say it is a most important thing these days that we should scrutinize every appropriation bill which, unless modified as is proposed in this amendment, would give discretion to spend enormous amounts on new-fangled theories like the one described by my colleague from Minnesota [Mr. ANDERSON] about explosions. The committee has done faithful work here and has determined, according to the statement of the gentleman from Michigan [Mr. MCLAUGHLIN], the sums that ought to be and could be wisely spent on each of these subjects. Now you propose to give discretion to some bureaucrat to spend the money as he pleases.

The gentleman from Mississippi [Mr. CANDLER] in charge of this bill says he is willing to trust the Secretary of Agriculture. Well, what does the Secretary of Agriculture know about the administration of these affairs? The office of Secretary of Agriculture is getting so big now that he can not possibly devote his personal attention to these things. He has got to leave it to some bureaucrat, some head of a bureau that thinks he owns the world, and most of them do. We have experience of that. No; let Congress make the limitation and not leave it to them to spend as they please. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HEFLIN. Mr. Chairman, it is hard to understand why some of the gentlemen here are causing so much delay in the passage of this very important measure. This is a short bill, only five pages long. The House commenced to consider it on Friday. This is Tuesday. This is an emergency measure, made necessary by the war, and yet gentlemen are holding up the House in its passage of this measure because it confers discretionary powers on the Secretary of Agriculture about matters of small magnitude compared with some of the colossal powers that they have put in the hands of other departments.

But this measure, pertaining to the business of the farmers of the country, is held up by gentlemen who undertake to hamstring it, and the gentleman from Massachusetts [Mr. TREADWAY] suggests that it is an effort to play politics. I submit to this House and to the people who will read this record in the fall time that the effort to play politics comes from another quarter in this House. There is no politics being played by the administration in its conduct of the war. The President, at the outset, when a man was needed to lead Russia to the light, appointed the great lawyer, Mr. Root, a Republican. Not long ago he appointed ex-President Taft to an important position in this city. Recently he appointed the great lawyer Hughes, a Republican, to make an important investigation. The cry of politics falls flat, and ill does it become gentlemen who are going to have to face their record this fall to talk about politics in connection with a measure like this and then vote for the measure.

Gentlemen, it will be said to some on both sides this fall, "I know you voted for the bill; but you did all you could to delay it, and you did all you could to defeat it until the record vote came, and then you swallowed it, after doing all you could to make it obnoxious and loathsome."

I trust, Mr. Chairman, that we may be able to come together here and pull together in the passage of this bill. It is an important measure. Why, the gentleman from Massachusetts [Mr. TREADWAY] voted for the food-control bill, that outlined

this very work. This is a supplementary measure, necessary to carry out the purposes of the original bill. Why gentlemen will take up time now and delay the passage of this measure, which the Secretary of Agriculture is hoping will pass speedily, I can not understand.

Gentlemen, let us quit it. Let us get together. If we have serious objections, let us present them and get through with them and pass the bill. We are not conferring extraordinary powers here; nothing at all compared with some of the powers that we have conferred without much debate in this House. I trust that gentlemen will support this bill.

Mr. WALSH. Mr. Chairman, I trust when we read the remarks of the gentleman from Alabama [Mr. HEFLIN], just concluded, to-morrow morning we will notice at the close in brackets the word "applause," the echoes of which still reverberate. I do not believe that Members on that side of the House or Members on this side of the House are going to be frightened by this prattle about the emergency and about the delay in the passage of this measure. The truth is, Mr. Chairman, the millions are coming too easily from the pockets of the taxpayers. The heads of departments are not imbued with the spirit of economy. They come up and submit their estimates and then insist—as I understand they do insist, or, at least, express the strong desire, as in this instance—that we should pass bills in lump-sum appropriations. I wonder why the distinguished chairman in this instance, instead of putting this bill into six or seven paragraphs, did not put it all into three or four lines, lump it all into one appropriation of $18,000,000, or whatever the total may be.

Now, I do not believe that the farmers of this country, or the laboring people of this country or any other class of our people, are dependent for signifying or demonstrating their patriotism upon appropriations made out of the Federal Treasury. I deny it as far as the farmers are concerned and as far as the laboring people are concerned. I do not believe we have got to stimulate the farmers' patriotism by appointing farm supervisors in every county of the Republic or by appointing demonstrators as to how to make cottage cheese in the various rural communities of this Nation.

Furthermore, I submit that we should follow the plan of this measure, as we have in other emergency measures and other annual appropriation bills, by itemizing the appropriations and say to the heads of departments, "You have available for this purpose a certain amount of money, and if it is not sufficient, under the general powers you possess, you can exceed that sum and trust to Congress to make it up in a deficiency appropriation."

The gentleman from Alabama, after an absence of several days from the House, displaying himself, I presume, in all his pristine splendor to some of the communities in his great Commonwealth, making appeals for patriotic purposes, which he can so well do, comes back all fussed up because this bill was taken up on Friday and we have not passed it before he returns. And, forsooth, he must get up and read a lecture because gentlemen rise on the floor and take part in legitimate discussion and legitimate amendments, and because of this he charges delay.

I suppose that he is one of the gentlemen who is anxious that we should adjourn by the 1st of July, so that he can go back to his constituency and perhaps persuade them and the people of his State that he ought to be elevated to some other body in response to a suggestion contained in a letter which he sent out under his own frank to the wondering public within the great State of Alabama. [Applause.] That great constituency that is sitting there in fear and trembling waiting upon the decision which he shall make of that momentous question—whether he should run for the Senate or return to the House. For this he would presumably hasten us up and hurry us along without debate or consideration or discussion of the appropriations of billions, which many of these bills carry.

The time will come, Mr. Chairman, when the people of this country will ask their chosen representatives, Why did we vote for these measures and why did we not ascertain the reasons for these lump-sum appropriations?

Mr. Chairman, I do not think the people of this Republic expect us to pass measures without due consideration and due deliberation. I think they expect us to remain here in the House and consider and discuss every proposition that is made to us, whether it takes a week or two weeks, or all summer, and to do it calmly, dispassionately, and patriotically; and if we do that there will be no furor at the homes or at the firesides of the people of this Republic. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, I want to get back to the proposition pending before the House, and that is the question we have up for consideration. The amendment offered by the gentleman from New Jersey, which is the pending amendment before the House, proposes to segregate the various items and fix the specific sums which shall be appropriated for each activity. The provisions of the bill are in accordance with the bill passed a year ago, and the appropriations under the bill passed a year ago were exactly like the appropriations under this bill. There is no difference between them, except in amounts; there is no difference in language or difference in purpose. That bill received practically the unanimous vote of the House. There were only 5 votes, as I recollect, against it. Now, if it was good legislation then, why should you not continue the language of the bill; why should you change the plans that were then adopted and pursue a different plan when you are making appropriations for the work that was begun under the plan inaugurated a year ago and has proven successful?

Mr. MONDELL. Will the gentleman yield?

Mr. CANDLER of Mississippi. I can not yield, I have only a short time. It was stated by the gentleman from Minnesota [Mr. STEENERSON] a moment ago that there was never a more wasteful proposition proposed on the floor of the House than in this bill. It is wasteful, wonderfully wasteful, is it not, to appropriate $11,000,000 to stimulate and encourage the agricultural interests of the whole United States of America! Is it not awful and horrible to think about, to expend $11,000,000 to help the agricultural interests and assist the farmers when they are standing under the burden placed upon them as well as other people in the appropriations of billions of dollars.

Let us look at the result. The great stimulation of agriculture in farm products during the year 1917 was brought about to some extent, and I believe to a considerable extent, by the appropriations of the last annual Agricultural bill and the emergency bill.

The total amount of production last year of farm products was $19,413,849,381, while the total amount of the products during the year 1916 was $13,406,364,011, making an increase in 1917 of $6,037,485,370 over 1916.

The total amount of products in 1917 exceeded the average for five years previous by $10,055,083,502.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. CANDLER of Mississippi. I have not the time to yield. When the farmers of this country are producing this enormous quantity and value of agricultural products and are patriotically responding to every request made of them, when they have produced this more than nineteen billions of dollars in a single year, some people see fit to get up on the floor of the House and talk about wastefulness and extravagance in an appropriation of the sum of $11,000,000 to help them in their work and to stimulate and encourage the agriculture of the country. The man who does it is no friend of the farmer and not in sympathy with him. I think you had better talk about wastefulness somewhere else. I do not like to hear people talking about economy when it comes to the great tillers of the soil—the people who in the sweat of their faces produce the wealth of this country and support its institutions and patriotically respond to its requests. [Applause.] Let economy be practiced on somebody else. [Applause.] I would much rather hear them talk about wastefulness and the practice of economy in some other directions in this country where it could be practiced, and where in all probability it should be. Reduce some of the billions that are being appropriated and quit talking about the insignificant sum of $11,000,000 appropriated in this bill for the benefit of the whole agricultural interests of the United States of America when the production of agriculture added over $19,000,000,000 to the wealth of this country last year. [Applause.] I appeal to the Membership of the House to defeat this amendment, and to let the discretion remain in the Secretary of Agriculture to carry on this work as it was begun, and which he has so successfully done up to the present time, as shown by the results. If the work already begun has brought about these results, why change the plans and risk the possibility of injuring the service already begun. [Applause.]

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken.

Mr. HUTCHINSON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. HUTCHINSON and Mr. CANDLER of Mississippi to act as tellers.

The committee again divided, and the tellers reported—ayes 46, noes 59.

So the amendment was rejected.

The Clerk read as follows:

Fourth. For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods, through county, district, and urban agents and others, $6,100,000.

Mr. HEFLIN. Mr. Chairman, I move to strike out the last word. A moment ago when I was pleading for speedy action

upon the passage of this bill the gentleman from Massachusetts [Mr. WALSH] took occasion to refer to the fact that I had been absent for a few days. I had been absent making patriotic speeches down in my State. I wired to the gentleman from Mississippi, who is one of the best friends the farmer ever had in Congress, to know if it was necessary for me to immediately return. I should have been here on Friday, but believing as he did that nobody would seriously oppose a measure looking out for the development of the agricultural interests and the carrying on of this great work during the war, he said that he did not think there would be any opposition to the bill, and that there was no necessity for me to return. But I am here now. The gentleman from Massachusetts suggests that I am one of those who wish Congress to adjourn early in order that I may go down into Alabama and see if I can induce the people of the State of Alabama to send me to the Senate. This is the second time that Republicans here have injected themselves into this senatorial situation in my State. You can not fool me, gentlemen. I know the earmarks and just what is back of such performances. There are Democrats in public life who get Republicans to play their tricks for them; but it will not work with me, nor will it work with the people of my State. If I desire to submit my candidacy to the people of my State, I shall do so in obedience to the call of the people of the State and in response to my duty as I see it. I paid for the postage on the letters that the gentleman says I franked in connection with the office of Senator in Alabama. While I am still of the opinion that it was frankable because of its reference to public questions, the Post Office Department thought that it contained a line or two which took it out of the class of frankable matter; but that should not worry the gentleman from Massachusetts. I suppose that the gentleman is one of those who favor selling to the United States Government the pneumatic-tube service, the greatest piece of graft ever foisted upon a free people. I trust that we may adjourn before that can be unloaded upon the American people for $4,400,000. It is repudiated by every postal expert in the Government, denounced by every postmaster where it has been operated, opposed by the chairman of the Post Office Committee of this House and by the Postmaster General of the United States. I shall be here to fight that when the gentleman advocates it upon the floor of this House. I withdraw the pro forma amendment.

Mr. HUTCHINSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HUTCHINSON: Page 3, line 2, after the word "others," insert "for the following stated purposes and in amounts as follows: Fruit and vegetable utilization, $35,000; general administration of extension work, $35,000; home-economics work, $25,000; extension work in Northern and Western States, $134,200; county-agent work, $1,893,000; boys' and girls' club work, $382,000; home-demonstration work, $1,327,400; extension work in Southern States, $90,000; county-agent work, $1,333,815; boys' club work, $75,300; home-demonstration work, $803,385; total, $6,135,000"; and strike out the figures "$6,100,000."

Mr. CANDLER of Mississippi. Mr. Chairman, in view of the fact that we have discussed this amendment, I wonder if we can not agree on a time for debate. I ask unanimous consent that all debate close upon this amendment and all amendments thereto in 30 minutes, 5 minutes to be occupied by the gentleman from Iowa [Mr. GOOD], 5 minutes by the gentleman from Iowa [Mr. GREEN], 5 minutes by the gentleman from Iowa [Mr. HAUGEN], 5 minutes by the gentleman from Michigan [Mr. MCLAUGHLIN], and 5 by the gentleman from New Jersey [Mr. HUTCHINSON], the remaining 5 minutes to be occupied by me.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate upon this amendment and all amendments thereto close in 30 minutes, the time to be occupied as indicated by him. Is there objection?

There was no objection.

Mr. HUTCHINSON. Mr. Chairman, the object of this amendment is for the purpose of itemizing the entire paragraph. When these 11 items were before the committee there were no reductions in any one of the 11. The total amount of the estimates submitted by the bureau was $6,135,000. The bill before the House carries in this section $6,100,000, showing a reduction in the estimates of $35,000, when there were no reductions in any of the 11 items. This work is practically for extension work, for county-agent work, in Northern, Western, and Southern States. You notice in the itemized amendment boys' club work and home demonstration work, but practically all of it is for salaries and expenses of demonstrators. There has been no change in the different items. As I said, my only object in offering the amendment is to set the Department of Agriculture right, but there is an error of $35,000 in the total amount of this section. This amendment of mine gives $35,000 more than is asked for in this section of the original bill.

Mr. Chairman, I reserve the remainder of my time.

Mr. GREEN of Iowa. Mr. Chairman, I regret that I do not see the gentleman from Alabama [Mr. HEFLIN] in the House at the present time. It has been reserved for him to give a new reason why we should vote for this bill. The gentleman intimates, if he does not expressly so state, that in case anyone upon this side, or the other side for that matter, has the temerity to vote against this bill some one will be sent out into his district this fall and his constituents will be told that he voted against a war emergency measure. Now, who that will be who will go out I do not know. I have too much respect for all the gentlemen on the other side with whom I have any personal acquaintance to anticipate that any of them would go out into my district and do so. If they want to, however, they may have the opportunity, because I am going to vote against this bill unless it is amended so as to make it more acceptable. I might say also that I understood that the gentleman from Alabama intimated that nobody dared to vote against this bill.

Mr. HEFLIN. The gentleman from Alabama did not intimate anything of the sort, but whoever does do it must take his stand in the record.

Mr. GREEN of Iowa. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. Gentlemen must not interrupt without the consent of the gentleman having the floor.

Mr. GREEN of Iowa. I think everyone in the House heard what the gentleman from Alabama said and knew what he meant. His meaning was plain enough, and I want to know if it has reached that state of affairs here that a Member can not endeavor to reduce the amount carried by any of these bills; that he can not say, "I will not vote for a bill because it contains unnecessary extravagances and waste," without being threatened that somebody will go out into his district and say he refused to vote for an emergency war measure? If we have reached that stage in our deliberations, let me say we are proceeding so that this Nation will come to bankruptcy before we finish this war. It is not the way to win the war; it is the way to lose the war. Shall we pay no attention to matters of economy, pay no attention to waste, pay no attention to incompetence? If so, we might as well not consider the bills at all. Why is this bill brought in making appropriations in these lump sums? The only explanation that can possibly be given is that if the items were given a large number of them would be stricken out or reduced. This bill might just as well be cut down one-half and answer all purposes. But we have got it here in such a form that we can not reduce it; we can not cut it down. We might itemize it, and to that extent the motion of the gentleman from New Jersey is an excellent one, because it would leave the bill in better shape than it is now, but this is not what we need. We need another bill, so itemized that we can reach these items, and refuse to vote for those we did not approve and thought were unnecessary, and cut down those altogether too large. That is the form in which this bill ought to have been presented.

Now, the gentleman from South Carolina, the chairman of the Committee on Agriculture, for whom I have the highest respect and esteem, stated here yesterday that we had voted for much larger bills here in connection with the Army and Navy and put them through in quicker time than we have this. Very true. They were emergency measures, and yet I thought at the time, and I still think, that we did not take as much time for their discussion as we ought, and it was not necessary that we should rush them through in that manner. I may have been wrong about that, but this bill is not an emergency measure. This appropriation will not go into effect until the 1st of July, and if this bill is not passed and signed by the President until July 1 it will not make one bit of difference with the work of the department——

Mr. CANDLER of Mississippi. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. CANDLER of Mississippi. Every employee employed under the emergency food bill, passed on the 10th of August, 1917, will go out on the 30th day of June unless this bill passes and is signed by the President and becomes a law before that time, and it will disorganize the whole work. [Applause.]

Mr. GREEN of Iowa. That is one day's difference from what I said, and June 30 is more than a month distant. This is not an emergency measure, and any person who may go out over the country stating it is an emergency war measure will state something that is not the fact. [Applause.]

Mr. HAUGEN. Mr. Chairman, there has been considerable controversy about the number of employees to be increased. If the gentleman from Missouri is present, I would like to call his attention to page 35, where he will find the items for the extension work, Northern and Western States. The estimated expenditure for 1918 is 1,524 employees; the number required

in 1919 is estimated at 3,707, an increase of 2,183. Turn to page 37 and he will find the item for the extension work in the Southern States. The required number for 1919 is 2,110; the estimated expenditure for 1918 is 1,147, an increase of 963.

If he will turn to page 57, he will find the item for special work in crop estimating. The number required in 1919 is reported as 2,938; the number estimated for 1918 is 68, an increase of 2,870.

He will find an increase in these items of more than 6,000 people, and yet we have been told repeatedly that there is practically no increase in the number of men to be employed by the department. As I have stated, and as I stated at the beginning, the estimate furnished by the department will require the employment of more than 11,907 people.

That is all I care to say.

Mr. CANDLER of Mississippi. Does anybody on that side desire to be heard?

Mr. HAUGEN. The question for this House to determine is, Are we justified in appropriating this money in employing these 6,000 additional people. As I said the other day, I believe that 11,000 people could be employed to better advantage back of the plow rather than sending them over the country riding in Ford cars and automobiles. The question of food production is to be taken into consideration. If so, there is no question but that better results could be had. If we are to proceed in a business way, it is up to this committee and to Congress to report an itemized bill, so that all of these items could be segregated, so that everybody may know what the money is to be expended for; that the Secretary of Agriculture may have something for a guide as to how the money may be expended. If so, it is up to Congress to determine and to direct how it shall be appropriated.

That is all I have to say.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, this is another amendment to itemize the appropriations so that Congress may know how much money is intended to be used and to put a limit on the amount that the Secretary could use in these particular lines of work.

I know of nothing that I can add to what I have said. This House knows I have always favored liberal appropriations for every legitimate purpose in connection with agriculture. I have always been in favor of this county-agent work, and nothing that I have said or may say should be taken in opposition to the principle on which it is founded. I introduced the first bill ever introduced in this House to provide for general employment of county agents throughout the country. A similar bill was later introduced by the gentleman from South Carolina [Mr. LEVER] and became the law and is now the law. For that kind of work the regular appropriation bill carries something like a million and a quarter of money. This bill carries several hundred thousand dollars. It is impossible to find out the exact amount, because we do not know what items considered by our committee are included in this $6,100,000. The Lever bill, the law to which I have referred, provides several million dollars now. It is a graduated affair, more available or to be appropriated one year than the year before, until it reaches a maximum of $4,100,000, and that amount shall be annually appropriated thereafter. So you can see that there is a very large amount of money appropriated at different times and in different ways for this extension work and for county-agent work, as a part of it is called.

I favor the work. It is very important and necessary. Good results have followed it. I have objected, however, to the employment of so many men to take up different lines of this work, all of which are similar, work that could be done by one man. But there seems to be no disposition on the part of the House to make any restriction which will require the work to be done in the manner I have suggested.

Carried in this appropriation bill there are a lot of other things. We can not tell what they are, because the amounts were changed by the committee and a lot of amounts have been put together and made into this aggregate of $6,100,000. No one can tell what they are; no one can tell without referring to the minutes of the Committee on Agriculture.

There are appropriations here of $50,000 in relation to poultry. One gentleman, appearing before us, thought he had made a hit when he said that a large part of this money would be used to send men and women out into the country to induce the building of individual chicken houses and operate these houses during the war, when money is scarce, when it is necessary for us to enact unusual and burdensome tax laws.

Mr. MADDEN. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. MADDEN. And when the board of control, or whatever you call it, is putting an embargo on the movement of all kinds of building material.

Mr. McLAUGHLIN of Michigan. When we are spending tremendous sums of money, making appropriations almost without limit, and taxing the people to produce that money, we ought to go slow in the matter of these appropriations. It was said in the committee, and even urged before it, that these amounts are small—only a few thousand dollars—and comparison was drawn between them and the appropriation of millions, even billions, of dollars for other departments. We were asked why we would refuse an appropriation of a few thousand dollars for the Department of Agriculture; but these few thousands, added together, aggregate more than $18,000,000, and some of them are, in my opinion, absolutely unnecessary. Our duty, as I see it, is to economize wherever we are able, cut down appropriations, and prevent extravagance and unnecessary use of money wherever we can. That is the duty of the Committee on Agriculture. We do not refuse or hesitate to make immediately available the large amounts, the billions of dollars, requested by the Committee on Military Affairs, for instance; but we have felt it our duty to restrict these amounts, demanded of our committee, even though they are small, wherever we could and to cut out unnecessary and wasteful items. We tried to do it. The committee in its bill has disregarded the action of the entire committee, the spirit of their action, as I understand it. The amendment of the gentleman from New Jersey [Mr. HUTCHINSON] will carry out that spirit as to itemizing the bill.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GOOD. Mr. Chairman, this item provides for increasing the food production, eliminating waste, and promoting conservation of food by educational and demonstrational methods through county, district, and urban agents, and makes an appropriation of $6,100,000. As I understand it, the gentleman from New Jersey [Mr. HUTCHINSON] has offered an amendment providing that the object for which this money is to be appropriated shall be expressed in the appropriation.

The gentleman from Mississippi [Mr. CANDLER] became quite eloquent a few minutes ago in trying to demonstrate the wonderful agricultural production that has come about through slight appropriations by Congress for agriculture. I think he stated that in 1916, in round numbers, the total amount of agricultural production, which includes live stock, was about $13,000,000,000. and in 1917 it amounted to over $19,000,000,000, an increase, if I understood him correctly, of $6,031,000,000, and that this increase is accounted for by legislation such as this. But the gentleman failed to say that most of that increase came about by reason of the increased price at which the 1917 crop was valued over the value of 1916. If he would measure the production correctly, he would give the number of bushels of increase in each of the cereals and the number of cattle, hogs, and other live stock that had been produced in 1917 over the production in 1916.

Mr. CANDLER of Mississippi. Will the gentleman yield?

Mr. GOOD. If I can have some more time.

The gentleman spoke also of the fact that we are only appropriating the small sum of $17,000,000. He failed to call to the attention of the House that the agricultural appropriation bill carried over $28,000,000.

The annual appropriations for permanent purposes carry over $18,000,000, and the deficiency bill appropriated for seed and for forestry $5,000,000 more, or a total, with this bill, of about $60,000,000 for agricultural purposes this year.

Now, I do not complain of any wise appropriation for agricultural purposes, but a committee in the other room is to-day considering appropriations running into the billions of dollars, and the War Department is estimating down to the last dollar what it is going to cost to produce shot and shell to win this war. But this committee brings in a bill for $18,000,000 without saying what the money is to be expended for, except that it is for "agricultural educational purposes." Why, I understand from the gentleman from Michigan [Mr. McLAUGHLIN] that they propose to send men out to educate the farmers how to build individual chicken houses. [Laughter.] According to the hearings, they propose to spend $80,000 to educate the housewives of America how to make cottage cheese. Why, I think if my friend from Mississippi [Mr. CANDLER] will go throughout the agricultural producing sections of the country, he will find that our farmers and our farmers' wives are pretty well educated with regard to some of these things, and some of them resent the fact that they will have men drawing high salaries paid from the proceeds of the sale of liberty bonds to carry on this war to teach the farmer how to build a chicken house, or to teach a familiar

household art to his patriotic wife, who knows more about making cottage cheese than any of the men you are going to employ and send throughout the country.

Oh, gentlemen, that is not the way to win this war; and before this war is over, it will not be so popular to come here and ask for lump-sum appropriations to do work of this kind, and it will not be very popular to vote for such appropriations. What are you going to do with it? That is not an unusual request. Under the law it was the duty of the Secretary of Agriculture on the 1st day of December to make an estimate, which would be open to Congress, showing just what he is going to need, and here six months have elapsed and we do not know what this $18,000,000 is to be expended for. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired. The question is on agreeing to the amendment.

Mr. CANDLER of Mississippi. Mr. Chairman, I was somewhat surprised at the speech of the distinguished gentleman from Iowa [Mr. GOOD], who has just taken his seat, when he complained of the appropriations we are making for agricultural purposes. Even if the appropriations made for the agricultural interests of the United States of America are in accordance with the figures which he furnishes—$60,000,000—does the gentleman object to appropriating $60,000,000 for the agricultural interests of the United States?

Mr. GOOD. No; if I know what it is being appropriated for.

Mr. CANDLER of Mississippi. I decline to yield.

The CHAIRMAN. The gentleman from Mississippi declines to yield.

Mr. GOOD. The gentleman asked me a question.

The CHAIRMAN. The committee will be in order.

Mr. GOOD. The gentleman asked me a question, as I understood it.

Mr. CANDLER of Mississippi. No; I was asking the House. I am always ready to yield, and I very rarely decline to yield; but I asked the gentleman from Iowa to yield to me, and he declined to do so.

Mr. GOOD. I thought the gentleman asked me a question. I beg the gentleman's pardon, if he did not ask me a question. [Laughter.]

Mr. CANDLER of Mississippi. The Agricultural Department ask for these sums, and they are justified in doing so. I say that the appropriations made in the Agricultural bill and the emergency bill of last year and the emergency bill of this year have been fully justified by the results obtained.

The gentleman spoke about the increased price of agricultural products. I wondered then if he was objecting to that. I am willing for the farmers of the country to get the full price for their products, and I assume the gentleman himself is willing that they shall receive the full value.

Mr. GOOD. Does the gentleman ask me a question now?

Mr. CANDLER of Mississippi. No.

Mr. GOOD. I voted against $2.20 wheat. I do not believe that the agricultural interests are asking any great increase, or any increase at all in many of their products.

Mr. CANDLER of Mississippi. I do not yield.

Mr. GOOD. I thought the gentleman wanted to ask me a question.

Mr. CANDLER of Mississippi. No; but I will yield to the gentleman for a question.

Mr. GOOD. I asked him if he did ask me a question, and he said he did not want me to answer it.

Mr. CANDLER of Mississippi. No; I said I would yield in order that the gentleman might ask me a question, and I would try to answer it. I did not know whether I could answer it or not, but I was willing to try. I was not discussing wheat, and I was not discussing the gentleman's vote on wheat. I voted in that instance to sustain the President. I thought the gentleman voted the same way I did, because he spoke that way, and I presumed he had voted in accordance with the way he spoke. [Laughter.]

Now, then, coming back to the question at issue, this is an identical proposition with the one offered to the paragraph preceding, and to the paragraph preceding that, and the House has had two votes on these propositions, and it has voted them down, and I appeal to the House to vote this proposition down.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey [Mr. HUTCHINSON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HUTCHINSON. Mr. Chairman, a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 31, noes 35.

So the amendment was rejected.

Mr. RANDALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RANDALL: Page 3, line 2, after the figures "$6,100,000," insert:

"*Provided*, That in order to further eliminate waste and to promote conservation of food, it shall be unlawful during the existence of the war with Germany to use any food or food materials in the manufacture or preparation of alcoholic beverages."

Mr. CANDLER of Mississippi. Mr. Chairman, I reserve a point of order on the amendment.

Mr. RANDALL. I would like to have the gentleman state what his point of order is.

Mr. CANDLER of Mississippi. The point of order is that it is not germane to this bill and not germane to this paragraph. This paragraph is "For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods, through county, district, and urban agents and others."

Mr. RANDALL. Is that the only reservation, that it is not germane to this paragraph?

Mr. CANDLER of Mississippi. It is not germane to the bill or to the paragraph.

Mr. STAFFORD. Mr. Chairman, I make the further point of order that it is not germane to the bill and that it is legislation.

Mr. RANDALL. Is that the extent of the gentleman's point of order?

Mr. STFFORD. During the discussion I may think of some other grounds.

The CHAIRMAN. The Chair understands that the point of order is that it is not germane to this paragraph.

Mr. CANDLER of Mississippi. Not germane to the bill, not germane to the purposes of the bill, and is legislation on an appropriation bill.

Mr. RANDALL. That is a further ground—that it is legislation on an appropriation bill?

Mr. CANDLER of Mississippi. Yes.

Mr. RANDALL. Mr. Chairman, in answer to the first ground of the point of order—that is, that the amendment is not germane to the paragraph—let me read the paragraph:

For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods, through county, district, and urban agents and others.

Now, the amendment uses the identical language of the paragraph in the bill. My amendment reads:

In order to further eliminate waste and to promote conservation of food it shall be unlawful during the existence of the war with Germany to use any food or food materials in the manufacture of alcoholic beverages.

It seems to me that that answers the contention as to the amendment not being germane to the paragraph. The language is identical, the purpose is identical. Germane; of course!

As to the further point of order that it is legislation on an appropriation bill, I call attention to the fact that the provisions of paragraph 4 as they appear in this bill are not permanent law in any act.

Mr. WALSH. Will the gentleman yield?

Mr. RANDALL. Yes.

Mr. WALSH. Of course, legislation on this bill was made in order by the rule.

Mr. RANDALL. Then the amendment is in order. I did not know the provisions of the rule, but I call the attention of the Chairman to section 4 in this bill; the paragraph is not permanent law and only becomes law by being attached to this act. Therefore that paragraph is new legislation. Whether it is in order or out of order, this amendment is in order, for, as the gentleman from Massachusetts says, amendments have been made in order by the rule. Therefore the only question for the Chairman to decide is whether it is germane to the paragraph.

Mr. STAFFORD. Mr. Chairman, the phraseology of this bill, from the paragraphs designated first to sixth, is in virtual identic language to section 8 of the food-survey and food-control law passed August 10, 1917. The first paragraph of the bill under consideration states that there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the following sums for the purposes indicated.

There is nothing in this paragraph or in this bill which seeks to appropriate funds to regulate the use or conservation of food in the manufacture of alcoholic beverages. The present paragraph is limited to increased food production, eliminating waste and promoting conservation of food by educational and demonstrational methods through county, district, and urban agents.

Mr. RANDALL. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. RANDALL. Would not the prevention of the use of a bushel of grain in the manufacture of alcohol be a conservation of food products by demonstrated methods?

Mr. STAFFORD. It would not in my opinion. Now, segregating the items which were included in the amendment offered by the gentleman from New Jersey shows that this appropriation was to be used largely for salaries for educational and demonstrational methods. The gentleman seeks to incorporate a new legislative feature in the paragraph that is to restrict the use of food, to make it unlawful to utilize it. It has no direct relation; is not akin or related in any way to the authorization in the original bill or to that in the paragraph. If it is not related to those authorizations, I respectfully submit that it could not be considered as germane. It is new legislation entirely. When the gentleman, on a like occasion, sought on the Post Office appropriation bill—and I direct the Chairman's attention to the ruling of the Speaker on that question—to recommit the Post Office appropriation bill to the Committee on the Post Office and Post Roads with instructions to forbid the further carriage in the mail of any newspaper carrying advertising matter relating to liquors, the Speaker held that although there was under consideration in the Post Office appropriation bill an amendment to the Judicial Code that sought to restrain mailable matter so far as fraud was concerned, that that did not warrant a motion to recommit involving extraneous matter, although somewhat akin, that was carried in the motion of the gentleman from California [Mr. RANDALL].

The question was argued at great length by Members of the House—the gentleman from Georgia [Mr: CRISP], who upheld the position that it was germane, and the opposition by the gentleman from New York [Mr. FITZGERALD], the gentleman from Kentucky [Mr. SHERLEY], and by myself. The Speaker there held that it was not germane to the subject, although it was in a way distantly related to it because it related to restricting mail matter. The amendment reported by the committee sought to restrict mail matter so far as fraud was concerned and not advertising matter relating to liquor, and it was accordingly held not in order.

Mr. CARAWAY. Mr. Chairman, I only want a moment's time of the Chair; but, as I understand the amendment, it seems to me to be germane not only to the bill but to the paragraph to which it is offered. The rule of germaneness, subsection C says:

The general subject may be amended by a specific proposition of the same class.

Here is the general subject to increase food production, eliminate waste, and promote conservation of food. That is the general subject. Here is a specific subject, by withdrawing from brewers the use of food products for the manufacture of intoxicating liquors. If it is not germane to the provisions of this bill and to this particular section, I am frank to say that the question of germaneness is one that I can not distinguish, because it is a specific provision in a general proposition of food conservation and the prevention of waste.

Mr. NORTON. Mr. Chairman, while I am personally in favor of the amendment on its merits, considering the parliamentary question that has been raised, it seems clear that the amendment proposed is not germane to the subject matter of the paragraph. In paragraph 4 it is proposed to make an appropriation for eliminating waste and promoting conservation of food "by educational and demonstrational methods." The amendment offered by the gentleman from California [Mr. RANDALL] proposes to eliminate waste and conserve food by making it unlawful to use certain foods. This is an entirely different proposition than is involved or than was contemplated by the language of the paragraph as it was reported to the House. The proposed amendment has nothing to do with educational or demonstrational methods of avoiding waste or in conserving foods and is clearly not germane to the thought or purpose of the legislation in the paragraph as it now stands. If one could offer an amendment like this and have it in order upon this paragraph, then almost any kind of legislation would be in order as an amendment to the paragraph. By an amendment, then, the use of any food product could be inhibited. Such a wide latitude for amendments would not, I believe, be contended for by the author of the amendment.

Mr. RANDALL. What does the gentleman say about the rule making the amendment in order?

Mr. NORTON. If this amendment were in order under the rule, it would have to be a germane amendment. An amendment in order on this paragraph, it seems to me, would be one that would propose some new or modified educational or demonstrational methods to conserve food or avoid waste, and not one along the line of enacting a prohibitory statute.

The CHAIRMAN. In order that the situation may be clearly apprehended by members of the committee, the Chair will read, first, the language of the paragraph and then the language of the proposed amendment. The language of the paragraph is:

Fourth. For increasing food production and eliminating waste and promoting conservation of food by education and demonstrational methods, through county, district, and urban agents and others, $6,100,000.

The amendment proposed by the gentleman from California [Mr. RANDALL] is in the following words:

That in order to further eliminate waste and to promote conservation of food, it shall be unlawful, during the existence of the war with Germany, to use any food or food materials in the manufacture or preparation of alcoholic beverages.

In order to ascertain whether or not this amendment is germane to the paragraph, it becomes necessary to determine the purport, and effect of the matter proposed to be amended. If the paragraph had concluded with the word "food" in line 25, so that it would read as follows:

For increasing food production and eliminating waste and promoting conservation of food, $6,100,000—

there would be no doubt in the mind of any member of the committee that the amendment would be absolutely in order. But that is not the paragraph. The paragraph in its entirety proposes to increase food production, eliminate waste, and promote conservation of food by certain indicated processes, namely, by educational and demonstrational methods, through county, district and urban agents. In other words, lecturers are to be sent out to instruct the public with respect to their farming activities and the household arts so that in the result production will be increased, waste will be eliminated, and food will be conserved. If it was proposed by the amendment that some of the money which is appropriated should be utilized in the employment of agents to instruct the public in the folly of converting food products into alcoholic beverages for public consumption, such an amendment would be in order and in perfect harmony with the avowed purposes of the paragraph. It would come within the manifest scope and intent of this particular portion of the bill. But that is not what is intended to be done by the amendment. The amendment does not propose to educate the public, or by demonstrational methods, convince them of the folly of utilizing food products to produce alcoholic drinks, but to absolutely inhibit the use of such products for alcoholic conversion.

Mr. CARAWAY. Mr. Chairman, will the Chair permit an interruption?

The CHAIRMAN. Certainly.

Mr. CARAWAY. I am inclined to think the Chairman overlooked the fact that the paragraph goes further than he says. It reads:

For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods, through county, district, and urban agents and others.

Just what "others" means there may be a little uncertain. There is one thing certain, and that is that you can not say that it refers to other agents, because the language used is "through county, district, and urban agents," which would include all classes of agents. It means other methods. Then, if the Chair will pardon me a moment, the very fact that it enumerates the methods by which these proposed conservations of food should be attained, namely, by educational methods, does not preclude its accomplishment by other and similar means and other agencies. For an instance, the rule is, if you authorize the construction of one public building, we will say, in New York City, that will be restricted to New York City, and, according to the Chairman's construction, will preclude an amendment constructing buildings elsewhere; but if you have a bill for the construction of public buildings in New York City and Cincinnati, we might add 40 other places, because the general proposition is to construct public buildings, and the place has nothing to do with it. The general proposition of this paragraph is to conserve food and prevent waste, and therefore, because it says by educational and demonstrational methods, does not preclude other methods that may be used to accomplish the same results.

The CHAIRMAN. If the paragraph carried the meaning suggested by the gentleman from Arkansas [Mr. CARAWAY], then of course the relevancy, or the germaneness of the amendment would be apparent. But the Chair does not think that it can be successfully maintained that the chief purpose of this paragraph is to increase food production, eliminate waste and promote the conservation of food. If that was the chief purpose of the paragraph then it would end with the word "food" in line 25, thereby rendering possible an infinite variety of methods to accomplish the purposes indicated. Eliminate the words providing the methods by which production is to be increased, waste eliminated and food is to be conserved, and the amendment of the gentleman from California would be plainly germane and in

order. But the committee evidently did not intend that the department should have free rein to accomplish the results intended, and secure the elimination of waste by any means that seemed good to them. Hence the use of the restrictive language confining the activities of the department to certain indicated lines of accomplishment. The one and only meaning of the paragraph therefore is to provide the means whereby the results intended may be secured on certain restricted lines of endeavor. The Agricultural Department is "cabin'd, cribbed, confined," so to say, to the restricted paths of activity marked out for them to pursue.

As to the suggested meaning of the word "others," it occurs to the Chair that this word ought to be interpreted to mean "other educational and demonstrational methods," in view of the general meaning of the paragraph. For instance bulletins might be sent out. It is perfectly true that a general subject may be amended by a specific subject of the same character, but the amendment of the gentleman from California is not a specific subject of this general subject. This amendment does not propose to eliminate waste, to increase food products, or to promote conservation by any educational process, but is a flat legislative inhibition upon certain practices. Therefore it is not a specific subject of the same character as the general subject. The general subject is to increase food production, and so forth, by educational and demonstrational methods.

Mr. CARAWAY. Will the Chair permit me to interrupt him again?

The CHAIRMAN. Certainly.

Mr. CARAWAY. I feel very certain the Chair is mistaken about the purposes of the paragraph. The sole purpose of the paragraph is "for increasing food production and eliminating waste and promoting conservation of food." Now, that is the intent, purpose, and object of the legislation. The method by which it is to be done as set out here is "by educational and demonstrational methods, through county, district, and urban agents, and others." But the whole object and intent to be accomplished by the legislation is that of conserving food and preventing waste, and it merely directs here by what particular way it may be done; and that being true, it becomes apparent you can add any other similar method to accomplish the same result.

The CHAIRMAN. The Chair can not agree with the gentleman from Arkansas in that view of the paragraph. The methods indicated are not illustrative of what may be done, but are restrictive, confining the expenditure of the money appropriated to them, and them only. The department could not expend this money otherwise than as indicated, namely, on educational and on demonstrational methods. The suggestion has been made that certain legislation in this bill has been made in order by the rule, and that this amendment would be in order to this legislation. In this connection the Chair will say that if there is any legislation in this bill, made in order by the rule, to which this amendment would be proper, relevant, and germane, then the amendment can be offered when that legislation is reached, and will then be in order. This matter has been very earnestly argued by gentlemen who have taken a different view of the meaning of the paragraph from that held by the Chair. If their interpretation of the paragraph is correct, then the Chair will admit that the amendment is in order. Hence the propriety of the ruling on this point depends upon the meaning proper to be imputed to the paragraph. In that view it might be well to take an appeal from the decision of the Chair so as to afford the opportunity for full discussion of the paragraph on the appeal, and thereby secure an authoritative disposition of this question by the committee itself. The Chair has sought to set out in full the reasons for the conclusion reached and in view of that conclusion is constrained to sustain the point of order.

Mr. RANDALL. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 2, after the figures "$6,100,000," insert: "No part of this appropriation shall be available for any purpose unless there shall have been previously issued the proclamation authorized by section 15 of the act of August 10, 1917, entitled 'An act to provide further for the national security and defense by stimulating agriculture and facilitating the transportation of agricultural products,' such proclamation being the prohibition of the use of foods, fruits, food materials, or feeds in the production of malt or vinous liquors for beverage purposes."

Mr. STAFFORD. Mr. Chairman, I make the point of order that the amendment is not germane to the paragraph under consideration. Further, that it is new legislation that is not germane to the bill.

Mr. RANDALL. Mr. Chairman, I simply suggest that it is a limitation upon the appropriation. The points of order which have been made by different gentlemen contained the assertion that this is an appropriation bill. The amendment which I offer is simply a limitation upon the appropriation.

Mr. STAFFORD. While the Chair is reading the amendment I wish merely to direct the attention of the Chair to the fact that this amendment involves substantive law. While it is in the form of a limitation it is nevertheless a mandatory direction that compels the President to do something under the authorization of a law where his power is discretionary. First, it is well recognized that if there is a limitation that though in form negative carries affirmative legislation it violates the principle of true limitation and is legislation in its fundamental character.

Mr. RANDALL. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. RANDALL. What legislation does the amendment carry?

Mr. STAFFORD. It refers to the provision of the food bill where——

Mr. RANDALL. It refers to legislation but does not carry it.

Mr. STAFFORD (continuing). Where discretion is lodged in the President whether he shall permit the utilization——

Mr. RANDALL. But the amendment does not carry legislation.

Mr. STAFFORD (continuing). Whether he shall permit the use of grain in the manufacture of malt beverages.

Mr. RANDALL. The amendment does not carry any legislation.

Mr. STAFFORD. The legislation is that the gentleman makes mandatory what in another law is permissive and to that extent it is legislation.

Mr. RANDALL. The amendment does not carry anything mandatory.

Mr. STAFFORD. It does indeed. You can not in the form of a negation in a limitation embody legislation which in effect is affirmative in its real purpose.

The CHAIRMAN. A different principle from that of germaneness is involved in the point of order to this amendment. If the Chair understands the amendment it is intended as a limitation on the payment of any money under this paragraph until the President has issued a certain indicated proclamation which in his discretion he may or may not issue. This amendment does not compel him to issue it, but so long as it is unissued the House does not propose, if the amendment is adopted, to allow the Agricultural Department to have the benefit of the appropriation in this paragraph. In other words the amendment proposes to utilize the right of the House to appropriate, or not to appropriate, in its discretion, to an object authorized by law. This of course is the fundamental principle upon which this amendment must depend.

Mr. STAFFORD. If the Chairman will permit——

The CHAIRMAN. In a moment. This amendment does not compel the President to issue the proclamation referred to. He may issue it or refuse to issue it in his discretion. But the amendment in substance says to the Department of Agriculture, We propose to withhold from you the benefit of this appropriation during the full period of time during which this proclamation is unissued. That may be a very unreasonable ground for the House to take, but after all is not this question merely one of competency or power resting upon our authority to refuse or award an appropriation? If we choose to withhold it, who is to say nay to us? We can be unreasonable if we choose to be unreasonable.

The matter proposed to be dealt with is an appropriation of money, and this body has the absolute power to determine whether it will or will not appropriate. In the exercise of that power we may do unreasonable things, arbitrary things, whimsical and absurd things, but after all the question is whether, with respect to the action proposed, we are within our powers and within our rules—in a word, whether this is a limitation, in a parliamentary sense, on an appropriation bill. The Chair is not altogether certain, in his own mind, that this amendment, in the form submitted, is strictly and technically a limitation, and being in doubt he resolves that doubt in favor of the amendment and remits the same to the determination of the committee.

Mr. RANDALL. It may be very well remembered, Mr. Chairman, that the House of Representatives did not, in the first place, pass the food-control act and therein give the President the power at his discretion to issue this proclamation; the House of Representatives made that prohibition itself, and afterwards, through the conference committee and the action of another body, the action of this House was nullified.

Now, the proposition here is to limit the expenditure of certain money, not for the purpose of general agriculture or the various purposes named in this bill but for the purpose of con-

serving food and eliminating waste of food; and the proclamation that it is desired to have issued bears directly upon that question.

The most astounding thing connected with the food situation in this country is the failure of the Food Administration to act in the matter of grains and sugar used in the manufacture of beer. With an intensive campaign of spying into the flour barrel and the sugar bowl of every family in America, the wholesale loss of food through the operations of the breweries, nine-tenths of whose product is German owned and made, becomes a positive scandal.

Mr. Hoover admits that the brewers are using to-day 42,000,000 bushels of barley, over 2,000,000 bushels of rice, and over 10,000,000 bushels of corn annually and millions of pounds of sugar in the manufacture of beer, and all of this, Mr. Chairman, is undoubtedly a waste not only of the food products but of the fuel and transportation facilities of the country.

I wish to refer here to the following, which shows how one brewery is wasting grain, labor, transportation, and man power:

A 1912 advertisement of the Anheuser-Busch Brewery declared that this brewery at that time covered 140 acres of ground and occupied 110 buildings. The details showing the enormous waste are as follows:

Capacity: Brewing capacity, 2,500,000 barrels per year; malting capacity, 2,000,000 bushels per year; bottling works, 1,000,000 bottles daily; grain storage elevator, 1,750,000 bushels; stock houses (for lagering), 600,000 barrels; steam power plant, 12,000 horsepower; electric power plant, 4,000 horsepower; refrigerator plant, 4,000 tons per day; ice plant, 1,200 tons per day; coal used, 325 tons per day.

Freight: Inbound and outbound, 50,000 cars per year.

Transportation facilities: Refrigerator freight cars, 1,500; horses at home plant, 143; wagons at home plant, 78; auto trucks at home plant, 74; horses at branches, 483; wagons at branches, 430; auto trucks at branches, 47.

Employees: At St. Louis plant, 6,000 people; at 36 branches, 1,500 people.

Total sales, 1911, 1,527,832 barrels.

Budweiser bottled beer sales, 1911, 173,184,600 bottles.

Six million people have petitioned this Congress to enact war prohibition. Congress can not longer evade its plain duty in this matter.

Mr. STAFFORD. Mr. Chairman——

Mr. CANDLER of Mississippi. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN (Mr. DUPRÉ). The gentleman from Mississippi asks unanimous consent that all debate on the pending amendment and amendments thereto close in 20 minutes. Is there objection?

Mr. MONDELL. Mr. Chairman, reserving the right to object, I do not know how many gentlemen wish to speak on the amendment, but I would like to have a little time.

Mr. HAUGEN. Mr. Chairman, would it be asking too much to take an hour for debate on this amendment? It is a very important question. I think there will be a number of Members coming in who will desire time.

Mr. CANDLER of Mississippi. Mr. Speaker, I ask unanimous consent that the debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Wisconsin [Mr. STAFFORD] is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, I have listened intently to the prepared speech of the gentleman from California [Mr. RANDALL] on his amendment that would prevent all activity on the part of the Agricultural Department, so far as the present item is concerned, unless the President and the Food Administrator would change their position in the administration of a certain provision of the food-survey law.

This amendment can be considered only in one attitude, and that is a direct reflection and criticism of the President of the United States in the administration of the authority that was granted him as to the control of food in the manufacture of maltous beverages. The President has control of that situation in a practical way. He has reduced the amount of alcoholic content in maltous beverages; he has reduced the amount of alcoholic content that may be utilized in beer or near beer; and now it rests with the gentleman from California, who, I assume, pretends to be a friend of the administration, to come here and direct a slap at the President in his administration of this most troublesome question.

Mr. RANDALL. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. RANDALL. The President has a new champion in the House. Now, I resent the language that the gentleman uses. There is no direct slap at the President. This paragraph provides——

Mr. STAFFORD. I can not yield further. This is a reflection, a direct reflection, upon the President in the solution of one of the most knotty problems he has had to contend with, as to what should be the policy of the Government so far as the control of the manufacture of maltous beverages is concerned.

In the few minutes at my disposal I can not review the arguments that have justified the President and also those who have supported this policy, but if you wish here now to renew it let it be known broadcast, let it be known in your district, that you are not 100 per cent with the President, and that on this question here you want to do something that, in his judgment, will create dissension and dissatisfaction among the industrial workers of the country.

I am not in the confidence of the President, but I have heard it stated that the reason why the President has not forbidden the manufacture of beer absolutely is because it would create dissension among the industrial workers of the country. Are you willing to accept his decision in this critical moment that it is for the benefit of the industrial welfare of the country, the peace and quiet of the industrial workers, to have control of the alcoholic content of maltous beverages, or are you in favor at this minute of driving the President to stop instanter the use of grains in the further manufacture of maltous beverages, when you know there is only a three months' supply on hand, and thereby force the public to the stronger drinks—the whisky and wines and other strong alcoholic drinks?

We all know there is a large supply of wines in the State of California, from which the gentleman comes, that can be utilized for years and years. There is a large supply of whisky on hand, but so far as beer is concerned, which is an almost nonintoxicating beverage, you would exhaust the present supply within a few weeks and force the drinking population to go to the drinking of the harder liquor, that which is more devitalizing, that about which the public is protesting more and more every day.

Now, Mr. Chairman, I am perfectly content to leave this great problem in the hands of the President. He has solved it in a practical way. The country is not complaining of his solution of it. He has reduced the amount of alcoholic content that may be used in the manufacture of beer now to 2½ per cent, I believe. In Canada they regard beer containing only 2½ per cent of alcohol as a temperance beverage. And throughout the country we have the light maltous beverage containing 2½ per cent and less of alcohol, but now as a fetich the few would put aside the practical solution and create dissension among industrial workers by refusing them their light beer. The alternative of their proposal is to favor whisky and bar beer.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The gentleman from Arkansas [Mr. CARAWAY] is recognized for five minutes.

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I grow a bit weary of Members always saying that the working people of this country will not work unless they are drunk. [Laughter and applause.] I resent it for them. I say now that the records will show there have been more strikes, there has been more disorder, there has been more disloyalty in those communities where whisky and beer are manufactured and drunk since this war commenced than in all other parts of this country put together. [Applause.]

When anyone here says the honest workingmen of this country hold their allegiance to beer above that of their country and their flag, it simply shows—well, I will not say what I started to say. [Laughter.] It shows absolute ignorance of workingmen. I will put it that way.

Then they say, "It will embarrass the President," and the gentleman who makes that statement has been opposed to more propositions that the President has wanted than any other Member of this House.

The proposition is, Is it more important to have bread or beer? If you are more in favor of men being made drunk than in having children kept in good health, then, bless your heart, vote against this amendment. It amounts to the same thing. [Applause.] The time has passed in this country and everywhere when you can say that beer or whisky are necessary for good health, or that the working people of this country will not work unless you make them drunk. The record does not bear out that assertion, and the working people will not stand for it. If you would rather protect the interests of the beer-making Germans in this country than the people who need sugar and bread, why, bless your heart, if that is where your heart lies, vote against this amendment. [Applause.]

There is no use in trying to hide behind the idea of embarrassing the President or embarrassing the workers of this country. It may be that the I. W. W. will agree with the gentleman. I do not know. [Laughter.] If any working people do, they are the only ones. [Laughter.]

Mr. OVERMYER. Mr. Chairman, will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. OVERMYER. Will the gentleman state whether or not cereals are used in the manufacture of nonintoxicating liquors such as Bevo and Pablo?

Mr. CARAWAY. I understand they are.

Mr. OVERMYER. Does the gentleman's amendment prohibit the manufacture of those things?

Mr. CARAWAY. Yes; anything in which any food products are used in the making or brewing of its products. I do not believe in these times of shortage of grain that people should be permitted to make millions of gallons of Bevo. I am not acquainted with it. I do not know what purpose it serves, except to make profit to somebody who brews it. I am in favor, so long as we have to have a policy of conservation—and I am willing to submit to it; I am willing to observe every rule of the Food Administration, and I am not criticizing any of them, I am complying with them all—I am willing to cut down the use of flour to one meal a day, if necessary. I am willing to do without the use of sugar, but when we ask the women and children of this country to do that I am in favor of saying to the beer drinkers and whisky drinkers, "If you are not willing yourselves to help conserve the food supply, we will enact a law that will make you join the women and children of this country in helping to conserve food products." I hope the amendment will prevail. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired. The gentleman from Missouri [Mr. IGOE] is recognized for five minutes.

Mr. IGOE. Mr. Chairman, the prohibitionists, it appears to me, become very unreasonable when they come to discuss the food bills that are presented in this House. The amendment proposed by the gentleman from California [Mr. RANDALL] attempts to restrict the expenditure of the money appropriated in this bill, those expenditures having nothing whatever to do with the question of prohibition.

Gentlemen of the House will remember that when the food-control bill was presented this question was debated at length, both here and in the other body, and after the debate and the discussion section 15 of the bill was written. It provided for absolute prohibition of the manufacture of whisky. It provided further that—

> Whenever the President shall find that limitation, regulation, or prohibition of the use of foods, fruits, food materials, or feeds in the production of malt or vinous liquors for beverage purposes, or that reduction of the alcoholic content of any such malt or vinous liquors is essential in order to assure an adequate and continuous supply of food, or that the national security and defense will be subserved thereby he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated.

I have stated on this floor that, as far as I am concerned, although I do not believe in legislating prohibition on to people, but believe in leaving it to them to decide, that during this war, if those in charge said that the foodstuffs of the country were needed to make bread, I would vote to close up every distillery and every brewery in the United States. This Congress in passing upon this question decided that the fairest thing to do was to put the power in the hands of the President to say when that time had come.

The gentleman from Arkansas and the gentleman from California are willing to trust in the hands of the President the lives of all our boys, willing to leave to him the control of all the finances, but they are not willing to leave in his hands the power to pass upon the question of prohibition. That is all that the amendment of the gentleman from California does. By his amendment he says, in effect, that the President can not consider the interests of all the people in this country on this question, that he must be tied down by the action of this Congress, and that we will not leave in his hands the power that we voted him when we passed the food-control bill.

Now, I believe it should be left where the law has placed it, and if the administration believes the restriction is necessary there is no doubt that the order will be issued. I believe, with all due respect to the gentleman from California and the gentleman from Arkansas, that the Food Administration and the President of the United States know just as much about the condition of affairs in this country as those gentlemen know, and that if, in their judgment, it is wise and necessary, considering all the circumstances, to have this restriction, the order will be issued by the President. I hope the House will not go on record in favor of the amendment of the gentleman from California. [Applause.]

Mr. MONDELL. Mr. Chairman, section 15 of the act of August 10, 1917, provides that—

> Whenever the President shall find that limitation, regulation, or prohibition of the use of foods, fruits, food materials, or feeds in the production of malt or vinous liquors for beverage purposes, or that reduction of the alcoholic content of any such malt or vinous liquor is essential in order to assure an adequate and continuous supply of food, or that the national security and defense will be subserved thereby, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated.

The bill before us authorizes the expenditure of $6,000,000 for the purpose of sending folks out over the country to encourage the production of cereals and other agricultural products. The amendment now before us provides that this expenditure shall not be made, these people shall not be so employed, unless the President, in his wisdom, issues the proclamation of prohibition which the act of August 10 gives him authority to issue. And why not? If the President, in his wisdom or in his judgment, is of the opinion that it is not wise to save millions of bushels of grain for the use of the people, for the use of the allies, and thus aid in winning the great struggle in which we are engaged—if he does not deem it wise to do that, why should Congress spend $6,000,000 of the people's money sending people out to encourage the production of agricultural products to be used in the manufacture of intoxicating liquors? [Applause.] I do not know what the President may determine. For one I would not be disposed to advise the President in the matter, but I do believe that unless the President deems it wise to prevent the waste of these agricultural products in the manufacture of products that muddle men's brains, in the manufacture of beverages that reduce the efficiency of the men that use them—unless the President deems it wise to do that we should not ask the people to pay taxes into the Federal Treasury and buy liberty bonds for the purpose of hiring folks to go around and encourage production in these agricultural products to be used for such purposes.

It is a question of national efficiency, a question of national sobriety, a question as to whether or not we are to spend the people's money to encourage production to be used and utilized for a purpose harmful in its effects on the people and reducing their capacity and energy in the winning of the war.

Now, gentlemen, we have been called upon from the beginning of this great struggle to do our utmost to help win the war, to help insure a great and glorious victory. Here is an opportunity to put your declarations into practice and make it clear and definite that you desire to have done that which will have a more beneficial and useful and helpful effect in the winning of the war than anything that can be done by the Congress at this time. [Applause.]

Mr. PLATT. Mr. Chairman, I voted for the prohibition amendment, I voted for prohibition in Alaska, and I voted the other day for prohibition in the Hawaiian Islands. I belong to a prohibition family; all my instincts and bringing up are in favor of prohibition and temperance; but I think a proposition like this, to hold up the President, force him to do something he may not think wise to do at this time, on pain of refusing to the farmers demonstrational farm-bureau and educational work to which they are entitled, is outrageous. It seems to me that we ought to be willing to trust the President of the United States in this matter.

He has the power to prohibit the use of these food products for the making of malt and vinous liquors if he thinks it wise and is necessary. He asked Congress in the last session not to pass such legislation as this. Let him take his time and settle this matter, if it is necessary to settle it. He has the responsibility of deciding how the grain is to be apportioned out, and he knows how the supply is holding out. We do not know, and when he thinks it is necessary to issue a proclamation stopping further making of beer and wine I do not believe that he will have any hesitation about doing it.

I shall vote for the appropriation for farm bureaus and other demonstration work on its merits, and I do not believe in forcing the President either to cut off this appropriation or to issue a proclamation which he may not think timely. I know that some Republicans will vote for this amendment as a "good joke on the President" coming from a Democratic source or to "put the President in a hole," but I decline to be a party to any such scheme.

Mr. COOPER of Ohio. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

Mr. CANDLER of Mississippi. Mr. Chairman, the time was limited, but five minutes was reserved for the gentleman from Michigan [Mr. MCLAUGHLIN]. I do not see him present. If he is not present, I do not see any reason why the gentleman should not occupy his time, if the Chair sees fit to recognize him.

The CHAIRMAN. The gentleman asks unanimous consent that he may occupy the time reserved for the gentleman from Michigan [Mr. MCLAUGHLIN], who is not on the floor. Is there objection?

There was no objection.

Mr. COOPER of Ohio. Mr. Chairman and gentlemen of the House, I am getting sick and tired, every time the prohibition question comes before this body, of hearing some one stand on this floor and say that the reason the President has not given us prohibition is because the workingmen of this country do not want it. I say it is an insult to the workingmen of this country for any one to stand here and say that they are opposed to prohibition. As I stated only a few weeks ago on the floor of this House, the great industrial State of Ohio, the third largest industrial State in the Union, with its thousands and thousands of workingmen in its factories, shops, and mills, voted dry by a large majority. If you leave out Cincinnati and Hamilton County, the State of Ohio went dry by over 55,000 majority. I want to say if the liquor traffic depended on the working classes of our country it would go out of existence in six months. The gentleman from Wisconsin [Mr. STAFFORD] pleads with us to stand by the President and defeat this amendment. As far as standing by the President is concerned, I want to say that there is no man in this House who has stood any closer to the President during this crisis than I. I have supported him on every single proposition that he has advocated. Partisan politics has been cast aside by me, and I have stood by the great President of the United States, and intend to stand by him until this great crisis is over. [Applause.] But I am not so sure as to whether or not I ought to smother my convictions upon this great prohibition question simply because the President of the United States does not agree with me. For I believe that in standing for prohibition I am advocating a great war measure which will help us defeat Germany. Some time ago this House, by an overwhelming majority, passed a law which prohibited the sale of intoxicating liquors to soldiers and sailors.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Ohio. Not now. Why did you pass that law? Because you thought it would impair their efficiency. If intoxicating liquor is a bad thing for the soldiers and sailors, why is it not a bad thing for our workingmen in the shops and factories who have to make the ammunition and the guns with which the soldiers fight? Then, again, what a farce it is to ask the brave mothers of the country who have given their sons to go to the front to fight this battle to conserve food and fill their cellars full of corn meal and other kind of dope in order to save wheat and still let the brewers of the country use thousands and thousands of tons of foodstuffs in the manufacture of a nonessential intoxicating liquor. [Applause.] I read in the paper just yesterday that in a few days Mr. Hoover is going to call a wheat day all over the United States. He is going to have big meetings in the schoolhouses, in the theaters, any place where they can get a meeting, and have some one address the meeting and ask the women of the country to conserve foodstuffs, especially wheat. It is a farce, I say, to ask these brave women who are doing their best to conserve the food of the country and then allow the brewers to use up the foodstuffs in the manufacture of beers and wines. We have had embargoes placed upon the shipment of certain commodities on the railroads, embargoes on the shipment of automobiles, on building material, on the shipment of other products, and yet the brewers of the country to-day are using more cars on the railroads to haul their products—their beer and the grain used in the manufacture of beer—than all of the iron and steel industries of the United States are using at this time. I shall support the amendment. I believe it is in keeping with the principle which ought to be in the heart of every true American—to win the war and to defeat Germany. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, the question presented by the last speaker, the gentleman from Ohio [Mr. COOPER], is not in issue upon this occasion. This prohibition issue is not involved, because everybody knows this amendment if adopted will not secure prohibition. There is no man in the House who is stronger for prohibition than I am; there is no man here who will go further than I to establish prohibition throughout this country. I am just as strong for prohibition as the gentleman from Arkansas [Mr. CARAWAY], who spoke in favor of this amendment, and I am just as strong for it as the gentleman from Ohio [Mr. COOPER], who has just spoken.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

Mr. CANDLER of Mississippi. I regret very much that I have not the time to yield to my good friend. I have only five minutes. If this was a straight prohibition amendment proposed upon the floor of this House or a straight prohibition bill proposed on the floor of this House I should certainly vote for it. I have voted for every moral proposition and every prohibition and temperance amendment or bill that has been offered in Congress ever since I have been a Member of this body, and will continue to do so so long as I remain here. When I came here there was a saloon in this Capitol. I voted to exclude it from the Capitol, and it was excluded, and I have voted for every prohibition measure presented. What is this amendment? This amendment says that "no part of this appropriation shall be available for any purpose until the President shall have previously issued a proclamation authorized by section 15 of the act of August 10, 1917, entitled 'An act to provide further for the national security and defense by stimulating agriculture,'" and so forth. In other words, you propose to say to the President of the United States, you propose to walk up to the White House and look him in the eye and say to him, "Mr. President, until you issue your proclamation you shall not have a dollar to run the work provided for in this paragraph for the Agricultural Department of this Government."

Mr. RANDALL. Oh, Mr. Chairman, the gentleman wants to be fair——

Mr. CANDLER of Mississippi. Yes; I want to be and will be fair, but I decline to yield, because I have not the time. Under this appropriation we provide for home economics, for county agents in the North and West, for extension agricultural work in the Northern and Western States, and for boys' and girls' clubs, and for demonstration work and extension agricultural work in the Southern States, for county agents, for boys' clubs, for home demonstration work in the Southern States. These are the provisions now under consideration. This is the work you propose to stop until you can force and compel the President to issue his proclamation provided for in the act referred to in the amendment proposed.

You propose by the adoption of this amendment to go up to the President of the United States and say to him, "Until you issue your proclamation we propose to stop the agricultural industries in the United States and activities of the Agricultural Department provided for in this paragraph of the bill carrying an appropriation of $6,100,000." Do you believe that you can hurry the President in issuing that proclamation one single minute or one single hour or one single day by withholding money for the activities of any part of this great department or any other department of the Government? You can not coerce the President, and he will issue that proclamation whenever he believes that circumstances justify it and not before. Whenever he comes to the conclusion himself that it is required by the conditions existing in the United States of America, and it will help to win this war, he will issue it and not before. This is simply an effort to say to the President, and it does say to him in so many words, "You shall issue that proclamation which you have the right to issue now." He can issue it this very minute if he sees proper to issue it, but this says to him, "You shall issue it now, and unless you do issue it we will withhold this appropriation for the Department of Agriculture." Do you think you can get anywhere with President Woodrow Wilson by a proposition of that kind? If you think so, you are badly mistaken in the man and have another think coming to you. You can not coerce him and make him do anything his wise judgment does not approve. You will simply delay the cause instead of hurrying it. Gentlemen, if you want to take that position, you take it, and you will be responsible for it. I am willing to trust Woodrow Wilson, the President of the United States, and the people of the United States are willing to trust him, in reference to this matter. If you do not believe the people trust him implicitly, you put it up to them and you will find out maybe to your sorrow. Some say, "You have stood by him." Yes; I have stood by him. I am standing by him here now and I am going to stand by him, and we will win this war and put Germany to flight and destroy the autocracy of the world. [Applause.] I am going to stand by him till the end of time, if he lives that long and I live that long, before I shall turn aside from the accomplishment of that great purpose which I hope and believe we all have. [Applause.] You propose to say to him that he shall issue the proclamation. The law is plain, he knows what it is, and he will do his duty, and you can not impress it upon him more strongly by the passage of this amendment. I am willing to defer to his good judgment and wise counsel—are you? This is not a real prohibition proposition, because it will secure no results and you know it. It is simply an amendment to put up to the President and say to him, "We command you and you shall obey." If you do not obey, we take from you the money provided in this paragraph of the bill.

You are mistaken in the President if you think for one moment you can drive him to do what his conscience and judgment does not approve. As I said at the outset, if it were a prohibition bill, if it were a real prohibition amendment which would secure results, if it were upon a bill where it ought to be, and

which would bring about prohibition, I would vote for it, as I know would many other Members of the House. You know and I know that this amendment will not accomplish prohibition and aid that cause which I have fought for and voted for since I was 21 years old, and I refuse to ride a "wooden horse" and make a play in an effort to deceive somebody by trying to make them believe this is a real prohibition amendment when I know and you know it is not. You can not deceive the people, and I am not going to join you in an effort to do so. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. RANDALL. Mr. Chairman, I ask for one-half of a minute.

Mr. CANDLER of Mississippi. We can not extend it, the time has been closed——

The CHAIRMAN. Is there objection?

Mr. RANDALL. Mr. Chairman, I withdraw the request.

Mr. CANNON. Mr. Speaker, I have been absent on a committee meeting and have not heard the amendment. I would like to hear it read.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. RANDALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RANDALL. If this amendment is adopted, do I understand that it will apply only to the restriction of the appropriations named in the fourth paragraph and to no other portion of the bill?

The CHAIRMAN. That is not a parliamentary inquiry; it is a matter of legislative interpretation.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. RANDALL) there were—ayes 57, noes 52.

Mr. CANDLER of Mississippi. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. CANDLER of Mississippi and Mr. RANDALL) reported that there were—ayes 69, noes 58.

So the amendment was agreed to.

The Clerk read as follows:

Fifth. For gathering authoritative information in connection with the demand for, and the production, supply, distribution, and utilization of food, and otherwise carrying out the purposes of section 2 of the act; extending and enlarging the market news service; and preventing waste of food in storage, in transit, or held for sale; advise concerning the market movement or distribution of perishable products; for enabling the Secretary of Agriculture to inspect and certify perishable agricultural products, as provided in the Agricultural appropriation act for the fiscal year 1919, $2,136,028.

Mr. HUTCHINSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUTCHINSON: Page 3, line 13, after the word "nineteen," insert "for the following-stated purposes and in amounts as follows: Market news service on fruits and vegetables, $500,000; market news service on live stock and meats, $300,000; market news service on butter, cheese, eggs, and poultry, $164,000; market news service on grain, hay, feeds, and seeds, $180,720; food and fertilizer survey of the United States, $449,700; conservation of food products in transportation and storage, $229,937; market inspection of perishable foods, $51,000; city market service, $66,131; direct market activities, $85,100; special market activities, $109,440; total, $2,136,028."

Mr. CANDLER of Mississippi. Mr. Chairman, may I ask how much debate? We have had debate on this over and over again, and I am anxious to get along as much as possible. How much debate does the gentleman think we should have?

Mr. HAUGEN. We want about 25 minutes on this side.

Mr. CANDLER of Mississippi. Could not you get along with a little less than that?

Mr. HAUGEN. Thirty minutes.

Mr. CANDLER of Mississippi. That is getting worse. I do not think we ought to take that much time. We have had extended discussion on this proposition on all the items preceding this, and it looks to me as if we could get on a little bit faster. I do not want to hurry anybody or cut anybody off, but I feel that gentlemen on that side ought to help me in getting along.

Mr. HAUGEN. I desire to suggest to the gentleman that this is a very large item, and one of the most important items in the bill.

Mr. CANDLER of Mississippi. Say 25 minutes.

Mr. HAUGEN. Thirty-five minutes on this side.

Mr. CANDLER of Mississippi. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes.

Mr. HAUGEN. Thirty minutes on a side?

Mr. CANDLER of Mississippi. Twenty-five minutes. I have given the gentleman 25 minutes, and only take 5 here.

Mr. HAUGEN. I have a request for 30 minutes.

Mr. CANDLER of Mississippi. Make it 35 minutes. Mr. Chairman, I make the request in this form: I ask unanimous consent that all debate on this amendment and all amendments thereto and on the paragraph close in 35 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that debate on this paragraph and all amendments thereto and all amendments to amendments shall terminate at the expiration of 35 minutes. Is there objection? [After a pause.] The Chair hears none.

Will the gentleman from Mississippi now give the Chair a list of the gentleman whom he is to recognize?

Mr. CANDLER of Mississippi. I will ask the gentleman from Iowa to give a list of the names over there. I reserve five minutes for myself.

Mr. HAUGEN. I will yield to the gentleman from North Dakota [Mr. YOUNG], five minutes; to Mr. CAMPBELL of Kansas, five minutes; to Mr. YOUNG of Texas, five minutes; to the gentleman from New Jersey [Mr. HUTCHINSON], five minutes; to the gentleman from Michigan [Mr. MCLAUGHLIN], five minutes; to Mr. MORGAN, of Oklahoma, five minutes; and take five minutes for myself.

The CHAIRMAN. The Chair will remind the gentleman that that will make 40 minutes.

Mr. STAFFORD. I make the suggestion to the chairman of the committee that the gentleman from Iowa [Mr. HAUGEN] be allowed to control 30 minutes of the time.

Mr. CANDLER of Mississippi. Let the gentleman distribute the time and divide 5 minutes of it. Let him take 25 minutes and give us 10.

Mr. HAUGEN. Make it 30 minutes on this side, and you can take whatever you want.

Mr. CANDLER of Mississippi. That will leave me five minutes.

The CHAIRMAN. The time as computed here amounts to 40 minutes.

Mr. CANDLER of Mississippi. Unanimous consent was granted for 35 minutes, 30 to be used on that side and 5 minutes on this side.

The CHAIRMAN. The gentleman from Iowa will control 30 minutes for himself and his associates, to suit himself, and the gentleman from Mississippi [Mr. CANDLER] is to have five minutes?

Mr. CANDLER of Mississippi. That is right.

Mr. CAMPBELL of Kansas. Mr. Chairman, there is some excuse for lump-sum appropriations in a strictly war bill, a bill appropriating money for the manufacture of arms or ammunition, or for any strictly military or naval purpose, but there is no excuse for lump-sum appropriations in an Agricultural appropriation bill. It will not aid or comfort the enemy to know exactly how much money is appropriated for specific agricultural purposes. There is absolutely no excuse for giving lump-sum appropriations to the Agricultural Department to be used as they see fit. It is an unwise policy to make lump-sum appropriations at any time.

There is a bill pending in the Committee on Rules providing for a budget system, or appropriations by one committee, and nothing has occurred in this House that is so forceful an argument in favor of taking the power of appropriations away from all other committees and placing it in one committee as this action on the part of the Committee on Agriculture. And I serve notice now that from this day on no member of any committee that makes appropriations here can get very far with me in arguing for a retention of the power of making appropriations in individual committees.

The action of the Committee on Agriculture in making lump-sum appropriations in this bill has made the final argument in favor of one appropriating committee and of a budget system. From this on I shall favor on this floor and in every place where it will be of any value the budget system—one appropriating committee—so that we shall not have duplication of appropriations, as we are having in this bill. Why, the Committee on Agriculture is duplicating appropriations here for the various activities of the Department of Agriculture. There is not an item in this bill that could not properly have been included in the regular Agricultural appropriation bill, because they are all akin and simply adding to and multiplying appropriations for the same purpose. The House would not have made the appropriations as large as this bill will make them in the aggregate.

At a time when we are appealing to the people for money from all sources, reckless appropriations are being made. This is reckless, but it would not be so bad if Members knew exactly what the money was to be used for and if the country knew what it was to be used for. But here are $6,000,000 to be placed in the hands of a bureau chief or of the Secretary of Agriculture to be used——

Mr. RUBEY. Two million dollars in this section.

Mr. CAMPBELL of Kansas. Two in this section, six in the former section, other amounts in other sections, and, in all, $18,000,000. Every purpose should have been itemized. The gentlemen on the Committee on Agriculture will find that their action in this may result at a very early day in sufficiently arousing the Members of this House to respond to an intelligent demand that has been coming from the country for many years for a budget system in the United States. [Applause.] And the Committee on Agriculture will probably not have the opportunity of bringing many more appropriation bills upon the floor of this House. For one, I shall favor the budget system and the inauguration of it at the earliest date possible.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. The gentleman from South Carolina will occupy the time that I have.

Mr. LEVER. Mr. Chairman, if anybody should be frightened by looks or voice the Committee on Agriculture would be badly frightened at this moment. The gentleman from Kansas [Mr. CAMPBELL] says that this bill is a wasteful expenditure of public money. I venture to assert that the gentleman from Kansas has not read this bill.

Mr. CAMPBELL of Kansas. Oh, I have read it very, very carefully, and analyzed it.

Mr. LEVER. I am very glad the gentleman has done that.

Mr. CAMPBELL of Kansas. I opposed the rule to bring it upon the floor after examining the bill very carefully.

Mr. LEVER. The great State of Kansas, one of the greatest agricultural States in this Union, I am sure will appreciate the position of the gentleman from Kansas in opposing a rule here to make in order an appropriation for the encouragement of agricultural production in this country in time of war.

The complaint has been made here frequently, and with some degree of justification, that it would have been better if each of these larger items had been segregated into smaller ones.

I want to reiterate what I said yesterday, that this bill follows the exact language verbatim of the food-production act of August 10, 1917, which the gentleman from Kansas voted for, and there were only five votes cast in this body against it. More than that, there is no provision in this act, as in the regular appropriation act, by which a certain percentage of one appropriation may be carried to another appropriation to meet an emergency that may arise.

Let us see what this situation may be. We had a lot of talk yesterday about cottage cheese, a little appropriation of $52,000. That is carried in a lump-sum appropriation in which the work against hog cholera, contagious abortion, and other animal diseases are carried. Now, suppose the Secretary of Agriculture finds an unusual outbreak of hog cholera in the country; suppose he finds an unusual situation with respect to some other animal disease. Are we to limit him under those circumstances to a certain sum here, or shall we give him the privilege of saying, "I will take the $52,000 that I have asked the committee to give me for work with respect to cottage cheese, and I will put it into the fund for fighting hog cholera"? Because the vital thing under the circumstances is the eradication of hog cholera, the vital thing is the fighting of blackleg, the vital thing is the fighting of contagious abortion, the vital thing is doing something else.

You do not want, in an emergency appropriation of this kind, to tie the hands of the Secretary of Agriculture hard and fast to any one small item in this bill. If we were bringing in the Agricultural appropriation bill, providing for the ordinary routine work of the Department of Agriculture, I should agree with the gentleman fom Kansas in his contention.

And I would say to the gentleman from Kansas that there is not a committee in this House which so minutely itemizes its regular appropriation bill as the Committee on Agriculture, and that work has been progressing year by year, because I recall—and my friend from Iowa [Mr. HAUGEN] will bear me out—that when we first became members of the Committee on Agriculture practically every item in it was an aggregate sum, a big sum, and it has been the Committee on Agriculture that has set the pace in this House for itemizing appropriations. But I think there is not a sane man in this House who can not see the difference between a regular appropriation bill, providing for the doing of routine work, regularly organized work, and an emergency appropriation bill which is attempting to speed up the activities of the Department of Agriculture along the lines of production and the elimination of waste in this country. The man who can not see that distinction to my mind has a mind so dull that he can not see anything. I am sure the gentleman from Kansas, good friend as he is of mine, will, in the light of this proposition, regret his terrific onslaught on the Committee on Agriculture. I hope by now that this proposition of the segregation of these items may once and for all time in this House and in the consideration of this bill be settled. We have beaten every proposition looking to it since this bill has been under consideration and have taken up the time of busy Members here by the renewal of a fight in which the proposition has been whipped repeatedly on this floor. Let us go forward. You have made a fight, and a good fight, but you have been licked, and you ought to take your licking like good men, and I believe you are going to do it. I hope this amendment will not prevail. [Applause.]

The CHAIRMAN (Mr. SHACKLEFORD). The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, there are a number of ambuscades and camouflages hereabouts that ought to be exposed. [Laughter.] My eloquent young friend from South Carolina [Mr. LEVER], who is soon to be transplanted to other fields of usefulness [applause], and whom we will very greatly regret to lose, is adroit as well as capable. He insists that because most of us voted for the legislation on which these appropriations are based, therefore we should vote for any sort of an appropriation carrying out the purposes of that bill that may be presented by anyone.

Well, my friend is a logical man, and he knows that that does not necessarily follow. We favored the legislation, but it is not necessary to drain the Treasury to put it into effect. Because we think the appropriations asked for under the bill are exorbitant and wickedly extravagant is not an argument against the legislation, and the fact we seek to bring the items within reason can not properly be tortured into opposition to the legislation or the carrying out of its provisions.

The gentleman argues that as what is done here in the way of lump-sum appropriations is what was done in the original bill, and the appropriation it carried, therefore, having started with a lump sum, we should go on with lump sums. Well, every man in this House who is not a mere novice—and the gentleman who made this argument certainly is not—realizes that in the inauguration of an activity, in the beginning of an activity, it is quite frequently necessary to lump the appropriations until the organization shall have been perfected, when the Congress always proceeds, if it is wise, to segregate the items; and the time has come for the segregation of the items under this bill.

Another camouflage that is popular here and hereabouts is that every item carried in an agricultural appropriation bill is something done for the farmer. The idea sought to be conveyed is that you are in making the appropriations doing something for the horny-handed son of toil, and it is further urged that as long as we are blowing our money for booming guns and battleships and what not, why not do something for the farmer, the agriculturist, the tiller of the soil? There is not a penny of the more than $2,000,000 sought to be appropriated under this item that will ever be paid to any farmer [applause], and there is not a penny of it the spending of which will necessarily benefit any farmer. Under this item you are proposing to secure information more or less necessary, more or less informing, more or less essential, as to where agricultural products are to be found.

It is a food-survey proposition, and if we do not get any further along with it and do not get any more real information out of it than we ordinarily do out of that sort of investigation, then we will have wasted $2,000,000 of good money of the heavily taxed people of this country, paying somebody who ought to be engaged in a productive enterprise to do a wholly useless and inconsequential thing. That is all there is to that. It is not $2,000,000 to the farmer or for the benefit of the farmer. It is $2,000,000 in the spending of which, if we benefit anyone at all, we are to benefit the men who use the farmers' products by telling him how much there is of it and where it is to be found. This old guff about voting enormous appropriations because being on an Agricultural bill they are going to help the farmer is ridiculous when the facts are considered, and we ought not hear that kind of alleged argument from gentlemen who ought to know better. My opinion is that there is no necessity for the kind of investigation or inquiry herein proposed. The Food

Commission by reason of its organization, activities, and its duties must be informed with regard to the agricultural products and production of the country with regard to all things proposed to be inquired into here. The Food Commission has gone into these matters carefully and thoroughly and will continue to do so. They are getting the information for a real useful purpose in order to know to what extent it may become necessary to ask the people of the country to conserve and limit the use of food. That bureau will get all the information necessary along these lines, and in my opinion the expenditure of this $2,000,000 will be worse than useless. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. I wish to direct attention especially to the provisions of subdivision 2 of section 1 of this bill. This is the provision which provides for the continuation of the appropriation of $2,500,000 as provided in the act of August 10, 1917, and of the appropriation of $4,000,000, authorized by the act of March 28, 1918, making a total of $6,500,000 for procuring, storing, and furnishing seeds to farmers. The chief purposes of the appropriations referred to were to stimulate agriculture, to encourage increased production of food products, to enable farmers to enlarge the acreage planted and increase the amount produced on each acre. I have never had very much faith in the means adopted by Congress under the advice and approval of the Secretary of Agriculture. Especially I have not had confidence that there would be any material increase of production of food products through the system adopted. The Members of the House must bear in mind that under former appropriations and under the appropriation made in this act the Secretary of Agriculture can dispose of seeds for cash only. I have contended, and I now maintain, first, that there is no demand among the farmers themselves that the Government should sell them seeds for cash. The farmers have been accustomed to purchase their own seed and perhaps in the larger number of cases to save their own seed. The farmers who have to buy seed and who have the cash to pay for it or possess the credit to enable them to buy seed do not particularly need this assistance. The farmers who have no seed, who have no cash, and who have no credit can not deal with the Secretary of Agriculture. Under the restrictions of the law he must trade with cash customers only. Now, bear in mind that the object of this appropriation and the only basis upon which it can be justified is to increase food production. It is evident to my mind that men who have the cash to pay for seed or who can borrow money from local bankers with which to secure cash to buy seed from the Government will not to any material extent increase the products of their farms merely because they can trade with the Government instead of private individuals. This appropriation therefore to my mind will fail to meet the purpose for which it is intended. It will not stimulate agriculture. It will not increase food production. It will not help us to win the war. On the other hand, the Government will be to a large expense for the payment of salaries and traveling expenses of a large number of Federal employees.

I have in my hand an article which I clipped from the Daily Oklahoman, published at Oklahoma City, in its issue of May 14, 1918. That was just one week ago to-day. It purports to give an interview from H. N. Vinall, of the Department of Agriculture emergency seed distribution. This representative of the Agriculture Department appears to apologize for the high prices the farmers are being charged for their seed. Referring to the prices, the paper represents him as saying as follows:

> The prices would have been lower, Vinall declared, if the seed had been purchased later or earlier than February, because of the high prices prevailing at that time. The Government had appropriated the money during last year, he said, but money for the work in Oklahoma and Kansas became available only in February, and, due to the proximity of planting season, the seed were bought immediately.

It appears from this statement that the department did not exercise the very highest quality of business judgment. It purchased seed at a time when high prices prevailed. As a result, the farmers will pay higher prices in purchasing from the Government. Just why this fund was not available until at a time when high prices prevailed I do not know, but it is evident that the farmers who dealt with the Government suffered financial loss thereby. I was also impressed with the reasons the representative of the Agriculture Department assigned as to why the farmers should purchase from the Government. Here is what he said, according to the Oklahoman:

> The farmers hardly can afford not to buy seed from the Government, both as patriots and for their own gain.

Mr. Chairman, I supposed that the farmers would be at liberty to buy from private dealers or the Government; that it would be left entirely to them; but, according to this interview, the farmers who bought seed of the Government agent were held up as patriots. The implication might follow that those who did not buy of the Government might not be patriots. Mr. Chairman, I know nothing about the correctness of this interview; neither is it my purpose to criticize Mr. Vinall, whose name appears as a representative of the Department of Agriculture. I indeed assume that he is an intelligent, capable, efficient official, and is honestly trying to discharge his duties and is carrying out the directions and wishes of his superior officers at Washington. What I am criticizing is the policy of the Government in purchasing and selling seed to farmers and limiting those sales to the farmers who have the cash, a class which is in the least need of assistance. If the Government goes into the seed business, it should treat all farmers alike, and it should conduct its business upon a plan that will accomplish the purpose of the appropriation, namely, to insure increased food production.

The farmers may be divided into four classes—first, those who own their farms with no mortgage on them, farmers who are out of debt, who have bank accounts, who have credit, and who need no help or assistance from the National Government. They are able to buy seed from anyone. This class does not constitute 25 per cent of our farmers. Another class are the farmers who own their farms but their farms are mortgaged. They are in debt. This class constitutes about one-third of the farmers of the United States. Another class have no farms. One-third of our farmers are tenants who have no farms, mortgaged or otherwise. They are the men that need the credit. They are the men to whom the Government should furnish seed on reasonable terms. Another class of farmers are not even tenants. They are known as farm laborers. It is not the 25 per cent but the 75 per cent of farmers who should be aided. It is the tenant farmers and the farmers with mortgages upon their farms to whom the Government should sell seed on credit. By this plan the Government could largely increase food production. So if the Federal Government desires to stimulate agriculture it should help the farmer who has no cash, who has no bank account, but who is intelligent, honest, industrious, and patriotic and needs help in the way of credit, but it seems to me that the policy of the Agricultural Department results in helping those most who need help the least. [Applause.]

Mr. FORDNEY. Mr. Chairman, I have always voted for every measure brought into the House which, in my judgment, aided the farmer in scientific farming. It is a great work and one in which the Government can do great good; but at a time when we are exacting from the people such large sums of money because of the war I think it is a great mistake for the Congress of the United States to impose greater taxes on the people for unnecessary purposes. When we passed in this House the Federal farm-loan act it was understood by every man who voted for that bill that bonds would be sold by that corporation and the money received from the sale of those bonds placed in the fund to be loaned to the farmers; it was not intended to take the money out of the Treasury of the United States to loan at all. Yet those bonds have not found purchasers, and consequently the administration has ordered to be diverted from the Treasury of the United States $209,000,000, which money has been raised as a war fund to carry on this great war, to the Federal farm-loan bank, and it has been shown here by statistics that money has been injudiciously loaned—in some instances as much as $10,000 loaned on a property valued at but $7,500. That is bad management; it is a bad loan; and the money has been wrung from the people for another purpose and has been diverted. For what purpose I leave it for you to say. One gentleman said this morning on the floor of the House that it is now proposed to place in every county in every State in the Union a man to educate the farmer, and a woman in every county in every State of the Union to show the housewives how to make schmierkase—Dutch cheese—but you are calling it cottage cheese. I suppose you are afraid to call it Dutch cheese now for fear you might be considered pro-German, and you have given it the name of cottage cheese. Where in the name of goodness will you find a housewife who is a competent housewife who will leave her home and children and go out through the county and teach people how to make Dutch cheese? Where can you get women who know how to make those things who will go among the housewives of this country and educate them how to economize? My good friends, the farmers of this country, because of necessity, have learned how to economize, and I hope that you will not send some little painted and powdered lady from the city to the country to educate the housewives on the farm how to economize. Oh, what absolute nonsense to talk about such things! You are going to spend the people's money in employing whom? Somebody seeking notoriety. You remind me of the story of the fellow who wanted a divorce from his wife

because she was a suffragette. He went to a lawyer and said he must have a divorce. The lawyer asked him why, and the man said that his wife was a suffragette. The lawyer informed him that was not sufficient cause and the courts would not grant a divorce upon that ground. "But," said the man, "she is out every day, neglecting her family, attending conventions, promoting the cause of woman suffrage, and she is out every night listening to lectures. I do not object to getting my own meals, to washing my own clothes, to washing the dishes, and making up the beds, but, by heaven, when it comes to sitting up nights running little pink and blue ribbons through my night clothes to try to fool the baby I draw the line!" [Laughter.] Mr. Chairman, you are seeking some other cause for the woman to be away from home and from her baby.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, I propose to offer an amendment to this section to increase the item by $5,000, in order to get a market news service here in the District of Columbia. I made some remarks upon this subject a few days ago, on May 17. I think everyone here will admit that the prices for meat and vegetables are higher in Washington than anywhere else in the United States. In the estimates prepared by Director Charles J. Brand we find that a service such as I am going to propose for the District is given to several cities of the United States, some eight of them, under the emergency funds we provided last year. I was strongly impressed with Mr. Brand's statement concerning this work. One of the cities where they have this service is the city of St. Paul, which is the nearest of the eight to where I live. I want to give you the prices of meats advertised in the St. Paul Dispatch. Take the advertisement of the Broadway Meat & Provision Co. They advertise to sell veal stew at 12 cents a pound, veal shoulder roasts at 15 cents a pound, leg of veal at 17 cents a pound. If there is anyone in this room who can buy any of those articles for twice the amount in Washington, I would like him to stand up. Summer sausage is sold at 27 cents a pound, pork shoulder at 23 cents a pound, midget bacon at 28 cents a pound. Pork liver is sold at 7 cents a pound.

Mr. LONGWORTH. What is the date of that?

Mr. YOUNG of North Dakota. This is on May 3, and meats were higher in Washington on May 3, I think, than they are to-day. There are several other advertisements here. Here is one of McQuade's Market. It advertises veal roast at 23 cents a pound, loin of veal roast 28 cents a pound, shoulder of veal at 25 cents a pound, veal stew at 20 cents a pound, pork loin at 28 cents a pound, spareribs at 17 cents a pound. It seems almost impossible when you consider what we have to pay for meats here in the District of Columbia to think that in St. Paul they are selling meats for such prices. It is hard for the consumers to pay such exorbitant prices as are charged in Washington. As a rule, the farmers are blamed for the high prices, which is unjust to them. A market news service will show that the profiteering is done after the products leave the hands of the farmers.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I would like to see provision made for a market service in the city of Washington, but these appropriations are already away up in the air, and are about the only ones that I have objected to on account of the amount. Why would it not be better for the gentleman to offer a proviso that out of this money appropriated $5,000 shall be used for the purpose he suggests?

Mr. YOUNG of North Dakota. I am willing to accept that suggestion if the other members of the committee would accept it.

Mr. McLAUGHLIN of Michigan. I think that would be adopted.

Mr. CANDLER of Mississippi. I have no objection to a proviso of that kind, making $5,000 of the money appropriated available for that purpose.

Mr. YOUNG of North Dakota. That being the case, I have nothing further to say. I thank the gentlemen very much.

Mr. HAUGEN. Mr. Chairman, our worthy and distinguished chairman has just stated that the Committee on Agriculture has always exercised great care in preparing appropriation bills in segregating the items, which is true.

Mr. CANDLER of Mississippi. And let me state that the gentleman has helped to do that, and rendered very valuable service.

Mr. HAUGEN. I thank the gentleman; but the gentleman will also recall a year ago a bill came to our committee appropriating $25,000,000 in a lump sum. He also will recall that the bill was referred back to the department with instructions to itemize, and that the appropriation was cut to $18,000,000. I regret exceedingly that this great committee is going to depart from the rule which it has followed in the past. I believe it a good rule and one that the committee should follow. As I have said, I believe that Congress and the department are entitled to know what the money is appropriated for. Here we have an item carrying $2,136,000; all of it can under the bill be used for one project. For instance, all of the appropriation carried in this item can, if the Bureau of Markets so determines, be used for food survey. That, of course, should not be done; certainly not unless the service can be made of more value than it has been in the past.

I read from Mr. Brand's testimony as to the food survey. Here is what he said April 27:

Yes; or December 31. The actual information on wheat, flour, stock, and other grain foods, and cereal foods generally, for April 1, is ready to release to-day.

The survey made on December 31 is ready for release the 27th of April. Of what value were those surveys, when much of the food had been consumed at the time the information was released? If we are to have surveys, we ought to have them when they are of some value, not after the foodstuffs have been consumed.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAUGEN. Yes, sir.

Mr. STAFFORD. Can the gentleman inform the committee what was the appropriation for the Bureau of Markets, say a year ago, for the activities included in this item?

Mr. HAUGEN. I think they were increased last year $155,000 more than this year. My recollection is that last year it was $2,522,000. We started the bureau, I believe, with $50,000, and it has kept on increasing.

Mr. STAFFORD. How long ago?

Mr. HAUGEN. Three or four years.

Mr. STAFFORD. Here is an instance of a bureau created four years ago, with an initial appropriation of $50,000, growing in that time to the extent of $2,136,000 and furnishing information that was of no avail at all to the public generally.

Mr. HAUGEN. Just one more statement. When Mr. Brand was asked of what value this work was, among the things that he had discovered was a wreck over in Albany. I read from his statement, printed in the hearings:

Mr. WASON. Did you think, under ordinary conditions, a wreck in Albany would affect the price of beef in Boston?
Mr. BRAND. Yes.
Mr. WASON. How much?
Mr. BRAND. Two or three dollars a hundred.

Gentlemen, it is absurd. Just think of it; a little railroad wreck affecting the price of beef in the big city of Boston to the extent of two or three dollars a hundred. Gentlemen, that seems to me a reckless statement. With the money we are expending we are entitled to more reliable information. Considering it all, it seems to me that the bill ought to be referred back to the Committee on Agriculture, and that the committee should bring in a bill in the regular form—in a proper form—in order that the department may know what the money is appropriated for and that we may know exactly for what purpose this money is to be expended.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. HUTCHINSON) there were—ayes 33, noes 35.

So the amendment was rejected.

Mr. YOUNG of North Dakota. Mr. Chairman, I desire to offer an amendment to this same section.

Mr. IGOE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the Randall amendment.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none. The Clerk will report the amendment of the gentleman from North Dakota.

The Clerk read as follows:

Page 3, line 13, after the figures, insert "*Provided*, That $5,000 thereof shall be used to establish a market news service on live stock and meats in the District of Columbia."

Mr. CANDLER of Mississippi. Mr. Chairman, I have no objection to the amendment at all and I ask that it be adopted.

The question was taken and the amendment was adopted.

The Clerk read as follows:

Sixth. For miscellaneous items, including the salaries of assistant secretaries appointed under the act approved August 10, 1917; special work in crop estimating; aiding agencies in the various States in supplying farm labor; enlarging the informational work of the Department of Agriculture; and printing and distributing emergency leaflets, posters, and other publications requiring quick issue or large editions, $1,105,980, of which sum not exceeding $25,000 shall be available for rent in the District of Columbia: *Provided*, That the Secretary of Agriculture is authorized, for the official purposes of the Department

of Agriculture, and within the limits of the appropriations for rent may by this or any other act making appropriations for the Department of Agriculture, to requisition the use of, and take possession of, any building or any space in any building, and the appurtenances thereof, in the District of Columbia, other than a dwelling house occupied as such or a building occupied by any other branch of the United States Government; and he shall ascertain and pay just compensation for such use. If the amount of compensation so ascertained be not satisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of such amount, and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation for such use in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

Mr. CANDLER of Mississippi. Mr. Chairman, I offer an amendment to correct a typographical error.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 2, page 4, after the word "rent," strike out the word "may" and insert in lieu thereof the word "made."

The question was taken, and the amendment was agreed to.

Mr. HUTCHINSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUTCHINSON: Page 3, line 22, after the word "edition," strike out all of lines 22 and 23 and the word "Columbia," in line 24, and insert "for the following stated purposes and in amounts as follows: Office of the Secretary, $76,420; publication and information work, $235,000; agricultural exhibits, $43,020; rent in the District of Columbia, $25,000; assistance in supplying farm labor, $162,000; poultry and egg demonstrations, $40,000; sirup demonstrations, $7,000; preparation of sweet sirups, $5,000; handling, transportation, and storage of fish, $20,000; waterproofing leather for Government and farm use, $3,000; serviceability tests of leather and substitutes, $6,000; utilization of wool-scouring wastes, $9,000; extension work in bee-keeping, $15,000; control of noxious rodents, $100,000; destruction of predatory animals, $125,000; special work in crop estimates, $234,540; total, $1,105,980.

Mr. CANDLER of Mississippi. Mr. Chairman, let us see how much time to take on this. This is the same amendment, I understand, just simply segregates and itemizes the paragraph like the previous amendment. Am I correct in that?

Mr. HUTCHINSON. Yes.

Mr. CANDLER of Mississippi. Does anybody want to speak on that side? If so, how many?

Mr. McLAUGHLIN of Michigan. Does the gentleman desire not to make any effort to correct this bill at all?

Mr. CANDLER of Mississippi. I am opposed to correcting it in this way.

Mr. McLAUGHLIN of Michigan. The gentleman is referring to votes that have taken place on other matters. I did not know that he might finally consent to some correction of it.

Mr. CANDLER of Mississippi. I am trying to state to the gentleman that I intend to stand for the bill as reported.

Mr. HEFLIN. I want to suggest to the gentleman that it occurs to me that five minutes on a side is all that is necessary on this amendment.

Mr. McLAUGHLIN of Michigan. It occurs to me it is not.

Mr. HEFLIN. I want to say, Mr. Chairman, as a member of this committee, I do not propose to submit any more to a time agreement here where five or six gentlemen speak on that side and only one on this side. If we are going to debate this question, let the RECORD show just what the House thinks about the attitude of the Members.

SEVERAL MEMBERS. Regular order, Mr. Chairman.

The CHAIRMAN. Regular order has been called for. The regular order is that the gentleman from New Jersey [Mr. HUTCHINSON] has been recognized and is entitled to the floor, but pending his taking the floor he submitted to an interruption by the gentleman from Mississippi [Mr. CANDLER] in order to reach an agreement as to time. So long as that proceeds informally with the consent of the gentleman from New Jersey [Mr. HUTCHINSON], the Chair will not interfere.

Mr. HAUGEN. I desire to say to the gentleman from Alabama [Mr. HEFLIN] that the division of time came at the suggestion of the gentleman from Mississippi, and if that division was not satisfactory to the gentleman from Alabama it should not be charged up to this side. As far as I know, no objection has been made to time being taken on the items. Nobody is asking for anything but a square deal.

Mr. HEFLIN. "The gentleman from Alabama" has just stated that hereafter he would not agree to that method.

Mr. KNUTSON. Would it not be all right if we would take 20 minutes on this side if the gentleman from Alabama be given that much time?

The CHAIRMAN. The gentleman from Mississippi [Mr. CANDLER] is in charge of the matter in this House, and he can submit any agreement that he makes informally with the gentleman from Iowa [Mr. HAUGEN] and it will be submitted by the Chair.

Mr. HEFLIN. I will suggest to the gentleman that makes the statement that five minutes from me is sufficient to answer 20 minutes from that side.

Mr. CANDLER of Mississippi. Of course, Mr. Chairman, what I am trying to do is to expedite the passage of the bill, and I have always been willing to concede discussion to that side. Of course, anybody could object to any request for unanimous consent that I make. How much time does the gentleman from Iowa want?

Mr. HAUGEN. The gentleman from Michigan [Mr. McLAUGHLIN] would like five minutes, and the gentleman from New Jersey [Mr. HUTCHINSON] would like five minutes, making in all 10 minutes.

Mr. CANDLER of Mississippi. Mr. Young of Texas, a member of the committee, would like five minutes.

Mr. STAFFORD. If the gentleman will permit, I wish to discuss another matter entirely, that relating to commandeering, but I do not wish to be included in that agreement.

Mr. CANDLER of Mississippi. Now, then, I ask unanimous consent that all debate on this amendment and amendments thereto close in 20 minutes, 10 minutes on that side and 10 minutes on this.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that debate on the pending amendment and all amendments thereto shall terminate at the expiration of 20 minutes. Is there objection?

Mr. HASTINGS. Mr. Chairman, does that include the whole paragraph?

The CHAIRMAN. That was not the way it was stated.

Mr. STAFFORD. As I stated, there is a different matter, the right of a department to commandeer buildings, that I think should be discussed.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi [Mr. CANDLER] to close debate on this amendment and all amendments thereto in 20 minutes? [After a pause.] The Chair hears none. Will the gentleman now indicate those who are to consume this time?

Mr. HAUGEN. On this side, the gentleman from Michigan [Mr. McLAUGHLIN] and the gentleman from New Jersey [Mr. HUTCHINSON].

The CHAIRMAN. Will the gentleman from Mississippi give the Chair the names on the Democratic side?

Mr. CANDLER of Mississippi. Mr. YOUNG of Texas and myself.

Mr. HUTCHINSON. Mr. Chairman, this amendment is on the same line as the rest, for the purpose of itemizing the paragraph, and I desire to call the attention of the committee to one particular item, and that is "Assistance in supplying farm labor, $162,000." In the next paragraph, paragraph 7, we have an appropriation of $500,000 for the benefit of the Secretary of Agriculture, for supplying labor to farmers. This is a partial duplication. The Department of Labor also has a large appropriation for this very same object of supplying labor to farmers and other industries.

Mr. GREEN of Iowa. Will the gentleman yield right there?

Mr. HUTCHINSON. Yes.

Mr. GREEN of Iowa. Do I understand the gentleman that this covers two items for the same thing in this bill, one to be used by one party and one by another?

Mr. HUTCHINSON. Both by the same party. The first is this amendment, which authorizes $162,000 for assistance in supplying farm labor. In the next section, paragraph 7, there is $500,000 appropriated to the Department of Agriculture for the same purpose.

Mr. GREEN of Iowa. What excuse can there be for that?

Mr. HUTCHINSON. I do not know.

Mr. RUBEY. Will the gentleman yield?

Mr. HUTCHINSON. I will.

Mr. RUBEY. The gentleman is aware of the fact that the appropriation carried in the last paragraph is a separate appropriation made as a revolving fund. There is a bill pending in the Senate which might become a law. In case that should become a law, of course this item will be stricken out. The reason it was segregated and put in a separate paragraph by itself was for that purpose, in order to not interfere with the amount carried in the other paragraph in the bill, and I think that amount should be carried in that paragraph.

Mr. HUTCHINSON. May I ask the gentleman a question? If this becomes a law, how can it be withheld?

Mr. RUBEY. If this becomes a law—it has to pass the Senate, of course—and both sums are utilized, of course that amount of money will not be used. If this is stricken out, and if you put it all in one paragraph and that paragraph is stricken out, they would be left without any money to do this work. For that reason the department asks that the amount be kept

in the appropriation bill as they have asked for it in their estimate, and we put this $500,000 in a separate item by itself. We ought certainly to keep that amount in that paragraph. Then if this becomes a law, that, of course, will probably not be used.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. MONDELL. What argument was made before the committee in favor of an additional sum of $250,000, estimated for in this lump-sum item for further crop estimating? Has not the department large appropriations for that purpose? And what condition is there necessitating the use of this additional large sum for that purpose? Is not that in this item? I thought there was an appropriation of that kind carried in this item.

Mr. HUTCHINSON. This section carries an item of $234,540 for special work in crop estimate, which, of course, is in addition to the amount appropriated in the regular bill.

Mr. Chairman, I look upon this bill as extravagant. A lot of appropriations here are excessive. I think we ought in war times, when there is such a great demand upon the people all over the country to raise money and purchase bonds, to conserve the money in the Treasury as much as possible. Those of us who know anything about the Fuel Administration know that the Fuel Administration to-day is conserving the fuel supply. Lots of concerns, factories, and industries have had their supply cut off 50 per cent. If the Fuel Administration can do that, it certainly seems right that we should be conservative and cut off all unnecessary items in appropriation bills.

Some of these items are started in a small way. We started last year with a $25,000 appropriation for one item, and this year they come in and ask for $135,000 for the same purpose, with an increase of 42 men. It does seem to me that this committee ought to cut down the items to the lowest possible amount. A great many of these items can wait until the war is over. The people at home should not be burdened by raising money for purposes of this kind. This item is administrative. Lots of money can be cut off this bill and saved in the final analysis without interfering seriously with the work of the department.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. YOUNG of Texas. Mr. Chairman, I rise not so much to speak to this amendment as to make some little reply to the gentleman from Michigan [Mr. FORDNEY], who has assaulted the farm-loan act.

Mr. Chairman, at the time that act was passed one of the curses of the Nation was the high rate of interest that prevailed in a great section of the country where farmers were seeking to purchase farms upon which to raise their families. These loans largely were obtainable from life insurance companies and great organizations of capital that made a specialty of making loans on real estate. In my own State, where I think we have some of the richest black land in the world, and it is now selling, much of it, at as high as $300 per acre, men were forced on that kind of security by these great land-loan concerns and life insurance companies to pay all the way from 8 to 10 and 12 per cent interest. Those were short-term loans, running usually not to exceed five years. The very moment that we passed through this body the farm-loan act that interest rate was cut in half, and now the same concerns that fleeced those people all those years are begging to put their money out at half the rate of interest that they formerly assessed against men who were attempting to buy homes, and are making legitimate loans on this valuable real estate security.

It is true that since this bill became a law we have entered this great war, and the Government has gone into the field in competition for the surplus money of the country in order to win this war. We have given the Government the right of way, and necessarily every kind of business institution in the world has had to get out of the way when the Government demands came, and they should have gotten out of the way. The very fact that this war is on has interfered with the operations of the Farm Loan Board. My own impression is that the farm-loan security under the system that we have is as fine an investment as the Nation affords to-day. But temporarily we must stand aside. We must first win this war. But I do not see how any man can stand on the floor of this Congress and criticize that law when it has served its purpose by cutting down these high interest charges, giving a man 30 or 40 years' time in which to develop and pay for his home. [Applause.]

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. STEVENSON. The gentleman from Michigan, to whom the gentleman refers, stated that $209,000,000 of the Government's funds had been diverted to this farm-loan business. I want to ask the gentleman from Texas if he has recently examined it, and, if so, if he has not found that only $57,000,000 have been taken of the farm-loan bonds by the Government and only $100,000,000 were provided this year, and that, with $9,000,000 that was taken of stock, makes only $66,000,000, instead of $209,000,000 invested in that? Did the gentleman notice that?

Mr. FORDNEY. The gentleman from South Carolina is entirely in error. Two hundred million dollars has been set aside by the Secretary of the Treasury to be drawn in a given time.

Mr. STEVENSON. The gentleman said $209,000,000 had been diverted to that. As a matter of fact $57,000,000 and $9,000,000 have been diverted, and that is shown by the report of the Secretary of the Treasury.

Mr. YOUNG of Texas. It does not matter to me, Mr. Chairman, what the figures are. None of this money is going to be lost. The point is that we have taken out of the hands of the Shylocks the power to charge these high rates of interest, and every dollar of this money will be paid back into the Treasury; our people enabled to buy and pay for their homes and tenancy reduced to a minimum. What greater boon could there be than to have a rural-credit system that thus enables our citizenship to become prosperous and contented home owners? [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TALBOTT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment the bill (H. R. 5489) to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAULSBURY, Mr. POMERENE, and Mr. SHERMAN as the conferees on the part of the Senate.

FOOD PRODUCTION.

The committee resumed its session.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, for the reasons that I have urged before, I think these items ought to be segregated. I wish, though, particularly to speak in reply to some things that were said by the distinguished gentleman from South Carolina [Mr. LEVER]. No one is more familiar with legislation relating to agriculture than he, and no one has done more than he to advance agriculture in the last generation as far as originating and presenting legislation and with unusual force and ability securing its enactment. He, therefore, knows better than to speak of these as emergency appropriations. They are no such thing. They are urged during the emergency of war under the claim that they are necessary for war. But this is legislation for particular purposes, and particular amounts are carried, some of them necessary, for these particular purposes. The gentleman says that it will be unwise to limit or direct the Secretary of Agriculture as to the use to be made of these funds because there might be an outbreak, or an emergency might arise, requiring the use of larger sums of money than are carried in these items. He spoke of hog cholera and some other great plagues with which the animals of this country have at times been affected. The annual appropriation bill carries nearly $450,000 for hog cholera, a large part of it as an insurance fund, for an emergency, because hog cholera is not generally prevalent or seriously threatening the hogs of the country. Five hundred thousand dollars is carried in the regular annual appropriation bill to enable the Department of Agriculture to fight and if possible stamp out a new disease of cotton, $100,000 only to be used at this time for particular purposes, and $400,000 carried in the bill as an insurance fund for an emergency if it should arise.

No one knows that better than the gentleman from South Carolina. There is a foot-and-mouth disease that afflicted the cattle of the country recently, and an outbreak is, of course, possible. A million dollars is carried in the annual appropriation bill for that emergency should it arise. The bill provides also that the remainder of a former appropriation of $2,500,000, the unexpended balance of it, for foot-and-mouth disease, may be available for the fiscal year of 1919. We provide for the emergency, we appropriate an insurance fund, as it is called. No provision of this bill can be defended on any such theory.

The gentleman from South Carolina is mistaken. This bill carries money for particular purposes that the Secretary of Agriculture asks for, some of which were allowed by the Committee on Agriculture and some were not. I insist, as I have insisted before, that there is no possible way by which these activities of the Agricultural Department may be supervised or in any way restricted by Congress unless these appropriations are itemized. I am surprised that gentlemen on the other side of the aisle have invariably voted against amendments, because they are in line with demands made by them year after year, whenever appropriation bills have come before the House that they should be itemized.

We are charged with playing politics, and the gentleman from Alabama [Mr. HEFLIN], who is here a part of the time, but away, as he says, making liberty speeches in sections of the country where it is necessary to stir up the people to do their duty during the war, occasionally coming back here and lecturing the House and telling us we are playing politics. If there is anything except politics that has prompted the gentlemen on the other side to stand against these amendments, which many of them must know are right, I do not know what it is. It seems to me that they should vote for some of these things that in private they must concede are right. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, the appropriations provided for in this paragraph are miscellaneous expenses for the office of the Secretary himself. They are under his personal supervision, for which he is absolutely responsible, and certainly, it seems to me, if there is any appropriation for which all the Members would be willing to vote it would be appropriations to be placed in the hands of the Secretary of Agriculture for the administration of the affairs in his own office. If you can not give him discretion in reference to that, for what could you give him discretion?

That is all there is in the consideration of this item. The gentleman from New Jersey, as usual, as he has in reference to other paragraphs in the bill, moved to itemize it, so that the Secretary in his office, in the miscellaneous expenses connected with his office, the salaries connected with his immediate supervision, is told that he must not spend any money for this or that, only so much and not a dollar more. I presume it may get to the point where we will be asked to prescribe that the Secretary may spend a dollar and a half, but can not spend a dollar and six bits. It is only another effort to segregate the items and take the discretion away from the Secretary of Agriculture. While there might have been some justification, although I have not seen it, for dividing up and segregating other items, certainly there is no justification for segregating the items for the administration of the Secretary's own office and payment of salaries under his immediate direction. I can state, without any criticism, that when the committee reached the consideration of this item, be it said to their credit and good judgment, everybody said that is for the Secretary's office, we have no objection to it; let us consider something else, which we did. It is proposed now to divide it up and take another view in reference to it. Therefore I ask that the amendment be voted down. [Applause.]

The CHAIRMAN. All time has expired. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. HUTCHINSON) there were—ayes 21, noes 40.

So the amendment was rejected.

Mr. BLACK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 3, line 22, strike out the figures "$1,105,980" and insert "$905,980."

Mr. BLACK. Mr. Chairman, when the food-survey bill, or the act of August 10, 1917, was passed it carried an appropriation of $650,000 for this particular item now under consideration. The testimony in the hearings shows that $234,800 of the $650,000 was used for the purpose of publishing and distributing emergency leaflets, posters, and other publications. In the statement of Assistant Secretary of Agriculture Clarence Owsley, made to the committee, he says that it is the purpose of the department to use $235,000 next year in the publication and distribution of these emergency leaflets, posters, and publications. The inquiry naturally arises, What is the nature of these emergency leaflets, posters, and publications? And Mr. Owsley explains that in his testimony on page 172 of the hearings. He says:

I may say that the character of the publications under the emergency or food-production act differs from the regular publications only in the respect that the emergency publications are addressed to the particular needs of the moment, and we do not use that fund for any of the regular publications.

In other words, the emergency leaflets and posters are of the same nature as the ordinary farm bulletins that are distributed from the Department of Agriculture, except, as Mr. Owsley says, they are addressed to the particular needs of the moment. I have no criticism whatever to make of the distribution of farm bulletins or of the Department of Agriculture in its important work. I have assisted as best I could in their general and practical distribution in my own district. I have always found the available supply quite ample to fill all the demands I have had for these bulletins, and certainly no additional appropriation for that kind of work is needed, other than the regular appropriation which is carried in the sundry civil bill. I do not think my experience in this particular matter is any different from that of other Members, and I believe that you will agree that it is our general experience. Again, the Assistant Secretary of Agriculture, Mr. Owsley, states, in referring to the regular fund for printing bulletins, that probably all of it would not be expended. He assigns the reason as follows:

Mr. Chairman, on account of the congestion in the Government Printing Office, we will perhaps not use all of the required fund.

When we observe the tons and tons of printed matter constantly pouring out of Washington, some of it good and some not so good, it is no wonder to us that there is congestion in the Government Printing Office. The wonder is that it is able to keep up at all. It is also no mystery to us that the cost of white paper is so high. How are these emergency publications distributed? What is the method? Mr. Owsley tells us in his statement in the hearings:

They are distributed mainly through our county agents that now are found in nearly every agricultural community in the United States. Then we use the councils of defense for this purpose.

In that connection, Mr. Chairman, I want to state that already the councils of defense for the different States have come before Congress and asked that we give them the franking privilege in the use of the mails. It so happens that I am the chairman of the subcommittee of the Committee on the Post Office and Post Roads that has under consideration a bill at this very time along the lines I have just mentioned. It was introduced by Mr. MCKEOWN, of Oklahoma, and provides that the franking privilege shall be granted to the chairmen of the State councils of defense as well as the county chairmen. And I submit in all good conscience, if we continue to call upon them to distribute quantities of such matter as has been sent them by the various departments of the Federal Government we ought to grant them the franking privilege. We ought not to expect them to distribute it at their own cost and expense. I have a letter here which I have just recently received from one of the most alert and active of these State chairmen. I am not going to quote his name, because perhaps it would not be proper to do that in the absence of his permission, but he incloses me a copy of a letter which he recently wrote to the Council of National Defense, and I want to read a portion of it to you. I will state that he lives in a near-by Democratic State, is a very patriotic worker, and is not in any sense a critic of our administration. But he is calling attention to a condition which we know exists and ought at least to be corrected to some extent. He says:

For a year now we have been engaged assiduously in organizing the Nation for war, and we have laid great stress upon coordination, correlation, efficiency, and the elimination of nonessentials, and yet in spite of all this well-directed effort there is much useless waste in man power and resources in the unnecessary volume of printed matter sent out from Washington to newspapers and numerous war activities. While in the main the stuff is all good, yet the newspaper offices are so gorged with this volume that they can not spare the time to read it or even brief it or publish remote parts of it, and the result is that very little of it is printed. As to the various activities I can only imagine they are in the same condition as we are and that they complain about it. That is, we receive an enormous volume of this matter, that we can only glance at the headlines and throw it aside. Very little of it is available, for the reason that we can not spare the man power and the money necessary to assimilate it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK (continuing the reading)—

There is a cry made that this multiplicity of communications be simplified and reduced in volume. The duplication can not be entirely eliminated, but it can be wonderfully improved, and it is my earnest hope that the State council section will take hold of this, with a view of supervising the system of emanation and distribution, and as far as possible control and make available a large source of information that is now going to waste.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. CRAMTON. Has the gentleman also noted that some of the congestion in the mail is being caused by the practice of

many gentlemen who are temporarily serving on liberty bond committees, and so forth, sending out under frank of the Treasury Department speeches they have made on the war and all sorts of literature which they seem to think important?

Mr. BLACK. Well, those things have not come under my observation.

Mr. CRAMTON. I have seen a number of those instances.

Mr. BLACK. Well, to say the least of it, a great deal of this literature could be simplified and curtailed to great advantage. But, in further argument in support of my amendment, I submit that the statement of Mr. Owsley himself shows that this $235,000 is to be used for the publication of pamphlets and leaflets substantially the same as our ordinary Farmers' Bulletins. As I have heretofore pointed out, the sundry civil bill carries an ample appropriation for that purpose, and I think this is one of the places where we can use some sensible and proper economy and save unnecessary duplication. Now, the amendment I have offered will still leave $35,000 that the Secretary may use in case of a real emergency, and I believe that that is all that will be needed in view of the ample and sufficient regular appropriation for farm bulletins, carried in the sundry civil appropriation bill. I put the question squarely to you, gentlemen of the House, Shall we put forward any effort to check this waste of printed matter that has been called to our attention and is being called to our attention day by day? What are we to do about it? Are we going to shut our eyes and tell the various departments of the Government to "Go to it; Congress will vote the money." And then when we observe what we think is unnecessary matter going out, shall we stand here on the floor of the House and criticize them for doing what we have authorized by law to be done? The thing to do is to scrutinize these appropriations when the bills are before us and eliminate those items which we think are unnecessary and improper and appropriate only the money that we think is necessary for the purpose to be effected and then the cause for criticism will not arise. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Texas.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 22, strike out "$1,105,980" and insert "$705,980."

Mr. MONDELL. Mr. Chairman, I think the gentleman from Texas [Mr. BLACK] has made an argument that ought to be convincing and conclusive to the House with regard to the reduction of this estimate by $200,000. No one in this House appreciates more the value of the farm bulletins and other publications of the Agricultural Department than I. No one makes a larger use of them than I, but, as the gentleman has well said, we are already getting a sufficient supply of those valuable documents, and in these days when the price of print paper is mounting higher every day and the Government Printing Office is taxed beyond its capacity in printing articles necessary for the carrying on of the war, we ought not to make these additional unnecessary appropriations. Now, the amendment offered by the genteman from Texas proposes to reduce the appropriation $200,000. I propose to reduce it $200,000 more or $400,000 in all, so as to provide for the reduction he proposes and also to reduce by $200,000 one of the items of expenditure contemplated under this appropriation, the item of special work in crop estimates. Why, the members of the committee and the best informed members of the committee were so little informed as to the necessity of the expenditure of this additional sum for special crop estimating, that when I asked so well informed a member of the committee as the gentleman from New Jersey his views about it a moment ago, he had forgotten for the moment that there was any such expenditure contemplated under this item. The gentleman from Minnesota informs me that the item for the regular crop estimate in the pending appropriation bill is $346,000, but there are other items carried in the bill which are used indirectly for the purpose of crop estimates. Now, I know of no condition at this time that warrants the expenditure of an additional $234,000 as contemplated under this item for that purpose. I propose to reduce the $234,000 to $34,000, leaving that sum that can be used for special estimating, which added to the sum carried in the regular appropriation bill will make the sum available for this particular purpose about $386,000, nearly $400,000, in addition to the other sums carried in the bill which can be used directly or indirectly for that purpose. Now, these days, when we are asking the people to economize, when we are asking them to reduce the consumption of provisions of all kinds, when we are taxing them heavily, and when we are asking them to buy liberty bonds to and beyond their capacity, is no time for a useless and unnecessary expenditure even under so worthy a department as the Department of Agriculture. We are hoping to have a larger crop than ordinary this year, but it does not require a doubling of appropriations to estimate a larger than an ordinary crop.

A large crop can be estimated very nearly as cheaply as a small crop. As a matter of fact it may be easier and cheaper to estimate a large than a small crop, because that means in the main your production is well up to the maximum. Now, I would not cut out a dollar of this appropriation which is really necessary and essential, and I have inquired of members of the committee as to whether or not they were impressed with the necessity of these additional sums. I found none of them had been so impressed, but that they felt as the department had asked for it they, out of abundance of caution and liberality, should perhaps grant them these sums. We can not afford to legislate in that way. We can not afford to legislate in that way particularly in these days when we are trying to keep down unnecessary expenditures in order that we may have funds available for those expenditures that are absolutely necessary and essential. I trust that the committee will accept my amendment, which includes the amendment offered by the gentleman from Texas.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I hope this amendment will not be adopted, either the amendment offered by the gentleman from Wyoming or the amendment offered by the gentleman from Texas. The reduction which the amendment proposes to make as offered by the gentleman from Texas is for literature that is sent out directly from the office and under the supervision of the office of the Secretary of Agriculture himself. It is not farm bulletins, it is an entirely different class of literature intended to reach a different class of people and intended to accomplish a different purpose entirely.

Mr. CRAMTON. Has the gentleman seen any of them which he thinks are half as valuable as the farm bulletins? Most of them are entirely uninteresting and without value. I think they are publications of the various bureaus, of little value, and not to be classed at all with the farm bulletins, which are of great value.

Mr. CANDLER of Mississippi. The farm bulletins are very valuable, and there is a great demand for them throughout the country. I have requests for them daily. These are temporary emergency publications and are published at the time under the direction of the Secretary to accentuate conditions and stir up interest in a community or in a section of the country where it may be necessary to attract specific attention to some immediate necessity.

Now, that is the object and the purpose of these publications, and they are sent out under the direction of the Secretary himself. Now, I do not believe that the amendment of the gentleman from Wyoming [Mr. MONDELL] ought to be adopted, for the reason that the purpose of this bill is to increase the crop of foodstuffs, and these estimates become more valuable now than at other times, when no such condition exists. There is a great difference between conditions in the country at the present time, when things are to be done quickly and information has to be obtained in the most expeditious manner, than in normal times. Therefore, it is proposed, as I stated a while ago, to have the work which is being done and which will be done under the direction and immediate supervision of the Secretary himself, and I do not believe any activities which he directs himself and which he feels necessary for his department should be limited, especially when they are administered directly under his own supervision. [Applause.]

I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MONDELL. Division, Mr. Chairman.

The committee divided; and there were—ayes 27, noes 34.

So the amendment to the amendment was rejected.

The CHAIRMAN. The vote now recurs on the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BLACK. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 22, noes 25.

So the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Wisconsin sends an amendment to the desk, which the Clerk will report.

The Clerk reads as follows:

Page 4, line 5, after the word "Columbia," strike out the remainder of the sentence and insert: "occupied by any bureau, division, or any branch of the Department of Agriculture."

Mr. YOUNG of Texas. May I ask the gentleman a question before he begins? Does this limit the commandeering section to the Agricultural Department?

Mr. STAFFORD. It limits the authority of the Department of Agriculture to commandeer only those premises which are now in the occupation of any bureau, division, or other branch of the department.

Mr. RUBEY. You give them the right to commandeer a dwelling?

Mr. STAFFORD. Now occupied by the Department of Agriculture for any of its activities.

Mr. RUBEY. This amendment excepts any house occupied as a dwelling?

Mr. STAFFORD. But the Agricultural Department to-day is in possession, in the work of the department, of some dwellings. The provision recommended by the committee would grant them authority to commandeer any space anywhere in the District except dwelling houses now occupied for dwelling purposes, or other buildings when occupied by some other branch of the Government.

Mr. CANDLER of Mississippi. It especially excepts those.

Mr. STAFFORD. I stated that.

Mr. YOUNG of Texas. Will the gentleman yield further?

Mr. STAFFORD. I yield.

Mr. YOUNG of Texas. The purpose of the Committee on Agriculture in putting this section in the bill was to reach a certain building, which is a building down here on F Street, occupied by the Forest Service, for which the Government has been paying $18,000 annually. Now, the lease is about to expire, and on addressing a note to the people who own this building they made a curt reply that they did not care about the Government having it at all, but if they wanted it they could have it at an annual rental of $34,000. We thought we ought to have some right to say to those people that they could not profiteer in war times.

Mr. STAFFORD. The amendment I propose would reach that case, but it would not confer the blanket authority to permit the Secretary of Agriculture to go throughout the city and commandeer any office space he saw fit when not used by any other branch of the Government. I will ask the gentleman from Texas [Mr. YOUNG] whether he can inform the committee as to how much money in the case instanced by him is paid by the owners for light, heat, and other purposes?

Mr. YOUNG of Texas. I have no figures at hand. All I know is that they have been satisfied with $18,000 a year, and not a dollar of improvement has been made on the building and there is not a foot more of space taken, and yet they put it up from $18,000 to $34,000 a year.

Mr. STAFFORD. If I may proceed to explain my position, I wish to say that the legislative subcommittee has jurisdiction, virtually, of the rental of buildings in the District used by the Government, except of those used by the Agricultural Department. Our committee has been confronted with the very problem with which the Committee on Agriculture has been confronted. There are instances where the owners have with good reason demanded an increase of rental. There are many instances that have been called to our attention where the department, perhaps, should have had the authority to commandeer buildings generally; but we have not given nor have the heads of the other departments requested our committee to give this authority to the heads of the departments, or even to the President, to commandeer buildings for these purposes. Take, for instance, the case of the Bureau of War-Risk Insurance, which has grown so rapidly since its creation last October. Part of their clerks are housed in the New National Museum Building, a part in the Convention Hall, and in the armory and in the old Elks' building, and yet the Secretary of the Treasury did not come to us for authority to go into the District and commandeer expensive office space that is now used by private persons. If we grant the authority to commandeer this office space we will have to pay a reasonable price for it. It will not be the price as fixed by the heads of the departments. It will be the price as fixed by the courts; and under this provision they will be paid 75 per cent forthwith of that which is determined by the head of the department, and the balance they can go into court and collect. I question whether we should even go to the extent that we are going here, to grant to the Secretary of Agriculture the authority to commandeer buildings now occupied, as is proposed by my amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

Mr. STAFFORD. I ask for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Chairman, will the gentleman yield for a question?

Mr. STAFFORD. Just for a question. I want to proceed with my argument.

Mr. RUBEY. Suppose the present building occupied by the Department of Agriculture, a very large building, should be destroyed by fire, and it should be necessary for the department to get another building. If we did not adopt an amendment, would not the department be at the mercy of somebody?

Mr. STAFFORD. Even in that exigency I do not think we should grant this authority without limit to any department. We should not authorize the department to go and select quarters in these expensive office buildings.

Mr. RUBEY. This amendment would prevent the department from doing that.

Mr. STAFFORD. It would prevent the department from doing that, but it would permit the Department of Agriculture to commandeer for continued use these premises that are now occupied by the department. As I understood the purpose of the committee provision, it was to cover the case instanced by the gentleman from Texas [Mr. YOUNG], referring to the Atlantic Building, where the rental to-day is $18,000, and where the owners contribute $9,000 of expense for heating and lighting and other service, and where they propose to charge $34,000 and make the price 55 cents per square foot rental. I do not propose to argue that case, and yet 55 cents per square foot rental, from my knowledge of this question obtained in the Committee on Appropriations, is not an exorbitant figure. The Department of Agriculture here is paying as high as $1.13. Take the Munsey Building, for instance. Of course the rate will be greater for the Munsey Building because of the location. This Atlantic Building is in a quarter where there is demand for space for commercial purposes, but there are other buildings where the location is not as good, and yet in such locations the Agricultural Department is paying as high as 86 cents per square foot, without any allowance for light or heat.

But I want to state that it is not wise for the committee to grant this blanket authority to the department to go into the District and commandeer office space. If they want to reach and effect the purpose stated let them adopt my amendment and allow the department to remain in possession of its present quarters, and if they can not arrive at satisfactory terms of rental, then they will submit their proposal to the owner and allow the owner to accept 75 per cent of it, and have the owner go into court for the other 25 per cent and such additional amount, if any, as the court determines to be a reasonable amount.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LEVER. Suppose the department needs the space and must have it, but can not get it. Then what would you do?

Mr. STAFFORD. There are cases of that kind in the experience of the State Department and the Treasury Department. But the Department of Agriculture is not engaged to any extent in war activities. We have thrown additional activities on the Treasury Department in the creation of the War-Risk Insurance Bureau and the additional income and excess-profits taxes. They have gone ahead and met those conditions, and met them wisely, by taking all the available space of buildings which could be found—the Convention Hall, the National Museum, and the armory over Center Market, and the Elks' building; so that we should not, I respectfully contend, grant this power to commandeer.

There is no pressing reason why you should grant this great authority to the Secretary of Agriculture to go and take space wherever he wants it. We know the common tendency of bureaus. They want to be housed in as good a place as can be found. The Department of Agriculture is not pressed in its war activities as some of the other departments are.

Those buildings used by the department are mostly fireproof buildings. It is a case that is difficult to conceive of. I believe that this amendment should be adopted, so as to protect the Government and provide necessary space for the Department of Agriculture in case it is held up outrageously by any landlord, and still not give the department such great authority that it can go and take places anywhere and say they are necessary for the department.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I ask unanimous consent that the debate on the pending paragraph and all amendments thereto close in 10 minutes—5 minutes to go to the gentleman from Ohio [Mr. FESS] and 5 to myself.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this amendment and amendments thereto shall close in 10 minutes, the gentleman from Ohio [Mr. FESS] to have 5 minutes and the gentleman from Mississippi to have 5 minutes. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I am of the opinion that the commandeering feature ought to be retained in the bill. I am not sure that the amendment offered by the gentleman from Wisconsin ought not to meet the approval of the committee. That still retains the commandeering idea in the bill to a certain extent. I want to call the attention of the committee for a few minutes to the abnormal price of everything, which is expressed also by this exorbitant requirement in the form of rents. I do not think for a moment that the proprietor who demands the increased rental is justified; but there is one side of this question that the Government in a degree is probably responsible for. It might be that it can not help it, that the advance in the current price of everything is inevitable, incident to the war. However that may be, the increase in the price of everything with which the Government deals is very noticeable. It is pertinent to ask whether it is necessary.

When I called attention to the high prices paid for material and for labor in connection with the aviation fields and the numerous cantonments, especially those with which I had acquaintance, at first the fact was disputed, and when the evidence was produced it was admitted. But the explanation was offered that the Government could not do otherwise; that it had to have the labor and the material at whatever price demanded. It was observed that we took the labor from a permanent employment and placed it in this temporary employment, and consequently before acceptance it necessarily would demand a very high wage. This scale of prices is very noticeable in the Capital. The Government is doing more, undoubtedly, in the city of Washington than in any other city in the country. It is therefore making Washington more or less a barometer of expense by giving expression to the rate of outlay, which will naturally reflect itself in the price of rentals, in the price of everything we have to pay for as our necessaries here in the District.

Here are a few figures that are illuminating. A gentleman writes me to-day. He is a builder:

> A carpenter recently working for me at $5 a day worked last week on a Government building at Sixth and B Streets, and drew $104 for the week's labor, including overtime. An electrician who formerly worked for me recently drew $120 for one week's pay on a Government building.
>
> Many laborers not trained mechanics have been taken from my force and put to work on Government buildings under the guise of carpenters; they are put to work doing common labor, and with allowance of time and a half and double time frequently draw $75 and $90 per week.
>
> Material and labor have gone up over 100 per cent on all of the above. Carpenters who two years ago were paid $3.50 now get $5 and $6; painters two years ago who were paid $3 now get $5 and $6; laborers who were formerly paid $1.50 per day now get $3.50 to $4 per day.

What I desire the committee to note is the comparative price the Government pays. In this time under the claims of imperative necessity the Government attracts all the labor available at fabulous prices, and on the cost-plus plan makes the highest cost rather than the lowest the chief item of the contract. We hear it said that companies which have been utilized by the Government on the cost-plus plan have at once increased their managerial charge, including overhead, as much as 100 per cent.

These charges are made frequently and ought to be items of investigation. Be these statements true or false, the Government is certainly an extravagant employer in war times. The facts here revealed show what part of the responsibility the Government must shoulder for the exorbitant expense in Washington.

This letter also proceeds to give the increase in the rates of insurance and various exactions for the men who own the property. I do not excuse property holders here, I condemn them for what they demand. I rose simply to call attention to this phase of it, that while these prices are abnormal—and it is claimed as inevitable—it might be that we can not avoid it. However, I assert that the Government is very largely responsible for establishing this large increase on the basis that it proceeds according to the theory that we must pay any price that anybody should demand. If the outlay is high, then the whole price current will be high. We are not ready to conscript labor, we do not enlist it by law, and therefore when employers are making great profits most naturally labor becomes persistent, and if they ask these enormous prices like $104 a week, and the Government pays them, everything else found in the market as a mere matter of sympathy goes up in accordance, and therefore it is not all on one side. While the landowner here is in part to blame, the Government must take its share also. I am in favor of the commandeering feature as a protection to the Government, even if it is in great part to blame. I insist there are two sides to the question. In so doing I do not exculpate the guilty. The truth about the matter is, in this time of stress, when we all wish to be patriotic to the last demand, we are too prone to attempt to make hay while the sun shines—to get all we can while the getting is good.

Mr. CANDLER of Mississippi. Mr. Chairman, the amendment of the gentleman from Wisconsin, if adopted, would confine the Government in commandeering property to that which they now already occupy, and would not permit the Government to vacate any property they now occupy and go out in the city anywhere and secure other property.

Mr. STAFFORD. The gentleman is correct.

Mr. CANDLER of Mississippi. This commandeering proposition was put in the bill for the purpose of meeting a situation existing on F Street at the present time, where the Forestry Service is now located. The Government for some years has been paying $18,000 a year for what is known as the Atlantic Building. The lease expires on the 30th day of June, and the owners of the building, or those in control of it, have notified the Agricultural Department that unless they pay $34,000 a year, which is an increase of $16,000, or 87 per cent, they must get out and go somewhere else. This provision, therefore, was put into the bill for the purpose of meeting that situation, so as to not permit these people to demand of the Government this exorbitant rent.

The objection that I have to the proposition of the gentleman from Wisconsin [Mr. STAFFORD] is that if, by his provision, he confines the department to the building already occupied by the Government, of course that would confine the department absolutely to the commandeering of this one building. It might be possible before the time arrives that a better building might be found which could be obtained at a reasonable rental, and, if not, that could be commandeered, which would answer the purpose of the department.

Mr. STAFFORD. Under the blanket authority contained in the provision as reported by the committee, would not the Agriculture Department have the right to go down and commandeer the entire Munsey Building?

Mr. CANDLER of Mississippi. Oh, yes. They could go wherever they wanted to, but the Department of Agriculture would not do that, as evidenced by their record heretofore. I had occasion last year and the year before to give a list of the rentals paid by the Department of Agriculture, and they were paying less per square foot than any department of the Government.

Mr. STAFFORD. Is the gentleman aware that the department has occupied space, and is to-day occupying space, in the Munsey Building?

Mr. CANDLER of Mississippi. I know that it has in time past.

Mr. STAFFORD. And is at present.

Mr. CANDLER of Mississippi. By some division of the Bureau of Markets.

Mr. STAFFORD. And paying $1.35 a square foot.

Mr. CANDLER of Mississippi. And occupying just as little space as possible. The department would be glad to get out to-morrow if they could get accommodations elsewhere. The rentals paid by the Department of Agriculture, on the average, are less per square foot than any of the departments of the Government.

Mr. McLAUGHLIN of Michigan. Perhaps it has not been called to the attention of the House that this bill limits the right of the Secretary of Agriculture to pay rent for property which is now occupied by the department, or which may be commandeered later by the department, to the amount of money carried in the bill and the regular annual appropriation bill for the Department of Agriculture for rent.

Mr. CANDLER of Mississippi. I thank the gentleman for that suggestion. I had intended to call the attention of the House to that fact. The Secretary is confined to the appropriation, and he could not go out and commandeer extravagant property, and, as shown by the record of the department, would have no inclination to do so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 16, noes 42.

Mr. MADDEN. I make the point of order that there is no quorum present.

Mr. CANDLER of Mississippi. I move that the committee do now rise.

Mr. MADDEN. We will take the vote on this to-morrow.

Mr. GARRETT of Tennessee. Oh, no; the vote has been taken.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry. Will not this vote be taken when we meet again?

Mr. GARNER. The amendment has been defeated.

Mr. CANDLER of Mississippi. And the vote was announced.

Mr. MADDEN. But I was on my feet making the point of order.

The CHAIRMAN. Was it the gentleman's intention to make the point of order with a view to having the vote taken when we meet again?

Mr. MADDEN. Yes.

Mr. CANDLER of Mississippi. Then I withdraw my motion to rise.

The CHAIRMAN. The gentleman from Illinois makes a point of order that there is no quorum present. The Chair will count.

Mr. MADDEN (interrupting the count). I withdraw the point of order, so far as the question of the vote is concerned.

The CHAIRMAN. The vote on this amendment is—ayes 16, noes 42, and the amendment is rejected.

Mr. CANDLER of Mississippi. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11945 and had come to no resolution thereon.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3911. An act authorizing national banks to subscribe to the American National Red Cross.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 8696. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919; and

H. R. 11628. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MOORES of Indiana was granted leave to withdraw from the files of the House papers in the case of the correction of the military record of James Andy Wallace, H. R. 18427, Sixty-fourth Congress, no adverse report having been filed thereon.

ADJOURNMENT.

Mr. CANDLER of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 22, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a deficiency estimate of appropriation required by the director of purchase, storage, and traffic, United States Army, for salaries of employees of his office for the balance of the fiscal year 1918 (H. Doc. No. 1115), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HELM, from the Committee on the Census, to which was referred the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses, reported the same without amendment, accompanied by a report (No. 581), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAGSDALE, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6955) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 584), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the joint resolution (H. J. Res. 290) extending the provisions of act of Congress approved December 20, 1917, entitled "An act to authorize absence by homestead settlers and entrymen, and for other purposes," reported the same without amendment, accompanied by a report (No. 586), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 6979) to regulate the personnel of the Coast Guard, reported the same with amendment, accompanied by a report (No. 587), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WHALEY, from the Committee on the Judiciary, to which was referred the bill (S. 70) providing for an additional judge for the district of Montana, reported the same without amendment, accompanied by a report (No. 590), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 3786) for the relief of C. R. Shaw, Allen Shaw, and Robert Shaw, reported the same with amendment, accompanied by a report (No. 580), which said bill and report were referred to the Private Calendar.

Mr. MERRITT, from the Committee on Claims, to which was referred the bill (H. R. 4458) for the relief of Frank H. Walker and Frank E. Smith, a part of whose real property was taken and is now occupied by the United States for the foundation of the west wall of the Government Printing Office, in the city of Washington, and the remainder not taken damaged by reason of the construction and operation of said Printing Office, reported the same with amendment, accompanied by a report (No. 582), which said bill and report were referred to the Private Calendar.

Mr. McLEMORE, from the Committee on the Public Lands, to which was referred the bill (H. R. 12122) for the relief of Ella Oliver Richardson and Edmund Richardson, of New Orleans, La., reported the same with amendment, accompanied by a report (No. 583), which said bill and report were referred to the Private Calendar.

Mr. McCLINTIC, from the Committee on Pensions, to which was referred the bill (H. R. 12211) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 585), which said bill and report were referred to the Private Calendar.

Mr. WELLING, from the Committee on Claims, to which was referred the bill (H. R. 914) for the relief of William Wooster, reported the same with amendment, accompanied by a report (No. 588), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 637) for the relief of Eugene Fazzi, reported the same with amendment, accompanied by a report (No. 589), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAYDEN: A bill (H. R. 12209) to amend the war-risk insurance act as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A bill (H. R. 12210) to amend the act of May 14, 1898, as amended by the act of March 3, 1903, entitled "An act to extend the homestead laws and regulate the sale and entry of public lands along the shores of navigable waters in Alaska"; to the Committee on the Public Lands.

By Mr. SEARS: A bill (H. R. 12212) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes; to the Committee on Education.

By Mr. SIMS: Resolution (H. Res. 355) authorizing a clerk to the Special Committee on Water Power; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the General Assembly of the State of Rhode Island, urging upon Congress the repeal or suspension of the zone system for postage of second-class mail; to the Committee on Ways and Means.

By Mr. ESCH: Memorial of the General Assembly of the State of Rhode Island, urging upon Congress the repeal or suspension of the zone system for postage of second-class mail; to the Committee on Ways and Means.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Rhode Island, urging upon Congress the repeal or suspension of the zone system of postage for second-class mail; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McCLINTIC: A bill (H. R. 12211) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 12213) to reimburse H. O. Sparks, postmaster at Boaz, Ala., for money misappropriated by some one connected with the post office at that place before Sparks became postmaster and repaid by him to the Post Office Department.

By Mr. COOPER of Ohio: A bill (H. R. 12214) granting an increase of pension to Fayette G. Hubbard; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 12215) granting an increase of pension to William A. McGinety; to the Committee on Invalid Pensions

By Mr. LEA of California: A bill (H. R. 12216) granting an increase of pension to Hezekiah McAllister Madden; to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 12217) granting a pension to George E. Wade; to the Committee on Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 12218) granting an increase of pension to William Goolman; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 12219) granting an increase of pension to Samuel W. Clements; to the Committee on Invalid Pensions.

By Mr. SAUNDERS of Virginia: A bill (H. R. 12220) granting a pension to Isaac Slygh; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 12221) granting an increase of pension to David S. Rimmer; to the Committee on Pensions.

Also, a bill (H. R. 12222) for the relief of David J. Alley; to the Committee on Claims.

By Mr. SHOUSE: A bill (H. R. 12223) granting a pension to Emma A. Rowland; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Washington Chamber of Commerce, urging the immediate installation of a municipal ferry between East Potomac Park and the foot of Seventh Street; also a resolution of the Washington Chamber of Commerce relative to proportion of District of Columbia expenses to be paid by Congress; to the Committee on the District of Columbia.

Also (by request), resolution of the Washington Chamber of Commerce, relative to the adoption of a program that will insure adequate highway construction and maintenance; to the Committee on Roads.

Also (by request), petition of Arthur Burrage Farwell, president Chicago Law and Order League and of the members of the Y. M. C. A. of Central Wesleyan College, Warrenton, Mo., urging the passage of the war prohibition bill; to the Committee on the Judiciary.

Also (by request), petition of the Silver Laundry Co., Kansas City, Mo., and of the Wesco Supply Co., St. Louis, Mo., protesting against the repeal of the periodical postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. CARY: Memorial of Milwaukee (Wis.) Association of Life Underwriters, favoring Senate joint resolution 63; to the Committee on Interstate and Foreign Commerce.

By Mr. LEA of California: Telegram from the Woman's Christian Temperance Union of Orland, Cal., requesting the passage of the bill providing for absolute prohibition of the manufacture and sale of alcoholic liquors during the war; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of John F. Sippel, Catonsville, Md., protesting against the amendment to the naval appropriation bill which would eliminate efficiency tests; to the Committee on Naval Affairs.

Also, memorial of Federal Employees' Union No. 21, urging the defeat of the Borland amendment; to the Committee on Appropriations.

Also, petition of Floyd T. Holden, Baltimore, Md., favoring House bill 11710; to the Committee on the Judiciary.

Also, petition of Henry A. Brehm, of Baltimore, Md., favoring the Flood enabling act for the migratory-bird treaty; to the Committee on Foreign Affairs.

Also, petition of Local Union No. 101, United Brotherhood of Carpenters and Joiners of America, urging the passage of the bill by Mr. MOTT relative to free transportation of enlisted men on furlough; to the Committee on Military Affairs.

Also, petition of New York Printing Pressmen's Union No. 51, of the Baltimore Photo Engravers Union, and of the Cigar Makers Union No. 1, Baltimore, Md., favoring the repeal of the zone system as applied to second-class postage rates; also the petition of the Automobile Accessories Co., Baltimore, Md., protesting against the repeal of periodical postage provisions of the war-revenue act; also the petition of Stuart, Keith & Co., Baltimore, Md., favoring partial payments of income and excess-profits taxes; to the Committee on Ways and Means.

By Mr. LUNDEEN: Petition of President Marion Leroy Burton, E. P. Lyon, John R. Allen, Ed. Nicholson, W. R. Vance, J. B. Johnson, Inter-Collegiate Prohibition Association, favoring the prohibition of the manufacture or sale of liquor during the war; to the Committee on the Judiciary.

Also, petition of Grand Chapter, Order of the Eastern Star, Minneapolis, Minn., through Mary E. Taylor, grand secretary, favoring all legislation prohibiting use of food supplies for other then food purposes, and urging the immediate closing of all breweries and saloons; to the Committee on the Judiciary.

Also, petition of Retail Druggists of Minneapolis, Minn., through Charles H. Huhn, asking that manufacturers of drugs and medicines be placed on the preferential list to receive coal and coke; to the Committee on Agriculture.

Also, petition of Minneapolis Retail Credit Association, Mr. Carlton Fish, secretary, favoring Senate bill 1000; to the Committee on the Post Office and Post Roads.

Also, petition of United Spanish-American Veterans, Bond Camp, Minneapolis, Minn., through William H. Gerlach, asking that the Spanish War veterans' widows and orphans pension be added to the Sherwood bill granting pensions to veterans of the Civil War; to the Committee on Pensions.

By Mr. RAMSEYER: Petition of citizens of Ottumwa, Iowa, protesting against polygamy in the United States; to the Committee on the Judiciary.

By Mr. SANDERS of New York: Petition of Sunday School of the Methodist Church of Nunda, N. Y., favoring the prohibition of the beverage liquor traffic during the period of the war as a war measure; to the Committee on the Judiciary.

Also, petition of H. R. Howes & Son, of Wyoming, N. Y., urging the immediate passage of a national war-prohibition measure to prohibit the manufacture, sale, and importation of all intoxicating liquor in this country during the period of the war; to the Committee on Military Affairs.

Also, petition of the Medical Society of the county of Livingston, N. Y., indorsing the Owen bill (S. 3748) and the Dyer bill (H. R. 9563); to the Committee on Military Affairs.

Also, petition of 15 residents of Middleport and Medina, N. Y., urging the repeal of the zone system for second-class postage; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union, of Pike, N. Y., urging the repeal of the zone system for second-class postage; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union, of Pike, N. Y., protesting against the bill to direct the Secretary

of War to donate ground on which to erect a monument to nuns in the Arlington Cemetery; to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union, of Pike, N. Y., protesting against House bill 5712; to the Committee on the Post Office and Post Roads.

By Mr. WOODYARD: Petition of citizens of Wood County, W. Va., asking for the repeal of the recently enacted "zone" postal law; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *May 22, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, it is our will to do Thy will. We have inherited high and holy principles from our fathers, and we desire to keep inviolate that which has been intrusted to us out of their achievements in the past. We desire to face the new day with courage, with faith, with confidence. We pray Thee to lead us on in the discharge of our duties to accomplish all of God's perfect will in the earth. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. OWEN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (S. 3911) authorizing national banks to subscribe to the American National Red Cross, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. STERLING. I have here resolutions passed by the South Dakota Sunday School Convention held at Watertown, S. Dak., May 14, 15, and 16. The resolutions relate to a proposed State constitutional amendment and also to the Federal suffrage amendment now pending. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the State legislature at its recent session submitted amendment "E," which reads as follows:

"Every person resident of this State who shall be of the age of 21 years and upward, not otherwise disqualified, belonging to either of the following classes, who shall have resided in the United States 5 years, in this State 1 year, in the county 90 days, and in the election precinct where such person offers his vote 30 days next preceding any election shall be qualified elector at such election.

"First. Citizens of the United States.

"Second. Persons of foreign birth who have become naturalized citizens in conformity to the laws of the United States upon the subject of naturalization": Therefore be it

Resolved, That in recognition of the splendid lives and noble work of the women of our State we urge the voters of South Dakota to give them full citizenship by voting for this amendment.

Whereas the Federal suffrage amendment has passed the National House of Representatives, we therefore ask the Senate to bring it up for immediate and favorable action; and we request our secretary to send a copy of this paragraph to the President of the Senate and to our Senators from South Dakota.

Mr. BORAH. I ask leave to present a telegram in the form of a petition and have it referred to the appropriate committee.

The telegram was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

CALDWELL, IDAHO, *May 21.*

Senator WILLIAM E. BORAH,
Washington, D. C.:

The price of wheat being fixed at shipping point the price of cereal substitutes are regarded in a fair ratio with the price of wheat. And price of farm implements be regulated during period of the war recommendations unanimously adopted to-day at meeting of executive committee Canyon County Farm Bureau. Kindly present to House Committee on Agriculture.

C. B. ROSS,
President.
AMOS J. MILLER,
Secretary.
R. P. MUSSER,
County Agricultural Agent.

Mr. CURTIS presented a petition of the Kansas State Osteopathic Association, praying for recognition by Congress of the science of osteopathy, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Central Labor Union, of Coffeyville, Kans., and resolutions adopted by the executive board of the Kansas State Federation of Labor, favoring the enactment of legislation to provide for the reeducation and rehabilitation of crippled soldiers and sailors, which were ordered to lie on the table.

Mr. SMITH of South Carolina presented a petition of the Twentieth Century Club, of Bennettsville, S. C., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was ordered to lie on the table.

Mr. NELSON presented resolutions adopted by the National Association of Specialty Advertising Manufacturers, of the State of Minnesota, relative to the distinction between commercial bribery and specialty advertising, which was referred to the Committee on Finance.

He also presented petitions of the Anti-Saloon League, of Lesueur Center, Minn.; of the Congregation of the First Baptist Church, of Kasson; and of sundry citizens of Kasson and Barnum, all in the State of Minnesota, praying for national prohibition as a war measure, which were ordered to lie on the table.

WAR FILMS.

Mr. TOWNSEND. Mr. President, a day or two since I presented a telegram from the governor of Michigan relative to certain war films. I then stated that when I heard from the chief of the bureau I would submit his reply. I called up Mr. Hart, of the Bureau of Films, over the phone the next morning, and he assured me that there was some misunderstanding which he would have corrected. I desire now to send to the desk and have read his telegram.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

NEW YORK, *May 17, 1918.*

Senator CHARLES E. TOWNSEND,
Washington, D. C.:

Confirming telephone conversation to-day, will write you a letter after my return from conference with Gov. Sleeper and Mr. Duff detailing entire situation. Thank you for your courtesy in matter, and I assure you that equitable arrangements will be made which will be satisfactory to all concerned. I greatly appreciate your kindness in volunteering to read my letter in the Senate.

CHAS. S. HART,
Director Division of Films Committee on Public Information.

Mr. TOWNSEND. On the same day I received a telegram from the governor of Michigan, which I also ask to have read.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

LANSING, MICH., *May 19, 1918.*

Hon. CHARLES E. TOWNSEND,
Senate Office Building, Washington, D. C.:

Film matter amicably and satisfactorily adjusted yesterday at Chicago between Mr. Hart and Mr. Duff. Division of films lives up to its agreement by giving War Board sole and exclusive picture rights outside of city of Detroit. This is perfectly agreeable to us.

ALBERT E. SLEEPER, *Governor.*

REPORTS OF COMMITTEES.

Mr. GRONNA, from the Committee on Claims, to which was referred the bill (S. 641) for the relief of Mary C. Mayers, reported it without amendment and submitted a report (No. 453) thereon.

Mr. NEW, from the Committee on Claims, to which was referred the bill (S. 3258) for the relief of Ethel Proctor, reported it with an amendment and submitted a report (No. 455) thereon.

He also, from the same committee, to which was referred the bill (S. 3944) for the relief of Emma H. Ridley, reported it without amendment and submitted a report (No. 454) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes, reported it with amendments and submitted a report (No. 457) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 2088) to consolidate certain forest lands within the Cache National Forest, Utah, and to add certain lands thereto, reported it without amendment and submitted a report (No. 456) thereon.

INCREASE OF PENSIONS.

Mr. SMOOT. From the Committee on Pensions I report back favorably, with amendments, the bill (H. R. 9959) increasing rates of pensions of soldiers and sailors of the Civil War, together with a report (No. 452) thereon.

I simply wish to make a brief statement as to the bill. The bill reported is the House bill commonly known as the Sherwood bill. The Committee on Pensions has stricken out all after the enacting clause and inserted the provisions of Senate bill 3783, known as the Smoot bill, Order of Business 230 on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

ELIZABETH MARSH WATKINS.

Mr. GRONNA. From the Committee on Claims I report back favorably without amendment the bill (S. 2896) for the relief of Elizabeth Marsh Watkins, and I submit a report (No.

458) thereon. I call the attention of the Senator from South Dakota [Mr. STERLING] to the bill.

Mr. STERLING. I ask unanimous consent for the consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $2,500, to compensate Elizabeth Marsh Watkins, of Wakpala, S. Dak., for permanent bodily injuries sustained by her on the 9th day of November, 1908, at the Government Indian school at Flandreau, S. Dak.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. SMOOT. Is there not an amendment to the bill?

Mr. GRONNA. For the information of the Senator from Utah I will say that during the last Congress the Senator from South Dakota [Mr. STERLING] introduced the bill appropriating $5,000. The bill was passed in the Senate, appropriating $2,500. It went to the House and was favorably reported. During this session of Congress the Senator from South Dakota reintroduced the bill providing for the appropriation of the same amount that was allowed by the committee the last time—$2,500. So it is only for the same amount.

Mr. SMOOT. The same amount that passed the Senate at the last session?

Mr. GRONNA. The same amount that passed the Senate at the last session.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4575) granting an increase of pension to Carrie Crockett (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4576) granting an increase of pension to Theophilus Rock (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4577) granting a pension to Susan E. Guyn (with accompanying papers);

A bill (S. 4578) granting an increase of pension to Sylvester L. Duff (with accompanying papers);

A bill (S. 4579) granting an increase of pension to Mary Melissa Anderson (with accompanying papers);

A bill (S. 4580) granting an increase of pension to Susannah C. Timmons (with accompanying papers);

A bill (S. 4581) granting an increase of pension to Omer A. Arnold (with accompanying papers);

A bill (S. 4582) granting an increase of pension to William McDonald (with accompanying papers);

A bill (S. 4583) granting an increase of pension to Philip H. Nickelson (with accompanying papers);

A bill (S. 4584) granting an increase of pension to Josiah Wonsettler (with accompanying papers);

A bill (S. 4585) granting an increase of pension to John W. Huffman (with accompanying papers);

A bill (S. 4586) granting an increase of pension to August Berndt (with accompanying papers); and

A bill (S. 4587) granting an increase of pension to John P. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 4588) granting an increase of pension to Caroline G. Sickels; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4589) granting an increase of pension to Bowman R. Butcher (with accompanying papers); to the Committee on Pensions.

RETURN TRANSPORTATION AFTER THE WAR.

Mr. CUMMINS. Mr. President, I offer a resolution, which I ask may be read.

The resolution (S. Res. 246) was read, as follows:

Resolved, That the Senate, a coordinate part of the treaty-making power of the United States, is of the opinion that an agreement should be made between the nations cooperating with each other and now engaged in war with Germany providing, in effect, that for the return of troops and war material to their respective countries at the close of the war the shipping of all such allied powers shall be used, without discrimination, and to the exclusion of ordinary commerce until the return is complete, it being understood that reasonable compensation will be paid for transportation and that due consideration will be given to the carriage of the necessaries of life from and to the several countries; be it further

Resolved, That a properly authenticated copy of this resolution be transmitted to the President of the United States.

Mr. CUMMINS. Mr. President, I intend to ask in a moment that the resolution be referred or committed to the Committee on Foreign Relations, but I desire the indulgence of the Senate for a very brief word of explanation.

Some day the combined strength of the allies will crush the German power and some day will see a victory for the United States and her allies. When that happy day comes we shall probably have in Europe three, four, five, six million men, with an almost inconceivable volume of war material. These men and this material must be at that time returned as speedily as possible to our shores. Great Britain will be but 30 miles from home; France will be at home; Italy will be at home. If we must depend when that hour comes upon our own shipping for the return of our troops and our war material, it is probably not an exaggeration to say that two years will be required before our men and our material are again at home.

In that period our shipping must substantially abandon the commerce for which it is ultimately to be used. The keen rivalry in business which will spring up the moment peace is declared is obvious to any thoughtful person. I believe that the return of the troops from the scene of action and the return of the material necessarily accumulated in or near the battle fields of Europe ought to be a common cause for all the nations engaged in the war, just as the transport of troops to the battle fields and to the points at which it must be used has been a common cause.

I think we ought to be able to make an arrangement now that will enable us to begin the race for the expansion of our commerce upon even terms with our allies. Prevision and foresight are necessary in order to accomplish this very just and equitable end.

It is the object of my resolution to bring on that subject for consideration, and I very respectfully ask that it be referred to the Committee on Foreign Relations, where I hope it will receive the attention which I am sure it deserves.

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

AIRCRAFT PRODUCTION.

The VICE PRESIDENT. The morning business is closed.

Mr. McKELLAR. Mr. President, I desire to ask unanimous consent to take up Senate resolution 241. Before preferring that request I wish to state that the Committee to Audit and Control the Contingent Expenses of the Senate, having charge of the resolution, have reached a unanimous agreement in reference to it, and have directed the chairman to report a substitute resolution, which has been found satisfactory not only to the committee but I believe entirely satisfactory to the Senate Committee on Military Affairs and to every one interested. I therefore, without having anything further to say about it, ask unanimous consent to take up Senate resolution 241.

Mr. OWEN. I should like to know if it is going to occasion debate and consume the morning hour.

Mr. McKELLAR. None whatever. I imagine there will not be the slightest debate. It will not take more than three minutes; probably not that long.

The VICE PRESIDENT. Is there objection? The Chair hears none, and lays before the Senate Senate resolution 241, which will be state.

The SECRETARY. A resolution directing the Committee on Military Affairs to inquire into and report to the Senate the progress of aircraft production in the United States.

Mr. THOMPSON. Mr. President, as stated by my colleague on the committee, the Senator from Tennessee [Mr. McKELLAR], I am authorized and directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report the following amendment in the nature of a substitute for Senate resolution 241, as reported to the Senate May 16, 1918, which has the unanimous approval of the committee. I trust it will pass without extended debate.

The VICE PRESIDENT. The substitute reported from the committee will be read.

The SECRETARY. It is proposed to substitute for Senate resolution 241 the following:

That any expenses incurred by the Committee on Military Affairs under the provisions of Senate resolution 48, heretofore adopted, including the expense of employing assistants and traveling expenses, shall be paid out of the contingent fund of the Senate.

Mr. McKELLAR. Mr. President, I accept that substitute for Senate resolution 241.

Mr. MARTIN. Mr. President, I wish to say just about three words. I have considered that resolution carefully and have

conferred with Senators on both sides of the Chamber, and consider it not only free from objection but helpful. I hope it will be passed.

The VICE PRESIDENT. The question is on the adoption of the amendment submitted as a substitute.

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That any expense incurred by the Committee on Military Affairs under the provisions of Senate resolution 48, heretofore adopted, including the expense of employing assistants and traveling expenses, shall be paid out of the contingent fund of the Senate.

Mr. MCKELLAR. I ask in this connection to have printed in the RECORD without reading Senate resolution 48.

The VICE PRESIDENT. Without objection, it will be so ordered.

Senate resolution 48, submitted by Mr. CHAMBERLAIN April 23, 1917, reported with an amendment by Mr. THOMPSON April 30, 1917, from the Committee to Audit and Control the Contingent Expenses of the Senate, and agreed to by the Senate April 30, 1917, is as follows:

Resolved, That the Committee on Military Affairs, or any subcommittee thereof, be authorized during the Sixty-fifth Congress to send for persons and papers and to administer oaths and to employ a stenographer, at a cost not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee; that the committee may sit during the sessions or recesses of the Senate; and that expenses contracted hereunder shall be paid out of the contingent fund of the Senate.

NAVAL APPROPRIATIONS.

Mr. SWANSON. I move that the Senate proceed to the consideration of House bill 10854, the naval appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia. [Putting the question.]

Mr. OWEN. I rose before the motion was put and addressed the Chair. We expected this morning to have until the hour of 2 o'clock to dispose of bills on the calendar.

Mr. SWANSON. All day yesterday was given to the calendar. The naval appropriation bill is of the utmost importance, and it can not be delayed. I can not consent to lay the bill aside for the consideration of other matters until it is disposed of.

Mr. OWEN. I think under the circumstances the naval appropriation bill is entitled to precedence, and I shall not insist.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill (H. R. 10854) making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. SWANSON. I ask that the formal reading of the bill be dispensed with, and that the Senate consider first the amendments reported by the Committee on Naval Affairs.

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Naval Affairs was, under the head of "Pay, miscellaneous," on page 4, line 4, after the word "property," to insert "of inhabitants of any European country not an enemy or ally of an enemy"; in line 7, before the word "occasioned," to strike out "and"; and in the same line, after the words "in the," to strike out "Navy and Marine Corps of the United States in European waters" and insert "naval service," so as to make the proviso read:

Provided, That hereafter the Secretary of the Navy is authorized to consider, ascertain, adjust, determine, and pay the amounts due on all claims for damages to and loss of private property of inhabitants of any European country not an enemy or ally of an enemy when the amount of the claim does not exceed the sum of $1,000, occasioned and caused by men in the naval service during the period of the present war, all payments in settlement of such claims to be made out of "Pay, miscellaneous."

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to insert:

The act entitled "An act to provide additional protection for the owners of patents of the United States, and for other purposes," approved June 25, 1910, shall be, and the same is hereby, amended to read as follows, namely:

"That whenever an invention described in and covered by a patent of the United States shall hereafter be used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, such owner's remedy shall be by suit against the United States in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture: *Provided, however*, That said Court of Claims shall not entertain a suit or award compensation under the provisions of this act where the claim for compensation is based on the use or manufacture by or for the United States of any article heretofore owned, leased, used by, or in the possession of the United States: *Provided further*, That in any such suit the United States may avail itself of any and all defenses, general or special, that might be pleaded by a defendant in an action for infringement, as set forth in title 60 of the Revised Statutes, or otherwise: *And provided further*, That the benefits of this act shall not inure to any patentee who, when he makes such claim, is in the employment or service of the Government of the United States, or the assignee of any such patentee; nor shall this act apply to any device discovered or invented by such employee during the time of his employment or service."

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to insert:

The accounting officers of the Treasury shall relieve any disbursing officer of the Navy of responsibility on account of loss or deficiency while in the line of his duty of Government funds, vouchers, records, or papers in his charge where such loss or deficiency occurred without fault or negligence on the part of the officer, but where he has been held responsible therefor: *Provided*, That the Secretary of the Navy shall have determined that the officer was in the line of his duty, and that the loss or deficiency occurred without fault or negligence on his part: *Provided further*, That the determination by the Secretary of the Navy of the aforesaid questions and for any question pertaining to the status or duty of any person in the naval service shall be conclusive upon the accounting officers of the Treasury.

The amendment was agreed to.

The next amendment was, on page 6, after line 3, to insert:

The Secretary of the Navy is authorized hereafter, in leasing waterfront property from the city of New York, to provide, as a part or all of the consideration therefor, that improvements placed thereon by the United States shall become the property of the lessor upon the expiration of the lease or any renewal thereof.

The amendment was agreed to.

The next amendment was, on page 6, after line 9, to insert:

That hereafter the Secretary of the Navy is authorized to cause vessels under his control adapted to the purpose to afford salvage service to public or private vessels in distress: *Provided*, That when such salvage service is rendered by a vessel specially equipped for the purpose or by a tug, the Secretary of the Navy may determine and collect reasonable compensation therefor.

The amendment was agreed to.

The next amendment was, on page 6, line 23, after "$150,000," to insert:

Provided, That this appropriation shall be available for special allowances for maintenance to officers of the Navy serving under unusual conditions outside the United States and its insular possessions.

So as to make the clause read:

Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, $150,000: *Provided*, That this appropriation shall be available for special allowances for maintenance to officers of the Navy serving under unusual conditions outside the United States and its insular possessions.

The amendment was agreed to.

The next amendment was, on page 7, line 17, before the word "transportation," to strike out "or" and insert "for," so as to make the clause read:

Investigation of fuel oil: For an investigation of fuel oil and gasoline adapted to naval requirements, including the question of supply and storage and the availability economically and otherwise of such supply as may be afforded by the naval reserves on the public domain, and for such other expenses for transportation and hire of vehicles in connection with naval petroleum reserves as the Secretary of the Navy may deem appropriate; for the purchase of necessary instruments and appliances; for the extension of the naval fuel-oil testing plant at the navy yard, Philadelphia, Pa., and the temporary employment of civilian experts and assistants, $60,000.

The amendment was agreed to.

The next amendment was, on page 8, line 5, after the words "naval purposes," to strike out "$188,042,969" and insert "$220,383,119," and in line 9, after "$300,000," to insert:

Provided further, That the Secretary is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft.

So as to make the clause read:

Aviation: For aviation, to be expended under the direction of the Secretary of the Navy for procuring, producing, constructing, operating, preserving, storing, and handling aircraft, establishment and maintenance of aircraft stations, including the acquisition of land by purchase, donation, or condemnation; and for experimental work in development of aviation for naval purposes, $220,383,119: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for drafting, clerical, inspection, and messenger service for aircraft stations shall not exceed $300,000: *Provided further*, That the Secretary is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft.

The amendment was agreed to.

The next amendment was, on page 8, line 16, before the words "the State," to strike out "and"; in the same line, after "$25,000," to insert "and the State of Washington, $25,000"; and in line 22, after the words "in all," to strike out "$50,000" and insert "$75,000," so as to make the clause read:

State marine schools: To reimburse the State of New York, $25,000, the State of Massachusetts, $25,000, and the State of Washington, $25,000, for expenses incurred in the maintenance and support of marine schools in those States in accordance with section 2 of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911; in all, $75,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 10, line 2, after the word "parties," to strike out "$5,100,000," and insert "$12,000,000," so as to make the clause read:

Transportation: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; transportation of enlisted men of the Naval Reserve Force to and from duty, with subsistence and transfers en route, or cash in lieu thereof; transportation of civilian officers and crews of naval auxiliaries; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; purchase, rental, maintenance, operation, exchange, and repair of motor-propelled passenger-carrying vehicles for official use; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $12,000,000.

The amendment was agreed to.

The next amendment was, on page 10, line 12, after the word "boys," to insert "including civilian employees," so as to make the clause read:

Contingent: Ferriage, continuous-service certificates, discharges, good-conduct badges, and medals for men and boys, including civilian employees; purchase of gymnastic apparatus; transportation of effects of deceased officers and enlisted men of the Navy, and of officers and enrolled men of the Naval Reserve Force who die while on duty; books for training apprentice seamen and landsmen; maintenance of gunnery and other training classes; packing boxes and materials; books and models; stationery; and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify, $20,000.

The amendment was agreed to.

The next amendment was, on page 12, line 13, after the words "naval officers," to strike out "not exceeding four," so as to make the clause read:

Ocean and Lake surveys: Hydrographic surveys, including the pay of the necessary hydrographic surveyors, cartographic draftsmen and recorders, and for the purchase and printing of nautical books, charts, and sailing directions, $155,000: *Provided*, That the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office.

The amendment was agreed to.

The next amendment was, on page 12, line 18, after the word "repealed," to strike out: "that all members of the National Naval Volunteers are hereby automatically transferred to the class 'the Naval Reserve,' of the Naval Reserve Force, for general service, and confirmed in the rank, grade, or rating they now hold in the National Naval Volunteers, without examination, regardless of their being members of a State military force," and insert: "The President is authorized to transfer as a class all members of the National Naval Volunteers to the class 'the Naval Reserve,' 'the Naval Reseve Flying Corps,' or 'the Marine Corps Reserve' of the Naval Reserve Force or the Marine Corps Reserve, for general service, in the confirmed rank, grade, or rating they now hold in the National Naval Volunteers, regardless of their being members of a State military force, and without examination and the necessity of executing or filing a new oath and acceptance of office; that until such transfer is effected members of the National Naval Volunteers shall retain their present status and be entitled to receive the same pay, allowances, gratuities, and other benefits as heretofore provided by law, and shall continue subject to the laws prescribed for the government of the Navy."

The amendment was agreed to.

The next amendment was, on page 13, after line 17, to strike out:

That all members of the National Naval Volunteers for aeronautic duties only are hereby transferred to the Naval Reserve Flying Corps, and that all members of the National Naval Volunteers of the Marine Corps branch are hereby transferred to the Marine Corps Reserve under such regulations as may be prescribed by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 14, line 4, after the word "grades," to strike out "rank, and seniority," and insert "and ranks," so as to make the clause read:

That all laws heretofore enacted by Congress relating to the Medical Reserve Corps and Dental Reserve Corps be, and the same hereby are, repealed: *Provided*, That members of the Medical Reserve Corps and Dental Reserve Corps may be enrolled in the Naval Reserve Force in their present grades and ranks.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, to insert:

That the act approved August 29, 1916, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes" (39 Stats. L., ch. 417, pp. 573, 574), be, and the same is hereby, amended by striking out all of said act following the caption "Naval Dental Corps," on page 573, but preceding the caption "Dental Reserve Corps," on page 574, and by substituting therefor the following:

"That the President of the United States is hereby authorized to appoint and commission, by and with the advice and consent of the Senate, dental officers in the Navy at the rate of one for each thousand of the total authorized number of officers and enlisted men of the Navy and Marine Corps, in the grades of assistant dental surgeon, passed assistant dental surgeon, dental surgeon, and dental inspector, who shall constitute the Naval Dental Corps, and shall be a part of the Medical Department of the Navy. Original appointments to the Naval Dental Corps shall be made in the grade of assistant dental surgeon with the rank of lieutenant (junior grade), and all dental officers now in the Dental Corps appointed under the provisions of the act of Congress approved August 22, 1912 (37 Stats. L., p. 345), or under the provisions of the act of Congress approved August 29, 1916 (39 Stats. L., p. 573), or who may hereafter be appointed, shall take rank and precedence with officers of the Naval Medical Corps of the same rank according to the dates of their respective commissions or original appointments, and all such dental officers shall be eligible for advancement in grade and rank in the same manner and under the same conditions as officers of the Naval Medical Corps with or next after whom they take precedence, and shall receive the same pay and allowances as officers of corresponding rank and length of service in the Naval Medical Corps up to and including the rank of commander: *Provided*, That dental surgeons shall be eligible for advancement in pay and allowances, but not in rank, to and including the pay and allowances of captain, subject to such examinations as the Secretary of the Navy may prescribe, except that the number of dental inspectors with the pay and allowances of captain shall not exceed 4½ per cent and the number of dental inspectors with the rank, pay, and allowances of commander shall not exceed 8 per cent of the total authorized number of dental officers: *Provided further*, That dental officers shall be eligible for advancement to the pay and allowances of commander and captain when their total active service as dental officers in the Navy is such that if rendered as officers of the Naval Medical Corps it would place them in the list of medical officers with the rank, pay, and allowances of commander or captain, as the case may be: *And provided further*, That dental officers who shall have gained or lost numbers on the Navy list shall be considered to have gained or lost service accordingly; and the time served by dental officers on active duty as acting assistant dental surgeons and assistant dental surgeons under provisions of law existing prior to the passage of this act shall be reckoned in computing the increased service pay and service for promotion of dental officers herein or heretofore authorized.

"All appointees authorized by this act shall be citizens of the United States between 21 and 32 years of age, and shall be graduates of standard medical or dental colleges and trained in the several branches of dentistry, and shall, before appointment, have successfully passed mental, moral, physical, and professional examinations before medical and professional examining boards appointed by the Secretary of the Navy, and have been recommended for appointment by such boards: *Provided*, That hereafter no person shall be appointed as assistant surgeon in the Navy who is not a graduate of a standard medical college.

"Officers of the Naval Dental Corps shall become eligible for retirement in the same manner and under the same conditions as now prescribed by law for officers of the Naval Medical Corps, except that section 1445 of the Revised Statutes of the United States shall not be applicable to dental officers, and they shall not be entitled to rank above commander on the retired list or to retired pay above that of captain.

"All dental officers now serving under probationary appointments shall become immediately eligible for permanent appointment under the provisions of this act, subject to the examinations prescribed by the Secretary of the Navy for original appointment as dental surgeon, and may be appointed assistant dental surgeon with the rank of lieutenant (junior grade) to rank from the date of their probationary appointments: *Provided*, That the senior dental officer now at the United State Naval Academy shall not be displaced by the provisions of this act, and he shall hereafter have the grade of dental surgeon and the rank, pay, and allowances of lieutenant commander, and he shall not be eligible for retirement before he has reached the age of 70 years, except for physical disability incurred in the line of duty: *Provided further*, That no dental officer in the Navy who on original appointment as dental officer was over 40 years of age shall be eligible for retirement before he has reached the age of 70 years, except for physical disability incurred in line of duty.

"All acts or parts of acts inconsistent with the provisions of this act relating to the Dental Corps of the Navy are hereby repealed: *Provided*, That nothing herein contained shall be construed to legislate out of the service any officer now in the Medical Department of the Navy or to reduce the rank, pay, or allowances now authorized by law for any officer of the Navy."

Mr. OVERMAN. I ask the Senator in charge of the bill to allow that amendment to go over in order that I may examine it a little further.

Mr. SWANSON. I will consent that the amendment may go over at the request of the Senator from North Carolina in order that he may examine it.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 20, line 2, after the word "ratings," to strike out "and," so as to make the clause read:

That the age limits for the several ranks, grades, and ratings on first enrollment in the Naval Reserve shall be as prescribed by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 20, line 11, after the words "Naval Reserve," to insert "and transferred members of the Fleet Naval Reserve," and in line 24, after the word "duty," to insert "or on the completion of 30 years' service," so as to make the clause read:

That the annual retainer pay of members of the Naval Reserve Force, except officers in the Naval Auxiliary Reserve, and transferred members of the Fleet Naval Reserve after confirmation in rank, grade, or rating, shall be the equivalent of two months' base pay of the corresponding rank, grade, or rating in the Navy, but the highest base pay upon which the retainer pay of officers of the Naval Reserve Force shall be computed shall not be greater than the base pay of a lieutenant com-

mander. Service in the Navy, Marine Corps, National Naval Volunteers, and Naval Militia shall be counted as continuous service in the Naval Reserve Force, both for the purpose of retirement and of computing retainer pay: *Provided*, That no member of the Naval Reserve Force shall be eligible for retirement other than for physical disability incurred in line of duty or on the completion of 30 years' service.

The amendment was agreed to.

The next amendment was, on page 22, line 1, after the word "accept," to strike out "temporary" and insert "or have accepted," so as to make the clause read:

That no part of the clothing gratuity credited to members of the Naval Reserve Force shall be deducted from their accounts where said members accept or have accepted appointments in the Navy in time of war or other national emergency.

The amendment was agreed to.

The next amendment was, on page 23, line 19, before the word "particular," to strike out "their" and insert "his," so as to make the clause read:

No officer of the Naval Coast Defense Reserve or officer of the Naval Reserve Flying Corps shall exercise command except within his particular department or service for the due performance of his respective duties.

The amendment was agreed to.

The next amendment was, on page 24, line 2, before the word "National," to strike out "and," and in line 3, after the word "Volunteers," to insert "Marine Corps Reserve, or United States Army," so as to make the clause read:

Members of the Naval Reserve Force when employed in active service, ashore or afloat, under the Navy Department shall receive the same pay and allowances as received by the officers and enlisted men of the Regular Navy of the same rank, grades, or ratings and of the same length of service, which shall include service in the Navy, Marine Corps, Naval Reserve Force, Naval Militia, National Naval Volunteers, Marine Corps Reserve, or United States Army.

The amendment was agreed to.

The next amendment was, on page 24, line 16, after the word "therefor," to insert "including the purchase of the necessary land," so as to make the clause read:

That the unexpended and unobligated portion of all moneys heretofore appropriated, and the appropriation authorized by section 10 of Public No. 57, Sixty-third Congress, approved February 16, 1914, for the training and equipment of the Naval Militia and the National Naval Volunteers, for the clerical force and the office expenses of the Division of Naval Militia Affairs, and the property loaned by the Navy Department for the arming and equipping of the Naval Militia shall be, and hereby are, made available for training and equipping the Naval Reserve Force and for the purchase, rental, and maintenance of suitable armories therefor, including the purchase of the necessary land.

The amendment was agreed to.

The next amendment was, on page 25, after line 5, to strike out:

That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The amendment was agreed to.

The next amendment was, on page 30, after line 9, to insert:

That the authorized enlisted strength of the active list of the Navy is hereby increased from 87,000 to 131,485.

The amendment was agreed to.

The next amendment was, on page 30, line 23, after the word "from," to strike out "87,000" and insert "131,485"; on page 31, line 1, before the word "thousand," to insert "one"; in the same line, after the word "thousand," to insert "four hundred and eighty-five"; and in line 16, after the word "authorized," to insert:

Provided further, That the President is authorized, at any time during the period of the present war, when in his judgment it becomes necessary, temporarily to increase the authorized enlisted strength of the Navy, as provided for herein, by the addition of 50,000 men.

So as to make the clause read:

That the act approved May 22, 1917 (40 Stats. L., p. 85), entitled "An act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes," be, and the same is hereby, amended by striking out all of the first and second sections of said act, after the enacting clause, and by substituting therefor the following:

"That the authorized enlisted strength of the active list of the Navy is hereby temporarily increased from 131,485 to 181,485; the authorized number of apprentice seamen is hereby temporarily increased from 6,000 to 24,000; and the authorized number of enlisted men of the Flying Corps is hereby temporarily increased from 350 to 10,000: *Provided*, That the phrase 'authorized enlisted strength,' as applied to the personnel of the Navy, shall mean the total number of enlisted men of the Navy authorized by law, exclusive of the Hospital Corps, apprentice seamen, those sentenced by court-martial to discharge, those detailed for duty with Naval Militia, those furloughed without pay, enlisted men of the Flying Corps, and those under instruction in trade schools: *Provided further*, That the number of enlisted men for instruction in trade schools shall not at any time exceed 14,000, which number is hereby temporarily authorized: *Provided further*, That the President is authorized, at any time during the period of the present war, when in his judgment it becomes necessary, temporarily to increase the authorized enlisted strength of the Navy, as provided for herein, by the addition of 50,000 men."

The amendment was agreed to.

The next amendment was, in section 2, page 32, after line 6, to strike out:

The rank and title of major general is hereby created in the Marine Corps, and the President is authorized to nominate, and, by and with the advice and consent of the Senate, to appoint one major general, who shall at all times be junior in rank to the major general commandant, and also one temporary major general in the Marine Corps, who shall at all times be junior to the permanent major general.

The amendment was agreed to.

The next amendment was, on page 32, after line 13, to insert:

During the period of the present war the commandant of the Marine Corps shall have the rank and title of lieutenant general commandant and shall receive the pay and allowances of a lieutenant general in the Army, and the rank and title of major general is hereby created in the Marine Corps, and the President is authorized to nominate and, by and with the advice and consent of the Senate, to appoint one permanent and one temporary major general: *Provided*, That the major generals of the Marine Corps, both line and staff, shall at all times be junior in rank to the commandant.

The amendment was agreed to.

The next amendment was, on page 33, line 8, after the words "of the," to strike out "Navy and"; and in line 11, after the word "exceeding," to strike out "four captains and seven commanders in the Navy selected for promotion under provisions of existing laws and," so as to read:

That the said act of May 22, 1917, Statutes at Large, volume 40, page 85, be, and the same is hereby, amended by striking out the word "lieutenant" in lines 5 and 14 of section 4 thereof, and substituting therefor the words "lieutenant commander" and adding at the end of section 4 the following proviso: *Provided further*, That based on the temporary increase of enlisted men of the Marine Corps herein authorized, the President, by and with the advice and consent of the Senate, is authorized, in his discretion, temporarily to appoint not exceeding 6 brigadier generals, 22 colonels, and 22 lieutenant colonels in the Marine Corps in addition to the number permanently allowed by law in those grades.

The amendment was agreed to.

The next amendment was, in section 4, page 35, line 13, before the word "existing," to insert "heretofore"; in line 19, before the words "Marine Corps," to strike out "Navy and"; and in line 22, after the word "exceeding," to strike out "four captains and seven commanders in the Navy selected for promotion under provisions of existing law; and," so as to make the section read:

SEC. 4. Additional commissioned officers in the Navy and Marine Corps, based upon the temporary increases herein authorized in the number of enlisted men, shall be temporarily appointed by the President in his discretion, with the advice and consent of the Senate, not above the grades and ranks of lieutenant commander in the line and staff of the Navy and major in the Marine Corps, the distribution in said grades and ranks to be made in accordance with the provisions of the act of August 29, 1916: *Provided*, That all temporary original appointments shall be made in the lowest commissioned grades of the line and staff of the Navy and Marine Corps, exclusive of commissioned warrant officers, and that there shall be no permanent or temporary appointments in or permanent or temporary promotions to any grade or rank above that of lieutenant commander in the Navy or major in the Marine Corps by reason of the temporary appointment of officers authorized by this act in excess of the total number of officers authorized by existing law or on account of the increase of enlisted men herein authorized: *Provided further*, That, during the period of the present war, the deficiency existing prior to the passage of this act in the total number of commissioned officers of the Navy and Marine Corps authorized by the act of August 29, 1916, may also be supplied by temporary appointments in the lowest grades and by temporary promotions to all other grades until a sufficient number of officers shall be available for regular appointment or promotion in accordance with existing law: *Provided further*, That nothing herein shall be held or construed to limit or abridge the use or service of the officers of the Navy and Marine Corps on the retired list or of the officers of the Naval Militia and National Naval Volunteers, Naval Reserve Force, and Marine Corps Reserve, as provided and authorized under heretofore existing law: *Provided further*, That temporary chaplains and temporary acting chaplains in the Navy may be appointed for service during the period of the war in the proportion of the personnel of the Navy as now prescribed by existing law: *Provided further*, That, based on the temporary increase of enlisted men of the Marine Corps herein authorized, the President, by and with the advice and consent of the Senate, is authorized, in his discretion, temporarily to appoint not exceeding 6 brigadier generals, 22 colonels, and 22 lieutenant colonels in the Marine Corps in addition to the number permanently allowed by law in those grades; said temporary appointments shall continue in force only until otherwise directed by the President or until Congress shall amend or repeal the same and not later than six months after the termination of the present war.

The amendment was agreed to.

The next amendment was, in section 5, page 36, line 21, after the word "herein," to insert "who were chief warrant officers in the permanent Navy on July 1, 1917, and were not given such temporary appointments as of that date because of age restriction or ill health"; on page 37, line 6, after the word "rank," to strike out "candidates for assistant surgeon"; and on page 38, line 2, before the word "seventy-six," to insert "and"; and in the same line, after the word "clerks," to strike out "and twenty-nine additional clerks for assistant paymasters in the Marine Corps," so as to make the section read:

SEC. 5. That the additional temporary officers authorized in the various grades and ranks of the Navy and Marine Corps in accordance with the next preceding section may be temporarily appointed to serve in the grades or ranks to which appointed or promoted by the temporary advancement of officers holding permanent and probationary commissions, by temporary appointment of commissioned warrant officers, warrant officers, and enlisted men of the Navy and warrant officers, noncommissioned officers, and clerks to assistant paymasters of the Marine

Corps, commissioned and warrant officers of the United States Coast Guard, citizens of the United States who have had previous naval or military service or training, and other citizens of the United States specially qualified: *Provided*, That such chief warrant officers as are given the temporary appointments provided herein who were chief warrant officers in the permanent Navy on July 1, 1917, and were not given such temporary appointments as of that date because of age restriction or ill health, shall take rank and precedence with the other chief warrant officers temporarily appointed as of July 1, 1917, and according to their seniority as chief warrant officers in the permanent service: *Provided further*, That in making appointments authorized herein the maximum age limit shall be 50 years for enlisted men to ensign, enlisted men of the Navy to warrant rank, noncommissioned officers of the Marine Corps to commissioned rank, members of the Marine Corps branch of the Naval Militia and National Naval Volunteers, Marine Corps Reserve, and civilians specially qualified to commissioned rank, and temporary chaplains and temporary acting chaplains: *Provided further*, That graduates of the Naval Academy and warrant officers duly commissioned in the Navy or Marine Corps in accordance with existing law shall not, by virtue of this act, be required to receive temporary appointments; and the class of midshipmen graduated from the Naval Academy on March 29, 1917, and the classes to be graduated hereafter, may be commissioned effective from date of graduation: *Provided further*, That temporary appointments as warrant officers of the Navy may be made by the Secretary of the Navy: *Provided further*, That temporary appointments as chief warrant officers may be made by the President with the consent of the Senate: *Provided further*, That the temporary appointment for the war of 76 additional Marine Corps gunners and 76 additional quartermaster clerks is authorized: *Provided further*, That lieutenants (junior grades) and ensigns may be considered eligible for temporary promotions to the grades of lieutenant and lieutenant (junior grade), respectively, without regard to length of service in grade.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, I want to ask the chairman of the committee with reference to the provision on page 8 of the bill. I want to ask him why the provision relating to State marine schools is put in the form of a reimbursement to the States, instead of an appropriation similar to that made by the States?

The law under which these schools was organized reads as follows:

That a sum not exceeding the amount annually appropriated by any State or municipality for the purpose of maintaining such a marine school or schools, or the nautical branch thereof, is hereby authorized to be appropriated for the purpose of aiding in the maintenance and support of such school or schools.

As I understand that, if a State appropriates $25,000 to maintain one of these schools, it authorizes us to appropriate a similar amount, not to reimburse the State, but to assist in carrying on the school; and it seems to me that our appropriation should be made in that way.

Mr. SWANSON. Mr. President, at the present time that would be correct. Heretofore, Massachusetts and New York have made these appropriations for nautical schools, and they have not asked the Government for reimbursement. About two years ago we repaid them the amount that they had spent, and consequently it had that phase; it appeared in that way. I think possibly in Boston and New York they pay the expenses, and then the Government reimburses them; but I have no objection to the language being changed.

Mr. LODGE. Mr. President, I think it would be well to change it, but that has been the practice. The States have spent the money in the past, and then have been reimbursed by the National Government.

Mr. JONES of Washington. But that is not really what this provision is intended to do now.

Mr. LODGE. No; I think the Senator's point is a good one.

Mr. SWANSON. I think this is the first time the State of Washington has complied with the conditions authorizing this payment. I have no objection to the language being changed. It ought to be changed now. The Government has paid them back.

Mr. JONES of Washington. I offered an amendment and had it printed, reading in this way with reference to my State. I did not know but that this provision with reference to Massachusetts and New York was a real reimbursement provision, that they had probably advanced money and were reimbursing them, but I have offered an amendment as follows:

To aid the State of Washington in the maintenance and support of its marine school, in accordance with the provisions of said act, $25,000.

But I see the committee has put that in as a reimbursement.

Mr. SWANSON. Just make it read "and to pay the State of Washington."

Mr. LODGE. If the Senator will insert the word "pay," that will cover it.

Mr. SWANSON. I do not think the State of Washington has spent it, and I have no objection to the amendment. If the Senator will perfect it, I will accept it.

Mr. JONES of Washington. Then I will do that and recur to it later. I simply wanted to ask the chairman about it now. I did not notice just how it was when we passed it over. I will recur to it in a little bit.

The VICE PRESIDENT. The Secretary will resume the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 38, line 17, after the word "Navy," to insert "and the heads of existing staff corps of the Marine Corps," so as to make the clause read:

That hereafter the Chief of Naval Operations shall receive the allowances which are now or may hereafter be prescribed by or in pursuance of law for the grade of general in the Army, and the officers of the Navy holding the rank and title of admiral and vice admiral in the Navy while holding such rank and title shall receive the allowances of a general and lieutenant general of the Army, respectively. And hereafter chiefs of bureaus of the Navy Department, including the Judge Advocate General of the Navy and the heads of existing staff corps of the Marine Corps, shall, while so serving, have corresponding rank and shall receive the same pay and allowances as are now or may hereafter be prescribed by or in pursuance of law for chiefs of bureaus of the War Department and the Judge Advocate General of the Army.

The amendment was agreed to.

The next amendment was, on page 38, line 24, after the words "contained in," to strike out "this section" and insert "the preceding amendments of the act of May 22, 1917," and, on page 39, line 4, after the word "Navy," to strike out "and all laws inconsistent with the provisions of this section are hereby repealed," so as to make the clause read:

That nothing contained in the preceding amendments of the act of May 22, 1917, shall be construed to reduce the pay or allowances now authorized by law for any commissioned, warrant, or appointed officer or any enlisted man of the active or retired lists of the Navy.

The amendment was agreed to.

The next amendment was, on page 39, after line 18, to insert:

That during the present emergency any commissioned or warrant officer of the Navy or Marine Corps of the United States on the retired list may, while performing active duty pursuant to law, be temporarily advanced to and commissioned in such higher grade or rank on the retired list not above that of lieutenant commander in the Navy or major in the Marine Corps as the President may determine, and any officer so advanced shall, while on active duty, be entitled to the same pay and allowances as officers of like grade or rank on the active list: *Provided*, That any such commissioned or warrant officer who has been so advanced in grade or rank by reason of this act shall, upon his relief from active duty or in any case not later than six months after the termination of the present war, revert to the grade or rank on the retired list and to the pay and allowance status, except as to longevity pay, which he would have held had he not been temporarily promoted as provided by this act: *Provided further*, That a retired officer whether or not employed on active duty shall receive longevity pay according to his total service on the active list plus his total period of active duty while on the retired list.

The amendment was agreed to.

The next amendment was, on page 40, after line 14, to insert:

That the naval appropriation act of August 29, 1916 (39 Stats. L., p. 579) be, and the same is hereby, amended by the insertion of a new proviso immediately after the clause that "On and after June 30, 1920, no captain, commander, or lieutenant commander shall be promoted unless he has had not less than two years' actual sea service on seagoing ships in the grade in which serving, or who is more than 56, 50, or 45 years of age, respectively," the proviso reading as follows: "*Provided*, That in exceptional cases where officers are specifically designated by the Secretary of the Navy as performing, or as having performed, such highly important duties on shore that their services can not be or could not have been spared from such assignment without serious prejudice to the successful prosecution of the war, the qualification of sea service in the cases of those officers so specifically designated shall not apply while the United States is at war or during a national emergency declared by the President, or within two and one-half years subsequent to the ending of such war or national emergency."

The amendment was agreed to.

The next amendment was, on page 41, after line 10, to insert:

That the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, is hereby amended as follows:

Strike out the whole of the fifth paragraph under the subcaption, "Pay, Marine Corps," and substitute the following:

"That prior to January 1, 1920, any officer holding a permanent appointment in any staff department may, upon his own application, with the approval of the President, be reappointed in the line of the Marine Corps in the grade and with the rank he would hold on the date of his reappointment if he had remained continuously in the line: *Provided*, That such officers as shall be so reappointed shall take rank and precedence next after those officers of the line of the Marine Corps in the grades so augmented at the time of the passage of this act, and they shall thereafter be carried as additional numbers to the numbers of the grade to which they may be appointed or to which they may at any time be promoted and each such officer shall thereafter be promoted contemporaneously and to take rank next after the officer immediately above him: *Provided further*, That such staff officer shall, before being reappointed in the line of the Marine Corps as above provided, perform line duties for one year, at the expiration of which time he shall as a prerequisite to reappointment in the line be required to establish to the satisfaction of an examining board consisting of line officers of the Marine Corps his physical, mental, and professional fitness for the performance of line duty."

That officers of the line and staff of the Navy, who have been or may hereafter be permanently appointed in the various grades and ranks of the Navy, shall take rank and precedence ahead of all officers temporarily appointed in the same grades and ranks in accordance with the act of May 22, 1917, or any amendments thereto.

The provisions of existing laws with reference to promotion by selection in the line of the Navy are hereby extended to include and authorize advancement to the ranks of commander, captain, and rear admiral in the Staff Corps of the Navy under the same conditions in all

respects except as may be necessary to adapt the said provisions to such Staff Corps: *Provided*, That boards of selection shall in each case be composed, when practicable, of not less than five members of the corps concerned.

The amendment was agreed to.

The next amendment was, on page 44, line 11, after the word "employees," to insert "or other persons in civil life"; and in line 14, after the word "employee," to insert "or other persons in civil life," so as to make the clause read:

That the Secretary of the Navy is hereby authorized, in his discretion and under such rules and regulations as he may prescribe, to pay cash rewards to civilian employees of the Navy Department or the Naval Establishment or other persons in civil life when due to a suggestion or series of suggestions by them there results an improvement or economy in manufacturing process or plant or naval material: *Provided*, That such sums as may be awarded to employees or other persons in civil life in accordance with this act shall be paid them out of current naval appropriations in addition to their usual compensation: *Provided further*, That no employee or other persons in civil life shall be paid a reward under this act until he has properly executed an agreement to the effect that the use by the United States of the suggestion or series of suggestions made by him shall not form the basis of a further claim of any nature from the United States by him, his heirs, or assigns.

The amendment was agreed to.

The next amendment was, on page 45, line 4, before the words "Marine Corps," to insert "Navy or," and in line 16, before the words "Marine Corps," to insert "Navy or," so as to make the clause read:

That any enlisted man of the Navy or Marine Corps upon the retired list who has been ordered into active service since April 6, 1917, or who may hereafter be ordered into active service, shall be eligible for promotion, and he shall be entitled to the pay and benefits of continuous service of such rank and for such length of time as he is or has been employed in active service, and when relieved of active service shall retain upon the retired list the rank and service held by him at the time of such relief, with the pay and allowances of such rank on the retired list; and the accounting officers of the Treasury are hereby directed to allow in the accounts of any enlisted man of the Navy or Marine Corps who resigned from the retired list in order to reenlist for appointment in a higher grade, the same continuous service pay and the benefits of such rank to which he may have been appointed upon reenlistment, as if his service had been continuous, and any difference in pay from the date of reenlistment shall be credited to his account.

The amendment was agreed to.

The next amendment was, on page 49, line 24, before the words "per centum," to strike out "fifty" and insert "seventy-five," and on page 50, line 3, before the words "per centum," to strike out "fifty" and insert "seventy-five," so as to make the clause read:

(d) That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said 75 per cent shall make up such amount as will be just compensation therefor in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

The amendment was agreed to.

The next amendment was, on page 50, line 14, before the word "satisfactorily," to strike out "to," and in the same line, after the word "satisfactorily," to insert "to," so as to read:

That the act approved October 6, 1917, to provide for the acquisition of an air station site for the United States Navy at Cape May, N. J., be, and the same is hereby, amended by adding the following at the end thereof:

"*And provided further*, That in the event the Secretary of the Navy is unable satisfactorily to consummate the negotiations for the purchase thereof under the provisions of said act approved October 6, 1917, the President is hereby authorized and empowered to take over for and in behalf of the United States the immediate possession of and title to such land, including all easements, rights of way, riparian and other rights appurtenant or appertaining thereto deemed by him to be necessary for the purposes aforesaid, and to make compensation therefor under the terms and provisions of the legislation contained in this act."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," in the item of appropriation for ordnance and ordnance stores, on page 51, line 25, after the words "in all," to strike out "$24,194,045" and insert "$30,522,279," so as to read:

Provided, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, and naval ammunition depots for the fiscal year ending June 30, 1919, shall not exceed $2,950,000; in all, $30,522,279.

The amendment was agreed to.

The next amendment was, on page 52, line 10, after the word "merchantmen," to strike out "$48,309,523.50" and insert "$93,847,235.50," so as to read:

New batteries for ships of the Navy: For batteries and outfits for naval vessels, auxiliaries, patrols, aircraft, naval stations, and merchantmen, $93,847,235.50.

Mr. SWANSON. I received yesterday afternoon a letter from the Secretary of the Navy, transmitting a letter from Admiral Sims, which is very confidential and which necessitates an increase of that appropriation $11,166,876. I have shown this communication to each member of the committee I have been able to see and they all concur in the importance of the appropriation being increased. I therefore move to insert $105,014,110.50 in lieu of $93,847,235.50.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in line 11, after the word "That," to strike out "$28,059,523.50" and insert "$41,259,523.50," and in line 14, after the word "seventeen," to insert "and March 28, 1918," so as to read:

Provided, That $41,259,523.50 of this amount shall be available to meet obligations authorized under this heading in the act of October 6, 1917, and March 28, 1918.

The amendment was agreed to.

The next amendment was, on page 52, line 17, after the word "vessels," to strike out "$39,259,180" and insert "$73,789,530," and in line 18 after the word "That," to strike out "$15,146,120" and insert "$23,210,120," so as to read:

Ammunition for vessels: For procuring, producing, preserving, and handling ammunition for vessels, $73,789,530.

Mr. SWANSON. In a cablegram from Admiral Sims he desires this appropriation to be increased $10,500,000. I have shown his communication to all the members of the committee I could see and they all concur in its being a matter of the utmost importance and that it ought to be done. I therefore move as a substitute for the figures "$73,789,530" to insert "$84,289,530."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in line 18, after the word "That," to strike out "$15,146,120" and insert "$23,210,120," and in line 21, after the word "seventeen," to insert "and March 28, 1918," so as to read:

Provided, That $23,210,120 of this amount shall be available to meet obligations authorized under this heading in the act of October 6, 1917, and March 28, 1918.

The amendment was agreed to.

The next amendment was, on page 52, line 25, after the word "twenty-one," to strike out "$1,000,000" and insert "$11,000,000," so as to make the clause read:

Torpedoes and appliances: For the purchase and manufacture of torpedoes and appliances, to be available until June 30, 1921, $11,000,000.

The amendment was agreed to.

The next amendment was, on page 53, line 2, after the word "supplies," to strike out "$50,000,000" and insert "$63,000,000"; in line 3, after the word "That," to strike out "$17,500,000" and insert "$30,500,000"; and in line 6, after the word "seventeen," to insert "and March 28, 1918," so as to make the clause read:

Reserve ordnance supplies: For reserve and miscellaneous ordnance supplies, $63,000,000: *Provided*, That $30,500,000 of this amount shall be available to meet obligations authorized under this heading in the act of October 6, 1917, and March 28, 1918.

The amendment was agreed to.

The next amendment was, on page 54, line 5, after the word "material," to strike out "$9,500" and insert "$50,000," so as to make the clause read:

Contingent, Bureau of Ordnance: For miscellaneous items, namely, cartage, expenses of light and water at ammunition depots and stations, tolls, ferriage, technical books, and incidental expenses attending inspection of ordnance material, $50,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 5, to insert:

Navy mine depot: For the erection and equipment of a depot for the storage of high explosives and the loading of mines, on a site to be selected by the President, $3,000,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 8, to insert:

Navy nitrate plant: For the erection, equipment, and operation of a plant for the fixation of atmospheric nitrogen, production of synthetic ammonia, its oxidation to nitric acid, and the manufacture of ammonium nitrate, for each and every expense connected therewith, including the employment of all necessary expert, drafting, and clerical assistance, $9,150,000, to be available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Yards and Docks," on page 55, line 9, after the word "leave," to strike out "$7,000,000" and insert "$10,500,000"; and in line 15, after "$2,000,000," to strike out:

Provided further, That no part of any appropriation contained in this act shall be used for the purchase of more than 75 passenger-carrying automobiles for official use within the United States and its insular possessions: *And provided further*, That no part of any appropriation contained in this act shall be used for the purchase of such passenger-carrying automobiles at a greater cost than $500 each: *And provided further*, That the Secretary of the Navy is authorized to distribute the high-powered automobiles now owned and in use in the United States and its insular possessions to such places and service as they may be required.

So as to make the clause read:

Maintenance, Bureau of Yards and Docks: For general maintenance of yards and docks, namely, for books, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery, operation or repair, purchase; maintenance of horses and driving teams; carts, timber wheels, and all vehicles, including motor-propelled and horse-drawn passenger-carrying vehicles to be used only for official purposes, and including motor-propelled vehicles for freight-carrying purposes only for use in the navy yards; tools and repair of the same; stationery; furniture for Government houses and offices in navy yards and naval stations; coal and other fuel; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and fire apparatus and plants; incidental labor at navy yards; water tax, tolls, and ferriage; pay of watchmen in navy yards; awnings and packing boxes; and for pay for employees on leave, $10,500,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, messenger, and other classified work in the navy yards and naval stations for the fiscal year ending June 30, 1919, shall not exceed $2,000,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 23, to insert:

Temporary storage: For temporary storage, $1,000,000.

The amendment was agreed to.

The next amendment was, on page 57, line 12, after "$425,000," to insert "water-front improvements, $400,000; machine shop and foundry, $900,000; in all, $1,725,000," so as to make the clause read:

Navy yard, Boston, Mass.: Improvement of central power plant, $425,000; water-front improvements, $400,000; machine shop and foundry, $900,000; in all, $1,725,000.

The amendment was agreed to.

The next amendment was, on page 57, line 16, after the word "improvements," to strike out "$650,000" and insert "$750,000"; in line 17, after the word "improvements," to strike out "$200,000" and insert "$500,000"; and in the same line, after the words "in all," to strike out "$850,000" and insert "$1,250,000," so as to make the clause read:

Navy yard, New York, N. Y.: Water-front improvements, $750,000; central power-plant improvements, $500,000; in all, $1,250,000.

The amendment was agreed to.

The next amendment was, on page 58, line 13, after "$20,600," to insert "cranes for buildings, $375,000; central power plant and distributing systems, extensions, $85,000; seven ordnance storehouses, Bellevue magazine, $440,000"; and on page 59, line 4, after the words "in all," to strike out "$533,600" and insert "$1,433,600," so as to make the clause read:

Navy yard, Washington, D. C.: Fuse and primer loading house, Bellevue magazine, $25,000; boundary fence, Bellevue magazine, $20,600; cranes for buildings, $375,000; central power plant and distributing systems, extensions, $85,000; seven ordnance storehouses, Bellevue magazine, $440,000; for the acquisition of additional land on the east side of the Naval Gun Factory lying south of M Street and west of Eleventh Street and for the removal of buildings thereon and the grading of the ground and construction of walls inclosing said land and equipping same for use, $488,000: *Provided*, That upon the acquisition of the land hereby authorized all portions of public streets on which any squares so taken over shall abut and lying between the same, and all public alleys within said squares, together with such portions of streets and public alleys as lie between the present navy yard and the land so acquired, are hereby abandoned and closed and said portions of said streets and public alleys shall be regarded as set apart and reserved for naval purposes; in all, $1,433,600.

The amendment was agreed to.

The next amendment was, at the top of page 60, to insert:

Marine Barracks, Quantico, Va.: The President is authorized to acquire under the authority and provisions of this act all of the land specified in the report of the board appointed by the Major General Commandant, Marine Corps, dated January 25, 1918, at Quantico, Va., as a permanent Marine Corps post, and the sum of $475,000, or so much thereof as may be necessary, is hereby appropriated for this purpose.

The amendment was agreed to.

The next amendment was, on page 60, line 19, after "$100,000," to insert "building for seamanship and navigation, and other instruction purposes, $2,500,000; garage, $30,000"; and in line 21, after the words "in all," to strike out "$2,275,000" and insert "$4,805,000," so as to make the clause read:

Buildings and grounds, Naval Academy: Extension of Bancroft Hall, to complete, $1,850,000; and the limit of cost is increased to $2,850,000; improvements central power plant and distributing systems, $325,000; general store building, $100,000; building for seamanship and navigation, and other instruction purposes, $2,500,000; garage, $30,000; in all, $4,805,000.

The amendment was agreed to.

The next amendment was, on page 61, line 2, after "$1,000," to insert "officers' quarters, $10,000"; and in line 3, after the words "in all," to strike out "$160,000" and insert "$170,000," so as to make the clause read:

Marine Recruiting Station, Port Royal, S. C.: For 12 additional barracks buildings, 4 lavatories, and 6 mess halls, $60,000; dredging and reclaiming marshland, $35,000; sea wall, $25,000; lining dry dock with concrete, $25,000; street paving, $7,000; cement sidewalks, $7,000; trees and shrubbery, $1,000; officers' quarters, $10,000; in all, $170,000.

The amendment was agreed to.

The next amendment was, on page 61, line 8, after the words "sum of," to strike out "$150,000" and insert "$200,000," so as to make the clause read:

The President is authorized to acquire under the authority and provisions of this act all of the remaining portion of Parris Island for the enlargement of the Marine Recruiting Station, Port Royal, S. C.; and the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated for this purpose.

The amendment was agreed to.

The next amendment was, on page 61, line 14, after "$10,000," to insert "central power plant improvements, $250,000"; and in line 15, after the words "in all," to strike out "$1,400,000" and insert "$1,650,000," so as to make the clause read:

Navy yard, Charleston, S. C.: For the construction of a large dry dock (limit of cost, $4,000,000), $1,150,000; dredging, to continue, $25,000; railroad system extension, $15,000; toward water-front improvements, $200,000; boat storage, $10,000; central power plant improvements, $250,000; in all, $1,650,000.

The amendment was agreed to.

The next amendment was, on page 61, line 17, after "$25,000," to insert "for the development of a submarine base, $2,500,000; in all, $2,525,000," so as to make the clause read:

Naval station, Key West, Fla.: Station improvements, $25,000; for the development of a submarine base, $2,500,000; in all, $2,525,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 18, to insert:

Naval aeronautic station, Pensacola, Fla.: Improvements central power plant and distributing systems, $100,000.

The amendment was agreed to.

The next amendment was, on page 62, line 3, after the word "system," to strike out "$100,000" and insert "$250,000"; and in line 5, after the words "in all," to strike out "$1,200,000" and insert "$1,350,000," so as to make the clause read:

Navy yard, Mare Island, Cal.: Maintenance of dikes and dredging, $100,000; improvements central power plant and distributing system, $250,000; structural shop and auxiliary improvements, $1,000,000; in all, $1,350,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 5, to insert:

The buildings and improvements in connection with and appurtenant to the Mare Island Light Station, California, are hereby transferred from the control and jurisdiction of the Department of Commerce to the control and jurisdiction of the Navy Department for naval purposes.

The amendment was agreed to.

The next amendment was, on page 62, line 13, after the word "systems," to strike out "$200,000" and insert "$325,000; purchase of additional land adjoining the navy yard, $300,000; for grading, filling, and sea-wall construction (limit of cost to be $750,000), $400,000; in all, $1,025,000," so as to make the clause read:

Navy yard, Puget Sound, Wash.: Improvements, central power plant and distributing systems, $325,000; purchase of additional land adjoining the navy yard, $300,000; for grading, filling, and sea-wall construction (limit of cost to be $750,000), $400,000; in all, $1,025,000.

The amendment was agreed to.

The next amendment was, on page 62, line 20, after the word "system," to insert "including not to exceed $500 for the purchase of land," so as to make the clause read:

Naval station, Tutuila, Samoa: Construction of quarters, $9,000; additional water-supply system, including not to exceed $500 for the purchase of land, $15,000; storehouse, $15,000; sea wall, $5,000; miscellaneous, $6,000; in all, $50,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 9, to insert:

For the building of or providing for the construction of a railroad to connect the Naval Proving Ground and the Naval Smokeless Powder Factory at Indianhead, Md., with existing or contemplated railway lines, under terms and conditions satisfactory to the Secretary of the Navy, authority being granted for the immediate condemnation of the necessary right of way, $550,000.

The amendment was agreed to.

The next amendment was, on page 64, line 14, after "$25,000." to insert "improvements central power plant systems, including quay wall and fill at power house, $800,000," and in line 16, after the words "in all," to strike out "$250,000" and insert "$1,050,000"; so as to make the clause read:

Torpedo station, Newport, R. I., buildings: Boathouse and diving school, $100,000; emergency torpedo repair shop, $100,000; extension of industrial roads, $20,000; extension of sea wall, $5,000; rebuilding carpenter shop, $25,000; improvements central power plant systems, including quay wall and fill at power house, $800,000; in all, $1,050,000.

The amendment was agreed to.

The next amendment was, on page 65, line 4, after "$10,000," to insert "for the purchase of land at the fuel oil base, Chesapeake Bay, $55,000," and in line 6, after the words "in all," to strike out "$750,000" and insert "$805,000," so as to make the clause read:

Depots for coal: For depots for coal and other fuel, Guantanamo, Cuba, $90,000; Pearl Harbor, Hawaii, $40,000; Puget Sound, Wash., $60,000; San Diego, Cal., $70,000; Mare Island, Cal., $270,000; Mel-

ville, R. I., $160,000; contingent, $50,000; care and custody of naval petroleum reserves, $10,000; for the purchase of land at the fuel oil base, Chesapeake Bay, $55,000; in all, $805,000.

The amendment was agreed to.

The next amendment was, on page 65, line 14, after the word "improvements," to strike out "$75,000" and insert "$225,000"; in line 15, after "$15,000," to insert "fire apparatus house and garage, $30,000"; and in line 16, after the words "in all," to strike out "$110,000" and insert "$290,000," so as to make the clause read:

Naval Training Station, Rhode Island, buildings: Sea-wall improvements, $225,000; remodeling boathouse, $20,000; officers' quarters, $15,000; fire apparatus house and garage, $30,000; in all, $290,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 16, to insert:

The President is authorized to acquire under the authority and provisions of this act additional land for the enlargement of the Naval Training Station, Narragansett Bay, Newport, R. I., and for this purpose $100,000 is hereby appropriated or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 66, after line 5, to insert:

Naval fuel depot, San Diego, Cal.: Marine railway, $175,000.

The amendment was agreed to.

The next amendment was, on page 66, line 11, after the words "and so forth," to strike out "$2,500,000" and insert "$3,000,000," so as to make the clause read:

Naval operating base, Hampton Roads, Va.: Toward water-front improvements and permanent improvements to station, including piers, bulkheads, filling, grading, and so forth, $3,000,000.

The amendment was agreed to.

The next amendment was, on page 66, line 14, after the word "stations," to strike out "$3,500,000" and insert "$4,500,000," so as to make the clause read:

Repairs and preservation at navy yards: For repairs and preservation at navy yards, fuel depots, fuel plants, and stations, $4,500,000.

The amendment was agreed to.

The next amendment was, on page 66, line 15, after the words "public works," to strike out "$37,154,975" and insert "$49,999,375," so as to make the clause read:

Total public works, $49,999,375, and the amounts herein appropriated therefor, except for repairs and preservation at navy yards and stations, shall be available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Supplies and Accounts," on page 69, line 23, after the word "officers," to strike out "on shore not occupying public quarters," so as to read:

Pay of the Navy: Pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders, $33,234,498; officers on the retired list, $3,374,391; commutation of quarters for officers, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, pay clerks, etc.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the pay of the Navy, on page 70, line 18, before the word "thousand," to strike out "eighty" and insert "eighty-one," in line 19, before the word "men," to insert "four hundred and eighty-five"; and on page 71, line 10, after the word "fund," to insert:

Provided, That during the war, in such cases as may be approved by the Secretary of the Navy, this appropriation shall be available for the hire of quarters for officers attached to submarines when they are required to be on shore and Government quarters are not available.

So as to read:

Pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with the Fish Commission, 181,485 men, plus 10,000 men for aviation service, plus 14,000 men in trade schools; and pay of enlisted men of the Hospital Corps, and for the pay of enlisted men detailed for duty with the Naval Militia, $121,630,172; pay of enlisted men undergoing sentence of court-martial, $540,000, and as many machinists as the President may from time to time deem necessary to appoint; and 24,000 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, $8,019,600; pay of the Nurse Corps, $670,800; rent of quarters for members of the Nurse Corps, $55,800; retainer pay and active-service pay of members of the Naval Reserve Force, $55,001,982; in all, $227,372,946; and the money herein specifically appropriated for "Pay of the Navy" shall be disbursed and accounted for in accordance with existing law as "Pay of the Navy," and for that purpose shall constitute one fund: *Provided*, That during the war, in such cases as may be approved by the Secretary of the Navy, this appropriation shall be available for the hire of quarters for officers attached to submarines when they are required to be on shore and Government quarters are not available.

The amendment was agreed to.

The next amendment was, on page 74, line 20, after the word "both," to strike out "$48,400,000" and insert "$49,400,000, $1,000,000 of which, or so much thereof as may be necessary, may in his discretion, be used by the Secretary of the Navy in mining coal, or contracting for the same in Alaska, the transportation of the same to Seward, Alaska, and the construction of coal bunkers and the necessary docks for use in supplying ships therewith; and the Secretary of the Navy is hereby authorized to select from the public coal lands in Alaska such areas as may be necessary for use by him for the purposes stated herein," so as to make the clause read:

Fuel and transportation: Coal and other fuel for steamers' and ships' use, including expenses of transportation, storage, and handling the same; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels; and ice for the cooling of water, including the expense of transportation and storage of both, $49,400,000. $1,000,000 of which, or so much thereof as may be necessary, may in his discretion, be used by the Secretary of the Navy in mining coal, or contracting for the same in Alaska, the transportation of the same to Seward, Alaska, and the construction of coal bunkers and the necessary docks for use in supplying ships therewith; and the Secretary of the Navy is hereby authorized to select from the public coal lands in Alaska such areas as may be necessary for use by him for the purposes stated herein: *Provided*, That when, in the opinion of the President, the prices asked for the charter of vessels for the transportation of fuel are excessive, he is authorized to purchase vessels suitable for the purpose, and, if money is not otherwise available, to pay for them from the appropriation "Fuel and transportation."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Construction and Repair," in the item of appropriation for the construction and repair of vessels, on page 77, line 1, before the word "superintending," to strike out "officers" and insert "offices," so as to read:

Provided further, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, watchmen (ship keepers), and messenger service in navy yards, naval stations, and offices of superintending naval constructors for the fiscal year ending June 30, 1919, shall not exceed $3,000,000.

The amendment was agreed to.

The next amendment was, on page 79, after line 11, to insert:

So much of the naval appropriations for the fiscal years 1918 and 1919 as is necessary may be transferred on the books of the Treasury to the credit of the regular appropriations of the Coast Guard and Lighthouse Services.

That the President of the United States be, and he is hereby, authorized during the period of the present war to promote temporarily, with the advice and consent of the Senate, commissioned line officers and engineer officers of the United States Coast Guard below the rank and grades of captain and captain of engineers to the ranks and grades of the Coast Guard not above captain and captain of engineers, respectively, without regard to number or length of service in rank or grade: *Provided*, That such temporary promotions may be to such rank and grade in the Coast Guard not above captain or captain of engineers as correspond to the rank and grade that may be attained in accordance with law, either permanently or temporarily, by line officers of the regular Navy of the same length of total service: *Provided further*, That constructors of the Coast Guard now authorized by law who shall have had as much total service in the Navy Department or in the Coast Guard as the officer of the Construction Corps of the Navy at the foot of the permanent or temporary list of those with the rank of lieutenant commanders may be temporarily promoted to the rank of captain of the Coast Guard: *And provided further*, That for the purposes of this act service in the Coast Guard to be counted must have been continuous: *And provided further*, That nothing contained in this section shall operate to disturb the relative position of officers in the Coast Guard with reference to precedence or promotion, but all such officers otherwise qualified shall be advanced in rank with or ahead of officers in the Coast Guard who were their juniors on the date of this act.

The next amendment was, on page 80, after line 20, to insert as an additional section:

SEC. 2. That the President be, and he is hereby, authorized during the period of the present war to promote temporarily, with the advice and consent of the Senate, officers of the Coast Guard holding permanent commissions above the rank and grade of first lieutenant and first lieutenant of engineers as follows: Not to exceed two-fifths of the captains authorized by law, and not to exceed one-third of the captains of engineers authorized by law, to have the rank of senior captain in the Coast Guard; and not to exceed one-third the senior captains authorized by law, to have the rank of captain in the Navy and colonel in the Army: *Provided*, That the senior captains, captains, and captains of engineers to be temporarily promoted as herein provided shall be selected as provided by law for promotion by selection in the Navy.

That during the period of the present war the captain commandant of the Coast Guard shall have the rank of commodore in the Navy and brigadier general in the Army, and the engineer in chief of the Coast Guard shall have the rank of captain in the Navy and colonel in the Army.

That during the period of the present war the senior district superintendent, the three district superintendents next in order of seniority, the four district superintendents next below these three in order of seniority, and the junior five district superintendents shall hereafter have the rank, pay, and allowances of captain, first lieutenant, second lieutenant, and third lieutenant in the Coast Guard, respectively.

The amendment was agreed to.

The next amendment was, on page 81, after line 21, to insert:

SEC. 3. That the permanent and probationary commissions of officers of the Coast Guard shall not be vacated by reason of the temporary promotions and advancements authorized by this act, nor shall said officers be prejudiced in their relative lineal rank in regard to their promotion as provided for in existing law: *Provided*, That no officer who shall receive a temporary promotion or advancement under this act shall be entitled to pay or allowances except under such promotion or advancement: *Provided further*, That upon the termination of the temporary promotions and advancements authorized by this act, the officers so promoted and advanced shall revert to the rank and grade from which temporarily promoted or advanced, unless such officers in the meantime, in accordance with law, become entitled to promotion

to a higher grade or rank in the permanent Coast Guard, in which case they shall revert to said higher grade or rank, and shall, after passing the prescribed examinations, be commissioned accordingly.

The amendment was agreed to.

The next amendment was, on page 82, after line 15, to insert:

SEC. 4. That all temporary promotions and advancements authorized by this act shall continue in force only until otherwise directed by the President, and not later than six months after the termination of the present war.

The amendment was agreed to.

The next amendment was, on page 82, after line 19, to insert:

SEC. 5. That any officer of the Coast Guard temporarily promoted or advanced in grade or rank in accordance with the provisions of this act who shall be retired from active service under his permanent commission while holding such temporary grade or rank, except for physical disability incurred in line of duty, shall be placed on the retired list with the grade or rank to which his position in the permanent Coast Guard at the date of his retirement would entitle him.

The amendment was agreed to.

The next amendment was, on page 83, after line 3, to insert:

SEC. 6. That officers of the United States Coast Guard on sea duty or on shore duty beyond the continental limits of the United States during the period of the present war shall receive the same increase of pay and allowances in all respects as are now or may hereafter be provided by law for officers of the Navy of corresponding rank.

The amendment was agreed to.

The next amendment was, on page 83, after line 9, to insert:

SEC. 7. That nothing contained in this act relating to the Coast Guard shall operate to reduce the rank, pay, or allowances that would have been received by any person in the Coast Guard except for the passage of this act.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Academy," on page 84, line 2, after the word "watch," to strike out "$1,200" and insert "$1,460"; in line 3, after the word "watch," to strike out "$1,100" and insert "$1,300"; in line 4, before the word "each," to strike out "$1,025" and insert "$1,160"; and in line 6, after the words "Naval Academy," to strike out "$326,030" and insert "$329,460," so as to make the clause read:

One swordmaster, $1,700; assistants: 1, $1,500; 1, $1,300; headmaster in physical training, $2,000; instructors in physical training: 1, $1,800; 2 at $1,500 each; 3 at $1,300 each; assistant librarian, $2,400; cataloguer, $1,600; shelf assistants: 2 at $1,200 each; secretary of the Naval Academy, $2,500; clerks: 2 at $1,900 each; 2 at $1,700 each; 2 at $1,600 each; 4 at $1,400 each; 4 at $1,200 each; 7 at $1,100 each; 7 at $1,000 each; draftsman, $1,700; surveyor, $1,500; services of organist at chapel, $300; captain of the watch, $1,460; second captain of the watch, $1,300; 22 watchmen at $1,160 each; 3 telephone switchboard operators at $660 each; mail messenger, $1,100. In all, pay of professors and others, Naval Academy, $329,460.

The amendment was agreed to.

The next amendment was, on page 84, line 9, after the word "ordnanceman," to strike out "$1,200" and insert "$1,450"; in line 9, after the word "electrician," to strike out "$1,380" and insert "$1,680"; in line 10, after the word "one," to strike out "$1,080" and insert "$1,280"; in the same line, after the word "one," to strike out "$950" and insert "$1,150"; in line 11, after the word "one," to strike out "$840" and insert "$1,100"; in the same line, before the word "each," to strike out "$780" and insert "$1,030"; in line 12, before the word "each," to strike out "$740" and insert "$1,000"; and in line 13, after the words "in all," to strike out "$9,330" and insert "$11,560," so as to make the clause read:

Department of ordnance and gunnery: Leading ordnanceman, $1,450; electrician, $1,680; ordnancemen: 1, $1,280; 1, $1,150; 1, $1,100; ordnance helpers: 2, $1,030 each; 2, $1,000 each; storeroom and record keeper, $840; in all, $11,560.

The amendment was agreed to.

The next amendment was, on page 84, line 15, after the word "maker," to strike out "$1,500" and insert "$1,800"; in line 16, after the word "machinists," to strike out "$1,480" and insert "$1,758"; in line 17, after the word "mechanic," to strike out "$1,480" and insert "$1,758"; and in the same line, after the words "in all," to strike out "$8,920" and insert "$10,332," so as to make the clause read:

Departments of electrical engineering and physics: One instrument maker, $1,800; 3 electrical machinists, $1,758 each; 1 mechanic, $1,758; laboratorian, $1,500; in all, $10,332.

The amendment was agreed to.

The next amendment was, on page 84, line 21, after the word "machinist," to strike out "$2,000" and insert "$2,300"; in line 22, after the word "assistant," to strike out "$1,600" and insert "$1,800"; in the same line, after the words "pattern maker," to strike out "$1,600" and insert "$1,800"; in line 24, after the word "coppersmith," to strike out "$1,480" and insert "$1,758"; in line 25, after the word "blacksmith," to strike out "$1,250" and insert "$1,680"; and on page 85, line 2, after the words "in all," to strike out "$29,675.20" and insert "$33,181.20," so as to make the clause read:

Department of marine engineering and naval construction: Master machinist, $2,300; assistant, $1,800; pattern maker, $1,800; boiler maker, blacksmith, 3 machinists, molder, and coppersmith, $1,758 each; 1 patternmaker and 1 blacksmith, $1,680 each; 1 instructor in mechanical drawing, $2,100; machinists and other employees, $9,515.20; in all, $33,181.20.

The amendment was agreed to.

The next amendment was, on page 85, line 11, after the word "each," to strike out "waiters; 65, $25 per month each; 65, $20 per month each" and insert "necessary waiters, at not to exceed $25 per month each, $35,100, and the accounting officers of the Treasury are authorized and directed to credit in the accounts of the disbursing officer for the fiscal years 1917 and 1918 payments to waiters not in excess of the rate fixed by appropriation acts and the aggregate amounts appropriated," so as to make the clause read:

Commissary department: Chief clerk and purchasing agent, $1,800; chief cook, $1,500; cooks: 14, $900 each; 18, $600 each; stewards: 1, $1,800, 4 assistants, $1,200; 2 head waiters, $900 each; 6 assistant head waiters, $720 each; head pantrymen: 2, $900 each; bakers: chief, $1,500; 9, $960 each; 9, $720 each; butchers: head, at $960; 4 assistants, $780 each; 1 butcher's helper, $600; 4 baker helpers, $420 each; firemen: 6, $600 each; necessary waiters, at not to exceed $25 per month each, $35,100, and the accounting officers of the Treasury are authorized and directed to credit in the accounts of the disbursing officer for the fiscal years 1917 and 1918 payments to waiters not in excess of the rate fixed by appropriation acts and the aggregate amounts appropriated; coffeemen: 2, $600 each, 4, $420 each; 4 dish pantrymen, $420 each; 4 utility men, $420 each; linemen: 1, $600; 2, $420 each; 4 seamstresses, $600 each; stenographers: 2, $1,080 each; typists: 3, $900 each; 2 drivers, $720 each; scullions and other unskilled labor (wages in no case to exceed $50 per month), $2,000; in all, $121,280.

The amendment was agreed to.

The next amendment was, on page 86, line 9, after the words "civil establishment," to strike out "$632,535.20" and insert "$643,113.20," so as to make the clause read:

In all, civil establishment, $643,113.20.

The amendment was agreed to.

The next amendment was, on page 88, line 4, after the words "public works," to strike out "$1,242,271.20" and insert "$1,252,849.20," so as to make the clause read:

In all, Naval Academy, exclusive of public works, $1,252,849.20.

The amendment was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 88, line 9, after the words "reserve list," to strike out "including clerks for assistant paymasters, 55," so as to make the clause read:

Pay, Marine Corps: Pay of officers, active and reserve list: For pay and allowances prescribed by law for all officers on the active and reserve list, $9,891,624.50.

The amendment was agreed to.

The next amendment was, on page 88, after line 10, to insert:

The title of clerks for assistant paymasters is hereby changed to pay clerk, who shall hereafter receive the same pay, allowances, and other benefits now provided by law for clerks for assistant paymasters; and the total number of pay clerks shall not exceed 10 for duty in the office of the paymaster, Marine Corps, 15 for duty in the paymaster's department at large, and 1 for each assistant paymaster: *Provided*, That nothing herein contained shall be construed to reduce the pay, allowances, or other benefits granted by existing law to any clerk for assistant paymaster now in service.

The amendment was agreed to.

The next amendment was, on page 90, line 24, after the words "One chief clerk, at," to strike out "$1,800" and insert "$2,000," so as to make the clause read:

In the office of the assistant quartermaster, San Francisco, Cal.: One chief clerk, at $2,000.

The amendment was agreed to.

The next amendment was, on page 91, line 2, after the words "One chief clerk, at," to strike out "$1,800" and insert "$2,000," so as to make the clause read:

In the office of the assistant quartermaster, Philadelphia, Pa.: One chief clerk, at $2,000; one messenger, at $840.

The amendment was agreed to.

The next amendment was, on page 91, line 4, after the words "civil force," to strike out "$45,311.28" and insert "$45,711.28," so as to make the clause read:

In all, for pay of civil force, $45,711.28, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 91, line 9, after the words "Marine Corps," to strike out "$50,135,474.14" and insert "$50,135,874.14," so as to make the clause read:

In all, pay, Marine Corps, $50,135,874.14.

The amendment was agreed to.

The next amendment was, under the subhead "Maintenance, Quartermaster's Department, Marine Corps," on page 91, line 21,

after the word "parties," to insert "and enlisted men traveling on special duty," so as to make the clause read:

Provisions, Marine Corps: For enlisted men serving ashore; subsistence and lodging of enlisted men when traveling on duty, or cash in lieu thereof; commutation of rations to enlisted men regularly detailed as clerks and messengers; payments of board and lodging of applicants for enlistment while held under observation, recruits, recruiting parties, and enlisted men where it is impracticable to otherwise furnish subsistence, or in lieu of board, commutation of rations to recruiting parties, and enlisted men traveling on special duty at such rate as the Secretary of the Navy may prescribe; ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; ice for offices and preservation of rations, $15,053,500.

The amendment was agreed to.

The next amendment was, on page 93, line 18, after the word "require," to strike out "$4,258,204" and insert "$4,808,204," so as to make the clause read:

Repairs of barracks, Marine Corps: Repairs and improvements to barracks, quarters, and other public buildings at posts and stations; for the renting, leasing, improvement, and erection of buildings in the District of Columbia, and at such other places as the public exigencies require, $4,808,204.

The amendment was agreed to.

The next amendment was, on page 94, line 8, after the words "per month," to strike out "$815,467" and insert "$1,215,467," so as to make the clause read:

Commutation of quarters, Marine Corps: Commutation of quarters for enlisted men on recruiting duty, for officers and enlisted men serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, for enlisted men employed as clerks and messengers in the offices of the commandant, adjutant, and inspector, paymaster, and quartermaster, and the offices of the assistant adjutant and inspectors, assistant paymasters, assistant quartermasters, at $21 each per month, and for enlisted men employed as messengers in said offices, at $10 each per month, $1,215,467.

The amendment was agreed to.

The next amendment was, on page 94, line 12, after the words "enlisted men," to insert "and retired officers on active duty during the war," so as to read:

Contingent, Marine Corps: For freight, expressage, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillowcases, towels, and sheets, funeral expenses of officers and enlisted men, and retired officers on active duty during the war, and retired enlisted men of the Marine Corps, including the transportation of bodies and their arms and wearing apparel from the place of demise to the homes of the deceased in the United States.

The amendment was agreed to.

The next amendment was, on page 96, line 4, after the words "Marine Corps," to strike out "$92,803,682" and insert "$93,753,682," so as to make the clause read:

In all, for the maintenance of Quartermaster's Department, Marine Corps, $93,753,682; and the money herein specifically appropriated for the maintenance of the Quartermaster's Department, Marine Corps, shall be disbursed and accounted for in accordance with the existing law as maintenance, Quartermaster's Department, Marine Corps, and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 96, after line 9, to insert:

Reserve supplies, Marine Corps: Toward the procurement of a reserve stock of clothing, arms, and equipment, and other necessary military supplies, to be immediately available and to remain available until expended, $16,677,200.

The amendment was agreed to.

The next amendment was, on page 96, line 14, after the words "Marine Corps," to insert "including reserve supplies, Marine Corps"; and in line 15, after the words "public works," to strike out "$142,939,156.14" and insert "$160,566,756.14," so as to make the clause read:

Total Marine Corps, including reserve supplies, Marine Corps, exclusive of public works, $160,566,756.14.

The amendment was agreed to.

The next amendment was, under the subhead "Increase of the Navy," on page 97, line 15, after the word "authorized," to insert "to be constructed prior to July 1, 1919"; in line 20, after the date "1916," to strike out "the construction of the remaining vessels"; in line 21, after the word "which," to strike out "have" and insert "has"; and in line 23, after the word "practicable," to insert "but not later than June 30, 1919," so as to make the clause read:

Of the vessels authorized to be constructed prior to July 1, 1919, in the "Act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, the construction of which has not heretofore specifically been directed to be begun shall be begun as soon as practicable, but not later than June 30, 1919.

The amendment was agreed to.

The next amendment was, under the subhead "Naval emergency fund," on page 99, line 1, after the word "and," to strike out "such"; and in line 2, after the word "naval," to strike out "small," so as to make the clause read:

To enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo-boat destroyers, submarine chasers, and other naval craft, and for each and every purpose connected therewith, as the President may direct, to be expended at the direction and in the discretion of the President, $100,000,000.

The amendment was agreed to.

The next amendment was, on page 99, line 7, after the word "ships," to insert "and to meet urgent needs of navy yards, stations, and bases"; in line 11, after the word "construction," to insert "and repair"; in line 12, after the words "navy yards," to insert "and to meet urgent needs of navy yards, stations, and bases"; and in line 13, after the word "bases," to strike out "for construction, $4,000,000" and insert "$10,000,000," so as to make the clause read:

Improving and equipping navy yards for construction of ships and to meet urgent needs of navy yards, stations, and bases: To enable the Secretary of the Navy to equip the navy yards with suitable and necessary machinery, implements, building ways, and equipment for the construction and repair of such vessels as may have been or may be assigned to navy yards and to meet urgent needs of navy yards, stations, and bases, $10,000,000.

The amendment was agreed to.

The next amendment was, on page 100, after line 8, to strike out—

All unexpended balances made for the Naval Establishment for the fiscal year 1918 in the naval appropriations act and the several acts making deficiency appropriations are hereby continued and made available for the fiscal year 1919.

And insert:

All unexpended balances of appropriations made for the Naval Establishment for the fiscal year 1918 in the naval appropriation act and the several acts making deficiency appropriations are hereby continued and made available for the fiscal year 1919. The balances existing, after all payments made prior to the passage of this act have been charged, shall be transferred to and merged with the corresponding appropriations contained in this act: *Provided*, That prior to the transfer there may be charged against these balances the expenditures prior to July 1, 1918, on account of the accrued pay of officers and enlisted men of the Navy and Marine Corps, accrued pay of civilian employees, and supplies issued from the naval supply account.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. OVERMAN. Mr. President, the amendment which I have asked to have passed over is a very long one. I do not know exactly what it means or what will be its effect. I have not had time to study it, and therefore I am going to ask the Senator from Virginia to accept an amendment to the amendment which, I think, will cover the case as I think it ought to be covered. My suggestion may be already provided for in the law, but it will not hurt to insert the language here. I therefore move to add to the amendment:

That all appointments and promotions provided for in this amendment shall be confirmed by the Senate.

Mr. SWANSON. I have no objection to the amendment to the amendment.

Mr. LODGE. What is the amendment that is now proposed by the Senator from North Carolina?

Mr. OVERMAN. It is that all of these appointments and promotions shall be confirmed by the Senate. That is the law now, but I do not know whether or not the language reported by the committee may repeal the existing law.

Mr. LODGE. That language ought to be embodied in the amendment if it is not already there.

Mr. SWANSON. I accept the amendment to the amendment.

The VICE PRESIDENT. Does the Senator from North Carolina desire that his amendment shall come in at the end of the committee amendment?

Mr. OVERMAN. Yes; I suppose the matter in italics is all one amendment and, if so, my amendment comes at the end of it.

The VICE PRESIDENT. The amendment proposed by the Senator from North Carolina to the amendment of the committee will be stated.

The SECRETARY. It is proposed, at the end of the committee amendment, on page 18, line 8, after the word "duty," to insert:

That all appointments or promotions provided for in this amendment shall be confirmed by the Senate.

Mr. SWANSON. I accept the amendment to the amendment.

Mr. GALLINGER. Mr. President, I will ask what is the amendment to the amendment proposed by the Senator from North Carolina?

Mr. OVERMAN. I presume it would be better to have the language read "by and with the advice and consent of the Senate," as that is the usual phraseology. I ask that that modification of my amendment to the amendment of the committee be made, Mr. President.

The VICE PRESIDENT. The amendment to the amendment of the committee as now proposed to be modified by the Senator from North Carolina will be stated.

The SECRETARY. On page 18, line 8, after the word "duty," it is proposed to insert:

All appointments or promotions provided for in this amendment shall be made by and with the advice and consent of the Senate.

The amendment to the amendment was agreed to.

Mr. SWANSON. I should now like to have the amendment agreed to as amended.

Mr. LODGE. One moment. There are one or two verbal amendments which are made necessary by the changes which the committee has made. On page 16, at the end of line 6, I move to strike out the words "commander and."

The amendment to the amendment was agreed to.

Mr. LODGE. On the same page, line 10, I move to strike out the word "rank."

The amendment to the amendment was agreed to.

Mr. LODGE. On the same page, in line 10, I move to strike out the words "commander or."

The amendment to the amendment was agreed to.

Mr. LODGE. On the same page, line 11, after the word "captain," I move to strike out the words "as the case may be."

The amendment to the amendment was agreed to.

Mr. LODGE. On page 15, line 13, after the word "their," I move to strike out the words "respective commissions or."

Mr. CUMMINS. Mr. President, may I ask the Senator from Massachusetts what is the purpose of these amendments?

Mr. LODGE. The purpose of these amendments is simply this: The bill as drawn limited the promotions of dental surgeons to the rank of lieutenant commander, but gave them the right to have the pay and allowances of commander and captain without the rank. The National Dental Association are very anxious that we should amend the bill so as to give these officers promotion to the rank and pay of captain. The committee, however, did not feel able to do that for reasons which it is not necessary now to go into—the likelihood of a conflict of authority in hospitals was one of the reasons—and therefore they went so far as to give them the grade of dental inspectors with the rank of commander. This was overlooked, and the amendments are to make the bill conform to that change. As it stood before, it provided for both the pay and allowances of commander and of captain. They have the rank and pay of commander, anyway, under the amendment.

Mr. TOWNSEND. Mr. President, may I ask the Senator from Massachusetts a question, in order that I may understand the situation? What will be the opportunities for promotion under this bill for a dental surgeon who has passed the examination and been appointed and is now serving in the Navy?

Mr. LODGE. The Senator means how high he can go?

Mr. TOWNSEND. Yes.

Mr. LODGE. He can go as high as dental inspector, with the rank, pay, and allowances of commander.

Mr. CUMMINS. Mr. President, although I am not very well informed upon the subject, I can understand, at least, some of the reasons relating to the rank; but I can not understand why a dental surgeon, who leaves a lucrative practice at home, should not be permitted to have the same privileges as a medical officer so far as pay is concerned. What is the reason?

Mr. LODGE. What he is deprived of, Mr. President, so far as pay and allowances are concerned, is this: A medical officer can be promoted to the rank of medical inspector and medical director. A medical director carries the rank, pay, and allowances of captain. Under the provisions of the last bill it is possible in the Medical Corps for medical directors to become admirals. Under this bill a dental surgeon may rise to the rank, pay, and allowances of dental inspector, with the rank of commander in the Navy, but he is also entitled to have the pay and allowances of a captain—as high as in the Medical Corps—but he does not get the rank.

The reason that the granting of higher rank was resisted by the department was that in a hospital, which must be under the charge of a member of the Medical Corps, it might easily occur that if the dental officer had the rank of captain and the medical officer the rank of commander, the dental officer would be in control of the hospital. That was the reason.

Mr. CUMMINS. I understand that reason so far as rank is concerned, although I do not mean to say that I approve it; but how does the Senator expect to get experienced and competent dental surgeons without adequate pay?

Mr. LODGE. I will say to the Senator with great frankness that so far as I was personally concerned I was prepared to put them on an exact equality with the Medical Corps; but the department has taken the ground that they ought not to go higher than the rank of lieutenant commander, and the committee, as so often is the case, compromised it.

Mr. CUMMINS. I wish to ask the Senator a question about another part of the bill, although along the same line.

Mr. LODGE. May we dispose of the pending amendment? It is merely a small amendment to the amendment, and I think was not disposed of. I refer to the last amendment which I offered.

The VICE PRESIDENT. No; the Chair has been waiting to see how the Senator from Massachusetts got along with the Senator from Iowa.

Mr. LODGE. The Senator from Iowa said he was going to speak of something else.

Mr. CUMMINS. I intended to ask a question about something else, not about that particular amendment.

Mr. LODGE. Then, if the Senator has no objection, I should like to have the amendment to the amendment disposed of.

Mr. TOWNSEND. Mr. President, I do not quite understand the object of the Senator's amendments. What is sought to be accomplished by these verbal changes?

Mr. LODGE. These verbal amendments were offered to make the bill conform to the idea of the committee. The bill was drawn up by the department on the basis in possibility of promotion of a limitation of rank to that of lieutenant commander. We raised it to commander. Under the original bill as drawn the dental surgeons were given the right to the pay and allowances of commander and captain; but as we give them the rank, pay, and allowances of commander, we had to amend the provision so as to provide that they might have the pay and allowances of captain without the rank. It was simply to make the bill harmonize.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. LODGE. That is my amendment on page 15?

The VICE PRESIDENT. The Chair so understands.

Mr. CUMMINS. Mr. President, I desire to ask the Senator from Virginia or the Senator from Massachusetts—they are both experts in dental surgery——

Mr. LODGE. Experts on everything in this bill.

Mr. CUMMINS. A question with regard to the original proviso on page 14, which reads:

Provided, That members of the Medical Reserve Corps and Dental Reserve Corps may be enrolled in the Naval Reserve Force in their present grades, rank, and seniority.

Mr. LODGE. That was the House provision.

Mr. CUMMINS. That was the House provision. The committee propose to strike out the words "rank and seniority," so that it would read:

Provided, That members of the Medical Reserve Corps and Dental Reserve Corps may be enrolled in the Naval Reserve Force in their present grades and ranks.

What is the reason for striking out "seniority"?

Mr. LODGE. Mr. President, in both the Medical Corps and the Dental Reserve Corps there were many members who were out of the service for a number of years and rendered no service at all, a large part of them. If "seniority" is left in, they will come back and take rank over men who have been serving all the time.

Mr. SWANSON. Then, in addition to that, if the Senator will permit me, you see this is a transfer. Some of them might not be promptly transferred—perhaps not for a year or two years—and with the word "seniority" left in the law, if they come in two or three years from now, they will take rank over people who go immediately into active service. Therefore the department have asked, in a memorandum made in regard to it, that that go out, because they thought it did an injustice to those who were going into immediate service.

Mr. CUMMINS. You would do an injustice, possibly, if it were left just as the House provided, but you will do a much greater injustice if you enact the bill as it is now proposed to be amended. I will give an illustration:

We have organized—and I will confine it to dental surgeons, as we have been speaking of them—a Dental Reserve Corps. In it have been enrolled many accomplished, skillful, experienced dental surgeons of mature age. They have not been called into active service, many of them. The war comes on, and there are called into the service a great number of young men, just from their schools, without any experience whatever, and without any income whatever that they are compelled to abandon when they enter the service. They are all appointed as of the same grade—that is, I take it, it is the grade of assistant dental surgeon, with the rank of lieutenant, junior grade.

Mr. SMITH of Michigan. Lieutenant commander.

Mr. CUMMINS. We then have this position: The Government calls into active service a dental surgeon, we will say, 40 years of age, who has practiced dentistry successfully for 10 or 15 years He has the rank of lieutenant of the junior grade. He takes his place by the side of a young man without any experience whatever, and with ability yet to be demonstrated; and yet you give the elder man, who comes into the service of the country fully equipped, no advantage at all because for four, six, or eight years he has been enrolled in the Reserve Corps.

That is not right. I recognize that there ought to be a difference between the surgeon who is permanently in the service and one who is not; but there ought to be no such discrimination as this between men who are called in for this war, and I assume that the corps is to be very greatly enlarged, or has been very greatly enlarged, on account of the war.

I suggest to the Senator from Virginia that there ought to be some way of doing justice to these surgeons who have been parts of the Dental Reserve Corps—and I think what I say would be true of the Medical Reserve Corps, too—and not do an injustice to those who are permanently in the service.

Mr. SWANSON. If the Senator will permit me, as I understand the matter, I think the Senator is mistaken. This is a transfer of the entire reserve, both in the Regular Naval Reserve, the Marine Corps, and the Dental Corps, to make them conform more than the original law did. The Dental Corps is made in the Medical Reserve by this act. Those words "and seniority" were put in on the floor of the House, not by the Naval Committee; and the effect of that is that a man can wait a year or two years or other length of time before he expresses his willingness to take advantage of the provisions of this act, and he would supersede men who have become active at once.

Here is what the department says about it. I should like to read the letter, which will explain it:

It is, of course, contemplated that all the members of the Medical Reserve Corps and Dental Reserve Corps will be enrolled in the Naval Reserve Force at the same time.

Now, you see we make that a Naval Reserve Force—

However, should one or a number of the members of either of these corps delay their request for enrollment in the reserve for a considerable time, possibly several years, if the word "seniority" is retained in the bill these members will still have to be given seniority with the other members of the corps who were enrolled upon the approval of the appropriation act. This would not be justice to those members who had requested enrollment in the reserve promptly.

That is the reason why they desire to have it changed. The word "rank" will take care of any of them according to their precedence of commission at the time they come in. The word "seniority" was put in there in order to take care of men who would not come in promptly, it was understood, and that is the reason why the department has insisted upon its being eliminated. Does the Senator think it would be just to let a man wait two years and have other men of the same grade come in promptly, and then, if he comes in two years from now, take seniority over a man who had served two years?

Mr. CUMMINS. But that is not the situation, as I understand it. These men do not come in; they are called in. The members of the Dental Reserve Corps are already under obligation to respond whenever the demand is made by the authorities, and if they are not in it is because their services have not been requisitioned. They stand ready to come in. Now, if the Government or the Naval Board, or whoever determine the matter, see fit to call in Mr. John Smith, and he is in two months, and then they call in Mr. John Jones, who has had his commission for four years, there is no injustice in giving seniority to John Jones.

Mr. SWANSON. The Senator is right. The injustice, if the Senator will permit me to read this now, is in this—the provision reads:

That all laws heretofore enacted by Congress relating to the Medical Reserve Corps and Dental Reserve Corps be, and the same hereby are, repealed.

Now, you see, you do that for the reserve and the Marine Corps and also for the Fleet Reserve:

Provided, That members of the Medical Reserve Corps and Dental Reserve Corps may be enrolled in the Naval Reserve Force.

Now, you give a new name——

Mr. CUMMINS. Does that mean that all these surgeons who have been hitherto enrolled and have been examined and have become members of the Dental Reserve Corps or the Medical Reserve Corps are now legislated out of the service entirely?

Mr. SWANSON. Except that they can make an application at once and come into a new thing, known as the Naval Reserve Force, with their grade and rank. They come right in if they just make the application.

Mr. CUMMINS. I did not understand that part of it; but the effect of that would be to lose to the Government the services of a highly skilled and, I am sure, very patriotic body of men——

Mr. SWANSON. No.

Mr. CUMMINS. Because you can not expect these men who have held commissions in the Dental Reserve Corps or Medical Reserve Corps for years and have put themselves at the service of the Government to come in on the same terms with the boy who has just been graduated from college.

Mr. SWANSON. They are not to do that. If the Senator will permit me, this language transfers them to what is known as the Naval Reserve Force at the same grade and rank they then possessed. Now, this word "seniority" is put in there. Some of them do not want to apply until two years from now. They might want to reconsider. They might want to come in after the danger is over. If a man does make an application and go in, then he takes seniority. Not his grade and rank, but his seniority would put him over men who have served two years, because this bill gives him the grade and rank which he possessed at that time. The department has insisted that the word "seniority" shall go out, because it would encourage some of them to delay and not come in at once.

I am satisfied that if the Senator will read what the department says in reference to that matter he will see the situation. I do not know whether he has read it or not.

Mr. CUMMINS. I have not read the report. I believe that the difficulty has not been in securing men, but the great difficulty has been in keeping men out. I know of a dozen instances in which the department has examined applicants, has certified to their efficiency, has induced them to leave their customary work and abandon their ordinary offices, and yet has kept them there in a state of uncertainty and suspense until it has become intolerable.

I do not know enough about this subject to propose an amendment, but I simply want to record my opinion that you are about to do a very great injustice to a very honorable profession, and that the result will not be for the good of the service but will be a distinct impairment of the service.

Mr. SWANSON. As I understand, this proposition or change has been agreed to by the Dental Association. I am satisfied that it gives them entire relief and justice to transfer them with their grade and rank; that the word "seniority" as included in there, from my investigation, would enable people to wait until after this war is over, and then apply for their transfer to the Dental Corps, and then get seniority over men who served for a year or six months. If that is cut out, it will induce them to promptly apply for the transfer, as directed in this act. If it does not accomplish that, I am fully in accord with the Senator, and will see that no injustice is done to any of these dental surgeons.

The PRESIDING OFFICER (Mr. HENDERSON in the chair). The question is on agreeing to the amendment of the committee as amended, found on pages 14, 15, 16, 17, and 18.

The amendment as amended was agreed to.

Mr. SWANSON. Mr. President, there was another amendment passed over in connection with the appropriation of $25,000 for the nautical school of the State of Washington.

Mr. TILLMAN. To reimburse the State of Washington.

Mr. SWANSON. It was thought possibly they had not spent it, but that it was simply to equip the school to measure up to the statute. The Senator from Washington has an amendment to propose.

Mr. JONES of Washington. Yes; I have an amendment that I shall propose.

Mr. SWANSON. What amendment is it?

Mr. JONES of Washington. The one I submitted to the Senator a while ago.

Mr. SWANSON. That is all right. Just read it to the Senate.

Mr. JONES of Washington. I will send it to the desk, and the Secretary can read it. I suppose we will have to reconsider the action on the committee amendment.

Mr. SWANSON. I move that the vote whereby the committee amendment was agreed to be reconsidered.

The PRESIDING OFFICER. Without objection, it will be reconsidered. The Senator from Washington offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 8, in the committee amendment, on line 17, before the words "the State," it is proposed to insert the words "to aid," so that it will read:

To aid the State of Washington, $25,000.

Mr. SWANSON. I accept the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. On line 17, after the word "incurred," it is proposed to insert the word "and."

Mr. SWANSON. I accept that.

The amendment was agreed to.

The SECRETARY. On the same page, line 18, after the word "schools," it is proposed to insert "or nautical branches thereof."

The amendment was agreed to.

Mr. SWANSON. Mr. President, I desire to offer this amendment at the end of the bill. It was eliminated at an earlier part of the bill:

All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

The House had a provision of that kind, but it was in the earlier part of the bill, and possibly applied to a paragraph and not to the entire bill; so I offer that amendment at the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the bill, on page 101, after line 6, it is proposed to insert:

All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will ask the chairman of the committee if all the committee amendments have been acted on?

Mr. SWANSON. All the committee amendments have been disposed of.

Mr. GALLINGER. I desire to offer an amendment. On page 99, commencing on line 15, I move to strike out the language going down to line 4, on page 100; and before doing so I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hale	McNary	Smith, Mich.
Calder	Harding	Nelson	Smith, S. C.
Chamberlain	Hardwick	New	Smoot
Culberson	Henderson	Nugent	Sutherland
Cummins	Hollis	Overman	Swanson
Curtis	Johnson, Cal.	Page	Thomas
Dillingham	Johnson, S. Dak.	Pittman	Thompson
Fall	Jones, Wash.	Poindexter	Tillman
Fernald	Kendrick	Ransdell	Townsend
Fletcher	Kenyon	Reed	Trammell
France	King	Saulsbury	Vardaman
Gallinger	Lewis	Shafroth	Wadsworth
Goff	Lodge	Sheppard	Walsh
Gronna	McCumber	Shields	Wilfley
Gulon	McKellar	Smith, Md.	Wolcott

The PRESIDING OFFICER. Fifty-nine Senators have answered to the roll call. There is a quorum present.

Mr. GALLINGER. I will ask the Secretary to read the language in the bill that my amendment proposes to strike out.

The PRESIDING OFFICER. The Secretary will read it.

The SECRETARY. On page 99, beginning at line 15, strike out the following words:

That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. GALLINGER. Mr. President, no Member of this body is more anxious than I am to have this session come to a close at as early a day as the public interests will justify. For that reason and for the reason that I have discussed this same proposition several times before I am not going to occupy much time in calling attention to what I think is a very unfortunate proposition in the bill; that is, the insertion of the language that I have moved to strike out and which has just been read from the desk.

I apprehend that the stock arguments that have heretofore been used that great outrages are being committed upon the workingmen where the efficiency system is used in manufacturing concerns will be repeated to-day. Indeed, I shall be surprised if the term "industrial serfdom," which has been uttered from high places in this country, will not be applied to the workingmen unless this provision remains in the bill.

"Industrial serfdom," Mr. President, does not appeal to me when no such condition exists in our country. It does not appeal to me from the circumstance that in almost all the large manufacturing establishments in the United States controlled by individual initiative and individual or corporate capital this system is in operation, and no complaint has reached my ears from the men who are employed in those establishments that they are being unduly dealt with or that anything unfair is being imposed upon them.

During the last week I have received a great many telegrams and letters from manufacturers and business men, men not only from my own State but from other States as well, expressing the hope that notwithstanding the effort to strike this provision from former bills had failed in this war time and in view of the emergency that exists to have the highest efficiency in our manufacturing establishments, whether they are private establishments or Government establishments, the provision would be stricken from the bill.

Mr. President, we are constantly hearing the word "efficiency." We are hearing tributes paid to Germany because of her efficiency, and the fact is recorded that the great progress she has made in the unfortunate war in which we are engaged, and which she has forced upon the world, is largely due to efficiency in her manufactures and in all things connected with the war. Yet in the midst of this great war, when we are appropriating a billion and three-quarters of money for our Navy to strengthen and fortify it, and make it more formidable, a provision is deliberately inserted in the bill that efficiency shall be thrown to the winds, and that the standard of work shall not be based upon the most efficient man but upon the least efficient man, because that is exactly what this means.

I hope, Mr. President, that Senators will give pause to the necessities of the hour, and whatever their predilections may have been or their previous views on this subject may have been that in this hour of our peril, in this hour of our dire necessity, we will not appropriate such an enormous sum of money to be used in our navy yards and our arsenals and in the construction of our ships and then deliberately put in the bill a provision that efficiency shall be discarded and that the laboring men will be permitted to work pretty much as they please, as it has been asserted they have been doing in some of the Government establishments during the past few months.

Mr. President, a much more eloquent speech than I could make on this subject is found in the last issue of the Scientific American of date May 18, 1918, and I am going to request that it be read from the desk. I hope every Senator who feels the least interest in this matter will listen attentively to what this great newspaper has to say on this subject and will give it the consideration that its importance demands.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The Secretary will read the communication.

The Secretary read as follows:

[From the Scientific American.]

RESTRICTION OF EFFICIENCY BY ORDER OF CONGRESS.

With characteristic inconsistency, our Congress, having recently instituted a search for inefficiency in the construction of the emergency fleet, and about to search for inefficiency in the manufacture of airplanes and Browning guns, is at the same time considering a proviso of the naval appropriation bill which will prohibit the use of efficiency methods in work for the Navy and will prevent the payment of bonuses to workers in Government factories. The situation would be amusing were it not so serious. That such a proviso should be considered for a moment is inconceivable; that it should actually have been adopted by the House passes understanding.

Who had the temerity to introduce this proviso into the naval appropriation bill? How was it that Representatives from all parts of this land could have agreed to such a measure? Was it fear of the I. W. W.? Did they really fail to recognize the fine hand of the Hun in inserting this subtle clause which would hamper the work in our construction yards?

The only possible excuse for such a stupid bit of legislation is that of ignorance. Apparently Congressmen are not up to date. They are still imbued with the idea that efficiency is a scheme for robbing the American laborer of his liberty. They do not realize that the industrial engineer of to-day is a very different man from the blundering pioneers of yesterday. It is now well recognized that efficiency which does not concern itself with the welfare and interests of the workman is not efficiency. The industrial engineer of to-day is a coach, much like the coach of our athletic teams, whose duty it is to show men how to improve their work, with the result that the output is of superior quality and quantity; and in this superiority the workman himself shares.

We hear much these days of German efficiency without realizing that it was introduced into Germany from America, and there is found a fertile field. England, where opposition to efficiency was strenuous before the war, now recognizes that the study of improvement in manufacturing methods is absolutely essential to the winning of the war. We are engaged in a death struggle. We can not for a moment countenance any measure which will hamper our output at this critical period. American laborers are beginning to understand the benefits of efficiency methods and the purpose behind them. A campaign of education is being conducted among the workers in our shipyards, and they are coming to realize that their work is just as much a part of this war as that of their sons fighting in the trenches. It is high time that a similar campaign of education was instituted among Congressmen.

Mr. GALLINGER. Mr. President, I might ask to have inserted in the RECORD similar declarations from some of the great newspapers of the country; but I will not do so. I will content myself by saying that I sincerely hope the motion I have made will be agreed to, and that we will not do anything to hinder the most efficient methods that can be properly employed to facilitate the work in the navy yards of the country at this critical period when the winning of the war is paramount in the minds of all true Americans.

Mr. THOMAS. Mr. President, it is very seldom that I am in accord with the senior Senator from New Hampshire [Mr. GALLINGER], and therefore I am glad to say a word in support of his motion at this time, the substance of which I have invariably supported during the short period of my service in this body.

Mr. President, there is nothing which, in my judgment, has been essential to the welfare of labor that I have not advocated sincerely since the labor question became an acute one in

our industrial and social life. That it has needed much in the way of legislation and protection no man will deny. That, however, is more true in times past than it has been in more recent years when labor has become strong enough and public opinion educated far enough to enable these ends to be achieved by the progress of events.

I have, on the other hand, steadfastly opposed those demands of labor which, in my judgment, were unjust and unfair and which would ultimately react upon instead of promoting the cause it was designed to assist.

I think it was in 1913 that this provision first appeared in the Army bill of that year. Since that time it seems to have been accepted as a matter of course in both these great measures whenever they have come before the Congress for consideration. Some one then ventured the prediction that once this method of legislation received the approval of Congress it would be cited and invoked as a precedent for its repetition for all time to come, and that seems to have been one of the few predictions made here which has thus far been verified by succeeding events.

At the time this matter was first discussed upon the floor I was in receipt of many letters and one or two petitions from men working in the Government establishments protesting against the insertion of the provision, and giving as their reasons that they were not only satisfied with the policies which controlled and operated these institutions, but that they were enabled to earn added money, additional compensation, largely through piecework, and upon the assumption that their right to continue that class of work would not be interfered with many of them had purchased little homes upon the installment plan and were dependent upon their extra earnings to meet the installments as they should fall due, and that if they were interfered with by such legislation it would be extremely difficult for them to comply with the requirements of their contracts, and many of them would probably lose their homes because of the consequent default. That appealed to me.

I then felt, and I now believe, Mr. President, that this legislation is not desired by the large body of the men whom it will affect. It may be that at present it will be not so onerous as heretofore because of the widespread demand for labor and because also of the wages which labor commands, but independently of that no man can successfully assail the proposition that this is class legislation. It is class legislation of the most obnoxious character at this particular time. Those of us who profess allegiance to democratic principles and who therefore are or should be opposed to class legislation are, however, quite as responsible as those who do not so believe for crystallizing it into the legislation of the country, not because the principle is not obvious, but largely because of the pressure brought to bear upon them as representatives of the American people.

The article read from the Scientific American assigns our action in this regard to ignorance. That, Mr. President, is wrong. Every man who has voted for and who will continue to vote for this provision can not seek the shelter of ignorance, because if that were so I do not think he would be qualified to represent a constituency in this body or in the one at the other end of the Capitol.

Let us be perfectly frank with regard to the causes of legislation of this character. We all know the reason for class legislation, whether for labor or capital, and this is only one illustration. We do it largely because we are afraid of the political power which stands behind it, and which directly or indirectly threatens the political future of the men who oppose it. We do it as Democrats because we want the labor vote or some other body of votes, and you do it as Republicans because you want the labor vote or some other collective vote. That is the fact about it. It is not ignorance, but politics. Of course this is not a universal condition, there are exceptions.

Mr. President, this is not the only legislation, nor the only sort of class legislation, which is controlled and determined by political reasons. The custom is nowadays honored far more in the breach than in the observance; but that is the fundamental basis of this legislation and of class legislation whatever its character. My experience is, Mr. President, that if a public man will support what he believes in and oppose what he does not believe in——

Mr. TILLMAN. The people will stand by him.

Mr. THOMAS. I was going to say that the first to recognize his independence and appreciate it will be the great body of laboring men in the country. So, Mr. President, we are gaining nothing by this sort of legislation. I am speaking now purely upon the question of expediency, because in my judgment if a measure be fundamentally wrong then the man so believing should vote against it regardless of ultimate consequence. That is what he is sent here for, if I properly understand the attitude and the obligations of a Senator of the United States.

Mr. President, this legislation is bad enough in times of peace. In times like these it is criminal. It smacks of legislation in aid of the enemy, although those who support it do not so believe and do not so intend. We are said to have half a million men on the French front holding at present 35 miles of the line. Every man upon that front must receive, if we are to stand behind him as we must, 50 pounds of food, clothing, ammunition, and equipment per day, or 9 tons per year. If we are to have there an Army of a million men before the snow flies next November, as we have promised, that means that we must have 9,000,000 tons of shipping to be devoted to the sole purpose of supplying them with those things which are essential to their preservation. We are short on tonnage and the Government is building a great many ships. The program needs the time and the energies of every man in the shipyards. In addition, Mr. President, we must have artillery. We are producing it in distressingly small quantities. We must have airships, and a great many of them, of which so far our production is negligible. We must produce wheat and corn and oats and rye, and all the other necessities of life, not only for that Army and for our people but for the noncombatant population of our allies.

I undertake to say that we are confronted with the mightiest task that ever confronted any nation since the dawn of civilization, and we must therefore mobilize to the utmost extent every resource which this country may yield. We are fully capable of performing that task, Mr. President, if we go at it right, and then keep at it. We must increase our Navy, and the Naval Committee in its wisdom has reported a bill here carrying for that purpose one and three-quarter billion dollars, a most stupendous sum, but essential for the crisis which confronts us to maintain our dignity and preserve our independence as one of the free nations of the earth.

Yet that identical bill carries a provision which penalizes the representatives of the Government if they take steps which are designed to secure efficiency in production. Not only so, but the Government is forbidden to pay "premiums or bonus or cash reward to any employee, in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant." We have established an eight-hour day; we have provided for extra pay for overtime and double pay for work upon Sunday for the purpose of encouraging production. Yet the Government can not under this provision pay one of its employees a dollar in excess of his actual pay for an eight-hour day of labor except for suggestions regarding improvements in the operation of the plant.

In other words, this bill goes further than to prohibit the adoption of any rule which may make for efficiency on the part of the representatives of the Government. It penalizes the workman himself if he dares aspire to the earning of more money by the doing of extra work in this crisis except for suggestions regarding improvements in operation.

Mr. President, it is inconceivable to me how a provision of this kind can at this time receive the support of any citizen of the United States in or out of Congress who will give the subject one moment's serious reflection. This is the time when every energy should be mobilized for the benefit of the Republic. This is the time when the white man and the black man, the Jew and the gentile, the native-born citizen and the naturalized citizen should, forgetting everything else, bend his energies, and all of them, to the winning of this war.

Let me say, Mr. President, the combined and collective forces of the Republic may all be required before we can see victory in sight and feel that the world is saved and made secure for modern civilization.

Therefore, Mr. President, without taking the time of the Senate any longer, I join in the protest against the appearance of this clause, and earnestly join the hope expressed by the venerable Senator from New Hampshire that his motion may be sustained.

Mr. CALDER. Mr. President, I want to add my voice to what the Senator from Colorado [Mr. THOMAS] has said.

There may be some excuse, although I could never see any, for legislation of this character when our country is at peace with all the world; but when we are asking so many of our young men to leave our shores to fight for our country overseas, and asking them to devote to its service not 8 hours but 24 hours a day, for a compensation of $30 a month, it seems to me that no one should do the slightest thing to retard the greatest possible efficiency in the Government plants here on this side of the ocean.

It was my privilege, Mr. President, last Saturday to be present at Shooters Island, N. Y., and to see two Government ves-

sels launched—one for the Fleet Corporation and one for the Navy. The opportunity was afforded me of saying a few words to the 6,000 workingmen gathered there. I presented to them the thought that they were supplying ships to carry the materials necessary to their brothers across the sea to win this war. I told them that I was in favor of giving every man engaged in Government work the highest wage to which he was entitled, and asked those assembled if they did not believe it was their duty in these days to give the best that they had to the Government. When I requested those who agreed with me to raise their hands every man responded and a cheer went forth that could be heard a mile away. Mr. President, I doubt very much if the workingmen in this country engaged in Government work in these days desire any such provision as that proposed in the pending bill.

I am in receipt of hundreds of communications opposing this provision, and have resolutions adopted by nearly every chamber of commerce and board of trade in the State of New York, urging its defeat. In my opinion the adoption of this provision will do much to discourage the country's workmen from doing their best in these war times. When the patriotic people of the country are being asked to buy liberty bonds, when our men and women are this week raising $100,000,000 for the Red Cross fund, it is indeed a very serious question for this Nation when Congress will enact legislation forbidding efficient management of the country's workshops.

I am sure that in these war days the vast majority of the men employed in our navy yards and arsenals have no desire for legislation of this character.

Mr. TILLMAN. Mr. President, as chairman of the Committee on Naval Affairs, I reported this bill and was supposed to indorse everything in it. I do not, however, indorse the whole of this item. If some Senator will propose to separate it, I shall be glad to vote to retain the prohibition against the use of the stop watch and against the prohibition of the bonus system. No free man ought to be subjected to such an indignity as is involved in the use of the stop watch. It is for slaves; it is not for free white men.

I am, however, heartily in favor of paying a bonus or a cash reward for good work. Why shall we not do that? The Navy needs the ships, and we can get more ships by encouraging our workmen than we are getting by the stop-watch device. If the Senator from New Hampshire will divide his motion to strike out the whole provision and move to strike out the stop-watch provision, I shall vote for doing so with a great deal of pleasure; but I can not vote for striking out the provision for the bonuses.

Mr. GALLINGER. Mr. President, I will ask the Senator from South Carolina if he knows of an industrial establishment where they actually use the stop watch?

Mr. TILLMAN. I do not. I do not think any of those things are used in the South.

Mr. GALLINGER. It is a very convenient thing——

Mr. TILLMAN. It was nothing but pure cowardice that put it in the bill. It has been in three or four laws for three or four years. I may have voted for it at some time in the past, but then I have not been myself.

Mr. GALLINGER. It really prejudices the case against the provision by putting the words "stop watch" in it. I am not responsible for that.

Mr. TOWNSEND. Mr. President, I am heartily in favor of the amendment which has been offered by the senior Senator from New Hampshire [Mr. GALLINGER] striking from the bill the antiefficiency provision. I have opposed this sort of provision in times past. I was strongly in opposition to it after I had heard much testimony and listened to arguments on both sides of the question. The term "stop watch," which has been mentioned by the Senator from South Carolina [Mr. TILLMAN], however, as used in the pending bill is not a relic of barbarism nor is it employed to take from any workman any proper right which belongs to him. That word is used by the enemies of efficiency legislation to make the provision obnoxious. It has got into the legislation for this reason and in this way: For a great many years there has been an honest, intelligent effort made to conserve labor and to make it efficient by preventing unnecessary effort and making necessary effort greatly effective. Efficiency is an essential to the proper education of every boy and girl. It was thought that if a fair day's work for the average man could be determined—not for the most expert and the most efficient, but for the average man—that that day's work could be used as the basis of pay for other men of all classes who wished to strive for it. According to the testimony that was submitted to the Committee on Appropriations some three or four years ago this method was adopted in the Watertown Arsenal. The way the stop watch was used was this: An ordinary man, an average man, was selected from among the employees, one who was fairly familiar, as familiar, perhaps, as anyone with the work that was to be asked of him, and was set at a particular task, and while he was at work he was timed by the watch. Every display of energy, every minute of time was observed and registered. It was not compulsory work, but the watch was held on him for the purpose of determining how long it took him to perform a certain task and every stage of it. After he had performed that task and it had been repeated by two or three other average men, so that it was determined about how much time it took to perform it, then that amount of time was enlarged 75 per cent; that is, if it took him an hour, they gave any other man an hour and three-quarters. They even enlarged that to some extent, and then said to their men, "If you can perform this task in one and three-quarter hours"—or whatever time was fixed—"you shall receive a bonus in addition to what you received before." It was an encouragement to men to help themselves and their employer, the Government.

The only argument that I have ever heard that was worth considering in opposition to this plan is that it might possibly induce men to work harder than they ought to work; that men, anxious to obtain the additional compensation offered, might imperil their health or injure themselves by putting forth this extra effort; but there is no argument that can stand the light of logic against paying a man who does extra work extra compensation. In this stressful time of emergency I am not so much disturbed over the possibility that men may work too hard as I am that they will work too little. More evil comes from idleness and slacking than from overwork.

It was discovered in the Watertown Arsenal that through this efficiency system production was increased more than 25 per cent, and the men were happy and prosperous. Outside influences sought to disturb it. Leaders of organized labor in some parts of the country tried to create dissatisfaction among the men in that arsenal with what was being done there. The men themselves were called before their overseers and asked if they were dissatisfied, if they were being injured, if anything occurred under this method that was unsatisfactory to them, and there were only two men out of the whole lot who made any complaint. It is doubtful if any proposition of management could have been presented to these men that would have had as few protestants as this one had. Every man who was interviewed privately said, "I am satisfied." But after the matter had been sufficiently agitated outside, a sort of round robin was circulated among the men and, as I believe, coercively presented, protesting against this efficiency service. That is the way the matter finally reached the department.

Mr. President, I am satisfied, as stated by the junior Senator from New York [Mr. CALDER], that the men themselves want this provision. It gives them an opportunity to earn more money. It presents an opportunity at this time to demonstrate their patriotism.

Mr. TILLMAN. Does the Senator refer to the bonuses?

Mr. TOWNSEND. I refer to the bonuses. The men want them; they want efficient methods established whereby they can obtain them. That is the only way they can obtain them. You have got to first fix the day's work; you have got to establish the standard, and for that purpose alone the watch is used; and so long as it is not lengthened beyond reason or beyond the possible legitimate objection of anyone who finds fault with it, it is certainly a proper method for the Government to employ. If evils develop, Congress will hasten to correct them.

In this time of emergency, when every patriot is called upon to sacrifice and to do for his country, it ill becomes Congress even to offer the suggestion to labor that it is not to put forth its best efforts. It is no argument to say that there are a lot of rich slackers in the country, and there are plenty of the capitalistic order. I am not excusing them. Every man ought to put forth his best efforts in this struggle. The fact is that one or two or three million of our boys have been and will be called into the Army to work, not 8 hours a day, but 24 hours, it may be, in the service of their country. Out here at Camp Washington—I think it is called Camp Washington—out at the American University, I saw some 1,200 or 1,300 young men in the drill an evening or so ago. I was told by the major in command that two-thirds of those boys were college graduates, and that about one-half of them had given up positions paying $5,000 a year or more to accept the job of a common soldier at $30 a month. I saw those men building roads—they are engineers—shoveling road material, digging road trenches, working not eight hours a day, but working whatever time it is necessary to complete the task. It is a crime against the soldier, whose very existence is at stake in Europe at this time, to lessen the preparation in the

United States. The extra cost of everything, the profits which are unduly reaped, lessen the amount of our preparation and increase the danger to our boys abroad.

Mr. President, Senators may consult the emergencies of politics and think that possibly it will be a mistaken political policy to allow the Government to get what is only its right and what the men themselves want in this matter or preparation; but as for myself, sir, I oppose this, as I did other similar provisions in times of peace, as un-American, unpatriotic, and unwise. The old arguments now come to me with greatly increased force against any antiefficiency measure in this or any other bill connected with our war preparations. Let us forget our personal political fortunes and try to keep constantly in mind the welfare of our country. I sincerely trust that the amendment of the Senator from New Hampshire will prevail.

Mr. HOLLIS. Mr. President, the policy of the United States and of the United States Government has become well settled in regard to what we now have under consideration. It was voted several years ago to prohibit the stop-watch system in our arsenals and in the Navy. That was done, not as the Senator from Colorado [Mr. THOMAS] charges, in order to get votes; I have not so poor an opinion of the Members of either House as to believe that; and it does not strengthen the argument at all when my distinguished friend turns around and tells you that you will get more votes if you vote the other way, because that is a bid for exactly the same sort of advantage to you. I might say parenthetically, as I have said once before and as I shall demonstrate before this session is over, that there is no one in this Chamber or out of it who cares less for labor votes than I do.

Now, the burden is on the other side to show that an exception is needed at this particular time. This is not an amendment put into the bill by the Committee on Naval Affairs; it is a part of the bill as it comes to us from the other House, following the precedents of the last few years.

Mr. TILLMAN. It has been in every naval appropriation bill for the last three or four years.

Mr. HOLLIS. So I understand.

Mr. THOMAS. It has been in bills of one kind or another since 1913.

Mr. HOLLIS. Yes, Mr. President, and our late friend from New Jersey, Senator Hughes, used to have the laboring oar when it was before the Senate.

I think we are all for efficiency, and if I believed it would make us more efficient for winning the war to strike this provision from the bill I would vote to do so, because I am as anxious to bring the war to a successful and speedy conclusion as anyone. I think my colleagues will concede that; but the worst way to attempt to bring efficiency is to disrupt the channels that have already been plowed out in which labor may move as a mass. It is true that we might be able to get more work for a few days or for a few weeks or even for a few months out of a certain man or out of a certain body of men if we should hold stop watches over them or induce them to superhuman effort by bonuses; that might be so; but the same argument might be brought forth in advocating the repeal of the eight-hour law. There is no doubt that if you should get men to work 10 hours a day next week they would turn out more work at the end of the week than they will by working 8 hours a day.

Mr. WADSWORTH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. HOLLIS. I yield.

Mr. WADSWORTH. Does the Senator think that we now offer a bonus for work in excess of eight hours by offering time and a half for that overtime work?

Mr. HOLLIS. No; that is not a bonus; that is part of the regular wage scale which goes to a man, not because he increases his hours of labor but because he is required to work more than we have decided is a fair day's work.

When a man is stimulated for any reason to work harder than he ought to work, as I believe the men in this Chamber have worked harder than they ought to during most of their lives, they begin to show it by breaking down and having their efficiency decreased instead of increased. If that were not so we would repeal the eight-hour law; we would repeal the child-labor law; we would repeal the workmen's compensation law; we would repeal all the great humane measures that have been built up after years of struggle and with so much difficulty.

Mr. GALLINGER. Mr. President, will my colleague yield?

The PRESIDING OFFICER. Does the junior Senator from New Hampshire yield to his colleague?

Mr. HOLLIS. I yield.

Mr. GALLINGER. I am somewhat surprised to have my colleague say that if we compelled a man to work 10 hours a day instead of 8 hours, the result would be more satisfactory to the employer. It has been constantly argued here and elsewhere by laboring men as well as by legislators that during a day of 8 hours actually more work was performed than in a day of 10-hours; that has been the stock argument always. Does the Senator really take the opposite view? Has he thought it out and does he believe we would get more work by requiring 10 hours labor instead of 8?

Mr. HOLLIS. My distinguished colleague evidently misunderstood what I said, or, rather, I was not permitted to finish what I was trying to say. I say we would get more work out of a man to-morrow if he works 10 hours a day than if he works 8 hours; we would get more work out of him next week if he works 10 hours a day than if he works 8 hours a day; but there will come a time when we would get actually less work out of a man by working him 10 hours a day than by working him 8 hours, because he will be a tired man and will be unable to give his best qualities to his task.

Mr. HARDING. Mr. President——

Mr. HOLLIS. I yield to the Senator from Ohio.

Mr. HARDING. I should like to ask if the Senator from New Hampshire would favor putting an amendment in this bill or any other bill prohibiting any man from working more than eight hours a day under the excess-time pay provision?

Mr. HOLLIS. No; I should not, because that is what we have worked out as the result of experience as the settled policy of this Government.

England became a little hysterical on this question at the outset of the war and undertook to do away with the limitation of the hours of labor and the other conditions that had been imposed upon labor, not, however, because labor asked it, but which had been imposed upon labor to give in the long run greater efficiency. England, however, very soon had to reverse that policy, because when men are put at top speed they do not run a long race. The mile runner who undertakes to run the first hundred yards of his mile in 11 or 12 or even 15 seconds will not get to the milepost as quickly as the man who starts out at a 1:10 per quarter gait and keeps it up until the very finish.

If we had an unlimited supply of labor and could put in fresh men, as is done in battle, to fill up the gaps, as fast as one man falls at his machine put in another, we would get more work, we would get more efficiency, but we would come to the end of our man power; we would stop before the race is half run; and sit down with throbbing hearts and with no air to carry us through. That has been tried.

The distinguished Senator from Colorado says that there are men who want to work under a stop watch; that there are men who want to work for bonuses; that there are men who want to work a little more than the average man in order to pay for their little homes. That is perfectly true; and the people who opposed the eight-hour law most vigorously, the people who opposed the child-labor law most vigorously, were the people who wanted to work their children long hours, so that they could take their pitiful little wages to secure homes or other comforts. [Manifestations of applause in the galleries.]

It is not an easy question. Here is a widow left with four or five children, and she has hard work to sustain them, but the law steps in and says that none of those children shall work in a mill until he is 12 or 14 years old. That is a hard case; it is hard on that widow; but we as legislators of the United States say that those little children shall not be worked until they are 12 or 14 years old. Why do we do it? We do not do it for the widow; we do not do it primarily for the children; we do it for the good of our country as a whole, for the good of the race; and that is the reason why we provide public schools and other benefits for people in general, so that the race will be uplifted.

I do not consider this a hard-and-fast proposition. There are arguments that can be made on both sides of it; but when it is charged in a magazine like the Scientific American, devoted to the interests of the capitalistic class, owned by capitalists who are always watching for the chance to instill a little poison and a little fear in some man's mind—when it is charged by them that this is a device of pro-Germans to make the war less efficient, it is a ridiculous proposition, because this is not injected into legislation this year as a war measure. This is part of our well-settled policy that we adopted before the war; and the pro-German effort is the one that would inject something into this bill that will make labor dissatisfied and destroy the efficiency for which we have long struggled.

I have received a few letters and a few telegrams from a few manufacturers and a few chambers of commerce in my State asking me to vote to strike out this provision. I have also received a great number of telegrams and letters from labor unions and labor organizations asking me to vote the other way.

I do not know a workingman or a labor-union man who wants this provision stricken from the bill. There may be some; there may be a very strong, capable man, without a family, who is willing to work night and day at top speed for a while to get more money; but the great mass of the laboring people, the great mass of the laboring union people, the great mass of humanitarians generally, know that to undertake to work a man under a stop watch, to work him with the hope of getting a bonus, is going to be detrimental to the cause of labor and in the long run to the cause of this country.

It is because I believe that, and not because I care to get labor votes, that I express the hope that the amendment offered by my distinguished colleague, in perfect good faith, I have no doubt, may be defeated.

Mr. SWANSON. Mr. President, I hope the amendment offered by the Senator from New Hampshire [Mr. GALLINGER] will not prevail. The universal consensus of opinion is that the Navy has done splendidly in every direction; every department of the Navy has made a magnificent record; and in its professional zeal, its war energy, and in its construction work it has received universal commendation. Everyone feels that the Navy has been efficient and has performed its work successfully and well.

The request to eliminate this provision comes from no one in the Navy; it comes from no one I know of who has a contract with the Navy; it has been in the law ever since the 3d of March, 1915. This matter has been fought out in Congress every time the naval bill and other bills carrying this provision have come before the Senate and the House. The question was fought out in the House on this bill, and, I understand, by an overwhelming majority the House considered it wise to include this provision in the naval appropriation bill, as it has been included in that bill for the last three continuous years.

I am not going to enter into any discussion as to the relative merits or demerits of the Taylor system. Congress, after hearing all sides of the question, reached the conclusion that the Government ought to be a generous employer of labor, that the Government ought to set a model for other employers to follow in the treatment of their employees, and that the Government ought not to be a hard taskmaster. The time has come when the Government can not ask others to treat their employees, laboring people, generously, kindly, and to give them an opportunity to better their condition if the Government establishes a record as a hard taskmaster.

There has been no trouble with labor in the Navy. The Navy has had no strikes. Its work has been progressing satisfactorily to everyone and at a high rate of speed. This effort to demoralize the labor conditions that have prevailed in the Navy does not come from anybody, as I understand, connected with the Navy; and I ask the Senate not to experiment with the Navy at this time. If you want to make such experiments, do not do it at this time, with the prospect of making labor dissatisfied and of leading them to believe that the Government is a hard taskmaster. Do not try to produce dissatisfaction; do not try to disarrange what the Navy has been doing for the last two or three years most successfully.

I have a letter here from the Secretary of the Navy, addressed to Hon. N. J. GOULD, a Member of the House of Representatives, on this question, which I will read. It is dated April 24, 1918, and is as follows:

> MY DEAR CONGRESSMAN: Upon my return to the department from a speaking tour of the liberty loan I find your letter of April 15, 1918, in re the provision in the pending naval appropriation bill prohibiting time studies in manufacture.
>
> This provision is a continuation of one incorporated in the naval appropriation act approved March 3, 1915, and carried in all subsequent naval acts, and while its inclusion in the bill now pending was made without the recommendation of the department the department is not opposed to it, and, in fact, advocated it at the time the naval act of March 3, 1915, was under consideration.
>
> Its continuation from year to year has not operated to prevent satisfactory ascertainments by other means of the comparative efficiency of employees.
>
> Very sincerely, JOSEPHUS DANIELS.

Mr. President, the salaries of the employees of the Navy Department are fixed by law. Under the law they must pay the wages that are current in the community where they work. They have classifications that give efficiency. Those classifications and grades apply to metal workers, carpenters, ship riveters, and so on; and in this way they have enough grades to ascertain the efficiency, the relative merit or demerit of employees. Under these conditions, with everything working satisfactorily in the Navy Department, with this great construction program, with no labor troubles that have come to the Navy Department during the pendency of this war, it seems to me whatever other gentlemen's conclusions and theories may be at other times, it is not wise at this time to endeavor to disarrange this matter, knowing nothing about how the experiment will result; and I hope the provision will be retained in the bill.

Now, I should like to say something else.

I have information—I can not speak accurately about it, but I have been informed—that when the adjustment board for the Emergency Fleet Corporation rendered their decision in the labor controversies with regard to the Delaware River and the Baltimore shipyards on February 14, 1918, they incorporated in the subsequent contracts they made practically the provisions contained in this bill as it came from the House.

Mr. GALLINGER. Mr. President, how is that? That adjustment board could not legislate.

Mr. SWANSON. They could not legislate, but the contracts that were made, as I understood, included practically this provision. They thought it was the best way to get results, the best way to have peace and harmony, the best way to get ships. Now, I see no occasion of experimenting with the Navy; and whatever theories gentlemen may have, whatever may be their ideas, the Navy has been so efficient that I hope that any experiments they want to make in the future will be made at other times and not now.

Mr. GALLINGER. Mr. President, will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. SWANSON. I do.

Mr. GALLINGER. Outside of the Navy, has the Senator observed what Mr. Schwab is doing in facilitating the building of ships?

Mr. SWANSON. I understand that in the contracts he made with the employees under the decision of the board which adjusted the differences there they are to operate with a prohibition that is practically the same as that contained in this bill.

Mr. GALLINGER. I think the Senator is mistaken.

Mr. SWANSON. I can not speak accurately, but I have been informed that the adjustment board included that as section 3 in their contracts. I may be misinformed; I can not speak accurately; but we do know that the Navy has been constructing its work well, and that it has had no labor differences and troubles except of a slight character. Feeling as I do that the Navy may be our first and last line of defense in the great crisis of the present, I say it is no time to have theoretical experiments carried on with work which is being done well and being done satisfactorily.

Mr. HARDING. Mr. President, the Senator from Virginia is not absolutely correct in his statement of the arrangements made between the adjustment board and the shipbuilders. The policy of piecework production was assented to with assurances on the part of the Government adjusters that the records established by rapid workers would not be the standard of work, nor would wages be adjusted to individual records in the driving of rivets. The observation I wanted to make in that connection was that the argument of the Senator from Virginia does not hold, because the Government has demonstrated very clearly that it can adjust its differences with labor organizations and labor forces without any difficulty and without the necessity of Congress stepping in and making improvements in efficiency methods by the processes of legislation.

Mr. GALLINGER. I ask for the yeas and nays on the amendment.

Mr. WADSWORTH. Mr. President, I desire to say a few words on the motion made by the senior Senator from New Hampshire [Mr. GALLINGER].

The junior Senator from New Hampshire [Mr. HOLLIS] has said that this has become a policy of the Government. It may be that provisions of this sort have been included in the naval appropriation bills, and perhaps in some others, although my recollection is not accurate upon that point. Perhaps they have been in the Army appropriation bills. But if this is to be the policy of the Government I think the junior Senator from New Hampshire and the Senator from Virginia will confess that it should extend and apply to all plants doing work for the Government; and I doubt if the Senator from Virginia or the junior Senator from New Hampshire would seriously propose that every manufacturer in the United States now building guns for the United States Army, or guns for the United States Navy, or any of the vast quantity of supplies that those two branches of the service now require, should be placed upon any such basis as this. Were that to be done, the situation which prevails to-day and has prevailed for some years in the past would no longer exist; and I mean by that the recognized efficiency of private plants as compared to Government plants.

I shall not attempt to single out any particular Government plant and state that it is less efficient than a particular private

plant; but it is a fact, Senators, recognized by every manufacturer in the United States who has any knowledge of the situation, recognized by foremen and superintendents and by laboring men themselves, that, on the average, privately operated plants are more efficiently operated and produce more goods within a given time, with no more hardship upon the workmen, than are produced within a given time by a Government plant; and it is largely because the spirit of initiative and of experiment is smothered out in Government plants, as a rule, and there is no incentive, either on the part of the workingmen or of the foremen, or even of the officers in command, to develop time-saving devices in the way of mechanical operation.

It so happens that I have visited some of the private plants that are now making munitions for the Government, and have had an opportunity to see some of the things that a private manufacturer, with the help and cooperation of his own workmen, has been able to put into operation; and when I have been told about those things and have seen them, as I have, all this talk about hard taskmasters and slavery and driving to exhaustion does not appeal to me at all, because in practically every instance those improvements in operation are labor-saving in their character and are of benefit to the workingmen, and are so conceded by them.

For instance, we talk about "the stop watch or any time-measuring device." The term "stop watch" seems to be a bogey which is used here in discussions in the Senate, and seems to be placed in the same category as some medieval torturing machine. Now, what is the fact? I think I can give an illustration of it.

About a month ago I visited a plant doing work for the Government. Practically all the work is machine work, but in one process of the manufacture of a certain part of a machine gun some handwork has to be done upon that part; and a long bench was erected, and this particular part of the gun was coming from a machine, and carried to that table, and there some operatives performed some handwork on it. It is a very light and brief operation; but the piece of metal weighs quite a few pounds, and the superintendent of the factory and the foreman of that particular shop, with the hearty cooperation of the employees working at that bench, were contriving ways and means, by the building of grooves and little wooden tracks upon that working bench, to enable the operatives to slide that piece of metal along those grooves from one to another and back and forth across the table, and time was kept upon the operation. It had a double purpose, one of which was to save muscular effort; and the people employed were women, not men. The effort was to relieve the women from the necessity of lifting that piece of metal; and to accelerate the operation, of course, time must be kept upon the operation. Under this provision such a thing could not be done; it could not even be attempted. The foreman of the shop, the superintendent of the factory, were they working in a Government plant, could not draw any salary.

The proposal seems to me to be absurd. There is no hardship connected with it. It has nothing to do with child labor. It has nothing to do with the restriction of the hours of labor. It has no connection whatsoever with an eight-hour law or time and a half for overtime. The junior Senator from New Hampshire [Mr. HOLLIS] endeavors to draw parallels and fit them to this particular provision of the bill, which do not exist at all, in my humble judgment. He states that it should not be the policy of the Government to offer any bonus for any man to do a little more or a little better work; and yet he knows just as well as I do that the Government does authorize the offering of a bonus for overtime work—time and a half for overtime—and double pay for work on Sundays. It is authorized in the statutes of the United States; and what is that but a bonus?

The men do not have to do it. The men do not have to work on Sunday, but the Government authorizes Government contractors to offer that bonus. And has there been any great hardship as the result of the offering of that bonus? Do you find men in great numbers refusing to work more than eight hours? My observations have been, in a good many plants that are doing work for the Government, that the men want to work overtime and earn the bonus; and they have been doing it, not for a day only, not for a week only, as the Senator from New Hampshire suggests, but for a year, and there is no sign of fatigue or exhaustion. At the biggest munition plant in the United States one shift—and they work two shifts a day—works more than 11 hours a day five days a week. The men want to do it, and they earn a great, big bonus by it; and there is no suggestion from the Army inspectors—who inspect everything that comes out of that plant, who are familiar with the labor conditions existing in it, whose principal concern is to see that labor is contented—that there is exhaustion existing among those men. There is no contention that there is discontent among those men.

The Government authorizes this practice in its statutes; but this provision would prevent a naval officer or the superintendent of a naval arsenal from employing any time-measuring device in making a study of the job that a workman performs, a suggestion that would not be tolerated for a moment in private manufacture. I venture to say it is the existence of this kind of legislation upon the statute books that makes it possible for private plants to employ greater efficiency, not only among the workingmen, but by time-saving machinery, which is installed in private plants, on an average, six or eight years before it is ever heard of in the arsenal at Springfield, Mass.

I myself have seen machines operating in private munition plants, employing the efforts of only one man, that do six times the amount of work that is done by a similar machine in a Government arsenal employing the efforts of one man. It is because the private munition plant has been able from time to time to make experiments, and in making those experiments to use time-measuring devices in measuring the efforts that are necessary to be put forth by the workman and in measuring what can be saved in the way of effort by that same workman—it is by reason of that privilege, which private plants have, that they vastly excel, in many instances, in their efficiency anything that any Government machine shop has ever achieved.

It has been truly said that a provision of this sort should not be placed in a statute of this kind during the war. I myself do not think it should be placed upon the statute books in time of peace or war. It is a curious thing to hear some Senators say that they would not mind a provision of this kind in time of peace, but they do not want it in time of war, and to hear another Senator say that he would not mind cutting this out in time of peace, but he insists that it shall stay in in time of war. One argument destroys the other, and both are destroyed by any such course of reasoning.

I say the truth is, Senators, that this proposal was originally introduced in the Congress as part of a settled policy to limit production in industrial plants, with the hope that if the Government once established it as its policy it would eventually spread to private industries. In my humble judgment, it will never spread to private industries, because the workingmen in private industries do not want it. There is no question but that this thing will act as a brake upon any increase of the present-day efficiency of the Navy machine shops. It can have no other result.

It may be, as the Senator from Virginia has said, that the Navy has done exceedingly well. I grant him that. I am just as proud of it as he is; but I do not want to see anything placed upon the statute books which will even tend to prevent their growing more efficient.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. WADSWORTH. Certainly.

Mr. BORAH. The Senator gave an illustration a few moments ago of an attempt to secure a more efficient method of performing a certain piece of work in a shop which he visited some time ago, and he was of the opinion that if this provision went into the bill it would preclude such things as that being done. If I understood the Senator's description of the work which was being done, and the object and purpose of its being done, I do not think this would prohibit it. This provision says:

> That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work.

Now, the original evil, if we may call it an evil—and I think it was an evil—which this was intended to inhibit was where the parties secured a man of more than ordinary efficiency and capacity, and undertook to gauge the amount of work which he could do, and then to require everybody else in the shop to come up to that measurement; but it was never intended in its original purpose, in its introduction into the legislation of this country, to prevent such things as the Senator has been speaking of.

Mr. WADSWORTH. It may not have been the intention, but it most distinctly does it.

Mr. BORAH. The Senator said that the matter was originally introduced into legislation with a view of preventing an increase of output, greater production, and so forth.

Mr. WADSWORTH. That is my view of it.

Mr. BORAH. I do not think so, Mr. President. Several years ago, when I was chairman of the Committee on Education and Labor, I had occasion to go into the history of this legislation and the reason of it.

Now, whatever its virtues or its vices may be at this time, and whatever the necessities may be for ameliorating the situation or changing the situation because of the war conditions which prevail, that is one thing; but the original proposition was brought into legislation by reason of the doing of precisely what I say. They would take a man of extraordinary efficiency and capacity and they would measure his ability to perform a piece of work within a specified time, and they would require all other men to come up to that standard in order to get the same pay.

Mr. WADSWORTH. Will the Senator from Idaho say in what shop or in what naval shop that was ever attempted?

Mr. BORAH. I can not say offhand now.

Mr. WADSWORTH. I ask that question because it seems to me that any shop superintendent or any head of a naval industrial plant who would attempt such a thing is a fit candidate for a lunacy asylum.

Mr. BORAH. I thought so, too, and that is the reason why I was in favor of the legislation.

Mr. WADSWORTH. I am wondering, therefore, if it really occurred. I never have had it identified.

Mr. BORAH. There is a report upon file, if I can get it—and I think I can—which will throw some light upon this matter. The entire history of the matter is revealed in that report, and I know that that is the presentation of it which was made in its inception as a basis for this legislation.

Mr. WADSWORTH. I have never yet, Mr. President, found the basis for that presentation. I venture to say that no such thing was ever done in a naval plant.

Mr. BORAH. Mr. President, of course the Senator says that he has no personal knowledge of the doing of such things. In that respect I am on an equal basis with the Senator. I have no personal knowledge of it. The only knowledge which I have was that which was brought to the attention of a committee which was investigating the matter, and such information as I have reason to believe was correct information; and I still believe that that was the origin of the trouble.

Mr. GALLINGER. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. GALLINGER. I assume that the Senator did not hear the statement made by the junior Senator from Michigan [Mr. TOWNSEND]. The junior Senator from Michigan called the attention of the Senate to the fact that this device was first used in the Watertown Arsenal, and that when the greatest efficiency had been developed so far as one workman was concerned, then the other workmen were allowed three-fourths longer time than the very efficient man used to secure a given result. That is, if he did it in an hour, if another man did it in an hour and three-quarters he was considered efficient. That was the statement of the Senator from Michigan.

Mr. BORAH. Mr. President, I have just been discussing that matter with the Senator from Michigan in private conversation. Permit me to say that that was one of the ameliorations of this rule which came about by reason of discussion and agitation. The original proposition, in my judgment, was just as I have stated it. When it came to be more thoroughly discussed, and when the matter came more thoroughly to public knowledge, certain modifications of the original rule in its most drastic form were adopted.

For instance, they say now that they take an average man. Well, who knows anything about an average man until you have a measurement somewhere of the highest and the lowest man? That is an amelioration which came into it by reason of having first secured the amount of work that the best man could do, and then they undertook to average between that and their lowest man. I have no doubt but that some of those modifications have been made; but I do not believe that the history of this legislation will show that that was the origin of the legislation. I think it was by reason of a real evil which needed correction. Now, I do not in these times want to stand in the way of efficiency—indeed, at no time—but the principle of the stop-watch system as it was originally and as it will come to be if not modified by legislation is that kind of brutal efficiency which smacks of a leaf from "Kultur."

Mr. UNDERWOOD. Mr. President, this question has been with us for a good many years. For a long time I voted against the proposition. Then it seemed to be the fixed determination of Congress to put it in the bills, and I accepted it as a part of the legislative system. I would not say anything at this time; I would go along and accept the conclusion that has been reached heretofore, and that probably will be reached to-day, in reference to that matter, if we were not involved in war.

So far as my record is concerned, I want to have my record stand for sacrifice at home as well as sacrifice on the fields of France. I am not willing to vote for men to go to the battle fields of France and give their lives for their flag and their country and then say, so far as my record is concerned, that I am not willing to drive men to efficiency in accomplishing results at home that must win this war.

I do not care what criticism may be made of my course, as to whether a man may say that I stand for labor or that I stand against labor. I think this question of putting labor continually, in the passage of these bills, between the accomplishment of efficiency and the accomplishment of victory for our country is the greatest libel and the greatest slander that has ever been laid at the door of American labor. There may be some overzealous representative of the interests of labor who thinks that he must stand at the door and ring the bell whenever labor is called on to make a sacrifice trying to prevent the sacrifice. So far as I am concerned, I believe the great body of American labor is just as willing to make its sacrifice for the purpose of this war as any other class of citizens in the United States.

The Secretary of the Navy says he does not oppose the injection of this provision into the bill, but he gives a very significant reason as to why he does not oppose it. It has been said here on the floor that the Navy has been most efficient in this war, most capable of doing its part, and I am willing to accept the verdict and to say that that is true. Well may America be proud of its Navy and proud of the results obtained. But this letter throws some light on the accomplishment of that result. What does the Secretary say? He says:

This provision—

Referring to this efficiency provision that is carried in the bill—

This provision is a continuation of one incorporated in the naval appropriation act approved March 3, 1915, and carried in all subsequent naval acts; and while its inclusion in the bill now pending was made without the recommendation of the department, the department is not opposed to it and, in fact, advocated it at the time the naval act of March 3, 1915, was under consideration.

Now listen:

Its continuation from year to year has not operated to prevent satisfactory ascertainment by other means of the comparative efficiency of employees.

In other words, if Congress desires to play politics, if Congress desires to pretend that it stands on the side of labor and wants to cut out the efficiency machinery by the incorporation of this particular provision in this particular bill, the Secretary of the Navy says "All right, go to it; if that suits you it suits me; but understand, gentlemen, it does not prevent me from adopting another system by which I obtain the same result, and I am obtaining the same result, and propose to continue to do so." So we have reached and found out the reason why the Navy is efficient.

Mr. HOLLIS. Mr. President——

Mr. UNDERWOOD. I yield to the Senator.

Mr. HOLLIS. If it is true that the Secretary of the Navy is satisfied with present conditions and that all concerned are satisfied, why does the Senator desire to impose upon the Navy or the employees a system which is obnoxious, for some reason, to very many?

Mr. UNDERWOOD. I say to the Senator candidly I really do not desire to impose it on them. I realize that this is a mere camouflage, that this is a mere political play on the surface; but, thank God, the Secretary of the Navy is not performing it.

Mr. HARDING. Mr. President——

Mr. UNDERWOOD. I yield to the Senator.

Mr. HARDING. I want to direct the attention of the Senator from Alabama, and at the same time of the Senator from New Hampshire, to the fact that the elimination of this clause from the bill does not impose anything on the Secretary of the Navy, but leaves him free to administer it according to his own sense of justice.

Mr. UNDERWOOD. Surely. I was coming to that very statement, if we do eliminate it from the bill. There is nothing in the bill to require the Secretary of the Navy to enforce this provision, and, as he has already stated, he has other satisfactory methods, and there is no reason to believe that he would observe it.

Mr. TILLMAN. It does not cripple him in the least.

Mr. UNDERWOOD. No. I want to say to the Senator from New Hampshire, as far as I am concerned, if the question had not arisen I would not have said anything, because I think the

Secretary of the Navy is working at efficiency in a capable way. He is not putting all men on the same basis. He recognizes that one man can do better work than another man and that he who does the best work and accomplishes the most for the Government is entitled to the most pay. He does that by classification. He does it in his own way.

I do not regard the clause as material as to the result to the Government, but I do not want any misunderstanding as to my own position in the matter, and that is the only reason why I am speaking. I do not want anybody hereafter to say that I let this bill go through when my country was at war, when every ounce of manhood either on the battle field or in the shops and factories is required for my Nation's good, for my country's salvation, and that I am going to vote for a provision or countenance a provision which does not require every man to do his full part in this hour of peril.

That is all I want to say about it, except that I want to say to the Senate I had a letter a day or two ago from a young officer on the battle fields of France, and a clause in that letter said:

> The other morning just at daybreak I came into a front trench, and I saw one of our boys lying there, the rain pouring down on him, lying in the mud, the slime, the dirt, and the blood, with his rifle pointed at the German trenches watching for German snipers. He had probably laid there for three or four hours without moving for his country's cause.

And this officer said:

> I can not understand when all these men are making this sacrifice how our people at home can consent to labor strikes in the shipyards when we need ships so vitally to win the war.

That is the whole story. When those boys are making the sacrifice can you and I maintain our own self-respect if we are not willing to drive the engine of production at home to its utmost capacity?

Mr. HOLLIS. Mr. President, I hope the distinguished Senator from Alabama will answer that gallant officer that every Member of the House and every Member of the Senate agrees heartily with him, that every effort should be made to put efficiency into this war, but that to undertake to prevent strikes by statute would, in the opinion of the majority of Congress, do more harm than good, that to undertake to interfere with the well-established labor policies of the United States Government would be very likely to disrupt labor, so that there would be less efficiency in the Navy and in the arsenals than there is now. If I believed that to prevent strikes by legislation would tend to more efficiency in this war, if I believed that the striking of this provision out of the naval appropriation bill would create more efficiency for winning this war, I would vote gladly for both. But honest men, intelligent men, disagree as to what will make labor more efficient for the war, and, in the vote that we are about to take I hope each will decide how he stands on the question as to what will be most efficient.

Mr. BORAH. I understood the Senator from South Carolina [Mr. TILLMAN] to say that this would not handicap the Navy Department.

Mr. TILLMAN. I say it would not.

Mr. BORAH. If it makes no difference one way or the other as to the efficiency of the department, what is there to this debate?

Mr. TILLMAN. Nothing except camouflage that I know.

Mr. BORAH. If that is all there is, why did the Senator permit his committee to bring this camouflage in here?

Mr. TILLMAN. I was called home. I was on the subcommittee which considered the bill. I did not agree to this provision, but I do not want to go back on my committee.

Mr. BORAH. I was somewhat at a loss to understand it, and that is the reason I asked about it. If the Secretary of the Navy is of opinion that it makes no difference one way or the other, so far as I am concerned I see no reason for continuing the discussion; but I had supposed it was a matter of some vital concern, in view of the fact that one of the first committees of this body had brought in the bill in this shape.

I simply want to say in reference to the original proposition which I suggested a few moments ago, in answer to the Senator from New York, if the Senator from New York will recur to a brochure written upon this matter by Mr. Taylor, the author of the system, he will find that I stated quite accurately the test that was first applied in order to bring about this efficiency. It is found in a report which was filed on the 17th day of July, 1912, and Mr. Taylor is quoted from there at length. That is precisely what Mr. Taylor said—that they took the most efficient, the speediest man, and held the watch on him or kept the time upon him until it was ascertained within what time he could do a piece of work, and they then undertook to bring the others up to that limit.

Mr. HARDING. Mr. President, the Senator from Idaho [Mr. BORAH] asked why this discussion? I can only answer for myself. I am opposed, in a serious time like this, to a continued declaration of Congress which is entirely out of harmony with human industrial progress. I do not know whether all Senators are aware of the fact or not, but one of the most important departments in our State universities of to-day throughout the country is that of efficiency engineering. It has come to be one of the most important studies in American educational life. I venture, for the diversion of Senators, if not strikingly pertinent to this discussion, to tell a little story of the Ford factory, which is one of America's very famous and presumably highest class industrial institutions.

A young son of a friend of mine was taking a course in efficiency engineering at the University of the State of Michigan. After having spent one year at his study he decided to take a day off and run over for a practical inspection of the Ford plant at Detroit. He bore with him credentials of members of the university faculty connected with his department, presented them at the office of the superintendent of the Ford factory, and was finally accompanied by an assistant superintendent over the plant, from the very beginning of the production of a motor through all the varied processes of completion. When the young man had concluded his trip in company with the assistant superintendent he said to his host, "You are busy. Will you give me an opportunity once more to follow the processes of production by myself? I am not quite satisfied with my trip." He was given a permit to make a second round of the factory, and he did it much more leisurely and more studiously. When he had gotten to a certain point that had attracted his attention on the first trip he stopped to study at some length. He took out a pencil and a piece of paper and he made a draft of the situation at that particular point of production, then finished his course, and reported to the superintendent. He said, "I have just finished my investigation of your plant and I have been very much interested at a certain point where 12 men are employed. I think if you will take this drawing and rearrange your machinery there you can find that 4 men will do the work of 12, and do it more quickly." The superintendent of the plant was called in, took a hasty glance at the plan suggested, and turned to this boy, who was only 18 years old, and said, "Young man, you can go to work to-morrow in our plant at $2,400 a year."

The young man was interested in his profession and declined the position, whereupon he was informed, "We are so keen to establish efficiency throughout this plant that you may finish your course, if you like, and come back any day you choose, and there is a place here for you to begin at $2,400 a year and the sky is the limit to what you can earn." I tell the story, because it comes within my personal experience, to emphasize the tendency in American industrial production to attain the highest degree of efficiency.

My objection to the clause in the bill which is under discussion is that it puts a congressional prohibition against the Naval Establishment of the United States doing anything in that direction against any efforts toward efficient production.

If I may make another application, while I am on my feet, I will show another reason why I am opposed to this provision. I think Senators have been reading the current newspaper reports relating to the international and American contests in riveting—rivet driving. You can measure the production of ships by the record of rivets driven. In some of our American plants there is a prohibition against the piecework plan. That is provided in the contract with union labor employed. In other yards the piecework plan prevails and men are paid according to the number of rivets they drive.

I remember interrupting the Senator from North Dakota [Mr. MCCUMBER] one day, relating to the shipbuilding program, to say that I had just learned that day that in one of the shipyards on the Great Lakes, where they are constructing 4,500-ton steamships, the riveters, working in gangs of three, were driving a sufficient number of rivets to earn approximately $80 per day per gang. No one was finding any fault with that enormous earning, because they were producing the number of driven rivets to render a return for that large compensation.

When the Commerce Committee was investigating the tardiness of the ship production program we went into the rivet question. I remember having asked the question of Mr. Gompers, when he was before the committee, what the objection of labor leaders could be to the piecework plan of pay for rivet driving, and he said the objection was that it had been the practice in the past to allow a liberal piecework compensation until a standard of day's production was fixed, and then they would insist on that standard of production and reduce the wages. Where the question was raised the matter was compromised by the Federal adjustment board in providing that wherever the piecework plan was put in operation there shall be no alteration of the wage after a standard day's work was established.

When the Commerce Committee got to inquiring about the matter of driving rivets we found that many a gang of riveters, perhaps a little more efficient than the normal, were driving as high as 1,200 rivets a day, and that was considered a very fine day's work. Since the American contest has arisen we have found that American gangs of riveters, working probably under very favorable conditions, I will allow, have driven as high as 4,000 rivets in a day. When that fact was published in England, anxious and urgent in her need of ships as we are, the pride of her riveters was appealed to. They entered the contest and a gang of English riveters drove a little less than 4,800 rivets in one day, while in our American shipyards throughout the country where there was no bonus to spur the men on they were driving an average of 120 to 240 rivets per day. There is a part of the explanation of your failure to get ships more rapidly.

I do not contend, Mr. President, that the average American workmen constituting a gang of three can drive 1,200 rivets a day—certainly not 4,000 to 4,800—and no extraordinary gang of riveters can drive that many and continue to work; but if it is possible for a gang of three men to drive anything like 3,000 to 4,000 rivets in a day, then it is conceivable that a reasonably efficient gang of workmen can drive at least 500 a day, and I would like to see a method employed in the construction of ships that would impel or inspire these workmen to drive that many a day, and pay them for the driving.

That brings us around to the particular theme involved in this clause of the bill. I was very much interested in the controversy between the Senator from Idaho [Mr. BORAH] and the Senator from New York [Mr. WADSWORTH]. If I had the records, I could reveal an interesting tale to this body. There have been workmen in the naval establishments of the United States who have earned by their ordinary, conscientious endeavors bonuses amounting to from one to four hundred dollars per year, and they are not permitted to draw these bonuses, although they and their families are righteously entitled to them, because some forces of labor have insisted that that system must not be accepted.

It may be wise for labor—I can not say, though I do not believe it ever can be—to insist on limited production in ordinary times of peace. But, Mr. President, America is calling loudly for ships for its cargo carriers and America is calling loudly for ships for the enlargement of the Navy. You can take any young man in the United States who is subject to draft and service in the Army at $30 per month, and if he only chooses to walk over to a shipyard and enroll his name as an employee he can immediately earn from $120 to $300 per month and escape military service by such enrollment. In this hour of extreme need, in this moment when every American ought to do his most and best, in this hour when, as the Senator from Colorado [Mr. THOMAS] so aptly said, we must all consecrate ourselves to the task at hand, I believe the Government ought to refrain from any policy that is calculated to limit production. Let us leave the Navy Department free to encourage the highest output of our naval institutions.

Mr. BORAH. I suggest that the committee says this will not impede the Navy Department.

Mr. HARDING. Mr. President, it is no revelation of anything improper to say that the Naval Committee did not give this matter any consideration. I think I am correct, am I not, Mr. Chairman?

Mr. TILLMAN. I can not say that, but the committee appointed a subcommittee to consider and report the bill to the full committee.

Unfortunately I was called away, and only returned to the city in time to call the committee together last Monday and make the report. The whole committee has considered the bill, but I do not think any discussion arose on the stop-watch provision. While I was away the subcommittee considered the bill, and I agreed to all it had done during my absence.

I will say that I am opposed to the stop watch, but I am heartily in favor of bonuses.

Mr. HARDING. I like the statement of the distinguished chairman of the committee. In reply to his last statement, when he uses the term "stop watch," I venture to suggest it is only an offensive term injected into this provision to insure its adoption.

Mr. TILLMAN. There is more reason then why it ought to go out.

Mr. HARDING. I want it stricken out. I want the whole thing stricken out.

Mr. TILLMAN. Then you will vote against what you are arguing for.

Mr. HARDING. I may not make myself clear, Mr. President: I am sorry, but I should like the Senator from South Carolina to join me in expessing a befitting confidence in the head of the Navy Department to run the productive end of that department without restrictive legislation. If this clause is stricken from the bill the Secretary of the Navy is perfectly free to adopt such efficiency methods as he chooses, and it does not require him to use a stop watch or any other method of ascertaining efficient production. He remains a free administrative agent. The simple truth about this matter is that this clause has been inserted in the naval bill for the past two or three years at the insistence of the labor radicals. It has not been discussed heretofore, and, in my humble judgment, this is a very reasonable time and a fitting time to eliminate such a provision from the bill.

Mr. BORAH. Mr. President, I quite agree with the Senator from South Carolina [Mr. TILLMAN] that the bonus proposition stands upon an entirely different footing from the other proposition; but the Senator from Ohio [Mr. HARDING] says that the stop-watch term is used in this debate, inserted in the bill, and so forth, so as to make the whole thing offensive.

Mr. President, originally that is precisely what it was, a stop-watch proposition. I want to read a statement from the real author of this system. It is found in his Shop Management, page 1358. He says:

> His first step was to place an intelligent, college-educated man in charge of progress in this line. This man had not before handled this class of labor, although he understood managing workmen. He was not familiar with the methods pursued by the writer, but was soon taught the art of determining how much work a first-class man can do in a day. This was done by timing with a stop watch a first-class man while he was working fast. The best way to do this, in fact almost the only way in which the timing can be done with certainty, is to divide the man's work into its elements and time each element separately. For example, in the case of a man loading pig iron onto a car, the elements should be: Picking up the pig iron from the ground or pile (time in hundredths of a minute). Walking with it on a level (time per foot walked). Walking with it up an incline to car (time per foot walked). Throwing the pig down (time in hundredths of a minute) or laying it on a pile (time in hundredths of a minute). Walking back empty to get a load (time per foot walked).

Mr. President, that kind of a proposition can not have any possible place in American industry.

Mr. HARDING. Mr. President, will the Senator from Idaho allow me to interrupt him?

Mr. BORAH. Yes.

Mr. HARDING. That is only a description of the basis of ascertaining efficiency under the Taylor system.

Mr. BORAH. Exactly.

Mr. HARDING. Certainly the Senator from Idaho does not argue that an efficiency system involves the employment of a stop watch over the men in their employment?

Mr. BORAH. Efficiency is entirely too free to use in connection with this amendment, because there may be vast efficiency, and there may be efficiency without using this system at all. You do not necessarily destroy efficiency by destroying the stop-watch system, in my judgment.

Mr. President, what I say is, and what I said to the Senator from New York, to which the Senator from Ohio called attention, was that that was the origin of this proposition and that was the evil which it was designed to eliminate. The Senator from Ohio will not contend that an American workman should have above him and about him a man timing his steps to the highest possible movement and then bringing every other man on that job up to that position.

Mr. HARDING. Well, the Senator from Idaho is overlooking the fact that the elimination of this provision makes no such requirement as that. The paragraph under discussion is a prohibition of any efficiency system. If we eliminate the paragraph, then it is a matter for the determination of the head of the Navy Department what efficiency method shall be employed in that department.

Mr. BORAH. I do not quite agree with the Senator. The language reads "to be made with a stop watch or other time-measuring device a time study of any job." That is precisely what they were doing here.

Mr. HARDING. I do not want the Senator from Idaho to give the impression that Congress is trying to legislate the adoption of the stop-watch system. Those of us who are to-day contending against the adoption of this paragraph are asking only that Congress shall not prohibit any efficiency method; and then it is a matter of administrative judgment.

Mr. BORAH. But that is not what the provision of the bill provides. The provision of the bill, outside of the question of bonuses, which I am not now discussing, and concerning which I have an entirely different opinion, possibly deals specifically with the stop-watch proposition.

Mr. HARDING. Well, the Senator from Idaho will not contend that the use of a stop watch is involved if this paragraph is eliminated from the bill?

Mr. BORAH. It is not involved, except that it is the system which has been adopted by a number of the departments, which was only stopped by a prohibition which went into a statute, and at the time that this prohibition went into the statute this system was being inaugurated in all of the departments, and it was being adopted as the governmental system. In my humble opinion this system was founded upon a principle as drastic as anything that ever accompanied American labor or labor in English prisons.

Mr. HARDING. It is quite possible that in the early days there may have been abuses in the system by the enthusiasts in favor of the system and of its adoption.

But the point I insist on making is that the elimination of this paragraph leaves all efficiency methods in our naval institutions to the determination of the Secretary of the Navy.

Mr. BORAH. And including this particular stop-watch system.

Mr. HARDING. Including it; certainly.

Mr. BORAH. Yes; I agree with the Senator.

Mr. THOMAS. Mr. President——

Mr. BORAH. I yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, I should like to have the Senator enlighten me, if I am in error with regard to my understanding of what is meant by the stop-watch system. My understanding is that for the purpose of measuring efficiency a timing device is used, and for that purpose only; but that it is not used day by day upon all the workmen engaged in any particular institution which has the Taylor or some other efficiency system, but it is simply an original device, a yardstick, so to speak, for the purpose of determining questions of efficiency measured by the time movements that were required to perform a given task; and after those periods of time were tested by a number of experiments additional time was added to the sum of the time of those various movements, and that was established as an efficient time for the thing to be done, the watch then being discarded, just as the yardstick is thrown aside after the cloth is measured. If I am mistaken about that, I should like to be set right.

Mr. BORAH. I do not understand that a superintendent stood there during the day and during the week holding the watch upon the man performing the work.

Mr. THOMAS. I perhaps misunderstood the Senator's remarks.

Mr. BORAH. What I claim is, that in its origin it consisted of that particular fact, to wit, the timing of a very speedy man to ascertain within what time he could perform a certain job.

Mr. THOMAS. And the timing also of a man who was not speedy?

Mr. BORAH. I do not know about that.

Mr. THOMAS. That has been my understanding.

Mr. BORAH. Mr. Taylor does not refer to that. He says that they took a speedy man, a man who was peculiarly fitted to make time, and they timed him to find out within what time he could perform a task. Then they required the others to come up to that point.

Mr. THOMAS. I am as much opposed as the Senator or anyone else can be to the system oultined in his last statement; that is to say, the establishment of a very high rate and compelling everybody to come up to that rate, regardless of the amount of time necessary to do it. In other words, the establishment of a system miscalled "efficient," but a system really designed to get the most work out of the laborer for the least money.

Mr. BORAH. Exactly.

Mr. THOMAS. I am opposed to that.

Mr. BORAH. Well, that was the origin of this legislation.

Mr. THOMAS. That was the origin of the legislation; there is no question about that; but I think that the remarks of the Senator from Ohio [Mr. HARDING] are quite appropriate, that our aim is to eliminate restrictions upon the officials of the Government, leaving them, then, to adopt such methods of efficiency as may be just and proper in their opinion.

Mr. BORAH. I am not myself willing that they shall adopt the stop-watch system.

Mr. THOMAS. I am willing that they shall adopt any system which may be necessary for the purpose of securing efficiency without injuring the individual—stop watch or anything else.

Mr. BORAH. Of course I accept the Senator's standard when thus qualified. I want efficiency, but I do not want that harsh, driving, brutal efficiency from which the human soul is excluded.

Mr. McCUMBER. Mr. President, I want to see if I understand the system correctly. The Senator has given an illustration of a worker and the time method of determining how long it required in the hundredth of a minute to pick up a bar of iron, how much time it took per foot to walk a certain distance, and the length of time necessary to lay the bar down and return and pick up another; and that requirement was for a good, competent man—that is, one capable, we will say, of doing the very best. Do I understand the Senator to mean to convey the idea that that was fixed as the standard of an efficient day's work?

Mr. BORAH. Originally it was, but since that time——

Mr. McCUMBER. Mr. President, I have understood——

Mr. BORAH. Wait a moment. Since that time it has been modified, as I understand, by reason of the fact of allowing a certain amount of time in addition to that within which other persons might perform it; but originally that was the test, as the Senator will find from reading the book of the author of this system; that was the standard which he sought to fix, but after a certain amount of discussion had taken place and after the matter had been investigated by two committees of Congress there were certain modifications made in regard to it, in which the system was ameliorated to a considerable extent. The Senator from Michigan stated to me that they had adopted a different rule to some extent.

Mr. McCUMBER. My understanding was that they would say: "If this man"—a very competent worker—"can within an hour's time handle 100 of these bars, then an average good workman ought to handle the same number in an hour and three-quarters." The basis, therefore, was in order for the average man to receive the full average pay, not to do what this best man could do in an hour, but to do in an hour and three-quarters what he could do in an hour. Am I in error about that?

Mr. BORAH. I understand that that rule has now been adopted. I am not familiar with that fact. That, however, was not originally the proposition.

Mr. President, may I ask if this question is divisible?

Mr. TILLMAN. I want to see it divided, so as to eliminate the stop watch and to retain the bonuses.

The VICE PRESIDENT. There are two propositions to strike out.

Mr. BORAH. If it is divisible, I ask for a division of it, Mr. President.

The VICE PRESIDENT. The Chair believes it is divisible by a motion to strike out down to the semicolon on line 23, and that the other part of the motion to strike out is another question.

Mr. TOWNSEND. Mr. President, I have not read the early history of the Taylor system, as described by the Senator from Idaho [Mr. BORAH], but I know what the system now is, and how it has been employed and was employed until Congress stopped it in the Government workshops. It is not the best man who is taken, for an example, but simply the average workman in the shop. He is taken and put at a certain task; a watch is held upon him in order that it may be determined just how long it takes him to do every part of that work. Not only that, but he is assisted by some competent man who makes suggestions to him as he goes along, to the end that he can do the work a little quicker and more efficiently without the expenditure of unnecessary effort. The object is to find how quickly it is possible for the average man to do a certain task. When it has been discovered how long it takes him to do that work when he was assisted, then there is added at least 75 per cent more time than it took him to do it, in order that allowance may be made for the suggestions which were given to him and for any circumstances which may have happened that would have been favorable to the work. So that, instead of being an expert's task, it is the average man's task.

Senators should also understand that the wage of the workman is not reduced in the least by this system. For instance, if the wages at the Watertown Arsenal are $3 a day, that wage is not changed. The man who does not measure up to the efficiency task continues to get his $3. It is only the man who has the ambition and the ability to earn more who gets the bonus, and therefore benefits himself and the Government. It is upon this principle that success is attained. It is the incentive that makes employers out of employees.

I repeat that I do not know what the system was in the beginning, but such is the system with which we are now dealing. It would be as obnoxious to me as it is to the Senator from Idaho, if a watch were to be held over every workman and he were compelled to perform an unreasonable or harmful task; but the task is reasonable and set for the man who wishes to get the extra reward. If he does not accomplish that task or more he does not get the bonus, but he gets the average day's

pay just the same as before. The stopping of the efficiency system in our arsenal at Watertown greatly increased the cost of production to the Government, and the laboring men who in their hearts wanted it continued were denied the extra compensation.

The question is asked, Why should we not keep this provision in the bill? I inquire, Why should we not eliminate it if we do not believe in it? The stop watch, I repeat, is but a part of the system, in the first place, in determining the task. That is the system now. The man does not have to work according to the watch. If he works eight hours and completes a task under the time limit set for that particular task, he gets the bonus.

I can conceive of no reason why the Senate at this time should enact this kind of legislation, which is an injustice to the millions of men who are working in the trenches to-day. Aye, it may be a menace to their very lives and to that of the Government as well.

Mr. GALLINGER. I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been requested and seconded. The vote will be on the motion to strike out the first part of the paragraph.

Mr. THOMAS. Mr. President, may I inquire what the vote will be upon, the question having been divided?

The VICE PRESIDENT. The first vote will be on the motion to strike out that part of the paragraph which commences in line 15, with the word "That" and ends at the word "work," in line 23.

Mr. JONES of Washington. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Gronna	McKellar	Smith, S. C.
Borah	Guion	McNary	Smoot
Calder	Hale	Martin	Sutherland
Chamberlain	Harding	New	Swanson
Culberson	Hardwick	Nugent	Thomas
Cummins	Henderson	Page	Thompson
Curtis	Hollis	Poindexter	Tillman
Dillingham	Johnson, Cal.	Ransdell	Townsend
Fall	Johnson, S. Dak.	Saulsbury	Trammell
Fernald	Jones, N. Mex.	Shafroth	Underwood
Fletcher	Jones, Wash.	Sheppard	Vardaman
France	Kirby	Shields	Wadsworth
Gallinger	Lodge	Smith, Ga.	Wilfley
Gerry	McCumber	Smith, Mich.	

Mr. JONES of Washington. I desire to announce that the Senator from Nebraska [Mr. NORRIS] is necessarily absent in connection with the Red Cross campaign. I will let this announcement stand for the day.

Mr. CURTIS. I desire to announce the absence of the senior Senator from New Jersey [Mr. FRELINGHUYSEN], on account of a death in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. LODGE. Mr. President, I wish to ask if I am correct in my understanding that the first vote comes on the motion to strike out the stop-watch prohibition, and the second vote will come on the striking out of the premium prohibition?

The VICE PRESIDENT. The Senator from New Hampshire moves to strike out of the bill all that portion thereof beginning in line 15, page 99, and extending down to and including line 4, on page 100. The Senator from Idaho [Mr. BORAH], the paragraph containing two provisions, has asked for a division of the question. The yeas and nays have been requested and ordered, and the first vote will be upon striking out that portion of the bill from line 15, on page 99, to the word "work," in line 23, of the same page.

Mr. GALLINGER. That is right.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. BECKHAM]. He being absent, I withhold my vote.

Mr. THOMPSON (when his name was called). I have a pair with the Senator from Illinois [Mr. SHERMAN]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from California [Mr. PHELAN] and vote "nay."

The roll call was concluded.

Mr. SMITH of South Carolina. I inquire if the Senator from South Dakota [Mr. STERLING] has voted?

The VICE PRESIDENT. He has not.

Mr. SMITH of South Carolina. I have a general pair with that Senator, which I transfer to the Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. KNOX] to the senior Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. DILLINGHAM (after having voted in the affirmative). I inquire if the Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. I transfer my pair with that Senator to the Senator from New Jersey [Mr. FRELINGHUYSEN] and will let my vote stand.

Mr. LODGE. My colleague [Mr. WEEKS] is necessarily absent from the Senate. He has a general pair with the Senator from Kentucky [Mr. JAMES].

Mr. UNDERWOOD. I desire to announce that my colleague [Mr. BANKHEAD] is unavoidably absent. On this vote he is paired with the senior Senator from Connecticut [Mr. BRANDEGEE].

Mr. SUTHERLAND. I desire to announce that my colleague [Mr. GOFF] is temporarily absent from the Chamber on business.

Mr. GERRY. I wish to announce that the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

Mr. SHEPPARD. I desire to announce that the Senator from Arkansas [Mr. ROBINSON], the Senator from North Carolina [Mr. OVERMAN], and the Senator from Kentucky [Mr. BECKHAM] are detained on official business.

Mr. HOLLIS. I wish to announce that the Senator from Mississippi [Mr. WILLIAMS] is detained by illness in his family.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 21, nays 38, as follows:

YEAS—21.

Baird	Fletcher	McCumber	Townsend
Calder	France	New	Underwood
Curtis	Gallinger	Page	Wadsworth
Dillingham	Gronna	Smith, Mich.	
Fall	Hale	Smoot	
Fernald	Harding	Thomas	

NAYS—38.

Borah	Johnson, Cal.	Pittman	Smith, S. C.
Chamberlain	Johnson, S. Dak.	Poindexter	Swanson
Culberson	Jones, N. Mex.	Pomerene	Thompson
Cummins	Jones, Wash.	Ransdell	Tillman
Gerry	Kirby	Reed	Trammell
Guion	Lodge	Saulsbury	Vardaman
Hardwick	McKellar	Shafroth	Walsh
Henderson	McNary	Sheppard	Wilfley
Hitchcock	Martin	Shields	
Hollis	Nugent	Smith, Ga.	

NOT VOTING—37.

Ashurst	Kendrick	Norris	Sterling
Bankhead	Kenyon	Overman	Sutherland
Beckham	King	Owen	Warren
Brandegee	Knox	Penrose	Watson
Colt	La Follette	Phelan	Weeks
Frelinghuysen	Lenroot	Robinson	Williams
Goff	Lewis	Sherman	Wolcott
Gore	McLean	Simmons	
James	Myers	Smith, Ariz.	
Kellogg	Nelson	Smith, Md.	

So the Senate refused to strike out the first part of the paragraph.

Mr. GALLINGER. Mr. President, in reference to the remainder of the paragraph, I trust that a different vote will be cast. The remainder of the paragraph reads:

> Nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. President, all that that includes is the proposition that, if stricken out, it will be allowable to give premiums or cash rewards or bonuses for added efficiency in the work in the navy yards of our country. It seems to me that there should be no objection to eliminating that provision from the bill. By doing so we will simply allow the Government of the United States to do what is done in every large industrial establishment in the United States; and, so far as I know, no complaint has come from a single workingman in those establishments that any harm has been done him; but, on the contrary, complete

satisfaction has been given to the workmen in those industrial plants.

Mr. HARDING. Mr. President——

Mr. GALLINGER. I yield to the Senator.

Mr. HARDING. Before the Senator sits down, so that the Senate may vote with a full understanding, I wish to ask the Senator a question. While I am in favor of the bonus system, I wish to ask how the Naval Establishment can pay a bonus without efficiency methods for the establishment of a standard on which the bonus is paid?

Mr. GALLINGER. Well, Mr. President, it has been suggested that the Secretary of the Navy has methods of establishing efficiency; but however that may be, I think methods will be found whereby the more efficient can be better compensated than the least efficient, even in the navy yards of the country. I think it desirable that this part of the paragraph should go out of the bill, and I ask for the yeas and nays.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire to strike out the remaining portion of the paragraph, on which the Senator from New Hampshire asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I transfer my pair with the Senator from Maryland [Mr. SMITH] to the Senator from New Jersey [Mr. FRELINGHUYSEN] and vote "yea."

Mr. SAULSBURY (when his name was called). I make the same transfer as before and vote "nay."

Mr. SMITH of South Carolina (when his name was called). Making the same transfer as before, I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. He being absent, I withhold my vote.

The roll call was concluded.

Mr. OVERMAN. I have a general pair with the senior Senator from Wyoming [Mr. WARREN], and therefore withhold my vote.

Mr. THOMPSON. I transfer my pair with the Senator from Illinois [Mr. SHERMAN] to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. CHAMBERLAIN. I transfer my pair as heretofore and vote "yea."

Mr. UNDERWOOD. I wish to make the same announcement in reference to my colleague [Mr. BANKHEAD] that I made on the last vote.

Mr. SUTHERLAND. I make the same announcement with reference to my colleague [Mr. GOFF] that I made on the preceding vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 37, nays 21, as follows:

YEAS—37.

Baird	France	Kenyon	Smith, Mich.
Borah	Gallinger	Lenroot	Smoot
Calder	Gerry	Lodge	Thomas
Chamberlain	Gronna	McCumber	Tillman
Cummins	Hale	New	Townsend
Curtis	Harding	Nugent	Underwood
Dillingham	Hardwick	Page	Wadsworth
Fall	Hitchcock	Pittman	
Fernald	Johnson, Cal.	Poindexter	
Fletcher	Jones, Wash.	Reed	

NAYS—21.

Gulon	McKellar	Sheppard	Trammell
Henderson	McNary	Shields	Walsh
Hollis	Martin	Smith, Ga.	Wilfley
Johnson, S. Dak.	Ransdell	Smith, S. C.	
Jones, N. Mex.	Saulsbury	Swanson	
Kirby	Shafroth	Thompson	

NOT VOTING—38.

Ashurst	Culberson	Kellogg	Lewis
Bankhead	Frelinghuysen	Kendrick	McLean
Beckham	Goff	King	Myers
Brandegee	Gore	Knox	Nelson
Colt	James	La Follette	Norris
Overman	Robinson	Sterling	Weeks
Owen	Sherman	Sutherland	Williams
Penrose	Simmons	Vardaman	Wolcott
Phelan	Smith, Ariz.	Warren	
Pomerene	Smith, Md.	Watson	

So Mr. GALLINGER's amendment was agreed to.

Mr. UNDERWOOD. Mr. President, at the request of the senior Senator from Maryland [Mr. SMITH], who has been unavoidably called from the Chamber, I desire to offer an amendment for him.

The amendment is, on page 39, line 20, after the word "Navy," to strike out the word "or," and after the words "Marine Corps" to insert "or Coast Guard," so that it will read:

Warrant officer of the Navy, Marine Corps, or Coast Guard.

Also, in line 25, after the words "Marine Corps," to insert "or captain in the Coast Guard."

In other words, the Senator informs me that the purpose of his amendment is to put the Coast Guard on the same basis as the Army and the Navy.

Mr. SWANSON. I have no objection to that amendment.

The VICE PRESIDENT. In the absence of objection, the vote whereby the committee amendment was agreed to will be reconsidered. The question is on the amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HARDING. Mr. President, I send to the desk an amendment, and prior to its reading I wish to make a very brief statement concerning it. It provides for the case of a young ensign in the Navy who by inadvertence made no assignment of his protection to a dependent mother and lost his life at Pensacola in the service something like a year ago; and if he had made this assignment she would have been entitled to a year's pay. The department can not pay it without the insertion of this amendment in the bill.

Mr. SWANSON. Upon that statement of facts I will accept the amendment.

The VICE PRESIDENT. The Senator from Ohio offers an amendment, which will be stated.

The SECRETARY. On page 66, after line 25, it is proposed to insert the following paragraph:

The Paymaster General of the Navy shall cause to be paid to Mrs. Susie A. Van Kirk, mother of the late Dean R. Van Kirk, ensign, National Naval Volunteers, an amount equal to one year's pay at the rate received by that officer at the date of his death, May 1, 1917.

The amendment was agreed to.

Mr. JOHNSON of California. Mr. President, I want to offer a very brief amendment. On page 6, line 5, I move to strike out the words "the city of New York" and insert in lieu thereof "any State or municipality."

Mr. SWANSON. I have no objection to the amendment.

The VICE PRESIDENT. Without objection, the vote whereby the committee amendment was adopted will be reconsidered. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 6, in the committee amendment now reconsidered, in line 5, it is proposed to strike out the words "the city of New York" and to insert in lieu thereof "any State or municipality," so as to read:

The Secretary of the Navy is authorized hereafter, in leasing water-front property from any State or municipality, to provide, as a part or all of the consideration therefor, that improvements placed thereon by the United States shall become the property of the lessor upon the expiration of the lease or any renewal thereof.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. Mr. President, prior to offering an amendment, I ask that the language in the bill commencing on line 10, page 61, and embracing line 15 on the same page, be read from the desk.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The SECRETARY. On page 61, beginning with line 10, the text of the bill as now amended reads as follows:

Navy yard, Charleston, S. C.: For the construction of a large dry dock (limit of cost, $4,000,000), $1,150,000; dredging, to continue, $25,000; railroad system extension, $15,000; toward water-front improvements, $200,000; boat storage, $10,000; central power plant improvements, $250,000; in all, $1,650,000.

Mr. GALLINGER. Mr. President, I do not care to discuss that provision of the bill. I will content myself by saying that three years ago, or thereabouts, I offered an amendment providing for an additional dry dock in the Portsmouth Navy Yard. I think I made a mistake in leaving the Naval Affairs Committee about that time, else it might possibly have been found in this bill. It has not been acted upon by the committee or reported in any form.

I now offer an amendment providing for an additional dry dock in the Portsmouth Navy Yard, to follow the item just read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After line 15, on page 61, it is proposed to insert:

Navy yard, Portsmouth, N. H.: For the construction of an additional dry dock, of a length sufficient to accommodate the largest battleship in our Navy (limit of cost, $2,000,000), $500,000.

Mr. SWANSON. Mr. President, I make a point of order against that amendment. It has neither been estimated for by the department nor reported by a standing committee of the Senate.

Mr. GALLINGER. Mr. President, it does not make the least earthly difference to me whether the point of order is made or not. I did not expect that the amendment would be agreed to, although it ought to be agreed to, and it ought to have been estimated for; and if my distinguished and somewhat tumultous friend from Virginia were as much interested in the navy yards in some parts of our country as he seems to be in the navy yards in other parts of the country it not only would have been in this bill upon an estimate, but it would have had his indorsement and that of his committee. Of course, the point of order will lie, and I have nothing to say on that point.

Mr. SWANSON. Mr. President, I should say, in justice to myself and other members of the committee, that there is not an item of appropriation contained in this bill that was not recommended by the department, except that there was an increase of the sum of $150,000 to the sum of $200,000, as recommended by the commandant. The subcommittee and the Committee on Naval Affairs determined that in this emergency they would not recommend anything unless it was estimated for and recommended by the department. Everything contained in the bill will measure up to that requirement.

Mr. GALLINGER. I will ask the Senator if the amendment in the provision regarding the Charleston Navy Yard was recommended by the department or estimated for?

Mr. SWANSON. Which amendment—for the construction of a large dry dock?

Mr. GALLINGER. No; the amendment appropriating $250,000 for power-plant improvements.

Mr. SWANSON. All those central power plants at all the navy yards were recommended by the department on the ground that the work had largely increased, and it was of the utmost importance to increase the power. The Senator will see that nearly all the navy yards have had an increased appropriation for central power plants to enable them to do the increased work.

Mr. GALLINGER. Does the Senator say that every navy yard in this bill has had that?

Mr. SWANSON. Nearly all the navy yards. Where they have asked for an increase of central power, it was granted. The House bill carried some of them and the others were very much urged on the Senate committee by the department.

Mr. GALLINGER. I think the Senator is mistaken in saying that in every instance an appropriation of this kind has been made. The Senator started out by saying that the Secretary of the Navy had estimated an appropriation of this kind for every navy yard. The Senator must be mistaken on that point.

Mr. SWANSON. I did not catch what the Senator said.

Mr. GALLINGER. I say, I think the Senator must be mistaken when he says that the Secretary of the Navy estimated an appropriation of this kind for every navy yard in the country.

Mr. SWANSON. No; I said most of the navy yards. I did not say every one. As to most of the navy yards where the work has greatly increased the Secretary appeared before the committee and stated that to do this work the central power had to be increased; and every item in this bill carrying an appropriation, except the one stated by me, was recommended and urged by the department.

Mr. GALLINGER. Will the Senator tell me what item it is that was not estimated for that is in the bill?

Mr. SWANSON. There was $150,000 appropriated for the purchase of Parris Island—3,000 acres of land—that they had recommended. The Senator from South Carolina [Mr. TILLMAN] had a letter from the commandant stating that he did not think he could get the land for $150,000 and he thought possibly it ought to be increased to $200,000; but the provision provides for the condemnation of the land, and all that the committee did was to increase the appropriation from $150,000 to $200,000.

Mr. GALLINGER. But the commandant does not make estimates.

Mr. SWANSON. He does not. I distinctly stated that that was not a recommendation of the department.

Mr. GALLINGER. I will not follow the example of the Senator from Virginia and make a point of order against the provision, although it is quite as obnoxious to the rule as is the amendment that I offered. The point of order having been made by the Senator, I agree that it is well taken and that my amendment can not be considered.

The VICE PRESIDENT. The Chair must sustain the point of order.

Mr. SMOOT. Mr. President, I merely want to say that if I understand this provision in regard to the navy yard at Charleston, S. C., it appropriates $1,150,000 toward the construction of a large dry dock at the navy yard at Charleston, S. C., and limits the cost of that dry dock to $4,000,000. In other words, there will be $2,850,000 to be hereafter appropriated for the building of that dry dock. Is that correct?

Mr. TILLMAN. I did not catch the Senator's figures as he went along, but I will inform the Senator that this $1,150,000 was in the last appropriation bill for lengthening the present dry dock there, and instead of lengthening the old one they concluded it would be better to build a new one, and that $1,150,000 came in that way.

Mr. SMOOT. I take it for granted that the statement I made is correct—that is, that the limit of cost of the dry dock to be built there is $4,000,000.

Mr. TILLMAN. Yes, sir.

Mr. SMOOT. And there is but $1,150,000 appropriated in this bill.

Mr. TILLMAN. There is but $1,150,000 appropriated in this bill.

Mr. SMOOT. That is correct. Then, if we pass this item in this bill, Mr. President, in the river and harbor bill there is provided some $5,000,000 more to be appropriated for a channel leading to the dry dock, as I understand.

Mr. TILLMAN. The condition in Charleston Harbor is this: Within the jetties, after getting inside the harbor, the water gets 40 feet deep immediately, and it is 40 feet deep halfway up to the navy yard, or more than halfway, two-thirds of the way, perhaps; and the purpose of this appropriation of $5,000,000 in the river and harbor bill is to enable the Government to dredge a channel a thousand feet wide up to the navy yard, so that vessels after getting into deep water inside the jetties can go on up to the navy yard.

Mr. SMOOT. I understood that, Mr. President, and my object in speaking of it at all was to call attention to the fact that if this is agreed to it not only provides for a future appropriation of $2,850,000, but for an appropriation of some $5,000,000 more for dredging purposes. That is as I understand it.

Mr. TILLMAN. That is in the river and harbor bill, and it has already passed.

Mr. SMOOT. But it is put in there on condition that this item passes in this bill; and therefore it is not only a question of appropriating here $2,850,000 in addition——

Mr. TILLMAN. The building of the $4,000,000 dry dock is the only condition in the river and harbor bill, as I recollect it. The river and harbor bill provided an appropriation in case a dry dock was built costing $4,000,000.

Mr. SMOOT. Providing the dry dock is built, then the bill appropriates $5,000,000 for dredging the channel a thousand feet wide.

Mr. TILLMAN. Yes.

Mr. SMOOT. Or, in other words, if we make this appropriation of $1,650,000 it means a future appropriation of $7,850,000.

Mr. TILLMAN. I do not know about the figures. The Senator is better at mental arithmetic now than I am, although I used to be able to keep up with him.

Mr. GALLINGER. Mr. President, I am not going to oppose this appropriation. It would be useless for me to do so, and yet it is a remarkable circumstance that here we are making an appropriation of $5,000,000 for a dry dock, and that we have to spend $5,000,000 to dig a channel to the place where the dry dock is to be located, while the innocent amendment which I offered as to Portsmouth, N. H., was promptly ruled out of order.

Mr. TILLMAN. The Senator from New Hampshire will remember that some years ago he proposed, and I helped him get in a naval appropriation bill, an appropriation to blow a rock out of the way that made the entrance to Portsmouth Harbor very dangerous.

Mr. GALLINGER. Yes; I remember that, and I thank the Senator now, as I thanked him before, for that; but it was not $5,000,000, nor was it a very large proportion of that amount; and it not only did service to the navy yard, but likewise to whatever commerce there is on that body of water.

Mr. TILLMAN. Charleston Harbor is the best harbor on the south Atlantic coast. That has been proven by the Helm Commission.

Mr. GALLINGER. I am not opposing it. I do not know that I ever opposed anything that the Senator from South Carolina wanted; he is such a sweet-tempered man.

Mr. TILLMAN. I wish, then, that the Senator would let the bill go through. I appreciate the Senator's friendship for me, but I do not want it on that ground. I want it on its own merits. The improvement in New York, on the East River, is for the same purpose. It is recommended by the War Department and the Navy Department, too.

Mr. GALLINGER. It would not have made a bit of difference to me upon what ground the Senate had voted my little amendment into the bill. I would not have cared whether it was on the ground of friendship or something else. I simply want to say, in reference to that, that I regret that adequate provision is not made for this splendid navy yard, where we have 60 feet of water, and we do not have to dredge or make channels.

Mr. TILLMAN. And into which you can get safely now, since the rock has been blown out.

Mr. GALLINGER. Into which we can get safely now, and we could get there before. Mr. President, I am not going to oppose the Senator's plan for getting a navy yard in South Carolina.

Mr. TILLMAN. We have already got a better navy yard there than there is at Portsmouth.

Mr. GALLINGER. Well, it is interned. It is very much like some things the Shipping Board did.

Mr. TILLMAN. I do not defend the Shipping Board, because it has not treated us right down there, either.

Mr. GALLINGER. The Shipping Board gave out two contracts to build ships in my State, and they are both interned behind a bridge the draw of which is so narrow that they can not get out. I apprehend that that draw will be lengthened, at the expense of a bankrupt railroad company, or else that they will be floated out on some of the airships that are going to be built in due course of time.

The VICE PRESIDENT. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. TILLMAN. Mr. President, this is one of the largest appropriation bills, and the most important, perhaps, next to the Army bill, that this Congress has had under consideration. The Senate has made a good many amendments to the bill as it came from the House, and that will mean that in order for it to become a law we must have a committee of conference. I therefore move that the Senate ask for a conference with the House of Representatives upon the bill and amendments and that the Vice President appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. TILLMAN, Mr. SWANSON, Mr. SMITH of Maryland, Mr. PENROSE, and Mr. LODGE conferees on the part of the Senate.

VOCATIONAL REHABILITATION OF SOLDIERS AND SAILORS.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of Senate bill 4557, which is a bill to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes.

Mr. SMOOT. Mr. President, the Senator does not intend to proceed with the bill to-night, does he?

Mr. SMITH of Georgia. No, Mr. President; I do not expect to ask for the consideration of the bill to-night. I want to take it up, so that it will be the unfinished business.

Mr. CHAMBERLAIN. Mr. President, may I ask if that is the bill that was under discussion here at one time?

Mr. SMITH of Georgia. No; this is an entirely new bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4557) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 23, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 22, 1918.

PUBLIC HEALTH SERVICE.

Surg. Julius O. Cobb to be senior surgeon in the Public Health Service, to rank as such from April 21, 1918, in place of Senior Surg. Stephen D. Brooks, placed on waiting orders.

Dr. Emil Henry Marek to be assistant surgeon in the Public Health Service, to take effect from date of oath.

Dr. Joseph Walter Mountin to be assistant surgeon in the Public Health Service, to take effect from date of oath.

Dr. Ralph Emmett Porter to be assistant surgeon in the Public Health Service, to take effect from date of oath.

Dr. Fayette Boyson Ross to be assistant surgeon in the Public Health Service, to take effect from date of oath.

COLLECTOR OF INTERNAL REVENUE.

Elwood Hamilton, of Frankfort, Ky., to be collector of internal revenue for the seventh district of Kentucky, in place of William P. D. Haly, resigned.

APPOINTMENT IN THE ARMY FOR THE PERIOD OF THE EXISTING EMERGENCY.

Maj. Gen. Peyton C. March, United States Army, to be general with rank from May 20, 1918.

APPOINTMENT, BY BREVET, IN THE ARMY.

Gen. Tasker H. Bliss (major general, retired), Chief of Staff, to be general, by brevet, for distinguished conduct and public service in presence of the enemy.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Pay Clerk James M. Easter to be an assistant paymaster in the Navy with rank of ensign, for temporary service, from the 1st day of January, 1918.

Corpl. William McC. Miller, United States Marine Corps, to be an acting chaplain in the Navy with the rank of lieutenant (junior grade), for temporary service, from the 2d day of May, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 22, 1918.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Walter I. McCoy to be chief justice of the Supreme Court, District of Columbia.

Thomas Jennings Bailey to be associate justice of the Supreme Court of the District of Columbia.

UNITED STATES ATTORNEY.

Thomas D. Slattery to be United States attorney, eastern district of Kentucky.

UNITED STATES MARSHALS.

Henry Behrendt to be United States marshal, eastern district of Michigan.

Arthur P. Carpenter to be United States marshal, district of Vermont.

COLLECTOR OF INTERNAL REVENUE.

Elwood Hamilton to be collector of internal revenue for the seventh district of Kentucky.

POSTMASTERS.

KENTUCKY.

Robert M. Baker, Hazard.

MINNESOTA.

Nicholas Young, Albany.
Edna M. Grandy, Eyota.
Gunella M. Nelson, Hanska.
William A. Schummers, Olivia.

VIRGINIA.

Robert T. Gladstone, Exmore.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 22, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God Almighty, ever ready to help those who are willing to be helped and who will put themselves in a receptive mood that they may receive Thy holy influence, let Thy spirit, we pray Thee, come with all strength and potency into the hearts of the enemies of humanity; that they may open their eyes to the wrongs they have committed; repent and make restitution so far as within them lies; cease to do evil and learn to do well.

If their hearts are obdurate and refuse Thy entreaties, sharpen their conscience that it may burn into their souls as white heat and give them no rest, day or night, until they repent and try to remove the evils they have wrought; for Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. MADDEN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. Mr. Speaker, I have two or three privileged resolutions for which I would like to get immediate consideration.

Mr. GREEN of Iowa. Will the gentleman withhold for a moment?

Mr. MADDEN. I will.

Mr. GREEN of Iowa. Mr. Speaker, I desire to submit a request for unanimous consent which will necessitate about half a minute's explanation. I introduced bill H. R. 11982, to amend the act approved April 22, 1908, relating to the liability of common carriers by railroad to their employees in certain cases. At the time of the introduction of that bill I was under the impression the original act had passed through the Committee on Interstate and Foreign Commerce. Afterwards I discovered that that had been reported by the Committee on the Judiciary, and upon consulting with the chairman of the Interstate and Foreign Commerce Committee and the chairman of the Committee on the Judiciary both agreed that this bill ought to be referred to the Judiciary Committee instead of the Interstate Commerce Committee, to which by mistake it has been referred.

The SPEAKER. Without objection, the bill will be referred to the Committee on the Judiciary.

There was no objection.

CONTESTED-ELECTION CASE OF STEELE AGAINST SCOTT.

Mr. WILSON of Louisiana. Mr. Speaker, if the gentleman from Illinois will withhold for a moment until I present a privileged report (No. 595) from the Committee on Elections No. 1.

The SPEAKER. The gentleman will send it up.

Mr. WILSON of Louisiana. It is a report on the contested-election case of Steele against Scott. I ask to send it to the Clerk's desk and have it lie over and be printed.

The SPEAKER. The gentleman asks unanimous consent that it lie over and be printed. Is there objection? [After a pause.] The Chair hears none.

PROFITEERING IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, pending the request of the gentleman from Illinois, I would like to state that on the Speaker's table is Senate joint resolution 152, relative to profiteering, known as the Saulsbury resolution. The Senate has asked for a conference, and I would be glad if that be agreed to.

The SPEAKER. What is the number of it?

Mr. JOHNSON of Kentucky. Senate joint resolution 152.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

Joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take this resolution from the Speaker's table, disagree to the Senate amendments, and agree to the conference asked by the Senate.

Mr. JOHNSON of Kentucky. Mr. Speaker, there are no Senate amendments. The Senate disagreed to the House amendments and asked for a conference.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. JOHNSON of Kentucky, Mr. CROSSER, and Mr. CARY.

EXTENSION OF REMARKS.

Mr. BRUMBAUGH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BRUMBAUGH. Mr. Speaker, I desire to ask unanimous consent to extend my remarks and print therewith an article from a great magazine writer, Samuel C. Blythe, explaining minutely the plan of the Columbus war-chest fund that was raised. The members of that fund have——

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

MINORITY VIEWS ON CENSUS BILL. (H. REPT. NO. 581, PT. 2).

Mr. HERSEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HERSEY. Mr. Speaker, on yesterday the Committee on the Census filed a report on the bill H. R. 11984. As a member of that committee, I ask the privilege of filing minority views now.

The SPEAKER. The gentleman from Maine asks unanimous consent to file minority views on the census bill. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 9715. An act extending the time for the construction of a bridge across the Bayou Bartholomew in Ashley County, Wilmot Township, State of Arkansas.

The message also announced that the Senate had passed with an amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8764. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia, had asked a conference with the House on the joint resolution and amendments, and had appointed Mr. SAULSBURY, Mr. POMERENE, and Mr. SHERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 950. An act to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska;

S. 3527. An act to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States," approved March 3, 1885;

S. 2975. An act for the relief of Katherine Macdonald;

S. 2910. An act providing for an additional judge for the northern district of California;

S. 4151. An act to provide for a determination of heirship in cases of deceased members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Tribes of Indians in Oklahoma, conferring jurisdiction upon district courts to partition lands belonging to full-blood heirs of allottees of the Five Civilized Tribes, and for other purposes;

S. 3945. An act to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army;

S. 3125. An act for the relief of certain enlisted men of the United States Navy;

S. 4543. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 3735. An act to provide for enlistments in the National Guard of the District of Columbia, and for other purposes;

S. 4542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 2654. An act providing for the appointment of two additional district judges in the northern district of the State of Illinois; and

S. 1923. An act for the relief of John Doyle, alias John Geary.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 8496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war;

H. R. 9160. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war;

H. R. 9506. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 9612. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 9641. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy

and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 10027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10477. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 10850. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10924. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 11364. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 11658. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 11663. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7634) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, had agreed to the conference asked by the House, and had appointed Mr. WALSH, Mr. HOLLIS, and Mr. SMOOT as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4543. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 4542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 3572. An act authorizing the Coos Bay, Umpqua, and Siuslaw Tribes of Indians in the State of Oregon to submit claims to the Court of Claims; to the Committee on Claims.

RIVERS AND HARBORS APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the rivers and harbors bill, to disagree to all Senate amendments, and to ask for a conference.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the river and harbor bill, to disagree to all Senate amendments, and to ask for a conference. Is there objection?

Mr. SIMS. If that can be done formally, of course I have no objection; but if it is going to take up time——

The SPEAKER. It takes no time, unless somebody makes a speech.

Mr. SIMS. Then I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER. The Clerk will report the conferees.

The Clerk read as follows:

Mr. SMALL, Mr. BOOHER, and Mr. KENNEDY of Iowa.

PERMISSION TO ADDRESS THE HOUSE.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. No; the Chair will recognize the gentleman from Illinois [Mr. MADDEN] first because he has been endeavoring to be recognized for some minutes.

Mr. CAMPBELL of Kansas. The gentleman from Illinois has kindly consented to let me in ahead of him.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Mr. Speaker, some days ago, in discussing a bill reported by the Committee on Agriculture, I stated I had been informed that Mr. Hoover had stated before that committee that the food survey amounted to a farce. I have a letter from Mr. Hoover stating that he did not say that, which I ask the Clerk to read.

The SPEAKER. Without objection, the Clerk will read the letter.

There was no objection.

The Clerk read as follows:

UNITED STATES FOOD ADMINISTRATION,
Washington, May 20, 1918.

The Hon. PHILIP P. CAMPBELL,
House of Representatives, Washington, D. C.

DEAR MR. CAMPBELL: I notice in the CONGRESSIONAL RECORD of May 17 that you quote me as having said to the Committee on Agriculture that the food survey by the Department of Agriculture was a farce. I think if you will read the record of all proceedings of the Committee on Agriculture, wherever I have been present, you will find that no such statement was ever made or even suggested.

Yours, faithfully,

HERBERT HOOVER.

Mr. CAMPBELL of Kansas. Mr. Speaker, my information was of a nature that justified me in making the statement I made. I had been informed by those who had been present at a meeting that Mr. Hoover had said that the food survey was of little, if any, value.

I inadvertently used the word "farce." I still say that it was a useless expenditure of money to make the food survey. The survey was made, I am informed, as of December 1, 1917, and released on the 27th day of April this year for use, long after most of the food surveyed had been consumed. The survey was a farce, whatever Mr. Hoover may have said about it. The fact that the Department of Agriculture does not emphasize the importance of another survey of the food of the country as a reason for asking for more money is evidence that the Department of Agriculture recognizes that work as manifestly useless.

SALARIES OF FEDERAL JUDGES—MINORITY VIEWS (H. REPT. NO. 573, PT. 2).

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. To ask unanimous consent to file within five days minority views on the bill H. R. 12001, the Federal judges salary increase bill.

The SPEAKER. The gentleman from Massachusetts asks leave to file within five days minority views on the bill H. R. 12001, to increase judges' salaries. Is there objection? [After a pause.] The Chair hears none.

WAR-RISK BUREAU.

Mr. MADDEN. Mr. Speaker, I send a privileged resolution to the desk and ask for its present consideration. And I have several others. I have stricken the "whereases" out, because they would take away the privilege of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 367.

Resolved, That the Secretary of the Treasury be requested to report to the House the cause of the delay in making adjustments and payments and also to advise the House of the number of allotments thus far adjusted and paid, the number adjusted on which payments have not been made, and the number of unadjusted allotments; the number of persons employed in the War-Risk Bureau, the aggregate monthly expense of such bureau, the percentage cost of adjustment and payment, and when the work of the bureau is likely to be current.

The SPEAKER. How does it come to be privileged?

Mr. MADDEN. This is asking for a state of facts.

The SPEAKER. How does it become privileged?

Mr. MADDEN. Simply because it is asking for a statement of the records of the War-Risk Bureau.

Mr. SIMS. Mr. Speaker, is this resolution being presented as a privileged resolution?

Mr. MADDEN. Yes.

Mr. SIMS. This is Calendar Wednesday.

Mr. MADDEN. It is out of order if it is Calendar Wednesday. I will file it in the basket.

The SPEAKER. The recollection of the Chair was that Calendar Wednesday was abolished for to-day.

Mr. MADDEN. I have 11 other resolutions here that I wish to present.

The SPEAKER. The Clerk will call the committees.

BUREAU OF WAR-RISK INSURANCE.

Mr. SIMS (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, I call up the bill H. R. 11048.

The SPEAKER. The gentleman calls up the bill H. R. 11048, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11048) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from Tennessee [Mr. HOUSTON] in the chair.

Mr. SIMS. Mr. Speaker, I want to ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to consider this bill in the House as in the Committee of the Whole. Is there objection?

Mr. CANNON. What is the scope of the bill?

Mr. STAFFORD. Mr. Speaker, this is quite an important measure, and I think should take the ordinary course. Therefore I object.

The SPEAKER. The gentleman from Wisconsin objects, and the Chair appoints the gentleman from Tennessee [Mr. HOUSTON] to act as Chairman of the Committee of the Whole House on the state of the Union.

Mr. HOUSTON took the chair as Chairman of the Committee of the Whole House on the state of the Union.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11048, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11048) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department, approved September 2, 1914."

Be it enacted, etc., That the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, is hereby amended by adding to such act a new section, to be known as section 2b, to read as follows:

"SEC. 2b. That when it appears to the Secretary of the Treasury that vessels of foreign friendly flags, or their masters, officers, or crews, or shippers or importers in such vessels, are unable in any trade to secure adequate war-risk insurance on reasonable terms, the Bureau of War-Risk Insurance, with the approval of the Secretary, is hereby authorized to make provisions for the insurance by the United States of (1) such vessels of foreign friendly flags, their freight and passage moneys, and personal effects of the masters, officers, and crews thereof against the risks of war when such vessels are chartered or operated by the United States Shipping Board or its agent, or chartered by any person a citizen of the United States, and (2) the cargoes to be shipped in such vessels of foreign friendly flags, whether or not they are so chartered. Such insurance on the vessel, however, is authorized only when the United States Shipping Board or its agent operates the vessel or the charterers are, by the terms of the charter party or contract with the vessel owners, required to assume the war risk or provide insurance protecting the vessel owners against war risk during the term of the charter or hire of the vessel.

"The Bureau of War-Risk Insurance, with the approval of the Secretary of the Treasury, is also hereby authorized to insure the masters, officers, and crews of vessels operated or chartered as aforesaid against the loss of life or personal injury by the risk of war and for compensation during the detention following the capture by enemies of the United States, whenever it appears to the Secretary that the owners, operators, or charterers of such vessels are unable, in any trade, to secure such insurance on reasonable terms."

SEC. 2. That section 5 of such act as amended by an act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved June 12, 1917, is hereby amended to read as follows:

"SEC. 5. That the Secretary of the Treasury is authorized to establish an advisory board, to consist of three members skilled in the practices of war-risk insurance, for the purpose of assisting the Bureau of War-Risk Insurance in fixing rates of premium and in adjustment of claims for losses, and generally in carrying out the purposes of this act, the compensation of the members of said board to be determined by the Secretary of the Treasury, but not to exceed $20 a day each while actually employed. He is likewise authorized to appoint two persons skilled in the practices of accident insurance for the purpose of assisting the Bureau of War-Risk Insurance in the adjustment of claims for death, personal injury, or detention, the compensation of persons so appointed to be determined by the Secretary of the Treasury, but not to exceed $20 a day each while actually employed. In the event of disagreement as to the claim for losses or amount thereof, between the said bureau and the parties to such contract of insurance, an action on the claim may be brought against the United States in the district court of the United States, sitting in admiralty in the district in which the claimant or his agents may reside. The Secretary of the Treasury is, in his judgment, authorized to compromise the claim either before or after the institution of an action therein."

SEC. 3. That section 9 of such act as amended by an act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved June 12, 1917, is hereby amended to read as follows:

"SEC. 9. That the President is authorized whenever in his judgment the necessity of further war insurance by the United States shall have ceased to exist to suspend the operation of this act in so far as it authorizes insurance by the United States against loss or damage by risks of war, which suspension shall be made, in any event, within six months after the end of the war, but shall not affect any insurance outstanding at the time or any claims pending adjustment. For the purpose of the final adjustment of any such outstanding insurance or claims, the Bureau of War-Risk Insurance may, in the discretion of the President, be continued in existence for a period not exceeding three years after such suspension.

"The words 'end of the war' as used herein shall be deemed to mean the date of proclamation of exchange of ratification of the treaty of peace, unless the President shall, by proclamation, declare a prior date, in which case the date so proclaimed shall be deemed to be the 'end of the war' within the meaning of this act."

Mr. SIMS. Mr. Chairman, I will first read the letter of the Secretary of the Treasury with reference to this bill and suggesting its immediate passage:

TREASURY DEPARTMENT,
Washington, March 19, 1918.

MY DEAR CONGRESSMAN: The inclosed bill to amend the act of September 2, 1914, establishing the Bureau of War-Risk Insurance in the Treasury Department, is a measure which has been prepared by the advisory board in the marine division of the Bureau of War-Risk Insurance. It has my full approval, as well as the unanimous recommendation of the advisory board, and I would appreciate your cooperation in having this measure introduced in the House and in securing its passage.

The amendment is intended to accomplish three things: First, to permit the Bureau of War-Risk Insurance to insure the vessels of friendly nations when such vessels are chartered or operated by the United States Shipping Board or its agent, or chartered by citizens of the United States, or the cargoes on vessels of friendly nations whether or not they are so chartered; second, to authorize the Secretary of the Treasury to compromise disputed war-risk insurance claims; third, to extend the authorization which created this bureau for the purposes of the division of marine insurance for the period of the duration of the war, and for six months thereafter, unless sooner suspended by the President.

* * * * * * *

Very sincerely, yours,

W. G. MCADOO, *Secretary.*

In the hearings before the committee on this bill Mr. De Lanoy made the following statement, which is brief:

The original bureau, as you are aware, insured against war risks the hulls of American vessels and their cargoes. The developments since then—that was three and a half years ago—have rendered it advisable and necessary to include insurance of hulls and cargoes in vessels of friendly nations when such vessels are chartered or operated by the United States Shipping Board or its agents, or chartered by citizens of the United States, and this bill (No. 11048) would also include insurance on cargoes of vessels of friendly nations whether or not they are so chartered.

Mr. De Lanoy was asked about the operations of the war-risk insurance bill up to the present time, the vessels, and cargoes, and costs and financial results, and he made this statement in reply to a question of Mr. ESCH:

Mr. ESCH. If Director De Lanoy has the statistics, I think it would be valuable for use in the House to have the amount of insurance issued on vessels inserted as a part of the hearings, and the amount of losses paid to date, and the balance on hand to the favor of that fund.

Mr. DE LANOY. I have such a statement, Mr. Chairman and members of the committee, under date of April 30. The bureau has issued on hulls and cargoes 15,823 policies—that is, for the period September 2, 1914, to April 30, 1918—and the Government has insured a total of $1,134,920,000.

To-day the net amount of risks is $58,524,324. The high-water mark of risks was about $175,000,000. Now, as to the financial part, the premiums received amount to $41,833,967.88 and the losses to date $24,479,855. There is a difference of nearly $17,500,000, gentlemen.

The CHAIRMAN. In the hands of the Government?

Mr. DE LANOY. The expenses to March 31, 1918, from September 2, 1914, were $117,531.26—that is, 43 months—to take in over $41,000,000 in premiums.

Mr. Chairman, the Secretary's letter and the statement of Mr. De Lanoy cover the whole question, and the object and purposes of this bill.

Mr. DENISON. Will the gentleman yield for a question?

Mr. SIMS. I will.

Mr. DENISON. This bill, then, would extend the war-risk insurance business of the Government to cover the vessels of other friendly nations?

Mr. SIMS. Its cargoes.

Mr. DENISON. Vessels and cargoes?

Mr. SIMS. When chartered by citizens of the United States, or operated by the Shipping Board of the United States, or the cargoes of friendly nations, whether so chartered or not. That is the scope of the bill.

Mr. DENISON. In other words, this Government will insure the cargoes of the ships of other allied governments or neutral governments? Is that true under this bill?

Mr. SIMS. That is substantially true.

Mr. DENISON. Whether they are chartered by the——

Mr. SIMS. Whether the ship itself is chartered by the Government or by a citizen of the United States or the Shipping Board.

There are ships, as the gentleman will remember, that are running from South America and other neutral countries to the United States, and the war-risk insurance charged by private companies is practically prohibitive. If the Government of the United States under this bill is permitted to insure the cargoes of such vessels, it will increase our tonnage very materially

and be of very great benefit, and will enable us to use a great many more of our vessels, possibly, in our transport service with our allies between here and France, in shipping munitions and other war supplies. It will be of great benefit and add materially to our tonnage, and the Government, as an insurance proposition, will profit by it if conditions in the future should be as those in the past have been.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. DENISON. If there are any good and forceful reasons why we should do that, I hope the gentleman will present them to the House. If the Government is going into the insurance business and is going to insure the cargoes of other nations we should know about it fully.

Mr. SIMS. With our allies, which means practically with ourselves, so far as the war is concerned.

Mr. STAFFORD. Is not the authorization referred to broader than that? Is there any limitation whatsoever on the authority of the War-Risk Insurance Bureau as to placing insurance on cargoes when shipped in vessels of friendly flags, whether or not they are so chartered?

Mr. SIMS. I have just stated it covers cargoes of friendly vessels.

Mr. STAFFORD. They may be in no wise connected with the Nation's business, either its export or import trade.

Mr. SIMS. It may be a neutral nation carrying food or using its vessels to carry commerce between us, and thus enable us to use ours.

Mr. STAFFORD. There is no limitation that it must in any wise be connected with our Government. The phraseology is very general. I direct the gentleman's attention to the second provision of the first paragraph:

> The Bureau of War-Risk Insurance, with the approval of the Secretary, is hereby authorized to make provisions for the insurance by the United States of (1) such vessels of foreign friendly flags, their freight and passage moneys, and personal effects of the masters, officers, and crews thereof against the risks of war when such vessels are chartered or operated by the United States Shipping Board or its agent; or chartered by any person a citizen of the United States, and (2) the cargoes to be shipped in such vessels of foreign friendly flags, whether or not they are so chartered.

That would give authority to the Bureau of War-Risk Insurance——

Mr. SIMS. Let the gentleman read the rest of it.

Mr. STAFFORD. I will read:

> Such insurance on the vessel, however, is authorized only when the United States Shipping Board or its agent operates the vessel or the charterers are, by the terms of the charter party or contract with the vessel owners, required to assume the war risk or provide insurance protecting the vessel owners against war risk during the term of the charter or hire of the vessel.

Mr. SIMS. It applies to the vessel's owner.

Mr. STAFFORD. There is nothing there which will prevent the War-Risk Insurance Bureau from placing insurance on cargoes and transportation that has no relation whatsoever to American trade.

Mr. DENISON. Mr. Chairman, will the chairman of the committee yield for another question?

Mr. SIMS. Certainly.

Mr. DENISON. I assume that Mexico is a friendly nation under the present situation. I would like to ask the chairman whether, if parties in Mexico want to ship materials to Spain, this Government can be called upon to insure that cargo under this bill?

Mr. SIMS. No; no nation can call on us.

Mr. DENISON. I will put it this way: Can that cargo be insured by this Government?

Mr. SIMS. In other words, would the Government be authorized to do so? Is that what the gentleman means?

Mr. DENISON. Yes.

Mr. SIMS. If it comes within the provisions of the bill, and it is in the judgment of the Secretary of the Treasury in the execution of the law that it is for a friendly purpose, I do not see why the cargo would not be insurable under this bill. But that is an administrative matter which would have to be looked into. There is nothing mandatory about it.

Mr. DENISON. There ought to be something in the bill limiting this right of insurance to something in which this Government has a live interest.

Mr. SIMS. I do not think the gentleman would insist that the bill itself should specify friendly nations or exclude any nation by name.

Mr. DENISON. Not at all; but the character of the cargo or the ship ought to be specified or limited to such a character of ship as this Government has some interest in, either directly or indirectly at least.

Mr. SIMS. If the Government of the United States by insuring the cargoes of neutral and friendly nations enables those neutral or friendly nations to do business that they can not otherwise do on account of the prohibitive rates of insurance companies, it should do so, especially in the case of a large cargo, or a ship carrying an immense cargo that can not on that account get insurance in insurance companies. You have to have the approval of this Government or the administrative officers to get it in all cases. Now, it will be of very great indirect benefit to us. Think what has been done under the war-risk insurance of vessels for three years, with over $17,500,000 to the good. It could not affect us adversely in a financial way, and can not become a burden on us. But, on the other hand, it will be of great benefit. It will relieve, to some extent, the burden of tonnage upon our own vessels that might be used for other purposes.

This is a good bill. There is no objection to it. It is a war measure, and it is only extending the provisions of the law that we passed along the same line.

Mr. DENISON. But the effect of this bill might have a tendency to cause other nations to place the burden of the insurance of the shipping world upon this Government. That is the tendency of it, when they see we are willing to do it.

Mr. SIMS. It depends upon whether or not they come within the provisions of the law, and the administrative officer will exercise the proper care. I do not think they are going to do a wildcat business at all. What the bureau has already done stamps it with approval and administrative ability of the highest order.

Mr. DENISON. It has not done anything of this kind heretofore, insuring the vessels or cargoes of foreign nations?

Mr. SIMS. If a cargo of wheat is going to France from a friendly nation to feed our soldiers, why would the gentleman object to the Government of the United States insuring that cargo?

Mr. DENISON. That is an extreme case. Why should we insure a cargo of bananas, for example, from Mexico to Spain?

Mr. SIMS. I do not think that would be done. I suppose the gentleman goes on the theory that the administrative officers will do the most foolish and most unpatriotic thing that could be permitted under the law. I do not believe it.

Mr. CANNON. Will the gentleman yield?

Mr. SIMS. I will.

Mr. CANNON. Do the provisions of this bill cease at the close of the war?

Mr. SIMS. Yes; six months after the close of the war. Mr. Chairman, I reserve the remainder of my time.

Mr. ESCH. Mr. Chairman, I want to call attention to other provisions of the bill than those referred to by the chairman of the Committee on Interstate and Foreign Commerce. The original war-risk act of September 2, 1914, confined the operations of insuring risks on vessels to American merchant vessels. By the amendment of June 12, 1917, we extended the insurance to officers and crews, still confining it to merchant American vessels. In view of the tremendous shortage of tonnage at the present time, due to various causes, the fear of shipowners to engage in commerce that may jeopardize their vessels by submarine activities, it was difficult to get vessels of friendly foreign flags to engage in commerce where it was necessary to pass through the submarine zone.

The purpose of the bill is to give insurance to friendly foreign flags, not merely the vessel itself, but also, under certain circumstances and conditions, to the officers and crews, in order that there might be no hesitancy on the part of the owners to putting their ships into the commerce subject to great danger.

The amendment to the original act is contained in the first section of the bill, which adds section 2b thereto. The purpose of the bill is to make tonnage available for not only American commerce, but really for commerce of the allies, in order that we may get the greatest possible number of ships to daily send food and munitions of war from the United States to Europe. Anything that will do that certainly ought to be encouraged not merely as a war measure, but in order to expedite business and to insure the safety of these foreign vessels and their officers and crews.

Only recently the Shipping Board has taken over something like 200,000 tons of Japanese ships, and it is now engaged in negotiation for almost an equal amount of tonnage of Norwegian ships. The owners of the vessels do not wish them to be jeopardized by going into the war zone unless they can be given protection of the war-risk insurance. The private marine insurance companies can not do this business. The risk is too great, the amount involved in the cargoes is too large, and hence the Government must carry it alone, and for that reason we have put the provision in the bill.

The second part of the pending bill relates to a subject matter that ought to be legislated upon. It is section 2 of the bill,

which reenacts section 5 of the original war-risk insurance act, and the only new matter is contained in lines 7, 8, and 9, on page 4 of the bill:

The Secretary of the Treasury is, in his judgment, authorized to compromise the claim either before or after the institution of an action therein.

That provision is contained in various other acts enacted by Congress. I recollect that a like provision is contained in the compensation act. It hastens the adjudication of claims, and it avoids long delays as the result of litigation. In these matters expedition is very essential.

Mr. ANDERSON. Will the gentleman yield?

Mr. ESCH. I will.

Mr. ANDERSON. The gentleman has referred to the original war-insurance act and the amendment of June 12, 1917. That amendment added a new subsection to section 5, which fixed the compensation to be paid under the insurance act to the officers and crew of the vessel in definite terms. This bill seeks also to amend section 5. What I want to know is whether the amendment fixing the compensation, which was a part of section 5, remains in effect?

Mr. ESCH. Yes; but I intend to offer an amendment to clarify the situation, because, as the bill is now drawn, it adds a new section—section 2b—to the original act of 1914; the act of 1917 added a new section known as section 2a. Therefore this would not be proper unless we change this bill so as to show that we intend to amend the original act as amended by the act approved June 12, 1917. I shall offer that amendment at the proper time.

Mr. ANDERSON. I think it ought to be made clear that the provisions in the amendment of June 12, 1917, not inconsistent with this act, are retained.

Mr. ESCH. They are retained, and I shall offer an amendment to that effect.

Mr. DENISON. Will the gentleman yield?

Mr. ESCH. I will.

Mr. DENISON. Can the gentleman state whether or not the allied governments have similar war-risk insurance acts?

Mr. ESCH. I can state definitely with relation to Great Britain and France that they do, but I am not clear as to Italy.

Mr. DENISON. Can the gentleman state whether or not these governments have broadened the scope of insurance so as to insure the cargoes and vessels of friendly neutral nations?

Mr. ESCH. Not to my knowledge. They may have done so. They are so pressed for shipping that they are relying on the United States to do the transatlantic carrying. Italy has at present a very small available merchant marine, and it is confined largely to the Mediterranean traffic. So the United States, in order to supply Italy, will have to do it by American ships or vessels chartered by the Shipping Board or by charters held by American citizens.

Mr. DENISON. Under this bill would the Government be authorized to insure a Dutch ship? I notice that Holland has forbidden her ships from leaving port, doubtless for fear of their being sunk. Would the Government be authorized to insure these ships?

Mr. ESCH. I think so, because Holland is a friendly nation, and this bill covers friendly foreign flags.

Mr. MADDEN. But anyway the Secretary would not have to write the risk if he did not want to?

Mr. ESCH. No. It says that when, in the opinion of the Secretary, he finds the war-risk insurance, and so forth.

Mr. ANDERSON. May I ask another question?

Mr. ESCH. Certainly.

Mr. ANDERSON. The amendment of June 12, 1917, to which reference was made, authorizes the Secretary of the Treasury, through the Bureau of War-Risk Insurance, to issue reinsurance on a vessel and cargo insured by a friendly foreign nation. This bill extends that provision so as to permit the bureau to insure the vessel and cargo directly. Is that correct?

Mr. ESCH. That is right, and I think it is an advantage. Now, there is one other provision that I want to call attention to and that is section 9, page 4, fixing the termination of the war-risk insurance for vessels, officers, and crews.

Under the last amendment of the act, which is the act of June 12, 1917, a limitation was made of four years. Those four years will expire on the 2d of September next. Hence the necessity for an extension of the war-risk provisions of the war-risk act. That is done in this section 9 so as to make this provision terminate within six months after the end of the war, and it then defines what we mean by the end of the war in terms somewhat similar to those adopted in the railroad-control act. I reserve the remainder of my time.

Mr. MADDEN. Mr. Chairman, will the gentleman yield me 5 or 10 minutes?

Mr. ESCH. I yield five minutes to the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, I think this bill is all right and I have no objection to it, but what I rose for, since we are considering the War-Risk Bureau, is to call attention to the inadequacy of the War-Risk Bureau service in respect to paying allotments. I want to say for Mr. De Lanoy that he has been very nice to everyone and has tried to do everything he can apparently, but notwithstanding all that there seems to be a lack of system in the War-Risk Bureau which makes it impossible for those who are dependent upon payments resulting from their husbands or sons being in the Army to get the money. I want to cite a typical case. On the 21st of March a woman whose husband is in the war, a volunteer in France, leaving a wife and three children at home, wrote me and told me of her desire to have her allotment allowed. On the 28th of March I wrote to Mr. De Lanoy and called his attention to the case, gave the unit in which the man is serving, told him about the number of children in the family, filed the claim for the allotment with all of the information that is required under the act. I received a reply on the 15th of April telling me that the matter would be gone into and given early consideration. I sent that reply to the wife of this soldier and stated to her that I thought she would not be delayed very long in obtaining an adjustment of the case. On the 20th of April she wrote me, telling me that she was pleased to have my assurance that the War-Risk Bureau would soon adjust the case, and calling my attention to the fact that the allotment which she was looking forward to was the only means of support for herself and her three children, and that she was in great distress.

On the 11th of May, in response to a further letter to Mr. De Lanoy, I received a letter calling my attention to the fact that on the 7th of December, 1917, this case had been adjusted, and that on the 7th of March, 1918, he had ordered a check made and sent to the woman whose husband was in France. I sent that letter to the wife of this soldier on the 14th of May, and on the 17th of May she wrote me to the effect that she had received my letter advising her of what the office of the War-Risk Bureau said with respect to the case, but that she had not yet received any payments under the allotment that was made last December, and no evidence of any indication that she will. On the 20th of May I wrote to this woman and told her that I had again taken the case up with the War-Risk Bureau. To-day is the 22d day of May, and of course I have not yet received any reply. However, here is a case that was adjudicated on the 7th of December, 1917, with information to the effect that the check had been ordered made out on the 7th of March, 1918. Here is the wife of a soldier in France with three children, with no income whatever, waiting to hear from the War-Risk Bureau, and in the meantime being compelled to depend upon friends and neighbors for something to eat. I happen to know the case. This is only one case. It is a typical case, and I cite the case because I want the Members of the House to realize how difficult it is to get adjustment of cases pending before the War-Risk Bureau. I do not want to find any fault with anyone connected with the War-Risk Bureau, and I am offering this suggestion publicly, with the hope that they will take notice of it. I introduced a resolution this morning which, on account of this being Calendar Wednesday, was ruled out of order. Had it not been Calendar Wednesday, that resolution would have been on its way up to the Secretary of the Treasury. That resolution reads as follows:

Whereas complaints are reaching Members of Congress in constantly increasing numbers from the wives and mothers of soldiers whose allotments from their husbands and sons are their sole or principal means of support that they are unable to get their allotments adjusted or, if adjusted, have not received remittances; and

Whereas in many cases the families of soldiers are in distress and in need of immediate assistance; and

Whereas the Congress has authorized the Secretary of the Treasury, through the War-Risk Bureau, to make prompt adjustment and payment to allottees: Therefore be it

Resolved, That the Secretary of the Treasury be requested to report to the House the cause of the delay in making adjustments and payments, and also to advise the House of the number of allotments thus far adjusted and paid, the number adjusted on which payments have not been made, and the number of unadjusted allotments; the number of persons employed in the War-Risk Bureau, the aggregate monthly expense of such bureau, the percentage cost of adjustment and payment, and when the work of the bureau is likely to be current.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ESCH. Mr. Chairman, I yield five minutes more to the gentleman from Illinois.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. DENISON. I want to say that I am very much in favor of my colleague's resolution, and I have a number of cases practically like the one that he already cited, but I want to ask him if he has not some suggestion to make at this time which might lead to improvement of this condition. I noticed by a statement issued by the Bureau of Public Information some time ago that this department has 3,300 clerks. If we were to add a few more clerks they would only be in each other's way.

Mr. MADDEN. The suggestion I would like to make is that some one that has a knowledge of accounting, a knowledge of system, a knowledge of organization, shall be placed at the head of each one of the divisions connected with the War-Risk Bureau. It is evident that there is no one there who has any knowledge of system or any knowledge of organization, any knowledge of assimilation, any knowledge of coordination. It is not that they have not plenty of people there. It is the fact that they have people there who do not know why they are there or what they are doing since they went there. I am told by one of the employees down there—a first-class stenographer—that three men, all subject to military service, are sitting around where she is at work with her typewriting machine, with their feet upon their desks, with no knowledge of the purpose for which they are there, except that they have a pay day on the 1st and 15th of each month. Of course, there ought to be some remedy for this, and the remedy is to clean it up, to coordinate, to systematize, to put somebody in who has knowledge of office work. There is not a bit of reason in the world why this work can not be kept up. The mere fact there is a large number of cases coming in is no excuse, because that can be met as readily as any other increase of work has been met. They have no trouble in the Navy, they have met every increased demand upon them. They knew how to assimilate the men necessary to be employed in the accounting department, and what we need now is less politics and more humanity, more organization, more business, less favoritism, more execution and less promises.

Mr. COX. Will the gentleman yield?

Mr. MADDEN. Yes; I will yield.

Mr. COX. What is the gentleman's judgment on this proposition, whether or not the Secretary of Agriculture would ask for the exemption of 2,000 more employees and put them in, whether the work would not soon be current?

Mr. MADDEN. I want to tell the gentleman I have introduced 11 resolutions addressed to the head of each department of the Government like this. This one happens to be addressed to the Secretary of the Treasury:

Resolved, That the Secretary of the Treasury be requested to report to the House the number of men in his department that are liable to military service for whom he has requested and obtained exemption from military duty, the names and addresses of such persons, and the character of work they are performing in the Treasury Department.

One of those went to the Secretary of Agriculture, one went to the Secretary of State, one to the Secretary of War, one to the Secretary of the Navy, and so forth, and we propose to find out how many slackers we have hidden away.

Mr. COX. I hope the gentleman's resolutions will pass without a dissenting vote.

Mr. MADDEN. I do not think there will be trouble about passing them, because I believe every Member of Congress wants to get the facts.

Mr. COX. I was wondering whether the Secretary of Agriculture would ask exemption of 2,000, and whether or not that would bring the work up current.

Mr. STERLING of Illinois. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. STERLING of Illinois. Does the gentleman know whether or not the young men in the War-Risk Insurance Service have been exempted from military service because they are there?

Mr. MADDEN. I do not know that; I can not say that.

Mr. STERLING of Illinois. I will tell the gentleman I do not think they are exempted; and that when the time comes to be called, they will be called and subject to draft. They do take them in the civil department, but it does not give them any exemption.

Mr. MADDEN. That is all right. What I want is efficiency. I want results; that is all. I am not finding any fault with the employment of those men. I do not care whether they employ men within the draft age or not if it does not exempt them from military duty. What I want is to get action—action, results.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. BYRNES of South Carolina. The gentleman from Illinois has asked the question, but I wanted to know whether or not the gentleman had inquired in order to ascertain whether the three young men to whom he referred as being subject to the draft and being employed in the War-Risk Insurance Bureau had been exempted because of their employment or work there, subject to their call hereafter? My information is that they can be employed, but they are not exempt and on call must respond to the draft.

Mr. MADDEN. I have not inquired whether they are exempt from military service; but I have inquired to this extent, that whatever reason there is for their employment they are not doing anything. That is the point.

Mr. COX. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. COX. I will undertake to answer the query of the gentleman from South Carolina. If he will conduct a little inquiry of the Federal Farm Loan Board he will find three men exempted from draft—two single men and one married since the war—doing practically nothing.

Mr. BYRNES of South Carolina. In what department?

Mr. COX. The Federal Farm Loan Board, taken out of the Agricultural Department.

Mr. BYRNES of South Carolina. What are the names of those men?

Mr. COX. I think I can give their names if I am ever called upon.

Mr. BYRNES of South Carolina. I call upon the gentleman now.

Mr. COX. I am not going to disclose them now.

Mr. MADDEN. Now, I beg to suggest to the Secretary of the Treasury, to the head of the War-Risk Bureau, and to the heads of the other departments of the Government to understand that there is no disposition whatever to cripple them in the discharge of their duties, no disposition whatever to criticize them unjustly, no disposition whatever to criticize them at all, except in so far as just and constructive criticism will call their attention to the necessities of prompt action to the duties devolved upon the men who are in command of this bureau.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SIMS. I yield 10 minutes to the gentleman from Illinois [Mr. STERLING].

Mr. STERLING of Illinois. Mr. Chairman, I ask the indulgence of the committee for a few minutes to reply to my colleague in reference to war-risk insurance. If he bases his attitude on the "typical case" which he stated, I do not believe he has much right to complain. I do not believe that the House ought to put this bureau to the expense and trouble of making this report because of that one typical case. But let me call your attention to the situation. This law was passed the 6th day of last October, seven months ago. There was not a particle of organization to begin this work with. After that law was passed, or at the time it was passed, there was not even a blank printed on which the bureau could do its work. In the first place the Secretary of the Treasury had to find a man to take the place as director of the bureau. Before even he had done that applications for insurance, allotments, and allowances began to pour in on the bureau, and now to-day there are more than 2,000,000 applications pending—that is, more than 2,000,000 applications have been received at the bureau for insurance on the lives of our soldiers. On the 4th day of May 1,864,416 applications had been received for allotment and allowance. Now, when we consider that this bureau began its work less than six months ago, with an organization made up largely of raw material, made up of men and girls who had no business training and no experience in work of that kind—in spite of that fact this bureau has passed 760,000 cases for allotment and allowance and has issued and mailed more than 600,000 insurance policies, and in addition to that has issued many thousands of policies which it has not yet sent out, for the reason that the soldier did not give directions in his application as to whom it should be sent.

I want to say to you that I think the work that has been done by the bureau is a marvel of efficiency when you consider the circumstances which have surrounded it.

Mr. DENISON. Will the gentleman yield?

Mr. STERLING of Illinois. Yes.

Mr. DENISON. I was going to ask my colleague if he was not mistaken in the last statement he made about the number of policies of insurance. I saw in the bulletin issued by the Bureau of Public Information where they had insured some time ago 1,700,000 men and that the average policy was $8,500. So I am afraid my colleague had his figures too small.

Mr. ESCH. The difference arose in the fact of the difference in the amount of the insurance and the amount of allotment. The gentleman is right about 750,000 allotments being passed on, but there are practically now about 2,000,000 policies.

Mr. STERLING of Illinois. I am correct in my statement. They do not mail out a policy from the bureau unless the soldier

indicates in his application to whom it shall be mailed, and they have on file in the department a great many insurance policies under those conditions, but the number of those I can not give you. But on May 4, 590,000 policies had been mailed. But, as my colleague from Illinois [Mr. DENISON] has stated, the policies average over $8,000 apiece, and the policies that have been issued and mailed and the policies that are still in the office vaults of the bureau amount to $16,000,000,000.

Now, just compare that with the Pension Bureau, if you will. I do not think anyone will deny that the Pension Bureau is efficient. I have not heard any complaints about its work. If you can get a widow's pension through the Pension Bureau short of eight or nine months, you will do better than I can.

I will undertake to say that more than half of the widows' pensions that have been granted within the last year have been pending before the department for a year. Now, they are not inefficient, and I will undertake to say that it does not take any more work to pass on a widow's pension claim than it does to pass upon an allotment or allowance in the Bureau of War-Risk Insurance. Now, taking those things into consideration, and taking the fact into consideration that the people of the country do not understand yet how to proceed to get these allotments and allowances, which fact accounts for a great deal of the correspondence that comes to the Members of the House and to Senators—taking all things into consideration, the work accomplished entitles the men in charge to our admiration rather than our knocks. The lawyers of the country do not know what the law is. A week ago I had a request from one of the circuit judges in my district asking me to send him 60 copies of the war-insurance law, so that he could give a copy to each member of his bar, so that they would know what the law is. That accounts for a great deal of the delay, if you can really call it delay. But I will undertake to say that you can not justly call it delay if a soldier enlists in December, as in the case the gentleman from Illinois referred to, and his dependents get their allowance on the 7th day of March. That is not unnecessary delay. They have to make some investigation. They can not pay out this great amount of money without knowledge as to whom they are sending it.

Let me call your attention to another thing that the bureau has experienced. They have to make many changes in the record, and they have millions of records. They have to keep a record of every allotment, a record of every allowance, a record of every insurance policy, a record of every compensation case, and a record of every marine-insurance case.

They have to make every month 200,000 changes in those records. When a soldier dies they have to change the record; if his wife dies, they have got to change the record; if a child dies or a child is born, they have got to change the record; if an allottee changes her place of residence, they have got to change the record. If a soldier is promoted or demoted, the case must be readjudicated and the record changed. And one gentleman in the bureau showed me personally a great table covered with checks, over 40,000 of them, which they had sent out and which had been returned through the Post Office Department for the reason that the post office could not find the addressees. Forty thousand of them were there on the table in one room in the bureau. Now, they had done their part. They had mailed these letters according to the information they had. Sometimes the address on the application is not very distinct and not very well written. There are thousands and thousands of cases where the allottee, or the person entitled to compensation, moves from one place to another without notifying the bureau. They are not responsible for that.

Mr. COADY. Will the gentleman yield?

Mr. STERLING of Illinois. Yes.

Mr. COADY. To emphasize the importance of the investigation they should make, about which the gentleman is talking, I know of several cases, under my own investigation, where the soldier was married, but had made allotment to his mother. They had made false statements, which were found by investigation.

Mr. STERLING of Illinois. In some applications the soldier states that he has not any dependents, and afterwards the bureau gets claims from dependents. They have to investigate it and to find out the bona fide dependent. There are many cases where two persons or more than two make claims for the same allotment. They must investigate that. One gentleman at the bureau told me of an instance where there were five women who claimed the allotment of one soldier, and on investigation they found the soldier had married every one of them, and all five of them really thought they were bona fide claimants. The bureau has to guard against those things. At Camp Meade alone there were 22 cases in which more than one wife claimed the allotment of the soldier.

Now, a few cases like that certainly suggests to the bureau that they must use some care. They can not simply reply to a letter received from some person and send a check for the amount claimed. Everything must be adjudicated according to the law, and the bureau must have satisfactory proof on which to base a judgment.

Mr. ESCH. Will the gentleman yield?

Mr. STERLING of Illinois. Yes.

Mr. ESCH. The record shows, I think, that there were 55 "John J. O'Briens," and that 15 of them had wives by the name of "Mary."

Mr. STERLING of Illinois. I think I heard of that instance, too.

Mr. DENISON. Will my colleague yield?

Mr. STERLING of Illinois. Yes.

Mr. DENISON. Did my colleague learn, in conferring with the heads of the bureau, of any lack or need of help in the bureau? Is there something the bureau would like to have from Congress that would aid it in the efficient administration of its duties?

Mr. STERLING of Illinois. I think not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I yield to the gentleman five minutes more.

Mr. STERLING of Illinois. I think they have all the help they need at this time. I have no doubt there are many persons ready and willing to go into this bureau, but they can use only so many until they get the work thoroughly systematized, and I dare say they will take on employees just as fast as they can use them profitably and to advantage.

It is proper to call attention to another phase of the difficulties with which the bureau has to contend. The bureau is in eight different buildings in different parts of the city, none of them convenient and some far removed from the main office. This tends to confusion and delay and has been a great obstacle to efficiency and prompt service.

Mr. DENISON. I was going to state that I did not consider that this resolution that my colleague [Mr. MADDEN] had introduced was a criticism unfriendly to the bureau. I do not so consider it. I think that Mr. De Lanoy has done wonderfully well so far as he himself is concerned, and I know he has been trying to do well.

Mr. STERLING of Illinois. I do not regard my colleague's resolution as a criticism at all. I am sure he offers it in good faith to get the information it calls for, but it is unfortunate at this time that we should do or say anything to increase the anxiety of persons awaiting their benefits under the law. It only adds to the labors of the bureau. It increases the correspondence and delays rather than hastens the work. The bureau is certainly doing its best, and I think we had better keep our hands off for the present.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. STERLING of Illinois. Yes.

Mr. CRAMTON. I would like to call the gentleman's attention to a very definite instance that has come to my attention, where a young man entered the service and made an allotment to his father, and in December was married and made a new allotment to his wife. He was married in December. The case came to my attention on the 23d of March. On the 15th of May I was able finally to get action, and it then developed that the new allotment made by the soldier was made on the 1st day of January, that it was received by the War-Risk Bureau on the 23d day of January, and was not acted upon until the 15th day of May. For two months prior to the 15th of May they were assuring me that no new application had been received, although the man's service had been given, so that he was fully and completely identified, and there were no complications in the case.

Mr. STERLING of Illinois. That shows how Members will look at this thing from different angles. Under the conditions as they exist, taking all these things into consideration, I give it as my opinion to the gentleman that the proceeding in that case shows that the bureau was entirely efficient and acted within a reasonable time, and does the gentleman know how many hundred thousand cases had prior right to the attention of the bureau?

Mr. CRAMTON. From the 23d day of January to the 15th day of May, simply to make the change from the father to the wife, while the soldier was fully identified by his service?

Mr. STERLING of Illinois. Does the gentleman deny that the bureau should make some investigation?

Mr. CRAMTON. Not in that case. The soldier stated that this woman was his wife. No investigation was made or required, except for them to get around to action on the case.

Mr. STERLING of Illinois. There are thousands and thousands of cases where the soldier has filed, before his death, in

the Pension Bureau a statement that a certain woman is his wife, and yet you can not get a widow on the pension roll inside of a year to save your life. The Pension Bureau has been organized for half a century and has grown up gradually, and has not had difficulties to meet or been obliged to contend with a situation like the War-Risk Bureau at all; and comparing the two, I must say that the War-Risk Bureau has excited my admiration for the manner in which they have done this immense amount of work.

Mr. O'SHAUNESSY. Mr. Chairman, will the gentleman yield?

Mr. STERLING of Illinois. Yes.

Mr. O'SHAUNESSY. Is the gentleman familiar with the classificatiton by percentage instead of the flat rate for the men in the Army and Navy, which necessitates a vast amount of work? I am assured by the chairman of the Committee on Interstate and Foreign Commerce that it will be corrected by a bill now reported. The present law imposes a tremendous amount of complicated work upon the War-Risk Bureau at present.

Mr. STERLING of Illinois. I think that is true. That work adds greatly to the duties of the bureau and requires care in its performance.

Mr. O'SHAUNESSY. That is, they fix the allowance and the allotment on a man's wages, we will say, this month; and next month there is another wage; and the next month it is a different thing, so that they are in a constant quandary as to the calculation, entailing a vast amount of work.

Mr. STERLING of Illinois. As I stated, every month the bureau has to make 200,000 changes in the records in cases upon which it has already passed.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STERLING of Illinois. I ask unanimous consent, Mr. Chairman, to extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ESCH. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. PARKER].

The CHAIRMAN. The gentleman from New Jersey is recognized for 10 minutes.

Mr. PARKER of New Jersey. Mr. Chairman, this bill for the insurance of vessels and cargoes and crews is a war measure that is imperative and immediate in its necessity. I am sorry the debate has occurred at this time on the other part of war risk—the allotment and soldiers' insurance. That debate is appropriate, but we have already on the calendar a bill correcting a great many difficulties and simplifying the business of allotment and allowances, and I hope that bill will be called, as it is subject to call, immediately or shortly after the disposition of this bill.

But this bill for the insurance of neutral vessels and of cargoes in neutral vessels and for extending the time in which this can be done, so that all protection by insurance shall not come to an end, and to allow compromise of claims, is absolutely the most important war measure that has been before this House for some time.

Before I went to Europe and while I was in Europe last year I inquired of foreign commissions here, and also of our chief officers, what was most necessary to be provided, and the answer was always, "Transportation, transportation, transportation." Transportation is what will carry our soldiers abroad, what will carry their supplies, what will carry food to our allies, and that food and those men and those supplies are the things most needful in this war. It is essential that they should be carried as quickly as possible, and no agency has been so effective in securing this result as this Bureau of War-Risk Insurance, which insures vessels, cargoes, and crews.

They have insured risks of over a billion dollars. They have had $175,000,000 of risks at one time. They have over $58,000,000 now. They have taken in $41,000,000 of premiums. They have paid out only $24,000,000 of losses. They have $17,000,000 and odd to the good. It is a success. If private companies had been able to assume these risks, which no private companies would have been, they would have charged at least $40,000,000 more in premiums, and they would have had nearly $3,000,000 of expenses. The expenses of this bureau have been only $117,531.26. It is that insurance which enables us to take care of our soldiers and take care of our allies.

We find now that we need to expand and extend it. Shipping is short. We are building ships, but they are not completed. We have had to take over neutral vessels—thousands or millions of tons, or hundreds of thousands, at any rate; but, including the Dutch ships, I think it is millions.

We have had to agree with some foreign countries, I think with Japan, that they will allow their ships to be chartered to Americans. They could not do this business for any reasonable rate for the Americans unless the ships could be insured and protected in the same way that we protect our own. They are doing our work and it has to be done. It must be done now. These ships are sailing now or ought to be sailing now. The bill ought to be passed without delay.

The bill is simple. It allows a compromise of claims; a simple business matter; it extends the time at which the power of this bill would end from the 2d day of next September till the end of the war and for six months afterwards, with a reasonable time allowed for adjustment, and with the power in the President to end its business at any time. We need not debate these propositions. It also allows the bureau to insure not only American vessels but vessels chartered to United States citizens. It is right; our citizens want to use these vessels and our Government wants to use them, and they could not use them without that insurance.

Again, it extends the right of an American or anyone else to insure a cargo going abroad for the supply of our troops and our allies, even if it go in an English ship or in a French or neutral ship. It is our property and ought to be insured, and under proper regulations that right ought to be granted. If there is any change otherwise made by the bill, I know of none. This House ought not to spend time debating this bill, but it should be passed as the most important war measure that can come before this House. [Applause.]

Mr. SIMS. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, is hereby amended by adding to such act a new section, to be known as section 2b, to read as follows:

"SEC. 2b. That when it appears to the Secretary of the Treasury that vessels of foreign friendly flags, or their masters, officers, or crews, or shippers or importers in such vessels, are unable in any trade to secure adequate war-risk insurance on reasonable terms, the Bureau of War-Risk Insurance, with the approval of the Secretary, is hereby authorized to make provisions for the insurance by the United States of (1) such vessels of foreign friendly flags, their freight and passage moneys, and personal effects of the masters, officers, and crews thereof against the risks of war when such vessels are chartered or operated by the United States Shipping Board or its agent, or chartered by any person a citizen of the United States, and (2) the cargoes to be shipped in such vessels of foreign friendly flags, whether or not they are so chartered. Such insurance on the vessel, however, is authorized only when the United States Shipping Board or its agent operates the vessel or the charterers are, by the terms of the charter party or contract with the vessel owners, required to assume the war risk or provide insurance protecting the vessel owners against war risk during the term of the charter or hire of the vessel.

"The Bureau of War-Risk Insurance, with the approval of the Secretary of the Treasury, is also hereby authorized to insure the masters, officers, and crews of vessels operated or chartered as aforesaid against the loss of life or personal injury by the risk of war and for compensation during the detention following capture by enemies of the United States, whenever it appears to the Secretary that the owners, operators, or charterers of such vessels are unable, in any trade, to secure such insurance on reasonable terms."

Mr. ESCH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 6, after the word "fourteen," insert "as amended by the act approved January 12, 1917."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

Mr. SIMS. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11048) amending the war-risk insurance act, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

LEAVE OF ABSENCE.

Mr. BANKHEAD, by unanimous consent, was given leave of absence for four days on account of official business.

BUREAU OF WAR-RISK INSURANCE.

Mr. SIMS. Mr. Speaker, I call up Senate joint resolution 63, to establish a reserve of the Public Health Service.

Mr. STAFFORD. Mr. Speaker, I make the point of order that no quorum is present.

Mr. SIMS. If the gentleman will withdraw that point of order, I will call up another bill. I realize that by making points of no quorum the gentleman can prevent the passage of the resolution, and I do not want to have such a waste of time.

Mr. STAFFORD. Mr. Speaker, I am glad to withdraw the point of order under those very liberal terms. [Laughter.]

Mr. SIMS. Mr. Speaker, I call up the bill (S. 4482) to amend an act to authorize the establishment of the Bureau of War-Risk Insurance in the Treasury Department, approved September 2, 1914, as amended.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BOOHER in the chair.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the House substitute for the Senate bill be read and considered instead of the Senate bill.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to consider the House bill instead of the Senate bill. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I ask that the first reading of the substitute be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I yield to the gentleman from Texas [Mr. RAYBURN], who reported the bill, such time as he may need.

Mr. RAYBURN. Mr. Chairman, this is not anything like as big a bill as would seem from the way it is written and the report made on it. From the beginning we have seen that in all probability some amendments would be needed to the war-risk insurance act, and from time to time we have reported two or three unimportant amendments, and each time the question has been up we have made the statement to the House that an omnibus amendment bill to the war-risk insurance act would be reported and that a great many amendments would be covered. It might be stated also in the outset that the substitute for the Senate bill 4482 is exactly in the language of the two bills previously reported to the House by the House committee—House bill 11520, reported from the committee by the gentleman from Wisconsin [Mr. ESCH], which deals with amendments to article 2 of the act, and House bill 12037, reported by myself, which amends articles 1, 3, and 4 of the war-insurance act.

We found after the law became operative, after many cases had been investigated by the bureau, that it seemed to us that the term "parent" should be extended or expanded and made broader and more comprehensive than in the original act. The original act provided only that the term "parent" should include father, mother, grandfather, grandmother, stepfather, stepmother. We think that the language should be expanded so that it will include father through adoption and mother through adoption. We have also found that in many cases there have been people who have stood in the place of the parents to the enlisted man, but under the law they were not capable of being made the beneficiaries of the allotment provision of the bill or of the insurance. We therefore extended the word "parent" to include also anyone who had stood in loco parentis to the enlisted man for a period of five years. The committee reporting the amendment say that the term "parent" should include anyone who has stood in loco parentis for a period of five years next preceding the enlistment of the man or his draft into the service. The matter has since come up in committee, and we are very doubtful as to whether that should stand, and in all probability some member of the committee will offer an amendment to strike out the word "next." That was the sentiment expressed by some members of the committee, that it should include any person who had stood in loco parentis for five years at any time preceding the enlistment. Those are the amendments we have made in expansion of the term "parent."

Section 2 of the bill amends section 23 of the original act. Under articles 3 and 4 compensation and insurance could be paid to people who were not the duly constituted guardians of the enlisted man or the soldier. We believed after consideration that the compensation and the insurance, which runs over a great period of years and is quite a sum of money, should be made definite; that the money should be paid to some one or through some one only who was under the laws of the State a duly constituted guardian of the enlisted man. As for the allotment, something that requires quicker work, we decided that it should be paid to the guardian or curator under the laws of the State, and if there were no such then that it might be paid to the party who was responsible for the care and support of the child.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. STAFFORD. Who is to determine whether the person other than the guardian or the curator stands in such position that the money will be properly conserved for the benefit of the minor?

Mr. RAYBURN. A suitable person, in the opinion of the bureau, if there is no guardian.

Mr. STAFFORD. I am assuming that there is no guardian or curator. How is the bureau going to determine whether the person is responsible or not?

Mr. RAYBURN. They would simply have to determine that like they would have to determine any question with reference to an allotment or in respect to the man who claimed to be the beneficiary of the man who was killed under the insurance provision——

Mr. STAFFORD. I have a case in mind where the allotment by the soldier was made to the mother. The mother has died since the boy entered the service, leaving a dependent brother, one who is disabled from the performance of any labor at all. I assume that under such circumstances the bureau would be privileged to select perhaps the sister, in case the brother was living at home with the sister and she was providing him with support, without the formality of court proceedings to appoint a guardian.

Mr. RAYBURN. Oh, yes. We have tried to make this law all the way through so that we would have as little necessity for going into court as possible. If Members will turn to the report accompanying the bill, on page 14, they can very easily follow as I refer to the report made. The parts of the old law that are stricken out have a line drawn through them and are printed in the report also, and the new matter is all in italics, which will make it easy for members of the committee to follow.

After section 26 of the act, in article 1, we add new sections—27, 28, 29, and 30. Section 27 just adds a new penalty provision for anyone who would get money under articles 2, 3, and 4 fraudulently and with intent to defraud the Government. Cases of this kind have arisen since this law has been in operation, and it has been thought by the bureau that the penalty provisions of the law are not sufficient. Section 28 makes a uniform rule applicable to all the sections of this bill that no claim under the allotment, compensation, or insurance shall be assignable or shall be subject to tax or claims of creditors, putting it all in one article of the bill, so that it will not have to be repeated in each article, and it repeals that part of the bill in each of the other articles.

Section 9 provides that when a person is discharged from the Army on account of being an enemy alien or a conscientious objector all claim he may have had to compensation shall be canceled, and if he has taken out insurance that that insurance policy shall be canceled at that time, and, of course, the payment of the premiums shall stop at the same time.

Mr. SLAYDEN. Does he also forfeit the premiums previously paid?

Mr. RAYBURN. Yes; he forfeits the premiums he has previously paid, and justly so, for the reason that he has had the protection during the time that he was insured. Some one in the committee suggested that he ought to have some equity in an insurance, as he had paid a certain length of time, that in all probability he ought to have some kind of cash surrender value in the policy, but it was decided, and I believe it is the correct view to take of it, that he has no equity in the policy whatever, as any equity he might have in the policy was taken up by the protection he had while the policy was running. I might say right here also that the gentleman from New Jersey [Mr. PARKER] offered an amendment in the committee, and I inserted a statement from him in this report respecting it, that would further amend this to deny the right of compensation and right of insurance to anyone who is discharged for certain breaches of military rule. His statement is as follows:

> Men are rightly barred from war insurance and compensation who are conscientious objectors or alien enemies, but the bar should extend to all who are dishonorably discharged for an offense involving moral or unpatriotic turpitude, such as desertion, spying, mutiny, stealing, etc.
>
> Men should not be allowed to claim, after discharge, that they were injured in service and should get money from the Government to whose service they were unfaithful. The section should be amended as above suggested.

Which amendment he will offer in his own time.

Now, section 30 simply names the act, that it shall be hereafter cited as the "war-risk insurance act." Those are all the amendments to article 1 of the original act.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. SMITH of Michigan. The following section provides insurance or indemnity for all persons employed in active service under the War Department or the Navy Department. I would like to inquire whether or not that would include clerks in those departments?

Mr. RAYBURN. To what provision does the gentleman refer?

Mr. SMITH of Michigan. Following section 30. It is section 300. I will read it again:

That for death or disability resulting from personal injury suffered or disease contracted by any commissioned officer or enlisted man or by any member of the Army Nurse Corps or the Navy Nurse Corps when employed in active service under the War Department or Navy Department.

Mr. RAYBURN. I should like for the gentleman to allow me to come to that later.

Mr. SMITH of Michigan. I did not know but what the gentleman had skipped that.

Mr. RAYBURN. No. Now the part of the bill which amends article 2 is covered in the full report by the committee, which report the gentleman from Wisconsin [Mr. ESCH] made and reported to the House, and I shall not touch on that, but ask that he take that up. Now, I come to the very proposition the gentleman has in mind. Section 10 of the act provides for the amending of section 300 here as a provision of article 3 of the act.

Mr. SMITH of Michigan. What page is that?

Mr. RAYBURN. I am reading from the report, taking what I say from the report.

Mr. SMITH of Michigan. I have the report.

Mr. RAYBURN. It is two-thirds of the way down the page where it will be shown. Page 14 of the report. I am simply taking the report that I made and also these matters inserted and stricken out so I can follow the bill. I am not referring to the pages of this bill. It strikes out of that where it says:

That for death or disability resulting from personal injury suffered or disease contracted in the line of duty by commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department—

And so forth.

Now we have offered this same section with an amendment striking out the words "in the line of duty" where they occur and also striking out the word "the" before the word "active" down lower in the section. The reason for that has been that the term "in the line of duty" has both by the Pension Department and by the Judge Advocate General's Department been so hard of interpretation or a correct interpretation that we thought it would be wise to strike it out. The truth of the matter is that the Pension Department some time ago made one construction of the term and the Judge Advocate's Department made another interpretation of the term, and we believe that where the benefits of this article are restricted to the class named here, that when we say shall be payable to those in active service, that that should be restriction enough, and that the words "in the line of duty" should be stricken out, and we have so amended it to that effect.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. RAYBURN. Yes.

Mr. STAFFORD. Then I assume that before an enlisted man or an officer is called to a camp, though he has been enrolled, if he suffers a mishap in his business or in any other way, the compensation would still be paid to him or to his beneficiaries?

Mr. RAYBURN. No; the Treasury Department does not look upon it in that way, and they have suggested an amendment be offered to this bill so—take a case like this. That if a man were notified that he would be called for duty, and if he would be accepted by the local board, all of his enlistment had been perfected, that he should be eligible to take out insurance and the compensation should cover him from the time that this notice was given him any time he was subject to the orders of the department. I have refused to put that amendment in this bill because I do not believe he is in that part of active service where he could come in the same class of those who have been actually called on the fighting force. Now, the reason the Treasury Department, or one of the officials, gave for that was this: He said a great many of these fellows were called. They went to the concentration camp. They were not interpreted to be in active service until their physical examination by the Army doctors, and a great many times, he said, even though they had traveled all the way on the train to the concentration camp, many of them would get sick en route, and go there and be turned down on physical examination for some physical reason, and that he thought they ought to be covered during that time. I doubt if this should be done, for the simple reason that if you were to insure him or put him in the class he would be eligible for compensation until he got there and got turned down, and he might fool away two or three weeks or a month before he would go home, and would want it to apply until he got back home. I think it should not apply until he has executed the terms of his last examination and been put in the camp in active service.

Mr. TOWNER. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. TOWNER. Referring again to the gentleman's amendment striking out the words "in line of duty," has it not been the experience also of the Pension Department that it is exceedingly difficult to obtain testimony for the purpose of showing that the injury or death occurred in the line of duty; not only difficult to interpret, but also difficult in obtaining competent testimony?

Mr. RAYBURN. That is very true. Questions like this have and will come up. You put a soldier in the trenches and you keep him there three or four days. He needs a vacation and needs recreation; there is no question about that. They might give him a leave of absence for a few days or a furlough for a few days, and he might go over to Paris. He might get injured there, or something like that.

Those questions all came up; and we put in here, we believe, just the words "in active service."

Mr. SMITH of Michigan. I have two or three cases in reference to Civil War veterans, and I have had one case as to the present insurance feature under the War-Risk Bureau. A young man was accepted for service and examined and went to a concentration camp, and after getting there he became sick, tuberculosis developed, and he was discharged and sent home. Now, is there anything in this law at any place which provides that where a person who is held to be sound in body and limb sufficiently to be taken into the Army, it would be sufficient proof upon which to base a claim for insurance under this bill?

Mr. RAYBURN. I do not think there is any question in the world but that it is conclusive that a man is a sound man if they take him into the Army.

Mr. SMITH of Michigan. So that might give him a status for this insurance?

Mr. RAYBURN. I do not think there is any question about that.

Mr. WALDOW. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. WALDOW. Some time ago some boys, in traveling from their town to one of the camps, were unfortunate in being caught in a train wreck and four or five of the boys were killed and any number of them were injured. Would they be covered under this amendment of yours?

Mr. RAYBURN. Oh, yes.

Mr. WALDOW. They would be covered?

Mr. RAYBURN. They would be either covered under the insurance or under section 313, which allows them the right to sue. And that is a subdivision of the original bill.

Mr. WALDOW. I understood the gentleman to say that he did not want the men covered by insurance until they had received their final examination by the physician in camp.

Mr. RAYBURN. I thought the gentleman was referring to soldiers who had been home and were going back to camp.

Mr. WALDOW. No.

Mr. RAYBURN. Under those circumstances I do not think it would.

Mr. WALDOW. Does not the gentleman think this law ought to provide for some protection for the boys under those circumstances?

Mr. RAYBURN. That has been suggested by the Treasury Department and it is up to the House.

Mr. WALDOW. I simply desire to call the gentleman's attention to the accident which occurred in my own State, down at Albany, where there were 40 or 50 boys injured and 4 or 5 killed, and say that I think they ought to be protected in some way. They were on their way to active duty.

Mr. RAYBURN. If they were covered I think they would get less money than they would if they were not covered.

Mr. WALDOW. These soldiers, of course, would have to sue. Whom would they sue, the railroad?

Mr. RAYBURN. They would sue the railroad, as has always been done.

Mr. IGOE. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. IGOE. Is it the intention that section 300 as amended shall relate back to cases now pending?

Mr. RAYBURN. It includes all the amendments as to the father and mother, and the additions that we made, and makes them retroactive.

Mr. IGOE. That is specifically provided, as I understand, in section 9, on page 18. Now, section 10 of this bill amends section 300, and unless you provide specifically that it is retroactive——

Mr. RAYBURN. I shall be very glad to offer that amendment if it is not covered.

Mr. IGOE. I make that simply as a suggestion.

Mr. RAYBURN. It has been our intention to make this law apply back; make it retroactive. Section 301 is amended so that we strike out the word "widowed" wherever it occurs before the word "mother." I do not believe that before a mother can get this compensation it should be a prerequisite that she should be widowed, for the simple reason that there are a great many dependent mothers. There are a great many mothers who would not be as dependent if they were widowed as they probably would be with an old and a decrepit husband on their hands. And, furthermore, I do not think we ought to put that restriction on it, anyhow. I think that if a man has a dependent mother she should get this compensation whether she is a widow or not. And I think, also, as we have provided in this bill, that the father should be added here and given the same status as a mother under the law; that is, if there is a dependent father.

Mr. SMITH of Michigan. Was there any construction put upon the word "dependent"? I illustrate my inquiry in this way: Suppose the soldier occasionally sent home to his mother a $5 bill, say every two weeks or every month or every two months during his service; would that be considered a dependency?

Mr. RAYBURN. I think the term "dependency," as it has been interpreted by this bureau, means about this, that if the party were living the mother would have been substantially dependent upon him for support. I think that is the interpretation they have placed upon it.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. CONNALLY of Texas. I wanted to inquire as to whether or not this dependency must be total or partial, according to the interpretation the department has put on the act heretofore?

Mr. RAYBURN. Well, I think it does not have to be total. They are substantially dependent upon him, which I think would mean a partial dependency.

Now, the next amendment that we have put in here just simply makes the section all the way through conform to the writing in of the word "father" and the striking out of the word "widowed" where it precedes the word "mother," and it also includes the widower the same as the widow, if a man were dependent upon his wife for support.

Mr. STAFFORD. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. STAFFORD. What additional compensation has been afforded to dependent fathers and mothers, if any, by either of these amendments?

Mr. RAYBURN. Well, the compensation will be made more, that is all, in any case of the mother or father, but if there is a dependent mother or dependent father the compensation will be more to both of them than it would be to one of them.

Mr. STAFFORD. Will the gentleman specify wherein the bill differs from the existing law as to the amount of compensation paid to dependent mothers and fathers?

Mr. RAYBURN. Yes; I think I can. In the original act it was provided that if the injury resulted in death and the soldier had a widowed mother, the amount should be $20 a month. This simply says that if he has a mother or father dependent upon him the amount shall be $20 for each. Therefore if he has a dependent father and a dependent mother, it would be $30. If the soldier is totally disabled, then $10 each for the parents.

Mr. TOWNER. I think likely the gentleman's question referred to the rate. I think there is only one change in the rate. Under the old law it was $7.50. Under the gentleman's amendment it is $42.50.

Mr. STAFFORD. My question was as to the compensation to dependent mothers and fathers.

Mr. RAYBURN. That change of figures was not because it was a typographical error. It was made because it was wrongly put in in the beginning.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman to explain whether the original bill or the amendment here would cover a case like this: A marine was killed in the service on shipboard, due to an explosion. His mother was dependent upon him for such sustenance as she had. His mother had two other children. The mother was deserted by the husband, and had been for some years deserted, and had received no assistance from her husband. Now, the marine being dead, he left the mother without any support whatever. The department, I understand, ruled in this case that no assistance could be given to her because of the missing husband. She has no trace of the husband. She is simply a deserted woman.

Mr. RAYBURN. We provide for that by striking out the word "widowed" and leaving it "mother."

Mr. MOORE of Pennsylvania. So that the case would be covered by the amendment proposed?

Mr. RAYBURN. Yes.

Mr. ANDERSON. Is this bill retroactive, so that it will affect a soldier who has had an injury or died before this amendment was passed?

Mr. RAYBURN. Yes. The amendment is made effective as of October 6, 1917, when the original bill was passed.

Section 14 simply adds two new subdivisions to the act, and provides that where the husband and wife and children are not living together the compensation shall be apportioned among them.

Section 15 makes the provisions of section 301 and section 302, where it was provided that the mother was entitled to compensation whether she is a widow or not, effective as of October 6, 1917.

Section 16 repeals section 311 of the act for the reason that it is covered in article 1 or in the amendment that goes to the nonassignability of these claims, which is made to apply to all.

Now section 17 repeals section 313 of the original act. In the proposal of this bill we had an amendment to section 313 of the original act. Representatives of the War and Navy Departments came before the committee and said that it was placing such an additional burden upon them in looking up claims about injuries to men where the Government could take their case and sue to recover for personal injuries that they thought that they ought to be relieved of that, especially during the period of the war. No special objection was made from the Treasury Department at that time, but we adopted the provision of the bill here, repealing section 313 of the act. Since that time I believe that the majority of the members of the committee have come to the conclusion that section 313 should be amended in some respects, so as to relieve the War and Navy Departments of that responsibility and work, but we thought this investigation could be made during the period of the war by the War-Risk Bureau, and when we come to that provision of the bill under the five-minute rule I shall offer to reestablish an amendment to section 313.

The reason for that is this: The same sort of case was cited by the gentleman from New York [Mr. WALDOW]. Many times you will have a train wreck and have 100 men killed. If the relatives of those men were allowed to sue, probably they would recover $5,000 or $10,000; but where they elect to sue we believe that if they do sue and those people are paid for the death or injury that results, the Government therefore should withdraw that much of compensation.

Therefore the amendment that I shall offer will provide that where a personal injury occurs and the party, or the Government for him, elects to sue the offending corporation, if it be a railroad, for the accident, and the man recovers, or the Government recovers for him, on account of the negligence of the railroad, $15,000, that the compensation which he or dependents would get as a result of the injury or death should be subtracted from the total amount before the lump sum is paid him or his dependents, for the reason that the Government has lost by his death and should be allowed to reimburse itself. The difference should be held and paid out monthly, as the compensation is paid, so that the party could not dissipate all of it and then come to Congress pleading dependency.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. SMITH of Michigan. Referring to another subject, if the gentleman will pardon the interruption, when the law was first passed it provided a certain period within which the soldier could take out the insurance. There was a time limit, I think, until May 15, possibly. I would like to inquire whether under this bill, for those who are selected now or those who enlist voluntarily, there is any insurance or benefit accruing under this

act until they have made application or until the insurance policy is issued?

Mr. RAYBURN. No; the man has 120 days from enlistment to take out insurance, but that automatic feature expired on February 12 last. The reason for making the automatic insurance was that there were a great many men who were injured or died before the law went into effect and since the declaration of war and since they joined the colors. Further, we thought it would take that long to get the matter advertised so that they would know whether they wanted insurance or not. No automatic insurance applies now.

Mr. SMITH of Michigan. Those now selected and inducted into the Army have 120 days to take out insurance, and during that 120 days are they insured or not?

Mr. RAYBURN. They are not.

Mr. STAFFORD. I understood that during the 120 days if any accident occurred, if they were killed in action, the full benefit of the insurance feature applied to their relatives.

Mr. RAYBURN. That is not true now. The automatic feature of the insurance expired on February 12 and has never been revived.

Mr. STAFFORD. The privilege was extended to those who had not taken out insurance.

Mr. RAYBURN. Yes; for the very good reason that we had some so far away that they could not be reached before February 12 and have the insurance scheme explained to them and give them an opportunity to take it out; therefore we extended the time 60 days. Now no automatic insurance applies because in every home, in every Army camp, in every recruiting station, the recruiting officer is instructed by the Navy Department and the War Department the first thing to tell the recruit about the benefits of the insurance, and there is no reason on earth for any man not knowing about the insurance and being able to take it out if he wants to.

Mr. WALDOW. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. WALDOW. Coming back to the gentleman's argument before he was interrupted, did I understand him to say that he was going to propose an amendment that would protect or insure the soldier from the time he was enrolled?

Mr. RAYBURN. No; I am not. The Treasury Department asked me to offer an amendment of that sort, but I am not going to offer it.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. OLIVER of Alabama. In reference to the automatic insurance you have extended the meaning of the word "parent" so as to include others not provided in the original bill.

Mr. RAYBURN. Yes; I was coming to that.

Mr. OLIVER of Alabama. The enlisted man believing the original bill permitted him to apply for insurance for the ones your bill now includes will not for some time be apprised of the change in the law. Ought you not to provide for automatic insurance to those whom you now include in your amendment?

Mr. RAYBURN. No; I do not, as it would be very hard of administration and would open up so many questions and would practically draw open the whole insurance question, although I agree that in many cases it will work an apparent hardship or injustice. The automatic insurance under the old law could be paid to the wife, child, or widowed mother. We strike out the word "widowed" and allow it to be paid to the mother, and if the mother is not living, then to the father.

Mr. OLIVER of Alabama. I understood that you had expanded that in that you had given the word "mother" a broader meaning than was heretofore interpreted.

Mr. RAYBURN. Yes; and it is retroactive.

Mr. OLIVER of Alabama. If an application is on file and has been rejected for the reason that it did not follow that old law, and it could be so interpreted as to include the clause, the application will be allowed?

Mr. RAYBURN. Yes; it will be reopened.

Mr. TREADWAY. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. TREADWAY. Has the gentleman any information as to the number of men in the service who enlisted to avail themselves of the opportunity of taking out insurance in the 120 days?

Mr. RAYBURN. Yes; out of the 2,000,000 men, less than 200,000 have failed to take out insurance.

Mr. TREADWAY. As the law provides now, these men never will have a chance to take it out?

Mr. RAYBURN. No.

Mr. TREADWAY. Does the gentleman think that that is entire justice to a man in the service, if he has neglected to take out insurance?

Mr. RAYBURN. I am glad the gentleman has asked the question, for I feel very strongly on that for this reason: I feel that it would be an absolute injustice to these men not to have a time limit. I will give the gentleman my reasons. I had that opinion before any representative of the War or Navy Department came before the committee. After that my belief on that proposition was reinforced and greatly strengthened. If you turn a fellow loose and say that at any time you can take out this insurance, it will be the greatest invitation in the world for him to procrastinate. He will say, "Well, I don't want to take $6.50 out of my pay this month for insurance; I will wait until next month"; and so it will go on and on and on. Furthermore, the Government will not get the premiums to put into this fund that they are going to begin to pay out in enormous sums after we get a million or two men in France. My judgment was backed up by Admiral Cowie and Col. Lord, who came before our committee and said that the greatest inducement that they had—the greatest incentive that a man had—to take out insurance, and take it out readily, was that they only had 120 days to take it out; and Director De Lanoy, who has had 30 years in the insurance business, testified that, out of sixteen or eighteen hundred thousand men taking out insurance, he did not believe that more than 60 per cent would have taken it out before the 120 days expired if the limitation had not been placed in it.

About the 200,000 men who did not take out any insurance, and never will have the privilege of doing so, I want to say this: There are a great many men in the Army to-day who do not want this insurance. There is no one in the world whom they want to inherit what they can get by the insurance. They are men who have people who are in the permitted class of beneficiaries. There is many a man who has a mother who probably has put him out and married some sorry fellow when he was a boy, and he has grown up under the care of some one else, and he knows if he does take out this insurance he can not name that other person, and he will not take out the insurance because he does not want his mother, who probably has treated him wrongly, who drove him from her roof at a time when he was young, and her husband, to get any benefit through him. Then there are thousands of men in the Army who do not have any dependents at all. They call them "nones," although in the hearings it is printed "nuns." There are a number of those in the Army, and as far as allotments and compensation and insurance are concerned, especially as to allotments, hundreds and thousands of them have gone into the class writing that they had no dependents whatever. These people, of course, do not want to take out this insurance and pay six or eight dollars a month out of their salary which they think they can use. I think it is very unwise on their part, because, although to-day they have not any dependents, the time may come when they will have some, and they might become disabled. Even though a man has a leg or an arm shot off, one of the reasons given for the passage of this law was that when such men came out of the Army, the best blood in the land, some of it, having both legs or both arms off, we wanted those people to feel that they could get married and establish a home, and that the provisions of this bill would be liberal enough for them to do that.

I believe that the greatest injustice that we could do to these soldiers would be to take off the 120-day limit—not only to the soldiers themselves, but to the Government. I call the gentleman's attention to the fact that in a $30-a-month pay for a soldier a man can make an allotment of $15 a month and can pay a premium on $10,000 worth of insurance and then have more money to spend than Gen. Pershing said his men ought to have to spend, because he says that if his Army in France has more than $10 per month of idle money to spend it will absolutely demoralize them. For that reason and for many others I feel absolutely certain that it would be a great mistake for this Congress to throw down the bars.

Mr. TREADWAY. Mr. Chairman, I want to say that I appreciate the gentleman's explanation, and I think it is a very convincing one. I have had at least one instance of hardship resulting from the fact that a boy had neglected to avail himself of the 120-day period. However, there will always be a case of hardship now and then, and the explanation the gentleman gives, I think, covers the point very well indeed, with the greatest fairness to all concerned.

Mr. RAYBURN. I might say, further, that Mr. FRENCH introduced a bill to take this time limit off. He came before our committee, and we gave him an extended hearing—all the time he wanted—and after we argued the question with him, or after some of us did, and after he had sat in the committee and heard the statements of Admiral Cowie and Col. Lord and the representatives of the Army and Navy, Mr. FRENCH said to me that he thought in all probability his bill was a mistake.

Mr. STERLING of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. STERLING of Illinois. I would like to ask the gentleman a question. I presume the matter was discussed in the committee when the committee had hearings. Does the gentleman know, or have insurance actuaries determined, whether or not the premium paid on this insurance will make the Government safe, or is it sufficient to carry the insurance?

Mr. RAYBURN. We have piled up a considerable fund since this insurance went into effect, and it may be surprising to Members of the House to know that out of more than 1,600,000 or 1,800,000 men, whatever it may be, who have taken out insurance, the average amount of insurance they have taken is $8,200, or within $1,800 of the maximum amount. When we passed this law the estimates were made upon the basis of a million men in France during the second year of its operation, and that it would cost the Government $500,000,000. Of course, at this time there is quite a fund to the credit of this insurance.

Mr. STERLING of Illinois. Assuming that peace should come soon, I have no doubt that the premiums would carry the insurance for years to come.

Mr. RAYBURN. The intention of this insurance is simply this, that it is calculated upon the American table of mortality, with a 3½ per cent charge, and in time of peace it will carry itself. It is written on the basis of the cheapest safe old-line insurance in the world, which is a yearly term renewable insurance, minus the loading, which is the agents' charges, and so forth.

Mr. STERLING of Illinois. I have no doubt that it will carry the insurance for a good many years, and probably there will be no new blood coming in under the insurance after the war ceases——

Mr. RAYBURN. Not for a long time.

Mr. STERLING of Illinois. But when these men become old and begin to die, then I dare say that the premiums will not be sufficient to make the Government whole.

Mr. RAYBURN. There is a probability that it will carry itself all the way through peace times.

Mr. LONDON. What is the total number of men insured?

Mr. RAYBURN. It is practically 1,800,000, and when we had the hearings upon this bill it was shown that less than 200,000 men had failed to avail themselves of this insurance. I think that more than 90 per cent of the men avail themselves of insurance.

Mr. LONDON. If the gentleman will permit me, I want to say to the gentleman from Illinois that where insurance rates are based upon the American table of mortality the accumulated reserve will prove to be sufficient, even if the number of men insured is less than a million. That has been the experience of every large fraternal insurance order and, as the gentleman knows, most of the fraternal orders have been compelled by State laws to adopt the American table of mortality as the basis for their fraternal insurance rates.

Mr. STERLING of Illinois. That is true only in case the company continues to take in young blood so as to keep down the average death rate.

Mr. LONDON. It has nothing to do with the question of young blood and new men coming in.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. SMITH of Michigan. After the war and the soldier is discharged and it is found he is perfectly sound and has received no injury either by wound or disease, his insurance policy still continues, does it, during his life?

Mr. RAYBURN. He is given five years in which to convert it into another kind of policy.

Mr. SMITH of Michigan. Until then if he pays the same premium it runs along after the war——

Mr. RAYBURN. No; it will go up. An annual renewable insurance goes up, and that is the reason against any such insurance. It is fine insurance for a young man, but very poor for an old one.

Mr. SMITH of Michigan. It is good all during his service in war, during his time of service?

Mr. RAYBURN. I think so, because it is the cheapest insurance that can be had for men of the age of the average soldier.

Mr. SMITH of Michigan. Is it necessary to renew the policy every year?

Mr. SWITZER. I would like to inquire of the gentleman whether the committee has any estimate of the number of policies that may lapse after the war.

Mr. RAYBURN. No; I can not read men's minds after the war any more than before it.

Mr. SWITZER. I know; but you had estimates in the original hearings on this bill as to the number of men who would take insurance, and the argument was that it would be 25 per cent. I believe the same experts that had experience in the past probably could inform us about what per cent it would be.

Mr. RAYBURN. No; the gentleman I am sure is mistaken about the 25 per cent of men taking insurance. The estimate was that probably they would take on an average of $2,500 insurance instead of $8,200.

Mr. SWITZER. Twenty-five to 50 per cent, I recall it distinctly. Now, have not practical insurance men sufficient experience to inform us about what per cent of those million or two million policies will lapse?

Mr. RAYBURN. They probably could, but I never asked any.

Mr. SWITZER. The gentleman has no information?

Mr. RAYBURN. I have none whatever.

Mr. SWITZER. If the policies do lapse, the Government will get the benefit of the premiums that have been paid in as an offset——

Mr. RAYBURN. The men will have gotten the benefit of the protection, too.

Mr. SWITZER. As an offset against the increase that will have to be paid by those who stay in.

Mr. ESCH. As a matter of fact, there is no danger of lapse because the premiums are deducted from the pay.

Mr. CANNON. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. CANNON. What I do not know about this bill will make a book and a good-sized one. I understand the policy must be taken out and that it must be renewed. Am I right?

Mr. RAYBURN. I think if he just goes on and pays the premium that the bureau looks after it all right. As long as he pays the premium, it runs on during the war. I do not think he has to make a new application or be reexamined, but if he sends in his premium the policy is considered in force; that is what I mean by a yearly term renewable insurance.

Mr. CANNON. Precisely. If he is in France or in a hospital or prison, can his friends renew it for him?

Mr. RAYBURN. Oh, yes; the department asks no questions about where the premium comes from, just so they get it.

Mr. CANNON. Now, that makes me ask another question, which I ought to know. Can he designate the beneficiary? This broadens it.

Mr. RAYBURN. Yes; it broadens the meaning of the term "parent," thereby enlarging the permitted class of beneficiaries under contract insurance. It also broadens the class who may inherit the automatic insurance, and where the automatic insurance was to be paid only to the wife, child, or widowed mother, we strike out the word "widowed," and make it payable also to the father. We have extended the beneficiary class in this way.

Mr. CANNON. Can he designate, can he cut out the wife or mother or father, can he designate?

Mr. RAYBURN. He can designate anyone in the permitted class as beneficiary that he pleases.

Mr. CANNON. That answers it.

Mr. RAYBURN. The compensation, of course, is different. I think probably I was a little in error a while ago when I answered, and I shall be glad to correct it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. I yield 10 or 15 minutes to the gentleman——

Mr. RAYBURN. I think five minutes will be sufficient. I desire to apologize to the committee for speaking so long, but I have been catechized quite a good deal.

Of course, that would be the father by adoption, a mother by adoption, and anyone who stood in loco parentis.

Mr. OLIVER of Alabama. I hope the gentleman will correct that.

Mr. RAYBURN. I will.

The only amendment that we make other than that is the one I referred to, about the automatic insurance, simply striking out of section 401 the provision for the nonassignability of any claims under this, for the reason that it is covered.

Mr. HASTINGS. The country is very much interested in the administration of the law, and I am sure the gentleman has given it a great deal of investigation. Can he inform the House of the average length of time it takes to pay the beneficiary after death occurs—the average length of time it has taken heretofore, after a soldier dies, before the insurance is paid to the beneficiary? Now, that is one question. The second question is, What is the average length of time before those that are entitled to it under the law have received their allotment?

How are they getting along in paying their allotments? A good many Members of Congress have inquiries about that, and we have heard a good deal of discussion here, and I would like to have the result of the gentleman's investigation upon those two points, both upon the payment of insurance and the allotment.

Mr. RAYBURN. I can not answer the one as to the payment of insurance because I have not had any occasion to investigate that, as no case like that has come to my view. I think it would take only a very short time to make all the proof that was necessary.

Mr. HASTINGS. That is not the question. Was there any testimony before the gentleman's committee showing what was the average length of time after the death of a soldier before the insurance was paid? Was it two months, three months, or five months?

Mr. RAYBURN. I do not know whether there was any such testimony or not. If there was I do not remember it. As far as this allotment is concerned, I want to say this, that I have never in my life seen any bureau charged with as great an amount of work and of as varied a character as the War-Risk Insurance Bureau that has carried on the work as well and that has been as prompt as that bureau has been. Of course——

Mr. MADDEN. Will the gentleman yield?

Mr. RAYBURN. Not just now. I want to say just a word, and then I will yield to the gentleman.

I will say this, that when you have to write 1,500,000 checks every month and mail them out over the country, when you can not get the help to do it, and when that department has absolutely gone out here in this town and employed everybody that could write a check and who needed employment, and when we provided in the law that the allotment should be $15 a month, or one-half of the man's payment, never thinking at that time that the men would be getting promotions all the time by the hundreds and thousands, and not having a flat allotment as we have provided in a part of this bill that will be presented by the gentleman from Wisconsin [Mr. ESCH], and that that alone has necessitated the writing of more than 200,000 letters a month, it means a great deal; and that when we write down there concerning one little case and get exasperated because somebody back home is saying that we ought to answer them by letter the next day or by wire the same day, I think, understanding all that, a lot of us should stop some of the criticism that we have made, not because we intend that it shall be unjust, but because he has failed to comprehend a great amount of detail in this bureau. Further than that, it is a new thing. It is different than paying out pensions. With 2,000,000 men, when you are paying out allotments and writing the insurance policies and mailing them out and making all the investigations that have to be made in reference to the allotments, compensation, and insurance, it is quite a different matter than paying pensions to people when proof has already been made and only a check has to be mailed out.

Mr. MADDEN. I want to ask the gentleman from Texas as to whether he considers a case adjusted on the 7th of December, on which no payment has been made up to the present day, a prompt adjustment of an allottee's case?

Mr. RAYBURN. I do not.

Mr. MADDEN. He said the department had made very prompt adjustment.

Mr. RAYBURN. I did. I say, considering there are nearly 2,000,000 cases, it has been very prompt; and if the gentleman has one case in all of that number in the condition that he says it is, it is not a prompt adjustment.

Mr. MADDEN. Correspondence has been carried on beween the department and the bureau and the friends of the allottees ever since——

Mr. RAYBURN. Is that the only case the gentleman has that has taken that much time?

Mr. MADDEN. That is the only case. That is true so far as I am concerned, but here they made the allotment in December, 1917, and they have not made any payment under this allotment yet. So they do not mail the checks out every month.

Mr. RAYBURN. They have not in that case. Probably they have been lost or probably they could not locate the beneficiary. I say that that one case is mighty bad.

Mr. MADDEN. There are thousands of cases like that.

Mr. RAYBURN. I do not think so.

Mr. MADDEN. Other people say there are.

Mr. RAYBURN. I call upon any other Member of Congress to present a case like that. I say that the case is mighty bad, though.

Mr. GRAHAM of Illinois. I assume the change in section 401, cutting out the word "widowed," provides for such cases as where the mother has been divorced without fault, does it not?

Mr. RAYBURN. Yes. It says "the mother."

Mr. GRAHAM of Illinois. Another question, if the gentleman please.

Mr. RAYBURN. Yes.

Mr. GRAHAM of Illinois. For the purposes of the record, largely: Does the gentleman have any doubt in his mind but that these various amendments become retroactive?

Mr. RAYBURN. I do as to one, and I am going to offer an amendment to make that entirely certain.

Mr. GRAHAM of Illinois. In other words, the intent of these amendments and the other amendments that the gentleman has in mind is to make them effective as of the date of the passage of the original act?

Mr. RAYBURN. Just so.

Mr. TREADWAY. Mr. Chairman, will the gentleman allow a question from me?

Mr. RAYBURN. I yield to the gentleman.

Mr. TREADWAY. I notice that the change of phraseology applies to the person in loco parentis. Will that require a court proof that a person has acted in the place of the mother in bringing up a young child to manhood? What is the gentleman's understanding of that phrase?

Mr. RAYBURN. I think the term "in loco parentis" has a distinct legal meaning. They will have to comply with that.

Mr. TREADWAY. Will the gentleman kindly explain what that is?

Mr. RAYBURN. It is pretty hard for me to explain it. Of course, the words "in loco parentis" would not mean a father or mother by adoption, because we cover that by another phrase. I think in cases where it was known that a woman or man had taken the place of the father or mother, and had in all ways acted in the place of the father or mother, such a person would be considered "in loco parentis." Before I put my scattering remarks into the RECORD I am going to get, if I can, a definition which I will stand by, although it is going to be pretty hard to do it.

Mr. TREADWAY. An illustration occurs in my own correspondence like this: A woman had living three young children. Three sisters took into the family, without legal adoption, one of those children each. One of those boys is now in the service. Under the existing law the aunt of this boy, who took the boy into her family and brought him up without legal adoption, is not eligible to this insurance. Under the new clause would the gentleman consider that she was eligible under the phrase "in loco parentis"?

Mr. RAYBURN. I think so. I would say so if the department asked me what I thought the intent of Congress was in that regard.

Mr. TREADWAY. It seems to me that the phrase should be exact in its meaning. Does not the gentleman also think so?

Mr. RAYBURN. I do.

Mr. STERLING of Illinois. Mr. Chairman, may I ask the gentleman a question?

Mr. RAYBURN. I yield.

Mr. STERLING of Illinois. The gentleman stated a moment ago that the soldier would have to renew his insurance at the end of each year. Do I understand that there is anything that the soldier has to do affirmatively?

Mr. RAYBURN. Not at all. All that has to be done is that the premium shall be paid; that is all. I take that from the interpretation of the law, that it is a yearly renewable insurance. All term insurance is that.

Mr. MAPES. How is the premium paid after it has once started?

Mr. RAYBURN. They will take it out of the soldier's pay if he elects that it be paid that way, or any member of his family or anybody else, whether related to him or not, can undertake it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. MAPES. Suppose that, as in the case mentioned by the gentleman from Illinois a moment ago, the soldier were taken prisoner and kept in confinement for a year or so?

Mr. RAYBURN. If he had been paying it himself they would withhold it here at the source, and they would continue to withhold it; and if some relative or friend would pay it, they would take it up. I do not think it would change his status.

Mr. MAPES. Do his friends pay it in a number of cases?

Mr. RAYBURN. There are a large number of cases where they are paying the premium.

Mr. MAPES. Otherwise the premiums would be held out?

Mr. RAYBURN. Yes.

Mr. CANNON. Must it be on his request, or will it automatically be held out if he is not heard from?

Mr. RAYBURN. It will be paid as originally provided. If he has asked that it be taken out of his pay, that arrangement will continue; if paid by some one else, then that will be followed.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. HUDDLESTON. In case a soldier is accepted for service it is the practice now to inquire, if he should be discharged for disability, where his disability was incurred, and sometimes it is held that it was incurred before his enlistment. Would the gentleman's amendment have application to a case of that kind?

Mr. RAYBURN. I do not think I grasp the gentleman's question.

Mr. HUDDLESTON. In case a man is regularly mustered into the service and subsequently, after a period of service, is discharged for disability, it is the practice now to inquire when that disability originated; and in some instances, where it is thought that he might have had the disability when he came into the servce, he is denied the compensation. In other words, the Government is not estopped by accepting the soldier for service from saying that he was not fit for service when he undertook the service.

Mr. RAYBURN. As a question of law, I would say that the question of a man being physically fit was foreclosed when they took him into the service.

Mr. HUDDLESTON. Is this amendment that is proposed here now supposed to affect that question? The present practice is not to give the compensation where the medical officer sees proper to say that the soldier had the disability at the time he enlisted, although he might have served an indefinite time. I have in mind a particular case in which a soldier enlisted last May but was discharged in February for tuberculosis, and in the meantime he had had three or four medical examinations and had been pronounced perfect, and yet he was discharged for tuberculosis, which the medical officers certified was incurred prior to his enlistment.

Mr. RAYBURN. I would not stand on that. I do not believe they would have a right to say that hereafter, when they had accepted a man for active service.

Mr. HUDDLESTON. In that particular case the War Department had held that there is no method by which they can correct that great injustice that is done by the surgeon's certificate.

Miss RANKIN. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Miss RANKIN. On page 16 it is said, "(b) If there is a wife and one child, $25." On what do you base that $25? What is contained in your hearings on that question?

Mr. RAYBURN. That was in the original hearing, away back yonder. We thought that was the best we could do under the circumstances.

Mr. PARKER of New Jersey. I think the answer is she will get $15 more.

Mr. RAYBURN. That means $40.

Miss RANKIN. What is she going to do?

Mr. RAYBURN. I do not know what the fellow is going to do who goes out to be shot. He is going to suffer a good deal. Some of us who are wearing last year's clothes and not eating as much as we used to are suffering a good deal during this war, and we all have to deny ourselves a little.

Miss RANKIN. This is not a question of charity, is it? Is it not a question of justice, and is it not because we believe it is necessary to protect the race?

Mr. RAYBURN. Yes; that is the reason why we wrote this bill. It is ten times more liberal than the Federal Government has ever been to its soldiers before. If this man has taken out insurance after he allots his wife $15, if he dies she will draw $57.50 a month as long as she lives, or for 20 years in 240 payments. She will also get compensation that will run up to about $100 a month. If he is killed she will get along fairly well on that. We can not make everything exactly right. War is not right. That is the reason why we hate it so. Usually we would fix it so that they can not throw them out of their homes. We did that in the soldiers' rights bill. I think those people will get along. I do not think they can live in opulence, but they can get along.

Miss RANKIN. Does the gentleman think that a woman can raise a child fit to be a soldier on $40 a month, with the present high cost of living?

Mr. RAYBURN. That would be ample in some places.

Miss RANKIN. In what places?

Mr. RAYBURN. In some parts of the United States.

Miss RANKIN. Not in any place in Montana.

Mr. RAYBURN. Probably not.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. O'SHAUNESSY. Assuming that a man dies and has taken out no insurance, has this bill broadened the list of beneficiaries to whom a pension may go?

Mr. RAYBURN. The gentleman means compensation?

Mr. O'SHAUNESSY. Yes.

Mr. RAYBURN. It strikes out the word "widowed" where it appears before "mother."

Mr. O'SHAUNESSY. So that it can go to the mother.

Mr. RAYBURN. Wife, child, mother, or father.

Mr. WALDOW. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. WALDOW. Following the line of thought of the lady from Montana, is it not true that the United States has been more liberal with insurance and compensation than any other nation?

Mr. RAYBURN. Yes; it is the only country on earth that has an insurance act for soldiers, and the compensation and allotment is many times more liberal than in any other country in the world. [Applause.]

Mr. ESCH. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. PARKER.]

Mr. PARKER of New Jersey. Mr. Chairman, I only want to make one or two remarks. As to allotment, what it does is good. It simplifies the question; makes it an even $15, and on even months. It will save figuring. I do not think the bill goes far enough. It would be much simpler, as I said when the bill was first passed, for the Departments of the Army and the Navy to pay the allotment and allowance directly to the families as they now do on voluntary allotments. The system has been in vogue 40 years. It has worked exceedingly well, and then we would not have all of this certificating backward and forward from one department to the other before any payment is made, with a great deal of difficulty in finding out how much has been paid by one department or the other.

The practice that prevails in the Army and the Navy as to voluntary allotments, and has prevailed for years, ought to be continued, and most of the delays and trouble that have now taken place have done so because that practice was not followed.

Insurance is another and a different question. That has to be arranged by some outside bureau, as pensions were. There is no doubt about that. When there is compensation after death or disability it is the same. I thought this could be better administered in the Pension Department, but we will not quarrel about that. This department is doing the work as well as it can.

I do want to call attention to one thing further. Section 29, introduced by the department, says that a man shall not get insurance or pension or compensation, or whatever you call it, if he is discharged for being an alien enemy, or if he does not want to fight. But suppose he is a deserter and is a conscientious objector and discharged for desertion, is he to come in in a year or any time afterwards and say, "I want a pension, or I want insurance"? Suppose he is a slacker that will not go to the front, or a coward, or a thief, or worse yet, a spy. The law as it used to be as to pensions was that a man must have an honorable discharge in order to claim a pension or for his family to claim a pension under the law. Otherwise every slacker that wants to get out of the Army can commit some offense and get dishonorably discharged, and then come in and claim a pension for some injury received in the service; a claim got up just as some claims are got up against the Government or against great corporations or against individuals. That section ought to be amended so as to say that if a man is dishonorably discharged he shall not claim a pension and shall not claim insurance.

But that will wait until we get to the amendments. We are discussing the bill as a whole. Our insurance now amounts to $16,000,000,000. It is claimed that over 600,000 men were put out of the fighting among the British alone during one month, either by death or disability. In our Army not merely 25 per cent have taken out insurance, as was prophesied, but almost all have taken out insurance, averaging $8,200 apiece. If 600,000 men were killed or disabled they or their families would ask of the United States no less than $6,000,000,000, payable in 20 years in installments of 240 monthly payments.

This is an awful war. The finances of the United States need care. We are not making any amendment in that regard, but if we are to stand up under this war we must reserve payments for families who need them, and not, according to this bill, encourage young men with no dependents to take out insurance to go to his estate or, because it may be to the advantage of some one hereafter, to continue them at rates not the market

rate. It is a pretty large question. It has grown upon us in a most unexampled way.

It was a new departure with reference to soldiers. I wish, and every man in this House, I believe, wishes, that he had the health and strength and the opportunity to do his duty for his country on the fighting line, and without any provision for being paid for doing it, if he had no dependents, by an insurance which he can not fully control of $10,000 to certain relatives if he dies. What a soldier asks is support, support while he serves, and from us food, ammunition, reinforcements, sufficient pay and allowance to his family, and care of his family if he die or be disabled. When that is done the great Government over us has done what it should, and it is doing it liberally. Whether this insurance plan will work out to a real success is one of those things as to which there may be some doubt. [Applause.]

Mr. ESCH. Mr. Chairman, I have no more requests for time.

Mr. SIMS. Let the bill be read.

The Clerk read as follows:

Be it enacted, etc., That subdivision (4) of section 22 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, relating to the definition of the term "parent," is hereby amended to read as follows:

"(4) The term 'parent' includes a father, mother, grandfather, grandmother, father through adoption, mother through adoption, stepfather, and stepmother, either of the person in the service or of the spouse. For the purpose of Articles II and IV only, the term 'parent' shall include also a person who has stood in loco parentis to the enlisted person for a period of not less than five years next preceding October 6, 1917, or the person's enlistment or entrance into or employment in active service in the military or naval forces."

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word. Does not the committee mean to strike out from line 25, page 12, the words "next preceding"? I understood the committee was going to offer an amendment to that effect.

Mr. RAYBURN. No; I am not going to offer the amendment; I am against the amendment. I do not know who is going to offer it. I said it was advocated in the committee.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word of the section that has just been read. It seems to me that something ought to be done in reference to the suggestion just made by the gentleman from Pennsylvania [Mr. ROBBINS]. I thought that possibly instead of 5 years that ought to read 10 years, but if that is not a good suggestion, certainly it is very wise, in the opinion of some, that the words "next preceding" should be stricken out. The situation is this: Men go into the service and are obliged to go in at the age of 21 years. Some do enlist at a younger period than that—but let us assume that at 21 years of age they entered the service. Five years next preceding that would take the man back to 16 years of age. The support of children is not as essential from 15 years to 21 years as it is prior to becoming 15 years of age, and so it seems to me that either that limit ought to be 10 years that this person has acted in loco parentis or else it ought to be any 5 years not next preceding, because those are the very 5 years when the boy can make his own way. In loco parentis ought to apply to the years earlier than 16 years of age. To bring the matter directly before the committee, I move to strike out the word "next" in line 25, page 12.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Page 12, line 25, strike out the word "next."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That section 23 of said act is hereby amended to read as follows:

"SEC. 23. That when, by the terms of Articles III and IV, any payment is to be made to a minor, other than a person who is or has been in the military or naval forces of the United States, or to a person mentally incompetent, such payment shall be made to the person who is constituted guardian or curator by the laws of the State or residence of the claimant, but when, by the terms of Article II, payment is to be made to such a minor or mental incompetent, such payment shall be made to the person who is constituted guardian or curator by the laws of the State or residence of the claimant, or, if there is no guardian or curator, to some person who is otherwise legally vested with the responsibility or care of the claimant and who is, in the opinion of the bureau, a suitable person to receive such payment."

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Texas [Mr. RAYBURN] what he understands is meant by the words "otherwise legally vested with the responsibility" in line 17 on page 13?

Mr. RAYBURN. That language is in the present law, but it applies to articles 2, 3, and 4. We did not think that ought to apply to articles 3 and 4 for the reason that that covered what might be a large sum of money, payment of which would extend over a period of many years, but the allotment is money that should be paid immediately in a great many instances, because there is very great need for its being paid immediately.

Mr. WINGO. What is meant by the words "otherwise legally vested"? Is there any way by which a person could be legally authorized to receive payments on behalf of the minor except by complying with the laws with respect to guardianship?

Mr. RAYBURN. We intend that that shall mean that somebody who is charged with the responsibility and care of the child shall get the money, even though he has not been appointed administrator or legal guardian.

Mr. WINGO. I have this case in mind: A soldier has a sister who is 13 years of age, who is living with a person who is not related to her at all. That person has never been made the guardian of the minor. She is recognized as a member of the family, although no relationship exists. In that case would this person have to be appointed the guardian of the child in order to get the allotment?

Mr. RAYBURN. Not the allotment. They would have to be if they received pay as insurance or compensation.

Mr. WINGO. Oh, this does not apply to the allotment?

Mr. RAYBURN. It applies only to the allotment and not to the compensation and the insurance. We take the compensation and insurance out of that provision and say that it can not be paid to anyone unless there is some legally constituted guardian or curator in so far as compensation and insurance money is concerned, which may be a large amount of money and which may extend over several years; but as to the allotment, where the laws of no States have been complied with, as to the appointment of a guardian, it may do a great injustice to the minor or to the people taking care of her in this instance not to permit them to take this money, when they are charged with the responsibility of her care.

Mr. WINGO. The law will make it possible for the bureau to make this payment upon proper showing by the person who has that girl in his home and who has had ever since she was a small child.

Mr. RAYBURN. Yes.

Mr. GRAHAM of Illinois. This language also might include a testamentary or other trustee of some kind—a trustee appointed by some article in writing.

The Clerk read as follows:

SEC. 3. That four new sections are hereby added to Article I of said act, to be known as sections 27, 28, 29, and 30, respectively, and to read as follows:

"SEC. 27. That whoever shall obtain or receive any money, check, allotment, family allowance, compensation, or insurance under Articles II, III, or IV of this act, without being entitled thereto, with intent to defraud the United States or any person in the military or naval forces of the United States, shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or both."

Mr. WINGO. Mr. Chairman, I desire to ask the chairman of the committee in reference to the intention of the authorities in reference to this section. You say "with intent." Of course, in law certain presumptions flow from every act. I have in mind this case, called to my intention, touching a man who enlisted just prior to November and made an allotment at the time to his wife. On January 14 he was discharged from the Army. His wife in the meantime had written to him asking about the allotment. He wrote his wife he had allotted half his pay. He was getting $45.50. Finally she received a check for $120, dated March 14. Of course, at that time the man had gotten home, because he was discharged in January. The discharged man sat down and wrote the bureau that his wife had received the check, giving the number of his command and calling attention to the fact that he was drawing $45.50 a month, and that on that basis, instead of sending her $30 a month, as they were doing, they should have sent her $37.75 a month. They did send $30 for four months, which is $120, whereas he contended she was entitled to more. In the meantime he advised the bureau she would not cash the check. He called attention to the fact that he had already been discharged from the Army. They gave no answer to that, but subsequently she got another check for $30, dated April 1, a monthly payment. Not having an answer to her letter, they went ahead and cashed the first check, as they needed the money. Subsequently he called the attention of a friend of his to the situation, and the friend convinced him that instead of being entitled to more, as they were contending, as a matter of fact he had already been overpaid. He immediately sat down and wrote me and called attention to the fact, and returned the last check, which they had not cashed, and wanted me to ascertain through the department whether she had been overpaid; so, if so, she could refund, and also asked me to direct the atten-

tion of the Government to the fact that he was no longer an employee of the Government, having been an enlisted man and having been out for several months. Previously the bureau had advised me it had no record of an allotment in this case. Now, is it proposed to prosecute in a case of that kind?

Mr. RAYBURN. I do not think that man had any intention of defrauding the Government. I think the intent is the very essence of the thing. The conclusive presumption is that he had no intention of defrauding the Government, but he wanted to do the honest thing.

Mr. WINGO. I think the gentleman is right, and hope the Government will take the same view we do.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. O'SHAUNESSY. I merely wanted to know if the gentleman has any knowledge of the number of cases where money has been paid to people who had no right to it?

Mr. RAYBURN. I do not, except they say there are a few cases, and this provision was put in to cover those.

Mr. O'SHAUNESSY. I thought if there were more than a few cases there might be necessity for this legislation, and I assumed perhaps there was a great number.

Mr. RAYBURN. They come up.

Mr. LONERGAN. Will the gentleman yield for a question?

Mr. RAYBURN. I will yield.

Mr. LONERGAN. Is there any retroactive clause in this bill?

Mr. RAYBURN. It is our intention to make it as of October 6, 1917.

Mr. STEVENSON. The gentleman does not mean that this criminal feature is retroactive?

Mr. RAYBURN. No; I meant the beneficial portion of it.

The Clerk read as follows:

SEC. 28. That the allotments and family allowances, compensation, and insurance payable under Articles II, III, and IV, respectively, shall not be assignable, shall not be subject to the claims of creditors of any person to whom an award is made under Articles II, III, or IV, and shall be exempt from all taxation: *Provided*, That such allotments and family allowances, compensation, and insurance shall be subject to any claims which the United States may have, under Articles II, III, and IV, against the person on whose account the allotments and family allowances, compensation, or insurance is payable.

Mr. BLACK. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Texas a question. I noticed in the bill section 311 of the war-risk insurance measure is repealed. The section reads:

The compensation under this article shall not be assignable and shall be exempt from judgments and executions and free of taxation.

Now, this act we are now considering repeals that section, and I want to know whether the section 28 that has just been read is to take the place of the section repealed in the bill.

Mr. RAYBURN. Yes; and it also applies in Article IV of section 401 of the bill.

The Clerk read as follows:

SEC. 29. That the discharge or dismissal of any person from the military or naval forces on the ground that he is an enemy alien or a conscientious objector shall terminate any insurance granted on the life of such person under the provisions of Article IV, and shall bar all rights to any compensation under Article III or any insurance under Article IV.

SEC. 30. That this act may be cited as the war-risk insurance act.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 22, after the words "conscientious objector," insert "or a deserter or as guilty of mutiny, treason, spying, or any offense involving moral turpitude or willful and persistent misconduct."

Mr. PARKER of New Jersey. Mr. Chairman, I have nothing much to add to what I have said. In my opinion, a man dishonorably discharged under any circumstance should not have the right to pension. He is expected to do good service. That is the only reason for his getting compensation and insurance. But in deference to others this amendment is limited to persistent and willful misconduct or offenses involving moral turpitude, such as desertion, mutiny, and spying, which are a great deal worse than being a conscientious objector or being an alien enemy. If it is applied to the last, it ought to be applied to the other. It seems probable that the best way to encourage bad behavior in the Army is to tell every man in it who gets tired that he can merely behave badly and get discharged for bad behavior, and that he can then say he was injured in the trenches, he has lost his health, and that he wants to have compensation.

Mr. STAFFORD. Will the gentleman yield?

Mr. PARKER of New Jersey. Yes, sir.

Mr. STAFFORD. Do I understand the gentleman's amendment would apply to a person who was guilty of willful and persistent misconduct who is still in the service?

Mr. PARKER of New Jersey. No. He is discharged for that.

Mr. STAFFORD. I see.

The CHAIRMAN. The question is on the amendment.

Mr. GRAHAM of Illinois. Mr. Chairman, I did not hear the amendment read plainly.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

Mr. PARKER of New Jersey. I would be glad to have the old section read as it would read if amended.

The CHAIRMAN. The Clerk will read the section as it would read if amended.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 14, line 22, after the words "conscientious objector," insert: "or a deserter, or as guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct," so that the section as amended would read:

"SEC. 29. That the discharge or dismissal of any person from the military or naval forces on the ground that he is an enemy alien or a conscientious objector, or a deserter, or as guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, shall terminate any insurance granted on the life of such person under the provisions of Article IV, and shall bar all rights to any compensation under Article III, or any insurance under Article IV."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That section 200 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, is hereby amended to read as follows:

Mr. ESCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 15, line 5, after the word "of," strike out the word "the" and insert in lieu thereof the word "said," and after the word "act" strike out the following: "entitled 'An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department,' approved September 2, 1914, as amended"; so that the section as amended will read:

"That section 200 of said act is hereby amended to read as follows:"

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 200. That the provisions of this article shall apply to all enlisted men in the military or naval forces of the United States, except the Philippine Scouts, the insular force of the Navy, and the Samoan native guard and band of the Navy.

Mr. ESCH. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 15, line 14, after the word "Navy," insert:

"This section shall be deemed to be in effect as of October 6, 1917."

Mr. ESCH. Mr. Chairman, the original act provided that the provisions of this article shall apply to all enlisted men of the military or naval forces of the United States. This bill excepts the Philippine Scouts, the insular force of the Navy, and the Samoan native guards and band of the Navy. It was not originally intended by the committee or by Congress, or the departments having the administration of this law in hand, to include the Philippine Scouts or the Samoan native guards and band of the Navy. And hence we put in that exception in the pending bill. But to make it retroactive it seems to me the amendment I have offered ought to be adopted.

Mr. ROBBINS. Just what do insular forces of the Navy include?

Mr. ESCH. There are about, I think, something like 800 men. The Samoan native guard and band is a very small organization.

Mr. ROBBINS. I understand what the Philippine Scouts and the Samoan band are, as accepted in the ordinary terms, but what is meant by the insular force? Are they Americans or natives?

Mr. ESCH. They are natives of the islands.

Mr. ROBBINS. The Samoan Islands?

Mr. ESCH. Samoan or whatever islands we may have. I suppose it relates to the Philippines——

Mr. ROBBINS. And Hawaii, too?

Mr. ESCH. I do not think we have any in Hawaii. We have our own American troops there.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ESCH].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That the second and third paragraphs of section 201 of such act are hereby amended to read as follows:

"The monthly compulsory allotment shall be $15. For a wife living separate and apart from her husband under court order or written agreement or for a former wife divorced the monthly compulsory allotment shall not exceed the amount specified in the court order, decree, or written agreement, to be paid to her, and for an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree.

Mr. LONERGAN. Mr. Chairman, I would like to ask some gentleman of the committee who is in charge here a question. Will the gentleman from Wisconsin [Mr. ESCH] yield?

Mr. ESCH. I will.

Mr. LONERGAN. Will the gentleman from Wisconsin please state if, under the practice of the bureau at this time under existing law, a woman who was divorced from her husband on his petition receives benefit under the law?

Mr. ESCH. I should think that she would come under the provisions of the act if she were the guilty party and he secured the divorce on his application.

Mr. LONERGAN. What does the gentleman think of making this law specific on that point? This is merely suggestive—what I am about to say.

Mr. ESCH. Does the gentleman wish to offer an amendment?

Mr. LONERGAN. I would like to get the gentleman's opinion on this: In line 21, after the word "divorced," incorporate the words "on her petition or on decree obtained on her cross complaint, unless the divorce be obtained on the ground of insanity on the petition of the husband."

Mr. ESCH. Of course the court decree would determine the relative rights of the parties, and that is already set forth, I think, in the original act. For a former wife divorced the monthly compulsory allotment shall not exceed the amount specified in the decree of the court. The language of this bill is, "For a former wife divorced the monthly compulsory allotment shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her." Evidently that decree would fix her status. I hardly think it would be necessary to offer the amendment that the gentleman suggests. I doubt whether in the administration of the law a wife who was divorced because of her own fault would be given an allowance by the officials having the administration of the act in charge.

Mr. LONERGAN. Is the gentleman from Wisconsin in a position to state what the practice is?

Mr. ESCH. No. I doubt whether we have data sufficient in the bureau up to date to establish a practice. I can not cite you a particular instance. Possibly the gentleman from Texas [Mr. RAYBURN], who has had larger experience in the administration of the law, could advise the gentleman.

Mr. LONERGAN. Could the gentleman from Texas say as to that?

Mr. RAYBURN. I did not understand the gentleman's question.

Mr. LONERGAN. I say, would a woman who had been divorced be a beneficiary under the law?

Mr. RAYBURN. It depends on the decree of the court. If it has been decreed to her, she would; otherwise not. If she were entirely at fault I am sure alimony would not be included.

Mr. SNOOK. I will say to my colleague that I have a case of that kind, and in that case they have followed the language of this act, and it depends on the decree of the court. The wife gets the allotment, provided the court has decreed alimony. I have a case like that where the wife got nothing.

Mr. ROBBINS. I should think that the original act would control. The section to be amended, on page 15, provides this:

The monthly compulsory allotment shall be in an amount equal to the family allowance hereinafter specified, except that it shall not be more than one-half the pay, or less than $15; but for a wife living separate and apart under court order or written agreement or for a former wife divorced it shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her. For an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree.

That is the case that the gentleman raises.

Mr. LONERGAN. Exactly.

Mr. ROBBINS. It shall not exceed the amount specified in the court order. There the court has gone into the question. If she is at fault, there would be no decree of the court giving her alimony. If the decree of the court is that she was without fault, the decree and alimony would be in her favor. If the allotment was $15, she would get $10, because the court's order allowed her $10, even though the allotment was $15. Therefore I think it was unwise to put in this act a provision depending on our legislation, whereas in the original act the allotment depends on the adjudication of the court which entered the decree. I think the amendment of the gentleman from Connecticut is unnecessary and would be dangerous at this time.

Mr. LONERGAN. I wanted to get the opinion of the gentleman on the committee as to what the practice is under existing law.

Mr. HAMLIN. I would like to inquire of the gentleman from Texas what is meant by this language: "A wife living separate and apart from her husband under court order or written agreement."

Mr. ROBBINS. That is a qualified divorce.

Mr. RAYBURN. That is where they may be living separate and apart by court order, but without formal divorce.

Mr. HAMLIN. A limited divorce?

Mr. RAYBURN. Yes.

Mr. ROBBINS. That is not an absolute divorce.

Mr. McKEOWN. Mr. Chairman, I would like to ask the gentleman from Texas a question on this proposition: Is there any provision in this act to protect the Government in case of a settlement or compromise? That is, an allowance of alimony of $15 a month made to a divorced wife, where the husband subsequently comes in and settles all claims for subsequent alimony? Is there any provision here so that she would be entitled to receive any compensation from the Government? There are cases where the court makes an allowance of $10 or $15 or $20 per month. Afterwards the husband comes in and by the payment of $100 or $250 or some other certain sum a full compromise is made. I have a case of that kind in my district now, where the husband returned and settled in full the claim of the wife. Yet she is permitted, as I understand, still to draw money from the Government under her allotment.

Mr. RAYBURN. I do not know what construction the department has put upon a case of that kind, but my opinion is that if it were called to the attention of the department they would stop the payment of that allotment.

Mr. McKEOWN. There should be some rule about it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That the third and fourth paragraphs of section 204 of such act are hereby amended to read as follows:

"Class A: In the case of a man—

"(a) If there is a wife but no child, $15;

"(b) If there is a wife and one child, $25;

"(c) If there is a wife and two children, $32.50, with $5 per month additional for each additional child;

"(d) If there is no wife, but one child, $5;

"(e) If there is no wife, but two children, $12.50;

"(f) If there is no wife, but three children, $20;

"(g) If there is no wife, but four children, $30, with $5 per month additional for each additional child;

"(h) If there is a former wife divorced who has not remarried and to whom alimony has been decreed, $15.

"Class B: In the case of a man or woman—

"(a) If there is one parent, $10;

"(b) If there are two parents, $20;

"(c) If there is a grandchild, brother, sister, or additional parent, $5 for each.

"In the case of a woman, the family allowances for a husband and children shall be in the same amounts, respectively, as are payable, in the case of a man, to a wife and children, provided she makes a voluntary allotment of $15 as a basis therefor, and provided, further, that dependency exists as required in section 206."

Miss RANKIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 16, line 12, strike out "$25" and insert "$35"; line 13, strike out "$32.50" and insert "$42.50"; line 15, strike out "$5" and insert "$15"; line 16, strike out "$12.50" and insert "$22.50"; line 17, strike out "$20," and insert "$30"; line 18, strike out "$30" and insert "$40."

Miss RANKIN. Mr. Chairman, since the passage of this bill we have raised the salaries of all the Federal employees $120 a year, which is $10 a month. This amendment applies only to allowances that have to do with children. If it is necessary to raise the salary of Federal employees on account of the high cost of living, it is certainly necessary to raise the allotment to children. For we all know that people can stand privations better than children, and it will be of small use to this Nation to save democracy for the race if at the same time we do not save the race for democracy.

Mr. RAYBURN. Now, Mr. Chairman, I do trust that this amendment will not be adopted. It seems to me that it is most unnecessary. If a wife can get along on $15, she and her child can get along on $25, in addition to what the husband will donate.

Miss RANKIN. Will the gentleman yield?

Mr. RAYBURN. I will.

Miss RANKIN. Does not the gentleman recognize that a woman without a child can earn her own living. I would be willing to strike out the amount for the wife with no child, that she should receive no allotment, for she is able to earn her own living, while a woman with a child the allotment is not for the support of the woman, but to make it possible for the woman to support the child.

Mr. RAYBURN. The amount given a woman with one child is $40. That is more liberal than ever was provided before. If a man died in the Civil War, the wife got no insurance, for he had no right to take out insurance. He was in the Army of the United States, and the Government made no allowance to her of $15 for herself and no allowance of $10 for her child. In the administration of some of these laws somewhere, I do not know when it is going to come, we are going to have to stop one of these days and take stock and see what is the capacity of the American people to pay bills. We are going to come to it within 12 months if this war goes on. I trust that the House will not upon sentiment adopt this amendment.

Mr. ROBBINS. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. ROBBINS. If I understand this measure, the soldier starts out with a pay of $30 a month. He pays one-half to his wife, and that is $15. If she has a child the Government adds $10 more, and therefore she would get $15 from the husband, $15 from the Government, with $10 more for the child.

Mr. RAYBURN. She would get $40 a month.

Mr. ROBBINS. If the amendment proposed by the lady from Montana is adopted, the Government is to add $10 more out of the National Treasury to the amount already allowed. The purpose of the amendment is to add $10 to the pay of the private soldier, and if the man was a sergeant, corporal, commissary sergeant, or quartermaster sergeant, the addition would be proportionately larger out of the National Treasury.

Mr. RAYBURN. No; it would be a flat amount of $10 more for each child.

Mr. ROBBINS. It would be $10 for every enlisted man whose wife had a child. How much would that amount to out of the National Treasury?

Mr. RAYBURN. I do not know, but quite a large sum.

Mr. ROBBINS. If we had a million and a half men in the field, it would be many million dollars.

Mr. RAYBURN. If they all had wives and one child. The majority of the men drafted, I understand, do not have a wife.

Mr. ROBBINS. It would add a great burden to the National Treasury to adopt this amendment, would it not?

Mr. RAYBURN. Yes.

Miss RANKIN. May I ask the chairman of the committee a question?

Mr. RAYBURN. Certainly.

Miss RANKIN. Is it not true according to the regulations for the next draft that men with children will not be drawn, so that this will not apply to any man in the coming draft?

Mr. RAYBURN. I do not know about that; they change the rules down there so often that I would not say what they will do in the next draft.

The CHAIRMAN. The question is on the amendment offered by the Member from Montana.

The question was taken, and the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. The committee has made no change in the paragraph about which I desire to get some information, but I wish to inquire the reason for what seems to me an incongruity. When there is no wife, but one child living, the allowance is $5 a month, and when there are two children the amount is not twice that, but more than twice that, viz, $12.50.

Mr. RAYBURN. That would reduce the percentage, because the soldier can only allot $15 once. There will be two children to live off that in addition to the allowance the Government makes, whereas in the case of one child there would be $20 per month for that one child.

Mr. STAFFORD. And, proceeding further than that, when there are three children the allowance is $7.50 for the second one.

Mr. RAYBURN. Yes.

Mr. STAFFORD. But $5 is allowed for the first child.

Mr. RAYBURN. Yes; and that child alone gets the $15 allotment

Mr. STAFFORD. I was asked by a Member who is not now present to ascertain the reason for this difference.

Mr. RAYBURN. In the case of one child, it gets $20; in the case of two children, they would get $27.50; and in the case of three children, they would get $35.

The Clerk read as follows:

SEC. 7. That section 206 of such act is hereby amended to read as follows:

"SEC. 206. That family allowances to members of Class B shall be paid only if and while the members are dependable in whole or in part on the enlisted man and then only if and while the enlisted man makes a monthly allotment of his pay for such members in the following amounts:

"(a) If an enlisted man is not making a compulsory allotment for Class A the allotment for Class B required as a condition to the family allowance shall be $15;

"(b) If an enlisted man is making a compulsory allotment for Class A the additional allotment for Class B required as a condition to the family allowance shall be $5, or if a woman is making an allotment of $15 for a dependent husband or child the additional allotment for the other members of Class B required as a condition to the family allowance shall be $5."

Mr. IGOE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

At the end of section 206 insert the following: *Provided*, That the family allowances to parents under this section shall be paid without regard to the dependency of such parents on the enlisted man.

Mr. IGOE. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question. What is the practice of the department now in regard to the determination of the question of dependency of parents?

Mr. RAYBURN. It is this: If a man was at home with them, they would be substantially dependent upon him for support.

Mr. IGOE. Mr. Chairman, I have offered this amendment for this reason: I have received, I believe, more complaints about this allotment and allowance law from parents than from any other source. It seems that thousands and thousands of these men have filed their applications and have made these allotments, but have not set out in their applications the facts sufficient to justify the Government allowance. In many cases they have not even requested it. The parents continually write wanting to know why they do not get the Government allowance. That can be proved up, of course, but it seems to me that when the boys go into the Army and pay out of their wages $15 a month the Government then ought to give the parents the allowance provided in the law.

Mr. SNOOK. Is the effect of the gentleman's amendment this, that no matter how large an income the parents may have, if the boy makes an allotment the Government must pay them?

Mr. IGOE. Yes; no matter how much they have, because I believe this, if a boy sends home $15 out of his pay it is almost a certainty that the parents need not only that $15 but more.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. IGOE. Yes.

Mr. BARKLEY. Does the gentleman think that under his amendment, if it be adopted, nothwithstanding the boy may not have contributed anything to his parents' support, they ought to be allowed to make money out of his enlistment?

Mr. IGOE. I do not believe that they ought to make money out of his enlistment, and I do not believe any parents would want to do so, but if the boy has put out $15 a month, and he has to do that——

Mr. RAYBURN. The gentleman is entirely mistaken.

Mr. IGOE. He has to do that in order that they may get the allowance—if the gentleman will permit me to finish the sentence. Is not that true?

Mr. RAYBURN. Of course it is true, but unless there is a case of dependency he is not forced to allot this $15 a month?

Mr. IGOE. Here is the trouble about that. Many of these boys going in are under 21 years of age. Many of them come from college. They have not been obliged while at home to make any money, but they did render some sort of service. They have been a help to their parents. The gentleman asks if I want to allow parents to make money out of the boy's enlistment. No, I do not; but if a boy is giving $15 out of his pay to his father and mother, he would not do it unless they were in need, and I say that there are very few cases where money will be paid to parents who do not need it as compared with the cases where the boys make the allotment and where the parents do need the money. In many cases, these boys were living at home and rendering some service, perhaps not amounting to $25 a month, but it might have amounted to $15 a month. But if they can not say that they gave $25 a month or some sum in excess of $15 a month, they can not get the Government allowance.

Mr. SIMS. If the language is specific, might not the boy make an allowance to his parents of $10 a month just so as to qualify them to get that other $10 and make that much clear profit?

Mr. IGOE. I will tell you the way I feel about it. I think when parents send their boys into the Army and these boys send home $15 a month out of their pay, the parents should

receive the Government allowance. I will take the chances of parents getting it who are not entitled to it rather than deprive parents who are entitled to it. I think when the soldiers pay out of their money this $15 a month to their parents there ought not to be any question of proof showing that they have contributed $25——

Mr. GRAHAM of Illinois. Why does the gentleman say $25? Has the department adopted any rule of that kind?

Mr. IGOE. It must have been in excess of $15 to get the allowance. In order to get the allowance they must have contributed——

Mr. GRAHAM of Illinois. But the dependency might be in whole or part. It does not require the contribution of $25——

Mr. IGOE. But the parents will have to furnish proof, and inspectors and investigators will be sent to prove up some work, some little service rendered, so that it will appear that before his enlistment the soldier was contributing to his parents a sum equal to the allotment and allowance fixed in the law.

Mr. GRAHAM of Illinois. They could show dependency. If the parents were able to prove dependency in part, that would be sufficient.

Mr. IGOE. I understand what the practice is, and that is my understanding, that they must have contributed——

Mr. GRAHAM of Illinois. To some extent.

Mr. IGOE. Yes; to an extent in excess of $15.

Mr. GRAHAM of Illinois. Well, I do not know——

Mr. IGOE. That is the fact.

Mr. GRAHAM of Illinois. Does the chairman of the committee understand there is such a ruling as that?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HUDDLESTON. Mr. Chairman, there is great force in what the gentleman from Missouri [Mr. IGOE] has said. I have in mind several classes of cases in which parents can not get any benefit from this statute. The first is where a boy has been in school and has not been earning any money. The next is the case of the boy who has lived with his parents on a farm, perhaps not contributing anything in cash to the support of the family, but has contributed merely his labor, and you can not estimate that, you can not make proof of that so that the parent is able to get anything.

Then there is another class of cases in which the parent becomes dependent after the soldier enlists. There are instances in which the boy's father dies after he enlists. His mother perhaps is at home destitute. Previously she had relied upon his father for support, and now the son has gone away to the war, perhaps grown up to be a man since he went to the war, and she is unable to get one cent from the Government for her support beyond what her son allots to her.

Now, take the case of a soldier who has been in the Army for several years. He has been getting, we will say, $15 a month. I have in mind the case of the boys who went down to the Mexican border. They were volunteers. They were paid $15 a month or thereabouts. They belonged to the National Guard. They have now been called into the Federal service. In not one of those cases where the facts are truly presented are the parents able to get one single cent for their support, because the law and the rules of the bureau require that proof be made that the average monthly contributions by the soldier toward the support of his dependents for the year previous is equal to the sum of his present allotment and the allowance claimed. I have had dozens of cases involving that point.

Mr. RAYBURN. Will the gentleman yield?

Mr. HUDDLESTON. In just a moment. Proof must be made, as I know from actual experience with the department, that the average monthly contribution of a soldier for the year preceding the enlistment, if soldier enlisted after October 6, 1917, and if not, for the year prior to that date, was such an amount as will not equal his allotment and the amount that his family claims. Therefore, where men have been in service a year before October 1 and have not received more than $15 a month, they make this allotment of $15 a month to their parents, and yet they do not get a cent by way of support by the Government.

Mr. RAYBURN. I will say to the gentleman I had that matter up with the department awhile ago, and they told me their rule was, and it was a recent rule—it has been two months ago—that they determine this proposition of allowance and allotment on the present status and not upon what the status was before we went into war. The gentleman from Missouri [Mr. HENSLEY]——

Mr. HUDDLESTON. Just a moment.

Mr. RAYBURN. I shall take it up in my own time.

Mr. HUDDLESTON. Certainly; if the gentleman will speak to it in his own time. I want to say this to the gentleman: I am amazed by his statement; not that I question his good faith, but because it is exactly the opposite to not less than 50 decisions that have been made with reference to such cases in my own district. They have held uniformly—I have never been able to get any other holding—they have held uniformly that the year during which this average monthly contribution must be proven should date October 6, 1917, or from the time the soldier was inducted into service if it was after that date. I say not less than 50 cases. I am filing daily affidavits and other proofs to show that the soldier did make this contribution.

I do not know whether other Members have fewer or more of these claims than I do, but there are 5 to 20 a day passing through my hands.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. HUDDLESTON. I yield to the gentleman from Illinois.

Mr. GRAHAM of Illinois. Here is a question I want to get at. That sort of a ruling is not warranted by the language of this act.

Mr. HUDDLESTON. Will the gentleman show us how it is not warranted? The law provides there must be a showing of dependency, and the bureau makes the regulations, and how are we going to help ourselves? The gentleman, perhaps, in his humanity, would not make such a ruling.

Mr. GRAHAM of Illinois. No; I would not.

Mr. HUDDLESTON. But you can not keep them from making it, and I do not know of any way to get anything different.

Mr. GRAHAM of Illinois. It is not a question of administration, then?

Mr. HUDDLESTON. It ought to be a question of law. It ought to be plain. The right of the soldier to be able to get something for his dependent ones at home ought to be guaranteed to him and safeguarded by the statute itself, and not left in such shape that it may be taken away from him by some petty officer.

Mr. BLACK. Will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. BLACK. I just wanted to call the attention of the gentleman from Alabama to the fact that the fault does not lie with the Bureau of War-Risk Insurance, because section 207 of the war-risk insurance act provides that the monthly allowance to those of class B shall not exceed so much, including the amount he allots, the sum he has contributed to the support, taking the 12 months next preceding the time he enlisted. It is really not a matter of department construction.

Mr. HUDDLESTON. It appears that is impossible that the practice of the bureau should be different. So I take it the gentleman from Texas [Mr. RAYBURN] has been misinformed as to the facts. If he has been able to get any different construction of the law he has been much more successful than I have.

The amendment proposed by the gentleman from Missouri ought not to have application to parents who are not in need, who are not in any sense dependent, but certainly the contribution the soldier has been making ought not to be the test. The test ought to be here in the law. Why is it that one soldier should be enabled to secure for his family a certain benefit when another soldier can not secure it, when they are identical in situation, and perhaps their devotion to their parents has been the same, but their earning capacity and ability to contribute to their parents has been different? We could well afford in a few instances to pay this money to somebody who actually does not need it in order to be sure it gets to the homes that do need it, in order that it might get to these destitute parents that suffer for it and who have given up their sons to fight our battles.

Mr. RAYBURN. Mr. Chairman, I think the argument of the gentleman from Missouri answers itself. It does not seem to me that the gentleman should here in a statute enact, where we are trying to take care of the dependents of the soldiers who are away and where the Government is putting millions into that fund to take care of those people who are the dependents of the soldiers, anything that would throw this matter open and give the opportunity to everybody, whether they have their millions or not, just simply because their sons happen to be called to the colors, to come in upon a parity with other people. We are voting money every day; we are issuing bonds; we are levying additional taxes upon the people of this country to take care of cases of dependency, and of dependency only. If a boy goes to the Army and leaves a father who is a strong man, able to support himself and his wife and his children, the

Government of the United States does not owe it to that father that it should take out of the Treasury of this country money and pay it to him. He may be a man who has to earn his living by his own labor, or it may be a man who clips coupons and gets his living in that way. It does seem to me that after we have made this the most liberal law that was ever written upon the statute books of any country in the history of the world, that people should not come along here and propose, where probably one instance of an apparent injustice has come into the administration of the law, that we are to throw down the floodgates and allow people who have no justification in morals to come in to take this money from the Treasury of the United States.

Mr. BARKLEY. Will my colleague yield?

Mr. RAYBURN. I do.

Mr. BARKLEY. Is it not a fact that if this amendment is adopted it not only applies to men who are drafted in the Army but to all who volunteer, and therefore might include every rich man's son who volunteers in the Army and who, in order to get an additional amount, would make an allotment to his parents, who in turn might deposit that to his credit?

Mr. RAYBURN. Absolutely. Where the man has dependents and is in the Army, if he himself does not make the allotment, his people can apply and the allotment be forced.

Mr. IGOE. You say that this all rests on dependency. Does the allowance to the wife depend on that question? Is not that made regardless of how much money she has?

Mr. RAYBURN. There is an obligation there.

Mr. IGOE. It is a question of what one owes to wife and parents. Is it not payable to the wife even if she has a million dollars?

Mr. RAYBURN. It is a legal obligation.

Mr. IGOE. I am not talking about legal obligations. I am talking about the payment by the Government under this law.

Mr. RAYBURN. One is voluntary and the other is compulsory.

Mr. ESCH. Did not this House within 10 days pass a pension bill denying a pension to certain soldiers where they had an income of $1,000 or more?

Mr. RAYBURN. Yes.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. SWITZER. If the amendment of the gentleman from Missouri [Mr. IGOE] is adopted, the effect will be that the dependents can not make the application of their own motion?

Mr. RAYBURN. Oh, no. They can make it now, and they can hold it out, even though the soldier does not make an allotment, and the Government will add that to it.

Mr. SWITZER. If the amendment of the gentleman from Missouri is adopted, could they make this application themselves?

Mr. RAYBURN. It would not be necessary.

Mr. IGOE. All I have done under this amendment is to provide that where the allotment is made the Government allowance is paid. The parents can not get this allowance unless the man makes the allotment.

Mr. RAYBURN. No; whether he makes it or not the Government can make it for him.

Mr. IGOE. The only condition I have made is as to the parents. A man must make the allotment just the same.

Mr. RAYBURN. Where he makes the allotment now, and they are dependent, it is paid just the same.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That section 300 of said act is hereby amended to read as follows:

"SEC. 300. That for death or disability resulting from personal injury suffered or disease contracted by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided; but no compensation shall be paid if the injury or disease has been caused by his own willful misconduct."

Mr. HAYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Arizona.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 19, line 3, add the following at the end of the section:

"The provisions of this article shall also apply to death or disability resulting from personal injury suffered by any civil officer while heretofore or hereafter lawfully engaged in the execution of the act of May 18, 1917, and amendments thereto, known as the selective-draft law."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the amendment. Does the gentleman from Arizona want to be heard on the point of order?

Mr. HAYDEN. I would like to explain why I offer this amendment.

On the 10th day of February the sheriff of Graham County, Ariz., and two of his deputies were killed by two men who were of draft age, but who refused to register. The case was brought to my attention by the following letter from residents of the community in which these officers lived, which states that their widows are in need and that these men had come to their deaths in the enforcement of the selective-draft act:

SAFFORD, ARIZ., *February 15, 1918.*

To Senators M. A. SMITH and HENRY F. ASHURST, and
Representative CARL HAYDEN,
Washington, D. C.

GENTLEMEN: At a mass meeting of the citizens of Graham County held at the town hall in Safford on the evening of Tuesday, the 12th day of February, 1918, the undersigned committee was appointed for the purpose of submitting to you the following facts, with a view to securing Government aid for the families of Sheriff R. F. McBride and his deputies, Martin R. Kempton and Thomas K. Wootan, who were killed in the Galiuro Mountains in Graham County, Ariz., on February 10, 1918, by John Power, Tom Power, and Tom Sisson, while assisting deputy United States Marshal Frank Haynes in attempting to make an arrest of John and Tom Power, both of whom were slackers—evaders of the selective-draft act—and outlaws. The two Power boys had refused to register, and, although repeatedly offered leniency provided they would come in and join the Army, refused to do so, and the United States marshal directed Mr. Haynes to come to Safford to obtain aid and arrest them. Mr. Haynes secured the services of Mr. Wootan, and Sheriff McBride and Deputy Kempton accompanied them at Mr. Haynes's request. In attempting to make the arrest in the Galiuro Mountains these three officers were killed. We mail you a copy of the testimony taken at the coroner's inquest, which gives more in detail the circumstances attending the crime.

Mr. McBride was 44 years of age and leaves a family consisting of a wife and seven children, and there will also be a posthumous child to arrive in about two or three months. He leaves this family practically penniless, without even a home for them to live in. The eldest of these children is a girl about 16 years of age, and they range from that down to about 2 years. The eldest boy is about 14 years of age, so that they are practically helpless when it comes to the ability to earn a living. Mrs. McBride is a quiet, modest little woman. She is not now nor has she ever been strong. In fact, she will be almost helpless in looking after the material welfare of herself and children. Her relatives say she never even bought her own clothes, but depended upon her husband to make such selections as he thought best. Neither are there any relatives that are able to assist in any way.

Mr. T. K. Wootan was 36 years of age and leaves a wife and four little girls, ranging in age from 6 to 2 years. There will also be a posthumous child of this marriage within about three or four months. While Mr. Wootan owned a little property he was so much involved that if his wife, after settling up the affairs of the estate, is left with even a small home to live in, it will be as much or more than is now expected.

Mr. M. R. Kempton was a man of 40 years of age, and left a wife and seven children ranging in age from 15 to about 2 years. He has a 40-acre farm valued at $200 per acre, and is worth net about $10,000. The two eldest boys are in a way able to run the farm and the widow is not completely helpless, but it will be very difficult for them to earn a living upon the farm without eating in upon the principal.

Owing to the fact that these men were all in the service of the United States Government, Mr. Wootan directly in the employ of the United States marshal and Mr. McBride and Mr. Kempton assisting the United States marshal, who was unable to even attempt to make this arrest without the aid of the sheriff, and to the further fact that Mr. McBride has been a member of the local exemption board for Graham County, Ariz., and has for the past six months and more devoted a large part of his time both day and night to Government service, it would seem that these men have given up their lives in the service of their country the same as those who have died upon the field of battle, and the service was rendered without any hope or expectation of reward, but merely for the reason that these officers considered it in their line of duty.

Without the aid of the United States Government the families of Mr. McBride and Mr. Wootan may become county charges.

Respectfully submitted.

A. G. MCALISTER,
W. R. CHAMBERS,
LEE N. STRATTON,
E. L. SPRIGGS.
Committee.

I immediately took up the matter with the Commissioner of Pensions, asking to be advised as to whether pensions had ever been granted to the defendants of civilians who were killed under such circumstances and stated that I presumed that some civil officers had lost their lives in the draft riots during the Civil War. I received this reply:

WASHINGTON, D. C., *February 28, 1918.*

Hon. CARL HAYDEN,
House of Representatives, Washington, D. C.

MY DEAR MR. HAYDEN: Responding to your attached letter of the 23d instant, transmitting a copy of a resolution adopted at a mass meeting of citizens of Graham County, Ariz., on the 12th instant, addressed to the congressional delegation from Arizona, suggesting that the United States afford proper relief to the bereaved families of the late Sheriff R. F. McBride and his deputies, M. R. Kempton and T. K. Wootan, who are alleged to have been killed in the Galiuro Mountains in Graham

County, Ariz., on February 10, 1918, by John Power, Tom Power, and Tom Sisson, while assisting Deputy United States Marshal Frank Haynes in attempting to arrest John and Tom Power, evaders of the selective-draft act, I have the honor to state that as it appears that the sheriff and his deputies were not in the military service of the United States when they were killed there is no provision of the general pension law under which an allowance can be made in behalf of their widows and children.

It is, however, deemed proper to invite your attention to the fact that paragraph 5, section 4693, Revised Statutes of the United States, provides for the granting of pension to any provost marshal, deputy provost marshal, or enrolling officer disabled by reason of any wound or injury, received in the discharge of his duty, unable to procure a subsistence by manual labor.

Upon the statement of facts presented it would appear that the sheriff and his deputies above named were, when they met death, performing, in behalf of the United States, a service similar to that required of a provost marshal or deputy provost marshal. In view of the provisions of section 312, act of October 6, 1917 (38 Stat. L., 711), it is not within my province to make any recommendation in this matter, as the event referred to in said resolution occurred on February 10, 1918.

Very truly, yours, G. M. SALTZGABER,
Commissioner.

In other words, the Commissioner of Pensions states that the old statute passed in 1863 relative to provost marshals was repealed by the war-risk insurance act which we are amending to-day.

Finding that I could not accomplish anything at the Pension Office I then went to the office of the Provost Marshal General, where I met Lieut. Col. J. H. Wigmore, the author of Wigmore on Evidence, who was kind enough to look into the case unofficially for me. Col. Wigmore said that since the selective-draft law provides that the President may call upon the civil officers of the States to enforce that act, consequently there is now no such officer as a provost marshal or deputy provost marshal. The fifth paragraph of section 4693 of the Revised Statutes therefore could not be of any benefit to the widows of the sheriff or his deputies. He suggested that if the provisions of article 3 of the war-risk insurance act were made applicable to any civil officer who suffered a personal injury while enforcing the selective-draft act, it would accomplish my purpose.

I have therefore offered this amendment, believing that the precedent established during the Civil War should be followed in the case of a civil officer who loses his life in the enforcement of the selective-draft act, and that his family should receive compensation. Every argument that was used to support the law passed in 1863 applies with equal force at the present time.

Mr. ROBBINS. Does not that merely come in to give the right to have a special act of Congress passed, based on the right in each particular case?

Mr. HAYDEN. No special act of Congress is required. The fifth paragraph of section 4693 of the Revised Statutes provides that any provost marshal, deputy provost marshal, or enrolling officer disabled by reason of any wound or injury received in the discharge of his duty may be pensioned.

Mr. ROBBINS. At what rate are they pensionable?

Mr. HAYDEN. Under the rates provided in the general law, the same as a soldier who was wounded in battle.

Mr. ROBBINS. Would that give a civilian employee a pensionable status, the same as the military employee?

Mr. HAYDEN. This is the only case where a civilian employee is given a pensionable status. As the gentleman will remember, in section 6 of the selective-draft act of last year it is provided—

That the President is hereby authorized to utilize the service of any or all departments and any or all officers or agents of the United States and of the several States, Territories, and the District of Columbia, and subdivisions thereof, in the execution of this act, and all officers and agents of the United States and of the several States, Territories, and subdivisions thereof, and of the District of Columbia, and all persons designated or appointed under regulations prescribed by the President, whether such appointments are made by the President himself or by the governor or other officer of any State or Territory to perform any duty in the execution of this act, are hereby required to perform such duty as the President shall order or direct, and all such officers and agents and persons so designated or appointed shall hereby have full authority for all acts done by them in the execution of this act by the direction of the President.

The sheriff who gave up his life for his country was duly appointed by the President as a member of the local board of Graham County, and he devoted his time for several months without compensation in the execution of the selective-draft act. He was called upon by the deputy United States marshal to go out and arrest these slackers, and in the performance of that duty he was killed. In order that the House may have a better understanding of the facts in this case I shall include the following Associated Press dispatch as a part of my remarks:

CLIFTON, ARIZ., *May 17, 1918.*

Thomas Powers, John Powers, and Thomas Sisson were found guilty by a jury in the district court here to-day of murder in the first degree for killing three Graham County officers who attempted to arrest the Powers brothers on February 10 as alleged draft evaders.

The crime for which John and Tom Powers and Tom Sisson were convicted was the murder of Sheriff Frank McBride, Undersheriff Mart Kempton, and Deputy Sheriff Kane Wootan, of Graham County, at the Powers home in Rattlesnake Canyon, Graham County, on the morning of Sunday, February 10. The Graham County officers had gone to the Powers home accompanying Deputy United States Marshal Frank Haynes, of Globe, who held a warrant for the arrest of the two Powers boys for failing to register for the draft. According to Haynes's story the officers surrounded the house and called upon the men to come out. Jeff Powers, the father, came out with a rifle in his hands and was ordered to throw up his hands. As he was complying the door of the house opened and one of the Powers boys opened fire. In the exchange of shots that followed the elder Powers fell, mortally wounded. In the melee that followed McBride and Wootan were killed. Kempton, kicking in the rear door of the house, was killed by Sisson.

The most remarkable man hunt in the history of southern Arizona followed, practically every peace officer in the section of the State, hundreds of civilian possemen and United States military forces participating. The outlaws evaded all traps and cordons, however, and escaped into Mexico, where they were apprehended and taken into custody by United States soldiers a few miles south of the line. The case was tried at Clifton, Greenlee County, whence it was taken on a change of venue from Graham County.

SAW OLD MAN DROP.

Deputy United States Marshal Haynes was the principal witness for the prosecution. He testified that Jeff Powers, the father, appeared at the east door of the cabin and heard the deputies command him to throw up his hands. He saw Powers's rifle held across his breast, and then the old man dropped the weapon to his right side.

Shooting occurred from the door in two directions, toward Haynes and Sheriff McBride. The witness said he saw Powers fall. He was sheltered behind the shed and fired in the north window. He saw McBride on the ground dead, but did not know that his deputies were dead. He said he did not know who shot Jeff Powers. Leaving the scene, he tried to approach from another direction, and, failing, remounted and rode to the Church ranch for assistance.

John Murdock, a rancher, told how the three defendants came to his ranch after the fight and said that each had killed an officer—that Sisson had killed Sheriff McBride, John Powers killed Deputy Kempton, and Tom Powers killed Deputy Wootan.

Mr. STAFFORD. Mr. Chairman, should Congress launch into the policy of extending compensation to civilian officers engaged in the enforcement of the selective-draft law when injured, it would require the Government to extend similar protection to other civilian officers in the execution of other laws, as, for instance, postal employees who would be in foreign camps engaged in the distribution of mail to the enlisted forces. We have abroad a large number of clerks connected with the Auditor for the War Department. They, too, might suffer injury, and if we allowed this amendment to be in order it would be in order to attach an amendment extending protection to that character of employees.

This subject has not received consideration by any committee of the House, and I feel constrained to make the point of order that it is not germane.

I call the attention of the chairman to section 300, under consideration, and the Chair will notice that it is limited exclusively to those in the general class in the military service of the Government. Let me direct the chairman's attention to what it is. Section 300 is the basis of the compensation to the enlisted men and officers of the Army and Navy; otherwise the pension feature of the war-insurance bill. This is the general section which covers all classes to which all of these provisions extend. I have before me the original section, and I now read the amended section which differs very slightly from the original section:

SEC. 300. That for death or disability resulting from personal injury suffered or disease contracted by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided; but no compensation shall be paid if the injury or disease has been caused by his own willful misconduct.

Now, Mr. Chairman, the Chair will see that these classes are limited to one general class, and that is, those in the military service of the Government. If this bill would be presented as a separate bill involving section 300 alone, it would be necessary and incumbent on the Chair to rule that any amendment proposed involving a class entirely different, relating to civilian employees, providing for a pension or compensation to be paid civilian employees, to rule it out of order on the ground that it is not germane.

This bill as now presented is limited specifically to enlisted forces of the United States, the military arm of the United States, and does not provide for any compensation or insurance for anyone not in the enlisted force.

The amendment proposed by the gentleman from Arizona is to extend protection to civilian officers administering the draft law. If the Chair holds it in order, I could offer an amendment to extend it to the post-office employees in connection with the delivery of the mail to the enlisted force abroad, or to the clerks abroad connected with the auditor's office of the War Department.

So I say, Mr. Chairman, the Chair can not escape from holding that it is not germane, because it relates to a different class entirely. This bill relates only to the enlisted force of the Army and the Navy, and the gentleman seeks to extend it to civilian forces of the Government.

Mr. HAYDEN. I have only this to say in regard to that, Mr. Chairman: Section 6 of the selective-draft law authorizes the President to call upon all the civil officers in the United States, or of the several States, to enforce that act, and thereby they become and are Federal officials, charged with the carrying out of that particular duty.

Mr. STAFFORD. Does the gentleman mean by the President calling upon the parties to perform this duty that thereby they become a part of the enlisted force of the Government?

Mr. HAYDEN. I did not say they became a part of the enlisted force.

Mr. STAFFORD. This bill is limited to the enlisted forces of the Government.

The CHAIRMAN. The only question is whether this amendment offered by the gentleman from Arizona is germane. The whole bill applies to men in the Army and the Navy of the United States. The amendment seeks to make it embrace civil officers of the Government. The Chair does not think that that can be done under this bill and therefore sustains the point of order.

Mr. WALDOW. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 19, line 3, at the end of the section, insert:
"*Provided*, That said person shall be entitled to this compensation after being served with order No. 1028 and such person has reported to the local board."

Mr. WALDOW. Mr. Chairman, my object in proposing this amendment is to offer the protection of this insurance to our soldiers at the time that they are inducted into the military service of the United States, and I have been vitally interested in all legislation affecting the welfare of our soldiers and sailors who have been inducted into our National Army, and I believe the act establishing a Bureau of War-Risk Insurance has been the most important legislation considered by any legislative body in the world, having in mind the welfare of the boys in our Army and Navy. Legislation of this importance and of such a radical departure from any legislation considered by Congress necessarily is in need of some amendments.

The amendment that I have proposed provides that a soldier or sailor will be entitled to all of the benefits of this act immediately upon being served by his local board with an order to report for military service. The present law does not insure or compensate the soldier or sailor until he has been accepted into the service at the cantonments and has been examined by the physician at that camp, this examination very often not taking place for three or four weeks.

I have in mind several of the men from my district who were injured during their first week at camp or in transit from their home city to the cantonment, and, if I may, recall to the committee's attention the accident of several weeks ago near the city of Albany, where many soldiers lost their lives or were injured, all of whom will not be able to take advantage of the provisions of this bill unless my amendment is adopted. In plain language, Mr. Chairman, I believe the moment the men are under orders from their local board they should be entitled to the compensation for accidents and illness that my amendment provides for.

I desire to take this opportunity to commend the committee for its many months of hard labor in perfecting and presenting this bill to Congress. In its provisions for dependents it goes far beyond the laws of any other country and the insurance feature provides that our soldiers and sailors shall receive insurance at a price within the reach of all and lower by 80 per cent than insurance could be obtained in any other manner.

Its popularity among the men is assured; less than 200,000 of the first million soldiers in camp failed to apply for insurance, most of those 200,000 soldiers not having any dependents, and I believe it is proper to state at this time that at the close of business on May 13, 1918, the Bureau of War-Risk Insurance had received 2,008,030 insurance applications, amounting to $16,461,705,000 worth of insurance, was issued to our soldiers and sailors. The average amount of insurance issued to each man amounted to approximately $8,000.

It is true there has been some delay in granting allotments and notifying dependents at home that their allotments or insurance policies were on file at the War-Risk Bureau, but when the magnitude of this amount of business it taken into consideration and we consider that this work is being accomplished by an entirely new bureau, I believe their work has been commendable.

I have taken up many cases for my constituents with this bureau and have always been able to receive a satisfactory, if not an immediate adjustment.

I hope all of the men from my district who have dependents will avail themselves of this law, and I am ready to advise or assist them, or their dependents at home, in explaining its provisions or in securing information relative to their allotments or insurance policies.

I sincerely trust the chairman of this committee and the Members of the House will approve of my amendment, as I believe it is a matter of doing justice to the thousands of boys we are calling upon to take their places in our National Army.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. HUDDLESTON. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 19, line 3, after the word "misconduct." insert:
"*Provided*, That, for the purposes of this section, said officer, enlisted man, or other member shall be held and taken to have been in sound condition when examined, accepted, and enrolled for service."

Mr. STAFFORD. I reserve the point of order upon the amendment. If the gentleman will permit, I will inquire what he means by the language "or other member"?

Mr. HUDDLESTON. That is the language used in the section.

Mr. STAFFORD. Oh, the gentleman is referring to members of the Army Nurse Corps.

Mr. HUDDLESTON. Mr. Chairman, it seems to me there should be no going behind the formal examination, acceptance, and enrollment of a soldier to show that he was not in good physical condition when he was accepted. When a soldier is discharged now for disability and makes application for compensation he is frequently confronted with his record, reciting that his disability was incurred prior to his enlistment.

This morning, in asking a question of the gentleman from Texas [Mr. RAYBURN], I called attention to a case which has arisen in my district. This soldier enlisted in the Regular Army last May. He was examined and accepted to serve and served acceptably. He took all of the treatments which were required of him; he was examined a number of times and always found to be in good physical condition. In February of this year, nearly a year after the beginning of his service, he was found to have tuberculosis of a virulent type and was discharged from the service a few weeks later. He is now perhaps threatened with death. That soldier is confronted with a record, which his surgeon put on his discharge, that his disability was incurred before his enlistment. I took the matter up with the Surgeon General's office of the War Department and endeavored to have that grave injustice corrected, but I was informed that there is absolutely no way by which the certificate of the examining surgeon who discharged him could be reviewed. This disabled man is now confronted with the statement in his record that he had his disability before he went into the service. Therefore, under the terms of this statute, neither he nor those dependent upon him will ever be able to get any compensation. The question is hung up in the bureau as to whether proof will be admitted that he was previously in good health.

Heretofore the practice has been not to accept any such proof. The Pension Office declines to accept proof that the injury was in line of duty where the record shows it was not in line of duty. The Pension Office declines to accept proof that the disability was incurred in the service where the record shows that it was not incurred in the service, that the soldier had it before he enlisted. That is the question now before the Bureau of War-Risk Insurance. But if that issue should be favorably determined toward this particular soldier or any other soldier similarly situated he has to make proof of a negative. That is to say, he has to prove that he was not afflicted with this disease when he entered the service.

Such a construction of the law is most unjust, and such a law is most unjust. It works a great hardship. We should take it out of the power of any medical officer to rob a soldier of his right to compensation merely by putting that stigma on his record. In many cases the soldier will die in the service. The medical man can certify that he died of disease contracted before enlistment, and the soldier being dead, his comrades being absent and scattered, proof becomes almost impossible to be made and there is absolutely no remedy for his dependents, for his destitute parents, or for his wife and children.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. PLATT. I agree fully with what the gentleman has said, but I understand there are cases where they accept men for

limited service, noting on their acceptance that they have certain disabilities. How would the gentleman's amendment affect cases of that kind?

Mr. HUDDLESTON. That ought to be dealt with, of course, but necessarily in an amendment of this kind it is hard to deal with every aspect of a situation of that kind, and I take it we ought not to put this difficulty up in front of these people who sustain these disabilities because of the situation the gentleman has indicated. Of course, it would never be supposed that a man who was not sound physically would be accepted. Sometimes such men are accepted, but when they are accepted the Government ought to be foreclosed from ever afterwards denying that they were not in good condition. For illustration, men are accepted with slightly defective hearing for special service. Subsequently those same men may develop some other diseases, and it ought not to be permitted, even in the case of a man accepted for special service, that for some other disease not noted on his paper of enrollment it should be brought up against him. What I am trying to do is to fix it so that a man accepted for service in the Army of the United States, a man held to be good enough for a soldier, will afterwards be held good enough for a pension or for compensation when his disability shows itself.

The CHAIRMAN. Does the gentleman from Wisconsin insist upon his point of order?

Mr. STAFFORD. Mr. Chairman, I merely made the reservation of the point of order to inquire of the gentleman what he meant by the word "member," and I withdraw the reservation of the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. ROBBINS. Mr. Chairman, I think that section 300 ought to be amended to make it effective as of the 6th of October, 1917; otherwise it would be unfair to those injured prior to this time, for they would be barred from recovery, and that is not the intention of this act.

Mr. RAYBURN. Mr. Chairman, I ask unanimous consent to pass this over for the present, to return to it later when we can get this amendment perfected.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to pass over this for the present. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 11. That section 301 of said act is hereby amended to read as follows:

"SEC. 301. That if death results from injury—

"If the deceased leaves a widow or child, or if he leaves a mother or father either or both dependent upon him for support, the monthly compensation shall be the following amounts:

"(a) If there is a widow but no child, $25.

"(b) If there is a widow and one child, $35.

"(c) If there is a widow and two children, $42.50, with $5 for each additional child up to two.

"(d) If there is no widow, but one child, $20.

"(e) If there is no widow, but two children, $30.

"(f) If there is no widow, but three children, $40, with $5 for each additional child up to two.

"(g) If there is a dependent mother or dependent father, $20, or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75. This compensation shall be payable for the death of but one child, and no compensation for the death of a child shall be payable if the dependent mother is in receipt of compensation under the provisions of this article for the death of her husband. Such compensation shall be payable whether the dependency of the father or mother or both arises before or after the death of the person, but no compensation shall be payable if the dependency arises more than five years after the death of the person.

"If the death occurs before discharge or resignation from service, the United States shall pay for burial expenses and the return of the body to his home a sum not to exceed $100, as may be fixed by regulations.

"The payment of compensation to a widow shall continue until her death or remarriage.

"The payment of compensation to or for a child shall continue until such child reaches the age of 18 years or marries, or if such child be incapable, because of insanity, idiocy, or being otherwise permanently helpless, then during such incapacity.

"Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries.

"As between the widow and the children not in her custody and as between children, the amount of the compensation shall be apportioned as may be prescribed by regulation.

"The term 'widow,' as used in this section, shall not include one who shall have married the deceased later than 10 years after the time of injury, and shall include a widower whenever his condition is such that, if the deceased person were living, he would have been dependent upon her for support."

Mr. BLACK. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 4, after the word "person," in line 4, strike out the balance of line 4 and all of lines 5 and 6, on page 20, the language stricken out, reading as follows: "but no compensation shall be payable if the dependency arises more than five years after the death of the person."

Mr. BLACK. Mr. Chairman, this subdivision (g) of section 301 as it now reads provides that if a soldier is killed in the service or dies from disease in the service and leaves a widowed mother, that she shall receive $20, with the limitation, however, that the amount payable under this subdivision shall not be greater than a sum which, when added to the total amount payable to the soldier's widow and children, does not exceed $75. Now, the amendment to this subdivision (g) of section 301 proposed in this act, which we are now considering, strikes out the language "widowed mother" and permits this allowance to be paid either to a dependent mother or a dependent father, or $30 to both, and I think that the change is one that should be made, and I entirely approve. But the section does contain another new provision which I do not think should remain, and I believe my colleague from Texas [Mr. RAYBURN], who has charge of the bill, will agree with me that the provision to which I refer should be eliminated. It reads as follows:

But no compensation shall be payable if the dependency arises more than five years after the death of the person.

Now, I take it that that would be an unwise provision for us to enact at this time and is one which I believe will certainly be repealed at some time in the future, if we do enact it. Now, why do I say that? Here is a widowed mother, we will say. She has only one boy, and that boy is now fighting with the American forces at the front in France. The boy is killed fighting the battles of democracy and for the rights and liberties of our country. Under the language of subdivision (g) as we are now considering it there would be no pension paid to this widowed mother unless she was dependent upon her son for support. I think that is all right. I have no criticism of that. She would not be in need of the compensation if she was not dependent. But suppose that 10 years after her boy's death the mother becomes destitute. Her material possessions are swept away by misfortune. Under the language that is now proposed she could not get a dollar in the world, because more than five years would have elapsed since the death of her son, and the Congress would either enact a private pension bill on behalf of that widow or else——

Mr. IGOE. If the gentleman will permit me, I would suggest to the gentleman that in the original act we specifically said this would be payable whenever her condition is such that if her son were living the widowed mother would have been dependent upon him for support. That is the express provision of the act.

Mr. BLACK. Yes; but the bill we are now considering changes that, and therefore I have offered my amendment, which strikes out the language in the bill that says that no compensation shall be payable if the dependency arises more than five years after the death of the person. Now, unless some one wishes to ask me a question, I do not care to take up any further time, because I think I have sufficiently explained the purpose and intent of my amendment and why it should be adopted.

Mr. RAYBURN. The gentleman strikes out the latter part of lines 4, 5, and 6?

Mr. BLACK. The limitation.

Mr. RAYBURN. I do not care.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. ROBBINS. Mr. Chairman, I now have the amendment I would like to offer to section 10, which was passed some time ago. Suppose we return to it now before going any further.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 3, after the word "misconduct," insert:

"*Provided*, That where the words 'in the line of duty' are stricken out of section 300 of this act it shall be construed as in effect October 6, 1917."

Mr. ROBBINS. Mr. Chairman, the only effect of that amendment is to make it retroactive. As contained in the original act all persons covered by this section are given the right of recovery for injury received up until the time of the original act——

Mr. ESCH. What is the language used by the gentleman making it retroactive?

The CHAIRMAN. The Chair desires to ask the gentleman, Is this to complete the section which was passed a moment ago?

Mr. ROBBINS. Yes; this is to complete section 10 of this act by adding, after line 3, on page 19, at the end of the section.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The amendment was again reported.

Mr. ESCH. I would suggest to the gentleman to use the language that was used in the amendment I have just recently offered and which was adopted, namely, "shall be deemed to be in effect as of."

Mr. ROBBINS. If you put the word "deemed" in, it is practically the same as the other, but, of course, the punctuation has to be changed and a semicolon has to be placed in there instead of a period.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. May I inquire of the gentleman from Pennsylvania whether he could not arrive by some other language of achieving his purpose of making this provision retroactive than to refer to it in such an unusual way as by saying that where the words "in the line of duty" are stricken out it shall be construed to be in effect as of such and such a date? Would not the gentleman be willing to allow this paragraph to be passed over for further consideration?

Mr. ROBBINS. All right. The only change in paragraph 300, as it is reenacted, is to omit those words "in the line of duty." It reads:

SEC. 300. That for death or disability resulting from personal injury suffered or disease contracted by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided; but no compensation shall be paid if the injury or disease has been caused by his own willful misconduct.

Now, the purpose of this amendment is to provide, where the injury occurs and not "in the line of duty," because it is not required to be "in the line of duty" now—it is made more general, it is not restricted—that the injury shall be compensated for as of the date of the original act, to wit, the 6th of October, 1917. The only purpose of the enactment of this section is to enlarge its provision, not to restrict it to "the line of duty," but to enlarge the right to recover for an injury received in any way, and therefore we have simply added a retroactive provision at the suggestion of the chairman of the committee. We worked it out together—I claim no authorship for myself—that where the injury has occurred under this provision so that it is covered by this section that it shall be as of the date of the approval of the original act.

Mr. STAFFORD. Why not state it in more usual phrase?

Mr. RAYBURN. Let me make this suggestion. I realize this is very rough, and that this bill is going to conference, and we will try to straighten it out.

Mr. STAFFORD. I did not even wish to have the House conferees suffer, perhaps, the humiliation in conference or in another body of having it held up to ridicule. I think the end can be attained in much different language, and which would make it less objectionable.

Mr. SIMS. Let me ask this question of the gentleman from Pennsylvania, if it would not cover the purpose and effect the same purpose, without using that language of "line of duty," just by saying "this amendment shall be deemed to take effect as of October 6, 1917"? Would not that cover it all?

Mr. ROBBINS. Let it pass over for a moment and I will redraw the amendment. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 17. That section 313 of said act is hereby repealed.

Mr. RAYBURN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAYBURN: Strike out lines 13 and 14 of section 17, page 23, and insert in lieu thereof the following:

"SEC. 313 is hereby amended to read as follows:

"'SEC. 313. (1) That if an injury or death for which compensation is payable under this article is caused under circumstances creating a legal liability upon some person other than the United States or the enemy to pay damages therefor, the director, as a condition to payment of compensation by the United States, may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person, or if it appears to be for the best interests of the beneficiary the director may require him to prosecute the said action in his own name, subject to regulations. The director may require such assignment or prosecution at any time after the injury or death, and the failure on the part of the beneficiary to so assign or to prosecute said cause of action in his own name within a reasonable time, to be fixed by the director, shall bar any right to compensation on account of the same injury or death. The cause of action so assigned to the United States may be prosecuted or compromised by the director, and any money realized or collected thereon, less the reasonable expenses of such realization or collection, shall be placed to the credit of the military and naval compensation appropriations. If the amount placed to the credit of such appropriation in such case is in excess of the amount of the award of compensation, if any, such excess shall be paid to the beneficiary after any compensation award for the same injury or death is made.

"'If a beneficiary or conditional beneficiary shall have recovered, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such money or other property so recovered shall be credited upon any compensation payable or which may become payable to such beneficiary or conditional beneficiary by the United States on account of the same injury or death.

"'(2) If an injury or death for which compensation may be payable under this article is caused under circumstances creating a legal liability upon some person to pay damages therefor, then, in order to preserve the right of action, the director may require the conditional beneficiary, at any time after the injury or death, to assign such right of action to the United States; or if it appears to be for the best interests of such conditional beneficiary to prosecute the said cause of action in his own name, subject to regulations. The failure on the part of the beneficiary to so assign or to prosecute the said cause of action in his own name within a reasonable time, to be fixed by the director, shall bar any right to compensation on account of the same injury or death. The cause of action so assigned may be prosecuted or compromised by the director, and any money realized or collected thereon, less the reasonable expenses of such realization or collection, shall be paid to such beneficiary, and be credited upon any future compensation which may become payable to such beneficiary by the United States on account of the same injury or death.

"'(3) The bureau shall make all necessary regulations for carrying out the purposes of this section. For the purposes of computation only under this section, the total amount of compensation due any beneficiary shall be deemed to be equivalent to a lump sum equal to the present value of all future payments of compensation computed as of the date of the award of compensation at 4 per cent true discount, compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American experience table of mortality.

"'A conditional beneficiary is any person who may become entitled to compensation under this article on or after the death of the injured person

"'Nothing in this section to be construed to impose any administrative duties upon the War or Navy Departments.'"

Mr. ESCH. Mr. Chairman, is this practically identical with the bill as originally offered?

Mr. RAYBURN. Yes; except that proviso there that nothing here shall impose any additional administrative duties upon the War and Navy Departments.

Mr. ESCH. Does it also make it permissive or mandatory? You know the original section, 313, was mandatory, inasmuch as it required the beneficiary to sign. You have made that permissive?

Mr. RAYBURN. Yes. We have substituted the word "may" for the word "shall."

Mr. ESCH. And the rest is practically as originally reported?

Mr. RAYBURN. Yes.

Mr. HUDDLESTON. This amendment, as I caught the reading of it, was to require the beneficiary to assign a policy of insurance the soldier might have carried. It did not seem to me to apply only to obligations other than contractual obligations. In other words, I had in my mind that the author of the provision expected it to cover damage suits for injuries resulting in the death of the soldier. But it seems to me with this language it is so broad it covers even contractual undertakings.

Mr. RAYBURN. I do not think so.

Mr. HUDDLESTON. Hearing it read hastily, I could not analyze it, of course.

Mr. RAYBURN. As I said awhile ago, we struck out section 313 of the original act, with only the regulation as to the Army and Navy. This would put upon them a lot of administrative duties while the war was going on.

Mr. HUDDLESTON. What class of claims would it transfer to the Government?

Mr. RAYBURN. Only personal claims.

Mr. HUDDLESTON. Does the amendment so specify?

Mr. RAYBURN. I think so.

Mr. HUDDLESTON. I did not so understand it.

Mr. STAFFORD. Will the gentleman yield?

Mr. RAYBURN. Yes. I will say to the gentleman that I am not so familiar with this amendment, inasmuch as it was handed to me only yesterday.

Mr. STAFFORD. This provision in its extent is almost a separate bill by itself. I would like to ask the gentleman whether he does not purpose by this amendment to have a right of action against corporations also transferred to the Government if the person injured has a claim against that corporation?

Mr. RAYBURN. Yes.

Mr. STAFFORD. The language is limited to "person." Unless by the general construing clause of the statute "person" is construed to include "corporations," corporations would be excluded. Permit me to direct the gentleman's attention to the word "person," in the third line of the amendment. It says:

That if an injury or death for which compensation is payable under this article is caused under circumstances creating a legal liability upon some person other than the United States.

Mr. ROBBINS. I want to ask the gentleman a question. Suppose a soldier was going home on a furlough and was injured in a railroad wreck, and had the right to recover for that injury $25,000, and he had an insurance policy, what shape would he be in? Would the Government be entitled, in case of his death, to be recompensed to the extent of the recovery if he was injured or if death occurred? Would the Government be entitled to be recompensed to the full extent of the insurance policy?

Mr. STAFFORD. I think it is the purpose of the mover of this amendment to have the Government subrogated to the rights of the beneficiary, but the question is how far the Government should be subrogated to the rights of the beneficiary. Suppose the injured soldier would have an insurance policy of $1,000, would you go to the extent of depriving the heirs of the right to recover $24,000 just because the beneficiary had taken out an insurance policy of $1,000?

Mr. RAYBURN. It would not prevent a recovery.

Mr. STAFFORD. If the intention was not to try to get to a conclusion of this bill to-night, this should be allowed to go over until the next meeting. We are legislating on a subject that was not covered by the bill and not even suggested in the report of the committee. Yet it is of such large extent that the committee ought to have some time to consider such a broad subject.

Mr. HUDDLESTON. Does not that language concerning compensation for personal injury cover claims due under an accident policy?

Mr. STAFFORD. On the spur of the moment I would be inclined to believe it would.

Mr. HUDDLESTON. He would have to assign his accident policy to the Government.

Mr. SIMS. It provides only for compensation.

Mr. HUDDLESTON. Compensation for personal injuries?

Mr. RAYBURN. No. We are talking about the compensation under this war-risk insurance act. That is what he would have to assign. Where he brought suit against the Government and recovered more than that amounted to, that much of it would be subtracted from the lump sum.

Mr. HUDDLESTON. I can not help reaching the conclusion that this amendment is intended to subrogate the Government to the rights of the soldier against anybody who might injure him.

Mr. SIMS. For which he would be liable to the soldier?

Mr. HUDDLESTON. Yes. The accident insurance company would be liable for the personal injury, although they did not personally injure him. I think it would be dangerous to put such language in the act as would require the soldier to turn over his insurance policy that he had been carrying for years, perhaps.

Mr. STAFFORD. Would the gentleman from Texas be willing to pass this by?

Mr. SIMS. I suggest that we amend by putting in a provision similar to that applying to the Army and Navy.

Mr. STAFFORD. Will the gentleman agree to pass it over temporarily until we get to the end of the bill?

Mr. RAYBURN. Yes. Mr. Chairman, I ask unanimous consent that we pass over this amendment temporarily. I withdraw it temporarily.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment temporarily. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. ROBBINS] desire recognition?

Mr. ROBBINS. Yes. I have sent an amendment up to the desk. I ask unanimous consent that we return to section 10 for the purpose of adding an amendment at the end thereof, which I have sent to the desk and which I ask the Clerk to read. It goes in on page 19, line 3.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment by Mr. ROBBINS: Page 19, line 3, after the word "misconduct," insert "*Provided*, That this section as amended shall be deemed to become effective as of the 6th day of October, 1917."

Mr. ROBBINS. That is the language we adopted in making the other sections retroactive.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 18. That section 401 of said act is hereby amended to read as follows:

"SEC. 401. That such insurance must be applied for within 120 days after enlistment or after entrance into or employment in the active service and before discharge or resignation, except that those persons who are in the active war service at the time of the publication of the terms and conditions of such contract of insurance may apply at any time within 120 days thereafter and while in such service. Any person in the active service on or after the 6th day of April, 1917, who, while in such service and before the expiration of 120 days from and after such publication, becomes or has become totally and permanently disabled or dies, or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance payable to such person during his life in monthly installments of $25 each. If he shall die either before he shall have received any of such monthly installments or before he shall have received 240 of such monthly installments, then $25 per month shall be paid to his widow from the time of his death and during her widowhood, or if there is no widow surviving him, then to his child or children, or if there is no child surviving him, then to his mother, or if there is no mother surviving him, then to his father, if and while they survive him: *Provided, however*, That not more than 240 of such monthly installments, including those received by such person during his total and permanent disability, shall be so paid. The amount of the monthly installments shall be apportioned between children as may be provided by regulations."

Mr. SWITZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. SWITZER. I would like to ask the gentleman from Texas [Mr. RAYBURN], the chairman of the committee, as to the administration of this section, providing he can give the information. I notice that the dispatches from France show a great many men missing. What will be the effect upon the insurance of those soldiers if those men are merely reported as missing, in the administration? Will their pay go on and the premiums be kept up, or will they be held as deceased, or what will be the holding?

Mr. RAYBURN. The only thing that the bureau has to act upon is this: When the War Department certifies to them that a certain list of soldiers have been killed or died, then action can be taken. They do not act until they have that fact certified to them by the War Department.

Mr. SWITZER. Supposing a soldier was captured by the German Army or by any other army that we are fighting and it would be six months or a year before we found out where he is. What becomes of his insurance?

Mr. RAYBURN. As I explained a while ago, the department does not inquire where the premiums come from. If he has made arrangements and has asked that enough of his pay be held to cover his insurance, of course they would continue to hold it, and if somebody else was paying it, they would continue to do so. It would be accumulating for him; certainly it would not be taken away from him.

Mr. SWITZER. The insurance would not lapse?

Mr. RAYBURN. Oh, no.

Mr. ROBBINS. I want to ask the gentleman in charge of this bill a question. I do not see any provision in this act for giving notice before the insurance is permitted to lapse. In all other insurance policies notice is always given to the insured or the beneficiary before there is a lapse. It seems to me we ought to put a provision in this bill that if a man is captured in the foreign service, in the military service of his country, before the policy of insurance should be permitted to lapse there should be notice given to the beneficiary that is named in the policy. It would be a great hardship if a man was captured and held a prisoner for a year, say, for illustration—and that will undoubtedly occur in this war—that the policy of insurance should be allowed to lapse because the premium is not paid. The policy, of course, ought to lapse under certain conditions if the premium is not paid; but it would not be fair at all to allow it to lapse if a man were held in prison or in a prison camp or hospital. I think notice should be given to the bureau by the War Department and through the mail or otherwise to the beneficiary.

I am merely submitting now to the gentleman in charge of this bill a hasty impression that I have obtained from the reading of the section, that there ought to be some provision somewhere in this bill to prevent the lapsing of these policies without due notice to those who are beneficiaries—the father or mother or other survivors—who are entitled to the benefit of the policy in case of death. If they can not pay the soldier, and his pay has accumulated in the hands of the Pay Department of the Army, then this ought to be applied—so long as there is not definite information to the effect that the soldier had been killed—to payment of premiums, so the policy would not lapse. Of course then the policy would ripen. But there are cases—and there are going to be cases in this war, Mr. Chairman—where the soldier will be captured and held in captivity without any record either that they are dead or as to what

has become of them. These are the men who should be the objects of our most solicitous care and concern.

I think there ought to be some provision in the bill to remedy the occurring of such untoward events. We are more anxious to get the bill right than we are to pass it to-night.

Mr. SWITZER. Why would not it be safer to say that his pay shall continue, or so much as is necessary to pay the premium, which shall be applied to the payment of the premium to prevent the lapse of the policy during the time he is marked absent?

Mr. ROBBINS. There ought to be a provision in the bill, Mr. Chairman, that no policy of insurance should lapse for a soldier, by reason of his absence or from the fact that his presence is not known, so long as his pay is accumulating in the Pay Department of the Army, because he may be captured and have no means of communicating with the department. It may not be known where he is. He is placed in that position because he is in the military service of his country. As soon as information reaches the proper officers that he is killed, then, of course, the provisions of the policy become operative and his beneficiaries are entitled to the benefits under the policy. But what of the two years that he might be held in captivity in Germany and the authorities know nothing about him? It would be unfair to say that because the premium is not regularly paid the policy shall lapse. We ought not to pass an act like that. It would be a gross injustice in legislation and a hardship on the man serving in the Army. It would be doing the very thing that we do not want to do and defeat the purposes of the act. I appeal to the committee that it is more important to get this bill right than it is that we pass it to-day, and therefore I appeal to the chairman of the committee in charge of this legislation that if there is any doubt about this contingency being fully guarded against that we pass the bill over for the present until we get this section correct in form and in substance.

Mr. RAYBURN. I will say I do not think there is any doubt about this; the policy will not lapse because the man happens to be captured. I can not conceive of such a thing. He has made arrangements in one of two ways, either to pay it himself and have it held out of his pay, or some one else has agreed to pay it for him. Why it should lapse because he is in prison I can not conceive.

Mr. ROBBINS. What would become of the man who had the insurance policy who had ordered that monthly deduction only be made and he is captured?

Mr. RAYBURN. They do not do that kind of business. He would give a general order to hold so much money out of his month's salary. The orders never would come to him to sign.

Mr. ROBBINS. If the chairman of the committee, who has given this matter careful attention, assures me, as he now does, that the bill is proper, and that no hardship will be by it imposed on the soldier or his beneficiaries under the policy I shall not oppose the passage of the act now.

The Clerk read as follows:

SEC. 19. That section 18 of this act amending the automatic insurance provisions of section 401 of the act approved September 2, 1914, as amended, shall be deemed to be in effect as of October 6, 1917: *Provided*, That nothing herein shall be construed to interfere with the payment of monthly installments, authorized to be made under the provisions of said section 401 as originally enacted, for the months up to and including June, 1918: *Provided further*, That all awards of automatic insurance under the provisions of such section 401 as originally enacted shall be revised as of the 1st day of July, 1918, in accordance with the provisions of said section 401 as amended by section 17 of this act.

Mr. RAYBURN. Mr. Chairman, on line 11, page 25, I move to amend by striking out the word "seventeen" and inserting "eighteen." That was an error.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. RAYBURN. Mr. Chairman, I now offer the amendment to section 17 that I withdrew.

The Clerk read as follows:

Strike out lines 13 and 14 of section 17, on page 23, and insert the following:

"Section 313 of said act is hereby amended to read as follows:

"'That if an injury or death for which compensation is payable under this amendatory act is caused under circumstances creating a legal liability upon some person other than the United States or the enemy to pay damages therefor, the director, as a condition to payment of compensation by the United States, may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person. The cause of action so assigned to the United States may be prosecuted or compromised by the director, and any money realized thereon shall be placed to the credit of the compensation fund. Nothing in this section to be construed to impose any administrative duties upon the War or Navy Departments.'"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. LONDON. Mr. Chairman, I would like to ask the gentleman from Texas a question. On page 26 is the following provision:

If no such person survive the insured, then there shall be paid to the estate of the insured an amount equal to the reserve value, if any, of the insurance at the time of his death—

And so forth.

What is meant by the reserve value?

Mr. RAYBURN. That would be the cash-surrender value of the policy. Nearly every insurance policy has a cash-surrender value.

Mr. LONDON. It means the cash-surrender value?

Mr. RAYBURN. That was the explanation by those who claim to know.

Mr. LONDON. I was puzzled by the expression.

Mr. SIMS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. SIMS: Page 27, after line 4, insert:

"SEC. 21. That section 406 of said act is hereby amended to read as follows:

"'SEC. 406. Whenever the Secretary of War or the Secretary of the Navy shall certify to the Secretary of the Treasury that a person who is not in the military or naval forces of the United States is actively engaged in rendering services auxiliary to the conduct of the war, or is about to engage in such services, and after a medical examination it shall be established to the satisfaction of the director that such person is a proper insurable risk at normal premium rates, and it shall further appear to his satisfaction that by reason of the place at which services are to be rendered, or the nature of such services, such person is unable to procure from private insurers insurance against death or permanent total disability at the normal rates for persons in nonhazardous occupations, the director, subject to the general direction of the Secretary of the Treasury and to such regulations or limitations as he may prescribe, may grant to such person insurance at the same rates and subject to the same conditions as are provided in this article for insurance granted to persons in the military and naval service of the United States: *Provided*, That such insurance shall become effective only when such person shall have entered upon such service, or shall have embarked upon the high seas for the purpose of entering thereon, and only if he or she shall have entered thereon or thus embarked within such time after such medical examination as the Secretary of the Treasury shall have prescribed: *Provided further*, That in the discretion of the director such insurance in any case may be canceled at any time after the termination of such service.'"

Mr. STAFFORD. Mr. Chairman, I make a point of order against the amendment.

Mr. SIMS. Will not the gentleman reserve the point of order long enough to have a letter read which I received from the Assistant Secretary of the Treasury?

Mr. STAFFORD. Mr. Chairman, I understood it was the purpose of the gentleman, and I was accommodating him and other members of the committee were accommodating the gentleman, to finish this bill to-day. Here is an extraneous provision which is now offered, which has never been considered, I am informed, by the committee, and I ask the gentleman in all candor whether he is not imposing upon the committee by offering this amendment which is not germane?

Mr. SIMS. If the point of order is made and it is sustained——

Mr. STAFFORD. I make the point of order that it is not germane.

The CHAIRMAN. Does the gentleman from Tennessee confess the point of order is well taken?

Mr. SIMS. According to the way the Chair held on another amendment I am very much afraid, unless I could persuade the Chair otherwise, that he would apply the same ruling to this amendment. I have offered the amendment in good faith and would like to have the letter of the Assistant Secretary read in connection with it before the point of order is acted upon.

Mr. STAFFORD. I have no objection to having the letter inserted in the RECORD, but as it is now after half past 5 o'clock——

Mr. CANNON. Have it printed by unanimous consent.

Mr. SIMS. Then the gentleman will not reserve the point of order?

Mr. STAFFORD. I think I am accommodating the membership of the House by pressing the point of order.

The CHAIRMAN. The point of order is sustained, for the reasons stated in respect to the other amendment.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the letter be printed in the RECORD at this point.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the letter be printed in the RECORD at this point. Is there objection?

There was no objection.

The letter referred to is as follows:

TREASURY DEPARTMENT,
Washington, May 17, 1918.

Hon. THETUS W. SIMS,
Chairman Committee on Interstate and Foreign Commerce,
Washington, D. C.

DEAR MR. SIMS: In view of our conversation of yesterday and in compliance with your request, I am writing you with reference to the suggested amendment to the war-risk insurance act providing for the insurance of persons engaged in auxiliary war service.

The desirability of such legislation arises from the fact that Red Cross nurses and canteen workers and other Red Cross workers, Young Men's Christian Association, Knights of Columbus, the Jewish Welfare Board, members of the Russian Railway Service Corps of Engineers, Army field clerks, as well as numerous clerks employed in the Treasury Department, are required to perform necessary and indispensable war service in France, many of them under conditions little less hazardous than those surrounding military service.

It is impossible for any of these persons to obtain insurance protection for their families except at prohibitive rates.

Under the law, if the proposed amendment is adopted, these persons, if certified by the Secretary of War or the Secretary of the Navy as being engaged in auxiliary war service, may apply for and obtain insurance upon condition that they pass a proper medical examination showing that they are in insurable physical condition, and the amendment is so drawn that by regulation all proper safeguards to prevent abuses may be provided.

There have been numerous requests from Senators and Congressmen and from representatives of all of the classes of persons engaged in auxiliary war service above referred to for such an amendment, and the Treasury Department believes it to be in every way proper and desirable.

Sincerely, yours,

THOS. H. LOVE, *Assistant Secretary.*

Mr. McKEOWN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

After the period, at the end of line 4, page 27, insert a new paragraph, as follows:

"That section 203 of said act is hereby amended to read as follows:

"'That in case one-half of an enlisted man's monthly pay is not allotted, regulations, to be made by the Secretary of War and the Secretary of the Navy, respectively, may require, under circumstances and conditions as may be prescribed in such resolutions, that any proportion of said one-half pay that is not allotted shall be deposited to his credit, to be held during such period of his service as may be prescribed. Such deposits shall bear interest at the same rate as United States bonds bear for the same period, and, when payable, shall be paid, principal and interest, to the enlisted man, if living; otherwise to any beneficiary or beneficiaries whom he may have designated, or, if there be no such beneficiary, then to the person or persons who under the laws of the State of his residence would be entitled to his personal property.'"

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. McKEOWN. Mr. Chairman, I will briefly state to the committee that the purpose of this amendment is to change the rate of interest from 4 per cent and give the soldier who lends his money to the United States 4¼ per cent, or 5 per cent, or whatever the rate may be of the bonds of the United States at the period his money is withheld; that his money shall bear the same rate of interest that the Government bonds issued to carry on the war bear. If the soldier fights our battles and lends half his money to the Government, he ought to have the same rate of interest that we get who buy the bonds of the United States.

Mr. ROBBINS. It is fixed in the paragraph, as I understand it, in the original law that such deposits shall bear interest at the rate of 4 per cent.

Mr. McKEOWN. I have left that out and inserted a provision that it shall bear the interest that the bonds of the United States bear during the same period of time.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. STAFFORD. Would some of these deposits that were made subsequent to the issue of the first liberty loan bear only 3½ per cent?

Mr. McKEOWN. No. None of them would bear less than 4 per cent.

Mr. STAFFORD. The gentleman is aware that the Bureau of War-Risk Insurance is endeavoring in every way to get rid of administrative details. They are complaining, for instance, in respect to a bill reported by the gentleman from Wisconsin [Mr. ESCH], that they want to have one certain rate to be paid to the soldiers in allotments. I do not think on the spur of the moment we should consider this amendment. I am rather in sympathy with it, but I do not think we ought to incorporate it in the bill. The amending stage of this bill relating to section 203 is past. I think it would have been in order at that time, though there is nothing in the bill reported by the committee amending section 203. Under the decisions of the House, it is not germane at the present place in the bill and is, therefore, subject to the point of order.

Mr. McKEOWN. Mr. Chairman, the gentleman's point of order is not well taken. This is a bill to amend an act. That there is no provision amending section 203 is true, but the gentleman's point of order is not well taken. The amendment is germane to this bill. Of course, I am not as familiar with the rules of the House as the gentleman from Wisconsin——

Mr. STAFFORD. Mr. Chairman, I say there is some question. I am frank to say I do not wish to take advantage of any Member by any technicality on a point of order, but there are rulings to the effect that if there is a portion of the bill where an amendment could be in order it should have been offered at that time. There are portions of the bill where it would have been in order to have offered this amendment. For instance, there is section 200, section 206, and——

Mr. McKEOWN. But this is offered as a new section.

Mr. STAFFORD. Oh, every amendment to an appropriation bill could be offered as a new section. The question is whether it is germane at this place in the bill, and that is the point of order I make.

The CHAIRMAN. The bill we have under consideration is simply an amendment of the original war-risk insurance act and it does seem to the Chair that this amendment is in order and germane to the subject. Therefore, the Chair overrules the point of order.

Mr. ROBBINS. I desire to ask the gentleman one question. Does the gentleman's amendment simply provide that instead of the rate of interest being fixed arbitrarily at 4 per cent it shall conform to the current rate of interest on Government bonds?

Mr. McKEOWN. As the rate progresses; yes, sir.

Mr. ROBBINS. It will be 4¼ per cent now instead of 4 per cent.

Mr. McKEOWN. Four and one-quarter per cent instead of 4 per cent; they will have the advantage of that rate after that period.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken and the amendment was agreed to.

Mr. RAYBURN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOOHER, Chairman of the Committee of the Whole House on the state of the Union, stated that that committee having had under consideration the bill S. 4482, had directed him to report the same to the House with sundry amendments with the recommendation that the amendments be agreed to and the bill as amended do pass.

The SPEAKER. Is there a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was ordered to be read a third time; was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. SIMS. Mr. Speaker, it is in this shape: The Senate bill is now amended, and this is to pass the Senate bill as amended?

The SPEAKER. Why, of course.

The question was taken, and the bill was passed.

On motion of Mr. RAYBURN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ESCH. Mr. Speaker, I move that the bills H. R. 11520 and H. R. 12037, being the two bills which were consolidated in this amended Senate bill, be laid on the table.

The SPEAKER. Without objection, the bills will be laid on the table.

There was no objection.

The SPEAKER. Is the gentleman from Tennessee going to call up another bill?

Mr. SIMS. I am going to call one up, but I shall not insist upon its being acted upon now.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p. m.) the House adjourned until to-morrow, Thursday, April 23, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of Labor submitting a deficiency estimate of appropriation required to provide housing, local transportation, and other community utilities for war needs (H. Doc. No. 1116); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting copy of a communication from the Chief of Engineers submitting a proposed clause of legislation for inclusion in the pending Army appropriation bill for the fiscal year 1919 (H. Doc. No. 1117); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting deficiency estimates of appropriation required by the General Land Office for resurveys in the State of Colorado and for classification of lands involved in the Oregon & California Railroad forfeiture suit (H. Doc. No. 1118); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy submitting additional estimates of appropriations required by the Civil and Naval Establishments of the Navy Department for the fiscal year ending June 30, 1918 (H. Doc. No. 1119); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior submitting a supplemental estimate of appropriation, for six clerks of class 1, needed to bring up the arrears of work in the Returns Office of the Interior Department for the fiscal year 1919 (H. Doc. No. 1120); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the Ordnance Department of the Army for the fiscal year 1919 (H. Doc. No. 1121); so much as relates to appropriation, referred to the Committee on Appropriations; so much as refers to authorizations, referred to the Committee on Military Affairs, and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of channel to Port Bolivar, Tex., with a view to enlargement, extension, and protection of the turning basin (H. Doc. No. 1122); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

8. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a proposed paragraph of legislation for inclusion in the general or other deficiency bill (H. Doc. No. 1123); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the bill (H. R. 10240) to incorporate the Recreation Association of America, reported the same without amendment, accompanied by a report (No. 594), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 1672) to authorize the sale of certain land in Alabama to the heirs at law of Thomas Tumlin, deceased, reported the same without amendment, accompanied by a report (No. 591), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3414) for the relief of S. S. Markley, reported the same without amendment, accompanied by a report (No. 592), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3700) for the relief of John McW. Ford, reported the same with amendment, accompanied by a report (No. 593) which said bill and report were referred to the Private Calendar.

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 12229) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 596), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 4058) granting a pension to Rose E. Wicoff, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky: A bill (H. R. 12224) to punish the carrying of concealed deadly weapons in the District of Columbia; to the Committee on the District of Columbia.

By Mr. COLLIER: A bill (H. R. 12225) to make the States of Mississippi and Nevada separate internal-revenue collection districts; to the Committee on Ways and Means.

By Mr. GREEN of Iowa: A bill (H. R. 12226) imposing a tax upon the gross receipts of persons, corporations, partnerships, or associations engaged in retailing merchandise by and through what is commonly known as a mail-order business; to the Committee on Ways and Means.

By Mr. DENTON: A bill (H. R. 12227) to extend the franking privilege to the American Red Cross; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: A bill (H. R. 12228) to make the State of Rhode Island a separate internal-revenue collection district; to the Committee on Ways and Means.

By Mr. EVANS: A bill (H. R. 12230) to provide for an exchange of certain lands in the Flathead Reservation, Mont.; to the Committee on Indian Affairs.

By Miss RANKIN: A bill (H. R. 12231), to create a water power board with authority to construct, better, maintain, and operate works for the development of water power; for the generation and transmission of electric energy therefrom; for the use of such energy in the manufacture of nitrates and other products useful in fertilizers and munitions; for the sale of so much of such nitrates and other products as is not needed for public use; for the sale of surplus energy to the public, and for other purposes; to the Committee on Water Power.

By Mr. MADDEN: Resolution (H. Res. 356) requesting information as to the number of employees in the Civil Service Commission liable for military service; to the Committee on Interstate and Foreign Commerce.

Also, resolution (H. Res. 357) requesting information as to the number of employees in the Department of Justice liable for military service; to the Committee on the Judiciary.

Also, resolution (H. Res. 358) requesting information as to the number of employees in the Department of Labor liable for military service; to the Committee on Labor.

Also, resolution (H. Res. 359) requesting information as to the number of employees in the Department of Agriculture liable for military service; to the Committee on Agriculture.

Also, resolution (H. Res. 360) requesting information as to the number of employees in the Department of Commerce liable for military service; to the Committee on Interstate and Foreign Commerce.

Also, resolution (H. Res. 361) requesting information as to the number of employees in the War Department liable for military service; to the Committee on Military Affairs.

Also, resolution (H. Res. 362) requesting information as to the number of employees in the Post Office Department liable for military service; to the Committee on the Post Office and Post Roads.

Also, resolution (H. Res. 363) requesting information as to the number of employees in the Department of the Interior liable for military service; to the Committee on the Judiciary.

Also, resolution (H. Res. 364) requesting information as to the number of employees in the State Department liable for military service; to the Committee on Foreign Affairs.

Also, resolution (H. Res. 365) requesting information as to the number of employees in the Treasury Department liable for military service; to the Committee on Ways and Means.

Also, resolution (H. Res. 366) requesting information as to the number of employees in the Navy Department liable for military service; to the Committee on Naval Affairs.

Also, resolution (H. Res. 367) requesting the Secretary of the Treasury to furnish information as to the payment of allotments by the Bureau of War-Risk Insurance; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 12229) granting pensions and increase of pensions to certain soldiers and sailors of the

Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. AYRES: A bill (H. R. 12232) granting a pension to Sarah E. Jackman; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 12233) to authorize the President of the United States to appoint William H. Armstrong a captain in the Porto Rico Regiment of Infantry of the United States Army; to the Committee on Military Affairs.

By Mr. DENTON: A bill (H. R. 12234) granting an increase of pension to Elbert M. Deffendall; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 12235) for the relief of the estate of Simon Ludwig; to the Committee on Claims.

By Mr. ELSTON: A bill (H. R. 12236) to refund certain duties paid by W. Loaiza & Co.; to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 12237) granting an increase of pension to Miles Van Luven; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12238) granting a pension to Hattie A. Lee; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 12239) for the relief of Elizabeth H. Rice; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 12240) granting a pension to Scott Colegate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12241) granting an increase of pension to R. C. Montgomery; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 12242) granting a pension to John H. Kingkade; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 12243) granting a pension to Ellis O. Greely; to the Committee on Pensions.

By Mr. TALBOTT: A bill (H. R. 12244) granting a pension to Effie Flynn; to the Committee on Pensions.

By Mr. WARD: A bill (H. R. 12245) granting a pension to Cenith Efner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FULLER of Illinois: Petition of the Chicago Clearing House Association, opposing Senate bill 4426, to guarantee bank deposits; to the Committee on Banking and Currency.

Also, memorial of the La Salle (Ill.) Chamber of Commerce, favoring road construction; to the Committee on Roads.

Also, memorial of the Commercial Portrait Artists' Union, favoring repeal of the second-class postage rates in the war-revenue act; also petition of the Rockford (Ill.) Superior Furniture Co., opposing repeal or postponement of increased second-class postage rates; to the Committee on Ways and Means.

By Mr. SMITH of Idaho: Resolutions adopted by the Central States Osteopathic Association at Kansas City, Mo., urging the enactment of the bill (H. R. 5407) to admit osteopathic physicians to examination with a view to their appointment to the Medical Corps of the Army; to the Committee on Military Affairs.

By Mr. STINESS: Petition of Jesse H. Metcalf, chairman penal and charitable commission of Rhode Island, protesting against House bill 9683 as it affects present prison industry; to the Committee on Labor.

SENATE.

THURSDAY, *May 23, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, how excellent is Thy name in all the earth. The wrath of man has not taken from the glory of Thy name or from Thy power in the earth. Thou art the author and the lover of freedom. Thou dost relate us to Thyself and Thou dost call us to preserve the rights that Thou hast committed unto men. Thou hast left in large measure the government of the world in the hands of men who love freedom. We bless Thee that as we move forward we go with a clear conscience and with a conviction that Thou art leading the hosts of those who love the rights of men. We pray Thee to guide us and preserve us for the conflict. Direct our hearts and minds to keep Thy law and give us the victory. In Thy name we ask it. For Jesus' sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMITH of Michigan and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Kentucky, Mr. CROSSER, and Mr. CARY managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMALL, Mr. BOOHER, and Mr. KENNEDY of Iowa managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 11048) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved June 12, 1917, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Presbyterian Ministers' Association of Washington, D. C., and a petition of the congregation of the Metropolitan Presbyterian Church, of Washington, D. C., praying for the enactment of a Sunday rest law for the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. SMITH of Michigan. Mr. President, I have a memorial from the Trades and Labor Council of Battle Creek, Mich., asking Congress to reconsider the so-called zone system of postal increase. I realize that, as this legislation affects the revenues of the Government, any bill intended to change or alter the legislation must, under the Constitution, originate in the House of Representatives. Yet this memorial is of sufficient importance to warrant me in asking that it may be read for the information of the Senate and referred to the Committee on Finance.

The VICE PRESIDENT. It will be read.

The Secretary read the memorial, as follows:

BATTLE CREEK, MICH., *May 12, 1918.*

Whereas the Congress of the United States in the enactment of the war-revenue law has placed an unwarranted tax on all publications, and particularly on second-class publications, such as newspapers and magazines, by means of an increased postage rate and the application of the "zone" system; and

Whereas the enforcement of this system of postal rates on second-class matter will destroy thousands of newspapers (farm, medical, religious, agriculture, and labor papers), throwing thousands of men and women out of employment; and

Whereas the public press is the great source of education, information, and recreation to millions of people, and their only communication with the outside world; and

Whereas the labor press is most essential to the millions of workers at this particular time on account of the educational advantages derived therefrom: Therefore be it

Resolved, That in the opinion of this council the second-class postage rates should not have been changed; that the system of rates provided are not a legitimate war tax, and that they will destroy a valuable industry from which the Government seeks revenue; that the system will unwisely curtail the publications of our country; and be it further

Resolved, That Congress be urged to amend the existing war-revenue law by eliminating that section dealing with second-class postage, and that this subject be then dealt with by Congress as a separate and distinct matter viewed from the stand of service rather than for war revenue; and be it further

Resolved, That copies of this resolution be sent to the Senators and Representatives in Washington, D. C., from our State and one to the governor.

BATTLE CREEK TRADES AND LABOR COUNCIL,
W. H. GILBERT, *President.*
D. J. ULDRIKS, *Vice President.*
[SEAL.] Mrs. GOLDIE M. SPENCER,
Secretary-Treasurer.

Mr. McLEAN. I have a brief resolution adopted by the Connecticut State Council of Defense, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas conditions in Europe indicate that the war will call for greater efforts and will be more prolonged than was assumed to be the case when existing arrangements for the creation of our armed forces were made: Therefore be it

Resolved, That this council urges upon the Government the necessity of now basing all plans for the enlistment of men, the manufacture of arms and munitions, and the building of ships upon a minimum of 5,000,000 fighting men, which will make necessary auxiliary forces to the extent of several million in addition.

Resolved further, In order to distribute the burden of providing such forces more equitably and to make it more easy to secure them, having in view the principle of selection for the various kinds of duty which must be performed, in the opinion of this council the upper limit of the draft age should be raised to 45 years.

Resolved further, That a copy of these resolutions be forwarded to the President, to the Secretary of War, to the Secretary of the Navy, to the Provost Marshal General, and to the Connecticut Senators and all Connecticut Congressmen.

CONNECTICUT STATE COUNCIL OF DEFENSE,
RICHARD M. BISSELL, *Chairman*.

Approved:

MARCUS HOLCOMB, *Governor*.

HARTFORD, CONN., *May 20, 1918*.

Mr. McLEAN presented a memorial of the Clearing House Association of Hartford, Conn., remonstrating against the passage of Senate bill 4426, providing for a guaranty fund for certain bank deposits, which was referred to the Committee on Banking and Currency.

He also presented petitions of sundry citizens of Torrington, Clinton, Pomfret, Manchester, and South Manchester, all in the State of Connecticut, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of the Grand Division, Sons of Temperance of Connecticut, of Hartford, Conn., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. THOMPSON presented a petition of the Central States Osteopathic Association, of Kansas City, Mo., praying for the enactment of legislation to provide for the commissioning of osteopaths in the medical department of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of the executive board of the Kansas State Federation of Labor, of Wichita, Kans., and a petition of the Central Labor Union, of Coffeyville, Kans., praying for the enactment of legislation to provide for the reeducation and rehabilitation of crippled soldiers and sailors, which were ordered to lie on the table.

Mr. MYERS presented a petition of the Chamber of Commerce of Glasgow, Mont., praying for the enactment of legislation to provide for the adequate construction of highways and to place the administration of same in the hands of a centralized Federal board, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4467) to validate the homestead entry of the heirs of Victoria A. Thomson (Rept. No. 464); and

A bill (S. 4541) for the relief of Lynette Dean Maxwell, and for other purposes (Rept. No. 461).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 9898) to establish in the Coast Artillery Corps of the Regular Army an Army mine-planter service, reported it without amendment and submitted a report (No. 463) thereon.

Mr. WEEKS, from the Committee on Military Affairs, to which was referred the bill (S. 3260) to remove the charge of desertion from the record of Wilbur F. Lawton, reported it without amendment.

He also, from the Committee on the Library, to which was referred the bill (S. 3986) to acquire the manuscript of Charles Chaillé-Long, containing an account of the unveiling of the McClellan statue, reported it without amendment and submitted a report (No. 462) thereon.

PUBLIC LAND IN MINNESOTA.

Mr. KELLOGG. From the Committee on Public Lands I report back favorably, without amendment, the bill (S. 4554) for the sale of isolated tracts of the public domain in Minnesota, and I submit a report (No. 459) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the provisions of section 2455 of the Revised Statutes of the United States, as amended by the act of March 28, 1912 (37 Stat. L., p. 77), relating to the sale of isolated tracts of the public domain, be, and the same are hereby, extended and made applicable to ceded Chippewa Indian lands in the State of Minnesota: *Provided*, That the provisions of this act shall not apply to lands which are not subject to homestead entry: *Provided further*, That purchasers of land under this act must pay for the lands not less than the price fixed in the law opening the lands to homestead entry.

Mr. LENROOT. Will the Senator state briefly the purpose of the bill?

Mr. KELLOGG. The bill is recommended by the Secretary of the Interior. It simply applies the general statutes to lands authorized to be sold in the Chippewa Reservation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD ENTRIES IN MINNESOTA.

Mr. KELLOGG. I also report back favorably, without amendment, from the Committee on Public Lands the bill (S. 4555) to validate certain public-land entries and I submit a report (No. 460) thereon. It is a bill to validate some 14 homestead entries in the State of Minnesota. It is also recommended by the Secretary of the Interior.

Mr. LENROOT. Does the Senator state that it is recommended by the Secretary of the Interior?

Mr. KELLOGG. The Secretary states in a communication of some length, which accompanies the bill, that at the time these entries were made it was supposed in the Land Office that the entrymen were qualified to make the entries. After they had made the entries and some of them had paid the full consideration and others partly performed it was found that they were not qualified. The Secretary of the Interior recommends that they be qualified by act of Congress. He made this recommendation to the House, and the House committee unanimously recommended the bill for passage. He made also the same recommendation to this committee, and this committee has recommended it. There are only 13 or 14 entries altogether to be validated.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That all entries heretofore erroneously allowed for lands opened to entry under the act approved February 20, 1904 (33 Stat. L., p. 46), and the act of February 16, 1911 (36 Stat. L., p. 913), to persons who had previously exhausted their homestead rights, are hereby ratified and confirmed; and any such entry which has been canceled for the reason given shall be reinstated in the absence of conflicts and proceed to patent upon compliance with the law under which the entry was made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN (by request):

A bill (S. 4590) amending section 2 of an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes"; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 4591) for the relief of John G. Young; to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 4592) granting an increase of pension to James S. McDonald; and

A bill (S. 4593) granting a pension to Martha J. Davis; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 4594) to provide for the sale of isolated tracts of enlarged homestead land; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 4595) to provide for the award of medals of honor, distinguished-service crosses and distinguished-service medals, and for other purposes (with accompanying papers); to the Committee on Military Affairs.

By Mr. SUTHERLAND:

A bill (S. 4596) granting an increase of pension to Allen T. Landress; to the Committee on Pensions.

A bill (S. 4597) extending the time for the construction of a bridge across the Monongahela River at or near the city of Fairmont, W. Va.; to the Committee on Interstate Commerce.

By Mr. UNDERWOOD:

A bill (S. 4598) further extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled "An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viaducts across the water between the mainland at or near Cedar Point, and Dauphin Island, both little and big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little

and Big Dauphin Island," approved June 18, 1912, as extended by an act approved June 30, 1916; to the Committee on Commerce.

By Mr. SIMMONS:

A bill (S. 4599) for the relief of Cleveland L. Short; to the Committee on Claims.

COMPENSATION OF INTERSTATE COMMERCE CARRIERS.

Mr. CUMMINS submitted the following resolution (S. Res. 247), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Director General of Railroads furnish to the Senate, for the use of the Committee on Interstate Commerce, a copy of the agreement between the United States and each carrier, heretofore or hereafter made, for just compensation under section 1 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918; also the names of the carriers, if any, which have refused or failed to enter into an agreement for such just compensation; also the names of the carriers whose systems, roads, or facilities are now in the possession of the United States or are used, controlled, or operated by the United States under the laws thereof.

SHORT-LINE RAILROADS.

Mr. OVERMAN. By unanimous consent I ask the Secretary to read into the RECORD a letter I have received from Judge Payne, of the United States Railroad Administration, which I am satisfied will be of great interest to every Senator who has a short-line railroad in his State.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

UNITED STATES RAILROAD ADMINISTRATION,
Washington, May 18, 1918.

DEAR SENATOR OVERMAN: Apropos of your discussion of the Carolina & Yadkin River Railway:

I beg to call your attention to the very great difficulties which the Railroad Administration confronts with reference to the short-line roads. You know, of course, that many people believe that the Government should take these roads and operate them. Many of them are not necessary for any Government purpose, but it is a matter of profound interest that they be continued in operation, because they serve the highest needs of many local communities. What is best has given the Director General and his staff great anxiety.

I submit the following suggestions as to a solution of the problem:

(a) If the roads are taken over by the Government, there will be an immediate raise in wages of all employees in keeping with the wage adjustment which has just been made with the trunk lines, and there will be a demand for an improvement in service and an improvement in general conditions on the line, so as to bring the roads up to the standard of the trunk lines. This will be due to the fact that they are under Government control and the Government should treat everybody alike.

(b) It seems to me that the roads themselves, the communities, and the Government will be benefited if the following happens:

(1) That the Government see that the short-line roads have a fair division of the joint rates; in many cases heretofore they have not enjoyed a fair division.

(2) Also an increase in rates—this must be by the State commissions—so as to keep them on a parity with the rates on the trunk lines, which must be raised to meet existing conditions; also the Government will see that the roads are furnished, as far as possible, with an adequate supply of cars, so that they may serve the public, and that the freight shall not be so routed as to discriminate against these lines.

Please advise me whether, in your opinion, if the administration adopts such a policy as is here outlined, it will not best serve the public and the Government.

My kindest regards.

Yours, very truly, JOHN BARTON PAYNE.

Hon. LEE S. OVERMAN,
United States Senate.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FLETCHER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. FLETCHER, Mr. RANSDELL, and Mr. NELSON conferees on the part of the Senate.

WAR-RISK INSURANCE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended.

Mr. SMOOT. I move that the Senate disagree to the amendment of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. WILLIAMS, Mr. SMITH of Georgia, and Mr. SMOOT conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 11048. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved June 12, 1917, was read twice by its title and referred to the Committee on Finance.

NATIONAL BANKING ASSOCIATIONS.

The VICE PRESIDENT. The morning business is closed, and the calendar under Rule VIII is in order.

Mr. SMITH of Georgia. If there is no other business that anyone desires to bring before the Senate during the morning hour, I move that the Senate proceed to the consideration of Senate bill 4557.

Mr. SHAFROTH. The Committee on Banking and Currency has a bill on the calendar that we would like to bring up for consideration.

Mr. SMITH of Georgia. Then I will yield. Senate bill 4557 is the unfinished business, and I do not wish to occupy the morning hour with it if there are other measures that Senators desire to have considered.

Mr. SHAFROTH. I move that the Senate proceed to the consideration of the bill (S. 3898) to require cashiers and other officers of the national banking association handling its funds to give bond and to prevent its officers and employees from making erasures on the books of the association.

On a division the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which was read, as follows:

Be it enacted, etc., That all cashiers, assistant cashiers, tellers, and other officers and employees of national banking associations who handle or who have the custody or control of the funds or assets of such associations shall be required to execute bond, with good and sufficient security, in such penal sum not less than $1,000 as the board of directors shall prescribe, conditioned on the faithful performance of their respective duties and the proper accounting for all funds and assets placed in their hands or coming under their control which belong to or are in the custody of the association.

Mr. THOMAS. Mr. President——

Mr. SHAFROTH. I yield to my colleague.

Mr. THOMAS. The title of the bill would either indicate that this legislation is surplusage or that existing laws upon the subject are strangely deficient. I have labored under the apprehension thus far that cashiers and other responsible officers of banking institutions are under bond, and also that bookkeepers and other accountants making erasures upon the books of the association are very apt to get into trouble, and very serious trouble. If it is true that there is a hiatus in the law which relates to this very important subject, then certainly we have been at fault in our legislation.

Mr. SHAFROTH. I will state to the Senator that defects in the present law have been found by the Comptroller of the Currency. The bill was prepared by the department and sent down here for consideration. In different banks stealings have occurred by reason of permitting erasures by acid or knife, and thereby obliterating every evidence of the first figures composing the balance or the item. The object of section 2 is to require that erasures shall be made by crossing the amount out in ink and the substitution for it of the correct amount, as found by the officer, so that if any false figures have been inserted they can be easily detected. For that reason it seems to me there can be no possible objection to the bill.

Section 2 provides:

That no officer or employee shall erase or cause to be erased or removed, either by acid or abrasion, any entries on the books of an association. Where entries have been erroneously made and it is desired to correct them they shall be canceled in ink in such manner as to indicate the cancellation but leave the original entry, so that it can be read or deciphered.

Mr. KING. Will the Senator from Colorado yield to me?

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. KING. I find no penal provisions in the proposed statute. Assume that there is a violation of the terms of section 2, the section just read by the Senator from Colorado, what then?

Mr. SHAFROTH. I think there are some general provisions of law imposing penalties for violations of the banking laws. Anyway, under this bill, there would be a right on the part of the banks to compel either repayment or to enforce the liability upon the bond if damage resulted to the banks, and an easy way of detection would aid in that respect.

Mr. KING. Mr. President, I think that the Senator from Colorado is in error, if he thinks that the general statute, which is already in existence, could be extended to cover infractions of this proposed law. If this bill were projected into an existing law which carried a penal provision for the violation of the general law, then it is quite likely that the penal provisions of the general law would extend to infractions provided in this act; that is, if they were carried into the general act; but it is very clear to me that a general statute which has a

penal provision could not be made applicable to this special act which postdates it in the time of its passage.

Mr. SHAFROTH. Mr. President, I will state to the Senator from Utah that while there is no penal provision in the first section, there are general provisions as to the forfeiture of charters for a violation of any of the laws relating to national banks; at any rate, it does seem to me that these are good provisions, and are provisions which ought to be made a part of the method of conducting any banking business. On that account it seems to me that the measure ought to pass. I will say that it has received the unanimous approval of the Committee on Banking and Currency.

Mr. SMOOT. Mr. President, the theory of this bill and of many of the others that follow it on the calendar is that there are no officers of any of the national banks of the United States who know how to run a bank; in other words, that they must be instructed as to every little detail of banking, from the opening of the bank in the morning until the closing of the bank in the evening.

The idea, Mr. President, of compelling every employee of a national banking association to take out a bond of not less than $1,000! I know employees in banks that I am interested in that I would never think of asking to furnish a bond; I would trust them with all I have on earth. Why impose upon such men the expense of furnishing a bond?

There is nothing really vicious in this bill. I think that every officer of a bank knows whether he ought to require a bond from his employees or not. I desire to say that the losses which come to national banks through the defalcation of employees are very few in number, and when they do occur a thousand dollars is not going to go very far toward paying the amount that may have been stolen.

Of course, Mr. President, section 2 of the bill may have a little merit in it, but it has very little. I do not believe that the other House is going to consider this measure or to consider many of the 18 bills which follow this one on the calendar. If, however, the Senate thinks that the time has arrived when we must have a legislative primer on banking for all of the officers of all of the national banks of the country to tell them just what they have to do, this class of legislation is a good beginning. The banks will not be seriously injured by it in any way, but there will be very little benefit come from it.

Mr. KING. Mr. President, will my colleague yield to me?

Mr. SMOOT. Yes.

Mr. KING. Perhaps I should address my question rather to the Senator from Colorado [Mr. SHAFROTH], having the bill in charge, but I am going to state it rather as a declaration than as a question.

As I understand the national banking act, the Comptroller of the Currency now has the right to prescribe rules and regulations for the conduct of the banks, the method of keeping books, and so forth, and he would have ample authority to adopt or prescribe or promulgate regulations of the character embraced in this bill; and, in view of the fact that this carries no penal provision, those regulations would have as much binding effect as would this act itself.

Mr. SMOOT. Mr. President, if no regulations were promulgated by the Comptroller of the Currency this act would not amount to anything. There is no penalty attached to it. The only way it will ever be enforced or can be enforced, if it is ever necessary to enforce it, will be by rules and regulations. I think that every member of the committee understood that; but, of course, Mr. President, the passage of such measures as this results in merely loading up our statute books with laws that there is no reason whatever for passing.

Mr. WADSWORTH. Mr. President, will the Senator from Utah yield for a question?

Mr. SMOOT. Yes; I yield.

Mr. WADSWORTH. Did the Senator state what penalty could be invoked to enforce the provisions of section 2 of this proposal?

Mr. SMOOT. There is no penalty provided for in this bill; and if it is ever enforced by the department, it will be done by some rule or regulation which may be prescribed by the Comptroller of the Currency.

Mr. WADSWORTH. The Senator means that the Comptroller of the Currency by some rule or regulation will prescribe a penalty?

Mr. SMOOT. He will; and I think, Mr. President, that he could do that without the passage of this bill. The passage of this bill will make no difference, so far as enforcing it upon the banks of the country is concerned.

Mr. WADSWORTH. Does the Senator from Utah understand that section 2 of the bill has been proposed for the purpose of preventing frauds?

Mr. SMOOT. That is the reason it is suggested.

Mr. WADSWORTH. The Senator means the forcing of balances by falsifying of the books of a bank?

Mr. SMOOT. I will say to the Senator from New York that in some cases where defalcations in banks have been committed, notice has not been called to them by reason of the persons having the book in charge erasing figures and placing other figures in their stead. Of course, if this bill passes, and a dishonest employee wanted to steal he would simply change the figures in the first place. If it is desired to steal money from a bank there are many ways in which it can be done; and this proposed legislation is not going to prevent that at all.

Mr. HOLLIS. Mr. President, there is no doubt that banks, such as those in which the Senator from Utah is the dominating figure, if there be such banks, and I have no doubt there are, require bonds of their employees, and provide that, if corrections are made in the books, the corrections shall show plainly on their face what they are. There is no doubt that the great majority of the banks in this country have such provisions, but laws are passed to take care of those who do not do business in the regular and orderly way. The provisions of this bill will be enforced by the Comptroller of the Currency as he enforces other provisions of the national-bank act. If national banks do not comply with the provisions of the law the Comptroller of the Currency can suspend or annul their charters. That is the way banks are compelled to comply with the law, and they comply rather than have their charters suspended or annulled.

The Comptroller of the Currency has found that in some cases there have been defalcations that are not covered by bonds. It is true a bond of $1,000 would not cover a $5,000 defalcation, but the fact that a man is bonded means that he is going to be watched by the man who issues the bond, and if he is living beyond his salary or "playing the races" he is going to be called to account; it means that there is an eye watching him, which will make him more careful, and he will be kept within bounds.

The Comptroller of the Currency in his four or five years' experience has found these defects in the national banking system. There has not been any general attempt to plug up the holes of the national banking system since it was inaugurated, and it was the effort of the committee, acting on the advice of the Comptroller of the Currency, to plug up these holes. The comptroller called our attention to them; the committee has voted unanimously to take action; and I believe these bills ought to be passed and that Senators really are not doing the best they can when they undertake to sneer at these corrections, which most of us believe are necessary, and delay the passage of the bills. No one can state any reason why this bill should not become a law. The members of the Banking and Currency Committee are unanimously in favor of having it become a law.

Mr. SHAFROTH. With relation to the $1,000 bond which is required to be given by the officials of a bank, of course it is not a large amount; but men vary in their views in regard to the amount that should be fixed in cases of this kind. To the big bank, of course, it is a small bond, but if we were to require a $10,000 bond some one might make the objection that as to little banks it would be outrageous to require a bond of that size. So it seemed to the committee that a thousand-dollar bond would be fair, at least, to the little banks, and could not possibly be oppressive to any banks. For that reason we thought that the bond fixed was a proper amount.

The measures reported by the Committee on Banking and Currency now on the calendar can not be, it seems to me, the subject of serious objection. They impose requirements which nearly every bank now complies with, but there are some banks that do not, and the comptroller wanted this authority, and it seems to me it ought to be given.

Mr. SMOOT. Mr. President, let me ask the Senator a question. The Senator must know that there are banks in this country that have a blanket insurance; that is, an insurance that covers every officer and every employee of the bank, from the president down to the errand boy. If this bill is passed, will that insurance be sufficient, or under this bill will the bank have to have another insurance to cover each employee who handles the funds of the bank?

Mr. SHAFROTH. I presume that whatever requirement the Comptroller of the Currency might make would have to be complied with. If a bank wanted insurance in addition to the bond, they could take out the insurance, or they could cover the amount of the bond required in the insurance which they take out. That is the reason, as it seems to me, why the bond ought not to be very large. It ought to be about the figure that has been provided in the bill.

Mr. SMOOT. The answer of the Senator goes to prove beyond question that the Comptroller of the Currency to-day has all

the power to compel the banks to do just what this bill requires them to do; there is no doubt about that. If we pass this bill, it will merely put another law upon the statute books to be read, perhaps, once in a thousand years.

Mr. SHAFROTH. Mr. President, at present bonds are required to be given by nearly all the officers of the Government. The banks do not seem to have any difficulty also in securing insurance by private companies against defalcations. It seems to me that the requirements of this bill would not be applicable except in cases where at least the amount of bond specified had not been already given. If that amount is given, it will satisfy the comptroller; and if a bank, for its own protection, wants a greater amount, of course it can require its cashier to give it, as he is an appointee of the bank.

As to these measures and whether they are necessary or not, who ought to know better than anybody else—the man who administers the affairs of the office itself or some person who thinks that he knows all about it, but who perhaps is not familiar with all the circumstances and all the cases that arise in the comptroller's office, and consequently does not know of the particular defects of the statute until attention is called to them by official action? When that is done, and when the responsible officer of the Government says that we need this remedy, it seems to me it ought to be provided.

Mr. SMOOT. Let us have a vote, Mr. President.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. SMOOT. On the passage of the bill I ask for a division.

The VICE PRESIDENT. Does the Senator ask for the yeas and nays?

Mr. SMOOT. No; merely for a division.

On a division the bill was not passed.

PUNISHMENT FOR OBTAINING LOANS ON FALSE STATEMENTS.

Mr. SHAFROTH. I move that the Senate proceed to the consideration of Order of Business No. 333.

Mr. SMOOT. Does not the Senator mean Order of Business No. 332?

Mr. SHAFROTH. No; I prefer to have the Senate consider at this time Order of Business No. 333, being the bill (S. 3902) to provide a penalty for obtaining loans or credit from a national banking association based on false statements.

Mr. SMOOT. Why does not the Senator ask for the consideration of Order of Business No. 332? I wish to say to the Senator that that is about the only bill on the calendar from the Banking and Currency Committee that involves a real saving. It simply provides that a bank, after its charter expires and it is rechartered, may use the plates for the printing of its notes in the future that it used in the past. Money can be saved in that way, and I have no objection at all to that bill.

Mr. SHAFROTH. Well, Mr. President, I am not familiar with the terms of that bill, nor was I present in the committee when that bill was considered. For that reason I should like to call up the next bill in order on the calendar.

Mr. SMOOT. Very well, then let the other bill be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3902) to provide a penalty for obtaining loans or credit from a national banking association based on false statements, which had been reported from the Committee on Banking and Currency with an amendment.

The VICE PRESIDENT. The amendment of the committee will be stated.

The amendment was, on page 1, line 10, after the word "direct," to insert:

Any previous trial by a State court for defrauding an association by a false statement, willfully made, shall operate as a bar to indictment under this provision.

So as to make the bill read:

Be it enacted, etc., That any person, firm, or corporation applying for or obtaining a loan or credit from a national banking association on a false statement, willfully made, of the financial condition of the borrower with intent to injure or defraud such association, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $5,000, or imprisoned not more than five years, or by both fine and imprisonment, as the court may direct. Any previous trial by a State court for defrauding an association by a false statement, willfully made, shall operate as a bar to indictment under this provision.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. SHAFROTH. Mr. President——

Mr. KIRBY. Mr. President, I should like to ask if that amendment has been agreed to?

The VICE PRESIDENT. It has been.

Mr. SMOOT. Let the amendment be stated again, Mr. President.

The VICE PRESIDENT. The amendment is to the effect that if a man is indicted and tried under State law for an offense of this kind and is acquitted he can not be indicted under this law.

The bill is in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. WADSWORTH. Mr. President, may I ask the Senator from Colorado if the amendment which has been adopted really says what the Vice President says it means? I do not mean to be overparticular in the analysis of language, but it says:

Any previous trial by a State court for defrauding an association by a false statement, willfully made, shall operate as a bar to indictment under this provision.

Does it not mean for the same alleged offense?

Mr. SHAFROTH. Certainly.

Mr. WADSWORTH. It does not say so.

Mr. SHAFROTH. It should say so.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. SHAFROTH. I do.

Mr. SHIELDS. I should like to ask the Senator from Colorado if it is not a fact that there are statutes in every State of the Union which cover this express offense, and if this is not a mere duplication of criminal law upon the subject?

Mr. SHAFROTH. I will say to the Senator that in almost all the States there are provisions of that kind; but while that is true, it was thought to be wise to make that kind of a provision part of the Federal Code with relation to national banks. We have various offenses defined as to national banks, and this is one of them; and inasmuch as it is deemed wise by the department that it should be made part of that code, it seems to me that it should not be objected to.

The VICE PRESIDENT. Before we proceed further, the Chair must withdraw the opinion which the Chair expressed on the language of the amendment. The Chair supposed it had been prepared with reference to an alleged crime against the Government of the United States. It does not seem to be so prepared.

Mr. SHIELDS. Mr. President, anyone guilty of the conduct referred to in this bill, of course, ought to be convicted of a felony and sent to the penitentiary. What I have said concerning the bill was called forth by the fact that the police laws of this country are peculiarly within the control and jurisdiction of the several States, and there ought to be as little interference with them as possible.

Of course, the Congress can pass a law of this kind, although it is a police measure, because it affects a Federal function; but while all criminals ought to be punished, I have every confidence in the general assemblies and courts of the States to provide for and punish crime. There is no difficulty about punishing offenses of this kind in any State of the Union. The statutes for that purpose are rigorously enforced. I have always thought that duplicating offenses and providing for prosecutions in two different jurisdictions of the same person for the same offense was bad policy and should not be done unless in extreme cases.

Mr. SHAFROTH. Mr. President, it has been deemed by the department that it is wise to place in the United States statutes a law against the making of false representations and obtaining money thereby from a national banking association, and, in order to prevent a conviction where there has been a trial in a State court upon the same subject matter, any previous trial by a State court for defrauding an association by a false statement willfully made shall operate as a bar to an indictment under this provision. I believe that the suggestion made by the Senator from New York [Mr. WADSWORTH] is sound, and that a statement to the effect that a previous trial by a State court for the same false statement, willfully made, shall operate as a bar, should be placed in its stead.

Mr. KING. Mr. President, will the Senator yield?

Mr. SHAFROTH. I yield.

Mr. KING. Does not the Senator think that the usual criminal statutes found in every State in regard to obtaining money or anything of value by false and fraudulent representations would cover the act attempted to be denominated a crime in the bill under consideration?

Mr. SHAFROTH. Mr. President, ordinarily that might be, but evidently there have been instances where they desired a prosecution by the Federal court; and all the laws probably not

being uniform, some of the States perhaps not having such a statute, here is a provision that the authorities believe is necessary to the proper administration of the national banking laws of the United States.

Mr. KING. Mr. President, will the Senator permit another inquiry?

Mr. SHAFROTH. I yield.

Mr. KING. Does not the Senator think that the suggestions just made by the Senator from Tennessee [Mr. SHIELDS] are wise and prudent? We have our States, with their plenary power to deal with offenses. The Supreme Court of the United States has indicated over and over again that the disposition of the Federal Government ought not to be to go into the States and enact police regulations to govern the conduct of the people with reference to their internal and local affairs.

Mr. SHAFROTH. These are not police regulations. We have any number of national banking acts of a penal nature, with penalties prescribed; and inasmuch as the law on this subject is administered very largely by the United States courts, and here is a provision that seems to have been omitted, it does seem to me that this bill ought to be passed. Offenders of this kind can be prosecuted under State laws in many States, and perhaps in some States they can not be. In any event, the law would be simply cumulative, with a provision here that a previous trial shall be a bar to prosecution in a United States court.

Mr. CUMMINS. Mr. President, will the Senator yield?

Mr. SHAFROTH. I yield to the Senator.

Mr. CUMMINS. The purpose of the amendment, I assume, is to prevent a man from being punished twice for the same offense. Suppose that a person is indicted in a State court and indicted in the Federal court about the same time, and he is convicted in the Federal court; that would be no bar to his prosecution and punishment in the State court. How will you provide against a case of that kind?

Mr. SHAFROTH. Why, I think the constitution of the State, which prevents a man from being tried twice for the same offense, would be a bar which would be available in a State court.

Mr. CUMMINS. It is not the same offense.

Mr. SHAFROTH. Yes; it is the same offense.

Mr. CUMMINS. One is an offense against the General Government; the other is an offense against the State.

Mr. SHAFROTH. Oh, no.

Mr. CUMMINS. That very point has been ruled on a good many times, I think. Otherwise the amendment that the Senator now proposes would not be necessary. You are doing all you can to prevent the National Government from trying a man who has already been tried for the act. Now, how are you going to protect a man so far as the State court is concerned?

Mr. SHAFROTH. Why, Mr. President, it does seem to me that where a state of facts exists which constitutes a crime both under the Federal statutes and under the State statutes, unquestionably it is the offense of stealing from this national bank; and inasmuch as that is the case, no matter which court gets jurisdiction, he is entitled to be tried in that court.

Mr. CUMMINS. Then the Senator's amendment is entirely unnecessary if that be a correct view of the law.

Mr. SHAFROTH. It is possible that it may be, but somebody suggested that amendment, and on that account it was put in.

Mr. SAULSBURY. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Delaware.

Mr. SAULSBURY. I would vote for this bill, among those that the Senator has presented, if the amendment which is proposed to the bill were, in my opinion, properly drawn.

I think there is another objection to the amendment in this form: It provides that in case of any previous trial in a State court the man who has been tried, and tried simply, shall be exempt from prosecution under this act. Now, of course, that trial may not have resulted in either a conviction or an acquittal. Certainly the man should have been put in jeopardy somewhere before he is exempted from the provisions of this act. I think that amendment should be radically amended, and I could not vote for it in its present form, although I will vote with the Senator for the bill if that amendment is properly drawn.

Mr. SHAFROTH. I will ask the Senator to prepare the amendment in the form in which he wants it.

Mr. SAULSBURY. The Senator from Delaware, of course, is not engaged in that particular line of work. That is one objection that I see to the amendment. It seems to me that it should be redrawn very carefully.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. SHAFROTH. I yield to the Senator.

Mr. PAGE. I should like to ask the Senator from Colorado if there has been any serious difficulty in the past in punishing offenders for the crime referred to in this bill?

Mr. SHAFROTH. I do not know. There has been none in my State. I prosecuted at one time, and I have convicted a number of people under a statute in my State which provided that false representations to a bank, by which money is obtained, are punishable. I do not know, however, how many States have those statutes, or whether the statutes are the same in all of them. I think there is some variation in them. At least, the department think that way, and I have no doubt but that they know what they are doing.

Mr. PAGE. Mr. President, as the president of a national bank, I ought to be in favor of any law that will deter a criminal from proceeding in the way pointed out by this bill; but I have come to feel that in our Committee on Banking and Currency, of which the Senator from Colorado and myself are members, we are taking up every little cue that we can find anywhere, and are trying to amend and change many laws for which I can not find any necessity, and this is one of those laws.

I see no necessity for the passage of this bill. I do not object to it in principle, but it seems to me we are taking away from the States a duty which they have performed fully and satisfactorily up to this date. I do not know how many bills there are on this general subject; but why we should attempt, by the dozen or 15 bills which are now before the Committee on Banking and Currency, to change so many minor features of the law, is something beyond my comprehension. I can not understand it.

Mr. SHAFROTH. The Senator was present at the meeting of the committee when this matter was discussed. He did not raise such an objection at that time.

Mr. PAGE. I think the Senator is wrong. I did raise a pretty general objection as to the general idea that we must amend nearly every law upon the statute books with reference to national banks.

Mr. SHAFROTH. It is not necessary to amend every law, and every law is not attempted to be amended.

Mr. PAGE. We have had a larger number of bills to amend the national banking laws at this session than we have had in all the nine years which I have been a Member of the Senate, and I do not understand why it should be so.

Mr. SHAFROTH. The Federal reserve act took in a great many laws, and many of them were to some extent duplicates of what was in the national banking law. That bill was passed, and it probably took in a good many more than are contained in these little bills.

Mr. PAGE. Has this measure anything whatever to do with the Federal reserve act?

Mr. SHAFROTH. No; it has not. It is an amendment of the national banking act.

Mr. PAGE. Yes; and the Senator says that so far as his knowledge goes the States have taken care of this matter satisfactorily.

Mr. SHAFROTH. My State has, but whether or not other States have, I do not know. Evidently there is a complaint in the department that there is a defect somewhere, and they have tried to cover it by this statute. I take the view, also, of the Senator from Iowa [Mr. CUMMINS] that the amendment here about previous trial under State law is unnecessary, because the constitution of every State and the Constitution of the United States prevent a man being twice put in jeopardy for the same offense.

Mr. PAGE. Has the Senator received from the Comptroller of the Currency any concrete instance of any State where this crime has not been properly taken care of?

Mr. SHAFROTH. I do not know. The comptroller was down before the committee and explained these bills. As a matter of fact, there is something in the hands of the chairman of the committee with relation to them, but I do not know that there has been anything specific. I think there were suggestions made that this would be an improvement of the banking law.

Mr. PAGE. I am ready to vote on the bill, and I am going to vote "No," not because there is anything especially wrong in it, but because I do not believe in so much tampering with the banking laws unless there is some demand for a change.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SHAFROTH. Yes; I yield.

Mr. McKELLAR. I want to ask the Senator what were the facts before his committee on which this bill is based? Were there any cases that had gone unwhipped of justice?

Mr. SHAFROTH. I do not know. This bill was simply presented with the request that it be passed and the statement that it was desirable to amend the law in that respect. I do not think any particular question was asked as to the operation of the law.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. SHAFROTH. I yield.

Mr. FALL. Is it not a fact that bills of this kind are prepared by some clerk in some department and are simply brought here and handed over to a committee and that that is the reason why the Senator can not explain the necessity for them?

Mr. SHAFROTH. No. The bill was drawn by the attorney for the Treasury Department and was presented to the committee and was introduced by the chairman of the committee.

Mr. HITCHCOCK. Mr. President, I was not present at the meeting at which these petty bills were recommended for passage, but I am rather surprised to hear the Senator from Colorado say that this bill was drawn by the attorney for the Treasury Department, or any other attorney. Certainly this expression on lines 6 and 7 does not sound as though it were drawn by an attorney. It is provided that a man who commits this offense, in order to be culpable, must do so "with intent to injure or defraud such association." Now, everybody knows that that is something which it would be very difficult to prove. It was unnecessary to insert such a provision in the law, because if an offender makes a false statement willfully that is sufficient to establish his guilt, and to add that he must do so with intent to injure or defraud the association simply makes the proof of guilt a very difficult matter.

Personally I feel that these petty bills which have been recommended by the Comptroller of the Currency are simply calculated to encumber the statutes and that there is no necessity for them. I am ready to vote, and vote against their passage.

Mr. HOLLIS. Mr. President, I do not see how a man who gives any thought to this subject can call a bill protecting the national banks of the country from fraud and false statements and dealings a petty bill. The national banking act was passed under the stress of the Civil War. Many things were omitted from it. Some of those deficiencies have been supplied. As the Senator from Vermont [Mr. PAGE] says, in his 18 years' experience there have not been a dozen bills to amend the national banking act. That is the reason why it is necessary to handle so many matters now. It is not respectful for the United States of America to set up national banks having billions of assets to depend upon the State authorities to pass a law and furnish the machinery for punishing offenses against those institutions. It is not a petty matter. It is a most serious matter.

The other day the Senate killed a bill that was designed to prevent overdrawing in banks. It might have left the impression that the reason why Senators did it was because they found it was convenient to overdraw themselves. For heaven's sake do not let it go out that we are not going to punish overdrawing in banks so that we can embezzle from them. That can not be the intention of Senators. I do not believe it is.

Mr. KELLOGG. Mr. President, is it not true that all the State statutes against larceny and other offenses apply to national banks the same as to other corporations and to individuals?

Mr. HOLLIS. I do not know and the Senator does not know. He can not make that statement as a lawyer. I do not believe it is the fact; but whether it is or not——

Mr. KELLOGG. I say the criminal laws of the State apply to national banks, and I know the National Government has a code of laws particularly applying to national banks to punish crimes against them.

Mr. HOLLIS. The Senator is entirely mistaken.

Mr. KELLOGG. I do know that.

Mr. HOLLIS. The national bank act covers the whole subject so far as those who had the act passed had vision to see what was going to arise.

Mr. HITCHCOCK. Mr. President——

Mr. HOLLIS. I beg the Senator's pardon; let me answer the Senator from Minnesota. There are certain things that are provided. We have protected the national banks in certain particulars from embezzlement, but making a fraudulent statement in order to get a loan is not punishable. Whether the making of a fraudulent statement to get a loan from a bank is punishable in all States I do not know, and I say the Senator does not know. We assume that it is so; but if there be those who think the Federal authorities are powerless to go ahead in the Federal courts with Federal prosecutors to punish the infringement of State law, I say it is not a petty matter to be providing a method of punishment through Federal officials for a violation of this kind, which is a very serious violation against the Federal banking law. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I was going to ask the Senator what reason there is for the Federal Government taking upon itself the punishment of those who procure money from national banks by false statements any more than to undertake the punishment of burglars who break into banks. The law of the State punishes those men, and the fact was shown from the question addressed to the Senator from Colorado that there was apparently nothing before the Committee on Banking and Currency to show that in any State in any instance there has been a failure to prosecute men who procure loans by false representation.

Mr. HOLLIS. The Senator is mistaken in that. Burglary of a national bank is not punished under the State law, but is invariably punished under the national law. In sessions of the United States court the cases come up in that way. The yeggmen who loot post offices and banks are punished in the Federal courts. That is why they keep away from national banks and post offices as a rule and rob from grocery stores where there is not a post office. It does not take away from our duty to protect our national banks to call attention to what the State laws do. It is our duty to provide adequate punishment for any man who defrauds a national banking association and making a false statement. No Senator will deny that.

I am not at all afraid of harassing these gentlemen by providing that they shall be punished or prosecuted in one place or in forty, if they succeed in looting a bank by making a false statement, and I do not think any other Senator will if he really faces the proposition.

Mr. FALL. The Senator may have in his mind what he desires to reach; but, as was pointed out by the Senator from Nebraska, the bill does not attempt to reach them at all. The bill does not provide any penalty whatsoever for making a false statement or for obtaining money under false pretenses, unless the false statement or the act was done with intent to defraud the bank. If the amount is ever paid, if the bank is not defrauded, there is no offense whatsoever, although the burglary may have been committed in an attempt to obtain the loan. The statement of that Senator that it could not have been drawn by any lawyer who had any conception of what he was trying to reach unless he was simply trying to befog the issue is absolutely, in my judgment, correct. The bill is deceptive in attempting to do what the Senator says it was intended to do, and the amendment to it is ridiculous, in my judgment.

Mr. SHAFROTH. Mr. President, I believe that the amendment to the bill is defective in language, and I therefore ask that the bill be recommitted to the Committee on Banking and Currency for the purpose of perfecting the amendment.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the bill is recommitted.

CORRUPT PRACTICES.

Mr. POMERENE. Mr. President, I ask unanimous consent to proceed to the consideration of the bill (S. 3438) to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress.

Mr. SMOOT. Let the bill be read first.

Mr. SMITH of Georgia. Does the Senator from Ohio think we can finish the bill by 2 o'clock?

Mr. POMERENE. Mr. President, it is a very short bill. It is a criminal statute looking to the punishment of corrupt practices, and I do not believe there will be very much difficulty in the matter. I think we can finish it within a few minutes.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, which had been reported from the Committee on Privileges and Elections with an amendment, in line 8, after the word "vote," to insert "or to vote for or against any particular candidate," so as to make the bill read:

Be it enacted, etc., That whoever shall promise, offer, or give, or cause to be promised, offered, or given, any money or other things of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value to any person or persons, either to vote or withhold their vote or to vote for or against any particular candidate at any general or special election for Senator or Representative or Delegate in Congress, shall be fined not more than $1,000, or imprisoned not more than one year, or both.

Mr. SMOOT. I should like to ask the Senator having the bill in charge if the present law does not cover those cases.

Mr. POMERENE. That is just the difficulty. It does not.

Mr. SMOOT. Will the Senator explain in what particular it does not?

Mr. POMERENE. There is not a Federal statute reaching the question of corrupt buying or purchasing or influencing of votes at the election of Representative or Delegate or United States Senator. This matter was referred by the full committee

to a subcommittee consisting of the junior Senator from Iowa [Mr. KENYON], the junior Senator from Montana [Mr. WALSH], and I believe the junior Senator from Utah [Mr. KING]. I am satisfied that is correct from such casual examination as I have given to the subject.

Mr. KING. May I just say that all the Senator from Ohio states is true. It was referred to a subcommittee, and the subcommittee reported this bill. I said at the time it did not meet my approval, and I reserved the right to vote against it when it came into the Senate.

Mr. GERRY. Mr. President, I introduced this bill to meet a condition that exists in my own State and has existed for many years and which is not unknown in other States.

In the election of 1914, when I was running for Congress in the second district of Rhode Island, I employed some detectives on election day, and as a result of their investigations and some other information brought to the attention of the district attorney 56 indictments were had—51 for violations of section 37 and 5 for violations of section 19. The indictments were demurred to and the demurrers were sustained by the district court, and upon writs of error the decisions were upheld by the Supreme Court of the United States. The cases were United States against Matthew T. Gradwell and others, and United States against Charles Hambly and others, which were decided in the October term, 1916. The court practically held that there was no criminal offense under Federal jurisdiction unless Congress made it so by statute, and that Congress had not so provided, because sections 37 and 19, the conspiracy sections of the law, did not apply.

Mr. HARDWICK. Will the Senator yield for a question?

Mr. GERRY. Certainly.

Mr. HARDWICK. The sections of the statute to which the Senator refers were the sections of the Revised Statutes commonly known as the force bill, some of which were repealed.

Mr. GERRY. Sections 37 and 19 were both a part of the act, but they have not been repealed. Several other sections of the law have been repealed.

Mr. TOWNSEND and Mr. McKELLAR addressed the Chair.

The VICE PRESIDENT. Will the Senator from Rhode Island yield, and, if so, to whom?

Mr. GERRY. I yield to the Senator from Michigan.

Mr. TOWNSEND. I should like to ask the author of this bill if the language "at any general or special election" applies to primary elections as well as to general elections?

Mr. GERRY. It does not.

Mr. TOWNSEND. Does not the Senator think that that is where there is the greatest corruption in this country? In many States and in many localities the primary is the only contest there is, and there is no need of spending money in the election after the nomination has once been made; then the election follows as a matter of course. The great evil, as it occurs to me, in this country is that which attaches to the primary elections.

Mr. GERRY. Personally I would be very much in favor of having the primary included in the statute if it were not for the fact of the complications that it would involve. In my own State there is no primary law. As a general thing neither party holds any direct primary. We nominate on the old convention system. That is true of other States in the Union.

I also found that the courts have held in the case of the United States against Edward O'Toole et al., a West Virginia case, involving a conspiracy to defraud in a primary election, that such elections are regulated not by the Constitution or laws of the United States but by the laws of each State, and that the entire primary system was much more a State question than the actual election of a Senator or of a Representative at the polls.

Mr. HARDWICK. Mr. President——

Mr. GERRY. I yield to the Senator from Georgia.

Mr. HARDWICK. Has not the State of Rhode Island laws against this offense?

Mr. GERRY. I was going to cover that. I will state that as far as the laws in my State on that question go they practically have been a dead letter. They have never been enforced.

Mr. HARDWICK. You have laws, though?

Mr. GERRY. We have certain bribery laws in my State that are never enforced.

Mr. HARDWICK. In other words, the Senator complains that the law is not enforced in his own State?

Mr. GERRY. I complain very bitterly that the laws are not enforced.

Mr. HARDWICK. In other words, the laws written there are not adequate?

Mr. GERRY. I think possibly the laws in my State may be adequate if they were enforced, but in the State of Rhode Island I regret to say we have a pampered, rotten borough system in the way that it existed in England prior to the reform bill. The town of West Greenwich, with a total vote of 117, has the same representation in the State senate as the city of Providence, that has two hundred and fifty times that vote. There are 33 towns and 6 cities in Rhode Island. The city of Providence has over thirty times the combined vote of the five towns of West Greenwich, Charlestown, Narragansett, Little Compton, and Exeter. It has almost twelve times the combined vote of one-third of the towns—West Greenwich, Charlestown, Narragansett, Little Compton, Exeter, Middletown, Portsmouth, Jamestown, Foster, Richmond, and Gloucester. It has a larger vote even than the combined vote of the entire 33 towns of Rhode Island, a total vote of over 30,000, yet it has no more representation in the State senate than West Greenwich, to which I have already referred. The importance to the party in power of controlling the vote of these towns is readily understood.

Mr. LODGE. Mr. President——

Mr. GERRY. I yield to the Senator.

Mr. LODGE. I wish to ask the Senator a question not in regard to matters which depend on the State laws of Rhode Island but in regard to the bill. In line 9 in the amendment I notice it says "Vote for or against any particular candidate." Why not "any candidate"? "Any" covers particular and general candidates both. It would cover candidates who are particular and candidates who are not particular. Would not "any" cover everything? It is merely to simplify it that we should say "any candidate."

Mr. GERRY. As far as the Senator from Rhode Island is concerned, he is entirely willing to have the amendment made.

Mr. President, owing to the condition which exists in my State—and I am afraid it is not the only State in the Union, though I hope it is—it is very difficult to obtain the proper safeguards for elections that we should have, and therefore we are forced to seek Federal relief. It was for that reason that I introduced this bill and that I now ask for its passage. It can not do any harm. All it will do is to make bribery in the election of Senators and Representatives a criminal offense. I do not see how any right-minded individual can object to such a law whether its enforcement is given to a State or Federal court, for after all it will work for the betterment of the community. When we have a condition as we have in Rhode Island, where no one is prosecuted, although bribery is rampant; when the slightest sort of investigation, such as I made in 1914, causes the Federal grand jury to bring in something like 56 indictments, and those indicted included State senators, State representatives, one police commissioner, a chief of police, deputy chief of police, deputy sheriff, president of a town council, member of a town council, tax assessor, and collector of taxes, it seems to me we have a condition that needs remedying.

Mr. SAULSBURY. Mr. President, I agree thoroughly with the Senator from Rhode Island [Mr. GERRY] that we ought to pass an act of this character. It is an act which simply and solely punishes bribery at elections where Federal officers are being chosen. There is no Member of this body who is or could be more opposed to the General Government assuming to regulate elections in the States than am I; but I think that the mere punishment of a crime such as bribery at elections may be safely committed to the charge of the Federal Government; and it will be an additional safeguard against that crime which I believe should be practically punished as treason.

The records of this body in one of its great committees disclose that I had to come here and point out to the Judiciary Committee the condition of things regarding the confirmation of the appointment of a man who had notoriously been engaged in bribery for a generation.

But speaking of State laws, we have in Delaware as strong State laws as there can be; in fact, they are embedded in our constitution; but I see no reason why, if we can not get punishment in one forum, we should be shut out of another. I did everything I could to bring about the repeal of the old iniquitous laws and to prevent the enactment of the force bill; but I can see no real reason why anybody should oppose giving two forums for the punishment of bribery at elections. I should be very glad to see the provisions of this bill extended to registration for elections as well as to elections.

I think everything the Senator from Rhode Island has said about the necessity of this act was very well considered, and I hope the Senate will pass the measure. It is very necessary in some States. I know it has been so in the past, and it would have been a very desirable thing. The possible punishment by a Federal court will prevent very largely the feeling of security

that frequently offenders of this character have in believing that they will not be punished by the State courts. I think this proposed act is a very desirable one, and I agree entirely with what the Senator from Rhode Island has said.

Mr. POMERENE. Mr. President, the senior Senator from Utah [Mr. SMOOT] asked a moment ago as to whether or not there was some Federal statute on this subject. My answer was that there was not any such statute. During the election of 1916 a very large number of indictments were returned in the southern district of the State of Ohio for alleged frauds and corrupt voting at the presidential election. Some of those indicted men pleaded guilty and were fined; others who were prosecuted by writ of error had their cases carried to the Supreme Court of the United States. There are quite a number of these cases. The decision was handed down by Mr. Justice McReynolds. The syllabus of that case reads as follows:

1. A conspiracy to bribe voters at a general election within a State where presidential electors and Members of Congress are chosen is not a conspiracy "to commit any offense against the United States or to defraud the United States in any manner or for any purpose," within the United States Criminal Code. (Sec. 37.)

2. A conspiracy to bribe voters at a general election within a State where presidential electors and Members of Congress are to be chosen is not to injure or oppress any citizen in "the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States" within the United States Criminal Code. (Sec. 19.)

Those were general conspiracy statutes, and it was the theory of the Department of Justice that conspiracies to violate the election laws would be punishable under these sections. Mr. Justice McReynolds points out very clearly, I think, that in order to bring these acts within the provisions of those sections it would have to be done purely by a process of construction; and he refers to the fact in delivering the opinion that there was a Federal statute some years ago—I think prior to 1870—bearing upon this subject; but it was later repealed. So there is now no Federal statute upon the subject. For the information of Senators who may be interested in this matter, I ask leave to have printed in the RECORD as a part of my remarks the opinion delivered by Mr. Justice McReynolds in this case.

The VICE PRESIDENT. Without objection, it is so ordered.

The opinion referred to is as follows:

"Mr. Justice McReynolds delivered the opinion of the court:

"Except as to parties, the indictments in these six cases are alike. Each contains three counts; the first and second undertake to allege a conspiracy to injure and oppress, in violation of section 19, Criminal Code (35 Stat. L., 1092, ch. 321; Comp. Stat., 1916, sec. 10183), and the third a conspiracy to defraud the United States, contrary to section 37. Demurrers were sustained upon the ground that, rightly construed, neither section applies to the specified acts.

"Section 37, originally part of the act of March 2, 1867 (14 Stat. L., 484, ch. 169; Comp. Stat., 1916, sec. 10201), provides: 'If two or more persons conspire either to commit any offense against the United States or to defraud the United States, in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than $10,000 or imprisoned not more than two years, or both.' It was considered in United States *v.* Gradwell (243 U. S., 476; 61 L. ed. 857; 37 Sup. Ct. Rep., 407) and held not applicable in circumstances similar to those here presented. The Government has accordingly abandoned the third count.

"Section 19 provides: 'If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway or on the premises of another with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than 10 years, and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States.' And the two counts based thereon charge defendants with conspiring to injure candidates for presidential electors, the United States Senate, and Representatives in Congress at the regular election in Ohio, November 7, 1916, also qualified electors who might properly vote thereat, in the free exercise and enjoyment of certain rights and privileges secured by Constitution and laws of the United States, namely, the right (a) of being a candidate; (b) that only those duly qualified should vote; (c) that the results should be determined by voters who had not been bribed; and (d) that the election board should make a true and accurate count of votes legally cast by qualified electors and no others. The indictment further alleged the conspiracy was carried into effect as intended by purchasing votes of certain electors and causing election boards to receive them and make inaccurate returns.

"The real point involved is whether section 19 denounces as criminal a conspiracy to bribe voters at a general election within a State where presidential electors, a United States Senator, and a Representative in Congress are to be chosen. Our concern is not with the power of Congress, but with the proper interpretation of action taken by it. This must be ascertained in view of the settled rule that 'there can be no constructive offenses, and before a man can be punished his case must be plainly and unmistakably within the statute' (United States *v.* Lacher, 134 U. S., 624, 628; 33 L. ed., 1080, 1083; 10 Sup. Ct. Rep., 625), and the policy of Congress to leave the conduct of elections at which its members are chosen to State law alone, except where it may have expressed a clear purpose to establish some further or definite regulation.

"Departing from the course long observed, by act of May 31, 1870 (16 Stats. L., 140, ch. 114), Congress undertook to prescribe a comprehensive system intended to secure freedom and integrity of elections. Section 19 of that act declares 'that if at any election for Representative or Delegate in the Congress of the United States any person shall knowingly, by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or otherwise unlawfully prevent any qualified voter of any State of the United States of America, or of any Territory thereof, from freely exercising the right of suffrage, or compel or induce by any such means or otherwise any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote, or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, every such person shall be deemed guilty of a crime, and shall for such crime be liable to prosecution in any court of the United States of competent jurisdiction, and, on conviction thereof, shall be punished by a fine not exceeding $500 or by imprisonment for a term not exceeding three years, or both, in the discretion of the court, and shall pay the costs of prosecution.' In pursuance of a well-understood policy, the act of February 8, 1894 (chap. 25, 28 Stats. L., 36, Comp. Stat., 1916, sec. 1015), repealed the foregoing and other kindred sections in act of 1870, but left in effect section 6, then section 5508, Revised Statutes (Comp. Stat., 1916, sec. 10183), and now section 19, Criminal Code. (See United States *v.* Mosley, 238 U. S., 383, 59 L. Ed., 1355, 35 Sup. Ct. Rep. 904; United States *v.* Gradwell, supra.)

"The Government, in effect, maintains that lawful voters at an election for presidential electors, Senator, and Member of Congress, and also the candidates for those places, have secured to them by the Constitution or laws of the United States the right and privilege that it shall be fairly and honestly conducted, and that Congress intended by section 6, act of 1870, to punish interference with such right and privilege through conspiracy to influence voters by bribery.

"Section 19, Criminal Code, of course, now has the same meaning as when first enacted as section 6, act of 1870 (see Criminal Code, secs. 339, 341 (35 Stats. L., 1153, ch. 321; Comp. Stat. 1916, secs. 10513, 10515)); and considering the policy of Congress not to interfere with elections within a State except by clear and specific provisions, together with the rule respecting construction of criminal statutes, we can not think it was intended to apply to conspiracies to bribe voters. Bribery, expressly denounced in another section of the original act, is not clearly within the words used, and the reasoning relied on to extend them thereto would apply in respect of almost any act reprehensible in itself, or forbidden by State statutes, and supposed injuriously to affect freedom, honesty, or integrity of an election. This conclusion is strengthened by express repeal of the section applicable in terms to bribery, and we think is rendered entirely clear by considering the nature of the rights or privileges fairly within intendment of original section 6.

"The right or privilege to be guarded, as indicated both by the language employed and context, was a definite, personal one, capable of enforcement by a court and not the political, nonjudicable one common to all, that the public shall be protected against harmful acts, which is here relied on. The right to vote is personal and we have held it is shielded by the section in question. (Ex parte Yarbrough, 110 U. S., 651; 28 L. ed., 274; 4 Sup. Ct. Rep., 152; United States *v.* Mosley, supra.) The same is true of the right to make homestead entry (United States *v.* Waddell, 112 U. S., 76; 28 L. ed., 673; 5 Sup. Ct. Rep., 35); also of the right of one held by a United States marshal to protection against lawless violence (Logan *v.* United States, 144 U. S. 263; 36 L. ed., 429; 12 Supt. Ct. Rep., 617). While the opinion in United States against Gradwell (243 U. S., 476; 61 L.

ed., 857; 37 Sup. Ct. Rep., 407) does not determine the precise question now presented, it proceeds upon reasoning which contravenes the theory urged by counsel for the Government.

"The court below properly construed the statute and its judgments are affirmed."

Mr. TOWNSEND. Mr. President, I have not been able to hear all of the arguments which have been made on this matter. I could not hear the Senator from Rhode Island [Mr. GERRY] on account of the confusion in the Chamber, and I am not sure now whether or not the Senator from Ohio [Mr. POMERENE] has been discussing the primary question. Has he?

Mr. POMERENE. Mr. President, I have not.

Mr. TOWNSEND. Well, I desire, then, to call attention to the fact that this bill falls far short of reaching what, to my mind, is the greatest evil that attaches to Federal elections.

I am in hearty sympathy with the object that Senators have in mind and am willing to support it; but we ought not to leave out the primary elections and simply make the proposed law apply to general and special elections. The fact is that in a great number of the States there is no contest at the election at all. The contest is at the primaries; that is where money has been corruptly expended. We do have State laws which have for their object a suppression of this evil. This is true in Delaware and Rhode Island, but in those States they have no primary law, and naturally money is used at the elections. But Senators from those States say that the State law is disregarded, hence the demand for a Federal statute. I believe in almost all of those States which do have primaries—and they are in the majority—the great offenses have been committed in the primary. If Senators want to purify the elections—and who does not—if they want to be certain that no corruption is practiced, they should begin at the source, where the greatest inducement is offered for improper use of money and influence. We have the primary system now in a majority of the States; we have the election of Senators by direct vote of the people; and yet if by Federal statute we should discriminate against the primary we would apparently look with tolerance at least upon the use of money and all kinds of corruption in selecting the candidate, after which his election is absolutely sure. We stop far short of what we ought to reach in legislation of this kind.

The Senator from Tennessee has informed me that there is a decision by a Federal court, which has recently been rendered, which holds that the Federal Government has no control over the primaries. He tells me that the decision has not yet been printed; but it seems to me a most unusual doctrine if that is true. We exercised control over the legislatures when the legislatures elected Senators, and that same control ought to obtain in the nomination and election of Senators by the people, because, I repeat, the nomination in many cases is equivalent to an election, and no money or pledges are required in the latter. I would like to have the bill amended so as to include the primaries.

Mr. POMERENE. If the Senator will allow me, he has just referred to a decision bearing upon the subject of primaries. I am not familiar with that decision, but have been informed that it has been rendered.

I am personally in hearty accord with the Senator's views with respect to the necessity for this legislation. I do not agree with him, however, that there are more frauds in the primaries than there are at the general elections. That, however, is neither here nor there; there ought to be none in either. My feeling is that it would be much better to allow this bill to be passed as it now is; and I shall be glad to join efforts with the Senator from Michigan [Mr. TOWNSEND] to prepare a bill applying to the primaries if we find that under the decision which has been referred to we have the authority to do so.

Mr. TOWNSEND. I ought to say that the Senator from Tennessee tells me this is a case that originated in Kansas and was a decision by a judge in Kansas. The Senator from Kansas understands it to be simply an opinion of the attorney general of the State as to the matter and not a decision of the court. What I would like to have done——

Mr. POINDEXTER. Mr. President——

Mr. TOWNSEND. I will yield in a moment. What I would like to have done in this case is to insert the word "primary" after the word "any"; and if the committee having this bill in charge finds that there has been a decision which negatives the right of Congress to pass such legislation, I am willing that the word be omitted; but I think that the primaries ought to be covered by this bill.

One of the great arguments against the primary system is that the wealthy candidate has the poor one at great disadvantage; that the former can use unlimited amounts of money, and thereby prevent the election of a man of limited means; but if it is even suggested in legislation that money can be used corruptly and that we are making an invidious distinction between the primaries and the general election, more corruption still, I am afraid, will exist in the country. So I am asking, if the committee will do so, to insert the word "primary" and a comma after the word "any," in line 9; and if the committee thinks it evident that the decision, if one has been rendered, denies to Congress the power to legislate on the matter of primaries it can strike out the amendment.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Michigan yield to the Senator from Delaware?

Mr. TOWNSEND. I promised to yield to the Senator from Washington [Mr. POINDEXTER] a little while ago, and I yield to him first.

Mr. POINDEXTER. Mr. President, I should like to inquire of the Senator from Michigan how the question as to the power of the Federal Government to regulate primary nominations of candidates for the Senate would come before the Supreme Court? I do not understand that there has been any attempt on the part of the Federal Government through Congress to exercise that authority, and until the attempt has been made I fail to understand how the question could be before the court, and consequently fail to understand how the court could render any decision on it. There was a case some months ago, arising in West Virginia, in which the Supreme Court of the United States held that the Federal statute did not apply to the primaries; they held that it was not the intention of Congress to make it apply. There might have been such a decision as that, but I fail to see how we could have a decision on the question that the Federal Government did not have the authority.

Mr. KENYON. That was the very question in the West Virginia case.

Mr. TOWNSEND. If the Senator from Iowa will pardon me a moment, that was my understanding of the West Virginia case; but the Senator from Tennessee informs me that there has been a recent case originating in Kansas where some Federal court has rendered a decision which has not yet been published; not the Supreme Court, for the Supreme Court has not passed upon it.

Mr. POINDEXTER. My question would have the same application to any Federal court.

Mr. TOWNSEND. That is right; I so understand. And therefore I do not think we ought to shy at this proposition on the mere suggestion that possibly some court has rendered an opinion when that opinion has not been brought into the Senate. The question was not raised, as I understand, in the West Virginia case. The decision stated that Congress did not intend the law to apply to the primary. That is my understanding of the decision, although I do not recall having read it.

Mr. SAULSBURY. Mr. President——

Mr. TOWNSEND. I now yield to the Senator from Delaware.

Mr. SAULSBURY. I wish to say to the Senator that of course we are chiefly concerned with those things which we know about. The bill which is now presented will cover the cases that I have known of personally, which should be provided for by law.

I have no objection to covering the primaries so far as my views are concerned, but in my own State we have not the general primaries; we still nominate by convention; and of course that would require certain other machinery. I have no objection to that being provided, but the law as proposed here would cover the greatest evils with which I have been made familiar.

Mr. TOWNSEND. I understand that; but does not the Senator think——

Mr. SAULSBURY. And I only want to suggest to the Senator that I will join with him in covering the matter of bribery at primaries at any time when he will bring such a measure before Congress, but I do hope that we may be able now, and quickly, to pass this very simple bill covering bribery at elections, and I will be very glad to have it cover bribery at registrations.

Mr. TOWNSEND. Let me suggest to the Senator that it does not seem to me to be good form to enact a general statute that is applicable simply to Delaware and Rhode Island, the two cases mentioned where the State law is not enforced, and where they ask for a Federal statute to help them out. I believe it to be general information that corruption does prevail in primaries in many States, which should be reached, if possible, by a general statute, and the insertion of the word "primary" will cover the ground. It will not be necessary to have any extra committee work or any new bill to be introduced to cover the case.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HARDWICK. I object.

Mr. GRONNA. I object.

The PRESIDING OFFICER. Objection is made.

Mr. GRONNA subsequently said: Mr. President, I wish to make an explanation of why I objected to the consideration of the bill in charge of the Senator from Ohio [Mr. POMERENE]. I think it is pretty well known that for a number of years I have had pending in Congress a so-called corrupt-practices bill, which I think is wider in scope than the bill which has been under consideration. The bill which was before the Senate and reported by the Senator from Ohio would not apply to conditions in my State; but that is not the reason why I objected to it. I do not think it will at all cover the conditions or the cases that arise in connection with corrupt practices. We know that the people who have a standing in the community such as will entitle them to go out and ask the people for their votes will not undertake to buy votes. That is not the way in which these election laws are being violated. It is done in some other way; and I look upon this bill as more of a subterfuge than anything else. Personally, I am heartily in favor of the enactment of a law that will cover corrupt practices in elections.

Mr. POMERENE. Mr. President, if I may be permitted to say a word in reply, I think the Senator is very wrong when he says that a bill of this kind is a subterfuge. Several years ago I went pretty thoroughly into the power of Congress to pass laws relating to primaries for the selection of delegates to presidential elections, and against my will I came to the conclusion that the Congress of the United States does not have the power to control that situation. While I do not have in mind especially the bill to which the Senator refers as having been prepared and presented by him, I have rather an indistinct recollection that it applied to presidential elections. Am I right?

Mr. GRONNA. No; Mr. President, it does not apply to presidential elections.

Mr. POMERENE. Then I am mistaken about that; but I shall be very glad to join hands with any of the Senators who are interested in this subject and see whether something more comprehensive may not be worked out. However, the fact that we can not agree as to everything that should be done is no reason why we should not meet the more flagrant evils which do exist; and they exist in all parts of the country, I am sorry to say.

Mr. KENYON. Mr. President, I want to suggest to the Senator from North Dakota that a subcommittee, consisting of the Senator from Montana [Mr. WALSH], the Senator from Missouri [Mr. REED], and myself, worked on this question, taking up the Senator's bill and a number of other bills. I think we worked for two weeks solidly during the Christmas vacation, and constructed a bill, which we all discovered was a very, very difficult thing to do. We went over all of these questions, and I invite the Senator to examine that bill. We reported it to the Committee on Privileges and Elections; but the Senator realizes that the multitudinous number of intricate questions involved in a bill of that kind makes it almost impossible to construct a workable bill.

Mr. GRONNA. Mr. President, I trust that the Senator from Iowa will not understand me as criticizing the committee in any way.

Mr. KENYON. Oh, no.

Mr. GRONNA. That was not my thought.

Mr. KENYON. We felt that in this bill we might correct one of the glaring faults.

Mr. GRONNA. I am sure the committee is doing its duty with respect to this matter, but it is an important matter, and when we do pass a corrupt-practices act it ought, at least in some respects, to apply to all the States of this country.

MILITARY ACADEMY APPROPRIATIONS.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of the Military Academy appropriation bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon.

Mr. POMERENE. Mr. President, will not the Senator withdraw that and allow me to make a motion?

Mr. CHAMBERLAIN. I understood that we were disposing of the calendar and that the bill which was under consideration had been objected to.

Mr. POMERENE. We were not proceeding under a unanimous-consent rule, as I understand. I had asked unanimous consent to take up the particular bill which was under consideration, and that was the matter before the Senate when an objection was made. Then the Senator from Oregon got the floor and asked to take up the appropriation bill.

Mr. CHAMBERLAIN. May I ask the Senator what bill he has in mind?

Mr. POMERENE. The bill to provide against bribery at elections of Representatives and Senators.

Mr. CHAMBERLAIN. I do not think that can be finished by 2 o'clock.

Mr. HARDWICK. We could not finish that bill in that time.

Mr. CHAMBERLAIN. We can almost finish the appropriation bill by 2 o'clock. The Senate committee has made very few changes in it, and I hope that we may be permitted to go ahead with it. At 2 o'clock the unfinished business will probably be taken up, and the Senator's bill would not then be in order, anyway. I insist upon my motion, Mr. President.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon, that the Senate proceed to the consideration of House bill 11185.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. CHAMBERLAIN. I ask that the formal reading of the bill be dispensed with, and that the bill be read for amendments, the amendments of the committee to be first considered.

The PRESIDING OFFICER. The Senator from Oregon requests that the formal reading of the bill be pretermitted. Is there objection? The Chair hears none, and it is so ordered. The Secretary will read the bill for committee amendments.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, on page 2, line 1, in the subhead, to strike out "Permanent Establishment," and insert "Pay of Military Academy."

The amendment was agreed to.

The next amendment was, on page 2, after line 1, to insert:

Permanent establishment.

The amendment was agreed to.

The SECRETARY. On page 2, at the end of line 3, it is proposed to strike out the period and insert a semicolon.

Mr. CHAMBERLAIN. Mr. President, that seems to be an error in the printing of the bill. Inasmuch as it occurs in a number of other places, I ask that the clerks be permitted to correct it wherever it occurs.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none, and the clerks will be authorized to make the necessary corrections.

The reading of the bill was resumed.

The next amendment was, on page 2, line 4, after the word "chaplain," to strike out "$2,400" and insert "$3,000."

For pay of one chaplain, $3,000.

The amendment was agreed to.

The next amendment was, on page 2, line 6, after the word "cadets," to strike out "$600,000" and insert "$750,000: *Provided*, That for the current fiscal year the pay of cadets shall be fixed at $780 per annum and one ration per day, or commutation therefor, such commutation to be 67 per cent over and above the cost of the Army ration, to be paid from the appropriation for the subsistence of the Army," so as to make the clause read:

For pay of cadets, $750,000: *Provided*, That for the current fiscal year the pay of cadets shall be fixed at $780 per annum and one ration per day, or commutation therefor, such commutation to be 67 per cent over and above the cost of the Army ration, to be paid from the appropriation for the subsistence of the Army.

Mr. SMOOT. Mr. President, I take it for granted that the $150,000 increase here is to cover the additional allowance made to each cadet. If that is true, I should like to have the Senator state what the increase is.

Mr. CHAMBERLAIN. Mr. President, the present pay of the cadets is $50 per month. This increases their pay $15 per month, or to $65 per month, and the increased appropriation is made to meet that increased allowance. I may say to the Senator that Col. Tillman and Col. Timberlake, who came down here representing the Academy, say that the amount that is now allowed cadets is insufficient to enable them to live and keep out of debt, because of the increased cost of clothing and the increased cost of living.

Mr. SMOOT. Are the rations in this bill the same as are allowed in past acts?

Mr. CHAMBERLAIN. The bill increases the ration—not materially. The ration that they have had is 40 cents. This bill increases it 67⅝ per cent over the ration of the enlisted men of the Army, just as stated in the amendment to the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read to line 25 on page 2, the last paragraph read being:

For pay of three battalion commanders (majors) in addition to pay as captains, $1,800.

Mr. SMOOT. Mr. President, does that mean that these battalion commanders get $600 each in addition to their pay as captains?

Mr. CHAMBERLAIN. Yes. It gives the captains the pay of a major.

Mr. SMOOT. It is $600 each, not $1,800 each?

Mr. CHAMBERLAIN. Yes, sir.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, under the subhead "Pay of civilians," on page 12, after line 1, to insert:

Provided, That the clerk now holding the position of "order and purchasing clerk" in the quartermaster's office shall, on his own application, after 50 years in the military and civil service of the United States, be entitled to be placed on the retired list of the Army with the pay of a retired pay clerk, Quartermaster Corps, of the same period of service.

The amendment was agreed to.

The next amendment was, on page 12, line 8, before the word "clerks," to strike out "nine" and insert "ten," so as to make the clause read:

For pay of 10 clerks and stenographers employed at headquarters, United States Military Academy, in the offices of the superintendent and adjutant, as follows:

The amendment was agreed to.

The next amendment was, on page 12, after line 14, to insert:

One clerk, $1,200.

The amendment was agreed to.

The next amendment was, on page 13, line 3, after the word "cadets," to strike out "$3,000" and insert "$3,600," so as to make the clause read:

For pay of two expert civilian instructors in fencing, broadsword exercises, and other military gymnastics as may be required to perfect this part of the training of cadets, $3,600.

The amendment was agreed to.

The next amendment was, on page 13, line 6, after the word "swimming," to strike out "$1,500" and insert "$1,800," so as to make the clause read:

For pay of one professional civilian instructor in military gymnastics, fencing, boxing, wrestling, and swimming, $1,800.

The amendment was agreed to.

The next amendment was, on page 13, line 9, after the word "swimming," to strike out "$4,000" and insert "$3,600," so as to make the clause read:

For pay of two expert assistant civilian instructors in military gymnastics, fencing, boxing, wrestling, and swimming, $3,600.

The amendment was agreed to.

The next amendment was, on page 13, line 16, after the word "librarian," to strike out "(increase $200 submitted)," so as to make the clause read:

For pay of one assistant librarian, $1,500.

The amendment was agreed to.

The next amendment was, on page 13, line 23, after the word "same," to strike out "$1,100" and insert "$1,440," so as to make the clause read:

For pay of one assistant engineer of same, $1,440.

The amendment was agreed to.

The next amendment was, on page 13, after line 24, to strike out:

For pay of eight firemen, $6,240.

The amendment was agreed to.

The next amendment was, at the top of page 14, to insert:

For pay of three firemen, $3,060.

The amendment was agreed to.

The next amendment was, on page 14, after line 1, to insert:

For pay of five firemen, $4,500.

The amendment was agreed to.

The next amendment was, on page 14, line 14, after the word "plumber," to strike out "$900" and insert "$1,200," so as to make the clause read:

For pay of one assistant plumber, $1,200.

The amendment was agreed to.

The next amendment was, on page 14, line 15, after the word "helper," to strike out "$600" and insert "$840," so as to make the clause read:

For pay of one plumber's helper, $840.

The amendment was agreed to.

The next amendment was, on page 14, line 17, after the word "choirmaster," to strike out "$1,500" and insert "$1,700," so as to make the clause read:

For pay of chapel organist and choirmaster, $1,700.

The amendment was agreed to.

The next amendment was, on page 15, line 11, after the words "cadets' mess," to strike out "$900" and insert "$1,200," so as to make the clause read:

For pay of one engineer of steam, electric, and refrigerating apparatus for the cadets' mess, $1,200.

The amendment was agreed to.

The next amendment was, on page 15, line 20, after the words "power plant," to strike out "$3,600" and insert "$4,200," so as to make the clause read:

For pay of three engineers for power plant, $4,200.

The amendment was agreed to.

The next amendment was, on page 15, line 21, after the words "power plant," to strike out "$1,440" and insert "$1,800," so as to make the clause read:

For pay of two oilers for power plant, $1,800.

The amendment was agreed to.

The next amendment was, on page 17, line 3, after the words "Military Academy," to strike out "$1,196,605.95" and insert "$1,354,197.95," so as to make the clause read:

Total pay of Military Academy, $1,354,197.95.

The amendment was agreed to.

The next amendment was, under the head of "Current and ordinary expenses," on page 20, line 19, after the word "sinks," to strike out "to be immediately available, $5,000" and insert "$49,000: *Provided*, That $5,000 of this appropriation be, and the same is hereby, made immediately available," so as to make the clause read:

For general repairs and enlargement of cadet camp, to include authorized strength of the Corps of Cadets for fiscal year 1919; repairs to camp grounds, tent platforms, painting, shower baths, renewing plumbing and flush bowls in underground sinks, $49,000: *Provided*, That $5,000 of this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 25, line 22, after the word "expenses," to strike out "$184,605" and insert "$228,605," so as to make the clause read:

Total, current and ordinary expenses, $228,605.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous items and incidental expenses," on page 26, line 9, after the words "the same is," to insert "hereby," so as to make the clause read:

For water pipe, plumbing, and repairs, $7,000: *Provided*, That $1,000 of this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 27, line 14, after the word "advertising," to insert "and to be immediately available," so as to make the clause read:

Repairs and improvements to the laundry machinery and apparatus in the cadet laundry, and the purchase of new material, tools, etc., to be expended without advertising, and to be immediately available, $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 31, after line 5, to insert:

For construction of an addition to the south wing of the present Artillery stable to accommodate 72 additional animals, $40,000.

The amendment was agreed to:

The next amendment was, on page 31, after line 8, to insert:

For construction of wings to the present Artillery barracks to accommodate 63 additional men, $40,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 10, to insert:

For construction of wings to the present Cavalry barracks to accommodate 70 men, $40,000.

The amendment was agreed to.

The next amendment was, on page 32, line 14, before the word "hereby," to insert "the same is," and in the same line, after the word "hereby," to strike out "is" and insert "made," so as to make the clause read:

For necessary repairs and replacements in steam-heating system and steam lines and cooking apparatus, cadet mess, $300: *Provided*, That this sum be, and the same is hereby made, immediately available.

The amendment was agreed to.

The next amendment was, on page 34, after line 19, to insert:

For extending power line to and wiring of playground pavilion, $1,500.

The amendment was agreed to.

The next amendment was, on page 35, line 2, after the words "south barracks," to strike out "$444,000" and insert "$514,000," so as to make the clause read:

For enlarging the Military Academy to accommodate the authorized number of cadets: Construction of cadet barracks and headquarters, to be located at the south of the area of the old or south barracks, $514,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 2, to strike out:

Eight sets married officers' quarters, $60,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 3, to strike out:

Twenty sets bachelor officers' quarters, $60,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 4, to insert:

For officers' quarters, $240,000.

The amendment was agreed to.

The next amendment was, on page 35, line 20, after the words "buildings and grounds," to strike out "$776,693.30" and insert "$1,187,113.30," so as to make the clause read:

Total, buildings and grounds, $1,187,113.30.

The amendment was agreed to.

The next amendment was, on page 35, line 22, after the words "Military Academy," to strike out "$2,277,294.25" and insert "$2,889,306.25," so as to make the clause read:

Total, Military Academy, $2,889,306.25.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. JONES of Washington. Mr. President, unless the Senator in charge of the bill has serious objections, I am disposed to offer as an amendment to this bill a measure which the Senate has already passed, reported from the Senator's committee, with reference to the furnishing of uniforms to officers by the Government. Apparently no action has been taken in the other body. There certainly is a very crying need for the passage of this legislation, and it seems that the only way to get action upon it is to put it on this bill or on the military appropriation bill. I can see no objection to its going on here.

Mr. CHAMBERLAIN. I will say to the Senator from Washington that I have no objection to that. It seems to me that it ought to apply to the cadets as well as to the Army, because their uniforms have gone up from 25 to 100 per cent.

Mr. JONES of Washington. Then, Mr. President, I offer that amendment. The War Department have reported that they can comply with this requirement without any trouble, and it ought to be enacted.

The PRESIDING OFFICER. The Senator from Washington offers an amendment which will be stated by the Secretary.

The SECRETARY. On page 35, after line 19, it is proposed to insert:

That all uniforms, accouterments, and equipment required for any officer of the military or naval forces of the United States shall be furnished and issued to such officers by the Government at cost price, under regulations to be prescribed by the Secretary of War and the Secretary of the Navy, and the same shall be similar in quality and price for all officers of the same rank.

Mr. CHAMBERLAIN. Mr. President, I suggest to the Senator that in order to complete his amendment there should be included in it the words "including cadets at the Military and Naval Academies."

Mr. JONES of Washington. Very well; that is satisfactory. I will ask to have the amendment modified in that way.

Mr. CHAMBERLAIN. Let that be inserted where it refers to officers of the Army and Navy.

The SECRETARY. After the words "United States," in line 3 of the amendment, it is proposed to insert "including cadets at the Military and Naval Academies," so as to read:

That all uniforms, accouterments, and equipment required for any officer of the military or naval forces of the United States, including cadets at the Military and Naval Academies, shall be furnished—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington as modified.

The amendment as modified was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CALLING OF THE ROLL.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Calder	Curtis	France
Baird	Chamberlain	Dillingham	Gallinger
Bankhead	Culberson	Fernald	Gronna
Brandegee	Cummins	Fletcher	Guion
Hale	Lenroot	Poindexter	Sutherland
Harding	McKellar	Pomerene	Thomas
Hitchcock	McLean	Ransdell	Thompson
Hollis	McNary	Reed	Townsend
Johnson, S. Dak.	Martin	Sheppard	Trammell
Jones, Wash.	Myers	Shields	Vardaman
Kellogg	Nelson	Smith, Ga.	Wadsworth
Kendrick	New	Smith, Md.	Walsh
Kenyon	Nugent	Smith, S. C.	Weeks
King	Overman	Smoot	Wilfley
Kirby	Page	Sterling	

Mr. HOLLIS. I wish to announce that the Senator from Nevada [Mr. HENDERSON], the Senator from Arkansas [Mr. ROBINSON], and the senior Senator from Nevada [Mr. PITTMAN] are detained on official business.

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness.

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. There is a quorum present. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 4557.

VOCATIONAL REHABILITATION.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4557) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill as follows:

Be it enacted, etc., That this act shall be known as the vocational-rehabilitation act. That the word "board," as hereinafter used in this act, shall mean the "Federal Board for Vocational Education." That the word "bureau," as hereinafter used in this act, shall mean the "Bureau of War-Risk Insurance."

SEC. 2. That every person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Article III of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, hereinafter referred to as "said act," and who, after his discharge, in the opinion of the board, is unable to carry on a gainful occupation, to resume his former occupation, or to enter upon some other occupation, or having resumed or entered upon such occupation is unable to continue the same successfully, shall be furnished by the said board, where vocational rehabilitation is feasible, such course of vocational rehabilitation as the board shall prescribe and provide.

The board shall have power, and it shall be its duty, to furnish the persons included in this section suitable courses of vocational rehabilitation to be prescribed and provided by the board, and every person electing to follow such a course of vocational rehabilitation shall, while following the same, receive monthly compensation equal to the amount of his monthly pay for the last month of his active service, or equal to the amount to which he would be entitled under Article III of said act, whichever amount is the greater. If such person was an enlisted man at the time of his discharge, for the period during which he is so afforded a course of rehabilitation, his family shall receive compulsory allotment and family allowance according to the terms of Article II of said act in the same manner as if he were an enlisted man, and for the purpose of computing and paying compulsory allotment and family allowance his compensation shall be treated as his monthly pay: *Provided*, That if such person willfully fails or refuses to follow the prescribed course of vocational rehabilitation which he has elected to follow, in a manner satisfactory to the board, the said board in its discretion may certify to that effect to the bureau and the said bureau shall, during such period of failure or refusal, withhold any part or all of the monthly compensation due such person and not subject to compulsory allotment which the said board may have determined should be withheld.

The military and naval family allowance appropriation provided for in section 18 of said act shall be available for the payment of the family allowances provided by this section; and the military and naval compensation appropriation provided for in section 19 of said act shall be available for the payment of the monthly compensation herein provided. No compensation under Article III of said act shall be paid for the period during which any such person is furnished by said board a course of vocational rehabilitation except as is hereinbefore provided.

SEC. 3. That the courses of vocational rehabilitation provided for under this act shall, as far as practicable and under such conditions as the board may prescribe, be made available without cost for instruction for the benefit of any person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Article III of said act, and who is not included in section 2 hereof: *Provided*, That no monthly compensation, family allowances, or expenses as provided by this act shall be paid on account of any such person availing himself of the courses under this section: *And provided further*, That nothing in this section shall deprive any such person of the benefit of the provisions of said act.

SEC. 4. That the board shall have the power and it shall be its duty to provide such facilities, instructors, and courses as may be necessary to insure proper training for such persons as are required to follow such courses as herein provided; to prescribe the courses to be followed by such persons; to pay, when in the discretion of the board such payment is necessary, the expense of travel, lodging, subsistence, and other necessary expenses of such persons while following the prescribed courses; to do all things necessary to insure vocational rehabilitation; to provide for the placement of rehabilitated persons in suitable or gainful occupations. The board shall have the power to make such rules and regulations as may be necessary for the proper performance of its duties as prescribed by this act, and is hereby authorized and directed to utilize, with the approval of the Secretary of Labor, the facilities of the Department of Labor, in so far as may be practicable, in the placement of rehabilitated persons in suitable or gainful occupations.

SEC. 5. That it shall also be the duty of the board to make or cause to have made studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placement in suit-

able or gainful occupations. When the board deems it advisable, such studies, investigations, and reports may be made in cooperation with or through other departments and bureaus of the Government, and the board in its discretion may cooperate with such public or private agencies as it may deem advisable in performing the duties imposed upon it by this act.

SEC. 6. That all medical and surgical work or other treatment necessary to give functional and mental restoration to disabled persons prior to their discharge from the military or naval forces of the United States shall be under the control of the War Department and the Navy Department, respectively. Whenever prevocational training is employed as a therapeutic measure by the War Department or the Navy Department a plan shall be established between these agencies and the board acting in an advisory capacity to insure, in so far as medical requirements permit, a proper process of prevocational training and the proper preparation of instructors for such prevocational training.

The board shall, in establishing its plans and rules and regulations for vocational training, cooperate with the War Department and the Navy Department in so far as may be necessary to effect a continuous process of prevocational and vocational training.

SEC. 7. That the board is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally. All moneys received as gifts or donations shall be paid into the Treasury of the United States, and shall constitute a permanent fund, to be called the "Special fund for vocational rehabilitation," to be used under the direction of the said board, in connection with the appropriations hereby made or hereafter to be made, to defray the expenses of providing and maintaining courses of vocational rehabilitation; and a full report of all gifts and donations offered and accepted, and all disbursements therefrom, shall be submitted annually to Congress by said board.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, available immediately and until expended, the sum of $2,000,000 or so much thereof as may be necessary to be used by the Federal Board for Vocational Education for the purposes of this act, to wit, for renting and remodeling buildings and quarters, repairing, maintaining, and equipping same, and for equipment and other facilities necessary for proper instruction of disabled persons, $250,000; for the preparation of instructors and salaries of instructors, supervisors, and other experts, including necessary traveling expenses, $545,000; for traveling expenses of disabled persons in connection with training and for lodging, subsistence, and other necessary expenses in special cases of persons following prescribed courses, $250,000; for tuition for persons pursuing courses in existing institutions, public or private, $545,000; for the placement and supervision after placement of vocationally rehabilitated persons, $45,000; for studies, investigations, reports, and preparation of special courses of instruction, $55,000; for miscellaneous contingencies, including special mechanical appliances necessary in special cases for disabled men, $110,000; and for the administrative expenses of said board incident to performing the duties imposed by this act, including salaries of such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees under its orders, including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses, $200,000.

SEC. 9. That said board shall file with the Clerk of the House and the Secretary of the Senate on July 1 and every three months thereafter, for the information of the Congress, an itemized account of all expenditures made under this act, including names and salaries of employees. Said board shall also make an annual report to the Congress of its doings under this act on or before December 1 of each year.

SEC. 10. That section 304 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, is hereby repealed.

Mr. SMITH of Georgia. Mr. President, only during this war has it been fully realized what can be accomplished by vocational training for the rehabilitation of the injured soldiers and sailors. In Belgium before the war they had one institute for the vocational training of the injured in industries with a view of rehabilitating them. As the Germans swept through Belgium the director of that institution went to France, and at Lyon, France, shortly after his arrival, an institution was organized to apply the principles that had been used in Belgium at Charleroi to the rehabilitation of soldiers and sailors injured in the service. From that beginning at Lyon it went through all the allied countries. In England, in France, in Italy, and in Canada splendid work has been done to refit for various occupations those who are injured in the service, and who, according to past lines of treatment, were considered out of the activities of life.

The result of the experience of these countries has been that 1 per cent, at least, of those who enlisted in the army and received injuries which would disqualify them for any future occupation can, through new systems of vocational training, be rehabilitated and be made capable of practical accomplishment, capable of becoming a part of the economic life of their country.

Your committee in preparing this bill worked with the Committee on Education of the House. It has been a subject that has attracted attention all over the country for a number of months past. We had the benefit of the work of many others in finally preparing the bill. Philanthropists met here several months ago and called into conference those who had studied the subject. Subsequently a committee headed by the Assistant Secretary of the Navy, selected, as I understand, by the Council of National Defense, took up the subject and worked upon it. Utilizing the work of all these, a bill was prepared and introduced in the House and introduced in the Senate. That bill was considered by the committee of the House and the committee of the Senate jointly, and for a number of days we had hearings.

Through the courtesy of the British Ambassador the director of this work in Canada came to us and gave us a full account of what had been done in Canada and how it was conducted. You will find upon the desk of each Senator to-day a copy of the testimony taken before the committees. Without reference to this bill, I wish to commend that little pamphlet to you. I really think it is worth keeping. The hearing to me was fascinating. The possibilities of accomplishing so much, even though those men had not been in the front fighting for us, was inspiring, and, with added thought that we were to do this work for the men who had risked their lives for their country, the desire to accomplish this work for them was irresistible.

We finally rewrote the bill and at last introduced it as a new bill, and it has been introduced in the House just as it has been introduced here. We indefinitely postponed the first bill introduced.

The great question is not whether this work shall be done, because everyone must desire that our country take up the problem as other nations have to furnish the opportunity for vocational training to rehabilitate the injured in the Army and in the Navy. The real question I feel that you will wish to consider is, How can we best do it? We all intend to do it. I have never met anyone in the Halls of Congress or outside who did not believe it was a national responsibility to furnish the opportunity for rehabilitation to these men.

Let me repeat; the experience of Canada and I think the experience of the other countries has been that at least 1 per cent of those in the army, receiving injuries from which they would otherwise be able to do nothing, can be restored to successful activities by properly directed vocational training——

Mr. PAGE. May I interrupt the Senator?

Mr. SMITH of Georgia. Certainly.

Mr. PAGE. Is it not true that in our hearings the fact was developed that only 1 per cent of all who go abroad and come back were likely to be the recipients of the benefits of this bill?

Mr. SMITH of Georgia. One per cent of those who go abroad; but we will also have those who go out of the camps who are mustered out on account of physical ailments, and that is why we did not limit it to 1 per cent of those who went abroad.

Mr. PAGE. I believe only 10 per cent of those Canadians who went abroad were sent home as disabled, and of that 10 per cent practically all but 1 per cent returned to their former avocations and took up their old form of life work. This means that probably only 1 per cent of our soldiers who go abroad will receive the benefits of this bill.

Mr. SMITH of Georgia. One per cent of those who go abroad?

Mr. PAGE. Yes.

Mr. SMITH of Georgia. The reason why I said not less than 1 per cent was because 1 per cent of those who go abroad take advantage of it. As we have mustered out of the service from camps men suffering from tuberculosis and other troubles, I have no doubt that some of them can receive also special benefit from vocational training to fit them for active work.

Mr. PAGE. I would like to quote just a few words from the hearings before our committee on this point. I quote from Dr. Prosser's statement:

> Dr. PROSSER. Out of 41,000 soldiers who have been returned to Canada, for all sorts of reasons, approximately 2,400 have taken courses of vocational rehabilitation.
>
> Senator PAGE. And all the rest?
>
> Dr. PROSSER. Some of the others are insane, some are epileptic, thousands of them went back to their old occupations.
>
> The figures work out this way: Canada has sent about 250,000 men across the water. One per cent of 250,000 is 2,500; they have had about 2,400 men in training. That is where I get my coefficient, that 1 per cent of the men overseas will need vocational rehabilitation, and it agrees very closely with what we get from Great Britain.

Mr. BRANDEGEE. Mr. President——

Mr. SMITH of Georgia. I yield.

Mr. BRANDEGEE. I assume, of course, that when our troops get into more active fighting on the other side the 1 per cent will be largely increased, will it not?

Mr. SMITH of Georgia. The estimate of Canada was that 1 per cent of those who go abroad are capable of being restored to useful service by vocational training for rehabilitation purposes. Of course, more than that number will be injured; but, as the Senator from Vermont [Mr. PAGE] said, many of those injured

go back into their ordinary lines of service without needing special training. Some of them are so injured that no special training will help them. The estimate was 1 per cent formed the classes that otherwise would be able to do nothing, but who, taken charge of and retrained vocationally, could be made valuable useful citizens, capable of doing work.

Mr. BRANDEGEE. I understand the Senator now. That is the Canadian experience?

Mr. SMITH of Georgia. Yes; that is the Canadian experience.

Mr. PAGE. May I interrupt the Senator to state to the Senator from Connecticut that from what appeared at our hearings as to Canadian experience with reference to men wounded in battle we shall probably find that the casualties in our fighting on the front will not be materially different from that of our Canadian neighbors, who have already experienced some very severe fighting.

Mr. SMITH of Georgia. If we have this year a million men abroad, out of that number, according to the experience of Canada, there will be 10,000 the future of whose lives will probably be a blank so far as any line of active work or employment would go, but who, through rehabilitation as a result of vocational training, preparing them for something which otherwise they could not have done, may be made useful and effective citizens and into their lives may still be kept the privilege of being a part of their country.

Mr. GALLINGER. May I interrupt the Senator?

Mr. SMITH of Georgia. Certainly.

Mr. GALLINGER. I will say to the Senator that in reference to this bill I have done what I very often neglect to do; that is, I have read every word of it and tried to understand it. Yet I am afraid I do not fully comprehend the scope of it. It proposes teachers and schools for these men under certain conditions, as I recall it. I ask the Senator if it is proposed that these men shall be collected in places where they will form a community, as it were?

Mr. SMITH of Georgia. Not necessarily at all. The experience of Canada is that, as far as possible, it is best to have their training as near their homes as practicable.

Mr. GALLINGER. That is the very thing that troubles me on that point. We will suppose that two or three men are injured from a given community, a little city or town of greater or less consequence. Of course, they prefer to come to their homes when they return. That is the natural thing for them to do. Does this plan contemplate that those people in their own community—two or three or four or five of them—can have the benefit of this bill in the matter of instruction and help in various directions?

Mr. SMITH of Georgia. It would depend very largely upon the character of the injury and the character of the instruction required. The bill places the responsibility for handling the problem upon the Federal Board for Vocational Education. That was one of the first things to be done to determine upon whom should be placed the responsibility for handling it. If the Senator will allow me just for a moment, I will be glad to mention before the Senate, some having come into the Senate since the subject was before the Senate two years ago, just what our Federal Board for Vocational Education is. We have had before the country for several years the problem of national vocational education. Five or six years ago we almost passed a measure upon that subject. The Senator from Vermont [Mr. PAGE] was the loyal leader in behalf of it. In March, 1913, I introduced a joint resolution to create a board of nine to study the problem of national aid to vocational education and to present a plan. The Senator from Vermont [Mr. PAGE] and I served on that board. We perfected a bill which was accepted unanimously by the Senate and passed by the House creating a board of seven men, who constituted the Federal Board for Vocational Education. They consist of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Commissioner of Education, and three appointed from men not in official position. Of the three selected by the President was Mr. Monroe, of Boston, representing manufacture, commerce, and the industries properly. He is a graduate of the Boston Technological School, a success in his own business, and for a number of years has given most of his time to the study of vocational training simply in the interest of his fellow men. He was the president of the Alumni Association of the Boston Technological Institute, the editor of the Technological Journal, a man splendidly versed, splendidly trained, with all the heart and enthusiasm which are necessary for this great work.

The second member of the board was required by the statute to represent agriculture. He is from Indiana—Mr. Greathouse. He has been a very successful farmer, a large owner of land, which he has had cultivated under his direction with great success; he is interested in education, and at one time, I understand, was the superintendent of education of his State. I think he is doing excellent work upon this board.

The third member under the act must represent labor proper. Mr. Holman, who is known to many of you, a most excellent man, was designated from that class.

So this is the board. They organized 12 months ago. Since that time they have been in conference with superintendents of education, the presidents of State universities, the directors of technological and industrial and agricultural education in the States. They are already in close touch with all the vocational work that is being done in each State in the Union. I know from my own State that the representatives of all these lines of educational work came to Washington and conferred with them.

First, I will say that the board selected as their director Dr. Prosser, who has devoted his life to the subject of vocational training.

Let me say also that the salaries of the members of this board, other than the officers, are not large, because we believed that they should occupy largely the relation toward the work of trustees of a university and that they should employ men to aid them. They have gathered around them experts in industrial and vocational work and in commercial training.

Under the vocational-education act they have approved the plan of vocational training in the respective States. The act requires each State to either create a board for vocational education or to place that special duty, through legislative enactment, upon an existing board. This, I think, has been done in every State in the Union. The Federal Board for Vocational Education is therefore organized and in touch with all the educational activities along vocational lines in every State in the Union. They are in a position to call to their air those best qualified to help in the work. They are familiar with the local institutions where training can be had and with local opportunities for employment. I think we are fortunate not to be called on to create any new agencies to handle this work, but that we have a most excellent one already in existence.

The work of rehabilitation must begin at the hospital and follow until the rehabilitated is located in an occupation. We left entire control to the Surgeon General's department in the hospital, but we provide that the vocational instruction, although the Surgeon General is supreme, shall take place in the hospital through the advisory action of the Federal Board for Vocational Education.

We felt that in the hospital it is necessary that there should be no question of the authority of the Surgeon General, yet we place with the Surgeon General's office and the admiral at the head of the naval medical service the Federal Board for Vocational Education and their trained assistants to aid in carrying into the hospital that line of vocational instruction which will contribute to the cure of the patient and also contribute to turning his mind toward future action. The representative of the Canadian Government stated that even in their trench hospitals they had pictures and illustrations of what could be accomplished by the injured who had accepted vocational training for rehabilitation. They sought, from the moment the patient in the hospital in France could begin to think, to inspire in him the hope still to do something.

Mr. GALLINGER. Mr. President, will the Senator from Georgia permit me to interrupt him?

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. I do.

Mr. GALLINGER. The Senator from Georgia must greatly differentiate between conditions in France and conditions that will surround our injured soldiers in the United States.

Mr. SMITH of Georgia. Yes.

Mr. GALLINGER. Of course, immediately upon being injured upon the battle fields of France the soldiers are taken to the hospitals, while our injured men will be brought home.

Mr. SMITH of Georgia. I was referring to the Canadian practice, which I thought was so like ours; I was not referring to the French practice. I said that the director of this work in Canada had stated that even if the patient was compelled to wait while in France in a hospital, he was met with the suggestion of hope, and on the vessel bringing him over they had illustrations and pictures of what the injured could do, and the effort was made to substitute hope for despair.

Mr. GALLINGER. If the Senator from Georgia will permit me further, the Senator suggests that this legislation is largely

patterned after that of Canada. Will the Senator tell me what the nature of the board is, if they have a board in Canada, which has jurisdiction over this matter?

Mr. SMITH of Georgia. They have not a Federal board in Canada for vocational education like ours; no such board exists. There is, however, a special board in Canada which has charge of the work; and Mr. Kidner, who came to us, is secretary and director of the work.

Mr. GALLINGER. I asked that question for the reason that while I have no disposition to underestimate the valuable services that the Board on Vocational Education will serve in a matter of this kind, it seems to me that it ought largely to be primarily in the hands of the Surgeon General of the Army and Navy; and it is unfortunate, from my viewpoint, that some distinguished surgeons are not on the board that is going to have jurisdiction over the matter.

Mr. SMITH of Georgia. Dr. Billings—Col. Billings he is now—the great Chicago surgeon, has been designated by the Surgeon General, while the patients are in the hospital and before they are discharged from the hospital, to give his attention generally to the supervision of this work in the hospital. Gen. Gorgas, Col. Billings, Mr. Monroe, Dr. Prosser, and I have had a number of conferences with reference to this work. Col. Billings, while the patients are in the hospital, will be the directing force, and the Federal Board for Vocational Education, which takes charge of the patients when they leave the hospital, as the Surgeon General's work then, of course, is completed, will cooperate, I am sure, in the fullest possible way with Dr. Billings.

There was a demand from many that the jurisdiction of those charged with the vocational education should extend to the hospitals, but we concluded that the soundest view was that the surgeon must be supreme in the hospital and that the vocational board should only assist the surgeon where the surgeon asks for help. So the plan is that Col. Billings, from the Surgeon General's Office, will be the directing force of the Surgeon General's Office, and the Federal board will aid in suggestion and in cooperation.

Mr. GALLINGER. Mr. President, if the Senator from Georgia will permit me further, I read from the bill, first, an appropriation of $2,000,000, and then it is divided up:

> For the preparation of instructors and salaries of instructors, supervisors, and other experts, including necessary traveling expenses, $545,000.

The sum of $250,000 is—

> to be used by the Federal Board for Vocational Education for the purposes of this act, to wit, for renting and remodeling buildings and quarters, repairing, maintaining, and equipping same, and for equipment and other facilities necessary for proper instruction of disabled persons.

That would indicate that the first question I asked the Senator was not one without some merit—as to whether or not these men were to be collected together and taken care of. It seems a sane conclusion from the language that I have read that if $250,000 is to be appropriated for buildings and that sort of thing, the purpose is to collect these men rather than to have them go to their separate homes or to their separate communities.

Mr. SMITH of Georgia. I take it for granted that it would be impossible in many instances to find any facilities for their training at their immediate homes, but the opinion expressed by those who appeared before our committee and the opinion expressed by Dr. Prosser and Mr. Monroe, each of whom appeared before us, was that, so far as practicable, the place of instruction should be as near their homes as possible.

Let me illustrate. There will be a class of men who will be trained in agriculture. They might have tuberculosis or they might have recovered from tuberculosis, and it might be essential to put up away from the main buildings some class of cheap buildings for them to occupy with the benefit of fresh air. In a number of instances it is believed that it will be advisable to rent buildings for instruction in mechanical lines. Wherever that is done, the opinion is expressed that it should be as near as feasible to their homes.

Mr. GALLINGER. The difficulty will be that they will be scattered all over the United States, and while one man is near his home, another man will be a hundred miles from his home.

Mr. SMITH of Georgia. That would happen in some instances.

Mr. GALLINGER. It will happen in all instances.

Mr. SMITH of Georgia. It will happen in many instances.

Mr. GALLINGER. Mr. President, if the Senator will permit me further, because I want the information; that is my only object in asking these questions. I desire to say that I did not know that the hearings on this bill had been printed, otherwise I should have examined them. I have not had the privilege of doing so, and I will make the suggestion that when committees have hearings on these important measures copies of such hearings ought to be placed on the desks of Senators.

Mr. SMITH of Georgia. I should like to answer that suggestion. I did not place them at once on the desks of Senators, but I sent one copy at once to each member of the committee, and I called the attention of the Senate to the fact that the hearings were going on and were being prepared, and that we should be glad to furnish copies to them. I was afraid that if I put copies of the hearings at once on the desks of Senators they might be lost, but I requested that one copy be placed on the desk of each Senator to-day, and wherever I have been able to find a Senator who would take a copy I have handed it to him. I have asked a number of them to give attention to the matter.

Mr. GALLINGER. I have no idea that there was any purpose to suppress the hearings.

Mr. SMITH of Georgia. There was not only no intention of that kind, but I have almost made myself a burden to Senators by begging them to read the hearings and handing them copies.

Mr. GALLINGER. If the Senator will permit me, he speaks of this work going on in the hospitals. Is that practicable or possible, as a rule?

Mr. SMITH of Georgia. Yes; so Dr. Billings thinks and so the experts say, but only as a stimulus to the treatment, only along the line of using their minds and their hands as they are being treated, to the extent that the doctor approves of. I insisted, however, as one of the committee, that it must be with the doctor supreme.

Mr. GALLINGER. Of course, that would follow as a matter of course.

Mr. SMITH of Georgia. Well, in some places they undertook to run a dual control, with the vocational trainer not subject to the doctor. It seemed to me that it was important to provide against that, and the Surgeon General's Office objected to it. So I think we finally framed the bill with the perfect accord of both sides, and I think they found that each was so moved by an earnest purpose of service that they were sure they could work together.

Mr. GALLINGER. Mr. President, I will ask the Senator from Georgia if I am disturbing him at all by asking these questions.

Mr. SMITH of Georgia. Not at all.

Mr. GALLINGER. Because I have no disposition to do that.

Mr. PAGE. Mr. President, if I may make one suggestion, it appeared from the testimony at our hearings that in the case of boys who had been wounded on the fields of France and who had been carried to hospitals and then after a little treatment were taken to vessels and brought home, and where the district vocational officer could have access to the wounded soldier during his retention in hospital and on shipboard and could impress him with the idea of which the Senator from Georgia has spoken, namely, that there was a future for him and that if he would undergo vocational rehabilitation he could again become a strong man—where all this was done 80 per cent of those who came back entered the vocational and rehabilitation schools in Canada, and were successful in receiving proper treatment. On the other hand, where they were not met in the hospital or on shipboard by some one representing the vocational training organization and came back free to act as they pleased, 80 per cent went to their homes and did not embrace vocational training. That statement seemed hardly believable; and yet that is the report of the Canadian officer who appeared before us, and is one which we ought very carefully to consider. If the boy has a stimulus of the right kind, he embraces this training, while if he does not have it he goes back to his home and lapses into his old-time prewar conditions.

Mr. GALLINGER. That, Mr. President, presupposes the establishment of homes; and that, I think, is a very essential part of this scheme. If that is not contemplated, I think it ought to be.

Mr. SMITH of Georgia. I should like to say to the Senator that we did not know how to distribute the fund, and simply took the lump appropriation of $2,000,000 and prorated it according to the experience of Canada. The director from Canada gave such information as he could to Mr. Prosser, and we undertook to divide it about as the fund in Canada was distributed in practice.

Mr. PAGE. I am sure the Senator from New Hampshire will be pleased with our ideas here, because the House had a bill which provided for a lump-sum appropriation of $2,000,000. We had in view the economy theories of the senior Senator from New Hampshire, the nestor of the Senate, when we made this subdivision, so as not to have any lump sum which could be promiscuously drawn upon.

Mr. SMITH of Georgia. And we, furthermore, provided that a report should be made every three months to the Senate and to the House with a statement of every cent expended, who was employed, and what salaries were paid.

Mr. GALLINGER. That is a very valuable provision; and, as a Senator near me says sotto voce, that is different from the way the Creel bureau and many other bureaus of the Government are being run.

Mr. SMITH of Georgia. We did not have that as a model before us.

Mr. GALLINGER. I am very glad of that.

Mr. SMITH of Georgia. We were not sufficiently familiar with it.

Mr. GALLINGER. Another provision is for the preparation of instructors. Who is going to prepare instructors to do this work?

Mr. SMITH of Georgia. We are already arranging to bring here some of those who have succeeded with the work in Canada and some who have succeeded abroad; indeed, the Red Cross and some other organizations have already been helping the vocational board prepare for the work. That question came up before our committee as to whether there was really such a thing as instructing anyone to do this special work. The best advice we could get was that it is in the nature of technical work, different from the ordinary vocational work, and some special instruction to help by leaders would be valuable and contribute substantially to the work to be accomplished. We were convinced as a result of our investigation that the plan was wise.

Mr. VARDAMAN. Mr. President, may I ask the Senator a question?

Mr. SMITH of Georgia. Certainly.

Mr. VARDAMAN. How long has this system been in vogue in the world?

Mr. SMITH of Georgia. Only since the war began. So far as I know, prior to the war Belgium had the only institution for the vocational training of the injured with a view to their rehabilitation.

Mr. VARDAMAN. That was prior to the war.

Mr. SMITH of Georgia. That was prior to the war, and it was for the injured in industries. In England there was the sailors' and seamen's Lord Roberts fund that had one or two institutions with that in view; but only since the war or during this war have the nations involved in the war realized the possibilities of the number of men who can be made living, active citizens as the result of special vocational rehabilitation training who otherwise would lapse into idleness and uselessness.

Mr. VARDAMAN. Mr. President, if the Senator from Georgia will permit me further, I have not been in the Chamber during all of the Senator's discussion of the matter, and I will ask the Senator the amount of money carried by this bill?

Mr. SMITH of Georgia. Two million dollars.

Mr. VARDAMAN. To be expended in what period?

Mr. SMITH of Georgia. The appropriation is to carry on the work to July 1, 1919. I had already stated—the Senator from Mississippi was not present, perhaps—that it is estimated that 10,000 men will receive the benefits of this service during that time, according to the Canadian experience.

Mr. VARDAMAN. It strikes me, Mr. President, that it is an excellent conception, and it has my approval.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). The Senator from Georgia has the floor. Does he yield to the Senator from Louisiana?

Mr. RANSDELL. I do not wish to interrupt the Senator from New Hampshire [Mr. GALLINGER], who is on his feet, and I will wait until he has finished.

Mr. GALLINGER. Mr. President, I will soon conclude.

Mr. PAGE. Mr. President, just one moment. I wish to suggest to the Senator from Mississippi [Mr. VARDAMAN] that since this investigation commenced I have received, and I presume other members of the committee have received, numerous letters in which we were urged to add the vocational rehabilitation of the injured who were not connected with the war.

Mr. SMITH of Georgia. Those injured in industry.

Mr. PAGE. Yes.

Mr. GALLINGER. I will say in that connection that I have a letter from the commissioner of labor of my own State and, if I may be permitted, I should like to put it in the RECORD at this point, to show that I have not neglected his request.

Mr. SMITH of Georgia. I should be very glad to have the Senator from New Hampshire do so, because we can not build up too much sentiment in favor of the rehabilitation of the injured to please me.

Mr. GALLINGER. I think I will ask that the letter be read, if there is no objection. It is a brief letter; and then I will only occupy two or three minutes more.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

STATE OF NEW HAMPSHIRE,
OFFICE OF THE BUREAU OF LABOR,
Concord, N. H., May 21, 1918.

Senator JACOB H. GALLINGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: On April 8 Senator HOKE SMITH introduced into the United States Senate a bill providing for the establishment of auxiliary workshops in different portions of the country for the cure of crippled soldiers and sailors returning from the war. It is my understanding this bill restricts the benefits to crippled soldiers and sailors injured while in service. In view of the fact that many industrial accidents occur in our industrial life, would it not be a good idea to broaden the scope of this proposed law to include the workers of the United States who are maimed and injured in industrial accidents?

Hoping that you may see your way clear to propose such an amendment to give this law a broader scope, and thanking you for past favors, I am

Very truly, yours,

JOHN S. B. DAVIE,
Labor Commissioner.

Mr. GALLINGER. Mr. President, I will say that I will not offer an amendment, but will submit it to the Senator from Georgia and his associates on the committee for their consideration. There is some force in the suggestion, as I look upon it.

Mr. KIRBY. Mr. President, I have prepared an amendment to be proposed to the bill including that idea and to be inserted after the word "hereof," on page 4. I did not know whether the Senator from Georgia might wish to make mention of it. I will not offer it now, but will wait until later.

Mr. SMITH of Georgia. Mr. President, Senators will find in the hearings, in the testimony of Dr. Little, who is the chairman of the board for compensation to injured Federal employees, an amendment, carefully worked out, which covers the subject fully and extends the principles of the original bill for vocational education to the injured in industries and requires the States to duplicate any Federal appropriations. I did not advocate it and the committee did not accept it; not because there was a member of the committee who was not for it, but because we thought it would be as much as we could do to undertake just now to find teachers prepared to handle our wounded soldiers and our sailors who need rehabilitation. We thought the other was too big a work for us to undertake at once without preparation. The whole theory that you can take a man who is incapable of work and who heretofore has been allowed to go to the scrap pile, as far as industrial effort is concerned, and rehabilitate him by special courses of training is almost new, although it has been, as I have already stated, wonderfully successful, and the testimony was that 1 per cent of those who went to the front were capable of this character of rehabilitation.

Mr. GALLINGER. Mr. President——

Mr. SMITH of Georgia. If the Senator will allow me one word more—if we start this bill and it is a success and they see in the different States how special training can rehabilitate the injured, whether the National Government then assumes the part of directing it or not, you will not be able to stop an immediate effort toward special training for the rehabilitation of the injured in industry. Personally I do not object to national contributions to that end; I do not object to using public funds for the general welfare.

Mr. GALLINGER. Mr. President, a little while ago I was calling attention to the division of this fund of $2,000,000 for buildings, renting buildings, and some other expenses, $250,000; "for the preparation of instructors and salaries of instructors, supervisors, and other experts, including necessary traveling expenses, $545,000." In that connection I ventured to ask a question as to the preparation of instructors, just what it meant or what it included.

For traveling expenses of disabled persons in connection with training and for lodging, susbsistence, and other necessary expenses in special cases of persons following prescribed courses, $250,000; for tuition for persons pursuing courses in existing institutions, public or private, $545,000.

Now, Mr. President, I should like to ask the Senator from Georgia just what that means—"for persons pursuing courses in existing institutions, public or private, $545,000"?

Mr. SMITH of Georgia. This is what it means: It is deemed probable that in many of the States there can be found home institutions already existing which can add special courses for these men, utilizing part of their existing courses, and that wherever feasible such existing institutions can be utilized, at a less expense and perhaps even more successfully than to undertake to establish a new institution.

Mr. GALLINGER. I will ask the Senator if the word "persons" means soldiers or sailors?

Mr. SMITH of Georgia. Yes.

Mr. GALLINGER. It says "persons following the prescribed courses."

Mr. SMITH of Georgia. They are the only persons who are following the prescribed courses—the injured in the Army and the Navy, for whom above courses are prescribed.

Mr. GALLINGER. Then, Mr. President, the remainder of the fund is divided. I will not take time to read it.

I will say, in a few words, that I am troubled more particularly about the possibility of making this a workable law. I can understand how in Belgium or France, where the soldiers are being wounded by the thousand every day, they can be taken immediately to the hospitals and be given attention, medical and otherwise; and I can understand why a scheme such as is outlined in this bill would be entirely workable under such conditions. What they do in Canada, I am not informed; but it does seem to me that unless they can be gathered together in communities or in institutions in this great country of ours it will be absolutely unworkable.

Suppose we have 10,000 wounded soldiers brought across the Atlantic Ocean. They naturally will scatter to their homes unless they are halted in some way and taken to institutions. Three or four men in my little city, or in some other little city in my State, will not be able to get this instruction, I apprehend. They can not have teachers designated to go there to instruct two or three of them. If that were done, covering the entire United States, the $2,000,000 would fade away like dew before the summer sun, and really would be a bagatelle in carrying out the purposes of the act.

I am not saying this, however, in antagonism to the measure. If it can be made workable, I think it will be a very valuable thing; but my apprehensions are that when you take this great country of ours, so much larger than all the other countries that are in the war combined, with the exception of Russia, if she is in the war——

Mr. SMITH of Georgia. And the Dominion of Canada.

Mr. GALLINGER. The Dominion of Canada is equally as large as our country, very true—it will be a very difficult matter to reach these people, and to give them the direct instruction and aid that is in contemplation. As I read the bill and gave it a little study, that point troubled me more than anything else connected with the bill.

Mr. SMITH of Georgia. I wish to say to the Senator that we have modeled our plan almost entirely after what has proved to be a success in Canada. We have felt that our conditions were more nearly the same, and it is succeeding there, so we are assured.

Of course, the Senator is right; two or three persons in a community could not receive training. They will be classified according to the character of their injuries.

There may be an agricultural school in New Hampshire. It might be found desirable for some of them to receive their special training there. It might be that there is a mechanical institution in Massachusetts. It might be found desirable to give them training there. It might be that upon commercial lines they could be trained there. Generally speaking, the theory is to take them as short a distance from home as possible, but not to neglect the fact that they are to be given the opportunity, and we adopted the policy of striking out the provision that allowed these men to be put back under military discipline. We leave them to act of their own volition. The best judgment we could gather from the experience of the successful was that the man must want to do it—must agree to take it of his own accord. We struck out of our bill the words allowing the vocational board to order them to the school and substituted "furnish." The only restrictive power that is in the bill is this: After the man has accepted, has expressed a desire to take the training, and has entered the line of instruction he must comply with the rules, or on the recommendation of the board his portion from the allotment provided in the insurance act can be temporarily suspended. That is the sole controlling influence that can be thrown around him.

Mr. GALLINGER. I will content myself by simply observing that if the bill becomes a law I hope it will be a workable law. I will repeat what I said a little while ago, that I somewhat regret that on this board the profession of medicine and surgery is not recognized, and that whatever is done in that regard, so far as the accomplishment of this grand purpose is concerned, will have to be voluntarily contributed by the Medical Department of the Government.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. SMITH of Georgia. I do.

Mr. RANSDELL. I should like to ask the Senator a question, and I want to say, as the premise to my question, that I have been very much impressed by the remarks of the Senator from New Hampshire [Mr. GALLINGER]. I have been looking into this question somewhat myself. I had a discussion with Col. Billings about it the other day, and I got the impression from section 6 of the bill and from what I was told by Col. Billings, and especially from a letter from Gen. Gorgas to the Judge Advocate General, a copy of which I hold in my hand, that this bill does not contemplate taking the charge of these soldiers out of the hands of the Army and the Navy until they have been pretty well rehabilitated. Am I correct in that?

Mr. SMITH of Georgia. Physically rehabilitated, but not vocationally rehabilitated.

Mr. RANSDELL. I understand vocationally, too. Now, perhaps I am wrong; but I should like to read this letter of Gen. Gorgas, addressed to the Judge Advocate General, dated April 27. To me it was intensely interesting:

Subject: Physical reconstruction of invalided and disabled soldiers.

1. In reply to your communication dated April 23, 1918, it may be stated that the Medical Department of the Army has approved the following policy for the physical reconstruction of disabled soldiers:

(a) That hereafter no member of the military service disabled in line of duty, even though not expected to return to duty, will be discharged from service until he has attained complete recovery or as complete recovery as it is to be expected that he will attain when the nature of his disability is considered. The inauguration of this continued treatment will result, during the period of the war, in the saving to the service of a large number of efficient officers and soldiers who without it would never become able to perform duty.

(b) Physical reconstruction may be defined as the completest form of medical and surgical treatment carried to the point where maximum functional restoration, mental and physical, has been secured. To secure this result the use of work, mental and manual, will be required during the convalescent period. This therapeutic measure, in addition to aiding greatly in shortening the convalescent period, retains or arouses mental activities, preventing "hospitalization," and enables the patient to be returned to service or civil life with the full realization that he can work in his handicapped state, and with habits of industry much encouraged if not firmly formed.

2. The Medical Department of the Army assumes that the care of the sick and wounded soldiers is incumbent upon the department. In accordance therewith, the department has organized a division to have the administration of the reconstruction of disabled soldiers. This division was organized in August, 1917. The Division of Physical Reconstruction has developed the machinery necessary for the special work of reconstruction, and this may be summarized as follows:

(a) An administrative personnel which includes the specia' care of disabled soldiers by the several departments of medicine and surgery, with a qualified medical officer at the head of each special department. These departments are general medicine, neurology and psychiatry, tuberculosis, heart disease, gastro-intestinal diseases, skin diseases, general surgery, military orthopedics, head surgery (including blindness, deafness, speech defects, brain surgery, plastic surgery of the head, throat, nose, and ear diseases), venereal diseases, and genito-urinary diseases.

(b) Inasmuch as this treatment of diseases and injuries embraces not only anatomical but also functional restoration, the continued treatment requires the use of physiotherapy. Physiotherapy includes such measures as hydrotherapy, electrotherapy, active physical exercises of all kinds, including military or other drill, or modified Swedish movements, and passive exercise such as massage, etc. Functional restoration also requires, in addition to what may be termed physiotherapy, curative occupation in the form of mental and manual work at the bedside and in shops.

(c) An educational department, the function of which is to develop along modern lines the personnel and equipment necessary to administer occupational therapy.

3. The administrative forces organized in the Division of Physical Reconstruction have been duplicated as the personnel, including the equipment to administer the reconstructive treatment in each general hospital where reconstruction work is carried on.

4. The Medical Department of the Army has assigned the following general hospitals for the reconstruction of disabled soldiers:

Insane: St. Elizabeths Hospital, Washington, D. C.; General Hospital No. 4, Fort Porter, N. Y.

Functional neuroses (nervous diseases): General Hospital No. 13, Dansville, N. Y.

Epileptics: General Hospital No. 13, Dansville, N. Y.

Pulmonary tuberculosis: Fort Bayard, N. Mex.; General Hospital No. 16, New Haven, Conn.

Cardio-vascular diseases: General Hospital No. 6, Fort McPherson, Ga.; General Hospital No. 9, Lakewood, N. J.

Drug addicts: General Hospital No. 13, Dansville, N. Y.

Chronic rheumatism: General Hospitals No. 6 and No. 9.

Disabilities due to being gassed: General Hospital No. 9, Lakewood, N. J.

Other general medical cases: General Hospitals No. 6 and No. 9 and Walter Reed General Hospital.

Those requiring orthopedic treatment: General Hospitals No. 6 and No. 9 and Walter Reed General Hospital.

Amputations: Walter Reed General Hospital.

Total deafness, speech defects, and purulent otitis media: General Hospital No. 11, Cape May, N. J.

Blindness or near blindness: General Hospital No. 7, Roland Park, Baltimore, Md.

Venereal disease and its sequelæ (where venereal disease is major disability): General Hospital No. 5, Fort Ontario, N. Y.

Wounds and injuries or other surgical conditions of the genito-urinary system (where the injury or wound is major disability): General Hospitals No. 2, No. 6, No. 9, and Walter Reed General Hospital (General Hospital No. 2, Fort McHenry, Md.).

Wounds or injuries involving the head, including eye, ear, nose, throat, face, and jaw: General Hospital No. 11, Cape May, N. J.

The partial or complete personnel and the full minimum equipment necessary for curative occupation is in active operation at General Hospitals Nos. 2, 6, 9, 11, and Walter Reed.

5. As rapidly as conditions permit, the reconstruction work at all of the hospitals named is being developed. More or less delay has occurred because of the difficulties embraced in the necessary construction of barracks, workshops, etc.

6. At New York, the port of debarkation, the necessary organization for the classification and rapid distribution of the disabled men from overseas to the reconstruction hospitals has been completed and is in satisfactory working condition. Like arrangements are being made for the classification and distribution of the disabled from overseas at Newport News. The division surgeons have been ordered to report the individual cases of disability who may be reconstructed now in the base hospitals of cantonments, that they may be transferred to the general hospitals where reconstruction work is carried on.

7. The above statement of the organization of the administration and the continued treatment of disabled soldiers is set forth in this connection to indicate the understanding of the Medical Department of the Army as to the authority of the department in caring for the sick and wounded soldiers and to indicate that physical reconstruction is now in actual operation.

Repetition of the statement gives emphasis to the opinion of the Medical Department of the Army that no soldier should be discharged from the Army until he shall have received the continued treatment which will entirely restore him to health, or as nearly restore him as the nature of his disabilities permit.

8. The Medical Department of the Army has within its personnel, in addition to its regular medical officers, the best qualified men of the United States in medicine and surgery, including the specialists. These are serving in the Medical Reserve Corps of the Army and in the National Army.

9. Attention is directed to the fact that to carry on the necessary treatment in an efficient way the Medical Department of he Army must have full and undivided authority over the disabled soldier during the entire period required for his cure.

Such aid as may be rendered by other Federal agencies, or by State, municipal, and private agencies in a cooperative way, will be welcome by the Medical Department of the Army, with the full and definite understanding that such aid will be rendered to the Medical Department of the Army only upon the invitation of the Surgeon General.

W. C. GORGAS, *Surgeon General.*

Mr. SMITH of Georgia. What is the date of that?

Mr. RANSDELL. April 27, 1918; just a few days ago.

Mr. SMITH of Georgia. Prior to our hearings, and prior to Gen. Gorgas appearing before our committee?

Mr. RANSDELL. I want to say to the Senator that I am intensely interested in this subject, and I am not trying to criticize the bill in the slightest degree.

I was invited to go out to Walter Reed Hospital the other day to see what was actually being done in one big Government institution, and there I saw a number of soldiers actually being treated, being built over, so to speak; being remade, reconstructed; and I was told by the surgeons that the plan is not to turn the soldier loose until he is made a new man. If he has lost both legs, they are going to put two new legs on him, and train him thoroughly to walk and use those legs. If he has lost both arms, they are going to put new arms on him, and train him thoroughly to use them.

One of the doctors told me of a very interesting case which he had called to his attention by a man not a soldier. A man visited him and said: "Doctor, do you see anything peculiar about me?" He said: "Why, no; I do not. What is the trouble, my friend?" He said: "I am very much interested in the work of reconstructing our soldiers, and I want you to know what has happened to me. When I was 18 years old I lost both legs, one hand, and had all the fingers cut off the other hand. You can hardly tell it, to see me walk about now." He was walking perfectly. He had one artificial hand, and the fingers on the other hand had been replaced, and yet you could hardly tell it. He said: "I have made a success of life. I am a prominent banker in my town. I have reared a family and I am taking good care of them, and there is absolutely no reason, Doctor, why a man should not be rebuilt and made to perform splendid functions in life. Few are hurt as badly as I was, with both legs gone, one hand entirely gone, and all the fingers gone from the other. I have earned a good deal more than support for my family, and I enjoy a good deal of comfort."

That was told me while I was going through the Walter Reed Hospital, and there I saw a number of the boys being trained. I saw a number of boys who had been brought back from across the water. I do not believe it is generally known, but we are bringing them back in considerable numbers already; and I talked to a number of them.

The plan is, as I understand, to have done right in the medical hospitals the kind of training which the bill before us contemplates shall be done by the vocational board.

Mr. SMITH of Georgia. Not at all.

Mr. RANSDELL. That is the point I want to ask the Senator about.

Mr. SMITH of Georgia. I will answer the Senator.

Mr. RANSDELL. Now, please tell me where the work of the Army and the Navy ends and the work of this vocational board begins. I want that information first.

Mr. SMITH of Georgia. When the physical man is cured, the work of the surgeon ends. During the progress of physical treatment vocational suggestion and vocational training is valuable. One of the difficulties that has been met in the whole effort to rehabilitate through vocational training has been the possible conflict between the surgeon and the trainer; a certain degree of mistaken desire on the part of a surgeon to do what did not belong to his province at all and in which he has had no special experience. To properly meet the responsibility of vocational training there must be a study of the whole vocational field for occupation in the country. There must be a study of the opportunity that will open to the particular man in particular lines of training. There will be required, even after he is discharged physically and is physically sound, an average of 12 months of training under vocational leaders when the surgeon has nothing to do with him.

In Canada the line of work suggested in this letter is done in the hospitals. The surgeon has control, but he has the benefit of the advice of one who knows more than he does about vocational training, and he draws upon the vocational instructor for his assistance in the hospital. The vocational instructor is given a little more authority in Canada than we give him. They say that he is to help determine, with the injured man, the line of occupation the injured man shall follow. Under our bill we leave the patient entirely under the control of the surgeon in the hospital, but we provide that the vocational board shall be advisory to the Surgeon General's Department with reference to vocational training in the hospital. The surgeon must pass upon it and determine that it is helpful toward physical restoration, and really any suggestion that he does receive from the vocational board must meet with the surgeon's approval in order to be adopted.

Since that letter was written, Gen. Gorgas, Mr. Monroe, Col. Billings, and Dr. Prosser have conferred fully over the matter. I can not agree that the surgeons are prepared for vocational training, or that that is their business. There were some men in the Surgeon General's Department who wanted to take charge of the entire vocational training and follow the injured man until they placed him in industry. To do this they first learn vocational training and quit their work as surgeons to study a different line of endeavor.

Mr. WADSWORTH and Mr. RANSDELL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. RANSDELL. I was following a line of thought, and I hope the Senator from New York will not interrupt me until I get at that.

Mr. SMITH of Georgia. If the Senator will ask his question, I will seek to answer it——

Mr. RANSDELL. I will ask a question. Does not the Senator think that in the great hospitals, military and otherwise, there are exceptional advantages for grouping the men together and providing this vocational training for them which would not exist if you allow them to be discharged from those hospitals, unless you are going to establish other hospitals? Would it not be better to carry on that work just as I understand it is being carried on now at Walter Reed Hospital? I admit that some of the doctors do not like to do anything but the physical end of it.

Mr. SMITH of Georgia. No; that was not what I said. I said that some of the doctors wanted to take charge of these men, train them vocationally, and follow them clear to the end.

Mr. RANSDELL. I understand; and some of them do not want to do any of that at all, but some of them want to do *all* they can. Now, can we not have a cooperation of the surgical end with the vocational educational end, and utilize these hospitals? As suggested by the Senator from New Hampshire, you must congregate the people—you must get them together—in order to operate successfully.

Mr. SMITH of Georgia. I will answer the Senator, and then I will go on. I say, no; the hospital is not the place to keep them after they are physically well. The hospital involves a large expense, and will be needed for others who are physically unsound. It is a bad place to keep a man when he does not need physical attention. I say further that the surgeon is not the man to train permanently for industrial work, or for commercial work, or for any other kind of work except medicine. He has not been trained to perform that work.

This bill proposes to use the man who has been educated upon those lines, who understands vocational training, who is himself an educator. We leave the surgeon to do his work in surgery. While the patient is at the hospital, if the surgeon acts wisely, he will call on the Federal Board for Vocational Education to help him select the vocational trainers to work

in the hospital; but as soon as the man is sound physically he probably will need 12 months' additional instruction in some mechanical institution or industrial institution or commercial institution or agricultural college, and the hospital is not the place to keep him at all. Besides, when he is physically sound he should move out and let those who are physically unsound take his place in the hospital.

Mr. RANSDELL. May I ask the Senator if we could not have annexes or branches attached to these big hospitals that would do that work? My reason for asking that is this. I will be very brief; I was talking to Col. Billings——

Mr. SMITH of Georgia. If the Senator will ask me a question, I will answer him; but if he wishes to discuss the matter, it would be more agreeable to me if he would make his discussion in his own time.

Mr. RANSDELL. I trust the Senator will allow me to state my question.

Mr. SMITH of Georgia. Certainly.

Mr. RANSDELL. I am always courteous to the Senator, and I insist on his treating me in the same way.

Several days ago I was talking with Col. Billings, to whom the Senator refers—and I believe he is one of the ablest men in the corps—in regard to the big reconstruction hospital which the Elks are about to build in the city of New Orleans. They are now building one in the city of Boston. He said to me: "They do not offer enough ground in New Orleans. They have only offered 10 acres." This was only last week. I do not think you have had him before your committee since then. He said: "They have only offered 10 acres, and we need 80 acres, because we need all sorts of buildings; we need shops for repair work and every kind of purpose a shop can be applied to."

Mr. SMITH of Georgia. One moment. May I ask the Senator to ask his question?

Mr. RANSDELL. I have stated the case.

Mr. SMITH of Georgia. That was not asking a question. That was making an argument, and I would rather the Senator do that in his own time.

Mr. RANSDELL. Well, all right. I am going to ask the question now, if the Senator will just be a bit patient.

Mr. SMITH of Georgia. I have been patient, Mr. President. The Senator has no right to state that I have not been patient.

Mr. RANSDELL. All right.

Mr. SMITH of Georgia. I have stood with him here half an hour on the floor——

Mr. RANSDELL. All right; I will withdraw that statement, if the Senator wishes. I have just had that conversation with Col. Billings, and he stated what they had in mind. Now, I ask the Senator if the War Department evidently does not contemplate, after the surgical end of the work is done, making these additions, these shops, and everything of that sort, and in that way getting a lot of men congregated together to carry on the vocational work?

Mr. SMITH of Georgia. I answer the Senator that they have no right to do it; that it would be a blunder to do it; and that no money has been appropriated for them to do it.

Mr. RANSDELL. Now, I ask this further question: Does the Senator think that $2,000,000 would go very far in doing this vocational work if we are going to remove these soldiers from the hospitals?

Mr. SMITH of Georgia. I will answer that. It will go very much further than if you equip these hospitals as training shops and keep the men there, when the surgical work is much more expensive, when the appliances are much more expensive; and if you fitted them up for training shops you would have to build largely more hospitals to take care of the wounded.

Mr. GALLINGER. Mr. President, surely the Senator does not means to say that the Senator from Louisiana made that suggestion—that those men should be kept in the hospitals after they had been surgically healed?

Mr. SMITH of Georgia. He did. That was it exactly.

Mr. GALLINGER. I do not think the Senator meant that.

Mr. RANSDELL. No; I do not mean that, except that as they have been surgically cured they are trained along these other lines. That man with the wounded hand is not surgically cured until the hand is made just as good as it was originally, as nearly as they can make it.

Mr. SMITH of Georgia. Oh, Mr. President, that view is utterly untenable. That proposition is that the man is not surgically sound or physically sound until he has had a complete course of vocational training and has been taught an occupation suited to his new condition. Now, the Senator did mean to keep them after they were physically sound, for he suggested the building of additional shops and places around the hospital for that purpose.

Mr. RANSDELL. That is exactly what Col. Billings said.

Mr. CALDER. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from New York.

Mr. CALDER. The Senator from Georgia has made a study of the Canadian system, I presume?

Mr. SMITH of Georgia. Yes, sir.

Mr. CALDER. From that study is he not convinced that after a soldier is cured he makes much greater progress under civilian control than under medical or military control?

Mr. SMITH of Georgia. I thank the Senator for asking the question. The testimony from every source was that it would be better for him, even in the hospitals, that the vocational trainer should not wear a uniform; that it was a hindrance to the good work in the hospital to have a uniform on the man who was advising him what he was to do in life; that he improved very much faster under civilian leadership.

Mr. NUGENT. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Idaho.

Mr. NUGENT. I will ask the Senator if he does not think that the sooner men are taken from these hospitals, and the misery and suffering surrounding them there, the better off they will be mentally?

Mr. SMITH of Georgia. Undoubtedly; undoubtedly.

Mr. JOHNSON of California. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from California.

Mr. JOHNSON of California. The Senator from Georgia will pardon me, I am sure, because I am so thoroughly in accord with him in regard to the principle of the bill, and so very anxious, indeed, to aid him in its passage. I want to ask him, however, what additional burden would be involved if the bill included those of similar status in industry?

Mr. SMITH of Georgia. It would depend entirely upon the scope of the bill. So far as the statistics indicate which I have been able to obtain, there are now 100,000 who have been injured in the industries who could be helped by vocational rehabilitation and training. Now, we have not the shops, we have not the buildings, we have not the machinery, we have not the experts in rehabilitation trained, ready to handle that force. I say to the Senator frankly that my hope is to pass this bill and to begin to train and increase the number and spread the places where the injured in the service can be rehabilitated; and then I have it on my heart and in my head to see this spread to the injured in industry. I doubt whether it would be wise to undertake that additional responsibility with no more preparation than we have, but I do believe that if this work is well done for those injured in military service, no power can stop this country from reaching out to all the injured in industry and giving them a chance.

Mr. JOHNSON of California. If the Senator will pardon me just an instant, I am quite willing to take the view that is suggested by the chairman of the committee in that regard; but I am quite willing, too, if the committee see fit to go further with this bill and make it applicable to all those injured in industry, to do what little I can for its passage in that respect as well as in respect to those injured in the military or naval service.

Mr. SMITH of Georgia. Let me say to the Senator, if he will turn to the testimony of Dr. Little he will find as a part of his testimony in the record there is a completely formed plan of an amendment to the bill to cover the injured in industries. If the House would send us a bill going that far, I would advocate its adoption by the Senate. The House Members did not think they could carry that through, and I do not want to jeopardize this bill. I personally am intensely interested in the whole subject.

Mr. JOHNSON of California. With one further observation upon that point I will take my seat. We are bound ultimately to come to it. Ultimately we are bound not alone to rehabilitate the man who is injured in war, but we are bound as well to rehabilitate the man who is injured in industry, and the rehabilitation in each instance, while the one may be very appealing at this particular time, proceeds upon the same theory of the highest obligation that the State owes to its citizens. I would be very glad to commence right now, if the Senator from Georgia felt that the committee could and that the House could stand the burden, with the rehabilitation of men injured in industries, as well as the rehabilitation of men injured in war.

Then, let me call attention in closing to what I think is an answer to something that has been said about Gen. Gorgas's position. He was asked the distinct question in your hearings, as you will recall, in relation to this bill:

And you indorse it, except that you believe it should be more clear in certain points?

Gen. Gorgas answered "Yes."

Mr. KING. If the Senator from Georgia will yield, apropos of the question just propounded by the Senator from California, does not the Senator from Georgia think it would be at any rate going to the limit of the constitutional authority of Congress to go into the State and attempt the rehabilitation of persons who have been injured there?

Mr. SMITH of Georgia. We could not go except in cooperation with the State. The amendment prepared by Dr. Little is drawn upon this line. It provides for a certain Federal appropriation to be duplicated by the States wherever used. It provides, then, that the States should take the responsibility of handling the work, when the legislative authority of the State had expressed a desire to do so, and then the States having duplicated the funds received from the National Treasury, and having created a board to conduct the work, must submit to the Federal board their plan for the work, and only receive the national contribution in case it is carried into execution. So it carefully guards against any Federal action in the State except to furnish a part of the money and advise a plan.

Mr. KING. Does not the Senator think that is a matter, though, that is exclusively within the jurisdiction of the States? Does not the Senator think, if I may be permitted to ask two questions in one, that ultimately the States will adopt some plan for the vocational teaching of those who have been injured, and that the States that are contiguous to each other will collaborate to establish some central school at which those persons who need instruction and betterment may receive all that is in store for them?

Mr. SMITH of Georgia. I answer both the questions. I think it is a question for the States, but I believe in the general welfare clause of the Constitution, which authorizes us to appropriate money to stimulate those things that are good and for the general welfare of the entire country. I believe in stimulating good work in the States along legislative lines by national contributions to it. I think the States, however, will take this up if we demonstrate through this bill, through the rehabilitation of the injured in the military service, that such a line of work can be done. I think the States will at once add that to their vocational educational work, and we will speedily have work of that kind done in all the States for the rehabilitation of the injured.

Mr. KING. One further question, if the Senator will pardon me. Does not the Senator think from his broad experience that generally whenever the Government undertakes to accomplish a work it does it less efficiently than individuals would do it or States, having smaller aggregations and smaller political subdivisions, could do it? Does not the Senator think in the long run, if you attempt to tax the people under the general-welfare clause to which the Senator referred, get their money into the Federal Treasury, and then filter it back to the States and the people, you get less upon the dollar than if you permitted the people to get it at home and use it at home?

Mr. SMITH of Georgia. Ordinarily I would say yes, but there are certain national problems that are reached, in my opinion, more effectively by national contribution and national stimulus. Just in this connection I wish to say that I believe the bill for national aid to vocational education has stimulated the thoughts of the people and has given us 25 years of progress that we otherwise would not have made toward the practical training of the average man and woman to meet the struggle of life. I know that the agricultural college extension bill, the agricultural colleges, and the agricultural experiment stations have tremendously accelerated the agricultural progress of the whole country. I believe the appropriations were wise and the legislation beneficial and a blessing to all the people of the country.

Mr. VARDAMAN. Mr. President, if I may interrupt the Senator at this point, it seems to me the measure which he has proposed is but laying the foundation for a system which he hopes to extend throughout the entire Republic for cooperation later on with the States, starting now with this little appropriation, that the sentiment may ultimately and in the very near future grow until the idea suggested by the able Senator from California will extend over the entire Republic. I agree very heartily with it.

Mr. SMITH of Georgia. If I should reply to the Senator from Mississippi, I would say that if I unbosom my inner thought I do think so; but I do not wish by expressing that hope to frighten any of those who are supporting this measure who would hesitate about going as far as I would be willing to go in behalf of all the injured in industries.

Mr. KELLOGG. Will the Senator allow me?

Mr. SMITH of Georgia. Certainly.

Mr. KELLOGG. Can there be any doubt whatever about the power of Congress to engage in vocational rehabilitation and education any more than to engage in scientific study along medical and surgical lines, plant diseases, and all such kindred subjects for the benefit of the people? I can not understand that there could be any such doubt.

Mr. SMITH of Georgia. It is delightful for me at this time to hear the suggestion referred to, but this is one branch of action under the Constitution about which I have not a particle of question.

Mr. SMOOT. I wish to ask the Senator a question. The Senator made a statement, as I understood him, to the effect that he was fearful that the House would not go so far as to include in this legislation the rehabilitation of the injured in industries. Does the Senator really know that to be a fact?

Mr. SMITH of Georgia. No; I only feared to send it to them.

Mr. SMOOT. Then, why should we not amend the bill and include the injured in industries, and then if the House refuses to adopt it it certainly will go into conference, and it can be decided there. I think I have petitions from institutions and individuals within some 30 or 35 States of the Union asking that this legislation be extended so as to cooperate with the States in taking care of the injured in industries. I wondered whether the Senator really would object if this question was introduced by way of an amendment into this bill.

Further, while I am on my feet, if the Senator will just permit me, the Senator from California [Mr. JOHNSON] referred to the question of cost of $2,000,000, as I remember. I have not a doubt in my mind that $2,000,000 will be insufficient to pay for the work intended to be done; but it will be a beginning, and as far as——

Mr. SMITH of Georgia. If the Senator will allow me, I think our best estimate was that it would carry us through to July 1, 1919, unless we have casualties far beyond what we expect.

Mr. SMOOT. I will say this to the Senator, that I expect it will be two or three times that amount, and I will not be surprised if it is, and even if that——

Mr. SMITH of Georgia. If the situation requires it we want to do it.

Mr. SMOOT. That is exactly what I was going to state. I do not care whether it is three or four times the amount, it ought to be done.

Mr. SMITH of Georgia. The Senator will find a carefully prepared amendment along the line of his suggestion in the print of the bill on pages 86 and 87 of the hearings, extending the provisions of the educational vocational work under the old vocational education bill for the injured in industries.

Mr. BRANDEGEE rose.

Mr. SMITH of Georgia. The Senator wishes to ask me a question?

Mr. BRANDEGEE. I do.

Mr. SMITH of Georgia. Certainly, I yield.

Mr. BRANDEGEE. Will the Senator allow me to precede the question by a reference to the bill?

Mr. SMITH of Georgia. Certainly.

Mr. BRANDEGEE. I think very likely it was the same expert physician who has been working down here on a commission in connection with the subject of restoring injured soldiers to good physical condition who told me the same story the Senator from Louisiana [Mr. RANSDELL] has told upon the floor, about the man who had lost both legs and practically both arms. In his talk with me he was very anxious that while the man was in process not only of being surgically cured, but of being educated vocationally, he should still be under the jurisdiction of the Army, and should not be discharged from the Army so that he would go home and simply rely upon the sympathy of his friends, who would be glad to support him no doubt, but that he should be kept under the control of the Army where he could be systematically vocationally educated, so to speak, until he had acquired the use of his own occupation and become skilled in it. I see that Gen. Gorgas in the hearings stated:

> The general interest I had in the matter and in this bill was merely to have clear the authority of the military in military hospitals. In reading over this bill, while that was evidently the intention of the bill that the War Department should control as long as the man is a soldier, and that he should pass to some other body when he was discharged, it was not altogether clear that the vocational officers who came in would not have a certain amount of authority in the hospitals before the man was discharged. I think it is quite necessary to make it a little more clear than it is in the bill that that will be the result of the bill.

The bill on page 5, if the Senator will look at his copy, commencing on line 18, provides that—

> Whenever prevocational training is employed as a therapeutic measure by the War Department or the Navy Department a plan shall be established between these agencies and the board acting in an advisory capacity to insure, in so far as medical requirements permit, a proper process of prevocational training and the proper preparation of instructors for such prevocational training.

I wish to ask the Senator if, in his opinion, it sufficiently appears in the bill that the military is in the control of the situation all the time? It seems to me the success of this measure is dependent upon the fact that they do establish a plan upon which these two conflicting authorities may agree.

The Senator from Louisiana asked the Senator from Georgia a question a little while ago which I did not think the Senator from Georgia quite answered. The Senator from Louisiana asked him when, in his opinion, under the terms of the bill, the authority of the military authorities ceased and the vocational-board authority began.

Mr. SMITH of Georgia. I thought I answered that.

Mr. BRANDEGEE. I do not think the Senator did, at least I did not hear him.

Mr. SMITH of Georgia. I answered it specifically. The vocational-board control begins only after the soldier is discharged from the hospital and the Army. While in the hospital the vocational board has no control, but it is required to hold itself in readiness as an advisory board to assist the surgeon, who is all supreme in the hospital, and give him the benefit of such information and such aid as he may desire to put into the hospital vocational assistance, but the vocational representative in the hospital must not necessarily come from the vocational board. The Surgeon General's Department controls entirely in the hospital, and the vocational board is only advisory.

Since that testimony and since the paper, we have had the fullest conference between Gen. Gorgas and Mr. Monroe, and I think there is no possible doubt but the most cordial cooperation will take place, the cooperation from the board being simply advisory, the Surgeon General being absolute master. The vocational board not having the right to send a person into the hospital, but being ready all the time to say to the Surgeon General you need somebody of a certain character in the hospital, he is under you while he is there; we want to keep close together, so that we may be able to go right on with the war when he leaves you, or so that we may go right on with the good work when he comes out of your jurisdiction.

Mr. BRANDEGEE. The Senator has answered the question satisfactorily. I want to ask him, if he will permit me, one more question. Does the Senator know whether it was the intention of the Army or of the Vocational Board to go into our hospitals abroad and render this service in France as well as in this country?

Mr. SMITH of Georgia. That is a question with the Surgeon General still. It is hoped, and it is the purpose, as speedily as possible to bring the injured home from France, unless the injury is very slight. The possible work that can be done in France we do not know; it depends upon the rapidity with which they are brought home; but it is the desire at the earliest moment possible to lay before the injured the expectation of becoming able to do something and the hope to become able to do something.

Mr. BRANDEGEE. That is just what this expert told me the other day. He instanced the same man that the Senator from Louisiana described. He said that man had spent his life since he had lost both legs and both hands in going around and visiting everybody who had a serious accident who was in a hospital, and he said it was wonderful to see the encouragement the sufferers obtained, who thought for the time being, when weak and discouraged, that they could never be of any use in the world again. When they saw that this man, who had lost both legs and both arms, had succeeded in life and had raised a family and could move about almost as well as a person possessing all his members, he said it was magical to see the way they plucked up and the effect it had upon their recovery. This physician also said, corroborating what the Senator from Georgia said, that it is necessary, as soon as the patient can give attention to anything, as soon as he ceases to suffer and has commenced to mend a little, that his mind should be directed to getting ready to do something, no matter how little at first; that it not only tended to prevent him from relapsing into a condition of ennui and laziness, to abandon himself to the care of somebody else, but it had a great effect in helping to ultimate recovery.

Mr. SMITH of Georgia. That was the testimony, and if the Senator from Connecticut had time to read the testimony of three or four of the experts he will find that is the view presented and urged most earnestly.

Mr. BRANDEGEE. If that be so, the thought in my mind is that it would be necessary for this Vocational Board to send its instructors into our hospitals in France, so as to present this hope to the mind of the recuperating soldier as quickly as possible.

Mr. SMITH of Georgia. The director of the Canadian work said that in France, even if the soldiers were there only two or three weeks after they were wounded and in the hospitals, there were pictures of wounded men who had learned how to do something ready to be shown. A man with an arm off is in the hospital. He is shown a picture of a mechanical arm which he will be able to use and pictures of men using them. The old idea of an arm that you could not tell the difference between the two is all gone. The steel arm, with screws and springs and machinery by which you turn bolts, and those fingers are made to clasp just as solidly as the original hand did, and in that shape holding just like a hand. The patient sees this steel arm working in a planing mill. He has to screw up those fingers to make them take hold of those pieces of steel, but while he does it he has just as firm a grip, and a firmer one, than he would have had with his old hand. Pictures of that sort, we are told, were put into the hospitals showing where men who had one arm and men with their legs off were doing effective work, and so on. All the way through the effort was made in the Canadian hospital in France to let the injured men see that men injured like they were had come home not all in, but had learned to still do something and be something.

Mr. RANSDELL. Will the Senator yield to me for another question?

Mr. SMITH of Georgia. Yes.

Mr. RANSDELL. I wish to say to the Senator I am intensely interested in this bill, and heartily in favor of it, but I want to be assured by him that there is nothing in the bill to interfere with the control of the Army and Navy surgeons in the hospitals. Am I correct in that?

Mr. SMITH of Georgia. Entirely so.

Mr. RANSDELL. Then if I construe the view of Gen. Gorgas correctly, that he wishes to train these men both vocationally and physically before discharging them, the bill will not interfere with that.

Mr. SMITH of Georgia. No; he has no money to do it; he has no right to teach them after they are physically sound. I know Gen. Gorgas would not try to do that.

Mr. RANSDELL. I simply asked the Senator if there is anything in the bill that would interfere with that.

Mr. SMITH of Georgia. This bill does not stop it. In the hospital the vocational board is advisory, but I feel sure that Gen. Gorgas will not submit to that class of men who would want to take control of the whole work, but will insist that they draw their vocational teachers from the Federal board of vocational education, and that he will not seek to keep well men in the hospital, but will properly facilitate, when they are physically well, their going into industrial work.

Mr. RANSDELL. You may be correct in that. I simply want to be assured that we are not passing any law now which will interfere with that discretion on the part of the Surgeon General of the Army if he decides to act as I construe his letter to mean he will. I simply do not want to pass a law that might interfere with that discretion.

Mr. SMITH of Georgia. I feel sure he has no such authority to-day. He could not retain a man an hour, after he was physically sound, in the hospital.

Mr. RANSDELL. Unless the man wanted to stay.

Mr. SMOOT. I will say to the Senator from Georgia I have here the provision of the law under which action is taken to-day. It is found in the war-risk insurance act, and that is the only legislation which Congress has passed on the subject. Whatever work is being done to-day is being done under this act.

Mr. RANSDELL. Would the Senator mind reading the provision?

Mr. SMITH of Georgia. It can not be under that act, because there is no appropriation for the Surgeon General to do that work. The only work he is doing now is simply in connection with physical work which contributes to the cure.

Mr. SMOOT. I think the Senator is wrong in saying there is no appropriation for this purpose. There was no appropriation in the act itself, but there has been an appropriation made for the Surgeon General's office, and the present expenses are paid from the lump-sum appropriation.

Mr. SMITH of Georgia. There was no specific appropriation.

Mr. SMOOT. The Senator is right when he says there was no specific appropriation for it, but this is how the law reads:

Mr. SMITH of Georgia. I remember it.

Mr. SMOOT (reading)—

In addition to the compensation above provided—

That means the monthly allowance and the insurance, which they call compensation—

(3) In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services, and with such supplies, including artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary: *Provided*, That nothing in this act shall be construed to affect the necessary mili-

tary control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service.

(4) The amount of each monthly payment shall be determined according to the family conditions then existing.

Then—

Every person in receipt of compensation for disability shall submit to any reasonable medical or surgical treatment furnished by the bureau whenever requested by the bureau; and the consequences of unreasonable refusal to submit to any such treatment shall not be deemed to result from the injury compensated for.

SEC. 304. That in cases of dismemberment, of injuries to sight or hearing, and of other injuries commonly causing permanent disability, the injured person shall follow such course or courses of rehabilitation, reeducation, and vocational training as the United States may provide or procure to be provided. Should such course prevent the injured person from following a substantially gainful occupation while taking same, a form of enlistment may be required which shall bring the injured person into the military or naval service. Such enlistment shall entitle the person to full pay as during the last month of his active service, and his family to family allowances and allotment as hereinbefore provided, in lieu of all other compensation for the time being.

In case of his willful failure properly to follow such course or so to enlist, payment of compensation shall be suspended until such willful failure ceases, and no compensation shall be payable for the intervening period.

Mr. PAGE. I should like to ask the Senator from Georgia a question before this debate is closed. It is with regard to the rehabilitation of the man injured in the industries. Does he not think that at present we are so totally unprepared in the matter of instructors that it would be impracticable to take up that work at this time?

Mr. SMITH of Georgia. I think the amendment that was prepared contemplated taking it up 12 months hence, or something like that. I do not think we are ready right now to go into it.

Mr. PAGE. One word more. Does not the Senator believe that the bill for vocational education which is now upon the statute books and with the passage of which he had so much to do is a better bill to amend, a better bill to make use of, than this bill as it is written?

Mr. SMITH of Georgia. I am disposed to think that the other would be the simplest, and I think that within a few months after we pass this bill, if it succeeds well and we see the teachers developed, we could amend that bill and extend it.

Mr. PAGE. I am in entire harmony with the Senator from Georgia in regard to that matter. I know how his heart goes out to the rehabilitation of the man injured in the industries, but I am fully convinced that this bill can not be amended so as to give immediate effect to this plan. It seems to me that we ought not to encumber this bill with an amendment of that kind, but rather at some later date take up the original vocational education bill, which with a very little amendment can be so perfected as to include the rehabilitation of men injured in the industries. I think that is the proper course for us to pursue.

Mr. KING. Will the Senator from Georgia permit me to ask him a question?

Mr. SMITH of Georgia. Certainly.

Mr. KING. I find on page 7 of the bill the following:

For preparation of instructors and salaries of instructors, supervisors, and other experts, including necessary traveling expenses, $545,000.

A little further on I find the following language:

For studies, investigations, reports, and preparation of special courses of instruction, $55,000.

Further on I find the following language:

And for the administrative expenses of said board incident to performing the duties imposed by this act, including salaries of such assistants, experts, clerks, and other employees in the District of Columbia * * * $200,000.

So that out of an appropriation of $2,000,000 for the rehabilitation of these injured soldiers, $800,000 of it is required for salaries. It seems to me entirely too disproportionate.

Mr. SMITH of Georgia. The great bulk of the work will be the work of training the injured soldiers.

Mr. KING. Well, we have not had the advantage, of course, of the hearings before the committee; but it does seem to me that when $2,000,000 are appropriated for the rehabilitation of injured soldiers to cover one year, and $800,000 of that $2,000,000 are paid for traveling expenses and for salaries and compensation of employees, we are paying very dearly for our whistle. There is too little for the soldiers and too much for bureaus, clerks, assistants, specialists, teachers, and the multitude of parasites that hang around some of these departments ready to get a job. If I had my way I would strike out about $500,000 of this appropriation, which is to be paid to experts and teachers and these parasites, and give it to the soldiers.

Mr. SMITH of Georgia. Does the Senator from Utah think that the teacher is a parasite?

Mr. KING. Well, I venture the assertion that when a report is submitted as to the expenses, a very large part of that $800,000 will have gone to clerks and to so-called experts, and not to real, genuine teachers, who are giving their services to this work; in other words, there will be too many bureaus and too many unnecessary employees, which is so common in governmental activities.

Mr. SMITH of Georgia. We require them to report in detail every three months.

Mr. KING. And unless the Senator from Georgia makes further explanation in regard to this matter I shall move to amend two of these items by reducing the amounts proposed to be paid to teachers and for experts and traveling expenses and for those whom I have denominated as parasites.

Mr. WADSWORTH and Mr. LENROOT addressed the Chair.

The VICE PRESIDENT. The Senator from New York.

Mr. WADSWORTH. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator from Georgia one or two questions. The word "person" is not defined in the bill in the section covering definitions, but the simple adjective "disabled" is used throughout the bill, except in one instance, where an appropriation of $545,000 is made for "tuition for persons." I want to ask the Senator from Georgia whether the omission of the word "disabled" in that single instance was with a purpose or inadvertently?

Mr. SMITH of Georgia. The language there is "for tuition for persons pursuing courses in existing institutions." They are necessarily those institutions.

Mr. LENROOT. Not necessarily. It might be "for the preparation of instructors."

Mr. SMITH of Georgia. No.

Mr. LENROOT. There is an appropriation of $545,000 "for the preparation of instructors," which might involve, and necessarily would involve, a course of instruction, and would come within the designation of the word "persons," unless it is qualified by the word "disabled."

Mr. SMITH of Georgia. If there is any doubt about that, I think it would be entirely proper to insert the word "disabled."

Mr. LENROOT. Then I should like to ask the Senator a question with reference to section 3. Section 3 gives to a disabled soldier the benefits of the provisions of this act in so far as free tuition is concerned; in other words, it gives to a disabled soldier who can not qualify under section 2 free tuition under the appropriations herein made. It would apply, I take it, to a class of persons such as chemists. A chemist, although disabled, might be fully qualified to resume his former occupation, but he might desire to study and become an electrical engineer. It would compel the Government to pay the tuition for that purpose. A teacher might be disabled, but fully qualified to resume his former occupation of teaching; but he might desire to become a lawyer, and the cost of tuition for that course of law could be paid out of the Federal Treasury under section 3. That would not be rehabilitation at all, would it, but a change of occupation?

Mr. SMITH of Georgia. Where the person injured has reached a condition where, even though he can do something, he can not do it well, and his condition is such that even a change of occupation is desired, there would be but few probably of that class of cases, and yet that discretion is left under the bill.

Mr. LENROOT. But is not that all covered in section 1? Section 1 covers the case where a person can not successfully continue his former occupation. Section 2 covers the case of which the Senator speaks, where a person can not continue in his former occupation.

Mr. SMITH of Georgia. No; section 2 is a little stronger than that. It reads:

Is unable to carry on a gainful occupation, to resume his former occupation, or to enter upon some other occupation.

That is a stringent provision. That man is carried on under section 2.

Mr. LENROOT. Will the Senator read a little further?

Mr. SMITH of Georgia. It continues:

Or to enter upon some other occupation, or, having resumed or entered upon such occupation, is unable to continue the same successfully.

Mr. LENROOT. That really would cover every kind of case of which the Senator speaks, would it not?

Mr. SMITH of Georgia. I scarcely think it goes that far; but section 3 was intended, as it provides:

For the benefit of any person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under article 3—

Article 3 requires a substantial injury in order to receive any compensation at all—

and who is not included in section 2 hereof.

That is to say, he is a man who does not fall within the class which goes beyond this class. In section 2 occurs this language:

Is unable to carry on a gainful occupation, to resume his former occupation, or to enter upon some other occupation, or, having resumed or entered upon such occupation, is unable to continue the same successfully.

Mr. LENROOT. Does it not go so far, let me ask the Senator, as to give an education, at the expense of the United States Government, to every disabled soldier who desires to change his occupation, although he may be able to gain a full livelihood under his former occupation?

Mr. SMITH of Georgia. I do not think it goes that far; but it does provide a liberal discretion on that subject.

Mr. KENYON. Does it not give the soldier a chance for a vocational education? Under section 3, if the soldier comes back, he can go to his former work, but he has a broader vision and wants to go into something else; he is permitted to do that; the Government pays for it, and the Government ought to pay for it, in my opinion, so as to give the soldier the extra chance.

Mr. SMITH of Georgia. He must have been injured to the extent provided in article 3.

Mr. KENYON. But he can go back to his old work under section 3, while under section 2 he can not.

Mr. LENROOT. I will ask the Senator, does he think we ought to do that until such time as we have made provision for the vocational education of industrially disabled persons, where they can not secure a livelihood at all?

Mr. KENYON. I am in favor of a provision for taking care of those who are injured in industries; and we must come to that sooner or later.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New York will state it.

Mr. WADSWORTH. Have I still the floor, Mr. President?

The VICE PRESIDENT. The Chair has no recollection of ever having recognized the Senator from New York.

Mr. WADSWORTH. The Chair recognized the Senator from New York in very distinct accents, when the Senator from Wisconsin [Mr. LENROOT] rose, and I yielded to him.

The VICE PRESIDENT. That was almost an hour ago. [Laughter.] The Senator from New York has the floor.

Mr. WADSWORTH. Before I begin my remarks I desire to ask the Senator from Georgia if he intends to press this bill to a conclusion this afternoon?

Mr. SMITH of Georgia. I should like to see the bill passed this afternoon unless there is some reason why we should not act upon it.

Mr. WADSWORTH. I wish simply to discuss some phases of the bill somewhat thoroughly, and I desire to know what the Senator's plans are.

Mr. SMITH of Georgia. There was a desire to adjourn from to-day until Monday if we finished this bill this afternoon. I should have no objection to that; but if we shall fail to do so I should feel that we ought simply to adjourn until to-morrow.

Mr. KING. I hope the Senator from Georgia will not press the bill to a vote to-day.

Mr. KIRBY. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Arkansas?

Mr. WADSWORTH. I yield for a question.

Mr. KIRBY. I wish to suggest, in connection with the discussion that has been going on, that I intend to propose an amendment to section 3; but if there is to be no further discussion this evening, and the bill is to go over, I should like to have the amendment printed and lie on the table.

Mr. WADSWORTH. I intend to discuss certain phases of the bill, and I merely wanted to know the plans of the Senator from Georgia. I do not want to keep Senators here unduly.

Mr. SMITH of Georgia. I would be gratified to see the bill voted upon this afternoon, but if Senators desire an adjournment until to-morrow, I shall not undertake to press a vote if Senators are not ready to vote. I shall be governed in that matter by the wishes of the Senate.

Mr. WADSWORTH. I am willing to proceed now.

Mr. President, the objects of this bill must appeal to any man who has any conception of the suffering caused by this war, or any war, for that matter, and it should be a matter of great encouragement and inspiration to know that modern civilization has found ways and means of counteracting at least some of the desolation.

The Senator from Georgia [Mr. SMITH] has given a very good description of the work that has been done in other countries, and it is to be hoped—and I am sure the hope will be realized—that this country will accomplish as much for its disabled soldiers as has been accomplished by Canada, Great Britain, France, and Italy. I am confident that we shall eventually lead the way in that kind of work, and I shall never place any obstacle in the path of an attempt, legislative or otherwise, to help our Government embark upon such an undertaking, but I wish to call the attention of the Senate to the fact that the Medical Department of the Army has already started on this work, and that it has in view nearly everything that the Senator from Georgia has discussed this afternoon, in so far as vocational training is concerned. It has not in view as yet, so far as I am informed, the placement of men who have completed vocational training, but it has already established at three different hospitals schools for prevocational and vocational training of the disabled.

I have here a report made by an officer of the Medical Department to Col. Billings, who has been mentioned so often in the debate this afternoon. The report has to do with the progress being made at Fort McPherson, in the State of Georgia, which Senators will remember as a well-known Regular Army post with permanent buildings and rather exceptional facilities not only for housing men who are convalescent, but for housing men who are entirely well; a post susceptible of great enlargement, and, in fact, one that has been greatly enlarged since we entered the war.

This report contains, among other things, the statement:

Lines of therapeutic work for which tentative arrangements are now being made and for which some opportunity for training now exists: Plumbing; tinsmithing and sheet-metal work; motor, automobile, and truck repairs; carpentry and cabinetmaking; wheelwright; steam fitting; steam engineering; stove repairing; painting, general carriage, automobile, and sign; barbering; meat cutting, butchering; cooking; baking; drafting; construction engineering; blacksmithing, horseshoeing, and carriage work; landscape gardening; farming and greenhouse work; tailoring and clothing repair; telegraph operating; telephone operating; saddlery and harness repair; shoe repairing; express business; postal service; commercial work, all kinds of office practice to be found at an Army post, much of it brought up to date as regards commercial practice, including typewriting, stenography, bookkeeping, finance; grocery business; general storekeeping and salesmanship (post exchange); photography; X-ray work; printing; electrical construction and repairs; undertaking, embalming, etc.; dentist's laboratory assistants.

Mr. SMITH of Georgia. Does the Senator know how many wounded soldiers are there whom they are teaching?

Mr. WADSWORTH. I think very few, because thus far we have very few wounded soldiers in this country.

Mr. SMITH of Georgia. And have they any force there competent to undertake that work?

Mr. WADSWORTH. My information from the Medical Department of the Army is that they are ready, as fast as the wounded men return, to proceed with this work. The Senator has asked how many wounded men are there. I do not know how many there are, but——

Mr. SMITH of Georgia. May I ask the Senator how many instructors are there to train men to teach all these occupations?

Mr. WADSWORTH. I will endeavor to cover that question in my remarks later on. I am very glad to say that the Medical Department for some months has looked ahead, in connection with this problem, with a degree of vision which is most creditable, and it has already planned a complete system for educating the teachers, who, in turn, are to teach the men these vocations.

Mr. McKELLAR. Mr. President, if the Senator will allow me to interrupt him I will ask, Where did they get the funds with which to carry on this work? Under the authority of what law?

Mr. WADSWORTH. I can not point out specifically what provision of law carries this particular appropriation, but it is a fact that the Medical Department now considers itself empowered under existing statutes to go ahead with this work. It has done so; it is doing so at the Walter Reed Hospital in this city to-day; it has 10 teachers out there now, already trained, who are teaching the wounded men in the hospital different trades. Incidentally three of those teachers are graduates of agricultural colleges and are teaching agriculture to those men who prefer to learn that business.

Mr. McKELLAR. If the Senator will yield again, I am not disputing the Senator's statement at all, but I can not imagine how that work can be carried on without an appropriation. There has been no appropriation and there has been no authority of law to enable them to carry on that work, and if they are doing it they are doing it without authority of law, and I imagine that it has not the scope that it has been represented by the Senator as having.

Mr. WADSWORTH. I am quite certain that it has the scope that I have already recited, and even more, because another one has been started——

Mr. McKELLAR. It is very interesting if it has been, because I am sure very few people understand that that has been done.

Mr. POMERENE. Mr. President, will the Senator allow me to interrupt him?

Mr. WADSWORTH. I yield for a question.

Mr. POMERENE. I have known that the Medical Corps were doing some work along the line indicated by the Senator from New York, and I wish most heartily to commend them for doing it.

Mr. WADSWORTH. Mr. President, they thought of it months and months ago. I discussed this matter last summer with one of the greatest orthopedic surgeons in the United States, the head of a great hospital in Boston, who gave up his private business and the management of that hospital to come here to Washington and take a commission as a major. I know that he has spent months working out the very system that is now contemplated; it is on a small scale thus far; it has not been developed to anywhere near the limit which it is intended it shall reach, but the Medical Department of the Army has already installed the beginning of a system not only for surgical treatment but for prevocational treatment and vocational treatment.

Mr. HARDWICK. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Georgia?

Mr. WADSWORTH. Yes.

Mr. HARDWICK. What I was curious to learn, because I am very much interested in this work, and think, as the Senator does, that it is a great work and ought to be forwarded in every way——

Mr. WADSWORTH. It is a splendid work.

Mr. HARDWICK. What I am curious to learn is how they can do this work on any considerable scale without either authority of law or appropriations with which to accomplish it? That is the reason why I have been so much in favor of the measure proposed by my colleague.

Mr. WADSWORTH. It should be remembered, Mr. President, let me say in reply to the Senator, that the cost of this work, so far as the employment of teachers and the training of teachers are concerned, if it is left to the Medical Department, will be comparatively light because many of the teachers will come from the ranks of the Army itself. Men can be detailed from any branch of the Army—the Infantry, the Cavalry, the Field Artillery, or the Engineers—to the Medical Corps.

Mr. HARDWICK. We will need those men for fighting, will we not, the way things look now?

Mr. WADSWORTH. They may be men who are partly disabled. Many of the men who could be so employed are not in what are known as the combatant ranks of the Army. Many of them have been teachers in civil life who have had some experience in technical training, and the Medical Corps can take advantage of their presence in the Army to draw them into the Medical Corps, give them finishing touches as it were as vocational teachers, and put them to work.

Mr. HARDWICK. They will need some legislation to authorize all that.

Mr. WADSWORTH. No legislation whatever is desired or required for that. The President of the United States can transfer a man from the Engineer Corps to the Medical Corps without any legislation.

Mr. HARDWICK. But to provide for all these things for which there exists no present authority of law there will be needed authority of law.

Mr. WADSWORTH. I think only additional appropriations are needed. I have a very clear impression, gathered from recent conversations with high officers of the Medical Department, that practically no legislation whatsoever is required, except in this respect: It may turn out that they will want to employ some civilians to occupy some of the higher grades of instructors in vocational training. I think, if my recollection is correct, they can not employ them to-day except under the terms of the civil-service law, and the salary would be limited, I think, to something like $1,800 a year, which would not be enough to secure the class of men whom they desire to employ.

Mr. HARDWICK. That might be permissible under one theory of our Government, but it does not seem to me that it comes within the scope of Executive authority to adopt all sorts of policies which ought to depend on the will of Congress and on the enactment of law.

Mr. WADSWORTH. I shall not argue that question with the Senator from Georgia; perhaps he is correct in stating that they have no authority; but it would be very strange, in my judgment, if the medical department had gone on for months and made these preparations without any authority in law. However, I contend, if they have not the authority, they should have it.

Mr. HARDWICK. I think so, too; I agree with the Senator; I do not think there can be any doubt about that.

Mr. WADSWORTH. And the work should be carried on under the medical department of the Army.

Mr. McKELLAR. Mr. President, if I may ask the Senator a question, What department is now conducting these rehabilitation schools—the Medical Corps?

Mr. WADSWORTH. There is a separate division of the Army Medical Corps which takes charge of that work.

Mr. McKELLAR. Can the Senator give us information as to that division; how they are constituted, and by what authority of law?

Mr. WADSWORTH. I can give the Senator the names of some who have been appointed in connection with this work, and that brings me to observe, in reply to one of the remarks of the Senator from Georgia [Mr. SMITH]—in which, of course, he uttered a great truth—that surgeons alone can not carry to perfection and to final conclusion the work of vocational rehabilitation; that the medical department, recognizing that fact, has secured the services of Dr. James E. Russell, not a physician, but dean of the teachers' college of Columbia University.

Mr. SMITH of Georgia. May I ask the Senator when they secured his services?

Mr. WADSWORTH. Very recently, I believe.

Mr. SMITH of Georgia. Since this bill has been pending and since the hearings?

Mr. WADSWORTH. I do not know as to that.

Mr. SMITH of Georgia. They did not pretend to have secured his services before that time, for he expressed his approval of this measure.

Mr. WADSWORTH. He is the dean of the teachers' college of Columbia University.

Mr. SMITH of Georgia. Is the Senator not mistaken about the Medical Corps of the Army having secured his services? Is not that a little story that was circulated some 30 or 60 days ago, which turned out to be unfounded?

Mr. WADSWORTH. I was told by the Medical Department this morning that he was here at work.

Mr. SMITH of Georgia. Can the Senator state by whom?

Mr. WADSWORTH. By a colonel in the Medical Corps who is, I think, very close in authority to Gen. Gorgas.

Mr. McKELLAR. Does the Surgeon General approve this arrangement in the Medical Department?

Mr. WADSWORTH. I assume that he would not have permitted the organization of such a division if he did not approve it.

Mr. McKELLAR. My recollection is that he regards this bill as a very proper measure, and that it meets his entire approval.

Mr. WADSWORTH. I have no information as to that.

Mr. McKELLAR. And I am a little surprised to find that he is organizing a service of a similar kind in his own department.

Mr. WADSWORTH. If I may be permitted to continue, Maj. M. W. Murray, who for 18 years has had very wide experience in trade and technical and vocational education, and who—he is not a physician but a technical man—has received a commission as major, is in the department to-day in that division planning out this work.

Mr. POMERENE. Mr. President, is it not a fact that the War Department has sent representatives over to France to study this very proposition?

Mr. WADSWORTH. My information is that they have; in fact, the Medical Department of the Army has taken the lead in this matter for many months.

Mr. POMERENE. I have no doubt about that; and while I do not have in mind the exact language of some of our past appropriation bills my recollection is that the appropriations were made in language comprehensive enough to permit work of this kind to be carried on. I know that was the thought I had in mind when the last Army appropriation bill was passed.

Mr. WADSWORTH. That is my own recollection; but I could not point specifically to the appropriation itself when asked to do so by the Senator from Georgia [Mr. HARDWICK] and the Senator from Tennessee [Mr. MCKELLAR].

Another gentleman, Mr. A. C. Monahan, an expert in agriculture from a bureau in the Department of Agriculture, has been secured by the same division. I understand that the functions of these gentlemen, when the scheme is finally worked out and elaborated and completed, are to be exactly what the Federal board's functions are to be; and my own judgment, Mr. President, is that it is wiser and safer to keep all this work under one head or there will be friction between two authorities if you once install a second authority.

It has been said in the debate this afternoon that the function of the surgeon will cease and terminate when the man is cured of his physical injuries and that the function of the vocational educator will commence at that point. Mr. President, my opinion is that the two can not be separated. They must be blended

together; they must go along together through the man's convalescence and recovery. The Senator from Georgia has given us a most interesting illustration of how a man was taught to use an artificial hand and taught to work at a trade with the artificial hand; but, Mr. President, I venture to state that there was a surgeon in consultation all the time in fitting that hand to the injured arm and readjusting it from time to time, and that that man was allowed at first to do but very little work at a time and always under the supervision primarily of the surgeon, with a vocational educator, of course, helping, but with the surgeon in authority; and I venture to state that of the period which it will be necessary to devote to the final vocational education of an injured soldier, five-sixths of it will be consumed in medical or surgical treatment, and that by the time a man's medical and surgical and therapeutical treatment has been finished and he is called cured and ready to go out, his vocational education will have been nearly finished. In my humble judgment it is essential to recognize that fact.

It is said that this bill will not endanger a proper administration of this tremendously valuable and, I may say, even sacred work. Of course, it is not intended to endanger it, and no Senator would ever suggest that any such motive was behind it; but as a matter of proper administration it seems to me that it would be wise to put all of this work in the charge of the men who will have to spend at least five-sixths of the time taking care of the patients and whose authority must be supreme during much the greater portion of the period when the man is receiving his vocational education.

The vocational education will not all be given in what we are pleased to call hospitals. It can not all be given in the presence of suffering and anguish in the ordinary ward of a hospital—of course not—but it commences there. It commences, I am informed, at the bedside of the patient—functional training, mental rehabilitation, the injection of a proper spirit of confidence and encouragement into the mind of the patient, teaching him, if his hand or arm has been shattered, how to move the injured fingers and how to progress from day to day, so that the functional treatment gradually merges into the vocational training, and there is no point, I venture to say, where you can draw a line and distinguish one from the other; and the surgeon must be supreme during all of that period.

I think the bill is dangerous in that respect, in that it will tend to create a condition where friction will take place between the medical authorities and this Federal Vocational Training Board, whose functions are supposed to be advisory, but who, under this bill, will consider themselves authorized at least to go into the hospitals, and not only advise, if I read the language of the bill accurately, but do a little bit more than advise.

Take section 4, on page 4:

That the board—

Referring to this Federal board—

shall have the power, and it shall be its duty—

Then skipping down to line 18—

to do all things necessary to insure vocational rehabilitation.

If I read the English language aright, that would authorize the board to go into a hospital and insist that the surgeons shall follow along a certain line of treatment, and they can always come back to this act of Congress and say, "We are authorized to come in here and tell you to do these things." It is a little more than advisory. The surgeons, if they do not agree, of course will refuse to do it, and may adopt measures to protect themselves from interference; but it will not be a happy situation.

Mr. McKELLAR. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Tennessee.

Mr. McKELLAR. If that friction occurs, under the Overman Act the President would have a perfect right to devolve these duties upon a medical board, so that it would be immaterial. In other words, these are powers that any board ought to have, whether a medical board or any other board; and if friction should occur, such as the Senator suggests might occur, the President would have the right to transfer the duties to a medical board.

Mr. WADSWORTH. And in the meantime, of course, a great many persons will have suffered while the thing is being discussed and conferred about and the old game—if I may so—of "passing the buck" indulged in.

Mr. SMITH of Georgia. How could Dr. Russell go in and take charge of the vocational training and put his people there without exactly the same possibility of friction with the surgeons?

Mr. WADSWORTH. But they are under the Surgeon General.

Mr. SMITH of Georgia. These are under the Surgeon General the minute they go inside the hospital.

Mr. WADSWORTH. No; they are not under the Surgeon General.

Mr. SMITH of Georgia. There is not a provision in the bill that authorizes the board to put a man in the hospital. They can not put anybody in the hospital.

Mr. WADSWORTH. Well, a vocational educator ought to be in the hospital.

Mr. SMITH of Georgia. Yes; but the Vocational Board can not put him there.

Mr. WADSWORTH. Then the Vocational Board, to that extent, is useless.

Mr. SMITH of Georgia. On the contrary, it is valuable. It is in a position to advise the surgeons and to furnish, at their request, capable men to undertake this work and go into the hospitals to do the work. The surgeons are not obliged to take their recommendations; but, if they act wisely, they cooperate and draw on the Federal board for their vocational trainers. If they show the spirit that they ought to show in the Surgeon General's department—not a desire to undertake something not in their line just for the sake of doing it, but a desire to cooperate with another branch of the Government—they will say, "We need persons of a certain character, a certain character, and a certain character. Can you not recommend them?" They will then be employed in the Surgeon General's department—not by the Vocational Board—and they will be familiar with the patient and will come out and continue the work.

Mr. WADSWORTH. They could not be employed in the true sense of the term by the Surgeon General's department, because there will be no provision of law under which he could give them orders. He might say, "Get out of this hospital," but he could not make them do anything that he wanted them to do against their will in the hospital, because he would have no military control over them.

Mr. SMITH of Georgia. How could he make one who was sent in by Dr. Russell do anything that he wanted him to do?

Mr. WADSWORTH. They are to take commissions.

Mr. SMITH of Georgia. Oh, Russell is to be a commissioned officer!

Mr. WADSWORTH. Yes; that is my understanding, that they are to be officers of the Medical Service in the Army of the United States. That is the point.

Mr. McKELLAR. Officers in the Medical Department, but not doctors?

Mr. WADSWORTH. Not physicians.

Mr. McKELLAR. They are just to be civilians in the Medical Corps?

Mr. WADSWORTH. That is true.

Mr. McKELLAR. Does not the Senator think that is a matter of very doubtful wisdom?

Mr. WADSWORTH. I do not. I think it would be very wise in certain cases. There are certain activities of the Medical Department which have nothing to do with the personal treatment of ill and wounded soldiers, but are purely administrative duties. To those positions civilians who are not physicians might well be appointed as commissioned officers, and they have been. There are commissioned officers in the Medical Department here to-day who have never studied medicine—very few of them, it is true, but they are there nevertheless.

Mr. McKELLAR. Does the Senator recall who they are?

Mr. WADSWORTH. This Maj. Murray, whose name I mentioned a while ago, is one of them.

Mr. McKELLAR. What particular branch of the service is he in?

Mr. WADSWORTH. He is in the Medical Department, with the rank of major.

Mr. McKELLAR. It is something very unusual, because I think the rules and regulations require them to be surgeons, graduates of medical colleges.

Mr. WADSWORTH. That does not apply to the ambulance service.

Mr. McKELLAR. He may have some position in the ambulance service, but not in the Medical Department, if I recall correctly.

Mr. WADSWORTH. The ambulance service is a part of the Medical Department of the Army.

Mr. McKELLAR. It is, in one sense; but I think the medical officers all have to be graduates of medical colleges.

Mr. WADSWORTH. Mr. President, a good deal has been said about the system in vogue in Canada, and I venture to say that Canada has suffered from this conflict of authority in just the way that I fear we may suffer in this country. I know that the secretary of one of the Canadian governmental organizations appeared before the committee and testified to the very excellent

work they had done there, and that is true. They have done very excellent work, but I venture to say that it has not been running as smoothly as it might have been had it been differently organized.

I have a memorandum here, prepared by a gentleman who studied the Canadian system. It is pretty long. I shall not read it all, but it may be well to point out two or three things in it. He says:

At least four Federal agencies in Canada are authorized to provide training for the returned soldier, viz, (1) the department of militia and defense—

Which corresponds to our War Department—

(2) the department of soldiers' civil reestablishment; (3) the board of pension commissioners; (4) the soldier settlement board. The first is the regular war department of the Dominion; the second is a civilian department of the Canadian Government recently established to control and administer some of the military hospitals which have been under civilian control since the beginning of the war; the third is self-explanatory; the fourth has been organized recently to settle and establish returned soldiers upon government land to be especially reserved for them.

I shall not go into this any further this afternoon, Mr. President. The Canadian experience has been most interesting. In a large measure it has been most successful, and yet it is perfectly apparent that starting de novo, with no experience, as all the other nations have started in this undertaking, they have made their mistakes. The hope I intended to express was that we shall not make these same mistakes of dividing authority and causing the friction which is bound to occur when one man is trying to do a thing with military authority and another man with advisory civilian authority comes in to tell him how to do it.

If the consideration of the bill is to be put over, Mr. President, I shall now conclude my remarks for this afternoon and venture to deliver some additional remarks at a later date.

RECESS.

Mr. SMITH of Georgia. If no one else desires to say anything on this bill this afternoon, I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Friday, May 24, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 23, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast ever been the inspiration of men in all the past to deeds of heroism and glory, inspire, we beseech Thee, our soldiers, sailors, and their allies to deeds of heroism and glory, and grant them a speedy and decisive victory; that truth may live and iniquity perish; that the world under Thee may have a new birth of freedom; that government of the people, by the people, for the people, shall not perish from the earth, but live a blessing to all humanity; Thy name be hallowed in every heart and home throughout the world; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE.

Mr. LONDON. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal, I may address the House for 15 minutes on the subject of the contribution of Italy to the progress of the world.

The SPEAKER. The gentleman from New York [Mr. LONDON] asks unanimous consent that to-morrow, after the reading of the Journal and the cleaning up of business on the Speaker's table, he be allowed to address the House for 15 minutes on the contribution of Italy to the progress of the world. Is there objection?

Mr. HAMILTON of Michigan. Mr. Speaker, I did not catch the Speaker's statement of the gentleman's request. What does the gentleman from New York wish to talk about?

The SPEAKER. About the contribution that Italy has made to the progress of mankind.

Mr. FERRIS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York if he would not wait until we get the oil bill out of the way? It has been set down to follow the Agricultural bill, and it is important that it should pass immediately.

Mr. WALSH. Why can not the gentleman get 15 minutes under general debate from the gentleman from Oklahoma [Mr. FERRIS]?

Mr. FERRIS. The only reason is we hope to confine the debate to the bill. I do not know that I will be able to do that, but I want to be entirely fair with the gentleman from New York [Mr. LONDON].

Mr. DENISON. Mr. Speaker, reserving the right to object, may I ask the gentleman from New York whether the nature of his remarks will be a friendly criticism of Italy or otherwise?

Mr. LONDON. The nature of my remarks will not be of a critical nature at all. To-morrow is the third anniversary of the entry of Italy into the war, and I intended to speak of the contribution of Italy to art, science, literature, philosophy, and music in as few words as one can say in 15 minutes.

The SPEAKER. Is there objection?

Mr. FERRIS. Still reserving the right to object, will the gentleman make his request that he may follow the oil bill?

Mr. LONDON. Of course, it would take only 10 or 15 minutes.

Mr. FERRIS. I will yield the gentleman that much. I think I will have the power to do it under the bill.

Mr. LONDON. Then I withdraw the request.

EXTENSION OF REMARKS.

Mr. GORDON. Mr. Speaker, I ask leave to extend my remarks in the RECORD——

The SPEAKER. The gentleman from New York [Mr. LONDON] withdraws his request, and the gentleman from Ohio asks leave to extend his remarks in the RECORD——

Mr. GORDON. By reproducing two editorials, one from the Philadelphia Record and the other from the Cadillac News, on the subject of the recent increase in second-class mail rates.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by inserting an editorial from the Philadelphia Record and the Cadillac News on the recent increase in second-class mail rates. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

LEAVE TO ADDRESS THE HOUSE.

Mr. LONDON. Mr. Speaker, after consultation with the gentleman from Oklahoma, I renew my request.

The SPEAKER. The gentleman from New York renews his request to address the House for 15 minutes to-morrow, after the reading of the Journal and the cleaning up of business on the Speaker's table, on the subject of the art, oratory, and so forth, of Italy. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9715. An act extending the time for the construction of a bridge across the Bayou Bartholomew, in Ashley County, Wilmot Township, State of Arkansas;

H. R. 5489. An act to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co.; and

H. R. 4910. An act to authorize the establishment of a town site on the Fort Hall Indian Reservation, Idaho.

PENSIONS.

Mr. RUSSELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUSSELL. To try to get some conferees appointed. I ask unanimous consent to take from the Speaker's table the bill H. R. 8496, an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, disagree to all Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 8496, disagree to all the Senate amendments, and ask for a conference.

Mr. GILLETT. Mr. Speaker, I would like to ask what the bill is. I did not understand.

Mr. RUSSELL. It is an omnibus pension bill.

Mr. CRAMTON. Reserving the right to object, I would like to ask the gentleman from Missouri if he can indicate something as to the frame of mind of the House conferees on this and other pension bills? I have noticed a spirit on the part of the Invalid Pension Committee that does, I think, more credit to their generosity than it does, perhaps, to their standing as to the closeness of their scrutiny of pension bills. I notice in the other body, in passing these House bills, that their committees have not hesitated to pare down and cut out on an average over 30 House items in each of the bills from the

gentleman's committee. On the other hand, the gentleman's committee has had one Senate bill before them, and they sent it out without the dotting of an "i" or a crossing of a "t," and the Senate bill does not go to conference. I do not like to infer even a criticism of the gentleman's committee. On the contrary, I should rather like to defend his committee from what seems to be an unwarranted attack on it by another body in cutting out so many of its items. Can the gentleman state whether the House conferees are going into conference really to make a fight to defend their bill, or is their action in reporting the Senate bill with no amendments a criterion? If so, we ought not to bother with the appointment of conferees.

Mr. RUSSELL. Mr. Speaker, every Member of the House knows that conferees heretofore appointed to take charge of omnibus pension bills in conference have always contended for the House bill and, as far as they have been able to do so, got the amendments made by the Senate stricken out. The conferees will now contend for the House bill and will retain the items in the House bill as far as is possible. That is all I can state. As to the criticism that I understand the gentleman directly or indirectly attempts to make, that the House has agreed to take the Senate bill without any amendment, I will state that the first bill passed by the Senate was examined by the chairman of the Invalid Pension Committee, and he and his secretary said that there were very few items in it that were objectionable from the standpoint of the rules of the House. And at the suggestion of the chairman of the Invalid Pension Committee, the committee, by unanimous vote, agreed to report that bill to the House without any amendments, so as to avoid a conference. Now, the chairman of the committee believed that there would be very few items criticized by the Invalid Pension Committee, even if it should go to the House or to a conference, and to save time and trouble, believing that we would get very few changes in it anyway, we agreed to take that bill as it was passed by the Senate without sending it to a conference.

Mr. CRAMTON. Does not the gentleman think that a little more reciprocity would be desirable in that kind of an arrangement?

Mr. RUSSELL. Possibly our generosity will be rewarded by a like generosity of the conferees on the part of the Senate?

The SPEAKER. Is there objection?

Mr. WALSH. What is the request?

The SPEAKER. To take this bill from the Speaker's table, disagree to the Senate amendments, and appoint conferees. It is a pension bill.

Mr. WALSH. I object.

The SPEAKER. The gentleman objects.

Mr. RUSSELL. Mr. Speaker, I have seven more of these bills in which I would like to ask the same order, if the gentleman from Massachusetts will permit.

The SPEAKER. Has the gentleman any request to make?

Mr. RUSSELL. I would like to ask the same order that I have asked for with respect to this bill on seven others.

Mr. WALSH. I shall object to all at the present time.

The SPEAKER. The gentleman from Massachusetts objects.

EXTENSION OF REMARKS.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. ROGERS. To ask unanimous consent to extend my remarks in the RECORD by printing a speech made before Members of Congress by Hon. T. P. O'Connor, member of the British Parliament, on Monday evening.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing a speech made by Hon. T. P. O'Connor, a member of the British Parliament, on Monday evening. Is there objection?

Mr. GARRETT of Tennessee. What about?

Mr. ROGERS. It is a speech made before Members of Congress by Hon. T. P. O'Connor at the invitation of the Secretary of the Interior. The Secretary of the Interior invited Mr. O'Connor to address a meeting in the hall of the Department of the Interior. The invitation was extended to Members of Congress by Senator LODGE; Senator PHELAN, of California; Mr. GALLIVAN, of Massachusetts; and myself.

Mr. GARRETT of Tennessee. For the time being I object.

The SPEAKER. The gentleman from Tennessee objects.

FOOD PRODUCTION.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11945. The Chair will ask the gentleman from Georgia [Mr. CRISP] to take the chair in the absence of the gentleman from Virginia [Mr. SAUNDERS].

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11945, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11945, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11945) to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Seventh. For enabling the Secretary of Agriculture to provide for and secure the voluntary mobilization and distribution of farm labor for the production and harvesting of agricultural crops, and to advance railroad fares and other actual traveling expenses for the transportation of such labor, upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, $500,000, available immediately, of which not exceeding $50,000 may be expended for the payment of such administrative expenses, including such rent, the expenses of such printing and publications, the purchase of such supplies and equipment, and the employment of such persons and means, in the District of Columbia and elsewhere, as the Secretary of Agriculture may deem necessary for the purposes of this item. Any money received by the United States in repayment of advances made under this item may, in the discretion of the Secretary of Agriculture, be used as a revolving fund for further carrying out the purposes of this item; any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts. In carrying out the purposes of this item the Secretary of Agriculture is authorized to cooperate with the Secretary of Labor or any other Federal, State, county or municipal department, agency, or officer, or with any association of farmers, board of trade, chamber of commerce, or similar organization, or with any person. Agricultural labor actually employed in agriculture and needed for cultivating and harvesting crops where engaged shall not be mobilized nor transported under the provisions of this item, and the Secretary of Agriculture shall, as soon as practicable after the close of the calendar year 1918, cause to be made to the Congress a detailed statement showing as far as possible the number of persons transported and employed and a detailed statement of all disbursements under this item.

Mr. YOUNG of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas [Mr. YOUNG], a member of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. YOUNG of Texas moves to amend page 4 by striking out the paragraph.

Mr. YOUNG of Texas. Mr. Chairman, this paragraph covers an item of $500,000 for the purpose of mobilizing the labor of the country.

I regret, Mr. Chairman, that I do not find myself in harmony with the Committee on Agriculture with reference to this particular item. I do not think there is a man on this floor that understands the seriousness of the labor question any better than I do as affecting farm labor. It is going to be a serious question as long as this war continues, where the young men are being taken from the farms, as they are from the industries, to help fight this war. In my judgment the appropriation of $500,000 for the purpose of mobilizing farm labor, instead of adding to the solution of the problem, will simply complicate the problem.

Farm labor as a rule is a fixed labor during a period of time. You take it in my section of the country. In the great demand for farm labor, beyond the proposition of the men who are actually engaged in making the crop, we have two periods. The spring period covers some 30 to 60 days, where the extra amount of labor is needed for the hoeing of the cotton crop and the corn, and then along in the fall season, when the gathering of the crop is on. It is a long, hard period of labor to save the great cotton crop of the South. Gentlemen from the grain belt of the country have their busy period at the harvest time of grain. I know what happens in my section of the country when the cotton crop is ready to be gathered in the fall.

Men in that section of the country who have grown great crops and need surplus labor to gather these crops know better than the Secretary of Agriculture can possibly know where to find that surplus labor. They are men who are alive to their situation. They are men who know the labor that they need on their respective farms in the harvest time. They are not asleep during the time that they do not need the labor, but they are looking out for where they will have this labor at the proper time. So they try from year to year to keep in mind the proposition of the number of men they are going to need, and they locate this surplus labor, and at their own expense they go and get this surplus labor and bring it to their respective farms and keep it there by paying the wage scale that is necessary to be paid in order to save this great crop.

Now, here is what will happen: If you enact this bill into law and offer to pay in our section of the country railroad transportation to this surplus labor, you are going to have this labor

riding the trains from field to field instead of being engaged in harvesting the crop. Now, when a farmer goes out after surplus labor he pays these expenses himself in order to get these men to respond, and he is going to see to it by paying the proper wage that these men are kept on the farm when he at his own expense brings them to that farm.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. GREEN of Iowa. I will say to the gentleman from Texas that we have just the same sort of experience that he describes in my State. The farm laborers are being taken away in the manner he has mentioned, and the labor is being taken from the coal mines in the same way, so that we have a lessened production of farm products and also a lessened production of coal from the mines.

Mr. YOUNG of Texas. That is true all over the country. One of the great difficulties in my State is that high wages are being offered in these shipbuilding yards and other industrial centers, which put out flaming advertisements and so draw away the labor that we need to make these crops. The men go, and then frequently find that the extra expense eats up the high wages paid them, and that they could have done better at home on the farm.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MONDELL. Mr. Chairman, I rise to support the amendment offered by the gentleman from Texas. I do not take exactly the view that he seems to take of this matter of the mobilizing of labor and of the transportation of labor from one point to another. I am inclined to the opinion that that is a necessary and essential activity at this time. I oppose this appropriation, however, because of the fact that it provides a new agency to do a work which is already under way completely and, in my opinion, wisely organized. The Department of Labor has a very considerable appropriation, and is, I think, asking for a deficiency appropriation which will undoubtedly be granted, under which it has organized, with great care and, I think, with considerable skill, a labor agency having its branches in every State and in every community in the Union. They are asking for that organization $2,000,000 for the coming fiscal year. Their plan and purpose is to organize with a view of providing labor for all purposes directly or indirectly connected with the carrying on of the war and for the production of all those articles, including foodstuffs, necessary for the war.

Mr. KEATING. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Colorado.

Mr. KEATING. I think the gentleman is perhaps in error when he says that the Department of Labor is planning to handle labor for all purposes. As I understand it, there has been some sort of understanding between the two members of the Cabinet—the Secretary of Agriculture and the Secretary of Labor—with the approval of the President presumably, by which the Department of Agriculture is to look after agricultural labor and the Department of Labor after all other branches of labor.

Mr. MONDELL. I will say to my friend that we have had a long and a very interesting hearing on this subject with the gentlemen of the Department of Labor who have charge of this work. That hearing has just been completed, and their plan and purpose is to provide labor for all purposes—agricultural, industrial, governmental, and private. It is true, as my friend has suggested, that the Secretary of Agriculture—I presume prodded into it, if I may use that term, by some overzealous, well-intentioned people in his bureau, who, like the overzealous people in all bureaus, always hanker to handle everything in sight and a little more—has been persuaded into the notion that his department might properly handle the labor situation so far as it concerns agriculture. I think it is also true that the Secretary of Labor, a good-natured gentleman, as my friend knows, and very efficient, may have been persuaded not to be overinsistent in regard to having his organization cover the entire field. I think it is all a very great mistake.

Here is one of the most flagrant illustrations we have had in a long time of the tendency and disposition to duplicate activities. It so hard for any one of these Government departments to let go anywhere to allow any other department to have anything to do with any matter that is remotely connected with their particular line of activities. Why, sometimes these Government bureaus are scarcely on speaking terms, except in some cases where, fearing too much of a conflict, they may come together, as in a case of this kind, to secure an amicable arrangement, which in this case is not wise. It is not wise from the standpoint of the Agricultural Department and it is not wise from the standpoint of the people of the country who pay the taxes.

Now, let us look at the labor situation. One of the greatest difficulties we have had up to this time in the matter of mobilizing labor, in the matter of securing a sufficient supply of labor where most needed, has been due to the fact that the Government departments themselves have been bidding against one another. They have actually been sending the agents of one department into the works and activities of another to persuade men to leave one class of Government work to become engaged in another, and those very activities of the Federal agents have themselves had a good deal to do with the very unfortunate changes, the shifting, the frequent turnover, a loss alike to the country and to the men themselves, that has occurred since the beginning of the war and in connection with war activities. There is nothing so important as this, that one agency shall survey the entire labor situation and do their best to provide for it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time may be extended five minutes. Is there objection?

There was no objection.

Mr. CANDLER of Mississippi. Mr. Chairman, if the gentleman will yield, I want to see if we can agree on time for debate on this paragraph. It is the last paragraph in the bill, and I would like to conclude the debate as early as possible. After consulting with gentlemen who want time, I ask unanimous consent that the debate on this paragraph and all amendments thereto be closed in 50 minutes, 25 minutes to be controlled by the gentleman from Iowa [Mr. HAUGEN] and 25 minutes controlled by myself.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph and amendments thereto be closed in 50 minutes, the gentleman from Iowa [Mr. HAUGEN] to control 25 minutes and he the remaining 25 minutes. Is there objection?

There was no objection.

Mr. SHERWOOD. Will the gentleman from Wyoming yield for a question?

Mr. MONDELL. I am glad to yield to the gentleman from Ohio.

Mr. SHERWOOD. How much would be saved to the Government if this amendment were adopted?

Mr. MONDELL. That is a difficult question to answer. If this amendment of the gentleman from Texas [Mr. YOUNG], which I am supporting, were adopted, I believe that there would be a great saving in money, and I am sure there would be very much better service to the country.

As I was saying when my first five minutes expired, there is nothing at this time more important than that all of the labor of the country shall be mobilized to be used in the best possible way, under one head and agency, under an organization that can survey the entire field, the field of Government activity, the field of private activity, Government work, general manufacturing, and the field of farm production.

By so surveying the field they can determine wisely where labor is most needed and make proper provision for it. Unless we do that we will have endless conflicts; we will have the Agricultural Department bidding for labor against the Department of Labor; we will have the Agricultural Department going into the manufacturing sections trying to persuade men to go to the fields when they are needed in the gun factories. We will have the Department of Labor going into the agricultural sections endeavoring to persuade men to go to the powder factories. We will have duplication of work, of effort, confusion, and failure to secure that complete coordination of all the activities of the Government and people that are so tremendously essential at this time.

It is true, I think, that the good-natured Secretary of Labor agreed that he would not protest against this division, but I am confident, although I never talked with him about it, that he did not do so in the belief that it was a wise thing to do. I am inclined to think he did it out of good nature, I am sure, because he must know that only through such a marshaling of the labor forces of the country under one agency, as is proposed to be done through the agency they have organized, can we avoid conflict, duplication of effort and of transportation, the shifting of labor hither and yon without regard to the relative needs of various classes of industry, and all of the extravagancies and waste that are common in the duplication and confusion of activities.

If this $500,000 goes into this bill I suppose the Committee on Appropriations will feel called upon to reduce by like amount the amount asked for by the Secretary of Labor. But even if that is done there is bound to be extravagance, there is bound

to be waste, there is certain to be confusion. Duplication of effort is inevitable, resulting in failure to secure the very best possible results, both from the standpoint of labor and the standpoint of the Government and people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 5, line 19, after the word "agriculture," strike out all down to the word "engaged" and insert in lieu thereof the following: "and all labor under contract for the performance of service as agriculturists or farm laborers."

Mr. STEAGALL. Mr. Chairman, the purpose of the amendment which I have offered is to accomplish what the framers of this act evidently intended should be its effect. But an examination of the language used shows it does not carry the legal effect contemplated.

On page 5, line 18, we find this provision:

Agricultural labor actually employed in agriculture and needed for cultivating and harvesting crops where engaged shall not be mobilized nor transported under the provisions of this item.

I take it that the committee intended by this language to withhold authority to disturb labor already devoted to the production of farm products. But the language used, when considered in the light of its legal significance, lodges in the Secretary of Agriculture a discretion in determining whether or not labor actually employed in agriculture is needed for cultivating and harvesting crops.

In my judgment it is unwise to place such power in the Secretary of Agriculture or his appointees, who will really be charged with the enforcement of this act. I have great confidence in the officials of the Department of Agriculture. I would not for a moment question their good faith, and I appreciate as much as anyone the value of the great work being done by that department for the development of the agricultural resources of the Nation—a work that is not only of transcendent importance in the present crisis confronting the country, but which means so much to the permanent prosperity of our people.

I am not unmindful of the splendid service that is being done by the Committee on Agriculture under the leadership of its honored chairman, the gentleman from South Carolina [Mr. LEVER], and the able and patriotic gentleman from Mississippi [Mr. CANDLER], who is in charge of this bill. But as a Representative of a great agricultural community I declare to you that the section of this bill now under consideration, if passed in its present form, is fraught with possibilities very harmful to the agricultural interests of the State of Alabama, as well as many other States of the Union.

The amendment I have offered strikes out the clause leaving it discretionary with the Department of Agriculture to decide whether labor actually employed in agriculture is needed and unequivocally excepts such labor from the provisions of the act. I am perfectly willing to consent to any activities on the part of the Department of Agriculture, or anybody, that will increase the supply of labor to be devoted to agricultural pursuits, and I am more than willing that any labor not engaged in such pursuits and that can be spared shall be mobilized and put to work on the farm.

But surely it is unwise to spend money and organize a department force to stop any man who is already actually employed in agriculture. No one engaged in such work should be disturbed. Let any man who can come forward with a plan to increase the labor, but let us not disturb those already at work.

My amendment also provides that all labor under contract to perform service as agricultural workers shall not be mobilized or transported. Surely there can be no valid argument against this. In the section that I represent the laboring class as a rule are not in financial condition to respond in damages in a civil action for breach of contract. Again, the courts have practically held that there is no remedy by criminal prosecution against those who enter into contract and obtain supplies and other valuables and refuse to perform their contracts or pay for such supplies. To meet these conditions statutes have been passed in Alabama which penalize any interference with persons under contract to perform services for another. This is the only practical protection to be found, and to disregard it would demoralize farm life and farm activities to an extent absolutely destructive in its results.

Only recently in my State and others adjoining it agents of the contractors who are doing the work of development at Muscle Shoals were engaged in the work of recruiting labor under contract to work on farms; and when the local authorities sought to suppress such activities some one connected with the War Department furnished what was supposed to be a legal opinion to the effect that such agents could continue their work in contravention of the statutes of the State and in disregard of such laws as well as the contracts of parties interested. These agents were displaying badges and cards signed by officials of the War Department in their effort to disregard the rights of the citizens of my State. I wish to say in this connection, to the credit of the higher officials of the War Department, that when they were acquainted with the practices being indulged in by these agents all such authority or instructions were withdrawn and such activities terminated. I mention this not in criticism of the War Department or its efforts. I know the difficult and delicate task that confronts them, but I refer to this to show how serious has become this question of interfering with farm labor in my State, and the conditions there are typical of conditions in many other sections of the country.

This is the most important season of the year to our farmers. To disturb their labor now would in many cases result in the complete loss of what has been done during the preceding months of the year. It does not matter that the bill provides for voluntary mobilization. There is a class of laborers in my section to whom free transportation constitutes an overwhelming allurement. Members here who know these conditions as I do will attest this. Any of you who ever saw a negro excursion can understand my meaning. Just let them hear when at church on Sunday that somebody is ready to furnish them transportation across the country to engage in some new kind of work to which they are not accustomed, and they will not stop to inquire what awaits them at the other end of the line. To them it would mean a joy ride, and on Monday morning plows would be stopped and the farmer left to search in vain for new men to take the place of those departing.

If my amendment is adopted it will at least minimize the danger involved in section 7 of this bill, and I earnestly urge that it be adopted. It will only prevent the mobilization of labor actually employed in agriculture or under contract to perform such service, and nobody ought to object to it, whether he favors striking out the section or not. It preserves the true plan for bringing about increased production, and that is to leave all who are already engaged in agriculture to continue their work, and it recognizes the validity of contracts for agricultural service. It is the only way to cooperate with the farmers in increasing their usefulness to the Nation.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Chairman, I desire to offer a few observations on the amendment offered by my colleague [Mr. RANDALL] to the Agricultural bill, which under the rules will probably be voted on in the House without further debate. The amendment is as follows:

Page 2, line 2, after the figures "$6,100,000," insert: "No part of this appropriation shall be available for any purpose unless there shall have been previously issued the proclamation authorized by section 15 of the act of August 10, 1917, entitled 'An act to provide further for the national security and defense by stimulating agriculture and facilitating the transportation of agricultural products, such proclamation being the prohibition of the use of foods, fruits, food materials, or feeds in the production of malt or vinous liquors for beverage purposes."

The proclamation referred to is that provided for within the discretion of the President in section 15 of the act of August 10, 1917, in the following language:

Whenever the President shall find that limitation, regulation, or prohibition of the use of foods, fruits, food materials, or feeds in the production of malt or vinous liquors for beverage purposes, or that reduction of the alcoholic content of any such malt or vinous liquor is essential in order to assure an adequate and continuous supply of food, or that the national security and defense will be subserved thereby, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated.

Mr. Chairman, I voted for national prohibition, and if the plain proposition of war-time prohibition were to be presented to Congress with an equitable provision for compensation to those whose property was to be commandeered or rendered valueless, I would vote for it. Congress, however, believed it wise as a war measure to place this power, along with other sweeping powers, in the hands of the President. Since the 10th of last August he could at any time have limited, regulated, or prohibited the use of all food materials in the making of beer or wine. He has limited and regulated, but thus far he has not prohibited. Why he has not prohibited I do not know, but it is to be presumed that he has reasons connected with the conduct of the war, and which he deems sufficient, which have caused

him to withhold the exercise of the extreme limit of his power for the present at least. It is possible he may have taken into account as a single item that the entire wine-grape crop of the United States is now well along in growth, in some parts of the country approaching maturity; that the crop is so large that a very small percentage of it could be utilized for food even if transportation could be provided, which it could not, and that hundreds of thousands of tons of such grapes would not be saved for food but would decay on the vines, while the farmers and horticulturists who produce them would be plunged into unmerited distress. I do not know that the President has taken this feature into consideration. It is only one of many problems that confront him in the execution of section 15.

If Congress had not already placed this important matter in the hands of the President, I think I could support the object desired to be obtained by the amendment, with just provisions against confiscation. But as Congress did place this power in the hands of the President, and as he has already exercised that power in part, and may exercise it to the limit at any time, and as he probably knows better than anyone else how such action would fit in with the general war program, I am unable to see how it can be summarily withdrawn in the way that is proposed without incurring the just charge that Congress is distrustful of the President and lacks confidence in the way that he may discharge duties that it has already intrusted to him.

I am sure that my colleague would not intentionally propose legislation that would assail the integrity and dignity of the President; but I believe that in this instance he has been carried away by his zeal for the cause of prohibition, of which he is so distinguished an advocate, and that his amendment does fairly bear that interpretation.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. OSBORNE. I have not the time to yield. The amendment confronts the President with this bald proposition: Unless he issues a certain proclamation declaring a certain line of governmental action, as to which by law he has been given discretion, such action to be of a certain specified kind and without reference to his own conviction as to its value as a public policy—if he does not take this involuntary official action he shall be deprived of the use of another act of legislation which he may consider of value to the country and to himself as President in the discharge of his official duties, namely, the food-production bill.

I think that this is a moderate and fair statement of the proposition. I ask if it is a moral and dignified position for Congress to take? Can Congress consistently with its own dignity propose to the Chief Executive to bargain as between legislation? Can it ask him to take certain Executive action promising him as a reward certain other legislation that he may desire? Nay, we go further in this amendment. We place before the President a threat and an ultimatum: That if he does not do a certain thing, which he may believe is right or which he may not believe is right—it does not matter—Congress will retaliate by depriving him of certain other legislation which it believes he desires.

Who desires to confront the President of the United States with this ultimatum? What will be his reply to it? Do we as Representatives in Congress feel that in justice to our own sense of dignity and responsibility we desire to be recorded in favor of presenting to the Chief Magistrate a proposition, however worthy its intent, in such an unfortunate and indefensible form? I certainly do not, and when the roll is called I shall vote against the amendment.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, I have sought the opportunity to address the House for a few moments in support of the amendment offered by the gentleman from Texas [Mr. YOUNG], with the hope that I may contribute some information that I think should be considered in connection with the proposition now before us.

No one realizes more than I do the seriousness occasioned the farmers of the country on account of the scarcity of available farm labor. I stand ready and willing to do everything that I can to relieve that situation, but I do not believe that the method provided in the bill and which the amendment of the gentleman from Texas seeks to strike out would, if left in, accomplish any good purpose. The provision of the bill, in short, which is sought to be stricken out, appropriates $500,000 to be used by the Secretary of Agriculture in mobilizing farm labor. In these times of stress, when everybody is being taxed and called upon to buy liberty bonds and contribute to the Red Cross and other worthy causes in connection with this war, we ought not to appropriate these large sums of money for purposes which are of doubtful accomplishment. At any rate, something like $3,000,000 have already been appropriated since we entered this war to enable the Department of Labor and the Secretary of Agriculture to mobilize the labor of the country; and now this seeks, it seems to me, a duplication and is therefore without any real justification. I therefore feel constrained to support the amendment of the gentleman from Texas.

May I mention another thing? While many of the boys from the farms have answered their country's call, yet I am inclined to think that that is not the only reason why farm labor has become so scarce. In some sections of my part of the country I am sure that much labor which might be available for farm work has, on account of the high wages paid, been attracted to private industries—coal mining, zinc mining, and governmental work. I am informed that in the coal and zinc mining sections of my country labor may earn anywhere from $4 to $9 a day. Where that condition exists it will always be difficult to get farm labor. So much for that.

What I wanted to specially call your attention to, gentlemen, is a statement I heard made on yesterday evening. I was present and heard an officer in one of the departments of the Government make a statement which in many respects was startling to me in regard to the labor situation generally. It was in substance as follows:

> We have made an investigation and have found that since we went into the war 40 per cent of the labor of this country east of the Mississippi River has been continually traveling upon the railroads, going from place to place.

To me that is a very startling statement, and I want to repeat it, that 40 per cent of the available labor east of the Mississippi River since we entered the war, instead of being engaged in helpful work, has been continually traveling upon the railroads. He was asked what he meant by that, and he said that 40 per cent of the labor was moving from one place to another continually, and therefore not engaged in actual work.

Another statement he made ought to be of interest to the House. He said that the different departments of the Government had mobilized certain labor at Baltimore, at Norfolk, and at one or two other points, where the Government is very greatly in need of labor; that when the Government needed labor down at Muscle Shoals to build the Government nitrate plant, instead of going out in the country and mobilizing the labor, gathering it up at other places, they went to those points where the Government had already the labor mobilized and employed, and offered an advance in wage, and thereby induced the men to quit there and go to another place to work. This deplorable condition is, I think, due very largely to the undesirable system of letting contracts for Government work on the "cost-plus" plan. The contractor is not interested in the price which he pays for labor, for the more he spends the more he gets. There can not possibly be any stability of labor or wage standards fixed in this country if the Government permits these methods to continue. The labor markets will be demoralized and prices of all things will be thrown out of joint, and the mobilization of labor will be an impossibility under such conditions. This statement was made yesterday in my presence by an officer, and a high officer, too, in one of the departments of this Government. I do not believe that that condition should be permitted to exist. I do not believe under these circumstances that the Agricultural Department can render any very great service to the country by attempting to mobilize this labor. Therefore I agree entirely with the gentleman from Texas [Mr. YOUNG] that this is an unnecessary expenditure and would be a waste of money, and that if we will let the farmers of this country alone they will be able to take care of the situation very much better than we can.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

By unanimous consent, Mr. HAMLIN was granted leave to extend his remarks in the RECORD.

Mr. HAUGEN. I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I shall vote for this amendment with a great deal of satisfaction. I voted also for the amendment offered by the gentleman from California [Mr. RANDALL], and I do not care very much which way it works. If it works to defeat all of these appropriations I shall feel very well satisfied. If it works to bring forth the desired proclamation by the President, I would perhaps feel better satisfied still. If this bill could be amended further, it might possibly be brought into condition so that some of us who have hesitated about voting for it under any circumstances would

be ready to ratify it; but, as a matter of fact, it does not make very much difference whether those who are opposed to the bill vote for it or not, because it will be carried. In this Congress it seems necessary only to label a bill an emergency war measure to get the Members of the House to fall over each other in their eagerness to vote for it, in order to show that they are ready to support the war. It would be better to first examine the bills and determine whether in fact they will support the war. Here is a paragraph appropriating $500,000 to duplicate a service already being performed, and which can be better performed by the Department of Labor, and the eloquent gentlemen who have preceded me, to say nothing of my poor efforts, have been unable to get order in the House at any time they were speaking.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. CANDLER of Mississippi. The difference between the work performed by the Department of Labor and the Department of Agriculture is this: The Department of Labor has control of the whole labor situation throughout the United States. The Department of Agriculture confines its activities to the labor propositions in agricultural sections, and this is not a duplication of work. On the contrary, it is by cooperation and full agreement between the two departments.

Mr. GREEN of Iowa. If my friend will pardon me, I think that is just exactly the reason why this provision ought to be stricken out. This whole matter with reference to labor ought to be under the control of one department, so that it can be harmonized, brought together under some definite plan or rule; otherwise we shall have one department pulling one way and another department pulling another way, and, worst of all, in these days when we need every cent we can raise, we will have a duplication of expenditures. Gentlemen proceed with the bill as if there were no limit to the funds in the Treasury and no limit to the resources of the country.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BOOHER. Does not nearly every State in the Union, so far as the gentleman is acquainted with the situation, have a farm-labor bureau?

Mr. GREEN of Iowa. Yes.

Mr. BOOHER. Is not the labor question, so far as farms are concerned, pretty well taken care of by those State bureaus?

Mr. GREEN of Iowa. I think it is.

Mr. BOOHER. Then what is the necessity for this expenditure of $500,000?

Mr. GREEN of Iowa. I have been trying to find out what would be the necessity for it and the necessity for a good many other things in the bill. That seems to be something nobody can find out. We have spent several days on this bill and no one has attempted to tell why we should expend half a million of dollars for this purpose. This is not supporting the war. It is taking away from the war one of its chief supports—money.

Mr. COX. Will it not give a lot of free rides?

Mr. GREEN of Iowa. And some more employees?

Mr. COX. Sure.

Mr. GREEN of Iowa. We create another department and they will have places for some more employees down here—that is, they will have opportunity of appointments. We will have no room for them otherwise, for they are in each other's way now. But, gentlemen——

Mr. MONTAGUE. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. MONATGUE. Do I understand from the gentleman that the Labor Bureau already covers this line of activity?

Mr. GREEN of Iowa. Covers all lines of labor activity, and is preparing a plan—I do not know whether it is fully completed, but this bureau is planning for the mobilization and organization of all the labor of the country.

Mr. MONTAGUE. Therefore the gentleman's argument is that unification of one department is easier than coordination of two departments.

Mr. GREEN of Iowa. The gentleman is stating the case briefly better than I did in many words. As he states it it becomes self-evident. In fact, the principle is axiomatic. I hope this item will be stricken out, and I wish it had been possible to amend the other paragraphs so as to lessen about one-half the appropriations which they carry. But the time will come, I will say to the Members of the House present and the few who are willing to listen to such remarks—the time will come before this war is finished when Members of the House will be ready to listen to amendments to cut out unnecessary appropriations, even though the item be no larger than $500,000, which once looked like a great sum to us. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield three minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman, I have observed that whenever a bill dealing with agriculture is to be discussed all shade-tree farmers rise. [Laughter.] It is refreshing, therefore, to get three minutes for a real farmer to talk about this measure. [Applause.] Now, this section ought to be stricken out. I know something about farmers and farm labor. To start with, you can not mobilize farm labor except to get it off the farm. Any man living in a town and without money enough to pay his own transportation, or mind enough to know what he wants to do, will not live and work on the farm. He will live only where there is an alley in which he can loaf. So, to talk about the mobilization of farm labor in the cities to supply farmers with labor is idle, and anybody who would know a cow from a horse, unless the cow was dehorned, knows it. You can not get farm labor that way. But I will tell you what you can do. You can mobilize farm labor at least in the section from which I come and get rid of it very easily. The Government is doing that now. Anyone who knows a negro—and I do—knows that he would quit his family and crop any day if you will give him free transportation. He does not care where he is to go, nor does not expect to work when he gets there. He travels to broaden his mind and for his health. I know from personal experience. I spent a month in one parish in Louisiana last fall. I saw a plantation with 2,500 acres under cultivation, as fertile land as the Lord ever makes. On that plantation there was one old negro man and one old negro woman. That was the entire labor on that plantation; yet the Department of Agriculture here has been asking appropriations to put Government land under cultivation in order to increase food production. At the same time governmental agencies are stripping the farms of labor from land already cleared, with houses already built, and, in many cases, with stock on the place. These lands are lying idle now, thousands and thousands of acres, because agents from Government plants have taken away the labor. In my section they are importing Mexicans now to take the place of farm labor that the department has mobilized and carried away, and if this section stays in this bill we face ruin. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, exactly as stated by the gentleman from Wyoming and other gentlemen, the result will be the duplication of effort. The Department of Labor now is doing the very thing that is proposed to be done under this amendment. Every State in the Union is short on farm labor, and the only way that anything can be accomplished is to strip one State of its labor to supply another State. The amendment provides for transportation. The I. W. W. would prefer to ride in Pullman cars rather than to pay fare or to steal their rides. If this appropriation is made it will not only give a few of those people a ride in a Pullman car, but fat jobs to a number of Democrats. The result will be that the loafers and the driftwood that is floating over the country in the way of labor will be supplied to the farmers, and, as stated by the gentleman from Arkansas, nothing can be accomplished by that kind of labor. What is needed on the farm is skilled labor, and we are not going to get it under this provision. The Secretary of War now has the power to furlough and skilled farm labor can be provided for, which is, of course, much preferred over what is suggested in this bill.

Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used one minute.

Mr. HAUGEN. I yield five minutes to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Chairman, it is not my intention to talk upon this particular section; but, as this bill is designed to increase food production, I do want to make a suggestion to this administration as to how it may with certainty increase food production. It has become a trite thing to say that food will win the war. That is generally accepted as true. Many schemes and much legislation have been resorted to in order to increase food production. Some of it seems to be very chimerical, and the arguments upon the floor here so far demonstrate that a good deal of it has been abortive. Now, we have in this bill an appropriation of $6,100,000 to increase food production by "educational and demonstrational methods." It seems to me, Mr. Chairman, that instead of spending $6,100,000 for educational and demonstrational methods, for a lecture bureau, that this administration should profit by its experience in the ac-

complishments of the Reclamation Service. Here is your future increase of food production, through the reclamation of the arid lands, the arid lands in the West, amounting to over 17,000,000 acres. Last year upon the Government reclamation projects in the West there were raised some $50,000,000 worth of various kinds of food crops—alfalfa, wheat, oats, barley, and other food products—necessary for the winning of this war. Fifty million dollars' worth were raised upon 1,000,000 acres of land, $50 an acre, exceeding by something over $30 the average yield upon all farms of the country, as shown by the last census report in 1909. Instead of spending this $6,100,000 in "educational and demonstrational methods" put that money into the reclamation of those arid lands. That amount would irrigate easily 120,000 acres. These 120,000 acres if put into wheat would produce from 30 to 50 bushels per acre; in fact, I have known of one farmer on irrigated lands, C. W. Mallett, of Ontario, Oreg., who produced on a small tract 90 bushels of wheat to the acre. He told me while he was here in Washington this spring in the interest of the Warm Springs project that he frequently raised 60 bushels of wheat to the acre on his irrigated farm in Malheur County, Oreg.

But to be conservative, I shall only claim from 30 to 50 bushels of wheat to the acre. In this case $6,100,000 expended on reclamation, every dollar of which would be paid back into the Treasury, would produce from 3,000,000 to 5,000,000 bushels of wheat yearly. Five million bushels of wheat is about one-twentieth of the wheat we have shipped to our allies in the last year. There are a number of projects in my district that have been investigated by the Reclamation Service and that have been investigated by the State board which we have for that purpose. Many of them could be put in operation next year. The Government has spent $50,000 and the State has spent $50,000 in investigating these projects. Some of them have been approved by the Secretary of the Interior; they have been approved by the State board. But you say, "Why do you not resort to the reclamation fund?" We can not do it. We have had representatives from Oregon, together with the congressional delegation, presenting this matter to the Secretary of the Interior. The reclamation fund is a limited one, and it has been the policy of the Secretary of the Interior not to venture upon any new projects until the present projects are completed and paid for. So there is no money with which to undertake any new projects, unless we can get an appropriation from the Treasury.

The money appropriated in this bill to increase food production by the eradication of ticks, $1,058,995, and the $6,100,000 appropriated to increase food production by "educational and demonstrational methods" is sufficient to supply water to the Suttle Lake irrigation district, in Jefferson County, Oreg., which could be made to produce next year more than 100,000 bushels of wheat, together with other food products. It would also, in addition, supply sufficient water to irrigate the Warm Springs irrigation district, in Malheur County, Oreg., where some 12,000 acres are now partially irrigated, which, together with 10,000 more, could be fully irrigated next year. The Suttle Lake district and the Warm Springs district could be made to produce next season more than 1,000,000 bushels of wheat. This amount would also, in addition, put under water the Owyhee irrigation district, in Malheur County, Oreg., which in the next year would produce 1,500,000 bushels of wheat. It would also, in addition, serve water for the North Unit project, in Jefferson County, Oreg., an irrigation district consisting of 100,000 acres. This 100,000 acres could be made to produce within two years from 3,000,000 to 5,000,000 bushels of wheat or its equivalent in alfalfa or other food products.

These projects have been thoroughly investigated by State commissions and also by the United States Reclamation Service. They have voted bond issues, which have been reviewed and approved by the State commissions and the Supreme Court. But they have been unable to float their bonds on account of the financial demands of the war. The owners of these lands have shown their faith in their productive capacity by voting almost unanimously to mortgage their lands to secure these bond issues which I have referred to. They are feasible, practicable projects, and beyond question would increase the food supply in the amounts which I have mentioned, amounting to over 7,000,000 bushels of wheat yearly or its equivalent in other food products. When we consider the certainty of this increased production it seems like a gross waste of money to divert this amount to the eradication of ticks and "educational and demonstrational methods," the results of which in increasing food production are most uncertain when compared with the sure results that would come from the expenditure of this money on the irrigation districts I have mentioned. I have mentioned only a small number of the possible irrigation projects in my district, which contains, according to the report of the Reclamation Service, 1,000,000 acres capable of successful irrigation, with a wheat-producing capacity of from 30,000,000 to 50,000,000 bushels of wheat yearly.

This administration is making a great mistake when it does not put forth most strenuous efforts to increase the reclamation fund by an appropriation from the Treasury of the United States. The reclamation fund contains only some $100,000,000. It should be increased by several hundred million dollars made reimbursable. There are in the reclamation States some 17,000,000 acres capable of profitable reclamation. The Government should at once prepare to reclaim and irrigate these lands for homes for the returning soldiers when the war is over. The absorption of soldiers into the civil life of the country was simplified after the Civil War by the enormous area of public lands which were at that time open to entry. The same absorption of soldiers will be simplified after the present war by the reclamation of our arid lands. In the short time allotted to me I can make but the briefest reference to these matters, but if the administration is sincere, and I think it is, in its desire to increase food production, no better or more practical plan or plan promising surer results could be adopted than the reclamation of the arid lands. Herein lies our insurance against food shortage.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I rise to support the amendment offered by my colleague from Alabama [Mr. STEAGALL]. The bill as it stands gives the Secretary of Agriculture the unrestricted right and authority to mobilize the labor of the farm, so long as it does not interfere with the needs of the community from which it is desired to move it, and the Secretary alone passes on these needs. My colleague represents an almost purely agricultural district, one of the best in our State. I represent a district which is mainly agricultural, but in which we have quite a number of other industries. It is not only the people on the farms that have suffered by the entry of labor agents, but even some of our very best industries have suffered. Several men came into my home town of Gadsden, Ala., lately, where we have a large steel plant, hunting laborers for a big industry in another section. We have a law in Alabama penalizing such agents, and yet a number of them came in there, and when our State authorities, under the police powers of the State, started to arrest them for these violations they simply threw back their lapels and showed a Government badge and said they had authority from the War Department to do what they were doing.

I understand that there was a ruling a short time ago in the Judge Advocate General's office, that in spite of any laws of the States to the contrary, they might go in and get men to work on so-called Government industries.

Mr. STEAGALL. Will my colleague yield?

Mr. BURNETT. I will.

Mr. STEAGALL. I want to say in that connection, in all fairness to the War Department, that when they were fully acquainted with the conditions in Alabama they withdrew the instructions.

Mr. BURNETT. I understand that. But much harm was done before they withdrew them. It was shown the other day in debate on this bill where a discretion was outrageously abused by the Secretary of Agriculture in securing the exemption of 2,000 men from the draft. In that department there are about 20,000 persons, men and women, old and young, employed, and 2,000, or one-tenth of them, had been on the recommendation of the Secretary of Agriculture exempted from the draft.

That revelation showed how dangerous it is to allow that Cabinet officer, at least, such wide discretion on important matters. I am sure the President does not know of this gross perversion of authority or he would not permit it.

Gentlemen in trying to extenuate the matter said that the Secretary of Agriculture could not grant such exemptions; that only the local or district boards could do it. But we all know that the boards would not do it except on the request of the Secretary of Agriculture, and that a request from such a high official would almost be regarded as a command, especially as the several boards could not know how many such requests he had made of other boards. It may be that the other departments are just as bad, and if so, the sooner an investigation is had and the light of pitiless publicity turned on the better it will be for the country.

While the farmer boys who grow the crops to feed the armies and the people are being taken, while Government and other

industries are depopulating the farms, it is outrageous to have 2,000 so-called scientists and experts exempted from the draft in that way.

Mr. HAUGEN. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. LEA].

The CHAIRMAN. The gentleman from California [Mr. LEA] is recognized for four minutes.

Mr. LEA of California. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. The gentleman from California asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

By unanimous consent, Mr. STEAGALL, Mr. CRAMTON, Mr. GREEN of Iowa, and Mr. HAUGEN were granted leave to revise and extend their remarks in the RECORD.

Mr. LEA of California. Mr. Chairman, last year we prohibited the use of grains in the manufacture of distilled spirits. We gave the President power to limit, regulate, or prohibit the use of food, fruits, food materials, and feeds in the production of malt or vinous liquors for beverage purposes whenever he found that such action was necessary "to insure an adequate food supply." We prohibited the use of grains in the manufacture of distilled spirits. In pursuance of the authority given the President, he has limited the amount of grain that may be used in the manufacture of malt liquors to 70 per cent of the amount previously used. The alcoholic content of beer has been reduced to 2.75 per cent. Further limitations of brewing are now said to be under consideration.

The Randall amendment proposes that an appropriation of $6,100,000 included in this bill for agricultural purposes shall not be available unless the President shall prohibit the use of food, fruits, food materials, and feeds in the production of malt or vinous liquors for beverage purposes. Last year we gave the President a discretionary power over this question. Now we appropriate a sum of money supposedly for a necessary purpose, yet deny its use for such purpose unless the President shall make a certain order whether its conforms to his judgment or not. In other words, you try to control the discretion of the President with a club. Does any man who votes for the Randall amendment honestly doubt the ability or the willingness of the President to do the right thing in this regard?

Does any such man assume a more earnest desire to defend the best interests of our country? Is there anything in the career of our President which would justify a belief that he would approve of or yield to such methods of legislation?

This effort is in line with many efforts heretofore attempted during the war to hamper the President's handling of war situations. Such efforts have not been made with unpatriotic intent. But the man whose failure to comprehend the breadth of the problems of this war, with its intensely human phases, can perform a more useful service by refraining from interfering with a President, who is meeting those problems with full comprehension and rare tact.

As a "war measure" this amendment is a pretense instead of a fact. It is proposed by a Member who voted against the war. It is a political camouflage. It is an attempt to take advantage of a war situation to advance a propaganda movement.

Some months ago I was in one of the Southern States, and for the first time in my life saw a field of growing tobacco being cultivated. It surrounded a dwelling house that was old, weather beaten, yet neat and clean; a home almost of poverty; a humble but worthy American home. The husband and father was holding the handles of a cultivator, pulled by a horse he was driving between the rows of the tobacco plants. Near by a little sister, barefooted, was leading another horse hitched to a cultivator down between other rows, while a little brother, also shoeless, too young to drive the horse and manage the cultivator at the same time, was holding its handles. The wife and mother of the household with a hoe was going through the rows of tobacco plants cutting out weeds. That farm was devoted to tobacco cultivation. It was the investment of that family; taking care of it was their work; that crop when sold meant their food and clothing.

I had before me an article in which the writer called attention to the vast acreage of land in this country devoted to the production of tobacco which could produce wheat, and in which it was claimed Congress should immediately pass a law prohibiting the production and manufacture of tobacco as a matter of food conservation. When I saw that humble home, typical of the tobacco-producing States, and realized how such families labor and sacrifice to produce their crop, I said to myself, "before I would vote for a law which would prevent such people from gaining the reward of their labor in a crop that was already planted I would resign from Congress." Yet that is exactly what is now attempted by the Randall amendment. The grapes on the vines in California and elsewhere in this country are nearing the ripening time. The labor and all the expense of producing them has been incurred. The soil could be devoted to no other purpose this year. The planting time is now past, even if the farmers should conclude to dig up vines more valuable than the land in which they are planted. The wine grapes have no sale or market value for food, feed, or any other use.

It takes four years to raise grape vines to a producing age, a profit-bearing crop. It costs the California grower from $200 to $300 per acre to raise resistant vines to that age. If this amendment is made a permanent law it would cause a loss to the farmers who grow grapes in California alone of $30,000,000. Families, similar to that family in the South, dependent on their grape crop for food and clothing and whose sons are now in the battle line in France or in the United States Army preparing to go would by this amendment be robbed of the reward of their labor. It is not an inspiring sight to see Members of Congress, drawing large salaries, proposing to enact a law at this time which would rob the families of our soldier boys, fighting for us and our country, of their means of sustenance, of their bread and butter. Such a course can not be justified on any principles of morality known to a normal mind. This amendment is not fair nor just. It lacks that common honesty that should characterize this Nation in dealing with its people.

The grape growers in California represent the average citizenship of our State. They represent an industry of importance. Over 160,000 acres of land are devoted to the growing of wine grapes; 16,000 acres in my county alone. That is the primary source of the living of thousands of small farmers who have been encouraged to go into the business by the United States and the State of California. California has spent a quarter of a million of dollars in encouraging the industry. The United States has established and to-day has 12 experimental vineyards on the Pacific coast for the same purpose. These farmers planted the vines, worked, pruned, and cultivated their vineyards for four years before they secured a profit-bearing crop in return. They raised their vineyards as a means of supporting their families and themselves and educating their children. Not one pound of grain is used in the manufacture of those wines. To pretend that you are going to save bread by preventing the manufacture of wine is a sham. The grapes upon those vines are approaching harvest time. They have no market value for any other purpose than the manufacture of wine. To step in at this late hour and pass an act which destroys the value of that crop is an inconsiderate and wanton use of power.

The wine grapes of the country, which have no appreciable food value, if manufactured into wine, could eventually be sold to the foreign trade, and our grape growers would thereby in part be saved from the calamitous injury that this amendment would inflict upon them. But even that measure of justice and liberality is denied our farmers by the terms of this amendment, which absolutely prohibits the use of such grapes and would force them to rot on the vines instead of bringing an income to their owners, who have produced them at great labor and expense.

As a man, as a citizen, as a Member of Congress I am determined that whatever part I take in this war shall be a worthy one. Some day after the hardships and the perils, after the war, our boys are going to come back bringing the flag of our country in triumph. When that day comes I want to be able to welcome them at the shore or at their homes, look them square in the eye, and have a consciousness of having done the right thing by them, however humble it may be. I do not want to go back to California and have the mother or father of one of those boys say to me: "While we were buying liberty bonds, contributing to Red Cross, and while our son was fighting 6,000 miles away in Europe and offering his life for the country you were in Congress drawing a good salary and voting to rob us of the earnings of a lifetime under a false pretense of conserving grain."

One year ago a similar effort to this was made to establish "immediate war prohibition" without any sensible or just consideration of the rights of those who would be unjustly injured thereby, without warning and without any opportunity to devote themselves to other industries before the prohibition was put into effect. Shortly after that I returned to my home in California. One of the first men I met was a fine type of Christian gentleman, who, all his life, had been a teacher of Sunday school and of temperance. Speaking in reference to the effort similar to this he said: "Do those men in Congress think because we believe in temperance we are in favor of com-

mitting such an outrageous injustice? Do they not have faith enough in Christian people to give them credit for being honest, fair, and reasonable?"

England placed prohibitions on ardent spirits and other restrictions on the liquor business during the war. She compensated those who were directly damaged thereby.

France prohibited ardent spirits. She is a small country; the greatest wine-producing country in the world.

According to the "Commerce Reports" last year she produced 953,758,178 gallons of wine. Algeria produced 164,659,274 gallons, making a grand total of 1,118,417,452 gallons of wine produced in French territory during the greatest year of the war. The whole United States produces only about 60,000,000 gallons per year. France produced over fifteen times the amount we produced. The need of France for men and ground for growing foodstuff has been most acute and pressing. Yet she has never found it necessary to commit any such injustice against her citizens as is here proposed.

With much earnestness it is contended that prohibition of the manufacture of barley into beer is necessary for the conservation of food. Who is better able to decide the question of the necessity and advisability of so doing than the President, who has the advice and information and action of the Food Administration, the Agricultural Department, and all the various departments of the Government, and also a better knowledge of the domestic conditions of our allies than is available to any Member of Congress? For my part, I do not question his disposition or willingness or ability to handle that question to the best advantage of our Nation. All other provisions for the conservation and production of foods and feeds have been left to the President. Why prescribe a different rule in this one case, which, most of all, has a human phase and requires the exercise of discretion and changes in regulations from time to time to suit whatever conditions may arise?

The amount of grain consumed in the manufacture of malt liquors this year will be about 1 per cent of the grain production of the country, principally barley. Wheat, corn, rye, oats, and barley—probably in the order named—are useful for bread-making purposes. Barley is now and will continue to be used primarily as a feed for stock. On the 28th day of last May Prof. A. E. Taylor, assistant to the Secretary of Agriculture, wrote the chairman of the Agricultural Committee concerning this question as follows:

> Brewers' grains constitute a favorite feeding concentrate for dairy cattle. For practical purposes the conversion of barley into beer is tantamount to feeding barley to live stock, since in the brewers' grains remains the largest fraction of the protein of the barley.

The present regulations require products of barley after brewing to be used for feed purposes. The quantity of feed material is lessened by the brewing, but there is a partial gain in food value in the fact that the grain has been made more digestible by cooking instead of being fed raw. It is probably a modest estimate to say that the residuary product of the barley after brewing is equal to one-third of its original feed value before brewing. Something less than 40,000,000 bushels of barley will be used in brewing this year. The amount of barley actually withdrawn from food and feed uses will not exceed 30,000,000 bushels, and probably less. That is a large amount to constitute a proportionately small part of the total grain production of the country. Unquestionably it is an amount of importance.

The most available source for the conservation of grain is by limiting the production of tobacco. Over 1,411,000 acres of good agricultural land in this country is devoted to the production of tobacco. That land, figured only at the average yield of the country, would produce over 21,000,000 bushels of wheat per year, over 34,000,000 bushels of corn, over 35,000,000 bushels of barley, and over 42,000,000 bushels of oats. We produce over 1,220,000,000 pounds of tobacco and ordinarily import over 45,000,000 pounds. The tobacco bill of the Nation is greater than its bread bill. The tobacco dealers of this country who annually sell over $200 worth of tobacco are required to pay a special tax. There are 447,766 such dealers. Tobacco is an annual crop that requires much labor, has no food value, and may be classed as a "useless" crop. It is an annual crop that does not require a permanent investment independent of the soil which may well be used for other crops of a food-producing character. Prohibiting the production of tobacco prior to planting time when no growing crop is involved would not inflict a serious loss upon the producer.

I deem it advisable to give the President the same power in reference to tobacco production that he has in reference to the manufacture of light liquors. I would think it unwise to interfere unnecessarily with the habits of those who, perhaps unwisely, use tobacco. But whenever the point of not mere inconvenience, but real necessity, is reached, tobacco production, like beer production, should give way for food and feed.

Fortunately our people are affectionately disposed toward our Government, appreciate its cause, and are entirely willing to make sacrifices and endure inconveniences for victory. When it becomes really necessary, it would be a very unpatriotic and disloyal man that would complain of the prohibition of his beer when such becomes necessary in order to supply our people or our allies with bread. The Nation can do without beer rather than bread. Whenever that point arrives, beer must go, of course. When that time arrives, the President has the power which we have given him and which he will use for that purpose. When the President exercises that power, our people will believe he does so because of the necessity that requires it and not as a mere response to a propaganda.

In my judgment, it is inadvisable for those who desire to pursue the most patriotic course in war time and who do not like alcoholic liquors to seize upon the war as a pretext for enforcing their views upon others who do not agree with them, where only a comparatively nonintoxicating beverage is concerned. Leave the President alone. He is doing his work well. If those so interested would seek to stop the beverage use of ardent spirits during the war or permanently, and provide a method by which strong alcoholic liquors could be sold to the Government and used for mechanical and ammunition purposes, their effort might be sustained with more reason. But nothing of that kind is attempted in this amendment.

Turkey has long been the one important absolutely prohibition nation. Russia established it for the war. The other warring nations prohibited or greatly restricted the use of ardent spirits, and under regulations to conserve grain and protect their soldiers, permit the use of light liquors. The law giving the President power to regulate the production of light liquors is in line with the action of the other enlightened nations at war and approved by their experience. We have reason for greater confidence in the war leadership of France and England than in that of Turkey and Russia.

The question has been raised here as to why the President has not stopped the manufacture of beer. The President has been a student of this war and its conditions in this and other countries. He is aware of the consideration that was given this question in England. England was divided into eight different sections, for each of which a commission of three was appointed to investigate industrial unrest. A comprehensive investigation was made after England had imposed radical restriction upon the output of beer and limited its alcoholic content as we have done. Among other things these commissions reported:

> The feeling in the minds of the workers that their conditions of work and destinies are being determined by a distant authority over which they have no influence requires to be taken into consideration, not only by the Government but by the unions themselves.
>
> Rightly or wrongly the workers are convinced that beer is an indispensable beverage for men engaged in the so-called "hot" or "heavy" trades. If it were demonstrated that a reduction of brewing was necessary in the interests of food conservation, there is no reason to doubt that all classes would loyally acquiesce in whatever diminution was deemed essential, but the belief is prevalent that certain parties are endeavoring to use the national exigencies as an excuse for forcing on prohibition, and to this the great body of workers are bitterly opposed.
>
> It is the view of the commissioners that unless the national demands for food require it no further curtailment of the supply of beer in munition areas should take place.
>
> As an employer sensibly observed to us: "I should not call the liquor restrictions a cause of unrest, but I should unhesitatingly say they are a source of considerable loss of social temper." This, we think, was wisely said, and the matter should be sensibly dealt with, not from the high ideals of temperance reformers, whose schemes of betterment must be kept in their proper place until after the war, but from the human point of view of keeping the man who has to do war work in a good temper, which will enable him to make necessary sacrifices in a contented spirit.
>
> They think, perhaps wrongly, that it is necessary for their work, and when you want them to give the Nation their best work it is an utterly stupid thing to deny to them a small luxury which throughout their lives they have been used to receive. There would be much more sense in depriving England of tobacco, but it would not help to win the war.
>
> The way the matter has been put before us by sensible men and women who are not faddists—and it is only fair to say that the teetotalers who have spoken to us on the subject recognize, like sensible men, that this is not the time to seek to enforce their political mission—is that a reasonable amount of beer for workers who are used to it and want it should be given to them.
>
> The problem is a human problem and must be dealt with at the moment, not from any ideal standpoint but by recognizing that you can not get the best work out of a human being by unnecessary interference with the course of life to which he has been accustomed.
>
> It must be remembered that we are dealing with men who all their lives have been accustomed to drink beer when they want it. We hold no brief either for or against beer drinking, but we are convinced that there is a question which men must settle for themselves, and that it must be recognized that beer is more than a drink. Without going into the thorny question of whether it is a food, it certainly is a social habit or a custom of life, as two witnesses expressed it.

Barley when converted into beer now pays the Government a tax twice the amount of its sale price.

Under the limitations imposed by the President, beer is now practically a nonintoxicating drink. California recently had a law under which a liquor containing not over 2 per cent of alcohol was considered a nonalcoholic drink. Beer now contains only three-quarters of 1 per cent more.

There are thousands and thousands of people in this country of foreign extraction who have been accustomed to the use of light liquors all their lives, and who, wisely or unwisely, regard them as desirable and necessary according to their custom of life. We have thousands of Italian-Americans, a very large percentage of whom would rather give up the use of potatoes than the use of light wines. So it is with a vast number of French-Americans. We have a numerous population of German-Americans who have likewise been accustomed to the use of beer. Altogether there are millions of our population who would regard prohibition of these very light liquors as an officious and unwarranted interference with their custom of life.

I take it that the only right that Congress has to legislate upon this amendment is as a war necessity. Congress is asserting a power it has no right to exercise in time of peace. That fact should deter us from inconsiderate action.

But I believe that the moral right of any legislative body, outside of war conditions, to pass laws concerning individual habits is limited to those cases in which the indulgence of the practice or habit is injurious to others. Society is justified in legislating against the ardent spirits, because overindulgence therein is so common as to constitute a weakness of and an offense against one's home, family, and society in a material degree. But I do not believe that the man who uses beer containing not more than 2.75 per cent of alcohol so far offends against society that his act should be made a Federal crime. I believe it is an unwise course for this Nation to pursue to say to one of the great States of this Union, against the will of the citizens of such State, "Any one of your citizens who has in his possession a bottle of 2.75 per cent beer commits a crime against this Nation for which he may be dragged hundreds of miles from his home and tried in the Federal court." I proposed an amendment to the Federal prohibition amendment under which, if it had been adopted, all ardent spirits would have been prohibited and each State in the country would have reserved the opportunity for itself of deciding whether or not it should regulate, restrict, or prohibit the use of light liquors. The enactment of such a law would have been more consistent with the genius of the American people and a better contribution to a wise disposal of the question than can be secured by such a law as is now proposed. When analyzed to its elements, this effort is an attempt on the part of States and communities, which have exercised their own discretion in disposing of the liquor question, to deny that privilege to the nonconsenting States of the Union.

In our wide expanse of territory and varied conditions local State government is of vast importance in our plan of legislation. It is the primary means of self-assertion and self-determination by the States and their people. It should not be lightly abandoned.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield the remainder of the time to the gentleman from Missouri [Mr. RUBEY].

The CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes.

Mr. RUBEY. Mr. Chairman and gentlemen of the House, I want to thank you for your applause, and I am sure that you are warranted in giving it to me, for the very good reason that I am the only man on our committee, and so far the only man in the House, who has appeared here in support of the original proposition presented by the committee and opposed to the amendment offered by the gentleman from Texas [Mr. YOUNG] to strike it out. It might seem as though possibly I ought to help you to make it unanimous, but I do not feel like doing that, and so I am going to take a little time to discuss the proposition.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. No. I would be glad to yield to the gentleman, but, as I have to do all the talking for the proposition, I will have to take all the time.

I am glad, and so are you, that the reports that come to us from every part of this country of ours predict an enormous crop. The reports that come from my State show that we are going to have the largest crop that we ever had. [Applause.] And reports of that kind come from every State in the Union.

There is only one thing that is going to hurt us in the food production this year, and that is the question of taking care of the crops when they have been grown and it becomes necessary to harvest them. Every man, I think, who has spoken on the floor of this House in behalf of agriculture within the last two or three months has called attention to the fact that the one great danger confronting agriculture is the labor question, the manner in which we shall get labor to care for the work on the farm.

That is the one question that presents danger, and we all agree that a favorable solution of that question is desirable. We ought to accomplish it in some way. There has been only one proposition brought into this House providing for taking care of the labor situation, and that is the provision in this bill. We passed it through this House about a month and a half ago, and we then appropriated $2,500,000 for this purpose. That bill went through the House and $2,500,000 was appropriated for the purpose of giving the Secretary of Agriculture, in cooperation with the Secretary of Labor, the right to mobilize labor. That bill went to the Senate. It is over there now. It has never been acted upon. And so we felt that we ought to put the provision into this bill. But instead of asking for $2,500,000 we have reduced the amount to $500,000 and framed it in the shape of a revolving fund.

Now, Mr. Chairman, there is an amendment offered here by the gentleman from Alabama [Mr. STEAGALL] in regard to the question of contract labor. There is no objection to that amendment, and I am sure it ought to be agreed to. We do not desire that the Secretary of Agriculture should—and he would not—take labor that was already contracted for something else.

A great deal has been said about duplication of work. A year ago after we passed the appropriation giving the President of the United States $100,000,000 as an emergency fund, what did he do? He turned over $800,000 of that fund to the Secretary of Labor and to the Secretary of Agriculture for carrying on the very work that we are asking for in this bill. They have been cooperating together and doing that work now for a year, and there has been no complaint about it. They have been using the money that was given to them by the President, working together in mobilizing farm labor. Now, when we come to the House of Representatives and ask the House of Representatives to give $500,000 for this purpose, a sum $300,000 less than the President himself gave to this kind of work a year ago, then we see every man who talks about it getting on the floor and saying it is duplication of work.

I want to read to you a letter which I have from the Secretary of Agriculture upon this question of duplication of work. The letter is a copy of a letter addressed by the Secretary of Agriculture to the chairman of the Committee on Appropriations upon this very subject, and I want gentlemen who have talked about duplication of work to listen to the reading of this letter. It is dated May 8. I read:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, May 8, 1918.

Hon. SWAGAR SHERLEY,
House of Representatives.

DEAR MR. SHERLEY: Secretary Wilson called me on the telephone a little while ago and indicated that you would like to have some expression from me regarding the item for mobilizing and distributing farm labor in the pending food-production act. I understand that Secretary Wilson has asked for an additional sum for mobilizing labor, and the question in your mind naturally is whether one department is likely to duplicate the activities of the other, or whether the aggregate of the two items is needed.

For a year the Departments of Agriculture and Labor have been working in close cooperation on the labor problem. This department, because it had agencies in all the rural districts, undertook to deal with the mobilization of labor in rural districts for agricultural purposes only. The Department of Labor is undertaking to mobilize labor for all industrial purposes, including city and town labor for distribution to agricultural districts so far as it may be feasible and necessary. I do not know what amount the Department of Labor has asked for, and would not be competent, of course, to pass upon their estimates. I am of the opinion, however, that the appropriation of the sum indicated in the food-production act for this department is desirable. The present indications are that the chief limiting factor in agriculture this year may be labor, especially for harvesting. There was planted last year the largest wheat acreage on record, and the indications are that the acreage to be harvested this year will be about 36,400,000, the second largest crop on record, against 27,400,000 last year. The rye acreage, it is estimated, will be 5,435,000, the largest on record, against 4,102,000 last year. I have reason to believe that there will be a larger acreage of spring wheat than usual, and that the plantings of other staple crops will be heavy. It would be highly unfortunate, in case the country should be blessed with abundant crops in this crisis, to fail to reap them in season and to safeguard them. The item in question would enable this department to render much assistance. It is in the nature, at least, of insurance. It would not be expended unless the circumstances demanded it. I think it would be unsafe not to have it.

I understand that Secretary Wilson has advised you that I consulted with him before the item was inserted and that he approves it. He and I will see to it that the cooperative relations between the two departments are effective and that there will be no waste of effort or funds.

Very truly, yours,

———— ————,
Secretary.

Now, gentlemen, that shows the position of the Secretary of Agriculture.

Mr. HAMLIN. Mr. Chairman, will my colleague yield for a question right there?

Mr. RUBEY. I will. Make it short.

Mr. HAMLIN. Yes. The gentleman will admit, of course, that this letter was not written in regard to this item in the bill?

Mr. RUBEY. It was about this very item.

Mr. HAMLIN. About this item?

Mr. RUBEY. This item in this bill.

Mr. HAMLIN. This was written to the chairman of the Committe on Appropriations.

Mr. RUBEY. I know; but it was written to him to explain this item, because the chairman of the Committee on Appropriations was thinking about opposing it, and he asked for the facts in the case, and the letter was written to the chairman of the committee in order to express his views on this very item.

Mr. HAMLIN. I will ask the gentleman another question. Did the Secretary of Agriculture estimate for this item?

Mr. RUBEY. In a supplemental estimate only, not in the regular appropriation bill. When his attention was called to the fact that the bill we passed for $2,500,000 might possibly fail in the Senate, he said by all means it ought to be put upon this bill as an amendment, because if the other did not go through this would serve as a revolving fund to take its place.

Mr. HAMLIN. It is not the original estimate?

Mr. RUBEY. It is a supplemental estimate.

Mr. HAUGEN. As to the original estimate is it not a fact that no money was being expended along this line of work by any department?

Mr. RUBEY. That could not be true, because the sum of $800,000 was being used by the Secretary of Labor and the Secretary of Agriculture, and they have been using it for a year, and the object of this legislation is to give the money in order that this work may be continued the coming year just as it has been done during the present year. I hope the amendment of the gentleman from Texas [Mr. YOUNG] to strike out the paragraph will be voted down.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The vote will first be taken on the amendment of the gentleman from Alabama [Mr. STEAGALL] to perfect the text. The Chair will direct the Clerk to report that amendment.

The Clerk read as follows:

Amendment offered by Mr. STEAGALL: Page 5, line 19, after the word "agriculture," strike out all down to the word "engaged" in line 20 and insert in lieu thereof the following: "and all labor under contract for the performance of service as agriculturists or farm laborers," so that the sentence as amended will read:

"Agricultural labor actually employed in agriculture and all labor under contract for the performance of service as agriculturists or farm laborers and needed for cultivation and harvesting crops where engaged shall not be mobilized nor transported under the provisions of this item, and the Secretary of Agriculture shall, as soon as practicable after the close of the calendar year 1918, cause to be made to the Congress a detailed statement showing as far as possible the number of persons transported and employed and a detailed statement of all disbursements under this item.

Mr. CANDLER of Mississippi. Mr. Chairman, there is no objection to that amendment.

The question being taken, the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Texas [Mr. YOUNG] to strike out the entire section.

The question being taken, on a division (demanded by Mr. RUBEY), there were—ayes 99, noes 17.

Mr. RUBEY. Mr. Chairman, I wonder if we could not have tellers.

The CHAIRMAN. The gentleman from Missouri demands tellers.

Tellers were refused, five members, not a sufficient number, seconding the demand.

The CHAIRMAN. Tellers are refused. On this vote the ayes are 99 and the noes 17. The ayes have it, and the motion to strike out prevails.

Mr. CANDLER of Mississippi. Mr. Chairman, I move that the committee do now rise and report the bill to the House with recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MOORE of Pennsylvania. Does the gentleman desire to extend his remarks on this bill?

Mr. HEFLIN. Upon the legislative work of Congress since the war commenced.

Mr. MOORE of Pennsylvania. Mr. Chairman, I prefer that that request be made in the House.

The CHAIRMAN. The gentleman from Pennsylvania objects.

Mr. HEFLIN. What reason did the gentleman from Pennsylvania give, Mr. Chairman?

Mr. CRAMTON. Regular order.

The CHAIRMAN. The request is not in order now, anyway. The committee had decided to rise, and the Chair was simply waiting the coming of the Speaker.

Mr. MOORE of Pennsylvania. The gentleman came in at the wrong time. If he wants a reason he ought to have come in in the regular way. The gentleman came in in an irregular way.

Mr. HEFLIN. I will be here at the regular time, then.

Mr. MOORE of Pennsylvania. That is the proper thing to do.

The CHAIRMAN. The committee will rise and report the bill to the House.

The committee accordingly rose; and Mr. GARRETT of Tennessee having taken the chair as Speaker pro tempore, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 11945) to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded upon any amendment? If not, the Chair will put them in gross.

Mr. GALLIVAN. Mr. Speaker, I ask for a separate vote on the Randall amendment.

The SPEAKER pro tempore. The gentleman from Massachusetts demands a separate vote on the Randall amendment.

Mr. RUCKER. Mr. Speaker, pending that request for a separate vote, as I have been unavoidably absent from the city for a day or two, I would like unanimous consent to address the House for five minutes in explaining my views on that subject.

Mr. RAKER. I ask for a separate vote on the Young amendment.

Mr. GALLIVAN. Mr. Speaker, I withdraw my request.

Mr. RUCKER. Then I withdraw my request to address the House.

Mr. RAKER. I withdraw my request, too.

Mr. GRIFFIN. I renew the request made by the gentleman from Massachusetts [Mr. GALLIVAN] for a separate vote on the Randall amendment.

Mr. SLAYDEN. I renew the request.

The SPEAKER pro tempore. The gentleman from Texas [Mr. SLAYDEN] and the gentleman from New York [Mr. GRIFFIN] renew the request for a separate vote upon the Randall amendment. Is a separate vote demanded upon any other amendment?

Mr. RAKER. Mr. Speaker, if a separate vote is demanded on that I ask for a separate vote on the Young amendment to strike out the last section.

The SPEAKER pro tempore. The gentleman from California [Mr. RAKER] demands a separate vote on the Young amendment. Is there a request for a separate vote on any other amendment? If not, the Chair will put the others in gross.

Mr. MOORE of Pennsylvania. A parliamentary inquiry. I should like to know whether a separate vote has been demanded on the Randall amendment? My attention was diverted for the moment, and I did not hear the request.

The SPEAKER pro tempore. It has been demanded.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GRIFFIN. Mr. Speaker, I withdraw my request for a separate vote.

Mr. COX. I renew it, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York [Mr. GRIFFIN] withdraws his request. The gentleman from Texas [Mr. SLAYDEN] demanded a separate vote.

Mr. GORDON. The gentleman from Indiana [Mr. Cox] renewed the request.

Mr. COX. I have renewed the request.

Mr. LONGWORTH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. A separate vote on the Randall amendment was demanded by the gentleman from Texas [Mr. SLAYDEN] and by the gentleman from New York [Mr. GRIFFIN]. The gentleman from New York has withdrawn his request, but the gentleman from Texas has not withdrawn his demand.

Mr. SLAYDEN. Mr. Speaker, what was the request made by the gentleman from Indiana [Mr. Cox]?

The SPEAKER pro tempore. He renewed the demand.

Mr. SLAYDEN. For a separate vote on the Randall amendment?

The SPEAKER pro tempore. On the Randall amendment.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio will state his parliamentary inquiry.

Mr. LONGWORTH. The previous question not having been ordered, is debate on the Randall amendment in order?

The SPEAKER pro tempore. The previous question not having been ordered or demanded, debate is in order.

Mr. CANDLER of Mississippi. The previous question is ordered under the rule on the bill and all amendments.

The SPEAKER pro tempore. The Chair is informed that the previous question is ordered in the rule.

Mr. LONGWORTH. Then there is no opportunity for debate?

The SPEAKER pro tempore. No opportunity for debate.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOORE of Pennsylvania. Have the demands for a separate vote on the Randall amendment been withdrawn?

The SPEAKER pro tempore. No; the demand for a separate vote on the Randall amendment still stands. Is there a demand for a separate vote on any other amendment except the Randall and the Young amendments? [After a pause.] The Chair hears none, and the Chair will put the other amendments in gross.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent to address the committee for five minutes.

The SPEAKER pro tempore. But the previous question is ordered.

Mr. RUCKER. It is ordered by the rule, but I could have the time by unanimous consent. Does the adoption of the previous question preclude the House from transacting business by unanimous consent? I would like to express my views on this amendment.

Mr. COX. Mr. Speaker, I withdraw my request for a separate vote on the Randall amendment.

Mr. SLAYDEN. If it is likely to provoke debate, I withdraw my request for a separate vote on the Randall amendment.

Mr. MOORE of Pennsylvania. Mr. Speaker, inasmuch as all the Democrats who have made the demand have withdrawn it, evidently wishing to avoid the issue, I renew the demand.

Mr. MONDELL. Mr. Speaker, I demand the regular order.

Mr. RUBEY. If we are going to have a separate vote on these amendments I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Missouri makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. CANDLER of Mississippi. Mr. Speaker, I move a call of the House.

The question was taken; and on a division (demanded by Mr. RUCKER) there were 67 ayes and 27 noes.

So a call of the House was ordered.

The Doorkeeper was directed to close the doors and the Sergeant at Arms to notify the absentees.

Mr. SLAYDEN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SLAYDEN. Is this a vote to concur in the amendment?

The SPEAKER pro tempore. No; it is merely a call of the House.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander	Dill	Heintz	McKinley
Anthony	Dillon	Hicks	McLaughlin, Pa.
Ashbrook	Drukker	Hilliard	Mann
Austin	Dunn	Hood	Mason
Bankhead	Edmonds	Howard	Meeker
Beshlin	Estopinal	Humphreys	Merritt
Bowers	Fairchild, G. W.	Ireland	Miller, Minn.
Britten	Fess	Jacoway	Miller, Wash.
Burroughs	Flynn	Johnson, S. Dak.	Moon
Caldwell	Focht	Johnson, Wash.	Mott
Campbell, Pa.	Foster	Kahn	Neely
Carter, Mass.	Gard	Kearns	Parker, N. Y.
Clark, Fla.	Glass	Kehoe	Peters
Clark, Pa.	Godwin, N. C.	Kelley, Mich.	Porter
Classon	Gould	Key, Ohio	Powers
Collier	Graham, Pa.	Kreider	Price
Copley	Gray, Ala.	LaGuardia	Ragsdale
Costello	Greene, Mass.	Langley	Reed
Currie, Mich.	Griest	Lazaro	Rose
Curry, Cal.	Hadley	Lehlbach	Rowe
Darrow	Hamilton, N. Y.	Lesher	Rowland
Dempsey	Hardy	Little	Sabath
Dewalt	Hayes	Lunn	Sanders, La.
Dies	Heaton	McKenzie	Saunders, Va.
Scott, Pa.	Sloan	Strong	Watson, Pa.
Sears	Small	Switzer	Webb
Sells	Steele	Temple	White, Me.
Siegel	Stephens, Nebr.	Templeton	Woods, Iowa
Sims	Sterling, Pa.	Vare	Wright
Sisson	Stevenson	Volstead	Zihlman

The SPEAKER pro tempore. On this call 311 Members have answered to their names, a quorum.

Mr. CANDLER of Mississippi. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER pro tempore. Is a separate vote demanded upon any other amendments than the Randall amendment and the Young amendment? If not, the Speaker will put the other amendments in gross. The question is on agreeing to the amendments other than the Randall amendment and the Young amendment.

The amendments were agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the Randall amendment.

Mr. RUCKER. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RUCKER. I desire to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUCKER. I want to know if it is proper to ask unanimous consent now to explain why a man who favors prohibition in principle will not vote for this amendment? I would like to have a chance to do it, and I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. The Chair will state to the gentleman from Missouri that the previous question having been ordered, it is not in order to debate.

Mr. RUCKER. If the Chair will indulge me a moment, I am in favor of prohibition, but not in this way. [Cries of "Regular order!"]

The SPEAKER pro tempore. The question now is on agreeing to the amendment offered by the gentleman from California [Mr. RANDALL].

Mr. STAFFORD. I ask unanimous consent that the Randall amendment may be again reported.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk again reported the Randall amendment.

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUCKER. Mr. Speaker, if this amendment should be agreed to, then the Congress of the United States——

Mr. MONDELL. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The gentleman from Missouri is propounding a parliamentary inquiry.

Mr. RUCKER. Mr. Speaker, if this amendment should be adopted, then the farmers of the United States would be denied the benefit of this appropriation unless we could whip the President into submission.

The SPEAKER pro tempore. That is not a parliamentary inquiry. The question is on agreeing to the Randall amendment.

The question was taken; and on a division (demanded by Mr. RANDALL) there were—ayes 112, noes 96.

Mr. MOORE of Pennsylvania. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays 135, answered "present" 3, not voting 114, as follows:

YEAS—178.

Almon	Cramton	Fuller, Mass.	Kennedy, Iowa
Anderson	Crisp	Gandy	Kettner
Aswell	Dale, Vt.	Garrett, Tex.	Kies, Pa.
Ayres	Dallinger	Good	Kincheloe
Baer	Decker	Goodall	King
Barkley	Denison	Goodwin, Ark.	Kinkaid
Barnhart	Dickinson	Graham, Ill.	Knutson
Bell	Dixon	Green, Iowa	Kraus
Bland	Doolittle	Hamilton, Mich.	La Follette
Blanton	Doughton	Hamilton, N. Y.	Larsen
Borland	Dowell	Hamlin	Littlepage
Brand	Drane	Harrison, Va.	Lobeck
Browne	Elliott	Hastings	Lufkin
Burnett	Ellsworth	Haugen	Lundeen
Butler	Esch	Hawley	McClintic
Byrns, Tenn.	Evans	Hayden	McCormick
Campbell, Kans.	Fairchild, B. L.	Helm	McCulloch
Caraway	Fairfield	Helvering	McFadden
Carter, Okla.	Farr	Hensley	McKeown
Chandler, Okla.	Ferris	Hersey	McLaughlin, Mich.
Claypool	Fields	Hollingsworth	Magee
Connally, Tex.	Focht	Hutchinson	Mapes
Connelly, Kans.	Fordney	James	Mays
Cooper, Ohio	Foss	Johnson, Ky.	Mondell
Cooper, W. Va.	Frear	Jones	Morgan
Cooper, Wis.	French	Keating	Mott
Cox	Fuller, Ill.	Kelly, Pa.	Nelson

Norton	Roberts	Snook	Volstead
Oldfield	Robinson	Steagall	Walker
Oliver, Ala.	Rogers	Stedman	Walsh
Olney	Romjue	Steenerson	Walton
Overstreet	Rubey	Sterling, Ill.	Wason
Padgett	Russell	Stevenson	Weaver
Paige	Sanders, Ind.	Stiness	Wheeler
Park	Sanders, N. Y.	Sweet	White, Ohio
Peters	Scott, Mich.	Taylor, Ark.	Williams
Pratt	Shackleford	Taylor, Colo.	Wilson, Ill.
Purnell	Shallenberger	Thomas	Wingo
Raker	Shouse	Thompson	Winslow
Ramseyer	Sims	Tillman	Wise
Randall	Sinnott	Timberlake	Wood, Ind.
Rankin	Slemp	Towner	Woodyard
Reavis	Smith, Idaho	Treadway	Young N. Dak.
Reed	Smith, Mich.	Vestal	
Robbins	Snell	Vinson	

NAYS—135.

Bacharach	Eagle	Lever	Rucker
Beakes	Elston	Linthicum	Sanford
Black	Fisher	London	Schall
Blackmon	Francis	Longworth	Scott, Iowa
Booher	Freeman	McAndrews	Scully
Browning	Gallagher	McArthur	Sherley
Brumbaugh	Gallivan	McLemore	Sherwood
Buchanan	Garland	Maher	Slayden
Byrnes, S. C.	Garner	Mansfield	Smith, C. B.
Candler, Miss.	Garrett, Tenn.	Martin	Smith, T. F.
Cannon	Gillett	Meeker	Snyder
Cantrill	Glynn	Montague	Stafford
Carew	Gordon	Moore, Pa.	Stephens, Miss.
Carlin	Gray, Ala.	Moores, Ind.	Sullivan
Cary	Gray, N. J.	Morin	Sumners
Chandler, N. Y.	Greene, Vt.	Mudd	Swift
Church	Gregg	Nichols, Mich.	Tague
Cleary	Griffin	Nolan	Talbott
Coady	Harrison, Miss.	Oliver, N. Y.	Tilson
Crago	Haskell	Osborne	Tinkham
Crosser	Holland	O'Shaunessy	Van Dyke
Dale, N. Y.	Houston	Overmyer	Venable
Davis	Huddleston	Parker, N. J.	Voigt
Delaney	Hull, Iowa	Phelan	Waldow
Dent	Hull, Tenn.	Platt	Ward
Denton	Husted	Pou	Watkins
Dewalt	Igoe	Quin	Watson, Va.
Dominick	Juul	Rainey, H. T.	Welling
Donovan	Kahn	Rainey, J. W.	Welty
Dooling	Kennedy, R. I.	Ramsey	Whaley
Doremus	Key, Ohio	Rayburn	Wilson, La.
Dupré	Kitchin	Riordan	Wilson, Tex.
Dyer	Lea, Cal.	Rodenberg	Young, Tex.
Eagan	Lee, Ga.	Rouse	

ANSWERED "PRESENT"—3.

Anthony	Emerson	Madden

NOT VOTING—114.

Alexander	Estopinal	Kearns	Rose
Ashbrook	Fairchild, G. W.	Kehoe	Rowe
Austin	Fess	Kelley, Mich.	Rowland
Bankhead	Flood	Kreider	Sabath
Beshlin	Flynn	LaGuardia	Sanders, La.
Bowers	Foster	Langley	Saunders, Va.
Britten	Gard	Lazaro	Scott, Pa.
Brodbeck	Glass	Lehlbach	Sears
Burroughs	Godwin, N. C.	Lesher	Sells
Caldwell	Gould	Little	Siegel
Campbell, Pa.	Graham, Pa.	Lonergan	Sisson
Carter, Mass.	Greene, Mass.	Lunn	Sloan
Clark, Fla.	Griest	McKenzie	Small
Clark, Pa.	Hadley	McKinley	Steele
Classon	Hamill	McLaughlin, Pa.	Stephens, Nebr.
Collier	Hardy	Mann	Sterling, Pa.
Copley	Hayes	Mason	Strong
Costello	Heaton	Merritt	Switzer
Currie, Mich.	Heflin	Miller, Minn.	Temple
Curry, Cal.	Heintz	Miller, Wash.	Templeton
Darrow	Hicks	Moon	Vare
Davidson	Hilliard	Neely	Watson, Pa.
Dempsey	Hood	Nicholls, S. C.	Webb
Dies	Howard	Parker, N. Y.	White, Me.
Dill	Humphreys	Polk	Woods, Iowa.
Dillon	Ireland	Porter	Wright
Drukker	Jacoway	Powers	Zihlman
Dunn	Johnson, S. Dak.	Price	
Edmonds	Johnson, Wash.	Ragsdale	

So the Randall amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. FOSTER with Mr. MCKINLEY.

Mr. SANDERS of Louisiana with Mr. DUNN.

Mr. HOOD with Mr. HEATON.

Mr. JACOWAY with Mr. HAYES.

Mr. STEPHENS of Nebraska with Mr. GEORGE W. FAIRCHILD.

Mr. PRICE with Mr. ROWLAND.

Mr. HILLIARD with Mr. LEHLBACH.

Mr. SEARS with Mr. STRONG.

Mr. STEVENSON with Mr. LITTLE.

Mr. DIES with Mr. TEMPLE.

Mr. ASHBROOK with Mr. AUSTIN.

Mr. BANKHEAD with Mr. BOWERS.

Mr. BESHLIN with Mr. BRITTEN.

Mr. BRODBECK with Mr. CARTER of Massachusetts.

Mr. CALDWELL with Mr. CLARK of Pennsylvania.

Mr. CAMPBELL of Pennsylvania with Mr. COPLEY.

Mr. CLARK of Florida with Mr. COSTELLO.

Mr. COLLIER with Mr. LANGLEY.

Mr. DILL with Mr. CURRY of California.

Mr. ESTOPINAL with Mr. DARROW.

Mr. FLYNN with Mr. DAVIDSON.

Mr. GARD with Mr. DEMPSEY.

Mr. FLOOD with Mr. DILLON.

Mr. GLASS with Mr. EDMONDS.

Mr. GODWIN of North Carolina with Mr. FESS.

Mr. WRIGHT with Mr. SLOAN.

Mr. HOWARD with Mr. GOULD.

Mr. HUMPHREYS with Mr. GRAHAM of Pennsylvania.

Mr. HAMILL with Mr. GRIEST.

Mr. HARDY with Mr. HICKS.

Mr. HEFLIN with Mr. IRELAND.

Mr. KEHOE with Mr. ZIHLMAN.

Mr. MOON with Mr. MCLAUGHLIN of Pennsylvania.

Mr. LESHER with Mr. ROWE.

Mr. NEELY with Mr. WATSON of Pennsylvania.

Mr. LUNN with Mr. MILLER of Minnesota.

Mr. POLK with Mr. PORTER.

Mr. RAGSDALE with Mr. SELLS.

Mr. SABATH with Mr. KELLEY of Michigan.

Mr. SISSON with Mr. SIEGEL.

Mr. SAUNDERS of Virginia with Mr. VARE.

Mr. STEELE with Mr. KREIDER.

Mr. WEBB with Mr. WOODS of Iowa.

Mr. STERLING of Pennsylvania with Mr. PARKER of New York.

On this vote:

Mr. MCKENZIE (for) with Mr. MADDEN (against).

Mr. NICHOLLS of South Carolina (for) with Mr. LONERGAN (against).

Mr. BURROUGHS (for) with Mr. CLASSON (against).

Mr. HADLEY (for) with Mr. LAZARO (against).

Mr. JOHNSON of Washington (for) with Mr. SMALL (against).

Mr. ALEXANDER (for) with Mr. GREENE of Massachusetts (against).

Mr. ANTHONY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. ANTHONY. Mr. Speaker, I came in the Hall just about as my name was called.

The SPEAKER. Did the Clerk call the gentleman's name before he got in or afterwards?

Mr. ANTHONY. It was a very close shave, Mr. Speaker. I would like to have my name called. I desire to vote "present."

The name of Mr. ANTHONY was called, and he answered "Present."

Mr. EMERSON. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening?

Mr. EMERSON. Mr. Speaker, if I could vote, I would vote "aye." May I vote "present"?

The name of Mr. EMERSON was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the Young amendment, striking out the last section.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. RAKER. Division, Mr. Speaker.

The SPEAKER. Does the gentleman insist on a division?

Mr. RAKER. I insist on a division.

The House again divided; and there were—ayes 161, noes 26.

So the Young amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time; was read the third time.

Mr. HUTCHINSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. HUTCHINSON. To offer a motion to recommit the bill to the Committee on Agriculture.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HUTCHINSON. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HUTCHINSON moves to recommit the bill to the Committee on Agriculture with instructions to report the same back forthwith with the following amendments:

On page 2, line 6, after the word "product," strike out the amount "$1,058,975" and insert in lieu thereof "for the following stated purposes and in amounts as follows: Eradication of cattle ticks, $61,610; eradication of hog cholera, $202,965; eradication of abortion, influenza, strangles, etc., $175,000; production of beef cattle, $105,000; live-stock production in the great plains regions, $100,000; production of pork, $150,000; production of poultry, $129,600; production of sheep, $60,000;

making cottage cheese on the farm, $52,950; utilization of creamery by-products, $21,850; in all, $1,058,975."

On page 2, line 23, after the word "products," strike out the amount "$811,600" and insert in lieu thereof "for the following stated purposes and in amounts as follows: Cereal-smut eradication, $110,000; peanut conservation and utilization, $15,000; control of cotton, truck, and forage crop diseases, $117,550; farm storage of sweet potatoes, $30,000; location of Irish potato seed stocks, $30,000; plant-disease survey, $23,000; castor-bean production and utilization, $20,000; maintenance of field-bean seed supply, $10,000; field supervision of war-garden work, $7,500; production of cereals and grain sorghums, $53,250; sugar-beet nematode work, $10,000; inspection of fruits during processes of marketing, $18,000; control of new sugar-cane disease, $20,000; production of rice, $5,000; control of cereal and forage insects, $55,000; control of stored-product insects, $22,000; control of vegetable and truck crop insects, $35,000; control of sweet-potato weevil, $30,000; control of deciduous-fruit insects, $45,000; control of citrus-fruit insects, $10,000; control of insects injurious to live stock, $20,000; control of rice insects, $3,000; control of sugar-cane insects, $9,000; general supervision of emergency insect-control work, $3,000; prevention of plant-dust explosions and fires, $75,000; fruit and vegetable utilization, $35,000; in all $811,300."

On page 3, line 2, after the word "others," strike out the amount "$6,100,000" and insert in lieu thereof "for the following stated purposes and in amounts as follows: General administration of extension work, $35,000; home-economics work, $25,000; extension work in Northern and Western States, $134,200; county-agent work, $1,893,000; boys' and girls' club work, $382,900; home-demonstration work, $1,327,400; extension work in Southern States, $90,000; county-agent work, $1,333,815; boys' club work, $75,300; home-demonstration work, $803,385; in all, $6,100,000."

On page 3, line 15, after the word "nineteen," strike out the amount "$2,136,028" and insert in lieu thereof "for the following stated purposes and in amounts as follows: Market news service on fruits and vegetables, $500,000; market news service on live stock and meats, $300,000; market news service on butter, cheese, eggs, and poultry, $164,000; market news service on grain, hay, feeds, and seeds, $180,720; food and fertilizer survey of the United States, $449,700; conservation of food products in transportation and storage, $229,937; market inspection of perishable foods, $51,000; city market service; $66,131; direct market activities, $85,100; special market activities, $109,440; in all, $2,136,028."

On page 3, strike out all of lines 22 and 23 and the word "Columbia," in line 24, and insert in lieu thereof "for the following stated purposes and in amounts as follows: Office of the Secretary, $76,420; publication and informational work, $235,000; agricultural exhibits, $43,020; rent in the District of Columbia, $25,000; assistance in supplying farm labor, $162,000; poultry and egg demonstrations, $40,000; sirup demonstrations, $7,000; preparation of sweet sirups, $5,000; handling, transportation, and storage of fish, $20,000; waterproofing leather for Government and farm use, $3,000; serviceability tests of leather and leather substitutes, $6,000; utilization of wool-scouring wastes, $9,000; extension work in bee-keeping, $15,000; control of noxious rodents, $100,000; destruction of predatory animals, $125,000; special work in crop estimating, $234,540; in all, $1,105,980."

Mr. CANDLER of Mississippi. Mr. Speaker, I move the previous question upon the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. HUTCHINSON. Division, Mr. Speaker; I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 147, answered "present" 2, not voting 118, as follows:

YEAS—163.

Anderson	Frear	McCulloch	Schall
Anthony	Freeman	McFadden	Scott, Iowa
Bacharach	Fuller, Ill.	McLaughlin, Mich.	Scott, Mich.
Baer	Fuller, Mass.	Magee	Scully
Bland	Gallagher	Maher	Sherley
Browne	Gallivan	Mapes	Sinnott
Browning	Gillett	Meeker	Slemp
Butler	Glynn	Mondell	Smith, Idaho
Campbell, Kans.	Good	Moore, Pa.	Smith, Mich.
Cannon	Goodall	Moores, Ind.	Smith, T. F.
Carew	Graham, Ill.	Morgan	Snell
Cary	Gray, N. J.	Morin	Snyder
Chandler, Okla.	Green, Iowa	Mott	Stafford
Church	Greene, Vt.	Mudd	Steenerson
Coady	Hamilton, Mich.	Nelson	Sterling, Ill.
Cooper, Ohio	Hamilton, N. Y.	Nichols, Mich.	Stiness
Cooper, W. Va.	Haskell	Nolan	Sullivan
Cooper, Wis.	Haugen	Norton	Sweet
Crago	Hawley	Oliver, N. Y.	Swift
Cramton	Helm	Osborne	Tague
Dale, N. Y.	Hersey	Paige	Tilson
Dale, Vt.	Hollingsworth	Parker, N. J.	Timberlake
Dallinger.	Hull, Iowa	Peters	Tinkham
Davis	Husted	Phelan	Towner
Delaney	Hutchinson	Platt	Treadway
Denison	James	Pratt	Van Dyke
Dooling	Juul	Purnell	Vestal
Dowell	Kennedy, Iowa	Ramsey	Volgt
Dyer	Kennedy, R. I.	Ramseyer	Volstead
Eagan	Kiess, Pa.	Randall	Waldow
Elliott	King	Rankin	Walsh
Ellsworth	Kinkaid	Reavis	Ward
Elston	Knutson	Reed	Wason
Emerson	Kraus	Riordan	Wheeler
Esch	La Follette	Robbins	Williams
Fairchild, B. L.	Longworth	Roberts	Wilson, Ill.
Fairfield	Lufkin	Rodenberg	Winslow
Farr	Lundeen	Rogers	Wood, Ind.
Focht	McAndrews	Sanders, Ind.	Woodyard
Foss	McArthur	Sanders, N. Y.	Young, N. Dak.
Francis	McCormick	Sanford	

NAYS—147.

Almon	Doremus	Key, Ohio	Russell
Ashbrook	Doughton	Kincheloe	Shackleford
Aswell	Drane	Kitchin	Shallenberger
Ayres	Dupré	Larsen	Sherwood
Barkley	Eagle	Lea, Cal.	Shouse
Barnhart	Evans	Lee, Ga.	Sims
Beakes	Ferris	Lever	Slayden
Bell	Fields	Linthicum	Smith, C. B.
Black	Fisher	Lobeck	Snook
Blackmon	French	London	Steagall
Blanton	Gandy	McClintic	Stedman
Booher	Garner	McKeown	Steele
Borland	Garrett, Tenn.	McLemore	Stephens, Miss.
Brand	Garrett, Tex.	Mansfield	Stevenson
Buchanan	Goodwin, Ark.	Martin	Sumners
Burnett	Gordon	Mays	Talbott
Byrnes, S. C.	Gray, Ala.	Montague	Taylor, Ark.
Byrns, Tenn.	Gregg	Oldfield	Taylor, Colo.
Candler, Miss.	Griffin	Oliver, Ala.	Thomas
Cantrill	Hamill	Olney	Thompson
Caraway	Hamlin	O'Shaunessy	Tillman
Carlin	Harrison, Miss.	Overmyer	Venable
Carter, Okla.	Harrison, Va.	Overstreet	Vinson
Claypool	Hastings	Padgett	Walker
Connally, Tex.	Hayden	Park	Walton
Connelly, Kans.	Heflin	Polk	Watkins
Cox	Helvering	Pou	Watson, Va.
Crisp	Hensley	Quin	Weaver
Crosser	Holland	Rainey, H. T.	Welling
Decker	Houston	Rainey, J. W.	Welty
Denton	Huddleston	Raker	Whaley
Dewalt	Hull, Tenn.	Rayburn	White, Ohio
Dickinson	Igoe	Robinson	Wilson, La.
Dixon	Johnson, Ky.	Romjue	Wilson, Tex.
Dominick	Jones	Rouse	Wingo
Donovan	Keating	Rubey	Young, Tex.
Doolittle	Kettner	Rucker	

NOT VOTING—118.

	Flood	Madden	

NOT VOTING—119.

Alexander	Dunn	Kahn	Ragsdale
Austin	Edmonds	Kearns	Rose
Bankhead	Estopinal	Kehoe	Rowe
Beshlin	Fairchild, G. W.	Kelley, Mich.	Rowland
Bowers	Fess	Kelly, Pa.	Sabath
Britten	Flynn	Kreider	Sanders, La.
Brodbeck	Fordney	LaGuardia	Saunders, Va.
Brumbaugh	Foster	Langley	Scott, Pa.
Burroughs	Gard	Lazaro	Sears
Caldwell	Garland	Lehlbach	Sells
Campbell, Pa.	Glass	Lesher	Siegel
Carter, Mass.	Godwin, N. C.	Little	Sisson
Chandler, N. Y.	Gould	Littlepage	Sloan
Clark, Fla.	Graham, Pa.	Lonergan	Small
Clark, Pa.	Greene, Mass.	Lunn	Stephens, Nebr.
Classon	Griest	McKenzie	Sterling, Pa.
Cleary	Hadley	McKinley	Strong
Collier	Hardy	McLaughlin, Pa.	Switzer
Copley	Hayes	Mann	Temple
Costello	Heaton	Mason	Templeton
Currie, Mich.	Heintz	Merritt	Vare
Curry, Cal.	Hicks	Miller, Minn.	Watson, Pa.
Darrow	Hilliard	Miller, Wash.	Webb
Davidson	Hood	Moon	White, Me.
Dempsey	Howard	Neely	Wise
Dent	Humphreys	Nicholls, S. C.	Woods, Iowa
Dies	Ireland	Parker, N. Y.	Wright
Dill	Jacoway	Porter	Zihlman
Dillon	Johnson, S. Dak.	Powers	
Drukker	Johnson, Wash.	Price	

So the motion to recommit was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LAZARO with Mr. HADLEY.

Mr. ALEXANDER with Mr. GREENE of Massachusetts.

Mr. SMALL with Mr. JOHNSON of Washington.

Mr. CLASSON with Mr. NICHOLLS of South Carolina.

Mr. LONERGAN with Mr. BURROUGHS.

Mr. STERLING of Pennsylvania with Mr. AUSTIN.

Mr. BRUMBAUGH with Mr. FORDNEY.

Mr. CLEARY with Mr. CHANDLER of New York.

Mr. DENT with Mr. KAHN.

Mr. KELLY of Pennsylvania with Mr. PORTER.

Mr. LITTLEPAGE with Mr. GRIEST.

Mr. WISE with Mr. LITTLE.

Mr. MADDEN with Mr. McKENZIE.

Mr. SAUNDERS of Virginia with Mr. DALLINGER.

Mr. CALDWELL with Mr. IRELAND.

Mr. STEPHENS of Nebraska with Mr. AUSTIN.

Mr. POLK with Mr. SIEGEL.

Mr. MADDEN. Mr. Speaker, on the roll call on the Randall amendment I voted "nay." I am paired with my colleague, Mr. McKENZIE, and I desire to withdraw that vote and answer "present."

The result of the vote was announced as above recorded.

Mr. CANDLER of Mississippi. Mr. Speaker, in accordance with the direction of the House, I report the bill back with the amendment described in the motion to recommit, and move the passage of the bill as amended.

The SPEAKER. The question is on the passage of the bill.

Mr. CANDLER of Mississippi and Mr. HEFLIN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 232, nays 64, answered "present" 6, not voting 128, as follows:

YEAS—232.

Almon	Ellsworth	Lee, Ga.	Sanders, N. Y.
Anderson	Elston	Lever	Schall
Anthony	Emerson	Littlepage	Scott, Iowa
Ashbrook	Esch	Lobeck	Scott, Mich.
Aswell	Fairfield	London	Shackleford
Ayres	Farr	Lufkin	Shallenberger
Bacharach	Ferris	Lundeen	Sherwood
Baer	Fisher	McClintic	Shouse
Barkley	Foss	McCulloch	Sims
Barnhart	Frear	McFadden	Sinnott
Beakes	French	McKeown	Slemp
Bell	Fuller, Ill.	McLaughlin, Mich.	Smith, Idaho
Black	Gandy	Magee	Smith, Mich.
Blackmon	Garrett, Tex.	Mansfield	Snell
Bland	Glynn	Mapes	Snook
Blanton	Good	Mays	Steagall
Booher	Goodall	Mondell	Stedman
Borland	Goodwin, Ark.	Montague	Steenerson
Brand	Graham, Ill.	Morgan	Stephens, Miss.
Browne	Gray, Ala.	Mott	Sterling, Ill.
Browning	Green, Iowa	Mudd	Stevenson
Brumbaugh	Gregg	Nelson	Stiness
Buchanan	Hamilton, Mich.	Nicholls, S. C.	Sumners
Burnett	Hamilton, N. Y.	Nichols, Mich.	Sweet
Butler	Hamlin	Norton	Switzer
Byrnes, S. C.	Harrison, Miss.	Oldfield	Taylor, Ark.
Byrns, Tenn.	Harrison, Va.	Oliver, Ala.	Taylor, Colo.
Campbell, Kans.	Hastings	Olney	Thomas
Candler, Miss.	Haugen	Osborne	Thompson
Cannon	Hawley	Overmyer	Tillman
Cantrill	Hayden	Overstreet	Timberlake
Caraway	Heflin	Padgett	Towner
Carlin	Helm	Paige	Treadway
Chandler, Okla.	Helvering	Park	Van Dyke
Claypool	Hersey	Peters	Vestal
Connally, Tex.	Holland	Platt	Vinson
Connelly, Kans.	Hollingsworth	Pou	Volstead
Cooper, Ohio	Houston	Pratt	Walker
Cooper, W. Va.	Huddleston	Purnell	Walsh
Cooper, Wis.	Hull, Tenn.	Quin	Walton
Cox	Husted	Rainey, H. T.	Wason
Cramton	Hutchinson	Raker	Watkins
Crisp	James	Ramseyer	Watson, Va.
Crosser	Johnson, Ky.	Randall	Weaver
Dale, Vt.	Jones	Rankin	Welling
Dallinger	Keating	Rayburn	Welty
Davis	Kennedy, Iowa	Reavis	Whaley
Decker	Kettner	Reed	Wheeler
Denton	Key, Ohio	Robbins	White, Ohio
Dickinson	Kiess, Pa.	Roberts	Williams
Dixon	Kincheloe	Robinson	Wilson, Ill.
Dominick	King	Rodenberg	Wilson, La.
Doolittle	Kinkaid	Rogers	Wingo
Doughton	Kitchin	Romjue	Winslow
Dowell	Knutson	Rouse	Wood, Ind.
Drane	Kraus	Rubey	Woodyard
Eagle	La Follette	Russell	Young, N. Dak.
Elliott	Larsen	Sanders, Ind.	Young, Tex.

NAYS—64.

Carew	Gallagher	McCormick	Sherley
Cary	Gallivan	McLemore	Smith, C. B.
Cleary	Garland	Maher	Smith, T. F.
Coady	Garner	Meeker	Snyder
Dale, N. Y.	Garrett, Tenn.	Moore, Pa.	Stafford
Delaney	Gray, N. J.	Moores, Ind.	Steele
Denison	Griffin	Morin	Sullivan
Dewalt	Hamill	Nolan	Swift
Donovan	Haskell	Oliver, N. Y.	Tague
Dooling	Igoe	O'Shaunessy	Talbott
Dupré	Kennedy, R. I.	Parker, N. J.	Tilson
Dyer	Lea, Cal.	Phelan	Tinkham
Eagan	Linthicum	Rainey, J. W.	Voigt
Fairchild, B. L.	Longworth	Ramsey	Waldow
Francis	McAndrews	Riordan	Ward
Freeman	McArthur	Scully	Wilson, Tex.

ANSWERED "PRESENT"—6.

Crago	Flood	Juul	Madden
Evans	Hensley		

NOT VOTING—128.

Alexander	Dempsey	Graham, Pa.	Kreider
Austin	Dent	Greene, Mass.	LaGuardia
Bankhead	Dies	Greene, Vt.	Langley
Beshlin	Dill	Griest	Lazaro
Bowers	Dillon	Hadley	Lehlbach
Britten	Doremus	Hardy	Lesher
Brodbeck	Drukker	Hayes	Little
Burroughs	Dunn	Heaton	Lonergan
Caldwell	Edmonds	Heintz	Lunn
Campbell, Pa.	Estopinal	Hicks	McKenzie
Carter, Mass.	Fairchild, G. W.	Hilliard	McKinley
Carter, Okla.	Fess	Hood	McLaughlin, Pa.
Chandler, N. Y.	Fields	Howard	Mann
Church	Flynn	Hull, Iowa	Martin
Clark, Fla.	Focht	Humphreys	Mason
Clark, Pa.	Fordney	Ireland	Merritt
Classon	Foster	Jacoway	Miller, Minn.
Collier	Fuller, Mass.	Johnson, S. Dak.	Miller, Wash.
Copley	Gard	Johnson, Wash.	Moon
Costello	Gillett	Kahn	Neely
Currie, Mich.	Glass	Kearns	Parker, N. Y.
Curry, Cal.	Godwin, N. C.	Kehoe	Polk
Darrow	Gordon	Kelley, Mich.	Porter
Davidson	Gould	Kelly, Pa.	Powers
Price	Sanford	Sloan	Venable
Ragsdale	Saunders, Va.	Small	Watson, Pa.
Rose	Scott, Pa.	Stephens, Nebr.	Webb
Rowe	Sears	Sterling, Pa.	White, Me.
Rowland	Sells	Strong	Wise
Rucker	Siegel	Temple	Woods, Iowa
Sabath	Sisson	Templeton	Wright
Sanders, La.	Slayden	Vare	Zihlman

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CARTER of Oklahoma with Mr. FORDNEY.

Mr. CHURCH with Mr. CHANDLER of New York.

Mr. SAUNDERS of Virginia with Mr. FOCHT.

Mr. DOREMUS with Mr. FULLER of Massachusetts.

Mr. FIELDS with Mr. GILLETT.

Mr. GORDON with Mr. GREENE of Vermont.

Mr. MARTIN with Mr. HULL of Iowa.

Mr. RUCKER with Mr. GRIEST.

Mr. VENABLE with Mr. CLASSON.

Mr. SLAYDEN with Mr. SANFORD.

Mr. EVANS. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. EVANS. I was not.

The SPEAKER. Then the gentleman can not vote.

Mr. EVANS. Then I desire to be recorded as "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. EVANS, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. CANDLER of Mississippi, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LONERGAN for four days, on account of important business.

EXTENSION OF REMARKS.

Mr. McARTHUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the bill just passed.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD on the subject of the bill just passed. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill just passed.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. RAKER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. HENRY T. RAINEY. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CHARLES A. CAREY (H. REPT. NO. 553, PT. 2).

Mr. ROGERS. Mr. Speaker, I desire to make a request for unanimous consent. On May 10 the Committee on Claims reported favorably to the House the bill (H. R. 3820) for the relief of Charles A. Carey. On May 15 a member of the committee—Mr. BLANTON, of Texas—filed minority views on the ground that the evidence before the committee had not been, in his judgment, sufficient to warrant a favorable report. Since that occurred I have secured from the files of a previous Congress the affidavits and evidence submitted in the Sixty-fourth Congress in support of the bill and have exhibited them to Mr. BLANTON, who is now satisfied to withdraw the minority views. I ask unanimous consent, therefore, that that may be done.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that Mr. BLANTON be permitted to withdraw his minority report on the bill named. Is there objection?

There was no objection.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask for the appointment of conferees. I ask unanimous consent to take from the Speaker's table the bill (H. R. 8496) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table House bill 8496, a pension bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY.

Mr. RUSSELL. Mr. Speaker, there were seven other bills of the same character in the same situation. I ask for the same order in the case of the bill (H. R. 9160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; the bill (H. R. 9612) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; the bill (H. R. 10027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; the bill (H. R. 10477) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; the bill (H. R. 10850) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; the bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and the bill (H. R. 11663) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. These are all House bills with Senate amendments?

Mr. RUSSELL. Yes; they are all omnibus House pension bills with Senate amendments.

The SPEAKER. The gentleman asks unanimous consent to take all these bills from the Speaker's table, disagree to all the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House on all the foregoing bills Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY.

EXPLORATION FOR COAL, PHOSPHATE, OIL, AND GAS.

Mr. FERRIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of Senate bill 2812, to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, and, pending that, I want to see if I can agree with the ranking Member on the other side as to the time for general debate. I would suggest, Mr. Speaker, after conversation with the gentleman from Washington [Mr. LA FOLLETTE], that we have an hour and a half of general debate, 45 minutes on either side, and that the debate be confined to the bill.

The SPEAKER. The gentleman from Oklahoma moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 2812, and, pending that, he asks unanimous consent that general debate be limited to an hour and a half. Is there objection?

Mr. NORTON. I reserve the right to object.

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, which I do not intend to do, I would like to ask the gentleman if, in case this consent is given, he expects to complete the general debate to-night and then take up the bill under the five-minute rule to-morrow?

Mr. FERRIS. That is the intention.

Mr. MADDEN. If that is the plan, I will serve notice on the gentleman now that I shall object.

Mr. FERRIS. Why?

Mr. MADDEN. It is too important a bill to dispose of in such a short time. Opportunity should be given to study it. Members can not give careful study to everything. There ought to be opportunity given for full consideration. There are a lot of people who can not study everything, and this is one of the things I have not had a chance to study.

Mr. FERRIS. Let me suggest to the gentleman—I think it will appeal to him—that this bill has twice passed the House after almost endless discussion and consideration. If we announce now a long general debate, three or four hours, the Chair will at once be vacated. After a conference with Members on that side and also on my own side, I thought we would have a short general debate and then be liberal under the five-minute rule, where we get real consideration and can give some information to the House.

Mr. MADDEN. That puts it entirely into the hands of the gentleman from Oklahoma. When we get into the consideration of the bill under the five-minute rule, if some gentleman wants to get 5 or 10 minutes on a question of real importance, the gentleman may say, "I object."

Mr. FERRIS. I am just stating to the gentleman that we do not propose to do anything of that kind.

Mr. MADDEN. If I have the assurance of the gentleman that he will open his mind and be liberal, for once [laughter]——

Mr. FERRIS. Certainly. The gentleman ought not to say that. I have always been so liberal that sometimes the House has felt like throwing us out for using so much time.

Mr. CARTER of Oklahoma. The gentleman from Illinois can still resort to his prerogative of calling attention to the absence of a quorum, can he not? [Laughter.]

Mr. MADDEN. I really do not know much about the rules of the House. [Laughter.]

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, still reserving the right to object, can we have the assurance of the gentleman from Oklahoma and the leader of the majority that no other business will be considered this afternoon except general debate on this bill?

Mr. FERRIS. After having a conversation with the majority leader, that was the suggestion he made, and I gladly carry that out.

The SPEAKER. Is there objection?

Mr. MADDEN. Still further reserving the right to object, after the committee determines to rise, and other gentlemen who are not particularly interested in the general debate have gone away to attend to some other important business——

A MEMBER. Or go to the ball game. [Laughter.]

Mr. MADDEN. No; no ball game—is there any danger of some one taking snap judgment in their absence and asking for the transaction of some important business in the absence of Members?

Mr. FERRIS. No; if the gentleman insists upon it I will then move to adjourn.

Mr. MADDEN. That will be all right.

Mr. NORTON. I have been hoping to get 20 minutes under general debate to speak on subjects not strictly pertaining to the bill. Does the gentleman say that to-morrow there will be an opportunity to get about 10 minutes?

Mr. FERRIS. I hope the gentleman will not make us vary from the rule. If we begin to talk generally on other subjects than the bill, I think the gentleman himself realizes that we may run very far afield, and Members on both sides have desired to talk a short time about the bill and then get it out of the way. I hope the gentleman will not insist.

Mr. STAFFORD. There are several appropriation bills awaiting consideration.

Mr. FERRIS. There are a lot of them coming along. The military bill, carrying $9,000,000,000, will be up for consideration Monday, and a deficiency bill, on which debate will be more in order than it is on one of these bills.

Mr. CRAMTON. This is really an emergency measure, and a number of Members have foregone speeches in order to hasten its consideration.

Mr. NORTON. I sincerely trust that the gentleman is not one of those who have foregone making a speech, because it is always so delightful and pleasant to hear from the gentleman.

The SPEAKER. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, with Mr. DEWALT in the chair.

The Clerk read the title of the bill.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I yield to myself not exceeding 10 minutes.

This bill, or one very much like it, has twice passed the House of Representatives after very long and extended consideration. It received on both occasions the very closest scrutiny. Amendments of all sorts were offered and voted upon, and it was given the very closest sort of attention. It went to the Senate. It was there loaded up with amendments, but on former occasions did not pass the Senate. This time the Senate passed this bill

(S. 2812) first, and it came over here last December. The House committee at once began to consider it, to try to perfect the bill. It has been a very painful task to try to get a bill that would meet the fancies and the ideas of all the people who were interested in it. The Secretary of the Interior, who is the general administrator of the public lands—so he, of course, was keenly interested in it—has been using diligence to at all times maintain the public interest. The Navy Department having three naval reserves out there withdrawn by Executive order, they, too, were interested in it; they have been diligently trying to conserve the oil for the Navy. The Department of Justice have 55 suits out there; they, too, were interested in it; they were striving to protect the Government's interest. The Committee on the Public Lands invited these three departments to bring their representatives down to our committee, sit there with us, make suggestions to us, work with us, and help us to perfect a bill that would protect the Government interests and do justice all around. The Committee on the Public Lands, too, have been tireless in their efforts; no selfishness or sordid considerations have ever crept in. Two or three times during the progress of this bill in the committee it was thought that we would not be able to report any bill. I was not sure that we would get a bill that would harmonize all these various departments. The committee had a great deal of trouble in arriving at a just conclusion. At last we came to the agreement to strike out every line of the Senate bill and put up a new bill. The bill as it stands has the support of the Public Lands Committee, as well as the support of the three departments—the Department of Justice, the Navy Department, and the Interior Department. I do not want to be vain either for myself or my committee, but it is entitled to be said that the committee has been faithful, and I believe in all things faithful to the public interest and all concerned.

It is true the oil claimants desire much more. They claim scant justice only has been done, but I think they will agree no advocates of any legislation ever had a more patient or faithful hearing.

There are vast interests in the West interested in this matter. Many oil men have gone out on the public domain and developed oil. A good many of them claim that the bill does scant justice to them, and I think that is the opinion of most of them. Many good men in and out of Congress think the bill does scant justice to them, and good men on the committee think that the bill does scant justice to them. But these are war times, and we are trying to conserve oil for the Navy, oil for the public, and no one can now be tolerated to be harsh with his Government. The Department of Justice is fighting for every right which the Government has, and if we have given the oil men scant justice it is the best the committee can do and the best the department can do and the best and only thing that we can get together on, and here it is in the bill we are presenting to you as a substitute for Senate bill 2812.

The Nation is still rich in natural resources. We have in the United States and in Alaska, roughly speaking, about 700,000,000 acres of public land, some of it hills and rocks and worthless, and some of it pretty good land, dry land, and land that can be used at least for wholesome purposes. We have 367,000,000 acres of forest reserve, administered by the Forestry Department. We have, roughly, 50,000,000 acres of coal lands, thirty or forty million acres of which are valuable for coal, and some not known as valuable. We have 6,400,000 acres of oil land, some of it producing oil and some none, and some of it probably worthless. No one can say what is in the rest of the 700,000,000 acres of Government land. It may have oil, but the rotary drill and the industrious oil man are the only ones to determine that.

The first eight sections of the bill deal with the leasing of coal. Sections 9 to 14, inclusive, deal with oil, and sections 15 to 17 deal with phosphates. We have a provision here for the leasing of Alaskan oil lands. They have found a little oil up in Alaska, and for 20 years they have been nibbling away trying to first get some oil, then some legislation. Some have produced five barrels a day and some a little more and some not a barrel. We have put in a provision making it a little more liberal than we do for the States, on account of the distance from market, the long winters, and the climatic conditions. The Alaskan people have been consulted about it, and the departments have drafted it and agreed to it. The committee have combed it over and have agreed to it. It is here for your consideration. We think it will bring development and good results. We think Alaska entitled to it.

We have a provision here for shale. They have found in Utah, Colorado, and Wyoming a material called oil shale, a rock proposition, which they can grind and from which refine oil—about 40 gallons to the ton. It is a sandstone rock, and there seems to be an inexhaustible supply of it. We have put a provision in the bill for developing that, from which we expect good results. It is here for your consideration. The departments favor it. We of the committee favor it.

There is a great oil shortage in the West, especially on the Pacific coast, and they would like to have this bill passed. The Interior Department feels the necessity of its early passage. Secretary Lane has appealed to me to hurry it up. The President of the United States has urged it for five years, Secretary Lane has urged it for five years, and the President referred to it in his message urging Congress to pass the bill, and your committee feel that they are entitled to a little credit for working and struggling for two or three months to get the bill satisfactory to all three departments and satisfactory to the committee. I do not think it is in all things satisfactory to the committee; some of the members of the committee think we do not do enough for the oil men and some feel very strongly about it, but they have swallowed their pride and got behind it and agreed to let the bill be reported and passed. They are entitled to much credit for that. Some of them fought to the last. It is the best we can do. It is all we can do. Here it is.

I do not think I have anything further to offer unless some gentleman wishes to ask a question.

Mr. NORTON. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. NORTON. In a case where a homesteader owns the surface right, is there any preference right given him to lease the coal and oil that lies beneath the surface?

Mr. FERRIS. That provision, as I recall, was not agreed to. It was offered and urged.

Mr. MONDELL. There is a provision in the bill—perhaps the gentleman has forgotten about it—giving these men certain relief. It is a section near the end of the bill. It gives him relief under certain limited conditions.

Mr. NORTON. I think such a preference ought to be given.

Mr. DENISON. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. DENISON. The gentleman says that three departments were interested in the bill. Was not the last bill passed by the other body approved by those departments?

Mr. FERRIS. I think not; but I do not want to get into a controversy about that.

Mr. DENISON. Will the gentleman state the principal difference between the bill passed by the Senate and the House bill now?

Mr. FERRIS. Our bill, to make a broad statement, is very much more restrictive than the Senate bill. It does not grant so wide and sweeping provisions to the oil men as the Senate bill. Our bill limits the acreage, the number of permits, higher royalties for the Government, greater regulation, and more safeguards than the Senate bill. There is quite a marked difference between the bills all the way through.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MOORE of Pennsylvania. We passed a mining bill in the House some time ago, in which an appropriation was asked for $50,000,000, but it was cut to $10,000,000. Is there any conflict between that bill and this bill?

Mr. FERRIS. No; I think not. This bill does not carry any appropriation.

Mr. MOORE of Pennsylvania. Is there any duplication between this bill and that bill?

Mr. FERRIS. I do not think so. That bill came from the Committee on Mines and Mining.

Mr. MOORE of Pennsylvania. I wondered, then, why that bill did not come from this committee.

Mr. FERRIS. I understood that that bill was drafted by the Bureau of Mines, and for some reason or other it was referred to the Committee on Mines and Mining.

Mr. MOORE of Pennsylvania. Both bills originated with the Department of the Interior, but the gentleman from Oklahoma has gone over the bill very carefully, and he does not think that it creates any new agency in the mining bill made unnecessary by the passage of this bill.

Mr. FERRIS. I am not able to give the gentleman the best information about that. I am not very familiar with that bill, but I understand it is regulatory of mining operations and does not deal with these matters of disposition—leasing, development, and so forth. I repeat, I do not claim to have great familiarity with that bill. This, in a word, merely supplants the old antiquated placer law, that is out of date, and the old coal law, passed in 1873, which everyone recognizes needed some attention, and furnishes to the miners, the Government, and to the people a new leasing system, where the Government gets a royalty on everything that is produced, where monopoly can be con-

trolled, where the miner's rights will be made certain, and to get rid of litigation, strife, and so forth.

Mr. MOORE of Pennsylvania. It brings everything in the matter of legislation up to date?

Mr. FERRIS. It does, and makes a uniform system of all these oil leases.

Mr. MOORE of Pennsylvania. The bill deals with the encouragement, promotion, and mining of coal, phosphate, oil, gas, sodium on the public domain?

Mr. FERRIS. Yes.

Mr. MOORE of Pennsylvania. I presume it would cover a great deal of the jurisdiction that we conferred in the mining bill over similar products.

Mr. FERRIS. The gentleman may be right about that, although that bill, as I understand it, has nothing to do with the disposition of minerals. It had to do with the regulation of mines and mining, but had nothing to do with the final disposal of mineral wealth.

Mr. MOORE of Pennsylvania. In the consideration of the bill S. 2812, the bill under consideration, was consideration given to the mining bill?

Mr. FERRIS. Not at all.

Mr. MOORE of Pennsylvania. By contrast or comparison?

Mr. FERRIS. Not at all. This bill originated, as the gentleman knows, five years ago, and this bill passed then with the approval of the House, and in the next Congress—the Sixty-fourth Congress—it passed again and then went to the Senate, where a lot of amendments were put on that killed the bill.

Mr. MOORE of Pennsylvania. We have two committees—the Committee on the Public Lands, which is an old committee, which has had jurisdiction of this particular matter for some five years, as the gentleman indicated, and we have a comparatively new committee, the Committee on Mines and Mining, which has entered the field which, to a certain extent, appears to have been covered by the Committee on the Public Lands. I want to call attention to that fact in passing.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MADDEN. Some time ago I received a brief from some one who seems to think this is a very bad bill.

Mr. FERRIS. I received one myself.

Mr. MADDEN. I do not know anything about the merits of the statement that the brief makes; in fact, I may say that I have not read it with any degree of care, but I would like to get the opinion of the gentleman as to what the facts are with respect to the statements in the brief.

Mr. FERRIS. I read that brief. One oil company circularized the House on the bill, and if the gentleman will read those briefs carefully he will see that most of what they have to say was about the Senate bill.

Mr. MADDEN. They talk about Mr. FERRIS and the Ferris bill.

Mr. FERRIS. I understand. One of the criticisms they made was that we did not give the oil operator a large enough area in our bill.

Mr. MADDEN. That is to say, you compelled him to invest his money in an enterprise that would soon be worked out.

Mr. FERRIS. That was the main criticism, and they said in their brief that the fact that we held down the acreage so small was iniquitous in the fact that they said we did not allow a chance for another company to build and become a competitor of the Standard Oil Co. Of course, I am speaking from memory—I do not have the brief before me—that was it as I remember it.

Mr. MADDEN. Their idea was that if you gave one concern all there is they could compete with the Standard Oil Co.

Mr. FERRIS. That was the trend of their arguments as I now recall it.

Mr. MADDEN. I really did not know just what they claimed.

Mr. FERRIS. That was the objection to our bill. Then they made a lot of serious objections to the Senate bill and we have stricken out the Senate bill.

Mr. MADDEN. The royalties charged in this bill are higher than in the Senate bill.

Mr. FERRIS. We fixed it as we did before, at a minimum of one-eighth and no maximum. The department can go as high as it desires to do. In the Senate bill they had a maximum fixed at one-eighth, and they could not go beyond that.

Mr. MADDEN. That was the maximum and minimum?

Mr. FERRIS. Yes.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. ROBBINS. In looking over this bill I observe, of course, it applies only to the public domain, hence it would not interest those of us who come from the East, except I see in a way that it regulates coal leases. The bill makes it possible to grant a lease for 2,560 acres in amount. Who is to fix the size of these leases?

Mr. FERRIS. The Interior Department.

Mr. ROBBINS. And who determines the royalty that is payable to the Government under the coal leases?

Mr. FERRIS. That is done by contractual relations between the lessee and the lessor. The lessor will be the Interior Department and the lessee will be the mine operator.

Mr. ROBBINS. In preparing a coal lease there are many elements that enter into it other than the size of the lease and the royalty.

Mr. FERRIS. Undoubtedly.

Mr. ROBBINS. The amount that is to be taken out of the acreage, and the details of the lease, the minimum output, the yield, and so forth, must be determined.

Mr. FERRIS. It is done in this way, as I understand it. We have gone into that at great length with the Geological Survey, the Bureau of Mines, and different Interior Department officers. The Interior Department, the Geological Survey, and the Bureau of Mines will have blocked this off in blocks. They have, roughly, about 53,000,000 acres of coal land. They will cut it into blocks ranging in area from 40 to 2,560 acres, and any prospective lessee may come in and apply for these lands if it looks attractive to him. If it does not, he need not take it. If he does get a tract awarded to him, they enter into a contract as to what the royalty shall be, and as to the life of the lease, as to the policy they may pursue in developing the mine, and all the rules and regulations that the department and the lessee may agree upon.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FERRIS. I will use two more minutes.

Mr. ROBBINS. I desire to finish this thought. I want the gentleman to explain this, because it relates to the production of coal, which is the most valuable and has the most certain element of value of all these lands.

Mr. FERRIS. Well, I do not know about that.

Mr. ROBBINS. I said certain elements.

Mr. FERRIS. The oil is very valuable; of course coal is, too.

Mr. ROBBINS. They are both worked out on the same general line. Then the Secretary of the Interior divides that, and then after the lease is entered into or before——

Mr. FERRIS. No; the Secretary of the Interior has 6,400,000 acres of oil land, while he has here 53,000,000 acres of coal land. He cuts it up in blocks as the Geological Survey thinks are proper blocks to offer. Then they are offered by competitive bidding or otherwise to anyone who cares to go in and develop it. The oil prospector, the coal developer, comes and makes the application for a certain one of these blocks not exceeding 2,560 acres. They enter into a contractual relation, which is stated in the lease or development contract. He need not take it, but he knows at the time exactly what he is getting. The Interior Department prescribes rules and regulations, subject to such regulations as are prescribed in the bill, for the purpose of development.

Mr. ROBBINS. And the lessee can never obtain title?

Mr. FERRIS. No; this is a leasing proposition.

Mr. ROBBINS. It is a leasing proposition altogether, both as to coal and oil?

Mr. FERRIS. Yes; as to oil in toto and as to coal in part. We do not repeal the old coal-land law. I do not think it is of much value on the books, but I think the leasing law will in fact completely supplant it, but for the benefit of tradition and for the benefit of some strong longings out there for patents we will leave the old coal-land law intact.

Mr. ROBBINS. So there is a way by which they can obtain fee to coal lands subject to certain regulations as to——

Mr. FERRIS. That is true. We leave the old system intact, and as to oil we repeal the placer law in toto.

Mr. ROBBINS. I have also the brief referred to by the gentleman from Illinois, telling me of great complaint about the size of these oil leases.

Mr. LONGWORTH. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FERRIS. I yield myself two more minutes in order to answer the gentleman from Ohio.

Mr. LONGWORTH. I recall some years ago, I think during President Taft's administration, some serious difficulty about these oil leases in California.

Mr. FERRIS. That is true.

Mr. LONGWORTH. And he was compelled, I think, to make several Executive orders. Is this bill intended to relieve that situation?

Mr. FERRIS. It deals with that situation. This is what happened. I will take a minute or so on that, because most of our hearings were about that very thing. Under the old placer law, which is still the law, eight men could post notices, go and take 160 acres of oil land, or, in reality, 20 acres apiece, and go on taking one tract after another. They could take 500 tracts of 160 acres each and keep taking one after another, and they were proceeding to do that thing. President Taft stepped in and by an Executive order withdrew the great areas of that land we have there, particularly those of the naval reserve, which was being slipped away under this patenting process where a few men were taking up the whole domain. What happened was this: Some very good men in perfect good faith and with an anxiety to develop oil spent perfectly good money in the development of oil. Some had spent hundreds of thousands of dollars to bring water to the land; others had spent thousands of dollars in order to make roads to drill wells. Some were on the verge of getting oil. This withdrawal cut their heads off. These oil men, honestly and honorably and in perfectly good faith, have been trying to get Congress to relieve them, and while the gentleman from Wyoming [Mr. MONDELL] was chairman of the committee and I was a member way down at the tail end of the table, we passed an act which we thought would give them relief, and that is what is known as the Pickett law. It was a withdrawal act giving the President full power to withdraw and to protect the rights of those men acting under good faith, but by the rulings and instructions of the department in carrying out the Pickett law that law did not prove to be a blessing, as we thought, but proved to be a hindrance and an obstruction.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SMITH of Michigan. Will the gentleman yield for one question?

Mr. FERRIS. I am afraid I am abusing the patience of the House.

Mr. SMITH of Michigan. I just want to ask one question.

Mr. FERRIS. I will yield myself a couple of more minutes. I do not wish to monopolize the time here. I only expected to speak for 10 minutes. I yield to the gentleman.

Mr. SMITH of Michigan. Is it contemplated by this bill that coal production will be increased for the next coming winter in any way?

Mr. FERRIS. I do not know whether or not it will have that effect that soon, if the gentleman will pardon me, but it will certainly give us a better chance to get coal, and it is in the right direction and I hope relief may come as soon as that.

Mr. ELSTON. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. ELSTON. The gentleman said in the application of the association for the right to locate mineral oil land that the lands were passing into the hands of very few persons and presumably monopolists. I assume that was under the privilege by which these associations could locate indefinitely, as the gentleman says. Now, that same right under the placer-mining law applies to the location of gold and other precious minerals other than oil, does it not?

Mr. FERRIS. Coal——

Mr. ELSTON. I said gold.

Mr. FERRIS. Oh, yes; that is true. I thought the gentleman said "coal."

Mr. ELSTON. The placer-mining law at present applies to gold and other precious minerals to the unlimited extent the gentleman says it applies to oil which this act would remove.

Mr. FERRIS. That is very true.

Mr. ELSTON. Now, does the gentleman think that the application of that right to locate by association group has resulted in the grouping of all the mineral lands or claims in the hands of a very few, and would the gentleman say in passing that that is true in regard to the oil location?

Mr. FERRIS. I think so as to oil; not true as to gold and so-called precious metals.

Mr. ELSTON. In California, for instance, will the gentleman say that the situation there, so far as the ownership of oil lands is concerned, went into a monopoly held by reason of this privilege granted in a group location?

Mr. FERRIS. I think it was traveling in that direction very fast.

Mr. ELSTON. The gentleman recalls that the Standard Oil Co., for instance, have holdings in proportion of a very slight percentage?

Mr. FERRIS. The Standard Oil appears in very many places and in very many forms, and we do not always know the Standard Oil when we meet it face to face; and I do not want to take any chances on meeting it in disguise.

Mr. ELSTON. I am sure the gentleman is mistaken in his statements that practically the whole of the public domain, so far as mineral oil is concerned, was being grouped in one or two large owners.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FERRIS. I will yield myself two minutes more.

The gentleman from California [Mr. ELSTON] knows a great deal about the oil business in the West to-day, possibly more than I do. But if any law permits eight men, by any sort of process or reasoning or application, to get the whole country, the very fact that it permits it to be done, if it is known to be valuable for oil, will cause it to be done. I am such a firm believer in human nature that I believe that any law so framed is both unwise and dangerous. I object to the placer law from A to Z, and so far as it applies to oil lands it never has had any proper application to the oil. It does not fit. It is a razor that does not shave. It ought to have been repealed before this muddle came. Oil came suddenly and without much preparation. It may have been the best that could be done with the lights before them. It certainly does not have any application to oil.

Mr. LONGWORTH. And was there no way to relieve the situation under the law except by withdrawing it altogether?

Mr. FERRIS. That is all.

Mr. CRAMTON. While it is not very likely that this bill will have any great effect upon the coal situation at an early date, I will ask the gentleman if it is not a fact that it is hoped by untangling the troubles in the West in the oil situation a very decided improvement in the oil situation may be secured and that much new development may be obtained, and thereby the threatened oil famine perhaps averted?

Mr. FERRIS. I think the gentleman has stated it fairly and squarely, and very truthfully.

Mr. CRAMTON. And that is really, at this critical time, the most important feature of the situation.

Mr. FERRIS. I think that is true; and I hope the committee have accomplished a great deal, and I think they have.

Mr. Chairman, I reserve any more time that I may have remaining.

The CHAIRMAN. The gentleman from Oklahoma has 22 minutes left.

Mr. FERRIS. I think it advisable to print herewith my report on this bill. I think it has value for the record.

Mr. FERRIS, from the Committee on the Public Lands, submitted the following report:

The Committee on the Public Lands, having had under consideration the bill (S. 2812) to authorize exploration for and disposition of coal, phosphate, oil, oil shales, or gas, after due and careful consideration thereof, recommends that the bill as herein amended do pass. Senate bill 2812 passed the Senate January 7, 1918, and was referred to the Committee on the Public Lands January 9, 1918. Extended hearings were had on S. 2812, and your committee recommends the striking out of all after the enacting clause and inserting in lieu thereof the following:

* * * * * * *

It will be remembered that this legislation has been before Congress actively for the last five years. It will also be remembered that legislation on this subject has twice passed the House without a dissenting vote after full and free consideration of each and every paragraph of the bill. It will be observed that the present House committee substitute follows very closely House bill 3232, which is now on the House Calendar, reported this session of Congress, and which is identical with House bill 406, Sixty-fourth Congress, first session, and is almost identical with House bill 16136, Sixty-third Congress, second session.

GENERAL STATEMENT.

This Nation is rich in mineral resources, but for want of adequate legislation too many of our resources are now in a state of nonuse. Existing laws which have become antiquated and out of joint with present-day conditions need a general overhauling. In fact, a system of laws is demanded that are applicable, that are workable, and that will open and develop the West. Such we believe would be accomplished by the enactment of the substitute under consideration It in all things supplants the existing patenting of oil lands and other valuable minerals and substitutes therefor a leasing system controlled by the Federal Government and in the public interest.

This mineral-leasing bill affords a method of leasing on a royalty basis the deposits of mineral fuels and mineral fertilizers, the "public-utility" minerals, contained in the public lands of the United States.

The committee substitute for Senate bill 2812 affords an ample method of leasing to prospective developers on a royalty basis the deposits of mineral fuels contained in the public lands of the United States. Exclusive of coal, this measure applies to the public lands of Alaska as well as the United States proper. There being on the statute books a coal law especially enacted for Alaska, it was thought inadvisable to make this law applicable to Alaska.

The best estimate of the Interior Department discloses that there are approximately 330,000,000 acres of public lands in continental United States and approximately 370,000,000 acres in Alaska, or a grand total of 700,000,000 acres in all. These figures are only approximately correct, due to the fact that entries are constantly being made and lands constantly being relinquished, causing the figures to vary from time to time.

COAL.

The first eight sections of the bill under consideration, coupled with general regulatory provisions appearing later in the measure, deal with coal. Of the 330,000,000 acres of public lands in continental United States, 43,700,000 acres are now withdrawn as unclassified coal lands.

Not all of this area, however, is known to be chiefly valuable for coal and, as classification continues, lands are both eliminated and new tracts included in the coal area. Twenty-five million five hundred thousand acres have already been classified as coal lands. The best available estimate shows that there are from 35,000,000 to 40,000,000 acres of public lands in the United States known to be valuable for coal. The best rough estimate on tonnage is 10,000,000,000 tons bituminous, 30,000,000,000 tons subbituminous, and 50,000,000,000 tons of lignite coal in public ownership in accessible areas, while a rough estimate of the total tonnage for the public-land States, exclusive of Alaska, would be 450,000,000,000 tons, and about 150,000,000,000 tons under private ownership in the Western States, or a total of approximately 600,000,000,000 tons of coal in all.

Method of disposition: Prior to 1873 coal lands were subject to entry under the agricultural land laws, and under this method then and later much of the land went into private ownership, only to find its way into the holdings of the coal trusts, which in turn were ready to, and did, practice extortion on the consumers. Much of the remaining areas of coal lands slipped away in land grants to railroad, wagon road, and other companies. To give one an idea of the enormous areas that have passed into private ownership in this manner it is sufficient to say that 159,125,734 acres of the public domain were granted alone to railroad companies to encourage them in railroad building, to say nothing of the other large areas granted outright to similar enterprises, and these grants include millions of acres of the very best coal lands.

Under the law of 1873 little effort was made to protect the public interest or the rights of the public, and through lack of classification immense areas of coal lands were acquired by individuals and corporations through more or less fraudulent means. While the present system is an improvement over the old methods, it is still unsatisfactory in many respects and in some ways inapplicable to present-day conditions. The demand for better laws to encourage development and prevent speculation is general. The leasing plan will meet this demand and at the same time safeguard all public interests.

Since 1907 coal purchases are made pursuant to prices fixed by the Geological Survey, under regulations approved by the Secretary of the Interior.

From March 3, 1873, to June 30, 1917, only 4,267 coal entries, aggregating 610,516 acres, have been made.

It must be observed that, as enormous as these figures seem, there are yet, without doubt, beds of coal other than those to which reference has been made, possibly containing large areas and considerable tonnage.

Present coal laws not workable: The coal industry is perhaps one of the greatest subjects of monopoly known to minerals, unless it be oil or water power. The present law which permits the fee to pass to railroads, to monopolies, or anyone who would buy it, has worked a great hardship on the consumer and one which can not be undone by the present or many of the generations that are to follow.

The existing laws have permitted the coal near markets and railroad facilities to pass into private ownership and into the hands of the trusts, which are practicing extortion in several Western States to a degree almost inconceivable. The mining of coal may well be termed a rich man's business, and, though the bowels of the earth be laden with coal in the more remote areas, the present law offers nothing workable and no protection to those who would press back into the less accessible fields and open new mines to compete with the mines more favorably situated on lands that are now under private ownership. Much of the land that was acquired by grant, or by acquisition under laws other than coal-land laws, under conditions where little or nothing was paid for it, is either being held for speculation or is now being operated under methods of extortion, and unreasonable prices are being pressed down upon the consumers. Other vast areas of valuable coal lands, exclusive of railroad grants and the like, crept away under preemption, homestead, desert-land, timber, and stone laws, and even scrip locations These areas in turn speedily passed into the hands of the few as a result of dummy entries, prearrangement, and fraud. None but the selfish was favored by this policy—all suffered but the favored few. The policy of the past will do naught but serve the selfish ends of present large corporate holders of coal lands, encourage and benefit the selfish holders, while it hampers and impedes progress and development along all lines.

Necessity for better coal-land laws is recognized by all: The leasing system and the intelligent utilization of the coal yet remaining under Government ownership seems now imperative to every thoughtful person who has given the matter thought. It is believed such a policy will (1) afford competition to the coal monopoly and better prices to consumers; (2) divorce transportation from production—a necessity conceded by most students of the subject; (3) serve as a club to insure better prices in areas where the mines are not opened or leased at all; (4) prevent waste and insure better treatment of labor; (5) enable coal companies to lease an area large enough to justify competition with present monopoly; and (6) prevent favoritism, inasmuch as the leases will be awarded through advertisement and competitive bonus bids.

General provisions: A minimum royalty of 2 cents per ton is fixed, so that the department may adjust each case according to conditions that are present, having due regard for markets, transportation, and other conditions.

It will be observed that the 2 cents per ton is only a minimum charge, and the Interior Department and Government officials may charge as much beyond that as the facts, conditions, and circumstances in each case may warrant.

A rental is provided to insure development.

Safeguards to the public interests are present all through the bill.

The leasing bill, in short, will do with Government property what has been done by all the foremost countries of the world; will do what we have done successfully with the Indian lands, what individuals would do and are doing through the length and breadth of our country. It is wise conservation which bears the approval of Secretary of the Interior Lane, Dr. George Otis Smith, Director of the Geological Survey, the head of the Bureau of Mines, as well as the conservation people from one end of the country to the other.

The leasing system is not new; it is old. It will be objected to by some, just as many other good things have been objected to, but it is right. The parcel post, the rural-route system, and other similar aids were assailed both by the wise and unwise, but they are now conceded to be blessings that have come to stay. The leasing proposition to develop our mineral resources has come, will be adopted, and the system will remain in vogue, for it will be full of safeguards to the public as distinguished from protection of selfish interests.

It is thought the bill will be workable; will afford cheaper coal to consumer; will afford adequate returns to the producer; will prevent monopoly and oppressive methods; will be a boon and a blessing to the workingman, to the producer, and to the consumer. It will be observed that the maximum area for which any one citizen can acquire a lease is 2,560 acres. It will be observed that favoritism in awarding the leases is avoided by first causing the deposits to be carefully appraised and then asking for a bonus by advertisement and competitive bidding. This insures a chance for all. This obviates the usual criticism of favoritism and partiality in the awarding of leases. No railroad shall be a producer of coal except for its own use. It is thought that such separation of transportation from production will go a long way toward stamping out rebates, oppressive methods in shipment, and other existing evils.

It will be observed that the royalty in no case shall be less than 2 cents per ton and may be fixed by the Secretary of the Interior to appropriately fit each case, having due regard for transportation facilities and marketing, as well as other conditions that may need to be considered in any particular case.

The bill is well safeguarded and prevents the lessee from tying up development, inasmuch as he is required to pay an acreage rental and must operate continuously, unless upon application the Secretary of the Interior, acting in the public interests, may modify these requirements, but in no case can the minimum tonnage on which royalty is to be charged be less than the actual rental.

The interests of the homesteaders who are engaged in developing the West are fully protected, and the bill permits a homesteader to secure without royalty, under regulation, a lease for domestic use, so that he may be relieved from the Coal Trust and its oppressive methods. This will be a blessing to the home builder and will afford immediate relief from present conditions until the leasing plan is in full operation.

Cities and municipalities may secure a lease without the payment of royalty on 160 acres for municipal supply, but this must be operated without profit. This will serve as a curb to monopoly, will spare the city from oppression and extortion. Even though the 160-acre tract of coal lands were never used, it would serve as a weapon of protection to those who would or could practice monopoly or extortion upon them.

Oil and Gas.

Sections 9 to 14, inclusive, in conjunction with general provisions appearing later in the bill, deal with the oil and gas deposits.

AREA AND EXTENT LARGELY UNKNOWN.

At present 6,650,000 acres have been withdrawn as valuable for oil and gas. The hearings disclose that some of this land is in litigation; some is sought to be acquired by applicants through dummy entries and other irregular methods. No one can say that the remaining 700,000,000 acres of public land in continental United States and Alaska do or do not contain deposits equally valuable with those already discovered.

Geologists have in the past and will in the future call to their aid science and scientific methods to determine where oil deposits are found. Still it is pretty well admitted on all sides that new and unexplored fields are constantly being found, opened up, and developed, which are unknown and unfathomed, by geologists and scientists. Naught but the rotary drill of the industrious and ambitious oil man can in the last analysis answer definitely where the oil deposits are, what they are, and other indispensable information about them.

OIL AND GAS NOW BEING DEVELOPED UNDER PLACER LAW.

Everyone acquainted with oil production knows how almost totally inadequate the placer law is for oil development. Under the law as it now stands eight citizens can form themselves into an association and take up as such 160 acres. They may then, in succession, without limit and without restraint, take up as many more 160-acre tracts as they like. By this almost criminally lax method the valuable oil deposits of the country, now universally used by rich and poor alike, from cookstove to automobile and from automobile to battleship, have crept away and either have or will find their way into monopolistic control, which means exploitation, extortion, and abuse.

Your Committee on Public Lands are anxious to supplant this unwise, unwholesome, nonworkable law with an intelligent leasing law that will be workable, feasible, and bring about the highest development to the end that monopoly and extortion to the consumer may be stamped out, and at all times conserve the interests of the Federal Government in the property, and to in all things serve in the public interest.

Objects of Bill.

The objects of the bill are (1) to free both producer and consumer from monopoly; (2) to insure competition; (3) to prevent speculation and secure in its stead bona fide prospecting; (4) to protect the prospector; (5) to reward the prospector who does the drilling; (6) to insure an adequate supply of fuel oil for the Navy, which has abandoned the use of coal and will from necessity use larger and larger quantities of oil as long as we have a navy, and (7) to amicably settle litigation that sprang up from the Executive withdrawal by the Government of mineral lands which had partially been developed under the old law.

PROSPECTING PERMIT.

Oil can only be found by drilling; therefore section 9 of the bill authorizes the Secretary of the Interior to issue a prospector's permit for a period of two years, conditioned on development and actual drilling.

If the prospector holding a Government permit makes a discovery of oil or gas, that discovery under this legislation entitles him to a lease for one-fourth of the area of his permit at a fixed royalty of one-eighth. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in the prospecting permit at such royalty, not less than one-eighth, as may be fixed by the Secretary of the Interior, for such periods and under such other conditions as are fixed for oil or gas leases in this act.

This is thought to be ample reward for the prospector, and at the same time it would turn back to the Government for leasing or for Government use three-fourths of a known oil field, which is believed to be in the interest of conservation, in the public interest, and an assurance that the Government itself will not be left destitute of the necessary fuel, and, further, that the Government, whether with or without adequate antitrust laws, will be able to grapple with the problems of monopoly in oil, which deals with a heavy hand the full length and breadth of the country.

PHOSPHATES.

Sections 15 to 17, inclusive, of the bill deal with phosphates. Soil can not constantly produce without being fed. Its food is fertilizer, and consequently fertilizer is a factor in the cost of living. The conservation

of mineral fertilizer is now important, and it will become more so as the virgin soil becomes depleted. In the past large areas have been withdrawn as phosphate lands, but on geologic investigation some of this area has since been restored, leaving approximately 2,870,000 acres. A rough estimate of the number of tons of deposits of phosphate remaining in public ownership would be 20,000,000,000. This mineral occurs and is found largely in Utah, Wyoming, Idaho, Montana, and a little in Florida. The withdrawals of phosphate lands, by States, is as follows:

	Withdrawn.	Restored.	Outstanding.
Florida	122,816	2,819	119,977
Idaho	2,306,019	1,339,642	966,377
Montana	308,975	178,760	130,215
Utah	805,597	544,846	260,751
Wyoming	3,154,227	1,971,411	1,182,816
Total	6,697,634	4,037,498	2,660,371

Phosphate is said to be worth $4.50 per ton at the mine. Thus a rough estimate of the total value of the mined product in its natural state in the public lands of our country would be $90,000,000,000, a sum so vast the mind is scarcely able to grasp its enormity, and probably not expressing the full value of this resource to our farmers, and yet with no adequate law either to protect this resource or to develop it.

In his report on this bill last year Secretary Lane has the following to say with regard to phosphates:

"The largest production of phosphates up to the present time has been in the State of Florida, with considerable quantities also produced in Tennessee and South Carolina. It is from these States that the phosphates so greatly needed by the farmers of this country have been largely exported.

"Discoveries of vast deposits of phosphate rock in Idaho, Montana, Utah, and Wyoming were made in 1906. In 1908 all the public lands within this area believed to contain phosphate deposits and not included within prior valid mining claims were withdrawn from entry, and have since remained withdrawn, awaiting the enactment of laws which would be better adapted to the development of these deposits and the protection of the public rights and interests involved.

"Phosphates occurring in rock, as they do in the West, can be acquired under the lode-mining laws at present, or could if they were open for entry. Where the deposits are in placer formation, as is the case in Florida, they are disposed of under the placer mining laws.

"These laws are inadequate to protect the public interests and rights in these deposits. They provide no method for preventing monopoly of holding or for securing development and continuous working of mines. If disposed of under the present laws, these deposits may be monopolized and withheld from development and use in any manner which may best serve the interests of monopoly, and which would inevitably mean the maintenance of high prices to the consumers.

"This bill provides for the retention by the United States of the title to all phosphate lands and the leasing of the lands for development and production of phosphates. It offers such reward as is expected to encourage exploration and discovery, gives liberal inducement to private enterprise to search out and apply better methods to the production and manufacture of phosphates, and at the same time insures such competition in production as is believed to furnish complete safeguarding of the public against the extortions of monopoly.

"Tracts of not more than 2,560 acres of phosphate lands are to be leased for development.

"The Government is to receive a royalty of at least 2 per cent of the value of the phosphates produced, at the point of production, with a minimum rental of $1 an acre per annum. Leases are to be indeterminate, with full regulation of methods of mining, prevention of waste, monopoly, and minimum production. It is left to the Secretary of the Interior to make such terms in the lease concerning the time for development and the use of surface lands for location of factories and for other purposes as may be desirable to encourage location of new industries and protect the public interests."

With all these resources no adequate public or mineral land policy is in vogue: With all this enormous wealth decreed to us by nature and by purchase, with all the mineral deposits slumbering in the ground untouched, yet the Government, with all its patriotism, with all its wisdom, has as yet no well-defined, well-digested, rational policy for the development of the mineral resources contained in its public lands.

Our laws are in many respects crude, irreconcilable, inefficient, without uniformity, confusing to the brain of the miner, impossible of interpretation by the layman, a jargon of inconsistencies, retarding progress and development. Most of our so-called mineral laws in truth and in fact are not laws at all but are simply a jargon of Executive orders, rulings, interpretations, and decisions made by different bureau chiefs and clerks in the ramifications of the various bureaus of the Interior Department.

It is gratifying to observe that Secretary Lane and the present administration have put their hands to the plow and are utilizing the experience of the administrations that have preceded us in formulating a land policy which will make clear to the miner and to the public the relative rights of all concerned. It is both gratifying and pleasing to know that Secretary Lane and the present administration have the hearty cooperation of the preceding administrations and their friends, both in and out of Congress, in the working out and bringing about of a solution of these more than vexatious questions in the handling of the 700,000,000 acres of public domain in the United States and Alaska.

It should be distinctly understood that the withdrawal of large areas of land by the previous administrations has only been a preliminary step to, but in no sense a solution of, the public-land policy. It is thought that Secretary Lane is entitled to unusual credit for taking up the task where his predecessors left it in aiding the Public Lands Committee to bring into Congress a measure for the solution of these problems, which is thought to be feasible, acceptable, and workable, and which it is believed will insure a proper development and an intelligent utilization of our mineral resources, without waste and without permitting monopoly or injustice to be pressed down upon those who would develop the West, or upon the interests of the public, who are entitled to reap the benefits.

RELIEF PROVISION RELATING TO OIL CLAIMANTS WHO HAD PARTIALLY DEVELOPED LANDS WHEN THE EXECUTIVE ORDER OF WITHDRAWAL WAS ISSUED.

On September 27, 1909, the then President Taft made an Executive order withdrawing large areas of public lands in the West on which oil prospectors were actually engaged and in many instances actually producing oil. There was much controversy in the West as to whether the President of the United States under the then existing laws had authority to withdraw such lands that had valid, bona fide claimants on them seeking to develop the lands and produce oil from them under the then existing law. Able lawyers advised the claimants, some gratuitously and some for pay, but it was uniformly referred to and assented to throughout the West that the then President Taft had no authority to make such withdrawals. The oil claimants, not in a spirit of disobedience but in pursuance of what they thought were their rights, at very great expense and hazard, and very great loss in some instances, and in still other instances with very great profit, went on expending money and developing this territory.

The matter was litigated in the courts and carried to the highest tribunal, the Supreme Court of the United States, which seven years afterwards upheld the withdrawal order and decided that the President did have the right to make the withdrawal order that he did make.

This left the oil men in a precarious condition. They must either go on litigating with their Government or come to Congress and make an appeal to Congress for some equitable adjustment of their difficulties. Some pursued one course, some another, but the bulk of them, however, have been appealing to Congress for the last five years to give them some relief. Congress has always given an attentive ear to their claims and usually has sympathized with them in an effort to save their investment and preserve their rights, but it is believed that in no instance has anyone desired that they should have rights which would in any way be unfair to the Government or antagonistic to the public interests.

This particular relief phase of the bill has had extended attention not only from both Committees on the Public Lands of the House and Senate but from the Departments of Interior, Navy, and Justice.

The combined judgment of the three departments mentioned and the combined judgment of the Committee on Public Lands is set forth in the following specific proviso, which is a proviso to section 12 of the bill, and which reads as follows:

"*Provided*, That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, for the purpose of prospecting for oil or gas, and thereupon commenced development work thereon, and thereafter prosecuted such work to a discovery of oil or gas, shall be entitled to lease from the United States the producing oil or gas well or wells resulting from such work at a royalty of not less than one-eighth of all the oil and gas produced and saved therefrom, together with an area of land sufficient for operation thereof, but without the right to drill any other or additional wells thereon except as may be authorized by the President, and no wells shall be drilled on lands subject to the terms of this act within 660 feet of any such leased well without the consent of the lessee thereof: *Provided further*, That where the President shall determine that it is to the public interest, he may lease the remainder of any such claim to the claimant upon such terms and conditions as he may prescribe: *And provided further*, That all such claimants shall pay, in such manner as the President may determine, to the United States an amount equal to not less than the value when produced of one-eighth of all the oil and gas already produced and saved from such well or wells: *And provided further*, That no claimant whose well or wells may be involved in any suit brought by the United States or in any application for patent shall be entitled to a lease under this proviso, unless within six months after approval of this act he shall relinquish to the United States all rights claimed by him in such suit or application, unless the President shall further extend such time. No person who has been guilty of any fraud, or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to a lease under the provisions of this act."

It is contended by the oil men that this is a harsh settlement with them of their rights, which they insist were bona fide and acquired in the greatest hazard, and that it does not accord them adequate relief.

The Interior Department has at all times contended that every right of the Government should be conserved in the public interest. However, they have always thought that the Government should not deal unjustly with these pioneers on the public domain who have converted a worthless desert into a producing oil field which affords an adequate supply of oil for the Navy and the Republic in general.

The Department of Justice has been vigilant, has commenced and prosecuted some 55 suits, most of which are still pending in the courts, seeking to recover these lands for the Government. In order to accomplish this the Department of Justice has availed itself of technical frailties of procedure in acquiring these lands under the placer-mining law. In other cases the department found open abuses of the law in their efforts to acquire patent thereto.

The Department of the Navy has at all times been vigilant, active, and determined in their efforts to conserve an adequate fuel supply for the United States.

The interests of the three departments above mentioned have been so acute and so interlaced and interwoven in this intricate matter, involving litigation, receivership, and millions of dollars' worth of impounded oil and property, that your committee requested representatives of each of these departments to appear at the hearings, and they did actually sit in and participate in all the hearings had upon the bill, and acknowledgment is hereby made to them for their help and assistance in bringing about the above solution of this intricate and troublesome question, which is thought to be a solution which in all things is believed to be fair to the Government and to the development.

This view was reached after the most untiring investigation, after the most tedious and laborious efforts expended toward its solution by the departments, by the Committee on the Public Lands, and by the oil men themselves, who have been ably represented and have likewise been vigilant, active, and energetic in the preservation of their every right and the securement of all the relief that it was possible for them to obtain.

OIL SHALE LANDS.

In section 14 provision is made for the leasing and development of deposits of oil shale belonging to the United States. From evidence submitted at the hearing it appears that the known oil-shale deposits of the United States aggregate something like 15,000 square miles, in Colorado, Utah, and Wyoming. There are also areas of oil shale known in Nevada, California, Arizona, and Oregon. Oil is not extracted from shale through wells, but the shale must be mined like coal and subjected to a process of distillation, producing ultimately crude oil, with sulphate of ammonia and paraffin as by-products. It is estimated that the production of oil from the better class of shales will approximate 47 gallons of crude oil to the ton. The mining and manufacture of oil and other products from these shales are somewhat analogous to the mining and reduction of low-grade ores. It can be accomplished only through the adoption of expensive and complicated manufacturing

processes and by handling the shales in large quantities. It is estimated that a complete plant having a capacity of 1,000 tons of shale per day will cost from $2,200,000 to $2,500,000.

Oil has been produced from shales for many years in Scotland and other places in Europe, and some production is being had in Canada, where, while a small royalty is exacted from the developer, a bonus is paid by the Government of 1½ cents per gallon of crude oil. Your committee regards the oil-shale deposits as a valuable Government asset and susceptible, under proper encouragement, of producing vast quantities of crude oil and its by-products, but only through liberal treatment and through a somewhat different method than that employed in the extraction of oil from wells. Section 15, therefore, authorizes the leasing of the oil-shale deposits in areas not exceeding 5,120 acres of land, upon such royalties as may be specified in the leases, with the right in the Secretary of the Interior to waive the payment of any royalty and rental during the first five years of any lease, the royalties to be subject to readjustment at the end of each 20-year period. There are reported to be numerous locations upon these lands under the general placer-mining laws, and provisions have been adopted that any person having a valid location of such minerals prior to January 1, 1918, may, upon relinquishing his claim, be entitled to a lease under the provisions of the section.

In view of the fact that no commercial quantity or any appreciable amount of shale oil has ever been produced in this country, nor any standardized process of production has yet been evolved or recommended or agreed upon in this country by the Bureau of Mines or anyone else, and it has not yet been demonstrated that the oil-shale industry can be made commercially profitable, in view of the location and conditions of the oil shale in this country, and that it will require the hazard and employment of many millions of dollars, and the long application of expert experience and intelligence of the highest order to develop the industry to a productive and profitable state, for the purpose of encouraging the experiment upon and the development of the oil-shale industry in this country, your committee very earnestly recommends exceedingly liberal conditions to those who are willing, under the supervision of the Government, to undertake the risk and expenditure of the necessary time and money to make the production of shale oil possible.

ALASKAN OIL PROVISIONS.

Section 29 of the bill is devoted to Alaska. Special consideration was given to Alaskan oil fields. The demand for distinct recognition by Alaska oil claimants is based upon conditions peculiar to Alaska, grouped as follows:

(a) Distance of the fields from commercial centers.
(b) Time required in the shipment of necessary materials.
(c) Difficulties in the transportation of materials by land in the oil fields.
(d) The short season in which work can be done.
(e) Scarcity of needed materials on ground.
(f) Rapid decay and destruction of materials during long nonuse.
(g) High cost of labor and maintenance in these fields.
(h) Absence of housing quarters for employees.
(i) Unusual difficulties encountered in drilling.
(j) Small production of individual wells.
(k) Great distances between the oil areas.
(l) Difficulties and cost of transportation of oil produced.
(m) Difficulties in storing and refining oil produced.
(n) The present scarcity and high price of fuels.
(o) Shipping necessary to transport needed fuel to Alaska.
(p) Taking of oil from the California and other United States fields to Alaska for fuel.
(q) Encouragement to the mining interests in furnishing fuel for mining and milling ores.
(r) Local fuel for Alaskan industries generally.
(s) Continued production of the necessary supply of Alaskan salmon.
(t) Recognition of present claimants, occupying but 1 per cent of Alaskan oil fields, will encourage development of the 1,000,000 acres of known and classified oil lands.

The evidence shows some 60 claims in the principal Alaskan fields located long prior to any withdrawal order. The claimants, their assignees and successors, have in good faith held and worked these claims uncontested nearly 20 years and have expended thereon an aggregate of approximately $1,000,000.

No discovery of oil in wells has been made on many of these claims, but by reason of faults and folds the surface in many places is marked by large springs or seepages of live oil and gas issuing from the rock. This seepage, the evidence shows, is a positive visual production of oil, amounting, in many instances, to measurable quantities in short spaces of time. The original locators and their assignees have in good faith relied upon these seepages as discoveries sufficient, with the improvements made and work performed, to validate their claims. These seepages have been used as guides in drilling wells, and every well drilled at or in relation to a seepage has proved of commercial value.

The Geological Survey authoritatively states that "if any drilling is to be done it will first be advisable to search out those areas where the presence of seepages gives the best hope of favorable results." (Bull. 592, p. 400.)

A Federal judge in the recent Consolidated Mutual Oil case said:

"While it is possible that at times oil may be found issuing from the surface of the ground, in which case discovery, of course, may be made without difficulty or expense, it is a matter of common knowledge that almost always drilling is essential to such discovery."

Another Federal judge recently said:

"It would not do to say that a discovery of seepage oil upon a mining location could not in any case constitute a discovery."

The author of the official compilation of the United States mining laws and decisions has recently published a digest of the authorities on this subject as follows:

"Lands subject to oil locations must be chiefly valuable for the oil content. Discovery of oil on a claim is necessary. Discovery of oil in commercially valuable quantities is not required. The discovery required is to determine if the land is chiefly valuable for oil and not to determine the value of the oil deposit. The sufficiency of a discovery is a question of fact. The rule as to the sufficiency of a discovery is more liberal as applied to placer than to lode claims. The rule as to the sufficiency of discovery on placer claims is made more liberal on oil locations by the petroleum act.

"The willingness of a prospector to expend money and labor in development is an element in determining the sufficiency of a discovery. Oil seepage in appreciable quantity may answer as to the actual presence of oil. The sufficiency of a discovery may be established by presumptive evidence in connection with the presence of any appreciable quantity of oil."

The evidence shows that the lands in the fields are practically worthless for other purposes. There is little valuable timber and no discoveries of other minerals have been made thereon. Under the act of February 11, 1897 (29 Stats., 526), the locators could assume from the seepage that the lands contained petroleum and were chiefly valuable therefor.

The testimony and Government reports show that the Alaskan fields, although large in area, are much broken and faulted, thereby shifting the oil to widely separated pools or reservoirs presumably along faults and folds of the same general field. The probable extent of these fields is in the neighborhood of 1,000,000 acres, with the possibility that even larger areas will be discovered if prospecting is reasonably encouraged. These and other reasons given make necessary a larger number of tracts for operation to justify the initial investment and average the incident risks.

Drilling processes are slow, necessarily expensive, and the wells are small, averaging about five barrels a day.

The testimony demonstrated that immediate development is vital as a war emergency to continue and protect the production of fish, gold, and copper, that are dependent upon local oil production.

From these existing and partially developed claims, oil for the emergency requirements of the Alaskan fisheries and mines must come. A quarter billion cans of Alaska salmon needed at the fighting front are almost wholly dependent on this supply of oil. Liberal treatment and inducements are necessary to encourage immediate development for a supply of fuel to these industries, and the pioneers in the field should have a larger margin of safety than those in more regulated, accessible, and uniform fields, where all conditions are far more favorable. The advantages given are essential to quick production to meet the emergency and the present Alaskan requirements.

A similar proviso has recently passed the Senate; and the House has twice recognized the conditions peculiar to Alaska in previous consideration of this measure.

For these and other reasons that space will forbid the giving, the committee recognizes the validity of these claims and has attempted to give liberal and just treatment to Alaska claimants. Under the conditions briefly reviewed, and as established at the hearing, it is our unanimous conclusion that any Alaskan who can measure up to the requirements of this section is entitled to the benefits of its provisions. Its beneficial effect and its simplicity is such that the men who have discovered and opened up a virgin resource can immediately determine their present status, and, if within its provisions, may safely and expeditiously proceed to meet the present emergency.

DEPARTMENTAL REPORTS ON RELIEF SECTION OF H. R. 3232 AND S. 2812.

JANUARY 8, 1918.

Hon. FRANKLIN K. LANE,
Secretary of the Interior.

MY DEAR MR. SECRETARY: Will you be good enough to furnish the committee a report of your views on the following amendment:

"That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, honestly and in good faith for the purpose of prospecting for oil or gas, and thereupon commenced discovery work thereon, and thereafter prosecuted such work to a discovery of oil or gas shall be entitled to lease from the United States any producing oil or gas well resulting from such work, at a royalty of not less than one-eighth of all the oil and gas produced therefrom, together with an area of land sufficient for the operation thereof, but without the right to drill any other or additional wells: *Provided*, That such claimant shall first pay to the United States an amount equal to not less than the value of one-eighth of all the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States, or in any application for patent, unless within 90 days after the approval of this act the claimant shall relinquish to the United States all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations."

Will you be good enough to let the report show whether or not, in your opinion, this is all the relief that the oil claimants are entitled to, and report to us fully in the premises? The Committee on the Public Lands are anxious to do full justice to the bona fide claimants in the West, but are anxious that no Government property of any sort shall be sacrificed in an effort to so aid them.

I would like to have this report at your very earliest convenience, and also advise us if, in your opinion, it would be proper for us to strike out all relief provided in the Senate bill and insert this instead.

With great respect, I am,

Very sincerely, yours,

SCOTT FERRIS.

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DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1918.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your request for report upon H. R. 3232, commonly known as the general leasing bill, particularly with respect to the so-called remedial provisions relating to oil and gas claims within withdrawn areas, and embodied in the proviso to section 12 of the bill.

H. R. 3232 is identical with H. R. 406, Sixty-fourth Congress, as favorably reported by your committee and passed by the House of Representatives. I reported upon that bill at length, and I do not think I can add anything to statements contained in previous reports. With respect to the so-called relief provisions, I recommend that the proviso to section 12 be eliminated from the bill and the following inserted in lieu thereof:

"That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, honestly and in good faith for the purpose of prospecting for oil or gas, and thereupon commenced discovery work thereon, and thereafter prosecuted such work to a discovery of oil or gas, shall be entitled to lease from the United States any producing oil or gas well resulting from such work at a royalty of not less than one-eighth of all the oil and gas produced therefrom, together with an area of land sufficient for the operation thereof, but without the right to drill any other or additional wells: *Provided*, That such claimant shall first pay to the United States an amount equal to not less than the value of one-eighth of all

the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States, or in any application for patent, unless within 90 days after the approval of this act the claimant shall relinquish to the United States all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations."

With this amendment, I recommend that H. R. 3232 be enacted.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, April 24, 1917.

MY DEAR MR. FERRIS: I am in receipt of your request for report and recommendation upon H. R. 3232, a bill to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium deposits owned by the United States.

This bill is identical with H. R. 16136, passed by the House of Representatives September 23, 1914, and H. R. 406, passed by the House January 15, 1916, and the enactment of which was recommended by this department. The merits and purposes of the measure were fully set forth in previous reports and in hearings had before the Committee on the Public Lands. The bill was regarded as an important measure for the utilization of the resources described in time of peace and as a measure of preparedness for war.

The existing state of war, in my opinion, renders the enactment of the bill necessary and vital.

Potash is an essential in the manufacture of munitions and of vital importance as a fertilizer of the soil for increased food production. According to a pamphlet entitled the "Potash industry," published by the German Kali Workers, Chicago, Ill., practically all the potash produced prior to the war came from the mines of the German Empire, and in the year 1911 its consumption by the principal countries of the world was as follows: Germany, 422,341 metric tons, or 49.8 per cent of the total production; United States, 237,453 metric tons, or 28 per cent of the total production; Holland, 34,375 metric tons; Great Britain, 21,217 metric tons.

Examples of increase in production of agricultural crops cited in this pamphlet showed yield of corn on an acre in Indiana fertilized with potash 75.7 bushels, without fertilizer 32.1 bushels; of sweet potatoes in South Carolina with potash fertilizer 250 bushels per acre, without potash fertilizer 122½ bushels per acre; pears in Indiana with potash fertilizer 205.8 bushels, unfertilized 58.8 bushels; beans in Michigan with potash fertilizer 22.7 bushels per acre, unfertilized 5 bushels.

The foreign supply of potash is, of course, now not available and the amount of potash produced in the United States is at present negligible. One hundred and thirty thousand six hundred and twenty-nine acres of public lands containing potash are withdrawn from entry. This area includes Searles Lake, Cal., one of the largest known deposits in the world. I am informed that two experimental plants for the production of potash located on the shores of this lake have recently been completed. They have direct outside railroad connections, and it is alleged that they can not only start to work at once but that their capacity can be largely increased if this legislation be had and leases granted.

Another important natural resource which would be developed under this bill is the phosphate deposits of Idaho, Wyoming, Utah, Montana, and other public-land areas. Approximately 2,600,000 acres containing these deposits are now withdrawn from development. Phosphate is an exceedingly valuable element in the fertilization of lands, and the development and cheapening of this resource would undoubtedly add largely to our agricultural production.

The importance of ample supplies of gasoline and oil for the Navy, for airplanes, for motor trucks, and other uses connected with successful prosecution of war can hardly be overestimated. Six million four hundred and ninety-one thousand one hundred and forty-five acres of public land believed to contain oil are withdrawn from development. A part of this area is proven territory, in direct touch with pipe lines and refineries, and the products could be made immediately available by the enactment of this measure. I therefore earnestly recommend that H. R. 3232 be enacted at the earliest practicable moment as a war measure.

Cordially, yours, FRANKLIN K. LANE, *Secretary.*

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, January 3, 1916.

MY DEAR MR. FERRIS: In response to your request for report upon H. R. 406, Sixty-fourth Congress, first session, a bill "to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, and sodium," I have to advise that, with slight amendments, designed to perfect the measure, it is similar to H. R. 16136, Sixty-third Congress, second session, recommended by this department, by the Committee on the Public Lands, and passed by the House September 23, 1914.

The measure deals with deposits in the public domain which may be classified as fuel and fertilizer minerals, and proposes to encourage and authorize the development of those deposits when found in public lands, national forests, and certain reservations.

Large areas of coal and oil lands have been withdrawn from entry to save their exploitation by monopoly and to await the enactment of legislation better adapted to their development. Large areas of phosphates and potash needed for agricultural development are unworked because of inadequacy of present laws. The purpose of this bill is to open up all of these deposits for use, on such terms and conditions as will prevent their waste, secure proper methods of operation, encourage exploration and development, and protect the public. The methods provided are designed to make it easy and profitable to mine and market these minerals and to discourage the holding of unworked mineral lands for speculative purposes. It offers to the operator of small capital the same opportunity as the large corporation. It will, it is believed, be an incentive to the development and to the establishment of new industries. The general system proposed has been applied successfully and satisfactorily to the production of oil from Indian lands. In oil and coal lands held in private ownership the leasing system is common practice, and several of the States have provided for the leasing of coal deposits in their school lands.

Section 1 of the bill provides that the existing coal-land laws of the United States may be taken advantage of by those who desire to secure those deposits, or that same may be leased as provided in this bill. One reason for continuing existing coal-land laws in force is that there are many hundred coal claims already initiated under the old law; another reason is that it will give opportunity of choice to the citizen, who can either buy or lease at his option. It is generally believed that large coal operators will prefer to lease, but it was thought that those who prefer to obtain a smaller area under existing laws of purchase should be accorded an opportunity so to do.

Section 3 authorizes the Secretary of the Interior to lease coal lands or deposits in blocks or tracts of from 40 to 2,560 acres to any qualified applicant, and allows railroads to secure leases for limited areas of coal lands for railroad uses and purposes, but not for any other purpose.

Section 4 permits the enlargement of leases to an area not exceeding the maximum of 2,560 acres.

Section 5 permits the consolidation of small leases into a new lease of not exceeding the maximum of 2,560 acres.

Section 6 is designed to meet situations where sufficient contiguous lands to make up a lease are not available.

Section 7 fixes rentals and royalties and provides that the leases shall be for indeterminate periods, upon condition of continued operation, subject, however, to readjustment of terms and conditions at the end of 20-year periods.

Section 8 is designed to permit the mining of limited amounts of coal for local or municipal use without payment of royalty.

Sections 9 to 13 deal with deposits of oil and gas in the public lands.

Section 9 provides for the issuance of a prospecting permit which will give to any qualified applicant the exclusive right for a fixed period to prospect upon areas varying from 640 to 2,560 acres of land, the permittee being required to perform a specific amount of development work. This provision of law is designed for the protection of those exploring for oil who, under present laws, have no such protection and who may be deprived of the fruits of their labors by others.

Under section 10 the permittee who shall have discovered deposits of oil or gas is given a patent for one-fourth of the area included in his prospecting permit.

Section 11 contains provisions designed to prevent waste, protect adjacent lands, and secure the properly restricted development of lands embraced in permits, leases, and patents issued under this act. If enacted, it will obviate some of the abuses which now exist with respect to the development of the oil and gas lands, among them the sapping of oil deposits from adjacent lands and the destruction of same through lack of care of the wells.

Section 12 provides that all deposits of oil or gas and unentered lands containing the same shall be subject to lease through competitive bidding in areas not exceeding 640 acres, upon payment of an annual rental, to be accredited against royalties for the current year, and of a royalty fixed in the lease, which shall not be less than one-tenth in amount or value of the production. Leases are to be for a period of 20 years, with a preferential right to renew same for successive periods of 10 years, upon reasonable terms and conditions. The proviso to the section is remedial in its nature, designed to meet existing conditions in the oil fields. There are at present many developed oil wells upon the public domain held by those whose claims are invalid under existing law, for the reason that no discoveries were made prior to the date of the withdrawal of the lands from entry or because the original locators were "dummies." These persons have no legal rights, but their large expenditures and the ensuing development present an equitable situation which this proviso is designed to relieve by giving them the right to secure a lease to the deposits so developed upon payment of a royalty of not less than one-eighth of the oil or gas.

Section 13 deals with rights of way through the public land and reservations of the United States for oil or gas pipe lines, providing that such rights shall be granted only upon the condition that the lines shall be operated and maintained as common carriers.

Sections 14 to 17 deal with deposits of phosphate or phosphate rock.

Section 14 authorizes the Secretary of the Interior to lease the minerals under such regulations as he may adopt, and section 15 provides that the leases shall not exceed 2,560 acres of land in compact form.

Section 16 provides that leases of phosphates may be for indeterminate periods, subject to adjustment at the end of each 20-year period, leases to be conditioned upon the payment of an annual rental, which is to be accredited against royalties for each year and upon the payment of a royalty of not less than 2 per cent of the gross value of the output at the mine.

Section 17 grants the right to use a limited area of public land for the development, treatment, and removal of the phosphate deposits.

Sections 18 to 20 deal with deposits of potassium or sodium. These minerals are generally found in the desert areas of the United States, frequently in former lake beds, and their discovery and development are of great public importance.

Section 18 authorizes the granting of a prospecting permit somewhat similar to that provided in the case of oil or gas.

Section 19 grants to the person who shall have discovered one of the minerals claimed under a prospecting permit a patent for a part of the lands included in his permit and provides that all other lands known to contain such deposits shall be leased by the Secretary of the Interior under general regulations and in areas not exceeding 2,560 acres, the leases to be conditioned upon the payment of an annual rental, which may be accredited against royalties as they accrue for that year, and upon the payment of a royalty of not less than 2 per cent of the gross value of the output at the point of shipment. Leases are to be for indeterminate periods, upon condition that at the end of each 20-year period readjustment of terms and conditions may be made.

Section 20 grants the right to use a limited tract of unoccupied public land for camp sites, refining works, or other purposes connected with the development of potassium or sodium.

Sections 21 to 31 are general provisions applicable in whole or in part to all of the deposits described in the bill.

Section 21 authorizes the Secretary of the Interior to insert in any prospecting permit appropriate provisions for cancellation of the permit upon failure of the permittee to exercise due diligence in the prospecting work.

Section 22 limits the number of leases which may be held under the act and is designed to avoid monopoly by preventing interlocking interests through stock holdings or through any other direct or indirect means.

Section 23 provides against monopolies in the extraction and resale of the deposits.

Section 24 authorizes the reservation of the right to permit the joint or several use of easements or rights of way through the leased lands, and also permits the United States, in the discretion of the Secretary of the Interior, to dispose of the surface, with a mineral reservation, and subject to the use of so much of the surface as may be necessary by the lessee in extracting or removing the mineral deposits.

Section 25 is also designed to prevent the indirect acquisition of the minerals by monopoly, by providing that there shall be no assignments or subleases except with the consent of the Secretary of the Interior. This section also contains provisions to prevent waste and to insure the exercise of reasonable diligence, skill, and care in operating the property. These and similar provisions have the ultimate object of securing to the consumer the various products at a reasonable price and the preventing of same from passing into monopolistic control.

Section 26 provides for appropriate forfeiture, but safeguards the interests of the lessee by requiring such proceedings to be in the United States court for the district in which the lands or deposits are situate.

Section 27 authorizes the Secretary of the Interior to require statements or reports from lessees.

Section 28 provides that the act shall apply to deposits in lands which may have been disposed of by the United States under laws which reserved the coal, oil, gas, phosphate, potassium, or sodium, with the right to prospect for, mine, and remove the same.

Section 29 devotes the proceeds from leases, first, to the reclamation fund for the construction of irrigation works in the Western States. Upon return of this money, as required by the reclamation law, 50 per cent of the proceeds will go to the State within the boundaries of which the leased lands or deposits were located for the support of public educational institutions or for the construction and maintenance of public roads.

Some of the reasons for these provisions are as follows: In 1902 Congress set apart proceeds of the sales of public lands in the Western States for a reclamation fund. Some 30 projects were started and nearly $100,000,000 have already been expended therein. It will take many millions more to complete them. The receipts from the sales of public lands have diminished greatly in late years, partly owing to the fact that agricultural homestead lands are free to settlers, and partly due to the fact that large areas have been reserved by the Government for forest reserves, water-power sites, national monuments, etc. In 1910 Congress authorized the loan of $20,000,000 to the reclamation fund, upon condition that it be repaid. The situation is, therefore, that present receipts from the sale of public lands are inadequate to complete existing projects or to repay the loan above described. It is essential, therefore, that in order that this may be accomplished, as well as that new projects may be hereafter undertaken, if deemed advisable, that the proceeds from these leases shall go, as have receipts from all other public lands in the past, into the reclamation fund. As stated, the bill provides that upon return of the money 50 per cent shall go to the States for public purposes, an equitable provision when it is considered that in most of the States affected there is need for better educational facilities and improved public highways.

Section 30 authorizes the Secretary of the Interior to prescribe necessary rules and regulations, and section 31 is the repealing clause, also containing provisions to permit claims, valid and existent under present law, to be perfected thereunder.

The present coal-land laws, which provide for the sale in areas not exceeding 160 acres to an individual, 320 acres to an association, and not exceeding 640 acres to four or more persons who have spent $5,000 in development work, at an appraised price of not less than $10 or $20 per acre, according to location, are unsatisfactory in many respects. The maximum area is too small to permit of modern and economical development, and in many instances makes cheap production impossible. It also requires a considerable initial investment by the operator, whereas under a leasing system he would only be required to pay for the coal on a royalty basis as it is extracted. The bill also makes provision for the prevention of waste and the safeguarding of the interests of those engaged in mining work.

Oil and gas lands or deposits are now subject to location and entry under the placer mining laws. These laws have been generally unsatisfactory both from the standpoint of the prospectors and operators and of the Government. There is nothing in the present law to protect the prospector during the preliminary period, when through the expenditure of large capital he is engaged in drilling, and the limitations as to acreage contained in the existing laws are also a temptation to evade, through the use of dummy locations.

A leasing measure permitting the acquisition of larger areas, protecting the developer and requiring payment to be made only upon production will not only conform more nearly to the customs of private development, but will, it is believed, be fairer to both the operator and the Government.

The largest production of phosphates up to the present time has been in the State of Florida, with considerable quantities also produced in Tennessee and South Carolina. Immense deposits of this valuable fertilizer mineral were found in Idaho, Montana, Utah, and Wyoming in 1906, but these lands have been withdrawn since 1908, awaiting the enactment of laws adapted to their development.

As with the oil and gas, the lode and placer mining laws of the United States do not fit these phosphate deposits, and this measure will, in the opinion of the department, secure the development of these valuable deposits under reasonable terms and conditions. The same is true of the potassium or sodium deposits found chiefly in the Great Basin in the western United States, which are not being developed under existing laws, but whose extraction is of great public importance. In fact, the necessity for encouraging the discovery and production of these fertilizer minerals can hardly be overstated. They are badly needed to renew worn-out soils and to increase or maintain our agricultural production. In the past the United States has imported large quantities of these minerals, and this is not good economy when large deposits lie unworked and unutilized in the public lands.

Existing laws, in so far as applicable to the minerals described in the bill, have not secured development. It is believed that H. R. 406, if enacted, will encourage and secure their exploitation under conditions beneficial to all. I therefore earnestly recommend that the measure be enacted.

Cordially, yours, FRANKLIN K. LANE.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

JANUARY 8, 1918.

Hon. T. W. GREGORY,
Attorney General of the United States, Washington, D. C.

MY DEAR GEN. GREGORY: Will you be good enough to furnish the committee a report of your views on the following amendment to H. R. 3232?

"That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, honestly and in good faith, for the purpose of prospecting for oil or gas, and thereupon commenced discovery work thereon, and thereafter prosecuted such work to a discovery of oil or gas, shall be entitled to lease from the United States any producing oil or gas well resulting from such work at a royalty of not less than one-eighth of all the oil and gas produced therefrom, together with an area of land sufficient for the operation thereof, but without the right to drill any other or additional well: *Provided*, That such claimant shall first pay to the United States an amount equal to not less than the value of one-eighth of all the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States or in any application for patent unless within 90 days after the approval of this act the claimant shall relinquish to the United States all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations."

Will you be good enough to let the report show whether or not in your opinion this is all the relief that the oil claimants are entitled to, and report to us fully in the premises? The Committee on the Public Lands are anxious to do full justice to the bona fide claimants in the West, but are anxious that no Government property of any sort shall be sacrificed in an effort to so aid them.

I would like to have this report at your very earliest convenience; and also advise us if in your opinion it would be proper for us to strike out all relief provided in the Senate bill and insert this instead.

With great respect, I am,
Very sincerely, yours,

SCOTT FERRIS.

JANUARY 19, 1918.

Hon. T. W. GREGORY,
The Attorney General.

MY DEAR GEN. GREGORY: I beg to inclose herewith H. R. 3232 and the report thereon. I beg also to inclose Senate 2812 for your consideration and report.

I most respectfully request you to examine the House bill above mentioned critically, with a view of ascertaining if there is anything in the bill that will in any way prejudice the rights of the Government. This bill has twice passed the House of Representatives after critical and careful investigation without a dissenting vote. It has at all times borne a favorable recommendation from the Interior Department. It has on three occasions received the unanimous report of the House Committee on the Public Lands.

Nevertheless, recognizing the importance of the bill and your wide knowledge on the subject gathered from the conduct of suits in connection with some of these lands, I am anxious that you give us a full report thereon.

I understand that the so-called release provision in section 12, page 12, you yourself, the Department of the Interior, and the Navy Department have agreed upon a substitute for that provision, which I hope you will also include in your report.

May I also ask you to make a separate report on Senate 2812, for, as you are aware, the Senate bill is being insisted upon by the oil men and also strenuously contended for by certain of the Senators? I hope you will give us, for use of the committee, your several objections to the Senate bill, as both bills are properly before the committee for consideration and your views on both bills will be helpful.

I am making a similar request of Secretary Lane, who is the administrative officer for these lands, and also of Secretary Daniels, who is interested in certain of the lands in the naval reserve included therein. I would like to have this report at the earliest possible moment, so we can dispose of this legislation.

Very respectfully, yours,

SCOTT FERRIS.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., January 25, 1918.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your letter of January 19, inclosing for my consideration H. R. 3232 and S. 2812, relating to the disposition of coal, phosphate, oil, gas, and sodium. You request me to examine the House bill critically, with a view to ascertaining whether there is anything in it that will in any way prejudice the rights of the Government. You also desire a statement of my objections to the Senate bill, which you say is being insisted upon by the oil men and also strenuously contended for by certain of the Senators.

By your letter to me of January 8, 1918, you stated that the Committee on Public Lands was desirous of doing full justice to the bona fide claimants in the West, but was also anxious that no Government property of any sort should be sacrified in an effort to aid them, and in this connection you requested my views on a proposed amendment, which you quoted. You particularly requested my opinion as to whether this proposed amendment would provide all the relief to which the oil claimants are entitled and as to whether it might properly be substituted for all relief provided in Senate bill 2812. At the same time you addressed similar letters to the Secretary of the Interior and the Secretary of the Navy. The proposed amendment reads as follows:

"That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, honestly and in good faith for the purpose of prospecting for oil or gas, and thereupon commenced discovery work thereon, and thereafter prosecuted such work to a discovery of oil or gas, shall be entitled to lease from the United States any producing oil or gas well resulting from such work, at a royalty of not less than one-eighth of all the oil and gas produced therefrom, together with an area of land sufficient for the operation thereof, but without the right to drill any other or additional wells: *Provided*, That such claimant shall first pay to the

United States an amount equal to not less than the value of one-eighth of all the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States, or in any application for patent, unless within 90 days after the approval of this act the claimant shall relinquish to the United States all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations."

Following your letter of January 8, the subject was considered and discussed among the two Secretaries and myself, and we concurred in the following views:

I. That there should be substituted for section 16 of S. 2812 the amendment set out in your letter of January 8.

That there should be legislation which would protect the Government as to lands claimed by it adjacent to the wells leased under the proposed section, in order that the oil on these lands might not be exhausted by the operation of the wells leased; that this could be done by providing for the lease or operation by the Government of such adjacent lands; that a similar provision should also be made for the lease or operation of wells and lands recovered by the Government; that incidental to the changes above recommended the words "oil, gas," in line 17, on page 25, in section 30 of S. 2812, should be omitted, as well as the following words in the succeeding lines 18 and 19: "except those reserved for the Navy." It was assumed that section 11 of S. 2812, which provides for prospecting permits, was not intended to apply to established wells and proven oil territory.

II. That the power of the President to withdraw additional lands from entry in case the necessities of the Government require it should not be limited, and, therefore, there should be omitted from S. 2812 the last portion of section 30, reading as follows:

"And none of such lands shall hereafter be withdrawn from the operation of this act for a longer period than one year without the consent of Congress."

That for a like reason section 34 of S. 2812 should be omitted.

III. That the proviso appearing in the last part of section 32 of S. 2812 should be omitted, as it would permit persons whose applications for patents had not been acted on by the Interior Department to put down additional wells; that this would be particularly objectionable as to parties who are charged by the Government with fraud and the validity of whose claims had not been determined by the Interior Department or any court. The proviso reads as follows:

"*Provided, however*, That in order to assist in the production of oil to meet the present emergency pending the final determination of a right to a patent to any oil or gas lands, or the actual granting of a lease upon oil or gas lands, as herein provided, the Secretary of the Interior is hereby authorized to permit increased production of oil under the terms of agreements authorized under the provisions of said act approved August 25, 1914, which act is hereby continued in force for such purpose."

IV. That the words "which work may be done on said locations successively," appearing in section 17 of S. 2812, in lines 3 and 4, page 15, should be omitted, for the reason that the question of successive development of locations is now being judicially considered in the courts of California and by the Interior Department and that, in our judgment, it was undesirable that these issues should be confused or affected by this language which might be construed as legislative construction of the principles involved.

V. That the words "actual knowledge," appearing in the same section (sec. 17) of S. 2812, in line 16 of page 16, should be substituted by the word "notice," as the language used in the bill was in conflict with the long-established principles of law governing the rights of innocent purchasers in good faith for a valuable consideration without notice.

Speaking for myself alone, I think the proposed amendment set out in your letter of the 8th would afford adequate relief to those who in good faith, acting on the advice of counsel that the withdrawal order was unauthorized, or relying on the decisions of the inferior courts to the same effect, expended money in the development of oil and gas wells. Regarding it as a compromise measure I approve it, but it is the limit of liberality to which I think the Government should go in dealing with claimants who are without rights under existing law.

In response to your request in regard to H. R. 3232, I will say:

1. The only compromise measure provided in that bill for settlement of the litigation involving withdrawn oil lands appears in the concluding proviso of section 12 (pp. 12 and 13), which, in granting concessions to claimants to these oil lands, goes far beyond the provisions of section 16 of S. 2812. As to this I can only repeat the view already expressed that the proposed amendment of section 16 of S. 2812, set out in your letter to me of January 8, should be substituted for the proviso just referred to, and that this would necessitate a further provision for lease or operation by the Government of lands adjacent to the wells leased under the provisions of the substitute, and also of wells and lands recovered by the Government.

2. If suggestion 1 should be adopted, then the words "and in lands withdrawn or reserved for military or naval uses or purposes," appearing in lines 7 and 8 of section 1 of H. R. 3232, should be omitted.

3. I assume that section 9 is intended to provide for prospecting and not for the development of lands on which wells are in operation or which is known, because of geological formation or otherwise, to be oil lands, and therefore language should be used in this section which would exclude from its operation all withdrawn oil lands, or some other provision should be inserted in section 9 which would prevent the application of its liberal prospecting provisions to lands known to be oil or gas lands.

4. I confess that I do not quite understand the following language used in the first portion of section 12:

"That all deposits of oil or gas and the unentered lands containing the same and classified as oil or gas lands, or proven to contain such deposits, except, however, those embraced in any prospecting permit during the life of the same, those patented or for which application for patent by the permittee is pending under the provisions hereof, may be leased by the Secretary of the Interior through competitive bidding, etc."

(a) I do not understand just what is meant by "unentered lands." If by this is meant lands not embraced in applications for patents, the provision goes too far, because it would include land upon which a valid discovery has been made and to which the right to a patent has vested, though not applied for, under the existing mining law.

(b) In using the words "classified as oil or gas lands" I do not quite understand how, when, and by whom they are to be "classified," and therefore I do not catch just what is meant by this expression.

(c) By the expression "proven to contain such deposits," I do not quite understand in what manner, by whom, and when the lands are to be "proven."

(d) Among the exceptions are lands "embraced in any prospecting permit during the life of the same." If the prospecting permit provided for in section 9 did not apply to withdrawn oil lands, or if section 9 is restricted in accordance with the suggestion I have made in section 3 hereof, then this exception would seem to be superfluous; but if any restriction is placed on the operation of section 9, this exception would seem to me to be entirely too far-reaching.

(e) The next exception is of those lands "patented or for which application for patent by the permittee is pending under the provisions hereof." I suppose this is intended to apply to lands being prospected under section 9, and if the safeguards I have suggested in regard to that section in section 3 hereof are provided I see no objection to this exception.

If this exception is intended to embrace patents and applications for patents heretofore made under existing law instead of "under the provisions hereof," it is unobjectionable as to patents. As to existing applications which may hereafter be denied, the lands embraced in them would probably fall within the class that the Government would want to lease or operate.

5. The proviso appearing at the end of section 29 indicates that the bill as drawn was intended to apply to naval reserves, and this would seem to be in conflict with the language appearing in lines 7 and 8 of section 1 of the bill which I referred to in section 2 hereof.

For the use of the committee I am preparing a schedule showing every aspect to the litigation referred to. This will be ready in a day or two.

Very sincerely, yours,

T. W. GREGORY,
Attorney General.

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JANUARY 8, 1918.

The SECRETARY OF THE NAVY,
Washington, D. C.

MY DEAR SECRETARY DANIELS: Will you be good enough to furnish the committee a report of your views on the following amendment to H. R. 3232?

"That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, honestly and in good faith, for the purpose of prospecting for oil or gas, and thereupon commenced the discovery work thereon, and thereafter prosecuted such work to a discovery of oil or gas, shall be entitled to lease from the United States any producing oil or gas wells resulting from such work, at a royalty of not less than one-eighth of all the oil and gas produced therefrom, together with an area of land sufficient for the operation thereof, but without the right to drill any other or additional wells: *Provided*, That such claimant shall first pay to the United States an amount equal to not less than the value of one-eighth of all the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States or in any application for patent, unless within 90 days after the approval of this act the claimant shall relinquish to the United States all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made, and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations."

Will you be good enough to let the report show whether or not in your opinion this is all the relief that the oil claimants are entitled to, and report to us fully in the premises? The Committee on the Public Lands are anxious to do full justice to the bona fide claimants in the West, but are anxious that no Government property of any sort shall be sacrificed in an effort to so aid them.

I would like to have this report at your very earliest convenience, and also advise us if in your opinion it would be proper for us to strike out all relief provided in the Senate bill and insert this instead.

With great respect, I am, very sincerely, yours,

SCOTT FERRIS.

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JANUARY 19, 1918.

Hon. JOSEPHUS DANIELS,
Secretary of the Navy.

MY DEAR MR. SECRETARY DANIELS: I beg to inclose herewith H. R. 3232 and the report thereon. This bill, as you are aware, has twice passed the House without a dissenting vote. This bill has also been three times reported from the House Public Lands Committee without a dissenting vote. This bill has also enjoyed complete approval from the Interior Department during the two preceding Congresses and has been favorably reported on again this Congress. I understand that yourself, Secretary Lane, and Attorney General Gregory have agreed upon a substitute for the relief provision in section 12, at the bottom of page 12 and top of page 13.

Will you be good enough to give us your views on this particular amendment and any objections or recommendations you may have as to any part of the other provisions contained in the bill?

I am also inclosing you herewith Senate bill 2812, which I wish you would examine critically and report to us any objections or recommendations you have thereon. I do this for the purpose that the oil men and the Senate Public Lands Committee are insisting upon the retention of sections 16 and 17 of the Senate bill, and I would be glad to have the benefit of your objections thereto so that both sides of the controversy can be submitted to the committee.

I know you will pardon me for asking for this report as soon as possible so that I may make proper presentation of it to the committee, with the hope of making an early disposition of it.

With great respect, I am,
Very sincerely, yours,

SCOTT FERRIS.

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NAVY DEPARTMENT,
Washington, January 22, 1918.

MY DEAR MR. CHAIRMAN: I beg your indulgence for the delay in making reply to your communications of January 14, 1918, and January 19, 1918. I assure you that it was not due to any failure to realize the importance of the matter.

With regard to the general features of the bill, I would prefer not to be called on to comment. While the Navy Department is deeply concerned in the intelligent development and proper conservation of the Nation's petroleum supply, which enters so vitally, directly and indirectly, into the Navy's requirements, I have repeatedly stated that I do not consider it within my province to make suggestions as to the method of disposing of public lands, except in so far as that action would affect the naval reserves.

The bill as it passed the Senate excluded the naval reserves, and whatever may have been my personal belief in the so-called equities of the claimants, it was not within my province to enter into a discussion of the bill.

In my letter of December 13, 1917, I pointed out what are believed to be certain ambiguities in the wording of H. R. 3232 with reference to the naval reserves. Should it be the intention of your committee, as I believe is from the wording of section 1, that this act is not intended to apply to the naval petroleum reserves, and the wording was so amended as to make it clear that the naval reserves were excluded, I would offer no opposition to the bill.

With regard to sections 16 and 17 of S. 2812 and the proposed substitute section as given in your communication of January 8, my position is fully outlined by the Navy Department's comment of February, 1917, on a similar amendment suggested by Senator SWANSON:

"This department has always maintained that those who entered upon the public land after its withdrawal did so in violation of a valid order, on the chance that the order would be held invalid; and that to grant such men legislative relief would be to reward disregard of law at the expense of the persons who respected the order—the Navy, and the whole Nation.

"In regard to the naval petroleum reserves, we have always insisted that if real equities existed, as is contended, they should be ascertained by a court or a commission and cared for by compensation in money, and the land set aside as a naval reserve should be held for the use of the Navy. I have held the view, and am still of the opinion, that any question of equity with reference to the naval reserve lands ought to be settled in an independent measure and not as an amendment to the general leasing bill. But if it is deemed necessary in the pending legislation to care for, by a method other than the payment of money, the asserted equities of those who, on account of legal advice or lack of knowledge of the law, in good faith, invested money in the development of these lands, I am of the opinion that the proposed amendment would afford substantial relief to all such claimants. It would at the same time save a large part of the land for the Navy.

"This would, in my judgment, give them a greater measure of relief than they are entitled to, but solely because I am unwilling for this contention to prevent the passage of the general leasing bill, which is designed to open to development the natural resources of the West, I shall be satisfied if the measure of relief is limited to that proposed by Senator SWANSON.

"While I consider that this provision offers very liberal relief, I am disposed not to interpose any objection to its adoption in order that the controversy may be expeditiously settled, but justice to the Navy would not permit me to assent to any change that would grant a greater measure of relief or that would authorize a lease to those who do not, within 90 days after the approval of the act, relinquish all rights claimed by them."

There has been nothing in the meantime to change my views in the matter, and it is as a compromise, and only as a compromise, that I would feel that I could assent to the provisions of the proposed substitute.

Sincerely, yours, JOSEPHUS DANIELS.

Hon. SCOTT FERRIS, M. C.,
Chairman Committee on the Public Lands,
House of Representatives, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, December 11, 1917.

MY DEAR MR. FERRIS: I am in receipt of your request for report upon H. R. 3232, a bill to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

The measure is similar to H. R. 16139, Sixty-third Congress, second session, passed by the House of Representatives September 23, 1914, and identical with H. R. 406, Sixty-fourth Congress, passed by the House January 15, 1916. I submitted a favorable report on the latter measure January 3, 1916, and the statements made in that report are applicable to the present measure, H. R. 3232, except that provision has been made for the leasing of deposits of potassium in the public lands by the act of Congress approved October 2, 1917 (Public, No. 49). The provisions of the bill relating to this mineral should therefore be eliminated from H. R. 3232.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

DEPARTMENTAL REPORT.

It will be observed, in reading the following favorable report from Secretary Lane, that he makes reference to certain sections in H. R. 406, Sixty-fourth Congress, first session, and that these sections are not applicable to the present bill (S. 2812) under consideration. However, as Secretary Lane's report thereon deals with the same subject matter it is printed herewith at length, and is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 3, 1916.

MY DEAR MR. FERRIS: In response to your request for report upon H. R. 406, Sixty-fourth Congress, first session, a bill "To authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, and sodium," I have to advise that, with slight amendments, designed to perfect the measure, it is similar to H. R. 16136, Sixty-third Congress, second session, recommended by this department, by the Committee on the Public Lands, and passed by the House September 23, 1914.

The measure deals with deposits in the public domain which may be classified as fuel and fertilizer minerals, and proposes to encourage and authorize the development of those deposits when found in public lands, national forests, and certain reservations.

Large areas of coal and oil lands have been withdrawn from entry to save their exploitation by monopoly and to await the enactment of legislation better adapted to their development. Large areas of phosphates and potash needed for agricultural development are unworked because of the inadequacy of present laws. The purpose of this bill is to open up all of these deposits for use, on such terms and conditions as will prevent their waste, secure proper methods of operation, encourage exploration and development, and protect the public. The methods provided are designed to make it easy and profitable to mine and market these minerals and to discourage the holding of unworked mineral lands for speculative purposes. It offers to the operator of small capital the same opportunity as the large corporation. It will, it is believed, be an incentive to the development and to the establishment of new industries. The general system proposed has been applied successfully and satisfactorily to the production of oil from Indian lands. In oil and coal lands held in private ownership the leasing system is common practice, and several of the States have provided for the leasing of coal deposits in their school lands.

Section 1 of the bill provides that the existing coal-land laws of the United States may be taken advantage of by those who desire to secure those deposits, or that same may be leased as provided in this bill. One reason for continuing existing coal-land laws in force is that there are many hundred coal claims already initiated under the old law; another reason is that it will give opportunity of choice to the citizen, who can either buy or lease at his option. It is generally believed that large coal operators will prefer to lease, but it was thought that those who prefer to obtain a smaller area under existing laws of purchase should be accorded an opportunity so to do.

Section 3 authorizes the Secretary of the Interior to lease coal lands or deposits in blocks or tracts of from 40 to 2,560 acres to any qualified applicant, and allows railroads to secure leases for limited areas of coal lands for railroad uses and purposes, but not for any other purpose.

Section 4 permits the enlargement of leases to an area not exceeding the maximum of 2,560 acres.

Section 5 permits the consolidation of small leases into a new lease of not exceeding the maximum of 2,560 acres.

Section 6 is designed to meet situations where sufficient contiguous lands to make up a lease are not available.

Section 7 fixes rentals and royalties and provides that the leases shall be for indeterminate periods, upon condition of continued operation, subject, however, to readjustment of terms and conditions at the end of 20-year periods.

Section 8 is designed to permit the mining of limited amounts of coal for local or municipal use, without payment of royalty.

Sections 9 to 13 deal with deposits of oil and gas in the public lands.

Section 9 provides for the issuance of a prospecting permit which will give to any qualified applicant the exclusive right for a fixed period to prospect upon areas varying from 640 to 2,560 acres of land, the permittee being required to perform a specific amount of development work. This provision of law is designed for the protection of those exploring for oil, who, under present laws, have no such protection and who may be deprived of the fruits of their labors by others.

Upon section 10 the permittee who shall have discovered deposits of oil or gas is given a patent for one-fourth of the area included in his prospecting permit.

Section 11 contains provisions designed to prevent waste, protect adjacent lands, and secure the properly restricted development of lands embraced in permits, leases, and patents issued under this act. If enacted, it will obviate some of the abuses which now exist with respect to the development of the oil and gas lands, among them the sapping of oil deposits from adjacent lands and the destruction of same through lack of care of the wells.

Section 12 provides that all deposits of oil or gas and unentered lands containing the same shall be subject to lease through competitive bidding in areas not exceeding 640 acres, upon payment of an annual rental to be accredited against royalties for the current year, and of a royalty fixed in the lease, which shall not be less than one-tenth in amount or value of the production. Leases are to be for a period of 20 years, with a preferential right to renew same for successive periods of 10 years, upon reasonable terms and conditions. The proviso to the section is remedial in its nature, designed to meet existing conditions in the oil fields. There are at present many developed oil wells upon the public domain held by those whose claims are invalid under existing law, for the reason that no discoveries were made prior to the date of the withdrawal of the lands from entry or because the original locators were "dummies." These persons have no legal rights, but their large expenditures and the ensuing development present an equitable situation which this proviso is designed to relieve by giving them the right to secure a lease to the deposits so developed, upon payment of a royalty of not less than one-eighth of the oil or gas.

Section 13 deals with rights of way through the public land and reservations of the United States for oil or gas pipe lines, providing that such rights shall be granted only upon the condition that the lines shall be operated and maintained as common carriers.

Sections 14 to 17 deal with deposits of phosphate or phosphate rock.

Section 14 authorizes the Secretary of the Interior to lease the minerals under such regulations as he may adopt, and section 15 provides that the leases shall not exceed 2,560 acres of land in compact form.

Section 16 provides that leases of phosphates may be for indeterminate periods, subject to adjustment at the end of each 20-year period, leases to be conditioned upon the payment of an annual rental which is to be accredited against royalties for each year and upon the payment of a royalty of not less than 2 per cent of the gross value of the output at the mine.

Section 17 grants the right to use a limited area of public land for the development, treatment, and removal of the phosphate deposits.

Sections 18 to 20 deal with deposits of potassium or sodium. These minerals are generally found in the desert areas of the United States, frequently in former lake beds, and their discovery and development are of great public importance.

Section 18 authorizes the granting of a prospecting permit somewhat similar to that provided in the case of oil or gas.

Section 19 grants to the person who shall have discovered one of the minerals claimed under a prospecting permit a patent for a part of the lands included in his permit and provides that all other lands known to contain such deposits shall be leased by the Secretary of the Interior under general regulations and in areas not exceeding 2,560 acres, the leases to be conditioned upon the payment of an annual rental which may be accredited against royalties as they accrue for that year, and upon the payment of a royalty of not less than 2 per cent of the gross value of the output at the point of shipment. Leases are to be for indeterminate periods, upon condition that at the end of each 20-year period readjustment of terms and conditions may be made.

Section 20 grants the right to use a limited tract of unoccupied public land for camp sites, refining works, or other purposes connected with the development of potassium or sodium.

Sections 21 to 31 are general provisions applicable in whole or in part to all of the deposits described in the bill.

Section 21 authorizes the Secretary of the Interior to insert in any prospecting permit appropriate provisions for cancellation of the permit upon failure of the permittee to exercise due diligence in the prospecting work.

Section 22 limits the number of leases which may be held under the act and is designed to avoid monopoly by preventing interlocking interests through stock holdings or through any other direct or indirect means.

Section 23 provides against monopolies in the extraction and resale of the deposits.

Section 24 authorizes the reservation of the right to permit the joint or several use of easements or rights of way through the leased lands, and also permits the United States, in the discretion of the Secretary of the Interior, to dispose of the surface, with a mineral reservation, and subject to the use of so much of the surface as may be necessary by the lessee in extracting or removing the mineral deposits.

Section 25 is also designed to prevent the indirect acquisition of the minerals by a monopoly by providing that there shall be no assignments or subleases except with the consent of the Secretary of the Interior. This section also contains provisions to prevent waste and to insure the exercise of reasonable diligence, skill, and care in operating the property. These and similar provisions have the ultimate object of securing to the consumer the various products at a reasonable price and the preventing of same from passing into monopolistic control.

Section 26 provides for appropriate forfeiture, but safeguards the interests of the lessee by requiring such proceedings to be in the United States court for the district in which the lands or deposits are situate.

Section 27 authorizes the Secretary of the Interior to require statements or reports from lessees.

Section 28 provides that the act shall apply to deposits in lands which may have been disposed of by the United States under laws which reserved the coal, oil, gas, phosphate, potassium, or sodium, with the right to prospect for, mine, and remove the same.

Section 29 devotes the proceeds from leases, first, to the reclamation fund for the construction of irrigation works in the Western States. Upon return of this money, as required by the reclamation law, 50 per cent of the proceeds will go to the State within the boundaries of which the leased lands or deposits were located for the support of public educational institutions or for the construction and maintenance of public roads.

Some of the reasons for these provisions are as follows: In 1902 Congress set apart proceeds of the sales of public lands in the Western States for a reclamation fund. Some 30 projects were started and nearly $100,000,000 have already been expended therein. It will take many millions more to complete them. The receipts from the sales of public lands have diminished greatly in late years, partly owing to the fact that agricultural homestead lands are free to settlers, and partly due to the fact that large areas have been reserved by the Government for forest reserves, water-power sites, national monuments, etc. In 1910 Congress authorized the loan of $20,000,000 to the reclamation fund upon condition that it be repaid. The situation is therefore that present receipts from the sale of public lands are inadequate to complete existing projects or to repay the loan above described. It is essential, therefore, that in order that this may be accomplished, as well as that new projects may be hereafter undertaken, if deemed advisable, that the proceeds from these leases shall go, as have receipts from all other public lands in the past, into the reclamation fund. As stated, the bill provides that upon return of the money 50 per cent shall go to the States for public purposes, an equitable provision when it is considered that in most of the States affected there is need for better educational facilities and improved public highways.

Section 30 authorizes the Secretary of the Interior to prescribe necessary rules and regulations, and section 31 is the repealing clause, also containing provisions to permit claims, valid and existing under present law, to be perfected thereunder.

The present coal-land laws, which provide for the sale in areas not exceeding 160 acres to an individual, 320 acres to an association, and not exceeding 640 acres to four or more persons who have spent $5,000 in development work, at an appraised price of not less than $10 or $20 per acre, according to location, are unsatisfactory in many respects. The maximum area is too small to permit of modern and economical development, and in many instances makes cheap production impossible. It also requires a considerable initial investment by the operator, whereas under a leasing system he would only be required to pay for the coal on a royalty basis as it is extracted. The bill also makes provision for the prevention of waste and the safeguarding of the interests of those engaged in mining work.

Oil and gas lands or deposits are now subject to location and entry under the placer mining laws. These laws have been generally unsatisfactory both from the standpoint of the prospectors and operators and of the Government. There is nothing in the present law to protect the prospector during the preliminary period, when through the expenditure of large capital he is engaged in drilling, and the limitations as to acreage contained in the existing laws are also a temptation to evade, through the use of dummy locations.

A leasing measure permitting the acquisition of larger areas, protecting the developer, and requiring payment to be made only upon production will not only conform more nearly to the customs of private development but will, it is believed, be fairer to both the operator and the Government.

The largest production of phosphates up to the present time has been in the State of Florida, with considerable quantities also produced in Tennessee and South Carolina. Immense deposits of this valuable fertilizer mineral were found in Idaho, Montana, Utah, and Wyoming in 1906, but these lands have been withdrawn since 1908, awaiting the enactment of laws adapted to their development.

As with the oil and gas, the lode and placer mining laws of the United States do not fit these phosphate deposits, and this measure will, in the opinion of the department, secure the development of these valuable deposits under reasonable terms and conditions. The same is true of the potassium or sodium deposits found chiefly in the Great Basin in the western United States, which are not being developed under existing laws, but whose extraction is of great public importance. In fact, the necessity for encouraging the discovery and production of these fertilizer minerals can hardly be overstated. They are badly needed to renew worn-out soils and to increase or maintain our agricultural production. In the past the United States has imported large quantities of these minerals, and this is not good economy when large deposits lie unworked and unutilized in the public lands.

Existing laws, in so far as applicable to the minerals described in the bill, have not secured development. It is believed that H. R. 406, if enacted, will encourage and secure their exploitation under conditions beneficial to all. I therefore earnestly recommend that the measure be enacted.

Cordially, yours, FRANKLIN K. LANE.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

Mr. MONDELL. Mr. Chairman, at this late day any defense of the placer act so far as it relates to oil lands is superfluous and useless. It is proposed to lease lands rather than patent them. The question of the character of the placer law is a question behind us, except as it applies to certain unperfected claims, and I did not intend to discuss that feature at all; but gentlemen insist during the course of the debate on making statements that are not borne out by the facts with regard to the placer law as it applies to oil lands, and therefore a few words on that subject may not be amiss. It is true that under that law eight men can locate great areas. However, we have had that law as applied to oil lands on the statute books for over 20 years, and in all the United States there has been patented but a few thousand acres of oil lands. We do not know the exact acreage, but probably between ten and twelve thousand acres. Now, a law that allows men to grab everything in sight, as gentlemen insist, ought to produce results in ownership of more than that amount of acreage in that length of time.

The fact is that the oil-placer act was a very good law, and is to-day, as it applies to oil lands, and we would get large development under it if the withdrawals were restored. It is a law that is self-enforcing by reason of the fact that if a man does not get busy and keep busy some one is likely to take his claim away from him. The expense of drilling an oil well is so considerable, the expense of the development of oil land is so large, the chances are so great, that under that statute men have not generally been able to hold any considerable acreages of land, however much they may have filed upon at one time. I have seen hundreds of thousands of acres filed on and all the claims evaporated within 12 months. But I did not intend to discuss that feature of the situation. We are proposing to go to a leasing law, and so the question of whether the placer act as applied to oil land is a good one is largely behind us.

I am somewhat responsible for the placer act, having introduced the bill at the time when the Interior Department held we had no law under which oil lands could be patented, and therefore I am inclined to rise to its defense.

THE PENDING BILL.

Now, as to the bill before us, those who are familiar with the conditions under which legislation is initiated, developed, and perfected realize that conditions may arise under which proposed legislation may be presented in a form that is not entirely satisfactory in all its details even to a majority of those who in a way stand sponsor for it as members of a committee reporting it.

Conditions may arise, particularly in the case of legislation which is oft proposed and long deferred relative to certain features of which there are strong and marked differences of opinion, in which precedent, the complicated character of the problems to be solved, and the desire to reach some common ground of agreement relative to sharply controverted questions, produce a legislative situation not clearly intelligible to one not familiar with the complexities of the problems to be met or the tangle of conflicting opinions out of which it is impossible to secure an ideal situation.

These observations may, I think, be made applicable to the pending coal and oil leasing bill without betraying any confidences or involving any criticism.

I doubt if anyone fully approves all the provisions of this bill, and the objections to it relate about equally to what it contains and what it omits, what it proposes and what it fails to provide for.

This is the third time the House has attempted legislation along these lines, and naturally the committee having the matter in charge is disposed to adhere in the main to the plan and purpose of the measure as heretofore presented, and that the committee has done.

It is true that since the subject was discussed at former sessions the situation has materially changed. When a similar measure was before the House in the Sixty-third Congress and again in the Sixty-fourth, there was not any very general or widespread activity in oil development on the public lands, and what development there was was not as seriously affected as now by the withdrawal from entry of lands proven, assumed, or believed to afford favorable opportunities for oil production.

In the situation thus formerly presented comparatively little interest was taken by the people of the public-land States in the general provisions of the bill as they related to oil lands, or those provisions of the bill which affected the holdings of the ordinary locator or claimant outside of withdrawals or in recently withdrawn areas where the effect of withdrawals was not clearly defined or generally known.

In the last two or three years, however, there has been a very great increase in activity, in location, and development of public lands believed to contain oil, and withdrawals have regularly followed on the heels of location and development. In this situation a very large number of people, particularly in Wyoming and adjacent States, have become aroused to their very lively interest in the general provisions of the oil-leasing bill and in the provisions intended to reasonably protect those who have gone on the public domain in good faith for the purpose of discovering oil. It has come to be generally realized that claims were seriously threatened by a measure which asserts an adverse claim on the part of the Government likely to place in serious jeopardy the rights of those who have not been able to make such a discovery as under the rulings of the Interior Department entitle them to a patent.

On the two former occasions when the matter has been before Congress I have endeavored to point out the faults of omission and commission in the legislation, for I have clearly foreseen the unfortunate results that would arise out of its enactment as proposed, both in denial of the rights of locators and in undue restriction of opportunities for satisfactory future development, but the task was a difficult one owing to the lack of general interest to which I have referred among the comparatively few people then affected as locators or prospectors in oil development.

The entire subject of oil development on the public lands from the beginning of the definite attempts to enact leasing legislation, and particularly since the decision of the Supreme Court in the Mid-West case effecting the early withdrawals, has been largely colored and confused by the conditions surrounding a very few but valuable tracts of oil land in California and Wyoming.

At the time of the hearings on the first bill the discussion was confined largely to the relief provisions of the bill as affecting the California lands. There was some discussion of the similar Wyoming situation, but comparatively little. The committee listened to the arguments at very great length with regard to the California situation. I think I was the only one, other than the representatives of the department, who appeared before the committee to discuss the general provisions of the bill and the relief feature as it affected the small or ordinary claimant or locator.

Mr. RAKER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I yield.

Mr. RAKER. Does the gentleman refer to the first hearings on the bill some years ago?

Mr. MONDELL. Yes.

Mr. RAKER. Really as a matter of fact the question of the situation in California was never fully presented to the committee until this last hearing. We had hearings on the general leasing bill, it is true, but the hearings were not had on the California situation until the last three months.

Mr. MONDELL. The gentleman has been a member of the committee all the time and knows a great deal about it, but the gentleman has evidently forgotten that there was a considerable hearing on the California situation before the committee at the time the bill was first considered. When the bill was discussed in the House, I think I was the only one who seriously criticized its provisions at that time on the floor.

The Senate took no action on that bill. Later, in the next Congress, the bill was again taken up, and again our California friends appeared and presented their views, and the Wyoming situation, so far as it affected certain large interests, was presented at length. Between the first and the second period the Supreme Court decision in the so-called Mid-West case had been rendered, so that when the bill was taken up by the committee the second time interests of great value were in very serious jeopardy. They were in the lion's jaw, and they needed relief. They had secured some temporary relief, to which the gentleman from Oklahoma [Mr. FERRIS] has referred, but they needed further relief and definite relief under the bill.

The hearings were largely on the subject of relief for the large operators, representing a very limited acreage compared with the total acreage of oil lands, but of very great value.

Again, I think I was the only one who appeared before the committee, other than the department people, to discuss the general features of the bill, and again I presented the case of the small locator and operator.

Again the bill was discussed in the House, and again I called attention to some of the errors of the bill as I saw them, and of the failure to provide adequate relief, particularly for the small and ordinary locator, the man who was not able to come here to present his case, but who represented the very great majority of all the acreage that was placed in jeopardy by the legislation. Gentlemen will recall we discussed that bill at length and secured some important amendments, but still the bill as it passed the House was far from satisfactory.

Again the bill failed in the Senate.

In the present Congress the Senate reported a bill based substantially on the House bill, but with some amendments that improved it and some modifications that did not improve it.

The House committee has taken that bill, stricken out all after the enacting clause, and inserted the bill largely in the form in which it passed the House twice, with, however, some important amendments and modifications.

When the bill was before the House on previous occasions I offered a number of amendments. Some of those amendments were adopted. More of them were not. The bill, as now presented by the Public Lands Committee, has adopted several of the propositions which I presented, either before the committee or on the floor of the House, on the two former occasions when the legislation was considered. It has adopted the plan which I had insisted upon from the beginning and which the oil men approved—that this oil-leasing bill should be an oil-leasing bill in fact as well as in name, and that there should be no provision for patenting under its prospecting or permit feature. One very important and rather surprising modification of the bill as now presented is contained in section 12 in lieu of certain provisions in section 12 of the bill as it passed the House before. The new provision is much less favorable than the former provision. It proposes relief so ridiculously inadequate that one not familiar with the conflicting influences that have brought about the change would be sorely puzzled to know how it happened.

One thing is certain, the new provisions of relief in section 12 are not only entirely inadequate, manifestly unfair and unjust to those affected by them, but they would not provide a condition favorable to the public interest.

While this is all true, it is also true that under existing circumstances and conditions it will not, in all probability, be possible to change these provisions in the House. I think those most interested in and affected by these provisions realize this fact. This is one of the features of the legislation which, it seems, must be cured, if at all, in the conference.

During the recent hearings, as the members of the committee know, the Wyoming folks having become thoroughly aroused to the situation, realizing their very great interest in the legislation as locators and operators, appeared before the committee and presented their views at length. I want to say for the committee, on behalf of our Wyoming people and all others, that a committee never listened with greater patience, with better good nature, to a long drawn out and long continued hearing and argument than in the case of the hearing on this bill. I can only regard, as I am sure many others will, that after having listened to that discussion, to the arguments very earnestly and eloquently and forcibly presented, the committee were not more fully converted than they appear to have been, judged by the result as presented in the bill. I shall continue to believe that the majority of the committee were more fully convinced in their judgment than is evidenced by the bill as now presented to us.

I have given a good deal of thought to the question as to what my attitude shall be toward this measure. I am one of the few western men who long since came to the conclusion that oil and coal leasing legislation was inevitable, and that proper legislation, wisely administered, would in some respects be beneficial to all concerned. Therefore I have supported this bill, although at times there has been very little of detail in it which I fully approved. I have about made up my mind that I shall offer few, if any, amendments, though I shall support some that will be offered. As we go through the bill I shall present, as the sections are taken up, my view of the manner in which the legislation could be improved. Having done that I think it is the part of wisdom under existing conditions not to insist upon a vote on many amendments. Because while I realize—and I am very frank in my statement, because the chairman of the committee was—that there are members of the committee who would agree to the wisdom of some of the amendments that might be offered, I also realize that the com-

mittee is bound by a very proper agreement to adhere in the main to the bill as it has been reported. I do hope, however, that elsewhere than here, after the House has passed the bill, it will have consideration in a smaller body of men, who can sit down dispassionately, without prejudice, without bias, without being dragged hither and yon by this influence or that, and endeavor to get out of this legislation something that will be workable for the future, and something that will be reasonably fair to the locator and to the developer now upon the oil lands of the country.

Mr. LONGWORTH. In other words, to adopt some of the many amendments which the gentleman will not offer.

Mr. MONDELL. Or, to put it a little more correctly, to adopt some of the suggestions which I shall make from time to time as we reach the various sections of the bill. The western operators—that is, those who represented more especially the smaller locators, oil companies, and associations—agreed upon a series of amendments which they presented to the committee. I believe that practically all of those amendments were wise. Quite a number of them have been adopted in a more or less modified form and appear in this bill. I believe they all ought finally, possibly in somewhat modified form, be adopted and made a part of the legislation as it shall be crystallized in the law.

It is a very unfortunate thing that this tremendously important matter of oil and coal leasing should from the very beginning have been colored and clouded and affected by the fact that there were a few very large interests in tremendous straits and in real jeopardy, men who had gone on, as far as I know, in perfect good faith and spent their money and made large and tremendously useful and helpful developments and whose investments and earnings and gains were in very great jeopardy.

This is tremendously important legislation outside of the question of the rights of a few large operators. And yet, curiously enough, the main general features of the bill have been comparatively little discussed. I believe that on the floor of the House I have discussed them more than all others combined. I think I have presented them before the committee more fully than they have been presented by anyone else, perhaps by all others. I have done that because I have had some experience with coal and oil development, and my State contains vast areas of valuable coal and oil lands. It contains vast areas of land that we believe will prove to be valuable for oil and very considerable areas whose oil values have already been developed. It is tremendously important that this law as it affects the men who shall take advantage of it in the future shall be a reasonably workable law. It is even more important that it recognize and fairly protect present claimants and locators.

I have been particularly interested for and on behalf of the small oil locator and operator, the ordinary citizen who has gone out on the public domain as a wildcatter, using what information he had with regard to the geological structures, making the best guess he could, as prospectors always have from the beginning of oil development, setting his stake, sinking his prospect hole, doing his assessment work, and then seeking for capital to develop his property.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. Is it not a fact that under the placer-mining law anyone has to be a citizen of the United States before he can locate, and the question about big locators or corporations can only take place after the locator has made his location and sold to some one else?

Mr. MONDELL. I do not know about all the oil locations that have been made, of course; but, so far as I know, the locations made under the placer act have, in the main, been made by men of moderate or limited means.

Mr. RAKER. Is it not a further fact that in practically all the placer locations of oil land, leaving out minerals, gold, and so forth, they have reaped the benefits of their sales to those who assisted them in the development of the oil claim in the way of drilling holes, and so forth?

Mr. MONDELL. The gentleman's question is, Have they received the benefits?

Mr. RAKER. Yes.

Mr. MONDELL. In some cases they have and in some cases no one has received any benefit, for there is no greater game of chance known among men under heaven than that of oil drilling. It is an extraordinary thing that money can be found for oil development on the merest suspicion that oil may be found, and frequently in cases where men who ought to know have repeatedly declared that oil never will be found. But it appeals to the citizen who likes to take a chance, and so men of limited means have gone on in making their locations; they have been enabled in many cases to secure capital for the development, and while in many cases no paying development has followed, in many other cases oil has been found and fields developed where geologists have said there was not the slightest hope of such development.

Mr. RAKER. As a matter of fact, from the testimony in the hearings all these fields have been discovered by men on the ground drilling the well without geological information.

Mr. MONDELL. I am glad the gentleman asked me that question, because there is so much misinformation in the public mind relative to the so-called withdrawals. Some people are of the opinion that the Government has sent out large numbers of men learned in geology, competent to locate oil fields, and that they have so located them and that then the Government has withdrawn the land. I know of no case where any lands have been withdrawn until the wildcatter, the local locator, had set his stakes, began development, and had evidenced his determination to try it out. Generally the withdrawal order has not issued until somewhere on such an area some fellow, more lucky than his neighbors, has been able to make a discovery, whereupon the withdrawal order covered all the territory.

Now, if these lands were copper lands, if they were gold lands, if they contained any other mineral than oil, the merest suspicion of discovery would fix the right of the locator so that no withdrawal could affect him. But owing to the rulings and decisions as to what constitutes an oil discovery, unless the locator has sunk his well deep enough to get oil in very considerable and unquestioned quantities, his right is likely to be challenged, and therefore the withdrawal order operates as an adverse right or claim, depriving him under the rulings of the department of any right in the premises.

In my State and surrounding States the locations have progressed all the way from the driving of the first stake to the setting up of the rig and the expenditure of very great sums of money in the effort to find oil.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LA FOLLETTE. I yield to the gentleman from Wyoming five minutes more.

Mr. MONDELL. But in every case where there has not been an unquestioned and unchallenged discovery the withdrawal operates as an adverse right, and the claimant is likely to lose all of his time, all of his labor, and all of his investment. That is the situation affecting hundreds and thousands of locators, claimants, and investors whom we have sought to protect in this legislation. I regret to say that while the committee has inserted provisions in the bill that will afford some relief and be of some value, there is no provision in the bill which gives full protection and relief, either to the ordinary locator, claimant, or investor, or to the large interests who have made extensive development. It is my hope that this will be remedied before the bill is crystallized into law.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. The gentleman is familiar with the subject, and has been for the last 15 or 20 years, and I want to ask if it is not a fact that while there have been some instances of considerable valuable property taken out in a number of locations, yet the actual money expended in the development and prospecting for oil in the last 20 years is almost equal to that which has been produced?

Mr. MONDELL. I do not think there is anyone who is competent to answer that question. That is a matter of opinion. Offhand, I should say there has been more money invested in oil stocks, spent in one way and another, directly or indirectly, in oil promotion and development, than has been returned by the oil produced. I am not sure that that is not true of all mineral development. It is this fact of that element of chance that has led our people, and that is why our people, anxious to encourage mineral developments so valuable and necessary to the Nation, have always had very liberal laws with regard to them.

We have tried to encourage the men of ambition, the men of energy, the men willing to rough it and take a chance, and so we have opened to them every opportunity. The prizes are rare as the prizes of one of the old-time lotteries, but at times they are greater than any other industrial prizes that can be won by man, and it is because of the fact that here and there was the possibility of a great prize luring men on that thousands and hundreds of thousands of men took their packs on their backs and their lives in their hands and went out into the hills, into the deserts, over trackless wastes and developed the great

mines and oil fields, the great reservoirs of mineral wealth that have had so much to do with making us a great and powerful and rich and, in this great war, a useful and helpful Nation. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUBEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2896. An act for the relief of Elizabeth Marsh Watkins.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLETCHER, Mr. RANSDELL, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 10854) making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes, had insisted upon its amendments, had asked a conference with the House on the bill and amendments, and had appointed Mr. TILLMAN, Mr. SWANSON, Mr. SMITH of Maryland, Mr. PENROSE, and Mr. LODGE as the conferees on the part of the Senate.

OIL AND COAL BILL.

The committee resumed its session.

Mr. LA FOLLETTE. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. ELSTON].

Mr. ELSTON. Mr. Chairman, in view of the agreement of the committee upon this bill, and the fact that practically no opposition to it is anticipated, and the desire of the committee to put the bill upon its passage as soon as possible, I had not expected to say anything upon it. There were no controverted questions that were expected to be brought on the floor of the House. There were a great many in the committee. Those matters have been settled by compromise and agreement, and they have been settled, as the chairman said, in such a way as to receive the acquiescence of the oil men of Wyoming and California, but not with the conviction on their part that absolute justice and equity have been accorded them.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. MONDELL. I think it can scarcely be said that the oil men of my State at least have acquiesced in the action of the committee in the relief measures. I think quite the opposite is true.

Mr. ELSTON. If the gentleman will permit me, I shall amend that by substituting the word "suffered."

Mr. MONDELL. I think they have suffered.

Mr. ELSTON. They have suffered this situation to develop as it has. They found that a deadlock would occur if they had persisted, and if a large majority of the committee had adhered to what they believed was the justice of the oil men's contention, a situation would have developed that probably would have barred any legislation at all. This bill contains a good deal more subject matter than that of relief to the oil operators of the West. The great scope of it covers a new theory in the leasing of public lands, in so far as the mineral content of them is concerned, and that is a tremendous subject. It is a subject of great importance, which has appealed to all of the conservationists of the land. It would be a tremendous disappointment to them if this bill now so favorably upon its passage should be stayed in any way by the delay in settling questions of justice to the California and Wyoming oil men. Realizing that, and submerging their own matters to the general good, the oil men have, as I say, submitted to superior considerations, and I believe that there will be no opposition on the floor to the passage of this bill. It is perfectly obvious, however, that adequate justice has not been done to the oil operators of the West. In a way the unfortunate situation in which they found themselves when the initial withdrawal order of 1909 was made was practically the fault of the United States Government in not providing an adequate law under which oil locations could be made.

For 50 years there has been either by custom or by legislative enactment a means by which locations could be made by those who discovered gold either upon the surface loose in the gravel or in the solid rock itself. When oil was discovered about 25 years ago the only analogy that the prospector could go by to locate his claim was the placer-mining law, with which he was familiar. For many years such locations were made under the placer-mining law, but it was not till 1897 that Congress passed an act expressly sanctioning such procedure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LA FOLLETTE. I yield five minutes additional time to the gentleman.

Mr. ELSTON. It practically validated a custom under which he had operated, so far as oil locations were concerned, for many years theretofore. Now, he was pursuing that legal method of location in 1909, when the first withdrawal was made, and he found himself in a situation largely due to the inadequacy of the placer-mining law as applied to oil locations. It was not the result of a conspiracy; it was not the result of any malignant act; it was the result of an honest effort to prospect for oil and locate oil claims under an act that did not fit the case. Twice this House has passed legislation that gave them a measure of relief. In effect, upon relinquishment to the Government of their asserted title, it gave them the whole of their claims, not exceeding 640 acres, upon a royalty of one-eighth of the oil produced.

Now comes this bill abating the relief accorded to them twice by unanimous vote of the House, and restricts them to the producing wells upon their claims. The oil men still contend that this is not all they should have. It may be all they can get in view of the legislative situation and in view of the attitude of the departments. It is not what we ought to have. We are impelled to it by the tremendous menace to our industries in California by reason of delay in getting some kind of action, however unsatisfactory it may be. In California at the present time there is a deficit of 38,000 barrels of oil per day. The stocks which have accumulated for many years previous are now practically depleted. The great Southern Pacific Railway and other railway systems have only 10 days' supply ahead. The coast newspapers have been warned by the Oil Administrator that in all likelihood their supply of fuel oil must stop unless there be a larger production soon. A great calamity to all Pacific-coast industries impends, and can only be averted by the immediate opening of new wells. The withdrawn areas offer the only field for such new production. Naval reserve No. 2, in which there are many private holdings, must contribute its share. In fact it represents the only certain source of relief. The situation was such, therefore, that upon the faith of assurances given by the departments that added production would come under this relief section we suffered this relief legislation to go through the committee without opposing it. But we hold the departments to the implied promises and the encouraging assurances given to us. By virtue of the large relief powers herein given to the President, and under the wide discretion granted to him to permit larger production, we confidently expect considerate treatment of the California oil industry, upon which depends the industrial life of the Pacific coast. [Applause.]

Mr. FERRIS. As I understand, there will be no more speeches over on that side. There will only be one over on this side, and I yield the remainder of my time, or such part as he may desire, to the gentleman from Alaska [Mr. SULZER].

Mr. SULZER. Mr. Chairman and gentlemen, the conditions existing in Alaska have been given consideration in this bill, and the Territory has been treated with liberality such as will, we hope, bring about a local production of oil for the needs of the Territory, and possibly add to the supplies for the States. The potential fuel resources of the Territory are great, but nothing can be said in this connection definitely or with accuracy regarding any particular claim until the pioneer work of exploration and development is done, or until, by the actual production and marketing of coal and oil, the geological conditions, the costs of operation, transportation, and markets are determined. All the numerous factors which enter into the production of fuel in Alaska must be determined by actual mining experience, and, unfortunately, up to this time this has been of a very limited nature. In addition, it must be considered that Alaska still remains largely a virgin land, in the far North, where it is necessary that every inducement be offered to encourage development, not only because many unknown factors and uncertainties involve a greater risk, but also because the physical conditions under which operations must be conducted are, in most instances, greater than in the States. These facts were carefully considered by the committee and the terms of the bill were made more liberal, as applied to Alaska, in order to induce immediate development and thus provide a supply of oil for the very urgent local needs that exist in Alaska at this time.

The raw materials produced in Alaska are of vital necessity to the Government in the prosecution of the war, and in order to present to you concisely how valuable a rôle Alaska is playing in the activities of the country at this time I will read the list of products shipped from Alaska during the year 1917, as given

in the annual report of the collector of customs, which is as follows:

Value of merchandise and gold and silver shipped from Alaska to United States, 1917.

	Quantity.	Value.
MINERAL PRODUCTS.		
Tin ore, pounds	219,894	$114,462
Tungsten ore, pounds	20,160	19,550
Antimony ore, pounds	70,852	8,973
Lead ore, pounds	1,595,683	121,946
Lead bullion, pounds	122,339	9,156
Gold and silver		14,939,440
Copper ore, pounds	100,740,856	27,243,510
Gypsum, tons	10,950	43,800
Marble		72,403
FISH PRODUCTS.		
Fresh, pounds	12,747,266	1,112,602
Dried or cured, pounds	6,524,525	292,805
Pickles, barrels	27,964	295,621
Salmon, canned, pounds	265,452,307	41,478,514
Salmon, all other, pounds	16,641,213	1,296,224
Herring, canned, pounds	1,663,580	243,549
Clams, canned, pounds	1,997,019	261,245
Shrimp, pounds	83,930	8,232
Fish fertilizer, tons	1,196	37,752
Fish and whale oil, gallons	1,015,167	706,674
All other fish		60,264
OTHER PRODUCTS.		
Fur and fur skins		379,580
Reindeer meat, pounds	38,295	6,531
Turnips, pounds	249,767	4,929
All other merchandise		64,072

This year Alaska is adding another most valuable product to her list of war supplies, producing millions of feet of the very finest aeroplane spruce lumber that can be found anywhere.

FROM TIN TO TURNIPS.

From tin to turnips, these products are of great essential value and most of them are vital requirements in the prosecution of the war. Doubtless many will be surprised to know that Alaska numbers turnips among her exports, yet the truth is that Alaska contains wonderful agricultural possibilities. Thousands of tons of potatoes and other vegetables were raised and consumed in the Territory last year, and wheat is grown and matured successfully, giving a yield of more than 50 bushels per acre. Also it probably is not widely known that Alaska produces the only commercial tin on the continent, and that antimony, tungsten, and many other of the rarer metals are widely distributed throughout the Territory. While many of these developments are in their infancy, and while production is small, they are nevertheless very important.

It is in copper and gold and fish that Alaska is making its big contribution at this time. During the year 1917 Alaska produced 300,000,000 cans of salmon, a considerable portion not being shipped out until 1918. Think of it! If these cans were placed end to end they would encircle the globe at the equator, with several thousand miles to spare. You are all familiar with Pennsylvania Avenue, and if the Alaska salmon pack for 1917 were stacked up on Pennsylvania Avenue it would fill that broad thoroughfare from the Peace Monument to the Treasury, from curb to curb, to a depth of 4 feet. It would make a compact mass of salmon 1 mile long, 150 feet wide, and 4 feet thick. Or—another illustration of the magnitude of the salmon yield of Alaska—if loaded in freight cars, with every car filled to capacity, it would require a train of 5,000 cars. This enormous supply of food is dependent upon an adequate supply of oil. Without a supply of gasoline and distillate this great food supply would come to an end. This bill, if it becomes a law, will assure an adequate supply of oil for this industry.

Some people still imagine Alaska is only a land of ice and snow, with some fabulous gold mines to add a touch of romance. This is a mistake. The romance is largely a thing of the past, recorded in story books and the motion pictures made on the sun-kissed shores of California. Alaska is in the same latitudes as Scotland, Norway, Sweden, and Finland. Our principal cities are no farther north than Edinburgh, Copenhagen, Christiania, Stockholm, or Petrograd. Those countries and cities of northern Europe contain millions of people following all the various pursuits of modern life, and all are prosperous. You do not think it strange that they should have large agricultural and industrial development. Why, then, should not the same thing be true regarding our own great Territory of Alaska? There is no reason; and the actually demonstrated fact is that the natural conditions in Alaska are just as favorable as the natural conditions in the countries of northern Europe. The real fact is that in some respects the natural conditions in Alaska are far more favorable than in the European countries of the same latitudes. The Japanese current has a most temperate action on all the southern coast of Alaska for thousands of miles.

Having resided in Alaska for 15 years, and having spent 15 winters within the Territory, I was somewhat surprised to find it colder in this capital city of Washington during the past winter than I had ever experienced in Alaska. Of course that is not true of all Alaska. There are sections there where the thermometer at rare intervals registers 80° below zero, and the greater part of Alaska experiences very cold winters; but you must not forget that Alaska is a big country; that its range of latitude is as great as that from Key West to the northernmost point of Maine. If you superimpose a map of Alaska on a map of the United States of the same scale, you will find it will touch both oceans and the Canadian and Mexican borders.

Alaska has a coast line of 26,000 miles, and this enormous coast is one gigantic fishery, yielding a greater quantity of sea products than all the remainder of the Pacific Ocean. These great fisheries are practically all absolutely dependent upon the modern motor-power vessel, and the fishing fleet of Alaska is developed to the highest point of efficiency in all respects. Therefore practically every fish caught in Alaskan waters in the commercial fisheries is contingent upon an adequate supply of oil.

Our great gold dredges and mining mills and our transportation facilities are very largely dependent upon a supply of oil. All industrial and commercial life to-day is dependent upon fuel. This is the age of machinery, and machinery is powerless without fuel.

Heretofore we have been unable to develop and use the great potential fuel resources of Alaska. They are lying dormant, as they have lain for thousands of years, and in that condition they are of no value to anyone. We have been forced to import our oil from California and our coal supplies from British Columbia, Washington, Wyoming, and even from Japan and Australia. Millions of tons of coal and millions of gallons of oil have been shipped to Alaska, whereas every economic reason requires that the reverse should be the case.

The following tables give the quantities of coal and oil shipped to Alaska during the past several years:

COAL.

Coal consumed in Alaska, 1899 to 1916 (in short tons).

[From United States Geological Survey Bulletin 662–A.]

Year.	Imported from States, chiefly bituminous, from Washington.	Produced in Alaska, chiefly subbituminous and lignite.	Total domestic, chiefly from Washington.	Total foreign coal, chiefly bituminous, from British Columbia.[1]	Total coal consumed.
1899	10,000	1,200	11,200	50,120	61,320
1900	15,048	1,200	16,248	56,623	72,871
1901	24,000	1,300	25,300	77,674	102,974
1902	40,000	2,212	42,212	68,363	110,575
1903	64,626	1,447	66,073	60,605	126,678
1904	36,689	1,694	38,383	76,815	115,198
1905	67,713	3,774	71,487	72,567	144,054
1906	69,493	5,541	75,034	47,590	122,624
1907	46,246	10,139	56,385	88,596	144,981
1908	23,893	3,107	27,000	72,831	99,831
1909	33,112	2,800	35,912	74,316	110,228
1910	32,138	1,000	33,138	73,904	107,042
1911	32,255	900	33,155	88,573	121,728
1912	27,767	355	28,122	59,804	87,926
1913	61,666	2,300	63,966	60,600	124,565
1914	41,509	.....	41,509	21,883	63,391
1915	46,329	1,400	47,729	36,878	84,607
1916	44,934	[2]12,200	57,134	36,454	93,588
Total	717,418	52,569	769,987	1,124,195	1,894,182

[1] By fiscal years ending June 30.
[2] Estimated. About 75 per cent of this production is bituminous.

OIL.

Petroleum products shipped to Alaska from other parts of the United States, 1905–1916 (in gallons).

[From United States Geological Survey Bulletin 662–A.]

Year.	Oil used for fuel, including crude oil, gas oil, residuum, etc.	Gasoline, including all lighter products of distillation.	Illuminating oil.	Lubricating oil.
1905	2,715,974	713,496	627,391	83,319
1906	2,688,940	580,978	568,033	83,992
1907	9,104,300	636,881	510,145	100,145
1908	11,891,375	939,424	566,538	94,542
1909	14,119,102	746,930	531,727	85,687
1910	19,143,091	788,154	620,972	104,512
1911	20,878,843	1,238,865	423,750	100,141
1912	15,523,555	2,739,739	672,176	154,565
1913	15,682,412	1,735,658	661,656	150,918
1914	18,601,344	2,878,723	731,146	191,876
1915	16,910,012	2,413,962	513,075	271,981
1916	23,555,811	2,844,801	732,369	373,048
	170,814,799	18,254,611	7,165,038	1,794,714
1917	20,253,167	3,256,870	750,238	465,693

Mr. RAKER. Will the gentleman yield?

Mr. SULZER. I yield to the gentleman from California.

Mr. RAKER. The gentleman being on the committee and having given such careful and diligent attention to the proceedings before the committee, not only to the general leasing bill, but particularly to Alaska as relating to the coal lands and oil lands in that Territory, and particularly the repealing clause, I want to ask the gentleman if the language of the bill as reported by the committee is not, in his mind, such that it will give to Alaska some real relief?

Mr. SULZER. I think it will, undoubtedly. At the present time we have absolutely no oil development in that Territory and can not have any, because the entire Territory, a matter of some 600,000 square miles, has been withdrawn so far as any of it may contain oil.

Mr. RAKER. I remember the gentleman's particularly deep interest in the matter before the committee in regard to the Alaskan feature so far as it relates to the oil. The gentleman feels now that those provisions he succeeded in getting into the bill will practically relieve the Alaskan situation?

Mr. SULZER. I think so, and I certainly hope so.

Mr. Chairman, practically all the coal and oil used in Alaska is shipped from great distances, and the charges are very heavy, and this condition creates a prohibitive cost for all ordinary operations and confines development to the richer resources, known as bonanzas. Only the very rich placer-gold ground, the very rich and favorably located copper and rarer metals deposits, and the richer portions of the great fisheries can be worked under the present excessive costs of fuel. It is not only a question of high costs, but the impossibility of obtaining imports of fuel, in many cases, under any circumstances. The oil situation in California is becoming acute, and any day may bring about a suspension of shipments to Alaska and thereby end the great production of our fisheries, so essential in sustaining our land and naval forces and those of our allies.

Without cheap fuel no great development can take place anywhere, even in a tropical country, much less in Alaska. Fuel is the foundation of the business structure to-day, and Alaska has made a wonderful showing, when it is considered that her activities have been carried on for years while her fuel resources have been locked up. This is one of the greatest difficulties under which Alaska has been struggling, and this difficulty accounts largely for the fact that there are to-day less than 50,000 white people in Alaska, after it has been under the American flag for more than 50 years. There should be hundreds of thousands of people in Alaska, and with adequate development of our fuel resources we would have them.

The known oil fields of Alaska are described by Maj. Alfred H. Brooks, formerly chief of the Alaska division of the United States Geological Survey, in Bulletin 666P. Maj. Brooks, undoubtedly, has a more intimate knowledge of Alaskan geology and geography than any other person. The study of Alaska has been his life work and we have come to call him our own, and consider as one of Alaska's important contributions to the successful prosecution of the war the able services of Maj. Brooks as a member of the staff of Gen. Pershing in France.

On page 13 of the bulletin which I have mentioned, Maj. Brooks speaks of the Alaska oil fields as follows:

Petroleum has been found in four districts along the Alaska seaboard. These are the Yakataga field, which is comparatively inaccessible on account of the lack of a harbor; the Katalla field, which is the only one that is producing oil and which can be made tributary to Controller Bay without great expense for construction and without great loss of time, or can be reached by an easily constructed 60-mile branch from the Copper River Railroad; the Iniskin Bay field, on Cook Inlet; and the Cold Bay field, on the Alaska Peninsula. The last two are tributary to harbors that are free from ice throughout the year.

Drilling has not been sufficient in the partly developed field at Katalla to determine the presence of any considerable pools. The rather wide distribution of seepage and the results of the drilling of some 25 holes indicate that oil might be obtained in this field in a larger quantity than that now yielded by the five or six wells that are being pumped. The petroleum from this field, like that from other Alaska fields, is a high-grade refining oil with a paraffin base. As oil of this grade is in great demand for the manufacture of gasoline, and as the supply under war conditions may not meet the needs, every encouragement should be given to those who are willing to spend the money necessary for the drilling. Unless a large pool is struck early in operations, which is not believed probable, it will take at least a year to drill a sufficient number of holes to assure any considerable production. This statement is based on the records of the existing wells. The producing wells are shallow and the oil has to be pumped. To meet the present emergency it will probably be best to drill a large number of shallow wells rather than to attempt to test the ultimate possibilities of the field by sinking deep holes. The above statement of conditions and possibilities in the Katalla field probably holds, in general, for the Iniskin and Cold Bay fields. In these fields, however, there has been very little drilling and no production. The geologic structure of these fields, so far as known, is simpler than that of the Katalla field, and it is therefore easier to direct operators to the most probable locations of possible pools.

The Alaska oil lands were withdrawn from entry in 1910. A small area of oil land has been patented in the Katalla field, and other claims are still pending. If the Alaska oil fields are to be regarded as a possible source for refining oil during the present emergency, immediate action should be taken by which operators can obtain freehold or leasehold titles to sufficient areas to justify the large expenditures necessary for drilling.

The history of Alaskan oil development began with some prospecting in 1898, and the first wells were drilled in 1902-3. From that time until 1910 a large sum, in the aggregate, perhaps, upward of a million dollars, was spent in oil development. Most of the money was necessarily spent in preliminary work, such as docks, houses, roads, sawmills, and so forth. A number of wells were drilled by different companies, but unfortunately no large pools were found. Of course, there were some wells which were dry. All that time there was no local market, or practically none. To operate successfully without a local market oil must be produced in sufficient quantity to ship in cargo lots of 5,000 to 10,000 barrels. The wells in which oil was found only produce 5 to 10 barrels a day, and this was too small to make up a cargo. As a result the companies got into financial difficulties.

Then in 1910, without any notice or warning, came the following order of withdrawal:

WITHDRAWAL ORDER OF NOVEMBER 3, 1910.
(Petroleum reserve No. 12—Alaska No. 1.)

NOVEMBER 3, 1910.

It is hereby ordered that all the public lands and lands in national forests in the District of Alaska containing petroleum deposits be, and the same are hereby, withdrawn from settlement, location, sale, or entry, and reserved for classification and in aid of legislation affecting the use and disposal of petroleum lands belonging to the United States.

WILLIAM H. TAFT, *President.*

Referred to the Commissioner of the General Land Office for appropriate action.

R. A. BALLINGER, *Secretary.*

There was no opportunity for debate or discussion or chance to be heard as to the justice or wisdom of the policy of withdrawal. Moreover, while withdrawals generally related to specific areas, which were described in the order, the Alaska withdrawal was much more sweeping. In fact it withdrew all the oil lands of the territory, known and unknown. It simply abrogated the law on the subject as completely as if it had been repealed by act of Congress.

To be sure the withdrawal order purported to reserve the rights of those who had valid and existing claims, but what was a valid and existing claim was so strictly construed that few, if any, of the claimants could be sure of their title. Only one claim, comprising 140 acres, in the whole territory had been patented. Perhaps a hundred or more had been located, but after the withdrawal order most of them were abandoned or allowed to lapse. A few men who had spent large sums of money and owned buildings and much valuable property and equipment held on, hoping year after year that the question of title would be cleared up and that they would then be able to find fresh capital and renew their development work. Most of the original owners have long since dropped out. Many of them are dead, and most of them were bankrupted by their efforts to develop this new country. The natural difficulties have been great, but the legal difficulties have been far greater.

Thus nearly 20 years of effort to develop the Alaska oil fields has come to almost nothing, for there are only five or six wells in operation, producing 25 or 30 barrels of oil per day. It is significant that every producing well is upon the one patented claim. During these 20 years the Alaska market has been growing. The industries, such as fishing and mining, must have fuel, and as practically no oil or coal could be gotten from its own land Alaska has been obliged to import practically all the oil and coal it used.

This withdrawal order put an end to all oil development within the 600,000 square miles of land comprising the Territory of Alaska, and for eight long years the people of Alaska have been patiently waiting for legislation that would give them an opportunity to use the fuel at their doors instead of importing their requirements from points thousands of miles distant.

The fuel resources of Alaska were locked up in the name of conservation, and the people of the United States were led to believe that the resources of Alaska must be reserved for future requirements. No theory was ever more fallacious or harmful. It is not conservation to haul coal from the Atlantic coast to the Pacific coast, and consumes a third of it in the haul, when all the needs can be met by opening the deposits on the Pacific coast. It is not conservation to haul oil from California to Alaska when a local supply can be developed in Alaska. Such a policy is the very antithesis of conservation; it is shameful waste. Fuel must be used to keep the wheels of commerce revolving, and it matters not where it may come from, the general supplies are reduced that much, but the nearer the fuel can be produced to the point where it is to be consumed the less waste there will be in needless transportation.

Some good people are periodically worried by a fear that the resources of the country will become exhausted, and that the Nation thereby will come to grief. This has been true from the beginning. Some good people were greatly worried about the exhaustion of oil when the world was entirely dependent for its artificial light upon the oil derived from the sperm whale. The sperm whale still exists, but we have long since passed to a better lighting system. Human enterprise and inventive genius have not yet ceased to exist in the world, and new discoveries will be made in the future as in the past. There is no danger of the exhaustion of the oil supplies in this country, and in this connection I wish to read some extracts from an article in the National Geographic Magazine for the month of February, 1918, by Guy Elliott Mitchell, of the United States Geological Survey, in regard to the future prospects in oil production. On page 197 Mr. Mitchell says:

The total production of petroleum in the United States up to 1918 has been 4,255,000,000 barrels, and the possible future production, or the total reserve in the ground—and some of it lies very deep—is estimated by the Federal Government at about 7,000,000,000 barrels.

How does this petroleum compare with the known oil-shale reserve? The quantity of oil that can be extracted from the shale is so huge that the petroleum reserve becomes almost insignificant by comparison. As a result of only a partial investigation it is estimated that the oil in the shale ranges of Colorado alone amount to 20,000,000,000 barrels. There are our mountains—indeed, ranges of mountains—which for many miles carry thick beds of rock that yield 30 to 50 barrels of oil to the ton.

More recently the State geologist of Colorado has reported that in northwestern Colorado beds of commercially workable rock that average more than 20 feet in thickness and that will yield at least 36 gallons of oil to the ton are found in an area extending over 1,500 square miles. These figures show a content of 24,000,000 barrels of oil to the square mile, or a total of 36,000,000,000 barrels for the area. Either 20,000,000,000 or 36,000,000,000 is sufficiently impressive.

The potential value of this immense oil resource of America is almost beyond comprehension. Enough oil is held in these natural reservoirs to fill many times over every tank, cask, barrel, can, and other container of every kind in the world.

The discovery of these vast deposits of oil-bearing rock in the United States, the petroleum contents of which can be estimated in nothing less than hundreds of billions of barrels, is one more evidence of the abounding wealth of the North American Continent. No sooner does one of our resources show limitations in production and the pessimists begin to cry, "What shall we do when our reserve is gone?" than immense additional deposits of satisfactory substitutes are discovered.

During the last few years petroleum, with its most valuable constituent—gasoline—has become one of our most vital resources, so that even the most cheerful optimists might well begin to question the immediate future prospect of the industry; but with thousands of square miles of rock lying above ground, within sight of trunk-line railroads and constituting an unfailing oil reservoir, we can feel assured of a supply of gasoline for many generations to come.

The United States is indeed a country blessed by a generous Providence. Germany, to supplement its stock of petroleum and gasoline, laboriously raises potatoes, from which to distill fuel alcohol; but here in America there are mountains of oil rock which can be blasted and steam shoveled and transported by gravity to great retorts which will turn out oil and fertilizer in limitless quantities.

The production of oil in this country, instead of decreasing, will continue to grow; it will even, because of the shale resource, greatly increase its present immense output of 340,000,000 barrels a year and will keep pace with the enormously increasing demand. No one may be bold enough to foretell what tremendous figure of production may be reached within the next 10 years.

The need for gasoline and distillate in Alaska is immediate and very urgent, and this emergency can probably best be met by the owners of some 60 claims that were located prior to the withdrawal of 1910. With assurance that their investments are reasonably protected, they are prepared to make the expenditures necessary to obtain an immediate supply of oil. These claimants are entitled to consideration; they have been the pioneers and trail blazers in a new field, and their risks and difficulties have been great. These claimants have in good faith held their claims for years and complied with the law. They have been awaiting legislation that would define their status and enable them to proceed. There are no contests in Alaska, and all concerned are agreed that speedy development of the Alaskan oil fields should be encouraged by liberal treatment.

Mr. Chairman, Alaskans have been groping in a twilight zone of uncertainty for years in regard to the development of the resources of the Territory in so far as the attitude of the Government was concerned.

The progress that should have been made has not been made. The population has decreased rather than increased, and the trouble lies in too severe requirements imposed upon the settlement and development of the public domain. This bill provides a step in the right direction, and I hope it will speedily become law and be followed by other liberal laws that will draw people and capital to Alaska to settle and develop this vast area, so that it may be not only a stupendous wilderness of magnificent scenery, but also a land filled with farms and mills, happy homes, and thriving cities. Only by such development can Alaska be the great asset to America that she should be and that Alaskans of all people are most anxious to make her become. While Alaskans have struggled with many uncertainties and numerous changes in governmental policy in the treatment of the public domain in the North, there has been no twilight zone of patriotism in Alaska. No people anywhere under our flag stand more squarely behind President Wilson in the vigorous prosecution of the war for the defense of American honor and integrity and the safety of democratic government against the ruthless iron heel of military despotism. No Americans anywhere are more loyal and patriotic or more enthusiastically and whole-heartedly determined to make any sacrifice to win the war. Alaskans will be found well represented in every branch of the Army and Navy, and before the draft law went into effect in Alaska the Territory had sent many more volunteers than her quota under the draft. There can be no better soldiers than the men of Alaska, who love adventure and become accustomed to facing dangers and hardships in their everyday life.

Alaskans have assisted in every possible way in all the war activities of the Government. No State in the Union has contributed more liberally, per capita, to the Red Cross, the liberty loans, the war-savings stamp, and other patriotic war organizations than has Alaska. From Ketchikan to Nome, Alaska communities were ready to subscribe their full liberty-loan quotas on the first day of the campaign, and they kept adding to those subscriptions daily until the last day, when it was found that most of them had gone over the top several times. An indication of the spirit with which Alaskans are trying to do more than their share to down the enemy is shown by the following telegram:

FAIRBANKS, ALASKA, *May 7, 1918.*

CHARLES A. SULZER,
Delegate from Alaska, Washington, D. C.:

Fairbanks and vicinity subscribed to third liberty loan $425,000, being over five times quota. This does not include $25,000 subscribed by Nenana. Boy Scouts helped to extent of over $69,000, also going over top five times.

FAIRBANKS COMMERCIAL CLUB.

Over 80 per cent of Alaskans are members of the Red Cross, and the noble women and children of the North, as well as the men, are doing their full share of the splendid service toward winning the war.

Now, Mr. Chairman, a Territory so remote and so sparsely settled that has gone to such limits in contributing to the Nation in this hour of need, a Territory that has given so freely of its men, money, labor, metals, and food, is well worthy of consideration. All this bill does is to give Alaskans a chance to obtain a local supply of oil under fair and reasonable conditions. This is not asking too much and should be granted without question. Alaska occupies a most important position in the Pacific and is destined to play an important part in world affairs of the future. Its value can be made very great and a source of great strength to the Nation. At the present time, Alaska's vast extent and limited population are sources of weakness. We must be permitted to grow and develop with more freedom and fewer restrictions. We must be permitted to use our resources more freely and thus create a greater and ever greater volume of trade with the States. Alaska's value to the Nation consists in the raw materials she can produce and send through the numerous industrial and commercial arteries of our national life and of the manufactured and finished articles she can purchase from the several States.

The trade of Alaska, per capita, is the greatest in the world, and, given the use of local fuel, more liberal governmental regulations, and broader powers of self-government, Alaska will be an unfailing source of wealth and strength to the Republic. [Applause.]

Mr. RAKER. Mr. Chairman, let the Clerk read the first paragraph of the bill, and then I will move to rise.

The CHAIRMAN. We are now considering the Senate bill.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to consider the substitute in lieu of Senate bill 2812, so that the first section, to all intents and purposes, will be the language in italics on page 28, beginning with line 7.

Mr. RAKER. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. RAKER. Consider the House amendment as though it were an original bill?

Mr. FERRIS. That is the request I make.

The CHAIRMAN. The gentleman asks unanimous consent that the House bill be substituted for the Senate bill 2812. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That deposits of coal, phosphate, oil or gas, owned by the United States, including those in national forests, the Grand Canyon National Monument, and the Mount Olympus National Monument, but excluding those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter

provided, shall be subject to disposition in the form and manner provided by this act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, or gas, to municipalities.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise, leaving the paragraph open for any amendment that may be offered to-morrow.

The motion to rise was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DEWALT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, and had come to no resolution thereon.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Friday, May 24, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimate of appropriations required by the Engineer Department of the Army for the fiscal year 1919 (H. Doc. No. 1124); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting additional estimates of appropriations required by the Engineer Department of the Army for the fiscal years 1918 and 1919 (H. Doc. No. 1125); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Little Tennessee River, Tenn. (H. Doc. No. 1126); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SEARS, from the Committee on Education, to which was referred the bill (H. R. 12212) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 597), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3797. An act validating certain applications for and entries of public lands, and for other purposes; to the Committee on Public Lands; and

S. 3923. An act authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains, to submit to the Court of Claims certain claims growing out of treaties and otherwise; to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CRISP: A bill (H. R. 12246) to subject Federal, State, and municipal officers to income and war excess-profits tax; to the Committee on Ways and Means.

By Mr. NORTON: A bill (H. R. 12247) to provide for incorporating the Supreme Lodge of Knights of Modern Syria; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 12248) granting an increase of pension to William B. Talbott; to the Committee on Invalid Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 12249) for the relief of Jacob B. Moore; to the Committee on Indian Affairs.

By Mr. DAVIS: A bill (H. R. 12250) to reimburse Horace A. Chouinard, chaplain in the Twenty-third Infantry, for loss of certain personal property; to the Committee on Claims.

By Mr. LOBECK: A bill (H. R. 12251) granting a pension to Katherine McArthur; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 12252) granting a pension to Elizabeth J. Montague; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 12253) granting an increase of pension to J. Wesley Barr; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 12254) granting an increase of pension to John B. Hays; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 12255) granting an increase of pension to John D. Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12256) granting an increase of pension to Jabez B. Jennings; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 12257) granting a pension to Hannah R. Grant; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Billy Sunday Tabernacle workers and of the New Jersey conference, Epworth League, protesting against the action of the Commissioners of the District of Columbia in allowing Sunday baseball; also, a memorial of the Presbyterian Ministers' Association of Washington City and vicinity, making a similar protest, and asking for the passage of a Sunday rest-day bill; to the Committee on the District of Columbia.

Also, memorial of H. L. Post No. 750, Grand Army of the Republic, Department of Ohio, urging the passage of the Smoot pension bill for the relief of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. CARY: Petition of the Allied Printing Trades Council of Milwaukee, Wis., asking for the repeal of the zone-system features of the war-revenue act; to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of residents of Fontana and Walworth, Wis., asking for the repeal of the zone system for carrying second-class mail; to the Committee on Ways and Means.

By Mr. DEWALT: Resolutions of the Lehigh Valley Motor Club, of Allentown, Pa., Mr. H. I. Koch, secretary, urging the adoption of a program that will assure adequate highway construction and maintenance; also, the creation of a centralized Federal authority to determine the highway policy of our Government, with power to direct the administration of that policy; to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the International Union of the United Brewery Workmen, Local Union No. 264, Allentown, Pa., protesting against the second-class postage provisions of the war-revenue bill; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Memorial of the Chamber of Commerce of the United States of America, for universal military training; to the Committee on Military Affairs.

Also, petition of sundry citizens of Minooka, Ill., for the repeal of the zone system for second-class mail; to the Committee on Ways and Means.

By Mr. GALLIVAN: Memorial of the West Roxbury (Mass.) Woman's Club and of the Young Men Christian Association Forum, Lynn, Mass., protesting against the zone system and the increased rates of postage for periodicals; to the Committee on Ways and Means.

By Mr. KELLY of Pennsylvania: Petition of the Women's Missionary Society of Crafton, Pa., requesting immediate prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Resolution of the Connecticut State Council of Defense, in favor of raising the draft age to 45 years; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Resolution of the Common Council of Philadelphia, Pa., opposing the use of the German language; to the Committee on the Judiciary.

By Mr. OSBORNE: Memorial of the California Loyal League, Los Angeles, Cal., urging Congress to take such action as may be necessary to prevent any and all persons disloyal to our country from operating any restaurant, cafeteria, lunch counter, or boarding house that is open to the public, or any but loyal help be allowed to be employed as proprietor, manager, cook, or waiter; to the Committee on the Judiciary.

By Mr. PRATT: Petition of the officials of the Methodist Episcopal Church in Trumansburg, N. Y., in favor of national

war prohibition; also of Sarah M. Witten, Berkshire, N. Y., favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. RAMSEYER: Petition of members of the Willard Street Methodist Episcopal Church, Ottumwa, Iowa, protesting against polygamy; to the Committee on the Judiciary.

By Mr. STEELE: Petition of residents of Easton, Pa., for the amendment of the Constitution to prevent polygamy in the United States; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of headquarters, R. A. Pierce Post, No. 190, Grand Army of the Republic, New Bedford, Mass., indorsing Smoot bill, so called; to the Committee on Invalid Pensions.

Also, petition of the president of the Holyoke Belting Co., Holyoke, Mass., indorsing increased postal rates for publishers, effective July 1, 1918, and condemning postponement of the increase; to the Committee on Ways and Means.

Also, petition of Henry I. Harriman, president of the Chamber of Commerce, Boston, Mass., advocating the retention of the pneumatic-tube service by the conferees on the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, telegrams from Ed Flash, jr., vice president of the New York Produce Exchange, and from Alfred E. Marling, president of the Chamber of Commerce of the State of New York, indorsing the amendment to the Post Office appropriation bill by Senator Calder providing for new rates on first-class mail in New York City; to the Committee on the Post Office and Post Roads.

By Mr. WOODYARD: Petition of Local Union No. 350, Journeyman Tailors' Union of America, of Parkersburg, W. Va., favoring the enactment of the Smith-Sears rehabilitation bill; to the Committee on Education.

Also, petition of No. 249, Huntington Lodge, International Brotherhood of Boiler Makers, Iron-Ship Builders, and Helpers of America, asking for the repeal of the recently enacted zone postal law; to the Committee on Ways and Means.

SENATE.

FRIDAY, *May 24, 1918.*

(Legislative day of Thursday, May 23, 1918.)

The Senate met at 12 o'clock noon.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

Mr. FRELINGHUYSEN. I wish to report the necessary absence of the members of the Committee on Military Affairs, which committee is in session.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Henderson	Nelson	Sterling
Brandegee	Hitchcock	New	Sutherland
Culberson	Johnson, Cal.	Norris	Swanson
Cummins	Johnson, S. Dak.	Nugent	Thomas
Curtis	Jones, Wash.	Overman	Thompson
Dillingham	Kellogg	Page	Tillman
Fernald	Kendrick	Pomerene	Townsend
Fletcher	Kenyon	Ransdell	Trammell
Frelinghuysen	King	Saulsbury	Underwood
Gallinger	Kirby	Shafroth	Vardaman
Gerry	Lenroot	Sheppard	Wadsworth
Gronna	McKellar	Sherman	Warren
Guion	McLean	Shields	Watson
Hale	McNary	Simmons	Weeks
Harding	Martin	Smith, Mich.	Willey

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is necessarily absent on account of illness.

Mr. WARREN. The Committee on Military Affairs are in session and Senators NEW, JOHNSON of California, WEEKS, REED, CHAMBERLAIN, and THOMAS ask that they may be recorded as present. They are on public service.

Mr. KIRBY. I wish to announce that my colleague, the senior Senator from Arkansas [Mr. ROBINSON], is absent on official business. I desire also to announce that the senior Senator from Kentucky [Mr. JAMES] is detained on account of illness.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8496) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9612) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10477) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10830) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 11663) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had passed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 4910. An act to authorize the establishment of a town site on the Fort Hall Indian Reservation, Idaho;

H. R. 5489. An act to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co.; and

H. R. 9715. An act extending the time for the construction of a bridge across the Bayou Bartholomew, in Ashley County, Wilmot Township, State of Arkansas.

PETITIONS.

Mr. TOWNSEND presented a petition of Bend of the River Grange, Patrons of Husbandry, of Niles, Mich., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Kalamazoo, Mich., praying for national prohibition as a war measure, which was ordered to lie on the table.

ESTATE OF RUDOLPH H. VON EZDORF, DECEASED.

Mr. GRONNA, from the Committee on Claims, to which was referred the bill (S. 2474) for the relief of the widow of Rudolph H. von Ezdorf, deceased, reported it with an amendment and submitted a report (No. 465) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 4600) authorizing the appointment of Fernando L. Birrer as marine gunner on the retired list of the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. WATSON:

A bill (S. 4601) to correct military record of James McD. Hays; to the Committee on Military Affairs.

By Mr. SUTHERLAND:

A bill (S. 4602) granting a pension to Willis Gray Southerland; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4603) to further protect interstate and foreign commerce against bribery and other corrupt trade practices; to the Committee on the Judiciary.

By Mr. OVERMAN:

A bill (S. 4604) to fix the salaries of the clerks of the United States district courts and to provide for their office expenses, and for other purposes; to the Committee on the Judiciary.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. SHEPPARD submitted an amendment proposing to appropriate $2,000 to aid the Columbia Polytechnic Institute for the Blind in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On May 22, 1918:

S. 3911. An act authorizing national banks to subscribe to the American National Red Cross.

On May 23, 1918:

S. 2123. An act to regulate the practice of podiatry in the District of Columbia.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDING OFFICER (Mr. GALLINGER in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8496) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. THOMPSON, and Mr. SMOOT conferees on the part of the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. THOMPSON, and Mr. SMOOT conferees on the part of the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9612) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. THOMPSON, and Mr. SMOOT conferees on the part of the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. THOMPSON, and Mr. SMOOT conferees on the part of the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10477) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. THOMPSON, and Mr. SMOOT conferees on the part of the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10850) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. THOMPSON, and Mr. SMOOT conferees on the part of the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. THOMPSON, and Mr. SMOOT conferees on the part of the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11663) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. THOMPSON, and Mr. SMOOT conferees on the part of the Senate.

VOCATIONAL REHABILITATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4557) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes.

Mr. WADSWORTH. Mr. President, I assume that the Senator from Georgia [Mr. SMITH], who, I understand, is attending a meeting of the Committee on Military Affairs, desires the Senate to continue the consideration of this bill. If that is the case, I am ready to discuss it for a short time longer.

When the Senate took a recess yesterday afternoon I was starting on a discussion of the experience of Canada in taking care of this problem of reconstruction or rehabilitation of disabled soldiers. I had referred to an article prepared by Mr. John L. Riley on the Canadian experience. Mr. Riley has made a very careful study of the Canadian experience, and his conclusions, I find, are to the effect that through divided control there has been some friction in the Canadian experience.

Although, as I said yesterday, Canada has done excellent work and has achieved a great measure of success in her treatment of disabled soldiers, nevertheless, it is apparent, due to a division of responsibility and the existence of two or more official boards or commissions, each one of whom had nothing to do with this work, there is considerable friction and delay.

As I said, this article or report is too long to be read to the Senate, although it is well worth while for any Senator who cares to see it to examine it. I quote this sentence from one of its paragraphs:

> The progress of the educational work especially appears to be due to the devotion and cooperative spirit of those engaged in it rather than to the administrative plan under which it has come about. To an observer it seems as if much energy must be wasted in the scattered attack upon the problem which division of control implies and that a more direct method could be devised which would result in greater accomplishments with less waste of energy.

I expressed the fear yesterday that the bill now pending if enacted into law would bring about something of that same condition in the United States in our effort to solve this very difficult problem of rehabilitation.

Mr. GALLINGER. Mr. President——

Mr. WADSWORTH. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I have not seen the report the Senator refers to. I will ask the Senator if in Canada during the surgical and medical treatment of a wounded soldier others are allowed to enter the hospital for the purpose of giving instruction in vocational matters.

Mr. WADSWORTH. I gather from this report that at least two and probably three Canadian governmental agencies are interested in and engaged in this work, one of them strictly military, the department of militia and defense, and then two other departments which are strictly civilian in character, and that they endeavor to cooperate one with the other. Of course, as the Senator knows, the problem of rehabilitation and vocational instruction must of necessity commence in the hospital itself and proceed along with what might be termed the physical cure of the soldier, and it is at that point in the process where the conflict of authority or the confusion in council is found to occur unless one authority has supreme power.

Mr. GALLINGER. The suggestion the Senator makes does not appeal to me very strongly. I have been educated to believe that sick people needed rest and quiet and that while they were being treated and until they reached a certain stage of convalescence they ought not to be disturbed by anybody.

According to the terms of the bill we are considering—and it seems that that is the practice of Canada, from what the Senator says—while treatment is going on and the surgeons are doing their best to heal the man of his infirmity another organization interferes to educate the man vocationally as he is recovering from his wounds. I think there will be conflict of authority, and very serious conflict, because I can hardly believe that while surgeons are treating a wounded man they will want other people to come in to give him instruction in vocational matters. That is my judgment.

Mr. WADSWORTH. I agree with the Senator in that respect, although my information gathered in conversation with surgeons and gentlemen who have made a very exhaustive study of this problem is to the effect that at a certain stage in the recovery or convalescence, if we may so call it, of the disabled soldier, at a period long before medical care and surgical care has ceased, prevocational and vocational training commences, so that one treatment gradually blends into and is absorbed by another.

Mr. SMITH of Georgia. If the Senator will allow me to interrupt him——

Mr. WADSWORTH. I yield.

Mr. SMITH of Georgia. With reference to the word "prevocational," as we intended it to mean here, it has reference to that training which is given while the patient is still in the hospital, and is meant to carry the meaning that the Senator has in view. But I have had a conference with Dean Russell this morning and with the Surgeon General and the Assistant Secretary of War, and Dr. Russell claims there is quite a conflict of opinion as to what the word does mean. Therefore I have determined, as a result of this conference, to request the Senate to strike out the word "prevocational" in section 6, where it appears three times.

I mention this in the midst of the Senator's discussion that he may understand the difficulty he has in his mind, if the Senate adopts my suggestion, will be overcome.

I might add that I think the measure, with this change, meets the approval of the War Department, the Surgeon General's department, and Dr. Russell. I have a letter from the Secretary of the Navy expressing for the Navy Department approval of the measure with the amendment we made striking the provision from the original bill permitting the discharged soldier and seaman to be placed in service for vocational training.

Mr. WADSWORTH. I have no objection to the amendment suggested by the Senator from Georgia, but I do not think that completely cures the situation. My information is somewhat to the contrary of that of the Senator from Georgia with respect to the attitude of the Medical Department of the Army.

Mr. McKELLAR. Will the Senator yield just a moment on that point?

Mr. WADSWORTH. I yield.

Mr. McKELLAR. I mentioned yesterday the fact that this bill met with the approval of Gen. Gorgas. I desire to read from the hearings at page 65 with regard to it:

> Mr. SEARS. You have read the bill over, of course, General?
> Gen. GORGAS. Yes.
> Mr. SEARS. And you indorse it, except that you believe it should be more clear in certain points?
> Gen. GORGAS. Yes.
> Mr. DONOVAN. Your position is, General, I understand it, that up to the finality of the discharged man as a soldier, up to that point, there should be no question as to who has charge?
> Gen. GORGAS. Yes.

In other words, the only objection that Gen. Gorgas had to the bill was the possible conflict which the Senator referred to yesterday. As I understand it, that will be obviated by striking out the word "prevocational" here, and with that change it appears to be entirely satisfactory to the Surgeon General of the Army.

Mr. PAGE. Mr. President——

Mr. WADSWORTH. If I may be permitted to reply to the remarks of the Senator from Tennessee, the testimony given by Gen. Gorgas was given some weeks ago. I am not at liberty to quote him and give him as authority in anything that I say, but my information is most distinctly to the contrary, and my information is most recent. It is to the effect that the Medical Department of the Army is of the opinion that no legislation whatsoever is necessary.

Mr. RANSDELL. Will the Senator permit an interruption?

Mr. WADSWORTH. I yield.

Mr. RANSDELL. I wish to back up what the Senator is saying, and I am at liberty to quote Gen. Gorgas. I have a letter from him written within one hour which I would like to read, if the Senator will permit.

Mr. WADSWORTH. I yield for that purpose.

Mr. RANSDELL (reading)—

> WAR DEPARTMENT,
> OFFICE OF THE SURGEON GENERAL,
> *Washington, May 24, 1918.*
>
> Hon. JOSEPH E. RANSDELL,
> *United States Senate, Washington, D. C.*
>
> DEAR SENATOR RANSDELL: In our conversation this morning concerning the vocational rehabilitation bill, S. 4557, I think it a mistake to enact this bill at this time concerning this matter.
>
> The Medical Department is already acting upon a law of Congress passed upon this subject, and all these bills cause delay.
>
> There is ample authority for doing all that is necessary in this field under the law recently passed by Congress by which we are at present acting. I fear that a bill of this kind, which gives another department authority to come into our hospitals in an administrative capacity, would cause friction in administration.
>
> Very truly, yours,
> W. C. GORGAS,
> *Surgeon General United States Army.*

Mr. WADSWORTH. Mr. President, I am very glad the Senator from Louisiana has read that letter.

Mr. SMITH of Michigan. When was that letter written?

Mr. RANSDELL. It was written this morning. I saw the Senator from Michigan in the office, and the letter was handed to me while the Senator was there.

Mr. SMITH of Michigan. I had wondered whether or not the letter was written at that time.

Mr. RANSDELL. It was written while the Senator from Michigan was there.

Mr. WADSWORTH. Mr. President, it is a fact that the Medical Department, proceeding upon the theory as expressed in the letter which the Senator from Louisiana [Mr. RANSDELL] has read——

Mr. SMITH of Georgia. I desire to say——

Mr. WADSWORTH. I will yield to the Senator in a moment; just let me finish the sentence. It is a fact that the Medical Department, proceeding upon the theory expressed in the letter which has just been read by the Senator from Louisiana, has for many months been preparing to meet this emergency. It has already purchased and has in its possession shop machinery for six reconstruction hospitals, bought and paid for, with the teachers engaged, and some in the course of training to become instructors of disabled soldiers. I am not sure that I can remember all of the hospitals, but one is the Walter Reed Hospital; another at Fort McHenry, near Baltimore; another is at Lakewood, N. J.; another is at Fort McPherson, in Georgia—

to which post and hospital I referred here yesterday. There is another one, I think, in the neighborhood of Pittsburgh, Pa., but I am not certain, and can not remember now where the sixth hospital is. There is one in California, I think near the city of San Francisco, and it is perhaps a part of the old Army post there. I can not remember the name of that post, but I know there is one there which would be the sixth, if my recollection is accurate.

The question simply comes to this: The Medical Department has organized this service. Of course, it is in its infancy; it has not yet become elaborate, and has not yet extended to the limits to which it must eventually extend. It has purchased machinery of different kinds to put into shops to teach these men vocations; it has engaged the teachers; and it has organized in the Medical Department a division under the control and management of experts in this very line of work, one of whom is Dr. Russell, as I stated yesterday, the dean of the teachers' college of Columbia University, who is here to-day guiding and advising in this very work, and whose commission in that service is now under consideration. He has been here a month.

Mr. SMITH of Georgia. Mr. President, will the Senator from New York allow me to interrupt him?

Mr. WADSWORTH. I yield.

Mr. SMITH of Georgia. I was late reaching the Chamber this morning, because Dr. Russell, Gen. Gorgas, and the Assistant Secretary of War were in my office in conference with me. Dr. Russell has not accepted a commission, and has no idea of accepting one. He so stated to me; and the statement that I made with reference to Gen. Gorgas was the result of the conference that we have just had.

Mr. PAGE rose.

Mr. WADSWORTH. Does the Senator from Vermont desire to interrupt me to ask a question?

Mr. PAGE. I desire to say just a word. The Senator from New York was stating what had been accomplished in Canada, and I was reminded that that matter was brought up in the hearings when Mr. Kidner, who was the principal witness from Canada in regard to Canadian affairs, was before us.

Mr. WADSWORTH. I remember the testimony.

Mr. PAGE. The question was asked Mr. Kidner:

> The CHAIRMAN. Let me ask, is that done by the medical branch or the vocational branch?
>
> Mr. KIDNER. That is done by the vocational branch, sir, which has attached to it and detailed to it a special medical officer who works side by side with the vocational officer in summing up the man.
>
> Senator PAGE. Along that line, does that man cease to be under the control of the military and enter upon the civil?
>
> Mr. KIDNER. It overlaps with us, sir. A man receives his military discharge when his medical treatment has reached finality, except in the case of the insane and the tuberculous, who are discharged to the civilian commission for further treatment. But a man receives his military discharge in the ordinary case when his medical treatment has reached finality, but the vocational officer is in charge of him for his vocational training from the moment he arrives at the hospital in Canada.
>
> Senator PAGE. Is there any conflict of authority or any conflict of practice growing out of this dual condition?
>
> Mr. KIDNER. We have not found it so, sir; and in proof of that I may say that under a recent rearrangement of our hospital administration it is definitely laid down that the vocational training of the disabled men while in military hospitals is still in the hands of the civilian body which is charged with that duty.

That testimony seems to me to indicate that there was no conflict there.

Mr. WADSWORTH. That is the testimony of one man, and of course another man says there has been some conflict; but he did not appear before our committee. But let me call the Senator's attention to this fact: The very use by that witness of the word "overlapping" is, to my mind, illustrative of an undesirable state of affairs. There should not be any overlapping between two authorities; this matter should be under one authority from the beginning to the end.

Let me say to the Senator that, according to that testimony, in Canada there has been a recent change in the endeavor to perfect this very system of administration, and that witness stated that at the conclusion of the medical treatment the vocational authority then took charge of the soldier.

Mr. PAGE. Yes; but that meanwhile——

Mr. WADSWORTH. Let me continue. In our service it is not contemplated that medical treatment shall cease and that the soldier shall be turned over as a soldier to vocational treatment. It is contemplated by the Medical Department of the Army that when they shall have cured a man of his disabilities, it shall include restoring him as nearly as possible to that degree of physical and mental and industrial efficiency that he possessed before he went into the Army. The word "cured," as it is construed by our Medical Department, includes a great deal more than merely curing the soldier's wounds; he must be restored as nearly as possible to that degree of efficiency which he possessed before he went into the service; and it is not the purpose of the War Department or of the Medical Department to discharge an injured soldier until he has been rehabilitated as well as cured. When we use that word, it is used in the ordinary sense. So long as a man is a soldier of the Army of the United States, I contend that he must only have one authority over him, and that should be a military authority.

Mr. PAGE. I agree with the Senator from New York; and under this bill that is the exact condition. When a man is restored physically, he is entitled to his discharge from the military service; he should have it; he should be released from military control; he should be permitted to return to his home if he wishes to go back; but under this bill, if he wishes for vocational rehabilitation, he is permitted to take the training provided for in the bill. I think it is all wrong to say that when a man has become functionally rehabilitated he should longer be kept under military control.

Mr. WADSWORTH. Mr. President, the Senator from New York has made no such suggestion, and the Medical Department of the Army has no such intention as that last expressed by the Senator from Vermont.

Mr. PAGE. I understood the Senator to say that the recuperation must be mental as well as physical. That seems to me to be wrong. I do not think we have a right to hold a man under military control after he has been sufficiently restored functionally or physically. He then has a right to his discharge, a right to his return home. We do not propose under this bill to compel a man to take vocational rehabilitation. We say to him, "After you have received your discharge, you may do so or you may not, as you please. If you wish to take it, you have certain money allowances made to you while you are taking your vocational rehabilitation; but we do not compel you to do it; we leave it optional with you." That is where it should be left; and we ought not to say that a man must be kept in the military service and under military control after he has become functionally rehabilitated. He should then be permitted to go home to his work, if he desires to do so; but he should be allowed to take vocational training if he wants it.

Mr. WADSWORTH. Mr. President, in some respects I agree with the Senator from Vermont in his remarks, and in others I strongly disagree. Of course, it should not be the purpose or the effort of the War Department to compel a disabled soldier, to use force, or anything approaching force, in reeducating him, if I may use that term, or giving him vocational training; but it is the duty of the Army authorities, if the man expresses it as his wish, to restore him to his prior condition of efficiency, if it is humanly possible. It is the primary function of the Medical Department not only to cure him physically but to cure him industrially, if it can be done. The Army owes it to every soldier to accomplish that result, if it is possible and the soldier expresses his willingness——

Mr. PAGE. Mr. President, one word.

Mr. WADSWORTH. Just a moment—and the soldier expresses his willingness to have that done and his desire to have that done. Now, the vast majority of soldiers will want that done; and if they want it done they will remain soldiers until it is done; and while remaining soldiers they should be subjected to one authority, and that is the military authority expressed through the Medical Department of the Army.

Mr. PAGE. But the Senator says that the military authorities owe it to the soldier——

Mr. WADSWORTH. They do.

Mr. PAGE. I say that it is this great Nation and not the military authorities who owe it to the soldier, and it is not, in my judgment, a proper function of the military authorities to take charge of the education of a functionally rehabilitated man. After the soldier is physically able to be discharged, it is his absolute and unqualified right to be discharged whenever he demands it.

I wish to say further that the history of these matters is to the effect that when a man desires counsel and sympathy he does not go to the officer above him; there seems to be a gulf between the commissioned officer and the soldier. He prefers to go to some one other than a commissioned officer, and as a general rule he does not want to be under military control after he is well enough to go home to his work.

Mr. BRANDEGEE. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Whether the soldier wants to or not, the Senator from Vermont will admit, I presume, that he has got to be under military control until he is discharged from the Army.

Mr. PAGE. He should be under military control until he has so far recovered from his wounds that he should be discharged; and he should not be kept under military control one single day after he is able to return to his home, in my judgment.

Mr. BRANDEGEE. Who is to decide when he is ready to be discharged?

Mr. PAGE. I do not understand that to be the question raised here. The soldier himself has a right to say as to that after he has been physically and functionally rehabilitated.

Mr. BRANDEGEE. Does the Senator think that the soldier himself ought to have the right to discharge himself from the Army?

Mr. PAGE. He has a right to demand his discharge after he is made thoroughly functionally well.

Mr. BRANDEGEE. I do not understand it so. If his term of service has not expired, and, in the opinion of the Surgeon General and of the military corps he is not physically fit to be discharged, I do not think he ought to be discharged until the military authorities think he ought to be discharged.

Mr. PAGE. Oh, the Senator says "physically fit." I agree with that proposition; until a man is physically fit, until he has been functionally rehabilitated, he should properly remain under military control; but the moment he is physically fit he should be discharged; he should be his own man, and should decide whether he should receive vocational training or not.

Mr. BRANDEGEE. Suppose that he should be discharged when he is fit to be discharged; until he actually is discharged, does the Senator think that any civilian board ought to have any authority over him while he is in the military service of the United States?

Mr. PAGE. They do not have under this bill.

Mr. BRANDEGEE. Does the Senator think they ought to have?

Mr. PAGE. I think that the best interests of the soldier should be considered; and my judgment is unquestionably that the best interests of the soldier demand that he should receive education under civilians who have made vocational training a life study.

Mr. BRANDEGEE. Does the Senator think that civilians who have made vocational education a life study should have anything to say about the control of a soldier under military authority?

Mr. PAGE. I agree with the Senator that until a man is discharged he should be under military control.

Mr. BRANDEGEE. That is all I contend for. I understood the Senator to say that whenever the man was fit to be discharged, whether he was discharged or not, this civilian board should come in and have some authority in the hospital.

Mr. PAGE. No; my statement was that I believed when the soldier was physically fit he was entitled to ask for his discharge, unless he is going to go back into the service; and of course, if he is, that changes the whole aspect of the matter. We are now discussing men who are supposed to have ended their service as soldiers; and when such a man has become physically fit, he has the right to say "I want to go," and it is for him thereafter to say whether he will be vocationally rehabilitated or not.

Mr. BRANDEGEE. He has a right to ask for his discharge, but he has no right to have it unless the military authorities think he ought to have it.

Mr. BORAH. It is not wholly for the military authorities to say as to that.

Mr. WADSWORTH. I yield to the Senator from Idaho.

Mr. BORAH. I was going to say that the soldier has a certain contract with the Government to which he may appeal for his discharge.

Mr. BRANDEGEE. Certainly. If his term of enlistment has expired, he is entitled to his discharge.

Mr. BORAH. Precisely; and therefore it is not wholly in the hands of the military authorities.

Mr. WADSWORTH. Mr. President——

Mr. NELSON. Will the Senator yield to me?

Mr. WADSWORTH. In just a moment I will yield. The term of enlistment is for the duration of the war; so that there is no particular time when any soldier in this war is entitled to his discharge.

Mr. BORAH. It is not wholly in the hands of the military authorities to say when the war is ended, either; the Government determines that question.

Mr. SMITH of Michigan. Mr. President——

Mr. WADSWORTH. I yield first to the Senator from Minnesota, who rose to ask me a question.

Mr. NELSON. I simply rose to say that when a soldier is wounded or disabled he is discharged upon the certificate of the Surgeon General and on his recommendation. He is not discharged because he demands it but he is simply discharged because the Surgeon General recommends his discharge. I understand that was always the practice during the Civil War, and I think it is the practice yet.

Mr. SMITH of Michigan. Mr. President, may I ask the Senator if he has any information as to the percentage of men who are wounded as a result of service in this war who recover?

Mr. WADSWORTH. I have heard it stated that 85 per cent of the men who are wounded recover from the shock or the wound.

Mr. SMITH of Michigan. If that is true, they are still available for military duty and can be drawn upon for that service, as has been frequently the case in France and England; and to say that during the period of their rehabilitation the Surgeon General's Department can not contribute to their comfort and their well-being by a form of instruction and education, it seems to me, is going a good way.

Mr. WADSWORTH. Of course, the discussion now has extended beyond the problem presented by this bill. As the Senator from Michigan says, a very large percentage of the wounded return to the ranks.

Mr. SMITH of Michigan. Certainly they do.

Mr. WADSWORTH. But they are not the ones that this bill has in mind.

Mr. PAGE. I will say that of all who go over only 10 per cent have been sent back from Europe, according to the statistics of Canada.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

Mr. WADSWORTH. Let me finish my sentence and I will yield in a moment. Those who are wounded and injured to such an extent as to cripple them more or less are the ones who are to fall within the terms of this bill, and that includes mental derangement as well as physical. It is believed by the officers of the Medical Department that the curing of those men and restoring them as much as possible to their former efficiency involves not only surgical and medical treatment but also vocational education; that the two go along together and can not be separated, and it is with that purpose in view that the Medical Department has ordered and purchased equipment for machine shops, they contending that a soldier can not be completely cured or approximately cured of his crippled condition unless he is taught to use his crippled members in the operation of machinery or in some manual operation or occupation, and that vocational training, therefore, and rehabilitation—if we may use that word again—is a part of the general treatment of the crippled or disabled soldier. You can not separate them. It commences in the ward of the hospital, to a minor degree, of course; it then extends into the convalescent hospital, where the man is well on the road to recovery, and where he is given more work of a manual character to do, and extends out into the machine shops and trade schools, which are being built and equipped in conjunction with convalescent hospitals.

All these processes are part of the general scheme for rehabilitating soldiers. The Medical Department has embarked upon it. It understands the problem. It is training the teachers. It has 200 wounded men in this country in course of rehabilitation, and I contend that there is no necessity whatsoever for this legislation.

Mr. FLETCHER. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Florida.

Mr. FLETCHER. In order to make it a little more clear, I should like to present to the Senator a specific case by way of illustration.

Suppose a soldier is wounded, and he loses one leg, and he loses one arm. Now, until he is cured he goes to the hospital under the care of the Surgeon General's Department. When his wounds are healed and well he is without one leg, and he is without one arm. Now, I take it that soldier has the right to apply for a discharge, and he would be entitled to his discharge immediately, would he not? He is physically disabled, and on account of his physical disability he is entitled to his discharge from further service in the Army. Would he not be entitled to that if he applies for it? If he would, then the Army loses all jurisdiction over him, and the question would then arise whether, under this bill, he is taken up at that point, and whether it is not proper that he should be taken up at that point.

I am merely presenting that as an illustration—whether the Army would not lose jurisdiction of the soldier the moment he is cured and healed of his wounds. Of course I take it he would be supplied—it is their business to supply him—with an artificial leg and an artificial arm; but when that is done, if he applies for his discharge, would he not be entitled to receive it?

Mr. WADSWORTH. Not necessarily. That lies in the discretion of the Surgeon General and the President.

Mr. FLETCHER. Then the Senator holds that he ought to continue until he is taught the use of these artificial limbs so as to equip him for civil life?

Mr. WADSWORTH. I do make that contention, and that is the purpose of the Medical Department.

Mr. FLETCHER. I will ask the Senator's opinion as to whether the bill interferes up to the point when the wounds are healed and the artificial limbs are supplied? Before that this bill would have no effect; it would not reach him at all, would it?

Mr. WADSWORTH. I think it would.

Mr. FLETCHER. Of course in that respect there would seem to be confusion of jurisdiction and authority there, which might be harmful.

Mr. WADSWORTH. My only fear is that we shall have conflict of authority and confusion. This is a very, very delicate problem and, of course, you want the ablest men in the country to take charge of it. Personally, I have confidence in the men that the Medical Department, under Gen. Gorgas, have summoned for this work. I know they have been studying it for months. My only dread, as I say, is that we will make a wrong start. Practically every nation has made a bad start at this kind of business; but we ought to take advantage of the mistakes of others and make an absolutely correct start if it is humanly possible; and I shall always contend that the way to start out on any great piece of work is to centralize its control under one authority.

Mr. SHIELDS. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Tennessee.

Mr. SHIELDS. Of course I agree with the Senator that there ought to be no mistake in starting upon this work of rehabilitation and vocational education. Now, I find in the RECORD that the Senator was asked upon yesterday under what law the office of the Surgeon General is proceeding with this work of vocational education, and the Senator did not refer to any particular statute on yesterday afternoon; but has he found one since then to which he could refer the Senate, conferring some authority for the work that is being done under the Surgeon General's orders?

Mr. WADSWORTH. I made that inquiry this morning at the office of the Medical Department, and was informed there that under the general authority granted the Surgeon General under the military law, and the construction of the language used in that authority under the military law, not only the medical and surgical treatment was imposed as a duty upon the Surgeon General's department but the complete curing and restoration of the injured soldier.

Mr. SHIELDS. Is that as far as it goes?

Mr. WADSWORTH. Yes.

Mr. SHIELDS. The curing of the man?

Mr. WADSWORTH. I am not at all certain that I am using the correct words when I use the words "curing and restoration"; but the Medical Department and the War Department prior to this time, at least, have construed the authority granted to the War Department through the Surgeon General in matters of this sort to extend to the restoration of the injured or crippled soldier to a point at least approximating his prior efficiency.

Mr. SHIELDS. Mr. President, there ought not to be any mistake about that. This is a very important matter, involving the future of thousands and tens of thousands of the best young men of this country.

Mr. WADSWORTH. Yes, sir.

Mr. SHIELDS. And it seems that no one can put his finger upon, or at least there can not be produced here, any statute authorizing this work that is going on. Apparently it is being done without authority, without any appropriation for it, and it may fall down at any time. There ought to be no doubt about this. There ought to be some law authorizing such an important work.

Mr. WADSWORTH. I think this is section 304 of the war-risk insurance act which the Senator from Michigan hands me.

Mr. SHIELDS. Yes; I will read that to the Senator, and it does not confer any such power. On the contrary, it implies that some power is to be conferred in the future. I will read the language of it, because it was put in the RECORD yesterday as probably conferring such power, and I examined it on that account.

Section 304 of that statute is in these words:

That in cases of dismemberment, of injuries to sight or hearing, and of other injuries commonly causing permanent disability, the injured person shall follow such course or courses of rehabilitation, reeducation, and vocational training as the United States may provide or procure to be provided.

Thus clearly implying that there is nothing now authorizing such a thing, but the statute contemplates future legislation in order to carry that provision into effect, and that is the object, as I understand, of the very bill now under consideration.

Mr. WADSWORTH. I can not argue a legal question with the Senator from Tennessee. I am frank to confess it is a strange thing to me that the Medical Department and the Surgeon General of the Army regard themselves now as clothed with complete authority and power to do this thing.

Mr. SHIELDS. I will say to the Senator that he knows of other things being done without authority, or, rather, he knows of cases of officers assuming to have authority in this day and time.

Mr. WADSWORTH. Yes; I have heard of cases of that sort.

Mr. SHIELDS. In such an important matter as this, the Congress ought not to go on any individual assumption.

Mr. WADSWORTH. Possibly not.

Mr. SHIELDS. It should be perfectly easy to produce a statute, if there is one, giving this power.

Mr. BRANDEGEE. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. In view of the apparent lack of understanding as to what the situation is and as to whether or not the Surgeon General has authority now, and in view of the letter read here this morning by the Senator from Louisiana [Mr. RANSDELL] from the Surgeon General stating that so far as he and his department are concerned they do not want this bill and do not approve of it, it seems to me that we are in no condition to take final action upon the subject now; and I would suggest, without interrupting the remarks of the Senator from New York or desiring to prevent him from finishing his speech, that the Senator from Georgia would do a wise thing if he would temporarily lay this matter aside for the morning or would have it recommitted for further consideration.

Mr. SMITH of Georgia. I will state to the Senator that we not only considered it fully but we had the fullest hearings. The War Department was represented; the Treasury Department was represented. I have a letter from the Secretary of the Navy approving the bill. That represents the Navy Department. The Assistant Secretary of the Navy helped frame the bill, and the Council of National Defense, through Dr. Gifford, helped frame the bill. There were many of them present at the hearings. At the close of the hearing I invited anyone present who desired to say anything, especially if there were any present who were unfavorable to the bill, to let their views be heard, and there was no expression of opposition to it. Gen. Gorgas was heard, Dr. Billings was heard, and neither opposed the bill. Each approved the bill.

Mr. BRANDEGEE. Does the Senator from Georgia understand that Dr. Gorgas approves the bill now?

Mr. SMITH of Georgia. I know he does; at least, I heard from him this morning that he withdrew opposition to it.

Mr. BRANDEGEE. Then I fail to understand the purport of the letter read by the Senator from Louisiana [Mr. RANSDELL].

Mr. SMITH of Georgia. I have seen him since that letter was written. He was in my office at 12 o'clock, and I left him there as I came to the floor of the Senate.

Mr. BRANDEGEE. And the letter was written at 11 o'clock?

Mr. SMITH of Georgia. I do not know when the letter was written. The Assistant Secretary of War was also in my office and Dr. Russell was in my office. They were there as I left for the Senate at 12 o'clock.

Mr. BRANDEGEE. I think the bill——

Mr. SMITH of Georgia. I think this is true, if the Senator will let me stop him for a moment: I think Gen. Gorgas misunderstood the meaning of a part of the language in section 6. In that section it is expressly declared:

That all medical and surgical work or other treatment necessary to give functional and mental restoration to disabled persons prior to their discharge from the military or naval forces of the United States shall be under the control of the War Department and the Navy Department.

It provides further that—

Whenever prevocational training is employed as a therapeutic measure by the War Department or the Navy Department a plan shall be established between these agencies and the board, acting in an advisory capacity, to insure, in so far as medical requirements permit, a proper process.

I called Gen. Gorgas's attention to the fact that the work of the Federal Board for Vocational Education was expressly declared to be advisory while the soldier or sailor remained in the Army or the Navy; that the control was expressly placed in the Army and the Navy while the injured soldier remained undischarged from the Army. He had the impression that it meant that the board was to interfere with what took place while the patient was under the curative processes of the surgeons. I called his attention to those distinguishing terms—"control by the Army and Navy; advice only during that period by the Federal Board for Vocational Education."

Mr. BRANDEGEE. Did Dr. Gorgas express himself as satisfied with the bill after the Senator from Georgia had explained this to him?

Mr. SMITH of Georgia. I so understood him; yes. The suggestion was made by Dr. Russell, however, as to the word "prevocational," that different views of its meaning existed; that there was a view which restricted it very much and prevented anything that really attached to an actual vocation. The suggestion was made that a man might have an injury to his back and be detained in the hospital for a year, and during that time he might take up a line of reading or instruction that was vocational in its character, and that there was a view that the word "prevocational" meant training before the study attached to anything that would be practically used; this was a view entertained by some. Others claimed more recently that the prevocational training was the training in the hospital before the patient was discharged. I suggested that we each had exactly the same meaning in view and that if there was any doubt about the word "prevocational" I was perfectly willing to strike it out.

Mr. BRANDEGEE. Now, let me ask the Senator this question, with the permission of the Senator from New York, and this is the last question I shall ask:

Under the provisions of this bill can the Surgeon General's department employ any instructors that they want to employ to furnish the vocational training or are they compelled to take somebody that the vocational board supplies?

Mr. SMITH of Georgia. They are not compelled to take the suggestions of the Federal Board for Vocational Education, although they are afforded the opportunity. The board is compelled to suggest men if the Surgeon General desires. That is the status of the bill. Here is an organization in closer touch with all lines of vocational work throughout the whole United States than any other in existence. The Senator from New York must excuse me; I do not desire to occupy his time. I will refer more fully to that subject in my own time later on.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Ohio?

Mr. WADSWORTH. Just a moment. I desire to call the attention of the Senator from Connecticut to the second section of the bill. He has a copy of it before him. Anyway, I can read it.

Mr. GALLINGER. Mr. President, before the Senator proceeds to read that section, will he permit me to offer an amendment to the bill?

Mr. WADSWORTH. Certainly.

Mr. GALLINGER. I presume the Senator from Georgia may say it is unnecessary, but from my viewpoint it is very important.

I offer the amendment which I send to the desk and ask that it may lie on the table for the present. Let it be read.

The VICE PRESIDENT. The amendment will be read for the information of the Senate.

The SECRETARY. After the word "withheld," in line 10, page 3, it is proposed to insert:

Provided, however, That no vocational teaching shall be carried on in any hospital until the medical authorities certify that the condition of the patient is such as to justify such teaching.

Mr. WADSWORTH. The second section of the bill reads as follows:

That every person who is disabled——

Mr. SMITH of Georgia. My attention was called by another Senator, and I did not hear the amendment read.

Mr. WADSWORTH. I am reading from the second section of the bill.

Mr. SMITH of Georgia. I missed the amendment proposed by the Senator from New Hampshire.

Mr. WADSWORTH. It is to be printed and lie upon the table.

Mr. SMITH of Georgia. I should like to see it.

The VICE PRESIDENT. The Senator from New York has the floor.

Mr. WADSWORTH. The second section of the bill reads:

That every person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under article 3 of the act entitled, etc., and who, after his discharge, in the opinion of the board, is unable to carry on a gainful occupation, etc., shall be furnished by the said board, where vocational rehabilitation is feasible, such course of vocational rehabilitation as the board shall prescribe.

That last sentence refers back to the person who is disabled; not to the person who is discharged from the Army but who is still a soldier and disabled. My interpretation of that language is that it is mandatory upon the Federal Vocational Board to give a soldier still in hospital in the Army a course in vocational training.

Mr. BRANDEGEE. I had not looked at that language in that light, because it says "that every person who is disabled under circumstances entitling him after discharge from the military or naval" service.

Mr. WADSWORTH. No; according to the terms of the law there cited, he could be in th service. He would be in the service, but after he was discharged he would be entitled. That is simply to designate the character of the injury, the character of the disability.

Mr. BRANDEGEE. It is another instance of the weakness of the bill.

Mr. McKELLAR. I call the Senator's attention to the language on page 2, "and who after his discharge." Of course, it refers only to the discharged soldier.

Mr. WADSWORTH. I hope the Senator will continue and read on.

And who, after his discharge, in the opinion of the board, is unable to carry on a gainful occupation—

And so forth.

But that does not imply that the function of this board shall not extend to the soldier until after he has been discharged from the Army. If that is the case, the legislation is useless on its face.

Mr. McKELLAR. It is only after his discharge from the Army.

Mr. WADSWORTH. Then, there is no necessity for this kind of legislation. That conception of the bill would absolutely prevent the vocational training board from giving any advice or going into a hospital containing soldiers of the Army. That is the whole point.

Mr. McKELLAR. No; not at all.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from New York yield further to the Senator from Tennessee?

Mr. WADSWORTH. I yield to the Senator, if he desires to ask a question.

Mr. McKELLAR. I wish to say, in my judgment, it does not interfere with it at all. In other words, the soldier under the terms of the bill is not taken charge of by the vocational board until after he is discharged. Before that time he is, of course, under the control of the medical authorities.

Mr. WADSWORTH. Granting that the construction of the Senator from Tennessee is correct, it illustrates, in my judgment, at least, the weakness of the whole proposition. You are going to draw a line somewhere in that man's recovery, and up to that line the military authorities will have control of him, and beyond that line the civil authorities will have control. You have to carry on this vocational training together with the medical treatment. The one must merge in the other.

The Senator from New Jersey [Mr. FRELINGHUYSEN] handed me a moment ago a photograph of a hospital now nearing completion at Colonia, N. J., being built by the Medical Department, I understand, handed to the Senator from New Jersey by a citizen of that State, who has an intense interest in this whole work, and who pointed out to the Senator from New Jersey some of the buildings and their purposes. Here it is: A convalescent hospital, with the wards so arranged in such a position to the machine shop, the trade school, so that the soldier starting in the first ward, we will say, proceeds through the different wards, gradually approaching the completion of his medical and vocational treatment, and in the machine shop is terminated his treatment, all under the military authorities. Now, where, under the construction given to this bill by the Senator from Tennessee, can this advisory function commence and end, because, according to his construction, the second section of the bill would permit the board to prescribe the courses of vocational education until the soldier had been discharged.

Mr. LODGE and Mr. McKELLAR addressed the Chair.

Mr. McKELLAR. If the Senator will yield to me——

Mr. WADSWORTH. I yield to the Senator from Massachusetts, who rose first.

Mr. McKELLAR. Very well.

Mr. LODGE. The Senator just used a phrase about which I should like to ask him a question. He said the soldier passed from the control of the Army to the control of the vocational training board.

Mr. WADSWORTH. That is the construction placed upon it by the supporters of this bill.

Mr. LODGE. After the soldier is discharged the vocational training board has not any control.

Mr. WADSWORTH. Absolutely none. He is lost.

Mr. LODGE. He is lost, and he will go home.

Mr. WADSWORTH. If he wants to go home.

Mr. LODGE. It is purely voluntary. He can go home. I do not think we will have the men to rehabilitate.

Mr. WADSWORTH. It is the purpose of the Medical Department to persuade those men to stay in the military service until their rehabilitation has been completed, and while they

stay in and maintain their obligation as soldiers of the United States they will secure that treatment and full pay, under the most skillful guidance and control that the Medical Department can summon from the civilian talent of the country.

Mr. SMITH of Michigan. Will the Senator allow me?

Mr. WADSWORTH. I yield.

Mr. SMITH of Michigan. In the insurance law the solicitude of the Government for the wounded soldier is such that even if he is discharged he may be reenlisted in order that he may complete the work which they have begun, showing that they do not need——

Mr. WADSWORTH. They may contrive to bring him back and rehabilitate him, but when he comes back he must again be under military control.

Mr. SMITH of Michigan. Where he ought to be until he has finished the vocational training.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Will the Senator from New York yield to the Senator from Tennessee?

Mr. WADSWORTH. I yield to the Senator from Tennessee.

Mr. McKELLAR. I want to call the Senator's attention to a very important amendment that has been offered, and I believe it is going to be accepted. It was offered by the Senator from New Hampshire [Mr. GALLINGER]:

Provided, however, That no vocational training shall be carried on in any hospital until the medical authorities certify that the condition of the patient is such as to justify such teaching.

It seems to me that is a very important amendment, and that vocational training and convalescent or medical treatment can not go on at the same time. I do not think a sick man is in a condition for any vocational training. They ought to be separate. It ought to be only after his discharge that the vocational training is given.

Mr. WADSWORTH. It seems to me that the Senator from Tennessee and his advisers, if he has received advice, have a misconception of this whole problem. I hesitate to repeat it, as I have said it so often. Of course, I am not an authority on this question, but I have it from such men as Col. Billings, who was one of the leading surgeons in Chicago, according to the testimony of the Senator from Georgia in the hearings; I have it from men high in the medical profession. I had it last summer from Maj. Brackett, who was the leader of the orthopedic surgeons in Boston, the head of one of the biggest hospitals there, that it is apparently essential in your efforts to rehabilitate soldiers who are disabled to commence the functional prevocational and indeed the vocational training while and during the period that the man is receiving medical and surgical treatment. They must go together. There is no getting away from it. It depends, of course, largely upon the character and nature of the injury. If a man loses one eye, of course, it is not necessary to give him so much vocational training. It may be necessary to give him some functional instruction and training for the use of the remaining eye. If a man loses one arm, and it is his right arm, it may be necessary to give him a good deal of vocational training while you are fitting and adjusting the artificial hand to the injured member. The two must go together. But the Senator from Tennessee and some of the supporters of this bill seem to insist that you must draw a line somewhere between the hospital treatment and the vocational education. I contend you can not do it.

Mr. RANSDELL. May I ask the Senator a question there? I think he said the same thing yesterday. Is it not absolutely necessary to have the assistance of trained surgeons while that arm is being fitted to perform its new functions? Can it be done without the constant help of a trained surgeon?

Mr. WADSWORTH. While the man is being taught to use it he should be primarily under medical control.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Michigan?

Mr. WADSWORTH. I am about to yield the floor.

Mr. SMITH of Michigan. I hope the Senator will not yield the floor because what he is saying is most illuminating. The haste with which the advocates of this bill are ready to accept the amendment proposed by the Senator from New Hampshire indicates that there is at least a very serious question as to the point at which the present bill would become effective and the supervision of the hospital remain in charge of the Army. They could not break in there anyway without the consent of the Surgeon General's Department of the Army, to teach anything to any patient, and, of course, it is unnecessary to have such an amendment.

Mr. NORRIS, Mr. POMERENE, and others addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield, and if so, to whom?

Mr. WADSWORTH. I yield to the Senator from Nebraska.

Mr. NORRIS. I was not able to hear the debate which took place on this bill yesterday, but the first thing that impressed me was one of authority under existing law for doing what is being done. I think from what I have been able to gather I am in entire sympathy with the theory advocated by the Senator from New York, but I want to ask him if he does not think it is vitally necessary, since the question is raised here, to determine whether what is being done now by the Surgeon General is done under authority of law? That is denied, as I understand it, and if there is any question about it there ought to be more authority than what was read here this morning by the Senator from Tennessee. That does not give sufficient authority, in my judgment. There ought to be no doubt about it. If the medical department are to go on, and it seems to me they ought, and if they have not the authority now, it ought to be given them. Those who would be inclined to support the theory of the Senator from New York would still be inclined to support this bill if they are convinced that no authority exists by law and none is offered by way of amendment while we have the matter under discussion.

Mr. SMITH of Michigan. Will the Senator allow me?

Mr. WADSWORTH. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. I simply desire to say to the Senator from Nebraska that in the general power given to the Surgeon General's Department to erect and maintain hospitals for the wounded soldiers of the war there is a very wide discretionary power.

Mr. WADSWORTH. And as to what the treatment shall consist of.

Mr. SMITH of Michigan. And as to the manner of treatment which shall be administered. That is wholly within his charge. If he seeks to minister to the mental welfare of the patient, that is within his province.

Mr. NORRIS. Is there any other authority than the section which was read by the Senator from Tennessee?

Mr. SMITH of Michigan. I think there is in the general authority to establish hospitals. I know it is being done.

Mr. NORRIS. I am not making any suggestion or asking any question in any spirit of criticism. I am trying to get light on the subject. I agree with what the Senator from Connecticut [Mr. BRANDEGEE] says. If there is any doubt about the authority existing, before we act on this bill that doubt ought to be cleared away, and if there is not any other authority except what was read, then I am convinced it is not sufficient.

Mr. SMITH of Michigan. I had a talk with the Surgeon General this morning, and he told me he had abundant authority, and I do not know that anything else is necessary.

Mr. NORRIS. I wish somebody would cite the authority.

Mr. SMITH of Michigan. It is in the Army bill.

Mr. NORRIS. I should like to have some one cite it.

Mr. SMITH of Michigan. To establish and maintain hospitals is sufficient power. It is amply sufficient.

Mr. POMERENE. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Ohio.

Mr. POMERENE. I have been trying for a half hour to get permission to refer to the statute which I think confers ample authority upon the War Department to provide for this so-called vocational training as it is now being given under the Surgeon General's Office. I was clearly of the opinion when this legislation was before Congress at the last session that that power was conferred. In addition to the authority already given for purely surgical subjects, the act passed last year contains this provision:

That the Secretary of War be, and is hereby, authorized and directed to acquire—

And so forth.

Then follows this paragraph:

Vocational training: For the employment of the necessary civilian instructors in the most important trades, for the purchase of carpenter's, machinist's, plumber's, mason's, electrician's, and such other tools and equipment as may be required, including machines used in connection with the trades, for the purchase of material and other supplies necessary for instruction and training purposes and the construction of such buildings needed for vocational training in agriculture for shops, storage, and shelter of machinery as may be necessary to carry out the provisions of section 27 of the act approved June 3, 1916, authorizing, in addition to the military training of soldiers while in the active service, means for securing an opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations, part of this instruction to consist of vocational education either in agriculture or the mechanic arts, $250,000.

Then follow certain provisos. What I have read refers to the act of June 3, 1916, and we find this paragraph in that act:

In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better

equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers.

I happen to know a little about a surgeon's duties or a physician's duties. The surgeon has not finished his job when he binds up the wounded arm, but one of his duties is to teach him how to use his muscles. Every skilled surgeon does that. Why may it not be a part of the Surgeon General's duties when he has these wounded soldiers in the hospital undergoing treatment to suggest under the general provision of the law that they have certain appliances with which they could be taught to use their crippled members? Certainly there can be no doubt about the authority under these statutes to do what he has been doing.

Mr. SMITH of Georgia. Mr. President——

Mr. NORRIS, Mr. FALL, and others addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield, and if so to whom? There are four Senators on the floor.

Mr. NORRIS. I wish to say, if the Senator will permit me, that I think that law is amply sufficient to give the authority for what is being done.

Mr. SMITH of Georgia. If the Senator will yield to me, I think I can show him that that has no reference to the situation.

Mr. WADSWORTH. Just a moment. I simply want to say I am profoundly grateful to the Senator from Ohio for clearing the atmosphere, and to apologize also to the Senator from Ohio for my remissness in not looking up that question. It seems to me we might have all looked it up.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Georgia?

Mr. WADSWORTH. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. That statute has no bearing upon the work done in the hospitals. It is limited to handling men who are in the service, who are to continue in the service. I offered it and brought the subject before the Senate. That provision is to increase the military efficiency of soldiers at least in part.

Mr. WADSWORTH. And——

Mr. SMITH of Georgia. And it is to be done, first, under rules prescribed by the President. Nothing of that sort has taken place.

Mr. WADSWORTH. Absolutely.

Mr. SMITH of Georgia. That provision was drawn in 1916, when we had a large number of men in camp and when we were seeking by voluntary enlistment to enlarge the Army. It was a provision for the training in camp of sound men in order to fit them by part training in vocational work to return to civil life after their military service was over.

Mr. POMERENE. Mr. President——

Mr. SMITH of Georgia. Just a moment. It does not apply to wounded men; it was not intended to apply to men of that character.

Mr. WADSWORTH. Does the Senator say that it excludes them?

Mr. SMITH of Georgia. Yes——

Mr. WADSWORTH. Under what language?

Mr. SMITH of Georgia. Unless they are preparing to return to military work.

Mr. WADSWORTH. Under what language?

Mr. SMITH of Georgia. It is in part to increase their proficiency for military service. This language precludes the application to men in hospitals so injured that they can not return to military service.

Mr. WADSWORTH. Mr. President, I do not intend to hold the floor any longer. The Senator from Georgia may dispute the conclusions of the Senator from Ohio. My opinion is worth very little in these matters, but I join the Senator from Ohio in his, because, as I listened to the reading of that language, it seemed to me I overheard the words "to enable him to return to civil life"; and that is what we are doing when we give vocational training to disabled soldiers.

Mr. President, I send to the desk a statement which was prepared at a meeting held this morning by the executive committee of the National Education Association bearing upon this topic. I ask the Secretary to read it, that it may be incorporated in the RECORD as a part of my remarks.

I desire also to say that the meeting was held this morning in this city, and that the statement springs from the fact that this very bill is under consideration in the Senate.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[National Education Association of the United States. National Education Association Joint Commission on the National Emergency in Education and the Program for Readjustment During and After the War.]

Thousands of disabled soldiers and sailors are returning to American shores in urgent need of that kind of reeducation which will insure their successful return to civil life. Their restoration is a matter of vital concern to the entire Nation.

It is the deliberate judgment of the National Education Association Commission on the National Emergency in Education that the agencies to which this task of reconstruction shall be delegated be administered under a single and unified control which shall have the general responsibility for each man from the hour of his disablement to the time when he shall be as well fitted for normal civil life as medical and surgical treatment and educational training can insure.

Obviously the War Department and the Naval Department, each through its Surgeon General's office, form the natural and most effective agencies in which should be concentrated authority and responsibility for the work of reconstruction. But acting under these offices should be representatives of such Federal agencies as the Bureau of Education and the Federal Board for Vocational Education and such State and other agencies as may be asked to contribute expert services to this work. It would, in our opinion, be extremely desirable that an advisory board comprising medical, educational, industrial, and recreational authorities should be appointed to confer regularly with the officers of the departments in charge of reconstruction, but it would be quite inconsistent with recognized principles to divide the primary responsibility. Such a division could not fail to engender friction, to cause needless delay in conferences and compromises, and to threaten with failure this great responsibility which the Nation owes to the men who have risked all and sacrificed much in the service of our great cause. At this time there should be no question of any method of procedure except that which will do the very best that can humanly done for these men.

The wealth of possibilities which these men represent for important and varied civil service must be fully developed, as much for the benefit of society as for the well-being of the returned soldier or sailor. Consequently the range of employment must not be narrow nor confined to industrial pursuits. The professions of law, medicine, engineering, teaching, as well as commercial and industrial employments must be open to and made available to them. Men can and should be assigned on pay by the War and Navy Departments to existing organizations and institutions until the work of their reeducation is complete.

All educational experience substantiates unequivocally the principle of unified control; the lessons of the nations now joined with us in the prosecution of the war point to this principle as the only safe and effective guide in the solution of the problem.

This resolution was unanimously adopted by the National Education Commission on the National Emergency in Education May 24, 1918.

MARY C. C. BRADFORD,
President of the National Education Association.
GEORGE D. STRAYER,
Chairman of the Commission on National Emergency in Education.
J. W. CRABTREE,
Secretary of the National Education Association.

NATIONAL EDUCATION ASSOCIATION HEADQUARTERS,
Washington, D. C.

Mr. BRANDEGEE. Mr. President, if the names of the other officers of that association are printed on this paper, I should like to hear them read. I desire to know who they are.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read the names referred to by the Senator from Connecticut.

The Secretary proceeded to read as directed.

Mr. BRANDEGEE. Mr. President, I will not ask that the other names be read, but that they be printed in the RECORD.

The entire list of the names of the officers referred to is as follows:

JOINT COMMISSION.

Executive committee: Mary C. C. Bradford, president N. E. A., Denver, Colo.; Robert J. Aley, vice president N. E. A., Orono, Me.; Carroll G. Pearse, chairman of trustees, Milwaukee, Wis.; A. J. Matthews, treasurer N. E. A., Tempe, Ariz.; and George B. Cook, member by election, Little Rock, Ark.

Board of trustees: Carroll G. Pearse, Milwaukee, Wis.; James Y. Joyner, Raleigh, N. C.; Walter R. Siders, Pocatello, Idaho; Agnes E. Doherty, St. Paul, Minn.; and Mary C. C. Bradford, Denver, Colo.

Members appointed by N. E. A.: George D. Strayer, New York, N. Y.; Harry Pratt Judson, Chicago, Ill.; L. D. Coffman, Minneapolis, Minn.; Elwood P. Cubberley, Stanford University, Cal.; David Felmley, Normal, Ill.; Mary E. Wooley, South Hadley, Mass.; W. C. Bagley, New York, N. Y.; William B. Owen, Chicago, Ill.; Nina C. Vandewalker, Milwaukee, Wis.; Susan M. Dorsey, Los Angeles, Cal.; and Thomas E. Finegan, Albany, N. Y.

Members appointed by the department of superintendence: Payson Smith, Boston, Mass.; F. D. Boynton, Ithaca, N. Y.; J. A. C. Chandler, Richmond, Va.; J. M. Gwinn, New Orleans, La.; Mrs. Josephine C. Preston, Olympia, Wash.; Frank E. Spaulding, Cleveland, Ohio; and J. W. Withers, St. Louis, Mo.

Mr. McKELLAR. Mr. President, I have but a word to say about this matter. In so far as the statute which has been read by the distinguished Senator from Ohio [Mr. POMERENE] is concerned, it does not apply to the question we are considering today at all. It applies to general vocational education in the Army—to men in active service. The words "disabled soldier" do not occur in the statute; they were not considered in the statute; and the statute has no reference to and does not include——

Mr. POMERENE. Mr. President——

Mr. McKELLAR. Just a moment. The statute does not include the class of disabled soldiers that this bill is undertaking to aid. Now I yield to the Senator from Ohio.

Mr. POMERENE. The Senator from Tennessee says that this statute does not refer to disabled soldiers.

Mr. McKELLAR. No; it does not.

Mr. POMERENE. No; but may I suggest that it does not refer to able-bodied soldiers?

Mr. McKELLAR. Oh, yes, it does; in specific terms.

Mr. SMITH of Georgia. That is what it does.

Mr. McKELLAR. That is precisely what has been done under that statute. My recollection is—we discussed it and thrashed it all out before the Military Committee when I was a Member of the other House—what it does is to provide for vocational schools for men in active service in the Army.

Mr. SMITH of Georgia. For those in active service.

Mr. McKELLAR. For the training of those in active service. Under the provisions of that law those kinds of schools have been established and have done a world of good; they have done a splendid work. It was enacted for that specific purpose, and that is being carried out to-day.

To attempt to graft on to that system a system of vocational education for disabled soldiers is an entirely different thing; and it can not be done under present law. I say to the Senator from Ohio that, from the examination which I have made of the statutes, there is not a line of legal authority for the establishment of vocational schools such as are provided for by this bill, by the Medical Department or any other department.

Now, one other matter: Considerable has been said, and a very extended argument has been made here, in favor of the medical authorities having control of this plan. I am not sure whether they are the best fitted for it or not; I am not deciding that question; but, if it is found by experience that the medical authorities are the proper authorities, the President has a perfect right to put the medical authorities in charge of the system; there is no question about that; he has complete authority under the Overman Act to put the Surgeon General's office in control of the system. But what is manifestly necessary is to have legal authority for it; and here is the authority in this bill. There is no authority in the existing statutes now; and if the officers of the Surgeon General's department are performing the work now they are doing so without authority of law and without legal appropriations. My judgment is that the advocates of the bill are exactly right in proposing to deal with the soldiers only after they are discharged.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. McKELLAR. I am delighted to yield.

Mr. NORRIS. I desire to ask the Senator a question, but in no critical sense at all. As I said awhile ago, I am only seeking light.

Mr. McKELLAR. We are thrashing it out here to ascertain what is the better plan.

Mr. NORRIS. If this bill does not apply to a soldier until he is discharged—and I assume the Senator takes that position, and I presume that he is right, perhaps; at least, that is one construction which can be placed upon it——

Mr. McKELLAR. Qualifiedly. I will explain what I mean by that in a moment after the Senator concludes.

Mr. NORRIS. Assuming now that this bill does not affect a soldier until he is discharged, and then assuming that the Medical Department, even though this bill should become a law, did not discharge the soldier until the war is over, which they would not be compelled to do under existing law, as I understand, then would it not be in the power of the Medical Department absolutely to frustrate the object sought to be accomplished under this bill, at least until peace is declared?

Mr. McKELLAR. That is partially true. While there is no law specifically designating the time when a wounded soldier is to be discharged, yet the practice in the Army is to give him his discharge where it is found on physical examination that the soldier is incapable of performing the duties of a soldier, and the Medical Department so reports. There is never any question about that.

I wish to call the attention of the Senator and the attention of the Senate to this peculiar attitude of the subject: Say there are a dozen soldiers severely wounded, soldiers who have lost arms or legs in France. They are treated there by our medical authorities; there is no provision for giving them vocational training abroad; it would be very difficult to do so; and I presume it is not intended by anyone to join this vocational training with the treatment and convalescence of the soldiers in France; we have enough to do there without doing this additional work. So it is perfectly apparent that these soldiers have to be shipped over here before vocational training takes place; it is also perfectly apparent to anybody who will think about it for a moment that these soldiers have to be practically cured before they leave France, for the Surgeon General's Department would not put them on ships to send them over here in such a condition that they would not be able to stand the trip. Now, it is necessary that there should be a separation; that there should be a line of demarcation between the time when they leave the authority of one and go under the authority of the other. Whenever the Surgeon General's Department sends these soldiers back as physically unfit to perform military duty they are entitled to a discharge——

Mr. NORRIS. Not under the law.

Mr. McKELLAR. And what this bill does——

Mr. NORRIS. I should like to ask the Senator a question right there.

Mr. McKELLAR. Just a moment. This bill undertakes to deal with them after they have reached that point.

Mr. NORRIS. Yes.

Mr. McKELLAR. And as Dr. Billings, the distinguished surgeon from Chicago, said in the hearings, it is perfectly idle to talk about where the authority begins and where it ends, for the work can only be accomplished by practical application and mutually courteous treatment, and the officers of the Surgeon General's Department, acting with the officers of the vocational training organization, will have to be such practical and reasonable men that these matters will be worked out in the way that will be best for the soldier. I do not take any stock in the idea that because the Surgeon General's Office is not clothed with this power, which it may want, that it is going to hold maimed and crippled soldiers in the Army until the close of the war, rather than to allow the vocational board to train them; that is inconceivable to me. Knowing many of the splendid officers of the medical department, I know they would not for a moment think of pursuing any such cruel and inhuman policy.

Mr. NORRIS. That is a point I want light on.

Mr. McKELLAR. I will be very glad to give the Senator any light that I can.

Mr. NORRIS. The Senator says that when the soldier is brought back here permanently disabled he is entitled to his discharge?

Mr. McKELLAR. Yes.

Mr. NORRIS. I understand he is not entitled to his discharge as a matter of law.

Mr. McKELLAR. He is not entitled to it as a matter of law, but he is entitled to it as a matter of custom. We all know that. I have just talked with The Adjutant General of the Army about it, and he says there is no law prescribing any particular time for the termination of the soldier's service after he has been permanently disabled, but whenever the Surgeon General's Department reports that a man is permanently disabled he is discharged.

Mr. NORRIS. If this bill becomes a law, in order that it may work successfully, it seems to me it ought to contain a provision that when a soldier should become permanently disabled he would, as a matter of right, be entitled to his discharge upon making demand for it, and unless it does contain such a provision we are likely, even if the bill is all that the Senator claims for it, to put on the statute books a law that will have no effect, at least until the war is over.

I wish to submit this to the Senator: He says it has been the custom to grant disabled soldiers discharges. That is true, but there has never been this kind of a law on the statute books. Assuming now—which is a fair assumption, I take it—that the military authorities believe in this method and believe it is the proper way to rehabilitate wounded and disabled soldiers, if they should then think that the best thing for the soldier is to keep him in the Army until they have gotten through with him and given him this reeducation, as it is called—and I can see how they could believe that and be perfectly honest in their belief, and they may be right; I am not disputing that, and that is what they do believe, as I understand—would it not be their duty to refuse to give the soldier his discharge and to keep him in the Army at least until the war is over, and in that event would this bill have any effect whatever until peace is declared?

Mr. McKELLAR. Why, quite the contrary. I do not take it that any officer of the United States Army, whether in the Medical Corps or anywhere else, simply because he could not have his particular way about the treatment of a soldier, would exercise any authority that he might have in a situation like that to prevent a wounded soldier, maimed in the service of his country, from getting the kind of training that he is entitled to get under this bill. I do not believe it would be done under any circumstances. There is not an officer in the Medical Corps, in my judgment, who would even think of taking such a position.

Mr. NORRIS. But he goes on the assumption that the way to give him that training is to keep him in the Army. Now, if

the Senator is right—and, of course, I am not saying that he is not, but I am taking it from his viewpoint—if he is right then why not give to the wounded and the crippled soldier, when he is found to be permanently disabled, the right to be discharged, and let this bureau commence to operate on him? As I understand, you do not intend to compel anybody to receive this service.

Mr. McKELLAR. Not at all.

Mr. NORRIS. And I would not like to do that.

Mr. McKELLAR. I would not either.

Mr. NORRIS. Now, in order to carry out the very theory that the Senator is advocating, as I understand, it seems to me that there ought to be a provision in this bill entitling the soldier to a discharge when it is found that he is permanently disabled in order that this bureau may operate on him and that he may go under this bureau if he so desires.

Mr. McKELLAR. That may be a very wise provision to be inserted in the bill. I have not gone over it carefully.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I yield.

Mr. SMITH of Georgia. I should like to say to the Senator from Nebraska that every expert who appeared before our committee who had studied the work of rehabilitation in other countries gave us the benefit of his experience to the effect that successful work with the soldier for rehabilitation could not be done by compulsion, and that the quicker he got away from uniformed control the quicker he responded to mental development and the more certain was he to regain his former status.

Mr. NORRIS. Then, if that be true, why is it not necessary to give that soldier the right to demand and to have his discharge when he is permanently disabled?

Mr. SMITH of Georgia. So far there has been no necessity for it. So far there never has been a question that as soon as he was in that condition he would be discharged; and I have no doubt that the President and the Secretary of War, if any effort should be made to confine to the hospital a soldier who was well, would promptly correct the trouble. No one has ever asserted such a right, and I do not believe they would do so.

Mr. NORRIS. It is true, as the Senator says, that nothing of that kind has ever happened in the past, but here comes a controversy now between two lines of thought, and for the purpose of the argument I want the Senator to assume—and that is fair, too, because I have no reason to doubt it—that they are both perfectly honest in the way they want to handle this disabled soldier. Here is a military man, and he says, "The way to handle this soldier is to keep him in the service. We will, therefore, not discharge him," and he is honest in that. He thinks it is best for the soldier. If that is true, the military authorities will prevent anything being done under this bill until the war is over.

Mr. SMITH of Georgia. Not at all. I do not think any of them think so.

Mr. NORRIS. Then they ought to be for the bill.

Mr. SMITH of Georgia. They did not come before us and oppose it. None of them opened their lips before the committee against the bill. We invited it, and there were a number in the room at the time, and no one contradicted the view taken by the experts before us.

Mr. McKELLAR. Mr. President, the Senator says there will be a conflict of opinion; that the medical authorities may undertake to thwart the operation of this bill. As I have said before, I do not think so. We are the judges of what agencies shall execute the law when passed. The Congress determines that question. The medical officers can not and would not put up their judgment against the law that Congress may pass any more than the vocational board can or would do that.

Mr. NORRIS. Of course——

Mr. McKELLAR. If the Senator will yield to me for just a moment, when we pass this bill and put it in the hands of the vocational board the medical officers will accord with the law, just like all other men in this country accord with the law.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. McKELLAR. I yield.

Mr. NORRIS. If the Senator will permit me, when we pass this law we have still left it in the authority of the military men who are operating this same kind of hospitals under military control to prevent this law from going into effect until the war is over, because they do not need to discharge the men who are going through this treatment. There is not anything to compel them to do it, and we have given them the authority. The Senator says that we decide that; but, as a matter of fact, we decide it in just the opposite direction, it seems to me.

Mr. McKELLAR. So far as I am concerned I have no hesitancy in saying that there ought to be a time when the military authorities must give a man his discharge.

Mr. NORRIS. I think so, whether we pass this law or not. It seems to me that when a man is permanently disabled he ought to be entitled to his discharge as a matter of right; but we have never said so by statute. There is not any law to that effect.

Mr. McKELLAR. I understand that we have never said so by statute. I agree with the Senator entirely, and I do not see how there can possibly be any difference between him and me on that subject. I do not know why he should think there would be, when I am agreeing with him entirely.

Now, just one other point, and I think I can well explain it by an illustration.

Suppose some Member of this body has a son in the service, and that son becomes permanently disabled in France through the loss of a leg, perhaps, unfortunately; he loses that leg on the battle field in France. Of course he must be well, or virtually well, before he is sent over here. He is sent over here, and he is separated from the medical men who cured him over there. Those men can not come over with him. In so far as any influence is concerned, they ought to exert it in favor of making the best possible man out of him, physically and in every other way, vocationally and in every other way, before he leaves; but the men who have had influence over him while he is convalescent become separated from him when he comes back home.

Now, if the Senator from Nebraska had a son, or any other Senator had a son, permanently disabled, already cured of his wounds, and he comes back home, is it possible that you would want him to go back in the Army and be sent to a hospital? Do you think you would like to have him again put under military control? Do you think it would do him any good to put him under military control in the hospitals of our country?

Why, I know you would not think that as a practical question. What would you do? You would say, "Why, I want that boy to go to a vocational school, where he can be taught the thing that he is best fitted to do in the future in civil life." If he is particularly suited to some particular trade you would like the best in the world for the Government to take that boy and teach him that trade, disconnected from military jurisdiction. He is out of the military game for life. He never can go back. Now, surely it ought to be separate; it ought to be put in the hands of a vocational training board to take charge of him after that time.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. McKELLAR. I yield to the Senator; yes.

Mr. NORRIS. I am trying to get the Senator in an attitude where he will advocate the amendment I have suggested. He says we are in harmony, but we are not in harmony as completely as I should like us to be.

Mr. McKELLAR. All I can say to the Senator is that if he will introduce the amendment I will vote for it. I can not do anything more than that.

Mr. NORRIS. It would have much more force and effect if it came from some member of the committee, of course, or perhaps from the Senator, than if it came from me.

Mr. McKELLAR. I shall be delighted to vote for the Senator's amendment. I can not pass it. I am sure it would have greater weight coming from the Senator.

Mr. NORRIS. But take the case the Senator puts, of the son coming back. As a matter of law, under the circumstances that the Senator has depicted, the son is not entitled to his discharge. Whether this bill is passed or not, it seems to me that when he is thus disabled he ought to be entitled to a discharge on demand, and I should like to see such a provision put in this bill if it becomes a law. That ought to be the law anyway.

Mr. McKELLAR. I again say that I agree with the Senator entirely. There is no possible disagreement between us. I think that when a soldier is permanently disabled in battle he is entitled to his discharge as soon as he is well. Whether under the law or not, certainly under the practice it is so. I take pleasure in saying that I will vote for any such amendment that may be offered to this bill or to any other bill, so as to put the matter beyond question.

Now, Mr. President, just one other thing. We all realize that this bill ought to be passed. It is a great bill. The purpose of this bill can not be excelled. It has been carefully prepared. It has been carefully worked out by experts. I am not talking about the committee now. The committee has done some fine work upon it, the chairman of the committee has spent some

time on it, but the bill itself has been carefully prepared and drawn for one of the highest purposes known.

That is the rehabilitation of the poor soldier who has been wounded in the defense of his country; and here at the last moment comes a scrap in the Senate upon which particular officers shall have charge of it! Some Senators seem to have forgotten the purpose of the bill in a desire to put forward, as it seems to me, a plan of certain men in some department to control it. It seems to be an eleventh-hour dispute as to which body or which organization shall control it. The President has the right to put it in one organization or another after we pass the bill. Why not leave it that way? Why not pass the bill, and then let the executive authority perform its duty in the matter. That is all that is necessary. Does anyone distrust the President to put the best qualified and most efficient organization in charge of the work?

Why, as it appears to me, here at the last minute, after everybody has agreed upon the bill, it is found that certain officers, or certain would-be officers, in one of the departments desire to have charge of this organization. Two million dollars are appropriated for the best purpose money ever was appropriated for, in my judgment, and here we are quarreling about who is going to control the $2,000,000! That is all there is in this fight here to-day. There is not a shred of anything else in it; and I just want to suggest that is all there is up for consideration. I do not know how it strikes other Senators, but I would not dare vote against this bill. I would feel like I was disgraced forever if I voted against this bill. It would be inhuman to vote against this bill. Here we are, men with all of our physical members, not one of them maimed, quarreling about who is going to enforce this very just measure! Think of it a minute! We ought to have passed the bill without a moment of delay or a word of doubt.

I hope Senators will not vote against this bill. I hope they will not do so, in their own interest as well as in the interest of these poor maimed and wounded young men who are coming back from the war. I say that it will ever arise to haunt any Senator who votes against this bill. You may have reasons why you think some other person or some other organization ought to enforce it. But when you do, you forget that the President has the right to choose any organization he thinks best to enforce it; you lose sight of the young men who need it and who ought to have it. I hope the United States Senate will not cast a dissenting vote on this splendid bill. I should like to see the roll called, and see every man in this body lined up for this just measure. There is not a man who has said a word against the purpose and intent of this bill. The only question is a petty quarrel about which officers' organization is going to carry out its provisions; and we are quarreling about it, Senators, when the President of the United States has full authority to decide the question himself. If he determines afterwards that the medical authorities are better equipped to carry out its provisions, all he has to do is to say so, and it is done; and even if we were to put the medical authorities in charge of it now, he would have a perfect right to put the Vocational Board in charge of it 10 minutes after we passed it. We are losing sight of the main thing, which is the help of the wounded soldier.

These wounded boys are entitled to have a definite law providing for a definite kind of training. They are entitled to the best we can give them. They have made the supreme sacrifice, and we must not leave them with a doubtful right to this kind of training. We must put it beyond controversy. We must put it in the hands of those who have made a life work of training the minds of men. Physicians cure the body, but it requires peculiarly qualified educators to train men in these technical employments. Let us stop this last-hour fight over authority and rival organizations and pass this bill for the benefit of the maimed and wounded boys.

Mr. KENYON. Mr. President, I only want to take a moment.

I am in thorough accord with and indorse practically everything the Senator from Tennessee [Mr. McKELLAR] has said, but am sorry that an apple of discord has been thrown in here in the last opinion, or possibly the next to the last opinion, of Surg. Gen. Gorgas. I wish that under the Overman Act he might be compelled to coordinate his opinions, so that we would not have an opinion from him on both sides of this subject.

As the Senator from Tennessee says, this is a great bill; and there never has been a bill here with a better purpose than this bill. It seems to me the line of demarcation is clear as between those who are opposing the bill, or at least some of those who are opposing the bill—and I say it in no critical spirit—and those who are standing for the bill. This bill does not propose to take charge of these disabled soldiers until after they are discharged. Now, that is the line of demarcation. It is voluntary, too. On the other hand, many of those who oppose the bill have a theory, which they may not express on the floor but which some of them do express privately, that these men should be compelled to stay in the Army and be compelled to take this military training. There is the line of demarcation. Shall they do this in a voluntary way, outside of the Army, after they have performed their part as soldiers and given up some part of their body—their arms or legs or their sight—or shall they stay in the Army in order to get that training? Now, that is the issue.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. I do.

Mr. STERLING. I should like to ask the Senator from Iowa a question right there. Will it be necessary that they stay in the Army in order that they may get this training under military authority? Because they have been soldiers, because they have been wounded, for example, in the service, would it not be fit and appropriate that the vocational training may be had under military authority afterwards and still the men receiving the training not be considered as being in the Army? That is the one problem that troubles me.

Mr. KENYON. Section 304 of the war-risk insurance act has been referred to as giving authority now to the War Department to do this work. I call the Senator's attention to a portion of that section which I think answers his question:

> Should such course prevent the injured person from following a substantially gainful occupation while taking same, a form of enlistment may be required which shall bring the injured person into the military or naval service.

That is, he enlists again to get this vocational training. Now, it seems to me that a man who has gone across the sea and suffered these injuries, who has given up a leg or two legs or an arm, when he comes home, if he does not want to take this training, ought not to be compelled to take it. It ought to be entirely optional with him. If he wants to go to his home and stay there, and not learn any other occupation, that is for him to decide. Most men, of course, will want to engage in some line of work; but I feel that we ought not in any way to compel the soldier to take this training.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa further yield to the Senator from South Dakota?

Mr. KENYON. Yes.

Mr. STERLING. I certainly quite agree with the Senator in that proposition. He ought not to be compelled; there ought not to be any authority, military or otherwise, that would seem to compel him to take this training. I shall be glad if the Senator will again refer me to the section he has read.

Mr. KENYON. It is section 304 of what we commonly call the war-risk insurance act.

On the line of demarcation the Senator from New York speaks of there is nothing to prevent the Army going ahead and helping these boys while they are injured and lead them along the line of vocational training as they may. The bill does not stop that.

When the discharge comes then comes this bill and the work under the bill. There may be an overlapping that is unfortunate, of course, but I do not want to assume that the Medical Corps of the Army and the Vocational Board are going to get into any controversy over that. I want to assume that they are both patriotic and that both have but one object in view, the good of the soldier. If they have not, it is an unfortunate situation. If little jealousies of Army cliques are going to creep in to injure and destroy the working of such a great bill as this, it is very unfortunate. I believe there will be complete cooperation. There will be some lapping, but I believe that the Medical Board can do their work and the Vocational Board their work, and that the provisions of this bill will in great measure help these boys we have drafted, these boys who have been sent over there; and it is the smallest thing we can do now to help them in any way we can.

Mr. KING. Will the Senator allow me?

Mr. KENYON. I am through.

Mr. KING. I should like to ask the Senator from Iowa a question. Does not the Senator think he puts the matter a little too strongly; indeed, in such a way that an unjust inference might be drawn from his statement when he says that the sole question at issue is whether the men who are receiving this vocational training and are being physically rehabilitated shall be under civilian or under military control?

As I have understood, if the Senator will pardon me, the attitude of the distinguished Senator from New York [Mr. WADS-

WORTH] and others who have combated in a friendly way some of the provisions of the measure under consideration, was this: That the soldiers who are wounded will, while they are in the hospital and receiving medical attention, be in such a mental and physical condition as that they can receive vocational training. Undoubtedly, the condition of many will be such that perhaps for weeks or months, while they are receiving medical treatment, they may also receive profitable and advantageous instruction along vocational lines. Many of the injured and wounded ones will be able, while they are being treated and restored, so far as restoration is possible, to devote considerable time to mental and physical effort. Indeed, many patients more rapidly convalesce if their minds and hands are occupied. A certain amount of work will be advantageous to those receiving attention from medical authorities furnished by the Government. If this course is pursued, then it is obvious that with the hospitals there must be some agency or school—the name is immaterial—competent to instruct the patient and, in the language of the bill, "rehabilitate" him.

An important question, therefore, arises: Would it not be wiser for the same persons who are caring for the wounded soldiers, who are with them daily, who know their physical infirmities and physiological idiosyncrasies, who know their mental and psychological condition, to assume the control or superintendence of their vocational training? It would seem that the medical authorities should have charge of all vocational instruction imparted to the wounded soldiers as long as they were receiving medical treatment. It is a fair question to consider as to whether it would not be better to have the educational training alongside the medical training, and whether it would not be wiser for those who are giving the medical training to plan for the vocational work necessary to aid the soldiers in preparing to assume some useful place in the industrial world. This plan would not necessarily mean that the vocational training must be given exclusively or in part by the physicians and surgeons who treat the soldiers. There could be provided suitable aids who could instruct the injured ones, working and instructing under the direction and guidance of the doctors, who would best know the conditions of those to be trained and instructed.

Mr. KENYON. The Senator has not any question but that the patriotic men in the Medical Corps would be glad to give all that knowledge to the vocational board and every man in charge? The Senator has not any question but that our hospitals will be busy enough taking care of the sick and wounded not to indulge in much vocational education? In my opinion the hospital is not a very good place for vocational education.

Mr. KING. There is a great deal of truth in that. If the Senator will pardon me, I will just state a concrete case that will perhaps illustrate my point of view. I have in mind a man who was injured in a mine. His leg was so injured that it was amputated. For one year he was at the hospital. The greater portion of that time he was able to go around the yard and to walk with crutches for a considerable distance. The entire year was lost to the individual; his time was wasted and his mind was not improved. The greater part of that time if there had been a machine shop or some place attached to the hospital where he could have received instruction or vocational training could have been profitably employed by him. Under the direction of the surgeon if the hospital had been prepared for teaching trades or for instructing in any useful branch of industry he could have been trained and gone from the hospital better prepared for useful service. It has been claimed by some who have given attention to this subject that vocational training could be carried on at least in a limited way with the medical attention given by the Government. I have understood from the debate here that in some of the hospitals the Senator from New York adverted to this plan is being pursued and proper equipment has already been provided for quite intensive vocational training. Indeed, buildings suitable for such training have been built adjoining or near to the hospital. It seems to me that in many cases the very best results would be had where that procedure was carried out rather than to leave them in the hospitals and then send them home and let them determine whether they should go back to some place and receive vocational training.

I can readily believe that most excellent results could be obtained in many cases by such a mode of procedure as this. I can see grave objections to a scheme that leaves the patient for months or years in a hospital without instruction or any attempt to prepare him mentally or vocationally for entrance into life's activities, and then when he is turned out from the hospital cured, so far as medical science can cure, the Government for the first time attempts to train him for work and labor. Why not do all that can be done to train the injured soldier during the period he is receiving medical treatment? Physicians are indispensable in teaching wounded and injured persons. The discipline while in the hospital and while under military control would be of some benefit in getting the soldier started upon the highway of education, vocationally or otherwise.

Mr. KENYON. I agree with the Senator about that, but does he not think also that the boy would do better in vocational training if he gets away from being in the Army during that time, goes out of his own free will and decides what he wants to do? In other words, does the Senator believe that the entire vocational training should come to him while in the Army? Should he be kept in the Army in order to get the vocational training?

Mr. KING. If I may be permitted to reply, I do not quite understand that the plan suggested by a number of Senators who have participated in the discussion contemplates that he should be in the Army all this time, although he might be receiving the instruction from men who were in the Army or in the Navy of the United States. But expressing my own view—and it may be wrong, it is an empirical view, not one resulting from study of the subject—I am of the opinion that, assuming that there will be competent instruction in connection with the medical treatment, the same vocational training that would be given in the schools, contemplated under this bill, there would be as good or better results if the work is intrusted to the Medical Department with some military control. I am inclined to think—though I have no fixed view upon the subject—that the men who are in the hospital receiving medical treatment and subject to the control of the Government would make greater progress and attain more satisfactory results if their vocational training were commenced while there and under the direction of the medical authorities. Of course, there is much to be said in favor of the plan suggested in this bill. Every Senator is in favor of a broad and comprehensive plan to vocationally train the boys who bravely and loyally offer their lives for country and for civilization. But what is the best system to adopt to secure the best results will provoke differences of opinion. We are all anxious to adopt the wisest plan. The newness of the subject of necessity will occasion discussion and develop a contrariety of views.

Mr. KENYON. That is a fair issue, and I respect the Senator's opinion about that, although I have a different opinion.

Mr. SMITH of Georgia. I wish to inform the Senator that all the testimony of experts and those who have had experience was contrary to that view. Right along those who have been handling it gave us the opinion to the contrary and illustrated it by practical results.

Mr. KIRBY obtained the floor.

Mr. McKELLAR. Will the Senator from Arkansas yield to me that I may ask the Senator from Utah a question?

Mr. KING. I am occupying the floor in the time of the Senator from Iowa.

Mr. KENYON. I yield the floor.

Mr. McKELLAR. I will be delighted if the Senator would yield that I may ask the question.

Mr. KING. I will be delighted to answer it, if I can.

The PRESIDING OFFICER. The Senator from Utah is not entitled to the floor in his own right, but the Chair will permit the Senator from Tennessee to ask the question, if there is no objection.

Mr. McKELLAR. I desire to ask the Senator this question: As I understood him, he stated that he thought this training and treatment should go on together at the hospital and be carried out by the hospital authorities. Does the Senator propose that we should establish these vocational institutions in France? When the soldier is under the control of the hospital he is going to be in France, and he has got to be made physically well before he can be brought to this country. This question that arises under the Senator's view of the case, I do not see how it can be carried out according to his view unless we are to establish these schools in France. If we do, I say to the Senator we have to buy the land and construct the schoolhouses or additions to hospitals where they can be trained. I imagine that would cost us a good deal more than the $2,000,000 provided in the bill.

Mr. KING. Replying to the question propounded by the Senator from Tennessee, of course the mere statement of the question answers itself. I have no understanding that the Government of the United States purposes giving vocational instruction in France. I do understand that the Government is now constructing many hospitals in various parts of the United States for the purpose of receiving the wounded soldiers who will be brought back from the bloody fields of battle across the sea. Already there are hospitals now under the control of the Government into which the wounded soldiers are being taken as

fast as they are returned to our shores. It is that class of soldiers with whom we are about to deal and to whom I alluded in the few observations I made when I interrupted the Senator from Iowa.

But, Mr. President, this matter presents itself to me in this angle: There are to be erected a large number of hospitals. Already in some of these hospitals preparations have been made for vocational training. Already buildings have been erected, shops have been established, the necessary equipment has been purchased and provided to give vocational instruction to wounded soldiers.

It must be obvious to all that many patients while they are receiving medical attention may at the same time receive some educational advantages, may be taught along various lines, may receive mental and intellectual training, as well as vocational and industrial training. If it be wise to have established with the hospitals institutions where there may be intellectual or industrial or occupational training, why would it not be wise to continue the same man in charge of the soldiers—when their physical wounds have been healed, as far as human skill will effectuate a cure—and direct the continuation of their vocational training afterwards?

Let me illustrate my point of view. A person is wounded. He loses a leg or an arm. While he is receiving his medical attention in the hospital to which is attached the buildings and equipment for vocational training referred to by the Senator from New York he receives vocational training. It may be imperfect and incomplete, but it is the beginning, and will increase as his physical condition improves. He may be there three months, five months, or a year receiving medical attention.

The PRESIDING OFFICER. The Chair will remind the Senator from Utah that the Senator from Arkansas [Mr. KIRBY] has been recognized and is entitled to the floor.

Mr. KING. I beg the Senator's pardon.

Mr. McKELLAR. Will the Senator from Arkansas yield to me?

Mr. KIRBY. Very well.

The PRESIDING OFFICER. The Senator from Arkansas yields.

Mr. KING. Let me complete the illustration, and then I shall be happy to yield.

As I was observing, this person who was wounded may be in the hospital for months receiving medical attention. During that time he may receive vocational instruction from men there provided, and who are competent to deal with this case. At the end of five or six months he is cured, so far as medical science can effectuate a cure. Would it not be better for him to continue his training there under the same supervision, directed by the skilled men of science, who knew his physical and mental condition, under the same teachers, than to go to some remote point, among strangers, among those who do not fully sympathize with his situation and needs, be subjected to the interruption that would result and, so to speak, start all over again? That thought has occurred to me as this discussion has proceeded. And in view of the fact that we are establishing institutions for vocational training as a part of the hospitals erected by the Government, it occurred to me it might be wise to continue the vocational training, at least in some instances, under the same jurisdiction and under the same management.

Mr. McKELLAR. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Tennessee?

Mr. KIRBY. I yield.

Mr. McKELLAR. Does the Senator suppose that the surgeons who are treating these persons in the hospitals will be their teachers?

Mr. KING. If the Senator from Arkansas will pardon me, in what I have said I have proceeded upon the premise suggested by the Senator from New York and other Senators, that already the Medical Department of the Army or of the Government have made provision for vocational training, that they have employed teachers and were instructing teachers and had made elaborate provision for training the wounded soldiers while receiving treatment at the hospitals. It would seem to me if such be the case we are interrupting a design and a plan perhaps the consummation of which has not yet been realized, but which has made such progress as that its consummation may soon be realized and the results be all that could be desired.

Mr. McKELLAR. I merely want to ask one question. Has the Senator ever been in a hospital? Does the Senator think a man suffering from a wound, permanently disabled, is in a condition of mind to take on vocational training at the same time? I want to say that I have undergone a serious operation in a hospital, and I am sure that while I was recovering I could not have learned anything vocational or anything else.

Mr. KING. Of course, if the Senator from Arkansas will pardon me, any personal ailment I might have which would take me into a hospital would not be a subject of discussion upon the floor. I might add, however, that I have been in many hospitals, and I am of opinion that many persons who are in hospitals for treatment, if the hospitals were equipped for vocational training, could be greatly benefited by being taught by competent persons under the direction of the physicians in charge.

It is not indispensable to this plan—that is, of giving vocational training under the direction of the military authorities—that the soldiers should remain indefinitely in the hospital ward.

As I have said, this subject is one of great importance; it will affect many thousands of our brave soldiers. We should not rush through a measure committing the country to a policy that may prove to be defective and inadequate. Many Senators have had no chance to study the question. Few Senators have read the hearings. It does seem to me that we have not had sufficient light upon the matter to determine which plan is superior. There is much to be said in favor of civilian control; there is much that commends a plan under which the medical authorities of the Government shall take charge of this great and humane undertaking.

Mr. KIRBY. Mr. President, I desire to propose an amendment to the bill.

The PRESIDING OFFICER. The Chair will call the Senator's attention to the fact that the Senator from Georgia has an amendment to strike out a word from the bill. It will be stated.

The SECRETARY. On page 5, line 18, strike out the word "prevocational"; on line 24, page 5, and on line 2, page 6, strike out the word "prevocational."

Mr. SMITH of Georgia. I did not formally submit the amendment, but stated I was willing to have that done. If no member of the committee present objects, I will submit it.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Georgia.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas submits an amendment, which will be read.

The SECRETARY. On page 4, line 3, after the word "hereof," insert "and also for the benefit of all persons injured in civil employment so severely as not to be able to follow their usual vocations who shall likewise be entitled to such instruction without cost therefor under the usual regulations."

Mr. KIRBY. Mr. President, I have listened with much interest to some of the discussion here. Before I go any further, however, I wish to say that I think we have the most undesirable system of discussion and debate in the United States Senate that I have ever seen in vogue anywhere in the world. A Senator gets up here to talk, and before he finishes 15 others have injected their speeches and their own views into his speech and we have no connected view of anyone. But that seems to be the practice, and I am not going to complain about it further.

There was a suggestion, however, that some petty strife among officials or some self-seeking had gotten into this measure, or the discussion at least. I do not know whether that is warranted or not. The question is, What is best to be done with the wounded soldier or sailor? The man who has been called into the service of his country and has been wounded, who is not able to take care of himself thereafter, and whom the Government is interested in providing with such employment as that he will be able to support himself and not become a public charge, that he also may contribute to the production of wealth and the promotion of the welfare of the country. That is the chief reason, when you get down to the bottom of it, for the education of these men and their rehabilitation, because of the Government's selfish interest to prevent them from becoming a public charge and in order to utilize, if possible, their ability to promote the general welfare and contribute to the productive wealth of the country.

We are not educating them or rehabilitating them solely because they have become heroes, because they have responded to their country's call to arms and nobly discharged the duty required of them. It is true that that is considered also; but as the Senator from Utah [Mr. KING] so well said, we have already established a system of vocational schools. If they are becoming a success, why might not that system be continued and enlarged? It is worth the effort and worth the trouble and worth the expense. Why have two systems, as has been well said, if the one regarded necessary and which has been established has reasonably successfully met the demand?

I understand one branch of the National Educational Association has concluded, out of the wisdom acquired from experience in educational matters, that this sort of education can be best

provided under the direction of the Medical Department of the War Department. At least the report read here showed that. I had not thought about it along that line before, but there was a question asked that brought the matter to my attention seriously along another line.

Should the soldier or sailor, wounded so that he can not follow his usual avocation, be required to attend the school under military regulations, or should the school be provided and he be allowed to go to the school if he thinks it advisable to do so? We require him by law to go into the Army or the service of his country. He has been wounded and crippled in that service. He has been taken care of as well as the Government could do it; and now ought not the Government, if it provides this other instruction and this agency for his rehabilitation, to require him to take advantage of it? We have required him to risk his life and his fortune. He has become injured. He does need the rehabilitation. Ought he not to be required to take advantage of the instruction and training when the Government, at great expense, provides the institutions therefor?

If he does not take advantage of it what good has been accomplished by establishing the schools? If we are not going to require that he shall avail of the training, if experience indicates that the compulsory is not the best system, and we are going to have a voluntary proposition that all may have the benefit of this education who come within certain classes defined herein, then why not permit the civilian employee, the man in civil life who has been injured so that he can not follow his usual occupation, to go to this particular school and allow him the benefit of it? He is a citizen of the United States. He has been injured in following his usual calling, he was supporting himself and his family, self-sustaining, independent, and contributing to the promotion of the welfare of the country. He is in need now of this sort of instruction, and I say he ought to be permitted to take advantage of and benefit by the training in these institutions provided by the Government and supplied for the benefit of persons in like condition, regardless of where the injuries disabling him were suffered or received.

It seems to me that ought to be considered, and that is the reason why I have offered this amendment. If this training is to be taken out from under the jurisdiction of the board where we have already started it, if it is to be put entirely in another control, then there is no reason why we should not educate the man injured in employment in civil life just the same as we rehabilitate the soldier or sailor who has been wounded in battle.

The same selfish reason that the Government has in all of it—to make the citizen self-sustaining and an asset instead of a liability—obtains in one case with like force as it does in the other.

The Government wants to keep its citizen from being a charge upon the public. It wants to put him back in such a condition as that he can support himself, support his family, and contribute to the production of wealth and the promotion of the public welfare. When you get down to the bottom of it that is the principal reason for this rehabilitation, or one of them, and applies to one injured man just as well as it applies to the other.

When we have provided these schools, built these institutions, selected the instructors, supplied the apparatus, why shall not these other men have the benefit of the reconstruction training that is already provided? I believe it ought to be done.

I have offered this amendment to section 3. I wish Senators would listen carefully to this. In section 3 there is instruction provided which shall be available without cost for the benefit of any person who is disabled under certain circumstances or coming within a certain class. Then this amendment provides likewise that people who are so injured in civil employment that they can not follow their usual vocations may have the benefit of this free instruction. That is inserted just before the proviso:

Provided, That no monthly compensation, family allowances, or expenses as provided by this act shall be paid on account of any such person availing himself of the courses under this section.

There would be no embarrassment to the Government there. The particular class for whom this instruction is provided are not allowed to be paid any expenses at all. They only get the free instruction. When you have established and furnished a free institution, then it ought to be furnished alike free to these other men who have been unfortunate and who would be benefited by it.

Mr. SMITH of Georgia. Before the Senator takes his seat let me suggest to him that there are 100,000 employees injured in industries. Does the Senator think it would be possible to undertake to handle them in the next 12 months and with this fund? Would it not be wiser to undertake to begin work, if it is to be done with those injured in industries, say, in 1920? I wish also to ask the Senator if he has read what is found in the testimony of Dr. Little covering this point?

Mr. KIRBY. I saw that provision. It is not probable that 100,000 men who are injured in industrial life will apply for admission to these schools any more than it is probable that if we leave it under civilian management and outside the Army regulation anything like all the men who are injured in the Army will apply for instruction here. With reasonable regulation they could accommodate the people who would apply, and I think the law ought to be such that they would have the right to apply under these conditions. The institution is already established for that particular purpose, to rehabilitate men of this kind, and it makes no difference, so far as the education is concerned and the training and instruction that is given, whether a man had his arm cut off while he was working down here on a railroad between two cars or whether he got it shot off, so far as the arm being gone and the necessity for his rehabilitation is concerned.

It seems to me that this amendment ought to be put in the bill.

Mr. RANSDELL. Mr. President, I shall detain the Senate only a short while on some features of the bill that I think we ought to consider very carefully before enacting it.

I wish to call the attention of the Senate to the fact that the Medical Department of the Army and the Navy are already proceeding under the law to take care of the wounded soldiers and sailors of the Army and Navy. The letter which I read yesterday from Gen. Gorgas, Surgeon General of the Army, written on the 27th of last month, shows that the Army contemplates the physical reconstruction of disabled soldiers, and he defines physical reconstruction as the completest form of medical and surgical treatment carried to the point where maximum functional restoration, mental and physical, has been secured.

Another part of the letter says that:

The Medical Department of the Army has assigned the following general hospitals—

For what purpose?—

for the reconstruction of disabled soldiers.

Then it names a number of them, as follows: St. Elizabeths Hospital, Washington; General Hospital No. 4, Fort Porter, N. Y.; General Hospital No. 13, Dansville, N. Y.; General Hospital No. 16, New Haven, Conn.; general hospital, Fort McPherson, Ga.; general hospital at Lakewood, N. J.; at Walter Reed Hospital in this city; general hospital at Camp May, N. J.; Roland Park, Baltimore, Md.; general hospital at Fort Ontario, N. Y., and several others that are indicated by number.

In other words, Mr. President, the Medical Department of the Army has already assigned for the reconstruction work of our wounded soldiers a number of general hospitals. It was my privilege and great pleasure several days ago to visit the Walter Reed Hospital in this city, and I commend to any Senator who is interested in the subject a visit to that great institution. If I understand correctly, it has already completed about 1,200 beds and is rapidly adding more. It is already doing a considerable amount of vocational reconstruction work. I saw young men there making beautiful bead work, baskets, and fancy linen. I saw them working in the blacksmith shop and in the carpenter shop. Various and sundry kinds of work are going on there now in this Capital City. They are enlarging the hospital all the time. It seemed to me, Senators, that the work there is a magnificent conception, as is the way in which it is carried on.

In connection with the offer of the great benevolent society of Elks to appropriate $1,000,000 for the purpose of building three reconstruction hospitals in this country, I have had several conversations with officials of the Medical Department of the Army. New Orleans desired to have one of these hospitals; Boston desired another one of them. The hospital at Boston, I understand, is under way at Park Hill, Boston—a great reconstruction hospital, built by money furnished by the Elks, with the understanding that it would be turned over to the Government when completed, to be used for reconstruction and vocational work among our disabled soldiers, and to be used in the same character of work after the close of the war for those injured in industrial accidents.

The people of New Orleans were anxious to have one of these hospitals, and a beautiful spot containing 10 acres of ground was selected for the purpose. I called on Col. Billings several days ago—a man whose name has been mentioned several times in this debate, one of the most eminent surgeons in America and the world—and talked to him about this hospital. He said: "Senator, the plans are entirely too meager; we need at least 80 acres of ground, instead of 10, on which to construct a proper

reconstruction hospital." He went on to describe the number of buildings that would be needed in conjunction with the main hospital. He had a great, broad conception of it. His idea was that there should be one central directing mind and office force carrying on that great work, and, in cooperation with that central and directing mind and force, the injured should all be trained in some kind of human endeavor; the blind, those with mental defects, those who had lost one or more members or had suffered some other injury, should each be trained in a suitable pursuit. As the result of that training these men would be prepared to earn their living and to better fill their place in society after their training, in many instances, than ever before.

It is true, Senators, that men sometimes, as the result of an accident, become far more learned and perhaps fill more useful callings than they did originally. I remember a friend of mine who, when a young man, was a carpenter—a highly honorable calling—and had his hand badly hurt, so much so that it could not push the saw or drive the plane. He was forced to study law, and he became one of the great lawyers of America as the result of that accident. If we properly look after our young men who are wounded and maimed and become halt and blind in this awful war, we shall make of many of them more effective citizens, more efficient men than they were before. We ought to do it by all means.

There is no difference of opinion on the floor of the Senate in regard to the merits of this work. The only difference here, as I understand, is whether or not we shall interfere with the present splendid work which is being carried on by the Medical Department of the Army under the leadership of that great man, Surg. Gen. William C. Gorgas; a man of whom every American should be proud, who 20 years ago had the honor of eradicating yellow fever from Cuba when our soldiers were there in the War with Spain; who later performed the herculean task of restoring healthful conditions on the Isthmus of Panama—conditions which were absolutely necessary to the performance of the great engineering feat of constructing the Panama Canal. That great man is now the Surgeon General of the Army; and I sincerely hope he will hold the place for many years. He is going on very nicely with this work. It has been assigned, as I have shown from his letter, to a number of hospitals. The reconstruction work will be assigned to a number of other hospitals from time to time. More of them are going to be built; many communities are going to offer exceptional advantages to the War Department for carrying on this work, hoping and believing that when the war is over the institutions that have gotten a good start under the lead of Gen. Gorgas will become first-class hospitals for those disabled by industrial accidents.

Now, we have another branch of the Government which is charged somewhat with this work—the War-Risk Insurance Bureau. Under section 304, which has been referred to several times, it is the duty of the War-Risk Insurance Bureau to provide artificial limbs and members of various kinds to the wounded soldiers, and also to furnish vocational education for these poor unfortunates. After having the War Department proper, through its Medical Corps, undertake this work, and they having carried it on for months—and they are carrying it on now very successfully—are we going to now create a third organization? After giving considerable authority to the War-Risk Insurance Bureau to do similar work, are we going beyond that, and call in the Vocational Educational Board?

Mr. President and Senators, it seems to me we are going to have a great duplication of effort here. It is an old adage that "too many cooks spoil the broth." I believe this broth is going to be spoiled if we add any more cooks; and I, for one, sincerely hope it will not be done.

There has been so much argument here about the necessity of the doctors in charge continuing their work with the wounded soldiers until they have also been trained vocationally, that I do not know that I can add anything to that, except to say that the argument appeals to me very forcibly. I was talking this morning with Col. Billings, and I asked him if it was not essential that the surgeon should watch carefully the efforts of the vocational teacher when a man had lost his arm, for instance, and a new arm and hand were put on him, and he was being trained to articulate the fingers and properly use that arm. He told me that in such a case it was essential to have the surgeon in constant cooperation with the vocational teacher, and we can readily understand the necessity for that.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Georgia?

Mr. SMITH of Georgia. For a question?

Mr. RANSDELL. I am delighted to yield.

Mr. SMITH of Georgia. The Senator has stated that the War-Risk Insurance Bureau is charged with this duty. I desire to say to him that I know of no law that charges that bureau with such a duty, nor of any appropriation; and they have never done anything in connection with it. I also challenge the view that the Surgeon General's department has any further duty than that which is connected with curing the patient.

Mr. RANSDELL. I will read to the Senator what the war-risk insurance act says.

Mr. SMITH of Georgia. I know what it says.

Mr. RANSDELL. Well, there is a difference of construction, of course.

Mr. McKELLAR. Mr. President——

Mr. RANSDELL. One at a time, if the Senator from Tennessee please. I will yield to him in a moment. I read from the act of October 6, 1917, amending the war-risk insurance act. After creating the board that act goes on to say:

SEC. 304. That in cases of dismemberment, of injuries to sight or hearing, and of other injuries commonly causing permanent disability, the injured person shall follow such course or courses of rehabilitation, reeducation, and vocational training as the United States may provide or procure to be provided.

Mr. SMITH of Georgia. And we are arranging by this bill to procure and provide for it.

Mr. RANSDELL. Under the law which was read by the Senator from Ohio [Mr. POMERENE] it is the duty of the War Department to provide this training. The law specifically says it must be done. I know the Senator from Georgia takes the view—at least I understand he does—that this provision was limited to the men before they had done any fighting.

Mr. SMITH of Georgia. No.

Mr. RANSDELL. Well, some Senator took that position.

Mr. SMITH of Georgia. I said it specifically referred to men in active service.

Mr. RANSDELL. If men in active service are to be taken care of and vocationally trained, surely those who have been wounded ought to be fully provided for in every way; and that is our contention.

Mr. SMITH of Georgia. That is what we propose to do.

Mr. RANSDELL. The law specifically says that it is the duty of the Medical Corps of the Army to take care of these men; and the "proof of the pudding is in the eating of it." We are talking about it, and the Medical Corps is doing it. They have a number of these men under treatment right now; and if we do not interfere with them by the passage of this bill they will continue to do the most magnificent work of caring for these poor boys as they are brought back from "over there" from day to day.

Now I yield to the Senator from Tennessee.

Mr. McKELLAR. I merely wish to say to the Senator from Louisiana that—and I had something to do with molding the particular act to which he refers over in the House Committee on Military Affairs—I am sure that neither the act which has been referred to by the Senator from Ohio [Mr. POMERENE] nor the war-risk insurance act gives the slightest authority to the Surgeon General for performing this work. Outside of that, however, the Senator from Louisiana says that "too many cooks spoil the broth." According to his own statement, they have got two cooks at it now.

Mr. RANSDELL. And the Senator wants to add a third.

Mr. McKELLAR. I think we had better take it out of the hands of two and put it into the hands of one.

Mr. RANSDELL. That is not done by the pending bill.

Mr. McKELLAR. I think we ought to do that by law. The two cooks who are attempting to cook this particular broth are at loggerheads, I presume, and if they are both trying to do it they are both acting without authority of law. My judgment is that we ought to put it in the hands of one cook acting under the authority of law.

Mr. RANSDELL. I will say to the Senator that he is utterly mistaken in thinking that the War Department is at loggerheads with the War-Risk Insurance Bureau. They are getting along magnificently. I have talked to a number of officials and they say the work is proceeding——

Mr. McKELLAR. Mr. President——

Mr. RANSDELL. Pardon me—the work is proceeding splendidly. I have demonstrated that here two or three times, and we have had the evidence of the Senator from New York [Mr. WADSWORTH], his personal testimony, as to what he knows. There is no friction in the world; but let me ask Senators as fair men, suppose, under section 6 of this bill, if it should be enacted, the Vocational Board sends a number of men into each hospital to act in an advisory capacity and they advise differently from the surgeon in charge of the hospital, what is going to happen? There is going to be disagreement——

Mr. JONES of New Mexico. Mr. President——

Mr. RANSDELL. Just a moment. There is going to be a row, and as the result of that row and that disagreement I fear

that we are not going to get along as well with the work, as peacefully, as quietly, as happily, and as successfully as we ought.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from New Mexico?

Mr. RANSDELL. I yield.

Mr. JONES of New Mexico. I should like to inquire if I am to understand from the Senator's remarks that no further legislation is necessary?

Mr. RANSDELL. Here is a letter which I received from the Surgeon General of the Army this morning—I do not think the Senator was present when it was read some time ago——

Mr. JONES of New Mexico. I was not.

Mr. RANSDELL. It is dated May 24, 1918. I have read it once, but it is very short and I will read it again for the benefit of the Senator from New Mexico. It is addressed to me, and is as follows:

DEAR SENATOR RANSDELL: In our conversation this morning concerning the vocational rehabilitation bill, No. S. 4557, I think it a mistake to enact this bill at this time concerning this matter.

The Medical Department is already acting upon a law of Congress passed on this subject, and all these bills cause delay.

There is ample authority for doing all that is necessary in this field under the law recently passed by Congress by which we are at present acting. I fear that a bill of this kind, which gives another department authority to come into our hospitals in an administrative capacity, would cause friction in administration.

Very truly, yours, W. C. GORGAS,
Surgeon General, United States Army.

Mr. JONES of New Mexico. Mr. President——

Mr. SMITH of Georgia. Let me first ask the Senator from Louisiana a question.

Mr. RANSDELL. I yield.

Mr. SMITH of Georgia. Did not Gen. Gorgas subsequently say to you that he withdrew his objection to this bill?

Mr. RANSDELL. He said to me that he had agreed to withdraw his objection to the bill, but he still held the same opinion expressed in this letter; in other words, I think the Surgeon General is very much in the position of a man who, being convinced against his will, is of the same opinion still. He is of that opinion as strongly as a man can be.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield further to the Senator from New Mexico?

Mr. RANSDELL. I yield.

Mr. JONES of New Mexico. Did the Surgeon General point out the law under which he conceives that he has the authority?

Mr. RANSDELL. He did not, but the Senator from Ohio [Mr. POMERENE] read the law, and to me it is very clear. Although there is a difference of opinion as to its meaning, as I construe it, it gives ample authority; and the Surgeon General thinks he has ample authority, for, as a matter of fact, he is proceeding under that law. Now, I will say this to the Senator——

Mr. SMITH of Georgia. Mr. President——

Mr. RANSDELL. Just one moment. If the Surgeon General has not ample authority under the law, he certainly is proceeding as though he did have; and it would be better for us to amend the law and give him the authority rather than to confer the authority on some outside agency, such as the Vocational Board, because certainly the Medical Corps of the Army is the one which is going to have most to do with the care of our boys.

Mr. McKELLAR. Will the Senator yield to me for a question?

Mr. RANSDELL. I have yielded to the Senator from New Mexico, who, I understand, has not concluded.

Mr. JONES of New Mexico. I was going to inquire whether if any authority is supposed to be derived from the act to which the Senator referred a few moments ago, the act passed at the last session of Congress to authorize the establishment of a war-risk insurance bureau in the Treasury Department?

Mr. RANSDELL. I understand that under that law the War Risk Insurance Bureau would have the right to direct that vocational work be done. I do not understand that they have ever directed such work; but they would have the authority to do it, and they could confer the authority, as I understand, on the Vocational Board or on the Medical Corps of the Army, whichever they saw fit.

Mr. JONES of New Mexico. I took considerable interest in the framing of the act to which reference has just been made, and, if such authority is conferred in that act, it certainly is a surprise to me. The only purpose of section 304, as contained in that act, as I take it, was to control the question of the payment of compensation in the event disabled soldiers did not follow the course of instruction which might hereafter be provided and prescribed.

Mr. RANSDELL. Does the Senator deny that there is authority in the law somewhere to establish hospitals and carry on the great and merciful work of rebuilding our soldiers, which is now being carried on? We are certainly doing it now; under what authority are we doing it?

Mr. JONES of New Mexico. We have ample authority for the cure and treatment of our disabled and wounded soldiers; but there is no provision that I know anything about which justifies the work that comes within the scope of this bill. There is absolutely nothing in the law anywhere, of which I have knowledge, which would have any tendency to bring the rehabilitated into touch with the industries of the country, to secure employment for them, to get in touch with the business interests of the country, and to ascertain the particular occupations disabled soldiers can best pursue.

Mr. WADSWORTH. Mr. President, may I ask a question of the Senator from New Mexico, with the permission of the Senator from Louisiana?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from New York?

Mr. RANSDELL. I yield.

Mr. WADSWORTH. Does the Senator from New Mexico contend that the act of June 3, 1916, which, as I remember, contained a provision to the effect that the Secretary of War or the War Department may install vocational training in the Army for men on active service, is not applicable to this situation and does not give the Surgeon General the power to proceed along this line?

Mr. JONES of New Mexico. I do not understand, Mr. President, that that bill confers such power.

Mr. McKELLAR. Mr. President, if the Senator will yield, I should like to say to the Senator from New York that I do not think that has anything to do with it at all, or that it gives any authority for any such work as is contemplated under the pending bill. If the Senator will examine the terms of that act he will find that that provision was for men in active service.

Mr. WADSWORTH. Just on that point——

Mr. McKELLAR. Schools have been established for such men, but the pending bill provides for the training of men after they have been mustered out of the service. It is an entirely different situation; an entirely different appropriation is required, and it will be used for an entirely different purpose. There is not one scintilla of authority in the act the Senator has read for carrying on such work as is proposed by the pending bill.

Mr. WADSWORTH. With the permission of the Senator from Louisiana, let me comment on the statement just made by the Senator from Tennessee. The bill before the Senate does not apply in its terms to men who have been mustered out.

Mr. McKELLAR. To men who have been discharged.

Mr. WADSWORTH. Nor to men who have been discharged. It relates to men who have been disabled.

Mr. SMITH of Georgia. And discharged.

Mr. WADSWORTH. Otherwise there would not be conferred on the vocational board by this act the advisory power or function to go into the hospitals to help in the treatment of soldiers who have not been discharged, and that is what this bill does. It gives to this board the advisory function to send its representatives into military hospitals, and in military hospitals there are no discharged men; they are all soldiers.

Some emphasis has been placed upon the words "active service." A soldier who has been wounded is not withdrawn from active service in the sense of the military meaning of the term. The contrary of "active service" is inactive service, which is not service with troops and without any jurisdiction of military officers, but the soldier is sent to his home——

Mr. McKELLAR. Mr. President——

Mr. WADSWORTH. Just a moment—and is there placed upon inactive service. The only other kind of service in the Army that is not active service is when the soldier is passed to the reserve and stays at home. Under the military definition a wounded soldier in the hospital is not upon inactive service or in reserve, but he is in active service. The law from which the Senator from Ohio read this morning is applicable to soldiers upon active service, and that applies to wounded men.

Mr. McKELLAR. But the trouble about it is that the bill under consideration does not apply to that kind of soldiers; it only applies to a soldier after his discharge under the very terms of the measure.

Mr. WADSWORTH. My point in bringing this matter up is that the Senator from Tennessee, the Senator from Georgia, and the Senator from New Mexico, inferentially at least, have contended that the Surgeon General has no authority to-day to

go on with the work of vocational training. I contend he gets that authority from the act of June 3, 1916.

Mr. SMITH of Georgia. On what page of that act is the authority given?

Mr. WADSWORTH. My recollection is that it is the act of June 3, 1916.

Mr. RANSDELL. The Senator is correct, and I will read the provision for him.

Mr. SMITH of Georgia. What page?

Mr. RANSDELL. I read from page 34 of the act of June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as follows:

In addition to military training, soldiers while in the active service—

And, like the Senator from New York, I say that a soldier who has been wounded but not discharged is still in active service—

while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations.

In carrying out that act the Army appropriation act approved May 12, 1917, has this provision on vocational education:

For the employment of the necessary civilian instructors in the most important trades, for the purchase of carpenters', machinists', plumbers', masons', electricians', and such other tools and equipment as may be required, including machines used in connection with the trades, for the purchase of material and other supplies necessary for instruction and training purposes and the construction of such buildings needed for vocational training in agriculture, for shops, storage, and shelter of machinery as may be necessary to carry out the provisions of section 27 of the act approved June 3, 1916—

And section 27, I may say, is the provision which I read a few moments ago—

authorizing, in addition to the military training of soldiers while in the active service, means for securing an opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupation, part of this instruction to consist of vocational education either in agriculture or the mechanic arts, $250,000.

It seems to me, Mr. President, that answers fully the question of the Senator from New Mexico as to whether the existing law grants this authority. That is the law applicable to soldiers engaged in active service; and, if we are making provision to give vocational training to soldiers engaged in active service, can any fair man say that does not apply to a soldier who, while in active service, is wounded, is shot down, whose leg is cut off, whose arm is cut off, or whose eyes are put out? What need has a soldier for vocational training if he is not hurt? He must be hurt or injured in some way to need vocational training. He is in active service when he gets hurt, and then he needs vocational training.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from New Mexico?

Mr. RANSDELL. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Louisiana yield; and if so, to whom?

Mr. RANSDELL. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I should like to ask the Senator if he does not think the fair construction of that law would be that it was intended to rehabilitate the soldier for the purpose of retaining him in the active service of the military department of the Government?

Mr. RANSDELL. Why, not at all. Of course, if the soldier meets with some kind of an accident—let us say, an auto runs over him and breaks his arm, which has to be cut off, or he loses his foot, or he contracts consumption or rheumatism, or something of that kind—unquestionably soldiers of that sort would be sent to these hospitals and restored. I saw a number of them out at Walter Reed Hospital. I saw a man from my own State who had contracted rheumatism, and he is out there being treated. But could you contend that it does not also apply to the soldiers who are injured on the fighting line? Have we made provision, let me ask, for the men who are in the cantonments, and none for those who are on the firing line?

Mr. SMITH of Georgia. We are going to make provision for them.

Mr. RANSDELL. I do not conceive it that way; but if we are, let me say, let us do a great deal better than the miserable little pittance of $2,000,000 which is carried in this bill.

Mr. SMITH of Georgia. The present appropriation under the other bill is only $250,000.

Mr. JONES of New Mexico. Mr. President——

Mr. RANSDELL. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I will ask the Senator whether he thinks that under the existing law a disabled soldier has a right to remain in the active service and not be discharged from that service until after he has been rehabilitated?

Mr. RANSDELL. I think he has, under a fair construction of the terms of this law. It says we are to give him vocational education and train him so that he can go back restored into civil life again; how is he ready to go back into civil life as a remade man until he has had the training, and how is he to get that training unless we keep him long enough to give it to him? I think the fair construction is that the poor fellow shall be kept until he is cured, until he is ready to go back into civil life, with his functions in just as good shape as it is possible to make them.

Mr. JONES of New Mexico. Then, Mr. President, that seems to me to be announcing a very drastic doctrine here—that under our law at the present time, whenever a soldier is disabled, he must be retained in the Army until after he shall have been rehabilitated and made competent to return to civil life and engage in some useful occupation.

Mr. RANSDELL. Does the Senator think it would be doing too much for that poor fellow?

Mr. JONES of New Mexico. No; I do not.

Mr. RANSDELL. Of course, I would not keep him there against his will. I do not want the Senator to understand me in that way.

Mr. JONES of New Mexico. But either the law which the Senator has just read means that the soldier shall not be discharged from the public service until after rehabilitation, or else, it seems to me, it can not be subjected to the interpretation which the Senator puts upon it.

Mr. RANSDELL. There certainly ought to be a reasonable discretion on the part of the medical officers in discharging that man. We know they have a reasonable discretion. If the man were in such condition that it would take years and years to restore him, and he was very unwilling to remain there and be restored, perhaps they should discharge him without it; but I say to the Senator that the humane construction, the reasonable construction, is that they ought to keep him and put him in condition to resume his former avocation before discharging him.

Mr. JONES of New Mexico. Then, I will ask the Senator if he thinks that under existing law it is a matter of discretion with the Surgeon General as to whether he shall retain these soldiers in the active service or discharge them?

Mr. RANSDELL. To a very great extent, I think it is. I think he has a right to keep control of them until they are sufficiently cured to be returned to the Army if possible. If they are well enough to go back into the Army, he ought to send them back to it; and if they are not, he ought to send them into civil life as nearly as possible in condition to perform the functions which they performed before, or similar ones, or, at least, he should do his best for them.

Mr. JONES of New Mexico. I should like to remark, just at this juncture, that it is my thought that after a disabled soldier has received medical treatment and has been restored to health as far as he can be, if it is then ascertained that he can no longer serve in the military branch of the Government effectively he should be discharged, and that the purpose of this bill is to furnish cooperation by skilled experts who will make a study of these questions, and who will be in touch with the industrial interests of the country, to aid and assist these surgeons and hospital people in the work while the soldier is in the hospital; but when he has been physically restored, when the hospital has done all that a hospital ordinarily would do, together with this prevocational training, such as will be necessary in the treatment of the soldier or such as can be given while that treatment is in progress, that then we will take hold of him. He will be discharged from the Army, and then the board created by this bill, which will be in touch with the activities of the country, will be studying industrial conditions, and will be better able to bring him into actual contact with living affairs than the surgeons or doctors in a hospital.

As the law now stands, while it is construed to give ample authority to do all that is necessary while the man is in the hospital, yet it was felt that it needs to be supplemented by this law to care for the soldier after he leaves the hospital, and to give the hospital authorities the benefit of the advice of expert people who will be employed and engaged in the work of taking hold of the soldier after the hospital treatment has ended.

Mr. McKELLAR. Mr. President, will the Senator yield just for a question?

Mr. RANSDELL. Just a moment. I have yielded for a question, and a speech, too. After I have replied to that I will yield to the Senator, with great pleasure.

In response to the Senator from New Mexico, who is always eloquent and logical, I wish to say that he presents his case very forcibly. Now, let me present it as it seems to me.

The Senator talks about taking care of these boys after they have been discharged. Where are you going to place them? Suppose there are five or six boys from Louisiana, and a dozen or more from Texas, and six or eight from Arkansas, and five or six from New Mexico and all that locality, all of whom have been discharged—in the aggregate, one or two hundred. They have been discharged, now, before they have been given this vocational rehabilitation. Where will you place those boys under this bill? There is appropriated here the very small sum of $250,000 for renting buildings and hiring quarters. Are you going to take care of all the discharged boys from our European war in the buildings hired or purchased with this $250,000? Why, Senators, it is an impossibility.

On the other hand, we already have a number of great hospitals in existence. We have splendid men in charge of these hospitals. We have a large corps of trained nurses in them. We necessarily must have a number of vocational teachers in connection with those hospitals; for every Senator admits that a great deal of this vocation work must be done before the soldier is discharged. All the Senators admit that.

Mr. SMITH of Georgia. Oh, Mr. President, I desire to express my dissent.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Georgia?

Mr. RANSDELL. Certainly.

Mr. SMITH of Georgia. I admit that some training may be done, but nothing comparable to what is done after they leave the hospital.

Mr. RANSDELL. All right; I accept the amendment, that they must have some vocational training.

Mr. SMITH of Georgia. No; I did not say they must have some. I said some could be done there.

Mr. RANSDELL. Well, let us put it that way—some could be done. If some could be done, with the consent of the Senator from Georgia, I imagine that some would be done; and, as a matter of fact, I know it is being done right now at Walter Reed Hospital, because I have been out there and have seen it. It is being done all over the country. They contemplate having annexes, shops, places of various kinds in connection with all these hospitals to do the work. Now, Senators, will you stop that great work after we have carried it to the point where these young men are pretty nearly rebuilt, are pretty nearly retrained and rehabilitated? Will you stop it and force them to go out in some institution purchased with the $250,000 carried in this bill?

I live in Louisiana, and should like mighty well to see a great reconstruction hospital built in New Orleans to serve Louisiana and the surrounding States. I know that one is going up now in Boston. I hope it will serve well the State of Massachusetts and the surrounding States. I know a dozen or more of them are already in actual use in different parts of the country for the purpose of serving the surrounding sections. Where will you get these vocational schools?

Senators, if you vote for this bill, bear in mind that you must start several great additional institutions; that it is going to cost a great deal of money; that you will have to acquire training schools, vocational educational establishments; you will have to place at the head of them highly trained men; you will need a corps of nurses and of physicians to help, because everyone says that there must be physicians to help along with the vocational training. It is separate and distinct institutions that are contemplated in this bill, and they are going to cost a vast amount of money. This method can not possibly do the work any better than it is being done now. It is a fifth wheel to the cart, in my judgment, and it ought not to be enacted.

Mr. McKELLAR. Mr. President, will the Senator yield now?

Mr. RANSDELL. Gladly.

Mr. McKELLAR. I take it that the Senator is in favor of the purpose of this bill. Is that correct?

Mr. RANSDELL. Oh, absolutely. I do not think there is anything nobler than to train over the unfortunate young men who are injured in this war. I will go further and say that I am in the heartiest sympathy with vocational education for those hurt in industrial accidents, and I shall do everything in my power to provide reasonable—I say "reasonable" advisedly—assistance from the National Government to assist in giving vocational training to the injured of every kind.

Mr. McKELLAR. The Senator says he is heartily in favor—and I know he is, because I know he could not be otherwise—of the purpose of this bill. The Senator, of course, is perfectly familiar with the provisions of the law recently enacted which gives the President the right to rearrange organizations.

Mr. RANSDELL. Perfectly.

Mr. McKELLAR. The Senator knows, therefore, that the President will have the right to put the Medical Department in charge of this work after we pass the law.

Mr. RANSDELL. Why, certainly; he would have that right; but why should we ask him to perform our function?

Mr. McKELLAR. Just one minute. Then, if the President has the authority and can do it, and if the Senator is in favor of the purposes of the bill, would he be willing to vote against this bill simply because the particular department that he wants to have charge of it does not have charge of it?

Mr. RANSDELL. Why, of course I would, because I believe that that particular department which I think should have charge of it is especially well qualified to take charge of it, and I believe it has charge of it now. I believe that the man at the head of it is one of the greatest men in America, and I do not want to see that great man and his department interfered with by bringing in other men. I think the work will be done very much more effectually under him if we give him free scope. If he needs any more authority, then I want to give it to him; but I do not want to bring in an outside institution like this Vocational Board.

Mr. McKELLAR. Then the Senator is more concerned about some particular department having control of this matter than he is about the rehabilitation of the young men who have been wounded.

Mr. RANSDELL. Absolutely not. The Senator can not put that construction upon what I have said.

Mr. WADSWORTH. Mr. President——

Mr. RANSDELL. One moment, and then I will yield to the Senator. My whole thought is to do the best I can for our brave boys who are now trying to save the civilization of the world, and are going to save it; but I favor this because I believe it is the best method. Everybody knows what our Medical Department can do, because of its long record of effective service. Everybody knows what it is now doing. Why bring in an outside institution?

I now yield to the Senator from New York.

Mr. WADSWORTH. I was going to suggest to the Senator from Louisiana that if the Senator from Tennessee is so willing to invoke the power of the President under the Overman Act, why introduce this bill at all?

Mr. RANSDELL. That is a very good suggestion, because the President could give the Vocational Educational Board this authority as the law exists now. It does not need a change of law.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Tennessee?

Mr. RANSDELL. Certainly.

Mr. McKELLAR. I desire, if the Senator will permit me, to reply to the statement made by the Senator from New York. I want to say in reply to that statement that of course it is true that I voted for the bill giving authority to the President to transfer and rearrange these departments and to coordinate them, and it applies to just such a case as this, except that as the matter now stands the President would have no authority whatsoever to establish a training school for disabled soldiers. He would have no more authority, under the present condition of our law, to establish a vocational training school for permanently disabled soldiers than would the Surgeon General or any other department of the Government—none whatever. The President is without authority and some law has to be passed. This is a beautiful illustration of the wisdom of that; for if, as the Senator from Louisiana argues, only the Medical Department are fitted to carry on this work, all they have to do is to demonstrate that fact to the President of the United States and he will immediately take it out of the hands of the Board for Vocational Training and turn it over to the Medical Department. Are you not willing to trust the President of the United States?

Mr. RANSDELL. Undoubtedly I am.

Mr. McKELLAR. Then, if you are, we are talking about nothing, because he has a perfect right to do just as he pleases.

Mr. RANSDELL. I never like to make the President do vain things. I never like to throw upon him a responsibility which I should assume myself. His shoulders are broad but his duties are very grave and onerous. We ought to attend to this matter ourselves, and when there is no necessity for this act I do not want to see it passed. We have law enough now. The Surgeon General says he has law enough. We all know that the world is governed too much. In my opinion, we are passing too many laws, anyway. I should like to see us quit.

I do not see any necessity for this bill. If I did, I would unquestionably vote for it.

I want to ask the Senator a question. He wants me to yield my views on this matter. He says that I am hard-headed and that I can not trust another authority to go in there. I will ask him why he so persistently insists upon another organization coming in here to do work which is now being done in a very large and effective way under the statutes as they exist?

Mr. McKELLAR. Mr. President, I will take the greatest pleasure in answering the question. I do so because Gen. William C. Gorgas, my life-long friend, one of the finest men I ever knew in my life, and one of the greatest surgeons the world has ever known, came before our committee and frankly said that he was in favor of this bill as it was written, or virtually so; and upon that authority of the Surgeon General I say that I am in favor of this bill.

Mr. RANSDELL. Of course, all I have to say is to refer to the letter of Gen. Gorgas, which I have read.

Mr. McKELLAR. Here is his testimony in the record.

Mr. RANSDELL. Let his testimony be read, and let that letter be read. That is all I have to say on that subject.

Mr. President, I have about concluded what I wish to say.

I desire to call the attention of the Senate to the fact that this is a very important piece of legislation. I know of nothing more important than to do everything humanly possible to restore to society, and to a happy place in life, the young men who are wounded in this awful war. We can do a great deal to make them useful and happy members of society if we do what is possible to be done. We ought to do it. There is no question about that and no difference of opinion in regard to it. We ought also, Mr. President, to lay the foundation broad and deep for the reconstruction and rehabilitation of the innumerable human beings in this country who every year lose their arms or their legs or their eyes in accidents of various and sundry kinds. The total runs into very large numbers. Most of these poor persons are thrown on the human junk pile, their lives saddened and darkened as a result of accidents which happen to them. We can care for them; we can brighten their lives; we can give them a new start, and many of them we can enable to earn greater compensation than ever before. The legislation which we pass at this session and the work carried out in response to that legislation on this vocational and rehabilitation plan will lay the foundation for industrial vocational education throughout this Republic. We should consider carefully what we are doing. I do not believe we have considered this bill as carefully as it should be considered. I think, Mr. President, it should be recommitted. I think we should have more evidence on this bill. I think we should understand it more fully than we understand it now.

Mr. SMITH of Georgia. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Georgia?

Mr. RANSDELL. I yield.

Mr. SMITH of Georgia. The committee advertised their hearings for two weeks. They put them freely into the newspapers. They notified the War Department, the Surgeon General's Department, the Treasury Department, the War-Risk Insurance Bureau. They invited representatives of each of those departments to come before them, and they came before them. We held open hearings for three days. Through the English ambassador, we brought before us the director of this work in Canada. We brought before us from New York the director of similar work for the Red Cross. We finally threw open the doors and invited anybody who questioned the propriety of passing this bill to speak. There were a dozen representatives of the Surgeon General's office present. Not one objected to the bill, and the Surgeon General himself said that he did not object to it.

Mr. RANSDELL. Mr. President, in response to that, all I know is that I have been up to the Surgeon General's office, and I have talked to a number of the men up there, and there is not one of them but decries the bill in the strongest terms and thinks it would be most unfortunate to have it passed. Now, I do not doubt in the slightest everything the Senator from Georgia has said, but let me repeat that I have read here what the Surgeon General says. Everybody knows that I could not coerce him. Everybody knows that I am no great lawyer cross-questioning witnesses before a committee. These witnesses were before the Committee on Education and Labor, and it was a committee favorable to the bill. It was a picked committee, desiring to pass the bill, and direct questions were asked. I used to practice law. I know the trick of asking a direct question which the witness must answer "yes" or "no." That is largely the nature of the testimony given before this committee. I was told by one of the most prominent men in the War Department that the testimony of the Canadian gentleman who appeared before the committee is not complete; that we ought to have it a great deal more full and complete than it is now.

I know that this bill is not satisfactory to me, Senators, and there is no great rush or hurry to pass it of which I am aware. Why can we not recommit it? Why can we not have it more fully examined into? What is the objection? I am not asking that the bill be defeated now. I am asking to get it recommitted in order that we may be more sure of the situation. See how uncertain it is. Here is a letter from the Surgeon General and a statement from the Senator from Georgia which contravenes the statement in the letter.

Mr. SMITH of Georgia. Since he wrote——

Mr. RANSDELL. He told me he still had the same opinion conveyed in that letter, but had agreed to withdraw his objection to the bill provided certain amendments were made to it.

Mr. SMITH of Georgia. And he withdrew it.

Mr. RANSDELL. That is what he told me—that he had agreed to withdraw it, but he still believed as stated in his letter. There are perhaps such things as withdrawals and withdrawals.

Mr. SMITH of Georgia. He told you he withdrew his objection to the bill?

Mr. RANSDELL. He did; I told him I had already read the letter in the RECORD. He said, "I believe the opinion stated in the letter is right, although I have agreed to withdraw my objection to the bill." I would not have presented the letter if it had not been already presented. Fortunately for this debate, and for the facts of the case, and for the good of our soldiers in my judgment it was presented before Gen. Gorgas called me out.

Mr. BRANDEGEE. Mr. President——

Mr. RANSDELL. I yield to the Senator.

Mr. BRANDEGEE. The opinion of the Surgeon General is that "though convinced against his will, he is of the same opinion still."

Mr. RANSDELL. That is exactly the impression he made on my mind. Anyone who will go down to his office and talk to him, or to Col. Billings, or to anyone of a number of other prominent officers in the Medical Department, will discover that they are all a unit in their opposition to this bill. They feel that their corps is doing magnificent work, which is apt to be interfered with if this bill is passed. They would like to be let alone, and I, for one, sincerely hope we will not interfere with their very successful efforts by enacting this measure which, to say the least, is of uncertain propriety.

Mr. PAGE. Mr. President, just one word in reference to what I understood to be the attitude of the Senator from Louisiana [Mr. RANSDELL], and that was that there was a picked committee to consider this matter, a committee made up to favor the passage of the bill.

My recollection is that this bill has been considered more faithfully and more carefully than 19 out of 20 of the bills that come to us. The Committee on Education of the House and the Committee on Education and Labor of the Senate met day after day and day after day and heard witnesses from all sections of this country and from Canada, and when we got through with our hearings and after the compromise measure now before us had been agreed upon the members of the Committee on Education of the House were so impressed with the wisdom of this bill that they withdrew their own bill and substituted the Senate bill in its place. If ever a measure was considered and considered faithfully and carefully, and if ever a measure received the unanimous and hearty support of every member of the committees of both Houses, as far as I know, I think it is this bill.

Mr. RANSDELL. I will say to the Senator I did not use the word "picked" in any disagreeable sense at all. I simply meant that it was the Committee on Education and Labor charged with this kind of legislation, and naturally it was enthusiastic about it. The men in charge of it were men who for years, to my certain knowledge, favored the passage of the vocational education bill and were naturally interested in it. I was interested in it myself. I was glad to see it pass, and if I had been the author of it, like the Senator from Vermont [Mr. PAGE], I should be glad to see its functions enlarged. Certainly it was a favorable committee. You have enlarged the functions of your pet. It was your pet for years. That was all I meant; not in any offensive sense at all.

Mr. PAGE. I simply wish to add one word, and that is that the Committee on Education of the House and the Committee on Education and Labor of the Senate are committees that, in my judgment, would hear and consider fairly a measure of this

kind, and when they make unanimously a favorable report, as they did in this case, as I am informed and believe, I think that report is entitled to great weight on the floor of the Senate.

Mr. SMITH of Georgia. Mr. President, I shall not occupy the Senate more than 10 or 15 minutes.

Mr. KIRBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	Overman	Smoot
Borah	Johnson, S. Dak.	Page	Sterling
Brandegee	Jones, N. Mex.	Pittman	Sutherland
Colt	Jones, Wash.	Poindexter	Swanson
Cummins	Kellogg	Pomerene	Thomas
Curtis	Kendrick	Ransdell	Tillman
Dillingham	Kenyon	Saulsbury	Townsend
Fall	King	Shafroth	Trammell
Fernald	Kirby	Sheppard	Underwood
Fletcher	Lenroot	Shields	Wadsworth
France	McKellar	Smith, Ariz.	Walsh
Gallinger	McNary	Smith, Ga.	Warren
Gerry	Nelson	Smith, Md.	Watson
Gulon	Norris	Smith, Mich.	Weeks
Henderson	Nugent	Smith, S. C.	Wilfley

Mr. TRAMMELL. I desire to announce the necessary absence from the Chamber of the Senator from Mississippi [Mr. VARDAMAN] on official business.

Mr. SUTHERLAND. My colleague [Mr. GOFF] is absent on account of illness.

Mr. McNARY. I wish to announce that my colleague, the senior Senator from Oregon [Mr. CHAMBERLAIN], is detained on official business.

Mr. WATSON. I wish to announce that my colleague [Mr. NEW] is detained on official business.

The PRESIDING OFFICER. Sixty Senators have answered to their names. There is a quorum present. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. Mr. President, there is no law under which the Surgeon General or his branch of the Government would do what the Senators think they are doing but which I feel confident they are not doing. What they are doing is simply to carry on a certain line of work in connection with the hospitals as an incident to medical treatment. They have not undertaken, and they have no legal right to undertake, any vocational training or education beyond that which is an incident to their medical treatment.

The act referred to by the Senator from Ohio [Mr. POMERENE] does not give any such authority. It was passed in 1916. I may say I was the author of the provision put into the military bill. It was in a time of peace. It had no reference to wounded soldiers in hospitals, but to soldiers in active service, and the vocational training was to be a part of their service in camp, limited to a training which did not interfere with their military service.

The provision said "soldiers while in active service," and at the close it said that "the training shall be given under regulations prescribed by the Secretary of War, which may in his judgment be consistent with the requirements of military instruction and service of the soldiers." It had no reference to soldiers who were about to be mustered out of the service on account of physical disability. There is, however, the right under the general appropriation for the Surgeon General's office to treat soldiers who are injured and to give them such physical training as may help restore them to a sound condition.

The Senator from New York read a list prepared by somebody showing what is supposed to be going on in Fort McPherson, at Atlanta, Ga. I live in Atlanta, Ga. I am very familiar with Fort McPherson. If that is the kind of rehabilitation the soldiers are to get, then let us concede we do not intend to do anything to rehabilitate the wounded. They have had at Fort McPherson as many as a thousand soldiers of the Regular Army at a time. They had a little blacksmith shop for their own work. They had a little tin shop. They had little shops around the fort. It is called a fort. It is not a fort at all; it is a large barracks.

They have little places for various kinds of work to be done for their own use. There is a little paint shop at which they painted some of their own things that needed painting; but as to having any kind of an organization or any kind of a place where such men could get training that could be called real training such as this bill contemplates, I am sure there is not anything of the sort there, and no such training has been given.

Mr. WADSWORTH. Will the Senator state when he last visited Fort McPherson?

Mr. SMITH of Georgia. I think it was some time last year. But I am confident opportunity for substantial vocational training has not been there provided. I do not think there are any wounded soldiers there; if so, scarcely any.

Mr. WADSWORTH. As a matter of fact, there has been quite a large number of troops at Fort McPherson. There are very large quartermaster supplies there.

Mr. SMITH of Georgia. I did not say it was not a large quartermaster-supply station. Atlanta is the headquarters for the distribution of all quartermaster's supplies. It is true that they have the largest warehouse there certainly south of the Potomac from which to handle the supplies, but it is not at Fort McPherson. I was speaking of wounded soldiers.

Mr. WADSWORTH. There are some there getting this training to-day.

Mr. SMITH of Georgia. There is not any of this training that amounts to anything there. They could take a soldier, if they wanted, and put him into their paint shop and let him dip a brush into a paint pot and rub it on something, but that is not what we mean by this bill. That is not the scheme we have in view. We desire the Surgeon General's office to do this little tinkering around the hospitals while the men are in the hospital and help them as much as can be done, encourage them, and start them on; but this bill proposes to take the soldier, after he is discharged, who is disabled, and rehabilitate him through vocational training.

I have a list of the varied lines of employment to which they have been sent by direction in Canada; 194 different lines of occupation into which they have gone. Some have gone to agricultural schools. The Senator from Louisiana spoke as if there was an agricultural school out at the Walter Reed Hospital, near here. There is a little garden. At the agricultural schools the soldiers will have the benefit of a board of trained teachers prepared to really give them help. They can be placed there under this bill, utilizing that part of the fund which places them in existing institutions. There are various kinds of institutions throughout the country already existing to which they can be sent. They are taught in 194 different lines of work in Canada. They are placed at times in manufacturing institutions, without pay, for practice. They are placed in mercantile institutions; they are placed in commercial institutions; they are placed in all kinds of industries for training. They are placed in all kinds of industrial schools. It is not simply to teach them a little handwork in a paint shop; it is, broadly, to take hold of these boys and find out what is in them, and finding out what is in them, to give them a chance to bring it out, that they can still be men and not suffer the distress through life of not being able to do anything, dependent solely upon their country's help.

Mr. SMITH of Michigan. May I ask the Senator if in Canada they are taken into the vocational schools voluntarily?

Mr. SMITH of Georgia. Entirely.

Mr. SMITH of Michigan. After the army has discharged them?

Mr. SMITH of Georgia. Entirely.

Mr. SMITH of Michigan. They have left the army?

Mr. SMITH of Georgia. Yes.

Mr. SMITH of Michigan. This is simply in furtherance of a plan to make them more self-supporting?

Mr. SMITH of Georgia. That is it exactly. The experience in England, the experience in Italy, the experience in France, the experience in Canada is that the real development of a man comes when he gets away from the uniform; when he is no longer under control of a man with a uniform. The army trains for obedience, for machine work. What we want to do is to retrain these boys for self-dependence, self-initiative, self-reliance.

The testimony before our committee from the experts was that the sooner they could be free from the control of the uniform the more rapidly they responded in all respects to their rehabilitation.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I yield.

Mr. CUMMINS. I ask a question purely for information, because I think the Senator from Georgia has correctly analyzed the bill. If the hospital under the military department of the Government is to do no more than suggested by the Senator from Georgia, and if his bill, which I think is correct, takes a soldier only after he is discharged and has become a civilian, why not strike out section 6 and eliminate all connection between the vocational establishment which it is proposed to create and the Army?

Mr. SMITH of Georgia. For this reason——

Mr. CUMMINS. And let us have an end to the discussion on that point.

Mr. SMITH of Georgia. I am giving the Senator my explanation of that. There will be for a while in the hospitals men doing some vocational work. There is some good vocational work which is done there of a preliminary character. Occasionally there would be a man with an injury, say, to his back, who must be kept in the hospital for 12 months. If he is physically in a condition to do it, it is important that he should be at once helped.

Mr. CUMMINS. That is tinkering, as the Senator from Georgia has well said. That is not really a part of the educational process that the Senator from Georgia has in mind.

Mr. SMITH of Georgia. Yes; just let me go a step further. It is exceedingly desirable that the men selected to help in those places should be well chosen. We do not believe we should require the Surgeon General's office to take the suggestion of the Federal Board for Vocational Education, but we require that they should confer. In Canada the civilian commission are required to take control of vocational work in the hospitals. They put into the hospitals the men they select. We do not think that was wise, but we require the board to confer with the representatives of the Army and Navy as to the hospitals, and to cooperate with them by giving their advice as to men suitable for the work, but we leave the Army and the Navy free not to take these suggestions unless they wish. I believe it will bring about a condition of complete cooperation between the Vocational Board and the Surgeon General's office. I believe that so perfect a system will grow up between them that when a hospital needs a man of a certain character to do vocational work they will confer, and the Vocational Board will help to select him. I believe we can bring about perfect cooperation.

I think this is the great chance to do something for our fellowmen, and especially those of them who have been the boys at the front fighting for us. I think their good will wipe out selfishness in the Army and elsewhere and make both willing to subserve the interests of the man and forget everything else. When they reach that point there will be no conflict between them. Only selfishness and littleness will produce conflict——

Mr. SMITH of Michigan. May I ask the Senator——

Mr. McKELLAR. Mr. President——

Mr. SMITH of Georgia. I am going to yield the floor.

Mr. SMITH of Michigan. Does the motion to strike out the word "prevocational" apply to all of section 6.

Mr. SMITH of Georgia. Yes; the three places.

Mr. SMITH of Michigan. And you also strike out the word "and," in line 3, before the word "vocational," on page 6?

Mr. SMITH of Georgia. I do not object to "prevocational" there. There is no objection to it on page 6. It is stricken out where it occurs by itself, but where it was used conjunctively it covers all kinds of education.

Mr. SMITH of Michigan. But the word as used in section 6 would undoubtedly give color to the idea that the training was to take place while the wounded man is in charge of the surgeons in the hospital. There ought not to be any conflict in that regard and would not be, I think, if the word "prevocational" was not used.

Mr. SMITH of Georgia. I do not object to striking out "prevocational" there.

Mr. McKELLAR. Before the Senator takes his seat will he yield to me?

Mr. SMITH of Georgia. The Senator from Michigan is asking me a question.

Mr. McKELLAR. Very well.

Mr. SMITH of Michigan. I suggest to the Senator from Georgia that, as a part of his motion, I believe that the words "prevocation and," on page 6, line 3, should be stricken out.

The PRESIDING OFFICER. That has already been done.

Mr. SMITH of Michigan. Not the word "and."

The PRESIDING OFFICER. By direction of the Chair it has been done.

Mr. McKELLAR. I merely desire to ask the Senator from Georgia this question. Our esteemed friend, the distinguished Senator from New York, has made a number of arguments on this floor urging us to follow the example in this war of England and Canada. I think it has been mighty good logic on his part, and I indorse it. I think we ought to do it wherever they have made a success of war propositions. As I understand the Senator—and I hope he will clear it up if I am wrong—this bill follows the experience of Canada, which is situated precisely like the United States.

Mr. SMITH of Georgia. Except in one respect. In Canada they allow their vocational board to designate the teacher who goes into the hospital. Here we leave that to the Surgeon General, but give him the benefit of the advice of the vocational board.

Mr. McKELLAR. But substantially it is identically the same system?

Mr. SMITH of Georgia. Barring that, it is practically the same. England more recently has come practically to the same plan. In Italy it is the same plan, but their work is largely confined to agriculture, because their rank and file of troops are principally from rural sections.

Mr. KING. I hope the Senator from Georgia will pay some respect to the suggestion that I made yesterday; $800,000 of this $2,000,000 appropriation is devoted to the payment of salaries and for the expenses of employees and for administrative purposes. Already the vocational board has a very large appropriation for administrative purposes. The board is already in existence. There is no additional machinery to be created. Of course, when the bill will become a law it will involve the creation of a few new officers and require the services of additional employees. It does seem to me that $800,000 out of the $2,000,000 appropriation is entirely too much for salaries, compensation, and administrative purposes, particularly in view of the fact that the machinery already exists, and a large appropriation has been made for administration purposes.

I wish the Senator would consent to an amendment reducing the appropriation to $300,000 where $550,000 is provided in the bill for the salaries of employees, and that the appropriation of $200,000 for administrative purposes be cut down to $100,000, in view of the fact that the machinery is already in existence.

Mr. SMITH of Georgia. Mr. President, I wish I could yield to the Senator's request, but I can not. A large part of their work is employing teachers. The teachers who instruct these men will do a great part of the work. It is an educational work. It is vocational training. We require them to file quarterly reports of their expenditures, of the salaries paid and the persons to whom paid. We have had not the slightest reason to believe that this board is anything but a careful, painstaking board. They have prorated this money according to the experience of Canada as to the expense in the operation of the work. I would not feel justified to accept his suggestion, and I hope the Senator will not press it. He is always on the side of economy and cutting expenditures, but do not cut this time.

Mr. KIRBY. I ask that the amendment I have proposed be read and that the section be read with the amendment included in it as it would read if the amendment were adopted.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Arkansas [Mr. KIRBY]. It will be read and the section will be read as it would read if amended.

The SECRETARY. On page 4, line 3, after the word "hereof," insert the following:

> And also for the benefit of all persons injured in civil employment so severely as not to be able to follow their usual vocations who shall likewise be entitled to such instruction without cost therefor under the usual regulations.

So that if amended the section will read:

> SEC. 3. That the courses of vocational rehabilitation provided for under this act shall, as far as practicable and under such conditions as the board may prescribe, be made available without cost for instruction for the benefit of any person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Article III of said act and who is not included in section 2 hereof, and also for the benefit of all persons injured in civil employment so severely as not to be able to follow their usual vocations who shall likewise be entitled to such instruction without cost therefor under the usual regulations: *Provided*, That no monthly compensation, family allowances, or expenses as provided by this act shall be paid on account of any such person availing himself of the courses under this section: *And provided further*, That nothing in this section shall deprive any such person of the benefit of the provisions of said act.

Mr. SMITH of Georgia. Mr. President, I only want to say this: I am not opposed to taking care of those who are disabled in the industries; I am very anxious to do that; but to put the entire number of those who are disabled in the industries upon the Federal Board of Vocational Education, with this limited appropriation, would make it impossible for them to do the work which this bill contemplates their doing.

What I would ask the Senator to do would be to join us, after we pass this bill, in preparing a bill to start in 1920 caring for those who are injured in the industries. We shall then have had 12 months' experience with our work, and shall know what we are doing. We would then be in very much better condition to take up something for them.

Mr. PAGE. Mr. President, I hope this amendment will not prevail, for I believe we should not enter upon any great work like this except with a condition attached to the legislation that the States themselves should bear a proportionate share of the expense. At this time to take upon the Government the whole burden of this work would be entirely out of harmony with our previous action on vocational education. It seems to me that

we ought not to burden the bill at this time with the Senator's amendment.

Mr. JONES of New Mexico. Mr. President, I should merely like to make this further observation: While I am heartily in favor of the purpose of the amendment, yet we have never engaged in any of this work before. We have not the teachers; we have not the equipment to take upon the Government at this time such a large burden as this amendment would impose. I therefore think that this is not an opportune time to enter upon that work. After we get the law in operation as to disabled soldiers and operate under it a while, then we can easily take on this additional burden; and I think we can then do so to very much greater advantage.

Mr. KIRBY. Mr. President, for the benefit of those who have not heard the discussion of the amendment I would suggest that it only provides that people who are injured in industrial employments shall be furnished the same free tuition as is proposed to be furnished soldiers under like conditions, none of their expenses, however, to be paid. As I understand, the establishment is there with the instructors provided and with the apparatus furnished. Under those conditions I do not see why a man who has been injured in civil employment may not have the benefit of such instruction.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas.

Mr. KIRBY. I ask for a division.

The question being put, on a division the amendment was rejected.

Mr. WADSWORTH. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The SECRETARY. On page 1, in line 9, after the word "who," it is proposed to strike out the words "is disabled under circumstances entitling him, after discharge," and in lieu thereof to insert the words "has been discharged."

Mr. WADSWORTH. The succeeding part, let me say, Mr. President, is part of the amendment which the Secretary has not as yet read.

The VICE PRESIDENT. The Secretary will continue the statement of the amendment.

The SECRETARY. And on line 11, after the name "United States," it is proposed to insert "because disabled under circumstances which entitle him."

Mr. WADSWORTH. Mr. President, perhaps I can with more facility than can the Secretary read the section as it would read if this amendment were adopted. It would then read:

That every person who has been discharged from the military or naval forces of the United States because disabled under circumstances which entitle him to compensation under Article III of the act—

As contrasted with the present language of the bill, which says:

That every person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation—

The Senator from Georgia [Mr. SMITH] and many other Senators who support the bill have reiterated many times that the purpose of this proposed act is to give to the Federal board jurisdiction over men after they have been discharged from the military service, and my amendment is for the purpose of making that perfectly clear.

Mr. SMITH of Georgia. Mr. President, I think it is already perfectly clear; I think the bill is in good shape, and I do not think the Senator will improve it by the language which he proposes. I hope the amendment may be defeated.

Mr. WADSWORTH. Let me state that it is not clear. Let me read from another portion of the bill, to which I have prepared another amendment, where most distinctly it applies to men who have not been discharged. Beginning at the bottom of page 3, section 3, the bill reads as follows:

SEC. 3. That the courses of vocational rehabilitation provided for under this act shall, as far as practicable and under such conditions as the board may prescribe, be made available without cost for instruction for the benefit of any person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Article III of said act—

If a soldier has been disabled under circumstances and in such a way as to entitle him after discharge to compensation, this act applies to him, although he may not have been discharged.

Mr. JONES of New Mexico. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. I yield.

Mr. JONES of New Mexico. If the amendment which has just been proposed be adopted, then I take it that the medical board operating in the hospitals would have no authority to request cooperation of this vocational board, and it would deprive the hospitals of the benefit of the aid of the persons employed and working under this vocational board. It therefore strikes me that the amendment which the Senator from New York suggests would militate against the very thing which he has in mind as being desirable.

Mr. WADSWORTH. If the Senator will read section 6 of the bill, I think he will find that the War Department would have the right to ask the assistance and counsel of outside help in training in the military hospitals.

Mr. JONES of New Mexico. I must say, then, if that be so, and if we are going to permit that to remain, I do not see the purpose of the Senator's amendment.

Mr. WADSWORTH. Mr. President, I have explained the purpose of the amendment just as clearly as I could, but, at the risk of boring the Senate to death, I will do it again.

It has been stated over and over again by the supporters of this bill that it is intended to apply only to men who have been discharged from the military service, but it is not so confined.

Mr. JONES of New Mexico. Mr. President——

Mr. WADSWORTH. Just a moment. The language is perfectly plain as it is written in the bill to-day. It does apply to men who have been disabled, but not discharged.

Mr. JONES of New Mexico. Mr. President, I think the Senator from New York has probably misunderstood the interpretation placed upon it. So far as the authority to control is concerned, it applies only to men after discharge, but so far as furnishing the means for rehabilitation and vocational education is concerned while the disabled soldier is in the hospital, the bill does apply by furnishing the facilities to aid the hospital authorities in carrying on the work. However, the authority of this board does not attach until after the discharge of the soldier.

Mr. LENROOT. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to call the attention of the Senator from New Mexico [Mr. JONES] to the fact that these means are not available at all, except as the soldier follows the prescribed course of instruction, and so unless the board has the power to prescribe the course of instruction in the hospital the soldier could not have the benefit of the act.

Mr. JONES of New Mexico. I think the Senator from Wisconsin is right in interpreting that as requiring the voluntary act on the part of the soldier.

Mr. WADSWORTH. Mr. President, my purpose in offering this amendment, as I before stated, is to make this matter perfectly clear. If any Senator can say that the amendment which I have suggested does any harm to this bill, I wish he would say it.

Mr. JONES of New Mexico. It may not do any harm, provided the other language of the bill is retained, but to strike out the language which the Senator wishes to strike out would be striking out language which is in harmony with the other provisions of the bill.

Mr. WADSWORTH. No, Mr. President, I have not suggested the striking out of any language which would deprive any soldier in the United States of educational training. I am only proposing to change the language so as to make it perfectly clear that the educational training to be given by this board shall follow the principle laid down by the Senator from Georgia and be applicable only to men after they have left the Army; that is all.

Mr. SMITH of Georgia. The words "and who, after his discharge, in the opinion of the board, is unable to carry on a gainful occupation," on page 2, carry their meaning.

Mr. WADSWORTH. Yes; Mr. President, that is on page 2, but the connecting section——

Mr. SMITH of Georgia. That is the first place designating the special authority for action.

Mr. NELSON. Mr. President——

Mr. WADSWORTH. I desire to reply to the Senator from Georgia. What possible harm would it do to substitute, as I have suggested, the words "is disabled" for the language "has been discharged"—if that is what the Senator wants?

Mr. SMITH of Georgia. I am sure it could not do any possible good.

Mr. WADSWORTH. Well, the Senator and I differ upon that question. At the bottom of page 3 it certainly makes a difference. Now, I invite the Senator to read the language in the beginning of section 3.

Mr. SMITH of Georgia. I was just looking at the language in section 3, and I am not sure that the word "discharged" might not with propriety be added there.

Mr. WADSWORTH. Not added, but substituted for "disabled."

Mr. SMITH of Georgia. No.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. WADSWORTH. I yield to the Senator from Minnesota.

Mr. NELSON. It seems to me, coming back to section 2, that the language of section 2 is much more to the advantage of the soldier than the amendment proposed by the Senator from New York. I am looking at it from the standpoint of the soldier.

Mr. WADSWORTH. So am I.

Mr. NELSON. While the soldier is in the service he continues to draw his pay as a soldier until he is discharged, and if during that period he can get some vocational training, why should he not get it? Why should he have to wait until after he is discharged?

Mr. WADSWORTH. He will not have to wait.

Mr. NELSON. That is the effect of the Senator's amendment.

Mr. WADSWORTH. Mr. President, I decline to be misunderstood in that way. I want the Senator from Minnesota clearly to understand that I am in favor of vocational training of these men, and furthermore, I am convinced—and I have it on the highest authority—that the vocational training must commence in the hospitals. But the Senator from Georgia time and time again has said that this bill does not take effect upon a soldier until after he has been discharged. I want that thoroughly understood.

Mr. SMITH of Georgia. I said——

Mr. NELSON. I am not predicating what I said to the Senator from New York upon what the Senator from Georgia has said; I am predicating it upon the language of the bill, and I say the Senator's amendment as he has proposed it to that section is to the disadvantage of the soldier. It is much more for the benefit of the soldier to have the language as it is now in the bill. I do not care what remarks have been made by others; I am predicating what I have to say upon the bill, and the language of the bill is clear that a soldier can receive vocational training before he is mustered out of the service, and so long as he is not mustered out of the service he draws his pay as a soldier in the Army. Why should not a crippled soldier have that little benefit as long as possible?

Mr. WADSWORTH. Mr. President, I regret that this topic should be brought up again. There is not the slightest doubt in my mind, and I do not think there is in the minds of a majority of the Senators, that the Surgeon General of the Army has the right to afford vocational training to wounded men, and he is doing it to-day in trade schools and machine shops. The criticism that has been directed against this bill is that while the Surgeon General has been busy with this work, carrying it on to-day for wounded soldiers just as the Senator from Minnesota wants it done, an outside authority under this bill will be injected into the situation and cause friction. That has been the criticism made against this bill. In reply to that criticism we are told that that is impossible under the bill; that they can not go into the hospitals, that they can not teach these soldiers until they are discharged. All I want is to have that made clear.

Mr. NELSON. Mr. President, will the Senator yield further to me?

Mr. WADSWORTH. I yield.

Mr. NELSON. What right has the Senator to assume that there will be friction between the Surgeon General's office and the Vocational Educational Board? I ask the Senator why does he assume that there will be friction? Is it because the Surgeon General's office does not want anybody to interfere with them? Have they got on such a high horse that they will not permit any other branch of the Government to cooperate with them? Is that what the Senator means by "friction"?

Mr. WADSWORTH. Mr. President, let us not attempt to question the motives or the good judgment or the discretion of any branch of the Government—the Surgeon General or anybody else—but, as a matter of good administrative policy, I think the Senator from Minnesota knows that we will at least avoid all danger of friction if we place authority in one hand.

I ask for the yeas and nays on my amendment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New York [Mr. WADSWORTH], on which he demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], and therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the Senator from North Dakota [Mr. MCCUMBER], which I transfer to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. WATSON (when his name was called). I have a pair with the Senator from Delaware [Mr. WOLCOTT]. In his absence I withhold my vote.

Mr. WEEKS (when his name was called). I transfer my general pair with the senior Senator from Kentucky [Mr. JAMES] to the senior Senator from New Jersey [Mr. FRELINGHUYSEN] and vote "yea."

The roll call was concluded.

Mr. GERRY. I inquire if the Senator from New York [Mr. CALDER] has voted?

The VICE PRESIDENT. He has not.

Mr. GERRY. I have a general pair with that Senator, which I transfer to the Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. OVERMAN (after having voted in the negative). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He being absent, I transfer my pair to the Senator from Illinois [Mr. LEWIS] and will let my vote stand.

Mr. JONES of Washington. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is necessarily absent. He is paired with the senior Senator from Missouri [Mr. REED].

I also wish to announce that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent on important business.

Mr. REED (after having voted in the negative). I desire to correct the Senator, if I may. I have a pair with the Senator from Michigan [Mr. SMITH], but it is a limited pair, limited to an occasion when one of us is out of the city, and I did not understand that the Senator from Michigan was out of the city.

Mr. JONES of Washington. He is not; but he asked me to make that announcement. I did not know the Senator from Missouri was present.

Mr. REED. In view of the fact that the Senator from Michigan, I take it, is relying upon the pair, I withdraw my vote.

Mr. DILLINGHAM. I inquire if the Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. I have a general pair with that Senator, which I transfer to the Senator from Maine [Mr. HALE] and vote "yea."

Mr. WEEKS (after having voted in the affirmative). The Senator from New Jersey [Mr. FRELINGHUYSEN], to whom I transferred my pair, having come into the Chamber, I now transfer my pair to the junior Senator from Michigan [Mr. TOWNSEND] and will let my vote stand.

Mr. CURTIS (after having voted in the affirmative). I desire to ask if the junior Senator from Georgia [Mr. HARDWICK] has voted?

The VICE PRESIDENT. He has not.

Mr. CURTIS. I transfer my pair with the junior Senator from Georgia to the junior Senator from Indiana [Mr. NEW] and will let my vote stand. I wish to announce that the junior Senator from Indiana is absent on official business.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is detained on official business.

I wish also to announce that the Senator from Mississippi [Mr. WILLIAMS] is detained on account of illness in his family.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

Mr. BRANDEGEE. I am paired for the day with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from New Jersey [Mr. BAIRD] and vote "yea."

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

The result was announced—yeas 22, nays 36, as follows:

YEAS—22.

Brandegee	Frelinghuysen	Norris	Smoot
Cummins	Gallinger	Poindexter	Sterling
Curtis	Harding	Pomerene	Wadsworth
Dillingham	Jones, Wash.	Ransdell	Weeks
Fernald	Lenroot	Saulsbury	
France	Lodge	Sherman	

NAYS—36.

Ashurst	Fletcher	Johnson, Cal.	King
Borah	Gerry	Johnson, S. Dak.	Kirby
Chamberlain	Guion	Jones, N. Mex.	McKellar
Colt	Henderson	Kenyon	McNary

Nelson	Reed	Smith, Ga.	Tillman
Nugent	Shafroth	Smith, S. C.	Trammell
Overman	Sheppard	Sutherland	Underwood
Page	Shields	Thomas	Vardaman
Pittman	Smith, Ariz.	Thompson	Wilfley

NOT VOTING—38.

Baird	Hardwick	McLean	Smith, Mich.
Bankhead	Hitchcock	Martin	Swanson
Beckham	Hollis	Myers	Townsend
Calder	James	New	Walsh
Culberson	Kellogg	Owen	Warren
Fall	Kendrick	Penrose	Watson
Goff	Knox	Phelan	Williams
Gore	La Follette	Robinson	Wolcott
Gronna	Lewis	Simmons	
Hale	McCumber	Smith, Md.	

So Mr. WADSWORTH's amendment was rejected.

Mr. GALLINGER. Mr. President, I will ask the Senator from Georgia to focus his keen analytical mind on the title of the bill, as well as to the use of certain words throughout the bill, namely, the words "vocational rehabilitation." I will ask the Senator if the words "vocational rehabilitation" express the idea he means to convey? We can all understand "surgical rehabilitation," but "vocational rehabilitation" is a misnomer.

Mr. SMITH of Georgia. I think that means rehabilitation by vocational training.

Mr. GALLINGER. That is not what it says.

Mr. SMITH of Georgia. We differ about that.

Mr. GALLINGER. The Senator throughout the bill, in two or three places at least, will find that "vocational training" is mentioned. For instance, on page 5, line 26, the words "vocational training" are found, and the word "training" is used in one or two other places at least in the bill. It seems to me that the language should be "vocational training." We can not rehabilitate a thing that does not exist. We are to teach the soldiers something that they have not known. So we do not rehabilitate them in that regard, and I ask the Senator if it will not be agreeable to him to substitute the word "training" for the word "rehabilitation" wherever it occurs in the bill?

Mr. SMITH of Georgia. Mr. President, if that were done, I think the proper course would probably be to use the term "for vocational training for rehabilitation and return."

Mr. GALLINGER. I do not think that improves it. I tried to rehabilitate the American merchant marine, because it did not exist. You can not rehabilitate a man into something that he has not possessed at some time previously. I will not make the motion now, but before the bill passes, unless the Senator does that, I will make a motion to strike out the word "rehabilitation" wherever it occurs and substitute the word "training."

Now, Mr. President, I ask that an amendment I suggested a while ago be acted on. I will say, in a very few words, having pretty accurate knowledge as to the proper management of hospitals, as well as the proper management of the sick room, that to authorize, even by implication, any board or any person to invade the hospital or the sick room without the consent of the medical officers in charge would be a very unusual and a very wrongful thing. My amendment simply proposes that no vocational training or teaching shall be undertaken in the hospitals without the explicit authority of the medical officers in charge. I think the Senator from Georgia, however he may feel about "vocational rehabilitation," will agree to the soundness of my amendment, covering as it does that one particular thing.

Mr. SMITH of Georgia. Has it been reported?

Mr. GALLINGER. It will now be reported.

The SECRETARY. On page 3, line 10, after the word "withheld," it is proposed to insert the following proviso:

Provided, however, That no vocational teaching shall be carried on in any hospital until the medical authorities certify that the condition of the patient is such as to justify such teaching.

Mr. SMITH of Georgia. Mr. President, so far as I am concerned, I am ready to accept that amendment. I think it is perfectly sound. I have spoken to several other members of the committee, and I think each member of the committee agrees with me in regard to it.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. FRANCE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 4, it is proposed to strike out the word "board" and insert the words "office of the Surgeon General."

Mr. FRANCE. Mr. President, I do not care to lengthen this debate; but I do feel, as a medical man, that a very grave mistake would be made if this work of physical rehabilitation were taken out of the hands of the Surgeon General and put into the hands of any board. From my standpoint, the case has been very clearly stated by the Senator from New York [Mr. WADSWORTH], the Senator from Utah [Mr. KING], and the Senator from Louisiana [Mr. RANSDELL]. I offer this amendment, the effect of which will be, if adopted, to leave the bill practically as it is, except that all of the functions to be performed under the legislation will be performed directly under the Surgeon General. I offer this first amendment, and, if it is adopted, I have other amendments which will perfect the bill so that it will conform to this amendment.

Mr. SMITH of Georgia. Mr. President, this amendment goes to the very bottom of the bill. A vote for it is a vote against the bill. That is practically the situation. Therefore I shall not discuss it.

Mr. POMERENE. Mr. President, I am not entirely clear whether I ought to vote for this amendment or against it, notwithstanding what the Senator from Georgia has said. There seems to be a disposition on the part of certain Senators to charge others who differ from them with being opposed to vocational training.

Mr. SMITH of Georgia. Mr. President, I did not say that. I said that a vote for this amendment was a vote against the bill.

Mr. POMERENE. That has been substantially said by one or two Senators.

Mr. SMITH of Georgia. But I did not say it.

Mr. POMERENE. I can submit to unfair criticisms at times, but at other times they go entirely too far. My own judgment about this bill is that it would be very much better if the bill were referred back to the committee, in the light of the criticisms which have been made from the floor, and if, perhaps, out of the abundance of this information, some modifications of the bill were to be made.

Now, let me make this suggestion: The administration of the powers provided for in this bill is referred to the Federal board for vocational education. This board was provided for under a bill that I very much approved, but it was to provide for the vocational training of normal human beings, possessed of normal faculties, possessed of arms, and legs, and eyes, and nose, and mouth, and ears. The board is to be composed of certain Cabinet officials and three other citizens to be appointed. I dare say that if any Senator were appointing those three civilians he would appoint one class of men, if they were to have control of normal human beings; but when we understand that the purpose of the pending bill is to train men who have lost some of their members, it seems to me that we want another type of men to have charge of their instruction. We have many splendid teachers in our public schools to teach the use of normal faculties, but we would not employ those same teachers to go to a school provided for the blind or the deaf or the dumb.

Mr. JONES of New Mexico. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Mexico?

Mr. POMERENE. Pardon me just a minute. We are to deal with these unfortunates who come back from the battle lines, and notwithstanding the criticisms that have been uttered by some Senators against those who are not quite willing to accept all of the provisions of this bill, I think there is not a Member of the Senate who is not in favor of vocational training for these unfortunate soldiers when they come back, and I am willing to go to any length that may be necessary from a financial standpoint to help provide for their future.

Up to date, however, those who are under treatment in the hospitals have been under the charge of skilled surgeons. Why? If a patient's arm is off, surely a surgeon, who knows the human body and knows every bone, muscle, sinew, and nerve, is the proper man to teach that patient how to get control of his physical faculties. I do not say that he alone should have control of the patient, but I am fearful that when we attempt to put the education of these abnormal men—abnormal physically, I mean, because of their crippled condition—under a board which was organized for the training of another class of individuals, we may not be serving to the best purpose the ones whom we wish to serve. That is my view about it.

Mr. JONES of New Mexico. Mr. President——

Mr. POMERENE. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I suppose the Senator recognizes that this is a new undertaking; does he not?

Mr. POMERENE. I do.

Mr. JONES of New Mexico. And we have no class of people skilled in this line of work who are particularly fitted to conduct the work at the present time.

Mr. POMERENE. Mr. President, I do not accept that statement, and I do not accept it for this reason: There are American medical men who have been over on the battle front from the

time this war began, studying this proposition. I know of some of them myself.

Mr. JONES of New Mexico. Mr. President, it occurs to me that while these medical men may have some learning connected with the uses which may be made of partial members of the human body, yet they have no connection with the business interests of the country which would enable them to know to what uses the soldiers might be put. As I understand, in Canada they are training disabled soldiers in 196 different lines of industry, and it would not do to train all of these people for the same vocation.. Inasmuch as we have no class of people especially equipped to carry on this training, is it not reasonable to suppose that men who are engaged in the vocational training of normal people are better equipped for this purpose than mere medical men?

Mr. POMERENE. Mr. President, I do not know of anybody who has even suggested that all these men should be trained for one vocation. Why should a suggestion of that kind be made here on the floor of the Senate in a sober discussion of a question of this kind?

The thing that is most needed is to teach the patient how to use his muscles, how to use these crippled members; and with all due respect to the other 94 Senators on this floor, I would have more confidence in the ability of the 2 medical Members of this body to teach the patients how to resume the normal use of their members than I would in the ability of the other 94.

This bill in its present form came to this body of the 21st of this month, if I remember the date correctly.

Mr. SMITH of Georgia. But with practically no change except the change which consisted in leaving out the provision that on the action of the Board for Vocational Education these men could be put back into the service and held under discipline. That is the only provision that was stricken from the bill. The balance is simply a change of verbiage; and in its last shape it is simply the perfected bill on which the committee had completed its work.

Mr. POMERENE. I accept the Senator's statement with regard to that, but I do not quite see what was the necessity of presenting this substitute bill. That, however, is neither here nor there. Senators have been very much engaged in other matters, and I know that I have not had the time to study this bill that I should like to devote to it because of my other engagements. It may be that after a further study I would accept it rather than the other; I do not know; but I have been very much impressed with the force of the arguments which have been made by Members here to the effect that to a certain extent, at least, these patients should be under the control of the Medical Department of the War Department. I do not say that they should be entirely under their control, but I think they should be for some time, at least; and it is very important that as early as possible after a partial recovery these patients shall be given the benefit of this training, whatever it is to be, and in such degree as the attending surgeons may say they ought to be permitted to be trained.

Mr. SMITH of Georgia. Mr. President, I only desire to say that this amendment goes to the very root of the whole question involved. Shall the Surgeon General undertake to handle these soldiers up to the time they are placed in employment? Shall he, without any special training in educational work, without any special study of vocational problems, without a knowledge of the industries of the whole country, and the possibilities of work, have this task intrusted to him, or shall it be intrusted to the Board for Vocational Education?

Mr. LODGE. That is, the alternative is that it shall be intrusted to a board who have no medical knowledge whatever.

Mr. SMITH of Georgia. No. After the Surgeon General has discharged the soldier, after the medical work has been finished, he then goes to the civilian board.

Now, I only wish to say this: The subject, instead of being new with the introduction of the bill in May, has been actively before the Senate and before the country for the past three months. I have put matter into the RECORD upon the subject; I have called for reports upon it; I have sought to attract the attention of the Senate to it. Dr. Gifford and the Council of National Defense put a substantial amount of work upon it. A committee of which Mr. Roosevelt, the Assistant Secretary of the Navy, was a member, put a large amount of work upon it. Trained educators did the same thing. The Red Cross has done so. The representative of the Red Cross came to us and advised us that the successful work had only been done for the soldier when, as soon as possible, he was removed from uniformed control and put under civilian control. The director of the Canadian work came and told us that that was true of Canada and that they conducted their work in that way and had made a success of it in that way. An investigation of the policy of England, France, and Italy disclosed that after trying out the subject they found the greatest good was accomplished by placing the soldier, after he left the hospital, in charge of civilian instructors; and the conclusion brought to us from this broad study of the experience of other countries was that when the soldier left the hospital civilian direction of his preparation again for vocational occupation was best.

Mr. GALLINGER. Mr. President, will the Senator permit me to ask him a question?

Mr. SMITH of Georgia. Certainly.

Mr. GALLINGER. I will ask the Senator if Canada has, in connection with this most excellent work, a board corresponding to the board that is provided for in this bill?

Mr. SMITH of Georgia. Not entirely, because Canada has not a formally established board for vocational education; but Canada created a board to handle this work. It is not as desirable as ours, I think, because they had to go into it as a task more nearly new to them——

Mr. GALLINGER. The Senator is sure that a board was established?

Mr. SMITH of Georgia. I am sure that Mr. Kidner so stated. I think they call it a commission.

Mr. GALLINGER. It is a board in aid of the work of certain citizens, as I understand it.

Mr. SMITH of Georgia. They call it a commission—a citizens' commission, perhaps, or a civil commission supported by the Government——

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. I desire to ask a question of the Senator from Georgia. Does he understand that under the amendment pending, and others which are to be offered, as suggested by the Senator from Maryland, after the soldier is discharged and becomes a civilian his vocational training shall still be in the hands of the War Department?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. That is the meaning of the amendment?

Mr. SMITH of Georgia. That is the effect of it.

Mr. FRANCE. Mr. President, I think my amendment requires some further explanation. I have a very long amendment, which is practically a series of amendments, which changes the bill quite materially, inasmuch as the effect of these amendments would be to put all of this training or rehabilitation work under the direct supervision of the Surgeon General. These amendments, however, go further than that. They also provide that this training shall be given while the man is still in the Army. I believe that this rehabilitation work should be begun immediately and that is should be continued until the man is discharged. I am very decided in my opposition to a voluntary system of rehabilitation training.

I do not care to go into any extended argument this afternoon, because I feel that the question is quite well understood; but I am decided in my opposition to a voluntary system when it comes to this matter of rehabilitation. I believe that it should be compulsory, and that in order to be successful it must be compulsory.

In this connection I will read what seemed to be a huge joke to the committee, but which I think carries within it the many tragedies which will follow if we do not make this system of rehabilitation compulsory:

> The CHAIRMAN. Suppose in Canada he [the soldier] said, "I do not want the vocational training that you will give me. I do not want to be prepared as you will wish to prepare me. I wish to go home." What do you do with that man?

And the Canadian, Mr. Kidner, said:

> We would say, "Good morning." [Laughter.]
> The CHAIRMAN. "Go home"?
> Mr. KIDNER. Yes.

I think it would be a very great mistake to say to this man who might say, "I do not wish this training," "Good morning; go home. If you prefer to be a pensioner on the Government all the rest of your life, go home; we will have nothing more to do with you."

Personally, I believe in compulsory education. I think that one of the great national failures which has been revealed in this war is our failure to properly train all of our youth for citizenship, both in time of peace and in time of war. I believe that this rehabilitation work should be carried on before the soldier is discharged, and when I say that I feel that I am in agreement with the authorities who have carefully studied this question.

Mr. BRANDEGEE. Mr. President, may I ask the Senator a question at that point?

Mr. FRANCE. Certainly.

Mr. BRANDEGEE. I entirely agree with the Senator that the treatment ought to be compulsory as long as the soldier is in the military service of the United States and until he is discharged from the Army; but after he becomes a civilian and goes back to his State, how can the system be made compulsory, either under a board or under the Surgeon General's authority, in any other way than by saying that if the man does not take the treatment prescribed he shall forfeit his claim to certain benefits to which he otherwise would be entitled?

Mr. FRANCE. It could not be made compulsory, and I think the issue here is very plain. It is not merely a question as to whether the Surgeon General or the vocational board shall have charge. It is a question as to whether we shall adopt the compulsory or the voluntary plan; and I feel that the compulsory plan is the only one which, particularly under our American conditions, will give us the desired results.

Mr. SMITH of Georgia. Mr. President, the Senator's idea is that the man shall be kept in the military service and controlled as a soldier?

Mr. FRANCE. Yes; that is my view, and it is a view which I think is shared by the majority of the medical men who have considered this subject.

Mr. NELSON. Mr. President, will the Senator allow me to ask him a question?

Mr. FRANCE. Certainly.

Mr. NELSON. Would not the Senator's plan lead to the retention of the soldier in the service indefinitely? It might take years and years before the man was thoroughly rehabilitated, and under the Senator's idea, as I understand it, the soldier ought to remain in the military service in order to have this vocational training, in order to make it compulsory. Is that the Senator's idea?

Mr. FRANCE. My thought is that it would not take such a long time to reconstruct the soldier and to rehabilitate him.

Mr. CUMMINS and Mr. PAGE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Maryland yield; and if so, to whom?

Mr. FRANCE. I yield to the Senator from Iowa, who addressed me first.

Mr. CUMMINS. Does the Senator think that his amendment fairly presents the view he has just expressed, so that one would vote directly upon the question?

Mr. FRANCE. It does not. I will say to the Senator that my amendment is really part of a long series of amendments. However, I present this fundamental amendment at this time in order to test the views of the Senate upon this subject. The question to be decided, I think, as we vote upon this amendment is a double question: First, shall this work of reconstruction be carried on by medical men or by laymen? Second, shall it be compulsory or shall it be voluntary? Those two questions are involved, I think, in my amendment.

Mr. CUMMINS. As the amendment is now presented, if it should be adopted and the other amendments are not agreed to, we would then have the situation in which the War Department, through the Surgeon General, undertakes to train civilians, soldiers after they are discharged. And allow me to ask another question. Is it the Senator's view that the Government shall select the employment for which the disabled soldier is most fit and compel him to follow that employment?

Mr. FRANCE. No; that is not my thought.

Mr. CUMMINS. If training or vocational rehabilitation, if there is such a thing as that, is to be carried on by the Government, if the Government is to establish the course and it is to be compulsory, then, I take it, the Government must determine what that man shall in the future do in order to earn a living. I can not quite understand the scope of the amendment of the Senator from Maryland.

Mr. PAGE. Mr. President——

Mr. FRANCE. I yield to the Senator from Vermont.

Mr. PAGE. For a question. I should like to ask the Senator if, in his opinion, we could hold a man who has enlisted for the war after the termination of the war for the purpose of vocational education?

Mr. FRANCE. I should think that we might. If it were for his own benefit and for the benefit of the community, I think the Government is under an obligation to take the men who may be disabled in the service of the country and place them in the very best possible position to take up again their duties in civil life.

Mr. PAGE. But did we not enter into a fair contract with these men when they were enlisted in the service that they were to serve during the war? Having made a fair contract with them, ought we not to keep it? We have said that when the war has terminated they should be discharged.

Mr. BRANDEGEE. If I may make a suggestion to the Senator, my strong impression is that under the draft act the men can only be drafted for the period of the war, and that their services would terminate automatically with the war. However that may be, I am going to ask, now that I am on my feet, if the Senator from Maryland will permit me, if it is not possible for him to so state the whole series of his amendments or else state what the exact effect upon the bill would be if all the series of amendments were adopted, because a vote on the first one is not quite fair unless we can see the effect of the rest on the bill.

Mr. GALLINGER. Will the Senator permit me?

Mr. FRANCE. I yield.

Mr. GALLINGER. I want to make an appeal to the Senator from Georgia. The Senator from Maryland has offered one amendment, which is a part of or intimately connected with a series of amendments which he proposes to offer. I ask the Senator from Georgia if he does not think it would be wise to let the bill go over, that those amendments may be printed so that we may see them all at a glance?

Mr. SMITH of Georgia. I had hoped we could vote on the bill this afternoon. If we vote down the first amendment, the balance of the amendments the Senator from Maryland does not expect to offer. It is simply the issue raised as to whether the Surgeon General's Department and the Army shall have charge or whether it shall be civilian charge.

Mr. GALLINGER. It seems to me it is a vain hope that we will vote on the bill to-night. There are other amendments to be offered, and some of us want to indulge in a little conversation on the bill itself.

Mr. SMITH of Georgia. Then I ask unanimous consent that when the Senate ceases its session to-day it shall take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Let it be this way: That at not later than the hour of 6 o'clock p. m. to-day the Senate shall take a recess until 12 o'clock to-morrow.

Mr. SMITH of Georgia. All right.

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. Mr. President, just a word. A great many Senators are very busily engaged in committee work, and it has been mooted, at least, that we might have one day off, and that would be Saturday. The bill will not be injured by going over until Monday.

Mr. SMITH of Georgia. I object, Mr. President, to that. I think we ought to go on with the bill and finish it. There is other work to come up on Monday, and, while I regret that we have not gotten through——

Mr. GALLINGER. What other work has the Senator reference to?

Mr. NELSON. Mr. President, will the Senator from Maryland yield to me? I think he is entitled to the floor.

The VICE PRESIDENT. There are seven Senators on the floor.

Mr. FRANCE. I yield to the Senator from Minnesota.

Mr. NELSON. I want to say that this amendment of the Senator from Maryland goes to the very heart of the bill. The question is whether you are to have the work done under this board or under the Surgeon General, and we can vote on it to-night and dispose of it. When we have disposed of it, if we vote it down, there will be no occasion to consider the other amendments. If we adopt it, then there will be time enough to consider the other amendments.

Mr. SMITH of Georgia. I had hoped we could give it that direction. I do not think anyone wants to debate this subject further.

Mr. GALLINGER. The Senator from Georgia and the Senator from Minnesota have asserted that this amendment goes to the very heart of the bill. I will ask the Senator from Maryland a question. I do not know what his amendments are, and I think we ought not to be compelled to vote on an amendment or a series of amendments without knowing what the other amendments are. I ask the Senator from Maryland if he proposes to strike out this language:

> For the preparation of instructors and salaries of instructors, supervisors, and other experts, including necessary traveling expenses, $545,000.

If the Senator does not propose to strike that language out, then it is in the hands of the Surgeon General, and he has the authority to employ these agents and helpers in the administration of the law. So it does not go to the very heart of the bill. It does not destroy the bill, as it has been suggested it would.

Mr. FRANCE. I will say in answer to the Senator from New Hampshire that I do not contemplate striking out those words. The purpose of my amendment is merely to change the authority back to the Surgeon General, and to have the work carried on while the soldier is still in the service before his discharge. Those really are the purposes which will be accom-

plished if the amendments which I have prepared are adopted. I am perfectly willing to have a test made upon the first amendment, with the understanding, of course, that those who vote for the first amendment will vote to perfect the bill by adopting the subsequent amendments which I shall offer. That is perfectly agreeable to me.

Mr. McKELLAR. That is perfectly fair.

Mr. FRANCE. I do not care to take any further time, because I think probably all Senators understand the subject.

Mr. KING. Will the Senator yield?

Mr. FRANCE. I yield.

Mr. KING. I do not propose to ask a question, but it is really an appeal to the Senator from Georgia. I listened with great interest to the statement made by the Senator from Ohio [Mr. POMERENE]. I think he expressed the views of a number of us. I am not satisfied with this bill. I am not satisfied with the lodging of this power in the hands of this civilian board. We are embarking upon a plan, a scheme, an undertaking the magnitude of which few of us fully comprehend. It does not mean this $2,000,000, it means ultimately, with the subsequent legislation which will come, with the coordination of this board perhaps with State activities, the appropriation of millions and tens of millions and possibly hundreds of millions of dollars.

I want to appeal to the Senator from Georgia, who has handled this bill with great skill and with great ability, and who has thrown his whole soul into this matter, to let it go over until Monday. I do not think there ought to be any intolerance. We are all in favor of some broad, comprehensive scheme that will care for those who are wounded and rehabilitate them so far as it can be done for the activities of life. Some of us are deeply interested in it. Our boys are going over. Our relatives are there. Those whom we love are there. There is no opposition to a broad and comprehensive plan that will deal in an effective and proper way with those who are wounded and maimed.

It seems to me that when we are laying down a plan that will be enduring, a plan that is to deal with this question, it ought to be a broad and a comprehensive one. The Senators who have been on the committee have had advantages denied to the rest of us. I am not complaining. They have studied this question for weeks, possibly months. To many of us it is a new proposition. The importance of it we are trying to comprehend, and because we are not as fortunate as they and do not have the information they possess they ought not to challenge our devotion to this important measure because we do not immediately accept the views which they so sincerely and so lucidly present.

Mr. GALLINGER. Mr. President——

Mr. KING. I yield to the Senator.

Mr. GALLINGER. If the Senator will permit me, I believe the Senate will agree that I am reasonably diligent upon the work of the Senate, yet I had no knowledge that a bill of this kind was being considered until I came into the Senate Chamber and found it was before the Senate for consideration. That may not be a tribute to my intelligence or my careful watchfullness over legislation in this body, but it is the fact. Then, when I found the bill was being considered, I took it and made a little study of it.

Mr. KING. If the Senator from Maryland will still pardon me, and I thank him for his courtesy, I am not satisfied with the bill in its present form, and I am not satisfied exactly with the suggestion made by the Senator from Maryland. I was in hopes that with the benefit which all of us I am sure have derived from the debate to-day, further opportunity for reflection upon the part of Senators would be provocative of good and would result possibly in a bill that would meet the desires and the demands and views of all, and possibly be an improvement upon the one which is now before us for consideration.

If there was hostility to the bill, to the plan in general, if there was factious opposition to it, then there would be perhaps some excuse for the driving power and insistence of my distinguished friend from Georgia. But I beg of him to let the matter go over until Monday and give us further opportunity to read the testimony and to digest the suggestions which have been made with a view to agreeing upon some measure which will meet the demands of all.

I thank the Senator from Maryland for his courtesy.

Mr. HITCHCOCK. Will the Senator from Maryland permit me.

Mr. FRANCE. Certainly.

Mr. HITCHCOCK. I will suggest another reason why the bill ought to go over to-night. The Senate ought to have an executive session. It is now a quarter after 5.

Mr. SMITH of Georgia. I agree that it shall go over until to-morrow.

Mr. McKELLAR. The Senator from Maryland, if I may be permitted to interrupt, is perfectly willing to have a vote on his amendment. It seems that every Senator here understands it fully. I do not see why we can not vote upon it.

Mr. FRANCE. Mr. President, I may say that I would prefer, of course, to have the consideration of this measure go over. I find myself in entire agreement with the remarks just made by the Senator from Utah [Mr. KING]. I think I am in entire sympathy with the purposes which the Senator from Georgia has in mind. In fact, for a long time I have been very deeply interested in his wonderful work for the promotion of vocational education in this country.

I feel, however, that a mistake is being made in this particular legislation. I find that my very brief remarks already have been somewhat misunderstood. The Senator from Iowa [Mr. CUMMINS] asked me what I meant by the compulsory system. It would take me some time to go into that fully. I mean simply that the man while in the service of the country will be compelled to take some form of rehabilitation treatment which will be compulsory in the same sense that his medical or surgical treatment is compulsory. I could make that perhaps more clear by going into specific cases which I myself have seen in the base hospitals which I have visited. I could explain, by going into particular cases, exactly what I mean by the compulsory system of training. It does not mean that a man will be compelled to take training in some particular vocation, but that he will be compelled to take rehabilitation training of some kind. There is no opposition on the part of the men, I may say, to taking that training. They eagerly welcome it. The cases which have been presented this afternoon do not clearly represent the condition. There are patients who are compelled to remain in hospital and in bed for months. Take a patient, for example, whose two lower extremities have been burned or where there has been a compound fracture. That necessarily compels his confinement for a long time. While that man is in bed, he can be trained not only in telegraphy and typewriting and stenography, but he can also be trained for a profession, the study of which may have been interrupted when he went into the service.

Mr. WADSWORTH. On that very point, may I remind the Senator that there is a soldier now in the Walter Reed Hospital who lost both legs back of the line in France last October. The man is still in the hospital and undergoing a course of treatment and is studying chemistry. His course in chemistry was commenced at the University of Verdun before he enlisted in the service. That illustrates exactly what the Senator is bringing out. He is doing it under the auspices of the Surgeon General.

Mr. FRANCE. I will say to the Senator from Georgia I do not feel that we are in opposition at all as we consider this measure, but I think the whole plan which we are contemplating for physical and vocational rehabilitation should be vastly enlarged. Of course, my chief dissatisfaction with this plan is that it is not big enough to fit the case. I have stood here day after day until I was almost ashamed to stand on the floor of the Senate and pleaded for the organization of this Nation for war. We can not win this war with an Army alone. Why can we not have the scales struck from our eyes, so that we may see this mighty task in all its proportions?

Mr. President, it is absurd to take a man who has been crippled at the front and rehabilitate him and not take the man who has been crippled by falling from the hull of a ship where he is riveting. If his fall results in a permanent disability we should take him also and reconstruct him. Of course that can not be done under this plan. We need a large plan for the prosecution of this war. We should have the shipbuilders drafted into the Army as the shipbuilders' corps, and when those men meet with an accident by which they become permanently disabled they should be taken out and rehabilitated and reconstructed. It is now just as much a military operation to shovel coal out of a mine as it is to shovel it into the boiler of a man-of-war.

I hope the Senator from Georgia will let the matter go over in order that we may consider this whole question from the standpoint of adopting a more comprehensive plan than that which is now under consideration, a plan which would make it possible for us to reconstruct those injured in industries as we are trying to reconstruct those injured at the front. I also feel that the insurance feature should be extended to men not engaged in strictly military operations, but in such work as the iron and steel industries, in riveting ships, and in the manufacture of munitions.

Mr. HITCHCOCK. I should like to ask the Senator whether he will yield to me, in order that I may move an executive session?

Mr. FRANCE. I yield, with pleasure.

EXECUTIVE SESSION.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of executive business.

On a division the motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 11945) to enable the Secretary of Agriculture to carry out during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution (14) providing for the printing of 16,500 copies of the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Sequoyah, presented by the State of Oklahoma, etc., in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution (43) providing for the printing of 1,500 copies of the Journal of the Fifty-second National Encampment of the Grand Army of the Republic for the year 1918, etc., in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 11945. An act to enable the Secretary of Agriculture to carry out during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," was read twice by its title and referred to the Committee on Agriculture and Forestry.

STATUE OF SEQUOYAH.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was referred to the Committee on Printing:

House concurrent resolution 14.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Sequoyah, presented by the State of Oklahoma, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Oklahoma.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with the proceedings.

GRAND ARMY OF THE REPUBLIC.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was referred to the Committee on Printing:

House concurrent resolution 43.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Fifty-second National Encampment of the Grand Army of the Republic for the year 1918, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

ADJOURNMENT.

Mr. HITCHCOCK. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 25, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 24 (legislative day of May 23), 1918.

APPOINTMENTS IN THE ARMY.

DENTAL CORPS.

To be first lieutenants.

Charles Jefferson Denholm, of Pennsylvania, from May 7, 1918.
Harry Holmes, of Georgia, from May 7, 1918.
Elmer Henry Nicklies, of Iowa, from May 8, 1918.
Harold Jensen, of Oregon, from May 8, 1918.
Edward William Blurock, of California, from May 9, 1918.
Daniel Sumner Lockwood, of Illinois, from May 9, 1918.
Thomas Winton Deyton, of North Carolina, from May 10, 1918.
James Barto Mann, of Texas, from May 10, 1918.
Avery Scott Hills, of California, from May 11, 1918.
George Mason Babbitt, of Illinois, from May 11, 1918.
Judge William Fowler, of Georgia, from May 12, 1918.
Francis Stone Adams, of New York, from May 12, 1918.
Archie Thomas McGuinness, of California, from May 13, 1918.
Carl Howard West, of Wyoming, from May 14, 1918.
Edwin Moore Kennedy, of Kansas, from May 15, 1918.
Merle W. Catterlin, of Illinois, from May 16, 1918.
Thomas Minyard Page, of Georgia, from May 17, 1918.
Clarence Pefferce Jackson, of Illinois, from May 18, 1918.
Chester Bumgardner Parkinson, of Illinois, from May 19, 1918.
Herbert Edwin Guthrie, of West Virginia, from May 20, 1918.
James Harold Keith, of Massachusetts, from May 21, 1918.

APPOINTMENTS BY PROMOTION IN THE ARMY.

CAVALRY ARM.

To be first lieutenants with rank from February 9, 1918.

Second Lieut. W. Dirk Van Ingen, Cavalry.
Second Lieut. Herbert V. Scanlan, Cavalry.
Second Lieut. Sigurd von Chirstierson, Cavalry.
Second Lieut. Kenneth O. Spinning, Cavalry.
Second Lieut. Curt E. Hansen, Cavalry.
Second Lieut. Vincent P. Ryan, Cavalry.
Second Lieut. Raymond C. Blatt, Cavalry.
Second Lieut. Clinton de Witt, Cavalry.
Second Lieut. Harold J. Adams, Cavalry.
Second Lieut. William B. Van Auken, Cavalry.
Second Lieut. Harold Kitson, Cavalry.
Second Lieut. John Boles, Cavalry.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named passed assistant surgeons to be surgeons in the Navy with the rank of lieutenant commander from the 15th day of October, 1917:

Martin Donelson and
Myron C. Baker.

The following-named passed assistant surgeons to be surgeons in the Navy with the rank of lieutenant commander from the 1st day of January, 1918:

Elmer E. Curtis,
Dow H. Casto,
Charles W. O. Bunker,
Howard F. Lawrence,
Charles J. Holeman, and
Gordon D. Hale.

Passed Asst. Surg. Alexander B. Hayward to be a surgeon in the Navy with the rank of lieutenant commander from the 8th day of January, 1918.

The following-named passed assistant surgeons to be surgeons in the Navy with the rank of lieutenant commander from the 1st day of February, 1918:

Montgomery E. Higgins and
George W. Shepard.

The following-named passed assistant surgeons to be surgeons in the Navy with the rank of lieutenant commander from the 15th day of May, 1918:

Ernest W. Brown,
Dallas G. Sutton,
Lawrence M. Schmidt,
William Chambers,
Sankey Bacon,
Frank P. W. Hough,
Kent C. Melhorn,
Lee W. McGuire,
Joseph A. Biello,
George C. Rhoades,
Alfred J. Toulon, and
Harry H. Lane.

The following-named passed assistant paymasters to be paymasters in the Navy with the rank of lieutenant commander from the 1st day of July, 1917:

John J. Luchsinger, jr.,
Eugene H. Douglass,
Robert K. Van Mater,
William S. Zane,
James C. Hilton,
Ellsworth H. Van Patten,
Joseph E. McDonald, and
Everett G. Morsell.

Passed Asst. Paymaster Thomas P. Ballenger to be a paymaster in the Navy with the rank of lieutenant commander from the 7th day of August, 1917.

Passed Asst. Paymaster Frank T. Foxwell to be a paymaster in the Navy with the rank of lieutenant commander from the 10th day of January, 1918.

The following-named passed assistant paymasters to be paymasters in the Navy with the rank of lieutenant commander from the 15th day of May, 1918:

Richard H. Johnston,
Dallas B. Wainwright, jr.,
William H. Wilterdink,
George P. Shamer,
Omar D. Conger,
John F. O'Mara,
James P. Helm,
Frank Baldwin,
Patrick T. M. Lathrop,
Manning H. Philbrick,
Henry L. Beach,
John H. Knapp,
John L. Chatterton,
Fred E. McMillen, and
Maurice H. Karker.

Gunner Frederick G. Keyes to be a chief gunner in the Navy from the 15th day of February, 1918.

Machinist George W. Robbins to be a chief machinist in the Navy from the 17th day of January, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 24 (legislative day of May 23), 1918.

APPOINTMENT IN THE ARMY OF THE UNITED STATES, FOR THE PERIOD OF THE EXISTING EMERGENCY.

Maj. Gen. Peyton C. March, to be general.

APPOINTMENT, BY BREVET, IN THE ARMY.

Gen. Tasker H. Bliss to be general, by brevet.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

Brig. Gen. John D. Barrette, National Army, to be brigadier general in the Regular Army.

TO BE CHIEF OF COAST ARTILLERY.

Brig. Gen. Frank W. Coe, National Army, to be Chief of Coast Artillery, with rank of major general.

PROVISIONAL APPOINTMENTS BY PROMOTION IN THE ARMY.

CAVALRY ARM.

To be first lieutenants.

Second Lieut. Arthur H. Besse,
Second Lieut. Charles W. White, and
Second Lieut. John R. Lindsey.

FIELD ARTILLERY ARM.

To be captains.

First Lieut. Oscar I. Gates,
First Lieut. Gerald E. Brower, and
First Lieut. William J. Jones.

To be first lieutenants.

Second Lieut. Edgar A. O'Hair,
Second Lieut. Stephen Mahon,
Second Lieut. Addison B. Green, and
Second Lieut. John R. Shepley.

COAST ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. George M. Holstein, jr.,
Second Lieut. Joseph G. Cole,
Second Lieut. Ward Rubendall,
Second Lieut. Clyde LeG. Walker, and
Second Lieut. Richard B. Gayle.

POSTMASTERS.

ILLINOIS.

Cora M. Davis, Bethany.

KANSAS.

James H. Riley, Winchester.

OKLAHOMA.

George M. Hagan, Stilwell.
George E. Baker, Gage.

WEST VIRGINIA.

George T. Buchanan, Wellsburg.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 24, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, we thank Thee for that desire Thou hast placed in the heart of man which is ever moving him onward and upward toward a betterment of his condition, physically, mentally, morally, spiritually; for every honest, patriotic, philanthropic, religious endeavor in the heart, the home, society, and in the Nation, looking to that end; and we most earnestly pray that it may continue until we all come unto the measure of the stature of the fullness of Christ; and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PROTECTING INSECT-DESTROYING BIRDS.

Mr. POU. Mr. Speaker, I ask unanimous consent to address the House for three minutes in order to make an announcement.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for three minutes in order to make an announcement. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, the members of the Committee on Rules, as well as other Members of the House, have been receiving a great many letters concerning what is known as the "enabling act," intended to make effective the treaty between the Government of the United States and Canada for the purpose of protecting insect-destroying birds. On yesterday I think I received over 50 letters on the subject. I make it a rule to answer every letter received from a reputable person, and I thought it might save the time of the Committee on Rules and save other Members of the House some labor if the announcement were made that at a recent meeting of the Committee on Rules it was agreed that whenever the business of the House permits a special rule will be reported providing for the consideration of this measure and giving the House an opportunity to vote on it.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. MONDELL. Does the gentleman know who is conducting the propaganda to which he refers?

Mr. POU. I will say that a great many reputable organizations appear to be deeply interested in it.

Mr. MONDELL. It is like all of these propagandas. They undoubtedly originate at one source, and they send the requests to well-meaning but uninformed folks, and they pass it on.

Mr. POU. I will say to the gentleman that perhaps 10 days ago some of the greatest bird specialists in the country, perhaps in the world, were down here, and I had quite an interesting conference with them; and I will say, speaking for myself, that I became convinced that it is a genuine conservation measure. Some of these gentlemen were totally disinterested, except from the standpoint of the public interest, and they gave me quite a good deal of interesting information that was entirely new to me. But my purpose in making this announcement was to save somebody possibly some work in answering these innumerable letters that are coming every day.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. POU. I do.

Mr. KINCHELOE. My attention has been called to this measure quite a great deal in the last 18 months. As I understood it, at the last session of Congress, when this bill was up, there was a conflict between the Audubon Society and the various game wardens throughout the United States; but my understanding is now—and I get it from the game wardens of my States and from members of the Foreign Affairs Committee—that this agreement has been made, and that it is satisfactory to both sides, and that they are both in favor of it.

Mr. POU. That is my information. I think that is true.

MESSAGE FROM THE SENATE.

A message fram the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following title, in which the concurrence of the House of Representatives was requested:

S. 4554. An act for the sale of isolated tracts of the public domain in Minnesota; and

S. 4555. An act to validate certain public-land entries.

The message also announced that the Senate had disagreed to the amendment of the House to the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, had requested a con-

ference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAMS, Mr. SMITH of Georgia, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes, in which the concurrence of the House of Representatives was requested.

RENT PROFITEERING IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, the conferees have agreed upon a report concerning Senate joint resolution 152, known as the Saulsbury rent resolution. I desire to ask unanimous consent for its present consideration.

The SPEAKER. Has it been printed?

Mr. JOHNSON of Kentucky. It has not.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the conference report on the Saulsbury profiteering resolution, the rule to print to the contrary notwithstanding. Is there objection?

Mr. GILLETT. I would like to ask the gentleman why this should not go through the regular custom and be printed?

Mr. JOHNSON of Kentucky. The reason for the request is that a great many people have leases that will expire on the last day of this month, and as the resolution protects those who have leases it is desired that the resolution should become law by that time.

Mr. GILLETT. It would make a difference of one day. It seems to me it is a matter of sufficient importance for the House to know if there has been any special change made in it.

Mr. JOHNSON of Kentucky. The only material change is that the conferees have agreed to an extension of the time until the war is over. When the Senate passed the resolution it provided that its operation should cease at the expiration of the present session of Congress. The House amended it, extending the time until one year after the war shall be over. The conferees have eliminated the provision as to the one year after the war is over.

Mr. GILLETT. Is that the only change?

Mr. JOHNSON of Kentucky. There is one change as to verbiage only.

Mr. GILLETT. Can the gentleman explain what that change is?

Mr. JOHNSON of Kentucky. On page 1, line 6, of the engrossed bill, after the word "agreement," we strike out the words "or written" and insert in lieu thereof the word "of," so that it would read "agreement of lease."

Mr. GILLETT. Leaving out the word "written"?

Mr. JOHNSON of Kentucky. Yes.

Mr. GILLETT. Is that all the differences there were?

Mr. JOHNSON of Kentucky. Yes.

Mr. GILLETT. I had a conversation with the gentleman, as he will remember. Was anything done about that?

Mr. JOHNSON of Kentucky. I will say to the gentleman that I took up the matter about which he and I talked, and the Senate conferees opposed the injection of any new matter whatever into it.

Mr. LONGWORTH. As I understand it, as to any lease which is now in existence the lessee may continue until the war is over to pay the rent under the lease, notwithstanding the expiration, until the proclamation is made of the cessation of the war.

Mr. JOHNSON of Kentucky. That is it. There is a provision that was inserted by the conferees that it should continue until the war was over, unless in the meantime Congress should pass a law directing otherwise. That would follow anyhow, and I do not think it is material.

Mr. GILLETT. If those are the only changes, I have personally no desire to see them in print. I shall have no objection.

Mr. JOHNSON of Kentucky. Those are the only changes.

The SPEAKER. Is there objection?

Mr. BENJAMIN L. FAIRCHILD. I object, Mr. Speaker.

The SPEAKER. The gentleman from New York objects.

Mr. JOHNSON of Kentucky. Then, Mr. Speaker, objection having been made, I present the conference report to be printed in the RECORD.

The SPEAKER. It will be printed under the rule.

INSURANCE.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, and agree to the conference asked for by the Senate. The House amended the Senate bill, and the Senate disagreed to the House amendment and asked for a conference.

Mr. MADDEN. Does not the gentleman want to insist on the House amendments?

The SPEAKER. The Chair rather thinks so.

Mr. MADDEN. That ought to be included in the motion.

Mr. SIMS. Of course my motion is to insist on the House amendment and agree to the conference asked.

Mr. MADDEN. Unless the gentleman does that there is no need for a conference.

The SPEAKER. The gentleman from Tennessee asks to take this bill from the Speaker's table, insist on the House amendments to the Senate bill, and agree to the conference asked by the Senate. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. SIMS, Mr. RAYBURN, and Mr. ESCH.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to submit a request for unanimous consent.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. Under the rules this is pension day. I understand the regular order has been displaced by a special rule. Therefore I ask unanimous consent that on the completion of the oil-leasing bill now before the House the pension bills on the Private Calendar be in order.

The SPEAKER. The gentleman from Missouri asks unanimous consent that at the conclusion of the proceedings on the oil bill various pension bills on the Private Calendar be taken up for consideration. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, what would be the objection to the gentleman waiting until next Friday? We have several pension conferences in progress, and I understand this is likely to be the last omnibus pension bill at this session, probably.

Mr. RUSSELL. Next Friday will not be pension day. It will be two weeks from to-day before there will be another pension day, and that will not leave very much time for the Senate to pass the bill and for the bill to get through conference, provided we should adjourn here within the next six weeks.

Mr. MADDEN. What was that the gentleman said about adjournment?

Mr. RUSSELL. I said in case we should adjourn in six weeks, which some people think we may do.

The SPEAKER. Is there objection?

Mr. WALSH. I object.

The SPEAKER. The gentleman from Massachusetts objects.

JOURNAL OF THE GRAND ARMY OF THE REPUBLIC.

Mr. BARNHART. Mr. Speaker, I rise to present a privileged resolution, which I would like to have considered.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House concurrent resolution 43 (H. Rept. No. 599).

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Fifty-second National Encampment of the Grand Army of the Republic for the year 1918, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BARNHART. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. I understand this resolution is to authorize and direct the printing of the proceedings of the Grand Army of the Republic encampment?

Mr. BARNHART. Yes.

Mr. GARRETT of Tennessee. Has it been the custom to print those proceedings in past years?

Mr. BARNHART. It has.

Mr. GARRETT of Tennessee. It is an annual proceeding, is it not?

Mr. BARNHART. Yes. It really ought to be provided for in the appropriation bill, the same as the printing of the proceedings of the annual meeting of the Daughters of the American Revolution is provided for, but the Committee on Appropriations have never seen fit to carry it, and so each year we are compelled to introduce it here and put it through.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PENSIONS.

Mr. WALSH. Mr. Speaker, if it is in order, I desire to withdraw the objection I interposed to the request of the gentleman from Missouri [Mr. RUSSELL[.

The SPEAKER. The gentleman withdraws his objection. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Missouri whether or not this is the last pension bill he proposes to offer from his committee at this session of Congress?

Mr. RUSSELL. That is my understanding. The chairman of the committee [Mr. SHERWOOD] is here, and it is not the purpose of the committee to report another omnibus pension bill at this session.

Mr. GARNER. At this session?

Mr. RUSSELL. The chairman tells me that is his understanding, and it is my understanding.

Mr. STEENERSON. Why should the consent be limited to pension bills? Why not include the whole Private Calendar?

Mr. RUSSELL. This is pension day under the rule, so I just asked to preserve the regular order under the rule.

Mr. STEENERSON. When we get through with the pension bills there might be some other private bills——

Mr. RUSSELL. That is a matter for anybody interested to suggest. This is pension day, and I only wanted to preserve the order for pensions.

Mr. STEENERSON. I suggest that it include the whole Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MONDELL. Mr. Speaker, will the gentleman from Missouri yield to me to make an inquiry of the gentleman from Texas?

Mr. RUSSELL. I yield for a question.

Mr. MONDELL. The gentleman from Texas [Mr. GARNER] desires to know whether this is the last pension bill to be reported at this session of Congress. Does the gentleman from Texas have any information as to how long a period his suggestion is likely to cover.

Mr. GARNER. I have no definite information at this moment.

Mr. MONDELL. As the session may run until the snow flies——

Mr. MADDEN. We will have time to cool off in that event.

Mr. MONDELL. If certain legislation that has been suggested is brought in, does not the gentleman's request cover a good deal of time.

Mr. GARNER. I merely wanted to know whether there was to be another bill this session, and I was trying to get that information.

Mr. SHERWOOD. Mr. Speaker, I have had notice from the Senate that they would take up no pension legislation after the last of May. This is the last of May, and if another bill should be reported it would not be passed, and that ought to settle that question.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, is the Senate running this body and this Pension Committee? Have we got to follow edicts that are passed down by some one else in that body.

Mr. SHERWOOD. Not at all.

Mr. WALSH. Then I do not think the gentleman, as chairman of that great committee——

Mr. SHERWOOD. If we were to pass any more bills, it would be a useless task, for they would be killed in the Senate.

SEVERAL MEMBERS. Regular order!

The SPEAKER. The regular order is demanded. Is there objection to the request of the gentleman from Missouri?

Mr. ALMON. Mr. Speaker, reserving the right to object——

The SPEAKER. The regular order is demanded. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PROCEEDINGS AT UNVEILING OF STATUE OF SEQUOYAH.

Mr. BARNHART. Mr. Speaker, I submit herewith a privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House concurrent resolution 14 (H. Rept. No. 598).

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Sequoyah, presented by the State of Oklahoma, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Oklahoma.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with the proceedings.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. WALSH. What will be the cost of this edition?

Mr. BARNHART. Five thousand dollars.

Mr. WALSH. I would like to ask the gentleman if he does not think, in view of the great demand upon the Treasury for matters intimately related to our war program, that measures such as this might properly be deferred until a little later? It would be just as interesting to read when the war is over, and these are matters which I think——

Mr. STAFFORD. Mr. Speaker, I reserve a point of order on the resolution.

Mr. WALSH (continuing). Might properly be delayed. Has the gentleman given any consideration to the matter of deferring expenditures such as this?

Mr. BARNHART. Oh, yes; the gentleman has given much consideration to it. The unveiling of this statue occurred on June 5 last, almost a year ago. It is customary under these conditions to print the proceedings. Sequoyah was a celebrated Indian educator and author of the Indian-language dictionary.

Mr. WALSH. Yes; but he is not helping much to win this war.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. MADDEN. Sequoyah is dead, is he not?

Mr. BARNHART. That is the general understanding.

Mr. MADDEN. And we are going to spend $5,000 to perpetuate his memory.

Mr. BARNHART. Oh, no. We have already expended more than that to perpetuate his memory. This is printing the report of how it was done.

Mr. MADDEN. Oh, telling the story of the perpetuation. A short time ago we had a special committee appointed to investigate the tragedy that occurred at East St. Louis, Ill. In response to a question I asked of the gentleman from Indiana [Mr. BARNHART] whether or not the evidence taken in that investigation would be permitted to be published, he said he would not favor, as chairman of the committee, the passage of a resolution asking for the publication of that evidence, which, I think, is of vastly more importance than the story of the life of Sequoyah, because it deals with present-day conditions, about which we ought to be able to get information that will enable us to apply a remedy. The victims at East St. Louis are dead, but still there are a great many people in the United States who ought to be told the facts in the case, so that the proper authorities may be in possession of information that will enable the enactment of laws or the execution of laws already enacted to prevent, if possible, a recurrence of conditions such as those to investigate which the special committee was appointed. I want the story told, and I would ask the gentleman whether or not he still adheres to his position not to publish the evidence in the case of the East St. Louis riots.

Mr. BARNHART. That would depend upon the extent of the evidence. If it is as voluminous as some of the investigations, costing as much as $65,000 or $70,000, I think I would not be in favor of publishing it.

Mr. MADDEN. I understand the investigation as to what the cost would be indicates that it would amount to about $5,000. Suppose the gentleman could be furnished with information that would indicate that it would not cost more than $5,000, would he still object to the publication of the evidence?

Mr. BARNHART. I do not think the committee would object to submitting the matter to the House, but my recollection is that when I asked the gentleman if it would cost $50,000 he said he did not know, and I said then if it would that I should not favor it.

Mr. MADDEN. I do not recall the gentleman's asking any such question, but assuming he did, I did ask him whether he would be in favor of reporting the resolution, and he said he would not, he would be opposed to this resolution and would not report it from his committee. Does the gentleman recollect that?

Mr. BARNHART. My recollection now is that I did say something of the kind to the gentleman from Illinois, but I do not specifically recall. There was something said in the conversation about the enormous cost of this publication, as the committee had been there for months taking evidence, and it would probably be as voluminous as the evidence of the Industrial Relations Committee report, which was so large that it cost the Government something like $100,000 to print it, and scarcely no one took it out, and much of it is lying about the storage rooms, to the credit of Members, unused.

Mr. MADDEN. If I may be permitted one further suggestion——

Mr. BARNHART. And I said further to the gentleman that the committee as such had had no requests for these reports, nothing of the kind had come to the committee, and that until something of that kind should come the chairman of the com-

mittee would not be in favor of reporting out a resolution of that kind. On the other hand, the committee is besieged every day for this publication.

Mr. MADDEN. Well, the gentleman will not deny I have submitted to him as to what his attitude would be more than once.

Mr. BARNHART. Oh, certainly not; for the gentleman from Illinois is a stickler for that publication. He is earnest about it and wants the publication; there is no question in the minds of the committee as to that; but nobody else has said anything about it.

Mr. MADDEN. Except the gentleman from Indiana, who declared he would not favor the publication.

Mr. BARNHART. Well, substantially so; yes——

Mr. WALSH. Will the gentleman yield to me for five minutes to oppose this resolution?

Mr. BARNHART. Yes.

The SPEAKER. The Chair will state to the gentleman from Indiana and the gentleman from Massachusetts both that the gentleman from Wisconsin said he wanted to make a point of order.

Mr. STAFFORD. I reserved a point of order.

The SPEAKER. Better have the point of order disposed of before wasting a lot of time in debate.

Mr. STAFFORD. Before I press the point of order, Mr. Speaker, I wish to direct an inquiry directly as to the resolution under inquiry to determine whether I desire to press it or not. I wish to inquire of the chairman of the committee whether in such resolutions providing for printing of memorials it has been customary to allot a certain number to the Representatives and Senators of the State which donates the memorial?

Mr. BARNHART. Always so in reference to biographies of deceased Members and in the proceedings in Statuary Hall. Each State is entitled to two statues in Statuary Hall, and at the unveiling of those statues it has always been customary to have residents of the State present and participate in the proceedings, and inasmuch as these statues are particularly interesting to people of the States which place them, it has always been customary—I do not know whether it is the rule or not, but it has been the custom—to allot to the Members from those States a larger number of these publications than to those from other States.

Mr. STAFFORD. Is the number prescribed in this resolution the customary number that is usually accorded to Members from the States?

Mr. BARNHART. It is the same proportion that is always allotted.

The SPEAKER. What is the gentleman's point of order?

Mr. STAFFORD. My point of order was going to be that it is not privileged under the rules of the House.

The SPEAKER. Oh, every time they dedicate one of these things——

Mr. STAFFORD. Mr. Speaker, I do not intend to press the point of order, but I insist the point of order would be good. When a resolution of this character is presented to the House wherever the resolution provides certain copies of the memorial for the special use of certain Members of the House and Senate, it does not come within the rule of the House making a resolution from the Committee on Printing privileged, limits resolutions to matters referred to them for printing for the use of the House or of the two Houses. I do not intend to press the point of order and have suggested it, and I am simply directing the attention of the Chair to the fact that if this were a privileged resolution, then resolutions brought in by the Committee on Printing authorizing printing of documents for the use of one or all Members of a delegation would be privileged. The mere fact that this singles out 1,500 copies for the use of Members from the State of Oklahoma takes away its privilege. I do not intend to press the point of order. I rose to inquire what the practice was in such instances.

The SPEAKER. The gentleman from Massachusetts is recognized for five minutes.

Mr. WALSH. Mr. Speaker——

Mr. FERRIS. Mr. Speaker——

Mr. BARNHART. I have already yielded five minutes to the gentleman from Massachusetts.

The SPEAKER. That is exactly what the Chair was doing.

Mr. FERRIS. I thought the gentleman was being recognized for an hour.

The SPEAKER. Oh, no; the Chair was simply carrying out the wishes of the gentleman from Indiana, who has charge of this resolution.

Mr. WALSH. Mr. Speaker, I do not intend to renew the point of order, but I am opposed to the passage of this resolution at this particular time, and I submit that the time has come for the House to indicate a little spirit of economy in the transaction of public business. We are just running wild here with appropriations and propositions which have nothing to do with war emergency. Now, I know Sequoyah was a celebrated chief; he invented the Cherokee alphabet, and we ought to do him honor and we have done him honor. We have put his statue out yonder in Statuary Hall, which is sometimes called the Chamber of Horrors, and I think that if this appropriation was to do away with that place, rather than to print proceedings whereby we are seeking to perpetuate it and add to its gloom, it might appeal to the conscience of Members of this House. We are piling up appropriations here by the millions and billions, and we are, I think, very likely to be called upon to pass during this session upon another revenue bill to increase the taxes to be taken from the people of this country, and I believe we ought to put these matters off until the war is over. We can print these books with copper plates then and distribute them to the good people of Oklahoma, and it will be just as interesting reading as it will be to have them distributed this summer and this fall, and they will be just as useful then. This is not a pressing emergency, for the exercises are already a year old, and I submit that we ought to defer this appropriation. It is only $5,000. Of course, it does not amount to very much, but it will be used as a precedent and as an argument for passing other minor appropriations probably before this session adjourns, and I submit we ought to indicate here that we are going to confine the appropriations of funds out of the Public Treasury as closely as we can to matters relating to the prosecution of this war. Therefore I am opposed to this resolution. I am not opposed to doing honor to any distinguished representative of the 48 States in the Union nor to publishing the proceedings where honor is done, and seeing to it that the publications are distributed to the people of those States and that the accounts are perpetuated in the RECORD of the Congress and in the records of the United States Government, but this is a matter that can be deferred just as well as not. It ought not to be urged. We can save $5,000, we can save the time and trouble of the Government Printing Office, and we can utilize the copper that will be required to make these plates and the paper that will be required in publishing the books for other matters that are more intimately associated with the prosecution of the war program.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BARNHART. Division, Mr. Chairman.

The House divided; and there were—ayes 46, noes 39.

So the resolution was agreed to.

ITALY.

The SPEAKER. Under the special order of the House the gentleman from New York [Mr. LONDON] is entitled to 15 minutes.

Mr. LONDON. Mr. Speaker, this is the third anniversary of the entry of Italy into the European war. I intend to say a few words about Italy's contribution to the progress of the world. The magnitude of the subject appalls me.

It is not generally appreciated to what extent Italy has been the liberator of thought in the world. The birth of modern Europe, that most glorious period known as the Renaissance, is inseparable from the history of Italy. Mankind had been under an impenetrable shroud of darkness and superstition and ignorance for a thousand years. The intellect of men was being wasted in casuistry, in the realm of the unreal. Nature, man, life, and all the things that enrich life were being scorned. It was Italy that established the first European university. It was Italy that stirred the minds of the European world to action in those spheres of human endeavor where man reaches the divine, where he rises above national limits and to the very heights of the universal. It was she that revealed the treasures of ancient learning. The products of Roman, Greek, Hebrew, and oriental civilizations were put by her at the disposal of all.

Greatness and bigness are not the same thing. The truth is that the highest stages of civilization were reached by peoples when they were small in size. The history of ancient Judea, of Greece, and in modern times of Italy, of England, of the Scandinavian countries, tells the same story. The most glorious stage of English literature was reached when England had a population less than some of our larger States of the Union. And while every nation and every people has enough talent and enough genius to give expression to the distinctive qualities of its own people, it is only to the extent to which a nation produces the universal genius, the man who speaks beyond the boundaries of his own people and to the whole world, that a

nation becomes truly great. And in that respect Italy has been among the greatest of nations. Her geniuses have spread their radiance over the entire world. It is to her universities that the youth of France and Germany and Spain and England rushed for inspiration. It was Italian education and Italian learning that gave food to the intellect of the world. She liberated the human mind from the enthrallment of ages. Her people have not sought dominion over other nations and over other lands. It is in the dominion of intellect, of art, of science, of sculpture, and of music that mankind has been cheerfully paying tribute to her.

Because of her geographical situation she early became the educator of the world in commerce. Bills of exchange and modern banks are the product of the intellect and genius of Italy. Centuries ago Italian statesmen advocated the necessity of maintaining friendly intercourse among the nations of the world and disputed the theory that the distress of one nation leads to the prosperity of another.

Italy's treasures are the world's treasures, and the whole world is interested in perpetuating an Italy which should be given free scope to develop her genius.

Unfortunately for mankind it was but during short intervals that the soil of Italy was free from invasion by greater military powers. Even to-day she is fighting for her existence; she is fighting for her life, and all liberty-loving men throughout the world are ready to pledge themselves to aid her in repelling the invader from her territory.

It is to Italy, the liberator of human thought; Italy, the cradle of modern civilization; it is to this Italy, seeking to preserve her own territory and to merge all her people into one great power, which should be a servant of humanity and not an oppressor; it is to this Italy that I am anxious to send a message of encouragement on this momentous day. [Applause.]

EXPLORATION FOR COAL, PHOSPHATE, OIL, GAS, AND SODIUM.

Mr. FERRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2812.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2812, with Mr. DEWALT in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. FERRIS. Mr. Chairman, I send to the Clerk's desk a joint letter from the Acting Secretary of the Interior and the Secretary of Agriculture, suggesting a couple of amendments to section 1 of this bill.

The CHAIRMAN. The Clerk will read it.

The Clerk read as follows:

MAY 21, 1918.

Hon. SCOTT FERRIS,
House of Representatives.

DEAR MR. FERRIS: As a result of conferences between members of the Interior Department and Agricultural Department, it appears necessary to recommend that S. 2812, which has been reported out by your committee be amended in two particulars in order to make it clear and consistently workable.

As this bill passed the Senate national-forest lands were excepted from its operation. As reported by your committee, however, national-forest lands and lands in the Grand Canyon and Mount Olympus National Monuments are specifically mentioned as being available for sale or lease of coal. The Department of Agriculture has not heretofore reported on this measure, and the fact that it disposes of national-forest land was inadvertently overlooked in the report of the Department of the Interior. For very many excellent reasons it is considered decidedly unwise to make the sale provision apply to national-forest lands or to lands in the Grand Canyon or Mount Olympus National Monuments. It is therefore recommended that section 2 of the bill, as reported by your committee, be amended by adding to it the following proviso:

"*Provided*, That this section shall not apply to lands within [national forests or within] the Grand Canyon or Mount Olympus National Monuments."

The foregoing amendment would limit the operation of the act so far as it concerns the reserved lands mentioned to the leasing provisions. Since the national forests and the two national monuments mentioned are administered by the Department of Agriculture, while the administration of the leasing provisions will be under the Department of the Interior, it is considered desirable to have this measure definitely define the jurisdiction of the two departments. This may be accomplished by adding to section 21, page 48, the following:

"*Provided further*, That before any lease shall be granted under this act within a national forest or the Grand Canyon National Monument or Mount Olympus National Monument, the lessee shall execute such general stipulation for the protection of national-forest interests or national-monument interests as the Secretary of Agriculure may require."

The foregoing proviso is consistent with the present procedure under existing laws regarding rights of way or easements granted by the Department of the Interior over lands administered by the Department of Agriculture. The adoption of the two foregoing amendments is recommended.

Very sincerely, yours,

ALEXANDER S. VOGELSANG,
Acting Secretary of the Interior.
D. F. HOUSTON,
Secretary of Agriculture.

Mr. FERRIS. Mr. Chairman, I observe that the suggestion is made that these two amendments go in at the beginning of section 2, so I withhold the formal offering of the amendments until section 2 is read. I think I shall offer the first one with slight modifications, although we will leave the latter precisely as it is at the present time.

Mr. MONDELL. Mr. Chairman, what is before the House? Has the first section been read?

The CHAIRMAN. Yes.

Mr. RAKER. Mr. Chairman, I offer an amendment. The gentleman from Colorado [Mr. TAYLOR] should have offered this. It is an oversight in the printing. It is the gentleman's amendment offered in the committee.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 28, line 7, after the word "oil" insert the words "oil shale," and in line 17, same page, after the word "oil," insert the words "oil shale."

Mr. TAYLOR of Colorado. We will accept that amendment.

Mr. RAKER. I yield to the gentleman from Colorado.

Mr. TAYLOR of Colorado. I will state that, representing as I do the State and county having more oil shale than all the other States combined, we accept that amendment. It is there already.

Mr. RAKER. It belongs there; and after the committee adopted section 28, of course it should go in there.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Wyoming?

Mr. RAKER. In a moment. The gentleman from Utah [Mr. MAYS] also states in the committee and elsewhere that he represents a territory that has more oil shale than all the other territory in the world, so that, of course, with these two gentlemen representing that shale I know we are going to get good results out of it.

Mr. MONDELL. I suppose the gentleman under a fair interpretation would agree that the law would apply to oil shale without this amendment?

Mr. RAKER. It is very doubtful. The experts who appeared before the committee thought that it would not, notwithstanding the keen mind of my friend from Wyoming. All those who are interested in this bill should give it consideration. The gentleman from Wyoming having been so busily engaged in the Committee on Appropriations, we deemed it advisable to include this specifically in the bill.

Now, Mr. Chairman and gentlemen of the committee, the House in the Sixty-third Congress reported what is known as H. R. 16136, providing for the leasing of coal lands, oil, gas, phosphates, sodium, and so forth. The bill passed the House on September 21, 1914, and went to the Senate. During the Sixty-fourth Congress the Committee on the Public Lands reported out the bill H. R. 406. That bill passed the House and went to the Senate. During the early days of the Sixty-fifth Congress the Committee on the Public Lands again considered this legislation in regard to leasing, and reported out and placed upon the calendar the bill H. R. 3232. After that time and during the present session of the present Congress the Senate passed the bill S. 2812, which is the bill now before the House, the entire provisions—all after the enacting clause—having been eliminated, and to some extent, or, I might say, in the main, the provisions of the prior bills referred to constitute the amendment and the bill now before the House.

There are several important changes, one relating to permits. Having a lease, the party obtains a prospector's permit; instead of getting a title to the land, he gets a lease upon that land and receives no patent to any land.

We provided in this bill for the disposition of oil shale, it being a very extensive rock in certain Western States, notably Colorado and Utah, and some in Wyoming, as the record shows; and we made more liberal provision for its handling than for the other minerals named in the bill. We also provided for Alaska in regard to oil, the coal lands having been disposed of in Alaska by the coal-leasing bill some two years or more ago.

Then another important feature that has been added is the repealing clause provided for in section 28 of the bill, which protects those who have initiated claims upon the public domain, whether it is in reserved or unreserved lands. Of course the enactment of this bill repeals, unless there is a saving clause as to those who have claims, the law in regard to oil and gas

lands. As to coal lands, it is changed by adding a leasing provision, leaving the sale provision as it is now upon the statute books.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes. I did not take any time in general debate.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for 10 minutes more. Is there objection?

There was no objection.

Mr. RAKER. The provision in regard to coal, I want simply to say, leaves the law remaining as it is. A private individual can get 160 acres upon payment as provided in the statute. An association can get 320 acres upon paying the maximum and minimum price, and an association that has developed the claim and expended $5,000 can get 640 acres under the present law, under appraisement as provided by statute and regulated by the various departments.

This bill permits the leasing of all coal lands within or without the national forests and within the national monuments named, provided there are no prior applicants for the land as coal lands. There has been a good deal said about the law being all wrong and no developments under it, but there is more myth in that than anything else. The public have come to the conclusion that they desire a leasing bill, to dispose of the remaining public domain that contains coal by lease rather than by patent and the surrender of the title of the Government. That is done in a way that protects the lessee and the Government, and permits larger developments, by virtue of allowing a lease to the extent of 2,560 acres, under a royalty that is reasonable and also under reasonable conditions in regard to the working of the mine and the handling of the mine, conditions which prevent monopoly and take care of labor. In other words, the committee believe that the enactment of this law will, to a great extent, develop the coal resources of this country that are so great, and will at the same time supply coal for the country at a time when it is so badly needed.

Conditions are amply provided for in the bill, so that the surface entry may be used for homesteading and otherwise; so, as a matter of fact, we give the highest development to the land that can be given.

The next provision originally in the bill was in regard to potassium. That has been stricken out in the Senate bill and in the House bill, because by reason of an emergency the House passed the act approved October 2, 1917, providing for the exploration and mining of potassium under lease. So, as a matter of fact, we have simply coal, gas, phosphate, oil, and oil shale to provide for in this bill.

The oil provisions are intended to cover the lands in which there is oil or gas. As a matter of fact, from the testimony before the committee, and as a condition existing, practically all the oil lands have been withdrawn and are now within reserves, and are of two classes, namely, those under general withdrawals and those under naval withdrawals known as naval reserves 1, 2, and 3.

The bill takes care of those in the general withdrawals by giving some semblance of relief. It also attempts to provide for those in the Naval Reserve, because of the emergency, and because of the equity, and because of the justice, and practically but one reserve is affected, Reserve No. 2. The question as to remedial legislation that should be provided for those who have gone upon the public domain and have complied with the law, so far as making their application is concerned, has been held up to a great extent. What I say now refers to those who have made their applications, marked their claims, recorded their notice, and proceeded to develop, and in the naval as well as other reserves have actually discovered oil in paying quantities.

Criticism has been made as regards the placer-mining laws, as though the pioneers of the West were not familiar with the law or the application of its use. But, as a matter of fact, no one yet has been able to say that the lode and placer-mining law has not been beneficial to this country; that it has not assisted in developing the State wherein it was applicable and wherein the minerals existed. But a new mineral was discovered, so far as our public lands were concerned, in the way of oil. In order to get a valid claim, out of which even the Government could not defeat you under the placer-mining law, you must have discovered oil. The minerals are discovered by going and breaking a piece of rock off of the ledge and analyzing it, or by going upon the ground and digging a hole, taking out some of the earth, and washing it out in a pan or a horn or any other contrivance with which you can separate the dirt from the precious metal. Then if you posted your notice, put up your stakes, recorded your notice, and then recorded this discovery you got a valid claim provided you did $100 assessment work per year for five years. Then if you applied for a patent you would receive it. But in regard to oil, a man has to expend at least $10,000 before he can discover oil. That is the least amount, and the expenditure may run anywhere from $10,000 up to $500,000. Many of these wells were bored, thousands of dollars were expended in the development. The testimony in one case showed that $450,000 had been expended upon one claim, and they had not even then discovered oil, although they believed they would. But not having discovered it in paying quantity, a reserve was thrown around the land, because the party had not complied with the provisions of the law as to discovering oil in paying quantities, and it was claimed that the Government could take his title from him. Congress came in and relieved those parties, and passed an act which did relieve quite a number.

It gave relief in case of transfers from the original locators down to the man who actually developed. It then passed a further act permitting joint development, so that the best results could be obtained. The whole trouble was evident, because the man had a right to the possession of his claim. One man could get 20 acres; eight men could get 160 acres. They took various locations. They had to expend $100 each year upon the claims, and in addition to that, unless they actually made a discovery, they would lose their claim and no benefit would come from it. The grasper, the man who sits around the town and does nothing, saw the development going on. If a man made a failure, he had no interest. If he made a success of it, of course, then it was his effort to deprive that man of his claim. These practices went on from month to month and from year to year, until the Government took it up in the way of reserves, reserving those particular places where men through their knowledge, skill, ingenuity, and expenditure of millions of dollars determined, by geological examination after the oil had been actually discovered, that there was oil there; and then the reserves were made, the Government holding that the man had not before he made his application actually discovered oil in paying quantities. His claim was invalid, although Congress by supplemental remedial legislation had properly provided for that.

So the question is, What proper relief should be given to those who have given their time, their money, their expenditure in developing this country?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more, and then I shall not take up any further time until we get to another section.

Mr. TAYLOR of Colorado. Mr. Chairman, I would be very glad to grant that upon that promise.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, the committee carefully considered this matter, and I want to say frankly now that this report on this particular relief provision is not the judgment of the committee. It is a condition that confronts us and not a theory, however, and it will be submitted to the various departments to see whether the conferees can not come back and present something to the House on that one matter that will bring real relief. So far as the reservation of Naval Reserve No. 2 is concerned, that land, owned by the Southern Pacific and other individuals, land claimed by active claimants, if Members could see that they would see that it is checkerboarded with holes, and to take the land that these people claim would practically be a confiscation of their property and a turning of it over to those who own the private lands, as they would drain the land of the oil that is in it. So far as the Navy using the oil is concerned, it can not use it at the present time and may not for 50 years. While we ought to do all we can to conserve our resources, yet the shortage of oil in all of the Western States because of railroad transportation and the general development, in addition to that which is demanded by the war industries, is such that we should take this reservoir of oil, and the wells in it should be used to the highest capacity, and there never was such a time in the history of this country when it is demanding every ounce of oil in its lands as it does to-day, when, instead of reserving and conserving, we ought to develop it and develop every industry to the highest point of efficiency.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. SNYDER. I would like to ask the gentleman, assuming this bill becomes a law, will it increase the oil we now use known as fuel oil?

Mr. RAKER. Of course, if the President finds in his discretion that it is to the public interest and the provisions of the bill are enacted as they now stand, and these men are then permitted to bore more wells, yes; but the real thing ought to be to charge a royalty against these men who have expended their money and given their time, give them a reasonable part of the land, and let them go ahead. In other words, let them use wells that are bored and drilled to the highest capacity, drill all of the wells they can, and get more oil, to the end that our industries may be kept up and the wheels of progress may go around more rapidly, and that nothing may be retarded during this critical period.

The CHAIRMAN. The time of the gentleman from California has again expired. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to extend my remarks on the naval appropriation bill, which comes up to-morrow morning.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks on the naval appropriation bill. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 2. That classified coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, may, unless an offering, an application for offering, or an application for lease is pending hereunder, be acquired in accordance with the provisions of sections 2347 to 2352, inclusive, of the United States Revised Statutes, and acts amendatory thereof or supplemental thereto, or such lands or deposits may be leased, as hereinafter provided: *Provided*, That the right to purchase under this section is hereby expressly limited to persons qualified to acquire coal lands under section 2347 of said Revised Statutes. The survey of unsurveyed coal lands, for the purposes of this section, may be procured under sections 2401, 2402, and 2403, Revised Statutes, as amended by act of August 20, 1894.

Mr. ANDERSON. Mr. Chairman, I reserve the point of order on the section.

Mr. FERRIS. Mr. Chairman, it is not subject to the point of order. Let us have a ruling upon it.

Mr. ANDERSON. Mr. Chairman, if the gentleman wants me to make the point of order, I shall do it, and I desire to be heard upon it.

The CHAIRMAN. The gentleman will proceed with the point of order.

Mr. ANDERSON. Mr. Chairman, this section as now drawn authorizes the appropriation and sale of lands within the national forests, within the Grand Canyon and the Mount Olympus National Monuments. The jurisdiction of the Committee on the Public Lands is confined to the reporting of bills relating to public lands. The jurisdiction of legislation relating to the national forests and the national monuments has always been in the Committee on Agriculture.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. When I get a little further on.

Mr. MONDELL. Will the gentleman submit, for the benefit of the Chair, his authorities on that particular proposition?

Mr. ANDERSON. The Committee on Agriculture has always appropriated for and has always legislated in respect to lands in the national forests.

Mr. MONDELL. On the contrary, if the gentleman will permit, the Committee on the Public Lands has full jurisdiction with regard to all of the public lands of the United States, reserved and unreserved, so far as their disposition is concerned, and the Committee on Agriculture and the Agricultural Department have only certain limited jurisdiction with regard to administration.

Mr. ANDERSON. The gentleman is proposing that proposition and, of course, will sustain it if he can. I have a contrary opinion about it. However that may be, the fact still remains that the Committee on the Public Lands can not report a bill covering subject matter that has not been referred to it.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I will ask the gentleman to permit me to proceed for a moment. As I understand this bill, and as I am informed by gentlemen in both the Agriculture Department and the Department of the Interior, the Senate bill did not relate to the disposal of lands in the national forests or in these two national monuments. The Committee on the Public Lands is considering and has considered only the Senate bill, and that is the only bill that has been referred to it. That bill did not contain a provision for the disposal of lands in the national forests. Therefore there was no bill before the Committee on the Public Lands proposing or authorizing an appropriation and sale of lands in the national forests, and the rule is well established that where a bill covering a subject has not been referred to the committee the committee has no jurisdiction to report a bill covering that subject.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. ELSTON. Does the gentleman know that the chairman of the committee has submitted two amendments proposing to strike from the operation of this bill the territory comprised in the national forests and the Grand Canyon and the Mount Olympus National Monuments?

Mr. ANDERSON. I wanted to reserve the point of order in order to get an explanation from the chairman of the committee as to what he intended to do, but the chairman of the committee insisted upon the point of order being made, and I made it.

Mr. ELSTON. I suggest to the gentleman——

Mr. MONDELL. Mr. Chairman, I would like to be heard on the point of order.

Mr. FERRIS. It is not subject to the point of order for very well-known reasons.

Mr. MONDELL. Mr. Chairman, the point of order is that the Committee on the Public Lands has no jurisdiction over lands in forest reserves and therefore can not legislate touching those lands. The exact contrary is the case. The Committee on the Public Lands has complete jurisdiction over all lands in the United States, including lands in forest reserves and in national monuments, and I will state for the Chair's information, if he is not fully informed on that subject, it is a fact that under the law the Committee on the Public Lands could bring in a bill abolishing all forest reserves; the forest reserves can not be enlarged except by a bill reported out of the Committee on the Public Lands. That is specifically provided in statute law. Not only that, but the Committee on the Public Lands continually legislates touching lands in forest reserves. Not very long ago it passed a bill providing for homesteads in forest reserves, and up to this good hour I have never heard anyone suggest that the jurisdiction of the Committee on the Public Lands is not complete over lands in forest reserves. If the Chair cares to go into the matter he will find the law provides that forest reserves shall not be enlarged, except by act of Congress, by bills reported out of the Committee on the Public Lands. I cite him to the forest-homestead bill reported out of the Committee on the Public Lands. All of the legislation that can be had on the subject must come from this committee. Now, this is true, that for administrative purposes purely the forest reserves were transferred, under a bill which I had the honor to introduce, from the Interior Department to the Agricultural Department. That transfer clearly and definitely was only for administrative purposes. The Committee on the Public Lands provides for rights of way which apply not only to the public lands but to the public forests—for instance, the right-of-way act of 1891, March 4, the right-of-way act of 1901, August 15, if I am accurate in my recollection of the dates—so there can be no question whatever about the jurisdiction of the Committee on the Public Lands over this entire subject, and no other committee has ever attempted at any time to legislate on the disposition of those lands other than for administration.

Mr. ANDERSON. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. ANDERSON. Assuming the Public Lands Committee has jurisdiction of the subject, it can not report a bill or a provision touching the subject matter which is not referred to it, and the question of lands in the national forests and of these two national monuments was not referred to it because they were not in the Senate bill when that bill was referred.

Mr. MONDELL. Mr. Chairman, the chairman is familiar with parliamentary practice. He knows perfectly well a bill dealing with coal and coal lands, oil and oil lands—and this bill deals with every acre of public coal land in the United States—when that comes before the committee having jurisdiction of the subject matter it can report legislation of any character with regard to those lands, and in this case the committee saw fit to provide in certain instances for sales and in certain instances for leases. The bill covers the entire subject. It involves and embraces every acre of public land in the public domain everywhere, and the committee is not bound to some provision that may have been in a bill referred to it. But assuming that that were the case, in order to knock the large remaining unstable prop from under the argument of the gentleman from Minnesota, the Senate bill which was referred is a bill to dispose of coal lands of the United States and of parts of the public domain and in an exceedingly liberal way, and

the only difference between the Senate bill and the House bill with regard to that matter relates to the character of the legislation.

Mr. RAKER. Will the gentleman yield for a question?

Mr. MONDELL. In a moment. Section 2 of the Senate bill provides:

That any citizen or any association composed of persons severally qualified by law to enter coal land—

And so forth—

may buy public coal lands at $10 an acre—

And so forth—

any quantity of vacant coal lands of the United States within any State or Territory of the Union not otherwise appropriated by competent authority.

The words "appropriated by competent authority" do not include and never did include the mere withholding of an area for a specific purpose, and even if they did the committee that has jurisdiction over the subject does not have to legislate along lines of the House that originated the legislation. If that were the rule then we might as well adjourn and go out of business and let the Senate do the whole thing. It is true that the Secretary of Agriculture, through an inadvertence, I have no doubt, or misinformation conveyed to him by some subordinate somewhere, did suggest the Senate bill did not refer to lands in forest reserves, but it does refer to them, and it is the most sweeping legislation in regard to those lands that has ever been presented to either of the legislative bodies of this Nation. I now yield to the gentleman from California.

Mr. RAKER. Is it not a fact that the Committee on Agriculture simply has jurisdiction as to the use of the land?

Mr. MONDELL. The Committee on Agriculture has no jurisdiction over any public land anywhere except for its use and administration.

Mr. RAKER. That is it; the question of title and the disposition of it is in the Committee on Public Lands?

Mr. MONDELL. Always.

The CHAIRMAN. Unless some gentleman desires to be heard further the Chair is ready to rule.

Mr. FERRIS. Mr. Chairman, just a word. This is not an appropriation bill. If it was the chairman would properly look with very close scrutiny to all matters of legislation, foreign in character, that might be in the bill. This is a bill having to do with the disposition of Government land, which duty has at all times been reposed in the Committee on the Public Lands. No one has ever attacked it before. Why, the Department of Forestry was only created about a dozen years ago and is merely an offspring and a mere fledgling of the Committee on the Public Lands, and for them now to assert lack of jurisdiction, on a bill dealing with the disposition of coal, oil, gas, and other minerals which are the property of the Government, that has at all times faithfully, undoubtedly, and unquestionably vested in the Public Lands Committee is so preposterous that I dare say the Chair does not want to be bored further with it. I ask for a ruling.

The point raised by the gentleman from Minnesota [Mr. ANDERSON], in brief, is this——

Mr. CRAMTON. Mr. Chairman, if I may have only half a minute I desire to call the Chair's attention to section 4197, volume 4, of Hinds' Precedents, which states:

The forest reserves created by setting aside portions of the public lands are, so far as legislation—distinguished from appropriation—is concerned, within the jurisdiction of the Committee on Public Lands.

And then it gives numerous instances where that jurisdiction has been exercised.

The CHAIRMAN. The point of order raised by the gentleman from Minnesota [Mr. ANDERSON], in brief, is this, that as the bill includes national forests and also the Grand Canyon and Mount Olympus National Monuments, therefore the Committee on Public Lands, to which this Senate bill was referred, has no jurisdiction of the subject.

The Chair differs with the gentleman. Whilst it may be true, and undoubtedly is true, that the Committee on Agriculture might have correlative power, it does not have exclusive power over this subject matter. It is also true, apparently, that the Committee on Public Lands has jurisdiction over the forest reserves in so far as executive and legislative functions are concerned, but perhaps not exclusively as to administrative functions. It is also true, as the gentleman from Oklahoma [Mr. FERRIS] has stated, that he proposes to offer an amendment in the future to exclude these different monuments mentioned, to wit, the Grand Canyon and Mount Olympus, and also the forest reserves. I quote from page 782 of Hinds' Precedents, as follows:

The Committee on Public Lands exercises jurisdiction as to such forest reserves as are created out of the public domain.

Therefore the point of order is overruled.

Mr. FERRIS. Now, Mr. Chairman, I offer the following amendment. I think the Chair inadvertently stated that I was going to offer an amendment eliminating the national forests. What I am going to offer is to eliminate the Grand Canyon and Mount Olympus National Monuments, because the law now authorizes the Interior Department to sell coal lands in the forest reserves, and I do not now, without committee consideration, desire to change the law in that respect.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amendment by Mr. FERRIS: Page 29, line 11, at the end of the section, insert the following:

"*Provided*, That this section shall not apply to lands within the Grand Canyon or Mount Olympus National Monuments."

Mr. FERRIS. Now, Mr. Chairman, just a word. The coal lands, according to the law as it now stands, and as it has stood since 1873, and with the amendment of 1907, provides for the sale of coal lands, both within and without the national forests, through the Interior Department. That is the law now. However, as to the Grand Canyon and Mount Olympus National Monuments that was not the law. It was first considered in the committee and then out of the committee and at both ends of the Capitol, and it was not desired to change the present coal-land law one way or the other. Therefore I offer the amendment to strike out the Grand Canyon and Mount Olympus National Monuments, so that the law will remain just exactly as it is now. If it needs attention in the future we can consider it carefully and act intelligently on it.

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment to the amendment.

Mr. RAKER. Wherein is the law not applicable to the Grand Canyon and Mount Olympus National Monuments, where there is coal land at the present time?

Mr. FERRIS. I am relying on the letter of the Secretary of Agriculture and also on conversations I had with representatives of the Secretary of Agriculture, that in the coal-land laws those national monuments were excluded. And I explained to him very carefully the committee did not desire to change the law in any way, and for that reason I was willing to move to strike those two monuments out. And so far as his request came to repeal the whole land law, as applied to 350,000 acres of forest reserve——

Mr. RAKER. As a matter of fact, though setting aside both of those reserves, the coal-land laws are still applicable?

Mr. FERRIS. I anticipate not. I assume when they were withdrawn from the reserve they were not subject to any entry of any sort. And that is not true of the agricultural reserve.

Mr. RAKER. I desire a few moments on that when you get through.

Mr. CRAMTON. The amendment the gentleman has offered to section 2 has reference solely to the coal lands?

Mr. FERRIS. That is all.

Mr. CRAMTON. Has the gentleman in mind any other monuments in reference to oil, phosphate, oil shale, and so forth?

Mr. FERRIS. I do not think so, because I do not think there is any objection to that. Of course, the drilling of an oil well in a reservation that carries a large area of coal land——

Mr. MONDELL. Will the gentleman from Oklahoma [Mr. FERRIS] allow me? The objection of the Agricultural Department, as I understand, I will say to the gentleman from Michigan [Mr. CRAMTON], was merely to the sale provision for coal, and they have no objection to the leasing provision.

Mr. CRAMTON. Do I understand that the Agricultural Department made objection to the provisions of the bill as written?

Mr. FERRIS. They wrote a joint letter that was handed to me when in the water-power committee meeting, and which I had read at the desk.

Mr. CRAMTON. And the Department of Agriculture has been called on repeatedly for some information prior to this report?

Mr. FERRIS. It was; and after that, and I sent it up, and I thought it was due to the committee to present it when I did. As the law now stands, the Grand Canyon and the Mount Olympus National Monuments are only 2 out of 30 of the national monuments that are under the jurisdiction of the Department of Agriculture. All of the rest of them are under the Interior Department. These two monuments, as the law now stands, are not subject to coal-sale law, and he hoped we would not make them subject. His second purpose was to repeal the coal-land-sale law, which has now full application to the forest reserves, and strike it out. I do not believe we ought to do that without some committee consideration. This bill has been before Congress for five years and no objection was ever made before.

Mr. ELSTON. Does the gentleman mean to say as to the other 28 national monuments under the jurisdiction of the Interior Department, that the operation of this law goes without restriction? Why should the policy, then, as to national monuments be different under the Agricultural Department than with the 28 under the Interior Department?

Mr. FERRIS. The only reason is they are up here asking it, and you would have a continuation of the controversy that is constantly going on between the Agricultural Department and the Interior Department, practically stepping on each other's toes. This divided jurisdiction has always been very doubtful of propriety and good sense, and any unwarranted jealousy only enhances the doubt.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. MONDELL. Is there not another fairly good reason, and that is the reason why we may accede to the requests of these gentlemen without doing any harm, which is that there is not any coal on either the Grand Canyon or Mount Olympus National Monuments?

Mr. FERRIS. It is a better reason than any other that I know of, and I am willing to take that one. But let me suggest to the gentleman from Michigan [Mr. CRAMTON] that there are 365,000,000 acres of forest reserve, a tremendous area, in the United States, and that area is being enlarged occasionally. Now, to say, after we passed a great national act here, that because 10 or 12 years ago a certain jurisdiction was slipped from one department to another we should take no intelligent action as to that and even repeal laws that now exist is to say something which, in my judgment, is not the thing to do.

Mr. CRAMTON. What puzzles me is that the committee had this bill before it for exhaustive hearings——

Mr. FERRIS. That is true——

Mr. CRAMTON. And the departments were fully advised, and were given full opportunity to present their views——

Mr. FERRIS. Yes; and the bill passed the House twice before——

Mr. CRAMTON. And now, after it has been pending, they seek to have us make a radical change, although no one outside the chairman understands the scope of it. It seems to me it is asking a great deal on the part of the department to ask that that action be taken.

Mr. FERRIS. The reason I am offering this is to leave the law exactly as it is.

Mr. CRAMTON. If we do not pass the bill, the law will remain as it is as to all provisions?

Mr. FERRIS. Certainly.

Mr. CRAMTON. And it was our desire to bring about legislation?

Mr. FERRIS. Certainly it was.

Mr. CRAMTON. Personally I think we ought to ignore that sort of a request.

Mr. FERRIS. The House can do what it likes, of course. I thought it was my duty to present these amendments to the House and to call them to the attention of the House. I rather think that if we did repeal it as to these two amendments, or strike it out as to these two amendments, and leave the national forests precisely as they are, we will have done no damage. That is all I ask to do.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I yield to the gentleman from Minnesota.

Mr. ANDERSON. I do not want to open up a large subject, but this bill, as I understand it, provides for the leasing of all lands specifically referred to, in oil, phosphate, and so forth, but it includes coal and provides, in addition, for the sale of coal lands?

Mr. FERRIS. No; we leave the law just as it is.

Mr. ANDERSON. But you apply two methods in the case of coal, and you leave the law as it provides for the sale just as it is?

Mr. FERRIS. That is so.

Mr. ANDERSON. So that the two provisions are not treated exactly alike in the bill?

Mr. FERRIS. You mean the coal and the oil?

Mr. ANDERSON. Yes.

Mr. FERRIS. That is true.

Mr. LA FOLLETTE. Mr. Chairman, I question the advisability of the Congress making exceptions in the handling of these two national monuments any different from the handling of the entire number that have been created.

I know nothing about the coal possibilities of the monument comprising the Grand Canyon of the Colorado, but I am satisfied that the Agricultural Department knows practically nothing about the coal possibilities in the great Mount Olympus National Monument. It may be underlaid with thousands of tons of the most magnificent coal, so far as they know. It is a monument of vast extent and immense possibilities. When it was set aside it had been but little explored and was largely inaccessible at the time it was created. I question the advisability of our making an exception in regard to two national monuments and the handling of the rest in a different manner. I hope that this amendment will not prevail.

Mr. RAKER. Mr. Chairman, ordinarily I do not want to criticize anybody or anything, but this bill has been before the committee and the House for six years. The committee thoroughly and industriously considered it, and it was one of the purposes of the bill—and no objection was made—that the many millions of acres of land that are in forest reserve should be excluded, so far as oil is concerned, or gas, or potassium, or phosphate, or coal; and at the last minute, without a hearing before the committee, the department asks now that fundamentally the bill be changed and that over half of the territory covered by the bill and over half of the lands that now belong to the Government be excluded from its operations.

No one can raise any objection that it will affect the forest lands to use them for all these purposes. Clearly if there is any coal land in any of these national monuments or in the Forest Service that can be accessible or can be used under this leasing bill, it ought to be used. The very object and purpose is to utilize these minerals and get some use of them. It is said private individuals should be prevented from getting title to them. Now, an attempt is made to legislate, to withhold title, to keep the title in the Government, but at the same time put around them proper regulations and restrictions and lease the land to the man, or the men, or the company, or the corporation that desires this coal for proper use. At the same time it can not injure anyone or affect anyone. When now, at the last minute, this kind of an amendment is introduced, I do not think the committee ought to adopt it.

I want to call your attention to the fact that if, as a matter of fact, the law of sale of coal land does not apply to these monuments, we do not reenact it, do we? Therefore there can not be any objection. That is true. There is no question about it. There are two conditions existing. If, as stated by the gentleman, there is no coal in either of these reserves, then it would not affect the Agriculture Department. But I am willing to say for the sake of argument that there is coal in both of them. We are now enacting a leasing bill, and anyone who is familiar with the forest reserves knows that you can not damage them, you can not injure them, you can not affect them, and you will not in any way destroy the watershed or the trees, or few, if any, by properly developing and taking out the coal that is in those lands, and then reserving and using it. It may be in places close to the towns and railroads. I trust that the committee will not adopt these amendments. Our chairman does not want them, either. [Laughter.]

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

Mr. ANDERSON. To the amendment offered by the gentleman from Oklahoma I desire to add after the word "lands" the words "within national forests or."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Minnesota to the amendment of the gentleman from Oklahoma [Mr. FERRIS].

Mr. ANDERSON. I desire to be heard on that. I have very great respect for the judgment of the committee and for the gentlemen who compose the Committee on the Public Lands. I think they have accomplished a very good job in reporting this bill as a whole. But I hope that the gentleman from California [Mr. RAKER] does not wish us to understand that when the Committee on the Public Lands completed the consideration of this bill the sum total of human wisdom had been expended on it, and that no one ought even to make a suggestion as to how it might be amended. I do not know very much about public-land legislation. The gentlemen connected with the Forestry Service, who are somewhat interested in legislation that affects this service, have suggested to me some of the things which would be possible in the operation of this section, which makes lands in the Forest Service subject to appropriation under the coal-land appropriation act.

I want to submit and have read from the Clerk's desk a memorandum prepared and submitted to me this morning by gentlemen in the Forestry Service of the Agricultural Department, which relates to the amendment to the amendment that I have just offered.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

MEMORANDUM.

MAY 21, 1918.

Some of the reasons why coal lands in the national forests should not be sold, but acquisition of coal limited to subsurface rights:

1. The coal-land sale provision enables a purchaser to secure valuable timberland by paying the Government the appraised price placed on the coal only. In this way lands worth $100 an acre for their timber may be acquired by paying the minimum price of $10 per acre for them as coal lands. The Interior Department has never been able to find authority for including the value of the timber in the price placed on the coal land. There are cases of this kind actually pending now.

2. Even if the purchaser were required to pay for both coal and timber in the national forrest, such timber would, of course, be cut under ordinary lumbering methods, and the resulting slash and débris would remain a fire menace to surrounding national-forest timber, a menace beyond Federal authority or control.

3. Such intermingled private land in the national forests where the surface is not actually needed or used for mining purposes would form an unnecessary obstruction to handling forest lands as a unit for any given purpose—grazing, timber sales, protection of city watersheds against pollution, construction of unit improvements, such as roads, trails, telephone lines, fire breaks, and the like.

4. Lands which are already reserved for public purposes, such as timber production or watershed protection, should not be sold under the coal law, for the reason also that the surface, which is valuable for public purposes, is needed only to a very limited extent in coal development and operation, and in many instances not at all.

5. The lands will still have great and permanent surface value for timber production and watershed protection after the coal bodies are exhausted. Their utility for national-forest purposes is permanent. The permanent title should therefore remain in the Government.

(Signed) HENRY S. GRAVES, *Forester.*

Mr. ANDERSON. Mr. Chairman, I think it is unfortunate if it is true—and I take the word of the gentlemen of the committee for it—that the matters stated in this memorandum were not presented to the Committee on the Public Lands. But, Mr. Chairman, that is no reason why they should not be presented to this House and considered by the House.

The Forestry Service make no objection to the leasing of coal lands under the provisions of this act. They desire this legislation so far as it does provide for the leasing of coal lands; but it does seem to me that the suggestions presented by this memorandum are very strong reasons why coal lands within the national forests ought not to be sold outright, and without any power on the part of those administering the forest reserves to protect the forest rights in the reserves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I ask unanimous consent that I may have two minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. ANDERSON. All this amendment seeks to do is to reserve these lands from sale, not from lease, so that the Forest Service can preserve the right of the Government and the right of the people, to make best use of the forests in connection with the use of the coal. I think that notwithstanding the fact that the gentlemen on the Committee on the Public Lands say that this proposition has not been considered by them in committee it ought to be adopted by the House.

Mr. TAYLOR of Colorado. Mr. Chairman, the effect of the amendment offered by the gentleman from Minnesota [Mr. ANDERSON] is this: At the present time and always there has been a law on our statute books authorizing coal lands to go into private ownership, both in and out of the forest reserves. No one has ever seriously made any effort heretofore to repeal that law. It has been the law of the country for 50 years, since long before the forest reserves were created. When the forest reserves were created that law was not at all changed. Now, without this amendment having been considered by the committee, without either House ever having had an opportunity to consider it, this amendment is slipped in here by which it is sought to repeal that law, and to allow no private ownership whatever of any coal lands within the forest reserves in the United States or Alaska. That is what it amounts to. As a matter of fact probably two-thirds of all the public coal land in the West to-day is within the forest reserves, and, as a matter of fact further, probably two-thirds of all the forest reserves of the West have not one stick of merchantable timber on them. The Legislature of the State of Colorado several years ago memorialized Congress to the effect that two-thirds of all the 14,000,000 acres of forest reserves within my State do not have a particle of timber on them. They might have further memorialized Congress to the effect that on the lands in the forest reserves it requires a thousand years to grow a tree large enough for commercial lumber purposes. So that any talk about timber on a large part of the forest reserves or about reforesting the forest reserves in the mountainous portions of the West is absolutely impracticable and foolish.

It is not only foolish but not in good faith, because anybody that knows anything about it knows the utter impracticability of reforesting mountainous lands in high altitudes of the arid West. Now, they say that the coal lands may sell for $10 an acre. That is just as deceptive as the rest of it. There is no coal land that is being sold for $10 an acre and has not been for 10 years. There has been practically no coal land sold at any other price for years, because the coal land is only sold at the price at which it is appraised, and the department takes mighty good care to see that the land is appraised so high that nobody can buy any of it. That is the policy and the condition of the West, and for that reason it is, practically speaking, an absolute deception for anyone to say that coal lands will be sold for $10 an acre.

All of the five reasons set forth in the memorandum offered by the gentleman are utterly without foundation, and when you attempt to repeal in this manner a great law that has been so long in effect, applying to some 350,000,000 acres of land in the West, it certainly does not accord with my idea of good judgment or frankness. I want to say that there is not a man in this House living west of the Mississippi River that wants an amendment of this kind for his State, and it seems to me the wishes of the people of that country ought to have something to do with determining the question.

Mr. CRAMTON rose.

The CHAIRMAN. Does the gentleman rise in opposition to or for the amendment?

Mr. CRAMTON. I rise in opposition to the amendment. Mr. Chairman, section 2 of the bill is really a preservative section, a section which is intended to make it clear that this bill does not repeal, and is not intended to repeal, existing laws for the disposal of coal lands. The balance of the coal sections permit the leasing of coal lands, and there might have been an inference that having provided a leasing method, the method of sale had been repealed, and in order to guard against that possibility section 2 has been put in.

As I understand it, all of the 365,000,000 acres of forest reserve can under existing law be sold under the sections here enumerated for the sale of coal lands. I do not understand that they are being so sold, and I do not understand that there is any particular danger that they will be. It seems, as to these two monuments, by reason of some exception, there is a little change made unless the amendment of the gentleman from Oklahoma as offered is put in. As to the amendment of the gentleman from Minnesota, its effect is not to preserve the existing law but to alter existing law. We have been under that law for a great many years and the national forests have not been sacrificed by reason of it and will not be so sacrificed. The committee had the bill before it a long time, and the department did not see fit to communicate its fears or its wishes to the committee, and I personally feel opposed to putting such amendment in on the floor of the House affecting such an expanse of public lands, and I feel that it ought not to be adopted in this way.

Mr. MONDELL. Mr. Chairman, the amendment offered by the gentleman from Oklahoma, the chairman of the committee, is harmless enough. There is not any coal, as far as I am informed, and I am quite confident there is not any in the Grand Canyon or the Mount Olympus National Monuments reservations. So the probability is that the amendment offered by the gentleman from Oklahoma would have no effect at all. As a matter of grace and acquiescence in the wishes of the Secretary of Agriculture, it might be all right to adopt it if it did not establish a precedent.

There are a good many things in the bill that are not as they ought to be, and the Agricultural Department has made no suggestions. There are many things that a number of us would like to have amended, but they will not be amended, and I do not know why in the eleventh hour, the third time the bill has been considered, the Agricultural Department should suddenly discover that the national forests are greatly jeopardized.

No land containing coal, or supposed to contain coal, can be sold until it is appraised, and the appraised prices are notoriously high, so very high in fact that no one is buying any coal land. There will be very little coal bought under this provision. It is a useful provision, no doubt, because it may enable present operators and future operators to buy a small 40 or 80 acre tract to round out their holdings, but as far as anybody being in a considerable hurry to buy coal land at the present appraised price and open a coal mine it is ridiculous.

Lands containing coal of any commercial value are valued at $40 or $50 to $500 an acre. If there is a little scattered timber on these surfaces, the appraised value is high enough to cover the value of the timber as well as the coal. It is a very excellent thing to continue these provisions of the law in order that they may be utilized in the limited class of cases and under the conditions in which they are likely to be utilized. The na-

tional forests are not going to suffer thereby. The probability is there will be very few sales of national-forest lands.

Mr. FERRIS. Mr. Chairman, the gentleman from Minnesota [Mr. ANDERSON] very properly has been here as spokesman for the Agricultural Department, and he felt that he had a duty to perform in offering this amendment. If the amendment of the gentleman from Minnesota [Mr. ANDERSON] is rejected, it will leave the coal-land law precisely as it is now. If my amendment is adopted we also leave the coal-land law precisely as it is now, without any change, and in honor and in justice we ought to do that thing. I have had a very long pull here, and a very great lot of work to do to get a bill out here at all, providing for the leasing of coal lands and leasing of oil lands. The people of the West want title; they do not want any leasing at all, and they do not want to pay the Government anything at all, and it has been a very great task on the part of some of us, and we have had to bare our backs to the whips and scourges of the people in the West who objected to any sort of regulation, any sort of leasing law. They object to anything where the Government has any right at all to supervision over it. Now those who have fought the battles along that line ought not to disrupt here, and ought not to change it. The representatives of the West have very kindly submitted, not so willingly, but have submitted to the leasing law, and we ought not to offer a cure for all the ills at one sitting, but make another bite at the cherry——

Mr. LA FOLLETTE. Does the gentleman mean to suggest the law is any different in regard to those two monuments you want to——

Mr. FERRIS. Yes; I do, if the gentleman will pardon me. When those two monuments were withdrawn, they of course were reserved from all sorts of entry and sale. Our provision in the bill puts them back in, and we ought to strike it out. This will do no damage, as they do not have any coal in them anyway.

The CHAIRMAN. The time of the gentleman has expired.

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota to the amendment of the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Chair announced that the noes appeared to have it.

On a division (demanded by Mr. FERRIS) there were—ayes 33, noes 8.

So the amendment was agreed to.

The CHAIRMAN. The Chair understands the gentleman from Oklahoma offers another amendment?

Mr. FERRIS. Mr. Chairman, the action of the House just taken on the first amendment was in reference to the elimination of forest reserves, and likewise to restore the two monuments; so if the second amendment is inserted it would have no application.

The CHAIRMAN. The gentleman withdraws the amendment.

Mr. FERRIS. I was not aware it was offered; it was merely read for information.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal, classified and unclassified, owned by the United States outside of the Territory of Alaska, into leasing tracts of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts, but in no case exceeding 2,560 acres in any one leasing tract; and thereafter the Secretary of the Interior shall, in his discretion, from time to time, upon the request of any qualified applicant or on his own motion, offer such lands or deposits of coal for leasing, and, upon a royalty fixed by him in advance, shall award leases thereof through advertisement, by competitive bidding, or, in case of lignite or low-grade coals, such other methods as he may by general regulations adopt, to any qualified applicant: *Provided*, That no railroad or other common carrier shall be permitted to take or acquire through lease or permit under this act any coal lands or deposits of coal in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder. That such a railroad or common carrier may be permitted to take under the foregoing provisions not to exceed one lease hereunder upon and for each 200 miles of its line in actual operation. The term "railroad" or "common carrier" as used in this act shall include any company or corporation owning or operating a railroad, whether under a contract, agreement, or lease, and any company or corporation subsidiary or auxiliary thereto, whether directly or indirectly connected with such railroad or common carrier, but shall not include spurs, switches, or branch lines operated by any lessee and necessary to connect the mine with the line or lines of any railroad or other common carrier.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. I have a letter written by the Commissioner of the General Land Office to Senator UNDERWOOD, which I send to the Clerk's desk and ask to be read.

The CHAIRMAN. Without objection, the letter will be read.

There was no objection.

The Clerk read as follows:

GOVERNMENT-OWNED COAL LAND AND COAL DEPOSITS IN ALABAMA.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 18, 1918.

Hon. OSCAR W. UNDERWOOD,
United States Senate.

MY DEAR SENATOR: Referring to your personal call on the 14th instant, with reference to Government-owned coal lands and coal deposits within the State of Alabama, the act of March 3, 1883 (22 Stat., 487), provides, in part—

"That within the State of Alabama all public lands, whether mineral or otherwise, shall be subject to disposition only as agricultural lands: *Provided, however*, That all lands which have heretofore been reported to the General Land Office as containing coal and iron shall first be offered at public sale. * * *."

Under the terms of the act cited, public lands in the State of Alabama, which were owned by the Government on the 3d day of March, 1883, were, on and after said date, subject to disposal only as agricultural lands (18 Fed. Rep., 709), regardless of their character as mineral or nonmineral and regardless of whether they did or did not contain coal or iron or coal and iron, with this restriction, however, that as to public lands in said State which had been, prior to said 3d day of March, 1883, reported to the General Land Office as containing coal and iron, they should first be offered at public sale by President's proclamation (3 L. D., 171).

The provisions of the Federal coal-land laws (secs. 2347–2352 R. S., U. S.) ceased to operate within the State of Alabama from and after the passage of said act of March 3, 1883 (6 L. D., 501). Coal lands in said State not within the purview of the proviso above quoted were, after March 3, 1883, subject to disposition only as agricultural lands; but as to the lands within said quoted proviso they could not be sold as agricultural lands unless it first appeared that they had been, after March 3, 1883, by proclamation of the President, offered at public sale.

"The object of the proviso of the act of March 3, 1883, evidently was and is to except from or take out of the operation of the declaration in the act that mineral lands shall thereafter be disposed of as agricultural lands, that class of lands which had previously been reported to and dealt with by the General Land Office as mineral lands, and thus prevent them from falling back into the system applicable to agricultural lands, until they shall first be offered at public sale with a view that the Government might receive the benefit of such enhanced value as may have attached thereto by reason of their having been classed as mineral; but it is also evident that the offering at public sale contemplated by said proviso is a future thing." (Excerpt from 8 L. D., 75.)

I am unable to find that the lands referred to in said above referred to and quoted proviso have ever been put in the market and offered at public sale.

By the act approved March 27, 1906 (34 Stat., 88), it was provided:

"That the Secretary of the Interior be, and he is hereby, authorized to reclassify the public lands of Alabama, so as to determine which of said lands are in fact agricultural lands and which mineral lands, and to decide which of said lands shall be subject to homestead entry, and to that end he is hereby authorized and empowered to employ such expert mineralogist, assayist, and civil engineers as may be necessary to designate and survey said mineral and agricultural lands.

"SEC. 2. That upon receipt of the report of the parties designated to make such classification, all lands designated thereby as agricultural shall be subject to homestead entry as such."

Following the passage of said act of 1906 the Secretary of the Interior reclassified such of the public lands in Alabama as were reported prior to said 3d day of March, 1883, as containing coal and iron, except certain tracts which were erroneously omitted from the list of lands to be reclassified, and on the 17th of August, 1907, transmitted to the register and receiver at Montgomery, Ala., what were designated as schedules "A" and "B," said schedule "A" consisting of a list of those tracts of lands so reported which are now classified as agricultural lands and said schedule "B" consisting of a list of the lands which are now classed as mineral lands and which are unappropriated except by pending homestead entries. Concerning the lands in said schedule "B" it was stated (36 L. D., 109) that "their status is not affected in any manner by the passage of the act of March 27, 1906, nor by the present reclassification. Until said lands shall have been offered for sale, they will not be subject to entry of any kind."

It was stated in the letter to said local land officers that as to the tracts erroneously omitted from the list of lands a supplemental report would be made, and that as to the entries embraced in said schedule "B" which were suspended prior to the act of March 27, 1906, same were to remain suspended pending further action.

Said schedule "B" embraces approximately 68,000 acres of land in the vicinity of the Warrior field as mineral land valuable for coal. A report on a part of this field may be found in United States Geological Survey Bulletin 400, pages 170 to 189, and folio 179. A report on the northern part of the Cahaba coal field east of the Warrior Basin was published in 1906, Bulletin 316, pages 76 to 114. These bulletins may be obtained from the United States Geological Survey.

On the 23d day of April, 1912, it was provided by an act of that date (37 Stat., 90):

"That unreserved public lands containing coal deposits in the State of Alabama which are now being withheld from homestead entry under the provisions of the act (of Mar. 3, 1883) may be entered under the homestead laws of the United States, subject to the provisions, terms, conditions, and limitations prescribed in the act of June 22, 1910" (36 Stat. L., 583).

And in paragraph 5 of the May 24, 1912, circular, in 41 L. D., 32, under said act of April 23, 1912, it is stated that—

"There is at this time no law which provides for the disposition of the coal in these lands.'

It would be impracticable, with the limited force at hand, to give in detail the exact status, by 40-acre tracts, of said approximately 68,000 acres of land. Some of this land, both surface and subsurface, is owned by the Government, while as to other portions thereof the surface has been entered under the homestead law and said act of 1912 with a reservation of the coal deposits to the Government.

The said statement that there is at this time no law which provides for the disposition of the coal in these lands refers to the coal which has been reserved to the Government by homesteaders who have made homestead entries under the homestead law and said act of 1912. One of the provisions of said act of 1910 referred to in said act of 1912 is (sec. 3 of said act of 1910) that "the coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal," but, as has been heretofore stated, the coal-land laws are not now and have not been since 1883 in force in the State of Alabama, and so the coal deposits reserved by homesteaders to the Federal Government, where their entries are made under the homestead law and said act of 1912, can not be sold under the coal-land law; neither is there any existing law whereby they can be put on the market by presidential proclamation or otherwise, it being obvious that a mere deposit of coal situate in land the surface of which has been disposed of under provisions of laws heretofore mentioned can not be disposed of as agricultural land or as a homestead entry.

As to the land and the coal in the land mentioned in said schedule "B," same may, in any case where there has been no entry thereof under the homestead law and said act of 1912, and where there has been no withdrawal or reservation thereof, be disposed of by proclamation of the President by public sale (42 L. D., 489).

From the foregoing it will be noted that of the 68,000 acres in Alabama of coal land or land in which there are reserved coal deposits the said reserved deposits are not now subject to disposition under any law, and the coal lands for which no surface entries have been made are still controlled by the old act of 1883, as modified by the act of 1912, allowing the disposition of the surface. It is reasonably certain that the language of the proposed leasing bill (S. 2812), or House substitute therefor, will not reach the coal lands on which no surface entries have been made, and it is more or less doubtful whether it will reach the coal deposits in the lands for which surface entries have been made. Manifestly this is an unsatisfactory situation. At any rate, if it is desired to make the general leasing bill applicable to Alabama coal lands and reserved coal deposits, adequate language to that end should be inserted in the leasing bill so that there will be no doubt about it. This could be accomplished by insertion in the bill as reported by the House (H. Rept. 563 on S. 2812), after the words "United States," line 20, page 28, of the words "including the coal land and coal deposits referred to in the acts of March 3, 1883 (22 Stat., 487), March 27, 1906 (34 Stat., 88), and April 23, 1912 (37 Stat., 90).

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Mr. HUDDLESTON. Mr. Chairman, I apologize for having taken the time of the committee to have the opinion read. Those who have followed the reading see that the question involved is a matter relating only to Alabama coal lands owned by the Government. It appears that these lands are held under certain acts which are not generally applicable, which are applicable perhaps only to Alabama, and that the commissioner is of opinion that under this bill, in the form in which we are now considering it, these lands will not be affected by it. Now, it is for the purpose of putting Alabama lands on exactly the same footing as other lands—and undoubtedly the bill was intended to do that—that I have risen. It seems to me we ought to have this bill applicable to all sections of the country. It was evidently intended to be so drawn. The chairman of the committee thinks it does so apply, and I agree with the commissioner that we should not leave any doubt remaining on that subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. HUDDLESTON. With a view to correcting this defect, I ask unanimous consent to return to section 2 of the bill, so that I may offer an amendment to incorporate in the statute the words which the commissioner suggests.

Mr. RAKER. Mr. Chairman, reserving the right to object——

The CHAIRMAN. One moment. Let the Chair state what the request is. The gentleman asks unanimous consent to return to section 2 for the purpose of amendment. Is there objection?

Mr. RAKER. Reserving the right to object, Mr. Chairman, I want to say to the gentleman that placing the amendment that the gentleman suggests at the point suggested—on page 28, line 20, after the words "United States"—if it means anything at all, it disposes of the coal lands in Alabama under the sale provision and not under the leasing provision. And that is not what he wants, is it? He wants to make the coal lands in Alabama subject to lease, does he not?

Mr. HUDDLESTON. I want to put the coal lands in Alabama on the same footing as coal lands elsewhere.

Mr. RAKER. In other words, what I am getting at is this: Do you want to put the coal lands of Alabama under lease under this bill?

Mr. HUDDLESTON. I want to make the amendment that the commissioner suggests. That is to say, to take away from the bill any doubt that there might be any special situation or condition applying to Alabama that does not apply to other lands. Now, the commissioner does not give any opinion as to the matter of lease, and I will not seek to make any change there.

Mr. RAKER. What I am getting at is this: That by this amendment, if it is intended to make applicable the present coal mining law, you authorize the sale of the Alabama coal lands and not lease them.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. For a question.

Mr. MONDELL. Is it necessary to amend the bill in order to include Alabama? Really I have always thought that Alabama was in the Union, but if it is not we ought to bring it in.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. HUDDLESTON] has expired.

Mr. RAKER. Mr. Chairman, I am reserving the right to object to the request.

Mr. MONDELL. If that is necessary, the amendment should be in the first section. Then all the provisions of the bill will apply.

Mr. RAKER. What I am trying to get at and to call the attention of the gentleman from Alabama and other members of the committee to is, that if the amendment goes in at the point suggested, it might simply make the general coal-land law applicable to Alabama, when, as a matter of fact, his intention is to dispose of the Alabama coal lands under lease.

Mr. MONDELL. But, if it goes in the first section, it covers both.

Mr. RAKER. Absolutely, and it ought not to go into this place.

Mr. CRAMTON. I will object to that request for the reason stated. I think, if the gentleman will put it in line 8, after the word "including" in section 1, he will accomplish what he wants.

Mr. HUDDLESTON. I will say that I am offering it at the point where the commissioner says it ought to be. He has given the subject careful consideration, and I know that this is his opinion, and I would rather accept that than to take my own opinion offhand.

The CHAIRMAN. Is there objection?

Mr. RAKER. Mr. Chairman, reserving the right to object——

Mr. FERRIS. I object.

Mr. RAKER. Mr. Chairman, I want to suggest to the gentleman that if he wants to get that amendment in why could he not put it in——

Mr. CRAMTON. Line 8, section 1.

Mr. RAKER. I have got a better place. Section 3, page 29, line 15, after the word "States."

Mr. CRAMTON. That only applies to the leasing. If he puts it in section 1, it will apply to both leasing and sale.

Mr. FERRIS. Let me suggest to the gentleman from Alabama something. There may be something to the suggestion of the gentleman from Alabama, but it is very questionable if we ought to accept an amendment of this sort without looking into it. This bill will be in conference, and we could take it up then, and I can go over it with the gentleman from Alabama.

The CHAIRMAN. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I ask unanimous consent that I may have 10 minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, referring for a moment to the matter of these Alabama coal lands, I am somewhat familiar with the legislation that has been refefred to. It was reported while I was a member of the Committee on Public Lands, and I think there is no manner or sort of doubt but that these Alabama coal lands are included within the provisions of this bill. Alabama is a State of the Union, and the public lands in Alabama have no different status from any other public lands that would exempt them from the provisions of this act.

But, Mr. Chairman, I want to discuss for a moment the provisions of this section. Section 3 evidently contemplates the dividing up by the Secretary of the Interior of the public lands into leasing blocks.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from California?

Mr. MONDELL. Into such tracts and areas as in his opinion will promote the most economical mining of the coal. I will yield to the gentleman briefly.

Mr. RAKER. That idea of blocks is stricken out of the bill. We do not put the blocks in the bill at all.

Mr. MONDELL. The committee has transformed the blocks into tracts. There is some difference between tweedledee and tweedledum, but there is no difference between blocks and tracts

when it comes to a matter of this sort, so that it is a distinction without a difference.

I have discussed this matter several times before the committee, and I have some hesitation about taking up the time of the committee further in discussing it, except in the hope that in the conference, when all these matters will be considered, we may secure a better plan for coal leasing than is provided for in this section. We tried the dividing of the coal lands up into blocks and tracts in Alaska, but without any considerable success. We would have done better if we had said to the prospective lessee: "Go out into these fields, do your own prospecting and developing, and block out an area upon which a mine can be developed; bring us your application; we will examine it, and if you have what seems to be a proper area for an economic mine we will lease it to you."

It has developed that what was done and what is now proposed was not wise as applied to Alaska, but it did not cost us very much, because Alaska's coal areas are small as compared with the coal areas of the country generally. But as applied to the multiplied millions of acres of coal lands of the country generally, this means that a bureau of the Government would be expected to go out on the public domain and spend vast sums of money in dividing the public land up into leaseholds. No one can satisfactorily do the developing work, do the prospecting work necessary for the proper opening of a mine other than the man who himself desires to open the mine. This plan will be expensive and will not be in the public interest, in my opinion.

Further than that, the bill ought to provide for a prospecting permit. The committee wisely provided for a prospecting permit on oil lands. It is even more important that there should be a prospecting permit on coal lands.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. Whether rightly or wrongly, they insist that they know where the coal deposits are. They claim that in drilling they know precisely where the deposits are, and they know of no valid reason why there should be prospecting at all. That was their statement to the committee.

Mr. MONDELL. I will say, Mr. Chairman, that in one case I personally prospected for two years a certain coal field, and the people with whom I was associated invested something like $90,000 before we had developed the facts necessary to justify the opening and development of a mine. Why, the Government has spent large sums prospecting some of those blocks in Alaska. Of course the coal is there, of varying thickness, dip, depth, and quality; but the determination of the question as to where the vein shall be attacked for successful and economic mining, the question of the areas that are reachable from the entries made—those things can not be determined from any superficial examination in any coal field on earth, save perhaps fields like some parts of Illinois or Pennsylvania, where the vein lies at about an equal distance from the surface everywhere and is exceedingly uniform. On much of the public lands of the United States the character and the thickness of the vein changes rapidly, the dip varies greatly, and a very considerable amount of prospecting is necessary in order to determine where a mine can be economically opened and operated. Among other questions to be determined are those relating to the location of loading tracks, where the necessary housing for the employees may be provided, where transportation facilities may be made available. There are a score of things, all having their bearing on the question of where a vein should be opened or attacked, and the size and location of the area surrounding that opening necessary for the proper development of the mine.

Mr. MADDEN. Is the price made uniform in this leasing bill—for coal, for instance?

Mr. MONDELL. No. The leasing price is not less than 2 cents a ton, and such higher royalty as the Secretary of the Interior may fix; and then, in addition to that, all leases are subject to bidding, and the lease goes to the highest bidder. The longest pole and the thickest and biggest pocketbook gets the persimmon.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. What suggestion has the gentleman now?

Mr. MONDELL. I have offered amendments to remedy the situation on two previous occasions.

Mr. RAKER. Let me finish my question. This bill gives a man extra territory for mills and sites and grounds and rights of way.

Mr. MONDELL. That does not suffice. A man must have the opportunity to go out into the field and find out the thickness and quality of the vein, to learn whether the vein is continuous, to study its dip, and to determine all those things that are necessary, except where the land is lean and unbroken, and the vein is of uniform depth and dip, before he can intelligently open a mine and conduct it with success.

The bill makes no provision for that at all. The gentleman asks me what I would suggest. I have offered amendments here on different occasions affecting that situation, but for some reason or other the committee has not seen fit to adopt them. I still hope that when this bill goes into conference that matter will be given consideration, and that first there will be given a prospecting permit, and following that prospecting permit there shall be a lease granted. I would have a very different provision as to the lease than that contained in this bill.

In my opinion, we shall never have satisfactory coal development under a system that proposes leasing under bids. In the first place, it excludes any man and every man of ordinary means wherever he is in competition with individuals or corporations of great wealth. In certain sections of the State of Colorado no one would have much prospect of opening a coal mine if the Colorado Fuel Co. desired to compete against him under the provisions contained in this bill. In other sections no man of ordinary means could hope to open a coal mine if one of the great corporations operating there saw fit to bid against him. They could bid a cash bonus so high that no man of ordinary means could afford to pay it. When the great bonus is paid, it is a little money in the Treasury, it is true, but the public will pay it back many times over in the increased cost of their fuel.

It is not a wise plan. It was never a part of the plan or purpose of those who originally proposed this kind of legislation. The Secretary of the Interior should be given discretion to impose the amount of royalty that he deems wise under the circumstances, preferably within limits provided by law. And then he should lease the property under conditions that will warrant its economical development. This system of bids and bonuses is a system which will concentrate both coal and oil in the hands of great corporations. This plan does not give the man of ordinary means any chance at all wherever a man of large means or a corporation of large means sees fit to bid against him, and it is not the sort of legislation that we should encourage.

Mr. MADDEN. Has it not always been the policy of the Democratic Party to work against monopolies? And does the gentleman pretend to say that now the Democratic Party are in favor of monopolizing?

Mr. MONDELL. I hope no one intends to encourage monopoly, but it will inevitably lead to monopoly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask that the gentleman from Wyoming have one minute more in which to answer a question.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Wyoming be extended one minute. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Is the gentleman from Wyoming on the Committee on the Public Lands?

Mr. MONDELL. No; I am not.

Mr. COOPER of Wisconsin. Does the gentleman know what argument was made in favor of that bonus provision?

Mr. MONDELL. If the gentleman had heard the discussion during general debate yesterday, he would have known that there has been very little discussion of the general provisions of this bill. Most of the discussion has been with regard to certain so-called relief measures, and I think perhaps I am the only one who has discussed these general provisions to any considerable extent. I know of no argument except that the Government may get more money in some cases by exacting a bonus, but it must inevitably lead to concentration and to monopoly and it tends to keep the ordinary small fellow out of the coal and oil business.

Mr. COOPER of Wisconsin. I move to strike out the last word, and I should like to ask the gentleman from Wyoming another question. Is this the first time that that provision has been in any bill regulating the disposition of coal lands?

Mr. MONDELL. That provision has been in this particular legislation since it was first introduced. This is the third time that a bill somewhat similar to this has been before the House, and the provision has been in this bill twice as it passed the House and twice I have called attention to the danger in

this provision. Some gentlemen came here a short time ago and appeared before the committee and called attention to the danger of monopoly in oil under that kind of a bonus provision, but no one seems to be paying very much attention to the general provisions of the bill as they relate to coal, because there does not seem to be anyone anxious to make a coal lease. This is the plan: The Secretary fixes the minimum royalty, and then he offers the lease to the highest bidder. Now, I assume that that bid must, under the terms of the bill, be in the nature of a bonus. A bidder would say, "I agree to take a lease of a certain described area, paying the royalty fixed and under the conditions prescribed, and in addition to that I will pay $5,000, $10,000, $20,000 or $100,000 for the lease." That is the plan that has been followed somewhat, I understand, in Oklahoma in the sale of Indian oil leases. However successful or unsuccessful it may have been there, it is not sound as a general public policy. The bill authorizes the Secretary to fix any royalty he sees fit, provided it is in excess of 2 cents a ton of 2,000 pounds, and we should provide that the Secretary fix a fair royalty and grant the lease under that royalty. That would give all comers a chance at the lease. But if the lease is to be put up to the highest bidder, the highest bidder is almost certain to be the corporation that is operating in that community. Now, gentlemen may say that the matter is safeguarded because only one lease may be taken under this bill, and therefore that prevents combinations; but the gentleman knows how these things are gotten around. Another corporation or individual, apparently not the one operating the next mine, bids above the ordinary comer and the lease goes to him. We must make up our minds that if we are to adopt this bidding system on oil and coal leases, the ordinary citizen, the man of limited means, is not going to have any opportunity at all.

Mr. COOPER of Wisconsin. Mr. Chairman, I think that answers my question.

The CHAIRMAN. The gentleman still has one minute remaining.

Mr. COOPER of Wisconsin. I will ask one more question.

Mr. MONDELL. I want to say to my friend in just one second of that minute that I do not believe anybody intends to build up monopoly under this bill. Gentlemen are proceeding in good faith. What I do believe is that what they have done will result in the building up of a monopoly.

Mr. COOPER of Wisconsin. The gentleman certainly presents a very strong argument in support of his contention that the people having the most money will make the highest bid and pay the biggest bonus, and therefore will get the lease.

Mr. FERRIS. Will the gentleman yield?

Mr. COOPER of Wisconsin. I was just propounding a question to the gentleman from Wyoming. The title of the bill as it left the Senate is—

An act to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

I notice that, on page 28, line 7, the bill is confined to—

Deposits of coal, phosphate, oil, or gas—

And that sodium is omitted. Why was sodium omitted?

Mr. FERRIS. Because we passed a special bill for that, and it became a law.

Mr. COOPER of Wisconsin. When?

Mr. FERRIS. In the last session of this Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask that I have two minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. FERRIS. We passed a special bill, and it is a law.

Mr. COOPER of Wisconsin. But it is strange that the Senate had forgotten that, because this bill passed the Senate January 27, 1918.

Mr. FERRIS. The gentleman from Wisconsin will not hold me responsible for all the omissions of the Senate, I am sure.

Mr. COOPER of Wisconsin. No; but it excuses me for forgetting that that bill had been passed. Now, I should like to have the gentleman answer the question that I put to the gentleman from Wyoming.

Mr. FERRIS. All I have to say is that there is a limitation on the area that any bidder can get. No one man or corporation can get more than 2,550 acres, which is a comparatively small area for coal people to operate. Second, they can not transfer a lease without the approval of the Secretary of the Interior. Hence, the only monopoly would be to have one of these leases, to work it under the strict surveillance of the Interior Department, and pay the royalty thereon, and pay as much bonus as the business would stand. This is real conservation in the public interest. It is a long step in the right direction. It supplants an old antiquated law that everybody desires to get rid of. It is favorably recommended by all the departments of the Government. It is just as it has twice passed; it is all right. If anything develops later we can look after it in conference; or, still, if we miss anything in conference, the Congress will still be here—they can amend it.

Mr. COOPER of Wisconsin. Is there anything to prevent the great corporations from bidding and making purchases?

Mr. FERRIS. If they make purchases they can not transfer them without the approval of the Secretary of the Interior. This is the first time that the Government gets a chance to say you can have but one lease and no more, and you must pay a royalty and submit to such rules and regulations regarding the proper treatment of labor, regarding the proper conduct of mines, regarding the sale of the commodity, as the Government thinks reasonable. The gentleman from Wyoming this year objects to competitive bidding, as he did last year and the year before when the bill was passed. That may or may not be the better way to determine it. Suppose the gentleman from Wyoming, the gentleman from Wisconsin, and myself were each to make application for a given tract at the same time. There must be some method of determining which one shall have the lease, and what way can be so wholesome, what way can be so just, as to let us bid for it in the open market? The gentleman from Wyoming complains that the man who had the money would get the coal land, and the man without the money would not get it. There is some truth in that, but the mining of coal is not a business for the barefoot boy or the barefoot homesteader to engage in. It is a million-dollar job to start with. It is not a question of taking the bread from the penniless homesteader, because he could not mine coal. It is more a question of determining between three or four coal operators, either one of whom is able to pay the royalty in the first place; and in the second place to pay a bonus to determine which one shall have it. This will not blast the Treasury to put a few pennies into it, as distinguished from constantly depleting it.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MONDELL. Has not this been said as an argument in favor of the leasing system—and I think a strong argument—that under the leasing system a man was not required to make a tremendous investment, while under the purchasing system he was; and therefore the man, the ordinary man—I do not mean the barefoot boy or the penniless homesteader, but a man of ordinary means, with energy and ambition, and my friend has seen many a man who had the enterprise and a great deal of energy and ambition to build up—would have an equal opportunity? It has been the hope that the leasing system would give that man a better chance than the system under which he had to pay a very high price for the property in which he invested.

Mr. FERRIS. I fear the gentleman is taking up the whole of my time. The answer to the gentleman's argument is that this one company, this one man, can only have one lease, and no more, and he can not transfer it without the approval of the Secretary of the Interior, and we have a right to assume that the Secretary of the Interior will not permit dummies or fraudulent transfers and let one company rent it all. This is perfectly safe, perfectly wholesome. It has been approved by everybody.

Now, further, the Bureau of Mines and the Geological Survey and the Secretary of the Interior and every arm of the Government that has had anything to do with the operation of coal lands had to do with the drafting of this, and each and every one recommended it, and everyone asserted that it would kill monopoly, get revenue for the Government, and keep one coal operator from occupying the whole country; and I think with that in mind it ought to be adopted.

This bill passed the House four years ago and two years ago, and we have not changed it one iota. The gentleman from Wisconsin [Mr. COOPER], the gentleman from Illinois [Mr. MANN], and the gentleman from Wisconsin [Mr. LENROOT], and all the sharpshooters on this side combed it from line to line, and no change was made, and it was introduced as it passed then, and while the gentleman from Wyoming may be right about it, I think we are safe in standing with all the authorities and the ex-Secretary of the Interior and the present Secretary of the Interior.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having taken the chair, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On May 16, 1918:

H. R. 8753. An act to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, and for other purposes.

On May 22, 1918:

S. 3911. An act authorizing national banks to subscribe to the American National Red Cross; and

H. R. 10264. An act to prevent in time of war departure from or entry into the United States contrary to the public safety.

On May 23, 1918:

S. 2123. An act to regulate the practice of podiatry in the District of Columbia; and

H. R. 11628. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

EXPLORATION FOR COAL, PHOSPHATE, OIL, GAS, AND SODIUM.

The committee resumed its session.

Mr. RAKER. Mr. Chairman, I want to oppose the motion of the gentleman from Wyoming. I want to call the attention of the gentleman from Wisconsin to one or two matters. He referred to the fact that potassium was omitted from the bill.

Mr. COOPER of Wisconsin. I said sodium.

Mr. RAKER. The same thing; they are synonymous. I am surprised to hear the argument of the gentleman from Wyoming which he just made in the 15 minutes given him and the 10 minutes he took in answering the question of the gentleman from Wisconsin. I do not know of a Member on the floor raising the question or discussing the proposition of corporations until the gentleman stated that he was afraid the corporations would control the coal, oil, gas, phosphate, and sodium. I want to call the attention of the committee to the fact that this is the first piece of legislation that has ever been brought in that I have been able to find in regard to the disposition of the public lands in this country wherein a corporation is given the right to participate as private individuals under the law, and up to this time no man has raised his voice against it, nor has he moved to strike out the provision as to corporations being given the same rights as individuals.

What is the matter with you? Why have you been asleep for five years and then at the last instant come out and say that corporations are going to control this, when the very bill, in the very first section, that passed this House two years ago a corporation is given the right to participate under this law, and never up to this time has Congress ever been afraid that it was passing legislation to give corporations the right to obtain lands—desert lands, homestead lands, or lands of any other kind. It is a late day now to say that if this bill is workable under the existing law—and we believe it is—that there will be a monopoly. There is going to be no monopoly. The statement that monopoly is going to take the public lands under the just provisions of the bill, when you in the first section give corporations the right to participate in the public lands, it seems to me is a little late in the day.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I can not yield for a minute, as I have a thought and I want to get it out. [Laughter.] I tried to get an amendment before the committee, and I shall read it:

Or to any corporation organized under the laws of the United States or of any State or Territory thereof.

I tried to get an amendment adopted in the committee to that effect, and this is the first time that we have ever permitted a corporation to deal in the public domain of the United States. That corporation might be organized by aliens and have only one or two citizens of the United States. The entire stock might be held by foreigners. No, sir; they would not admit it, and it is a little late now to be talking about corporations controlling our public domains. I want to say to you, as a matter of fact, that if a corporation is permitted under this bill it is all right under the rules and regulations, but there ought to be a provision in here that no corporation that is controlled or owned by a board of alien directors or stockholders should obtain these great valuable deposits of coal, oil, phosphate, and sodium.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MONDELL. Why did not the gentleman have an amendment of that kind adopted?

Mr. RAKER. I offered it in the committee and was unable to get it adopted.

Mr. MONDELL. The gentleman is no more fortunate than I am in getting good amendments adopted.

Mr. RAKER. What strikes me now is that when the members of the committee and other Members of the House allow an amendment like that and give corporations the right to obtain these valuable leases under the Government when we have legitimate provisions to protect the matter they begin to raise their voices and say that corporations are going to control these properties.

Mr. MONDELL. Is the gentleman addressing his remarks to me?

Mr. RAKER. No; I am not.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. CRAMTON. I am not sure that I understood the gentleman's exploitation of the thought which possessed him. Do I understand the gentleman claims there is anything in this bill that will permit a corporation to get title to lands?

Mr. RAKER. Leases.

Mr. CRAMTON. But not title?

Mr. RAKER. No title.

The CHAIRMAN. The time of the gentleman from California has expired. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 7. That for the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall be not less than 2 cents per ton of 2,000 pounds, due and payable at the end of each month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall be not less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Remembering my promise not to embarrass this much-embarrassed committee by offering amendments, I rise to discuss the bill and suggest modifications that might be acted upon in conference, and I want again to call the attention of the committee and of those gentlemen on both sides who will be conferees to the proviso contained in this section to the following effect:

Provided, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal.

That is a provision authorizing the Secretary of the Interior to allow coal mines to be closed down upon the payment of a certain royalty. It is a very dangerous provision and is entirely unnecessary. There should be a provision, however, to take the place of that provision or to meet the contingency which that provision was intended to meet. There are conditions when the state of the market is such that mines can not be continuously operated to their full capacity, and if, in line 2, on page 33 of the bill, after the word "mines," the words were inserted, "so far as the condition of the market shall warrant," you would then have a provision which will guide the Secretary of the Interior in the exercise of his discretion relative to the continuous operation of the mines. Secretaries of the Interior, I am sure, always want to be honest, and I hope they always will be honest, and I hope they will never be misled. But there are people in the world who are charged with dishonesty who are honest, and there are very good men who are sometimes misled or misinformed. We should have no provision in the law whereby a mine may close down and be sealed when there is a market upon the payment of a nominal sum in lieu of royalties. Provision should be in the bill under which a continuous operation must be had so far as the condition of the market will warrant.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CRAMTON. Would not the gentleman's own amendment make it possible for one of these monopolistic corporations, which he has spoken about, to go into an area and get hold of the coal property before there was really a market available for it and hold it without operation—simply speculate on the future—and shut out anybody coming in who really wanted to develop the property?

Mr. MONDELL. Not at all.

Mr. CRAMTON. Because the gentleman makes it possible to suspend operations dependent upon the condition of the market.

Mr. MONDELL. That is the condition under which operations must necessarily be reduced or suspended. You can not get away from an economic law by all of the words you may write into your statute book.

Mr. CRAMTON. Instead of putting it in the hands of the Secretary of the Interior to determine when this thing shall be, the gentleman puts a clause in there of such vague and wide meaning that it may let a great deal of evil develop.

Mr. MONDELL. The gentleman does not understand the amendment at all. He has not noted the point in the bill at which this comes or he would have known that my amendment left the whole thing in the hands of the Secretary of the Interior. The Secretary determines to what extent these mines shall operate. He is the man who determines whether strikes, accidents, unavoidable conditions warrant the closing of the mine. This will be just another one of the conditions, entirely under the control of the Secretary of the Interior. Of course, if the Secretary of the Interior was a fool or a knave you might have an unfortunate condition under that kind of a provision, but you would be much less likely to have an unfortunate condition than you would with a provision under which a mine may be sealed up without regard to the condition of the coal market.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. The Secretary of the Interior ought to be in a position to compel operations just as far as the market will allow the coal to be used.

Mr. MADDEN. Will the gentleman read just how the language would appear with his amendment in it?

Mr. MONDELL. "Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines so far as and to the extent as the condition of the market shall warrant," or words to that effect.

Mr. MADDEN. Under supervision?

Mr. MONDELL. That all follows, put under supervision of the Secretary of the Interior, who supervises and determines all those conditions.

Mr. MADDEN. And he would have the power to compel the operation of the mines if the market justified it?

Mr. MONDELL. Up to the limit, and not only would that provision take the place of the sealed-up provision, but it would give the Secretary authority that he now has not in the bill to compel production up to the point of the absorption of the market.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. PARKER of New Jersey: After section 7 insert a new paragraph, as follows:

"And, in the discretion of the Secretary of the Interior, any such lease may provide that out of surplus earnings, if any, accumulated in excess of a specified rate of return upon the net investment of the lessee in any mine under lease, the lessee shall establish and maintain amortization and surplus reserves, which reserves shall, in the discretion of the Secretary of the Interior, be held until the termination of the lease, or be applied from time to time in reduction of the net investment. Such specified rate or return and the proportion of such surplus earnings to be paid into and held in such reserves shall be set forth in the lease, and any such lease may further provide that the rest of such surplus earnings shall be annually divided and paid among the purchasers of coal according to the amount paid in by each purchaser in the year, which dividend and payment may be made in scrip bearing interest if such profits have been used in permanent improvements or held as surplus."

Mr. FERRIS. Mr. Chairman, I reserve the point of order on that.

Mr. PARKER of New Jersey. Mr. Chairman, in the water-power hearing it was recognized by the Secretary of the Interior that in any project for water power, just as in any mining, there might be exorbitant profits. I have known mines that are now paying a thousand per cent, more or less, because of the rise in the price of the commodity. It has always been my idea that in leasing a mine, as in leasing water power, the Government ought to protect the public by having the rates made so low that they would not reap an exorbitant profit, but only a fair profit and that when the party has made, we will say, 25 per cent—make it as liberal as you please—a really large profit—that everything above that large profit should be paid back in the way of dividends to men who purchase the coal or, in the case of water power, to the men who hire the water power. The Secretary had a little different idea. He believed in limiting the profits to a fair return, which is all the party should have, but above that fair return he would apply the surplus in amortization; that is, in paying back the fund that was invested. The difficulty is this: On a 20-year lease 3 per cent a year, which is a small amount, will amortize the whole capital of 100 per cent within 20 years. On a 30-year lease in Canada 1.8 per cent has been found sufficient to return and amortize the whole project in 30 years. In Canada they provide in their leases that the rates shall be reduced so that no more than the ordinary expenses and the amortization fund shall be charged.

Mr. RAKER. Will the gentleman yield?

Mr. PARKER of New Jersey. In a moment; when I have completed this sentence. My proposition therefore is—it does not bind anybody, it simply seeks to get this question into the bill—my proposition is that the Secretary of the Interior in proper cases may provide for an amortization fund out of the surplus profits; may provide what shall be a fair return; that is already in the Secretary's proposed amendment as to water power. My proposition also provides that any surplus profits above this shall be returned to the consumer as a dividend, which is practically a reduction in the price of coal. I now yield to the gentleman from California.

Mr. RAKER. The gentleman's point of view there is that this bill should provide for authorizing the Secretary of the Interior to fix the rate and the amount of charge that the company could fix to its customers?

Mr. PARKER of New Jersey. No; my proposition is that the price should be fixed automatically, so that if the lessee should make a large profit—a cumulative profit, if you please, up to 25 per cent—that then he shall reduce the price of coal by rebate or dividends, but not seeking an exorbitant price so as to make an exorbitant profit. I hope the gentleman from Oklahoma will allow this amendment—and this is only provisional—to go into his bill so that it could be placed before the Senate and in conference.

Mr. FERRIS. Mr. Chairman——

Mr. MADDEN. Mr. Chairman——

Mr. FERRIS. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. Does the gentleman from Illinois rise in opposition to the amendment?

Mr. MADDEN. Yes.

Mr. Chairman, I would like very much to be able to agree with the gentleman from New Jersey, but here we have a bill that proposes to lease to private owners coal properties, and authorizes the Secretary of the Interior to fix the royalty rate per ton of coal mined, and the amendment of the gentleman from New Jersey proposes to authorize the Secretary of the Interior to direct the man who invests the money in the coal mine as to what he is going to do with it. So you have him coming and going. You could not get a man to invest a dollar in a coal mine under a lease with this provision in it. And why should the Secretary of the Interior have the right to say how much the owner of the mine under the lease shall put to surplus? If he has any good business judgment, he will know better what to do than the Secretary of the Interior, and if he is compelled by any condition or terms of the lease to charge such a price for coal as to enable him to pay dividends, and then create the surplus and amortize his capital, he will be charging more to the consuming public for coal than they ought to be obliged to pay. So I hope the amendment suggested by the gentleman from New Jersey [Mr. PARKER] will not be given serious consideration.

I think where a man invests his money and is compelled to pay the price the Government fixes for the privilege of operating a mine, that he should at least be given the right to charge the market price for the commodity he produces under the lease, and that he ought to be permitted to exercise his wisdom in the disposition of the profits, if there are any profits when he gets through paying the Government and the cost of operating the mine, as he thinks best. I have never seen a proposal exactly like this submitted for the serious consideration of a body of intelligent men who are supposed to be considering the development of the public domain, with a view to supplying the needs of the people. And I certainly hope that there will be wisdom enough manifested by those in charge of this bill to either have the provisions suggested stricken out on a point of order or that there will be votes enough in the House to defeat it if it comes up for consideration on its merits.

Mr. FERRIS. Mr. Chairman, I know how well informed and how earnest the gentleman from New Jersey is, and how keenly he feels about the matter. But I want to call attention to some

somber facts, which I think will make him doubt the advisability of adopting such an amendment.

Prior to 1873 coal lands passed into private ownership under the agricultural land laws. The man who homesteaded the surface took the coal with it. Subsequent to 1873 they provided a sale plan and sold the coal land at the flat rate of $10 an acre. There were many objections to that policy. Since 1907 they have been sold pursuant to appraisement, and it has run as high as $500 or $600 an acre. Under that plan 4,267 coal entries have been made, aggregating 610,516 acres. Now, the total coal area in the United States is 53,000,000 acres, a tremendously large body of coal, and there are some 4,000 companies operating on 610,000 acres, which is a very small part of the aggregate. Now, if you pile onto this law such onerous and such cumbersome provisions as to require them to amortize and to require the Government to divide their surplus earnings, my thought is that we would not get any leases and they would resort to the old plan, and I am afraid that the amendment of the gentleman from New Jersey [Mr. PARKER], though well and earnestly intended, would operate to defeat the thing we want to do. So I ask for a ruling on the point of order, and if it is overruled I ask to have the amendment voted down.

Mr. PARKER of New Jersey. Mr. Chairman, there is nothing onerous about this. If I establish a coal mine on condition that I can make 25 per cent every year of all that I put in, but that I shall not make any more, and must reduce the price of coal to my consumers so that I shall not get more, that is fair. If I lower my price so as to get no more, it is right I should get the limited per cent a year. That is the kind of lease this amendment provides for.

Mr. MADDEN. Will the gentleman yield?

Mr. PARKER of New Jersey. In a moment.

What we want to avoid is a condition similar to this: I know at least of one mine, that I do not want to name, where the value of ore has gone up in the last five years from $5 to $60 because no other mine in the world can furnish as good ore, and the result is they are making several hundred per cent a year.

Mr. MADDEN. Is that a copper mine?

Mr. PARKER of New Jersey. No. I am not mentioning the mine. Under those circumstances the protection of the public demands that a fair limit of return should be established, as suggested by the Secretary of the Interior, and that the amount of the profits should be reduced so as to give only a fair return.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. PARKER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. ROBBINS. Mr. Chairman, wait a minute. I have an amendment there.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ROBBINS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROBBINS: Page 33, line 16, at the end of section 7 insert:

"*Provided*, That the amount of advance royalty so paid shall be credited on royalty accruing under the said lease in any year during the remainder of the term."

Mr. ROBBINS. Mr. Speaker, this bill is founded, I think, on a mistaken basis, that of leasing instead of selling the right to mine coal; but I do not wish to waste any time in discussing that feature of the act. The coal interests of the United States can not be developed on a leasing basis if we wish an economic production of coal, as well as it can be, on a sale basis. Now, this section provides for the minimum rental of 2 cents a ton, which, of course, is a ridiculously low rate, but that is only a minimum to start with. Rentals in the older States have advanced until there are sometimes leases made in Pennsylvania to-day of 52 cents per net ton. Probably these new leases will come up to that value; at least I hope they will. Now, there is a provision in this section that there should be a fixed rental on the land, but no minimum on account of the coal royalty. There is also a provision that this lease is to be readjusted every 20 years—that is, it is to be renewed every 20 years—and that the Secretary of the Interior has a right to change entirely the terms of the lease as to payment of royalty. And there is a provision in the proviso in section 7 that will work a great hardship upon the lessee, because this bill, which ought to be prepared for the purpose of promoting and encouraging the interests of the mining industry on the public lands of the United States, while in fact it is contrary to the purposes it is proposed to accomplish. And one of the essential provisions that ought to be here is lacking for the protection of a lessee, who has to go on these coal lands, explore them, put all the improvements on them, and take all the risk, and pay a royalty to the Government whether he mines coal or not, because in its present form he has no protection whatever in case of dull times and suspension of mining operations. The only protection he gets here is from strikes, explosions, and matters beyond his control. But coming from a mining region as I do, I know there are whole periods of the year when operators can not sell the coal mined because of dull markets. At such times the mining is suspended.

Under this bill you propose to have operators pay a minimum royalty. How will that work out? The royalties under these leases will not be less than 5 cents a ton. There are three things in every coal lease that must be provided for: A minimum output per year and a minimum royalty per ton; and there ought to be another provision that is not included in this bill, to wit, a minimum amount of coal to be recovered per acre.

Now, under the terms of this lease, for illustration, take a lease at the rate of 5 cents per ton, and 100,000 tons, and you will have $5,000 per year royalty accruing for coal that ought to be mined under the lease. If dull times come on or depression of business occurs or lack of markets prevail you compel your lessee to pay $5,000 to hold his mine, in addition to losing the investment on his property, and in addition he has to pump his mine, if it is a pumping proposition; and he has to have it guarded and protected if it is an open mine, even if it is a drift proposition, and must ventilate and pump the mine.

Now, the Government ought not to compel the lessee to pay that $5,000 royalty and get nothing for it. All the leases that I have knowledge of—and in our section of Pennsylvania, where we have many leases, I know something about it—contain this provision for the protection of the lessee, that when his mine is closed down for any cause he shall have the right to mine out coal in the future to the extent of the royalty he must pay as a minimum in advance and have it credited on the coal that he mines out.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ROBBINS. Therefore I say to Members of this House who come from the West, where this coal land is situated—we have no public land in Pennsylvania—I am only seeking to cast some light from experience in the older mining community upon a plan of development of a new mining community, for the sake of aiding in bringing about what I think is intended to be accomplished by this bill, which is to encourage the development of coal lands in the newer States and on the public domain. A lessee in entering upon this domain, unexplored as it is, with the coal somewhat broken up and not persistent as to vein or level or to stratification, as it is in the older States, especially in Pennsylvania, will be confronted with an initial expense that will be startling and that will prevent the development of the coal lands, because if he has to go onto the coal field and drill it with diamond drills to determine its dip and persistency and extent he ought to be in some way protected from the minimum payment of royalty from which this bill does not propose to authorize the Secretary of the Interior to protect him in the covenants of the lease.

Therefore, Mr. Chairman, I say that this amendment that is offered now does not work a hardship upon the Government, because the Government will be paid for every ton of coal that is taken out under the lease, but it works a great saving and is a great protection to the lessee who must invest all the money in the development of the property; the lessee must develop it; otherwise it is undeveloped and unproductive and without value. He is entitled to be recouped for the minimum royalty he must pay, while he can not operate the mine during the times of business depression or business stagnation.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. FERRIS. Mr. Chairman, I hesitate somewhat to debate a proposition with a gentleman who, I know, is familiar with the coal-mining business. I am not a practical coal miner in any sense of the word. I may be wrong and the gentleman may be right about it, but——

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. The gentleman will hear me just a minute. On page 32, lines 23, 24, and 25, I find this language in the bill:

Except that such rental for any year shall be credited against the royalties as they accrue for that year.

Mr. ROBBINS. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. FERRIS. In just a moment. I know what is in the gentleman's mind.

Mr. ROBBINS. That does not apply to what I am talking about.

Mr. FERRIS. I understand; I think I know what I am talking about. Now, these advance rentals and advance royalties, if they shut down for a year, can all come in under that head, and, in addition to that, they are excused altogether, first, if there be strikes; second, if the elements interfere; third, in case of any casualty not attributable to the lessee shall occur.

Now, what the gentleman from Pennsylvania wants to do is to allow the coal companies to shut down for reasons other than these—these are pretty liberal—for 5, 10, 15, or perhaps 20 years. Under his amendment there is no limit, as I heard it; and then if any rental is paid by them during that interval, they revive the whole lease and bring this rental forward and perhaps pay rental without mining anything for several years. That allows the coal company, in a way, to cold storage its holdings, perhaps allowing people to suffer for want of coal, and no one would really want to do that. Let me repeat. We limit it to one year. Any royalties or advance rentals to keep the lease alive for that year can be credited against the total royalty paid, but we do not cover it over a group of years. And even beyond that, if strikes or labor troubles interfere or the elements interfere or casualties not attributable to the lessee—which, it seems to me, covers everything—he is excused from anything. I think that that is all we should do.

Mr. MADDEN. So that under every reasonable expectation the operator of the mine is credited, under the terms of this bill, for any advance payments that he may make?

Mr. FERRIS. Yes.

Mr. MADDEN. Or relieved from payments entirely if the mine should be closed down for any cause over which he has no control?

Mr. FERRIS. That is it.

Mr. MADDEN. I think that is liberal enough.

Mr. ROBBINS. Mr. Speaker, I move to strike out the last word. Either the gentleman from Oklahoma [Mr. FERRIS] entirely misapprehends the terms of this bill or else I do. Now, let us understand where we are at. There is no use in talking if we do not know what we are talking about. I read from page 32, beginning at line 17:

At such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall be not less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than $1 per acre for each and every year thereafter during the continuance of the lease—

That is the rental that the lessee pays for the land itself. Leases frequently contain that provision—so much per ton for the coal mined, and $1 per year for the rental of the premises, to make the lease a good and binding one, by providing a valuable consideration—

except that such rental—

What rental? Why, the dollar a year. To quote line 24—

for any year shall be credited against the royalties as they accrue for that year.

I am not speaking about rental at all. I am speaking about the minimum royalty that will be contained in this lease, and I can illustrate it by a very common illustration. If the minimum tonnage is 200,000 tons per year and the minimum royalty is 5 cents a ton for coal mined that means $10,000 of royalty to be paid each year.

Mr. FERRIS. There is no minimum tonnage, which disposes of the whole argument the gentleman has been making.

Mr. ROBBINS. These gentlemen have been asserting here from the time this bill came up that the Secretary of the Interior had the power to make these leases and provide rules and regulations over them, and no Secretary will make a lease that does not have a minimum tonnage in it.

Mr. ELSTON. Diligent operation.

Mr. ROBBINS. The "diligent-operation" clause would not cover it, because you could put in a wagon that could haul half a ton of coal at a trip, and make 50 trips a day and that would be 25 tons a day; whereas the mine wagon that ought to be put in would hold 3 tons. Yet this might be "diligent operation." That does not mean anything. The term is indefinite. A coal lease will contain three specific provisions if drawn by a man who understands the coal business. The lease must contain first a minimum tonnage of coal per year; second, it must contain a minimum output of tonnage per acre; and, third, it must contain a minimum royalty payment whether the coal is actually mined or not. When the peace-at-any-price people, during the time of the Civil War, presented a paper to Lincoln for him to sign he said he would sign any kind of a paper if it had at the top of it the statement that the "Union must be preserved." If you put those three provisions into a coal lease, I do not care what you put in otherwise. Of course, the lease will be guarded by provisions as to the width of the entries and the size of the room pillars to be left, so that the remaining coal can be worked, and what drainage and ventilation passages shall be left open, and the right of entry and survey at any time by the owner without regard to permission from the lessee. All those things will be covenanted for, but the three provisions which I have spoken of will be inserted in every coal lease. Now, where is there in this bill anything to allow the lessee who works this coal and who has to shut down because of dull times or a panic to be recouped for the royalty that he will be compelled to pay under the terms of the lease? What is to relieve the lessee from these hard covenants of his lease? Here are the things that he is excused from under this act, and we have them in our leases: "Strikes, lockouts, explosions, and other causes beyond his control." Those words are on the letterhead of every bill of every coal company that is sent out. This act provides for but few grounds of relief, page 33, line 3, "strikes, the elements, or casualties not attributable to the lessee."

This bill provides that the lease shall be for indeterminate periods, and then it is fixed at 20 years. That would be a determinate period. That seems to be a contradictory way of expressing it. And it shall be—

upon condition of diligent development and continued operation of the mine or mines.

Diligent operation is a question that the courts will have to decide. Why it should be put in that indefinite way I do not know. "Continuous operation" is a term that must be construed by the ordinary usages of the mining region in which the mine is located. Now, here are the exceptions that the committee in charge of this bill retreats behind so quickly:

Except when such operation shall be interrupted by strikes—

We all know what that means.

The elements, or casualties not attributable to the lessee—

Which means floods or explosions or fire. And then what else?

And upon the further condition that at the end of each 20-year period—

The lease "shall be readjusted."

Mr. MADDEN. Will the gentleman yield for a question there?

Mr. ROBBINS. Yes.

Mr. MADDEN. The gentleman does not contend that under that provision it would be possible for the Secretary of the Interior to insert a clause in the lease that would compel the operator of the mine to pay a royalty while the mine was not operated for reasons beyond his control, does he?

Mr. ROBBINS. Yes; I do. A panic is beyond a lessee's control, but it will stop mining operations.

Mr. ELSTON. Casualties——

Mr. ROBBINS. The courts have defined what casualties in a mining operation mean. They mean accident, explosion, fire, or a strike. Those are the things that are specified. It does not provide for the contingency I am referring to, namely, business depression.

Mr. ELSTON. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBBINS. I ask unanimous consent for five minutes.

Mr. FERRIS. I ask unanimous consent that at the expiration of 14 minutes, debate on this amendment and all amendments thereto be terminated.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of 14 minutes all debate on this amendment and amendments to the amendment be terminated. Is there objection?

There was no objection.

Mr. ROBBINS. I will yield to the gentleman from California.

Mr. ELSTON. In commenting on the phrase inserted in the lease, "diligent development and continuous operation," the gentleman said the interpretation of those words would be up to the court.

Mr. ROBBINS. Certainly it would.

Mr. ELSTON. In the jurisdiction with which the gentleman is familiar would the contingency of a dull market be construed by the court as an excuse for not using diligent development and continuous operation?

Mr. ROBBINS. No. I will illustrate to you what those terms mean. We have certain mines in Pennsylvania where the coal is shipped entirely to the Lakes for transportation by water to the Northwest. During the winter season these mines are closed. That is "continuous operation" in this region, because you could not ship coal when navigation is closed. These terms are construed with reference to the usages of the region where the mines are located.

Mr. ELSTON. I get the gentleman's idea, but referring to the bottom of page 49, it says the Secretary of the Interior is given authority to insert general provisions which may cover

such contingencies as the gentleman mentioned. Will the gentleman look at that and say if possibly the Secretary of the Interior might consider a particular locality and insert provisions to cover the cases such as the gentleman has stated?

Mr. ROBBINS. Mr. Chairman, I have read over the bill and noted what the gentleman specially calls my attention to on page 49. I have never known a coal lease—and it has been my very good luck to be pretty intimately connected with them on both sides, both as owner and lessee, for a good many years in Pennsylvania—and every coal lease I have known which was regarded as fair, when it came into the court for interpretation has contained provisions for protecting the lessee against forfeiture for failure to pay the minimum royalty payments. If he continued to operate under the lease and observed the covenants, he has always been given an opportunity to mine coal free to the extent of the advanced royalties paid. Some leases, I admit, provide that in "the succeeding year" the lessee shall have the right to have credited on the coal mined for the advanced royalties paid, limiting it to one year. I did not insert this in the amendment proposed because this is a legislative proposition, and the Secretary of the Interior ought to be permitted to work out these details and have a certain latitude in doing so.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. TAYLOR of Colorado. Does not the gentleman think he ought to put some limitation on it—he would not allow them to put a mine in cold storage for 25 years?

Mr. ROBBINS. That is absolutely impossible. That suggestion was made by the gentleman from Oklahoma; the cost of carrying a mine, interest charges, and so forth, would prevent this.

Mr. TAYLOR of Colorado. Does not the gentleman think we ought to have some limitation on the time?

Mr. ROBBINS. This lease, if you will bear with me a moment, will contain all the covenants to protect the ownership of the United States. It will require the lessee to mine a minimum amount of coal each year. It will require him to work the mine in a workmanlike manner, according to the surveys and plans of experienced mining engineers, and when that is done payment of royalty for the coal mined is required at the end of each succeeding month—30 days after he removes the coal out—which is a hardship and is never enforced in Pennsylvania. The payment of royalties every three months is the usual and ordinary covenant of a lease in reference to the payment of royalty. I am not objecting to that, but I say if you are going to encourage development of these lands you must hold out every encouraging inducement to the lessee who invests the money and installs the initial plant and opens up the mine, and who should have protection and be assured that he can not be compelled to pay a minimum royalty whether he can operate the mine and mine out the coal or not.

Mr. MONDELL. Mr. Chairman, if I believed that under this bill the Secretary of the Interior was authorized to fix a minimum coal output and base a minimum royalty on such an output, then I should want the amendment of the gentleman from Pennsylvania adopted, but there is nothing in the bill that by any possible construction would authorize the Secretary of the Interior to fix a minimum output and charge a royalty on it, whether that output was realized or not. In the present stage of coal development in the West, and in view of the fact that in much of our country the mines can only be operated a part of the year, the lignite mines during the winter and spring and fall, it would not be wise, in my opinion, to give the Secretary that authority.

An amendment which my friend suggests and which applies to conditions in Pennsylvania, where private owners do compel in their leases the lessee to mine annually a certain tonnage and the payment of royalty on that output, would under such conditions be entirely proper. But this law does not authorize the Secretary to do anything of the sort.

Mr. ROBBINS. That is a question. Where is there any provision in the bill that prohibits the Secretary from inserting such a covenant?

Mr. MONDELL. The Secretary can do nothing other than make rules and regulations in accordance with the provisions of this bill. He can not put a provision in the bill calling on the lessee to do or perform anything or make any payment other than is provided in the bill. The provisions as to what he shall pay are definite—he shall pay a royalty and a certain rent per acre, and, of course——

Mr. ROBBINS. What is the use, then, of the provision in line 2, page 33, that says that certain things shall be excepted from the operation of the mine, such as strikes, casualties, and so forth. Why should you have any exception at all if he is not going to be required to mine a minimum amount of coal?

Mr. MONDELL. It is absolutely necessary that the Secretary shall be authorized to compel continuous operation, which, as the gentleman from Pennsylvania has just suggested, may not mean operating continuously every day throughout the year in every case—continuous operation under conditions surrounding the mine.

It is entirely proper that the lessee should be guarded against the requirement of operation when the mines close down through causes over which he has no control, but the Secretary has not any authority in this bill, nor do those who know the situation in the western country desire that he shall have any authority in this bill to insist upon or provide for a minimum output.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. ROBBINS. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Debate has been closed upon this amendment.

Mr. STAFFORD. Mr. Chairman, I would state that the gentleman from Michigan [Mr. CRAMTON] desires some time. I suggest that the time be extended five minutes.

Mr. FERRIS. Very well. The gentleman suggests that we extend the time for five minutes and that will take care of the gentleman from Michigan [Mr. CRAMTON] and the gentleman from Pennsylvania [Mr. ROBBINS].

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend the time for five minutes. Is there objection?

There was no objection.

Mr. ROBBINS. Mr. Chairman, if, as the gentleman from Wyoming [Mr. MONDELL] has argued, the Secretary of the Interior has no power to put in a minimum requirement, then the amendment I propose would be a precautionary and safety amendment only. What is the objection to its adoption, then, even on that ground, though I do not agree with the gentleman?

Mr. MONDELL. The gentleman's amendment then would immediately raise the assumption, it would be practically conclusive of the right of the Secretary to do that thing which we do not desire to give him the right to do, because when we provide, as the gentleman suggests, that minimum royalties may be paid from subsequent mining or output, that provision must be made and necessarily made upon the assumption that he has the power to fix such minimum.

Mr. CARTER of Oklahoma. Is it not a fact that we have in effect in this bill a minimum production clause, with reference to the 25 cents and 50 cents and $1 per year rental.

Mr. MONDELL. In a way that is intended to take the place of, we may say, a requirement for minimum production, for if the mine is closed down or the output is reduced the lease runs on and there is a certain amount that must be paid in any case.

Mr. CARTER of Oklahoma. A man has to pay the rental regardless of production, but when the coal is produced he can apply the amount he has paid in on the royalty.

Mr. MONDELL. Within the year.

Mr. CARTER of Oklahoma. Within the year.

Mr. CRAMTON. With all due respect to the gentleman from Pennsylvania [Mr. ROBBINS], my study of this section makes me believe that his knowledge of conditions in Pennsylvania has led him to read into this section something that is not there, and as a result he has offered an amendment which will not accomplish what he desires to accomplish. Omitting the proviso on page 33, section 7 provides for three things: First, the payment of royalties, not in advance, but at the end of each month, a minimum of 2 cents per ton, and there is no minimum production required; second, an advance rental each year with a minimum of $1 an acre after a certain period; and, third, a continuous operation of the mine is required, otherwise there may be a forfeiture of the lease, except in certain contingencies. The proviso brings in an alternative by which in lieu, not of rentals or of royalty, but in lieu of such continuous operation of the mine there may be required an annual advance royalty. And of how much? Not less than the amount of rental—$1 an acre. The gentleman's amendment is to come in at the end of that proviso, and would simply affect that proviso. That proviso is nothing that is going to complicate things seriously, it will create no injustice; but even if it were, the gentleman's amendment is not in shape so that it would correct anything. He assumes that because leases in Pennsylvania with which he is familiar have contained a provision for an advance royalty of several thousand dollars an acre, that this section contains it or provides for it. On the contrary, instead of its appearing that there is a requirement for an advance royalty, the proviso gives the inference that there is not to be. It provides that in lieu of the continuous-operation requirement there may be an advance royalty, but if the continuous-operation provision is

retained, then there is not to be an advance royalty based on minimum production. It seems to me the gentleman has misread the section. Personally it seems to me that it is not to the interest of the Government to be too free about letting these mines lie idle for parts of each year, and thereby diminish production and inflate prices.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The Clerk read as follows:

SEC. 8. That in order to provide for the supply of strictly local domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue limited licenses or permits to individuals or associations of individuals to prospect for, mine, and take for their own personal use but not for sale, coal from the public lands without payment of royalty for the coal mined or the land occupied, on such conditions not inconsistent with this act as in his opinion will safeguard the public interest: *Provided*, That this privilege shall not extend to any corporation: *And provided further*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed 160 acres, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the acquisition of such tract or operation of such mine under said limited license.

Mr. RAKER. Mr. Chairman, I move to strike out in line 22, page 33, the words "own personal," after the word "their" and before the word "use."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 22, strike out the words "own personal."

Mr. RAKER. I just want to say one word to the committee in respect to it. This is clearly an oversight. That should read "and take for their use but not for sale."

Mr. FERRIS. Mr. Chairman, the committee will accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Before we leave the coal provisions of the bill I want to call attention to some of the provisions of this legislation that, in my opinion, ought to be modified. I want again to emphasize the objection to the plan of leasing by bidding, by competition. What I am saying may fall upon dull ears, on ears that do not heed them, but I am so impressed with the error, the mistake that is being made in basing leases on the bidding system, that I feel it my duty to continue to express my views on that subject. We may adopt such a policy, but very early in the development of the policy we will discover that we failed to secure what has been claimed as one of the great benefits of the leasing system; that is, freedom from the very great load of investment which would be necessary under a purchase system. This relief from the necessity of large investment for the land it was claimed would enable the man of limited means to get into the coal and oil business, particularly the coal business. Further than that, by reason of this policy, we will make it entirely possible in certain sections of the country for great companies now operating to practically prevent the opening of new coal mines. They can bid so high as entirely to drive out and permanently discourage additional developments, particularly as there will be no difficulty in dropping a lease after it has been knocked down to one of these high bidders and before the bonus has been paid. In the meantime the operator who has gone in and spent his time and money trying to develop the property, and who has been robbed of it by high bidding, will be discouraged. He will have left the locality probably; will have made up his mind it is useless to try to open new and competing coal mines. I do not think it is intended to establish monopoly; it is not intended to strengthen monopoly already established; but that will be the inevitable result of this policy both in the mining of coal and in the production of oil; but I am afraid we are so wedded, at least the committee is, to this plan that we will have to learn our error by trying it out.

One other thing I want to emphasize before I leave the coal provision of the bill. That is the very great importance of modifying the section we have just read, so as to provide a prospecting permit preceding the granting of a lease. I know that all the bureaus of departments that spend the people's money have, as the gentleman from Oklahoma has suggested, approved this plan. Why, certainly; it gives them a job; it affords them an increased opportunity; it gives them a roving commission all over the public domain upon millions of acres containing coal to go out and explore and prospect and divide up into what was known as blocks, but is now termed tracts, the coal lands of the country. There is no one on earth qualified to determine certain questions except the practical man who is going to mine the coal. Our veins are not regular in any part of the West, either in thickness, in quality, or in dip and position. Our coal lands are generally rough.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I would ask to have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

Mr. FERRIS. Mr. Chairman, reserving the right to object, after which, may we have a vote and debate close? I ask unanimous consent that, immediately following the five minutes requested by the gentleman from Wyoming, that debate on this amendment and all amendments close.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous debate that at the end of five minutes debate upon this amendment and all amendments thereto be ended. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. We have tried this plan of blocking out in Alaska, and I do not think we have been very fortunate or happy about it. We have not secured coal development up there as yet. We are getting no coal up there worth while—no more than could be carried in a bucket. Of course, we hope to have a great development there, and will eventually, but this blocking system has not helped it, and will not help it, but has to some degree hindered it, because it has not given the prospector—the developer—the freedom of opportunity he ought to have to go out in the coal regions and block out his mine himself, study the dip of his vein, the character of the roof and the floor, the point at which the vein may be attacked for economical development, the location at which he can provide for loading and storing, the area that may be utilized for the accommodation of those who are to operate the mine. He must provide for facilities for trackage, and he must, by careful examination and by drifting or drilling, or both, determine the location, extent, and area of the tract necessary for successful development from the point where he proposes to begin operation.

Mr. MAYS. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. MAYS. The gentleman refers to the failure of the leasing system in Alaska. Does the gentleman believe it will have any better success in this country, as applied to coal development?

Mr. MONDELL. Well, I try to be hopeful in the face of certainty that we are going to the system, but I do believe it will be a mistake to adopt these provisions in connection with leasing which have not proven to be wise in Alaska.

Mr. MAYS. Will the gentleman yield for another question?

Mr. MONDELL. Yes.

Mr. MAYS. Does the gentleman believe that you could raise sufficient capital to finance a coal proposition where it cost a million dollars to develop the mine upon a leasehold interest?

Mr. MONDELL. Well, I think it would be very difficult to do it in a great many cases, but we must admit that it may be possible to do it. The Congress is proceeding to legislate on this and leasing lines. While we have our doubts and our questionings in regard to the matter, I assume we are going to try it out; but if we do, we ought to do it under a plan and with provisions that will be practical and workable and under which all comers with some means and with energy and with ambition will have an opportunity. We are inviting people into these fields and we ought to make the conditions as favorable as possible. I know perfectly well from some very practical experiences of my own that I would not want any Government agency to go out and attempt to block out a piece of coal land for me to operate under any system.

I would not want to invite the Government to the very considerable expense of doing that. I would very much prefer to go out and do it myself, because I would be responsible for the economical development of that mine, and I ought to take the responsibility of determining where the vein is to be opened, how it is to be opened, and the areas that I believe I can in an economical way mine from a certain point.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

OIL AND GAS.

SEC. 9. That the Secretary of the Interior is hereby authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed 640 acres of land wherein such deposits belong to the United States and are located within 10 miles of any producing oil or gas well and upon not to exceed 2,560 acres of land wherein such deposits belong to the United States and are situated more than 10 miles from any producing oil or gas

well and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall, within one year from and after the date of permit, drill one or more wells for oil or gas to a depth of not less than 500 feet each, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than 2,000 feet or until valuable deposits of oil or gas shall be discovered. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time and upon such conditions as he shall prescribe. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a reasonably compact form and according to the legal subdivisions of the public land surveys if the land be surveyed; and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought, a monument not less than 4 feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within 30 days after date of said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of 30 days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within 90 days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby: *Provided*, That in the Territory of Alaska prospecting permits, not more than five in number, may be granted for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than 500 feet within three years from date of the permit and to an aggregate depth of not less than 2,000 feet or until valuable deposits of oil or gas shall be discovered, within four years from date of permit: *And provided further*, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with substantial monuments within one year after receiving such permit.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to bills of the following titles disagreed to by the House of Representatives, had agreed to the conferences asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WALSH, Mr. THOMPSON, and Mr. SMOOT as the conferees on said bills on the part of the Senate:

H. R. 8496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 9160. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 9612. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10477. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10850. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 11364. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11663. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

EXPLORATION FOR COAL, PHOSPHATE, OIL, GAS, AND SODIUM.

The committee resumed its session.

Mr. CHANDLER of Oklahoma. Mr. Chairman, I wanted to ask the chairman of the committee a few questions in regard to this section and incidentally to make a suggestion or two.

I notice on page 34, line 16, that you provide for a prospecting permit. I want to call your attention to the fact that a great many of the tracts of land can not be gathered in one block, and that if you would change that language to "prospecting permits" it would probably be better, and in that way the man would be limited to his acreage of 640 acres or 2,560 acres, although it would not be in one block. There might be several permits issued for small tracts.

And I also want to ask the gentleman this question: On page 35, the first eight lines, you undoubtedly attempt to compel drilling. The language used here on line 4 is:

One or more wells for oil or gas to a depth of not less than 500 feet each, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than 2,000 feet or until valuable deposits of oil or gas shall be discovered.

Now, you undoubtedly intend to compel the man to drill, but what do you expect to do if he strikes oil at 300 feet or at any less depth than 500 feet?

Mr. FERRIS. Of course, if that language at the end of line 8, page 35, does not reach that we will have to elaborate it a little. It provides there that unless the oil or gas shall sooner be discovered.

Mr. CHANDLER of Oklahoma. It does not say exactly that. If you should use the words "unless valuable deposits of oil or gas shall be discovered at lesser depth" I think it would correct it.

Mr. FERRIS. I think the committee would accept it if the gentleman has an amendment prepared.

Mr. CHANDLER of Oklahoma. I have not prepared it. However, I offer an amendment, Mr. Chairman, to strike out, in line 7, page 35, after the word "feet," the following words: "or until valuable deposits of oil or gas shall be discovered," and insert "unless valuable deposits of oil or gas shall be discovered at a lesser depth."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CHANDLER of Oklahoma: Page 35, line 7, after the word "feet," strike out the words "or until valuable deposits of oil or gas shall be discovered," and insert in lieu thereof "unless valuable deposits of oil or gas shall be discovered at a lesser depth."

Mr. FERRIS. I think probably the language of the gentleman from Oklahoma improves it. We have intended that same thing. Therefore I have no objection. I think it makes it better.

Mr. STAFFORD. Does not the gentleman think the clause should be placed after the word "permit," in line 6, rather than at the end of the sentence, making it read, "and shall within two years from date of permit"?

The CHAIRMAN. Just a moment; there is some question in the mind of the Clerk as to the tautology of this amendment. Will the gentleman from Oklahoma please repeat it?

Mr. CHANDLER of Oklahoma. To strike out the following words, commencing in line 7, or until valuable deposits of oil or gas shall be discovered."

The CHAIRMAN. That is sufficient. The Clerk has it now.

Mr. STAFFORD. The only question is whether the clause would not have a better place after the word "permit," in line 6, page 35, rather than at the end of the sentence.

Mr. RAKER. Will the gentleman from Oklahoma [Mr. CHANDLER] yield?

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. CHANDLER] yield to the gentleman from California [Mr. RAKER]?

Mr. CHANDLER of Oklahoma. Yes; I yield.

Mr. RAKER. Under this provision a man must go down not less than 2,000 feet, unless he strikes a valuable deposit of oil or gas before then.

Mr. CHANDLER of Oklahoma. That is what I am trying to do.

Mr. RAKER. Under the language it now reads, "Or until valuable deposits of oil or gas shall be discovered." If he goes down 100 feet and strikes valuable deposits of oil or gas, he complies with the law. The language here was put in after much consideration by the committee. I can not get the gentleman's distinction. In other words, he must go down at least 2,000 feet, according to the gentleman's idea, if he does not discover anything; but the moment he discovers valuable oil or gas at a depth of 100 feet or 200 feet or 300 feet he complies with the law.

Mr. CHANDLER of Oklahoma. That is what I want to effect.

Mr. RAKER. "Or until valuable deposits of oil or gas shall be discovered." Now, if he can not discover such deposits at 2,000 feet he has got to go down 3,000 or 4,000 or 5,000 feet, which he ought to do.

Mr. CHANDLER of Oklahoma. He can throw up his permit at any time. You will find that a man who drills to 2,000 feet will not quit until he has gone as far as he can. A man who has put that much money in a lease will go on drilling.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CHANDLER of Oklahoma. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LA FOLLETTE. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. In a moment. Under the terms of this bill, if you strike valuable oil or gas at 300 feet, you would be compelled to go on down and destroy a good oil well.

Mr. RAKER. Oh, no. The very purpose is that he has got to go down during that two years 2,000 feet, unless he has discovered valuable oil or gas.

Mr. CHANDLER of Oklahoma. I am trying to get the idea of the gentleman.

Mr. LA FOLLETTE. Now, Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. LA FOLLETTE. Does not the gentleman's amendment make it not positive that he should go more than 2,000 feet? If he does not discover it, he can stop at 2,000 feet and not try to go deeper.

Mr. CHANDLER of Oklahoma. The permit is played out, anyway.

Mr. STAFFORD. If the gentleman will permit, I think the purpose aimed at by the gentleman from Oklahoma would be obtained by leaving the language of the paragraph as it is, but inserting the language of the gentleman after the word "permit" on line 6 of page 35. Would not that carry out the purpose by inserting the amendment at that place and leaving the language as it is, to obviate the objection made by the committee? The language would then read "and shall, within two years from the date of the permit, unless valuable deposits of oil or gas shall have been discovered at a lesser depth, drill for oil or gas to an aggregate depth of not less than 2,000 feet, or until valuable deposits of oil or gas shall be discovered."

Mr. CHANDLER of Oklahoma. I would suggest, if it is in the intention of the committee to insist on drilling on down, if my amendment followed the word "discovered," it would probably clarify the situation still more. What you want is the oil. When the man has discovered it he has complied with his contract and should be permitted to stop.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. STAFFORD. As I understand, it is the purpose of the committee not to require the prospector to drill in the second year if he has discovered oil in the first 500 feet.

Mr. FERRIS. That is right.

Mr. STAFFORD. But if he has not discovered oil in the first year at 500 feet, it is the idea that he shall keep on drilling during the second year not only to 2,000 feet but beyond?

Mr. RAKER. That is right.

Mr. ELSTON. No. He does not have to go beyond 2,000 feet. He must go on not less than 2,000 feet. If he reaches 2,000 feet he can quit. There is nothing here to require him to drill more than 2,000 feet.

Mr. STAFFORD. That is not the language of the bill which the gentleman has reported. The language requires them to go farther than 2,000 feet if oil has not been discovered up to that distance. It says "not less than 2,000 feet."

Mr. MONDELL. My interpretation of the language is this, that the driller or locator is not required to drill farther than is necessary to make a discovery of oil or gas, and that, on the other hand, he must go on until he does make such discovery, even though he should go more than 2,000 feet. I think what the gentleman desires to reach by his amendment is provided for in the language as it is in the bill. I am inclined to think it is.

Mr. CHANDLER of Oklahoma. I will state to the gentleman that it does not agree with my interpretation of what all the laws pertaining to oil and gas leases are that I have ever heard of.

Mr. MONDELL. It says he shall go to an aggregate depth of not less than 2,000 feet, but until valuable deposits shall have been discovered.

Mr. CHANDLER of Oklahoma. It means that if he does not find it at 2,000 feet he must keep on drilling until he does, and under that the fact is you will find very few men, if any, who have finances enough to drill oil wells who will go in there and make such contracts.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. CRAMTON. Mr. Chairman, as a substitute for the gentleman's amendment I would offer this amendment: To strike out in line 7, page 35, the words "or until" and insert the word "unless"; and in line 8 to insert the word "sooner" before the word "discovered." Then it would read that he must within the two years drill for oil or gas "to an aggregate depth of not less than 2,000 feet unless valuable deposits of oil or gas shall be sooner discovered." I think that would satisfy everybody.

Mr. FERRIS. Does that cure the defect that the gentleman from Oklahoma had in mind?

Mr. CHANDLER of Oklahoma. That is practically the same thing I have offered, except that I said "at a lesser depth," an expression that is used in practically every oil lease in the United States.

Mr. CRAMTON. The purpose of the committee was to require the man, in diligent prosecution, to go down in two years at least 2,000 feet unless he got oil before. If he got oil before he went down 2,000 feet, then he might stop.

Mr. RAKER. I believe the intention of the committee was contrary to the statement of the gentleman, and I believe he agreed with the bill as it now is, which intends that the man must go down at least an aggregate depth of 2,000 feet. He is going after oil. Now, having gone down that far, he can get an extension of time, and he should not be permitted to withdraw his auger after he has got it down 2,000 feet.

Mr. CRAMTON. The language as it stands in the bill is this: It says that within two years the man must go down to an aggregate depth of not less than 2,000 feet, and until he gets oil. Now, if the oil is down 5,000 feet, he has got to go down that 5,000 feet in two years, and that is not what we meant. We meant that he must go down at least 2,000 feet in the two years unless he gets oil sooner. If he does, then he can stop digging.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from Oklahoma.

Mr. CARTER of Oklahoma. Does it not really mean that the permittee must drill 2,000 feet, and if he does not continue drilling beyond that the duration of his permit will not continue?

Mr. CHANDLER of Oklahoma. His permit expires at the end of two years anyway.

Mr. CRAMTON. The amendment I have offered makes it clear, I think, that he must within two years do one of two things—either go down 2,000 feet or go down until he gets valuable deposits of oil.

Mr. FERRIS. I think the amendment of the gentleman from Michigan carries out the wishes of the committee, and carries out all that is necessary, and by the aid of the gentleman from Michigan [Mr. CRAMTON] and the gentleman from Oklahoma [Mr. CHANDLER], I am sure we will have all the amendment we need. I ask for a vote.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Michigan, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON as a substitute for the amendment of Mr. CHANDLER of Oklahoma: Page 35, line 7, after the word "feet," strike out the words "or until" and insert in lieu thereof the word "unless." In line 8, after the word "be," insert the word "sooner."

The CHAIRMAN. The question is on the substitute offered by the gentleman from Michigan, which has just been read.

The substitute was agreed to.

The CHAIRMAN. The substitute is adopted, and therefore the original amendment fails.

Mr. ELSTON. I would like to ask the gentleman, in view of the interpretation put upon the words, whether that same proviso should not be inserted after the provision requiring a drilling of 500 feet in the first year.

Mr. FERRIS. I think it should.

Mr. ELSTON. I think it would do no harm at all to repeat it anyway.

Mr. FERRIS. If the gentleman will be good enough to offer it——

Mr. ELSTON. I offer the amendment, Mr. Chairman. After the word "each," on page 35, in line 5, insert the words "unless valuable deposits of oil or gas shall be sooner discovered."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 35, line 5, after the word "each," insert the following: "Unless valuable deposits of oil or gas shall be sooner discovered."

The CHAIRMAN. The question is on the amendment.
The amendment was agreed to.
Mr. SULZER. Mr. Chairman, I move the same amendment be adopted on page 36, line 23.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Page 36, line 22, at the beginning of the line strike out the words "or until" and insert the word "unless." In the same line, after the word "be," insert the word "sooner."

The CHAIRMAN. The question is on the amendment.
The amendment was considered and agreed to.
Mr. SULZER. Now, Mr. Chairman, in line 20, after the word "feet," the same amendment that was adopted a moment ago should be inserted.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Page 26, line 20, after the word "feet," insert the words "unless valuable deposits of oil and gas shall be sooner discovered."

The amendment was agreed to.
Mr. RAKER. Mr. Chairman, this legislation is a change from the act of February 27, 1865, as amended July 4, 1866, May 2, 1872, and various amendments up until the act of February 11, 1897, which authorized any person to enter lands under mining laws of the United States and obtain patents to land containing petroleum or other mineral oil, and chiefly valuable therefor under the provisions of the laws relating to placer mineral claims, provided that lands containing such petroleum or other mineral oils which has heretofore been filed upon, claimed, or improved as mineral, but not yet patented, may be held and patented under the provisions of this act, the same as if such filing claim or improvement were subsequent to the date and passage thereof.
Likewise the act of 1903 authorized the consolidation of claims and the subsequent act of March 2, 1911, that in no case shall patent be denied to or for any land heretofore located or claimed under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified person or persons or corporation prior to the discovery of oil or gas therein, but if such claim is in all other respects valid and regular patent therefor, not exceeding 160 acres in any one place, shall issue to the holder or holders thereof as in other cases.
I simply want to say that we are changing the placer mining law so far as it relates to petroleum, oil, or gas. I can not let this occasion pass without calling the attention of the committee and the House to the fact that notwithstanding there has been more or less litigation, more or less trouble growing out of the holding of the department that the discovery of oil and gas made at a particular time was subject to cancellation by virtue of the reservation, and therefore the man was not entitled to his land, but few people realize that the pioneers that adopted the legislation of the placer-mining law were the actual workers and the developers of the Rocky Mountain and Pacific Coast States.
The placer-mining law, which was made applicable to petroleum and gas, and the men who developed that were the class and character of men in this country that no other country on earth has ever known before. They were the cream of the United States and of the world. [Applause.]
These pioneers made it possible for the adoption of laws that have changed the very face of this country, that have given it better laws and better conditions. Their spirit of progress, their spirit of initiation, their determination to do things which they actually did has done more to advance the cause of humanity and man than any other class of men that have taken any part in our affairs of history.
The sons and daughters, the descendants of these men, are the ones that have been interested in the development of California and the West, who have spent their money and their time in developing these oil properties.
Men have gone on their way to that country who have lost their lives. Many have traveled across the desert wastes without water and without food for the purpose of developing that country.
A MEMBER. How did they get there?
Mr. RAKER. How did they get there? They got there by virtue of their indomitable will and courage. Many a man lost his life on the plains that did not get through; but it is through the work of these men that did get there, to their efforts, that development has been made.
The CHAIRMAN. The time of the gentleman from California has expired.
Mr. RAKER. Mr. Chairman, I ask for three minutes more.
The CHAIRMAN. Is there objection?
There was no objection.
Mr. RAKER. Those of us who have been in that country know it to be a fact that it is through that effort, through the expenditure of their money, through the expenditure of their time that they made it possible to determine that oil exists in that country. Those of us who as young men rode across those plains, where they now have oil, heard everyone say there was nothing there but toads and lizards and sagebrush. To-day they have developed that country, and it is nothing more than right that this Congress in administering the law should give recognition to the honest, bona fide claims of the men who have expended their time and money in the development of that territory. We feel satisfied that the proper adjustment of the leasing law, with proper provisions for remedial legislation, which has been adopted from time to time, will be so arranged that the Government will be protected; that those men who have expended their money will be protected; and that the Government at the same time will have been paid a reasonable and fair royalty upon the oil extracted by those who have used the wells up to the present time. That having been done, all will have been protected, and at the same time they will have been placed in a position where not only the wells now in operation may be used, but every available means and the knowledge of 15 years' experience will be applied to the development and boring of new wells, so that we may be able to supply the present urgent needs for oil in our various war industries, in transportation, mining, and agriculture throughout the Western States.
Mr. MONDELL. Mr. Chairman, will the gentleman yield?
Mr. RAKER. I yield for a question.
Mr. MONDELL. I am delighted to hear the optimistic expressions of my friend from California. I hope he has a sound basis for his hope and expectations. Of course, the gentleman realizes that the provisions of this bill as they now stand are not a proper basis for congratulation or approval.
Mr. RAKER. They are not rosy or flowery.
The CHAIRMAN. The time of the gentleman from California has again expired.
Mr. MONDELL. Mr. Chairman, I move to strike out the last word, and I do that for the purpose of expressing the hope that the expectations of the gentleman from California [Mr. RAKER], relative to the satisfactory ultimate character of this legislation, may all be fulfilled. The bill as it now stands certainly does not justify our being enthusiastic about it, but as I have stated before, while I have concluded that it would not be possible to greatly modify the bill on the floor and under the circumstances not wise to attempt it, I hope that later in another body and a smaller one than this, the committee of conference, there may be modifications, adjustments, and agreements that will produce a reasonably satisfactory result.
Mr. FERRIS. Mr. Chairman, no doubt there are Members here who could answer that better than I, and I presume the gentleman from Alaska [Mr. SULZER] might do it better than I, but I think I can give the gentleman reasons satisfactory to him. Alaska is far removed from continental United States. The conditions in respect to the climate there are rough and cold. In addition to that, there is scarcely a well in the entire Territory that yields over five barrels a day. There is no oil production going on up there. The oil development is in its infancy and men at very great hazard and expense and under every sort of adverse circumstance have been putting their money in there striving to develop that area. It was the thought of the committee that we ought to be a little more liberal with them than we could be in a country where we know where the oil deposits are, and where there are gushers and where the territory is well defined and producing millions of barrels.
Mr. ELSTON. And there was also another reason, and that is because the Territory of Alaska is so great. It is as great as any three of four States of the Union, so that five permits to Alaska would not be as much as three to each State of the Union.
Mr. CHANDLER of Oklahoma. Mr. Chairman, will the gentleman yield.
Mr. MONDELL. Yes.
Mr. CHANDLER of Oklahoma. I want to call attention to the bill that calls for five permits to be granted in Alaska, on page 46, while they are limited to three elsewhere. How do they expect a man who has five permits to protect himself in case he finds oil or gas?
Mr. MONDELL. I want to say to my friend from Oklahoma, that I congratulate him and his committee that, whereas the former bill only allowed one lease in all the United States, his present bill allows three in each State in the Union. I congratulate the committee, and I take some credit for the change of mind on

their part, because that is one of the things I have been insisting upon from the time this bill was first introduced. Gentlemen will remember I insisted that the provision limiting an individual or corporation to one lease was not sound or fair. Like some other things I said in regard to this bill, that appeal for a time fell on deaf ears. Evidently the truth sufficiently insisted upon and frequently repeated will eventually sink in, particularly when addressed to the minds of intelligent gentlemen like those who constitute the Committee on the Public Lands. I congratulate the committee for having departed from the notion that an American citizen should have but one opportunity anywhere on the public domain to blow in his good money trying to discover oil.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. The committee of Wyoming and Colorado oil men who were here offered a number of amendments to this section, and most of them have, I think, been adopted by the committee. They all tend to make the legislation better. The provision which they proposed of three leases in a State does not appear in this section, but appears further over in the bill in another section, so that is provided for. The bill will go to conference and in the cloistered precincts of the conference committee gentlemen will have an opportunity to study all these things very carefully and examine and pass upon them with deliberation. Among other things, I hope they will somewhat modify the provision that limits to 640 acres the size of a permit within 10 miles of a producing well. This permit you will recall now ripens into a lease. I congratulate the committee on that modification finally brought about after long effort on the part of a few of us to accomplish that result. It must be apparent to everyone familiar with the situation that the provision that limits the acreage by the distance from a producing well is not a wise one. It is not the easiest thing in the world to arrive at any definite basis of determination, but the distance from a producing well is not a logical determining factor. Forty rods from a producing well may bring one into an entirely different geological structure and one may be the wildest sort of a wildcatter within rifle shot of a spouting well. On the other hand, one may be 10 miles from a producing well and still be in an area that gives abundant promise of a splendid product. The rule of distance is not a good rule. The rule of geological structure suggested by the oil men's committee is a sound one, and I congratulate the committee on having to a certain extent adopted that rule.

Mr. ELSTON. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. ELSTON. I thoroughly agree with the gentleman on that point. I think it was somewhat of a concession to an opinion which probably prevailed in the House that there was something inviolate in regard to the 640-acre limitation as to amount, and the 10-mile limit was thrown in to keep the similarity to the former bill and tie it up to it as closely as possible.

There was no logic or any scientific reason for the 10-mile limitation, because everything the gentleman says is true. Within a few miles from a producing well you can have a different geological structure and that territory be as wildcat as anything and you can not find anything. But I believe the reasons that were urged in the way of policy and compromise have brought this section into the shape in which we now find it here.

Mr. MONDELL. I am glad the gentleman from California [Mr. ELSTON] takes that view, because this is a tremendously important section of the bill. In these provisions we are dealing entirely with future operations. We are not dealing with anyone who has heretofore attached a claim to the soil. We are dealing with the future and with the newcomer, and we want a law under which he can operate, under which he will be encouraged to operate and take the great chances that he always must take in oil development. At any rate, there should be a departure from this limitation of 640 acres, unless we confine the limitation of 640 acres, as suggested by the oil men, to the limits of a developed field.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAFFORD. Mr. Chairman, I make the point of order there is no quorum present.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise. It is a little after 5 o'clock, and we have had a pretty good day.

The motion was agreed to; and the Speaker having resumed the chair, Mr. DEWALT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. JOHN W. RAINEY, by unanimous consent, was granted leave of absence indefinitely, on account of illness in family.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2646. An act for the relief of Edward W. Whitaker; to the Committee on Military Affairs.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Saturday, May 25, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting a proposed clause of legislation for inclusion in the next deficiency bill (H. Doc. No. 1127); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting draft of a proposed bill to amend section 7 of "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917 (H. Doc. No. 1128); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting deficiency estimate of appropriation payable from the postal revenues for the fiscal year 1918 (H. Doc. No. 1129); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an urgent deficiency estimate of appropriation required by the War Department for additional temporary employees for the fiscal year 1918 (H. Doc. No. 1130); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Oakland Harbor, Cal. (H. Doc. No. 1131); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CRAMTON, from the Committee on the Public Lands, to which was referred the bill (H. R. 10403) for the relief of the heirs, assigns, and legal representatives of William Watson, reported the same without amendment, accompanied by a report (No. 601), which said bill and report were referred to the Private Calendar.

Mr. WELLING, from the Committee on Claims, to which was referred the bill (H. R. 5497) for the relief of Emma J. Spear reported the same without amendment, accompanied by a report (No. 602), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 6012) for the relief of N. Ferro, reported the same without amendment, accompanied by a report (No. 603), which said bill and report were referred to the Private Calendar.

Mr. ROMJUE, from the Committee on Claims, to which was referred the bill (H. R. 907) making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States, reported the same with amendment, accompanied by a report (No. 604), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: Resolution (H. Res. 368) requesting the Secretary of Agriculture to furnish certain information; to the Committee on Agriculture.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11718) granting an increase of pension to George S. Taylor, and the same was referred to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 12259) granting a pension to Elizabeth A. Lester; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 12260) granting an increase of pension to Ambrose White; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 12261) granting an increase of pension to John Jackson; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 12262) granting a pension to Anna Herlehy; to the Committee on Pensions.

By Mr. DUPRÉ: A bill (H. R. 12263) granting a pension to Widow Emma Golden; to the Committee on Pensions.

By Mr. FREEMAN: A bill (H. R. 12264) granting an increase of pension to Henry Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12265) granting an increase of pension to Daniel S. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12266) granting an increase of pension to Nehemiah Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12267) granting an increase of pension to Ransom House; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12268) granting an increase of pension to Calvin B. Beebe; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 12269) granting an increase of pension to Henry Pfranger; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 12270) granting a pension to Sarah Ann Williamson; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 12271) granting an increase of pension to John H. Chatham, jr.; to the Committee on Pensions.

Also, a bill (H. R. 12272) granting an increase of pension to Edward H. Dalton; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 12273) for the relief of John Mangan; to the Committee on Military Affairs.

By Mr. REED: A bill (H. R. 12274) granting an increase of pension to John S. Brannan; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 12275) granting a pension to Etta A. Hood; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 12276) granting relief to Capt. J. C. Colwell, United States Navy, retired; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 12277) granting an increase of pension to James Boshane; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 12278) granting an increase of pension to Aaron Lewis; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 12279) granting an increase of penison to John A. Burns; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the St. Louis Photo-Engravers' Union, No. 10, protesting against the second-class postage provision of the war-revenue bill; to the Committee on Ways and Means.

Also (by request), resolution of the St. Louis Chamber of Commerce, recommending that a full census be taken in 1920; to the Committee on the Census.

Also (by request), resolution of the St. Louis Chamber of Commerce, favoring the immediate utilization of the waterways to help relieve congested railroad conditions; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolution of the Associated Retail Confectioners of the United States, pledging unremitting support to the President and the Government in winning the war; to the Committee on Military Affairs.

Also (by request), memorial of the Associated Retail Confectioners of the United States, urging the passage of Senate bills 3955, 3956, 3957, and 3958; to the Committee on the Post Office and Post Roads.

Also (by request), petition of the congregation of the Metropolitan Presbyterian Church of Washington, D. C., asking for the enactment of a Sabbath law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. FOCHT: Evidence in support of House bill 11830, granting an increase of pension to George W. Vawn; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 10565, granting a pension to Clarence W. Durr; to the Committee on Pensions.

By Mr. FULLER of Illinois: Petitions and memorials of the National Dairy Conference for the Promotion of Dairy Interests; the Periodical Publishers' Association; the Catholic Woman's League of Chicago; the General Assembly of the State of Rhode Island; Parke D. Holland, of Streator, Ill.; the World's Salesmanship Congress; and the Hoblit Community Club, of Atlanta, Ill., praying for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, petitions of the Ganesha Club, of Belvidere, Ill.; the Women's Missionary Society of Somonauk, Ill.; citizens of Morris, Ill.; the Sycamore Woman's Club, of Sycamore, Ill.; and the Illinois State Federation of Women's Clubs, favoring prohibition of the manufacture and sale of intoxicating liquors for the period of the war; to the Committee on Alcoholic Liquor Traffic.

By Mr. HAMILTON of Michigan: Memorial of the Woman's Progressive League of Niles, Mich., protesting against the use of the national parks for grazing purposes; to the Committee on the Public Lands.

Also, petition of citizens of the State of Michigan, relative to the length of freight trains, the equipment of cars, and other matters; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Rhode Island: Resolutions of Rhode Island Bankers' Association, in opposition to Senate bill providing for guaranty of deposits not exceeding $5,000 in national banks, etc.; to the Committee on Banking and Currency.

By Mr. KINKAID: Petition of citizens of Atkinson, Nebr., protesting against the postal-zone legislation and asking for its repeal; to the Committee on Ways and Means.

By Mr. NOLAN: Petition of J. B. F. Davis & Son, insurance brokers, and Berger & Carter Co., iron and steel machinery, both of San Francisco, Cal., favoring payment of income and excess-profit taxes in installments; to the Committee on Ways and Means.

By Mr. SNELL: Petition of the First Presbyterian Church, Morristown, N. Y., for the passage of a bill to effectively prohibit the use of any kind of foodstuffs during the war for the manufacture of intoxicating beverages and to limit liquors on hand to nonbeverage uses; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of the citizens of Otter Tail, Minn., for enactment of war prohibition; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of the Church Periodical Club, diocese of Massachusetts, relative to the increased postal rates for publishers effective July 1, 1918; to the Committee on Ways and Means.

Also, petition of the West Roxbury Women's Club, West Roxbury, Mass., on the increased postal rates for publishers effective July 1; to the Committee on Ways and Means.

SENATE.

SATURDAY, *May 25, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

We thank Thee, O God, for that voice which calls us, in our need, to look upward to Thee and which speaks to us as only God can speak to a human soul. We thank Thee for those lofty principles which emanate from Thee and which are born in our hearts under the influence of Thy redeeming love and which are designed to direct all our steps aright.

O God, help us to walk according to this rule. In all our hopes and plans and ambitions for peace or war, at home or abroad, on the land, on the sea, may we seek to make the world

better only by bringing ourselves into harmony with Thy will, in the accomplishment of Thy purposes, and in the carrying out of Thy plans. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Thursday, May 23, 1918, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THEODORE ROOSEVELT.

Mr. POINDEXTER. I present and ask to have printed in the RECORD a communication from Theodore Roosevelt in answer to a letter of the Postmaster General relative to the regulation of the passage through the mails of newspapers and other publications.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE KANSAS CITY STAR.
OFFICE OF THEODORE ROOSEVELT,
347 MADISON AVENUE,
New York, May 22, 1918.

MY DEAR SENATOR POINDEXTER: The following article from me appeared in the Kansas City Star on May 7, 1918:

"Sedition, a Free Press, and Personal Rule."

"The legislation now being enacted by Congress should deal drastically with sedition. It should also guarantee the right of the press and people to speak the truth freely of all their public servants, including the President, and to criticize them in the severest terms of truth whenever they come short in their public duty. Finally, Congress should grant the Executive the amplest powers to act as an Executive and should hold him to stern accountability for failure so to act, but it should itself do the actual lawmaking and should clearly define the lines and limits of action and should retain and use the fullest powers of investigation into and supervision over such action. Sedition is a form of treason. It is an offense against the country, not against the President. At this time to oppose the draft or sending our armies to Europe, to uphold Germany, to attack our allies, to oppose raising the money necessary to carry on the war are at least forms of moral sedition, while to act as a German spy or to encourage German spies, to use money or intrigue in the corrupt service of Germany, to tamper with our war manufactures and to encourage our soldiers to desert or to fail in their duty, and all similar actions, are forms of undoubtedly illegal sedition. For some of these offenses death should be summarily inflicted. For all the punishment should be severe.

"The administration has been gravely remiss in dealing with such acts.

"Free speech, exercised both individually and through a free press, is a necessity in any country where the people are themselves free. Our Government is the servant of the people, whereas in Germany it is the master of the people. This is because the American people are free and the German people are not free. The President is merely the most important among a large number of public servants. He should be supported or opposed exactly to the degree which is warranted by his good conduct or bad conduct, his efficiency or inefficiency, in rendering loyal, able, and disinterested service to the Nation as a whole. Therefore it is absolutely necessary that there should be full liberty to tell the truth about his acts, and this means that it is exactly as necessary to blame him when he does wrong as to praise him when he does right. Any other attitude in an American citizen is both base and servile. To announce that there must be no criticism of the President, or that we are to stand by the President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public. Nothing but the truth should be spoken about him or anyone else. But it is even more important to tell the truth, pleasant or unpleasant, about him than about anyone else.

"During the last year the administration has shown itself anxious to punish the newspapers which uphold the war, but which have told the truth about the administration's failure to conduct the war efficiently; whereas it has failed to proceed against various powerful newspapers which opposed the war or attacked our allies or directly or indirectly aided Germany against this country, as these papers upheld the administration and defended its inefficiency. Therefore, no additional power should be given the administration to deal with papers for criticizing the administration. And, moreover, Congress should closely scrutinize the way the Postmaster General and Attorney General have already exercised discrimination between the papers they prosecuted and the papers they failed to prosecute.

"Congress should give the President full power for efficient executive action. It should not abrogate its own power. It should define how he is to reorganize the administration. It should say how large an army we are to have and not leave the decision to the amiable Secretary of War, who has for two years shown such inefficiency. It should declare for an army of 5,000,000 men and inform the Secretary that it would give him more the minute he asks for more."

Thereupon Postmaster General Burleson issued the following statement:

"OFFICE OF INFORMATION,
"POST OFFICE DEPARTMENT,
"*May 8, 1918.*

"Postmaster General Burleson to-day made the following statement with reference to the editorial signed by Col. Roosevelt which appeared in this morning's paper:

"Ex-President Roosevelt in the newspapers this morning made the following statement:

"'During the last year the administration has shown itself anxious to punish the newspapers which upheld the war, but which told the truth about the administration's failure to conduct the war efficiently; whereas it has failed to proceed against various powerful newspapers which opposed the war or attacked our allies or directly or indirectly aided Germany against this country, as those papers upheld the administration and defended the inefficiency.'

"This statement, taken in connection with other published statements of Mr. Roosevelt, is manifestly aimed at the administration of the Postal Service. It is either true or false. If true, I am utterly unworthy of trust and should be scourged from office in disgrace. If false, right thinking men and women will form their own opinion of the man who uttered it. Its truth or falsity is easily demonstrable. I invite Mr. Roosevelt to name the papers or magazines which have 'upheld the war but which told the truth about the administration's failure to conduct the war efficiently' which have been 'punished' by the Post Office Department. I invite Mr. Roosevelt to name the newspapers or magazines, powerful or otherwise, 'which have opposed the war and attacked our allies or directly or indirectly aided Germany against this country' in such manner as to violate the law, which have not been proceeded against by this department.

"'Failure on the part of Mr. Roosevelt to respond is to admit his inability to do so.'"

As this was issued officially by the Postmaster General, I desire that a permanent record shall be made of my answer and of the facts that led up to my statement to which the Postmaster General took exception, and which caused him to issue his challenge to me to prove my statement. I therefore wish to put these facts before you in full.

I insert as appendixes to this letter the editorial in the Metropolitan Magazine, in the issue which the New York post office attempted to suppress, this editorial being entitled "Put the Blame Where It Belongs"; and my article in the Metropolitan on "Lincoln and Free Speech"; together with the Metropolitan statement as to its war record (p. 6, May Metropolitan).

I deal with Mr. Burleson and his actions purely because he is the representative of President Wilson, exactly as is Secretary Baker, exactly as is Mr. Creel. President Wilson is responsible for everything that Postmaster General Burleson and Secretary Baker and Mr. Creel do or leave undone. Nothing that any one of these gentlemen says, nothing that any one of them does, and nothing that any one of them leaves undone is of the slightest importance, except because he is President Wilson's representative, appointed by President Wilson to a position of high governmental importance in a great crisis and serving as the medium through which President Wilson carries out his policies affecting this country. This is, of course, equally true of all of President Wilson's other appointees. I have scant patience with the timidity or the folly which dares not hold accountable the source of power, and only ventures to express displeasure with the instrument through which the power is exercised. Messrs. Burleson, Baker, Creel, and their associates possess no importance whatever, except that accruing to them because it is through them that the President speaks and acts, or refuses or fails to act. As the above article shows, I was not speaking of Mr. Burleson in particular but of the administration of which he is a part, of the President whose servant he is.

The reason for my comment in the Kansas City Star and for my previous article in the Metropolitan Magazine is that since the war began the Administration has used the very great war powers of the Government over the public press to stifle honest criticism of governmental inefficiency or misconduct, while condoning (which necessarily means encouraging) pro-German, anti-Ally, and therefore anti-American agitation in certain powerful papers which defended this inefficiency and misconduct; and it has sought from Congress a great addition to the already existing power it has thus misused. I believe that the first article of the Constitution guarantees the right of the people to criticise truthfully the conduct of their public servants, and that this right can not be taken away by any law. But the average man is naturally and properly afraid to challenge a law backed by the whole power of the United States Government, even although it may be his belief that ultimately the law will be held unconstitutional.

Our governmental officers, from the President down, are of right the servants of the people, not the rulers of the people. This is the fundamental difference between an autocracy and a democracy. The Hohenzollerns are the rulers of Germany, and the Germans are the subjects of the Hohenzollerns, not their fellow citizens. On the contrary, our Presidents are not the rulers of the American people, but the servants of the American people, and the rest of the people are their fellow citizens. Our duty is to stand by the country. It is our duty to stand by the President—as by every other official—just so long as he stands by the country. It is no less our duty to oppose him whenever, and to the extent that, he does not stand by the country. If we fail to oppose him under such conditions, we are guilty of moral treason to the country. The President and our other public officials are subject to the laws just like the rest of us. It is an infamy untruthfully to assail our public servants—or anyone else. But it is our duty to tell the truth about our public servants, whether the truth be pleasant or unpleasant. The higher the public servant and the more important his task, the more careful we should be to speak only the truth about him; and the more necessary it is that we should tell the full truth about him.

During the past year the action of the administration, taken largely through the Post Office Department, has been such as to render it a matter of some danger for any man, and especially any newspaper, to speak the truth, if that truth be unpleasant to the governmental authorities at Washington. The effect of this attitude has been very marked politically. Such coercive power tends to make upright men, even although they are strong men, cautious about telling truths which ought to be told. It forces weak men to praise the administration whether it does well or ill. It invites unscrupulous men who desire to serve Germany to gain license to do so, and to secure advantages by praising the administration, especially when it has acted wrongfully or inefficiently, and by supporting it politically. There are cases where all competent and honest observers are morally certain that political support has been given, and is now being given, to the administration by various newspapers, especially German-American and semisocialistic newspapers, because of the club thus held over them by the administration. From the very nature of the case there can rarely be positive proof in such cases. But as regards the most striking cases of favoritism, those concerning the Hearst papers, as compared with the suppression of Tom Watson's paper, and the attack (for nominally wholly different reasons) on the Metropolitan, I herein give the facts which prove exactly what I have alleged. The Postmaster General has raised the issue; I meet it squarely; and he shall not evade it. The administration has successfully endeavored to prevent expression of opinion hostile to it and to put a premium upon supporting the President personally and politically without regard to whether his actions are detrimental or beneficial to the country.

The administration, through the Publicity Bureau, under the lead of Mr. Creel, is conducting a gigantic news propaganda with the public money. Mr. Creel's activities are exercised nominally on behalf of the country, but in reality primarily on behalf of the administration. Mr. Creel announces and publishes himself as the special representative of the President, and is permitted by the President so to announce and publish himself. He assails the publications that truthfully expose the shortcomings of the administration; and, without regard to the facts, he, personally and through his bureau, actively upholds the administration as regards those matters, such as the aircraft program,

in which there have been grave governmental shortcomings. This is partisan political propaganda of the very worst type, carried on with public moneys, under the guise of public work. The editor of the Metropolitan wrote Mr. Creel on March 7:

"Is it right that you should use the time and money of your bureau, which is supported by American taxpayers, to defend members of the administration from criticism in the public press? Are you not in fact the personal press agent of the President and members of the administration?"

What the editor of the Metropolitan thus stated in the form of a query should be stated affirmatively as an unquestioned fact.

I have said so much by the way of making the general situation clear. Now, as to Postmaster General Burleson's challenge. This can be divided into two parts: First, Mr. Burleson denies that the administration has ever discriminated improperly against any publication, and, second, he denies that it has ever failed to proceed against any publication which ought to have been proceeded against.

First. The Metropolitan Magazine, Collier's Weekly, Philadelphia North American, and New York Tribune have consistently upheld the war. They eagerly demanded that we should go to war, they supported the President in going to war, they have cordially upheld every measure for prosecuting the war. But they have also told, not all of the truth, but some small portion of the truth, which it was absolutely necessary to tell, about the administration's failure to conduct the war efficiently. They have only told even this small portion of the truth when it was imperative so to do, in order to speed up the war and to prevent perseverance in inefficiency. All four of these publications have been attacked by Mr. Creel officially, speaking as President Wilson's representative and "as giving a message from the United States Government to the American people." (I quote from The Independent.) The Government also made an effort about the same time to intimidate the North American, but signally failed, and the facts were set forth in full in an editorial in the North American. The Post Office Department, through the New York postmaster, on March 2 last, notified the publishers of the Metropolitan Magazine that its March issue was nonmailable under the espionage act. This action was widely published throughout the country. It was calculated to do great damage to the Metropolitan. It was precisely the kind of action which, as I know by having been so assured again and again by various editors, was the reason why these editors have been afraid to tell the truth or even a small part of the truth about our governmental inefficiency or misdeeds. The article on which the action was nominally based was by a man who had written articles of exactly the same kind in a publication, the New Republic, which, however, is a political supporter of Mr. Wilson, and has not been interfered with. The Metropolitan is not a political supporter of Mr. Wilson and was interfered with, yet the Metropolitan has upheld the war far more zealously than the New Republic. The Metropolitan immediately asked the postmaster of New York for the grounds of his action, but got no answer. On March 9 it telegraphed the Postmaster General, asking whether the action was taken by the order of the Postmaster General and, if not, what steps the Postmaster General would take to repair the damage done to the Metropolitan Magazine. On March 11 the Postmaster General replied to the Metropolitan, stating that accusations had been made that an article in the Metropolitan was a traitorous effusion, but that he did not know whether the complaints were justified, and that no order had been issued about it by the department. He did not answer the Metropolitan's question as to what steps would be taken to repair the damage done it by the conduct of the New York postmaster. On the same day the New York postmaster wrote the Metropolitan reversing his action of March 2, but making no apology and making no excuse. On March 12 the editor of the Metropolitan wrote to Mr. Burleson saying, among other things, "You must remember that there are a great number of pacifists and pro-Germans in this country who would willingly put the Metropolitan Magazine out of business because it is the most strongly pro-Ally and anti-German publication in the country," calling attention to the fact that a statement attributed to the Solicitor General of the department was obviously not in accord with the facts, and that the Metropolitan could not accept newspaper statements without confirmation from the Postmaster General, and asking for a written statement from the Postmaster General in the matter. He has received no such statement, nor has any attempt been made by the Post Office Department to remedy the wrong it did by the postmaster at New York.

At the same time one of the advertisers in the Metropolitan, Mr. E. M. Mansur, of Floral Park, N. Y., received a letter from a man in Chicago suggesting that he withdraw his advertisement because of the editorials in the Metropolitan Magazine. Mr. Mansur declined to withdraw it. On April 8 he notified the Metropolitan that a special agent of the United States Department of Justice, named James A. Corcoran, with shield No. 436, giving his address as Box 241, Park Row, New York City, called on him with copies of the letters of this Chicago man to him and of the replies and asked if Mr. Mansur had stopped advertising, and wanted to know if he was going on advertising next year, and then if he were an American citizen. The last query taken in connection with the first two contained, of course, an implication that was in effect a threat. This shows that the Department of Justice had knowledge of the attempt to boycott the Metropolitan and lent its official power to further it, unless the man in question had stolen the special agent's shield which he possessed and forged his name and address.

The above facts Mr. Burleson has not denied, and can not truthfully deny, and they absolutely demonstrate the exactness of my statement, so far as the administration's effort to punish the publications which upheld the war but have told the truth about the administration's failure to conduct the war efficiently.

Now, for the second part of my statement: The prime example of failure by the administration to proceed against newspapers which oppose the war or attack our allies, and therefore directly or indirectly aid Germany, is afforded by the failure of the administration to deal with Mr. Hearst's papers as it has dealt with certain other papers. Mr. Hearst is a very wealthy man, reputed to be much more than a millionaire, owning a dozen newspapers, more or less, and a half dozen magazines, in different parts of the country. At the very beginning of the war the Government proceeded successfully against Tom Watson's publication in Georgia. I entirely disagreed with Tom Watson's general political philosophy; I was utterly opposed to his contention that drafted men should not be sent overseas to fight; I regarded him as a narrow, although an upright and sincere man. But he had done nothing that was anything like as dangerous to this country and our allies and as helpful to Germany as Mr. Hearst was at that very time doing. The circulation of Mr. Watson's paper was very small compared to Mr. Hearst's papers, his wealth and influence were infinitesimal compared to Mr. Hearst's wealth and influence, and he had denounced Germany and even advocated war against Germany, whereas Mr. Hearst had in numerous editorials opposed our going to war, attacked Germany's foes, and defended Germany. Yet the administration crushed Tom Watson, a poor man, while it first tolerated and then encouraged wealthy, powerful Mr. Hearst. Tom Watson's paper was not the only small paper the Postmaster General attacked and hampered for doing far less than Mr. Hearst's papers had done. The New York News is edited by George W. Harris, a colored man, for the colored race. Under date of May 2 last Mr. Harris, the editor, received a notice from the postmaster of New York that the issue of that date had been "withheld from dispatch through the mails, pending advice from the Solicitor for the Post Office Department as to whether this issue is mailable." One of the editors of the paper informs me that Mr. Harris called at the post office in New York to ascertain the reason of this order, but was not given any reason. The only explanation the editors could think of was that the paper had contained a protest against an alleged order of a colonel in the Army "directing colored officers not to enforce upon white inferiors a military salute." Certainly nothing in this humble paper warranted the administration, through the Post Office Department, in attacking it, while at the same time not venturing to interfere with the wealthy Hearst papers.

Mr. Burleson, however, while he will pardon certain proadministration papers, even although they are antiwar, will nevertheless occasionally attack not only antiwar but prowar and even proadministration, radical papers, if he objects to their radicalism. Two entirely responsible persons have called my attention to the suppression of one issue of a radical magazine called The Public. This has been an entirely prowar magazine. In its issue of March 30 it urged editorially "heavier taxation of unearned incomes and of excess profits" and the raising of more money by direct taxation in preference to bond issues. Apparently, as far as the editors can make out, it was because of this article this issue was suppressed. A former editor of the paper writes me that it is possible that Mr. Burleson objected to the paper because of an account of an interview with him on October 12 last, in which he was quoted as stating his lack of sympathy with the proposition that a man ought not to get his money from the ownership of land which was tilled by tenants, on the ground that he could not be expected to favor a public policy where his interest lay on the other side of the proposition. "As a landowner you can't expect me to believe that," he is reported as saying. It does not appear, however, that any steps were taken because of this article. The question, therefore, is as to the right of The Public to print the editorial in the issue of March 30. The question as to our belief or our disbelief in the soundness of this editorial has nothing whatever to do with the case. There are plenty of conservative doctrines with which I emphatically disagree, and also plenty of radical doctrines with which I disagree; and if it should happen that on either side of the case I found myself in agreement with Mr. Burleson I should, nevertheless, adhere to my beliefs. But, unless these doctrines were seditious (or represented the kind of immorality and incitement to violence or other unlawful conduct which would properly bring them under the law), I would fight as stoutly for the right of the editor to publish them as I would fight for my own right to publish articles against them. Such action as that of Mr. Burleson does not help the war; on the contrary, it tends to keep people so angry with the agents of the war that they become and remain hostile to the war itself.

There could be no more striking example of discrimination than that furnished by the contrast between the treatment of a paper like Mr. Watson's and papers like those of Mr. Hearst; there was severity of treatment for the helpless, while the strong were given complete immunity.

There is no need to rely upon my statement that the Metropolitan has been a loyal, prowar, pro-American publication. In a letter published by Mr. Creel, since Mr. Burleson's statement was published, he states: "We reply to the Metropolitan for the very reason that we do not reply to antiwar or anti-American papers. They are known to be what they are, but the reputation of the Metropolitan for loyalty gives weight to its misstatements." This is, as shown by the use of the word "we," a complete and full acknowledgment on the part of Mr. Creel that my statements with regard to the administration in this matter are correct. It is a complete and full acknowledgment that the administration acts against a publication whose loyalty is unquestioned, but which attacks the kind of governmental inefficiency which tells in favor of Germany, although at the same time the administration does not act against the "antiwar or anti-American papers"—so long, I may add incidentally, as these papers champion the administration and apologize for the inefficiency of its actions.

Since the Postmaster General's challenge to me was made public, private citizens have taken against the Hearst papers the action which the administration has refused to take. The New York American, in publishing President Wilson's Memorial Day proclamation, omitted that part of the proclamation which contained the prayer for victory, although it printed the part containing the prayer for peace—a proceeding entirely in consonance with Mr. Hearst's advocacy of a "peace without victory." In Poughkeepsie, according to a special dispatch to the New York Herald of May 13, a party of Grand Army veterans protested against such action by procuring every available copy of the American and burning them in the courthouse square, the veterans explaining, through Maj. Louis C. Dietz, organizer, of the local Loyal Service League, that they did this because they regarded the action of the New York American as an attempt "to fool the people of this country by publishing articles that are perfectly agreeable to the Kaiser's Government and to traitors and pro-Germans that are in this country." At the same time, according to the statements in the New York Times and New York World, the mayor and common council of Mount Vernon, N. Y., barred the Hearst papers for the period of the war from Mount Vernon, the mover of the ordinance reading various extracts from Mr. Hearst's papers which he said moved him to take the action he did, while the mayor announced that he signed the bill because he wished "to put a curb on the Kaiser or any of his agents" and that "Mount Vernon will not stand for anything or anyone not wholly American at this time." The mayor of Summit, N. J., is reported to have succeeded in getting the news dealers to refuse to handle the Hearst publications.

I have before me at the moment copies of the New York American editorials of May 11, May 20, June 1, 1915, and an editorial of June 6, 1915, signed by Mr. Hearst himself, dealing with the *Lusitania* question and stating that Germany's action was right about the *Lusitania;* that "the *Lusitania* incident is, of course, no cause for a declaration of War," and that we had no just cause for complaint in the matter—saying that we "had no right to make this demand * * * that Germany suspend her submarine warfare against the commerce of the allies"; that we had "no right to question Germany's use of submarines in her warfare upon British commerce," and that the *Lusitania* was an English vessel and properly "subject to destruction," and that its destruction

by the German submarine was in accordance with the authorized and accepted rules of warfare, and that Germany's methods of submarine warfare "were none of our business." The Hearst papers continued to try to make our people range themselves against England, and therefore in favor of Germany, and to appeal to the people of the United States to put the safety of their dollars above the safety of their women and children. In the issue of the New York American of August 25, 1915, is an editorial headed, "Must the United States be a cat's-paw for England against Germany?" There is not a word in this editorial about the German murder of our women and children on the high seas, not a word protesting against Germany's taking the lives of our citizens, but a scream against England because she had made cotton contraband of war! No American can read this editorial in the Hearst papers of that date without hanging his head in shame that such papers should at this time be backed by the American administration.

Let the administration recall that Mr. Hearst was writing these editorials, week after week, month after month, during the time succeeding the sinking of the *Lusitania*. On December 5 last, Secretary Baker, the official representative of the President in all matters relating to the war, said, as reported in the public press: "From the moment the *Lusitania* was sent to a watery grave by the hands of the assassin, the United States had only two choices. The United States could have crawled on its knees to the Hohenzollerns, crying out that their frightfulness and their military efficiency were too great and that we submit and become their vassal; or, as an alternative we could fight. We chose to fight." This is the description by President Wilson's Secretary of War of the course (that we become the vassal of Germany) which Mr. Hearst, through his papers, did his utmost to get the American people to adopt.

After we went into the war, on April 11, 1917, Mr. Hearst wrote: "Stripping our country of men, money, and food is a dangerous policy. Our earnest suggestion to the Congress is that it imperatively refuse to permit the further draining of our food supplies and our military supplies to Europe." This was equivalent to a demand that after going to war we should turn around and help Germany more than if we had continued to remain neutral. On April 24, 1917, the New York American said: "The painful truth is that we are being practically used as a mere reenforcement of England's warfare and England's future aggrandizement." This was an effort against our ally and an effort to pander to anti-English prejudice in the interest of our foes, and nothing else. On May 17 it advocated our spending all our money on preparing our Army and Navy here at home "and so compelling Germany if she wants to fight to come to us," which was, of course, equivalent to arguing that we would render no aid to defeat Germany until she had defeated our allies and was prepared to attack us single-handed. On May 25 the same paper said of the efforts to float the liberty loan: "If you want our food and wealth sent abroad to help suffering England, buy a liberty bond, furnish the sinews of war." In view of Hearst's continued effort to excite hatred between the United States and England, the implication of this sentence can not be mistaken. In the very next sentence he subtly attempts to appeal to all men with a feeling of affection for Germany by intimating that whoever purchased a liberty bond desired to see Germany not merely defeated but "dismembered." On July 27 the New York American spoke of our soldiers being sent over "to be offered up in bloody sacrifice to the ambition of contending nations on foreign battle fields." On November 22 it spoke of our "interfering in Europe's quarrels."

It is absolutely impossible to reconcile the Government's action in proceeding against Tom Watson's paper with its failure to proceed against Mr. Hearst's papers on any theory that justice was to be done alike to the strong and to the weak.

The above quotations from Mr. Hearst's papers and many others like them may be found by any man who cares to examine their back files. The Government had full notice about Hearst, because the allies had barred him from the cable service, and only through the good offices of this Government have these privileges just now been restored to Mr. Hearst. Nor is this all. A mass meeting of thousands of citizens of New York was held in Carnegie Hall on November 2, 1917, under the auspices of the American Defense Society to protest against the spirit of disloyalty shown by certain persons, especially Mr. Hearst. Mr. James M. Beck delivered an address dealing for the most part with Mr. Hearst. This portion of the address I have also included in the appendixes. The New York Times, among other papers, printed this address almost in full. The Government, therefore, had full warning and full knowledge of all of Mr. Hearst's activities. Mr. Hearst's papers have defended our war inefficiencies, have apologized for the failures in the war program, and have even denied such breakdowns as that in the aircraft program. It is true that since we entered the war Mr. Hearst has at various times issued editorials professing great patriotic zeal; but it was at the very time when in other editorials he was attacking the allies of America, England and Japan, in the most offensive way, and at the very time when he was upholding the Russian Bolshevists, who had made Russia a traitor to the free nations of the world and a subservient ally of the German autocracy. Such action can not fail to give aid and comfort to Germany.

By turning to the New York papers of May 8, 1918, Postmaster General Burleson will find an ardent tribute paid by the former German correspondent of the Koelnische Zeitung to Mr. Hearst and Mr. Hearst's editor in chief, Mr. Arthur Brisbane, for having been "auxiliaries of valued influence" to Germany, especially because of "the editorials in the Hearst newspapers." In the New York Times of August 14, 1917, there is a quotation by special cable, via The Hague, from the German Vossiche Zeitung, which states that the "antiwar movement in America is gaining in strength" and that "war propagandists in the New York press have lately met stout resistance from no other than Mr. Hearst and his 30 papers by the issuance of warnings to the people about the danger of plunging into European war," and continues to speak of "the generous nature of the work he had done for Germany" and that Mr. Hearst "preached" in behalf of the central powers. Mr. Hearst earned the praise thus given him by the servants of the Kaiser, and during the time when he was earning it the Kaiser was saying to Ambassador Gerard, as the latter recites in his book: "America had better look out after this war. I shall stand no nonsense from America after the war"—which the ambassador reported to the administration at Washington, without, by the way, producing any effect upon the administration.

Mr. Brisbane, in the Washington Times, ably followed Mr. Hearst's lead. On August 8, 1917, it said: "The most powerful and effective peace worker in this country is William Randolph Hearst. The world wants peace. It is more important than victory." On July 16, 1917, when Russia was under a democratic government and still a fighting ally of the United States against Germany, Mr. Brisbane's paper, the Washington Times, said: "Anarchy rules in Russia; somebody must do something. The natural somebody is Germany; right next door to Russia * * * the civilization of western Europe may be very grateful to Germany if the war finds Germany with enough strength left to undertake the maintaining of order in Russia, developing the resources there and making a few billion of rubles in the process." It seems literally incredible that a paper making an utterance like this could have been left unmolested by an administration that had proceeded against poor Tom Watson—and this paper was published within two blocks of the White House. On August 21, 1917, this paper said: "We have lent to our allies about two thousand millions * * * this we lent our allies to help in the game of murder."

I commend these facts to Mr. Burleson, and also to his Cabinet associate, Mr. Daniels, in view of their recent telegrams of congratulations to Mr. Brisbane, upon assuming charge of certain Chicago papers, reported as being Hearst papers. These telegrams have been published in one of Mr. Hearst's New York papers, the Evening Journal. Mr. Burleson says of Mr. Hearst's alter ego that he "congratulates" the people of Chicago because they are to have the benefit of Mr. Brisbane's "able and unselfish efforts * * * I indulge the hope that (his paper) will always stand for justice and freedom and true democratic government." And Mr. Daniels goes Mr. Burleson one better in expressing the belief that Mr. Brisbane will preach "patriotism" and "civic righteousness."

Mr. Burleson has stated that he has received "more complaints" about my writings than about those of Mr. Hearst. In view of Mr. Burleson's record and actions, there is small cause for wonder in this. Every pro-German and anti-American, every believer in a feeble American war and a triumphant German peace, every man who follows Mr. Hearst, would naturally appeal for sympathy to Mr. Burleson in denunciation of what I have done.

Messrs. Hearst and Brisbane, through their papers, have been unceasing in their attacks upon England and Japan. The New York American on December 20, 1917, said that "the offensive and defensive alliance then negotiated between Japan and England was aimed at the United States." This deliberate falsehood was published at the very time that England was defending us with her fleet and her army. There could be no meaner example of treachery to our allies and of subservience to our enemy. It was a thousand times more worth the attention of Mr. Burleson than anything done by the small papers against which the Post Office Department did act. On September 15, 1917, Mr. Hearst's plea for a German peace in the New York American ran "that the best peace for all concerned is a peace without victory, a peace without conquest, a peace without indemnities, a peace without annexations." On March 2, 1918, Mr. Hearst made an embittered attack upon Japan and on March 20 he repeated the attack. He spoke of the "military despotism of Japan," of the "brutal oriental selfishness in Japan's present attitude," and then asked the question as to who was going to drive her from Siberia, answering it: "Not the allies, for they are too much occupied with their war. Not the United States, because we are putting all our eggs in the allies' basket. There is one combination possible which might drive Japan out of Siberia, and that is Russia in an active and aggressive alliance with the Teutonic Empires." These sentences amount to incitement to Russia to become the military ally and therefore the military vassal of Germany, and to the effort to persuade our people that the war is not our war, but only the war of the allies—that it is "their war." Such language as this, used less than two months before Mr. Burleson issued his challenge to me, is a thousand times more damaging to the United States than anything ever said by Tom Watson or any other of the editors of small papers. For Mr. Burleson to allow the paper making such an appeal to go unchallenged, and yet at the same time to permit, without rebuke, the New York post office to attack a publication like the Metropolitan is incompatible with the supposition that he was thinking only of the welfare of the country.

Mr. Hearst's paper actually stated that it believed "that our Government made a great mistake when it did not meet both English aggressions and German aggressions * * * with armed resistance." This was announced during the war. Yet at this very time England is protecting us from Germany, and without that protection we would be given no time in which slowly to make ready to protect ourselves. If we had begun to prepare in August, 1914, we would have needed no protection from others. But we refused to prepare, and therefore we owe our safety now only to the fact that our friends are able to fight for us against our enemies while we are slowly preparing to fight for ourselves. And Mr. Hearst, under these conditions, expresses regret that we did not go to war against the friend who fought for us! Such a proposal is a proposal in the interest of the enemy, who murdered our women and children.

On September 22, 1917, when the American Nation still had no troops in the trenches, when we had only lent money to the allies, Mr. Hearst touched the nadir of the policy that puts the dollar above the man when he stated that "our Government has the right and power to dictate the terms of peace, and the American people expect England and the other allied Governments to recognize that right and to accept the terms laid down," the statement being preceded by the following: "Having practically exhausted the resources of Russia, France, and Italy, the English Government now seeks succor in our American resources. The money of the American people has been loaned to the allies in great sums. Still greater sums are in readiness to lend them." Statements like this can not but aid Germany. In all of Mr. Hearst's career it may well be doubted whether he has ever proposed anything more sordid than this suggestion to the American people, to a free people with a glorious past, a people proudly able and willing to fight for its honor. The proposal is that we should treat having lent money to the allies as offsetting the fact that these allies had shed the blood of millions of their sons in protecting not only themselves but this country from the brutal dominion of Germany—a dominion under which, if Mr. Hearst's advice had been followed, this country would now be cowering. The debt the allies owe to us for our money is infinitesimal compared to the debt that we owe them for the blood shed by their sons on battle fields where this Nation had as much at stake as the nations whose armies fought thereon. On March 8 last Mr. Hearst, preaching hatred to Japan, and using language tending to serve Germany by bringing about a break between the United States and Japan and perhaps Great Britain, says: "If Great Britain can not restrain her special ally, Japan, from acts of aggression inimical to our interests, we can remove our ships and troops from Europe and transfer them to Asia." This is a threat of war with Japan—a threat that we will enter on a war of aggression in Asia. There could be no possible result of such a threat except service to Germany. It was a threat to abandon the war against

Germany, our enemy, and embark on a war against Japan, our ally; and this because Japan, in the interest of the allies and of civilization, had contemplated action in East Siberia against the Bolsheviki, who have shown themselves to be the allies of Germany, the enemies of civilization, and the enemies of the United States.

These quotations show that Mr. Hearst has steadily endeavored to belittle the vital importance to our country of this war, and to excite the hatred of our people against allies who are faithfully fighting beside us; and such conduct can be of help only to Germany, to the enemy we are fighting. Just so long as Mr. Hearst's publications are permitted in the mails, Mr. Burleson is without excuse for excluding any other publication from them. The administration by its acquiescence permits the continuance of Mr. Hearst's campaign, which necessarily tends to give aid and comfort to Germany and to impair the morale of our own people.

The quotations above given deprive Mr. Burleson and the administration, of which he is a part of, any shred of justification for their action and inaction. Mr. Burleson is, of course, only secondarily responsible in the matter. Mr. Hearst's papers are so important and Mr. Hearst's position among the administration's political friends, supporters, and advisers is so prominent, and the action in connection with reinstating him in his cable privileges was so purely dependent upon the President himself, that no subordinate of the President can accept or be credited with the chief responsibility for any action or inaction of the administration in relation to Mr. Hearst. The administration is responsible for the toleration of Mr. Hearst's antially, antiwar, and therefor anti-American activities, and for the reward, nevertheless, given him; and the service rendered on the other side by Mr. Hearst was service to the administration and not to the country. I have quoted above the language of complimentary indorsement in which two of President Wilson's Cabinet ministers have addressed Mr. Hearst's editor, Mr. Brisbane. The President's private secretary writes Mr. Brisbane in the same vein. In the Chicago Herald and Examiner of May 19, last Sunday, appears the following letter, under the heading "A New Subscriber":

"THE WHITE HOUSE,
"Washington, May 14, 1918.

"MY DEAR BRISBANE: When you were at the White House offices today, I forgot to ask you to send me the Chicago Herald and Examiner regularly to my office here. I am sure you are going to make the same good Democratic fight in Chicago that you have been making in your paper in Washington, and I want to see just how you do it.

"Sincerely, yours,

"J. P. TUMULTY,
"Secretary to the President.

"Mr. ARTHUR BRISBANE,
"Care Chicago Herald and Examiner, Chicago, Ill."

Mr. George Harvey has pointed out in the North American Review War Weekly that Mr. Burleson is encouraging enemy-language publications by having a special division whose function is to assist editors of foreign-language papers "in complying with the law." The act of Congress provides that all foreign-language papers should sumbit to censorship or go out of business. The Post Office Department's duty is merely to suppress those of them which are guilty of treasonable practices. Apparently, as Mr. Harvey points out, Mr. Burleson, instead of suppressing papers that preach sedition, establishes a division to show them how they can escape suppression. Mr. Hearst's papers are infinitely the most important of those which during the last year and a quarter have tended to serve Germany and have harmed the United States by attacking our allies or opposing our effective participation in the war. There are various other papers published in English or German which have been less important offenders. On April 2, Prof. Guernsey Jones, of the University of Nebraska, published an article in the Nebraska State Journal on "The Enemy Press." He quoted various articles that have appeared in German-American papers since the war, and some of them as late as January, February, and March last, championing the German-American Alliance, attacking England and Japan, announcing that "the problem of the German press is to save Deutschtum in the United States," demanding a peace which would give Germany the victory, praising Germany's action toward Russia, and in other ways, as Prof. Jones says, showing themselves to be "insolent organs of Prussianism." These papers were being published, and Mr. Hearst was publishing his papers, without interference by the Post Office Department and the Government, at the same time that proceedings were being taken against the Metropolitan Magazine, one of the staunchest upholders of the war and staunchest opponents of Prussianism in all the United States.

Congress has with lavish generosity granted all the administration has demanded to carry on the war. It has also granted the administration extraordinary power, of a kind never hitherto granted any administration, to deal with the internal foes of the Nation; and this power can be and has been misused to reward the administration's personal or political supporters and punish the administration's personal or political opponents. Congress, through such bodies as the Senate Committee on Military Affairs, has exercised its power of investigation and supervision to correct executive inefficiency, executive delay, and executive abuse of power, and has done this in such fashion as to speed up and render immensely more efficient our part in the war. Congress should vigilantly exercise its right of supervision as regards the use of all the great powers it has granted the administration over the properties and activities of the citizens of the United States.

In his last statement about me Mr. Burleson, like Mr. Wegg, at the behest of Mr. Boffin, dropped into verse. As he seems to like poetry, I commend to him and to the administration of which he is part, the following lines:

"Whoso speaks in your presence must say acceptable things;
Bowing the head in worship, bending the knee in fear—
Bringing the word well smoothen—such as a king should hear.

* * * * * * *

Given to strong delusion, wholly believing a lie,
Ye saw the land lay 'fenseless, and ye let the months go by,
Waiting some easy wonder; hoping some saving sign—
Idle—openly idle—in the lee of the forespent line."

Very truly, yours,

THEODORE ROOSEVELT.

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.

APPENDIX A.

PUT THE BLAME WHERE IT BELONGS.

[Editorial by the editor in the Metropolitan Magazine.]

In order to carry on the war we have had to stop working. This paradoxical situation has been brought about by that same master of paradox who once suggested that we might be too proud to fight and since then has recommended universal voluntary service and peace without victory. We have this much to be thankful for—that the workless days ordered by Mr. Wilson's Fuel Administrator have aroused the country at last to some sort of visualization of the true state of affairs. This situation has brought us shame and humiliation; it has also caused new searchings of heart. The press and the Nation have suddenly discovered that their idol has feet of clay. In the roar of indignation that greeted Mr. Garfield's novel plan for speeding up the war, we missed the customary note of adulation which hitherto has predominated whenever the President or the President's pet ministers were involved. Is the country really beginning to lose its faith in the master of rhetoric who has so long held the people spellbound? Is it possible that some blame will attach itself to Mr. Wilson for the ghastly mess which his administration has made of the war? If such a thing were to happen, it would not encourage us overmuch to believe that the country has at last come to its senses. For it would not mean in the very least that the people had reached the point of putting the blame where it really belongs. All we see in the waves of rage now beating upon the officials of Mr. Wilson's Cabinet or his various kinds of dictators is the melancholy fact that you can only get this great democracy to interest itself in its Government when the pockets and profits of the individual are touched or endangered.

What happened when Mr. Garfield stopped the wheels of industry? First of all a shriek of indignation went up from the country, and especially from the newspapers. Every paper in our vicinity published a protest to the President, signed by a representative of the New York World. Next came a resolution of the Senate to prevent the signing of the obnoxious order. Did anyone stop to consider whether the order was necessary or not? Did Mr. Don Seitz, of the New York World, suggest any other better method of clearing up the fatal congestion and getting coal to the ships in our harbors, so that the ships could sail and the war might not come to a standstill for lack of supplies? Did the Senate offer a better plan? No. The country, the press, and Congress waited until the administration had made about every error that any administration could make, until the paralysis of our transportation system was worse than anyone could conceive of outside of darkest Russia, and then, when our precious fuel dictator, who was partly responsible for the appalling conditions, suddenly threw up his hands, and did what was perhaps the only thing that could possibly avert complete disaster, everyone, newspaper editors, business men, and Members of Congress, yelled their loudest that the order was a crime and must not be carried out. It is exactly as if a householder, having by carelessness allowed his house to get on fire, should implore the fire department not to spout water over his best furniture.

What is needed in such a humiliating and dangerous crisis is not hysterics, but a little clear thinking and self-sacrifice and determination. First of all the clear thinking. Let us try, if we possibly can, to put an end to the school-girlish gush and sickening idolatry which has surrounded the White House ever since Mr. Wilson entered its doors. Under our form of government, Mr. Wilson is entirely responsible and solely responsible for the choice of his Cabinet and for the selection of administrative officers outside of the Cabinet. In no other country in the world, certainly not in Germany or in England or in France, is there a chief executive with so much power, power almost amounting to real dictatorship. For the lamentable failures of the present administration, therefore, Mr. Wilson and Mr. Wilson alone is responsible. Therefore we may expect sooner or later that in spite of all the idolatry of the past Mr. Wilson will come in for a large share of the blame. There exactly lies the weakness of popular ways of thinking. Mr. Wilson is, of course, to blame. It was he who appointed Mr. Garfield Fuel Administrator, knowing well that Mr. Garfield had no knowledge of coal mining or coal distribution, and no executive experience whatsoever. It was Mr. Wilson who allowed the railroads to entangle themselves in the meshes of priority orders and old-time competitive methods, when it was apparent that the transportation of the country must be under Government control. It was he who appointed one man after another to the Shipping Board who knew nothing about ships. It was he who made a pacifist Secretary of War. We need not enumerate at length the errors of choice which have resulted in a ministry of all the incompetents. Of course, the President is to blame. But that is only a superficial view of the matter. We, the people, are infinitely more culpable. After all, Mr. Wilson is doing what his nature and accomplishments permit him to do. He is trying his best to be a good war President. But we—this is a majority of the electorate and not an editorial "we"—made the unpardonable mistake of electing Mr. Wilson President. There lies the real blame.

Perhaps it may be said that we, too, in electing Mr. Wilson acted for what we believed to be the best. Let us not lay that flattering unction to our souls. We acted as a people, according to our worst instincts. The majority of the people elected Mr. Wilson because he had kept us out of war, because he had placed us in a position where we could make the most enormous profits out of the war. We voted for him because he was neutral about the ruin of Belgium and because he was worse than neutral about the sinking of the *Lusitania* just in so far as straightforward selfishness is better than a pretense of high-mindedness. If most of the people who supported Mr. Wilson had entertained any real expectation that he would go to war under any provocation whatsoever, they would have elected him with the gravest misgivings. They knew what they had to expect. Mr. Wilson went to the White House in 1913 with a program of tariff reform and trust-busting. Old-fashioned, cut-throat competition was his slogan. In the year and a half of his first administration that preceded the war, his antiquated policy had done much to ruin the recovering prosperity of the country. Business was at a low ebb, the railroads were failing to meet their obligations right and left, there had been defaults to the tune of half a billion dollars' worth of railroad bonds; and worse was to come. Mr. Wilson's administration was saved only by the fortuitous circumstance of the war and the evil prosperity reaped out of the war. As an administrator and as a director of the Nation's policy he had been a failure. But he was still able to go to the country on a bogus wave of prosperity.

If, however, Mr. Wilson's peace record was bad, his war record was infinitely worse. At the outbreak of war he not only declared neutrality, but he denounced preparedness. He relied on what he pretended the American public to be, "a citizenry trained to arms," though he

and everyone else knew it was a citizenry entirely untrained to arms. From that time on he espoused unpreparedness, though he was finally induced to make speeches about preparedness. He discharged the only man in his cabinet who cared a little about deeds rather than words in the matter of military preparation, and he put a pacifist in his place. And all the time the shadow of war was creeping closer and closer. When the election of 1916 came to pass the people of the United States had every reason to know that Mr. Wilson was neither a peace nor a war Executive. His extraordinary inability to act had been demonstrated a multitude of times, but especially in his dealings with Mexico, where he was forever putting in a hesitating foot only to draw it out again. The people knew all about Mr. Wilson. Then why did they elect him President a second time? Partly because the political wirepullers deprived the opposition of the only real and obvious leadership that could safely defeat Mr. Wilson; but still more because our democracy is not by any means as great minded as it pretends to be. Selfishness, profiteering, lack of foresight, lack of courage, an extraordinarily short-sighted materialism were apparent in the support of the President who had kept us out of war. Ordinary hard-headed business selfishness would have been better than the softness and the hatred of facing sacrifices which were evident in 1916. Mere business selfishness would have compelled memory of Mr. Wilson's first two years and have demanded a more businesslike Executive. It is impossible to think too badly of the motives which dictated Mr. Wilson's second victory. In the future we shall look back on that period—even now we are beginning to look back on it—with grief and humiliation. Never, perhaps, was the national character more obfuscated by gross desires. And so when we see Mr. So-and-so, of the New York World or of any other paper that supported Mr. Wilson in 1916, issuing angry and frightened protests about some order of Mr. Wilson's Fuel Administrator that happens to hit the newspaper proprietor's pocketbook we are inclined to feel a little nauseated. No paper worked harder to elect Mr. Wilson than the World, and none has been more sycophantic in its attitude to the President up to the time the World feared to suffer individual loss. And we are sorry to say that a fairly large section of the public acts just like the New York World. Having voted for Mr. Wilson in order to be allowed to go on profiting by the war, and having hedged Mr. Wilson round with a sanctity that few monarchs and fewer saints have ever enjoyed, they now are beginning to look for some one to blame because they possibly have not enough coal to keep them warm or sugar to sweeten their coffee. We have perhaps reached the worst period of disorganization that so great a country can reach. The warring nations outside of Russia have in all their three and a half years of bitter struggle suffered no such breakdown of their functions as we are now suffering. Things should get better; possibly they will get worse. But our only hope of real and permanent improvement is, first, that the Nation should realize its own culpability and put the blame where it belongs—on its own shoulders. For the Nation elected Mr. Wilson with its eyes open.

Second, that everyone, even if he is a Democrat, should cease to be an idolator and stop talking as if to criticize the administration were blasphemy. No one in England thinks he is aiding the enemy simply because he ventures to suggest that Lloyd-George might possibly be mistaken. Look at Lord Northcliffe's utterances. It is a positive fact that if any American newspapers said about Mr. Wilson what the Times and Daily Mail have said about Lloyd-George and Asquith, Mr. Burleson would refuse to pass them through the mail. Third, let us end the parrot cry of "Stand by the President," and let us resolve to stand by the President with all our strength when the President stands by the honor of the country and enables the country to do what it is longing to do, namely, to fight Germany. When the President is willing to appoint an efficient war cabinet and choose men to handle affairs because they know their job, and not because they don't know it, he will easily compel the support of every patriotic man and woman in the country. There will be no need then for us to keep adjuring each other to stand by the President.

APPENDIX B.

LINCOLN AND FREE SPEECH.

[By Theodore Roosevelt, in the Metropolitan Magazine for April.]

Patriotism means to stand by the country. It does not mean to stand by the President or any other public official save exactly to the degree in which he himself stands by the country. It is patriotic to support him in so far as he efficiently serves the country. It is unpatriotic not to oppose him to the exact extent that by inefficiency or otherwise he fails in his duty to stand by the country. In either event, it is unpatriotic not to tell the truth—whether about the President or about anyone else—save in the rare cases where this would make known to the enemy information of military value which would otherwise be unknown to him.

Sedition, in the legal sense, means to betray the Government, to give aid and comfort to the enemy, or to counsel resistance to the laws or to measures of government having the force of law. There can be conduct morally as bad as legal sedition which yet may not be violation of law. The President—any President—can by speech or action (by advocating an improper peace or improper submission to national wrong) give aid and comfort to the public enemy as no one else in the land can do, and yet his conduct, however damaging to the country, is not seditious; and although if public sentiment is sufficiently aroused he can be impeached, such course is practically impossible.

One form of servility consists in a slavish attitude—of the kind incompatible with self-respecting manliness—toward any person who is powerful by reason of his office or position. Servility may be shown by a public servant toward the profiteering head of a large corporation, or toward the anti-American head of a big labor organization. It may also be shown in peculiarly noxious and un-American form by confounding the President or any other official with the country and shrieking "stand by the President," without regard to whether, by so acting, we do or do not stand by the country.

A distinguished Federal judge recently wrote me as follows:

"Last November it seemed as if the American people were going to be converted into a hallelujah chorus, whose only function in government should be to shout 'Hallelujah!' 'Hallelujah!' for everything that the administration did or failed to do. Anyone who did not join that chorus was liable to imprisonment for treason or sedition.

"I hope that we shall soon have recovered our sense as well as our liberty.

"The authors of the first amendment to the Federal Constitution guaranteeing the right of assembly and of freedom of speech and of the press did not thus safeguard those rights for the sake alone of persons who were to enjoy them, but even more because they knew that the Republic which they were founding could not be worked on any other basis. Since Marshall tried Burr for treason it has been clear that that crime can not be committed by words, unless one acts as a spy, or gives advice to the enemy of military or naval operations. It can not be committed by statements reflecting upon officers or measures of government.

"Sedition is different. Anyone who directly advises or counsels resistance to measures of government is guilty of sedition. That, however, ought to be clearly distinguished from discussion of the wisdom or folly of measures of government, or the honesty or competency of public officers. That is not sedition. It is within the protection of the first amendment. The electorate can not be qualified to perform its duty in removing incompetent officers and securing the repeal of unwise laws unless those questions may be freely discussed.

"The right to say wise things necessarily implies the right to say foolish things. The answer to foolish speech is wise speech and not force. The Republic is founded upon the faith that if the American people are permitted freely to hear foolish and wise speech a majority will choose the wise. If that faith is not justified the Republic is based on sand. John Milton said it all in his defense of freedom of the press: 'Let truth and error grapple. Who ever knew truth to be beaten in a fair fight?'"

Abraham Lincoln was in Congress while Polk was President, during the Mexican War. The following extracts from his speeches, during war time, about the then President ought to be illuminating to those persons who do not understand that one of the highest and most patriotic duties to be performed in this country at this time is to tell the truth whenever it becomes necessary in order to force our Government to speed up the war. It would, for example, be our highest duty to tell it if at any time we became convinced that only thereby could we shame our leaders out of hypocrisy and prevent the betrayal of human rights by peace talk of the kind which bewilders and deceives plain people.

These quotations can be found on pages 100 to 146 of volume 1 of Lincoln's Complete Works, by Nicolay and Hay.

In a speech on January 12, 1848, Lincoln justified himself for voting in favor of a resolution censuring the President for his action prior to and during the war (which was still going on). He examines the President's official message of justification and says "that, taking for true all the President states as facts, he falls far short of proving his justification, and that the President would have gone further with his proof if it had not been for the small matter that the truth would not permit him." He says that part of the message "is from beginning to end the sheerest deception." He then asks the President to answer certain questions, and says, "Let him answer fully, fairly, and candidly. Let him answer with facts and not with arguments. Let him remember that he sits where Washington sat, and so remembering, let him answer as Washington would answer. Let him attempt no evasion, no equivocation." In other words, Lincoln says that he does not wish rhetoric or fine phrases or glittering statements that contradict one another and each of which has to be explained with a separate key or adroit and subtle special pleading and constant reversal of positions previously held, but straightforward and consistent adherence to the truth. He continues that he "more than suspects" that the President "is deeply conscious of being in the wrong; that he feels that" innocent blood "is crying to heaven against him"; that one of the best generals had "been driven into disfavor, if not disgrace, by the President" for insisting upon speaking unpalatable truths about the length of time the war would take (and therefore the need of full preparedness); and ends by saying that the Army has done admirably, but that the President has bungled his work and "knows not where he is. He is a bewildered, confounded, and miserably perplexed man. God grant he may be able to show there is not something about his conscience more painful than all his mental perplexity."

Remember that this is Lincoln speaking, in war time, of the President. The general verdict of history has justified him. But it is impossible to justify him and not heartily to condemn the persons who in our time endeavor to suppress truthtelling of a far less emphatic type than Lincoln's.

Lincoln had to deal with various critics of the "stand by the President" type. To one he answers that "the only alternative is to tell the truth or to lie," and that he would not "skulk" on such a question. He explains that the President's supporters "are untiring in their efforts to make the impression that all who vote supplies or take part in the war do of necessity approve the President's conduct," but that he (Lincoln) and his associates sharply distinguished between the two and voted supplies and men but "denounced the President's conduct" and "condemned the administration." He stated that to give the President the power demanded for him by certain people would "place the President where kings have always stood." In touching on what we should now speak of as rhetoric, he says, "The honest laborer digs coal at about 70 cents a day, while the President digs abstractions at about $70 a day. The coal is clearly worth more than the abstractions, and yet what a monstrous inequality in the price!" He emphatically protests against permitting the President "to take the whole of legislation into his hands"—surely a statement applying exactly to the present situation. To the President's servile party supporters he makes a distinction which also readily applies at the present day. "The distinction between the cause of the President * * * and the cause of the country * * * you can not perceive. To you the President and the country seem to be all one. * * * We see the distinction clearly enough."

This last statement was the crux of the matter then and is the crux of the matter now. We hold that our loyalty is due solely to the American Republic, and to all our public servants exactly in proportion as they efficiently and faithfully serve the Republic. Our opponents, in flat contradiction of Lincoln's position, hold that our loyalty is due to the President, not the country; to one man, the servant of the people, instead of to the people themselves. In practice they adopt the fetishism of all believers in absolutism, for every man who parrots the cry of "stand by the President" without adding the proviso "so far as he serves the Republic" takes an attitude as essentially unmanly as that of any Stuart royalist who championed the doctrine that the king could do no wrong. No self-respecting and intelligent freeman can take such an attitude.

The Wisconsin Legislature has just set forth the proper American doctrine, as follows:

"The people of the State of Wisconsin always have stood and always will stand squarely behind the National Government in all things which are essential to bring the present war to a successful end, and we condemn Senator ROBERT LA FOLLETTE and all others who have failed to see the righteousness of our Nation's cause, who have failed to support our Government in matters vital to the winning of the war, and we denounce any attitude or utterance of theirs which has tended to incite sedition among the people of our country."

In view of the recent attitude of the administration, as expressed through the Attorney General and Postmaster General, I commend to its attention the utterances of Abraham Lincoln in 1848 and of the Wisconsin Legislature in 1918. The administration's warfare against German spies and American traitors has been feeble. The Government has achieved far less in this direction than has been achieved by, for instance, a private individual, John Rathom, of the Providence Journal. This failure is aggravated by such action as was threatened against the Metropolitan Magazine. The Metropolitan—and the present writer—have stood, and will continue to stand, "squarely behind the National Government in all things which are essential to bring the present war to a successful end" and to support "the righteousness of the Nation's cause." We will stand behind the country at every point, and we will at every point either support or oppose the administration precisely in proportion as it does or does not with efficiency and single-minded devotion serve the country.

From this position we will not be driven by any abuse of power or by any effort to make us not the loyal servants of the American people, but the cringing tools of a man who at the moment has power.

The administration has in some of its actions on vital points shown great efficiency (as proved by Senator CHAMBERLAIN'S committee), and on other points has been guilty of conduct toward certain peoples wholly inconsistent with its conduct toward other peoples and wholly inconsistent with its public professions as regards all international conduct. It can not meet these accusations, for they are truthful, and to try to suppress the truth by preventing the circulation of the Metropolitan Magazine is as high-handed a defiance of liberty and justice as anything done by the Hohenzollerns or the Romanoffs. Such action is intolerable. Contrast the leniency shown by the Government toward the grossest offenses against the Nation with its eagerness to assail anyone who tells unpleasant truths about the administration. The Hearst papers play the German game when they oppose the war, assail our allies, and clamor for an inconclusive peace, and they play the German game when they assail the men who truthfully point out the shortcomings which, unless corrected, will redound to Germany's advantage and our terrible disadvantage. But the administration has taken no action against the Hearst papers. The Metropolitan Magazine has supported the war, has championed every measure to speed up the war and to make our strength effective, and has stood against every proposal for a peace without victory. But the administration acts against the magazine that in straightforward, American fashion has championed the war. Such discrimination is not compatible with either honesty or patriotism. It means that the administration is using the great power of the Government to punish honest criticism of its shortcomings, while it accepts support of and apology for these shortcomings as an offset to action against the war and therefore against the Nation. Conduct of this kind is a grave abuse of official power.

Whatever the administration does, I shall continue to act in the future precisely as I have acted in the past. When a Senator like Mr. CHAMBERLAIN in some great matter serves the country better than does the administration, I shall support that Senator; and when a Senator like Mr. LA FOLLETTE perseveres in the course followed by the administration before it reversed itself in February, 1917, I shall oppose him and to that extent support the administration in its present position. I shall continue to support the administration in every such action as floating the liberty loans, raising the draft army, or sending our troops abroad. I shall continue truthfully to criticize any flagrant acts of incompetency by the administration, such as the failure in shipping matters and the breakdown of the War Department during the last 14 months, when it appears that such truthful criticism offers the only chance of remedying the wrong. I shall support every official from the President down who does well, and shall oppose every such official who does ill. I shall not put the personal comfort of the President or of any other public servant above the welfare of the country.

I contemptuously refuse to recognize any American adaptation of the German doctrine of lese majesty. I am concerned only with the welfare of my beloved country and with the effort to beat down the German horror in the interest of the orderly freedom of all the nations of mankind. If the administration does the work of war with all possible speed and efficiency, and stands for preparedness as a permanent policy, and heartily supports our allies to the end, and insists upon complete victory as a basis for peace, I shall heartily support it. If the administration moves in the direction of an improper peace, of the peace of defeat and of cowardice, or if it wages war feebly and timidly, I shall oppose it and shall endeavor to wake the American people to their danger.

I hold that only in this way can I act as patriotism bids me act. I hold that only in this way can I serve in even the slightest degree the cause of America, of the allies, and of liberty; and that only thus can I aid in thwarting Germany's effort to establish a world tyranny.

APPENDIX C.

[Statement in the Metropolitan Magazine.]

The Metropolitan, in February, 1912, in "The Kaiser in American politics," by F. Cunliffe-Owen, exposed the German-American Alliance. (German frightfulness took thousands of dollars of advertising out of the pages of the Metropolitan for this.)

The Metropolitan, in October, 1914, in an editorial "The lesson," by H. J. Whigham, began its campaign for preparedness two months after the invasion of Belgium. (This was months before the submarine menace.)

The Metropolitan, in March, 1915, urged universal service in an article by Theodore Roosevelt, "The need of preparedness." (It wasn't the popular thing to do at the time, but it was right then as it is now.)

The Metropolitan, in October, 1915, called for fleets of airplanes in an article by Richard Harding Davis, "Our eagle without wings." (The American Army had 12 airplanes at this time.)

The Metropolitan in a keynote editorial, "Murder on the high seas," by Theodore Roosevelt, was for America's active participation in the war following the sinking of the *Lusitania*. (This was the heyday of German activities in America.)

The Metropolitan, on May 8, 1917, in "Put the flag on the firing line," by Theodore Roosevelt, advocated sending American troops to France immediately. (On April 13 Secretary of War Baker stated that "our policy at first (would be) to devote all our energies to raising troops in sufficient numbers to exert a substantial influence in a later stage of the war.")

In brief, this is the war record of the Metropolitan, which won from Secretary of War Baker, with whom it has not always agreed, the indorsement made before Congress as the magazine that has stood for preparedness and was expressive "of those who were most anxious for rapid progress."

This fighting magazine is your magazine. Its power of influence is in your hands; the hands of over 2,000,000 straight-thinking American men and women, who read it every month. This influence should not stop with a circle of over 2,000,000 readers, great as that is. The way to increase it is to talk the Metropolitan to your friends. Ask them, "Did you read Roosevelt's article in the Metropolitan this month?" "Do you know what William Hard is fighting for in the Metropolitan?" "Did you see that editorial on page 5 of the May Metropolitan?" If you want to go further than this, send our circulation manager the names and addresses of your friends who are not now reading the Metropolitan and who should be reading it. Every day seems to make clearer the fact that the decision for an honorable and lasting peace rests with America, and America must hurry. When you increase the influence of the Metropolitan, you are putting your back into the war and hastening to its consummation the peace that will mean a safe world to live in.

APPENDIX D.

[Speech by Hon. James A. Beck at Carnegie Hall.]

No thoughtful American can ignore the portentous possibilities of the campaign of disloyalty and sedition that has been pursued in her midst since the very war began. That campaign was never more active and never more dangerous than it is at this hour.

In that campaign there are many contributing factors. The honest pacifists number thousands, and for their error of judgment we can only have pity, and as to them it may be true, as Jefferson said more than a century ago, that "error can be tolerated as long as reason is left free to combat it." The same is true of the honest Socialists, whose Utopian dream of a community of property and of the possibility of fraternal anarchy, and whose delusion that this great war has been brought about by the capitalistic classes, can only be combated by argument. In the case of the honest dissenter, little, if anything, will be gained by repression. The doctrinaire thrives on repression.

We are to-night concerned with the efforts of pro-German sympathizers to weaken the purpose and sap the morale of the American people by a bastard pacifism.

This serpent must not only be "scotched" but stamped out altogether if America is to be worthy of its great destiny.

The source and inspiration of this spirit is not far to seek. We need not concern ourselves with its minor rivulets and eddies. We must go to the fountain head itself and dam up its pernicious influences.

Its chief source is to be found in the journalistic enterprises of one man, and his name is William Randolph Hearst. His power for evil is immeasurable. He is said to own 17 newspapers and magazines, and as he controls the policy of papers in Boston, New York, Atlanta, Chicago, San Francisco, and Los Angeles the daily influence that he exerts is Nation-wide. No single influence is comparable with the Hearst influence in its potency for evil. His leading organ in this city claims a circulation of 450,000 copies, and if so it is altogether probable that it is daily read by a million people in the section to which it is tributary. His adherents do not greatly exaggerate when they claim for Mr. Hearst a daily audience of 5,000,000 of people. It is thus within Mr. Hearst's power to convey to these millions the subtle poison of insidiously disloyal utterances, and it may be said without exaggeration that the greatest menace to the part which America is destined to play in the struggle comes from the Hearst press.

I shall not impugn Mr. Hearst's motives, except to say that from the time he first became the owner of a great newspaper he has systematically endeavored to appeal to class passion, and to lash the ocean of public opinion into angry waves of class passion.

I do not pretend to know whether his ambition is to rise to power on the crest of these waves or whether he is satisfied, like Mark Anthony in his speech to the Roman mob, to say, "now, mischief, thou art afoot, take thou what course thou wilt." It is possible that his pro-German sympathies are matters of honest conviction, and that he may believe in good faith that the interests of America are best subserved by a sympathetic attitude toward Germany.

Whatever his motives and purposes may be, the inevitable result of his consistent policy as an editor and journalist is to widen the breach between classes in this country, to increase popular discontent, and to weaken the arm of the Government in defending the rights of the American people.

While fairness requires us to recognize that Mr. Hearst can not have personal previous knowledge of all that his editors write, yet he is legally and morally responsible for the consistent editorial policies of his newspapers.

At the beginning of the world war a Hearst journal expressed sympathy with the cause of Germany, even justifying its treacherous assault upon civilization by the assertion that Germany's economic needs could not be satisfied by a "peaceful German expansion in Europe." The defeat of Germany meant "the destruction of the most progressive nation in Europe"; and on another occasion one of his editors said that the issue of the war was "whether the luminous German thought should be victorious or not in Europe." That "luminous" thought is seen in the flames at Louvain and Rheims.

His organs opposed the arming of our merchant vessels when they were attacked in defiance of international law by the ruthless submarine and demanded a popular referendum before congressional authority was given to the merchant marine of America to defend itself against piratical attacks.

His papers deprecated the immemorial rights of Americans to travel on the high seas as the common pathway of nations, and the Journal was "wholly opposed to the policy of making the death of any American who knowingly takes such a foolhardy risk a cause of bloody and ruinous war." Even after the channel steamer, the *Sussex*, was destroyed, and our women and children perished beneath the waves, his organs said "that the undoubted will of the American people is that Congress should maintain peace." The practical sympathy that he thus withheld from American women and children who were sacrificed in the dastardly sinking of the *Lusitania* was given to the contention of the Government which sent out the submarines to destroy noncombatants, for one of his organs said editorially: "Particularly do we deplore the sentiment which has been fostered against the submarine. * * * We are making a terrible mistake in this sentimental objection to submarine warfare."

Hearstism pushed its defense of the submarine to the ridiculous extreme of suggesting that the immense loss of life which followed the sinking of the *Lusitania* was due "to the incompetency of the *Lusitania* crew."

Hearstism proceed to play upon the innate chivalry of the American people by inviting them to be sympathetic "with poor, bleeding, suffering Germany"; but when that extraordinary appeal met with no response, it attempted to play upon the supposed cowardice of the American people by suggesting that Germany was unconquerable, and that it would simply be a needless waste of our treasure and blood to defend our rights upon the high seas. As late as July 27, 1917, after America had suffered outrages beyond recorded precedent, and our President and Congress had declared war to vindicate the rights of our people, Mr.

Hearst, in a signed letter, demanded an immediate peace rather than send "a million of our splendid young Americans every year for a war to be offered up in bloody sacrifice."

His appeals could not be regarded as founded upon any honest pacifism; for while he invoked us to be neutral rather than inflict injury upon "poor, bleeding, suffering Germany," he advocated the assertion of our rights against England to the very limit, and not only urged war upon distracted and bleeding Mexico, but attempted to foment suspicion and enmity between Japan and the United States.

When, despite his vociferous imprecations and appeals, the United States finally took up the gage of battle that had so often been arrogantly thrown at its feet, the great camoufleur at first affected to support his Government with ungrudging loyalty, but in a short time advised a course of extraordinary selfishness and cowardice. From day to day he insistently urged that "we should keep our own men and money at home for effective defense." He supported this conclusion by the extraordinary arguments that as America would surely win any war in which it had entered, that our active intervention would only result in "prolonging it." His organ added: "If we stayed out of the war—assuming that we could, honorably—that would mean shortening the war." As this argument did not appeal to Americans with red blood in their veins, Hearstism next reached the somewhat contradictory conclusion that Germany was unconquerable, for his organs suggested that "one must first of all recall to one's mind that by declaring war on Germany we act directly in favor of German militarism and make the defeat of the allies as sure as sure can be"; and he again urged that "we should keep our men and our money in this country."

His organs contended that even food should be withheld from the European nations, adding "that every shipment of food and military supplies from this time on is a blow at our own safety," and for this reason Hearstism urged Congress "to refuse to permit the further drainage of our food, supplies, military and money supplies to Europe." To him the only sensible course for this country was to desert our allies, by keeping "every dollar and every man and every weapon, and all our supplies and stores at home for the defense of our own land * * * until that defense is made absolutely secure." Two years were suggested as the limit of time to make our country secure, and thus the cowardly suggestion was made that our country should for two years leave our allies to fight our battle for us, as they had already done for nearly three preceding years.

When these arguments did not impress the American people, Hearstism then proceeded to argue for an early and a separate peace. As no policy could be more destructive of the morale of the American people, I beg your indulgence while I fortify my statement by three leading articles, which have recently appeared in Mr. Hearst's leading organ, the New York American. They represent the very essence of his present policy of cowardice and dishonor, and, having regard to the immense audience to which these words were addressed, numbering millions of our people in all sections of our country, the danger of this subtle poison is unmistakable.

The occasion which had called forth these three articles was the reply which the central powers had made to the recent note of the Vatican. The Pope had issued a peace note, which virtually suggested the same termination to the war as had followed the "Seven Years' War," namely, a return to the status quo ante. To this the German Chancellor had replied with a disingenuous note, which promised nothing whatever that was tangible, but which had the amazing effrontery to suggest to His Holiness that Germany greeted with especial sympathy the Pope's statement that "in the future the material power of arms must be superseded by the moral power of right." This from a nation which had encouraged the 48-hour ultimatum to Serbia and had refused to entertain any pacific suggestion to determine what remained of the Serbian controversy by the processes of reason, was a piece of colossal hypocrisy, which would have caused a Tartufe or a Pecksniff to hide his diminished head.

To Hearst this trifling consideration as to the possible sincerity of Germany in now favoring a peace by negotiation with a view to the limitation of armies and navies was a matter of little importance. To him Germany's oral assent to a principle, which for three years it has steadily denied, and against which its whole career as a nation from the time of Frederick the Great was a consistent negative, was sufficient to terminate the struggle, and require the United States to make an immediate peace, even though in so doing it deserted its allies. He even had the supreme effrontery to claim that in this view he expressed the attitude of the President of the United States. On September 21, 1917, in a full page editorial, Mr. Hearst claimed that the inspired view of the administration was as follows:

"If after Germany has recognized the fair and honorable terms of the United States any other nation or group of nations desires to despoil Germany of territories and indemnities, the United States will not only refuse to aid such proceedings, but will feel in honor bound to call a halt upon them, and to demand peremptorily that Germany shall not be robbed by others because of a victory obtained through the United States."

Stripped of its verbal camouflage, this means that if Germany were willing to surrender the occupied portions of Belgium and northern France, she should be entitled to receive back all her captured territory and not pay one single penny of indemnity to recoup the allied nations for their enormous expenditure of treasure and blood, or even to repair the infinite damage so ruthlessly done in occupied territory. As Germany had taken from Belgium alone $500,000,000 worth of movable property while blackmailing other nations into supporting the civil population, the effect of this proposal of "no indemnities" would necessarily be that Germany would receive an indemnity of the amount of the property that she had so cruelly stolen from the civilians of Belgium, Poland, Russia, Serbia, Roumania, and France, an amount not now susceptible of computation, but probably exceeding $1,000,000,000.

It was then suggested that if Great Britain, France, and Belgium were unwilling to end this war without receiving some reparation for their infinite losses, that the United States was in that event "in honor bound to call a halt upon them," and I know of no effective way in which the United States could thus "call a halt" upon the allies in their legitimate effort to secure justice than by making war upon them. The policy of no indemnities would indirectly give Germany an indemnity in stolen property equaling that wrung from bleeding France in 1871.

To support this monstrous contention, so gratuitously and unjustly attributed to the President, Mr. Hearst proceeds to make the point that England, France, Italy, and Russia "are not our allies," and that "no one has any right to speak of these nations as our allies." He proceeds to state that the distinction between "associates" and "allies" is neither slight nor merely verbal.

I will not enter into any discussion as to the propriety of the word "allies," except to say that an alliance is something more than a piece of parchment with a red seal. It is a fact. It would surprise our brave soldiers in the trenches if they were to be told that the brave French poilus in the same trench were not allies. For myself, the word "ally," if it have any weakness, is that it does not fully express the relation which in the comradeship of blood now binds us to the allied nations. To the eye of imagination there is something more than an alliance created by the present community of the free nations of the world in their common fight against military despotism.

While our soldiers fight shoulder to shoulder in the trenches; while our women behind the lines give to the common cause the very treasures of their souls; while our armies march together, and our statesmen assemble the common resources; while our flags are intertwined, there is created, for the purposes of this war and while it lasts, a new governmental unit. The peoples of the allied nations are therefore not merely allies, but in a sense fellow citizens. "A single front, a single army, a single nation—that is the program for future victory," as the French foreign minister, Painleve, recently said, and to this Lloyd-George replied: "If after 40 months of war, after all the lessons the war has taught us, the allies are not capable of that sacred international union, then in spite of their sacrifices they would not be worthy of victory." Stern and true words, but to Mr. Hearst America is only an "associate" and can desert its allies at will, when its own selfish ends are attained. We are more than allies, for the true bond of the comradeship of blood was never better stated than by Shakespeare when he put into the mouth of his Henry V, on the eve of Agincourt:

"* * * We band of brothers,
For he who sheds his blood this day with me,
He is my brother."

Brothers we are, and, please God, brothers we shall remain, and all the powers of Hearst and Hell will not prevail against that sacred union.

In this editorial, printed less than two months ago, Mr. Hearst then proceeds to give a gloss to the doctrine, which he has had the hardihood to impute to the President. I say this advisedly, for when I had the privilege some weeks ago to present a gathering of representative Americans to the President he impressed us that, whatever his previous views may have been, his present and unchangeable purpose is to continue this war until the demands of justice are fully satisfied.

Let us concede for the moment, although such is not my idea of our national interest or duty, that the United States would be justified, if Germany desisted from its submarine campaign, to make a separate peace and withdraw from the alliance; but upon what possible ground of either human or divine law could the United States say to Great Britain or France, if they cared to proceed to fight for other and greater demands of justice—peculiarly due to them because of their peculiar wrongs—that America would then become the ally of Germany, and proceed to attack them?

Having thus given a counsel of iniquitous cowardice, Mr. Hearst then proceeds to say that anyone who holds a contrary view is either a "war lunatic or a war profiteer," and he proceeds to emphasize the very dangerous doctrine, which, if anything, would sap the morale of American people, that this war is desired by "war profiteers." Those who would not be willing that America should betray the cause of the allies are in this editorial characterized as the—

"ready, willing, subservient lick-spittle tools and agents of blood-sucking war profiteers and foreign governments and censorships, hungry and thirsty for American money and American blood."

On the following day Mr. Hearst renewed his efforts to drive a wedge between the allies. Each one of these editorials is headed by a scriptural quotation, for it was said of old that "the devil can cite Scripture for a purpose." The text which is selected for his leading editorial of September 22 was most apt. It was this: "He that tilleth his land shall have plenty of bread, but he that followeth after vain persons shall have poverty enough."

The text of this editorial was a statement by Mr. Bonar Law, in which the chancellor of the British exchequer took occasion to pay a generous tribute to the help that America had already given to the great alliance. He quotes Mr. Bonar Law as follows:

"We have two special reasons for satisfaction at the coming in of the United States; first, it is the best possible proof that our cause is just and righteous; and, second, we know we now have on our side resources which are more than sufficient to achieve victory.

Mr. Hearst then proceeds to twist Mr. Bonar Law's statement—

"that our resources are more than sufficient to achieve victory"

into an altogether different statement, that Great Britain and France can not win without these resources, and he proceeds to argue that—

"inasmuch as Mr. Bonar Law confesses that the allies were in disastrous straits six months ago, and were saved then by the United States, and still rely upon the United States for salvation from defeat, it is evident enough that our Government has the right and the power, too, to dictate the terms of peace, and the American people expect England and the other allied governments to recognize that right, and to accept the terms laid down by the President."

These terms are, as previously indicated, to accept Germany's hypocritical cry of "Kamerad!" and leave her go, not only "unwhipped of justice" but actually with much of her stolen booty still in her hands.

Consider for a moment the monstrous character of that suggestion of an American newspaper, which has daily a million readers. To tolerate without a protest such a base and sordid suggestion reflects upon every American. In effect, it says that after Great Britain and France had sacrificed more than a million of the lives of their brave sons for the cause of justice, and after they had, according to Mr. Hearst, bankrupted their resources to achieve the same great end—an end which meant our security as well as theirs—that because we have contributed out of our prosperity a part of our enormous resources, we have the right to dictate to our allies, not only that with which we will be satisfied, but that with which they must be satisfied. Such a course would make America the Judas Iscariot of nations, for we would thus betray the cause of justice for so many pieces of silver.

More than a million Frenchmen and Britons sleep the last sleep in the now forever sacred soil of France between the Channel and the Vosges. They died in the faith that they did not die in vain. While, like Moses, they would never be privileged to enter the promised land of a better civilization, yet they died in the belief that they had sacrificed their lives to establish justice in civilization. A peace that would betray in any degree the great cause for which they died would be a betrayal of the dead. It would crucify the cause of justice afresh and put it to an open shame.

Such is undoubtedly the feeling of those in England and France who survive and who have lost forever the fathers, husbands, and sons, who died for as holy a cause as man ever fought for; and yet Mr. Hearst has the baseness to suggest to a million and more of the American people that the mere treasure of dollars that we have contributed, be it little or great, gives us a right not only to desert them when our primary aims are satisfied, but even to rob them of the fruits of their victory and to compel them to be false to their sacred dead.

A more infamous suggestion has never been made in this war by anyone who calls himself an American; and yet Mr. Hearst, in the same editorial, insistently demands that the English Government—

"must recognize the terms of peace formulated by the President * * * and so must the war profiteers here at home, and the newspapers and politicians that are in the employ of the war profiteers or under their sordid influence."

To press home his base suggestion that this war is only desired by the capital class, this most dangerous and unscrupulous demagogue in the whole history of our country adds:

"It is time that * * * these Steel Trust and Powder Trust profiteers and their press, who are apparently eager to see this awful war continue until half the world is destroyed, provided they can make money out of their pretended patriotism, * * * are made to know that they must submit to the reasonable and sensible and humane policy of our Government, as expressed in the President's reply to Pope Benedict."

Again he refers to the "war profiteers" and the newspapers and agents that serve them as men who are "reaping extraordinary profits and fattening their bank accounts while others are suffering and dying and sacrificing their dearest and their all." It is just such seditious poison, injected into the souls of the ignorant and unwary, that has destroyed, at least for the time being, the mighty power of Russia and given its Government and people over to self-destructive anarchy. An idea is more potent than an army, but unfortunately this is true of an evil idea as well as a true one. The great and brave armies of Russia have been demoralized into impotence by a Lenine. Shall America's gathering armies be weakened by a Hearst?

Is any influence more calculated to sap the morale of our people and that of our soldiers? A very distinguished clergyman, known to most of you, who recently preached at one of our camps, recently told me that after his patriotic sermon had concluded he was amazed to have a number of soldiers ask him whether it was true that this war was carried on to profit "big business" in Wall Street. Will our soldiers acquit themselves as men if their minds and souls are thus poisoned? How can our soldiers do their full duty if their minds are poisoned by the suggestions that no cause remains to continue the war, and that its continuance is only due to "war profiteers," who seek to fatten their pocketbooks in the suffering of the Army and Navy? Similar suggestions destroyed the offensive force of Russia's mighty armies and made the streets of Petrograd run with blood. To me the most pitiable tragedy of the war has been the debacle of Cadorna's armies. For a year with unsurpassed martial courage in the rank and file and with a skill in leadership little undervalued to that with which Hannibal and Napoleon won the passages of the Alps, the Italian Army had driven a brave and numerous enemy from the greatest natural fortresses in the world. Then followed the greatest disaster of the war, with its inevitable and serious menace to the prospects of the allied cause, due not to fair fighting, such as would have been worthy of the vaunted chivalry of Prussian militarism, but to the treachery of a portion of the Italian front, whose loyalty had been corrupted by the insidious poison of socialistic pacifism. What the enemy could not accomplish in fair and open battle had been accomplished by his covert propaganda. It is clear that Germany, defeated on the Marne, the Yser, and the Meuse, is now attempting to gain a decisive victory by sapping the morale of its enemies through a propaganda which masks itself under the name of "socialism."

Two days later Mr. Hearst went further in another full-page editorial in his leading organ, the American, falsely so called. He now claimed that the war had practically been won by Germany's reply to the Pope's proposal, and, to quote his words, America—

"without firing a shot in battle, the United States has won the greatest and most momentous victory ever won in the history of mankind."

This flamboyant flapdoodle referred to the disingenuous reply of the Imperial German Government to the Pope, in which Mr. Hearst finds "a sincere desire to negotiate peace upon the fundamental basis laid down by the United States," although Germany has never yet officially said that it would even vacate Belgium, much less make reparation. He then indorses the claim of Germany, to quote his own words—

"that England must lay aside her pretensions to rule the seas and reduce her gigantic naval armaments to limits"—

quite ignoring the fact that the navy of England has not only been her security in the last half century, but our own. Further ignoring the fact that the Imperial German Government three years ago contemptuously repudiated its solemn and oft-reiterated promise, even when reduced to writing and sealed with the red seal, as a "scrap of paper," Mr. Hearst proceeds to wax enthusiastic on Germany's assurance of its sympathy with the principle "that in the futnre the material power of arms must be superseded by the moral power of right," and upon this mere assertion of a Government which has wrapped the whole world in a universal flame and brought the greatest disaster upon mankind that recorded history has known Mr. Hearst accepts this vague promise as a clear acceptance of President Wilson's proposals and a full satisfaction of America's war aims.

We know that President Wilson did not so regard it, and those of us who differed with President Wilson before our country entered the war can now express our great satisfaction with the dignity and power of his note to the Pope, and especially with his inspiring call to arms in his great war message of April 2, and his even more biting indictment of Germany's crimes in his great Flag Day speech. These utterances indicate that the President is wholeheartedly for a peace with victory and retributive justice.

Mr. Hearst, in this editorial of September 24, 1917, regards all things as adjusted, now that Germany has recognized the supremacy of the moral power of right to that of arms; and he thereupon proceeds to sap the morale of the American people by confusing its judgment and paralyzing its will, by this subtle suggestion:

"The attitude assumed by the central empires is a great triumph for President Wilson. It is clear that he will have little difficulty in negotiating a peace with Germany that will raise his personal prestige to an enormous height, that will meet the approval of the vast majority of his countrymen, and that will practically end militarism and make the world safe, indeed, for democracy. The delicate question now is whether the President can bring England around to the acceptance of a reasonable peace upon American terms, or whether that Government will stubbornly insist on a peace upon English terms."

Mark the attempt to drive a wedge between the United States and England! Mr. Hearst says nothing about France or Russia or Italy. The idea is that only England is the obstacle to peace. The insidious suggestion is that the President must now bring pressure upon England, presumably upon the same sordid ground previously stated that as we had contributed money to England, of which she was in desperate need, like Shylock, we could demand our pound of flesh.

That this is Mr. Hearst's idea is shown beyond question in the following significant and iniquitous sentence:

"It is not amiss to say here and now that the President holds all the cards in his own hands, that if he so decides he is fully able to make the allies, as well as Germany and Austria, consent to America's terms, and that if he does elect so to use his power and authority over the situation as to end this war upon the terms he has himself formulated he will find the whole Nation at his back, ready to give him the men and the money to make good America's just and sensible terms of peace against any and all Governments that oppose them."

Mr. Hearst misreads the character of the American people. He also misreads the policy to which the President is irrevocably committed. If President Wilson were capable of the base betrayal of our allies, which Mr. Hearst now suggests, he would not find America behind him. America is now behind our President, because it believes in his wholehearted purpose to wage this war in loyal harmony with our allies until the common ends are fully attained. The man who thus in a leading editorial gravely teaches to millions of Americans that the President of the United States should betray the cause of our allies—now happily the cause of America—is a dangerous and disloyal demagogue.

How long, my fellow citizens, will this man be tolerated? The course of history is one of endless repetitions, and his type is not new to human experience. Two thousand years ago such a man lived in the dying days of the Roman Republic. He was a man of means and social standing, like Hearst—a member of the senate, which Hearst would probably like to be—and the leader of a powerful faction, which Mr. Hearst is. He appealed to the unfortunate and the discontented in order that with their aid he could rise to power. His name was Cataline, and it is a name forever infamous in history.

When he dared to enter the Senate those who sat next to him left their seats and avoided him as a common enemy, and it was then that the great Consul Cicero addressed to him as he sat there "naked and unashamed" the withering words that have come down the centuries:

"How far wilt thou, Cataline, abuse our patience? How far wilt thou carry thy unbridled audacity?"

I am not sure that in the example of the Roman Senate we do not find the only remedy for Hearstism. The processes of law are not sufficient. To maintain the guaranties of free speech and a free press we are obliged, at least in times of peace, to tolerate the baneful excesses of the demagogue; but there always remains a power above and without the law, the consuming power of public opinion, which can burn like fire and blast like lightning. It is true that enlightened public opinion has always condemned Hearstism without ending it, but public opinion is like the rays of the sun. Diffuse it and it does not destroy; concentrate its rays in a magnifying glass and it will consume as fire. Public opinion should be concentrated on Hearst and Hearstism until both he and his organs are the scorn of all honest men as Cataline was when he sat alone in the Senate.

The times are critical and we can not afford to tolerate this fountainhead of demagoguery. Let every citizen awake to an obvious peril, for if the morale of the American people should be weakened by such poison, then the energy of our Government will necessarily decrease, for in a land of free men the Government is powerless unless sustained by a strong and puissant public opinion. In this lies the great peril of Hearstism.

The future of this war, the greatest that the world ever knew, both in its dimensions and in the vital issues which it involves, may, and probably does, depend upon America. Will America fail? If she fails now, she has failed the cause of democracy and civilization for centuries to come. From that supreme infidelity she may never fully recover. If she is true to her great past and worthily acquits herself in this supreme struggle for the right, then no limit can be set to her mighty future. Will we permit that future to be dimmed or defeated by Hearst or Hearstism?

We have many foes without our gates, but none so dangerous as those that are within. If America does not neglect this internal danger; if she have the courage and the capacity to strike down at the very beginning this poisonous serpent of internal dissension, then she will not fail her allies in the greatest and noblest task to which America ever addressed her mighty energies.

As Shakespeare made his Richmond say on the eve of the victory of Bosworth so let me conclude:

"In God's name, cheerily on, courageous friends,
To reap the harvest of perpetual peace,
By this one bloody trial of sharp war."

Mr. SWANSON subsequently said: Mr. President, the Senate has directed the printing in the RECORD of a statement of Col. Roosevelt regarding the controversy between himself and the Postmaster General. I ask unanimous consent that the statement of the Postmaster General, given out on the 19th of May, may also be printed in the RECORD, in a spirit of fair play and justice to the Postmaster General.

Mr. GALLINGER. What is it a reply to?

Mr. SWANSON. It relates to the controversy between Col. Roosevelt and the Postmaster General. A statement of Col. Roosevelt has been directed to be printed in the RECORD. I think, in a spirit of justice and fair play, the statement of the Postmaster General should also be included in the RECORD.

Mr. GALLINGER. Was the statement of Col. Roosevelt read when it went into the RECORD?

Mr. SWANSON. It was ordered printed in the RECORD, but not read. I do not ask the privilege of having this read, but simply that it be printed, along with the statement of Col. Roosevelt.

Mr. GALLINGER. Well, nobody will ever read it, so it will not do any harm.

The VICE PRESIDENT. In the absence of objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

MAY 19, 1918.

The Postmaster General to-day authorized the following statement:

I have waited patiently for Mr. Roosevelt to substantiate his statement made in the morning papers of May 8 to the effect that the Post Office Department was using the espionage act for political purposes by "punishing papers which upheld the war, but which told the truth about the administration's failure to conduct the war efficiently," and by failing to "proceed against powerful newspapers which opposed the war or attacked our allies or directly or indirectly aided Germany against this country, as those papers upheld the administration and defended inefficiency."

Mr. Roosevelt's reply of May 11, which he then termed "preliminary," in the main evades the issue presented and is thoroughly misleading. He names the New York Tribune, Collier's, and the Metropolitan Magazine in a way which has created the impression that these publications have been the objects of improper discrimination by the Post Office Department.

This department has taken no action against Collier's.

This department has taken no action against the Tribune.

In exposing German propaganda early in the war the department brought to public attention typical seditious matter which was being circulated throughout the country. It made available to newspaper men its files disclosing such disloyal matter. The Tribune promptly availed itself of this opportunity and gave helpful assistance, for which patriotic service I personally thanked one of its staff correspondents.

The department has taken no action against the Metropolitan Magazine.

With respect to this magazine, the incident referred to by Mr. Roosevelt occurred after the magazine had passed through the mails and not a copy offered for mailing failed of transmission. The facts with respect to this matter were made public in a statement by the Solicitor, which appeared in the morning papers of March 10. Mr. Roosevelt's contention that the Metropolitan Magazine was injured from that incident is unfortunate. It can not be said that the magazine lost sales on that account at that time. On the contrary, more copies of the March issue were sold on account of the publicity given the matter. The injury, therefore, must have followed as a result of public disapproval of the matter contained in that issue. I have yet to learn of a patriotic reader, unless it be Mr. Roosevelt, who approved the publication in that issue of the article "Is America Honest?" by William Hard. This department received a large number of letters from widely separated sections of the country characterizing the publication of the "Hard" article as bad from every viewpoint. Some claimed it was unpatriotic, others that it violated the espionage act, and still others that it was treasonable.

If Mr. Roosevelt means that I should repair the injury (?) to the magazine by joining him in commending the "Hard" article as desirable literature for forwarding the war aims of the Government, I can not accommodate him.

I am reliably informed that Germany highly appreciates the Hard article—so highly, in fact, that her propagandists have translated it into German, Spanish, Portuguese, and the Scandinavian languages and are now flooding Mexico, South America, and other countries with copies of it. Mr. Roosevelt could hardly add to the injurious effects of this article should he now have it reproduced in the CONGRESSIONAL RECORD in full, with its disgusting illustrations accompanied by his express approval, thus giving it free and unlimited distribution.

So much for Mr. Roosevelt's first charge. Now what of his second?

The press of every complexion should always have the widest latitude for criticism of the acts of all public officials. This principle is constantly kept in mind in the administration of the espionage act and disposing of complaints made thereunder.

The Post Office Department has received possibly more complaints from the public alleging that Mr. Roosevelt's articles were in violation of the espionage act than it has against the Hearst newspapers. No matter published by either Mr. Roosevelt or Mr. Hearst has come to my attention which, in my opinion, warranted action by the Post Office Department under the espionage act against either of them.

All but two of the articles in the Hearst papers referred to by Mr. Roosevelt were published before the passage of the espionage act (June 15, 1917), and some of them before our entry into the war. The Post Office Department can hardly be expected even by Mr. Roosevelt to take action against a paper for the publication of matter which was printed and circulated before the passage of the law. The two articles specifically mentioned appeared in the New York American of July 27 and November 22, 1917. Mr. Roosevelt is not a lawyer, and however one may disagree with these two articles, it is confidently asserted that if Mr. Roosevelt had advised with a lawyer of even second-rate ability, he would have been told nothing could be found in these articles in violation of the espionage act.

Mr. Hearst, through his vast newspaper circulation and writing along lines familiar to the public, and Mr. Roosevelt, with the prestige of an ex-President of the United States, writing along entirely different but equally well-known lines, have each said things, whatever the motive, that a casual reader might believe were in conflict with the espionage act. But those whose responsibility it is to enforce this law do not believe a case could be made to stand against either of them *in the courts.*

The law must be administered as it is found. Any layman can read the facts as stated in the opinion of the court in the department's case against Watson's paper, "The Jeffersonian" (CONGRESSIONAL RECORD of August 22, 1917), and see that it was very different from Mr. Roosevelt's case against Mr. Hearst.

If Mr. Roosevelt means to intimate that I was instrumental, directly or indirectly, in obtaining for Mr. Hearst, or any company or association with which he is connected, a restoration of news or cable facilities which had been withdrawn from him by the allied governments, he is in error. I will say further, I know of no one who performed such a service for him.

As to the telegram to Mr. Arthur Brisbane—I quote from Mr. Roosevelt:

"Mr. Burleson says of Mr. Hearst's alter ego that he 'congratulates the people of Chicago because they are to have the benefit of Mr. Brisbane's able and unselfish efforts for justice and freedom and true democratic government.'"

The telegram sent was as follows:

"From press reports I note that you are to be the editor of the New Herald and Examiner, and I congratulate the people of Chicago that they are to have the benefit of your able and unselfish efforts in furtherance of the progress of the city and the development of the new paper, and I indulge the hope that it will always stand for justice, freedom, and the principles of true democratic government."

However this telegram may have been handled or whatever its effects, the purpose in sending it was far from that charged by Mr. Roosevelt.

In conclusion, to those who have the will to launch assaults against public officials who are discharging their duty, I commend a careful reading of the eighth stanza in Tennyson's "The Grandmother."

Mr. LEWIS subsequently said: Mr. President, this morning there was put into the RECORD a statement of Col. Roosevelt upon a public matter. In reply to that there was something from the Postmaster General, which was put into the RECORD. Both referred, however, to a statement of Mr. Hearst. Might I ask at this time, sir, that the statement of Mr. Hearst be also put in the RECORD along with this same matter? I neglected to ask it this morning, being busy in a committee. I thank the Senator from Georgia [Mr. SMITH] for permitting me to interrupt the proceedings at this time.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The Senate hears the request of the Senator from Illinois for unanimous consent to insert in the RECORD the paper referred to by him. Is there objection?

Mr. SMITH of Georgia. The Senator does not ask that it be read?

Mr. LEWIS. Not that it be read; I do not desire for it to take any time at all.

Mr. GALLINGER. Mr. President, I do not object, in view of the fact that the other two papers have been placed in the RECORD, but I am going to express the hope that the incident is closed.

Mr. LEWIS. I think the Senator from New Hampshire accurately states the matter, that this does close it so far as the RECORD is concerned, and it is to be hoped so far as the public is concerned.

The PRESIDING OFFICER. In the absence of objection, permission to insert in the RECORD the matter referred to by the Senator from Illinois is given.

The matter referred to is as follows:

MR. HEARST'S CRITICAL ANALYSIS OF MR. ROOSEVELT AND HIS POLITICAL PURPOSES.

MOUNT CLEMENS, MICH., *May 13.*

To the EDITOR OF THE NEW YORK AMERICAN:

Mr. Roosevelt, though notably less able and less respectable, is emphatically the Asquith of American politics. He is out of power, and he is greedily eager to get back into power, and he does not scruple at any methods, no matter how unfair to the administration or how harmful to the country, in order to accomplish his purely selfish political purposes.

The attack which Mr. Roosevelt now makes upon the administration is just as baseless as the attack which Asquith made upon Lloyd-George, and it will prove to be just as futile in its effect upon the administration and just as fatal in its effect upon Mr. Roosevelt.

The immediate causes of Mr. Roosevelt's present outburst are two in number.

The first cause is the fact that the magazine which hires Mr. Roosevelt at $1 per word to make vicious attacks upon the Government of the United States during war time was excluded from the mails in one issue for a wholly false and absolutely unjustified attack upon the President of the United States and the diplomacy of the United States, calculated to bring our Government and our people into contempt and consequently to injure our cause.

Mr. Roosevelt did not write this particular article, but it is conceivable that any menace to the existence of a magazine which pays so liberally for political slander arouses a natural concern on the part of Mr. Roosevelt for his own profitable, if not patriotic, contract.

The second cause of Mr. Roosevelt's immediate agitation is the fact that the small and lonely New York newspaper, which is supporting Mr. Roosevelt's perpetual aspirations for the Presidency, was recently rebuked as a public enemy by the representative of the United States Government for printing as news certain articles which had no foundation in fact, and which discredited the officers of the United States Army and held them up to ridicule and contumely without the slightest basis of truth or justice in the allegations.

GOVERNMENT LENIENT WITH ROOSEVELT.

In any other country in the world, in critical war times, traitorous publications like Mr. Roosevelt's magazine and Mr. Roosevelt's newspaper, whose only objects in printing falsehood were petty political spite against the President and partisan support of the aspirations of a rival candidate, would have been wholly suppressed as treasonable.

Our Government, however, is lenient with such offending publications and with Mr. Roosevelt himself, because the administration properly believes that in a republic the right of free speech and free publication should be preserved, even though there be occasional disloyal abuses of this right, as in the case of Mr. Roosevelt and the magazine which hires him and the newspaper which politically supports him.

That the United States Government was entirely right in its denunciation of Mr. Roosevelt's New York newspaper was conclusively proven in the suit which arose out of the resignation from that newspaper of its editor, Mr. Frank H. Simonds, well known throughout this country for his patriotic articles on the war.

INVENTED NEWS AND CONCOCTED CABLES.

Mr. Simonds definitely stated and showed that his desire to retire from this disloyal paper was due to the fact that this paper habitually invented news and concocted cables in its own office for the purpose of

manufacturing false material with which to attack the Government of the United States and the Army of the United States for small and selfish political purposes.

Of course, Mr. Simonds would not willingly remain connected with any disloyal publication, no matter how profitable that connection might be, but there is apparently nothing in Mr. Roosevelt's make-up to prevent his connection with any publication, no matter how traitorous, as long as that connection will serve to line his purse and further his unscrupulous methods of promoting his personal political aspirations.

Mr. Roosevelt's attempted reflections upon the Hearst publications are unimportant.

HEARST PAPERS ALWAYS CONSTRUCTIVE.

It is sufficient to say in reply that whatever criticism the Hearst publications indulged in was constructive criticism, founded upon established fact, not upon manufactured falsehood, and intended for the information and assistance of the administration and not for its discomfiture and destruction.

For years the Hearst publications have advocated preparedness and have been denounced as jingoes by the shortsighted for doing so.

For years these publications have advocated the extension of West Point and Annapolis and the establishment of national universities throughout the country to provide trained officers for the Army and Navy in time of need.

For years these publications have advocated the construction of the greatest Navy in the world, and the creation of a nationally owned merchant marine to act as an auxiliary Navy in time of war.

Ever since the beginning of the European war the Hearst publications have advocated universal service, and I personally went to Washington and wrote in the Washington Post a signed article appealing to my former associates in Congress to vote for universal service and at least make our own country safe for democracy.

NEED FOR IMMENSE EFFORT FOR DEFENSE.

Ever since the beginning of this European war the Hearst publications have dilated upon the formidableness of the German military machine, and the necessity for immediate and immense effort on the part of our country if we were to defend ourselves against that machine and eventually to overwhelm it.

If the advice of the Hearst publications had been taken we would be applying to-day in a determining way the supreme force which the President now calls for, and we would be winning to-day the glorious victory which we will assuredly win in due time anyway, in spite of delays, in spite of obstacles, in spite of partisan obstruction, and in spite of treacherous attacks in the rear by selfish politicians animated by personal ambitions.

Let me say in conclusion that the attack upon the administration and the incidental attack upon the Hearst publications, which are only seeking to secure justice for the administration, emanate from the reactionary influences of Wall Street.

MR. ROOSEVELT'S SINISTER SUPPORTERS.

The New York Tribune, which supports Mr. Roosevelt in his unpatriotic activities, is owned by the Mills and Reid estates, two of the greatest and most sinister of New York financial forces, and not even wholly American in character, as the Mills and Reid families are both intermarried with the English aristocracy.

The Metropolitan Magazine, which hires Mr. Roosevelt at a dollar a word, as professional vituperator of the President, is owned by the Whitney estate, which is administered by Harry Payne Whitney, grandson of Henry B. Payne, the Standard Oil magnate, and son of William C. Whitney, the New York traction magnate.

Nor is it unusual to find Mr. Roosevelt in such company or in the financial favor of such influences.

Mr. Roosevelt in 1912 ran for President as the candidate of the Steel Trust and to defeat Mr. Taft, who had prosecuted the Steel Trust.

Mr. Roosevelt was financed by Mr. Perkins, of the Steel Trust, and when Mr. Perkins, of the Steel Trust, refused to finance Mr. Roosevelt and his party in 1916, Mr. Roosevelt shamefully betrayed his Progressive Party into the hands of the reactionary Republicans.

ROOSEVELT INSTRUMENT OF STEEL TRUST.

Mr. Roosevelt has always been a badly camouflaged instrument of these sinister financial interests from the time that he personally, as President, allowed the United States Steel Corporation, in flagrant violation of the antitrust laws of the Nation, to absorb the Tennessee Coal & Iron Co., down to the time of the recent election in New York City, when he followed the lead of the Steel Trust and the Standard Oil Trust and declared against the nominee of his own party who had been regularly nominated by the Republican voters in the open primary, which Mr. Roosevelt had always advocated.

As Mr. Roosevelt and his unfounded allegations were overwhelmingly repudiated in the New York City election and as Mr. Asquith and his unfounded allegations were overwhelmingly repudiated in the House of Commons, so Mr. Roosevelt and every political and public traitor should be overwhelmingly repudiated whenever such a one sets himself disloyally against his constituted leaders and against the best interests of his country for the meanest of all motives, petty jealousy and personal gain.

WILLIAM RANDOLPH HEARST.

RENT PROFITEERING IN THE DISTRICT OF COLUMBIA.

Mr. SAULSBURY. Mr. President, I was visited this morning by the president and, I think, one of the other officers of the Real Estate Brokers' Association here, and they gave me a copy of a resolution relating to the matter of rent profiteering and colorable sales, expressing a desire for an investigation in regard to the matter, and asked me to present the resolution to the Senate.

I think it is very proper to present the resolution to the Senate, but I expressly stated to them that I did not wish to imply that I would take any part or take any time for an investigation of the conditions to which the resolution relates.

The investigation already made by the District Committee has satisfied me, as it did the other members of the committee, and I thought pretty fairly satisfied the Senate, that the conditions regarding rent profiteering in the District were such that the thing for Congress now to do was to take action to prevent it. I stated that with that understanding I would present this resolution. I send it to the desk and ask that it may be read.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

The following resolution was offered and carried unanimously at a meeting of the executive committee of the Real Estate Brokers' Association Thursday, May 23, 1918:

"Whereas charges have been indiscriminately circulated in both Houses of Congress and in the public press of the Capital City to the effect that the real estate owners and agents of Washington are profiteering and making 'colorable' sales of their property; and

"Whereas the Real Estate Brokers' Association of Washington, D. C., after an investigation, is satisfied that said real estate owners and agents are not guilty of the charges made; and

"Whereas said agents are unwilling to rest under these baseless and scandalous charges: Now, therefore, be it

"*Resolved*, That we, the members of the Real Estate Brokers' Association, reposing an abiding faith in the fairness of the Congress and its constituent Members, respectfully ask for a congressional investigation of the charges made, holding itself and the real estate brokers forming the association ready to produce such testimony, data, records, and books as may be needful to thoroughly ventilate the questions at issue; be it further

"*Resolved*, That the investigations requested be instituted at the earliest possible moment."

CHAS. W. FAIRFAX, *President.*
HERBERT T. SHANNON, *Vice President.*
CHAS. S. SHREVE, *Secretary.*
ALGERNON S. GARDINER, *Treasurer.*

Mr. SAULSBURY. Mr. President, I assured these gentlemen that, so far as lay in the power of the District of Columbia Committee, with which I have been connected, as near exact justice in all cases brought to their attention would be looked after as could be brought about by general laws; that the conditions which we had found to exist here were not unusual in the world at the present time; that laws have been passed governing many cases in Great Britain and in many of the British colonies, and those laws have from time to time been amended as conditions were found which required amendment to prevent or to produce nearer justice in all cases; and while no one could undertake to present a completed scheme covering the cases which had been uncovered in this city with respect to rent profiteering, yet they could be assured that it would only be a short time, if they could present cases of sufficient hardship which seemed to be of a general character, before Congress would remedy such legislation as it started in this matter by amending the law.

Mr. SMITH of Michigan. May I ask the Senator——

Mr. SAULSBURY. If the Senator will pardon me just a moment, I will then yield to him.

In connection with this same matter I received this morning a letter from the Acting Secretary of the Navy describing the conditions, stating that the conditions in this city were very injuriously affecting the personnel of that department. It seems to me that when a great department of the Government located in the city calls attention to a matter of this kind the letter from the Acting Secretary should also be presented, and I ask that the Secretary may read this letter from Acting Secretary Roosevelt.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, May 23, 1918.

Hon. WILLARD SAULSBURY,
United States Senate.

MY DEAR SENATOR: The great unrest among civilian employees of the department caused by attempts at rent profiteering is seriously interfering with their efficiency, and I consider it very important that immediate relief should be given by the enactment of Senate joint resolution 152 or some similar measure.

Sincerely, yours,
FRANKLIN D. ROOSEVELT,
Acting Secretary.

Mr. SAULSBURY. I will yield the floor if the Senator from Michigan desires it.

Mr. SMITH of Michigan. I do not wish to take the Senator from the floor.

Mr. SAULSBURY. I have no desire to continue.

Mr. SMITH of Michigan. I want to ask him if the whole theory of this legislation is not predicated upon the unjust exactions of the real estate brokers of Washington. If that is true, and they deny that their conduct is subject to criticism, it seems to me they ought to have an opportunity to be heard and that the request they make for an inquiry is a very proper and appropriate one.

Mr. SAULSBURY. If they had not been heard, and if this effort was being made without their knowledge, undoubtedly I would think they should be heard. But as a matter of fact, if not every real estate owner, certainly gentlemen representing all their associations, and many individual real estate owners have already been heard, and their testimony is in print as taken before the District of Columbia Committee, and can be readily referred to.

Mr. SMITH of Michigan. I do not wish to be put in the attitude of being a special defender of the real estate brokers. I have very little in common with them.

Mr. SAULSBURY. May I interrupt the Senator for a moment to ask that the only thing the real estate brokers seem to be charged with is being the nucleus for the formation of a combination in this matter. Of course, the offices of the real estate brokers, the renting agents, and the real estate dealers are the places where the owners who want to rent or sell would naturally congregate. In that way they have become the centers of the effort of the people who are endeavoring to raise rents in a general sort of way. I do not undertake to accuse anyone especially. I do not think there is a general combination of them.

The proposed law is not directed at the real estate brokers. It is directed at the real estate owners and whoever may represent them.

Mr. SMITH of Michigan. I do not want to let the opportunity go by without saying that I think the remedy proposed by the joint resolution now in conference will not meet the situation at all, that it will tend to restrict the building of new residences and apartments and that it will operate to so curtail the facilities so much needed by the large influx of new employees here as to make the situation much more embarrassing and difficult than it would be without that legislation.

Mr. SAULSBURY. I may express the hope, Mr. President, that the Senator will read the testimony which was taken by the District Committee in connection with all these matters.

Mr. NORRIS. Mr. President——

Mr. SAULSBURY. I desire particularly, if the Senator will pardon me a moment, to call attention to the fact that there is no building going on in Washington now except the finishing of contracts. The reason for that is obvious. The conditions do not permit the obtaining of material to carry out any extensive contracts. So far as hindering the construction of new buildings under private auspices I think that is entirely negligible absolutely. I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to ask the Senator about the testimony to which he refers. In his statement he refers to the testimony of real estate owners, as I understood him.

Mr. SAULSBURY. There are a number of them who gave testimony.

Mr. NORRIS. The resolution the Senator presented comes from real estate brokers. Did the brokers testify before the committee?

Mr. SAULSBURY. I think very largely. Most of the important real estate agents of the city of Washington were before the committee.

Mr. NORRIS. The owners were also there and their testimony appears of record?

Mr. SAULSBURY. There were many owners there. Of course, as there are thousands and thousands of owners in Washington, the testimony of all of them was not taken.

Mr. NORRIS. The testimony was taken before the committee reported the joint resolution, which is now in conference?

Mr. SAULSBURY. Yes; and the testimony is printed.

Mr. NORRIS. I presume then it was the conclusion of the committee, since they reported the joint resolution after hearing the testimony, that rent profiteering was taking place.

Mr. SAULSBURY. It was the conclusion of every member of the committee. The action was unanimous in reporting the bill which came over from the House, or rather the Pomerene amendment to the Johnson bill, and also instructing the presentation of the joint resolution to cover the immediate present.

Mr. NORRIS. So, after hearing the testimony the committee unanimously agreed to the bill and also the joint resolution as necessary to save the situation?

Mr. SAULSBURY. The Senator precisely states the condition.

Mr. BRANDEGEE. Mr. President, in relation to this matter I have received several letters from citizens in this District. They are all three of them short, and I should like to have the Secretary read them now in order that the Senate may have the advantage of the views presented. One is an owner, another is a real estate agent, and a third is a real estate brokers' association. They look at this matter from different standpoints and give different arguments. I think they are all interesting.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

WASHINGTON, *May 24, 1918.*

Senator F. B. BRANDEGEE,
1321 K Street, Washington, D. C.

DEAR SENATOR: My brother has just put up to me, on the rent-profiteering proposition, the fact that 11 out of his 18 tenants who have leases on his apartments sublet their apartments. Some never even moved in, and nearly all live elsewhere in town. It is quite evident from the copies of the subtenants' leases, which he secured from the real estate agents, that there was and is profiteering in rentals in this building.

Is it Senator SAULSBURY'S idea that these people who do not occupy their leased apartments shall go on leasing from him and subletting at present profiteering figures? What he wants to do is to rent directly to the man who is going to live there and not to some one who sees a sure profit in his lease.

During this agitation he has been subjected to undeserved criticism by people not conversant with the facts, while the actual causes of the criticism have gone scot free and pocketed their profits.

As a matter of fact, he began his building in the spring of 1916, before we thought of war being brought home to us, on a regularly planned income scheme of rentals. He adhered to this strictly, although when the tenants moved in on November 1, 1917, the demand was on and the opportunity for greater rentals made easy.

If the Saulsbury resolution would suspend subletting during the war, it would open up nearly 50 per cent of this building to bona fide tenants and cut out profiteering, instead of further legalizing present profiteering by providing that "existing leases shall be continued to their present terms." These subletting conditions must prevail generally if one apartment house shows such a large percentage.

It would be better to provide that the lease of any Government employee shall automatically terminate on two weeks' notice if his work takes him and his family away from Washington and he expresses the wish to cancel the lease on the grounds that neither he nor his family have any further use for it.

The landlord can easily fill his place nowadays. The resolution already arranges that any new tenant shall pay the same as the old tenant. This would work very satisfactorily for the Government employee, because his responsibility for rent would terminate with his vacation of the premises for work elsewhere than in Washington. The subletting clause, which he permitted, protects the Government employee when his services are required elsewhere, but if the resolution provides that things shall stay as they are the profiteering will still go on, and henceforth the congressional approval.

Is there a chance for anything to be done about this so late in the day?

Yours, sincerely, ——— ———.

Mr. BRANDEGEE. I have not put that gentleman's name in because it is a personal letter to me, but I vouch for his large interests in Washington and his character and integrity.

Mr. SAULSBURY. I should like if agreeable to the Senator from Connecticut to comment on the letter just read at this time.

Mr. BRANDEGEE. Certainly, provided the Senator will let the other two letters be read afterwards.

Mr. SAULSBURY. Of course, I have no desire to stop any one, but it seemed to me when that letter is read in regard to subletting it might be well to say that of course no law is necessary to prevent subletting unless the landlord consents, if the lease is properly drawn. Personally, I never knew a lease of real estate or any portion of it properly drawn which did not require the consent of the landlord to any subletting. So the remedy is entirely in the hands of the landlord.

Mr. BRANDEGEE. But, if the Senator will permit me to interrupt him there, this is a case where the subleases have already been made and the subtenants are in possession, and under the Senator's resolution they have been guaranteed to stay in possession at exorbitant rents to the original lessee and can not be evicted.

Mr. SAULSBURY. Until——

Mr. BRANDEGEE. Until after the war.

Mr. SAULSBURY. Or until proper legislation is enacted by Congress. The Senator, of course, will understand that it is impossible in the form of a joint resolution to provide for a great many cases of hardship. I may say that I think one of the great troubles in this city is due to the greed of the original lessee in subletting to other people.

Mr. BRANDEGEE. I agree with the Senator.

Mr. SAULSBURY. That can be attended to. There should be no complaint on the part of the landlord if he assents to it and he thereby mixes himself in with the second contract subletting.

Mr. BRANDEGEE. Of course, if the landlord allows a tenant to sublet, he does not necessarily know what his tenant is going to get, and he is not to be considered necessarily as the guilty party in the profiteering.

Mr. SAULSBURY. No; but that is in many cases what they are complaining of——

Mr. BRANDEGEE. That may be so.

Mr. SAULSBURY. That somebody else is getting money for their property which does not come into their pockets.

Mr. BRANDEGEE. But what I desire to suggest to the Senator is this: The Senator says that all these cases that his joint resolution does not provide for, all these cases of injustice that we clearly see will probably be worked by its adoption, are to be corrected by future legislation. They may be, and they may not be; but it seems to me that while the subject is before Congress the time is now to provide for all such cases as are brought to our attention which we think need to be provided for; not to dismiss the subject, and then get into a log jam of business here so that we can never take it up again.

It seems to me this joint resolution is the one upon which we should perfect this whole matter.

Mr. SAULSBURY. I can assure the Senator that it is quite the desire of the committee that that should be done; but it is manifest that this sort of legislation can not now be perfected, and probably will not be perfected for some time, until the legislation which we shall get through in the form of the so-called Pomerene bill shall have been tried for some months, and whatever difficulties shall have then shown themselves will be corrected.

Mr. SHEPPARD. Mr. President——

Mr. BRANDEGEE I now ask that the other two communications be read, if the Senator from Texas desires to address himself to the subject matter.

Mr. SHEPPARD. I simply want to ask the Senator from Delaware a question in this connection. Is it not true that all contracts of lease contain a clause that a sublease can not be made without the consent of the lessor?

Mr. SAULSBURY. I have never seen a properly drawn lease that did not require the consent of the landlord to subletting; and I think they all do.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *May 23, 1918.*

Senator BRANDEGEE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I wish you would read the inclosed copy of a letter addressed to Senator SAULSBURY. This is not theory, but a practical example of what would be the effects of his resolution.

Yours, very truly,

J. P. STORY, Jr.

MAY 22, 1918.

Hon. WILLARD SAULSBURY,
United States Senate, Washington, D. C.

DEAR SIR: You will possibly recall my telephone conversation with you in respect to your resolution suspending the due processes of law for the recovery of possession of real estate. I asked that so-called "business property" be exempted. Your reply was that the resolution was interim legislation, pending action on the profiteering bill.

As passed by the House, your resolution may now suspend these processes for 30 days, for 30 months, or for 30 years—no one knows. The Government can have no interest, or the public for that matter, in the relations between landlord and tenant as respects "business property." I am speaking especially of stores, and a little thought must surely convince anyone of this fact.

The merchants of Washington to-day are reaping profits undreamed of before. The number of their customers has greatly increased, and the volume in dollars very much more proportionately. The merchants have curtailed expenses in delivery, curtailed credits, and generally are making net profits greatly in excess of former years.

Your resolution prevents the holder of business property to measure the value of his property by the measure of value that it is to its occupant, and it merely increases the profits of the user.

However, the greatest evil, and, in justice, it amounts to an evil, is the sweeping manner in which the resolution has ignored actual conditions in the real estate business. Much business real estate in all cities, and particularly in Washington, in recent years has been rented temporarily at nominal rentals to tide over vacancies between permanent tenants. Also, some very valuable business properties, not entirely improved, are rented at low rentals on short-term leases pending the opportunity to rebuild with modern improvements.

The House resolution will continue indefinitely the income loss by the owner of these properties; furthermore, will prevent the improvement of the properties, and, therefore, of the city; the only result will play into the hands of present tenants already paying a wholly inadequate return.

I have in mind several leases of property under these conditions. One is rented at $100 per month, by the month, and appraised by the assessors at over $110,000. The owner is actually at a loss for expenses and taxes on this property. He has an offer to lease it at something over $7,000 per year. The resolution, if passed, would prevent his getting possession. This is only an example; I can cite you many similar cases.

Should your resolution go through in any form, in simple justice I urge that it be amended so that upon the expiration of existing leases, if tenants avail themselves of the immunities of your resolution, that they will not be entitled to such immunity, unless they will agree to pay a rent that will equal 7 per cent net, allowed by the Pomerene bill.

Very truly, yours,

JOHN P. STORY, Jr.

Mr. SAULSBURY. Mr. President, I merely wish to call the attention of the Senator from Connecticut to this matter. That is about the sort of complaint or kind of letter that one gets from everybody who has any special case which he thinks ought to be remedied; and there are, of course, many of them. The only thing that we can attempt to do is to deal with the generality of cases, and when it comes to providing for fair rents the Pomerene bill will do that; there is no doubt about it. As soon as we can get that bill through—and it is now in conference, or it has been returned to the other House for the appointment of conferees—this whole subject can be attended to comprehensively. My suggestion about the matter is that this is attempting to put the cart before the horse.

I desire only to add that I hope that Senators will understand that the standpoint I take in this matter is that there is no particular sanctity about real estate over any other property. Every State in the Union, I presume, has laws against usury. Those laws allow a man to obtain so much in the way of gain or increase from the use which he allows another man to have of the money which he is able to loan him on such security or in any form that he desires. For the most part I suppose it will approximate 6 per cent throughout the country. The different State laws provide different penalties. My theory about this rent resolution, and the one that appealed to me most strongly, is that such conditions have come to this District that we are called upon to prohibit rack-renting—what is known here as rent profiteering—in the same way that in the history of the legislation of English-speaking peoples it has been found necessary to prohibit the man who has money to lend from squeezing the poor fellow who needs the money.

Mr. BRANDEGEE. I agree entirely with the Senator that rack-renting or excessive profiteering in real estate, certainly at this time, is worse than usury; but in order to correct usury or rack-renting it is not necessary to leap into confiscation.

The instance just cited in the letter which has been read is a case of confiscation. The writer cites a case, and says he knows of several others, where a man owning a building worth $100,000, which he has rented for $100 a month, simply to get what he could out of it to help pay the taxes and insurance—a piece of business property, not a residence property at all, in connection with which anybody could be deprived of shelter or lodging—is now offered $7,000 a year for it in the open market. It is worth that; but under this bill the tenant who is getting it for $1,200 a year is to keep it during the war, although in the market it is worth $7,000 a year, and the owner, who has been out the interest and taxes on it for years, now that it has become legitimately worth $7,000 a year, is to be prohibited from recouping his losses. I do not consider that to be fair; it does not seem to me to be an extravagant suggestion to say that, even in this joint resolution, at this time, without waiting to see whether the so-called Pomerene bill can secure the assent of both branches of Congress at this busy session, we could exempt business property.

Mr. SAULSBURY. May I address a question to the Senator?

Mr. BRANDEGEE. Certainly.

Mr. SAULSBURY. I assume, of course, that the Senator does not think that because temporarily a man may be deprived of getting the full rental value of his property—and there is no desire on the part of anybody to prevent him from getting a reasonable rental for his property—until we can correct that—and we can not do it now by this joint resolution, because the joint resolution has been agreed upon in conference—that hundreds and possibly thousands of people should be turned out of their homes by rack renters and rent profiteers.

Mr. BRANDEGEE. I do not object at all to a resolution going through which would continue the status quo during this session of Congress, provided other legislation on the subject is passed.

Mr. SAULSBURY. I can assure the Senator that it is the desire of the committee that such legislation shall be passed; but, of course, he knows quite as well as anyone else that we can not control the form in which finished legislation is finally enacted by Congress.

Mr. BRANDEGEE. I know the Senator can not, and he can not control the action of Congress, and yet he is asking us to adopt what he admits to be a defective piece of legislation, which does not comprehend numerous classes of exceptional cases, in the expectation merely that later something better will be passed at this session; but if it is not passed, then the joint resolution stands. I wish to say, Mr. President, that the Senator——

Mr. SAULSBURY. Mr. President——

Mr. BRANDEGEE. I will yield to the Senator in just a moment. The Senator must realize that his joint resolution is not for a stated period. While we hope this war will be over in a year, it may go on for 10 or 20 years. There was a thirty years' war once in Europe.

Mr. GALLINGER. And a hundred years' war.

Mr. BRANDEGEE. Yes; a hundred years' war in Holland. What I want to suggest to the Senator is this: We passed through the Judiciary Committee, and subsequently passed through Congress, if I remember correctly, legislation preventing the collection of debts, the issuance of judicial decrees of foreclosure, and so forth, against soldiers who are in the Army in the service abroad. It was said that it was unconstitutional; that contention was vigorously made by several members of the committee; and it was only justified in our judgment upon the theory, based upon a decision of the Pennsylvania Supreme Court, that the remedy could be postponed for a reasonable time; but to say that during the period of the

war, which is perfectly indefinite and may be 50 years, is a reasonable time to deprive a man of his property it seems to me is to go against every notion of a man's right in this country.

Now I yield to the Senator.

Mr. SAULSBURY. Mr. President, I only wanted to say when the Senator said the legislation was admittedly defective, that that admission goes to this extent only—and the same admission must apply to any piece of legislation that is proposed—that undoubtedly cases will arise, no matter what the legislation is and no matter what is proposed, where individual hardship will be worked; but it is for the benefit of the generality of people that legislation of this kind is primarily enacted. The Senator is so good a lawyer that I am sure he knows that in the history of the legislation of the English-speaking race equity courts have had to be instituted from time to time for the correction of those defects in the law which worked injustices to the individual, the remedy for which theretofore had been in the king's conscience. We will have to continue to legislate to correct defects. Every country in the world that has instituted legislation of this kind has found defects to be subsequently corrected.

I do not profess to be superior to all the minds that are opposed to the proposed legislation; but I have studied the legislation of England and the British colonies. This measure is intended to provide, and was intended to provide when introduced, for a temporary condition. I do not propose to admit that this legislation is defective further than that it may work a few cases of individual hardship as against many cases of hardship which will be remedied. I think it is the best we have been able to originate.

I will say to the Senator, if he will pardon me further, that this joint resolution was debated in the Senate quite generally, and the Senate had an opportunity to amend it. We have now gotten as far as the conference committee, and the conference committee report will be submitted. There is, of course, an end of amending proposed legislation, and that is the condition in this instance. I know that if the Senator will prepare a joint resolution or prepare the form of a bill which will provide against any injustice that he can see in such legislation as this, the committee will gladly report in favor of it, and gladly assist him in getting it through.

Mr. BRANDEGEE. Mr. President, the Senator talks about courts of equity being instituted to relieve the rigors of the common law. Of course that is well known; but the Senator is proposing a measure which, if adopted, is accompanied by no court of equity to relieve its injustices and its rigors.

The Senator talks about particular cases, and says it is impossible to provide for every particular case. It appears from the letter of Mr. Story, written to the Senator on the 19th of May, five or six days ago, while this measure was before the conference committee, that the writer of the letter did not ask the Senator to look after a particular case, but asked him to look after an entire class of property in the city of Washington, to wit, business property as distinguished from residence property.

The Senator says it is beyond the power of the Senate to amend the joint resolution that is before the Senate, and asks that another resolution be prepared to provide for a great class of cases which surely should not be ignored. The entire business property of this great city of Washington is subject to the provisions of the joint resolution. That class of property ought not to be included; and the report ought to be recommitted, in my opinion, inasmuch as simply one sentence would cure the whole defect. Yet we are asked to rush this measure through now, and take the chance that somebody else will prepare some other legislation to cure what is a manifest and grave defect in the conference report.

Mr. SAULSBURY. The Senator, of course, is aware that we are not considering the conference report now.

Mr. BRANDEGEE. We are not considering it, and the discussion is all out of order, except by unanimous consent; I understand that.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Connecticut if the instance referred to by Mr. Story concerns property needed by the Government for governmental purposes?

Mr. BRANDEGEE. I know nothing about it; I never said a word to him; I simply received that letter.

Mr. SMITH of Michigan. Evidently it does not, but I did not know but that the Senator knew.

Mr. BRANDEGEE. No; I do not.

Mr. SMITH of Michigan. If it does not concern property that the Government wants, and that could be taken in an orderly way, to deprive the owner of it, or to attempt to do so, would not stand at all, and ought not to stand.

I want to make this observation, and then I am through. I do not believe we are going to get any legislation except this joint resolution, and the moment that the joint resolution is passed it will tie the thing up so close that the advocates of the measure will be perfectly satisfied, and I do not believe we are going to get any further legislation at all. Perhaps I am wrong about that, but there is an attitude of absolute hostility to it in the committee, as every Senator knows.

Mr. BRANDEGEE. Of course, if this joint resolution is passed and any other corrective legislation designed to eliminate some of the provisions in this joint resolution is attempted, it will undoubtedly be met with the most vigorous resistance from the people who will be profiting unduly by the operations of this joint resolution.

Now, I ask that the other letter be read. I have been interrupted a great deal; I did not intend to take so much time.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

REAL ESTATE BROKERS ASSOCIATION
OF WASHINGTON CITY, D. C.,
Office of the President, 1312 New York Avenue, May 23, 1918.

Hon. FRANK B. BRANDEGEE,
Senate Office Building, City.

DEAR SENATOR BRANDEGEE: The Saulsbury antieviction resolution, as amended by the House, is unfair and inequitable to tenants as well as owners. It should never be enacted into law as permanent legislation for several reasons.

1. It fails to reach the evil complained of.
2. It does not undo any existing profiteering but continues it, nor does it prohibit future profiteering.
3. It penalizes the patriotic owners, who have not raised rentals, although they may be paying 100 per cent more for maintenance charges.
4. It encourages subletting at high prices, as original tenants will voluntarily pay increased rentals to owners for the privilege of subletting.
5. It places no restriction on rentals for vacant quarters, which will destroy uniformity of sums paid by tenants.
6. It closes temporary available rental space, such as rooms, apartments, and houses, that will not be offered the public, because possession can not be regained by owners during the war and a year thereafter.
7. It does not abate notices of eviction for selling, as 95 per cent of all sales are to home buyers.
8. It prevents the development for housing and office purposes of large sites now used as gasoline stations, insanitary dwellings, and shops.
9. It justifies owners selling, rather than renting on an unprofitable basis.
10. It jeopardizes the majority of owners who have mortgaged properties because a restricted market will hold down prices at private and public sale.
11. It injures the value of estates (beneficiaries being minors, lunatics, etc.) when sales must be made to pay legacies and to make distributions among heirs.

Very truly, yours, CHAS. W. FAIRFAX, *President.*

Mr. SAULSBURY. May I say just a word in regard to that, Mr. President? It reminds me very much of the man who was charged with keeping a rabid dog, which bit somebody. He gave possibly 11 reasons, as the real estate men have done; or it may have been 111. He said no man had been bitten, that the dog was not there, and went on with the other 109 reasons, and wound up finally by saying that he had never owned a dog. [Laughter.] Now, I have no doubt that these real estate men could have added a hundred other reasons and had 111 or made them less, if they had wanted to.

Mr. GALLINGER. Mr. President, will the Senator permit me to ask him a question? I will take but a moment.

Mr. SAULSBURY. Certainly.

Mr. GALLINGER. Perhaps I have not been as diligent as I ought to have been in analyzing the joint resolution. Does the joint resolution put business property upon the same basis as residence property? That is to say, does it provide that the owners of business property shall not charge more than they charged on a date mentioned in the joint resolution?

Mr. SAULSBURY. There is no date mentioned in the joint resolution, but there is no distinction at all as between the different kinds of property, and tenants are continued at the same rent. It is practically a tenants' moratorium. That is the effect of it.

Mr. GALLINGER. I was requested by a friend three or four days ago to find two small rooms, if I could, in some business building in Washington, he desiring to occupy them. I have attempted it in five different buildings, and there is not a room to be secured. Under those circumstances, where the demand exceeds the supply, does the Senator think it right to say that those people shall not increase the rent at all?

Mr. SAULSBURY. I think they should be limited in the amount of rent which they receive from their property, and that

all of them should be. The men who have increased the rents have brought about this condition; and I think the time has come in this city when the renting of real estate must be regulated in the same way that the loaning of money is regulated here and everywhere else in the country.

Mr. GALLINGER. Mr. President, this joint resolution continues a rent that may have been fair a year ago and may be unfair to-day; and to undertake to say to the owners of a building where the demand for rooms is greater than the supply that no increase whatever shall be allowed is to my mind an absolute and cruel injustice.

Mr. SMITH of Michigan. It is confiscation.

Mr. ASHURST. I call for the regular order.

The VICE PRESIDENT. The regular order is the presentation of petitions and memorials. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SIMS, Mr. RAYBURN, and Mr. ESCH managers at the conference on the part of the House.

The message also announced that the House agrees to the amendment of the Senate to the bill (H. R. 8764) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10854) making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT, Mr. RIORDAN, Mr. BUTLER, and Mr. BROWNING managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. OVERMAN. At a meeting of the Equal Suffrage League, of Greensboro, N. C., the following resolution was passed in favor of the Federal suffrage amendment and protesting at the delay in the passage of the resolution in the Senate and urging its immediate passage. I ask that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

GREENSBORO, N. C. *May 23, 1918.*

Senator OVERMAN,
United States Senate, Washington, D. C.

DEAR SIR: A meeting of the Greensboro, N. C., Equal Suffrage League was held on the evening of May 22, at which the following resolution was passed.

We ask that you give the matter your earnest consideration.

Will you kindly read our resolution into the RECORD.

Sincerely, yours,

Mrs. MARY B. CRAWFORD, *Secretary.*

Resolution.

Since the principle of democracy, for which we are engaged in war against autocratic Germany, includes the equal enfranchisement of women and men, and the President of the United States, supported by the national executive committees of the Democratic and Republican Parties, believing in this truth, has declared in favor of the Federal suffrage amendment, and our allies, Great Britain and Canada, have enfranchised their women as a war measure, thus giving us second place in the realization of democratic principles: Be it therefore

Resolved, That the suffragists of Greensboro, N. C., protest at the delay in the passage of the Federal suffrage amendment in the Senate of the United States and urge the immediate passage of the suffrage resolution now pending.

Mrs. AL FAIRBROTHER,
Mrs. B. N. MANN,
HARRIET W. ELLIOTT,
Resolution Committee.

Mr. VARDAMAN. I ask unanimous consent to present and have printed in the RECORD a short resolution from the Winona (Miss.) Equal Suffrage League in favor of the constitutional amendment giving women the right to vote. I also present a resolution adopted by the W. R. Barksdale Camp, United Confederate Veterans, of Grenada, Miss., indorsing the resolution. I wish to say, Mr. President, that I would not ask that these resolutions be printed in the RECORD if I were not requested so to do by my constituents.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

WINONA, MISS., *May 22, 1918.*

To the Hon. JAMES K. VARDAMAN,
Senate of the United States:

Whereas the other nations of the world are rapidly enfranchising their women; and

Whereas our Government is calling upon its women to give their all toward a war for democracy, and the call has already found a hearty response; and

Whereas the liquor interests of the United States have come upon the scene, and are now engaged in waging a bitter fight against the suffrage amendment:

Resolved, That we, the members of the Winona Equal Suffrage League, do most earnestly urge you to vote for and use your influence in the passing of the resolution for the enfranchising of the women of the United States, and that these resolutions be read into the Senate record.

LOUISE DUNSTAN, *Secretary.*

GRENADA, MISS., *May 18, 1918.*

At the regular meeting of W. R. Barksdale Camp, No. 189, United Confederate Veterans, the following resolution was adopted by rising vote, and a copy ordered sent to the President, Senators, and Representatives:

"*Resolved*, That we, the Grenada County Confederate Veterans, in annual meeting assembled, do hereby reaffirm and reiterate, that we tender our services to President Wilson in his noble defense of our Government, in the defense of right and justice of humanity, in democratic promises of freedom and liberty against monarchy and the atrociousness of German despotic Kaiserism."

J. W. YOUNG, *Commander.*
J. W. SHARP, *Adjutant.*

Mr. SMITH of Georgia. I have a copy of resolutions adopted by the Cotton Exchange and Board of Trade of Augusta, Ga., on the subject of short-line railroads, which they have sent to their Senators and desire to have presented to Congress. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the Railroad Commission of the State of Georgia, with commendable initiative and purpose, has called a meeting of all the railroad commissions of the Southeastern States to convene in the city of Atlanta on the 24th day of May, 1918, to confer concerning the threatened disaster that will result to innumerable communities and short-line railroads if the latter, under existing conditions, are excluded from Government operation and control; and

Whereas the Augusta Cotton Exchange and Board of Trade believes that it would be unfair, undemocratic, and destructive of immense property investments, numberless homes, farms, schools, churches, and all that goes to make up the life of many thriving and patriotic communities should the short-line railroads serving said communities be forced by unequal competition with the trunk-line systems under Government operation to go into bankruptcy and ultimately to suspend operation; and

Whereas the Augusta Cotton Exchange and Board of Trade believes that full consideration and publicity should be given to the calamitous results that will inevitably follow the proposed elimination of short-line railroads from Government control, while the trunk-line systems are retained and favored by the financial and routing policies adopted by the Government; and

Whereas the Augusta Cotton Exchange and Board of Trade believes in fair play for the smaller interests of the country as well as the larger ones, and believes in a wise and far-seeing conservation of all our national resources; and

Whereas the Augusta Cotton Exchange and Board of trade is confident that fair and considerate treatment of the short-line railroads and of the communities dependent upon them will be accorded by the Director General of Railroads when the full facts have been presented to his attention: Now, therefore, be it

Resolved, That the Augusta Cotton Exchange and Board of Trade commends the action of the Railroad Commission of Georgia in calling a meeting for consideration of this most important matter; that the members of the Augusta Cotton Exchange and Board of Trade, as loyal and patriotic business men interested in the welfare of the country, express it as their conviction that the short-line railroads of the country should be continued under Government operation and control upon a fair basis of compensation so long as the trunk-line systems are likewise operated and controlled by the Government; and be it further

Resolved, That copies of this resolution be forwarded to the chairman of the Railroad Commission of Georgia, to the Director General of Railroads at Washington, to Representatives of the State of Georgia in the United States Senate, and to the Representative of the tenth congressional district of Georgia in the House of Representatives.

Mr. SHEPPARD. I wish to have read the telegram which I send to the desk from the Dallas Equal Suffrage Association.

The VICE PRESIDENT. The telegram will be read.

The Secretary read the telegram, as follows:

DALLAS, TEX., *May 24, 1918.*

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

Will you please have read into the RECORD the resolution passed this morning urging an immediate vote on the Federal suffrage amendment. We thank you again for your support and influence.

DALLAS EQUAL SUFFRAGE ASSOCIATION.

Mr. NELSON presented petitions of sundry citizens of the State of Minnesota, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 4459) to amend an act entitled

"An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, reported it with an amendment and submitted a report (No. 466) thereon.

ELLA OLIVER RICHARDSON ET AL.

Mr. RANSDELL. From the Committee on Public Lands I report back favorably with amendments the bill (S. 4068) for the relief of Ella Oliver Richardson and Edmund Richardson, of New Orleans, La. It is a private bill, and it will take about two minutes to pass it. I ask unanimous consent for its present consideration.

Mr. ASHURST. Mr. President, does the Senator ask unanimous consent that the bill be considered at this time?

Mr. RANSDELL. I do. It will take but a minute. It is a private bill and is unanimously reported.

Mr. ASHURST. I will not object, then, Mr. President, if it takes no longer than a minute.

Mr. RANSDELL. I do not think it will. The bill is very short.

The VICE PRESIDENT. The Senator from Louisiana asks unanimous consent for the present consideration of the bill reported by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, on page 2, line 1, after the word "six," to insert "and ninety one-hundredths"; in line 3, after the word "Louisiana," to insert "approximately five hundred and eighteen and ninety-three hundredths acres"; in the same line, after the word "acre," to strike out "Lands" and insert "lands"; and, in line 6, after the word "years," to insert: "*Provided*, That proper application for the purchase of these lands be filed hereunder in the district land office within six months from the passage of this act, and that no adverse claim thereto be officially on record as pending when the application is allowed and the sale is made," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell and patent to Ella Oliver Richardson and Edmund Richardson the west fractional half of southwest fractional quarter of section 2, 27.24 acres; all fractional section 11, 320 acres; all that part of northeast quarter of northwest quarter section 13 lying west of the eastern boundary of what was formerly section 40, approximately 24.84 acres; northwest quarter of northwest quarter section 27, 39.95 acres; south half of northeast quarter and northwest quarter of northeast quarter section 28, 106.90 acres; all situated in township 18 north, range 10 east, Louisiana meridian, in East Carroll and Madison Parishes, La., approximately 518.93 acres, at $1.25 per acre, lands which they and their grantors have occupied under claim and color of title and open and notorious possession for upward of 50 years: *Provided*, That proper application for the purchase of these lands be filed hereunder in the district land office within six months from the passage of this act, and that no adverse claim thereto be officially on record as pending when the application is allowed and the sale is made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BLACKFEET RESERVATION, MONT.

Mr. WALSH. Mr. President, I ask leave to withdraw the report (No. 451) submitted by me from the Committee on Indian Affairs on the bill (S. 4404) repealing that portion of the Indian appropriation act of March 1, 1907 (34 Stat. L., pp. 1015, 1035), which relates to the disposal of the surplus unallotted lands within the Blackfeet Reservation, in Montana, for the purpose of making a correction.

The VICE PRESIDENT. Without objection, the report is withdrawn.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 4605) to protect the insignia of the Young Men's Christian Association, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

A bill (S. 4606) to authorize the Secretary of War to exchange certain lands owned by the United States in Monroe County, Pa., for certain other adjacent lands owned by the Monroe Water Supply Co.;

A bill (S. 4607) to amend section 7 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; and

A bill (S. 4608) to protect the military and naval forces of the United States against venereal diseases, and for other purposes; to the Committee on Military Affairs.

By Mr. ASHURST:

A bill (S. 4609) to amend the war-risk insurance act as amended; to the Committee on Finance.

By Mr. STERLING:

A bill (S. 4610) granting an increase of pension to George C. Stearns; to the Committee on Pensions.

MANUFACTURE OF MALT AND VINOUS LIQUORS.

Mr. JONES of Washington. On yesterday the bill (H. R. 11945) to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," was received from the House of Representatives and referred to the Committee on Agriculture and Forestry. The bill contains a limitation on one of the paragraphs of appropriation relating to the use of foodstuffs in the manufacture of beer. It is simply a limitation upon the appropriation. It provides that that appropriation shall not be expended unless the President issues a proclamation under legislation heretofore passed.

I think that is very unwise legislation. In a way I am glad that it was put in the bill, so as to open the field for action by the Senate upon that measure. I wish to offer a proposed amendment to the bill, striking out that condition and inserting a legislative prohibition against the further use of foodstuffs in the manufacture of malt or vinous liquors. I ask that the amendment may be read, printed, and referred to the Committee on Agriculture and Forestry. In connection with it I want to read a paragraph from a letter which I have received.

The VICE PRESIDENT. The amendment will be read for the information of the Senate.

The Secretary read as follows:

On page 5, line 5, after "$6,100,000," strike out the remainder of the paragraph and insert the following: "From and after 30 days from the date of the approval of this act no foods, fruits, food materials, or feeds shall, during the continuance of the present war, be used in the production of malt or vinous liquors for beverage purposes, and anyone who willfully violates this provision or any rule or regulation made to carry the same into effect shall be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both."

Mr. JONES of Washington. When this matter was up in the Senate before it was claimed that organized labor was against a provision of that sort. I have here a letter by the editor of the Unionist, a newspaper of Chicago, having a heading, "News of the American Federation of Labor: Social and Industrial Betterment," and so forth, which I ask may be printed in the RECORD. I want to read just a paragraph from the letter to the Senate. It says:

I believe that I speak for an overwhelming majority of labor leaders when I say that in this crisis, when the demand for men to fight and to work is so urgent, that we are opposed to any institution or practice that diverts or cripples labor in the production of nonessentials or that wastes food, fuel, transportation facilities, chemicals, or any other things so necessary for the winning of this war.

Then he calls attention to the use of foodstuffs in the manufacture of beer, and asks that it be prohibited. I ask that this letter be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNIONIST,
Chicago, May 21, 1918.

Senator WESLEY L. JONES,
Washington, D. C.

MY DEAR SENATOR JONES: When the Nation is at war, patriotic men and women will bend every energy and subordinate every other interest to the winning of the war. This is particularly true in a war such as we now wage for liberty, democracy, and brotherhood.

I believe that I speak for an overwhelming majority of labor leaders when I say that in this crisis, when the demand for men to fight and to work is so urgent, that we are opposed to any institution or practice that diverts or cripples labor in the production of nonessentials, or that wastes food, fuel, transportation facilities, chemicals, or any other things so necessary for the winning of this war.

I need not call your attention to the fact that as a waster the liquor traffic is the chief offender. The more quickly that war-time prohibition can be enacted the more quickly will victory come and peace with its constructive program will be entered upon. I believe you may depend upon labor to back this program loyally.

Most sincerely, yours,

WM. CASTLEMAN, *Editor.*

Mr. NORRIS. Mr. President, does the Senator ask that the letter be referred to the committee also?

Mr. JONES of Washington. Oh, yes. I assume that the letter will be referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. It will be so referred.

Mr. BRANDEGEE. Mr. President, I received a similar letter from the same gentleman, as I remember, and I note that he believes that he represents the overwhelming mass of the labor leaders of the country. He did not inclose any credentials to that effect in the letter to me, except his own belief about it.

I rarely get a petition or suggestion of any kind about any subject from anybody but that he is quite sure that he represents the overwhelming mass of the American people, in his opinion, and if he does not he ought to, or the great mass ought to think as he does; so I take that for what it is worth.

Mr. JONES of Washington. Mr. President, I assume that the Senator from Connecticut will take this for what he thinks it is worth. I know that those who have opposed this legislation heretofore have purported to speak for labor, but they did not present very many credentials, either; and when what credentials were presented were analyzed, it was found that they did not represent very many of the people of the country. I present that letter for just what it is worth, and the committee will no doubt give it due weight.

Mr. BRANDEGEE. Mr. President, I was one of those who opposed this legislation before, and I oppose it now. I have never pretended to represent labor, or to represent anybody or anything except my own opinion upon this question.

AIRCRAFT PRODUCTION.

Mr. THOMAS. Mr. President, in the morning press of yesterday it was announced that War Department officials yesterday stated that a thousand Liberty aircraft motors were shipped from two American factories last Friday, and that within a few weeks this figure will represent the daily average of American plants. I have the best of authority for stating that this announcement is entirely incorrect and therefore grossly misleading.

INTERNATIONAL INSTITUTE OF AGRICULTURE.

Mr. JOHNSON of California. Mr. President, I have a letter from David Lubin concerning the activities of the International Institute of Agriculture. I ask unanimous consent that it may be printed in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

INSTITUT INTERNATIONAL D'AGRICULTURE,
Rome, le April 24, 1918.

Hon. HIRAM W. JOHNSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have received a copy of the CONGRESSIONAL RECORD of March 9, showing a debate in the Senate relative to the International Institute of Agriculture.

I have just gone over it, and I see that a twofold attack was made, first, personal, against myself; second, against the institute.

First of all, I thank you very much for your friendly intervention in my behalf; you have placed me under many obligations. As for the stand in behalf of the institute taken by yourself and by your worthy colleagues, that is now on record; and whether this stand was worth while can safely be left to the decision of all those whose good opinion is worth having.

Let me answer the personal attack first: The premise upon which this attack was made was that some 25 years ago I advocated a duty on agricultural exports. This is not the case. I never advocated anything of the kind, as my public utterances on the subject, in print in the leading journals of the United States, clearly show. It was a bounty, not a duty, on exports that I advocated. (Please see addenda A.) So much for the personal attack.

And now for the institute: The debate on the floor shows that the objections offered were altogether due to a lack of information. Had my annual reports to the State Department been printed and distributed to Members of Congress they would have supplied the information required.

The objectors would have us infer that the institute's labors have been brought to a standstill by the war. This is not the case. The war has not stopped or curtailed the work. The meetings of the permanent committee, on which each country is represented by one delegate, are held regularly. Each of the bureaus, with its staff of employees (about 100 in all) is performing its functions as before the war; in fact, the work of the institute is going on with increased activity. This work is similar in character to that done by the United States Department of Agriculture and by the Department of Commerce, but instead of being on national lines it is on international lines; it is done for the world.

None of the belligerent nations have abrogated the treaty; all the 55 adhering Governments are full members, as before the war. Communications with the central Empires, by Government permission, go on regularly through Switzerland, and the temporary withholding of their crop-reporting data is of no moment so long as they are cut off from international trade.

And now let me briefly explain the work the institute is doing and its economic importance.

But before doing so I would ask you to bring to mind events of some 10 years ago. Then, as to-day, the people prayed, "Give us this day our daily bread," and the bread was given in abundance; but, alas, it was measured out, artificially reduced by sundry manipulations.

Do you remember the days of the Pattens, the Sullys, the Prices, and the Leiters? Do you remember how up to 10 years ago wheat, corn, cotton, and other staples of agriculture were cornered, were battledored and shuttlecocked on the home market and on the foreign markets, were footballed hither and thither by bull and by bear?

But during the past 10 years, since the institute began its labors, have you heard of any such corners? Have you heard of them in the home market? Have you heard of them in the foreign markets?

Why have they ceased?

They have ceased because the conditions which made such cornering possible have ceased.

What, then, were those conditions? Let us see.

The staples of agriculture, having a world market, are sold at a world price, just as stocks or bonds are sold in exchanges, bourses, or pits. This world price is determined by a knowledge of the available world supply. If the world's supply is above the normal the world's price will be low; if the supply is below the normal the price will be high. The world supply is made known by statistical information on the world area sown, on world conditions of growth, and on world harvest yields. Now, then, before the foundation of the institute, who gave out the figures for this world supply?

They were given out by sundry unofficial sources, some of which favored the bull interests, some the bear interests. The result was heterogeneous, conflicting summaries of the world supply, leading to conditions which made it possible to manipulate the world's prices and to corner the staples.

The International Institute of Agriculture has done away with this state of affairs. It has been delegated under treaty to gather in the crop-reporting data of the world. These it assembles, summarizes, and makes public.

Thus, in place of the former "sundry," the former "unofficial," the former "varying" summaries, which led to cornering the market, we now have, through the labors of this institute, the single, official, standard summary of the world's supply.

If the objectors had looked through the leading papers of the United States, indeed the leading papers of the world, they would have seen that the former private crop-reporting information, the information inspired by "bull" or "bear" interests, has disappeared, and in its place appear each month the official standard crop reports of the institute. Please see inclosed sample of clippings just received.

The institute's crop reports thus afford the official, authoritative basis for world price formation for the staples. To do away with them would be to return to the "sundry," the "unofficial," and the "varying" summaries; it would be to return to the cornering of the supplies.

But can not the Department of Agriculture supply this world summary? It can only do so after receiving it from the institute.

But could not the department gather the information direct from the nations of the world, assemble it, and give it out to the press just as is done by the institute?

No; it could not. It might obtain the information as a favor from a few of the nations, but there would have to be a treaty agreement before each of them would hold itself bound to supply such information regularly at the fixed dates required. Without such treaty the department might receive some heterogeneous data, largely incomparable, which it would have to try to reduce to its own standards before it could obtain its summaries. And even if the department could overcome all these difficulties—and I doubt very much if it could—its summaries would only then be official in the United States; they would not be "official" in other countries; hence they would not be "official" for the commerce of the world; they would not be the standard for determining the world's price of the staples. Thus they could not serve the purpose intended in the United States nor anywhere else.

Would the commerce of the United States accept a world summary got up by the Board of Agriculture of England as the official world summary? No; for it would be inferred that England as a buyer would be biased in favor of buyers. Would the commerce of England accept a world summary got up by our Department of Agriculture as the official world summary? No; for it would be inferred that the United States as a seller would be biased in favor of sellers. And the other countries would accept neither the one nor the other as the official summary.

The official summary acceptable to the commerce of all the nations of the world may only be had under treaty binding each nation to send in its crop reports in a stated manner, at a stated time, to a stated place, and under and in accordance with the international agreement laid down in that treaty.

The International Institute of Agriculture is under such a treaty, and has been placed under such international agreement, and works under it. As a result its crop reports are accepted as the authoritative statement for all the world.

But of what value is all this work to commerce and industry? We have already seen that it has done away with "cornering"; that it has eliminated the perturbing influences of the biased reports of bull and bear; that it has eliminated unnecessary price fluctuations; that it is steadying the world's markets; that it is conserving the equities to the extent of hundreds of millions of dollars; and that it is doing all this all along the line from the producer down to the consumer, and that it is doing it in time of war as it did in time of peace.

It was to be expected that the former giants in the "cornering" business would oppose this work, would oppose this institute. So they do. They have done so from the start. They have tried hard to show that the upkeep of the institute was a waste of money; but they have not succeeded up to now in convincing the 55 nations members of this institute that money is thus wasted. Even countries so stricken by this war as Roumania and Belgium have paid their dues right along and have their delegates on the ground.

The foregoing shows but one branch of the institute's work, the work of its bureau of statistics. The work of its other bureaus may be seen from the copies of their several publications (monthly, half yearly, and yearly) which accompany this letter. It is also briefly set forth in Addenda B, and more fully in the illustrated official handbook of the institute, a copy of which is herewith inclosed.

So much for the work of the institute.

And now let me take up a criticism made by Senator SMOOT. He says: "Mr. Lubin spends a good deal of time in writing articles upon policies that he thinks ought to be adopted by the Government of the United States." (CONGRESSIONAL RECORD, Feb. 4, 1918.)

As I recently wrote to Senator FLETCHER, Mr. SMOOT is right; in common with delegates of other prominent countries I do spend a good deal of time on such work. So should any delegate to this institute who attends to his duties properly. The functions of a delegate here are twofold: First, to attend to the duties and routine of the labors of the institute from the international standpoint and to keep the State Department informed thereon; second, to make observations from the point of vantage which the institute affords as a world observator of agricultural economics, and to crystallize these observations into definite statements and proposals for public consideration. This I have done. Some of these statements were in the form of hearings before congressional committees and the Department of State and have been put into the form of public documents. By far the larger number I have had printed here in Rome and mailed to the United States, largely to grange members and to other farmers.

"But," says Senator SMOOT, "it is costing the Government of the United States I do not know how much each year."

I think Senator SMOOT is mistaken. As I wrote to Senator FLETCHER, this special work does not cost the Government one cent. The time may come when the economic value of such labor will be more generally recognized and when Congress will make an appropriation to cover the cost. At this time there is no appropriation for this purpose; but realizing the economic value of the work to the United States I have been and am paying out of my own means to cover the cost of extra copies of the public documents, and for printing and mailing those

articles which are got out from Rome. This cost aggregates to an amount several times in excess of the sum allowed me by Congress for salary. I do this because I feel the needs for the work, because I believe it to be of benefit to the American people.

And what were these statements and proposals about? Some related to the world crop-reporting service; some to the marketing of farm products; some to rural credits; some to irrigation as means of increasing the production of livestock; and some to the cost of ocean carriage on the staples of agriculture in its relation to the home price of the products and in its economic and political influences on the Nation.

A number of these proposals were introduced in Congress, some of them are still pending, while others have already been passed. Senator SMOOT is no doubt aware of this, for he may have voted on such an important measure as rural credits, and he may have voted on the joint resolution calling for an international conference (to be held in Rome at the close of the war) on the proposal for an international commission on ocean-freight rates.

Had Senator SMOOT and Senator WILLIAMS, of Mississippi, followed the case closely they would no doubt also have perceived the beneficial indirect influences of these proposals in shaping initiatives of State and local character in the field of marketing farm products and in the field of rural credits. In rural credits, for instance, let them compare the oppressive farm-mortgage situation as set forth by the Comptroller of the Currency, John Skelton Williams, with the improved farm-mortgage situation now prevailing throughout the country. And what led to this improved situation? Can it not be traced direct to one of the very proposals to which Senator SMOOT and Senator WILLIAMS so strongly object, the proposal so ably seconded and pioneered by Senator FLETCHER? I feel confident that with a fuller knowledge of the facts in the case Senator SMOOT and Senator WILLIAMS will begin to realize the economic value of these very proposals which they now so denounce.

Summarizing my comments, it seems strange that the objectors, who are statesmen of high order, should not have obtained correct ideas of the work of this institute, work the importance of which has been officially recognized, as shown by the large number of encomiums from governments now in the possession of the institute and by the requests from the United States Government for extra copies of the publications beyond those to which it is entitled by the appropriation.

Even if the objectors had gone no further than the press of the United States, they could have seen that the former contradictory, unofficial, manipulating statements on the world's supply have been replaced by the institute's official world crop reports, which now form the world standard, the determining factor in arriving at the world's price of the staples of agriculture. They could have seen that the institute's monthly crop reports afford the official data on which the governments of the allied countries base their food-control policy. They could have seen that the timely warnings given by the Institute in these monthly crop reports and in its half-yearly world balance sheet of supply and demand have enabled the allied governments, through their food controllers, to ward off impending famine which would otherwise have affected millions in the trenches and in the homes.

And as for the articles and statements to which they have offered objections, they could have seen that many of them were the result of hearings given by the Department of Agriculture, the Department of Labor, the Department of Commerce, the Department of State, and of hearings before congressional committees; and they could have seen that some of the policies advocated therein have already formed the basis of legislation adopted by the United States.

If the statements herein made are warranted by the facts in the case, I feel that I am justified in respectfully and earnestly requesting that this communication be printed for the information of the Members of Congress. With high esteem, I am,

Yours, very sincerely,

DAVID LUBIN,
Delegate of the United States, International Institute of Agriculture, Rome, Italy.

(Inclosures: (1) Addenda A (on personal attack); (2) Addenda B (on work of the institute); (3) Official Illustrated Handbook of the Institute.)

ADDENDA A.

In 1893 I wrote an article, which appeared in the Sacramento Bee, advocating protection for the staples of agriculture by a bounty on exports as long as manufactures were protected by a tariff on imports.

This proposal was widely commented upon by the press of the country. Some were in favor and some were against it.

The secretary of the American Protective Tariff League was asked to reply to the following questions:

(1) Does a tariff on imports protect the staples of agriculture as long as they are exports?

(2) If not, do not the producers of the staples pay for protection and sell at free-trade prices?

(3) Is this equitable? And if not, would it not be equitable to protect the staples by a bounty on exports as long as manufactures are protected by a tariff on imports?

After a long delay, word came from the secretary that the league had no reply to give.

In the meantime the State granges of California, Missouri, and of Pennsylvania indorsed the proposal and challenged the league to reply, but no reply came to hand.

It was found that an export bounty on the staples of agriculture had been in operation in England under William and Mary, when the bounty was paid on the proviso that the exports were carried in British bottoms, and that this gave the start for the upbuilding of the English Merchant Marine.

A convention of the Atlantic Coast Shipbuilders and Shipowners' Association was called by Mr. Charles H. Cramp in Philadelphia, at which Mr. Cramp presided, when the proposal was unanimously adopted. I was asked whether I would support the proposal of the export bounty on the staples, on the proviso that the same be carried in American ships. I replied in the negative pointing out that if this were done it would give the protection to the shipping interests instead of to the agricultural interests.

Finally a compromise was arrived at whereby the bounty would be divided between both interests.

It may be that after the war this proposal may again come to the front, not only for giving the agricultural interests the equities which they should have in the protective system but also as a means of building up the American merchant marine, which we now see it is so necessary for us to have.

DAVID LUBIN,
Delegate of the United States, International Institute of Agriculture.

ADDENDA B.

BRIEF SYNOPSIS OF THE WORK OF THE INTERNATIONAL INSTITUTE OF AGRICULTURE.

[Fuller details will be found on the pages of the official illustrated handbook of the institute, as noted herein.]

The permanent committee: The executive authority of the institute is intrusted to the permanent committee, which is subdivided into four permanent commissions. Each State is represented on the committee by one delegate who resides in Rome. The permanent committee meets at least once a month, excepting during the vacation from July to September. (See pp. 10–11.)

Staff and bureaus: The staff of the institute, exclusive of messengers and printers, consists of about 100 employees, mainly translators, rédacteurs, and statisticians. These are distributed between the four bureaus: (a) General secretary's department and library; (b) general statistics; (c) agricultural intelligence and plant diseases; (d) agricultural economies. (See p. 18.)

Crop-reporting service: At stated times "questionnaire" forms are sent out to the Governments. The replies are sent in to the institute from near-by countries by mail and from distant countries by telegram or cable. Only official information sent in by the Governments direct in reply to the "questionnaire" may be used in getting up the institute's monthly crop reports.

Once a month the statisticians of the crop-reporting bureau of the institute assemble, coordinate, and set forth all this in given columns and tables, summarized into totals in the form of a "single numerical statement"; that is, 100 is taken as the five-year average; if the report reads, say, 98, it means 2 points below the average; if it reads, say, 102, it means 2 points above the average.

On the Saturday nearest the 20th of each month the institute publishes The International Crop Report and Agricultural Statistics. The substance of this report is given out to the Governments direct by cable and by telegraph and to near-by countries by mail. The Government authorities in each country then give these reports out to the press, and also make use of them in their own reports. (See pp. 21–22.)

Publications: (a) The monthly International Crop Report and Agricultural Statistics; (b) the monthly International Review of the Science and Practice of Agriculture; (c) the half-yearly International Movement of Fertilizers and Chemical Products Useful to Agriculture; (d) the monthly Documentary Leaflets on available supplies and prices of miscellaneous agricultural products in tropical countries; (e) the monthly International Review of Agricutural Economics; (f) the half-yearly Statistical Notes on Cereals, the world's agricultural balance sheet of supply and demand; (g) The International Yearbook of Agricultural Legislation; (h) the International Yearbook of Agricultural Statistics, the inventory of the world's agricultural resources, areas, production, exports, imports, prices, freight rates, etc.

Besides these, monographs on special subjects of importance to agriculture are issued from time to time. (See list on inside front cover.)

All these publications are in French, the official language of the institute, but, as stated in a report by the Secretary of State, the United States and Great Britain have each undertaken to contribute for the translation and printing of the same in English. The United States makes an annual appropriation of $5,000 for this purpose. As a result we receive several hundred copies of each publication in English instead of the few copies in French to which we should otherwise be entitled. These publications are sent regularly by the institute to Dr. A. C. True, chairman of the committee on relations with the International Institute of Agriculture, United States Department of Agriculture, Washington, D. C., who distributes them as directed by the Government authorities. (See p. 15.)

The proces-verbaux (minutes of the meetings), including reports on the budget, auditing, and financial status of the institute, are regularly printed, copies of which are transmitted by the delegate to the Department of State.

The VICE PRESIDENT. The morning business is closed.

VOCATIONAL REHABILITATION.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of Senate bill 4557.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed consideration of the bill (S. 4557) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes.

Mr. SMITH of Georgia. Mr. President, I have sought several times to present this subject to the Senate, but I have been asked so many questions that in looking over the RECORD I find that my remarks have been so broken that I scarcely think they do it justice. If the Senate will bear with me just for a few minutes without interruption, I should be glad to make a brief review of this measure.

The amendment of the Senator from Maryland [Mr. FRANCE] proposes to do away with the Federal Board for Vocational Education in the conduct of this work and to substitute the Surgeon General's office; and the question presented to the Senate is. Will you intrust the vocational rehabilitation of the injured soldiers to the Surgeon General's office or to the Federal Board for Vocational Education? We all wish to determine that question solely in the interest of the soldier.

Let us analyze the work of rehabilitation. The physical rehabilitation, in a sense, will be under the surgeons while the patient is in the hospital. That will last, probably, an average of two months. During that period there is some work that can be done toward brightening the mind and inspiring the hope and enlisting the aspiration of the patient; but, as the Senator from New Hampshire [Mr. GALLINGER] says, but little practical vocational work can be accomplished in the hospital. The patient, as a rule, most of the time is not in a condition to re-

ceive any substantial training. The real work will be after the patient leaves the hospital. Then the work will be to distribute the injured men to various institutions of great diversity. Let me illustrate by the experience in Canada. The soldiers are being taught by the Canadian commission in 196 different lines for their rehabilitation, to prepare them for vocational activity, and I ask the Consent of the Senate to print in the RECORD this list at the close of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

ALPHABETICAL LIST OF OCCUPATIONS BEING TRAINED FOR IN CANADA.

1. Armature winding.
2. Agriculture.
3. Agricultural mechanics.
4. Accounting—municipal.
5. Arts—university.
6. Association—agriculture.
7. Automobile repairing.
8. Agriculture and farm mechanics.
9. Architecture and building construction.
10. Automobiles—care and operation.
11. Applied science.
12. Accounting (cost) and elementary.
13. Art metal work.
14. Accountancy—higher.
15. Architectural drawing.
16. Ad. writing.
17. Brush and broom making.
18. Braille typewriting and reading with message.
19. Bench machinist.
20. Bench stove fitter.
21. Boiler maker layer out.
22. Bench tinsmith.
23. Bricklayer foreman.
24. Bench carpentry.
25. Business management.
26. Building construction—steel and concrete.
27. Bookkeeping.
28. Barbering.
29. Boot making—surgical.
30. Boiler making—calker and tuber.
31. Beekeeping.
32. Basketry.
33. Blacksmithing.
34. Banking and finance.
35. Building inspection and clerk of works.
36. Business and civil service combined.
37. Boat finishing and varnishing.
38. Buffing and polishing—brass.
39. Bronze chasing and finishing.
40. Civil service.
41. Commercial.
42. Cabinetmaking.
43. Chauffeur.
44. Carriage striper.
45. Chartered accountant.
46. Civil engineering.
47. Commercial art.
48. Carpentry.
49. Commercial telegraphy.
50. Commercial specialists (law).
51. Clay modeling.
52. Commercial illustrator.
53. Coal mining.
54. Clerk of works.
55. Carding and spinning.
56. Cinematograph operating.
57. Cement and steel testing.
58. Concentrating machines and assayer.
59. Core making.
60. Drafting, electrical.
61. Designing and advertising, commercial.
62. Drill, hand.
63. Drafting and elementary engineering (civil).
64. Dairying and stock judging.
65. Drafting (structural).
66. Designing and stencil cutting.
67. Electricity, elementary and theory.
68. Engine turning.
69. Elevator operation.
70. Electrical engineering.
71. Electrical wiring.
72. Elementary civil engineering.
73. Electrical construction.
74. Estimating.
75. Electrical machine and motor testing.
76. Electroplating.
77. English and arithmetic.
78. Engineering, sanitary.
79. Elementary surveying.
81. Furrier.
82. Flower growing.
83. Farming, mixed.
84. Poultry raising.
85. Farm mechanics.
86. Field and animal husbandry.
87. French polishing.
88. Farm mechanics and tractor engineering.
89. Fruit growing.
90. Farm motors.
91. Finishing (woolen mills).
92. Furniture assembling.
93. Gasoline engine course.
94. Gas and steam engine operation.
95. Grain inspector.
96. Gas tractor and stationary engineering.
97. Gas engines, manufacturing of.
98. Gardening and greenhouse work.
99. Garage mechanics.
100. Highway construction.
101. Harness fitter.
102. Harness stitcher.
103. Hog raising.
104. Health inspector.
105. Horticulture.
106. Harness making and saddlery.
107. Harness repairing, hand.
108. House painting and decorating.
109. Interpreting.
110. Illustrating magazine.
111. Ignition systems and starting devices.
112. Inspector of meats and foods.
113. Joinery.
114. Jewelry polishing and soldering.
115. Librarian.
116. Lens grinding.
117. Lip reading.
118. Limb manufacturing.
119. Mechanical dentistry.
120. Massage.
121. Machine-tool operation.
122. Milk inspector.
123. Medicine and surgery.
124. Mechanical drawing.
125. Motorman, street railway.
126. Municipal secretary.
127. Accountant.
128. Manual-training instructor.
129. Machine drawing.
130. Mill-hand woodworking.
131. Multigraph, adding machine, and comptometer.
132. Milling and assaying.
133. Music.
134. Monotype operating.
135. Lead glazing.
136. Naval architecture.
137. Novelty making.
138. Oxyacetylene welding.
139. Ornamental plasterer.
140. Pneumatic-tool repairer.
141. Pharmacy.
142. Plaster modeling.
143. Pattern making.
144. Printing.
145. Pastry cook.
146. Poultry raising and truck gardening.
147. Plumbing.
148. Steam and gas fitting.
149. Power-house assistant.
150. Power sewing-machine operating.
151. Pottery.
152. Piano finishing.
153. Photography.
154. Piano tuning.
155. Reed working.
156. Railroad telegraphy.
157. Railroad telegraphy and station work.
158. Road inspection.
159. Shoe repairing.
160. Shoemaking.
161. Sculptor in stone or wood.
162. Salesmanship, commercial.
163. Saxophone player.
164. Structural designing.
165. Shorthand and typewriting.
166. Switchboard operation (provincial telephone systems).
167. Singing.
168. Sign writing and graining.
169. Sign writing and show card writing.
170. Stone cutting and gold work (jewelry).
171. Steam and hot water heating.
172. Stain glass manufacture.
173. Spinning metal.
174. Stencil and graining.
175. Storage battery repairer.
176. Trombone playing.
177. Typewriter repairing.
178. Tinsmithing.
179. Teacher (public school).
180. Tree surgery.
181. Tailor's cutter.
182. Theatrical mechanics.
183. Template workers.
184. Tile setting and repairing.
185. University—first year of course in dentistry.
186. Upholstering.
187. Veterinary assistant.
188. Veterinary surgeon.
189. Watchmaking.
190. Wireless telegraphy.
191. Weave-room clerk.
192. Blue print reading, estimating, and building construction.
193. Traffic rules and train despatching.
194. Janitor.
195. Wheel trueing and bicycle repairing.
196. X-ray operating.

Mr. SMITH of Georgia. You can not establish half a dozen machine shops around a hospital to do this work. In the first place, the Surgeon General's office has not a dollar with which to do anything of the sort. The alleged teachers that he has are on the sanitary roll.

They are on the sanitary roll and could not be paid for out of anything else. They are commissioned as officers on the sanitary roll, the three men here, Messrs. Murray, Henderson, and Monahan. They are on the sanitary roll, I am advised, as the only place to which they could be appointed. If my information is correct, it needs no argument to show their appointments are without authority if they are really teachers.

But, Mr. President, let us go further and see what this work is of rehabilitation. At various institutions already in existence soldiers should be placed. Frequently a special instructor who has studied the rehabilitation of the injured will either be at the institution or visit it to stimulate the specal work needed for the particular soldier. This will go on for an average of at least 12 months.

I omitted, however, to say that many will be placed in shops, in lines of immediate work for which they are not yet fitted but as apprentices, when it is expected they can learn how to do what there is done.

This is a substantial part of the work. It is a distribution of the men to the school, to the industry, to the shop, and to the commercial house, where they can be trained as an aid to them in the effort to fit themselves for active work.

Then comes a still further great problem. It is the distribution of the men finally to places where they will find employment. All this is involved in the vocational rehabilitation of the injured soldier.

What training has the surgeon for such work? What organization has he for it? You might as well put a technical-school teacher in a hospital to perform surgical operations as to put a surgeon in charge of this work. If it is done in the Surgeon General's office, you must make a great teachers' organization there of specialists to take charge of it. You must try there to duplicate the Federal Board of Vocational Education as a new organization in the Surgeon General's office.

What is the Federal Board for Vocational Education? It consists of the Secretary of Agriculture, reaching out in agricultural matters through his representatives all over the country; on the board proper from civil life there is Mr. Greathouse, a superintendent of education at one time in Indiana, practically familiar with the work of the farmer touching every agricultural institution in the United States. Then we have the Secretary of Commerce and Mr. Monroe from civil life. Mr. Monroe was a successful manufacturer, a student of commerce, a graduate of the Boston "Tech.," who for a number of years has devoted his time without pay to stimulating better preparation by the average man for the labors of life. The Secretary of Labor is on the board, and Mr. Holder, representing labor. The Commissioner of Education is also upon it.

Thus we coordinate all the force we have to carry the soldier on, first through his course of training and then to his placement in a position that he can fill.

We have the entire organization of the Department of Labor, through the Secretary of Labor, upon this board to aid in placing the rehabilitated man where he is to work.

What has the Surgeon General to offer compared with this service? What preparation has he compared to it? I have shown you that the vocational rehabilitation, the vocational training, can be done but slightly in the Surgeon General's office. It is nearly all to be done after the patient is discharged. I entirely resen the suggestion that the healed man physically shall be kept under the rule of the War Department after he is healed; that he shall be forced to stay and abide by the direction of the War Department.

Where do the fundamental principles of the bill come from? They have been developed by study continued for more than four or five months past. First a large committee of philanthropic citizens and representatives of the Surgeon General's Department and representatives of the various branches of the Government, 50 I understand in number, worked upon the subject, and finally selected a committee headed by the Assistant Secretary of the Navy, by a representative of the War-Risk Bureau, by a representative of the Interior Department, by a representative of the Surgeon General's office, by a representative of the Federal Board of Vocational Education, and Dr. Gifford to consider the question and make a report.

Mr. BRANDEGEE. Does the Senator——

Mr. SMITH of Georgia. I would rather not yield.

Mr. BRANDEGEE. Then I will not ask to interrupt the Senator.

Mr. SMITH of Georgia. I requested, when beginning, to be allowed to conclude without interruption.

Now, what did they consider? The Surgeon General's Department as the place for the work? Yes; and at once concluded that there was no training there or organization there to handle it. The War-Risk Bureau was considered. The conclusion was that this bureau pays off the men, but has no organization to handle this great educational work. Then was suggested the Interior Department and the Commissioner of Education. They had not the organization for vocational work. No organization is in touch as the Federal Vocational Board is with all the agencies in the land to serve these men.

Then they considered the question of creating a new board from civil life, and they worked upon that for a while, but they concluded that already a better board, a better organization already existed than any new one they could possibly create, and they finally unanimously agreed upon the Federal Board for Vocational Education as the proper organization to undertake this national effort for the rehabilitation of those who otherwise would lapse into idleness and permanent inefficiency.

But what did they do with their report? It was submitted to the Cabinet organization of the Council of National Defense—the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

I omitted to say that I understand the surgical organization of the Navy Department was ready to take charge. Both those surgical organizations were ready to assume the responsibility for the vocational education and rehabilitation of these men if called upon, but neither was really prepared for vocational training or for the distribution of the injured in places of employment.

After careful consideration the Council of National Defense unanimously agreed that the best branch of the Government to undertake this work was the Federal Board for Vocational Education. A bill was approved and sent to me as chairman of the Committee on Education and Labor of the Senate and to the chairman of the Committee on Education of the House. I called in the members of the committee and studied it before I introduced it. I reached the conclusion that it had the framework of wisdom and I did introduce it. Then the committee came together and we studied it. We passed a resolution authorizing me to invite the members of the House Committee on Education to sit with us in joint session. They accepted, and the two committees sat in joint session for days to hear testimony on thus subject.

We learned that the plan embraced in this bill was substantially the successful plan in force in England, in force in France, in force in Italy, and carried out in Canada. We had the benefit of the advice of the Red Cross, who have an organization or a school of this kind working in New York. We had the benefit of the experience of Canada afterwards elaborately presented to us by the director of the Canadian works, sent here by request of the Secretary of State and through the British ambassador.

The unanimous opinion presented to us was that this was the wise way, that military control was unwise, that the real development of the soldier came after he was free from uniform direction and exercised his complete independence as a civilian going into civil life; that where the military had been used failure had followed the effort; that a part of the work was to inspire him with confidence in himself, with reliance on himself, with independence, and that military direction was inefficient and unavailing.

We had Dr. Little, a very able man, who is the head of the Federal Employees Compensation Commission. He was also on the board that helped study the question. He is a man who has studied the subject of the injured coming from industries and is deeply interested in it. We had Gen. Gorgas, and he approved it. We had Dr. Billings, and he practically approved it. We invited these other men in the Army, these sanitary employees who were sitting there, to speak up if they had anything to say, and they were silent.

Mr. President, I would regard this bill as an entire failure if the Surgeon General's office were to take charge of vocational education. I have given you the history of the measure. I have given you the conclusion of the representatives of the Cabinet. I have given you the conclusion of commissions who have worked upon it. I have given you the conclusion of your two committees of the House and the Senate, who, after full hearings and the most earnest study they could put upon the question, unanimously approved this plan.

Now, if the Senator from Connecticut [Mr. BRANDEGEE] wishes to ask me a question, I will be glad to answer him. I wished to finish this much without interruption.

Mr. BRANDEGEE. I was very glad not to interrupt the Senator. I want to ask him this question. He spoke about whether the soldier after his discharge or after he had become rehabilitated should be kept under the control of the Surgeon General's office, and asked if it would not be better to send him back home and put him under the control of this Vocational Board. I wondered if he could not be sent back home and still be kept under the control of the Surgeon General's office, and let the Surgeon General's office have power to call upon the Federal board to furnish instruction if they thought it was necessary.

Mr. SMITH of Georgia. After he goes home?

Mr. BRANDEGEE. Yes.

Mr. SMITH of Georgia. I do not think those connected with the Surgeon General's office are capable of determining what line of work the man can do. They can say how much physical endurance he can stand, they can say what his physical condition is, but the Surgeon General's office has not that knowledge of educational institutions in which help could be given to the injured man that the Vocational Education Board has.

I, however, said to the Senator from Louisiana [Mr. RANSDELL], who has shown me an amendment which he desires to offer, that I shall not object to it. It is that after he is discharged the Vocational Board shall have the benefit of the advice of the Surgeon General's office as to the physical condition of the man, just reversing the situation.

Mr. BRANDEGEE. But the Senator wants the Vocational Board to have the supreme authority?

Mr. SMITH of Georgia. I do.

Mr. BRANDEGEE. And that the Surgeon General's office shall be simply advisory?

Mr. SMITH of Georgia. Yes; after he is discharged.

Mr. BRANDEGEE. Let me present this idea to the Senator and see what he thinks of it. The soldier has been rehabilitated physically in the hospital under the jurisdiction of the Surgeon General's office. Whatever artificial limbs or appliances may be necessary for him to perform some trade or take care of himself in the future have been applied to him by the experts in the Surgeon General's office and in the hospital. It seemed to me that it would be better for the soldier to have the same experts who knew the manipulation and management of these artificial contrivances to take the place of hands to follow that man home and, at least theoretically, to have jurisdiction of him than to turn him over to the Vocational Board, whose business it is to teach agriculture and sewing and housekeeping and the different things that the Vocational Board teaches.

Mr. SMITH of Georgia. They direct instruction in every line of vocational education, including commerce—all except professions.

Mr. BRANDEGEE. It seemed to me that the soldier himself would want that. I know if I was a soldier and had been supplied with means of using my hands or feet that had been shot away, if I had been by the surgeons and experts who will undoubtedly be under the control of the Surgeon General and the hospital care nursed back to life and health and efficiency, I would rather have their judgment control me when I went back home, supplemented by the Vocational Education Board, but with the Surgeon General's office in direction. That is my notion about it.

Mr. SMITH of Georgia. I am glad to have the Senator's question and am glad to give him my view of it as the result of my investigattion of the subject. In the first place, a much smaller per cent of the injured lose arms than I had supposed. There is but a small per cent, probably 10 per cent, who lose arms. Many of the injuries are of a different character. The work of the surgeon in perfecting the use of that hand simply gives the hand. The old hand and artificial arm, similar to the former arm, has been entirely discarded, and there is in its place a mechanical steel contrivance with springs. He has learned to manipulate it. He knows how to manipulate it, and he is discharged from the hospital. He is well. It is not, then, a question of simply knowing how to manipulate it. It is a question of taking that new hand and learning a trade. It is a question of going into some place for vocational instruction where he learns some occupation which he uses with this hand. It is believed that in the hospitals the surgeon in charge and the vocational trainer conferring may well help him and advise the patient as to what line he had best pursue.

I do not think the Surgeon General's office is at all in a position to carry the knowledge of the distribution and instruction of this man in the various lines he might follow after he leaves the hospital. Some will go to commercial schools, some will take one line of work, some another, the most varied lines should be open for selection, whatever his taste leads him to, his past experience somewhat fits him for, and the locality in which he lives offers. These problems involve vastly more information on educational and business lines than is possessed by the Surgeon General's office. We follow, as I said before, the practices and experience of other countries in concluding that the civilian vocational instructor is best to handle the injured after he leaves the hospital. But, as I said, I have agreed to an amendment which the Senator from Louisiana [Mr. RANSDELL] will offer that the Vocational Board may call on those in the Surgeon General's office for advice and assistance, they do act in an advisory capacity to the Vocational Board after the discharge of the patient. I think in this way we may harmonize the combined effort for physical and vocational restoration——

Mr. BRANDEGEE. It does not harmonize it in my mind, but it may in the minds of a majority of the Senate. I think the bill proceeds on an entirely wrong theory. I think it has the cart before the horse and is upside down.

In the case the Senator supposes, where the man has had an artificial hand adjusted to him and has been taught the use of it in the hospital, it seems to me when he comes home, if he knows how to use that hand and the springs work, to do anything with it he has a mind to, he does not need either the Surgeon General or a vocational artist to come around and tell him how to use his fingers. He has got to do that himself. I think there will be, however, plenty of these vocational artists on the pay roll. They are swarming through every town, trying to instruct these gentlemen how to pick up a nut or a bolt with their own hands, and they will stay there as long as they can, until they are separated from the job.

I think, however, the whole scheme of this is vast and impracticable. I do not think it will suit the soldiers; I do not think it will suit the public; I do not think it will work in this country. I think this whole subject ought to have been referred to the Committee on Military Affairs anyway; I do not think that the Committee on Education and Labor is the proper committee to consider the question of how to take care of our wounded soldiers and how to bring them back to useful occupations; but it has gone to the Committee on Education and Labor—the question of how to manage our wounded soldiers in the hospitals and how to make them useful citizens afterwards and to restore them to health. We have this, as I consider it, half-baked measure before us. We shall probably have to vote on it, "yes" or "no." I have not made up my mind how I shall vote. If this is the only thing that is going to be presented to us, I suppose I shall have to vote for it, because I want to try to do something to rehabilitate our wounded soldiers; but if I do vote for it, it will be with the feeling that it is not at all the best thing that could have been devised.

I think that is evidenced by the letter which the Surgeon General himself wrote here on yesterday, if it stands. Of course, he may have written another one this morning for aught I know; but if so, it has not been put into the RECORD as yet. The one he wrote yesterday I understand would not have gone into the RECORD if he could have seen the Senator from Georgia [Mr. SMITH] about a half hour before he did, but the Surgeon General evidently is of the opinion that this is wrong legislation. However, when the Senator from Georgia and the other high authorities on this question corral him in their offices and hold the weight of their great authority over his head he recants; and while he was opposed to the bill five minutes before that, he comes out and withdraws all opposition, but says he feels just as he did before about it. Of course that does not really convince me as a matter of unrebuttable testimony. As I have said, I shall feel, if I vote for this bill, that I am voting for a very dubious experiment. As I have also said, I think the whole matter should have gone to the Committee on Military Affairs.

I never have been enthusiastic about this National Board of Vocational Education, Mr. President. After a man has had a common-school education in this country and can read the newspapers and magazines, if he can not learn how to dig the soil or run a lathe in a mill without some vocational educational artist visiting his home every day or two to see how he is getting along and giving him Christian and friendly advice, why, then, we have got the kind of paternal government that the sooner we get rid of the better the country will be off. It is not the kind of government the fathers founded; it is a molly-coddle kind of institution that will denature the whole American public if we keep on in that sort of foolishness.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The question is on the amendment proposed by the Senator from Maryland [Mr. FRANCE].

Mr. FRANCE. Mr. President, I offered this amendment on yesterday, and I desire to offer as a substitute for that amendment the amendment which I now send to the desk and ask to have read. I will say that the first two paragraphs of the amendment are the ones which should be read; it is not necessary for the Secretary to read the remaining paragraphs, inasmuch as they merely perfect the bill, so that it will conform to the bill as it will be amended by the first two paragraphs.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. FRANCE. It will be necessary, in order to understand the whole amendment, to read it in connection with the bill. I think that the first two paragraphs of the amendment, if they are read, will give the Senate a clear idea of the purpose of the amendment, which is the same purpose I had in mind when I offered the amendment which I presented on yesterday. I

ask permission to now offer this as a substitute for that amendment.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Maryland.

The SECRETARY. On page 1, line 3, after the word "the" and before the word "vocational," it is proposed to insert the words "physical reconstruction and," so that it will read:

This act shall be known as the physical reconstruction and vocational rehabilitation act.

And on page 1, line 5, strike out the words "Federal Board for Vocational Education," and to insert in lieu thereof the words "board which shall be, and is hereby, created, to consist of the Secretary of War, the Surgeon General of the United States Army, the Surgeon General of the United States Navy; said board to be known as the National Board of Physical Reconstruction and Vocational Rehabilitation."

Mr. FRANCE. Mr. President, in connection with this amendment, I desire to say a very few words. There seems to be a considerable amount of confusion as to what the purpose of this legislation is. I find myself in entire agreement with the Senator from Georgia [Mr. SMITH] when he is pleading for a system of vocational education for the country. I am personally very much in favor of Federal aid to the States in establishing proper systems of vocational education.

It seems to me that, as we consider this legislation we face two great problems which have been presented by this war. As we call our men for war, as we call them into the Army, we find that among the men of draft age we have some 700,000, I believe, who can neither read nor write their names, illiterates in that sense. We also find, what many have long contended, that not only have we many illiterates, but that in addition to the 700,000 men who can neither read nor write we have many additional hundreds of thousands who are not fitted in any way to take up intelligently the cause of defending their country in this crisis because they have not been properly trained, although they may not be illiterates in the ordinary sense of the word. Our prosecution of the war has already been greatly hampered by the fact that we have not a sufficient number of technically trained men. So this large question of vocational training is one which is pressing upon us now. We need to-day vocational schools to train technically our young men from 18 to 21 for the work of being soldiers which is to-day a highly technical occupation. The Vocational Board I think should consider the advisability of recommending to the Government a system of vocational training which shall train men vocationally for taking up the technical work which they are compelled to take up when they enter the Army. We need more machinists; we need more men who understand gasoline engines; we need more laboratory technicians; we need more chemists. There is one aspect of the great problem of vocational education.

Then, we have, on the other hand, the other aspect of the problem. When the war is over millions of our men will come back, after their education has been interrupted, after they have been out of their ordinary occupations for several years. I refer now to those who are not wounded. Many of them will be young men looking for occupations, many of them will be men who, after the experience of the war, will not be willing to go back to the unskilled labor which they performed previous to the war. I mean that many of them who were laborers before the war will have caught a larger vision of life, so that they will feel that they should have an opportunity for taking up some more technical line of endeavor.

I think we should have a great vocational system ready to take up and train such men and great employment systems ready to distribute them to the various lines of industry after they have been thus trained. All that is a great work which lies before us.

I am in favor of legislation making possible vocational training for men who are about to enter the Army and for the men who come back from the Army, and I am in favor of the extension of our Federal employment bureaus for the redistribution of these millions of men not only into proper vocational schools and into professional schools, but into the industries. That is a tremendous task which will confront us. So I find myself in no disagreement whatever with the Senator from Georgia.

I think the Vocational Board has a great work facing it; but I have conceived this particular legislation to be designed for an entirely different purpose. In that I may be mistaken, but I have conceived this to be legislation which is to-day necessary in order that the physicians and surgeons having these men now in the beds of our hospitals can begin that rehabilitation and reconstruction work, which is really therapeutic in its nature and which is directed to the whole man as he comes back from the front, to his mental state, to his nervous system, as well as to his physical incapacity. It is a very large subject to go into, but I saw in one of the hospitals a man who had returned from France with a functional paralysis of his right arm. That man was receiving medical treatment; he was receiving mental treatment because in such cases mental treatment is important; he was receiving electrical treatment; and he was receiving also that next advanced treatment, the rehabilitation treatment, which consisted in his taking up simple occupational work. His medical treatment, his mental treatment, his electrical treatment, would not have been complete without that occupational treatment, which was carried on during the interim between the other treatments, training his paralyzed fingers in the first effort toward carrying on a useful work.

I conceive—and if I am wrong in that conception, I should like to be corrected—this to be legislation necessary to meet the need which now confronts us as these men to-day lie in their beds in the hospitals. The problem is not a simple one. All of these men are not injured. Many of them have no injury at all which is visible. Some of them are totally incapacitated without a scar being visible, without the loss of a limb. Their trouble may be entirely mental. Others are incapacitated because of diseases which they may have contracted; and one of the most frequent causes of incapacity, I am sure we shall find in men returning from the trenches, will be tuberculosis. We shall have quite possibly very shortly ten, twenty, thirty, forty, fifty thousand, perhaps a hundred thousand, tubercular men returning from the front. They will be in all stages of tuberculosis, probably, but most of them will be in the incipient stages, because, if the men are properly watched over there, these cases should be detected in their incipiency; and if they are not detected in their incipiency it will be due to gross neglect. If a case of tuberculosis at the front is not detected in its very incipiency, the patient, if allowed to remain in the trenches or barracks, becomes a menace, of course, to all the other men.

Now, what is to become of these men who come back tubercular? I have seen a number of tubercular men who have come to the base hospital. If these tubercular men are to be distributed to the various State sanatoria, the Government will lose control of them altogether, and their educational work can not go on; but if all these tubercular patients are put in Government hospitals in tubercular wards they will have, of course, the attention of skilled surgeons and the very latest treatment, because I may say that the Surgeon General's office is in touch with the very latest treatment. They will have the benefit of the most modern and up-to-date medical treatment which can be given, and, in addition to that, they can be given, under the direction of the Surgeon General, rehabilitation courses; that is to say, some of them can be trained to take up lines of work which will be useful and suitable to them when, after proper treatment, they are cured and returned to private life.

If this is not a measure for the establishment of this first treatment, all that I have said should not have been said at all, and my amendment should not have been presented. I think I said yesterday that the country is under great obligations to the Senator from Georgia for his splendid advocacy of a better system of education for our country, particularly of a better system for vocational education; and the Senator will find no man more heartily with him than I shall be when he advocates such measures for the promotion of education in the future. I think the Senator from Georgia and I are in entire sympathy when it comes to the consideration of the problem of education, and particularly vocational education; but I have conceived this measure as being legislation which, as I say, will enable the Surgeon General to give this rehabilitation treatment, which is of a therapeutic nature, and to carry out the policy which he announced before this bill was drawn.

I shall read, in order that it may be in the RECORD, the policy of the Surgeon General, as announced before this bill was drawn. It is embodied in a statement which was made by him and printed in the Official Bulletin; and it was quoted by Mr. William H. Baldwin, treasurer of the National Tuberculosis Association, who testified before the committee, and whose testimony will be found beginning on page 102 of the hearings. The quotation to which I refer will be found upon page 103 of the hearings.

This is the language of the Surgeon General—and I thought that it was to follow out this policy, as announced by him, that this legislation was being considered:

That hereafter no member of the military service disabled in line of duty, even though not expected to return to duty—

And I say right here, in this connection, that many of these men, if they are not discharged, can be so treated, medically, mentally, and with vocational treatment, that they can be returned to active service; whereas if they are discharged before the treatment begins, they may not be so returned.

That hereafter no member of the military service disabled in line of duty, even though not expected to return to duty, will be discharged from service until he has attained complete recovery or as complete

recovery as it is to be expected that he will attain when the nature of his disability is considered. The inauguration of this continued treatment will result, during the period of the war, in the saving to the service of a large number of efficient officers and soldiers who without it would never become able to perform duty.

Physical reconstruction may be defined as the completest form of medical and surgical treatment carried to the point where maximum functional restoration, mental and physical, has been secured. To secure this result the use of work, mental and manual, will be required during the convalescent period. This therapeutic measure, in addition to aiding greatly in shortening the convalescent period, retains or arouses mental activities, preventing "hospitalization," and enables the patient to be returned to service or civil life with the full realization that he can work in his handicapped state, and with habits of industry much encouraged if not firmly formed.

I thought that this bill was to carry out that policy announced by the Surgeon General. If this bill is not to carry out that policy but to establish a system of vocational training, both for those who are about to enter the Army and for those who leave the Army, whether they be disabled or not, then the contention which I have made has not been wisely made. If that is the case, let us consider this entirely as a vocational education measure and pass it. Then I wonder how a bill will be prepared to take care of this need, which is now so apparent in the hospitals. If this bill is legislation which contemplates the adoption of a general system of vocational education and rehabilitation, then, of course, it is not the bill which I took it to be, and it will be necessary for us to pass other legislation enabling the Surgeon General to carry on this physical rehabilitation which it is so important that he should be authorized to carry on at the present time. I thought, and I still think, he is authorized to carry on this work now as part of his medical and surgical treatment of these patients. The old idea that medicine is merely the giving of nauseous drugs has long since been abandoned, and you will find in many of our clinics for nervous diseases that no drugs whatever are given; the treatment is entirely manual, mental, and occupational. I do not care to enlarge upon that subject.

I will say now that this amendment merely does this: It creates a new board, to be composed of the Secretary of War, the Surgeon General of the United States Army, and the Surgeon General of the United States Navy. This amendment, of course, is offered because I conceive this legislation to be legislation to enable these medical men to carry out this remedial work, and that practically is the whole purpose of the amendment. The first paragraph merely changes the name of the act, so that it is called the "Physical reconstruction and vocational rehabilitation act." The second paragraph creates a new board.

It seems to me that this is the situation: If we pass this as a vocational education measure, then we must pass another act to give the Surgeon General the authority to give this treatment if he needs it; and in view of the opinion of the distinguished Senator from Tennessee [Mr. SHIELDS], one of the ablest lawyers in this body, if I understood him correctly, it seems to me that he may possibly need additional authority for giving this unusual form of treatment. If this bill is not designed to give him that authority, if it is merely a vocational education measure, then, of course, we must pass other legislation giving him the power to apply these remedial measures, and giving him the money also for providing the apparatus and the teachers for the application of these remedial measures.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. FRANCE. I yield.

Mr. WADSWORTH. Does the Senator believe that the two can be properly separated as a practical proposition?

Mr. FRANCE. I feel that they can not be separated, because this occupational treatment is as truly a part of the medical and surgical treatment of the patient as any strictly medical or physical treatment could be. Until he is discharged, I think, the patient should be under the complete control of the Surgeon General. After patients are discharged, then, of course, further vocational training and the redistribution of these men through the various employment agencies after their vocational treatment is an entirely different proposition. If we conceive this to be legislation merely granting additional powers and money to the Surgeon General for the proper carrying out of treatment, I should myself favor a measure which would enable the vocational board to provide additional vocational education facilities, not only for the treatment of those who may need further vocational treatment after they are discharged because of disability, but further vocational education to many of those men who will come back having abandoned their original occupation and not having a training for the new occupation which they desire to take up, as a result perhaps of the renewed interest which may have been aroused during their training and experience in the Army.

I think that this whole debate is really the result of misunderstanding. I consider this to be a measure authorizing certain remedial treatment to be applied by the Surgeon General, and that later on we should have a measure providing for the general vocational-education problem which now confronts us as a result of our experience in this war.

Mr. SMITH of Georgia. Mr. President, I do not desire to reply to the Senator from Maryland further than to say that this is the same thing in a different shape—the question as to whether the military authorities shall take charge of this work or whether civilians shall take charge of it. Two of the members of the board which he suggests—the Secretary of War and the Secretary of the Navy—have each approved the other course, and believe that the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and this board are better suited for the work.

Mr. FRANCE. I will say to the Senator that I do not provide that the Secretary of the Navy shall be a member of this board.

Mr. SMITH of Georgia. I thought the Senator did.

Mr. FRANCE. The board is to be composed of the Secretary of War, the Surgeon General of the Army, and the Surgeon General of the Navy. It is a strictly medical board under the general supervision of the Secretary of War.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maryland.

Mr. WADSWORTH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	Norris	Sutherland
Bankhead	Johnson, S. Dak.	Nugent	Swanson
Borah	Jones, N. Mex.	Overman	Thomas
Brandegee	Jones, Wash.	Page	Thompson
Culberson	Kendrick	Phelan	Townsend
Curtis	Kenyon	Poindexter	Trammell
Dillingham	King	Pomerene	Underwood
Fall	Lenroot	Ransdell	Vardaman
Fernald	Lewis	Reed	Wadsworth
Fletcher	Lodge	Shafroth	Walsh
France	McCumber	Sheppard	Warren
Gallinger	McKellar	Shields	Weeks
Gerry	McLean	Smith, Ariz.	Wilfley
Gulon	Martin	Smith, Ga.	
Harding	Nelson	Smith, S. C.	
Henderson	New	Sterling	

Mr. NEW. I wish to announce the temporary absence on official business of the junior Senator from Oregon [Mr. McNARY].

Mr. McKELLAR. I desire to announce the absence on official business of the senior Senator from Oregon [Mr. CHAMBERLAIN] and the junior Senator from Arkansas [Mr. KIRBY].

The PRESIDING OFFICER. Sixty-one Senators having answered to their names, there is a quorum present. The question is on the amendment of the Senator from Maryland [Mr. FRANCE].

The amendment was rejected.

Mr. LENROOT. The other day I called attention to the item in the bill appropriating $545,000 for tuition, and called attention to the fact that the item was not confined to the tuition of disabled persons, and it is the only place in the bill where the word "disabled" is not used before the word "persons." The Senator from Georgia indicated his willingness to accept an amendment inserting the word "disabled" at that point, and I offer that amendment. On page 7, line 6, where it reads "for tuition for persons pursuing courses in existing institutions, public or private, $545,000," I move to insert the word "disabled" before the word "persons."

Mr. SMITH of Georgia. I do not object to that amendment. It means that already.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, when the bill was before the Senate a few days ago I called attention to what I thought was unfortunate phraseology both in the title of the bill and throughout the bill where it occurs numerous times, the title of the bill being "a bill to provide for vocational rehabilitation." I observed that I could understand what is physical rehabilitation. A man has a broken arm and is cured; he is physically rehabilitated; if he has pneumonia and gets well, he is again physically rehabilitated, but how he can be vocationally rehabilitated when there is nothing to be compared with, so far as his previous condition is concerned, I could not quite understand.

This morning a note was handed to me at my desk, apparently written by some one of my colleagues. I do not know whom; it is anonymous. It reads as follows:

Usually your grammatical criticisms are well taken, but as to vocational rehabilitation in some instances you are mistaken. I know a man whose vocation was selling clothing. He was seriously disabled in the machinery of the bankruptcy court, but he has been vocationally rehabilitated by the Government by giving him a fat office.

Mr. President, that is a criticism which does not very directly apply to the suggestions I made. I am going to ask to have

read from the desk from the Century Dictionary two paragraphs that I have marked.

The PRESIDING OFFICER. Without objection, the Secretary will read.

The Secretary read as follows:

Rehabilitate: To restore to a former capacity or standing; reinstate; qualify again; restore, as a delinquent, to a former right, rank, or privilege lost or forfeited: a term drawn from the civil and canon law.

Rehabilitation: The act of rehabilitating or reinstating in a former rank, standing, or capacity; restoration to former rights; restoration to or reestablishment in the esteem of others.

Mr. GALLINGER. Mr. President, I do not know that I shall move an amendment changing the word to "training," but I do want to call attention to the fact that throughout the bill both the terms "rehabilitation" and "training" are used. During the first three or four pages the word "rehabilitation," I think, is used in every instance; but when the person who drew the bill got over to page 6 we find "vocational training," "vocational rehabilitation," and then the title of the board is the "Federal Board for Vocational Education." Again, on page 7, the word "training" occurs, and in several other instances throughout the bill.

I suggest to the Senator from Georgia that I think the bill would be in better form if he would agree to have the word "rehabilitation" changed to "training," so that the title will read "to provide for vocational training and return to civil employment of disabled persons," and so forth.

Mr. NELSON. Will the Senator from New Hampshire yield to me?

Mr. GALLINGER. Most certainly.

Mr. NELSON. I think the word "vocational" is used in that connection in the same sense that the words "physical rehabilitation" are used. We speak of physical rehabilitation. That is one kind. This vocational rehabilitation is of an intellectual kind. It is simply an adjective, and I think it is proper the way it is.

Mr. GALLINGER. That is the very suggestion I have made, that we can physically rehabilitate a man; but how we could rehabilitate him by teaching him arithmetic that he did not formerly understand, I confess, is beyond my comprehension. However, I am only going to make that suggestion to the Senator from Georgia, and if he is satisfied to have the bill as it is I certainly have no objection; but it is certain that if the word "rehabilitation" is to be retained in the bill, even then the bill ought to be examined by the Senator from Georgia with a view to making it uniform, which it is not now.

Mr. President, before taking up one other point I am going to ask the Senator from Georgia who constitute this Federal Board for Vocational Education or Vocational Training?

Mr. SMITH of Georgia. The Secretary of Agriculture; the Secretary of Commerce; the Secretary of Labor; the Commissioner of Education; Mr. Monroe, of Boston; Mr. Greathouse, of Indiana; and Mr. Holder, of Washington.

Mr. GALLINGER. I will ask the Senator further if he will kindly state for my information how much work that board has done along the lines committed to it by the act creating it; whether they have done very much work?

Mr. SMITH of Georgia. They have done a great deal of work. They have supervised and finally approved the plans for vocational work in the States. Not only that, but they have done a great deal of work for the War Department in getting up information with reference to the training of soldiers. They have prepared the outline of work for the War Department in a number of instances under which those being prepared for military service are being trained. They are now conducting studies in Canada, with funds furnished by the Red Cross, to aid in preparation for the vocational rehabilitation of injured soldiers and sailors.

Mr. GALLINGER. That is most excellent work. I was wondering whether the States to any considerable extent had entered into cooperation with the board in the work.

Mr. SMITH of Georgia. I think practically every State has done so. I have not heard of a State that has not created its own board, accepted the grant, and engaged in vocational work under the provisions of our act for national aid to vocational instruction.

Mr. GALLINGER. I have just been glancing at the statute, with which I was familiar when it was passed. Very liberal appropriations are provided, and I can see that the board has a great trust imposed upon it and a great duty to perform if the statute is carried out as it was contemplated it should be. I am glad to hear from the Senator from Georgia that the board is busily engaged in the work that was committed to it.

Mr. SMITH of Georgia. The three salaried men have been here all the time working constantly, and the member from Massachusetts even used his own money to pay rent before an appropriation was made. It is a work of love and patriotism and benevolence.

Mr. GALLINGER. I ask the Senator who are the three salaried men, if he will kindly state?

Mr. SMITH of Georgia. Mr. Monroe, Mr. Greathouse, and Mr. Holder. The salaries are only $5,000 each.

Mr. GALLINGER. That is a very modest salary as compared with what we have been voting of late.

Mr. President, I need not for my own protection say that I am in favor of the Government dealing with magnificent generosity with the men who are fighting our battles on the bloody fields of France to-day. I want the Government to do everything it possibly can do to alleviate their sufferings and make their life more tolerant. The passage of the war-risk insurance act was a magnificent tribute of our people to the fact that we want to do everything we can for our soldiers. Sometimes I can not help harking back to the Civil War, where our soldiers, for $13 a month and the poor promise of a pension of a small amount, fought the battles of the Union, accepting $13 a month during the period of the war, when gold was at $2.80, making their $13 worth about $5 a month, as I remember it. I am glad that in this great war we have done justice to our soldiers. Early in the discussion of war matters I insisted that they should be given at least $30 a month, which I thought was a very small compensation. They have been given that and their families have been provided for in a reasonably generous way.

Now, the duty rests upon us as a nation to care for the wounded and the sick, and no man can go further than I in agreeing to that proposition; but I am clearly of opinion that we are making a mistake in taking this out of the hands of the War Department and the Surgeon General's office. It is going to be a very difficult matter, in my judgment, to administer this law with a divided responsibility.

I was pleased to have the Senator from Georgia and the Senate agree to an amendment that I offered allowing the medical officers to have control of the soldiers until they had reached a period of convalescence and where the medical officers would certify they then could be passed over to this board in the matter of educational exercises or treatment. That was something that I thought was extremely important, because I could not for the life of me, having had some knowledge of medicine and having had a good deal of experience in hospitals, understand how an outside board or an individual could invade the hospital and claim any authority over the soldier when he was being treated either medically or surgically. That amendment has greatly improved the bill from my viewpoint, and I am going to venture the hope that if that particular provision goes to conference, as it may, the conferees on the part of the Senate will insist upon its retention.

Mr. President, I know this bill is going to pass—at least, I assume it is—and I can only express the hope that it may be found to be a workable law, which I questioned a few days ago, and which still remains a matter of doubt in my mind. I fear its administration between the Medical Department of the Army and this outside board will result in conflict and in differing views that will make it a very difficult matter to carry on successfully. But that is only my opinion. Others differ from me in that. The Senator from Georgia feels that there is no danger of friction whatever. The Senator from Georgia I have found always to be a man who takes rather optimistic views of things that he believes in, and I can only hope that the Senator from Georgia is nearer right in his views on this point than I am.

I have thought, Mr. President, in view of the fact that this has been taken out of the hands of the War Department and the medical officers of the War and Navy Departments that I should vote against the bill, but I have reconsidered that feeling in the last half hour, and I am going now to announce that while I do not think my vote would be a determining factor one way or the other, as this measure seems to be the best we can get under existing conditions, I shall vote for the bill when it is upon its final passage.

Mr. RANSDELL. Mr. President, I desire to submit an amendment. I will say that I submitted this amendment to the Senator from Georgia, in charge of the bill, and he does not object to it.

Mr. SMITH of Georgia. I have also submitted it to those members of the committee on the floor, and we all feel that there is no objection to the amendment. As far as I am concerned, I accept it.

Mr. GALLINGER. Let it be read.

Mr. RANSDELL. I ask that it be read.

The SECRETARY. Amend section 6 by inserting after the word "training," in line 24, page 5, the last word in the line:

A plan shall also be established between the War and Navy Departments and the board whereby these departments shall act in an advisory capacity with the board in the care of the health of the soldier after his discharge.

Mr. RANSDELL. I do not care to discuss the amendment unless some question is asked. The amendment does not need any explanation. I will say that I prepared it in conjunction with Col. Billings, of the Army, who thinks it quite important that the Medical Department should have some right to advise in regard to the physical condition of the soldiers even after they have been discharged. Something might arise that would render their advice necessary, and they are to act merely in an advisory capacity. They will not have the right to interfere, but they can advise with the vocational board.

You will note that before the soldiers are discharged the vocational board has a right to advise with the Medical Corps of the Army and the Navy. This gives the Medical Corps of the Army and the Navy a right to advise after the soldier has been discharged.

Mr. TOWNSEND. Suppose they can not make any arrangement? Suppose there can be no agreement reached between the Army and Navy and the board, then does the work fall?

Mr. RANSDELL. I will state to the Senator that we are following the exact wording which the committee prepared very carefully. You will note in line 20, page 5, of the bill, it says that "a plan shall be established between these agencies." The bill was very carefully prepared by the committee and those identical words were written in, and in preparing my amendment I followed the same wording. It reads:

A plan shall also be established between the War and Navy Departments—

And so forth.

Mr. WADSWORTH. Will the Senator complete the sentence, please?

Mr. RANSDELL (reading)—

A plan shall also be established between the War and Navy Departments and the board whereby these departments will act in an advisory capacity with the board in the care of the health of the soldier after his discharge.

Mr. SMITH of Georgia. I think the effect of the amendment is simply this——

Mr. RANSDELL. It is suggested to me that I omitted the word "sailor." I hope there will be no objection to adding, after the word "soldier," the words "or sailor." I now yield to the Senator from Georgia.

Mr. SMITH of Georgia. My view is that while the soldier or sailor is under the control of the Army or Navy the Educational Board can advise with the control there and help about the industrial work. After he is discharged from the Army and his training is under the direction of the Federal board, they can then have the benefit of the advice of the Surgeon General's department. It really authorizes the Surgeon General's department after the discharge both in the Army and in the Navy to aid the Federal board by counsel and advice with reference to the physical condition of the patient. I think it helps to merge the work and is really important.

Mr. RANSDELL. I should like to add that this amendment was prepared by Col. Billings and myself and that it meets the hearty approval of Col. Billings, and he told me he was authorized to speak for the Surgeon General. They both approved it and thought it would be quite helpful.

Mr. WADSWORTH. Mr. President, I recognize the very good intention of this amendment. Of course, it is an effort, an eleventh-hour effort, to try to bring about coordination. It really is a recognition of the fact that we can not distinguish or draw a line between the medical and surgical treatment on one side and the vocational treatment on the other. It is a recognition of that fact. That is the very thing that I have been contending for all through this debate and have been wearying the Senate with the contention, I fear.

It is rather an unusual piece of legislation, let me say, Mr. President, to find a mandatory provision in a bill providing that a medical officer shall have supervisory or advisory functions over civilians, which this amendment does. The amendment states that the War Department or the Surgeon General's department shall cooperate with and advise as to the physical health of persons after they are discharged from the military service. It certainly is injecting the military service into a field which does not belong to it.

Now, it may work. I submit that it is a pretty crude suggestion, and it is evident that some persons at least are nervous about the administrative features of the bill.

I have said all along, Mr. President, that this whole business should be under one head from the day the man goes into the hospital until he has completed his vocational training, and I submit that the offering of this amendment and its acceptance by the chairman of the committee, in some small degree at least, admits the correctness of my contention, for here it is now acknowledged that the medical and surgical treatment in all probability must continue on into the vocational education.

I admire the spirit back of this amendment. I understand, I think, what Col. Billings wants to accomplish or wants, rather, to safeguard. This is an effort to safeguard these men against the abuses and shortcomings which will, in my judgment, inevitably arise under the bill, which upon its face tries to draw the line between the physical treatment and the vocational treatment. It is a desperate effort to bridge that chasm and connect the two together by a double system of advisory functions.

I would be better pleased with it if the word "shall" could be taken out and the word "may" put in.

Mr. RANSDELL. I much prefer to have it the way it is. I could not consent to that, I will say to the Senator.

Mr. WADSWORTH. I think the word "shall" in the bill as it now stands should not be there.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Tennessee?

Mr. RANSDELL. I yield to the Senator from Tennessee.

Mr. SHIELDS. I should like to ask the Senator from Louisiana, as suggested to me by the remarks of the Senator from New York, What does the Senator understand this amendment to mean? In discussing it he said it gives the right of the Surgeon General and his force to follow up and control these men. In the language of the Senator from New York, it is an anomolous statute that gives to an Army officer the command of a man in civil life or the control of him. I do not understand this right of the Surgeon General over men in civil life, or the right to treat them whether or not they want to be treated by him. If it was amended so as to read something like this, "That this board, whenever they deem it necessary, may call upon the Surgeon General's office for the treatment of these men," then I think it would be a reasonable and a beneficial provision. Put it under the control of the board. Let them call them in when they need them, and let them stay out unless they do call them in, because when a man is once discharged from the Army no military officer ought to have a word to say in controlling his conduct either in health or in sickness. This is a meritorious bill and those charged with the execution of it should not be hampered with officious interference.

Mr. RANSDELL. In response to the Senator I will say that this does not give the military a right to control at all after the men are discharged.

Mr. SHIELDS. The Senator used the word "right"——

Mr. RANSDELL. I let the Senator have his say. Now let me have my say; one at a time, please.

The amendment reads that they shall act in an advisory capacity, and the previous provision of the bill says that the vocational board shall act in an advisory capacity prior to the discharge of the men.

Mr. SHIELDS. Mr. President——

Mr. RANSDELL. Pardon me. I will yield to the Senator in a moment, but I shall not yield until I have made my statement.

Mr. SHIELDS. I do not blame the Senator for not yielding, in view of his position.

Mr. RANSDELL. It is distinctly stated in the bill that the Medical Corps of the Army and Navy shall have absolute control of the men until they are discharged; but the Senator from Georgia, in charge of the bill, has repeated time and time again that he does not intend the Vocational Board to interfere with the Medical Board except in an advisory way until after the men have been discharged. They will advise, but they will not interfere; they will not control. The whole control will be in the Army until the men have been discharged. After they have been discharged, under the terms of this bill, if it be enacted, the vocational board will be in control of the men. I think I understand that correctly—that the vocational board will control.

Mr. SMITH of Georgia. They are in control to the extent of furnishing the men the opportunity.

Mr. RANSDELL. I understand that.

Mr. SMITH of Georgia. No one has the right to control them against their will.

Mr. RANSDELL. And the Medical Corps of the Army and Navy would be expected, and it will be their duty, to advise with the vocational board as to the health of the men. They will have no right to take control from the educational board at all, but they will have the right to advise as to the health of the men; that is all.

Now I yield to the Senator from Tennessee.

Mr. SHIELDS. Mr. President, the Senator's last definition of his amendment is much more satisfactory than the first.

Mr. RANSDELL. I am glad if I please the Senator.

Mr. SHIELDS. First, the Senator said it was intended by this provision to give the Surgeon General's Office the right to advise, to follow up these patients, and he declined the suggestion of the Senator from New York [Mr. WADSWORTH] to strike

out "shall" and insert "may," because he said Col. Billings would not be willing to have it done or he did not have authority for it.

Mr. RANSDELL. The Senator is mistaken. I said nothing of the kind. I do not follow blindly Col. Billings or anybody else. I said that we had used the word "shall" previously in the bill, and I was going to follow the same term in this amendment which we had followed before.

Mr. SHIELDS. If the Senator does not want to confer the absolute right, as he first indicated—using the word "right" repeatedly—on the Surgeon General to do these things, why not agree to the suggestion of the Senator from New York and use the word "may"—"may when called upon by the board"?

Mr. RANSDELL. The matter would be entirely satisfactory to me in the shape it is, but I am following the form which was worked out here very carefully by the Committee on Education and Labor. I repeat that, having adopted that form in regard to the advisory power of the Vocational Board, it seems to me well to follow the form as to the work after the men are discharged.

Mr. WADSWORTH. May I ask the Senator if he will permit an interruption?

Mr. RANSDELL. Yes, sir; and I am always delighted to yield.

Mr. WADSWORTH. Would the Senator look with favor upon an amendment striking out the word "shall," in line 20, on page 5, and substituting the word "may," and then to make his amendment read "may" instead of "shall"?

Mr. RANSDELL. I believe that would really be better legislation, and if the committee agree to accept that I shall agree to accept the word "may" in the amendment; but if the word "shall" is used in one instance, it seems to me, to be consistent and logical, we must use it in both instances. I am not in control of the bill, but if the Senator in control of the bill is willing to adopt the word "may," in line 20, I shall make no objection to its adoption in my amendment.

Mr. SMITH of Georgia. Mr. President, my own view is that the word "may," as applied to the duties of public officials, means "shall." I do not object to the word "may" being used in each place, but it requires them, as a matter of duty, to carry out the suggestion as far as it is practicable to do so.

Mr. McKELLAR. I hope the committee will agree to the change.

Mr. SMITH of Georgia. I am willing to accept the word "may" in this instance. I do not think it makes any difference.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Louisiana.

Mr. RANSDELL. I will say to the chairman of the committee that I am entirely willing to accept the word "may" in my amendment, with the understanding that it is accepted in the other instance, as stated by the chairman of the committee.

The PRESIDING OFFICER. The Secretary will make that change in the amendment of the Senator from Louisiana. The change in the bill, of course, the Senator from Louisiana has no power to make.

Mr. SMITH of Georgia. If the Chair will submit the question, I think, by unanimous consent, the change will be made.

Mr. RANSDELL. I ask unanimous consent for the change which the chairman suggests in line 20, so that it may be acted upon before I am requested to accept the amendment to my amendment.

The PRESIDING OFFICER. Without objection, that change will be made.

Mr. SMITH of Georgia. Mr. President, I shall call for the yeas and nays upon the passage of the bill.

Mr. RANSDELL. Before that is done, I should like to submit another amendment.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Washington?

Mr. RANSDELL. I do.

Mr. JONES of Washington. I merely wanted to ask if the amendment which had been proposed by the Senator from Louisiana was submitted to the Senate for a vote?

Mr. RANSDELL. I understood that it had been submitted and been adopted. Did the Chair submit it to the Senate?

Mr. McKELLAR. I do not think so. I do not think the amendment was submitted to the Senate.

The PRESIDING OFFICER. The Chair thinks the Senator from Washington is correct. Without objection, the amendment of the Senator from Louisiana——

Mr. JONES of Washington. I ask the Chair not to put the question in that way. We want a vote on the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Louisiana [Mr. RANSDELL].

Mr. RANSDELL. I should like to know on what the Chair was putting the question. Was it the proposition to change the word "shall" to "may"?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana as modified.

Mr. RANSDELL. I ask for a division.

The question being put, on a division Mr. RANSDELL's amendment was agreed to.

Mr. RANSDELL. I submit another amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Louisiana will be stated.

The SECRETARY. In section 2, page 2, line 8, after the word "board," it is proposed to insert the words "after his discharge."

Mr. RANSDELL. I wish to say in regard to that amendment—and I do not want to debate it at all—that I am offering it simply to clear up what seems to me a little confusion. If the chairman of the committee will state that this is meant to be after the man's discharge, following the use of the word "board," and if that is what the committee intends, I shall not urge my amendment.

Mr. SMITH of Georgia. That is what the language means. The entire responsibility of the Federal Vocational Board with authority to control is limited by the words "after discharge," in the second line of the section; and there is no necessity to repeat them further on because they go through the section.

Mr. RANSDELL. Then I understand the Senator would have no objection to the insertion of those words except that it would be tautology and entirely unnecessary?

Mr. SMITH of Georgia. I do not say that at all. I object to the amendment because I think it unnecessary. I think the section is complete; but if the Senator wants a vote upon his amendment, I will give him one. I do not think, however, he ought to press it further.

Mr. RANSDELL. I do not want a vote on the amendment if that is what the committee intends the language to mean.

Mr. SMITH of Georgia. I speak for myself as to my view of the construction of the language.

Mr. RANSDELL. Now, may I ask the Senator one other question with regard to the words following the word "section," in line 12? I have another amendment which I was going to offer. I desire to insert the words "after their discharge," following the word "section," in line 12, on page 2. Does the Senator understand that the section as it stands means after their discharge? Would that be so understood?

Mr. SMITH of Georgia. Mr. President, the Senator from Georgia has already stated that the only authority given for control in this bill is after their discharge; but that principle follows though the entire bill, and it is expressly declared further on that the Navy and the Army shall control until after the soldier is discharged. That is my view of the bill from first to last.

Mr. RANSDELL. So that the Senator thinks——

Mr. SMITH of Georgia. I have stated that that was my construction of the bill until I think I have tired the Senate with hearing it.

Mr. RANSDELL. May I merely ask the Senator from Georgia if he thinks it is entirely unnecessary to insert those words—that that is understood anyway?

Mr. SMITH of Georgia. I do, and I told the Senator so in private when he asked me.

Mr. RANSDELL. I simply desire the Senator to say in public what he has stated to me privately.

Mr. SMITH of Georgia. I have so stated.

Mr. RANSDELL. That satisfies me, and I will not ask for a vote on the amendment. I withdraw the amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading and read the third time.

Mr. GALLINGER. Mr. President, I was called away for a few moments, and I wish to inquire whether the amendment submitted by the Senator from Louisiana was agreed to?

The PRESIDING OFFICER. It was agreed to with a slight modification by striking out the word "shall" and inserting the word "may."

Mr. GALLINGER. When a short time ago I made some observations on the bill and suggested that at one time I thought I would not support it in view of the fact that it was not left in the hands of the medical authorities of the War and Navy Departments, I had supposed that at that time that amendment had been agreed to; but I was mistaken as to that. I had seen it and thought it had been agreed to at the last session of the Senate. I simply wish to say that I feel that amendment very

greatly improves the bill and removes many of the objections that some of us have felt so far as the bill itself is concerned.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. SMITH of Georgia. On the passage of the bill I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK], which I transfer to the junior Senator from New Jersey [Mr. BAIRD] and vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from Maryland [Mr. SMITH]. I do not know how he would vote upon this measure if he were present, and therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS], but I am informed that if he were present he would vote on this bill as I intend to vote. Therefore I feel at liberty to vote, and vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG], but I am advised that if present he would vote as I intend to vote. Therefore I feel at liberty to vote, and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. BECKHAM]. In his absence I transfer that pair to the junior Senator from Oregon [Mr. McNARY] and vote "yea."

Mr. THOMPSON (when his name was called). I have a pair with the Senator from Illinois [Mr. SHERMAN]. In his absence I transfer that pair to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from North Carolina [Mr. OVERMAN], whom I do not see in the Chamber, and therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. WOLCOTT]. I transfer that pair to the Senator from Maine [Mr. HALE] and vote "yea."

Mr. CURTIS (when the name of Mr. WEEKS was called). I am requested to announce that the junior Senator from Massachusetts [Mr. WEEKS] is paired with the senior Senator from Kentucky [Mr. JAMES], and that, if present, the Senator from Massachusetts would vote "yea."

The roll call was concluded.

Mr. LEWIS. I wish to announce the absence of the Senator from Mississippi [Mr. WILLIAMS], occasioned by illness. He is paired with the Senator from Pennsylvania [Mr. PENROSE].

I also desire to announce that the Senator from Oregon [Mr. CHAMBERLAIN], who is absent on official business, is paired with the Senator from Pennsylvania [Mr. KNOX].

Mr. GERRY. I have a general pair with the junior Senator from New York [Mr. CALDER]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. KIRBY. I desire to announce the necessary absence of my colleague [Mr. ROBINSON] on public business.

Mr. DILLINGHAM. I transfer my pair with the Senator from Maryland [Mr. SMITH] to the Senator from Minnesota [Mr. KELLOGG] and vote "yea."

Mr. SMITH of South Carolina (after having voted in the affirmative). I have a general pair with the Senator from South Dakota [Mr. STERLING], in whose absence I inadvertently voted. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and will let my vote stand.

Mr. MYERS. My colleague [Mr. WALSH] is necessarily absent. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. If present and at liberty to vote, my colleague would vote "yea."

Mr. SUTHERLAND (after having voted in the affirmative). I transferred my pair to the junior Senator from Oregon [Mr. McNARY]. He has since come into the Chamber and voted, and I therefore withdraw my vote.

The result was announced—yeas 61, nays 0, as follows:

YEAS—61.

Ashurst	Fall	Gronna	Jones, N. Mex.
Bankhead	Fernald	Guion	Jones, Wash.
Borah	Fletcher	Harding	Kendrick
Brandegee	France	Henderson	Kenyon
Curtis	Gallinger	Johnson, Cal.	King
Dillingham	Gerry	Johnson, S. Dak.	Kirby
Lenroot	New	Shields	Townsend
Lewis	Norris	Simmons	Trammell
Lodge	Nugent	Smith, Ariz.	Underwood
McCumber	Page	Smith, Ga.	Vardaman
McKellar	Phelan	Smith, Mich.	Wadsworth
McLean	Poindexter	Smith, S. C.	Watson
McNary	Pomerene	Smoot	Willey
Martin	Ransdell	Swanson	
Myers	Shafroth	Thompson	
Nelson	Sheppard	Tillman	

NOT VOTING—35.

Baird	Gore	Overman	Sterling
Beckham	Hale	Owen	Sutherland
Calder	Hardwick	Penrose	Thomas
Chamberlain	Hitchcock	Pittman	Walsh
Colt	Hollis	Reed	Warren
Culberson	James	Robinson	Weeks
Cummins	Kellogg	Saulsbury	Williams
Frelinghuysen	Knox	Sherman	Wolcott
Goff	La Follette	Smith, Md.	

So the bill was passed.

EXECUTIVE SESSION.

The PRESIDING OFFICER. What is the further pleasure of the Senate?

Mr. CURTIS. I move that the Senate adjourn.

Mr. MARTIN. I ask the Senator from Kansas if he will not withdraw that motion, as several Senators have indicated a desire to have an executive session?

Mr. CURTIS. Very well; I withdraw the motion.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock p. m.) the Senate adjourned until Monday, May 27, 1918, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 25, 1918.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Pay Clerk James M. Easter to be an assistant paymaster with rank of ensign.

Corpl. William McC. Miller to be an acting chaplain with the rank of lieutenant (junior grade).

The following-named lieutenants (junior grade) to be lieutenants:

Alfred T. Clay,
Robert C. Lee,
Leslie L. Jordan,
Lawrence F. Reifsnider,
Bolivar V. Meade,
George L. Weyler,
John F. Donelson,
Oliver L. Wolfard,
Thomas S. McCloy,
Lucien B. Green, 2d,
James H. Taylor, and
Frederick L. Riefkohl.

Boatswain John Evans to be a chief boatswain.

The following-named gunners to be chief gunners:

William Eberlin,
Thomas J. Bristol, and
William Taylor.

Pay Clerk Herbert H. Lowry to be a chief pay clerk.

Pay Clerk Lester A. Dyekrman to be a chief pay clerk.

Lieut. Thomas E. Van Metre to be a lieutenant commander.

Ensign John Evans to be a lieutenant (junior grade).

Chief Boatswain John Evans to be an ensign.

Carpenter Frank A. Saar to be an ensign.

Acting Pay Clerk Wiley B. Jones to be an ensign.

The following-named temporary warrant officers to be ensigns:

Charles H. Phillips,
Claude Farmer,
Abraham M. Rosenberg,
Harry B. Luessen,
Eldridge L. Lineberry,
Harry A. Wentworth,
William F. Verleger,
Walter E. Hewitt,
Robert L. Bryan,
Gottlieb Grosch, and
Walter M. McCarthy.

The following-named enlisted men to be ensigns:

Ralph J. Pyatt,
Alfred E. Green,
Rodney B. Starr,

William Wakefield,
Thomas H. Escott,
Timothy Brown,
John C. Bauman, jr., and
Harley E. Barrows.

Ensign Francis S. Page, United States Naval Reserve Force, to be an ensign.

The following-named citizens to be acting chaplains with the rank of lieutenant (junior grade):

Earl W. Foster, a citizen of Kentucky, and
Alfred de G. Vogler, a citizen of New York.

POSTMASTERS.

INDIANA.

George F. Ritter, Cayuga.

MAINE.

Fayette S. Brown, North Vassalboro.

INDIANA.

Lawrence J. Etnire, Williamsport.

MARYLAND.

Sophie E. Posey, Indianhead.

NEBRASKA.

Charles H. Oldham, Butte.
James R. Ryan, Humphrey.
Stella V. Caulfield, Newcastle.
Etta M. Guthrie, Silver Creek.
Jennie Frazell, Wauneta.

NEVADA.

Albert B. Karns, Carson City.

WISCONSIN.

James J. McEntee, De Forest.

SOUTH CAROLINA.

Power W. Bethea, Conway.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 25, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God, for all the great and good men of all the world who have contributed to the sum of human happiness; for all that we have done here and elsewhere as a people for the uplift and betterment of mankind.

We look back with gratitude to Thee and we trust with pardonable pride to the deeds wrought by our fathers in the establishment of a government of the people, and which, through all the vicissitudes of the past, their sons have maintained and upheld in reaching out a helping hand to the oppressed and downtrodden of all the world.

We are facing a world-wide crisis which threatens the overthrow of all the achievements of the past and present which freemen have sought to establish and uphold.

Let Thy blessing follow us and our allies in the stupendous struggle and give us at last a victory which shall establish peace for all the world and liberty for all mankind; and glory and honor and praise shall be Thine forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PRIVILEGE.

Mr. WALSH. Mr. Speaker, I rise to make a few observations on a matter which I think borders on a question of privilege.

Mr. KITCHIN. Will the gentleman withhold a moment?

Mr. WALSH. Yes.

ELECTION TO A COMMITTEE VACANCY.

Mr. KITCHIN. Mr. Speaker, I move the election of Mr. STEPHENS of Mississippi to fill a vacancy on the Committee on the Census among its Democratic membership.

The SPEAKER. The nomination of the gentleman from Mississippi [Mr. STEPHENS] for a place on the Census Committee has been made. Are there any other nominations? If not, those in favor of the election of Mr. STEPHENS of Mississippi will say "aye," those opposed "no."

The question was taken, and Mr. STEPHENS of Mississippi was elected.

QUESTION OF PRIVILEGE.

The SPEAKER. Now what is it the gentleman from Massachusetts desired to call attention to?

Mr. WALSH. Mr. Speaker, in the daily Record of May 22 there appears on page 7490, under permission granted to the gentleman from New York, Mr. CALDWELL, an "extension of remarks." These remarks were evidently intended to convey information to the country as to the establishment of a mutual admiration society of which the gentleman from New York and the Secretary of War are the charter members. I have made diligent inquiry among Members of the House on both sides and was present on May 22 quite constantly, and I have been unable to ascertain that these remarks were delivered on the floor of the House. And yet, strange though it may seem, expressed throughout those remarks, at the end of several eloquent periods, in brackets appears the word "Applause." I had thought that a certain other distinguished gentleman, a Member of this body, had a sort of copyright upon that infraction of the rules in inserting applause in his remarks when he delivered them. I believe that this extension of remarks appearing in the RECORD containing the word "Applause" in remarks which were not delivered on the floor of the House ought to be corrected, and I believe that the incident requires some explanation.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. WALSH. In addition to that, I think that the extension of remarks under the leave granted is open to criticism in another direction. I will yield to the gentleman for a question.

Mr. MONDELL. The gentleman thinks this is an infringement on the copyright or monopoly of another gentleman he has mentioned?

Mr. WALSH. Yes; although I have not mentioned the gentleman.

The SPEAKER. Does the gentleman make a motion on the subject or not?

Mr. WALSH. Yes; I intend to. I think that the remarks should be corrected by expunging the words indicating the happening of something on the floor of the House which did not occur.

But I notice that the gentleman from New York is not present this morning, and perhaps it will be only fair and just to him that the matter be brought to his attention in this way, and I will defer making the motion until I ascertain that he is present. But I think it is only fair to the Members of the House, as affecting its dignity and the strict observation of its rules, that this matter should be brought to their attention.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 9715. An act extending the time for the construction of a bridge across the Bayou Bartholomew, in Ashley County, Wilmot Township, State of Arkansas;

H. R. 4910. An act to authorize the establishment of a town site on the Fort Hall Indian Reservation, Idaho; and

H. R. 5489. An act to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co.

RENT PROFITEERING IN THE DISTRICT OF COLUMBIA—CONFERENCE REPORT (NO. 600).

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the conference report on Senate joint resolution 152, to prevent rent profiteering in the District of Columbia.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 28, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment, as follows: In lieu of the language proposed by the House insert the following: "a treaty of peace shall have been definitely concluded between the United States and the Imperial German Government, unless in the

meantime otherwise provided by Congress," and in line 3 of the engrossed bill, after the word "until," strike out "the"; and the House agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: On page 1, line 6, of the engrossed bill, after "agreement," strike out the strike out "or written" and insert "of"; and the House agree to the same.

Amendment numbered 27: That the Senate recede from its disagreement to the amendment of the House numbered 27, and agree to the same with an amendment as follows: On page 2, line 16, of the engrossed bill, after the word "agreement," strike out "or written" and insert "of"; and the House agree to the same.

BEN JOHNSON,
ROBERT CROSSER,
WM. J. CARY,
Managers on the part of the House.
WILLARD SAULSBURY,
ATLEE POMERENE,
LAWRENCE Y. SHERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia submit the following written statement explaining the effect of the action agreed on:

The Senate recedes from its disagreement to the amendments of the House numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 28.

Amendment numbered 1: The Senate recedes with an amendment. The effect of this change in the amendment of the House is to make this legislation effective until a treaty of peace shall have been concluded between the United States of America and the Imperial German Government unless, in the meantime, otherwise provided by Congress, instead of until one year after such treaty of peace shall have been concluded as provided in the House amendment.

Amendments numbered 4 and 27: The Senate recedes with amendments. These amendments simply strike out after the word "agreement" the two words "or written" and insert the word "of."

BEN JOHNSON,
ROBERT CROSSER,
WM. J. CARY,
Managers on the part of the House.

Mr. JOHNSON of Kentucky. Mr. Speaker, unless some gentleman desire that I yield, I will move the previous question.

Mr. GILLETT. Will the gentleman yield to me five minutes?

Mr. JOHNSON of Kentucky. Yes; I yield five minutes.

Mr. GILLETT. Mr. Speaker, we all recognize, of course, as I certainly did when this resolution came up, the purpose of it, that it was intended to remedy a most distressing and unfortunate condition, and I at the time assumed that it was the best that could be done. Since then certain facts have been brought to my attention which I think it is no more than fair should be suggested to the House. Very likely other Members have heard of the same.

This resolution practically provides that all rents and tenancies now in existence shall continue during the war. I was told recently, since this resolution was passed, of a case—and I presume it is not an isolated one—where a gentleman bought a piece of business property about three years ago which was under a 20-year lease, of which 17 years had run out, leaving, of course, only three years remaining of this long lease. He bought the property with an appreciation of the fact that there were only three years more of the lease to run. The property happened to be located right in the center of the business community, and of course its value had tremendously increased during those 17 years, and of course the original rent was entirely inadequate to the present situation. That gentleman supposed that at the termination of the three years he could charge a rental proportionate to the value of the property. It chances that that 20-year lease is just running out. Under the terms of this resolution the owner of that property could only get the rent which was proper 20 years ago, which would be an insignificant and unfair return on the price which he paid.

Another phase of the situation has also been brought to my attention—and this is natural in the case of every large city, but it is peculiarly true of Washington, considering the abnormal condition of its business property in the last year. There are many people leasing properties under temporary leases month after month far below what is a fair return on their value, and which are only renting temporarily because of unusual conditions, but under this resolution they would continue during the war at that unreasonable rate.

The gentleman from Kentucky will remember that I suggested these inequalities, and he recognized them, and I suggested an amendment to the House amendment, which was not subject to a point of order, providing that the resolution should not apply to business property which was rented at less than 10 per cent gross on its assessed valuation. I did not care what the percentage was, so long as it was a fair income which a man should receive. I am inclined to think the gentleman from Kentucky [Mr. JOHNSON] agreed with me, and he stated yesterday that he suggested it to the conferees, but that the Senate conferees were unwilling to adopt it. Such an amendment can not be considered in the House now. Even voting down the conference report would not do any good, because we can not amend our own amendments, but I wish to call attention to it.

I can not express my opinion of the action of the Senate conferees in objecting to what seems to me such an exceedingly reasonable and fair and moderate proposition, because it would not be parliamentary for me to state the opinion that I have of their judgment in the matter; but it does seem to me that, although this resolution doubtless originated in a good purpose, yet it is extremely unfortunate that men should be so blinded by the object they have in view that they can not see that this action may create other injustice, not equal, perhaps, to that which it will remedy, but which at the same time might also have been avoided. I think it was very unfortunate that the Senate conferees were unwilling to consider such a suggestion and adopt something along the line of my suggestion.

Mr. JOHNSON of Kentucky. Mr. Speaker, I wish to say that the disposition of the Senate conferees not to take up the matter of which the gentleman from Massachusetts has just spoken was not because of a lack of sympathy with it, but, if I understand them correctly, they were of the opinion that this resolution, in order to meet hundreds and perhaps thousands of cases which need to be met, should become a law before the 1st of June, and that if time were spent between the House and Senate in buffeting amendments back and forth it would not be passed in time to reach the cases of which I have just spoken. I do not know but what they are right about it. I suggested an amendment, not to deal with rates but with time, which might have met the situation about which the gentleman from Massachusetts has spoken, but there was a disposition not to give any further delay by considering amendments. The amendment of which I spoke dealt wholly with time, and I thought it would not bring about further delay; but, out of apprehension that it would create delay, the Senate conferees were desirous to proceed with the enactment of the resolution in its present form.

Mr. LONDON. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I yield to the gentleman from New York.

Mr. LONDON. With the adoption of this resolution all leases which provide for extortionate rent are practically recognized?

Mr. JOHNSON of Kentucky. Recognized for the life of this resolution; yes. In my opinion, however, where we find one extortion recognized there are hundreds and hundreds of leases in which there is not so much extortion, which will be protected and continued.

I yield five minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker, the gentleman from Massachusetts [Mr. GILLETT] has pointed out one hardship that is worked by this measure. While that is true, and while it demonstrates that this legislation is not adequate to meet this emergency, upon the other hand, this bill absolutely authorizes and will continue to authorize profiteering in the city of Washington. There is nothing in this bill that will prevent those who have leases from subletting rooms within the premises that they have leased at any kind of a price that they may wish to dictate. That is the trouble about this measure. It is a pure makeshift, and to my mind is going to be the means of preventing any further legislation upon this subject. Testimony has been offered before the Committee on Appropriations which discloses the fact that within the next six or eight months there will be at least 27,000 additional clerks coming into the city of Washington to take up this war work, 75 per cent of whom it is estimated will be women. There is nothing in this measure

that will protect a single one of these women against this profiteering scheme.

I have appealed to the District Commissioners hoping that possibly some relief might be had through them. They are anxious that some relief be had, but it seems that they have no power by which they may give it. I suggested that it might be well to shut off the appropriations for the city of Washington until such time as the people of the city of Washington will themselves take this thing in hand and the public press expose the outrages that are being daily committed here. I find that it is not only the owners of real estate who are resorting to this profiteering business, but now, to give it a tone of respectability, the banks of this town are likewise engaging in it. They have served notice on these clerks that they will charge them 50 cents a month for taking care of their accounts, unless they agree to keep $100 in the bank continuously. I am glad to say, however, that there are a few banks that spurn this proposition and resent the idea that they are 50-cent banks. Yet there are national banks, with charters from the United States Government to conduct a banking business in the city of Washington, that are refusing to accept accounts until they are paid 50 cents for the acceptance, and under an agreement that the depositors are to pay 50 cents per month as long as they keep their accounts there unless they continuously have $100 on deposit; and these depositors do not receive any interest upon their deposits. This is the condition that we are confronting in the city of Washington, and it should appeal to every man in this House and to every man in the other body that something should be done to relieve this situation. It is not exceptional. It seems to be the general rule.

Mr. MADDEN. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MADDEN. Why do not they put their money in the postal savings bank?

Mr. WOOD of Indiana. They have to put their money some place where they can get at it occasionally.

Mr. MADDEN. Does not this practice prevail in all the banks all over the United States?

Mr. WOOD of Indiana. It does not.

Mr. MADDEN. It does.

Mr. WOOD of Indiana. It may prevail in Chicago, but it does not prevail in any city that I know of in the State of Indiana, and it did not prevail in the city of Washington before this war began.

Mr. MADDEN. All the banks in the United States pay interest on all deposits of over $1,000, or nearly all of them.

Mr. WOOD of Indiana. That may be true when the deposit amounts to $1,000.

Mr. MADDEN. And when they run down below the point where they can afford to keep the account, they charge the depositor something in order to recoup them for the interest they pay on the larger accounts.

Mr. WOOD of Indiana. And that is the sacrifice the great banking system of this country is making for the war in the city of Washington. I want to say that before this war began these banks were soliciting every clerk who came to this city and soliciting every Congressman who came to this city for the purpose of getting their accounts, and there was no question raised about paying 50 cents a month. They were also bidding and promising that they would give interest on balances.

Mr. MADDEN. Under the law recently passed, perhaps the banks will give this money to the Red Cross.

Mr. WOOD of Indiana. They may and may not, and I expect not.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CAMPBELL of Kansas. I want to ask the gentleman a question about rental property. As I understand, that is the matter to be covered by this bill. Injustice no doubt is done, as stated many times on the floor. The wife of an Army officer brings this case to my attention. She rented the property two years ago at so much per month. She has changed tenants in two years, and had a profit of $159, with expenses amounting to some $1,700. She will be unable to rent that property for more than 10 per cent above what she has been getting in the last two years. She is not a profiteer. It may be that the person who owns the lease on her property is renting rooms for large sums and might be called a profiteer, but the property owner is not getting enough to pay the interest and taxes above the expenses on the property.

Mr. WOOD of Indiana. That shows the impossibility of this bill doing justice.

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Speaker, I yield to the gentleman from Indiana two minutes more; but at the same time I wish to express the hope that there will be no disposition to extend the time beyond what I have, because I intend to move the previous question when my time expires.

Mr. DUPRÉ. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. DUPRÉ. Does the gentleman know of any Congressman that has more than $100 to put in the bank?

Mr. WOOD of Indiana. Not many, under present Washington prices. The very fact stated by the gentleman from Kansas suggests the practice that is prevailing. There are cases where people have leased an apartment consisting of six or seven rooms and have sublet one room for more money than they are paying for the entire apartment. There are examples where a husband and wife have an apartment of five or six rooms rented before the war commenced at $45 a month, and they are now letting those rooms for more than enough to keep them at a fashionable hotel. Therefore, I say, there is a crying necessity, if we are to do for these people that are coming here at the behest of the Government, through invitation extended by the public press in almost every county in the United States, to take some steps to see that they will not be held up by these sharks. Something ought to be done whereby the good people of this city can be roused to a sense of the duty they owe not only to themselves but to the city and Nation, and it occurs to me that the Congress of the United States will be lax in its duty unless some measure is passed that will not only right the wrongs that are being done by the real estate owners but right the wrongs that are done and will continue to be done to the army of young men and women coming in here at the invitation of the Government.

Mr. JOHNSON of Kentucky. I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, this resolution is a miserable attempt to make the world believe that profiteering is about to be curbed in the District of Columbia. The superior right of the people to the land has never been disputed by the most conservative lawyer. The textbooks on real estate lay down the principle that as far as title to the land is concerned that the people collectively, and the State, as the representative of the people, have the absolute and superior title. I understand that a committee of New York women contemplate coming to Washington to see the President to ask him to adopt some measure, or propose some measure, to protect them against exploitation by landlords. Whatever differences of opinion there may be about the right of the State to exercise control of property in the interest of the common weal, there should be no doubt as to the right of the people to exercise supreme authority wherever land is involved, wherever real estate is involved.

This resolution provides that the terms of present leases shall continue. It sanctifies every act of extortion committed by the landlords of this city against tenants. It rewards every effort made by owners, lessees, sublessees, and subsublessees to increase rents. It will to an extent prevent further increases of rent in this city in those cases only where there are leases now, but it provides no relief to the new tenant, and leaves the landlord here in full enjoyment of the extortionate rents exacted by now existing leases.

War is a mighty radical proposition. When we deal with war the strange thing about it is that the very same legislative body that has taken the most radical step that a nation can take, a step from peace into war, that the very same reject as too radical the necessary reconstruction steps essential to put things on a proper basis.

There is no solution of the evil short of the radical solution, and that is control of rent by the people collectively. There is no other way to save the people from exploitation. The absurdity of unrestricted private greed in the ownership of land is evident here. It is evident in the city of New York with its tenement houses.

Some absentee landlord who does not even live in New York exploits the families of the boys who are giving their lives to the country. What a misfortune, what a calamity, that men refuse to think along new lines. There is no way out except the public control of land. The land belongs to the people collectively. In this supreme crisis of the world the people should assert themselves and should say to the owners of the territory, "Thus far shalt thou go and no farther. We shall not permit you to exploit the people." The mere fact that we have inherited a law respecting private property from old times does not mean that we shall refuse to adapt our laws and institutions to the imperative needs of the day, and the unmistakable command of the hour is that the very same State, the very same Government, which calls upon the citizen to give his life should exercise its public power over private property,

and particularly private property in land, for the public good. The landlords have not created the land. The profiteers have not made it. It is and should be the heritage of all. It should never be permitted to be used by one group as a means of oppression of the rest. As a first step, the Government must fix a limit to rent charges.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. JOHNSON of Kentucky. Mr. Speaker, repeating the thought of the gentleman from New York [Mr. LONDON], who has just spoken, in my judgment this resolution says to perhaps some thousands of profiteers, "Thus far shalt thou go, but no farther." I am fully conscious of the fact that many exceptions to the general rule laid down in this resolution can be found where injury may be worked, but, as I just said, there are at least a hundred instances where good may come out of it for every one where harm may come from it. If the criticism which has just been advanced toward this resolution should be extended to the tax laws of the country, there would be no tax laws anywhere in the United States. A tax law that does not work injustice somewhere has never been invented by man, and never will be. I believe that this resolution is the best that can be gotten out of the situation for the present. Just exactly four months ago to-day I introduced a bill to curb profiteering, but the profiteers and their allies have found a way to postpone it from day to day until they hope that Congress will adjourn and leave the tenants without remedy, leave them open to profiteering without any sort of protection, not only a part of them but all of them.

Mr. LONDON. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. LONDON. Has the gentleman much hope that his bill will be taken up seriously by the Senate?

Mr. JOHNSON of Kentucky. I not only entertain much hope but I feel confident that a majority of the Senate intends to see to it that a proper antiprofiteering law is passed before this Congress has adjourned.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

LEAVE OF ABSENCE.

Mr. DUPRÉ. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. ESTOPINAL, on account of illness.

The SPEAKER. The gentleman from Louisiana asks indefinite leave of absence for his colleague, Gen. ESTOPINAL. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10854, the Naval appropriation bill, disagree to all of the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the Naval appropriation bill, disagree to all of the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, I would like to get a little information. I notice on page 54 there is an amendment providing $9,150,000 for a new nitrate plant. I think the House should have some information in regard to that amendment.

Mr. PADGETT. Mr. Speaker, I want to say to the gentleman that I am not advised of it myself, but in the preliminary conference with the Members who will compose the conference committee we decided to investigate that and be able to give the House facts, if we should report it, or if we should decline to agree to it, the reasons why we declined.

Mr. SNELL. Was there any application made before the House Naval Committee for this appropriation?

Mr. PADGETT. There was not.

Mr. SNELL. And the gentleman has no information in respect to this?

Mr. PADGETT. No; and I understand there were no hearings before the Senate committee that are printed.

Mr. SNELL. I have sent for them, and I could not get them.

Mr. PADGETT. The conferees on the part of the House propose to investigate the matter and be prepared to give the House full information.

Mr. SNELL. Does the gentleman not think that should come back and that there should be a vote upon it in the House—as large a proposition as that?

Mr. PADGETT. I have no objection to it. If it becomes necessary to do it, or if anyone desires it, we will give the House full information on the matter.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to speak for five minutes, under the reservation of objection.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to speak for five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, never before to my knowledge has an appropriation bill been returned to the House with so many amendments of such diverse character as this bill, carrying 170 different amendments. They range from private claims to amendment of the patent laws, to a change in organization in the Dental Corps, increase of line officers, provision for a nitrate plant, just referred to, involving $9,000,000, millions of dollars of appropriations for additional land to naval stations, which, in my opinion, are not necessary; provisions for the Government to go into the promoting business for establishing railroads; provisions for all kind and manner of activities, many of which are foreign to the work of the Navy Department. We have included in this bill a provision reorganizing the Coast Guard Service for the special purpose of providing an increase in salary during the period of the war of the present officers of that service. We have also an amendment, No. 101, providing for improvements of the quay and power house at Newport, involving an expenditure of $800,000, and an amendment following that, No. 120, for the reorganization, as I said, of the Coast Guard Service. Then there is an amendment also providing for the purchase of a large quantity of land at Key West, Fla., for an aviation field. Many of these sections never have received any consideration on the part of the House at all.

We desire, and it is the one sentiment of this House, that every dollar, even though it runs into the billions, that is necessary for the welfare of our Government and naval equipment in our present crisis should be voted, but we should not launch at this time in the purchase of real estate or any activity which is not needed because of the pressing condition of our war finances, and yet in another body Senators annex amendments which involve, in my opinion, wasteful extravagance, amendments which have never been considered in any committee of their body or any committee of this body. It would be of no avail to keep this bill from being sent to conference, because it would have to come back here, and I know that many of the amendments in the Committee of the Whole would be disagreed to, just as the gentleman plans to disagree to in his request now pending, but I think that before this bill should be agreed to in conference we should have separate votes on amendment numbered 93, which relates to the building of a submarine base at Key West, Fla., involving an appropriation of two and a half million; amendment numbered 100, providing for an appropriation of several hundred thousand dollars to build a railroad with Government aid; amendment numbered 101, providing for land at the torpedo station at Newport, R. I.; and amendment numbered 120, providing for increased salaries and reorganization of the Coast Guard Service; so I ask the gentleman, under the reservation of the right to object, whether he will not be willing to bring these respective amendments back to the House before agreement is had on them in conference?

Mr. PADGETT. Mr. Speaker, I will say to the gentleman I am practically as much at a loss about this matter as the gentleman himself. As I said before, it is our purpose to inquire very fully into all of these matters and be able to state to the House full information with reference either as to the merits or the demerits of the propositions. I am not prepared to do so now, because many of them we did not consider; they were not submitted to us, and I understand they have arisen since the House committee considered them, but they involve large expenditures, and it is the purpose of the House conferees before they go into conference to have an investigation upon their own responsibility to ascertain, as far as they can, the merits or demerits of these respective propositions.

Mr. STAFFORD. I submit my original request, whether the gentleman is not willing to have a separate vote upon amendments numbered 90, 100, 101, and 120 before any agreement is had upon them in conference?

Mr. WALSH. Before the gentleman answers the question, will the gentleman yield for a further inquiry?

Mr. PADGETT. Yes, sir.

Mr. WALSH. Is it not a fact that the Naval Affairs Committee have considered the matter of the promotion of the Coast Guard, holding hearings upon the matter, and have reported out a bill?

Mr. PADGETT. Yes, sir; and the bill is on the calendar.

Mr. BUTLER. It is not this bill.

Mr. WALSH. It is a similar bill in its provisions.

Mr. PADGETT. Many of the provisions are the same.

Mr. SHERLEY. If the gentleman will yield, is not that a reason why we ought not to carry in an appropriation bill an increase for that corps? Is not the very fact there is legislation pending where the matter would be subject to real consideration and amendment, paragraph by paragraph, a reason why the gentleman ought not to carry in an appropriation bill a general provision of pay?

Mr. PADGETT. Well, that is not general; that is a temporary provision during the war with reference to the Coast Guard acting with the Navy during war conditions. If the House desires a vote upon it, of course we will report it back without agreement, and the House will have an opportunity to consider.

Mr. STAFFORD. I wish also to include in the request amendment numbered 75, relating to the nitrate plant.

Mr. KEATING. Mr. Speaker, reserving the right to object, I want to call the attention of the chairman to amendment numbered 170, which affects a portion of the so-called "stop-watch" limitation. That is a limitation which has been passed upon by this House on some five or six occasions, and I think that we have had perhaps that number of roll calls. I would like to have assurance from the chairman that before yielding on a matter on which the House has expressed itself in such a definite fashion we will have an opportunity to pass upon it in the House.

Mr. PADGETT. I will say to the gentleman it was my purpose to let the House pass upon that proposition for the simple reason that the House and the Senate a number of times have voted upon that question.

Mr. KEATING. Now, may I call his attention to amendments numbered 37 and 47, which would give to the Commandant of the Marine Corps the rank of lieutenant general and to three heads of bureaus of that corps the rank of major general. That matter was brought before the House when the naval bill was up and an amendment offered, as I recall, by the chairman and withdrawn when objection was made. The proposition, as I understand it——

Mr. PADGETT. Only one of those—the question of the lieutenant general—was not before the House.

Mr. KEATING. Yes; the question of lieutenant general was not before the House, but this question of giving the rank of major general to three members of the staff of the Marine Corps was discussed before the House and the amendment was withdrawn. I do not desire to go into a discussion of that matter at this time. I have a very great admiration for the Marine Corps, but I would like to see the promotions go to the men in the Marine Corps who fight, instead of granting promotions to men who remain here in Washington, some of whom have never been under fire.

Mr. MONDELL. And never will be.

Mr. KEATING. And under those circumstances I think that for the good name of the Marine Corps, as well as for the satisfaction of the House, we should have a chance to discuss this matter before the committee yield to the amendment.

Mr. MONDELL. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MONDELL. In view of the very great number and very great importance of the Senate amendments would it not be well to have the Committee on Naval Affairs take the bill into that committee and consider it carefully before the full committee?

Mr. PADGETT. I do not know of anything to be gained by that, sir. It is the purpose of the conferees to have hearings and investigation.

Mr. MONDELL. It is a pretty large responsibility to place on a few men, distinguished as they are, and informed as they are, and as wise as they are, to determine about $9,000,000 nitrate plants that we have never heard of; to decide whether or no we are going to win this war with admirals and generals and other officers of high rank and pay; to determine whether or no we are going to make these enormous appropriations that were not suggested at the time the bill was before the House. That is rather a considerable responsibility, and it occurs to me that the gentlemen who would be on the conference committee would prefer to share their responsibility with their colleagues of the committee.

Mr. PADGETT. The usual course has been that if a bill is referred to the committee the committee reports it back with a general recommendation that the amendments be disagreed to and go to conference. But the committee would not take specific action as to what should be done and what should not be done in a mandatory way, because they would have to confer with the Senate.

Mr. MONDELL. The gentlemen who are to be members of the conference committee would have the benefit of the opinion of their colleagues who are familiar with these subjects, and they would be armed with the information and advice that could be obtained in a committee meeting.

Mr. PADGETT. The conferees on the naval bill heretofore have availed themselves of the opportunity to confer with their members from time to time.

Mr. MONDELL. Are there any considerable number of important items in this bill that are made available before the beginning of the present fiscal year?

Mr. PADGETT. Every one of them is, by one provision that the House passed and the Senate passed, and that is not in conference.

But it provides it is not good for deficiencies. It only made everything available immediately, but it will be practically the first of the year before the bill will be signed.

Mr. MONDELL. That is not tremendously important.

Mr. PADGETT. That is not in conference anyway, because both bodies have passed it.

Mr. MONDELL. What I had in mind was this, namely, assuming it took a little more time if the bill went to the committee, and it would not necessarily take any more time than to have it go to conference now, but assuming it would take a day or two longer, that would not in any way embarrass or hamper the naval authorities, and at the same time the gentlemen who would be on the conference committee would have the benefit of the advice and counsel of all the members of the committee on these very important matters. If they were ordinary increases, providing for plans and purposes which the committee had in mind when the bill was considered, and which the House considered at the time, it would be one thing, but many of them are quite radical. A number are entirely new propositions.

Mr. PADGETT. There are not many new ones. The great proportion of money is simply for additions to the amounts which the committee had recommended and which the House had passed.

Mr. MONDELL. Well, the question of adding a very large number of permanent officers of very high grade to certain organizations is one that the House has never passed favorably upon or discussed at all, and it occurs to me that the gentleman and his fellow conferees would be glad to have the advice of the members of the committee on that important subject, as well as on the subject of new manufacturing plants.

Mr. PADGETT. I think I may say upon that question of the proposed increase that it involves the addition of large numbers of permanent officers, and the conferees on the part of the House are in accord with what I understand to be the views of the gentleman in his comments.

Mr. MONDELL. I am glad to know that, and I assumed that that was the case, but I am anxious to strengthen the hands of the gentlemen of the committee in carrying out their determination in that matter.

Mr. PADGETT. I do not know that that would add to the strength of it.

Mr. BUTLER. Will the gentleman yield?

The SPEAKER. Will the gentleman yield to his colleague?

Mr. MONDELL. One more question, if I may. Do I understand it was the intention of the conferees to have hearings on these subjects and go into them more as it would be done if the bill went to the committee?

Mr. PADGETT. That is our purpose, sir.

Mr. MONDELL. I do not want to embarrass the conferees, but if that is to be done, why not do it before the full committee. I am rather inclined to defer to the opinion of the gentleman from Pennsylvania [Mr. BUTLER], the ranking Republican member of the committee, in that matter.

Mr. BUTLER. Mr. Speaker, will the gentleman from Tennessee, the chairman of the committee, yield me a minute or two?

Mr. PADGETT. Yes, sir.

Mr. BUTLER. Now, if I can have the attention of the gentleman from Wyoming [Mr. MONDELL], I will say that I think he may have learned from the chairman of the Naval Affairs Committee what his purpose is concerning these amendments—the important ones—that have already been talked about here this morning. But let me, in the presence of the gentleman, ask the chairman of the Committee on Naval Affairs whether it is not his purpose to have brought back here in this House, that the views of the House may be first received before the conferees agree to them, to the amendments Nos. 37 and 47, the ones referred to by the gentleman from Colorado [Mr. KEATING]? There is also here——

Mr. MONDELL. That is, unless the Senate recedes.

Mr. BUTLER. Oh, yes; but the conferees——

Mr. PADGETT. We might agree on one line and disagree on another.

Mr. MADDEN. I would like to ask the gentleman a question, if I may?

Mr. BUTLER. In a moment. That I may make myself plain, may I ask before the conferees agree to the two amendments referred to by the gentleman from Colorado [Mr. KEATING], and before the conferees agree to the Senate amendment increasing the permanent Navy, as proposed by the Senate, in all of these amendments, whether or not the House shall have the opportunity of voting?

Mr. PADGETT. Unless the Senate should recede.

Mr. BUTLER. I understand. But "before we agree," was the question. I understand the views of the chairman of the Committee on Naval Affairs; but inasmuch as many gentlemen are interested and are asking many questions, I put it in this way, whether or not the House shall have an opportunity to express itself on such amendments?

Mr. PADGETT. Unless the Senate receded, that would be brought back to the House.

Mr. LONGWORTH. Will the gentleman add to his suggestion the amendment in regard to the nitrate plant?

Mr. MADDEN. I would like to ask the gentleman how he can hold hearings on these subjects in the conference unless the Senate conferees agree to hold hearings?

Mr. PADGETT. We just simply hold them ourselves before we go into conference with the Senate.

Mr. MADDEN. The conferees would not hold hearings?

Mr. PADGETT. Yes, sir.

Mr. MADDEN. Can the gentleman speak for the conferees of both Houses?

Mr. PADGETT. Not for the conferees of the Senate. The House conferees propose to hold their own hearings.

Mr. MADDEN. It seems to me that would not do any good. What we ought to do would be to have hearings held by the conference.

Mr. PADGETT. The conferees would hold their hearings for their own information and for their guidance, and secure information upon which they would base their action, and report to the House.

Mr. BUTLER. And those hearings will be printed, may I ask the chairman?

Mr. PADGETT. They will.

Mr. BUTLER. So that the gentleman will have a chance to see them.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. DYER. I wish to ask a question in regard to amendment 23. That is an amendment providing for the reorganization of the Dental Corps of the Navy. This has substantially the same effect on the Dental Corps of the Navy as the legislation already enacted for the Dental Corps of the Army?

Mr. PADGETT. I am not informed as to the status with reference to the Army. I do not know of any legislation that has been enacted, but it is legislation that is desired.

Mr. DYER. I will say to the gentleman that we enacted legislation at the last session of this Congress with reference to the reorganization of the Dental Corps of the Army that put the Dental Corps on the same plane in every respect as the Medical Corps of the Army, and I hope this amendment will be agreed to.

Mr. PADGETT. I will say to the gentleman that I advocate and always have advocated that the two services should be kept upon a parity. One thing, however, has been noticeable, and I have combatted it at different times, and that is that the two services have been played against each other. They will get an amendment or legislation for one service that makes them a little better than the other. Then the other comes and seeks to get legislation to put them, as they say, on the same basis, and goes a little higher. Then the other comes back and repeats the process. I have combatted that from time to time, and have insisted that they should be on an equality and a parity.

Mr. DYER. What the gentleman refers to is the Dental Corps of the Army and the Dental Corps of the Navy, I take it?

Mr. PADGETT. I do not know whether this proposed legislation puts them upon an equality or not. I have this information, however, or I have been told, that the Navy Department prepared a bill and submitted it which did put them upon a parity, and this legislation as proposed in this amendment to the Naval bill increased very largely the proposals submitted by the Navy Department, which, they said, puts the two services on a parity.

Mr. STAFFORD. I want that amendment included also in my request.

Mr. DYER. I just wanted to get the gentleman's views, he being chairman of the Committee on Naval Affairs, with reference to this amendment. It is an amendment which is recommended by the Navy Department.

Mr. PADGETT. No; that amendment is not recommended by the Navy Department.

Mr. DYER. In substance?

Mr. PADGETT. Not in substance. They have recommended a part of it.

Mr. DYER. I introduced a bill in the House and Senator TILLMAN introduced a bill in the Senate and it is, in effect, the same as this amendment.

Mr. PADGETT. No; there is a very material and substantial difference between them.

Mr. DYER. In what respect?

Mr. PADGETT. It is not necessary to discuss it now. I had a conference with the Secretary of the Navy this morning, and he called my attention to it and said that he did not approve of the legislation that is proposed in this bill, but that he had sent down a bill, which had been introduced by Senator TILLMAN, which embodied the recommendations of the Navy Department, and I believe I have a memorandum of it. That is Senate bill 3049.

Mr. DYER. That is the one I mentioned.

Mr. PADGETT. That is very different from the legislation proposed in this amendment.

Mr. DYER. I trust that out of this situation—this amendment and the bill referred to—there will be something enacted that will be for the benefit of the Dental Corps, because they are doing great work.

Mr. Speaker, Senate amendment No. 23, having to do with the Dental Corps of the Navy, is a splendid amendment, and I hope it will be agreed to by the conferees. It ought, in substance, to be enacted into law. It is similar to the bill (H. R. 10724) that I introduced on March 14 last.

The Dental Corps of the Navy and the Dental Corps of the Army have not till very lately received much consideration from the Congress. Last session we passed a bill that has done much for the Army as regards the Dental Corps. This amendment, if agreed to, will help the Dental Corps of the Navy. There ought to be one dental officer in the Army and one in the Navy for each 500 instead of, as now, one for each 1,000.

I think this matter of great importance and that it concerns our country specially at this time. That the Members of Congress and others interested may have the fullest knowledge possible for me to give them, I include here the amendment No. 23 referred to, and also the bill (H. R. 10724) that I introduced some time ago. They are as follows.

Senate amendment No. 23 to naval appropriation bill.

That the act approved August 29, 1916, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes" (Stat. L., vol. 39, ch. 417, pp. 573, 574), be, and the same is hereby, amended by striking out all of said act following the caption "Naval Dental Corps," on page 573, but preceding the caption "Dental Reserve Corps," on page 574, and by substituting therefor the following:

"That the President of the United States is hereby authorized to appoint and commission, by and with the advice and consent of the Senate, dental officers in the Navy at the rate of 1 for each 1,000 of the total authorized number of officers and enlisted men of the Navy and Marine Corps, in the grades of assistant dental surgeon, passed assistant dental surgeon, dental surgeon, and dental inspector, who shall constitute the Naval Dental Corps, and shall be a part of the Medical Department of the Navy. Original appointments to the Naval Dental Corps shall be made in the grade of assistant dental surgeon with the rank of lieutenant (junior grade), and all dental officers now in the Dental Corps appointed under the provisions of the act of Congress approved August 22, 1912 (Stat. L., vol. 37, p. 345), or under the provisions of the act of Congress approved August 29, 1916 (Stat. L., vol. 39, p. 573), or who may hereafter be appointed, shall take rank and precedence with officers of the Naval Medical Corps of the same rank according to the dates of their original appointments, and all such dental officers shall be eligible for advancement in grade and rank in the same manner and under the same conditions as officers of the Naval Medical Corps with or next after whom they take precedence, and shall receive the same pay and allowances as officers of corresponding rank and length of service in the Naval Medical Corps up to and including the rank of commander: *Provided*, That dental surgeons shall be eligible for advancement in pay and allowances, but not in rank, to and including the pay and allowances of captain, subject to such examinations as the Secretary of the Navy may prescribe, except that the number of dental inspectors with the pay and allowances of captain shall not exceed 4½ per cent, and the number of dental inspectors with the rank, pay, and allowances of commander shall not exceed 8 per cent of the total authorized number of dental officers: *Provided further*, That dental officers shall be eligible for advancement to the pay and allowances of captain when their total active service as dental officers in the Navy is such that if rendered as officers of the Naval Medical Corps it would place them in the list of medical officers with the pay and allowances of captain: *And provided further*, That dental officers who shall have gained or lost numbers on the Navy list shall be considered to have gained or lost service accordingly; and the time served by dental officers on active duty as acting assistant dental surgeons and assistant dental surgeons under provisions of law existing prior to the passage of this act shall be reckoned in computing the increased service pay and service for promotion of dental officers herein or heretofore authorized.

"All appointees authorized by this act shall be citizens of the United States between 21 and 32 years of age, and shall be graduates of standard medical or dental colleges and trained in the several branches of dentistry, and shall, before appointment, have successfully passed mental, moral, physical, and professional examinations before medical and professional examining boards appointed by the Secretary of the Navy, and have been recommended for appointment by such boards: *Provided*, That hereafter no person shall be appointed as assistant surgeon in the Navy who is not a graduate of a standard medical college.

"Officers of the Naval Dental Corps shall become eligible for retirement in the same manner and under the same conditions as now prescribed by law for officers of the Naval Medical Corps, except that section 1445 of the Revised Statutes of the United States shall not be applicable to dental officers, and they shall not be entitled to rank above commander on the retired list, or to retired pay above that of captain.

"All dental officers now serving under probationary appointments shall become immediately eligible for permanent appointment under the provisions of this act, subject to the examinations prescribed by the Secretary of the Navy for original appointment as dental surgeon, and may be appointed assistant dental surgeon with the rank of lieutenant (junior grade) to rank from the date of their probationary appointments: *Provided*, That the senior dental officer now at the United States Naval Academy shall not be displaced by the provisions of this act, and he shall hereafter have the grade of dental surgeon and the rank, pay, and allowances of lieutenant commander, and he shall not be eligible for retirement before he has reached the age of 70 years, except for physical disability incurred in the line of duty: *Provided further*, That no dental officer in the Navy who on original appointment as dental officer was over 40 years of age shall be eligible for retirement before he has reached the age of 70 years, except for physical disability incurred in line of duty.

"All acts or parts of acts inconsistent with the provisions of this act relating to the Dental Corps of the Navy are hereby repealed: *Provided*, That nothing herein contained shall be construed to legislate out of the service any officer now in the Medical Department of the Navy or to reduce the rank, pay, or allowances now authorized by law for any officer of the Navy."

All appointments or promotions provided for in this amendment shall be by and with the advice and consent of the Senate.

—

The bill H. R. 10724, introduced by Mr. DYER March 14, 1918:

A bill (H. R. 10724) to reorganize the Dental Corps of the Navy, and for other purposes.

Be it enacted, etc., That the act approved August 29, 1916, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes" (Stat. L., vol. 39, ch. 417, pp. 573, 574), be, and the same is hereby, amended by striking out all of said act following the caption "Naval Dental Corps," on page 573, but preceding the caption "Dental Reserve Corps," on page 574, and by substituting therefor the following:

"That the President of the United States is hereby authorized to appoint and commission, by and with the advice and consent of the Senate, dental officers in the Navy at the rate of one for each thousand of the total authorized number of officers and enlisted men of the Navy and Marine Corps, in the grades of assistant dental surgeon, passed assistant dental surgeon, and dental surgeon, who shall constitute the Naval Dental Corps, and shall be a part of the Medical Department of the Navy. Original appointments to the Naval Dental Corps shall be made in the grade of assistant dental surgeon with the rank of lieutenant (junior grade), and all dental officers now in the Dental Corps, appointed under the provisions of the act of Congress approved August 29, 1916 (Stat. L., vol. 39, p. 573), or who may hereafter be appointed, shall take rank and precedence with officers of the Naval Medical Corps of the same rank according to the dates of their respective commissions, and dental officers shall be eligible for advancement in grade and rank in the same manner and under the same conditions as officers of the Naval Medical Corps with or next after whom they take precedence, and shall receive the same pay and allowances as officers of corresponding rank and length of service in the Naval Medical Corps up to and including the rank of lieutenant commander: *Provided*, That dental surgeons shall be eligible for advancement in pay and allowances, but not in rank, to and including the pay and allowances of captain, subject to such examinations as the Secretary of the Navy may prescribe, except that the number of dental surgeons with the pay and allowances of captain shall not exceed 4½ per cent and the number of dental surgeons with the pay and allowances of commander shall not exceed 8 per cent of the total authorized number of dental officers: *Provided further*, That dental surgeons shall be eligible for advancement to the pay and allowances of commander and captain when their total active service as dental officers in the Navy is such that if rendered as officers of the Naval Medical Corps it would place them in the list of medical officers with the rank, pay, and allowances of commander or captain, as the case may be: *And provided further*, That dental officers who shall have gained or lost numbers on the Navy list shall be considered to have gained or lost service accordingly; and the time served by dental officers on active duty as acting assistant dental surgeons and assistant dental surgeons under provisions of law existing prior to the passage of this act shall be reckoned in computing the increased service pay and service for promotion of dental officers herein authorized or heretofore appointed.

"All appointees authorized by this act shall be citizens of the United States between 21 and 32 years of age, and shall be graduates of standard medical or dental colleges and trained in the several branches of dentistry, and shall, before appointment, have successfully passed mental, moral, physical, and professional examinations before medical and professional examining boards appointed by the Secretary of the Navy, and have been recommended for appointment by such boards: *Provided*, That hereafter no person shall be appointed as assistant surgeon in the Navy who is not a graduate of a standard medical college.

"Officers of the Naval Dental Corps shall become eligible for retirement in the same manner and under the same conditions as now prescribed by law for officers of the Naval Medical Corps, except that section 1445 of the Revised Statutes of the United States shall not be applicable to dental officers, and they shall not be entitled to rank above lieutenant commander on the retired list, or to retired pay above that of captain.

"All dental officers now serving under probationary appointments shall become immediately eligible for permanent appointment under the provisions of this act, subject to the examinations prescribed by the Secretary of the Navy for original appointment as dental surgeon, and may be appointed assistant dental surgeon with the rank of lieutenant (junior grade) to rank from date of their probationary appointments: *Provided*, That the senior dental officer now at the United States Naval Academy shall not be displaced by the provisions of this act, and he shall hereafter have the grade of passed assistant dental surgeon and the rank, pay, and allowances of lieutenant, and he shall not be eligible for retirement before he has reached the age of 70 years, except for physical disability incurred in the line of duty: *Provided further*, That no dental officer in the Navy who on original appointment as dental officer was over 40 years of age shall be eligible for retirement before he has reached the age of 70 years, except for physical disability incurred in line of duty.

"All acts or parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, That nothing herein shall be construed to reduce the rank, pay, or allowances now authorized by law for any officer of the Navy."

Mr. PADGETT. I have stated to the gentleman that my purpose and idea was at all times to keep the two services on a parity, but I am opposed to seesawing one above the other.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. CANNON. It takes unanimous consent, for the reason that a single objection would send this to the committee?

Mr. PADGETT. Yes.

Mr. CANNON. The gentleman has told the House that the conferees on the part of the House would investigate touching these new items?

Mr. PADGETT. Yes; not only those, but others, very thoroughly. There are a number of them that I have no information or knowledge about.

Mr. CANNON. If they were investigated the House would pass, under the five-minute rule, upon the merits of the proposition.

Now, then, so far as I am concerned, I want to say that if we are to stay here all summer there is plenty of time to let this bill take the ordinary course under the rules of the House, reserving all the privileges of the House to pass upon the Senate amendments. If we are to have a revenue bill, I think that would be the proper course. I do not know whether we are or not. I think we could expedite the passage of this bill very greatly by complying with the gentleman's request, but perhaps with less intelligence as to the Senate amendments, considering the temper of the House. I am "up in the air." Yesterday morning I was stepping high and thought we might get through and get away from here before the dog days. I was pessimistic about it last night, and now I am in doubt. Has the gentleman any information that would remove the doubt?

Mr. PADGETT. No, sir; I have no information. The only suggestion I could make is that the sooner we dispose of this bill and get it enacted into law, the sooner we will get that much out of the way.

Mr. CANNON. Well, I come out at the same hole that I went in at. [Laughter.]

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUTLER. It will be useful to the military service, will it not, by way of obtaining enlistments for both the Navy and Marine Corps, to put this bill through as quickly as we can, without, of course, taking advantage of the House?

Mr. PADGETT. Yes. I will say to the gentleman that I think the bill ought to be put through as quickly as we can do it, but at the same time I do not want to be hurried to do things that I do not know about. For that reason I want to investigate these matters.

Mr. WALSH. Reserving the right to object, permit me to direct the attention of the gentleman from Pennsylvania [Mr. BUTLER] to the fact that the House expedited the passage of this bill when it was before it by dispensing with general debate and by limiting the debate under the five-minute rule to the items of the bill, and we did not delay it. Now it comes back with a lot of new provisions which were not considered in the House or in the committee, and the colloquy that has taken place here this morning seems to me to demonstrate that, whether we expedite the passage of the bill or not, the House would be in a position more intelligently to consider it if we were to send it to the Committee on Naval Affairs. It will not delay it more than a couple of days, and I think that is the proper course to pursue.

The SPEAKER. The gentleman from Massachusetts objects.

ADDITIONAL URGENT DEFICIENCY APPROPRIATIONS.

Mr. SHERLEY, from the Committee on Appropriations, reported the bill (H. R. 12280) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 605), ordered to be printed.

Mr. GILLETT. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Massachusetts reserves all points of order.

Mr. BUTLER. Will the gentleman from Kentucky state how much this bill carries?

Mr. SHERLEY. One hundred and twenty-three million dollars.

NAVAL APPROPRIATIONS.

Mr. PADGETT. Mr. Speaker, I renew the request I made before with reference to the naval appropriation bill—to disagree to all the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to disagree to all the Senate amendments to the naval appropriation bill and to agree to the conference asked by the Senate.

Mr. PADGETT. I want to state again what I stated a while ago—that it is our purpose to investigate these matters fully and clearly, to have everything in printed form for the benefit of the Members of the House, and with the reservations that were made in the discussion here I have no disposition to run anything over the House. There are many things here that I am as anxious to know about as any man in the House can be.

Mr. WALSH. Mr. Speaker, reserving the right to object, in view of the statement made by the distinguished chairman of the Committee on Naval Affairs, I want to ask him if, when they come to consider these numerous amendments, relating to propositions about which they may have some doubt themselves, and which are not included in the amendments that have been brought to our attention heretofore, he and his fellow conferees will feel at liberty to refer them to the House without a specific request? I have in mind one or two matters that I think the conferees may have some difficulty in agreeing upon.

Mr. PADGETT. I will say to the gentleman that unless I am clearly satisfied of the correctness and rightfulness and propriety of agreeing to any amendment we will disagree and submit it to the House.

Mr. BUTLER. And if the chairman of the committee should find among the House conferees a decided difference, would he be willing to submit the question to the House?

Mr. PADGETT. Certainly. We have always pursued that course.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection; and the Speaker announced as conferees on the part of the House Mr. PADGETT, Mr. TALBOTT, Mr. RIORDAN, Mr. BUTLER, and Mr. BROWNING.

ILLINOIS CENTENNIAL 50-CENT PIECES.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8764) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union, which has come back with a Senate amendment, and to concur in the Senate amendment.

The SPEAKER. The gentleman from Arizona asks unanimous consent to take from the Speaker's table House bill 8764, with a Senate amendment. Is there objection?

There was no objection.

The Senate amendment was reported, as follows:

On page 1, line 14, strike out the word "minor" and insert the words "subsidiary silver."

The Senate amendment was agreed to.

The SPEAKER. It seems to the Chair that the title of that bill should be amended.

Mr. HAYDEN. I think not, Mr. Speaker.

The SPEAKER. All right then.

LEAVE TO EXTEND REMARKS.

Mr. DYER. Mr. Speaker, I ask unanimous consent to submit some remarks on amendment 23 to the naval appropriation bill.

The SPEAKER. Does the gentleman desire to submit them now?

Mr. DYER. No; to extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD on amendment 23 to the naval appropriation bill. Is there objection?

There was no objection.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to revise and extend the remarks which I made this morning.

The SPEAKER. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

MINING ON THE PUBLIC DOMAIN.

Mr. FERRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate bill 2812.

Mr. WALSH. I do not think that motion is necessary. The bill is the special order.

The SPEAKER. This bill has the right of way, but the language of the order was not like that which is contained in some orders—that the House shall automatically resolve itself into the Committee of the Whole House on the state of the Union. The Chair thinks the motion of the gentleman from Oklahoma is proper.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2812, to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, with Mr. DEWALT in the chair.

The Clerk, resuming the reading of the bill, read as follows:

SEC. 10. That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit, such area to be selected by the permittee in compact form and if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with the laws, rules, and regulations governing the survey of public land, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of surveys shall be deemed appropriated for that purpose and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of 20 years with the right of renewal as prescribed in section 12 hereof upon a royalty of one-eighth in amount or value of the production and the annual payment in advance of a rental of $1 per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in the prospecting permit at such royalty, not less than one-eighth, as may be fixed by the Secretary of the Interior, for such periods and under such other conditions as are fixed for oil or gas leases in this act.

Mr. RAKER. Mr. Chairman, on page 37, in line 20, I move to strike out the words "or persons" and insert in lieu thereof the words "association or corporation," so as to conform with the first section of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 37, line 20, strike out the words "or persons" and insert in lieu thereof the words "association or corporation."

The amendment was agreed to.

Mr. ELSTON. Mr. Chairman, I move to strike out the last word. The chairman of the committee will notice that in section 9 there is no limitation as to the number of prospecting permits.

Mr. FERRIS. In what line?

Mr. ELSTON. In line 16. The language there grants to any applicant qualified under the act a prospecting permit. I have not noticed anything in the section relating to a limitation of the number of prospecting permits. It is true that on page 46 there is a limitation that not more than three leases in each State shall be issued. I would like to ask the chairman whether he thinks that language on page 46, line 20, is sufficient to make it clear that there may be granted by the Secretary of the Interior three prospecting permits at any one time in any one State.

Mr. FERRIS. I do not think the committee ever intended or agreed to that.

Mr. ELSTON. Oh, yes.

Mr. FERRIS. I do not think so as to permits.

Mr. ELSTON. How could you have three leases unless three permits had been granted?

Mr. FERRIS. You could have them on small tracts. Suppose the prospecting permit is issued and the prospector gets one quarter, and suppose they wanted to take two or three leases of the smaller area, even though they had but one permit, they could get them, because the leases are held down to a smaller area than the prospecting permits. We only provided for the leasing of oil for 640-acre tracts, but the prospecting permit can go as high as 2,560 acres and upward. Some domes in Wyoming only have 640 acres in the whole dome.

Mr. ELSTON. The lease would cover everything that the permittee put up to the Secretary of the Interior as being worth while to cover in a lease. It would only be one transaction.

Mr. FERRIS. The holder of a prospect permit only gets one quarter at a fixed royalty as a bonus or reward for discovery, but he has a preference right to taking the remaining

three-fourths, if he desires to do so, at a royalty which may be in excess of one-eighth, and it puts him into competition with others as to the remaining sections.

Mr. ELSTON. I would like to reserve the right to ask unanimous consent at the proper time to return to this section and discuss the question.

Mr. FERRIS. I would rather not leave it open, but if the gentleman finds——

Mr. ELSTON. The gentleman will remember that we grant five prospecting permits in reference to Alaska, and that I justified yesterday on the ground that we permitted three permits to each State.

Mr. FERRIS. I remember the gentleman referred to that.

Mr. LA FOLLETTE. Mr. Chairman, I think when the chairman of the committee reflects he will find he is in error. We granted five prospecting permits to Alaska, and we talked about it in committee that we should grant five prospecting permits to Alaska and that we granted only three in the States.

Mr. FERRIS. Suppose the gentleman prepares an amendment and we can take up the return to it later.

Mr. CRAMTON. Is it not possible that without any limitation placed there it will be held that there is no limit and that you are not restricted to any number?

Mr. FERRIS. The gentleman will recall that in the closing hours we made changes in the bill quite hurriedly, and if gentlemen will be good enough to draw their amendment we can consider going back to it later.

Mr. TAYLOR of Colorado. Mr. Chairman, on page 37, line 20, I move to strike out the word "may" and insert the word "shall." I feel that the Government ought to pay back the excess moneys that they require a man to advance. There is no reason why it should be left in that form.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 37, line 20, strike out the word "may" and insert the word "shall."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee if the amendments offered by the oil men as they were finally agreed upon are found in the confidential print of the bill I hold?

Mr. FERRIS. I think they are.

Mr. MONDELL. I have been unable to find these amendments as they were finally submitted unless they be in this confidential print.

Mr. FERRIS. I think they are in there. It may be that the oil men had one or two that the gentleman will not find there. What happened was this: The oil men came here and we gave them a long hearing and they presented a number of amendments. They presented them ably and were very much in earnest about them, and as chairman of the committee I had them printed as a part of the bill confidentially so that they would have full consideration. Some of them were agreed to in committee and many of them were not.

Mr. MONDELL. In the matter of this particular section, the amendments offered by the Colorado, California, and Wyoming oil men were agreed to in purpose, but not in substance. This rewritten section accomplishes vital changes in the character of this bill. It makes it, in fact, an oil-leasing bill, divorces it entirely from the character of a sale bill. That, in my opinion, is a very wise change, one that I have suggested heretofore on both occasions when the bill was before the committee as something that ought to be accomplished.

I want to make this suggestion, however, that in making the change from the granting of a freehold to that granting a lease at a fixed royalty the committee might well have given a lease for the entire area at a fixed royalty as the oil men asked.

The original bill gave a patent to one-quarter of the lands embraced in the prospecting permit, and as that was supposed to be a valuable grant the committee might very well in changing from a freehold to a lease have given at a fixed royalty a larger acreage than it gave under a patent. I trust in conference this will be done. I do think, however, that the last part of this section should be strengthened, unless it is certain to be construed by the department in a liberal way. It reads:

The permittee shall also be entitled to a preference right to a lease for the remainder of the land in the prospecting permit at such royalty, not less than one-eighth, as may be fixed by the Secretary of the Interior, for such periods and under such other conditions as are fixed for oil or gas leases in this act.

That is a pretty definite statement, and it certainly ought to indicate to the Secretary of the Interior the congressional opinion as to the wisdom of dealing liberally with these permittees. They are the people who will do the wildcatting in the oil business. They will take all of the desperate chances. They will bring in all of the new territory, and they are entitled to have very liberal treatment. Under a fair construction of the section as it has been rewritten they will have liberal treatment.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. There is no good reason why the prospecting permit should be limited to an area of that size except in developed territory. Therefore the importance of departing from the 10-mile provision in the former section and confining the operation of the 640-acre permit limitation to those areas that have either been developed or where the geological structure is such as to make it reasonably certain that oil will be developed at a reasonable depth in paying quantities.

The Clerk read as follows:

SEC. 11. That all permits and leases of lands containing or supposed to contain oil or gas, made or issued under the provisions of this act, shall be subject to the condition that no wells shall be drilled within 200 feet of any of the outer boundaries of the lands embraced within any permit or lease unless the adjoining lands have theretofore been patented or the title thereto otherwise vested in private owners, or unless the lessees or patentees of such adjoining lands shall, with the approval of the Secretary of the Interior, agree to the drilling of wells and removal of the oil or gas from the 200-foot tracts or reservations herein created, and to the further condition that the permittee or lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit or lease, to be enforced through appropriate proceedings in courts of competent jurisdiction.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. Is there not a clerical error in line 3, page 39? The language reads, "proceedings in courts of competent jurisdiction." I wonder if that would not better be "proceedings in a court of competent jurisdiction." Under the language in the bill if a man's land extended over the divisions of counties, you could put him in three or four courts at once.

Mr. FERRIS. Mr. Chairman, if the gentleman thinks that is better, I have no objection to it.

Mr. RAKER. The gentleman from Colorado is usually well informed in respect to these matters.

Mr. TAYLOR of Colorado. It occurred to me that under the language suggested by the gentleman from California you might prevent a change of venue and give some courts exclusive jurisdiction.

Mr. RAKER. No; this is stronger than that. This is to enforce through appropriate proceedings in any court of competent jurisdiction. He commences his proceedings there, and of course you could move the transfer.

Mr. TAYLOR of Colorado. I think "any court" would be better.

Mr. RAKER. Then I move to strike out the letter "s" in the word "courts," in line 3, page 39, and to insert before the word "courts" the word "any."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 39, line 3, strike out the letter "s" at the end of the word "courts" and, before the word "courts," insert the word "any."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection.

There was no objection.

Mr. CRAMTON. Mr. Chairman, before the gentleman begins, will he yield to me?

Mr. RAKER. I yield to the gentleman.

Mr. CRAMTON. In line with the amendment which we have just adopted, does not the gentleman think we should make that read "an appropriate proceeding" in place of "appropriate proceedings"?

Mr. RAKER. No; I think it is right the way it is. Appropriate proceedings may be an action in ejectment; it may be an action to forfeit a lease; it may be an action to compel them to carry out their contract, and it allows them to take any one of these proceedings that might be appropriate in a court of competent jurisdiction—not by legislative action whereby we say by legislation that a man may commence as many actions relating to the same property, if it be in diverse territories, if the imaginary line runs through it, as he pleases; and thereby he could not raise the question that more than one action is

pending upon the same subject matter. I think the gentleman's question, while pertinent, as all of his questions are, does not apply to this particular matter.

I desire to call the attention of the committee to one other thing, not with a view to striking it out, however. I am wondering whether or not we may not be a little severe:

Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit or lease, to be enforced through appropriate proceedings in any court of competent jurisdiction.

In several of the bills we have permitted and directed the Secretary of the Interior to present the case to the Attorney General; the Attorney General was then to take proper proceedings to enforce the provisions of the contract and see that they are carried out and not permit a forfeiture. We ought not to pass legislation that is always holding a club over a man who is trying to do the right thing. If he permits the time limit to pass, the royalty amount, or the rental to go by—if he does many other things referred to in here, which easily can be corrected, a forfeiture is authorized.

I am not going to move to strike out the provision, but we ought to be at least careful in getting legislation of this kind that will produce results, that will protect the Government, and that means the people who own this property, and that is what it is—the Government is the proprietary owner and Congress disposes of it for the Government the same as a board of directors would for a corporation—and at the same time give the man or men, association, or corporation an opportunity to proceed without some one constantly after him to say that if he slips upon an icy street he is going to lose all his rights and have to go into court, and there will be a change of courts and different views and different thoughts. Men look at things differently; one state of facts might authorize forfeiture, and the court having passed upon the facts where there is a conflict the higher courts universally approve the lower courts' judgment; there may be no law involved; it is only a question of conflict of facts. Therefore you leave these conditions very unsatisfactory, and I believe the latter part of the bill to some extent corrects it. I know it is not the purpose of this committee to enact a piece of legislation that will be a club over the men who are trying to do a legitimate business, but the interpretation of this section should be liberal, should be fair, and if a man can comply with conditions that he has not complied with in advance, and it appears so to the court, no forfeiture, of course, should be permitted, and he should be allowed to comply with his contract where there is no destruction or damage or injury done.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word. I want to call attention to what the gentleman who has preceded me has said, because I was very much interested in his reference to the severe provisions of this section with regard to the forfeiture of the lease. Of course we all understand that the law abhors fines, forfeitures, and penalties. But we are not construing this act. The construction of it is a matter for the court. Now, if you will refer to lines 23 and 24, there is imposed upon the lessee of these oil lands a very severe and probably expensive operation, namely, that he is to "use all reasonable precaution to prevent waste of oil and gas developed in the land."

Mr. RAKER. Now, will the gentleman yield right there?

Mr. ROBBINS. Yes.

Mr. RAKER. The very purpose of my suggestion is with that idea in view. Some witnesses go into court and say you permit waste. You may find a dozen who would say that you have done all you could. If you can convince the court that you have permitted waste under this lease provision, if the court wanted to be technical and be strict in the matter following one line of witnesses' testimony, he would forfeit the lease, would he not?

Mr. ROBBINS. An action in court would forfeit the lease. Does the gentleman know what that means?

Mr. RAKER. Forfeit a lease——

Mr. ROBBINS. Just wait a minute and let me answer that. The forfeiture of this lease means you are going to have men who have gone probably from the oil regions of Pennsylvania, where they learned the business—because you are not going to get anybody to develop these leases except oil people, who have had experience in that business—and who have gone out to Montana or California for that purpose and have erected derricks, and they have hauled pipe for miles, got engines, and probably piped water for miles, and put down an oil well. They have no provisions for taking care of their oil when it comes to the surface, because it was a venture, and they did not know whether they would get oil or not, so they have simply dug a hole in the ground and banked it up and preserved the oil as best they could. It will evaporate, it will sink away, and if they have not resorted to the very best means or reasonable means, which means effective methods, they are risking a forfeiture.

Mr. RAKER. Precautions.

Mr. ROBBINS. "Or reasonable precaufions," those are the terms—why you are going to have them brought into court and the lease forfeited, when they are doing their best. Now, the people who want to forfeit these lands are probably the owners of the next property and want to oust the adjoiner and get their oil.

Mr. RAKER. That is just the point, exactly.

Mr. ROBBINS. You are going to have them surrounded by a lot of hostile witnesses and bring them in a strange court. I think the provision is too severe. Here is another provision that involves an immense amount of expense that can not be determined. To read the bill further, the lessee is not only "to use all reasonable precautions" to "prevent waste of oil or gas developed in the land," but he is to use all reasonable precautions "to prevent the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits." Now, if these wells are deep, as they are in the West, the lessee has not only got to pipe water to the well for operating purposes, but is compelled to shut surface water off in the water-bearing strata above the oil-bearing strata and he has got to plug that well. He has got to resort to every reasonable precaution to prevent the water from getting down into the oil-bearing strata below.

Mr. RAKER. May I ask a question right there?

Mr. ROBBINS. Yes.

Mr. RAKER. Having made that statement and having experience in the oil fields in Pennsylvania, what is the remedy if the lessee fails to carry out the terms of the lease; do they forfeit it?

Mr. ROBBINS. No. In Pennsylvania we have a statute on the books, or an act of assembly, as we term it, that regulates oil operations. The well is drilled down, of course, through the various stratifications until it strikes the oil-bearing rock. The well may go through salt-water-bearing rock, fresh-water-bearing rock, and that water would naturally flow down into the oil strata, and, being heavier, drive the oil away. Now, we do not compel them to block these various stratifications or plug the well, as it is termed, to shut off the water until they abandon the well, when it ceases to pump, because the pipe that is put in the well to pump the oil through would shut it off, and we require that to be done, but we do not forfeit the lease unless there is such willful negligence, willful carelessness, intentional carelessness, and lack of diligence and care that will show that there is something more than mere failure to shut off the water, as this act of Congress provides. This act requires a guaranty that no water will be permitted to flow down into the well, which is unreasonable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Let me ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Pennsylvania have one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Take those provisions in lines 21, 22, 23, and 24, on page 38, and the party does not do those things. Can you suggest a better remedy than the forfeiture provision found at the last of this section? If you have a better remedy, what is the suggestion? I would like to hear it, because I think it is interesting and important.

Mr. ROBBINS. We never have a forfeiture clause in either our Pennsylvania law or any oil leases for failure to shut off water. We treat that as a failure to be punished not by a forfeiture but as a crime to be punished by a fine and imprisonment. We do not treat it as a forfeiture of the lease, because if you are going to forfeit the lease the penalty is too severe. You are going to deter bona fide operators from going into your oil fields to develop them at great expense; if you are going to hold up before them the fact that if they fail to "shut off the water" or "take reasonable care of the oil," and that these facts can be established by witnesses located on and interested in claims around them that may be and will probably be hostile, because they want to grab the lease, or jump the claim, then you deter and drive away the oil prospector; in other words, they will not undertake the expenditure required to develop the oil on the public domain under such harsh conditions.

Mr. RAKER. Your experience has been that this question could be best reached by an appropriate remedy of that kind instead of by a forfeiture clause?

Mr. ROBBINS. Yes. And I think we ought to do that.

Mr. RAKER. Do you find it is workable in Pennsylvania?

Mr. ROBBINS. We do. It works well there, and in Pennsylvania our law favors the prospector who takes all the risk, and who under our liberal and encouraging policies has developed the vast material wealth of our great Commonwealth.

Mr. CRAMTON. Mr. Chairman, I want to speak to the pro forma amendment.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that after the remarks of the gentleman from Michigan that all debate on this amendment and all amendments thereto close.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that after the remarks of the gentleman from Michigan [Mr. CRAMTON] all debate on this amendment and all amendments thereto close.

Mr. MONDELL. I would like five minutes.

Mr. FERRIS. I will modify my request and ask five minutes for the gentleman from Wyoming.

The CHAIRMAN. The request is made for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Chairman, I simply want to say this in answer to what has been said by the gentleman from California [Mr. RAKER] and especially the gentleman from Pennsylvania [Mr. ROBBINS]. There are only two things really in section 11 that would constitute grounds for forfeiture. One would be to drill a well within 200 feet of an outer boundary, and the other would be to fail to "use all reasonable precautions to prevent waste of oil or gas developed in the land or the entrance of water through wells drilled, * * * to the destruction or injury of the oil deposits."

Now, as I gather it, the gentleman from Pennsylvania [Mr. ROBBINS] thinks a forfeiture ought not to be ordered unless it is made clearly to appear that this negligence was willful. Now, from what we heard in the hearings, it appears, at least in the California fields and elsewhere, the whole field might be affected by the negligence of one party, in one well, by letting water into the field, and if that is true it would seem that the thing the Government is concerned about is that the fact that negligence occurs, and not allow some fellow to get away because of his ignorance if, in fact, he did ruin the field or seriously depreciate it. It seems to me it will be a matter of great danger to introduce that item of intention into the legislation.

Mr. MONDELL. Mr. Chairman, I want to call the attention of the chairman of the committee to the provision beginning about line 10, after the word "act," on page 38, running down to line 19, as follows:

No wells shall be drilled within 200 feet of any of the outer boundaries of the lands embraced within any permit or lease unless the adjoining lands have theretofore been patented or the title thereto otherwise vested in private owners, or unless the lessees or patentees of such adjoining lands shall, with the approval of the Secretary of the Interior, agree to the drilling of wells and removal of the oil or gas from the 200-foot tracts.

I would like to have the attention of the gentlemen of the committee as to this. The effect of the language of the bill will be this, that in case the adjoining land is patented the Government lessee can not drill on the 200-foot strip unless the patentee of the adjoining land agrees to allow him to do so. The patentee of the adjoining land can drill right up to within an inch of the Government boundary, because he owns and controls his land, but the Government operator can not drill on the 200-foot strip unless the adjoining patentee agrees to let him do so. Now, nothing of the sort was intended, I am sure; but that is clearly a fair construction of the language.

Mr. CRAMTON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CRAMTON. What does the gentleman think of this language:

And no wells shall be drilled within 200 feet of any of the outer boundaries of the lands embraced within any permit or lease unless the adjoining lands have theretofore been patented or title thereto otherwise vested in private owners?

Does not that answer the gentleman's criticism?

Mr. MONDELL. It says:

Unless the lessees or patentees of such adjoining lands shall, with the approval of the Secretary of the Interior, agree——

Mr. CRAMTON. Another case. He does not have to get the consent if the title has previously vested in private ownership, but otherwise he has to get the consent.

Mr. MONDELL. I am inclined to think that under the language of the gentleman's bill he would have to get the consent of the private owner.

Mr. CRAMTON. Otherwise they would have said "and unless."

Mr. MONDELL. The language is not happy, because in no event should the Secretary of the Interior have to go to a private owner and enter into negotiations in regard to the drilling on the 200-foot strip.

Mr. FERRIS. We do not have to do that.

Mr. MONDELL. Of course, the Secretary of the Interior would have authority without any law to enter into negotiations as to a reasonable arrangement for the drilling of oil wells within the 200-foot strip. But the language of the act seems to carry the idea with it that in some way the owner of the adjacent land is to be consulted beforehand.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, notwithstanding the fact that the debate has closed, I ask unanimous consent for one minute, in order to make a statement.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. I think the gentleman from Michigan [Mr. CRAMTON] quite effectively answered the gentleman from Wyoming; but if the gentleman was right in the proposition, it ought to be amended. But I am sure he is not right, after reading it again. There are three things there. One of them is, if the adjoining land is patented land, then the owner may drill clear up to the property line. That is No. 1. If the title is in any wise vested in private ownership, he may come clear up to the line; and, third, he may make a contract between the private owner and the claimant, and they may both refrain from drilling up to the line or they may drill up to the line as long as it may be economically done, and in that event it has to be approved by the Secretary of the Interior. It would be a very great injustice—and the language is not so overly clear here—to have the claimant held back from the 200-foot line and let the private owner drill up to the line and drain the Government lessee's property. This language allows no such thing to happen.

Mr. MONDELL. I think perhaps, even if the committee does not think the language needs modification, that the discussion may serve a good purpose, at least as clearly indicating the intention of the committee. I suggest that in conference it might be possible to slightly modify that language so as to make it very definite and clear.

Mr. FERRIS. I think the gentleman from Wyoming is right about that. The gentleman from California [Mr. RAKER], sitting in his seat, was talking about that when the House convened to-day, and I read that very carefully; and on first thought I was of the opinion that it might be right, but on a rereading, as you will find on page 38, line 18, the claimant could come clear up to the property line; and, second, the title thereto might be vested in private owners, and then he could come clear to the property line; and, third, he is required to use all reasonable precautions to prevent waste of oil or gas developed in the land or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits, that might be most economical and best.

Mr. CRAMTON. And that might accommodate the third lessee?

Mr. FERRIS. Yes. There might be economy in not drilling unnecessary holes and blocking off water, and other economies that ought to be observed. This language has been combed over very carefully, and I think we better leave it as it is. I appreciate the desire of Members to help us get a good bill, but amendments hurriedly agreed to on the floor are always fraught with danger.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. That all unappropriated deposits of oil or gas situated within the geologic structure of a producing oil or gas field and the unentered lands containing the same, except, however, those embraced in any prospecting permit during the life of the same, may be leased by the Secretary of the Interior through competitive bidding under general regulations in areas not exceeding 640 acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, which shall be not less than one-eighth in amount of value of the production, which royalty on demand of the Secretary of the Interior shall be paid in oil or gas, and the payment in advance of a rental of not less than $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of 20 years, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, for the purpose of prospecting for oil or gas, and thereupon commenced development work thereon, and thereafter prosecuted such work to a discovery of oil or gas, shall be entitled to lease from the United States the producing oil or gas well or wells resulting from such work at a royalty

of not less than one-eighth of all the oil and gas produced and saved therefrom, together with an area of land sufficient for operation thereof, but without the right to drill any other or additional wells thereon, except as may be authorized by the President, and no wells shall be drilled on lands subject to the terms of this act within 660 feet of any such leased well, without the consent of the lessee thereof: *Provided further*, That where the President shall determine that it is to the public interest, he may lease the remainder of any such claim to the claimant, upon such terms and conditions as he may prescribe: *And provided further*, That all such claimants shall pay, in such manner as the President may determine, to the United States an amount equal to not less than the value when produced of one-eighth of all the oil and gas already produced and saved from such well or wells: *And provided further*, That no claimant whose well or wells may be involved in any suit brought by the United States or in any application for patent shall be entitled to a lease under this proviso, unless within six months after approval of this act he shall relinquish to the United States all rights claimed by him in such suit or application, unless the President shall further extend such time. No person who has been guilty of any fraud, or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to a lease under the provisions of this act.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent, on page 40, line 14, to change the word "walls" to "wells." It is merely a typographical error.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to correct the spelling of the word indicated. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. RAKER. On line 25, page 39, of the bill under consideration, and on page 40, down to and including line 6 on page 41, I hope or wish it were possible that the following language might be inserted in lieu of the language there found. The conditions, I guess, however, are not such, under the circumstances, as to make it possible. The new language that I suggest is found in one of the bills reported, reading as follows:

That upon relinquishment or surrender to the United States, within six months from the date of this act, by any locator or his successors in interest of his or their claim to any unpatented oil or gas lands included in an order of withdrawal, upon which oil or gas had been discovered, was being produced, or upon which drilling operations were in actual progress January 1, 1914, and the claim to which land was initiated prior to July 3, 1910, the Secretary of the Interior may, within his discretion, lease, on such reasonable terms and conditions as he may prescribe, to such locator or his successors in interest the said lands so relinquished, not exceeding, however, the maximum area of 640 acres to any one person, association, or corporation, said leases to be conditioned upon the payment by the lessee of a royalty of one-fourth of the oil or gas extracted or produced from the leased premises or the proceeds thereof, each lease to be for a period of 20 years, with the preferential right in the lessee to renew the same for succeeding periods of 10 years, upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior.

Mr. MONDELL. Mr. Chairman, will the gentleman yield for an inquiry?

Mr. RAKER. In a moment.

Mr. MONDELL. My inquiry applies to the situation as it now exists. This is the opportune time to answer it.

Mr. RAKER. Very well.

Mr. MONDELL. Is the suggested modification that the gentleman has just read the provision of the bill as it passed the House before or the provisions of the amendment proposed by the oil men this year?

Mr. RAKER. I do not know anything about the oil men. It is the provision found in the confidential committee print. I mean, in speaking like that, that I do not recognize any class or group or individuals in presenting the matter. We discuss it when it comes before the committee, and when a matter is presented and it seems just and proper it is considered carefully.

Mr. MONDELL. None of us are respecter of persons; but, of course, we have to give some definition in order to identify it.

Mr. RAKER. I think, then, the gentleman has designated it correctly. In fact, this is the provision around which all this time and work and trouble has been going on for the last six years. The rest of the bill has been so adjusted in regard to the Alaskan situation, and in regard to the repealing clause, and in regard to the general leasing provision that only this part remains at issue. In fact, every time the committee has gone over this bill they have to a greater or less extent improved and made the bill more workable, I believe, for the general development of both coal and oil and phosphate.

But this provision is one that concerns the real center of the fight. Now, there is a provision here that gives some relief. The other provision would recognize in some fields the valid claims, bona fide claims, claims where there is no semblance of fraud, claims where the parties have actually complied with the law and discovered oil, but reservations are placed over them. But I am so optimistic in the affairs here and have such a high regard for the general justness and fairness of men dealing with others, that when this gets into conference I hope it may be adjusted. There is now a difference between the House and the Senate. The House has passed heretofore one provision; the Senate has passed another. I hope when this matter is finally adjusted it will be found satisfactory. The Navy Department has within the past month realized and now sees the wisdom of legislation in regard to the oil situation. The justness of its actual use at the present time is recognized, the absolute necessity of that use. There is to be no injury or damage done to any part or branch of the Navy. The conditions being such as they are, when the three departments, with the Senate and House and the conferees from these two bodies, get together, I am thoroughly convinced now that we are going to finally secure this general leasing legislation.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. I want four minutes more. I may not use but one. Then I shall be through.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for four minutes. Is there objection?

There was no objection.

Mr. RAKER. I am confident that this contested matter, or the matter on which there has been so much difference, will be adjusted, because all those heretofore who have been contesting the leasing system, who have, in other words, stood for an out and out patent for all lands relating to oil, coal, phosphate, sodium, and potassium, now recognize that it is a proper thing, and that the people demand the leasing bill. That whole idea and thought is consolidated in the leasing proposition, and on it they have all been working, those originally in favor, those who had some doubt, and those who were opposed to perfecting the leasing legislation; so that I believe that has been done in this bill which will thoroughly protect the Government and give the highest development, and at the same time protect the public that will have to use these various minerals in their various walks of life and in their daily occupations and vocations. So that the only thing remaining is the question of adjusting these various claims and these various controversies in California and Wyoming.

So that the only thing remaining is the question of these various controversies in California and Wyoming, and the department now realizes the necessity of opening up reserve No. 2. We do not want to open up reserve No. 1. It ought not to be opened up. No one asks to open up reserve No. 3. They have got billions of barrels of oil, but it is necessary to open up the only one which will not permit the Southern Pacific Railway Co., the Standard Oil Co., and other companies to tap all the oil in that land while we are trying to hold it for the Navy, but will permit the men to use it and develop it and obtain the oil, paying the Government the royalty that it ought to have, and at the same time treating them as they ought to be treated, because of their energy, endurance, and patriotism, because of the money that they have invested in this, and their willingness to do the right thing. There is general good feeling prevailing, and I believe we are going to get results, and that this bill will be passed as it ought to be passed.

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Massachusetts.

Mr. WALSH. The gentleman is discussing most intelligently the provisions of this bill with reference to certain oil lands in his own State.

Mr. RAKER. I am trying to do that.

Mr. WALSH. When this measure was introduced or about to be introduced earlier in the session a great many of the Members of the House received communications and circulars in the nature of protests against this measure, which may or may not have appealed to some of the Members of the House who know very little about the intricacies and technicalities of this class of legislation, and which contended that this proposed legislation would result in the interests—I think that was the term used—which probably may have comprehended the corporations, which the gentleman has mentioned, being given a preference or unfair advantage in acquiring the rights in this oil, to the detriment of the public interest. I would like to ask——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WALSH. I ask unanimous consent that the gentleman may have two minutes more in order that I may complete this somewhat complex interrogatory.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from California be extended two minutes. Is there objection?

There was no objection.

Mr. WALSH. I desire to ask the gentleman if this legislation is so framed as to safeguard the interest of the Government and

of individuals who might desire to enter into oil activities, and so as not to give any preference or monopolistic advantages to large corporations or combinations of capital that might seek to acquire exclusive control in this line of activities?

Mr. RAKER. I want to say to the gentleman in answer to his very clear although somewhat prolonged question, properly put and well put, that the bill as it is now presented to the House most strenuously protects the Government in every regard, desired by those who are seeking remedial legislation; but many of us believe that it not only does that, but that it does take from the bona fide claimants who have expended their time and their money and complied with the placer-mining laws made applicable by the law to petroleum—that it takes from them from one to two thirds of what they would legitimately be entitled to.

Mr. MADDEN. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Illinois.

Mr. MADDEN. I want to thank the gentleman from Massachusetts for the clear and simple question that he has asked, and the gentleman from California for the very lucid statement he has made. We all understand it now. [Laughter.]

Mr. RAKER. The gentleman from Massachusetts and myself compliment and thank the gentleman from Illinois for his gracious remarks. [Laughter.]

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling attention to the modification of this section as compared with the same section of the bill as it passed the House on a former occasion. The provisions ought to be in parallel columns. The bill that passed the House with full approval of the House on two former occasions contained this language:

That upon relinquishment or surrender to the United States, within six months from the date of this act, by any locator or his successors in interest of his or their claim to any unpatented oil or gas lands included in an order of withdrawal, upon which oil or gas had been discovered, was being produced, or upon which drilling operations were in actual progress January 1, 1914, and the claim to which land was initiated prior to July 3, 1910, the Secretary of the Interior may, within his discretion, lease, on such reasonable terms and conditions as he may prescribe, to such locator or his successor in interest, the said lands so relinquished, not exceeding, however, the maximum area of 640 acres to any one person, association, or corporation, said leases to be conditioned upon the payment by the lessee of a royalty of not less than one-eighth of the oil or gas extracted or produced from the leased premises or the proceeds thereof, each lease to be for a period of 20 years.

It is a rather unusual thing for a committee, after having reported a bill unanimously and after having secured its passage through the House unanimously, to change the provisions of the bill vitally, fundamentally, and in a revolutionary manner. Therefore I thought some one ought to call attention to the fact that it has been done.

Mr. MADDEN. This is a period of revolution.

Mr. MONDELL. We were assured, when this bill was before the Committee of the Whole the last time, that it had the approval of all the secretaries whose names are in the Congressional Directory, as I recall it, and of about everybody from the President down, and that all these provisions were entirely satisfactory to everybody except a very few of us who constituted an objecting minority. That having been accomplished, the committee now come in with an entirely new provision, very different in character, which also we are assured has the approval of all of the Secretaries who have been consulted, and, I assume, of the Chief Executive, the approval of practically everybody it seems, except those who are really interested in the matter and whose rights are in jeopardy.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Illinois.

Mr. MADDEN. I simply want to say to the gentleman that I am glad we are all "insured" under the terms of the bill. But I want to know what section of the bill he is objecting to.

Mr. MONDELL. No particular section of the bill. [Laughter.] At this time I am submitting a few remarks on the twelfth section of the bill, and calling attention to the very marked change that has come over the views of the committee since the bill was last unanimously reported, approved, and passed the House.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask, Mr. Chairman, for five minutes more.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 10 minutes, 5 of which shall be used by the gentleman from Wyoming and 5 by myself, that all debate on the pending paragraph and all amendments thereto be closed.

Mr. MADDEN. Reserving the right to object, and I shall not object, I wish that the gentleman from Wyoming in the course of his five minutes would give to us an illustration of the fundamental difference between the bill he is talking about and the one before the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MONDELL. Mr. Chairman, on a further examination of the RECORD I find that the gentleman from California [Mr. RAKER] was not entirely accurate in answer to my inquiry a moment ago as to the genesis of the provision he was reading. It seems he was not reading the amendment offered by the oil men, but that amendment as it had at one time been approved by the committee tentatively. So that there are really three propositions, one unanimously agreed upon on a former occasion, another proposed by the oil men, modified by the committee tentatively, and the third the provision in the bill.

Mr. MADDEN. Are the oil men making up this bill?

Mr. MONDELL. The oil men have not made up the bill. The trouble is the reasonable requests of the oil men have not been properly met in the bill.

I think it is entirely proper that American citizens, having great interests at stake, should be allowed to present their views to the committee, and my regret is that the committee did not see its way clear to deal as fairly with them in this particular matter as they did on a former occasion. The former provision of the bill was not a liberal one—far from it. The present one is a tremendously illiberal one and, in my opinion, not justified from anybody's standpoint.

Mr. MADDEN. Will the gentleman illustrate the difference?

Mr. MONDELL. If the gentleman will give me time. Because of the fact that it does not do justice to the oil men in the first place, and would restrict the production of oil in the second place unless the President comes forward and agrees that additional wells may be drilled. I realize the embarrassment of the committee in view of the very great differences of opinion surrounding these matters. They formerly gave these people, who had become involved in certain withdrawals, the right to secure leases on not to exceed 640 acres on a royalty of one-eighth. In many cases they had spent hundreds of thousands of dollars on them. The provision before us allows these same men to continue to draw oil only from the wells now drilled, and to drill no further wells. The result of that will be to limit production at a time when we need to increase it.

There is a provision under which the President may allow additional wells to be drilled, and it is in the hope that the matter may be so presented to the President that he may be able to untangle this raveled skein of views, opinions, and interests, and out of it to secure something reasonably fair, that the committee, as I understand it, has brought in the provision now contained in the bill.

No one is going to offer an amendment to it, although no one believes it is just what ought to be done.

Mr. MADDEN. Does it not put a good deal of a burden on the President to unravel these troublesome problems?

Mr. MONDELL. It does.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. ELSTON].

Mr. ELSTON. Mr. Chairman, I made some preliminary remarks in general debate the other day in regard to the attitude of the western members of the committee touching this bill, and I had particular reference at that time to the provisions of this section. This section gives the California oil operators and the Wyoming oil operators, who were caught out in the first withdrawals, concerning the validity of which there was a great deal of doubt among lawyers and judges—it gives to these men who were brought into that unfortunate situation, not by their own fault, not by any conspiracy, practically nothing but a modicum of the very meager relief which this House has heretofore given to them unanimously. Twice this House has passed a bill without any opposition granting to these men upon the relinquishment of all of their claims to the Government a lease of their claims, not exceeding a limit of 640 acres, upon a royalty of one-eighth, namely, the ordinary commercial royalty which obtains between lessor and lessee in ordinary commercial oil-lease transactions.

Under the relief provisions heretofore accepted by the House the Government got the advantage of the great expenditures of time and money made by the pioneer oil men of the West and obtained the same rental that it would receive from an ordinary lessee. That was rather unfair. It was the relinquishment by the oil operator of all benefits of his pioneering efforts. Now he

is brought down by a combination of circumstances, by the pressure of the departments, to relief which is far below the meager relief offered to him twice before.

I want to express one hope, and that is that there may be some way to get the President's mind personally on this proposition, to get his personal attention to the real merits, in order that under the discretion granted to him in this bill he may do justice to the oil men of the West. Then, I know he will do proper justice to the oil men of California and Wyoming, just as they have met him—patriotically and generously. [Applause.]

Mr. FERRIS. Mr. Chairman, I shall detain the committee only a moment or two upon this, but the committee is entitled to know something about this. This is the so-called relief section over which there has been so very much controversy. This is the section about which Congress was circularized early in the present session. It is the same section referred to by the gentleman from Illinois [Mr. MADDEN], and by the gentleman from Massachusetts, and this is the section that the Secretary of the Navy formerly objected to—rather, it is the subject matter of the section. The section has changed so much no one would know it.

Mr. MADDEN. This is the section that the gentleman from California [Mr. RAKER] so lucidly described a few moments ago?

Mr. FERRIS. This is the same one, and this is the same subject matter that the Department of Justice has been interested in and about which it has written so many letters to the chairman of the Committee on the Judiciary, Mr. WEBB. It is the same section that the Secretary of the Navy has written so many letters about to the chairman of the Committee on Naval Affairs, Mr. PADGETT. It is the same section over which there is still a sharp controversy between the Senate and the House. This is the section that the oil men now claim is harsh, and that it deals heavily with them. So much for the identity of this section. Let me in a word state how we arrived at this section. There are three naval reserves in the West, large in area and with a good deal of oil in them, some of them very rich in oil, some partially developed, some totally, and some not at all. They were withdrawn in 1909 by President Taft. Drilling was in progress at that time. Men had vested rights there then. This withdrawal order stopped the whole performance. There were horseback opinions given hither and thither throughout the West that this withdrawal order had no effect, and that President Taft had no authority to do what he did do.

Many good, honest men went on drilling under the advice of highly paid counsel, who thought they knew their business, and they thought that was the law. Finally, after six or seven years the Supreme Court held that he had the authority to withdraw the land, and it was a divided court at that. The Attorney General has heretofore brought 55 suits in an effort to have the court hold they had no rights at all, trying to take all of their property away from them. With the eye of a prosecutor who is relentless and pitiless, I suppose the Department of Justice was doing its full duty. The Secretary of the Navy, with an eye vigilant to the withholding of all Government property and preserving an adequate supply of oil for the Navy, also had the oil men by the throat, and the Secretary of the Interior, who is the legal custodian and executive officer of this land, was somewhat of a sharpshooter in looking after the Government's interests. He, too, was vigilant, clear-headed, and watchful that no Government rights be sacrificed or neglected.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, as the bill passed the Senate the oil men felt that they had fared pretty well. They did. The Navy Department was protesting with all the steam they had at their command, and the Department of Justice with all the steam they had. The Secretary of the Interior agreed to but a part of the provisions that went into the bill. The bill came over here and was referred to the Committee on Public Lands. Our committee set to work to have hearings in an effort to thrash out the differences and try to get at some plan whereby we could do justice to these oil men—and they are good honorable men, every one of them, and nothing but the most honorable tactics have been maintained by them throughout the whole proceeding.

We had hearings lasting five or six weeks. We called to our aid a representative of the Department of Justice, which had started the 55 suits, and their representative sat there through every part of the six weeks' hearing. We called to our aid the Secretary of the Navy, and he designated Commander Wright, one of his representatives, who sat there and observed everything we did and said. Secretary Lane furnished us Judge Finney, one of his law officers, to come and help us. They were all helpful. They were all anxious to do their duty. Our committee was patient and earnest. It was a hard job; it was a difficult job. We labored as faithfully as we knew how, and every man on the committee, on both sides, was patriotically and honestly trying to do the right thing; trying not to rob these men, who had honestly spent hundreds of thousands of dollars to develop that desert waste; trying not to take the last penny they had. No one wanted to do that. On the other hand, we did not feel that we ought to surrender to the oil men and let them have all of their amendments. They had 25 or 30 amendments which they wanted inserted. I do not criticize them for that. It is natural. Human nature is very much the same everywhere. It is the same in my State; it is the same in Wyoming; it is the same in California. The ordinary citizen feels that anything that he can divest his Government of and give to himself with color of honor he ought to do it. I do not want to render any wholesale indictment against people, but human nature is just the same everywhere. We sat there for six weeks. The oil men came and laid their cards on the table. They offered 25 or 30 amendments. I had their amendments printed in italics in the bill as a special committee print, so that everyone could see what they were. Some of the amendments we adopted and some of the amendments are in the bill, and made it better than it was before. With such intelligence and light as we had before us we accepted them, but on this question of relief we did not accept their proposal. Their proposal, as advocated in before the Senate and elsewhere, was, in a word, to direct the dismissal of the 55 suits. I do not think a legislative body ought to do any such thing now or to-morrow or at any time. It is taking too much responsibility. Their plan was to direct the issuance of patents to these lands.

Mr. ELSTON. Is the gentleman not speaking of a situation of about five years ago? They have not within recent years tried to do anything such as the gentleman suggests, have they? The oil men of California and Wyoming did not ask to have the suits dismissed?

Mr. FERRIS. The Senate bill amounts to that.

Mr. ELSTON. I mean in the House.

Mr. FERRIS. I do not know whether they instigated that in the Senate. This matter has been before us so long—it has appeared in so many forms. I hold in my hand the Senate bill. It directs the suit to be dismissed, and it directs that patents issue for these lands. I shall not as a member of the committee ever do any such thing as that. Congress ought not to do any such thing. It is too much to expect of us.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

Mr. FERRIS. I do not want to bore the House, but this is a very important matter.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Oklahoma be extended for five minutes. Is there objection?

Mr. MONDELL. Mr. Chairman, reserving the right to object, how long is the gentleman going to continue?

Mr. FERRIS. Five minutes.

Mr. MONDELL. I ask that I may have three minutes.

Mr. FERRIS. Oh, Mr. Chairman, I will quit now because the gentleman has spoken twice, I think, and I do not think the gentleman ought to do that. I have charge of the bill and I have not consumed a great deal of the time, and the gentleman has consumed a tremendous lot of time.

Mr. MONDELL. This is a very important section of the bill and there are two sides to this proposition.

The CHAIRMAN. Objection has been made, and the Clerk will read.

Mr. MADDEN. Mr. Chairman, I would like to ask five minutes, I have not talked at all on this bill. I ask unanimous consent that I may have five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. ELSTON. Mr. Chairman, reserving the right to object—and I am not going to object—the gentleman understands that this is a sort of aftermath discussion. There is an amicable arrangement in reference to this whole situation that has been effected. There is no soreness on the part of California. I said yesterday we suffered this situation. We feel that we have not been given justice, but we feel that production is a big thing, and there have been some expressions here that provoked the explanation of the chairman. I am sure he does not intend to

bring about any discussion, and surely he is not going to yield to any proposed amendment.

The CHAIRMAN. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, it seems to me that discussion and debate upon this measure has reached a very peculiar stage when the chairman of the committee having charge of a measure can not by unanimous consent get his time extended five minutes further. I trust at least the gentleman from Illinois may have that courtesy accorded to him.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Do I understand objection was made to the request that the chairman of the committee may proceed for five minutes? I ask that my request be again submitted that the gentleman from Oklahoma may continue for five minutes.

The CHAIRMAN. There is a request now pending that the gentleman from Illinois proceed for five minutes. Is there objection?

Mr. WALSH. Reserving the right to object, did not the Chair announce that the request for extension of time to be granted to the gentleman from Oklahoma was objected to?

The CHAIRMAN. The Chair so did.

Mr. STAFFORD. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. May I inquire who objected to that request?

The CHAIRMAN. The gentleman from Oklahoma himself objected to it.

Mr. STAFFORD. I again make the request, with the consent of the gentleman from Illinois, that the gentleman from Oklahoma may proceed for five minutes.

The CHAIRMAN. That request will be considered after the request now pending shall be decided.

Mr. STAFFORD. The gentleman from Illinois withdraws his request temporarily.

The CHAIRMAN. The gentleman from Wisconsin requests that the gentleman from Oklahoma be allowed to proceed for five minutes. Is there objection? The Chair hears none.

Mr. FERRIS. Mr. Chairman, I may not take all of the five minutes. I thank the committee. I never have but one object in going at a thing, and that is as it is, and that is what I am trying to do here. I attach no wrong thought to those people. I said at the start they were pleading their own case. They have a right to do that, and I do not complain. They were before our committee for six weeks. They were well qualified to present their cause. Some of them have lost lots of money; some of them have made lots of money. There are, I suppose, good and bad ones among them, but as far as I know they are a fine lot of people who have been before the committee for a long time, and we gladly and patiently heard them. What I am trying to get at, and if the words I speak now have any force at all it will be a little help to me in conference to hold this matter in line. I try never to speak without purpose, and I have a purpose in this, and that is I want the House to know a little about this so that I might perchance get a little support in conference. The trouble about this bill is not here to-day, it is in conference. This provision as it now stands, as has been suggested by the gentleman from California [Mr. ELSTON] has been agreed to. It enjoys the indorsement of the three departments that have to do with it—Secretary Lane, Secretary Daniels, and Attorney General Gregory.

Attorney General Gregory has the suits, Secretary Daniels has the Naval Reserves, and Secretary Lane, has the administration of the lands. They have all written letters and advocated and helped to make this section. They were present by their representatives at all times. Our committee has finally agreed and the Members of the Western States have agreed. Those Members representing the States of these oil constituents who are in the oil business think this is but scant justice. Perhaps it may be, but we can not get together on any other provision than this, and we have tried as long as there is any use in trying to get together on anything else. This provision is, in a word, that a claimant can go ahead and drill wells, work, and pump oil from the wells now open and producing, but does not let them go on drilling more on these naval reserves. If they want to go and bore more wells they must make a new lease. They can not go on their old claim to titles.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. MONDELL. That does not apply only to naval reserves, it applies to any of the lands affected?

Mr. FERRIS. I understand, but there is a provision—there was some controversy whether they have titles out there or not—there was a provision here if in the judgment of the President—which of course does not mean very much, it only means a departmental officer who has to do with that particular branch will recommend to him—he may by proclamation when public interests demand the need of oil, permit drilling everywhere, inside and outside.

Mr. CRAMTON. If the gentleman will permit, the gentleman alarms me a little there. In the event it is developed that the country comes to face a very serious situation, due to the shortage of oil during this war crisis and these preserves present one of the best opportunities for a quick increase of consumption, does not the gentleman feel that that clause would then be of importance?

Mr. FERRIS. I do. What I meant to say was I do not think this confers such unusual and extended powers on the President, but it really means that the administrative officer under him who has jurisdiction of that particular branch will work out the details and the President will affix his signature to it. I can not believe that the President can have the time to blow the nose of every citizen in the Republic every time the occasion may warrant it. I know he is the greatest man in the world to-day. I know his ability to turn off work is almost limitless, still he should not be expected to deal with all these oil claimants and the limitless muddles they get into.

Mr. RAKER. As a matter of fact, naval reserves Nos. 1 and 3, there is no one desiring to take that and go ahead?

Mr. FERRIS. That is true, but the Navy reserve No. 2 is the big oil reserve, and Navy No. 2 is where the big strike and the big wells are. It is the one where the big oil wells are. It is the one over which their has been so much controversy.

Mr. ELSTON. Is it not a fact that seven-eighths of the land comprised in Navy reserve No. 2 is private property, either by patent or adjudication of the courts up to date, and the Navy has admittedly, so far as uncontested title is concerned, or possibly where the title may be contested and where the opinion is it may prevail, title to about only one-eighth of it, and that seven-eighths is in private hands?

Mr. FERRIS. That is, provided the Southern Pacific is going to win the suit. That is not yet the final judgment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, I am going to confess what I very rarely confess, to a very scant knowledge of the legislation that is pending. As a rule, I try to be familiar with the details of legislation before the House, but I know very little, if anything, about this bill.

But I am very glad the gentleman from Oklahoma [Mr. FERRIS], the chairman of this committee, brought out the fact that it was proposed to legislate lawsuits out of court by the men who were interested in making up this section of the bill, and that the committee decided not to allow that to be done, for I know of nothing that would be more vicious than legislation that would take out of court cases that are in process of adjudication. I have seen things of that sort attempted here before. Fortunately, the membership of the House, when they understand the situation, have always used wisdom in the determination of the question.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LA FOLLETTE. There never was anyone who asked for any such right as that, and the provision that was put in was to give them, in case they chose to relinquish any suit they had, the right to come in under the bill; but neither the committee nor the oil men themselves have ever asked that anybody's judicial rights should be taken away. We could not do it if we desired to do so.

Mr. MADDEN. I understood the gentleman from Oklahoma to say that the language of the bill originally would legislate cases out of court.

Mr. ELSTON. I take exception to the accuracy of the chairman's statement on that.

Mr. FERRIS. The Senate bill.

Mr. MADDEN. I did not intend to say that it was done in this committee, but somebody wrote it in. The legislation was before us. This committee struck it out. At whose instance it was put in I do not know and do not care. I think it is vicious, and I am glad, more than glad, that the men on the Committee on the Public Lands of the House have had wisdom enough, and patriotism enough, and integrity enough to stand against that kind of vicious legislation. If these men who have made claims on oil property out in the West have any rights and those rights are contested by the Government of the United States, let the

courts decide who is entitled to them. We have no right to take those cases out of court, and ought not to do it. It would be dishonest if we should do it, and it would be proper that we should be criticized for not having the integrity of purpose that should exist in Congress. I do not care who the oil men are, how much influence they have, how much patriotism they profess, how much they are giving up, how far they are willing to concede the rights of others, I am opposed to them or anybody else being permitted to write language into any bill that would legislate a case out of court. If this bill, when it came to the Committee on the Public Lands of the House, contained any such provision as this I am proud of the integrity of our Committee on the Public Lands for taking it out of the bill, and I hope that when the bill goes to conference the conferees of the committee will be sustained by the House in their determination not to insert it in the bill again. For one, I will be found here on the floor, if I am alive, defending them in any report that will insist on maintaining the integrity of the Government and protecting the rights of the American people against any combination of interests, I do not care whether they are in the oil business or any other business.

Mr. ELSTON. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

SEC. 13. That rights of way through the public lands of the United States are hereby granted for pipe-line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this act to the extent of the ground occupied by the said pipe line and 25 feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior, and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That no right of way shall hereafter be granted over the public lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding.

Mr. RAKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California, a member of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 42, lines 1 and 2, strike out the words "or the regulations prescribed by the Secretary of the Interior."

The CHAIRMAN. Does the gentleman from California desire to be heard?

Mr. RAKER. No.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CRAMTON. Mr. Chairman, I want to be recognized in opposition to that amendment.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CRAMTON. I am inclined to protest against our slipping through here, without a word of explanation, a provision that takes it entirely out of the hands of the Secretary of the Interior to enforce the regulations that we empower him to make.

Now, we are proposing to lease properties that are worth, perhaps, millions. We are placing it in the hands of the Interior Department to make the regulations under which those leases shall be held, and then the committee, after consideration, having provided that upon a violation of those regulations a lease may be forfeited by a proceeding in court, now it is proposed by a member of the committee, without a word of explanation or any discussion whatever, to strike out a provision for enforcement as to the regulations of the Interior Department. And personally I can not refrain from making an objection to the amendment.

Mr. RAKER. Mr. Chairman, I am going to take five minutes when I get the chance, now.

Mr. CRAMTON. I am delighted if I have at least been able to get the sponsor of the amendment to say something. It is customary to get the proponents of an amendment to open a discussion, but in this I was mighty lucky to get it at all.

Mr. RAKER. I thought I would save time of the committee. It is so apparent and so just that possibly I made a mistake in not explaining it. I want to call the attention of the committee to the fact that other provisions of the bill authorize the Secretary of the Interior to prescribe rules and regulations that go into the laws. Now, do not forget that. I want to particularly call that to the attention of the gentleman from Michigan [Mr. CRAMTON].

Now, this provision is entirely different and distinct. The provisions in section 13 are those prescribed in the law, and, whether they are included in the lease or not, they are a part of the lease, and if the lessee violates those provisions of the law the lease may be forfeited in a court of competent jurisdiction under proper proceeding.

Now, when we reach the proviso that is offered to be stricken out, we find that the Secretary of the Interior is authorized to prescribe regulations not in the lease, not contained in the lease, not known to the lessee, not known to the public nor in the law, no one having knowledge of them, enacted after the lease has been enforced possibly for a year or two years—things that might deprive the lessee of his valuable property. The Secretary of the Interior prescribes regulations whereby, if the lessee does not comply with them, what is to happen? Not that they should be enforced, but that the lessee loses his lease. You can go into a court of competent jurisdiction and forfeit the lease under a rule and regulation adopted by the Secretary of the Interior years after the lease has been issued and the party has been in possession of the property.

Now, clearly, there is not any legislator nor any man who wants to take a snap judgment upon anybody by adopting rules and regulations that will forfeit the property under the rules and regulations that he can carry out. If he does not do it you can go into court and compel him to carry them out. Oh, no. You are not satisfied with that. You want to forfeit his property. You want to take it from him with the high hand without his knowledge.

Now, clearly, neither this Congress nor any Congress ought to pass such a law as to leave a snare and a pit for a man to fall into. You want to be open and fair. You want to deal with them with open-handedness and give them an opportunity to have written into the law what you expect them to do. And if you write into the law provisions to be complied with, everybody will know; they will know when they get their lease and start to work. If they do not comply with it and are recalcitrant they go into court and forfeit it.

Mr. CRAMTON rose.

Mr. RAKER. I yield to the gentleman.

Mr. CRAMTON. No. I am in hopes to give the gentleman some information. I wait for the gentleman to conclude.

Mr. RAKER. The gentleman spoke about giving information. I am always willing to get information.

That being the case, Mr. Chairman, I am sure we ought not to put any snares or pitfalls into this bill. We allow the Secretary of the Interior to make rules and regulations if they are inserted in the lease. That is all right, because if a man takes a lease he takes it knowing those facts. They are written in the lease. But even my able and distinguished friend from Michigan [Mr. CRAMTON] does not want rules and regulations to be issued that will forfeit a man's lease or property after the lease has been executed and delivered, does he?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. FERRIS. Reserving the right to object, after the gentleman concludes, in five minutes, I ask unanimous consent that the general debate be concluded. No; I modify, Mr. Chairman, that by including five minutes for the gentleman from Wyoming [Mr. MONDELL], making it 10 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the debate on this section be concluded in 10 minutes, giving 5 minutes to the gentleman from Wyoming. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, if I properly understood the gentleman from California [Mr. RAKER], who is generally very clear, I understood him to fear that, by reason of the phrase which he tries to strike out, the lease under which these operators would secure their oil might be forfeited by reason of these regulations.

Now, Mr. Chairman, I would like to have the attention of the gentleman who has proposed this amendment. I understand the gentleman is worrying because the lease that the oil operator has is going to be forfeited in some way because of some regulations that are not in the lease. That is the idea, is it?

Mr. RAKER. I will answer the question. I am not afraid, but I do not want to be a participant in——

Mr. CRAMTON. Answer the question. It is the lease that the oil operator has?

Mr. RAKER. Yes.

Mr. CRAMTON. Then this, Mr. Chairman, is a good illustration of the danger in passing offhand a half-baked amendment that comes in here, even from the distinguished Member from California, because section 13 has nothing to do with oil leases whatsoever. It only has to do with rights of way through public lands to be granted for pipe line purposes for transportation of oil, under rules and regulations prescribed by the Secretary of the Interior and upon condition that such pipe lines shall be constructed as common carriers.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DEWALT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2812) to promote and encourage the mining of coal, phosphate, oil, gas, and sodium on the public domain, and had come to no conclusion thereon.

ARMY APPROPRIATION BILL.

Mr. DENT, by direction of the Committee on Military Affairs, reported the bill (H. R. 12281) making appropriations for the support of the Army for the fiscal year ending June 30, 1919, which, with the accompanying report (No. 607), was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. The gentleman from California reserves all points of order on the bill.

Mr. WALSH. Mr. Speaker, may I inquire of the chairman of the Committee on Military Affairs when he expects to call up the bill?

Mr. DENT. The understanding was that the bill would be called up on Monday.

The SPEAKER. The Chair will state to the gentleman from Alabama, for his information, that the gentleman from Kentucky [Mr. SHERLEY], chairman of the Committee on Appropriations, introduced his deficiency bill this morning and announced that he would like to get it up on Monday. The Chair makes that suggestion to the gentleman.

Mr. DENT. Then there is evidently some misunderstanding.

The SPEAKER. The gentleman from Alabama and the gentleman from Kentucky can work this out in the meantime.

EXPLORATION FOR COAL, PHOSPHATE, OIL, GAS, AND SODIUM.

Mr. FERRIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2812) to promote the mining of coal, and so forth.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. DEWALT in the chair.

Mr. CRAMTON. Mr. Chairman, this section does not refer to oil leases but to the grants of rights of way for pipe-line purposes, and it provides that they shall be "granted for pipe-line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this act"; that such grants shall be subject to "such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior," and that "failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court," and so forth.

I submit that the point of the gentleman's argument which refers to provisions of oil leases does not apply to this section and the amendment ought not to be adopted. It is an example of the peril of accepting an amendment on the mere suggestion of a Member and without consideration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. CHANDLER of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 41, line 16, after the word "and," strike out "twenty-five on each side of the same," and insert in lieu thereof the words "not exceeding an additional 10 feet parallel with same."

Mr. CHANDLER of Oklahoma. Mr. Chairman, I see no reason for granting a right of way for a pipe-line company of this magnitude. There is no reason in the world why a pipe line should have any more right of way than a railroad company, and most of the railroads in this country only have 50 feet right of way. This bill provides that the pipe lines shall have a grant of the land occupied by the pipe line and then an additional 25 feet on each side of the pipe line.

Now, this is entirely too much ground to give to any pipe-line company. As everybody knows, most of the railroads of the United States have only 50 feet of right of way—they have to make grades, and so forth—but a pipe line only takes up 12 or 16 inches, making no grade, simply digs ditches, goes over the hills and down again, and the Government ought not to give a pipe-line company this amount of land.

Mr. STAFFORD. Will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. STAFFORD. I have not as much knowledge of oil pipe lines as the gentleman from Oklahoma, who lives in an oil district, but I have seen pipe lines in the West, and the query arose whether it is necessary to grant such a large right of way as 20 feet. I can not see any necessity of having that space granted to one separate company. I should think with the pipe line laid in a gulch it would be advantageous to have the pipe line confined to a narrow way. Everyone agrees that 50 feet is too extensive, but why should you give 20 feet to one company? Might not that be too large a width to be granted to a company?

Mr. MONDELL. Will the gentleman yield? Do I understand the gentleman to say that anybody has admitted that the width permitted in the bill is too much?

Mr. STAFFORD. I have heard expressions from gentlemen on the committee that 50 feet was entirely too much.

Mr. MONDELL. Have gentlemen changed their minds since they left the committee room? I thought we were bound to stand by the bill.

Mr. STAFFORD. The gentleman can see how they have stood by the bill in voting down an amendment by the gentleman from California which seemingly had the support of some members of the committee.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CHANDLER of Oklahoma. Mr. Chairman, I ask to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma.

There was no objection.

Mr. CHANDLER of Oklahoma. Mr. Chairman, in answer to the gentleman's query, my amendment does not provide for 20 feet but for 10 feet in addition to what they occupy. Really I do not see a great deal of use for an additional 10 feet, although the question might arise in building telegraph and telephone lines parallel to the pipe line, and that is a part of the pipe line for which they might need the additional 10 feet. Most of the pipe lines over private ground simply provide for land that is occupied by the pipe line and the right of ingress and egress to repair the pipe lines. I can see no reason why a pipe-line company should be granted an additional right of way over public land from what they would ask over private land. That is my reason for offering this amendment and to give them 10 additional feet from what they ask from private individuals.

Mr. TAYLOR of Colorado. Mr. Chairman, I infer that my good friend from Oklahoma has never lived in a mountainous country. In a mountainous or rough and broken or hilly country pipe lines are sometimes buried on side hills or gulches, sometimes on high trestles, and on all kinds of ground, and people have to go up and down the lines to mend breaks in and repair the pipe line, and for various reasons, and you can not drive teams or haul material on a 10-foot strip of ground through that kind of country. The use of it is merely an easement, subject to such rules and regulations as may be prescribed by the Secretary of the Interior. These regulations will not prevent the ground from being used, if the ground is such that it ever can be used for anything; that is, if a pipe line runs over any land that anybody ever wants. It is only public land that has been heretofore deemed worthless. If the lands over which a pipe line will run were any good they would be in private ownership long ago. It is only the rough, arid land that nobody wants which is now open for settlement. If merely an easement over a right of way is given, and only temporarily, for the occupation by a pipe line, subject to such rules and regulations as the Secretary of the Interior will prescribe, the Government is not going to be hurt any by allowing the owner to use for that purpose only a strip of ground 25 feet wide on each side of the center of the pipe line, and I hope the gentleman's amendment will be defeated.

Mr. CHANDLER of Oklahoma. Will the gentleman yield?

Mr. TAYLOR. Yes.

Mr. CHANDLER of Oklahoma. We have pipe lines going over hills where you could not think of leading a horse, let

alone driving a wagon. So what good would 50 feet be? Your 10 feet covers it, and the ground used for the pipe line is taken up, and all you need is the right of ingress and egress as you get over private land. They have got to get to that in some way.

Mr. TAYLOR of Colorado. I did not yield to the gentleman to make an argument. The gentleman has already made a 10-minute speech in support of his amendment.

Mr. CHANDLER of Oklahoma. The gentleman asked me a question.

Mr. TAYLOR of Colorado. The gentleman says that railroad rights of way are 50 feet. As a matter of fact, railroad rights of way are, I think, always at least 200 feet, and some railroads have a right of way of 400 feet.

Mr. MONDELL. The Union Pacific Railway right of way is 400 feet.

Mr. TAYLOR of Colorado. Yes; I know that road claims 400 feet for about 1,000 miles. All of our railroads in the mountainous West must have 100 feet right of way. Our wagon roads are 60 feet, and even a ditch through that country ordinarily has a right of way of 25 feet on each side. They have to have it in order to properly maintain the ditch. This right-of-way provision pertains principally to Colorado and Wyoming and we now have a Federal law on this subject expressly applying to those two States and allowing a 50-foot strip of land for a pipe line.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. I ask unanimous consent that my time be extended five minutes.

Mr. FERRIS. Reserving the right to object, which of course I do not intend to do, I ask unanimous consent that at the expiration of five minutes debate be closed. The amendment is a very inconsequential one.

Mr. MONDELL. If the gentleman will remember, I did not use the last five minutes he got for me.

Mr. FERRIS. Then I ask that at the expiration of 10 minutes, 5 minutes to go to the gentleman from Colorado [Mr. TAYLOR] and 5 minutes to the gentleman from Wyoming, debate on this may be closed.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of 10 minutes, of which 5 minutes shall go to the gentleman from Colorado and 5 minutes to the gentleman from Wyoming, debate on this amendment shall close. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, owing to the very great shortage of oil, the very great consumption in excess of production, I assume that every Member of this House is very much in favor of oil development. With a shortage of 60,000,000 barrels this year, every patriotic citizen should be in favor of any fair law that will encourage oil development, and if this House is in favor of oil development there is certainly no reason for handicapping it by any more restrictions than are already in this bill. I may say that there is not a western Member of this House, certainly none from the States to which this legislation will apply, who is satisfied with this bill. It is much more drastic than we feel it ought to be. It will not bring about the development that the country needs and would get under a more liberal bill. At the same time we have agreed to accept this bill as the best we can get, and for that reason have not filed a minority report.

Mr. RAKER. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Yes.

Mr. RAKER. I find that——

Mr. TAYLOR of Colorado. I yield only for a question.

Mr. RAKER. It is a part of my question. Here is an act granting the right to establish pipe lines in Colorado, giving a right of way of 25 feet on each side. That is the law now.

Mr. TAYLOR of Colorado. Yes; that is the Colorado and Wyoming act, and expressly grants 25 feet on each side. People can neither build or maintain a pipe line on less than that width in that country. There is no use of requiring impossibilities or restricting development by utterly impracticable restrictions and limitations that neither do the Government or anyone else any good.

Mr. CHANDLER of Oklahoma. The grant gives the right to the land which it is necessary to occupy for its pipe line.

Mr. TAYLOR of Colorado. My dear sir, to build and maintain a pipe line you have got to have more than just the actual land that the pipe rests on. You have got to have a wagon road to transport the material, you have very often got to take earth and rocks from the side of the right of way, and so on. A trestle supporting a pipe line may be 50 feet wide at the foundation. There is no earthly use of preventing construction or compelling people to come back to Congress again to get a sensible law.

When the Secretary of the Interior is given the complete control of this right of way, that is sufficient; and I hope the amendment will not be adopted, because it is entirely inadvisable, absolutely impracticable, and utterly unnecessary. It can not be made to work out. Pipe-line owners would be compelled to go out and buy land adjoining every right of way or obtain from the Government an additional grant. This provision ought to be more liberal than it is. I hope this provision or this bill will not be misconstrued, because it is not intended to repeal that Colorado and Wyoming statute granting a right of way for oil pipe lines, because that act expressly gives an additional right to take whatever material may be necessary, and is a necessary, practical, and common-sense law, and I trust this act will not be held to supersede that very fair and beneficial law.

Mr. CHANDLER of Oklahoma. I think your bill is broad enough to cover not only the pipe line but the pumping station, and that they can go and take what land they need for the pumping station as long as they occupy it. Pumping stations are a part of the pipe line.

Mr. TAYLOR of Colorado. Why should you want to handicap these people in their very laudable and necessary efforts at oil development?

Mr. CHANDLER of Oklahoma. I am not attempting to handicap these people; I am attempting to give them a bill which is right from a practical oilman's standpoint.

Mr. TAYLOR of Colorado. The gentleman evidently has never had any experience in public-land States—I mean, in the Rocky Mountains—or he would know that this right of way is an absolute necessity. We have already cut it down from 100 to 50 feet. That is certainly the limit. Development will be seriously interfered with unless we have a right of way of at least 50 feet for our pipe lines across the rough portions of the public domain.

Mr. NORTON. The gentleman speaks about some one not having had experience in a public-land State, and I take it he wants the committee to infer he has had that experience, as I believe he has.

Mr. TAYLOR of Colorado. I have lived out there for nearly 50 years.

Mr. NORTON. If so, does not the gentleman know, as a matter of fact, that the width of the right of way granted to the railroads has been found by practical experience to be altogether too great in the Western States?

Mr. TAYLOR of Colorado. The 400-foot right of way granted to the Union Pacific was more than was necessary, especially on level ground for nearly a thousand miles; but in no place where there is rough ground has the 100-foot right of way been too wide or been curtailed.

Mr. NORTON. I am sure it is the consensus of opinion of the people in the Central West that the right of way of 100 feet on each side granted to the Northern Pacific and the Great Northern Railway through Minnesota, North Dakota, and Montana is altogether too wide.

Mr. TAYLOR of Colorado. On level farm land I think that is true. I think those railroads got a large amount of good land that they did not need and had no right to; but we are not asking for any good land or any land that we do not need.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, there is now on the statute books an oil pipe-line law, applying to Wyoming and Colorado, which grants an easement of 25 feet on each side of the pipe line.

Mr. RAKER. Will the gentleman yield to me for a question right there?

Mr. MONDELL. This section will repeal that law, which is in many respects much more liberal than this provision is, so we are putting in this law a provision much less liberal than the present law.

Mr. RAKER. Will the gentleman yield for a question? The provision of law which the gentleman refers to is more extensive than this one, and reads as follows——

Mr. MONDELL. I know all about it.

Mr. RAKER. The right of way is the land occupied by said pipe line and 25 feet on each side of the center. Here is the provision:

Be it enacted, etc., That the right of way through the public lands of the United States situate in the State of Colorado and in the State of Wyoming outside of the boundary lines of the Yellowstone National Park is hereby granted to any pipe-line company or corporation formed for the purpose of transporting oils, crude or refined, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the

same, to the extent of the ground occupied by said pipe line and 25 feet on each side of the center of line of the same; also the right to take from the public lands adjacent to the line of said pipe line material, earth, and stone necessary for the construction of said pipe line.

Mr. MONDELL. I introduced that bill. I know something about it. If we secure the development of oil on the public lands, which we hope for under this bill, long pipe lines will have to be built, and they will have to be built over a rough country. In many cases they will have to be carried on trestles and at elevations that will require a great spread of the trestle at the base. In many cases they will have to be built along sloping hillsides and mountain sides, and the width of 50 feet is none too great. The land that these pipe lines will run over in the main are of but little value, and all that is granted is an easement for the use of the pipe lines. No one in the operation of one of these pipe lines cares to have any more land than is absolutely essential for the maintenance of the pipe lines, but unless you grant enough so that the building of the pipe line can proceed and material can be obtained for the building of the pipe line, you hamper this very great development.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. If we were building these pipe lines largely through the fair and fertile valleys of Oklahoma, where the land is worth a great deal of money, it might be proper to reduce the width of the pipe-line right of way, but this is through public lands, mainly in the mountain and intermountain States, where it is rough, and a considerable width is necessary.

Mr. CHANDLER of Oklahoma. I would state to the gentleman from Wyoming that a pipe line runs from Oklahoma clear to New Jersey, over the mountains of Pennsylvania, and they have no 50 feet in addition to the ground occupied by the pipe line. They simply take the territory covered by the line.

Mr. MONDELL. I doubt if the gentleman knows how wide the rights of way are. They have purchased whatever properties they needed from the private owners. This is a proposition to build pipe lines for the development of Uncle Sam's oil and transport it to people who need it. There is no use of being niggardly in the granting of an easement in the form of a right of way.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. Since looking through this Colorado and Wyoming act I find this provision in it that is not in this bill——

Mr. MONDELL. It authorizes the taking of material.

Mr. RAKER. Yes.

Mr. MONDELL. Which this bill does not, and which on two different occasions I have endeavored to have the committee adopt, but having promised the chairman not to offer amendments I did not offer it on this occasion, though that provision ought to be in the bill.

Mr. RAKER. Let me read it to the gentleman:

Also the right to take from the public lands adjacent to the line of said pipe line material, earth, and stone necessary for the construction of said pipe line.

Mr. MONDELL. I hope the gentleman will offer that amendment to this section.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

The Clerk read as follows:

SEC. 14. That the Secretary of the Interior is hereby authorized to lease to any person or corporation qualified under this act any deposits of oil shale belonging to the United States and the surface of so much of the public lands containing such deposits, or adjacent thereto, as may be required for the extraction and reduction of the leased minerals, under such rules and regulations, not inconsistent with this act, as he may prescribe; that no lease hereunder shall exceed 5,120 acres of land, to be described by the legal subdivisions of the public-land surveys, or if unsurveyed, to be surveyed by the United States, at the expense of the applicant, in accordance with the laws and regulations for the survey of public lands. Leases may be for indeterminate periods, upon such conditions as may be imposed by the Secretary of the Interior, including covenants relative to methods of mining, prevention of waste, and productive development. For the privilege of mining, extracting, and disposing of the oil or other minerals covered by a lease under this section the lessee shall pay to the United States such royalties as shall be specified in the lease and an annual rental, payable at the beginning of each year, at the rate of 50 cents per acre per annum, for the lands included in the lease, the rental paid for any one year to be credited against the royalties accruing for that year; such royalties to be subject to readjustment at the end of each 20-year period by the Secretary of the Interior: *Provided*, That for the purpose of encouraging the production of petroleum products from shales the Secretary may, in his discretion, waive the payment of any royalty and rental during the first five years of any lease: *Provided*, That any person having a valid location to such minerals under existing laws on January 1, 1918, shall, upon the relinquishment of such location, be entitled to a lease under the provisions of this section, for such area of the land relinquished as shall not exceed the maximum area authorized by this section to be leased to an individual or corporation: *Provided, however*, That no claimant who has been guilty of fraud in the location of any oil-shale bearing lands shall be entitled to any of the benefits of this section: *Provided further*, That not more than one lease shall be granted under this section to any one person or corporation.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to amend, on line 10, page 42, by inserting the word "lands" after the word "or."

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 42, line 10, after the word "or" insert the word "lands."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, so as to make this provision conform with the first section, which limits the granting of a lease to a person or corporation or association, I move to amend by inserting the word "association," after the word "person," in line 21, on page 43.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 43, line 21, after the word "person," insert the word "association."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I ask unanimous consent to continue for 10 minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate at the end of that time on this section and all amendments thereto.

The CHAIRMAN. The gentleman from Oklahoma then presents the request that at the expiration of that time all debate cease. Is there objection?

Mr. CRAMTON. Mr. Chairman, reserving the right to object, and I do not intend to object to either request, is it the hope of the gentleman that we may conclude this bill to-day?

Mr. FERRIS. It is my very earnest hope, Mr. Chairman; and it is very necessary, too. Our bill only has the right of way subject to the military appropriation bill and the other appropriation bills, and there is reported and will be called up on Monday both the military appropriation bill and the urgent deficiency appropriation bill, so if we are displaced and we do not conclude our bill to-day we will have to carry this bill in our pockets, the hearings in our hands, and the data in our minds all of next week and longer, so I hope we will all help to put it through to-night, if we can.

Mr. CRAMTON. And, furthermore, the bill perhaps will not go to conference for a week.

Mr. FERRIS. And the real work is to be done in conference.

Mr. NORTON. Mr. Chairman, I am very much in favor of the development of the oil industry of the country, as proposed by this leasing bill, and also the coal industry of the country. At different times during the past few years I have called attention to the tremendous importance of developing the lignite coal industry of the country and the possibilities of securing from lignite coal almost unlimited quantities of light oil. There are in the United States lignite coal fields bearing more than a trillion tons of coal, more than one-third of the coal deposits in the whole United States. I shall place in the RECORD, with the permission of the committee, some remarks which I made in June, 1916, on the investigations which have been made of lignite coal, and showing the possibilities of securing from those coals light oil and the basic material for the manufacture of high explosives and for the dyestuff industry. In North Dakota, South Dakota, and Montana the Geological Survey reports that there are 964,000,000,000 tons of lignite coal. In its natural state lignite coal contains from 30 to 40 per cent of water. This and other reasons inherent in the coal itself makes it not a desirable fuel unless it goes through some chemical or mechanical process which will take out this excess moisture. The Bureau of Mines for the last five or six years particularly has been making experiments and investigations on a small scale to determine the processes of briqueting lignite coal and in that connection secure the by-products and light oils from the coal. They have found so far from 2 to 4 gallons of light oil, practical to be used in any of the combustion engines just the same as gasoline, can be secured from a ton of lignite coal. That by-product will pay a considerable portion of the expense of briqueting the coal and of putting it in a form where it can be shipped from one part of the country to the

other. At the present time it is of greater importance than ever that the lignite industry in the Northwest, particularly in Montana and in the Dakotas, be developed because we are now using a large part of the transportation facilities of the country to ship coal from the head of the Great Lakes into Minnesota and the Dakotas.

Last year there was shipped into North Dakota some 700,000 tons of coal and about an equal amount into South Dakota, and more than a million tons of bituminous coal into Minnesota. If the Bureau of Mines could develop a process, and the Director of the Bureau of Mines thinks they can if they are given an opportunity to make extended experiments, that would make possible the putting of that coal in a form in which it could be sold in competition with bituminous and anthracite coal, it would relieve the railroad congestion greatly.

Mr. TAYLOR of Colorado. Will the gentleman yield for a question?

Mr. NORTON. Yes.

Mr. TAYLOR of Colorado. Has the gentleman appealed to the Interior Department, Bureau of Mines, to take that up in its experiment stations we established some time ago? The gentleman will remember we established some experiment stations which are supposed to work out processes of making available resources of that kind in the West, and I was wondering whether they had the authority, funds, and the information to take up that work in those experiment stations.

Mr. NORTON. Mr. Chairman, at different times during the past three years I have called the attention of the House to the tremendous advantages that would accrue to the Northwest in particular and to the Nation generally through a larger development of the vast lignite coal fields of the country.

On the floor of the House on June 23, 1916, I called particular attention to the valuable by-products of lignite and the practicability of securing through distillation processes an almost unlimited supply of light oils for use in internal-combustion engines and of the basic material for the manufacture of coal-tar dyes and light explosives. My remarks made at that time I shall insert in the RECORD, so that they may have the attention of present Members of the House who were not Members at that time.

The Nation's coal resources of all ranks total 3,553,637,100,000 minable tons. Of this total 1,051,290,000,000 tons, or nearly one-third, is lignite. Of this lignite 964,424,000,000 tons are located in North and South Dakota and northeastern Montana; in Texas approximately 23,000,000,000 tons; in Alaska, 7,404,300,000 tons; and relatively smaller quantities in several of the other Western and Southern States.

This lignite coal in its natural state contains 30 to 40 per cent water, and for this and other reasons inherent in the lignite itself it is not a very desirable fuel as mined. Millions of tons of bituminous and anthracite coals are shipped annually into these lignite-bearing sections—literally "carrying coals to Newcastle"—resulting in high prices for both industrial and domestic fuel, necessarily imposing a great handicap upon the industrial development of these sections, the tying up of transportation equipment much needed for other service, and in other substantial economic lost motion.

The economic problem is not a local but a national one.

In Texas there is some bituminous coal, but not more than enough to supply the railroads.

In Alaska $35,000,000 are being spent on a railroad there, and it seems probable that the development of a large part of the territory served by this railroad will depend upon the utilization of lignite.

In North Dakota, in 1917, there was mined 603,000 tons of lignite, and imported 717,000 tons of bituminous coal from Lake docks, Indiana, and Illinois.

In South Dakota, in 1917, there was mined 12,000 tons of lignite, and imported 792,000 tons of bituminous coal from the Lake docks, Kentucky, West Virginia, Iowa, Indiana, and Illinois.

Minnesota, having no coal of her own, in 1917 imported 7,203,000 tons of bituminous coal from the Lake docks, Kentucky, West Virginia, Ohio, Tennessee, Iowa, Arkansas, Indiana, and Illinois.

The above tonnage does not include the anthracite coal from Pennsylvania, the exact figures for which are not yet available. But it is conservatively estimated that one and one-half million tons of anthracite coal are annually consumed in the territory which is naturally tributary to these Dakota lignite fields.

The exact mileage figures involved in this practically transcontinental shipment of this fuel are not available, but the mere statement of the tonnages and the distances shows that they are exceedingly large, and that the economic waste necessarily involved is little short of criminal.

The Fuel Administration are making heroic efforts to correct this condition, so far as lies within their power, by forbidding some of these long hauls, but the fact remains that the people in that rigorous climate must have fuel, and the evil can not be entirely eradicated until this lignite coal is made more generally available.

All of this coal imported into North and South Dakota and a substantial portion of that consumed by Minnesota can and should be replaced by lignite from the Dakota fields if the lignite is properly prepared, by means of drying or carbonizing or briquetting, or such combinations of these processes as the market demands.

Our leading engineers and chemists have for many years decried the wasteful practice of burning coal on the grates in common use. They have time and again shown that it is far more economical to break the coal up, by means of carbonization, into its constituent elements of solid carbon, gas, ammonia, and oils and tars, thus releasing these several valuable products for use in their respective important fields.

Because of the shortcomings, from a fuel standpoint, inherent in the nature of the lignite itself, it will never be used to any great extent in its raw state. The one fact of its 30 to 40 per cent content of water would of itself prevent its use elsewhere than in the immediate vicinity of the mine. This treatment or carbonization of the lignite, therefore, which is absolutely essential to its more general use, is strictly in accordance with modern scientific requirements and methods.

Some progress has been made in the way of better utilization of this lignite, but so far the development has not been such as to prevent people from readily paying a very considerable differential in favor of good coal. Instructive experiments have been made by the United States Bureau of Mines, the State of North Dakota, and the Province of Saskatchewan, Canada, which bring the matter measurably nearer to a satisfactory solution.

The gulf between the laboratory experiments and the large commercial industry should be bridged at once, and it should be done by governmental agencies. This span is already partly constructed, and the money asked for in this bill is required to complete the work by our own Bureau of Mines.

Instead of trying to burn the raw lignite in the primitive and wasteful ways now employed it should be modified to produce several products, each peculiarly adapted to a particular commercial need, namely:

1. Dried lignite, for use on automatic stokers and in fuel-gas producers. Because of its more or less comminuted condition the dried lignite can not be handled advantageously by hand, but it can be used very satisfactorily by mechanical means.

2. Powdered fuel, from the dried, pulverized lignite, for use in cement kilns, railroad locomotives, and other large furnaces. Because of its high volatile content this pulverized lignite makes an exceptionally good powdered fuel.

3. Dried lignite briquets, for large hand-fired industrial furnaces and heating plants. Where it is necessary to handle the dried lignite with a fireman's shovel it must be briquetted. Tests of these dried lignite briquets in commercial boiler furnaces have proved them to be fully equal in every respect to good Illinois and Indiana bituminous coals.

4. Carbonized lignite, for use in power-gas producers. Tests of this product in carload lots have proved it to be a very exceptional and unexcelled fuel for this purpose. It is of about the same analysis as Pennsylvania anthracite coal. In carbonizing the lignite the objectionable tar found in all coals containing a substantial quantity of volatile matter is removed, and the gas goes to the cylinder of the gas engine clean and tar free. For the production of power in this way carbonized lignite is fully equal to anthracite coal, charcoal, or bituminous coke.

5. Carbonized lignite briquets, for domestic service in house heating stoves and furnaces, fireplaces, and cooking ranges. This fuel, ton for ton, compares favorably in every way with anthracite coal, and is an ideal domestic fuel in such rigorous climates as those of North Dakota and Alaska. In climates where the thermometer not infrequently goes to 40 below zero this demand is an immediate and very large one.

In carbonizing the lignite valuable by-products in the form of gas, ammonia, and oils and tars are obtained.

The gas yield is upward of 10,000 cubic feet per ton of lignite. It has a heating value of 400 to 450 British thermal units per cubic foot.

A little more than one-half of the gas is necessary to carry on the carbonizing process; the balance can be used as a city gas for cooking, or for lighting if burned in a mantle, for furnace fuel, or for generating power by means of a gas engine.

The ammonia can be recovered as ammonium sulphate, a valuable fertilizer; as anhydrous ammonia, for refrigerating purposes; or it may be treated as a source of other nitrogen products, some of which are of vital importance in the manufacture of explosives.

Just what should be done with the tar and oil products in this country remains to be determined; this is an industry in itself, but this tar is known to contain substantial quantities of benzol, toluol, and other light oils, and the bases of many of the coal-tar dyes and chemicals. This industry is well developed in Germany, and I have in my hand a very instructive chart showing the uses made in Germany of the various fractions of the lignite oils and tars produced in the carbonization of German lignites. Prominent among these products are benzine and motor spirit.

In using raw lignite, as is done under the present practice, thousands of tons of screenings are annually wasted. The coal is forked over in the mine room and screened again at the surface when being loaded into railroad cars. If the problem is handled as outlined above, this waste would be eliminated, every pound of lignite broken from the seam would be put to some profitable use.

The raw lignite can not be stored economically; the treated product can; and this results in another large saving, in that the mines can operate under stable conditions the year around, instead of only during the winter months, as at present.

Some study should also be directed to designing appropriate apparatus for these classes of fuels instead of using devices already on the market intended to consume fuels of quite different character.

Unquestionably the experiments so far conducted open up very large economic and commercial possibilities, and I am confident that a little wider and more complete investigation will point the way for the establishment of carbonizing and briquetting plants throughout the lignite-bearing sections of the country, thus bringing effectively into the industrial world one of our largest natural resources, and resulting not only in the production of a first-class solid fuel so much needed, but in the saving of many by-products valuable in war as well as peace, and in easing up on the overburdened transportation system of the Nation.

Mr. TAYLOR of Colorado. Has the gentleman presented this subject to the Bureau of Mines, and has he tried to have these investigations made by one of the mining experiment stations which have been authorized to be established by the Bureau of Mines in different sections of the country?

Mr. NORTON. I will say to the gentleman, I have done this, and I have been given reasonable assurance that under existing laws and under the appropriations which have been made for the establishment of mining experiment stations of the United States Bureau of Mines throughout the country that a mining experiment station will be established during the present year somewhere in the Northwest given over entirely to the carrying on of investigations to discover practical processes of briquetting lignite coal and of investigations to discover practical ways of developing the mining and wider use of lignite coal for fuel purposes.

The annual appropriation now available for one of these mining experiment stations is but $25,000. The Bureau of Mines thinks that this year the bureau should have an appropriation of at least a hundred thousand dollars to go into this work in a full and thorough manner in order to put the business of briquetting of lignite coals and the use of lignite coal by-products on a commercial basis and give the lignite coal industry an impetus, so that men who have private capital to invest will have confidence in the industry and will make use of the processes of mining and briquetting that may be found to be most practical and that may be recommended by the Bureau of Mines. I have had a bill before the House for some time for this purpose, and I hope to be able soon to have this bill reported to the House by the Committee on Mines and Mining. I trust when it does come before the House it may be acted upon favorably. At this time I merely wish to again call attention to and to emphasize the great importance of the development of the lignite coal fields of the Nation, both from its fuel possibilities and from the possibilities of securing from this coal in carbonizing and briquetting processes by-products of great value to the needs of the Nation at this particular time. The expenditure of a hundred thousand dollars by the Government for the development of a great natural resource of the Nation could not be expended in any way to better advantage than to encourage the development of the immense lignite coal fields of the West and Southwest. [Applause.]

The following are remarks which I made on a feature of this subject during the debate in the House on June 23, 1916:

Mr. NORTON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

"Page 110, after line 4, add a new paragraph, as follows:

"'For special investigation of lignite coals with a view to their most efficient treatment and use, especially with reference to their utilization in producing fuel for internal-combustion engines and in supplying benzine, toluene, and other basic materials required by the dyestuff and related chemical industries, $50,000.'"

Mr. NORTON. Mr. Chairman, I trust the chairman will accept this meritorious amendment.

One of the most important questions at the present time before the people of this country is the price and supply of gasoline and crude petroleum.

Due to the rapid development and the growing uses of automobile and other internal-combustion engines during the past few years, and the consequent increased use of gasoline for power production, the supply of gasoline and crude petroleum, from which for the most part gasoline is obtained, threatens soon to be exhausted. The production of crude oil in the United States and the entire world during the past 15 years is given in the following table, which summarizes in round numbers the total marketed production of crude petroleum in the United States from 1900 to 1915, inclusive, and shows for comparison the crude-oil production of the entire world during that period, in barrels of 42 gallons:

Year.	United States.	Entire world.
1900	63,600,000	149,100,000
1901	69,400,000	167,100,000
1902	88,800,000	182,000,000
1903	100,500,000	194,800,000
1904	117,100,000	218,300,000
1905	134,700,000	215,400,000
1906	126,500,000	214,000,000
1907	166,100,000	261,900,000
1908	178,500,000	285,100,000
1909	183,200,000	298,400,000
1910	209,600,000	327,600,000
1911	220,400,000	345,700,000
1912	222,900,000	352,500,000
1913	248,400,000	384,700,000
1914	265,800,000	400,500,000
1915	267,400,000	(2)

[1] Estimated. [2] No figures available.

This shows that last year the production of crude petroleum in the United States amounted to 267,400,000 barrels. The production of gasoline in the United States last year amounted to about 41,000,000 barrels. It is estimated by the United States Geological Survey that the amount of crude petroleum remaining in the oil fields of the United States is 7,629,000,000 barrels.

The following table gives the production of the 10 principal oil fields of the United States up to and including the year 1915, and shows the present gasoline factor of each field and the percentage of exhaustion of each field:

Field.	Present gasoline factor (per cent).	Production including 1915 (millions of barrels).	Estimated percentage of exhaustion.
Appalachian	25	1,150	74
Lima-Indiana	12	438	93
Illinois	18	251	60
Mid-Continent	18	617	50
North Texas	20	44	41
Northwest Louisiana	20	58	47
Gulf Coast	3	236	79
Colorado	20	11	79
Wyoming	20	12	5
California	2½	835	34

With the exception of the Appalachian field, the Lima-Indiana field, and the Colorado field, all of these oil fields in the United States have had their principal development since the year 1900.

Taking into account the productive possibilities of all pools demonstrated to contain oil, as well as the productive possibilities of untested areas in which the geologic evidence is promising, the following conservative estimates of the percentage of exhaustion and of the quantity of petroleum that remains available for commercial extraction has been made by the Bureau of Mines:

Field.	Estimated percentage of exhaustion of total oil content.	Petroleum remaining in fields (barrels).
Appalachian	70	481,000,000
Lima-Indiana	93	31,000,000
Illinois	51	244,000,000
Mid-Continent	25	1,874,000,000
North Texas	8	484,000,000
Northwest Louisiana	22	124,000,000
Gulf	13	1,500,000,000
Colorado	65	6,000,000
Wyoming and Montana	2	540,000,000
California	26	2,345,000,000
Total		7,629,000,000

At the present rate of consumptiton of gasoline and crude petroleum this estimated supply would last the United States for only about 26 years. Thus it is at once seen that a serious question confronts us to discover some other source of supply for motor spirits, or a substitute for gasoline.

Recent investigations that have been carried out on a small scale by Prof. Babcock, of the University of North Dakota, at the substation of the State School of Mines, at Hebron, N. Dak., disclose that the lignite coal fields of the United States contain an almost inexhaustible supply of light oils which can be used in internal-combustion engines as a substitute for gasoline.

It is estimated by the United States Geological Survey that the original supply of lignite coals in the United States is 1,087,514,400,000 short tons.

Lignite coal is found chiefly in the western part of the United States, in the territory extending from Texas, through Colorado, Wyoming, Montana, and the Dakotas. In this area there is a comparative scarcity of bituminous coal and a negligible quantity of anthracite coal.

The railroad industries requiring fuel of a high character are obliged to haul bituminous coal from the East or to employ petroleum or otherwise burn raw lignite. The main objections to the use of raw subbituminous coal—sometimes called black lignite—and the brown lignite are: It rapidly weathers and disintegrates; it fires spontaneously.

When used in locomotives it throws sparks for long distances, setting fire to crops and houses; moreover, much of the fuel is wasted under forced draft.

On the other hand, to transport bituminous coal and anthracite coal from the East is expensive.

While petroleum is satisfactory to the fuel users, it is becoming increasingly expensive, and it is exceedingly wasteful to use the raw oil as a fuel. Moreover, the resources, as I have called attention to, are becoming rapidly depleted, and the country must look for other sources of mineral oil than from petroleum wells.

Lignitic coals of the Western States vary widely in composition, containing moisture as mined ranging from 10 to 40 per cent, and ranging in appearance from the subbituminous coal or high-grade black lignite (which behaves very similar to bituminous coal) to the brown lignite, found in some parts of North Dakota and Texas, which is little more than peat.

Necessarily there is quite a variation in composition which requires careful investigation to determine what method will produce the best briquettes and the maximum quantity of by-products.

In 1909 a small experiment station was started by the College of Mining Engineering of the University of North Dakota, at Hebron, under the direction of Prof. E. J. Babcock, and the last few years a cooperation was effected on a very small scale with the Federal Bureau of Mines in order that the results might be published and thus be of benefit in the study and utilization of the lignites on the Government lands. At this experimental station, a description of which is given in Bulletin 89 of the Bureau of Mines, entitled "Economic Methods for Using Waste Lignites," briquettes have been made which have withstood handling and weathering for six months or more in the open air. There were made from lignite which would begin weathering and disintegrating in a few days. They have also been dried and burned in a type of furnace and tried on local railroad locomotives. It is reported that 1 ton of briquettes was equal to 1 ton of the best bituminous coal in keeping up steam, and equal to a ton of the best anthracite coal for use in furnaces and heating stoves.

The analysis of the briquettes is not unlike that of the Pocahontas coals, except for slightly higher ash. The briquettes are almost smokeless. The briquettes which have been made have employed tar for a binder, the tar being brought from the East. Petroleum residues would be available for the same purpose, and one line of investigation would be to determine the best binder in the various localities where lignite is produced. Some tar is produced in the carbonization of the lignite, but not sufficient to make the briquetts, and moreover it is probable that in most cases the tar derived would be of greater value on account of the by-products that could be produced than the ordinary tar of commerce.

In the carbonization of lignites, as demonstrated by Prof. Babcock, very important by-products are produced. These products vary widely with the lignite and with the degree to which carbonization is carried. The yield of gas is large for the partly dried lignite, reaching 10,000 to 12,000 cubic feet per ton, according to Prof. Babcock, which is about the same as that from a high-grade bituminous coal. Further, the evolution of gas is much more rapid. The residues may be briquetted. The gas has been tried in gas engines, and tests made in comparison with standard city gas, and it was found that the lignite gas was especially satisfactory. It is believed that there is a large field for the production of power through the establishment of large by-product plants.

Ammonia and tar are also produced in the carbonization of the coal. According to Prof. Babcock approximately 50 pounds of tar can be recovered from 1 ton of partly dried lignite. This tar is very high in paraffin ingredients. Prof. Babcock estimates that there is produced from a ton of dried lignite coal at different temperatures 5 to 6 gallons of crude lignite oils, 2 gallons of crude benzol, 2 to 3 gallons of hard tar, 50 to 60 pounds of ammonia sulphate, and 20 pounds of tar acids. Benzol is one of the compounds used in the manufacture of dyestuffs and explosives and is an excellent substitute for gasoline for use in internal-combustion engines. Prof. Babcock has also produced by distillation from lignites oil which has been found to be unusually well suited in the concentration of ore by the flotation process. It is evident to anyone who has given the subject consideration that our western lignite coals present a field for investigation which promises very much for the development of those parts of the country hitherto retarded by the lack of fuel in its various forms and also offers the greatest possibilities through the enormous amounts of lignite in substitution for petroleum, which is intrinsically too valuable to the country to permit its use as a fuel.

The investigation should be carried on in the most practical way possible to obtain information regarding the different lignite fields and how each can best be utilized. Such work will not necessarily have to be carried on by the establishment of local stations, but can be most economically and best done at the general stations in the West, where the materials may be shipped for testing.

One important use for lignite which deserves further development is that in the gas producer. This would be eminently of advantage where it is desired to obtain power at points where water was scarce and where the by-products would be of less value on account of difficulties and expense of transportation.

From the carbonization of lignite coal can be obtained unpurified gas that has a heating value of upward of 400 British thermal units per cubic foot. From 10,000 to 12,000 cubic feet of volatile gas is contained in each ton of ordinary western lignite coal.

The work that is proposed to be carried on, under authority of the amendment I have offered, is work that unquestionably should be done by the United States and is one of the most important steps that can, at this time, be taken in the way of industrial preparedness for our immediate and future needs in this country.

Prof. Babcock, who is the leading authority in this country on lignite coals, their composition, and the commercial and economic possibilities of these coals, has told me that the limited investigation that he has already carried on, which has disclosed the presence in these coals of high-grade tars, tar acids, including carbolic acid, and the basic elements used in the manufacture of aniline dyes and high explosives, has opened up marvelous economic and commercial possibilities that he feels certain wider and more complete investigations and experiments would show to be practical and would point the way for the establishment of manufacturing plants throughout the country to briquette this coal and to use the by-products from the briquetting process in different commercial activities.

In Germany during the present European war it is reported that large quantities of benzol are being produced from lignite coals for use in internal-combustion engines. The statistics of 1913 show that Germany in that year mined 87,000,000 tons of lignite, which was about the same as the amount of bituminous coal mined. Most of the lignite mined was briquetted and sold at practically the same price as briquettes of bituminous coal.

The tremendous importance of securing a large supply of a good substitute for gasoline such as benzol has proven to be is better understood when the fact is considered that in the United States to-day the horsepower of gasoline internal-combustion engines is twice that of the horsepower of all engines driven by steam.

As I have already stated, it is estimated that the total supply of lignite coal in the United States is 1,087,514,400,000 short tons. Now, from each ton of lignite in the process of briqueting, upward of 2 gallons of benzol can be secured, in addition to other valuable by-products, as tar, tar acids, ammonia compounds, etc.

While the estimated supply of crude petroleum in the ground in the United States is sufficient to supply the present rate of consumption in the United States for about 26 years, the quantity of benzol that can be secured from carbonization or distillation of our lignite coals would, at the present rate of consumption, meet our needs for use in all kinds of internal-combustion engines for more than a thousand years.

The lignite coal fields are widely distributed, being found in Alabama, Louisiana, Mississippi, Texas, Wyoming, North Dakota, South Dakota, Montana, Washington, and other States.

It is estimated that there are 697,921,200,000 short tons of lignite in North Dakota, 1,020,300,000 tons in South Dakota, and 23,000,000,000 tons in Texas.

There should be appropriated at this time at least $100,000 to carry out a thorough and complete investigation of the commercial practicability of the use of lignite coal as a fuel in briquetted form and of the value of its by-products for use in internal-combustion engines, and for supplying the basic elements needed in the manufacture of aniline dyes and high explosives. But I have offered this amendment proposing an appropriation of $50,000, with the hope that the chairman of the committee will accept this amendment as a compromise amount for the actual amount that is needed and which should be appropriated for this purpose.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 16. That each lease shall be for not to exceed 2,560 acres of land to be described by the legal subdivisions of the public-land surveys, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease, in accordance with the laws, rules, and regulations governing the survey of public lands, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such survey; deposits made to cover expense of surveys shall be deemed appropriated for that purpose; and any excess deposits may be repaid to the person or persons making such deposits or their legal representatives: *Provided*, That the land embraced in any one lease shall be in compact form, the length of which shall not exceed two and one-half times its width.

Mr. RAKER. Mr. Chairman, line 17, page 44, should be made to conform to the other provision. The words "or persons" should be stricken out and the words "associations or corporations" inserted.

The question was taken and the amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, also, in order to make it conform, the word "may" should be stricken out in line 16, and there should be inserted in lieu thereof the word "shall."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

GENERAL PROVISIONS APPLICABLE TO COAL, PHOSPHATE, OIL, AND GAS LEASES.

SEC. 19. That the Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this act appropriate provisions for its cancellation by him.

Mr. RAKER. Mr. Chairman, I desire to call the attention of the gentleman from Colorado [Mr. TAYLOR] as to whether or not "oil shale" should not be included in this subdivision after the word "oil"?

Mr. TAYLOR of Colorado. What language?

Mr. RAKER. In line 8.

Mr. TAYLOR of Colorado. I suppose it would be better; yes. I ask, Mr. Chairman, that after the word "oil" in the title to insert the words "oil shale."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado:
Page 46, line 8, after the word "oil," insert the words "oil shale."

The CHAIRMAN. Without objection the amendment is agreed to.

There was no objection.

The Clerk read as follows:

SEC. 22. That no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent, surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency, provisions securing the workmen complete freedom of purchase, requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare: *Provided*, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated.

Mr. RAKER. Mr. Chairman, the provisions found on page 49, from line 12 and down to and including the word "United States" in line 24, read as follows:

A provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency, provisions securing the workmen complete freedom of purchase, requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary for the protection of the interests of the United States.

They were inserted heretofore when the bill was under consideration on my motion, and the committee, when the matter was taken up this time, reinserted them, and I am very happy to know that there is no objection to the provisions, and I desire to say that they are wise ones and ought to be in a law of this kind.

Mr. NORTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 26. That all moneys received from royalties and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That any moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Some one ought to move to amend this section. I have in a way understood the attitude of the Committee on the Public Lands on a number of the provisions of this bill, but I have never been able to understand the attitude of anyone on a provision of a bill which would withhold from certain States hundreds of millions of dollars of taxable value without making any provision whatsoever for funds or resources to take the place of the sums lost through the withholding of these lands from sale and taxation.

If this bill becomes a law hundreds of thousands and millions of acres of the most valuable lands in various Western States, with all of their valuable mineral deposits, will be withheld from sale and disposition, and will never, so far as the land values are concerned, be available as a source of revenue.

Mr. RAKER. Will the gentleman yield right there?

Mr. MONDELL. I will.

Mr. RAKER. Is it not a fact that this bill provides that we are in shape to tax all the personal property and the output of the mine, both of coal and oil, so that, as a matter of fact, we will really get what taxable interest there is in this land, although the real title remains in the Government?

Mr. MONDELL. If that fact satisfies the gentleman from California, he is very easily satisfied. A proposition that lays a perpetual tax of at least one-eighth, and possibly one-fourth, for all time on the enormous mineral values of a State takes all those sums out of a State, leaving none of the land values from which royalties are derived as the subject of taxation. If in that situation he is satisfied, because an additional burden may be laid, he is very easily satisfied in matters of taxation.

Mr. RAKER. The gentleman must realize that we are not always satisfied with all the things that come and with all the provisions of this bill.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

Mr. FERRIS. Does the gentleman think he ought to have five minutes more?

Mr. MONDELL. I think I ought to have 30 minutes, but I am going to be very reasonable and ask for only 5 minutes.

Mr. FERRIS. I think the gentleman has used so much time that he ought to retire without any more; but, Mr. Chairman, I ask unanimous consent that at the expiration of 10 minutes, 5 minutes to be controlled by the gentleman from Wyoming [Mr. MONDELL] and 5 minutes by a member of the committee, all debate upon this section and amendments thereto close.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that at the expiration of 10 minutes—5 minutes to be controlled by the gentleman from Wyoming and 5 minutes by a member of the committee—all debate upon this section and amendments thereto close. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. It is my opinion that in all the history of legislation nothing of this kind has ever been proposed in a free, self-governing country. Let us assume, if you please, that a hundred years ago the great State of Pennsylvania had been deprived of the right to tax all of its coal and all of its oil land values, save and except as it could lay a tax on output, what would be the condition of that great Commonwealth today under those circumstances? Why, communities would be impoverished, roads would be impassable, schoolhouses would be of a character not fit for the education of the children of an enlightened community. And yet that is what it is proposed to do here, namely, to withhold for all time the right to tax all of the enormous values that are in these lands. And the communities are to be compelled to build roads, to educate their children, to maintain public order, without the right to tax these lands or their values. We are asking that in lieu of the taxes that would have been secured from these lands half of the royalties collected shall be paid to the States and communities which produced them. Is that unreasonable? What are we proposing to do with the money? Put it in the reclamation fund? Put it in the reclamation fund from California or Colorado or Wyoming in order to build reclamation projects in other States. That is a worthy purpose, but it will not help to build any schoolhouses, and it will not provide any roads, and it will not help to maintain public order in the communities from which these royalties have been derived. It is all very well for the communities that do not have any of these minerals to secure the benefit of all these royalties, but the States and communities that have produced them are entitled to at least enough of them to recompense them for the loss they suffer by reason of the fact that the lands are not to become private property and thus a source of public revenue through taxation.

Mr. CRAMTON. Is not the gentleman cheered up by the hope that eventually the reclamation fund will yield half of it to his State?

Mr. MONDELL. I am cheered by the fact that if the bill becomes a law in this shape the lash of public opinion will eventually compel the modification of this provision in order to do justice.

Within a week I have had letters from a western State asking if I approved that provision. Well, I have tried to be kind to my colleagues, and therefore I did not suggest that there were people nearer home that ought to be consulted about it. But there is no justification for a provision such as the bill contains. It ought never to have been in the bill. My understanding was when the bill was originally drawn that it was to provide that half of the proceeds of royalties was to remain in the States and community to reimburse and recompense them for the loss of taxing values, and the other half was to go to the reclamation fund. And that is what should have been done and what ought to be done now. I realize it is useless to offer an amendment to accomplish that purpose here and now, but I still hope it will be done before the bill becomes a law.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, the speech of the gentleman from Wyoming [Mr. MONDELL] is as remarkable as it is monstrous. He knows, and the House knows, that the aim and the effort of the House has been and that the effort of the western Members has been to hold on to what they have and not to get more. I have had to help them to keep them from having those things taken away from them; and here the gentleman from Wyoming gets up, when he knows that he has gotten for his section every penny that the House will stand for, and arraigns those western Members on the Public Lands Committee. He gets up here and indicts the members of the committee from the West for not having done their full duty in protecting all this money and getting all this royalty dumped into some county schoolhouse district in his own district. The public have some rights here. The western members of my committee have been true to the West. They have fought so hard for the West in season and out that they have made it almost hideous for those of us who were trying to protect the Treasury.

The answer is that the Members on both sides have fought valiantly to get every cent of it. None of the western members on my committee have been recreant in their duty. The gentleman from Wyoming has no monopoly in trying to claim everything and get all the royalty placed out in his own State. He appeals here where there is no chance for relief. They appealed when there was a chance and they succeeded remarkably well. He comes in here when he knows that the members of the Committee on the Public Lands have performed more than anybody could anticipate that they could get, and then he issues the plaintive appeal, "Why do you not be more aggressive? Why do you not get more?" This does not seem fair to me. It does not seem square. It should not be tolerated or go unchallenged.

Mr. MONDELL. Would the gentleman like to have a provision like this apply to the oil and coal of his State?

Mr. FERRIS. In my State they take every cent of the oil and coal royalties and put them into the Treasury. We do not get a cent. We are not trying to bunco the country out of it and we are not trying to indict anybody who has by hard work gotten more than they are entitled to, as the gentleman is now doing.

This thing should not go on. The gentleman from Wyoming has made 20 or 30 speeches here to-day, and every one could be dissected and every one could be answered and found to be based on self-assertive motives and on politics, to advance his own ambition. There is no longer any sense in such a propaganda. The members of the Public Lands Committee shall not sit here and be abused and run over without somebody at least telling the truth.

Mr. MONDELL. Does the gentleman know how many gentlemen are here listening to his harangue?

Mr. FERRIS. You are here. I am speaking for your benefit.

Mr. MONDELL. The gentleman wants to conclude his bill this afternoon? I want to say to the gentleman that he can not be abusive here unless it is with a quorum present. "The gentleman from Wyoming" knows his rights upon this floor and he proposes to maintain them. There are things that could be said about this bill that I do not want to say, but that I am tempted to say.

Mr. FERRIS. I do not yield further to the gentleman. Yes; I will yield to the gentleman time to say anything he wants to about this bill. [Applause.]

This nonsense and foolishness has gone on long enough. There is an answer to every word that has been said by the gentleman from Wyoming. There is an answer, and I could move now and bring a quorum here, and he could move to strike out every line here, and he would not have votes enough to make a respectable appearance. He knows that the efforts that these western members of the Public Lands Committee have made here every year have been to help the West. He understands the efforts of the gentleman from Washington [Mr. LA FOLLETTE], and those of the gentleman from Oregon [Mr. SINNOTT], and those of the gentleman from Michigan [Mr. CRAMTON], and those of the gentleman from Colorado [Mr. TAYLOR], and those of the gentleman from California [Mr. RAKER], and the gentleman from New Mexico [Mr. WALTON], MAYS, TILLMAN, CHURCH, and the rest. He knows all the members of this committee have been to do what? To get everything they could for the West, faithful and true. The gentleman from Wyoming, with his long experience, attempts to place his own neighbors and his own friends and his own colleagues on both his side and on this side in an unfair attitude. He has not offered any amendment. If he did, he would do well to get his own vote. It is not right; it is not fair. We ought not to proceed this way longer.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 27. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act: *Provided*, That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, the gentleman from Oklahoma [Mr. FERRIS] ought to have been here long enough to have learned better than to lecture Members who are here trying to do their duty and expressing their opinion on legislation before this body. The gentleman has a way of getting restive when people do not entirely agree with him. He knows perfectly well——

Mr. RAKER. Mr. Chairman——

Mr. MONDELL. That he himself does not entirely approve some of the provisions contained in this bill, which he is trying to defend.

Mr. RAKER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order. The gentleman from Wyoming will suspend until the point of order is made.

Mr. RAKER. Let us not tangle up this discussion——

Mr. MONDELL. Is it the gentleman's view that the gentleman from Oklahoma may proceed to lecture Members on this floor and then they be expected to sit quietly in their seats and tamely acquiesce?

Mr. TAYLOR of Colorado. Will the gentleman submit to a question?

The CHAIRMAN. Will the gentleman from Wyoming be kind enough to confine his remarks to the bill pending and to the section thereof?

Mr. MONDELL. Has anyone made that point of order, Mr. Chairman?

The CHAIRMAN. The gentleman from Colorado——

Mr. TAYLOR of Colorado. I asked the gentleman if he would yield for a question.

Mr. MONDELL. I desire to know whether anyone has made that point of order.

The CHAIRMAN. The Chair has made the suggestion in the spirit of harmony. If the gentleman does not desire to observe it, it is up to him. For what purpose does the gentleman from Colorado rise?

Mr. TAYLOR of Colorado. I rise to ask the gentleman from Wyoming to submit to a question.

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I yield.

Mr. TAYLOR of Colorado. I want to ask the gentleman from Wyoming if he does not himself think it is uncalled for, unwarranted, and unfair to us Members from the West, who are on this Public Lands Committee, for him to get up on this floor and say he does not think we have made a proper effort to protect the interests of our States, and proceed to recite how many acres of oil lands there are in each State, and how much money we are going to lose in royalties and taxes, when he fully knows that we have been constantly holding hearings and earnestly fighting for four months on this bill almost day after day, doing our utmost to protect the interests of the West, and we have secured the best possible bill that can be passed through this House, and I think everyone knows it?

Mr. CRAMTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Michigan will state his point of order.

Mr. CRAMTON. Under what rule is it permissible, after the gentleman from Wyoming has been admonished not to speak except upon the section, for the gentleman from Colorado to interrupt and speak on some other subject?

Mr. TAYLOR of Colorado. I did not interrupt the gentleman. He yielded to me for a question.

Mr. CRAMTON. He can not yield to him to speak out of order.

Mr. TAYLOR of Colorado. I am not speaking out of order. I am propounding an interrogatory after first and formally having obtained permission to do so.

The CHAIRMAN. The gentleman from Wyoming will resume.

Mr. MONDELL. I have good reason to have some feeling about this section. In the first place, when this bill was first introduced, I had promises as to what would be the provisions of this section, which promises did not pan out. I think that

gentlemen should make an earnest effort to secure for their States and communities a portion of these royalties which, under the provisions of the bill, may go to distant States. It is true the paragraph we are now considering provides that the States may tax the output of the mines and wells. No such legislation as that is necessary. The Congress can not give the States of the Union the right to tax mine output. The States have that right, and they have it to just as large a degree before this section goes into the bill as they have it after the section is placed in the bill. By a system of leases vast values are to be permanently withheld from taxation. Great communities will be built up which the people locally must provide for with schools and roads and the maintenance of order. These great values in royalties are to be taken from them. True, these values go to a group of Western States for a very useful purpose, that of reclamation. But of what benefit would it be to the people of a great oil-producing section of my State or your State or a great coal-producing section of our States, in which towns and cities were built up, in which roads and schools would be necessary—of what benefit would it be to them to have reclamation works built in some distant section? What consolation would it be to them to know that the moneys that have been taken from their community have built a reclamation project somewhere hundreds or a thousand miles away? There is no reason on earth why at least 50 per cent of these royalties should not be retained in and paid to the States and communities where they are produced. Even that, in my opinion, would not compensate the communities for the losses in the opportunity to tax these values which would be afforded were the lands sold and held in private ownership, in the way in which such lands and properties are held all over the country.

Mr. RAKER. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. RAKER. Before the reclamation act was approved, is it not a fact that all of the money received from the sale of public lands went into the general fund of the Treasury of the United States?

Mr. MONDELL. Five per cent of it went to the States in lieu of taxes.

Mr. RAKER. But outside of that?

Mr. MONDELL. That 5 per cent went to the States to reimburse them for the taxes they lost before the sale. And then the lands become taxable, and the communities are sustained on those taxes. But you are proposing to permanently hold from taxation millions of acres of the most valuable land in the West. No taxes can ever be levied on those land values. The only taxes you can secure from them are those levied on the improvements upon them, and possibly from a mine-output tax laid on top of this great burden of royalty. Now, it does not help the case to say that, having taken these royalties away and out of the State, you may lay an additional burden in the form of an output tax. In some States you can not do that because of a constitutional provision that one class of property shall not be taxed more heavily than another. Pennsylvania can and does lay a mine-output tax, but that is over and above a tax on the value of the lands and their mineral content. Under the provisions of this bill the States affected are to be perpetually deprived of the opportunity to tax the coal and oil lands now in public ownership. They should have at least half of the royalties to make up for those losses.

Mr. RAKER. Will the gentleman yield again?

Mr. MONDELL. I do.

Mr. RAKER. I am fearful that the gentleman is overlooking this important fact: In every oil well that is bored and every mine that is developed, when you get the oil out and the coal out, you have got nothing left. If it is private ownership you get nothing from taxation; but under this bill you get a certain amount for reclamation purposes, and then afterwards 50 per cent for our school and road purposes. I should like to see more of it go for that purpose, but we have struggled until we are black in the face to get that amount, and the gentleman remembers that——

Mr. MONDELL. I can not yield for a long speech.

Mr. RAKER. Let me make this statement.

Mr. MONDELL. I know the gentleman has struggled. I can not yield for a speech.

Mr. RAKER. Just one question.

Mr. MONDELL. If the gentleman is a member of the conference committee, he will have an opportunity to agree with the Senate on this proposition. The Senate have taken the right view of it. They have made the proper provision. So far the House committee has declined to do it.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 28. That the deposits of coal, phosphate, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws: *Provided*, That any person who, at the time of any withdrawal order, was, or on January 1, 1918, a bona fide occupant or claimant of oil or gas lands not withdrawn from entry, and who had previously performed all acts under then existing laws necessary to valid locations thereof except to make discovery, and upon which discovery had not been made prior to the passage of this act, and who had performed a substantial amount of work of not less than $500 on or for the benefit of each location if application therefor shall be made within three months from the passage of this act shall be entitled to prospecting permits thereon upon the same terms and conditions as other permits provided for in this act: *And provided further*, That such lands are not reserved for the use of the Navy: *Provided, however*, That no claimant who has been guilty of fraud in the location of any oil claim or gas-bearing lands shall be entitled to any of the benefits of this section: *And provided further*, That within one year after the passage of this act where any land has been included within an oil withdrawal or classification heretofore made after bona fide entry upon the same by a qualified homestead or desert-land entryman and where said entryman has complied with the requirements of the law relating to such entries up to the time when said withdrawal was made, said entryman or the patentee under such entry shall be given a preference right to a prospecting permit for the same under the same terms and conditions as prescribed in this act.

Mr. MONDELL. Mr. Chairman, I think we ought to have a quorum to consider this important piece of legislation.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to offer an amendment.

Mr. RAKER. I move to strike out the last word.

Mr. MONDELL. Mr. Chairman, I make the point of order that no quorum is present.

Mr. ELSTON. Mr. Chairman, I want to say that we are within one page of finishing the bill. I realize the feelings of the gentleman from Wyoming, and if he had a way to express them without interfering with the immediate passage of the bill I would not suggest his refraining. If we delay the bill to-night in any way it may be thrown over for two weeks. I suggest to the gentleman, although he has proper cause for retaliation, that he let this thing go by. We are within 10 or 15 minutes of the passage of the bill, and I think it would be very hurtful to have it delayed and not passed to-night. I urge upon the gentleman the withdrawal of his point of order.

Mr. CRAMTON. I think if the gentleman from Wyoming will yield that he has up to this time demonstrated his desire for the passage of the bill, both from personal consideration and others, and I hope he will continue in this spirit and let us pass the bill.

The CHAIRMAN. Does the gentleman from Wyoming insist on the point of no quorum?

Mr. MONDELL. I will withdraw the point of order for the moment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado [Mr. TAYLOR].

The Clerk read as follows:

Page 52, line 20, after the word "who," strike out the words "and perform a substantial amount of work of not less than $500 on or for the benefit of each location," and insert in lieu thereof the words "has performed work or expended on or for the benefit of such location an amount equal in the aggregate to $250 for each location."

Mr. TAYLOR of Colorado. Mr. Chairman, my thought about the matter is that there are a great many comparatively poor people in the West who have one or more locations on oil claims, and when they are required, as they are, to first make a valid location, and they do annual assessment work besides, $250 is enough expenditure on each claim to insure good faith. I feel that this requirement of $500 is an unnecessary hardship upon these people, and will not inure to the benefit of the Government at all, but have a tendency to inflict an unjust and unnecessary burden upon many good people, people of ordinary means, that need all of their money and can use it in a much better way toward the development. I think in the interest of legitimate discovery and honest development it would be beneficial to reduce the amount from $500 to $250, and I hope my amendment will be adopted.

Mr. CRAMTON. Mr. Chairman, the provision in question permits certain parties to have a preferred right to perfect the claim. The gentleman brings in a proposition that was not put before the committee. It reduces the requirement seriously.

Mr. TAYLOR of Colorado. It is merely a matter of cash expenditure, required to insure good faith. It does not require serious consideration to determine the fairness of this proposition.

Mr. CRAMTON. It cuts it in two and brings it nearly to zero.

Mr. TAYLOR of Colorado. Two hundred and fifty dollars for a poor man is a good deal of money to require him to expend, usually uselessly, just to demonstrate his good faith.

Mr. CRAMTON. The gentleman will be a member of the committee of conference, and the conferees will have full powers in the matter.

Mr. TAYLOR of Colorado. I do not desire to take up much time or to get into any extended argument or discussion; but I do feel that this sum ought to be cut down at least one-half, and I trust it will be.

Mr. MONDELL. Mr. Chairman, I hope the amendment offered by the gentleman from Colorado will be adopted. I think it is a very proper amendment, and it still leaves a very considerable requirement, a sufficient requirement, to guarantee good faith on the part of the locator. Some claims have not been held for a very great length of time, but where the locator has gone on in good faith and spent the amount of money which the amendment calls for, it is sufficient. All that we do in this case is to give the locator a right to lease. The only advantage he has, he does not have to lease on a competitive basis, but leases on a fixed royalty. It is not much we are giving him at best. Certainly if he has shown his good faith he ought to be given that opportunity. The entire section restricts very greatly the rights and opportunities of those who have located, gone on the land in good faith, and the amendment of the gentleman from Colorado will make it possible for some folks to secure this opportunity to lease who would not otherwise have it. Surely the man who has located, who has made some expenditure on the land, is more entitled to a lease than some stranger who had never shown his good faith in regard to it. The amendment still leaves the section far from satisfactory, but it does help a little.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. This provision, particularly lines 6 to 12, with the addition of the words "oil shales," has been one of the special provisions in the bill that has been given more careful consideration by the committee, and especially by a subcommittee consisting of Senator LENROOT and myself, who spent much time on it. The committee had many conferences, and it is one vital to legislation of this kind, because it repeals all the laws relating to the subject in hand. The purpose was to protect those who had valid claims. I believe that this repealing clause does that, particularly now those newcomers who were really protected, but there could have been a withdrawal made, and therefore the committee has added this proviso in the way of a saving clause to the interests of those who have gone onto the public domain and expended a certain amount of work and money, who have done everything except the mere fact of discovery. If this bill passes, finding then a well of 1,000 feet without oil, they will be protected, and they can complete their rights by taking out a permit, so that no one will be injured, and it will finally wind up the features in regard to changing the system from patents to leases, and settle the great question that has been before the public for so many years. I believe both will turn out successfully.

Mr. LA FOLLETTE. Mr. Chairman, I offer the following amendment: After the word "or," on page 53, line 11, insert the words "his assigns or successors in interest."

Mr. TAYLOR of Colorado. Mr. Chairman, I think that is all right.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 11, after the word "or," insert the words "his assigns or successors in interest."

Mr. RAKER. Of course, this is the way it came out of the committee and I was in favor of it and think it ought to be done, but I am wondering whether or not the committee desires to allow these homesteaders now to transfer their claims to the various oil companies and let them obtain the lease.

Mr. LA FOLLETTE. Mr. Chairman, I ask unanimous consent to modify the amendment, to insert those words after the word "entryman."

The CHAIRMAN. The gentleman from Washington asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, let me inquire of the gentleman this: Does not the gentleman think, if he does that at all, and if it is advisable to do that at all, there ought to be a provision that the assignments must be made prior to January 1, so that there might not be a lot of hasty assignments at the last?

Mr. LA FOLLETTE. I would not object to that.

Mr. FERRIS. The gentleman from Washington knows, and we all know who had to do with this matter in the committee, that there was great deal of claim jumping and assigning and grabbing of land, even after this bill was introduced and activities began during this year. I do not think we ought to encourage that or afford an opportunity for them to do that.

Mr. LA FOLLETTE. If the gentleman will offer that amendment to complete this I have no objection.

Mr. FERRIS. I wish the gentleman would withdraw that and let us look at it more. It can be treated in conference. It is certainly proper for any successor in interest who gets it in the regular way to have this right accorded to him, but if it develops that the Standard Oil Co. or some other oil company are sending around a lot of dummies I know the gentleman would object to it.

Mr. LA FOLLETTE. That provision is so fair that I hate to have this go over to the Senate leaving a fair provision like that out of the bill.

Mr. FERRIS. I do not controvert what the gentleman says. It does look fair on its face, although I can see where there might be abuses. The gentleman will be upon the conference committee and he can raise the question there.

Mr. LA FOLLETTE. I shall not insist upon it.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LA FOLLETTE. I yield to the gentleman from California.

Mr. RAKER. It was not considered in committee, and I want to call the gentleman's attention——

Mr. LA FOLLETTE. The gentleman will excuse me if I counter with another question. Were all of the amendments the gentleman offered here to-day considered in committee? If they were, then I shall grant he has asked a pertinent inquiry.

Mr. RAKER. I can not take time to answer that question.

Mr. LA FOLLETTE. No, I would not either, if I were the gentleman.

Mr. RAKER. Let us get to the meat of it. The gentleman, as a western man, knows that this can not apply to a homestead entryman. Therefore you are legislating now that a homestead entryman may assign his rights before he gets a patent, which can not be done. You authorize a man who has a homestead under which there is oil or coal to transfer his homestead interest.

Mr. LA FOLLETTE. Mr. Chairman, I will say in answer to the gentleman that that is simply talk and does not have any effect in fact. This homestead entryman might die, his assigns would be his heirs, and they would have the right to do this.

Mr. RAKER. His heirs or assigns could not assign to any of the land until a patent was issued or unless it was approved and final certificate issued.

Mr. FERRIS. Will not the gentleman agree to withdraw that and let us take it up in conference?

Mr. LA FOLLETTE. I will agree, but at the same time I think it should be fixed right here in this bill.

The CHAIRMAN. Does the gentleman from Washington withdraw the amendment?

Mr. LA FOLLETTE. I do.

Mr. KEATING. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, lines 2 and 3, strike out the words "in the location of any oil claims or gas-bearing land," and in lieu thereof insert "bad faith or wrongdoing in respect to any such location from claims asserted thereunder."

Mr. KEATING. Mr. Chairman, the object of this amendment, as is apparent on its face, is to strengthen the language of this section. If you will turn to section 12, page 41, lines 7 to 10, you will find this proviso:

No person who has been guilty of any fraud, or who had knowledge or reasonable ground to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to a lease under the provisions of this act.

The section we are now considering is a relief section. I think those who seek relief under this act should come with clean hands, and therefore I suggest that this provision be strengthened so that anyone who can not come with clean hands can not secure relief. I hope I can secure favorable consideration for the suggestion from the members of the committee, because I have no desire to throw a monkey wrench into this very admirable machine we have here. I would like to have the attention of the chairman of the committee, if I can, and get his views as to the language of this amendment.

Mr. FERRIS. I confess it looks to me, as I understand it, it strengthens and makes better the language. I may be in error and I would not want to accept it on the part of the committee, because it has not been considered by it, but personally I think it is better.

Mr. KEATING. It is practically the language you have on page 41, lines 7 to 10.

Mr. FERRIS. It is suggested to me by the gentleman from California [Mr. RAKER], as he sat in his seat, that the words "bad faith and wrongdoing" might make it more restrictive to oil people and might allow a lease to be forfeited clear outside the statute. If that is true, might not the gentleman well have a care?

Mr. ELSTON. Mr. Chairman, I would like to have the amendment again read.

Mr. KEATING. Mr. Chairman, I will yield for the purpose of having the amendment read.

The CHAIRMAN. The gentleman from California desires to have the amendment again read. The Clerk will report the amendment.

The amendment was again reported.

Mr. KEATING. Mr. Chairman, the sole purpose of the amendment is to strengthen the language of the section and to make it clear that when Congress enacts a relief measure that no one who can not come forward with clean hands shall receive the benefits of that relief, and I submit that is as far as Congress should go.

Mr. ELSTON. All the gentleman adds are the words "bad faith," and what else?

Mr. KEATING. "Or wrongdoing."

Mr. ELSTON. As applied to his application or any act?

Mr. KEATING. Made in connection with the location.

Mr. SINNOTT and Mr. RAKER rose.

Mr. RAKER. Will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Has the gentleman any definition of the word "wrongdoing" from a legal standpoint? Is not that a very indefinite word to put into a measure of this kind?

Mr. KEATING. If the gentleman will turn to page 41, lines 7 to 10, he will find that it is provided that an entryman who has not "acted honestly" or is "guilty of bad faith" shall not be entitled to a lease under this act. "Wrongdoing" is as easily construed as "acted honestly."

Mr. SINNOTT. The phrase "wrongdoing" is not there.

Mr. KEATING. It is not.

Mr. SINNOTT. It is an indefinite phrase to put into an act.

Mr. ELSTON. Would the gentleman have any objection to using the same phraseology that is used in previous pages in respect to other relief sections?

Mr. KEATING. I believe the language I suggest is stronger.

Mr. ELSTON. It is very indefinite as to its meaning.

Mr. KEATING. You insert in one place "unless he acts in good faith," and in the other "if he acts in bad faith." One is surely as clear as the other.

Mr. ELSTON. I think the gentleman would not say that the word "wrongdoing" is ordinarily found in statutes intended to cover the point this clause does.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEATING. I would like to have three minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent for three minutes more. Is there objection?

Mr. FERRIS. Reserving the right to object, I ask unanimous consent that at the close of the three minutes all debate be closed on this paragraph and all amendments thereto.

Mr. MONDELL. I trust the gentleman will modify that so as to apply only to the amendment.

Mr. FERRIS. All right. Only to the amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that at the expiration of the three minutes, to be used by the gentleman from Colorado [Mr. KEATING], all debate on this amendment close. Is there objection? [After a pause.] The Chair hears none.

Mr. KEATING. Mr. Chairman, if it is agreeable to the members of the committee, as suggested by the gentleman from California [Mr. ELSTON], I will substitute the language used on page 41 in connection with section 12. Is that agreeable to the chairman of the committee?

Mr. FERRIS. I have no objection to it.

Mr. KEATING. Then, Mr. Chairman, I ask unanimous consent to withdraw my amendment and offer the words appearing from lines 7 to 10, page 41.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to withdraw his amendment as first proposed, and substitute in place thereof that which the Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. KEATING: Page 53, line 1, after the word "That," strike out all down to and including the word "section," in line 4, and insert in lieu thereof the following:

"No person who has been guilty of any fraud, or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to a lease under the provisions of this act."

Mr. FERRIS. I hope the gentleman will modify that and use the word "claimant" instead of "person," so that it may include corporations.

Mr. KEATING. I accept that.

Mr. LA FOLLETTE. I suggest, as this is dealing with another subject, we should strike out "in this act" and put in "in this section."

Mr. RAKER. The Clerk could read down, and in line 3 put in Mr. KEATING's amendment.

Mr. KEATING. I will adopt the suggestion.

The CHAIRMAN. With the consent of the gentleman from Colorado, the proponent of the amendment, and without objection, the alterations will be made.

The Clerk will report the amendment as altered.

The Clerk read as follows:

Amendment offered by Mr. KEATING: Page 53, line 1, after the word "That," strike out all down to and including the word "section," in line 4, and insert the following: "No claimant who has been guilty of any fraud, or who had knowledge or reasonable grounds to know of any fraud, or has not acted honestly and in good faith, shall be entitled to any of the benefits of the section."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Colorado [Mr. KEATING].

The question was taken, and the amendment was agreed to.

Mr. KEATING. Mr. Chairman, I want to submit another amendment.

The CHAIRMAN. The gentleman from Colorado submits an additional amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KEATING: Page 52, lines 24 and 25, strike out the words "thereon upon the same terms and conditions as other permits" and in lieu thereof insert the words "or leases thereon upon not less than one-eighth royalty and except as otherwise provided, upon the same terms as other permits or leases."

Mr. FERRIS. I hope the gentleman will not insist on that amendment. I am afraid it is a little far-reaching and a little too ponderous and cumbersome to settle in an amendment. It may be all right.

Mr. KEATING. I shall not insist on it if the chairman takes that attitude; but I want to say a word on the proposition. I hope the chairman and the conferees will have an opportunity to consider the matter in conference, because I think in justice to the men who are endeavoring to develop these oil lands some such provision should be put in.

For example, under the provisions of this act you can not grant to prospectors permits on a geological structure where oil has been discovered. Now, I have in mind such a structure in the State of Wyoming, which is some 20 miles long and some 6 miles wide. I am informed there is just one producing well in that entire area. There are a number of people claiming land on that structure. Under some provisions of this bill they would apparently be entitled to get prospectors' permits, but I am confident the Interior Department will rule that other provisions of the bill will prevent the issuance of prospectors' permits on a geological structure where oil has been discovered.

If that construction be given to the bill, then it will be impossible for such entrymen to get any relief. If we adopt the amendment I have suggested, it will be possible for the entryman who has acted in good faith, who has complied with the law in so far as it was possible for him to comply with the law, and who under the existing provisions would be entitled to a prospector's permit, to get a lease or a preferential right to a lease; and I think he is entitled to that, in view of the fact that he has acted in good faith; that he has expended his money; and that, except for the peculiar conditions existing where his land is located, he would be entitled to a prospector's permit. If he could secure a prospector's permit, he would, as a matter of course, secure the lease.

Mr. MONDELL. Mr. Chairman, will the gentleman yield to me?

Mr. KEATING. I will.

Mr. MONDELL. What about this suggestion? It would seem to me that it would hardly be probable that the department would hold as the gentleman suggested with regard to the granting of permits under this section. It provides that they shall have permits. The fact that elsewhere it is provided that permits shall not in general be granted in developed territory does not affect this provision. But assuming that were true, and that it is wise to amend, what about this feature of the situation? The amendment provides that parties shall be entitled to leases at one-eighth royalty, and, except as otherwise provided, on the same terms as other leases. Now, all leases provided for in this bill are on and after bidding. Does not your amendment bring these leases into the same category as all other leases? That is, that the parties would have to subject themselves to competition? That is a question that should be considered.

Mr. KEATING. I do not think so. However, I commend the suggestion to the chairman of the committee and the conferees.

The CHAIRMAN. The time of the gentleman from Colorado has expired. Is the amendment withdrawn?

Mr. KEATING. I will withdraw the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ALASKA OIL PROVISO.

SEC. 29. That any bona fide occupant or claimant of oil or gas bearing lands in the Territory of Alaska, or his successors or assigns, who prior to withdrawal had complied otherwise with the requirements of the mining laws, but had made no discovery of oil or gas in wells, and who prior to withdrawal had made substantial improvements on or for each location or had prior to the passage of this act expended not less than $500 in improvements on or for each location shall be entitled, upon relinquishment or surrender to the United States within one year from the date of this act or within six months after final denial or withdrawal of application for patent, to a prospecting permit or permits, lease or leases, under this act covering such lands, not exceeding five permits or leases in number and not exceeding an aggregate of 1,280 acres in each: *Provided*, That leases issued in Alaska under this act, whether as a result of prospecting permits or otherwise, shall be upon such rental and royalties as shall be fixed by the Secretary of the Interior and specified in the lease and be subject to readjustment at the end of each 10-year period of the lease: *Provided further*, That for the purpose of encouraging the production of petroleum products in Alaska the Secretary may, in his discretion, waive the payment of any rental or royalty not exceeding the first five years of any lease.

Mr. ELSTON. Mr. Chairman, I suggest an amendment on page 34, line 16, to harmonize the provisions in that section with the provisions of the section on page 46, where there are granted not to exceed three leases to any one claimant in any one State.

Now, in order that this privilege of three leases may be availed of, I believe it ought to be made clear that not to exceed three prospecting permits in any one State should be granted. I believe that is a reasonable construction, and I believe it was the intent of the committee. Accordingly I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 34, line 16, after the word "permit," insert "not exceeding three in any one State or one within the geologic structure of a producing oil or gas field."

Mr. RAKER. I reserve the right to object.

Mr. STAFFORD. Reserve a point of order. That is the point.

Mr. ELSTON. The proposed amendment provides only that the Secretary of the Interior has the discretion to grant any number from one to three.

Mr. FERRIS. Mr. Chairman, consent has not been given to return to that section.

Mr. ELSTON. I thought that consent had been given. I assumed that was the effect of my colloquy with the gentleman some time back.

The CHAIRMAN. Consent has not been asked for.

Mr. ELSTON. Mr. Chairman, I ask unanimous consent that we may return to page 34, line 16, for the purpose of offering my amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to page 34, line 16, for the consideration of the amendment which he has submitted. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

Mr. ELSTON. This provides that not more than three prospecting permits shall be granted to any one claimant at one time in any State.

Mr. FERRIS. Let us have the amendment reported.

The CHAIRMAN. If the gentlemen will subside for a moment, the Clerk will report the amendment. The Chair has already directed the Clerk to report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 34, line 16, after the word "permit," insert "not exceeding three in any one State or one within the geologic structure of a producing oil or gas field."

Mr. FERRIS. Mr. Chairman, I do not think I can consent to go back to that amendment. The gentleman may be right in stating that that was the intent of the committee, but I do not recall that the committee agreed to allow three permits to anyone in every State. I think you are doing more than the committee wanted to do and more than we ought to do.

Mr. ELSTON. I have some comments to make on that if I may have my five minutes.

Mr. FERRIS. Of course there is no five-minute privilege pending a request for unanimous consent.

The CHAIRMAN. Unanimous consent must first be obtained.

Mr. FERRIS. I will reserve my objection and let the gentleman have his time.

Mr. ELSTON. The only reason I suggested this amendment is to make it consistent with the provisions on page 46, by which not to exceed three leases may be granted in any one State. You can not get your lease without having had a prospecting permit theretofore, and I assume that there is not more than one lease granted under each prospecting permit. So, therefore, the implication of this language is that three prospecting permits may be in existence at the same time for each State.

You can not get away from the logic of that situation, and I assume that we ought to fill the privilege with regard to three leases by giving three prospecting permits to each State. If the gentleman is going to take another attitude on that, he might just as well go back to page 46 and reform the language.

Mr. FERRIS. There is nothing on page 46 that allows three permits in each State.

Mr. ELSTON. No; but it allows three leases in each State.

Mr. FERRIS. That is a very different thing.

Mr. ELSTON. How are you going to get three simultaneous leases to one man in one State without his having had three prospecting permits theretofore?

Mr. FERRIS. I think I can answer the gentleman. The prospecting permit is for 2,560 acres. When the prospector gets a lease he gets a lease on only one-fourth of it, or 640 acres. If he gets three leases out of the 2,560 acres—or if they were remnant tracts he might have three leases—in any event he can not go beyond the 2,560 acres.

Mr. ELSTON. I will say to the gentleman that I think that is sophistical. The gentleman knows very well that if you have one prospecting permit you will make one designation of what you want and put it up to the Secretary in one application, which will be disposed of in one lease.

Mr. FERRIS. That is 640 acres.

Mr. ELSTON. The gentleman's argument is that one prospecting permit will be used on three different occasions for three different leases. I can not accept the gentleman's argument in that respect. I think we had better go back to page 46 and make that language clear, because I am sure it was put in there in pursuance of the understanding that not to exceed three prospecting permits should be had in each State.

Mr. FERRIS. I am perfectly sure I never agreed in the committee to three prospecting permits in each of the States, and I am perfectly sure that the committee did not agree to three prospecing permits in each State. I feel I must object to returning now. Of course, if I am in error it can be corrected in conference. I think this too important to agree to it so hurriedly. I, of course, do not desire to do the gentleman from California any injustice by cutting him off.

Mr. LA FOLLETTE. I should like to make an observation to the chairman of the committee.

Mr. FERRIS. I will reserve the objection for the purpose of allowing the gentleman to make his statement.

Mr. LA FOLLETTE. I want to recall the gentleman's mind to the fact that we discussed this matter fully and agreed to three permits, and the proof of it is obvious right here in section 9. After we had discussed it and agreed on three prospecting permits we made a proviso that there should be five permits in Alaska. The gentleman from Alaska [Mr. SULZER], after we had agreed that there should be three permits in each State, asked for an exception for Alaska on account of the large area of country and the different conditions up there, and we put in a proviso as follows:

Provided, That in the Territory of Alaska prospecting permits not more than five in number shall be granted.

Mr. FERRIS. But wait a minute——

Mr. LA FOLLETTE. We had already agreed on three within each State.

Mr. FERRIS. Five permits in the entire area of Alaska is a very different proposition from three permits in each of the States of the Union. The Elston amendment provides three for every State. I do not believe that ought to be done.

Mr. LA FOLLETTE. We had already agreed on three for each State, and gave five to Alaska.

Mr. FERRIS. The amendment of the gentleman from California would give three permits for each State, or 3 times 48, if there happened to be public lands in that many States in the Union. This is not what the committee intended. I do not think it ought to be done. A few companies would get it all.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The regular order is demanded. The regular order is, Is there objection?

Mr. FERRIS. For the present I feel it my duty to object.

The CHAIRMAN. Objection is made, and the committee can not return to page 46.

Mr. SULZER. Mr. Chairman, I offer the following amendment: Page 54, line 10, strike out the word "ten" and insert the word "twenty" in lieu thereof. All the rest of the section

of the bill provides for leasing for a 20-year period, and this will simply conform to the remainder of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SULZER: Page 54, line 10, after the word "each," strike out the word "ten" and insert in lieu thereof the word "twenty."

Mr. RAKER. Where does the gentleman get that? This is the readjustment period.

Mr. SULZER. We ought to have the same period in all the leases in the bill.

Mr. FERRIS. On the phosphate and oil we make it indeterminate, not exceeding 20 years, and each 10 years thereafter. Here we make it in the Alaskan provision 10 years. They are entitled to 20 years.

Mr. RAKER. If they are entitled to it, they ought to have it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska.

The amendment was considered and agreed to.

Mr. SULZER. Mr. Chairman, I offer the following amendment: On page 53, line 23, strike out the figures "500" and insert "250." That is only to conform with the amendment which was adopted a little while ago on page 52.

The Clerk read as follows:

Page 53, line 23, after the word "than," to strike out the figures "500" and insert in lieu thereof "250."

The amendment was agreed to.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes the debate on this section be closed.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MONDELL. Mr. Chairman, the proviso of section 28, if liberally construed, will afford a considerable amount of relief for locators of oil lands in the West—not as much relief as they are entitled to, because in many cases they should be given patents. I think that, at any rate, a larger leasehold than is proposed in this bill should be granted and hope the committee of conference will be disposed to modify these provisions as I have suggested. I hope the gentlemen who will be members of the conference committee will have this particular matter in mind in conference. Those who are entitled to the benefits of this section are those who had made locations prior to a withdrawal or prior to January 1, 1918. At the time the committee made their report it was thought proper to limit the benefits of this proviso to those who had made their locations before the 1st of January; but people in the public-land States are not all of them keeping track of what Congress is doing. They are going on locating and developing under the land laws all the time and there have been many bona fide locations made since the 1st of January. Where such locations otherwise come within the provisions of the section there is no reason why these people should not receive its benefit.

If there was any hope of further liberalizing the provisions of this section, I should certainly offer amendments to accomplish that purpose. It is very clear, however, that under prevailing conditions no amendment greatly modifying the section can be secured. In fact, it would not help the situation to attempt any important amendments.

Therefore I trust that in conference the provisions of this section will be made to apply to those who have made locations at any time up to the time of the passage of the bill rather than the 1st of January. With that amendment, the proviso as it has been amended on the floor will be very helpful to a great many locators. If it can be further liberalized so as to grant a patent under certain conditions, it will more nearly do justice by these locators.

Mr. FERRIS. Mr. Chairman, I move that the committee rise and report the bill S. 2812 with a favorable recommendation, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DEWALT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2812 to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FERRIS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. What happened in the committee is this: The committee struck out all of the Senate bill and put in the House bill as a substitute. I asked unanimous consent to substitute the House bill and have it considered as an original bill and amended section by section. Is the procedure now to move that the one amendment be agreed to which is a complete substitute?

Mr. STAFFORD. The gentleman realizes that we had an understanding when the bill was referred to the Committee of the Whole House on the state of the Union; that the bill should be considered as an original House bill, and therefore if anybody demands a separate vote on any amendment it will be in order.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote.

The amendments were agreed to.

Mr. FERRIS. Should not the motion be to adopt the amendment which is an entire substitute for the Senate bill 2812?

The SPEAKER. The question is on adopting the House bill with the various amendments as a substitute to the Senate bill.

The question was taken, and it was decided in the affirmative.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The amended Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CRAMTON. Mr. Speaker, I desired to amend the title.

Mr. FERRIS. The gentleman from Michigan has a suggestion in regard to the title which I think a good one, and I ask unanimous consent that he be allowed to present it.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to vacate the proceedings by which the bill was laid on the table. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to have the title amended so as to read: "An act to authorize exploration for and disposition of coal, phosphate, oil and oil shales, or gas on the public domain."

The SPEAKER. Without objection, the title will be so amended.

There was no objection.

Mr. FERRIS. Mr. Speaker, I renew my motion to reconsider the vote by which the bill was passed and to lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. LARSEN for one week on account of attending the annual meeting of the board of trustees of the Georgia State Normal School.

ORDER OF BUSINESS.

Mr. FERRIS. Mr. Speaker, the majority leader [Mr. KITCHIN] has been called to the Senate, and he asked me to announce to the House that on Monday next the urgent deficiency appropriation bill will be called up, and that on Tuesday the Army appropriation bill will be taken up.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Was there not an understanding by unanimous consent that the pension bills would be called up on Monday?

Mr. STAFFORD. Mr. Speaker, I desire also to submit an inquiry, and that is whether the order which was entered by unanimous consent to consider pension bills would not make those pension bills in order on Monday.

The SPEAKER. The Chair is inclined to think that it would.

Mr. COOPER of Wisconsin. It is my impression that there was unanimous-consent agreement in respect to taking up the pension bills.

Mr. RUSSELL. There was a unanimous-consent agreement to take up the pension bills following the disposition of the oil bill.

The SPEAKER. The Clerk informs the Chair that the order was that the pension bills were to follow the disposition of the oil bill.

Mr. RUSSELL. And if we adjourn now those bills will be in order on Monday.

The SPEAKER. They would.

Mr. STAFFORD. Mr. Speaker, I make a point of order that there is no quorum present.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 8764. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until Monday, May 27, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting an estimate of appropriation to pay the claim of the Brennan Construction Co. for balance due on the construction of the Senate Office Building under contract dated December 2, 1905 (H. Doc. No. 1132); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting substitute estimates of appropriation for the support of the Quartermaster Corps of the Army for the fiscal year 1919 (H. Doc. No. 1133); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (S. 935) for the relief of settlers on certain railroad lands in Montana, reported the same without amendment, accompanied by a report (No. 606), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 12258) to protect the military and naval forces of the United States against venereal diseases, and for other purposes; to the Committee on Military Affairs.

By Mr. SHERLEY: A bill (H. R. 12280) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. DENT: A bill (H. R. 12281) making appropriations for the support of the Army for the fiscal year ending June 30, 1919; to the Committee of the Whole House on the state of the Union.

By Mr. SHERLEY: A bill (H. R. 12282) designating the American mountain laurel the national flower of the United States; to the Committee on the Library.

By Mr. HUSTED: A bill (H. R. 12283) exempting the compensation, pay, and emoluments of officers and enlisted men of the Army and Navy from the provisions of the income-tax law; to the Committee on Ways and Means.

By Mr. CROSSER: A bill (H. R. 12284) relating to liability of employers and assuring compensation for injuries or death of certain employees in the District of Columbia, providing for an industrial commission in said District and defining its duties, and providing for an appropriation to carry out the provisions of this act; to the Committee on the District of Columbia.

By Mr. DENT: Joint resolution (H. J. Res. 294) providing for the time of application of the method of determining quotas of forces to be raised for military service as authorized in a joint resolution approved May 16, 1918; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 12285) granting a pension to David Gregg; to the Committee on Pensions.

By Mr. BOWERS: A bill (H. R. 12286) granting an increase of pension to John E. Hutzler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12287) granting an increase of pension to William C. Clendening; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 12288) granting a pension to Frances H. Edgar Rice; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 12289) granting an increase of pension to Isaac E. Pearce; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 12290) granting an increase of pension to Henry P. Logsdon; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 12291) granting a pension to George Cosseboom; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 12292) granting a pension to George W. Robinson; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 12293) granting a pension to Mary F. Conyers; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DOOLITTLE: Petition of the Congregational and Methodist Churches of Carbondale and of a mass meeting of the churches of Burlingame, Kans., favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. FOCHT: Memorial of the executive committee of the Real Estate Brokers' Association of Washington, D. C., asking that Congress make a fair investigation of the charges made against the real estate owners and agents of the District of Columbia; to the Committee on the District of Columbia.

By Mr. FULLER of Illinois: Petition of the Chicago Daily Drovers' Journal, for the repeal of the zone system for second-class mail; to the Committee on Ways and Means.

Also, petition of William Castleman, editor of the Unionist, of Chicago, and of the Woman's Club of De Kalb, Ill., for prohibition as a war measure for the conservation of foods; to the Committee on Alcoholic Liquor Traffic.

By Mr. GILLETT: Resolutions adopted by the United States Armory American Band, a musical organization of the city of Springfield, Mass., urging the passage of Senate bill 3888; to the Committee on Military Affairs.

By Mr. GOULD: Petition of a union meeting in Interlaken, N. Y., and a petition of the Woman's Christian Temperance Union of Wayne County, N. Y., urging immediate prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HILLIARD: Petition of S. B. Radcliff and 5 others, all citizens of the State of Colorado, urging prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of James Culton and 41 others, all citizens of the State of Colorado, urging prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Mrs. Anna Young, Mrs. Susie Tukey, and Mrs. Bardford Crosby, all of Denver, Colo., urging prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of J. C. Miller and 11 others, all citizens of the State of Colorado, urging prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Ralph J. Steven and 6 others, all citizens of the State of Colorado, urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HILLIARD: Petition of Joseph C. Stilwell and 23 others, all citizens of the State of Colorado, urging prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Mrs. J. D. McKee and 19 others, all of Denver, Colo., urging prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of John V. Barker and 17 others, all of Denver, Colo., urging prohibition as a war measure; to the Committee on the Judiciary.

Also, resolutions adopted by the Denver Photoengravers' Union, No. 18, urging the repeal of that section of the war-revenue act increasing postage rates on periodicals; to the Committee on Ways and Means.

By Mr. KAHN: Petition of James J. Fagan, president San Francisco Clearing House Association and of the California Bankers' Association, opposing the passage of Senate bill 4426, relative to the guaranty of bank deposits in national banks; to the Committee on Banking and Currency.

By Mr. KINKAID: Petition of 250 citizens of Ansley, Nebr., for the enactment of war prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of International Brotherhood of Bookbinders, Local No. 73, of Pittsburgh, Pa., earnestly demanding the repeal of the burdensome periodical-postage amendment; to the Committee on Ways and Means.

By Mr. OSBORNE: Petition of Federal Clubs of the Hollywood (Cal.) Churches, George Brookwell, secretary, urging

immediate prohibition as a war measure; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of the Young People's Society of the New First Congregational Church of Chicago for war-time prohibition; to the Committee on the Judiciary.

By Mr. REED: Evidence to accompany House bill 12274, to increase the pension of John S. Brannon; to the Committee on Invalid Pensions.

By Mr. STEELE: Petitions of residents of Pen Argyl and of Bethlehem, both in the State of Pennsylvania, for the amendment of the Constitution to prevent polygamy in the United States; to the Committee on the Judiciary.

SENATE.

MONDAY, *May 27, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

In the plentitude of Thy mercy, O Lord, look upon us as we come humbly into Thy presence. Surely we need Thee as never before. More and more do we realize the tremendous responsibility which rests upon us in the world conflict; and we tremble lest our sins rise up against us and be a reproach to our people. O Thou King of Kings, Thou God of mercy, blot out our transgressions, and incline Thine ear to our supplications. Help us to cling to Thy hand and to claim Thy power. Keep our motives pure, and strengthen our hands for the mighty struggle. Help us to seek that wisdom which is from above, and that righteousness which exalteth a nation; and may Thy kingdom come and over all nations prevail. We ask it for Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	Nugent	Smith, Ariz.
Borah	Hitchcock	Overman	Smith, Ga.
Calder	Johnson, Cal.	Page	Smith, Md.
Chamberlain	Johnson, S. Dak.	Penrose	Smith, Mich.
Colt	Jones, Wash.	Phelan	Smoot
Culberson	Kendrick	Pittman	Sutherland
Cummins	Kenyon	Poindexter	Thomas
Curtis	King	Pomerene	Thompson
Fall	Kirby	Ransdell	Townsend
Fletcher	Lewis	Reed	Trammell
France	McCumber	Saulsbury	Vardaman
Frelinghuysen	McLean	Shafroth	Wadsworth
Gallinger	McNary	Sheppard	Walsh
Gerry	Martin	Sherman	Warren
Guion	Myers	Shields	Wilfley
Harding	Norris	Simmons	

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness.

Mr. SHIELDS. I desire to announce that my colleague [Mr. MCKELLAR] is detained on official business. I ask that this announcement may stand for the day.

Mr. GERRY. I wish to announce that the Senator from Mississippi [Mr. WILLIAMS] is detained by illness in his family. This announcement may stand for the day.

Mr. KIRBY. I desire to announce that my colleague, the senior Senator from Arkansas [Mr. ROBINSON] is detained on official business. I wish also to announce that the senior Senator from Kentucky [Mr. JAMES] is detained by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (45) providing that the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 27th day of May, 1918, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them, in which it requested the concurrence of the Senate.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (45) from the House of Representatives, which was read.

IN THE HOUSE OF REPRESENTATIVES,
May 27, 1918.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assembled in the Hall of the House of Representatives on Monday, the 27th day of May, 1918, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. MARTIN. I move that the Senate concur in the resolution just laid before the Senate.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington. I have a petition from the Woman's Civic Club of Seattle asking for the passage of the Susan B. Anthony amendment submitting the question of suffrage to the various States without delay. I ask that it be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

SEATTLE, WASH., *May 17, 1918.*

Hon. WESLEY L. JONES,
United States Senate.

Whereas the women of our country are cordially responding to every call of our Government in its endeavor to conserve materials and have not hesitated to add to their duties so as to release all available man power for the Army and Navy; and

Whereas President Wilson believes that to grant woman suffrage at this time is a simple matter of justice to patriotic womanhood: Therefore be it

Resolved by the Woman's Civic Club of Seattle, Wash., in regular session assembled, That we urgently pray the United States Senate to pass the Susan B. Anthony amendment submitting the question of suffrage to the various States without delay, thereby assuring all women that democracy is as surely for them as for their brothers, thus enabling suffragists to give their undivided attention to war work; and be it

Resolved, That copies of this resolution be sent to President Wilson, to Vice President Marshall, and to Senators MARTIN, GALLINGER, BORAH, JONES of Washington, and POINDEXTER.

Representing 100,000 women voters.

Mrs. CORNELIUS G. RUNTE,
Corresponding Secretary.

Mr. JONES of Washington presented a petition of McKinley Grange, No. 596, Patrons of Husbandry, of Toppenish, Wash., praying for the enactment of legislation to provide for the leasing of Indian reservation lands only to persons, citizens, or intending citizens of the United States, which was referred to the Committee on Indian Affairs.

He also presented a memorial of the President of the Spokane & Eastern Trust Co., of Spokane, Wash., and a memorial of the Tacoma Savings Bank & Trust Co., of Tacoma, Wash., remonstrating against the enactment of legislation granting to national banks such authority and power that the several States have not granted, which were referred to the Committee on Banking and Currency.

He also presented a telegram in the form of a petition from the local branch, Ohio Woman's Christian Temperance Union, of Columbus, Ohio, praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. McLEAN. I have received a large number of telegrams containing resolutions favoring the adoption of the Susan B. Anthony amendment. They are so numerous that I do not feel like asking to have them printed in the RECORD, for I believe that is as unwise as it is unnecessary, but I ask unanimous consent that one of them be printed in the RECORD, as it is a fair sample of the very large number which I have received.

There being no objection, one of the telegrams was ordered to be printed in the RECORD, as follows:

NEW HAVEN, CONN., *May 27, 1918.*

G. P. MCLEAN,
Senate Office Building, Washington, D. C.:

Whereas there is tremendous increase in the favorable sentiment toward woman suffrage in this country and widespread recognition of equal suffrage as a war measure; and

Whereas the delay and opposition of the Federal suffrage amendment by undemocratic Members in the Senate is creating a country-wide condemnation: Therefore be it

Resolved, That we, the political workers of the third congressional district of Connecticut, in a meeting called for this purpose, do hereby protest at the deferred action and do earnestly request the Senate to pass the Susan B. Anthony amendment at the earliest possible date, and we also request that this resolution be written into the CONGRESSIONAL RECORD.

HANNAH D. TOWNSHEND, *Chairman.*
GLADYS BRAGDON, *Secretary.*

Mr. McLEAN presented petitions of sundry citizens of the State of Connecticut, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of the State Medical Society of Connecticut, praying for the enactment of legislation to provide advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

Mr. NELSON presented petitions of sundry citizens of the State of Minnesota, praying for the submission of a Federal

suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented petitions of sundry citizens of the State of Minnesota, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. COLT presented a petition of the Society of the Mayflower Descendants of the State of Rhode Island, praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented a memorial of the Bankers' Association of the State of Rhode Island, remonstrating against the enactment of legislation to guarantee bank deposits under $5,000, which was referred to the Committee on Banking and Currency.

Mr. HARDING. I present a communication from the Farmers' Telephone Co., of Sidney, Ohio, which I ask to have printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

THE FARMERS' TELEPHONE CO.,
Sidney, Ohio, May 21, 1918.

Hon. WARREN G. HARDING,
Washington, D. C.

DEAR SIR: Our company, operating in Shelby County, has in operation over 1,300 telephones serving the men who are producing the food to win the war and who are buying the liberty bonds, war-savings stamps, etc., to finance it, and who are sending their sons to the defense of their country, is being discriminated against by the Bell Telephone Co. and its allied interests as common carriers by being denied the privilege of long-distance telephone connection.

We as a people believe in democracy and pledge our all to its cause; we declare for equal rights to all and special privilege to none. We have sought relief through the legislature and was denied our rights through political connivance by the manipulations of special interests. We therefore respectfully request your earnest cooperation in behalf of relief of this and similar situation. We further request that this communication be read into the records and placed in the hands of the proper committee.

Very truly, yours,
C. C. HERMETET,
Secretary and General Manager.

Approved:
THE SHELBY COUNTY FARM BUREAU ASSOCIATION,
LOUIS E. MARRS, *President.*
N. J. MOORE, *Secretary.*

SALARIES OF CLERKS OF DISTRICT COURTS.

Mr. FLETCHER, from the Committee on the Judiciary, to which was referred the bill (S. 3079) fixing the salary of the clerks of the United States district courts; prescribing how and when they shall account for the fees collected; providing for the office expenses of such clerks, including salaries of deputy clerks and clerical assistants; and for the travel and subsistence expense of such clerks and their deputies when necessarily absent from their official residences, reported it with an amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 4611) to provide an ice-breaking vessel for use in New York Harbor; to the Committee on Commerce.

By Mr. PENROSE:

A bill (S. 4612) for the relief of Morris Dietrich; to the Committee on Claims.

A bill (S. 4613) for the relief of Charles Raudenbush (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 4614) granting an increase of pension to Henry Gottman (with accompanying papers);

A bill (S. 4615) granting an increase of pension to Henry H. Niles (with accompanying papers);

A bill (S. 4616) granting an increase of pension to Henry Care (with accompanying papers);

A bill (S. 4617) granting a pension to Cora J. Swavely;

A bill (S. 4618) granting an increase of pension to Washington B. Coder;

A bill (S. 4619) granting an increase of pension to Henry L. Reinhold;

A bill (S. 4620) granting an increase of pension to Henry Korn; and

A bill (S. 4621) granting an increase of pension to William C. Robbins; to the Committee on Pensions.

By Mr. KING:

A bill (S. 4622) to amend section 501 of an act approved March 8, 1918, entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war;" to the Committee on Public Lands.

A bill (S. 4623) to amend section 15 of an act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended; to the Committee on Immigration.

A bill (S. 4624) to prohibit the teaching of the German language in the public schools of any Territory of the United States or in the public schools of the District of Columbia; to the Committee on the District of Columbia.

By Mr. CUMMINS:

A bill (S. 4625) to make it unlawful and to punish giving commissions, bribes, or rewards to employees and to accept the same, and for other purposes; to the Committee on the Judiciary.

By Mr. NUGENT:

A bill (S. 4626) providing for a survey of certain unsurveyed lands within the Crow Indian Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

MINING ON THE PUBLIC DOMAIN.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. PITTMAN. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. PITTMAN, Mr. PHELAN, Mr. SHAFROTH, Mr. SMOOT, and Mr. FALL conferees on the part of the Senate.

DISTRICT RENT ADMINISTRATOR—CONFERENCE REPORT.

Mr. SAULSBURY. I submitted a few days ago the conference report on Senate joint resolution 152, and I move that it be taken up.

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 28, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the language proposed by the House insert the following: "a treaty of peace shall have been definitely concluded between the United States and the Imperial German Government, or until provided by Congress," and in line 3 of the engrossed bill, after the word "until," strike out "the"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: On page 1, line 6, of the engrossed bill, after "agreement," strike out the words "or written"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 27, and agree to the same with an amendment as follows: On page 2, line 16, of the engrossed bill, after the word "agreement" strike out "or written"; and the House agree to the same.

WILLARD SAULSBURY,
ATLEE POMERENE,
LAWRENCE Y. SHERMAN,
Managers on the part of the Senate.
BEN JOHNSON,
ROBERT CROSSER,
WILLIAM J. CARY,
Managers on the part of the House.

Mr. SAULSBURY. I move the immediate consideration of the conference report.

Mr. CUMMINS. Mr. President——

Mr. SMOOT. I did not hear the request of the Senator from Delaware.

The VICE PRESIDENT. The Senator from Delaware moved the consideration of the conference report. The question is on agreeing to the motion.

Mr. SMOOT. That can not be done without unanimous consent. It is not yet 1 o'clock.

The VICE PRESIDENT. The rule is that when presented the question shall be immediately put and that it shall be decided without debate.

Mr. SAULSBURY. Rule XXVII provides for just this condition. I fancy that the conference report can be agreed to

in a few minutes. It is, of course, in order under the rule. The rule is very strict that the question of consideration shall be settled without debate.

The VICE PRESIDENT. The question is on the motion of the Senator from Delaware to proceed to the consideration of the conference report.

Mr. FLETCHER. Mr. President, I think there are some Senators concerned about this matter who are not present. I suggest the absence of a quorum.

Mr. SAULSBURY. Possibly the Senator from Florida was not in the Chamber when the roll was called. I raise the question as to whether the call for a quorum is in order.

The VICE PRESIDENT. Business has been transacted since the former call.

Mr. FLETCHER. I withdraw the call for a quorum.

The VICE PRESIDENT. The question is on the motion of the Senator from Delaware to proceed to the consideration of the conference report.

The motion was agreed to.

Mr. FLETCHER. Mr. President, I desire to say a few words in regard to the report. Apparently about the only change submitted by the conferees is adding the words "unless in the meantime otherwise provided by Congress," and limiting the time to the close of the war instead of one year thereafter. The language would be "that until the close of the present war between the United States and the Imperial German Government, unless in the meantime otherwise provided by Congress," no recovery of possession of premises can be had. It is limited to the period of the war "unless in the meantime otherwise provided by Congress." Of course, that language really does not mean anything, because Congress can at any time change any law it may have previously passed. If the joint resolution was passed without that provision in it, it would not be binding except so long as Congress might not change it. This clause, it seems to me, is without any real effect or meaning.

The situation is simply this, and I feel this way about it, putting myself in the position of a landlord in the District of Columbia for the moment, and it seems to me fair for us in considering a matter of this sort to apply the case to ourselves as to both sides, as to the landlord and as to the tenant. Putting myself, as I said, in the position of a landlord for the moment, a landlord who wants to do his whole duty by the Government, who is patriotic, I would say, if I were a landlord and the Government wanted my property, if the Government needed my property, I stand absolutely ready on the minute to deed it to the Government. I would not have the slightest hesitation about it. If I was satisfied the Government required my property for the purposes of the war, the Government could take it without a moment's delay, with my prompt, free, and full consent, and I believe this is the sentiment, practically unanimous, of the property owners of this District.

On the other hand, if the Government desires to take possession of my property for the benefit of some people who would like to enjoy it and deprive me of its possession and its control not for the benefit of the Government, but for the benefit of some people who may be occupying it for the present, who are in no wise connected with any activity of the Government, I say that is simply inexcusable tyranny; it is rank and wanton despotism; it is oppression of the meanest kind, in my judgment.

There are a number of people in the city of Washington who are here because Washington is the center of things, not because they are doing any work for the Government, not because they are serving the country. They are here to enjoy the society of Washington, to enjoy the privileges of Washington for their own benefit, not because they are needed here, not because they are wanted here, not because they are doing any work here for the Government. People of that class, to whom a landlord in this District may have rented an apartment last October, for instance, or a residence, will be in a position under this joint resolution to say that they propose to continue to occupy that apartment or that residence until the war is ended, no matter how long that may be. Congress proposes to put it in the power of those tenants in that relation to the Government, who are not only not serving the Government themselves, but are occupying premises that ought to be occupied by war workers, and the landlord is made powerless to get rid of them or to make available those premises for the use of those who are at work for the Government. There are people here who ought not to be here, have no business here, occupying premises, and you undertake to say these people may continue to occupy those premises indefinitely, no matter what contract they may have solemnly made with the lessor as to the termination of such lease.

Instead of the joint resolution operating for the advantage and benefit of those who are here serving the Government, at work in any of the departments, it will operate just the other way. It will deprive those people of the advantages which they might have were landlords in different cases permitted to carry out the terms of the solemn contract entered into with the tenant. A tenant, for instance, leased an apartment or a residence last October under a lease which provides that it shall expire on the 1st of the coming October. Congress proposes to say, notwithstanding that solemn contract entered into between the landlord and the tenant terminating that lease on the 1st of October, it shall remain in force and effect until the end of the war. It is a monstrous proposition, helpful to nobody except the people who are actually occupying the premises; and, as my correspondence will show and my information from reliable sources supports, those people, in a great number of instances, are here simply because they like to be in Washington and are in nowise engaged in any work or any undertaking that is helpful to the Government; people, for instance, who have sons in the departments, they like to be near, for their own pleasure, who are here in disregard of the public interest. You propose to take property for their benefit, not for any public purpose. The Congress has no constitutional power to authorize the taking of property for other than public use, and then only upon just compensation.

Mr. President, take this sort of a case: The owner of a residence in this city of Washington on the 1st of last October, for instance, may have rented a portion of that residence to a tenant; that lease expires next October. The tenant may not have violated, and may not violate, any of the terms of that lease; he may pay the rent; he may not have committed any tort or, wrong that under the terms of the lease would make it possible for the landlord to dispossess him. If this resolution passes, the owner of that property would be utterly unable to resume possession of his own residence after the expiration of that lease by its express terms.

Suppose the landlord decides that he himself wants to use his own property and does not care to rent any portion of it beyond next October. He reaches that conclusion; it is his property; he desires to possess it. His tenant, who is occupying it, is not engaged in any war work; he is not concerned in any endeavor here by way of supporting the Government, but is simply enjoying the society of Washington. Under this joint resolution the owner of the property is unable to get possession of his own residence, or that portion of it which he may have rented, notwithstanding the contract, under seal, witnessed, and all that, solemnly made, that on the 1st of next October the tenant would cease to be an occupant of those premises. Congress proposes to say that the owner of the residence himself shall not be privileged to stand upon the terms of his contract with the tenant and to occupy his own property. I say, Mr. President, that I do not believe any court in the country will sustain such a law, or that it ought to be sustained.

Mr. CHAMBERLAIN. Mr. President, will the Senator allow me to interrupt him?

Mr. FLETCHER. I yield.

Mr. CHAMBERLAIN. Assuming that the lease was made last October and expires on the 1st of next October, and the premises are occupied by a tenant, could the landlord or his own family, having been temporarily out of possession, occupy it themselves instead of the tenant, or would they be compelled to let it go?

Mr. FLETCHER. That tenant could pay the rent and the landlord could not get possession of his own premises under this joint resolution. That is the situation in which this resolution leaves the community and leaves the owners of property.

I submit that it is not a war measure. It does not help in this situation from any standpoint whatsoever. The only person it would help would be the person who has a present lease on premises in the District of Columbia, and it is not mutual as to that person. There is nothing fair about it from that standpoint. If the joint resolution went on to provide that if the tenant desired to end the lease he should not be allowed to do so, but must go on and pay the rent; as it does provide, on the other hand, that the landlord can not insist on his rights under the lease, but must accept the rent from the tenant and allow the tenant to occupy his premises until the end of the war, there might be something somewhat mutual in that sort of an arrangement; but here the tenant is under no obligation to continue in the possession of the property; he simply has the right to do it, and the landlord is deprived of any sort of process by which he can acquire possession of his own property.

It was utterly impossible for a landlord in this community to have foreseen last October that this sort of a situation might arise, whereby the Government would step in and say: "Notwithstanding you only intended and contracted to lease your premises for a fixed term, that term we hereby extend for an

indefinite period." The landlord could not have foreseen that condition. Is it fair or just to impose it upon him in these circumstances, when the effect of the resolution, as I have said, in the great majority of cases is in no wise to help those who are doing work for the Government?

We have recently passed a law to provide for the erection of barracks and buildings for the accommodation of war workers in the District of Columbia; they will be taken care of under that law; provisions will be made for them in such a way that it will be impossible to impose upon them.

Mr. CHAMBERLAIN. Mr. President, may I again interrupt the Senator from Florida?

Mr. FLETCHER. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. The Senator from Florida answered me a while ago, when I put the case to him of a landlord himself desiring to occupy the premises, after the termination of the lease. Does the Senator understand that, even where the landlord himself was connected with the Government—a Member of Congress, for instance, or any other individual connected with the Government, if that individual happens to be connected with the Government in any way—would he not be entitled to the possession of the premises at the end of the lease if he himself wanted to occupy them?

Mr. FLETCHER. It is possible in that situation under a provision of the joint resolution, that, if "the premises are necessarily required by a landlord or bona fide purchaser for occupation either by himself or his wife, children, or dependents while he is in the employ of or officially connected with any branch of the Government," he may get possession of the property if he can show that his premises are necessarily required by him for his own occupation, either by himself, wife, children, or dependents, or he himself is in the employ or officially connected with a branch of the Government. I believe under the joint resolution in such a case he would be entitled to institute proceedings and recover possession. Of course, there are landlords in the District of Columbia who are not in the employ of the Government, and who are not officially connected with any branch of the Government. A vast majority of the landlords no doubt occupy that position.

Mr. SAULSBURY. May I ask the Senator from Florida a question?

Mr. FLETCHER. I yield to the Senator.

Mr. SAULSBURY. Does the Senator think it is such a horrible condition of affairs where a man has not been occupying his house, as in the case stated by him, for the period of a year past, that he can come into the District again, and add to the lack of housing by insisting on taking a house back which he had already rented and of which other people have been in possession? Of course, the Senator understands that the theory is that we are endeavoring to provide against a present condition; and if a man has rented his property for a year, has let somebody else have it, why should he be particularly tenderly dealt with when he comes back and adds to the general demand for houses?

Mr. FLETCHER. It may be that an owner of the property may have business in Washington which calls him back. It is entirely reasonable to assume that, as he is the owner of the property, having his home in Washington, and that he built the property in order that he might have a home, and he has some sort of right to come to his own home. It seems as though there might be a case of that sort, that a man has built a home for himself; he is temporarily away, and sees fit to rent it, or to rent a part of it even, to some one else, that lease expires on the 1st of October, we will say, and he then desires to and conceives the notion that he has a right to occupy his own home. It may be that he has some such right as that, absurd as it appears to the movers of this resolution.

I know that the effort is to reach profiteers; I am in hearty sympathy with that; I am in full accord with that. I believe every individual who has been guilty by exorbitant rent charges and that sort of thing of imposing upon the people resident in the District of Columbia and those who have come here, ought to be reached and ought to be dealt with in some adequate way; but this resolution does not accomplish anything of the kind in my judgment.

It is admitted here that most of the profiteering arises by reason of subletting. I know the answer to that is that the landlord under the usual form of lease has the right to object to subletting or, in other words, that the tenant can not sublet without the consent of the landlord; but suppose that last October a landlord rented an apartment or a residence to an individual, and that individual subsequently came to the landlord and said, "I desire to sublet these premises," giving some good reason, as he undoubtedly could in most instances; "the person to whom I desire to sublet is an entirely respectable person, in good standing," and all that sort of thing, and the landlord, in an accommodating spirit, consented that that subletting might be made to the end of that lease. Now, Congress proposes to step in and say that that landlord can not withdraw that consent; he is to be bound to the end of the war to that consent. He only consented that the subletting might go on until the end of the lease; but it is proposed now that the tenant shall remain in possession of the property until the end of the war; the consent to sublet it is binding upon the tenant so long as the lease is binding upon the landlord, and there you are perpetuating an iniquity which you wished to stop. You propose to continue, you absolutely oblige a continuation of that relation between the tenant and the sublessee. I say that is unfair. And, furthermore, it defeats your object. Even if the landlord did consent to the subletting originally, it was for a limited time; and the consent never would have been given most likely if it had been understood that the lease was not to end in accordance with its terms. Congress proposes to step in and say that the lease shall continue indefinitely, to the end of the war, and that means that the tenant can go on with his subletting as he has done before. I say you do not by such legislation reach the situation which you are aiming at.

Mr. President, if it were a case, as I have said, of the landlord imposing upon people engaged in helping the Government in any way in this emergency, I would stand ready to cooperate with anyone in that direction; but in the instance mentioned by the Senator from Delaware [Mr. SAULSBURY], the cases where persons are occupying premises who are not war workers and are not engaged in helping the Government. If this joint resolution were limited, if it could be limited, to cases of tenants who are serving the Government, I would not have the slightest objection to it, even if it did continue until the end of the war. It ought not to continue beyond the enactment of a bill such as that offered by the Senator from Ohio [Mr. POMERENE] and which has passed the Senate, but it is perfectly well known that that bill meets with opposition in the other body, and it is very doubtful if that legislation will ever be written upon the statute books. This is probably the only legislation that will be enacted upon this subject, and we must consider it from that standpoint.

If this joint resolution were limited to the end of this session of Congress, I would have no objection to it; if it were limited to cases where tenants occupying premises are engaged in work for the Government or employed by the Government, I would have no objection to it; but it is not limited in either respect. It covers all cases of people residing in Washington, not merely those at work for the Government, but those who are here because they like to be here, because, for instance, their relatives may be in the Army or Navy or in some office connected with the departments, and the mothers and sisters are here visiting them, or because they enjoy the society of Washington. Those are people you are taking care of under this joint resolution. If the joint resolution were confined to a prohibition regarding the disturbing of people who are serving the Government and employed by the Government, I should say, "Let it pass"; if it were confined to a definite period of time, if it were limited to this session of Congress, so that we might have fuller and more complete legislation on this subject, such as the Pomerene bill, I should say, "Let is pass"; but the prospect is that this is the only measure on this subject that will be enacted by Congress, and it does not accomplish what it was desired or intended to accomplish. It imposes unheard-of hardship and even confiscation upon property owners of this city; and, in my judgment, the conference report ought not to be agreed to.

Mr. REED. Mr. President, I have heretofore taken a little of the time of the Senate on this subject. I wish to say a final word by way of protest against the enactment of this character of legislation. Without hesitation, I declare that such a piece of legislation has never disfigured the statute books of a free country.

So far as the Washington profiteer is concerned, everybody believes that he is a disgrace to the city in which he lives. A man who has doubled his rent and then perhaps doubled it again is doing his city a disservice and is entitled to the contempt of all decent men. There ought to be a law passed that will reach him. Such a law can be passed without doing violence to the Constitution, for I have no doubt that in the District of Columbia Congress possesses a power of levying taxes which could be so employed as to take away entirely the profits of men who have charged excessive rents. If we could proceed in accordance with the Constitution, reaching these excessive rents in that way, I would be as willing to proceed along that line as any other man in this body; but, disguise it as we may, we are undertaking

here to abolish rights of property. I said a few days ago, and I venture to repeat, that the Soviet of Russia has attempted nothing more radical, nothing that more completely outrages the fundamental principles that must be in the very warp and woof and soul of free governments than does this joint resolution.

Let us see what you propose to do. You propose to say that a man who has bought a piece of property and who has paid for it, and who has leased that property for one month or a longer period, can not recover possession of that property so long as the tenant agrees to pay rent, until this war shall end? This war may not end for 10 years, but whether it shall last for 10 years or 10 months the principle is the same. You propose not only to violate the terms of contracts, but you propose to make new contracts for people—contracts that they never made in the world.

You had a house, and you rented it for 35 days, expecting at the end of the 35 days to resume possession of it, and along comes—what shall I say, the Senate and the House of Representatives of the United States, or shall I say an aggregation of men who disregard the Constitution under which they pretend to assemble?—and these men say: "Notwithstanding the fact that this is your house, bought and paid for with your money, and leased for a limited period of 35 days, we hereby extend that lease, and make a new contract for you that may last for 10 years."

I defy any man in this Chamber to point to anything that has been done by that aggregation of insanity and imbecility and anarchy known as the Russian Soviet that goes further than this joint resolution; and I pause to have it pointed out. I challenge the authors of this joint resolution to point out the thing that has been done by that body relating to rights of property that goes further than this joint resolution goes. I am pausing for the reply. I am issuing the challenge to men who sit silent, whose tongues cleave to the roofs of their mouths.

Let me read a part of the joint resolution as it now comes back:

That until a treaty of peace shall have been definitely concluded between the United States and the Imperial German Government, unless in the meantime otherwise provided by Congress, no judicial order, decree, or judgment for the recovery of possession of any real estate in the District of Columbia, now or hereafter held or acquired by oral or written agreement of lease for one month or any longer period, or for the ejectment or dispossession of a tenant therefrom, shall be made, and all leases thereof shall continue so long as the tenant continues to pay rent at the agreed rate and performs the other conditions of the tenancy which are not inconsistent herewith.

Let me take my illustration and follow it. You own a house. You leased it for 35 days. You agreed to yield possession of that house for that 35 days and no longer, and to receive your pay for it. You intended at the end of that period to resume possession. You leased it to some individual, perhaps, who is here in town out of curiosity, an idler. You desire to lease it to a man engaged in the performance of responsible duties for the Government. Under those circumstances you find Members of the Senate deliberately devising a plan by which you will be denied any day in court, any chance in court, any opportunity in court, until this war shall end, to get possession of your property.

Senators think that they have arrived at some astute means of defeating the Constitution by saying that "we have only effected the remedy." Is it the business of Members of the Senate to devise means to cheat the Constitution, some shrewd and keen lawyerlike scheme so cunning that it will evade the plain terms of the Constitution? Let me say to the authors of this joint resolution that they have not succeeded, because the courts of law have in the past always said that while the remedy may be changed it can not be so changed as to be a denial of a remedy.

Think of the monstrous idea! You rented a house for 35 days. You may have rented it at half its value, and you may have rented it merely to have an occupant in it so that it would not be a vacant place, and the insurance would not be canceled. But now along come the authors of this joint resolution, and they propose that that rent shall continue for all time until the war is over. God knows when it will be. We hope and pray it will not be long; but I do not believe there is a thoroughly posted man connected with this Government, a man who has gone down to the bottom and root of things, who believes that this war will end within a very short period of time. For my own part, I look for three years at least of the fearful struggle. I could give you the reasons, and I shall in a day or two, if I have the privilege of addressing the Senate upon the war.

Follow a little further. There are some exceptions made to this. Some of these exceptions might cover the particular illustration I used, but they will not cover the general rights of property. Then we follow on. The provision is that where there has been an order, decree, or judgment—

Made but not executed before the passage of this resolution, the court by which the order, decree, or judgment was made shall, if it is of the opinion that the order, decree, or judgment would not have been made if this resolution had been in force at the date of the making of the order, decree, or judgment, rescind or modify the order, decree, or judgment in such manner as the court may deem proper for the purpose of giving effect to this resolution.

Now, let us stop and analyze that a little bit. We have a provision in the Constitution against ex post facto laws that I am aware has been construed as applied to criminal acts; but here is a provision for a court to render a decree such as it would have done if a law had been in existence that was not in existence when the decree was written. If that is not giving an ex post facto effect to a law, then, in the name of common sense, what is it?

Through the experience of the ages we have learned that one of the chief instruments of tyranny was to pass a law that would have a retroactive effect, a law that would affect the rights of human beings as they existed before the law had been enacted, a law that reached into the past and undid something that had been done, and properly done, and legally done, under the law as it then existed. This infamous measure, this measure that insults the intelligence of every lover of liberty in the world, proposes to say that a court having once rendered a decree—no matter though the term of court may have expired, and no matter though the question may no longer be in the bosom of the court—may render the decree now which it would have rendered if the law now in existence had been in existence at the time the decree was rendered. Is it not a shame to pass a law like that? Is it not a disgrace to pass a law like that? Is it not an absurdity to pass a law like that?

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT. The Chair must ask the Senator from Missouri to reserve further remarks until later. The hour having arrived at which, in accordance with the concurrent resolution of the two Houses, the Senate is to proceed to the Hall of the House of Representatives, there to listen to a communication of the President of the United States, the Sergeant at Arms will take charge of the proceedings.

Thereupon the Senate, preceded by its Sergeant at Arms, and headed by the Vice President and the Secretary, proceeded to the Hall of the House of Representatives.

At 1 o'clock and 25 minutes p. m. the Senate returned to its Chamber, and the Vice President resumed the chair.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

The address of the President of the United States this day delivered at a joint meeting of the two Houses of Congress is as follows:

GENTLEMEN OF THE CONGRESS: It is with unaffected reluctance that I come to ask you to prolong your session long enough to provide more adequate resources for the Treasury for the conduct of the war. I have reason to appreciate as fully as you do how arduous the session has been. Your labours have been severe and protracted. You have passed a long series of measures which required the debate of many doubtful questions of judgment and many exceedingly difficult questions of principle as well as of practice. The summer is upon us in which labour and counsel are twice arduous and are constantly apt to be impaired by lassitude and fatigue. The elections are at hand and we ought as soon as possible to go and render an intimate account of our trusteeship to the people who delegated us to act for them in the weighty and anxious matters that crowd upon us in these days of critical choice and action. But we dare not go to the elections until we have done our duty to the full. These are days when duty stands stark and naked and even with closed eyes we know it is there. Excuses are unavailing. We have either done our duty or we have not. The fact will be as gross and plain as the duty itself. In such a case lassitude and fatigue seem negligible enough. The facts are tonic and suffice to freshen the labour.

And the facts are these: Additional revenues must manifestly be provided for. It would be a most unsound policy to raise too large a proportion of them by loan, and it is evident that the four billions now provided for by taxation will not of themselves sustain the greatly enlarged budget to which we must immediately look forward. We cannot in fairness wait until the end of the fiscal year is at hand to apprise our people of the taxes they must pay on their earnings of the present calendar year, whose accountings and expenditures will then be closed. We can not get increased taxes unless the country knows what they are to be and practices the necessary economy to make them available. Definiteness, early definiteness, as to what its tasks are to be is absolutely necessary for the successful ad-

ministration of the Treasury; it cannot frame fair and workable regulations in haste; and it must frame its regulations in haste if it is not to know its exact task until the very eve of its performance. The present tax laws are marred, moreover, by inequities which ought to be remedied. Indisputable facts, every one; and we cannot alter or blink them. To state them is argument enough.

And yet perhaps you will permit me to dwell for a moment upon the situation they disclose. Enormous loans freely spent in the stimulation of industry of almost every sort produce inflations and extravagances which presently make the whole economic structure questionable and insecure and the very basis of credit is cut away. Only fair, equitably distributed taxation, of the widest incidence and drawing chiefly from the sources which would be likely to demoralize credit by their very abundance, can prevent inflation and keep our industrial system free of speculation and waste. We shall naturally turn, therefore, I suppose, to war profits and incomes and luxuries for the additional taxes. But the war profits and incomes upon which the increased taxes will be levied will be the profits and incomes of the calendar year 1918. It would be manifestly unfair to wait until the early months of 1919 to say what they are to be. It might be difficult, I should imagine, to run the mill with water that had already gone over the wheel.

Moreover, taxes of that sort will not be paid until the June of next year, and the Treasury must anticipate them. It must use the money they are to produce before it is due. It must sell short-time certificates of indebtedness. In the autumn a much larger sale of long-time bonds must be effected than has yet been attempted. What are the bankers to think of the certificates if they do not certainly know where the money is to come from which is to take them up? And how are investors to approach the purchase of bonds with any sort of confidence or knowledge of their own affairs if they do not know what taxes they are to pay and what economies and adjustments of their business they must effect? I cannot assure the country of a successful administration of the Treasury in 1918 if the question of further taxation is to be left undecided until 1919.

The consideration that dominates every other now, and makes every other seem trivial and negligible, is the winning of the war. We are not only in the midst of the war, we are at the very peak and crisis of it. Hundreds of thousands of our men, carrying our hearts with them and our fortunes, are in the field, and ships are crowding faster and faster to the ports of France and England with regiment after regiment, thousand after thousand, to join them until the enemy shall be beaten and brought to a reckoning with mankind. There can be no pause or intermission. The great enterprise must, on the contrary, be pushed with greater and greater energy. The volume of our might must steadily and rapidly be augmented until there can be no question of resisting it. If that is to be accomplished, gentlemen, money must sustain it to the utmost. Our financial programme must no more be left in doubt or suffered to lag than our ordnance programme or our ship programme or our munitions programme or our programme for making millions of men ready. These others are not programmes, indeed, but mere plans upon paper, unless there is to be an unquestionable supply of money.

That is the situation, and it is the situation which creates the duty, no choice or preference of ours. There is only one way to meet that duty. We must meet it without selfishness or fear of consequences. Politics is adjourned. The elections will go to those who think least of it; to those who go to the constituencies without explanations or excuses, with a plain record of duty faithfully and disinterestedly performed. I, for one, am always confident that the people of this country will give a just verdict upon the service of the men who act for them when the facts are such that no man can disguise or conceal them. There is no danger of deceit now. An intense and pitiless light beats upon every man and every action in this tragic plot of war that is now upon the stage. If lobbyists hurry to Washington to attempt to turn what you do in the matter of taxation to their protection or advantage, the light will beat also upon them. There is abundant fuel for the light in the records of the Treasury with regard to profits of every sort. The profiteering that can not be got at by the restraints of conscience and love of country can be got at by taxation. There is such profiteering now and the information with regard to it is available and indisputable.

I am advising you to act upon this matter of taxation now, gentlemen, not because I do not know that you can see and interpret the facts and the duty they impose just as well and with as clear a perception of the obligations involved as I can, but because there is a certain solemn satisfaction in sharing with you the responsibilities of such a time. The world never stood in such case before. Men never before had so clear or so moving a vision of duty. I know that you will begrudge the work to be done here by us no more than the men begrudge us theirs who lie in the trenches and sally forth to their death. There is a stimulating comradeship knitting us all together. And this task to which I invite your immediate consideration will be performed under favourable influences if we will look to what the country is thinking and expecting and care nothing at all for what is being said and believed in the lobbies of Washington hotels, where the atmosphere seems to make it possible to believe what is believed nowhere else.

Have you not felt the spirit of the nation rise and its thought become a single and common thought since these eventful days came in which we have been sending our boys to the other side? I think you must read that thought, as I do, to mean this, that the people of this country are not only united in the resolute purpose to win this war but are ready and willing to bear any burden and undergo any sacrifice that it may be necessary for them to bear in order to win it. We need not be afraid to tax them, if we lay taxes justly. They know that the war must be paid for and that it is they who must pay for it, and if the burden is justly distributed and the sacrifice made a common sacrifice from which none escapes who can bear it at all, they will carry it cheerfully and with a sort of solemn pride. I have always been proud to be an American, and was never more proud than now, when all that we have said and all that we have foreseen about our people is coming true. The great days have come when the only thing that they ask for or admire is duty greatly and adequately done; when their only wish for America is that she may share the freedom she enjoys; when a great, compelling sympathy wells up in their hearts for men everywhere who suffer and are oppressed; and when they see at last the high uses for which their wealth has been piled up and their mighty power accumulated and, counting neither blood nor treasure now that their final day of opportunity has come, rejoice to spend and to be spent through a long night of suffering and terror in order that they and men everywhere may see the dawn of a day of righteousness and justice and peace. Shall we grow weary when they bid us act?

May I add this word, gentlemen? Just as I was leaving the White House I was told that the expected drive on the western front had apparently begun. You can realize how that solemnized my feeling as I came to you, and how it seemed to strengthen the purpose which I have tried to express in these lines.

I have admired the work of this session. The way in which the two Houses of the Congress have cooperated with the Executive has been generous and admirable, and it is not in any spirit of suggesting duty neglected, but only to remind you of the common cause and the common obligation that I have ventured to come to you to-day.

DISTRICT RENT ADMINISTRATOR—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia.

Mr. REED. Mr. President, I desire for a few moments to resume my remarks. I call attention to another clause in this remarkable joint resolution, and I ask if such a provision as this was ever written into a law before—

> and all remedies, at law or in equity, of the lessor based on any provision in any oral or written agreement of lease that the same shall be determined or forfeited if the premises shall be sold are hereby suspended while this resolution shall be in force, and every purchaser shall take the conveyance of any premises subject to the rights of all tenants in possession thereof under the provisions of this resolution.

So that if a man has obtained a lease upon a piece of property with the express understanding that if the owner desires to sell that property the lease will be terminated, he now finds himself in the position that Congress has annulled and destroyed that provision, and even though he sell his property he can not acquire possession of it! If that be not the destruction of property rights, then property rights can not be destroyed. It is not a law merely affecting a remedy; it is a law denying a remedy, and a law denying a remedy where property rights are involved in itself is a denial of property rights.

Mr. President, we may discuss these questions to the empty benches of the Senate, but I say to the Senate we shall with very poor grace prosecute a man for denouncing the Constitution of the United States, as we have provided under the espionage act he may be prosecuted, if we, at the same time, sitting in this high place, ourselves ravish the Constitution and do it without a pretense of justification.

I repeat in part what I said a few days ago, lest some Senator may not have had his mind directed to the particular thought. The day is coming when there will be hardships in

this land, when there will be suffering, and when all those turbulent elements of society who seek in the face of suffering to accomplish remedies by a disregard of law and disregard of constitutions, will be possibly in the ascendency numerically in this country; there will come a day after this war is over when privation and want will be not uncommon strangers in the cities and hamlets of our country. When that time does come, and come it will, there will come also the doctrinaire who preaches that property should be divided, that property rights should not any longer be regarded, and when that man comes and tells us that the hour has struck when, in order to alleviate human suffering, we must disregard the Constitution; he will point to the record made by the Senate to-day, a record that disregards property rights for reasons that are trivial. The day will come when more extreme individuals will insist that the decrees of courts should not be regarded, and when that day does come the soap-box anarchist who announces that doctrine under a red flag can point to the action of the United States Senate taken with reference to the mere matter of rent profiteering in the city of Washington. The day will come when some wretch, when perhaps many wretches, will desire to pass laws, retroactive in their nature, affecting the property of individuals and destroying rights that have already accrued and that have already been fully recognized, and when this enemy of law and order and of civilization makes his plea he can point to the action of the United States Senate solemnly declaring that the solemn judgments of courts can be set aside and a new judgment rendered in accordance with a law that did not exist when the original judgment was entered.

I may stand here now and say this to empty benches and to men who are afflicted with a sort of madness that I can not understand; but the day will come when the lovers of liberty will charge us with having sown the dragon's teeth from which an army of anarchists have sprung up. The day will come when those who would do violence to law, to constitutions, and to civilization will plant themselves upon the ground you to-day occupy, and from that ground they will defy you in the name of this precedent, they will sanctify the villainy of their hearts and the evil purposes of their counsels.

The President has not asked you to do this. So often men undertake to sanctify their acts under the claim that the President has asked it. One law was proposed here that sought to strike down the civil tribunals of our country, and the President denounced it because it violated the Constitution and in bitter language declared that it would be worthy of Prussia. That was a law that denied the civil courts in criminal cases their just jurisdiction. This is a law that denies the civil courts in civil cases their just jurisdiction. If you tell me that it applies only to the District of Columbia, I answer: If the Congress of the United States, being the supreme legislative body of the District of Columbia, shall violate the Constitution that every Member of Congress swore he would uphold, then what shall you expect from the legislatures of States? And if we violate the Constitution, what shall you expect from the ignorant, from the unlettered, from the men who come here from foreign countries? If we write into our laws the infamous and damnable doctrine that a court can set aside its judgment that was passed under a state of laws that existed, and can now revise that judgment and enter a decree in accordance with the law that we are about to pass now—if we do that, then I say that we have written across the face of liberty the word "dishonor."

The President does not ask it. He tells you that there is profiteering in this land, but he does not tell you to ravish the Constitution. In his message just delivered, the way is suggested. It is a way that has already been discussed upon this floor. Let me read it to you:

> The profiteering that can not be got at by the restraints of conscience and love of country can be got at by taxation.

That is a legal way to get at it. That is a constitutional way to get at it. Why do not the authors of this measure pursue that course? If there are men in the city of Washington who are raising their rent two or three times beyond what is fair and reasonable, let a simple tax provision be drawn that will be so heavy that the profiteer will find that all his profits are carried into the Federal Treasury, and he will cease robbing tenants, for it will put no money in his purse.

I read again what the President says:

> The profiteering that can not be got at by the restraints of conscience and love of country can be got at by taxation.

We have been told that this joint resolution is only temporary; that while by its terms it lasts until the end of the war, a law is to be passed that will reach this question from another angle. Mr. President, I think that law will never see the light of day, once this joint resolution is passed, until in the due course of time some judge shall disregard popular clamor, some judge shall turn his back upon those who would pursue their way, even though they do it over the broken pillars of the temple of law and liberty, some judge shall lay his hand upon this measure and write across it the word "unconstitutional." Then, perhaps, there will be another attempt similar to this.

I repeat what I have said so often: No man desires to go further than I do to stop rent profiteering in the city of Washington. The man who seeks to make exorbitant profits out of this war is unworthy the name of American citizen. The rent hog is as contemptible an animal as ever disgraced a civilized community; but because there are rent hogs in Washington, I decline to strike down a Constitution that it took thousands of years of human effort to indite and to have finally adopted. Can we not come to the proposition of taxing these profiteers so that they will find it unprofitable to profiteer?

Mr. BORAH rose.

Mr. REED. Mr. President, I have concluded my remarks. Before the Senator from Idaho begins, I desire to suggest the absence of a quorum.

Mr. BORAH. Mr. President, before that suggestion is made, may I ask whether the Senator in charge of this measure desires to dispose of it immediately?

Mr. SAULSBURY. Just as soon as possible, Mr. President.

Mr. BORAH. I am not about to address myself to this particular subject, but to another subject, and I do not want to take advantage of it if the Senator wishes to dispose of this proposition.

Mr. SAULSBURY. I am very anxious to do so; and I will say to the Senator that one reason is that there are many cases of this rent profiteering which may become effective if this joint resolution is not adopted and in effect before the 1st of June. Therefore I am anxious to get it through, so that it can be signed by the President immediately, if he sees fit.

Mr. BORAH. I suppose we ought to have a quorum.

Mr. SAULSBURY. I should think so.

Mr. BORAH. I suggest the absence of a quorum.

Mr. SHIELDS. Mr. President, before the Senator makes that suggestion, out of order I desire to make a motion that a report filed by the Secretary of Agriculture some time since, in response to a resolution of the Senate——

Mr. HITCHCOCK. Mr. President, I make the point of order that nothing can be legally done after the absence of a quorum has been suggested.

The PRESIDING OFFICER (Mr. WILFLEY in the chair). The point of order is well taken.

Mr. SHIELDS. I ask the Senator to withhold his suggestion or to withdraw it.

Mr. HITCHCOCK. That can not be done. It is in the record.

Mr. SHIELDS. I suppose the Senator can withdraw it.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Henderson	Nugent	Smith, S. C.
Brandegee	Hitchcock	Overman	Smoot
Calder	Johnson, Cal.	Page	Sutherland
Chamberlain	Johnson, S. D.	Penrose	Thomas
Colt	Jones, N. Mex.	Pittman	Thompson
Cummins	Kellogg	Poindexter	Trammell
Curtis	Kendrick	Pomerene	Underwood
Dillingham	Kenyon	Reed	Vardaman
Fall	King	Saulsbury	Wadsworth
Fletcher	Lewis	Sheppard	Walsh
France	McLean	Sherman	Warren
Gallinger	McNary	Shields	Wilfley
Guion	Myers	Simmons	
Harding	Nelson	Smith, Ariz.	
Hardwick	Norris	Smith, Md.	

Mr. SHIELDS. I desire to state that my colleague [Mr. MCKELLAR] is absent on official business. I wish to have this announcement stand for the day.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present. The question is on agreeing to the conference report.

Mr. GALLINGER. Mr. President, having just entered the Chamber may I ask what conference report is this?

The PRESIDING OFFICER. It is the conference report on the joint resolution to prevent rent profiteering in the District of Columbia.

Mr. GALLINGER. I will ask the Senator from Delaware if the conference report has been printed?

Mr. SAULSBURY. The report has not been printed. The conference report was agreed to by the House of Representatives on Saturday, I think, and was sent over here, and the Senate report was made this morning.

Mr. GALLINGER. What about the time limit concerning which there has been some controversy?

Mr. SAULSBURY. There have been only two amendments made that amount to anything. One was to reduce the time limit to the actual period of the war, cutting off the year after the war which the House provided for, and the other was to correct the phraseology in regard to the leases, confining it solely to leases. Those are practically the only two amendments.

Mr. GALLINGER. So that if the war should continue for 5 years or 10 years this statute will continue in force?

Mr. SAULSBURY. Unless Congress otherwise provided in the meantime, which of course it could do anyway.

Mr. GALLINGER. Yes; but which the Senator knows Congress probably will not do.

Mr. SAULSBURY. I can not agree to that, Mr. President, because I sincerely hope, and I think every member of the District of Columbia Committee hopes, that Congress will provide a very comprehensive remedy.

Mr. GALLINGER. Mr. President, that doubtless is the opinion of the Senator from Delaware, but some of us know to the contrary. This report ought to have been printed, so as to give us an opportunity to examine it. I will suggest to the Senator from Delaware that that is the usual course, and it ought to have been followed in this case.

Mr. SAULSBURY. If I may interrupt the Senator, unanimous consent was given to proceed to the consideration of the conference report, as I understand it. At any rate the Senate directed that we should proceed to its consideration, and it seems to be no good object can be served by delay. It is very important from the standpoint of people who believe that this legislation should be passed that it should be passed as quickly as possible, and before the 1st of June.

Mr. GALLINGER. Mr. President, the joint resolution is not going to do me any particular good or any great harm personally. So I would not oppose it or advocate it from any selfish standpoint; but I have very serious apprehension that it is bad legislation and that it will do a great deal of harm to a great many good people in the District of Columbia. On that point I may be mistaken, but I believe not. There is certainly a very wide difference of opinion as to that matter. However, if unanimous consent has been given to proceed with the conference report, I certainly can find no fault with the procedure.

In this morning's mail I received a letter from a friend of mine, a man who has resided in this District for a great many years, a man of affairs, of large business, and while he did not ask me to have it put in the RECORD, neither did he suggest that I should not so use it. I confess that in the strain and stress of legislative business which has been upon some of us, especially those of us who have been struggling with the District of Columbia appropriation bill, I have not had time to give to the consideration of this matter the attention that its importance deserves. I will ask that the letter that I have alluded to be read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read.

The Secretary read as follows:

WASHINGTON, D. C., *May 27, 1918.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: May I trouble you to read the inclosed correspondence relative to the Atlantic Building?

Up to three years ago the Forestry Bureau was paying us $24,000 a year. At that time when business was fearfully depressed in Washington, no demand for offices, and offices being given up, the Forestry Bureau served notice on us that unless the rent was reduced to $18,000 they would move out. We were compelled to accept. Under the operation of that lease, owing to the increased cost in maintenance we were unable to pay, the first year and a half more than a fraction over 1 per cent and the second year and a half we were losers of about $2,000.

If the Saulsbury resolution passes the shareholders of the Atlantic Building Co. will be deprived of all income, and in addition thereto will be called on to make up a deficit of about $4,000 a year. No greater injustice, I am sure you will agree with me, could be inflicted upon innocent and dependent people.

For my own offices I pay $1.35 per square foot. The Government is paying at the Atlantic Building a fraction over 51 cents. It seems as if Congress is about to make a law that will protect the Government from being robbed and at the same time to enact a law that will permit the Government to rob other people. I do not know if anything can be done now, Senator, but if it can I am sure your great sense of justice and right will interest itself.

Yours, very truly, MYRON M. PARKER.

P. S.—There is nothing in the Saulsbury resolution that would prevent the Secretary of Agriculture from increasing the rent in the Atlantic Building, but the question is, Will he do it?

M. M. P.

Mr. GALLINGER. There is a letter attached which I should like to have read.

The PRESIDING OFFICER. The Secretary will read.

The Secretary read as follows:

MARCH 9, 1918.

Hon. BEN JOHNSON,
House of Representatives, City.

DEAR SIR: In 1900 when I was elected president of the Atlantic Building Co., a large office building, as you know, on F Street, between Ninth and Tenth Streets NW., it was then occupied by commercial tenants, with the exception of two floors which were used by the Indian Office. The rental at that time was a little in excess of $37,500 a year.

At a later period the Indian Office moved out into the old post-office building. An application was at once made by the Bureau of Forestry for some of the space left vacant by the Indian Office. At that time the Forestry Bureau only occupied three or four small rooms in the old Department of Agriculture Building.

We made a lease with the Forestry Bureau for space required by them on one of the vacant floors, and at the request of the bureau it was stipulated that further space should be given as required. We little thought at that time that the requirements of the bureau would reach beyond the two vacant floors for many years, but the growth of the bureau was phenomenal, and from time to time within a very limited period further space was required until we were compelled to dispossess old and reliable tenants who had been in the building since its construction. This continued until the entire building was vacated for the use of the Forestry Bureau, with the exception of two stories on the first floor and a small room in the back. It was also stipulated in the lease that as further space was required it should be at the same rent as originally agreed upon.

By this agreement the Forestry Bureau were able to occupy the building at an annual rental of $24,000, as against $37,500 we were obtaining when they first moved in.

Three years ago on the 30th of next June the lease of the Forestry Bureau expired, and that at a time when great business depression prevailed in Washington, and there was little or no demand for office space. Evidently taking advantage of this, the bureau served notice on the Atlantic Building Co. that unless the rent was reduced to $18,000 a year they would move out. There seeming to be no alternative at that time, and not desiring to have a vacant building, we entered into a lease on these terms.

Under the provisions of this lease we were unable to pay the first two years more than 1 per cent dividend to the shareholders. Owing to the marked increased cost of operations, coal, and the salary of the employees, the company will lose on this last year tenancy over $1,000.

The stock of the Atlantic Building Co. is largely held by small beneficiaries of estates, many of whom are women and largely dependent on the income from their stock in this building. Among these beneficiaries, I might say, are the granddaughters of the late Dr. Garnett, who, as you may remember, was a distinguished surgeon in the Confederate Army. Should this bill be enacted into law you will readily see what great hardship and injustice it would inflict on these shareholders. Even at an increase of 10 per cent on the present rental of $18,000 no dividend could be paid to the shareholders during the continuance of the lease. If expenses of operations should continue to increase, it would be operated at a loss, as it has done during the past year.

I, therefore, as president of the Atlantic Building Co., charged with representing their interests, appeal to you to so amend your bill as to enable the beneficiaries to receive a fair return on their investment and relieve the Atlantic Building Co. of the burden that would be cast upon it.

The Atlantic Building is easily worth to-day $500,000.

Very truly, yours,

MYRON M. PARKER,
President Atlantic Building Co.

Mr. HARDWICK obtained the floor.

Mr. SAULSBURY. May I say to the Senator from New Hampshire that the president of the Atlantic Building Co. was before the committee and gave all the facts in regard to the building. The joint resolution does not stop him from making with the Secretary of Agriculture a fair lease if the Secretary is willing to do it. I think there is some question about whether the present terms of the lease are fair or not. The committee has taken up many of these particular cases and has unanimously come to the conclusion that a joint resolution of this kind should be passed, as well as the law which is proposed to make a comprehensive system of legislation on the subject.

Mr. HITCHCOCK. I should like to ask the Senator from Delaware——

Mr. HARDWICK. Mr. President, have I not the floor?

The PRESIDING OFFICER. The Senator from Georgia has been recognized.

Mr. SAULSBURY. I beg the Senator's pardon if I inadvertently began to speak in his time.

Mr. HARDWICK. That is all right. The Senator knows that I am always glad to yield to any Senator, but I have only a few words to say and I thought I would get rid of them.

Mr. President, I do not know on what theory this resolution was framed or on what theory it is presented to the Senate unless it is upon the theory that we no longer have a written Constitution and that none of its guarantees are in force, because there is no lawyer of intelligence who has considered this question carefully who will, in my judgment, contend for one moment that this proposition does not violate the provisions of the fifth amendment to the Constitution of the United States.

Mr. President, what is the proposition that is submitted to us? It is simply this, that when anybody in the District of Columbia has either orally or by written contract rented premises in the District for a period of as much as one month or longer, although the contract may provide that the term of the lease is only three months, it shall be continued indefinitely at the option of the lessee, without regard to the rights of the

lessor and without compensation even if it can be shown as a matter of fact that he is entitled to more, and without regard to the provisions of the fifth amendment, which provides for the protection of life and property all over the United States and even in the District of Columbia, and without even a pretense that the property is taken for a public use under the provisions of the fifth amendment, and without, of course, providing for any sort of process of law to ascertain what is the value of the property so commandeered.

Mr. President, I venture the assertion that no court in this country ever called upon to pass on this question will ever uphold any of its provisions. As long as the Constitution of the United States is in force and my oath to support it and obey it and uphold it dwells within the chambers of my memory, so long will I find it impossible to vote for a proposition that I know is so utterly abhorrent to the provisions of the Constitution that I have sworn to support.

Not only that, Mr. President, but let me invite the attention of the Senate again to another remarkable proposition; that is, the retroactive feature of this resolution. Anybody in the District of Columbia, whether sojourning here from caprice or for pleasure, for social reasons or whatnot, who happens to have rented a piece of property for as much as one month or longer, either by written agreement or by oral contract, if such person desires to keep the property he can keep it at the same rate fixed in the short period for which he may have rented it as long as this war shall last.

Not only that, but provision is made that this law shall be enforced retroactively—shall be applied to contracts made before its enactment. Let me read the language:

> And where such order, decree, or judgment has been made but not executed before the passage of this resolution the court by which the order, decree, or judgment was made shall, if it is of the opinion that the order, decree, or judgment would not have been made if this resolution had been in force at the date of the making of the order, decree, or judgment, rescind or modify the order, decree, or judgment in such manner as the court may deem proper for the purpose of giving effect to this resolution.

Clearly an ex post facto application. You are going to turn around, even when the parties have gone to the courts for their remedy before this statute was enacted, and say we will give it an ex post facto application, and if the courts were of the opinion that this thing would have fallen within the terms of this legislation before the date of its enactment, then the same rule established by this legislation for other transactions shall apply to past transactions.

Gentlemen, it would be an insult, as I view it, to the intelligence of this body if I were to argue any such proposition. Surely we are not so excited and hysterical that we can believe that measures of this sort are worth the paper they are written on or that the courts anywhere in an Anglo-Saxon country where love of justice and the fundamental principles of a wise jurisprudence prevails will enforce any such proposition as this. I hate to see the Senate seriously asked to commit itself to the enactment of legislation of this character.

Mr. President, we are, of course, laboring under some excitement. Hysteria stalks abroad in the land, and naturally so; but surely this body, unless we are prepared to abandon the fundamentals in which we have always believed, unless we are prepared to renounce the principles upon which our jurisprudence rests and upon which our civilization itself is built, will not seriously consider this sort of a proposition.

Mr. President, I have no doubt that under the war power the Government in a time of war can commandeer any sort of property it needs, whether that property is real or personal; and if it be real property, whether it is an estate of freehold or leasehold; but it can only commandeer property for a public use. It can not commandeer property for private uses. It can not condemn A's property to give it to B, either perpetually or for a period of time, either for a high price or for a low price.

The fifth amendment provides that private property may be taken for public uses, and even then not without just compensation. Just compensation for the use of property is not some yardstick that is set up by legislative decree, not some rental that may be fixed even for a limited period of time by private contract between the parties, applicable only to that period of time, but just compensation for private property that is taken for public uses means what the property is really worth as determined by a court and jury under due process of law.

If it were necessary, and it may be undoubtedly, the Government of the United States can condemn every estate of freehold and leasehold in the District of Columbia even to house the workers in the civil department of the Government whose services are necessary for the maintenance and operation of the Government and the conduct of the war, although not directly related to it; but surely it can go no further than that. Surely it can not commandeer any more than a State legislature can commandeer A's property to give it to B for any stated sum or for any given period of time.

So if we are to do anything about this question, and I think possibly we ought to do something, we ought to provide a very simple piece of legislation which will authorize the Government to commandeer for the use of its own employees whose services are indispensable to its conduct and to the conduct of the war estates of freehold or leasehold, and then provide the value of those estates, whether taken for one month, one year, or one century, shall be that just compensation that a court and jury may determine. When we have done that we will have exhausted our power. When we have done that we will have provided an adequate remedy for any evil that may exist. When we undertake to do more than that we utterly defeat the purposes we profess to serve, because we pass an act, if we pass it at all, that no court can enforce or will enforce.

Mr. CUMMINS. Mr. President, the purpose of the Senator from Delaware, who I understand is the author of the resolution——

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Hitchcock	Penrose	Sutherland
Calder	Johnson, Cal.	Poindexter	Thomas
Chamberlain	Johnson, S. Dak.	Ransdell	Thompson
Cummins	Jones, N. Mex.	Saulsbury	Townsend
Curtis	Kenyon	Shafroth	Trammell
Fletcher	McCumber	Sheppard	Underwood
France	McNary	Sherman	Wadsworth
Frelinghuysen	Martin	Shields	Warren
Gallinger	Norris	Smith, Ariz.	Wilfley
Gronna	Nugent	Smith, Mich.	
Guion	Page	Smoot	

Mr. SUTHERLAND. My colleague, the Senator from West Virginia [Mr. GOFF], is absent on account of illness.

The PRESIDING OFFICER. Forty-two Senators have answered to their names—less than a quorum. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators and Mr. BORAH, Mr. HARDING, Mr. HARDWICK, Mr. KELLOGG, and Mr. REED answered to their names when called.

Mr. FALL, Mr. SMITH of Maryland, Mr. POMERENE, Mr. PHELAN, Mr. KIRBY, Mr. LEWIS, Mr. SIMMONS, Mr. HENDERSON, Mr. BAIRD, Mr. KING, and Mr. SMITH of South Carolina entered the Chamber and answered to their names.

Mr. NUGENT. I wish to announce that the Senator from Montana [Mr. MYERS], the Senator from Arizona [Mr. ASHURST], and the Senator from Wyoming [Mr. KENDRICK] are absent on official business.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present. The Senator from Iowa [Mr. CUMMINS] is entitled to the floor and will proceed.

Mr. CUMMINS. Mr. President, I was about to remark when the call for a quorum intervened that the purpose of the author of the joint resolution is fairly clear, and I am quite ready to say that it is a laudable purpose; but the manner in which the Senator from Delaware [Mr. SAULSBURY] has worked out his purpose it is impossible for me to approve. What is desired, undoubtedly, is to secure a reasonable rental upon that part of the property in the District of Columbia which is subject to rent. I am sorry the Senator from Delaware is not in the Chamber at this moment, because I should like to have him either affirm or disaffirm that proposition. I, however, will assume that his object was to protect those who are compelled to rent property in the District of Columbia from unreasonable exactions on the part of those who own the property. It was evidently the purpose of the author of the joint resolution to take away from the owner of property the right which he ordinarily has to determine at what rate he will allow some one else to use it.

Mr. SHERMAN. Mr. President, I merely desire to say that the Senator from Delaware stepped out just a moment ago and stated that he would return in a very few moments.

Mr. CUMMINS. I know that he can be easily informed of what I am saying, so I shall not pause, for I do not intend to say anything he would not be glad to hear.

There is but one way in which the right of an owner of property to determine what he shall receive for it in the event of its rental can be taken from the owner. I believe in a system in the present emergency which will not allow the owner of property, either for rental or for sale, to determine conclusively what it shall be rented for or what it shall be sold for, but I

hope that some attention will be given to the fundamental law of the land in pursuing the object we have in view. In this joint resolution no attention whatsoever, in my opinion, has been given to the guide or the restrictions of the Constitution. That, however, is not the point that I have particularly in mind and which I desire to lay before the members of the committee who reported the joint resolution which is now before us, in the hope that we may secure some readjustment or rearrangement of the proposed legislation.

I am willing that we shall take away—I think we ought to take away—the right of the landlord to determine finally what shall be paid for premises that are needed in the prosecution of the war; but what justification is there—and I put this now in all seriousness to Senators—in a case in which the Government does not want the property for taking away from the landlord the right to determine who shall occupy the premises and who shall pay the rent which is determined upon? That is just as important a right as is the right to determine how much shall be paid.

While I do not think that the Congress has any constitutional power to say that the rent for the future shall be measured by the rent for the past, I can not conceive that we have any power of that kind; yet grant it, let us admit, for the purposes of argument, that Congress has the right to say to the property owners of the District: "You shall charge no more for your premises under lease than you have charged in some former period"; let us admit that, although I do not think it can be justified by any principle of law with which this country is familiar; but let us take the next step. How can you justify or defend the proposition that you will take away from the landlord not only the right to determine the value of his premises but that you will take away from him the right to determine who shall occupy the premises? Are you assuming that those who occupy the rented property in the District of Columbia are the persons above all other persons who ought to occupy the property? Are you assuming that those who now enjoy the possession of rented buildings, rented apartments, and the like, are the persons whose possession of that property will most greatly contribute to the prosecution of the war or to the welfare of the country? It is monstrous to assume any such thing as that.

I can understand how a Senator who already has rented his apartment, if he lives in an apartment, is entirely satisfied with legislation of this character; but suppose there be a Senator here who has yet to rent an apartment for the coming year, are you going to inflict upon him the injustice of saying that no landlord can rent property to him at a given price, if there happens to be a tenant already in possession of the property whose right to occupy it expires, we will say, on the 1st of October? It is a most absurd proposal. It is outrageously unjust to say that those who are not so favored as to be in possession of a property which they desire to occupy on the 1st of October shall have no opportunity whatever to invoke the unquestionable right of the landlord to determine as between two persons who shall receive a lease.

I agree that if there are two persons, both intending to rent property, one of whom is necessary to the Government in the prosecution of the war, or in any other important function of the Government, he ought to have the preference; and those who are here without any real reason ought to be excluded; but this joint resolution does not provide for anything of that kind. On the contrary, this joint resolution makes secure the possession of thousands of men and women in the city of Washington who ought not to be here at all; who have no connection with the Government; whose presence is not necessary to anything the Government is doing. Tell me why it is desired to legislate those persons into permanent occupancy of the buildings in the District of Columbia, excluding those who live in the District, and may be vastly more essential to the things we are attempting to do than those who are already in those buildings and apartments?

I do not know that the joint resolution does in its essence any injustice to landlords in so far as the amount of the rent is concerned; I do not know anything about that. I do feel, however, that we are erecting a standard here that is not recognized by the law, and which the first court that has an opportunity to approach the subject will overturn. But I pass that.

Why do you do injustice to those who want to rent property at the standard which may be fixed in the joint resolution? Why are you not content to say that rentals of property in the District of Columbia shall not be greater than as stipulated in the leases now in force or in existence? In that way the title of the joint resolution would be fulfilled—that is, it is assumed it would be fulfilled—because the title of the joint resolution is to prevent profiteering.

Well, is it profiteering for a landlord when, at the expiration of the lease which may now be in existence, to choose Mr. Jones as his tenant instead of Mr. Smith, who is now in possession at the same rental? There is no profiteering in that instance. It is simply leaving the landlord the right to select his tenant until the Government shall intervene and say the property is needed for governmental purposes; and there is no provision in the joint resolution for any contingency of that kind. There is a provision in the joint resolution that one can not be evicted under any circumstances if his work is necessary to the Government; but the point that I make is not provided for in the joint resolution in anyway. I protest against attempting to exclude from the opportunity to negotiate and contract with the landlord at a given rental, if you please, all those who are not in possession under a lease of property in this District. Such a thing as this was never heard of before. If anyone had suggested that a proposal of this kind could find even toleration in the Senate of the United States, I would have laughed at him, for we are here not only attempting to regulate the amount that shall be paid for rented premises but we are attempting to describe those who are to occupy the premises as well, even though they have nothing whatsoever to do with the Government, and even though their presence in the city of Washington or in the District of Columbia is harmful rather than helpful.

I sincerely hope that those Senators who have been standing for the joint resolution, with an object in view in which we all concur, will at least permit a revision of the joint resolution, so that it will control only the amount of rental, and will not control the persons who are to occupy the buildings or the grounds, as the case may be.

There is but one way in which to accomplish this change, and that is by defeating the conference report; and I for one hope that it will be defeated, so that some people whom I know very well, who really desire to rent property after the 1st of October, and whose presence in Washington is quite as necessary as that of a great many who now occupy premises, may have at least an opportunity to invoke the choice of the owners of the property at the rental which may be determined by this act.

Mr. POMERENE. Mr. President, I had not intended to say a word on this subject. I feel, however, in justice to the members of the District Committee, that I ought to speak briefly. Allow me to say preliminarily that I realize that this joint resolution is not a complete piece of legislation. The District Committee took this matter up as seriously as any committee ever took up any piece of legislation. They reported a bill which passed the Senate, and is now awaiting the action of the other House. In the midst of our deliberations we were confronted by the fact that there were not only hundreds but thousands of tenants in this District who would be dispossessed on June 1, thrown bodily into the streets, unless they submitted to the exactions of a lot of profiteering landlords. Let us keep that fact before us when we are considering what we are going to do with the pending joint resolution.

There is a great deal of force in what the Senator from Iowa [Mr. CUMMINS] has said about the right of a landlord to say who shall occupy his building, but we must not forget that up to date the landlords have decided who their tenants should be, and those tenants up to this date have been paying very liberal rentals. Now, while some of these landlords think they have the opportunity to throw their tenants whom they selected into the street or compel them to pay an increase of from 33⅓ to 100 per cent in their rents, and while some of them are acting like Shylocks, we have technical objections raised here. Some Senators refuse to support the conference report because here and there it may result in injustice, and lose sight of the fact that if it is not passed thousands will be thrown into the street.

Mr. President, there has been a good deal said about the Constitution. With all due respect to those who are raising the question of the unconstitutionality of this act, I love that old instrument just as much as they do, but I am not so obsessed with the idea that I have so much more learning in my cranium that I am going to consign everybody to the bowwows because he does not agree with me upon the subject.

I do not believe that a court is going to hold this joint resolution unconstitutional. If I did so believe, I would not vote for it; and those Senators who believe that it is unconstitutional ought not, out of respect to their oaths, to vote for it; but I am not going to surrender my judgment because I am being anathematized on account of difference of opinion.

Some time ago we passed the civil-rights bill; we have suspended remedies against our soldiers and sailors; and the same constitutional authorities that we hear every day when a constitutional question comes up condemned that measure and insisted that the families of soldiers and sailors should be at the

mercy of creditors while they were fighting our battles along the battle line. In my humble judgment, this Government has the power to do anything within the limits of the Constitution which may be necessary for the defense of our Government.

Now, let us see what the situation is here in the District. In the first place, the Constitution of the United States gives to the Congress of the United States absolute legislative authority over persons and property in the District, and the only limitations upon that authority are those contained in the Constitution itself. By common consent of everybody, save only those who find constitutional objections to everything, we have the right to pass moratorium laws. We did it during the Civil War. Even the States passed such laws, though their powers were more limited than the powers of Congress over the District. And, again, during the present war in many of the States moratorium laws have been passed to protect the families of the soldiers.

It is said, however, that this measure is not limited to the families of soldiers. That is true; but let me suggest in time of war is it not necessary to the welfare of the Government that its employees be properly housed who are in the Treasury Department, or in the State Department, or in the Post Office Department? Will it not add to our efficiency in war if all the Government employees are not left to the tender mercies of those who would exact the pound of flesh?

While there are some people in this District who ought not to be here, there are many other people in the employment of stores and private firms and none of them could be dispensed with in this time of war, because the families of the Government employees must be properly served at their groceries, at their clothing establishments, at all the mercantile establishments of the District. Shall they be left without protection when there is no one save Congress to protect them?

This is the situation, and Senators may take their choice: Shall we hold before ourselves the inalienable right of a profiteering landlord to say, "I want Jones to get out of my house in order that I can put Smith in," when his real reason for making a change is because he expects to get twice the amount of rent out of Smith that he got out of Jones? Shall we hold that "it is nominated in the bond" of the Constitution that the landlord shall do with his own that which he pleases and ignore the rights of the tenant? Shall the Senate of the United States say to the thousands of Government employees and other people of modest means who live within the District, "Go into the street; my views of the Constitution are such that I can not and will not give you relief"?

Now, Senators, what is to be done? I have hope that within a few days the Members of the other House will come to the conclusion that they must meet us in conference, and I have hope that we are going to agree on a measure. I am not willing now to say that the Congress of the United States will continue unreasonably to quibble over differences of views while many of the people of the District are on the streets.

Mr. President, when the civil-rights bill was before the House that very able lawyer in the House, Mr. WEBB, chairman of the Committee on the Judiciary, submitted a report. I wish to read just a paragraph from that report, because surely it clearly and properly represents the law as we understand it. In discussing that bill and the suspension of remedies, he says:

> The committee, however, does not find it necessary to rely upon the language of the court above cited as to the application of these amendments to the war power, for, as stated, neither of the clauses by their terms or by their construction, either in letter or in spirit, covers the case of the various measures of relief embodied in this bill.
>
> Finally, the committee beg to remind the Congress that the due-process clause has never been held to deprive the State of the power of protecting the welfare of its citizens, even at the expense of restricting and destroying life, liberty, and property. A hundred instances will readily suggest themselves. And it has been well said:
>
> "If a State may thus, notwithstanding a due-process limitation, interfere with life, liberty, and property for the sake of health, morals, quiet, and the like, it follows, a fortiori, that notwithstanding a due-process restriction the United States may interfere with life, liberty, and property for the sake of protecting the very existence of the Government itself."
>
> If this may be done by the State without impairment of the constitutional prohibition, surely the Federal Congress, in the prosecution of the war, may not only conscript the life of the citizen, but may under the guarded discretion of the judges of the land as proposed in this measure interfere with the property of the individual to the extent that such interference has been countenanced in this act for a purpose directly relating to the conduct of the war and the preservation of the morale and the self-respect and the peace of mind of the citizen soldier whose body has been conscripted and taken from the peaseful walks of business life.

The Federal Constitution provides that no State shall pass any law impairing the obligation of contracts.

There are no such limitations in that behalf upon the power of Congress with respect to our legislative authority over the District. We are not impairing the obligation of contracts by this legislation. We are simply suspending the landlord's remedies. Who is it who wants to take the position that at the very moment when we see these people about to be put on the streets we can not suspend the right to sue out a writ of ejectment?

We say by this resolution, in substance, if these people shall continue to pay the rent that by contract they have been paying heretofore during the period of the war, and comply with the terms of the lease, they shall not be dispossessed.

I do not expect this legislation to be permanent. I, for one, would not have consented to it if I had thought it was to be permanent; but while it may operate in certain instances as an injustice upon a few people, I am confident that it is going to do vastly more good to a vastly larger number of people than it will injure, and I do not believe it will do very serious injury to any of them.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. POMERENE. I do.

Mr. BRANDEGEE. I did not clearly understand the Senator's reference to the powers of Congress, in its legislation over the District of Columbia, as distinguished from those of the States. Do I understand the Senator to claim that Congress is not subject to the constitutional provisions in legislating for the District of Columbia?

Mr. POMERENE. I am afraid the Senator did not hear the earlier part of my statement.

Mr. BRANDEGEE. I heard both parts, but I did not understand either.

Mr. POMERENE. I am very sorry. I am sure it was my fault if I did not make myself clear.

Mr. BRANDEGEE. No; I think very likely it was the fault of neither of us; but I thought the Senator might be able to clear up that matter in my mind.

Mr. POMERENE. I said that our power was complete, save and except as it was limited by the provisions of the Constitution.

Mr. BRANDEGEE. Then it is no more complete than the powers of anybody that is limited by the provisions of the Constitution.

Mr. POMERENE. Oh, yes, it is; because there is a limitation placed upon the right of the States to interfere with the right of contract. That is an inhibition against the power of the States to interfere with the right of contract, and that was what I was trying to make clear when I read from the report of Judge Webb.

Mr. BRANDEGEE. Does the Senator think that Congress can impair the obligation of a contract?

Mr. POMERENE. Why, we have been doing it incidentally right along when we passed certain prohibition laws and other laws affecting the health, morals, and comfort of the people. There have been a good many instances of it.

Mr. BRANDEGEE. I do not doubt that Congress has passed many an unconstitutional act. Some of them have not been tested and so declared; but does the Senator think that Congress can constitutionally pass a law impairing the obligation of a contract?

Mr. POMERENE. As a general proposition, perhaps it ought not to; but because it incidentally interferes with the power of contract it will not thereby vitiate legislation, in my judgment.

Mr. BRANDEGEE. I do not understand the distinction between doing it and incidentally doing it.

Mr. POMERENE. Perhaps I have not been able to make myself as clear as I should, but that is my view of it.

The PRESIDING OFFICER. The question is upon agreeing to the conference report.

Mr. FRANCE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Guion	Overman	Smith, Ariz.
Chamberlain	Harding	Page	Smith, Ga.
Culberson	Johnson, Cal.	Phelan	Smith, Md.
Cummins	Johnson, S. Dak.	Pittman	Smith, Mich.
Curtis	Jones, N. Mex.	Poindexter	Smoot
Dillingham	Kellogg	Pomerene	Sutherland
Fall	Kenyon	Ransdell	Thomas
Fernald	Kirby	Reed	Trammell
Fletcher	Lewis	Saulsbury	Vardaman
France	McNary	Shafroth	Wadsworth
Frelinghuysen	Myers	Sheppard	Warren
Gallinger	Norris	Shields	Wilfley

Mr. SUTHERLAND. I announce the necessary absence of my colleague [Mr. GOFF] by reason of illness.

Mr. JOHNSON of South Dakota. I desire to announce that the Senator from Wyoming [Mr. KENDRICK], the Senator from Arizona [Mr. ASHURST], the Senator from North Dakota [Mr.

GRONNA], and the Senator from Idaho [Mr. NUGENT] are absent on important business.

The PRESIDING OFFICER. Only 48 Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. SIMMONS, Mr. SMITH of South Carolina, and Mr. TOWNSEND answered to their names when called.

The PRESIDING OFFICER. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. GALLINGER. Mr. President, now that the usual farce has been enacted of Senators being called into one door to leave immediately, either through the same door or some other door, I am going to occupy two or three minutes in some observations on this conference report.

First, I want to say that had I been present unanimous consent would not have been given for consideration of the conference report to-day, because this report, like all other conference reports, ought to be first printed, and Senators be given an opportunity to compare it with the bills that have passed both Houses and to examine in detail its provisions. That has been denied us. I do not know what is in the report, nor does any other Senator, except those who have had it in their charge.

I had read from the desk a little while ago a letter from a gentleman in charge of a large office building in this city—the Atlantic Building. Three years ago the Forest Service occupied a portion of that building. There were thousands of signs "To let" on the houses of Washington. There were great office buildings entirely vacant, without a single tenant in them. I have in mind now two such office buildings. The owners of the Atlantic Building—some of them people dependent almost entirely upon their dividends for their support—were renting it at a fair rental, not an exorbitant rental for the money that was invested in it, but at a fair rental. The Forest Service, seeing its opportunity, asked that that rental should be very largely reduced, notifying the proprietors that unless it was reduced they would move out. I was appealed to and asked to talk with some of the gentlemen connected with the Forest Service about this matter, a friend of mine being interested in the building, which I did; but they frankly said, "We can get a lower rental elsewhere, and unless the rental is reduced we will move out."

Under those circumstances, in the stress that was upon them, the proprietors of the building reduced the rental to a very large extent, so that since that time they have been getting practically 1 per cent on the money invested in that building. They are now renting it at 51 cents per square foot floor space. It will be remembered that not long ago, when attention was called to the great office building that is being erected on Vermont Avenue, and which the Government has taken over at a price of $4,300,000, the statement was made here that the price paid was not exorbitant because it was not much in excess, if in excess at all, of $1 per square foot; and yet the building to which I allude, the Atlantic Building, is being let at 51 cents per square foot, and, as I observe, the owners are getting 1 per cent by way of dividends. Now, it is proposed that that rental shall be continued during the balance of the war, unless, perchance, the Secretary of Agriculture concludes to allow a larger rental, which the Secretary of Agriculture may possibly do; but I doubt very much whether he will do it, or, if he does do it, whether an adequate rental will be allowed.

Mr. President, that is one case, but there are others in the city that are similarly situated as that building, and, as I observed a few minutes ago, while this measure may work to the advantage of some people, it will work to the great disadvantage of many other people in the District of Columbia. I feel sure that if the matter were given further consideration some more equitable measure could be evolved that would not do the injustice that this one certainly will do if it becomes a law.

I confess that I have not as definite knowledge of the measure as I ought to have. As I remarked a little while ago, we have all been busy, and I have been particularly busy in the Committee on Appropriations. I am going to ask the Senator from Delaware if this joint resolution particularly applies to people in the service of the Government, as was stated by some Senator? In other words, if I own a house in the city of Washington and desire to change my tenant, even to allow a man or woman in the service of the Government to occupy it, am I at liberty to do that?

Mr. SAULSBURY. If the Senator is occupying the building himself and desires to rent it to some one—is that the question?

Mr. GALLINGER. No; I may not myself be occupying it, but the building is rented and I desire to change my tenant. Can I do so?

Mr. SAULSBURY. Under the joint resolution, if the tenant desired to stay there at the same rent, the Senator could not do it.

Mr. GALLINGER. Now, let me carry that a little further. I know a man who owns a building in the city of Washington which is rented. Since this joint resolution was introduced, or about that time, the occupant was notified to vacate the premises—of course, at the expiration of 30 days, and I believe an additional 7 days is allowed in the District of Columbia—and the owner of the building desired to have it vacated for the purpose of letting a man in the employ of the Government occupy it for 20 per cent less rent than he is getting at the present time; but he can not do that under this proposed law, can he?

Mr. SAULSBURY. The tenants can not be changed if they continue to pay their rent.

Mr. GALLINGER. Exactly; and I want to make this specific. I chance to own that building. I want it vacated to allow a man in the employment of the Government to occupy it at 20 per cent less than I am getting at the present moment, but it seems this legislation will not allow me to do it. That being so, we ought to stop talking of European autocracy.

Mr. SAULSBURY. There are doubtless a number of cases of which the Senator from New Hampshire and various other Senators know where some injustice, or what seems to be some unfairness, will be worked; but, on the other hand, we are familiar with the fact that there are hundreds and thousands of cases where, as shown by the letter of the Acting Secretary of the Navy, his force is being disorganized by the panic which has been produced by this rent profiteering; and, as we hear from clergymen, they are being begged to pray that the hard hearts of the rent profiteers in this District may be made more tender. Now, I am not exaggerating. I am informed that it is actually the case that in some cases clergymen have been asked to pray that the flinty hearts of the rent profiteers may be made more tender.

Mr. GALLINGER. I have no doubt that that request has been made by somebody; but I have been unable to discover from my investigations that this wholesale accusation that is made against the owners of property in the District of Columbia is well founded. As I said the other day, I chance to occupy a very modest apartment in one of the largest apartment houses in Washington, and Senators around me occupy apartments in other great apartment houses in Washington, but we have not been notified that we are going to be dispossessed unless we pay more rent. My observation is that the most of this complaint comes from some small apartment houses, and that a large amount of the grievances is due to the fact that the parties occupying those apartments are subletting them at an enormous increase in rental.

Mr. President, there are grievances, no doubt; but, in my judgment, the harm that is going to come so completely outweighs the benefits that are going to accrue that I feel constrained to vote against the conference report. I think this matter could be worked out on a much more equitable system, and that the outrages that will necessarily result from this legislation could be avoided. I do not believe, Mr. President, that the owners of the Atlantic Building, who are getting 51 cents a square foot in rental, having been forced three years ago from the circumstance that there were so many vacant buildings in the city of Washington to reduce their rent, ought to be compelled by legislation of Congress to continue the same rental, netting them about 1 per cent on their investment; and yet that is exactly what this bill does.

As I said a few days ago, I have no disposition to delay the consideration of this conference report, notwithstanding the injustices its passage will work. The conference report ought to have been printed. It ought to have been on the desk of every Senator. We ought to have had an opportunity to examine it. That has been denied us, however, and so all I can do is to enter my protest against it and cast my vote against it.

Mr. BRANDEGEE. Mr. President, I desire very briefly to express my opposition to the acceptance of this conference report, and to state that I feel constrained to vote against it, not that I do not want some proper measure taken to prevent profiteering in the District of Columbia.

Mr. President, in my opinion this joint resolution is defective in so many respects that I am driven to the conclusion that it will do more harm than good. I agree entirely with the views expressed by the Senator from Iowa [Mr. CUMMINS]. I think the joint resolution is absolutely unconstitutional, and will be so declared. Of course its constitutionality will be tested by the first party who is aggrieved by its operations.

A short time ago I was called out by a lawyer here in the city, who told me that he represents two estates here in Washington which at present are leasing two large tracts of vacant land.

It was necessary for the estate to borrow the sum of $10,000. The two vacant tracts of land were leased. The manager of the estate made arrangements with a Baltimore concern for the loan of $10,000 on those two tracts of land. Within a day or two the manager of the estate was visited by the party who had agreed to make the loan and told that he would have to withdraw his proposition to make the loan on that property; that if the land was to be continued to be rented at the same price that it was then during the whole war, which was an indefinite period, he could not loan any money for the parties he represented upon any such uncertain state of facts as that. It simply shows how the measure cuts one way as to all estates that are being handled for the benefit of widows and orphans and benevolent purposes.

I do not think there is any demand that business property in the District of Columbia should be subject to the provisions of this joint resolution. As I understand the grievance here in Washington, it is 100,000 new people having been dumped on this city in the last year, since we declared war, that they want bedrooms and beds; they want shelter, so that they can get off the streets. But merchants' stores, Mr. President, are rented in the part of the country that I come from—and I assume it is true here—for periods of 3, 5, or 10 years. No merchant will rent a store and put his fixtures in it and transfer the good will of his business to that location unless he has a lease sufficiently long to warrant him in making the expenditure and taking the risk.

Now, look at it. Here is a store which was rented 10 years ago, when Washington probably had a population of 200,000 less than are here to-day, considering the increased population that has been put upon this city since the war was declared. Ten years ago the rental of that store was fixed at what now seems a ridiculously small figure; yet under the operation of this joint resolution that lease is to be continued at the rent fixed 10 years ago, when the property was not worth one-quarter of what it is worth to-day, and it is to be so continued for an indefinite period, although the owner of the property may have mortgaged the property based upon the contract that he has made with the lessee that he was to recover possession to-day, and then was to sell the property and take up his mortgage and pay his debt. The owner may be under another existing contract to-day that upon the termination of this contract he will rent the property to somebody else, and yet this joint resolution steps in and absolutely declares nugatory that second contract and forces upon the landlord a contract which has terminated by its own terms and by the free act of the parties, and compels that contract, now expired, to continue in force for an indefinite period—during the war.

The joint resolution bristles with situations that can not be foreseen, but we may see enough of them now to know that it is exceedingly dangerous to vote for the measure. The only answer that is made to these criticisms, all of which are just and unanswerable, is that we are at war, and that Congress can do anything it wants when we are at war; that the due-process-of-law clause does not any longer exist; that we can confiscate for private parties, not for public purposes; that we can order what a landlord shall say to one tenant as against another, one bidder in the open market as against another, not for governmental purposes, not to win the war, but to interfere with the arrangement in the business community between the landlord and the tenant. There is no grievance whatever about the relation between the landlord and tenant in his property. The whole question is one of housing and lodging, and not how much a man who rents a store on F Street or Pennsylvania Avenue shall pay the landlord.

We are told we ought to vote for this measure because later on we are promised the distinguished chairman of the conference committee, the Senator from Delaware, will do his best to see that the Pomerene bill can get through both branches of Congress.

Mr. WADSWORTH. Mr. President, may I suggest to the Senator that in view of the fact that the rental value of business property rises and falls with the comparative prosperity or lack of prosperity of the business which is conducted in that property, this measure works a tremendous advantage to the storekeeper, we will say, who rented his property five or six years ago and who to-day is running an infinitely more prosperous business than he did when he originally rented the property.

Mr. BRANDEGEE. That is quite true.

Mr. WADSWORTH. As a matter of common justice, a division of the burdens or profits, whichever we may term the rental of office or business property, may be at least allowed according to the prosperity of the business that is going to be conducted in it.

Mr. BRANDEGEE. It seems to me so. As I said before, every merchant here who based his rent on what his business could afford to pay on a population of customers of 360,000, if it was so a year ago, and now there are 450,000 people, many of them the richest people of the country, who come here as his customers, may be making twice in profits what he made before and what he thought he could pay for his rent when he made the lease.

Furthermore, Mr. President, except in a very small percentage of cases, this only binds one party to the contract. It takes hold of the lessor, the landlord, and compels him to allow the tenant to stay in, but does it compel the tenant to stay in? No.

Suppose the value of the property has diminished, as it has in certain sections of the city, and suppose the landlord would like to have the tenant continue at the old rate, does this treat both parties to the contract the same? No; it is a jug-handled arrangement. It says that the tenant shall always have the advantage; that the landlord shall have nothing to say about it; that Congress will regulate the terms of the contract which the landlord makes, and the tenant can do as he pleases. The tenant is left free to abandon his contract when it is perfected. The landlord is compelled by the United States Government to continue the contract willy-nilly beyond the terms of his contract, to perform a contract that the United States Government is going to make him keep, and to perform it for an indefinite period, whether it results in foreclosure or ruin to him or to a trust company or to the estates of all the people who have their money in the fiduciary and mercantile and banking and investment companies of this country.

I am not attacking this proposition; I think some relief ought to be devised; but I say, simply because times are trying and people are excited and their emotions are deeply stirred, every time we see a grievance we must not cast down the limitations and provisions of the Constitution and rush into confiscation and anarchy and chaos. Mr. President, that will not tend to inspire confidence in this country or in its financial institutions, nor in the integrity and good judgment of its legislators, who are a part of the Government itself.

I do think, in view of what has been said about this measure, that no serious error will be committed and no serious damage will be done if this conference report should be rejected and the conferees and the committees of the two branches of Congress be given a few days more to see if something more equitable can not be worked out.

Mr. REED. Before the Senator takes his seat——

Mr. BRANDEGEE. I yield to the Senator.

Mr. REED. Touching the question of what is a fair rent to charge, I desire to call the attention of the Senator to the fact that I am informed the Director General of Railroads has issued an order raising freight rates all over the United States 25 per cent and raising passenger rates to 3 cents a mile, and in some instances to 3½ cents, a raise that in some places would be equivalent to 33⅓ per cent. I assume if this has been done it is upon the basis that values change, and wages are necessarily higher all along the line. If that is the situation, then surely it is a fact that ought to be considered in the making of an equitable adjustment of rent fixing in this District. The joint resolution seems to utterly ignore it. I wanted to call the Senator's attention to that fact.

Mr. BRANDEGEE. I think the Senator's remark is very germane. I see in the papers that the Director General has raised salaries and wages upon the railroads of the country to an amount which would total $300,000,000, if I have the figure correctly, and has made it retroactive, so that it goes back into the past. Of course, the Senator is entirely correct that the whole system of values, of wages, cost of living, and cost of products and materials has wavered and changed all over the country; it has surged up and gone back and surged up again.

Mr. REED. Let me call the Senator's attention to another matter.

Mr. BRANDEGEE. Very well.

Mr. REED. Interest rates have enormously advanced. Let us assume the case of a man who built a structure in Washington and who fixed the rent so as to give him a fair return upon the cost of that building, and a part of the cost of the building—50 per cent of it—is represented by a trust deed that bears 4½ per cent interest. That trust deed is now maturing, and it can only be renewed at 7 per cent interest. What will be the effect of a measure of this kind under such circumstances?

Mr. BRANDEGEE. I am at a loss to describe the kind of embarrassment the man would be in. Money is now worth in the neighborhood of 7 per cent in the market, where it was 4 and 4½ per cent before. If he could not renew it at 4½ per cent he would have to renew it on the best terms he could get. It means that his expense is doubled, yet the rent is held by an act of Congress, his return from his property is held where it was when he could borrow money at 4 or 4½ per cent.

Mr. REED. Let me ask the Senator another question: Suppose a man was going away and knew he would be absent from the city for a period of four or five months and he wanted to have his property in extra good hands. Therefore, he rented it at a very low rental, possibly a nominal rental. Now, desiring to resume possession of it for the purpose of handling his property as his own, he finds himself confronted by a law which provides that the nominal rent shall continue indefinitely.

I want to ask the Senator now a question connected with that. Does he believe such a law as that can stand the test of the court?

Mr. BRANDEGEE. No; I do not. I stated so. I gave the Senator an instance on Saturday. I had read into the RECORD a letter written to me by a gentleman who is a large real-estate owner in this city, one of the leading men of the District of Columbia, giving the experience of his brother, who had erected an apartment house here within a year which contains 18 apartments. He rented those apartments at about $200 a month, which was a very modest rent. Eleven out of those 18 tenants have let those apartments at three times what they paid the landlord for them, and the landlord had to take the curse of it and be called a profiteer. Apartments which had been rented for $200 a month were sublet before the tenants had moved into them at $650. It is in large measure the tenants themselves who have created this distress and this profiteering, and not the landlords. Many a building here in Washington had been almost vacant for some years. As the Senator from New Hampshire [Mr. GALLINGER], who knows the District as well as any other Senator, at least who was chairman of the District Committee for a number of years, said a few years ago pretty much one house out of every four had a sign "To let" upon it, and I doubt if real estate in this city, houses and tenants, netted the owners 3 per cent on the property in the last 10 years on an average.

Mr. GALLINGER. Mr. President——

Mr. BRANDEGEE. I yield.

Mr. GALLINGER. The signs were so numerous on the houses that at the instance of the Senator from Michigan [Mr. SMITH] we legislated to prevent more than a certain number of signs to be placed on any given piece of property.

Mr. SMITH of Michigan. And of a certain size.

Mr. GALLINGER. And of a certain size.

Mr. BRANDEGEE. I put another letter in the RECORD on Saturday from a gentleman, a real-estate man, who stated that he knew of a building in a business block here that cost the owner $100,000, and after holding it vacant for several years and paying the taxes and interest out of his own pocket and losing the rent he had finally rented it for $100 a month, the whole business building, in order that he might get $1,200 a year to help pay the taxes on it. He is now offered $7,000 a year for the building, which would be 7 per cent, and taking out 2 per cent for taxes and insurance would leave him a net of 5 per cent, irrespective of depreciation and repairs; and now he is to be compelled during the indefinite period of this war to continue the rent of the building for $1,200 a year, for which he was offered $7,000 for a legitimate purpose, a purpose that will not hinder the winning of the war at all, and he is compelled to let his tenant make the difference between $1,200 and $7,000. His tenant can turn around and rent it for $10,000 if he wants to. Under the joint resolution every tenant who early enough foresaw what was liable to happen and rented apartments and buildings at a cheap rent and then sublet them at four and five times what he paid for them is protected. The joint resolution ought to be entitled "A joint resolution to protect the profiteers in the collection of their extortionate profits," for it guarantees and gives immunity to every tenant profiteer who has deliberatly raised rents from three to four times what they ought to be without the expenditure of a dollar on his part.

Mr. President, as I have said, I am unable to vote for the conference report at this time. I think it can be bettered.

Mr. THOMAS. Mr. President, no man can gainsay the serious nature of the objections urged this morning against favorable consideration of this measure. That it will operate unjustly and unfairly in some directions is inevitable. Any bill which has for its purpose the regulation of prices must inevitably react somewhere, and sometimes the consequences of the reaction may be more serious than the benefit derived from the measure.

But I am not impressed with the contention that because of these things the conference report should be rejected. Fundamentally the joint resolution, if it shall operate inequitably, will be a powerful stimulus to the early framing and enactment of a measure that wil be reasonably equitable, all things considered, and without something of this kind whereby conditions are kept in status quo pending final action we may or may not be able to reach a legislative solution of a very serious and overpowering situation in this District.

Mr. REED. Will the Senator permit a question?

Mr. THOMAS. Certainly.

Mr. REED. Does the Senator think that this measure will furnish some relief against bad conditions?

Mr. THOMAS. If I did not think so, I would not support it.

Mr. REED. If it will furnish some relief against bad conditions, it will make conditions better than they are. Then how will it afford a stimulus to other legislation?

Mr. THOMAS. Mr. President, I think inasmuch as the joint resolution while affording some relief will also produce some of the consequences which the Senator from Missouri and others predict, the interests which are thus affected will, instead of trying to prevent any legislation, as they are now doing, join with those of us who want to cure these difficulties in a legislative way, and iron them out in such manner as will produce the least possible discomfort and loss. Of course, that may or may not result from the enactment of the measure, but I am inclined to think that it will aid us in an early legislative solution of what may be called the District problem.

Mr. President, the Senator from Missouri directed the attention of the Senator from Connecticut a moment ago to the recent raise in freight rates upon the lines of transportation of the country. We also read in the morning press that the wages of the men have been increased. If it were possible to reach this situation by freight and wage raises there might be no necessity for the enactment of this or any measure, because I have noticed with some disappointment that every application for a raise of wages and salaries which comes to the Congress finds favorable consideration. But, Mr. President, the misfortune, if it is one, in times like these is that every raise in fixed compensation is attended by a corresponding raise in everything that is essential to existence.

I have iterated and reiterated this proposition so frequently during this session of Congress that I am afraid by this time its further repetition will be more of an infliction than an enlightenment of the Senate. The increase in the prices of all the necessities of life, generally speaking, is more rapid and larger in volume than the increase in wages and salaries, and as a consequence, if that practice is continued, in order to do away with an existing evil of serious proportions it will merely result in a race between employees whose salaries are increased and the material men who furnish him the necessities of life, sustenance, clothing, and so forth. So as matter of fact that sort of panacea gets us nowhere.

Mr. President, there is much in the contention of the Senator from Missouri regarding the constitutional features of this measure considered in its larger aspects, but subject of course to those fundamental conditions and principles which safeguard property and the rights of the citizen, the power of Congress over this District is absolute. My contention is that the constitutional basis of this legislation is found in that clause of the Constitution which gives to the Congress exclusive jurisdiction over the District. This District was created for the one purpose, and for the one purpose only, that it might be for all time the seat of government of the Republic. Provision was made by the fathers in the framing of the Constitution for just such a place, and as a matter of course the jurisdiction of the Congress of the United States, representing the legislative authority, attached to and became absolute over that particular spot, wherever it might be located. Its territorial dimensions have up to this time been greater than the pressure of governmental activities upon it, but even in times of peace those activities were constantly increasing.

The Government at every session of Congress extends the boundaries of its jurisdiction and takes in some particular sphere or element which up to that time was by negation, at least, supposed to be beyond its constitutional power and authority. The result has been a multiplication of bureaus and of commissions ad nauseam.

We have long ago become a bureaucracy, a condition that is inevitable, Mr. President, when Government activities are unduly extended. So at the time war was declared against Germany the activities of the Government had so multiplied and had so extended that the pressure upon the territory of the District was already noticeable. With the war that pressure became enormous and the smaller expansions in times of peace were infinitesimal as compared with the sudden influx into the District of Columbia of vast hordes of new employees, whose presence and whose labor are essential to the proper transaction of governmental business. They must be here. They have no choice about it until the Government shall, as I think it should during the period of the war, transfer some of these

bureaus and commissions to other cities of the Union. Indeed that, to my mind, is the best solution of the problem of human congestion in this District. There is no reason in the world why the Fuel Commission and the Food Commission should not be in St. Louis and in Chicago, respectively. There is no reason in the world why the various bureaus of the Land Department should not be located during the period of the war somewhere in the territory of the public-domain States, where their work belongs and over which their jurisdiction extends. But there is only one authority which can do that, and that is the President of the United States under the provisions of the Overman Act. It is not likely that that kind of relief will come very soon.

Now, what confronts us in this District? There are probably 150,000 to 200,000 human beings here who were not needed here on the 6th day of April, 1917, when war was declared, but who are indispensable now. If one wants to obtain a fair notion of the expanse of activities of the Government since that time, all he has to do is to take an automobile and ride through the Mall, the business portion of the city, and the residence portion immediately adjoining the business portion. Apart from the vast ranges of barracks that have been constructed, temporary in their character yet crowded to overflowing, the fact is that many of our business buildings, a great many of our apartment houses, and other structures of unusual dimensions have been taken over by the Government and are occupied for public uses. A great many of the employees of the Government have their families here because they can not live anywhere else. They are constantly crowding, crowding, crowding beyond the capacity of the District to house them. That presents a problem of the first magnitude. It presents conditions which can only be reached by summary legislation. Any measure designed to secure shelter and a livelihood at reasonable rates for these men and women in the employ of the Government at this time is necessarily and essentially for a public purpose. Any bill designed to take property, real estate, and structures necessarily required by this situation is legislation for a public purpose, and the taking over of such property is the taking of it for a public use.

Mr. President, under our Constitution in time of war the Government may billet its soldiers in private residences and compel private families to maintain them. That can not be done in times of peace. It is just as much a public purpose to legislate for the purpose of securing shelter for the large army of civil employees as it would be to billet soldiers among private families in time of war if conditions warranted the practice.

Mr. REED. Mr. President——

Mr. THOMAS. I yield.

Mr. REED. I wish to ask the Senator a question, because I have great respect for his opinion as a lawyer. Is a bill which proposes to allow any tenant whatsoever, connected with the Government or disconnected with the Government, to occupy a piece of property the same thing as the Government taking a piece of property into which it proposes to put its soldiers?

Mr. THOMAS. No.

Mr. REED. Then the parallel that the Senator appeals to does not exist.

Mr. THOMAS. I may have been unfortunate in my expression of the parallel. The parallel which I attempted to draw was that between billeting the soldiers in time of war and the taking of private property for the housing of civil employees of the Government.

Mr. REED. But I call the Senator's attention to the fact that this joint resolution does not propose to take property for the housing of civil employees of the Government. It proposes to let A B, whether he is a citizen even of the United States or not, continue to occupy a piece of property. For instance, it protects the Chinese laundry just as effectively as it does an officer of the United States.

Mr. THOMAS. It does prevent the institution of any change in the rate of rent in any existing contract, because that is essential to the protection of a large body of the employees of the Government now occupying quarters and whose rent may and probably will be enhanced unless they are protected by the Government. In doing that the joint resolution draws no distinction between the tenant who is an employee of the Government and the tenant who is not. I believe if it did draw such a distinction it might then be subject to a very serious objection as being class legislation.

Mr. REED. But, Mr. President, there is no such thing as class legislation applied to the District of Columbia. That is a limitation——

Mr. THOMAS. There is not, but there might be.

Mr. REED. No; there is not in the Constitution any such limitation. This is what I want to get at. I agree with the Senator that we being at war the Government has the right to commandeer and take over such property as is necessary to the progress of the war. But the Government in that case takes it over in its own name, does it not, and it must make just compensation?

Mr. THOMAS. That is true.

Mr. REED. This joint resolution does not take over the property in the name of the Government, but lets it remain in the hands of a private citizen who happens to have been a tenant.

Mr. THOMAS. That is true, Mr. President; the effect and operation of the joint resolution are local in that part of the country which bears the impress of war—the seat of government—and over which the Congress possesses exclusive jurisdiction.

Mr. REED. It does possess exclusive jurisdiction, but its only jurisdiction is such as it gets from the Constitution.

Mr. THOMAS. Oh, yes; the Constitution is the measure and the limit of it.

Mr. REED. Now, let us assume that the Government being at war desired to quarter its soldiers on the premises of an individual, would not the Government in that event be taking that property for the time being, and would it not have to make just compensation?

Mr. THOMAS. It would be subjecting it, of course, to use for a public purpose, and it would be required to make compensation. But the owner is not dispossessed. He is burdened with an unusual situation.

Mr. REED. Does not this joint resolution propose to take the property of A and to transfer it to B, a private citizen, who may or may not have any connection with the Government?

Mr. THOMAS. Mr. President, it operates upon those who are and those who are not employees of the Government; but in doing that I do not think it is subject to the charge of taking property without compensation, except in the sense that the compensation now enjoyed can not be increased during the war.

Mr. REED. Well, is it not taking property when you take away from the owner of the property the right to sell it or the right to lease it in accordance with the laws and customs of the land?

Mr. THOMAS. Oh, it interferes with the rights of property, Mr. President; there is no doubt about that.

Mr. REED. Which is a property right.

Mr. THOMAS. But inasmuch as the greater includes the less, and inasmuch as in this District the sovereign problem of housing and overcongestion is right before us, we can not expect in a short time to frame and pass a joint resolution that will not do injustice somewhere. We are confronting an emergency.

Mr. REED. But, Mr. President, if the Senator will pardon me one more interrogatory——

Mr. THOMAS. Certainly.

Mr. REED. Are we justified in undertaking to disregard or in disregarding the Constitution of the United States and property rights merely because we have not time to draw a law?

Mr. THOMAS. Mr. President, I do not think we are justified in violating the Constitution, except in a crisis where the very existence of the Republic is imperiled, and the violation of part is necessary to save the balance of it; but the difference between myself and the Senator from Missouri is aimed directly at that proposition. In the District of Columbia, and because of the war conditions and the needs of the Government, I do not think that the Constitution is violated by this joint resolution, except in the modified sense that by these temporary interferences with the property of the landlord some of his rights are suspended, so to speak, until legislation of a more desirable character can be substituted for it.

Mr. REED. But, Mr. President, the Senator from Colorado is too good a lawyer to contend that the mere length of time you interfere with a man's constitutional rights is a thing that determines its constitutionality?

Mr. THOMAS. That is true, Mr. President.

Mr. REED. Of course, the Senator from Colorado does not think that the existence of the Nation is at stake in this joint resolution?

Mr. THOMAS. Oh, no; I think I can say with the Senator from Missouri, for whose legal ability I have the most profound respect—indeed, I regard the Senator as one of the ablest lawyers in the United States, a reputation which he has justly acquired by long service at the bar and upon this floor—if this measure were one that extended in its territorial operation beyond the seat of government, I think his contention would be absolutely unanswerable.

Mr. REED. Now, let me, then, get the Senator's view on that. Of course, we will not disagree about the facts at all, that all of those rights which are reserved to the States, and which therefore are taken away from the jurisdiction of the Federal

Government when we come to legislate with reference to matters within the States, do not exist in the District of Columbia and do not limit the Federal Government's rights here. In other words, the Federal Government in the District of Columbia is a complete sovereign?

Mr. THOMAS. Yes.

Mr. REED. And yet the Senator will agree with me that the rights of the Federal Government—that is, of Congress and of the President—are subject to the general limitations of the Constitution; that is to say, a man living even in the District of Columbia has certain rights under the Constitution and to the protection of the law of the land?

Mr. THOMAS. Yes.

Mr. REED. One of those rights is that he shall not be deprived of life, liberty, or property without due process of law. That right exists even in the District of Columbia, does it not?

Mr. THOMAS. Yes.

Mr. REED. Well, if it does exist in the District of Columbia, and Congress proceeds to say to a man who happened to rent a piece of property for $10 a month last year, although the fair market value of it even last year was $100 a month, "Because you rented it last year at $10 to A. B. for a period of a year, you shall therefore be obliged to allow this man to live in your property during the next three years that this war may exist at the same rental," does that not deprive him of his property without due process of law?

Mr. THOMAS. Well, Mr. President, in a sense it does, and in a sense it does not. It prevents him from exercising the right which exists in time of peace and independently of an emergency like this of increasing his rent or refusing to rent his property at all; but, on the other hand, it preserves the status quo for the purpose of preventing further profiteering, which must necessarily result in great hardship and injury to the army of employees here upon whom the Government must rely if its business is to be properly transacted.

Mr. REED. The Senator from Colorado does not offer the latter part of that as a constitutional argument?

Mr. THOMAS. Oh, no; it is not a constitutional argument, but I think it is a condition which justifies legislation of this kind; otherwise it might be regarded as class legislation.

Mr. REED. I am thanking the Senator for very patiently permitting this interruption.

Mr. THOMAS. The Senator's questions are always illuminating.

Mr. REED. And I am asking these questions in an appeal to the Senator: Is not the proper thing for us to do to follow the suggestion of the President this morning in his address—and which I do not claim was made especially with reference to this matter—that the profiteer can be reached through taxation; and, instead of passing a law here which is patently in the teeth of the Constitution, to pass a law that will so tax excessive rentals as to make it unprofitable for anyone to exact them? What is there about that that is impossible? Why can not that be done?

Mr. THOMAS. That is a most excellent suggestion, and I hope it will be accepted; but the difficulty is that conditions here are such that infinite suffering has been caused and is likely to be continued by changes in rental values reaching a point where the employees can not obtain shelter and have anything left upon which to live before we can enact legislation by means of which we can reach the profiteers' gains through the process of a revenue bill.

Mr. SAULSBURY. Mr. President——

Mr. REED. Why can not such a bill be passed in three days' time, if Congress wants to do it?

Mr. THOMAS. We could pass it within three days' time if Congress wanted to do it, but the Senator from Missouri knows no such measure will pass this body within such a period of time.

Mr. REED. Suppose it took three weeks?

Mr. THOMAS. We could not do it in that time.

Mr. REED. I think we could.

Mr. THOMAS. I hope the Senator's opinion will be verified by events.

Mr. REED. If we took three weeks, and then placed a very heavy tax, and this heavy tax began to fall upon the profiteer so that it would no longer be profitable to him to profiteer——

Mr. THOMAS. I might say then, Mr. President——

Mr. REED. We would reach the case of a lease that had already been made. If it had been made at an excessive and brutal profit, it would be reached.

Mr. THOMAS. When we do that we force the landlord to continue the high rentals in order that——

Mr. REED. Oh, no.

Mr. THOMAS. In order that he may meet the enormous tax thus placed upon his war profits.

Mr. REED. Mr. President, if the Senator will allow me, so that it will not be left in that shape, my proposition is that when a reasonable limit has been reached the Government shall take all the excess.

Mr. THOMAS. Is not that an interference with property rights?

Mr. REED. Not at all; that is the exercise of the right of taxation; and, as was well said by a justice of the Supreme Court, the right of taxation is the right of confiscation. We have almost gone to that point in reference to some of the excess-profits taxes which we have already passed, and I am ready to go further, and I think this Congress will go further, if we follow the President.

Mr. SAULSBURY. Mr. President, may I inject a word?

Mr. THOMAS. Just a moment. We must not forget in the consideration of that feature of this question that the money which the Government takes through its lawful powers of excessive taxation will continue to come from the people whom we are trying to protect by this bill; and, while that would benefit the Government, I am afraid that the process would continue, and the men and women whom we would benefit and ought to benefit would obtain no relief whatever.

Mr. SAULSBURY. Mr. President, the Senator, with his alert mind, has anticipated the question I was going to ask him. How would it benefit the tenants of the District who are being profiteered this year and now by taking from the bank account of the profiteer next year the money they had paid him?

Mr. THOMAS. I am afraid that it would not.

Mr. REED. I do not want to leave that in doubt. Unquestionably the right of Congress to levy this tax and make it apply now exists.

Mr. THOMAS. There is no doubt about that.

Mr. REED. And Congress can make the tax date back if they so desire.

Mr. THOMAS. There is no doubt about that, either.

Mr. REED. There is no doubt about that, so that the suggestion of the Senator from Delaware does not cover the question.

Mr. THOMAS. I think that the suggestion of the Senator from Delaware was not only apt but well-nigh conclusive; and when I take into consideration the fact that prompt and summary legislation is practically an impossible thing in the Congress of the United States, I find sufficient to satisfy me that we should enact this joint resolution and then proceed with permanent legislation upon the subject.

Mr. REED. Let me say, before the Senator takes his seat, that a moment ago the argument was that this was a temporary measure, and it was said that we were speedily to follow it up by permanent legislation.

Mr. THOMAS. That was not my argument.

Mr. REED. No; it was not the Senator's argument; but it is the argument that has been made by the proponents of this measure.

Mr. THOMAS. What I said was that I thought this would expedite a permanent measure on the subject.

Mr. REED. Now, the ground seems to be shifted, and the position is taken that no other bill may be passed except this bill.

Mr. THOMAS. If I left that impression upon the Senator's mind, I am very glad he did not permit me to take my seat, as I intended to do. My criticism of our legislative processes was not confined to any particular measure. It was provoked by the suggestion of the Senator from Missouri that we could, if we would, speedily enact revenue legislation that would meet this difficulty. I say generally, independently of the bill that I hope will be brought in here and enacted regarding this particular subject, that it is difficult to secure speedy legislation upon any subject, and that that fact, together with the suggestions which I have attempted to offer upon this joint resolution, justify me, at least, in the position which I will take upon the joint resolution when we reach a final vote.

Mr. FLETCHER. Mr. President, if I may ask the Senator a question before he takes his seat, he bases his position on the joint resolution, as I understand, largely on the ground of the necessity for taking care of people who are engaged in some relation to the activities of the Government?

Mr. THOMAS. And on our legislative power over the District.

Mr. FLETCHER. And on our legislative power over the District. Does not the Senator feel that to come within those rules the joint resolution ought to be limited in its application to persons engaged in the work of or employed by the Government?

Mr. THOMAS. I do not, for the reason that it might afford a loophole through which the very people against whom we are attempting here to legislate might escape.

Mr. FLETCHER. I can not see how that could be done, because it is easy enough to obtain the pay roll and list of employees of the Government.

Mr. THOMAS. It may not be possible to do so, but we should take no chances.

Mr. GALLINGER. Mr. President, turning to the law which is now on the statute books, entitled "An act to authorize the President to provide housing for war needs," this proviso will be found:

Provided, That $10,000,000, or so much thereof as may be necessary, of the amount hereby authorized shall be used only to build or acquire, as herein provided, housing accommodations within the District of Columbia for such Government employees as can not be housed as advantageously in other cities in the service of the Government.

We have voted $10,000,000 to build houses or to acquire houses for Government employees. I do not know whether or not the work has been started. If it has not been, certainly it ought to be started immediately. Ten million dollars would build 2,000 $5,000 houses in the District of Columbia, and 2,000 houses would go a long way toward solving the problem that is troubling the proponents of this joint resolution. Indeed, there is no reason why each house should cost $5,000, if built by the Government; and, to my mind, that relief ought to be available in the near future.

I am going to say one word more. I find in the evening paper just printed this headline, "Passenger rates 3 cents a mile; freight also up." Mr. President, we have been traveling in New England for 2¼ cents a mile; but the exigencies of the case, the peculiar situation, lead the Director of the Railroads to boost passenger fares to 3 cents a mile, as against 2¼ cents. Another headline reads, "Freight charges will be up 25 per cent." This is an acknowledgment of the fact that everything is on the upward trend; that we have got to be more liberal than was necessary under different conditions; and to say that men who own property in the District of Columbia shall not, because of existing conditions, be permitted to charge any more than they were charging a year ago or thereabouts, is, to my mind, an utter denial of their rights. We ought not to enact any such proposition into law.

Those of us who travel on the railroads and the men who send freight over the railroads of the country do not like the idea of paying more for passenger or freight service than they have been paying heretofore; but conditions are such that the Director General, under the direction, no doubt, of the President of the United States, has seen fit to make this 25 per cent increase. I believe in passenger rates it is more than a 25 per cent increase in many parts of our country.

So, Mr. President, it does seem to me that we ought to pause in this proposed legislation; that we ought to wait a little while, and that we ought to give the Government time to commence the erection of houses, for which $10,000,000 has been appropriated, to meet the emergency that exists so far as the employees of the Government are concerned. But I presume it has been ordained otherwise; and so all I can do is to enter, as I did a few moments ago, my protest against this legislation and cast my vote against the adoption of the conference report when the vote is taken.

Mr. SAULSBURY. Mr. President, I shall only delay the Senate by telling the Senator what a very prominent official of the Government said to me last night, and then I shall hope, after I suggest the absence of a quorum, that we may have a vote.

A very prominent official of the Government, who is now paying between seven and eight thousand dollars a year for his house, said to me yesterday afternoon that within the last week he had been notified that his rent was to be raised to $10,000. When he said that the house was not worth it his landlord replied, "Oh, this is our harvest time."

Mr. President, I suggest the absence of a quorum, and hope that we shall soon have a vote on the conference report.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Harding	Nugent	Smith, Md.
Brandegee	Hardwick	Overman	Smith, Mich.
Chamberlain	Henderson	Page	Sutherland
Colt	Johnson, S. Dak.	Penrose	Swanson
Cummins	Jones, N. Mex.	Phelan	Thomas
Curtis	Kellogg	Poindexter	Thompson
Dillingham	Kendrick	Pomerene	Townsend
Fernald	Kenyon	Reed	Trammell
Fletcher	Lewis	Saulsbury	Underwood
France	McNary	Shafroth	Vardaman
Gallinger	Martin	Sheppard	Warren
Gronna	Myers	Sherman	Wilfley
Guion	Norris	Smith, Ariz.	

Mr. HENDERSON. I desire to announce that my colleague [Mr. PITTMAN] is absent on official business.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the report of the committee of conference.

Mr. SAULSBURY. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GUION (when his name was called). I wish to announce that I am paired with the junior Senator from Wisconsin [Mr. LENROOT]. I transfer that pair to the Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. KELLOGG (when his name was called). I have a pair with the senior Senator from North Carolina [Mr. SIMMONS] and therefore withhold my vote.

Mr. PENROSE (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. WILLIAMS], which I transfer to the junior Senator from Indiana [Mr. NEW] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM], who is absent. I therefore withhold my vote.

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Washington [Mr. JONES], who is unavoidably detained from the Senate. I transfer that pair to the Senator from Montana [Mr. WALSH] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

The roll call was concluded.

Mr. BRANDEGEE (after having voted in the negative). I am paired for to-day and to-morrow with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the Senator from Maine [Mr. HALE] and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES];

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GERRY].

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], which I transfer to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN], who has not voted, to the Senator from Tennessee [Mr. MCKELLAR] and vote "yea."

The yeas and nays resulted as follows:

YEAS—31.

Chamberlain	Jones, N. Mex.	Phelan	Smith, Ga.
Colt	Kendrick	Poindexter	Smith, Md.
Curtis	Kenyon	Pomerene	Swanson
Dillingham	Kirby	Saulsbury	Thomas
Gronna	McNary	Shafroth	Thompson
Guion	Martin	Sheppard	Townsend
Henderson	Myers	Sherman	Trammell
Johnson, S. Dak.	Nugent	Smith, Ariz.	

NAYS—17.

Baird	France	Penrose	Warren
Brandegee	Gallinger	Reed	Wilfley
Cummins	Harding	Smith, Mich.	
Fernald	Hardwick	Smoot	
Fletcher	Page	Underwood	

NOT VOTING—48.

Ashurst	Hitchcock	McCumber	Simmons
Bankhead	Hollis	McKellar	Smith, S. C.
Beckham	James	McLean	Sterling
Borah	Johnson, Cal.	Nelson	Sutherland
Calder	Jones, Wash.	New	Tillman
Culberson	Kellogg	Norris	Vardaman
Fall	King	Overman	Wadsworth
Frelinghuysen	Knox	Owen	Walsh
Gerry	La Follette	Pittman	Watson
Goff	Lenroot	Ransdell	Weeks
Gore	Lewis	Robinson	Williams
Hale	Lodge	Shields	Wolcott

The VICE PRESIDENT. On the question of agreeing to the report of the committee of conference, the yeas are 31 and the nays are 17; the Senator from Minnesota [Mr. KELLOGG] and the Senator from West Virginia [Mr. SUTHERLAND] being in the

Senate Chamber, paired and not voting, the Chair declares the conference report agreed to.

ADJOURNMENT.

Mr. MARTIN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 28, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 27, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts in gratitude to Thee, our Father in Heaven, for all the disclosures Thou hast made of Thyself, especially for the disclosures in the incomparable life, character, and wonderful precepts which fell from the lips of the Master, which not only teach us the way and the truth and the life—but especially for the comforting and reassuring words:

"Come unto me all ye that labor and are heavy laden, and I will give you rest.

"Take my yoke upon you, and learn of me; for I am meek and lowly in heart: and ye shall find rest unto your souls.

"For my yoke is easy, and my burden is light."

Again:

"Let not your heart be troubled; ye believe in God, believe also in me.

"In my Father's house are many mansions: if it were not so, I would have told you. I go to prepare a place for you."

The world is plunged into a terrible war, destructive beyond compare; thousands of hearts are borne down in sorrow and grief; grant that they may be comforted, sustained, and upheld by the precious words of the Master. Amen.

The Journal of the proceedings of Saturday was read and approved.

DISTRICT BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. JOHNSON of Kentucky. Under the rules of the House this is District day. However, the Committee on Pensions has an agreement under which they have precedence to-day; and, next, my colleague, the gentleman from Kentucky [Mr. SHERLEY], desires to bring up an appropriation bill. Therefore I ask unanimous consent that when the appropriation bill has been disposed of that the next day thereafter may be given to the consideration of District bills.

The SPEAKER. Now, there are two appropriation bills.

Mr. JOHNSON of Kentucky. I refer particularly to the urgent deficiency bill.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent that instead of bringing up his District bills to-day, which is District day, that he shall have the right of way immediately after this deficiency appropriation bill is disposed of. Is there objection?

Mr. GILLETT. Mr. Speaker, reserving the right to object, I would like to inquire if that means, if the gentleman gets unanimous consent that this shall come up, that then if the House should wish to take up the Army bill we could not by a majority vote do so?

The SPEAKER. Why, the Chair thinks that if this order is made it shoves the Army bill out of the way until after the consideration of the District bill.

Mr. GILLETT. Then, temporarily, I shall object.

Mr. JOHNSON of Kentucky. I will say to the gentleman from Massachusetts that the sealer of weights and measures for the District of Columbia has been to see me and has written to me, urging that a bill relating to weights and measures be brought up and passed as soon as possible; that every day, and many times every day in fact, many people are given short weights in ice, and if the purchaser of ice ask that it be weighed the ice man drives away and will not give him any ice; and where complaint is lodged with him on account of short weights of ice those lodging the complaints can not get ice at all. It does seem to me, with hot weather coming on, there ought to be some consideration given to the 75,000 or 100,000 clerks brought here to do the Government's work. They must have ice and should not be given short weight when they buy it.

Mr. GILLETT. I will say that if the gentlemen who are responsible for the business of the House think that it is more important to determine weights and measures for the District of Columbia than to pass the Army bill, I shall not object.

Mr. McKENZIE. Mr. Speaker, reserving the right to object, I thought we had an understanding that bills coming from the Committee on Military Affairs, except on special days, should have the right of way. Now, if the request of the gentleman from Kentucky is consented to, why of course it will make a special day for the consideration of his bills and cut out consideration of the military appropriation bill, which ought to be considered without a moment's delay.

Mr. KITCHIN. Mr. Speaker, I hope the gentleman from Kentucky will withdraw his request now, and that he will make it following the passage of the military appropriation bill.

Mr. JOHNSON of Kentucky. Mr. Speaker, I will modify the request——

Mr. KITCHIN. I have made arrangements with the chairman of the Committee on Military Affairs to take up that bill to-day.

Mr. JOHNSON of Kentucky. Mr. Speaker, I will modify my request by asking unanimous consent that I be given District day immediately following the disposition of the military appropriation bill.

Mr. GILLETT. Mr. Speaker, that very likely will be a week in advance, and I do not think we ought to tie up the time that far ahead.

The SPEAKER. Is there objection?

Mr. GILLETT. I object to that.

The SPEAKER. The gentleman from Massachusetts objects.

JOINT MEETING OF THE TWO HOUSES.

Mr. KITCHIN. Mr. Speaker, I ask immediate consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 45.

Resolved by the House (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 27th day of May, 1918, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The question was taken, and the resolution was agreed to.

PENSION BILLS.

Mr. RUSSELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUSSELL. To call up the bill H. R. 12229, the special order for this morning.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit, I am perfectly willing that the time until the joint meeting of the two Houses be used in consideration of these pension bills, but I do not think they ought to stand in the way of two big appropriation bills. The Committee on Military Affairs is awaiting with its Army bill my getting out of the way with an urgent deficiency bill, and if the gentleman will give me assurance he will not press these matters after 1 o'clock——

Mr. RUSSELL. I will agree with the gentleman from Kentucky that if we do not finish these bills before the hour mentioned, we will get out of the way and take them up at some other time.

Mr. SHERLEY. Very well.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12229) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Missouri asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to know whether the agreement the gentleman made with the gentleman from Kentucky a little while ago refers to all pension bills to come up to-day.

Mr. RUSSELL. I could not commit anybody except myself. There are two on the calendar from the Invalid Pension Committee.

Mr. MOORE of Pennsylvania. The gentleman is not assuming to commit the Committee on Pensions?

Mr. RUSSELL. No; I have no authority to do that and I so stated to the gentleman.

Mr. MOORE of Pennsylvania. All right.

The SPEAKER. The gentleman asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The bill H. R. 12229 was read for amendment, as follows:

A bill (H. R. 12229) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William Wilson, late of Company B, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Minnie O'Connor, helpless and dependent child of John C. O'Connor, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas McLarnan, late of Sixth Independent Company, Ohio Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Goodrich, late of Company F, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna Eschbach, helpless and dependent child of David A. Eschbach, late of Company F, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Simon E. Foust, late of Company D, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John C. Briggs, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Tyler M. Shroyer, late of Company H, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Roseberry, late of Company I, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Hill, late of Company G, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Crick, late of Company A, Fifteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Holbrook, late of Company G, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in-lieu of that he is now receiving.

The name of Katharine Schellschmidt, divorced wife of Ferdinand Schellschmidt, late of the band, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Robert H. Clark, late of Company B, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edmund Coward, late of Company E, Second Regiment New York Veteran Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mason W. Covell, late of Company M, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martin A. Monroe, late of Company C, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles S. Martin, late of Company A, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles T. Wolfe, late unassigned, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth M. Keefe, helpless and dependent child of Martin Keefe, late of United States Army, and pay her a pension at the rate of $12 per month.

The name of Alden F. Wooster, late of Company B, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arthur C. Gregg, late of Company B, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas J. Shisler, late of Company F, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Whitbeck, late of Company A, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles C. Twyford, late of Company K, Twenty-fifth Regiment Illinois Volunteer Infantry, and Company H, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew J. Bass, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edward C. Jeffries, late of Company K, and B, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henderson Smith, late of Company I, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Franklin Haddock, late of Company M, Eighth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Keiderling, late of Company D, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John P. Oakes, late of Company K, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Ketchum, late of Company A, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Richard Jefferson, late of Company H, Eighty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Gregory, late of Second Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William A. Morton, late of Company D, First Regiment Missouri Engineers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frank Godfrey, late of the United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph W. McKee, late of Company M, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank M. Daniels, late of Company E, One hundred and sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of George W. Shaw, late of Company I, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Rostun C. Welch, late of Company D, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin L. Wilber, late of Company C, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel O. C. Marine, late of Company C, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David M. Bedwell, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augustus B. Dotson, late of Company A, Second Regiment Ohio Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus Pinkerton, late of Company D, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Morgan S. Bechtel, late of Company G, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $15 per month.

The name of Richard H. Kirby, late of Company F, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Kirby, late of Company F, Fifty-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob Buzzard, late of Company I, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rose B. Sutherlin, helpless and dependent child of Elias Sutherlin, late of Company E, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Benjamin A. Linvill, late of Company F, One hundred and thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Hatch, late of Company E, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Humphrey Bay, late of Company C, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benevell Haugh, late of Company K, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry Howe, late of Company A, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Absalom Erickson, late of Company I, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David H. Walker, late of Company D, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Samuel P. Burns, late of Company H, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Perry Jarrett, late of Company C, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Parks, late of Company G, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Bascue, late of Company I, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew J. Durgin, late of Company I, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sidney J. Crocker, late of Company C, Thirteenth Regiment Pennsylvania Reserve Infantry, and One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph D. Fulmer, late of Company A, One hundred and seventy-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Enoch E. Boyd, late of Company D, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arthur M. Hayes, late of Company K, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Lehman, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Channing C. Davis, late of Company D, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Daniel Berkebile, late of Company G, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Jewell, late of Company F, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry S. Rider, late of Company L, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Third Regiment Pennsylvania Provisional Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob M. Wilhite, late of Company D, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Adam B. Shepherd, late of Company G, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Isaac J. Byers, late of Company B, Seventy-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Moore, late of Company H, One hundred and twenty-third Regimcnt Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lillie Bircut, helpless and dependent child of Charles Bircut, late of Company A, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Edward McConnell, late of Company C, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas F. Regan, alias George S. Bennett, late of Battery C, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Schneider, late of Company H, One hundred and eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William C. Runyan, late of Company B, Second Regiment Ohio Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hezekiah Smith, late of Company A, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Deborah A. Pierce, former widow of Charles L. Gould, late of Company H, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Abel S. Fennel, late of Company E, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Erastus A. Buck, alias Erastus N. Buck, late of Capt. Graham's company, Fourteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $25 per month.

The name of Daniel W. Nye, late of Company K, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis E. Robb, late of Company F, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lusina Clouse, widow of David C. Clouse, late of Company B, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of William G. Files, late of Company D, Fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Owens, late of Company A, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Carr, late of band, Third New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Justice, late of Company E, Eighty-third Regiment, and Company D, Forty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John G. Clark, late of Company K, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Layne, jr., late of Company A, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis M. Cales, late of Company E, One hundred and forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Himmah, widow of William Himmah, late of Company C, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Mary A. Blake, widow of John A. Blake, late of Company C, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Ann F. Wise, former widow of Andrew M. Wise, late of Company F, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Gilbert Joslin, late of Company H, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Emma L. Randall, widow of George W. Randall, late of Company B, One hundred and ninety-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Anderson Boyd, late of Company G, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Augustus McClaflin, late of Company A, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Wilson, 2d, late of Company B, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas J. Morris, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Durham, late of Company C, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Boyer, late of Company A, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James G. Overstreet, late of Company I, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ephraim J. Smith, late of Company E, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Phebe A. Vaughn, former widow of Charles S. Foote, late of Company E, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Mary L. Greenwood, widow of Joseph Greenwood, late of Company I, Forty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Carrie E. Magason, helpless and dependent child of James C. Magason, late of Company H, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Newton Sigsby, late unassigned, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Bryan, late of Company G, Fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William I. Britton, late of Company D, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eli McMinnis, late of Company A, Fifth Regiment Ohio Volunteer Cavalry, and Company I, Twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alfred P. Pepper, late of Companies F and C, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Rogers, late of Company F, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George A. Coverdale, late of Company C, First Regiment Delaware Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Exira C. Gilmore, widow of Joseph C. Gilmore, late of Company G, Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Winfield S. Stalnaker, late of Company B, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward M. Hayhurst, late of Company E, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Durbin Longfellow, late of Company B, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen Kelly, late of Company I, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Lynch, late of Company D, Sixth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Bennett W. Burton, late of Company B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry M. Hutchinson, late of Company C, Fortieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Leonard, late of Company D, Twentieth Regiment, and Company E, Twenty-ninth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David P. Dunkle, late of Company C, Eleventh Regiment Pennsylvania Volunteer Infantry, and Company A, Twenty-first Regiment Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Luther H. Angleberger, late of the Sixteenth Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John L. Wheeler, late of Company I, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sylvester Peters, late of Company D, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin A. Sturtevant, late of Company B, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Aaron McEndre, late of Company E, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Pleasant Crissip, late of Company A, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Clara J. Shoemaker, widow of Issac Shoemaker, late of Company K, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Bradford P. Thornberry, late of Company D, Third Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George C. Marshall, late of Company H, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John D. Jameson, late of Companies G and C, Eighth Regiment, and Company C, Fourth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jesse Redman, late of Company K, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry N. Tippett, late of Company A, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William D. Medley, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Wildes, late of Company K, Fiftieth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John M. Thomas, late of Company G, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John W. Martin, late of Company H, Sixty-second Regiment, and Company G, Sixty-seventh Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Stewart N. McGuire, late of Company D, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Isaac N. Dysard, late of Company F, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward Bradley, late of Company K, Third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Burten, late of Company H, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Christopher C. Olewiler, late of Company H, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert J. Keltner, late of Company H, Sixth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James B. Paige, late of Company G, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob Custer, late of Company A, One hundred and fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Bayless, late of Company B, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Drucilla T. Collier, widow of Frank M. Collier, late of Company F, First Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Charles A. Wilson, late of Company C, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Keziah Zink, widow of Henry C. Zink, late of Company F, Sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of James Kinser, late of Company G, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Toland, late of Company C, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh McGuckian, late of Companies A and I, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Francis M. Newgen, late of First Regiment Alabama and Tennessee Independent Vidette Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joel Skelton, late of Company D, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey Jackson, late of Company I, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Cook, late of Company H, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen C. Devol, late of Company A, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John M. Pike, late of Company G, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Allen B. O'Conner, late of Company I, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Montrose Washburn, late of Company C, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Daniel A. Larkin, late of Company C, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry T. Henson, late of Company I, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Abraham Crist, late of Company M, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Austin P. Hemphill, late of Company G, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Fink, late of United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Wesley Melton, late of Company H, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lewis W. Crane, late of the band, Fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma O. Lewis, former widow of Abram Barden, late of Company A, Fifty-second Regiment Illinois Volunteer Infantry, and Company G, Fifteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Jesse A. Sisk, late of Company M, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William M. Darnel, late of Company A, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Woodbury Smith, late of Company D, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martha J. Griffin, helpless and dependent child of George Griffin, late of Company K, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Levi W. Short, late of Company A, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin J. Switzer, late of Company D, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elbert N. Cowan, late of Company K, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Harrold, late of Company M, Second Regiment New York Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper Williamson, late of Company I, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James A. Hartline, late of Company C, One hundred and sixty-seventh Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam P. Maize, late of Troop K, Third Regiment United States Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Hallcom, late of Company H, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Isaiah M. Phillips, late of Company I, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna Bell O'Neal, widow of George E. O'Neal, late of Company G, Thirtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Sylvester A. Simpson, late of Company F, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Coombs, late of Company H, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Laurence Mericle, late of Company E, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Myron S. Towne, late of Company H, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and Forty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Silvers, late of Company A, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Stephen Clifford, late of Twenty-fifth Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Daniel Jones, late of Company E, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Ford, late of Company G, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia L. Vaught, former widow of James R. Reed, late of the Eleventh Independent Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The name of Susan B. Churchill, widow of Elroy Churchill, late of Company A, First Regiment New York Volunteer Mounted Rifles, and Company A, Twenty-third Veteran Reserve Corps, and pay her a pension at the rate of $25 per month.

The name of William S. Strode, late of Company G, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Davis, late of Company F, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert M. Lull, late of Company A, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward D. Millis, late of Company K, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alfred Lukens, late of Company K, One hundred and thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Elliott B. Peck, late of Company E, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Forbes, late of Company M, Second Regiment California Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles J. Schoonmaker, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Archie Morgan, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Stafford, late of Company B, Sixteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Amspacker, late of Company B, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William T. O'Bannon, late of Company A, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Matthias Keller, late of Company B, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Yates, late of Company A, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah Keys, widow of William T. Keys, late of Company I, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Archibald M. Vaughn, alias William Burch, late of Company C, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Kildow, late of Company G, Thirty-first and Eighty-eighth Regiments Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John H. Beatty, late of Company I, Ninety-sixth Regiment, and Company A, Seventy-seventh Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Bertha Hansmann, helpless and dependent child of Joseph Hansmann, late of Company B, Third United States Reserve Corps, Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alfred Blake, late of Company A, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Margaret L. Cisney, widow of John W. Cisney, late of Company I, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William D. Jones, late of Company E, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua Woodworth, late of Company D, One hundred and forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Archibald P. Cooper, sr., late of Company D, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William E. Blanchard, late of Company C, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha R. Benner, widow of George Benner, late of Company F, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Thomas Thacker, late of United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jesse Stewart, late of Company K, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Gustave Bentz, late of Company L, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Larkin Kennedy, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen Morris, late of Company H, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Dallas Poston, late of Company K, Eleventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Elble, late of Company H, Thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Duffy Duquette, late of Company E, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John H. Crabb, late of Company D, Sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary A. Abbott, former widow of John H. Brautner, late of Company I, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Emanuel Rowley, late of Company F, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John H. Wilson, late of Company G, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lydia E. Johnson, widow of Thomas W. Johnson, late of Company H, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of George W. Reed, late of Company K, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Paul Webster, late of Company A, Twentieth Regiment Kentucky Volunteer Infantry, and Company D, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward Hostutler, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Rodenbeck, late of Company G, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mathew Gullett, late of Companies I and B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Paul A. Lynch, late of Company F, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ellen Froman, widow of Isaac M. Froman, late of Company D, Tenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of James A. Jones, late of Company C, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Daniel Parker, late of Company G, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John F. Porter, late of Company C, Seventh Regiment Michigan Volunteer Infantry, and Company G, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John P. Simer, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Ross, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry G. Gardner, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 771. William Wilson.
H. R. 827. Minnie O'Connor.
H. R. 828. Thomas McLarnan.
H. R. 1031. James H. Goodrich.
H. R. 1092. Anna Eschbach.
H. R. 1094. Simon E. Foust.
H. R. 1377. John C. Briggs.
H. R. 1395. Tyler M. Shroyer.
H. R. 1398. John T. Roseberry.
H. R. 1486. James W. Hill.
H. R. 1492. Thomas Creek.
H. R. 1515. Henry C. Holbrook.
H. R. 2219. Katharine Schellschmidt.
H. R. 2484. Robert H. Clark.
H. R. 2524. Edmund Coward.
H. R. 2585. Mason W. Covell.
H. R. 2527. Martin A. Monroe.
H. R. 2563. Charles S. Martin.
H. R. 2803. Charles T. Wolfe.
H. R. 3106. Elizabeth M. Keefe.
H. R. 3109. Alden F. Wooster.
H. R. 3236. Arthur C. Gregg.
H. R. 3675. Thomas J. Shisler.
H. R. 3723. John W. Whitbeck.
H. R. 3864. Charles C. Twyford.
H. R. 3914. Andrew J. Bass.
H. R. 4259. Edward C. Jeffries.
H. R. 4306. Henderson Smith.
H. R. 4442. Franklin Haddock.
H. R. 4484. Charles Keiderling.
H. R. 4541. John P. Oakes.
H. R. 4785. Josiah Ketchum.
H. R. 4828. Richard Jefferson.
H. R. 4856. John T. Gregory.
H. R. 5003. William A. Morton.
H. R. 5138. Frank Godfrey.
H. R. 5364. Joseph W. McKee.
H. R. 5628. Frank M. Daniels.
H. R. 5642. George W. Shaw.
H. R. 5783. Rostun C. Welch.
H. R. 5843. Edwin L. Wilber.
H. R. 5959. Daniel O. C. Marine.
H. R. 6438. David M. Bedwell.
H. R. 6629. Augustus B. Dotson.
H. R. 6832. Cyrus Pinkerton.
H. R. 6881. Morgan S. Bechtel.
H. R. 6353. Richard H. Kirby.
H. R. 6398. James Kirby.
H. R. 6789. Jacob Buzzard.
H. R. 6902. Rose B. Sutherlin.
H. R. 7065. Benjamin A. Linvill.
H. R. 7085. John Hatch.
H. R. 7214. Humphrey Bay.
H. R. 7215. Benevell Haugh.
H. R. 7287. Henry Howe.
H. R. 7425. Absalom Erickson.
H. R. 7435. David H. Walker.
H. R. 7436. Samuel P. Burns.
H. R. 7443. Perry Jarrett.
H. R. 7536. George W. Parks.
H. R. 7577. William H. Bascue.
H. R. 7602. Andrew J. Durgin.
H. R. 7655. Sidney J. Crocker.
H. R. 7671. Joseph D. Fulmer.
H. R. 7784. Enoch E. Boyd.
H. R. 7824. Arthur M. Hayes.
H. R. 7841. George W. Lehman.
H. R. 7874. Channing C. Davis.
H. R. 7974. Daniel Berkebile.
H. R. 7993. Jacob Jewell.
H. R. 8055. Henry S. Rider.
H. R. 8096. Jacob M. Wilhite.
H. R. 8102. Adam B. Shepherd.
H. R. 8153. Isaac J. Byers.
H. R. 8294. Andrew Moore.
H. R. 8380. Lillie Bircut.
H. R. 8500. Edward McConnell.
H. R. 8523. Thomas F. Regan, alias George S. Bennett.
H. R. 8590. William Schneider.
H. R. 8591. William C. Runyan.
H. R. 8700. Hezekiah Smith.
H. R. 8911. Deborah A. Pierce.
H. R. 8916. Abel S. Fennell.
H. R. 9041. Erastus A. Buck, alias Erastus N. Buck.
H. R. 9103. Daniel W. Nye.
H. R. 9105. Francis E. Robb.
H. R. 9323. Lusina Clouse.
H. R. 9380. William G. Files.
H. R. 9470. Charles Owens.
H. R. 9619. Henry C. Carr.
H. R. 9693. George W. Justice.
H. R. 9793. John G. Clark.
H. R. 9882. James H. Layne, jr.
H. R. 9896. Lewis M. Cales.
H. R. 9920. Mary A. Himmah.
H. R. 9946. Mary A. Blake.
H. R. 9975. Ann F. Wise.
H. R. 9978. Gilbert Joslin.
H. R. 9981. Emma L. Randall.
H. R. 9995. Anderson Boyd.
H. R. 10038. Augustus McClaflin.
H. R. 10039. James M. Wilson, 2d.
H. R. 10055. Thomas J. Morris.
H. R. 10085. William Durham.
H. R. 10091. Joseph Boyer.
H. R. 10072. James G. Overstreet.
H. R. 10100. Ephraim J. Smith.
H. R. 10127. Phebe A. Vaughn.
H. R. 10176. Mary L. Greenwood.
H. R. 10218. Carrie E. Magason.
H. R. 10252. Newton Sigsby.
H. R. 10393. John L. Bryan.
H. R. 10456. William I. Britton.
H. R. 10493. Eli McMinnis.
H. R. 10507. Alfred P. Pepper.
H. R. 10517. John W. Rogers.
H. R. 10520. George A. Coverdale.
H. R. 10563. Exira C. Gilmore.
H. R. 10568. Winfield S. Stalnaker.
H. R. 10597. Edward M. Hayhurst.
H. R. 10633. Durbin Longfellow.
H. R. 10643. Allen Kelly.
H. R. 10743. John B. Lynch.
H. R. 10762. Bennett W. Burton.
H. R. 10765. Henry M. Hutchinson
H. R. 10781. Thomas Leonard.
H. R. 10802. David P. Dunkle.
H. R. 10816. Luther H. Anglcberger.
H. R. 10817. John L. Wheeler.
H. R. 10822. Sylvester Peters.
H. R. 10834. Benjamin A. Sturtevant.
H. R. 10839. Aaron McEndre.
H. R. 10840. Pleasant Crissip.
H. R. 10858. Clara J. Shoemaker.
H. R. 10884. Bradford P. Thornberry.
H. R. 10900. George C. Marshall.
H. R. 10903. John D. Jameson.
H. R. 10921. Jesse Redman.
H. R. 10961. Henry N. Tippett.
H. R. 10997. William D. Medley.
H. R. 11000. James B. Wildes.
H. R. 11040. John M. Thomas.
H. R. 11058. John W. Martin.
H. R. 11091. Stewart N. McGuire.
H. R. 11092. Isaac N. Dysard.
H. R. 11097. Edward Bradley.
H. R. 11127. John T. Burten.
H. R. 11132. Christopher C. Olewiler.
H. R. 11156. Robert J. Keltner.
H. R. 11158. James B. Paige.
H. R. 11162. Jacob Custer.
H. R. 11163. Benjamin Bayless.
H. R. 11241. Drucilla T. Collier.
H. R. 11256. Charles A. Wilson.
H. R. 11260. Keziah Zink.
H. R. 11263. James Kinser.
H. R. 11795. Charles J. Schoon-
H. R. 11264. George W. Toland.
H. R. 11272. Hugh McGuckian.
H. R. 11289. Francis M. Newgen.
H. R. 11294. Joel Skelton.
H. R. 11297. Harvey Jackson.
H. R. 11337. George Cook.
H. R. 11360. Stephen C. Devol.
H. R. 11381. John M. Pike.
H. R. 11396. Allen B. O'Conner.
H. R. 11397. Montrose Washburn.
H. R. 11402. Daniel A. Larkin.
H. R. 11434. Henry T. Henson.
H. R. 11436. Abraham Crist.
H. R. 11438. Austin P. Hemphill.
H. R. 11441. John Fink.
H. R. 11462. John Wesley Melton.
H. R. 11467. Lewis W. Crane.
H. R. 11499. Emma O. Lewis.
H. R. 11500. Jesse A. Sisk.
H. R. 11502. William M. Darnel.
H. R. 11503. Woodbury Smith.
H. R. 11504. Martha J. Griffin.
H. R. 11505. Levi W. Short.
H. R. 11511. Benjamin J. Switzer.
H. R. 11563. Elbert N. Cowan.
H. R. 11566. James Harrold.
H. R. 11594. Jasper Williamson.
H. R. 11606. James A. Hartline.
H. R. 11608. Adam P. Maize.
H. R. 11624. Jesse Hallcom.
H. R. 11632. Isaiah M. Phillips.
H. R. 11637. Anna Bell O'Neal.
H. R. 11651. Sylvester A. Simpson.
H. R. 11653. John Coombs.
H. R. 11669. Laurence Mericle.
H. R. 11687. Myron S. Towne.
H. R. 11688. George W. Silvers.
H. R. 11690. Stephen Clifford.
H. R. 11706. Daniel Jones.
H. R. 11707. Benjamin F. Ford.
H. R. 11708. Julia L. Vaught.
H. R. 11719. Susan B. Churchill.
H. R. 11728. William S. Strode.
H. R. 11732. Samuel Davis.
H. R. 11735. Albert M. Lull.

H. R. 11779. Edward D. Millis.
H. R. 11781. Alfred Lukens.
H. R. 11783. Elliott B. Peck.
H. R. 11793. Joseph Forbes.
H. R. 11795. Charles J. Schoonmaker.
H. R. 11797. Archie Morgan.
H. R. 11808. Frank Stafford.
H. R. 11811. William Amspacker.
H. R. 11812. William T. O'Bannon.
H. R. 11813. Matthias Keller.
H. R. 11815. Alexander Yates.
H. R. 11823. Sarah Keyes.
H. R. 11845. Archibald M. Vaughn, alias William Burch.
H. R. 11846. William Kildow.
H. R. 11852. John H. Beatty.
H. R. 11859. Bertha Hansmann.
H. R. 11864. Alfred Blake.
H. R. 11879. Margaret L. Cisney.
H. R. 11885. William D. Jones.
H. R. 11888. Joshua Woodworth.
H. R. 11889. Archibald P. Cooper, sr.
H. R. 11891. William E. Blanchard.
H. R. 11892. Martha R. Benner.
H. R. 11900. Thomas Thacker.
H. R. 11902. Jesse Stewart.
H. R. 11904. Gustave Bentz.
H. R. 11905. Larkin Kennedy.
H. R. 11917. Allen Morris.
H. R. 11918. Dallas Poston.
H. R. 11926. Joseph Elble.
H. R. 11937. Duffy Duquette.
H. R. 11944. John H. Crabb.
H. R. 11972. Mary A. Abbott.
H. R. 11979. Emanuel Rowley.
H. R. 11991. John H. Wilson.
H. R. 11992. George W. Reed.
H. R. 12006. Lydia E. Johnson.
H. R. 12023. Paul Webster.
H. R. 12027. Edward Hostutler.
H. R. 12065. William H. Rodenbeck.
H. R. 12073. Mathew Gullett.
H. R. 12094. Paul A. Lynch.
H. R. 12104. Ellen Froman.
H. R. 12120. James A. Jones.
H. R. 12129. Daniel Parker.
H. R. 12164. John F. Porter.
H. R. 12168. John P. Simer.
H. R. 12195. William H. Ross.
H. R. 12208. Henry G. Gardner.

Mr. RUSSELL. Mr. Speaker, I offer the following committee amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of the bill the following:

"The name of Elizabeth Wise, former widow of John Dodson, late of Company I, Eighty-eighth Regiment Illinois Infantry, and pay her a pension at the rate of $25 a month."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. RUSSELL. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment by Mr. ASHBROOK: Insert as a separate paragraph the following:

"The name of Elizabeth S. Reed, widow of Caleb R. Reed, late acting assistant or contract surgeon, United States Army, and pay her a pension at the rate of $25 per month, in lieu of that she is now receiving."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. RUSSELL, the motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment the following House concurrent resolution:

House concurrent resolution 45.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday the 27th day of May, 1918, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4557. An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. EMERSON, indefinitely, on account of sickness in family.

To Mr. MANSFIELD, two days, on account of important business.

To Mr. FAIRFIELD for two weeks.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I call up the bill S. 3799, an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the bill for amendment.

The bill S. 3799 was read for amendment as follows:

An act (S. 3799) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Melvina Coquillard, widow of James Coquillard, late captain Company E, Seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month, the same to be paid her without deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Henry Wenzel, late of Company K, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel S. Wilson, late of Company C, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel H. Brooks, late of Company I, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Bass, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Charles E. Wilcox, late of Company A, Thirty-third Regiment Illinois Volunteer Infantry, and captain Company B, Ninety-second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Adam Eckert, late of Company H, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Boon, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Albert S. Greene, late of Company A, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Burns, late of U. S. S. *Potomac* and *Horace Beals*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Liddell, late of Company B, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Amos Dickinson, late of Company K, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry A. Dayton, late of Company E, Nineteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Theodore C. Bates, late of Company F, Second Battalion, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Marks, late of Company B, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Reed, late of Company A, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William L. Swiger, late of Company H, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas J. Denny, late of Company M, Second Regiment United States Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Grigg, late of Company D, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William L. V. Kite, late of Company D, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel B. Mills, late of Company E, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William O'Callaghan, late of U. S. S. *Fahkee*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Wones, late of Company I, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frederick S. Webber, late of U. S. S. *Ohio, Bat*, and *Hornet*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jerome McWethy, late of Company G, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary L. King, widow of Josias R. King, late lieutenant colonel Second Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of James Campbell, late of Company K, Fortieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Patrick, late of Company D, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of William H. Wyckoff, late of Company I, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hugh S. Ryan, late of Company F, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey Johnson, late of Company I, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Myron Gillmore, late of Company B, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Marion A. Babcock, late of Company A, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Brock, late of Company G, One hundred and seventieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Loreta Blevins, widow of Dillion Blevins, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Robert T. C. Blevins, helpless and dependent child of said Dillion Blevins, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Loreta Blevins the name of the said Robert T. C. Blevins shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of the said Loreta Blevins.

The name of Hannah McAdams, widow of Patrick McAdams, late sergeant major, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ferdinand Fetter, late of Company I, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Hoyt, late of U. S. S. *Silver Lake* and *Red Rover*, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John B. Donaldson, late of Third Independent Battery Iowa Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Clark, late of Company C, First Regiment Alabama and Tennessee Independent Vidette Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Patterson, late first lieutenant Company I, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Clifford A. Lewis, late of Company E, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Georgianna Thomas, widow of Jacob Thomas, alias Jacob Doutha, late of Company F, Eighth Regiment United States Colored Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Thomas J. Gafford, late of Company K, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah J. Briles, former widow of Noah W. Briles, late of Company I, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of John A. Wise, late of Company B, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Rosa Flake, widow of Levi Flake, late of Company A, Tenth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John M. Holmes, late of Company F, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Rogers, late of Company D, Tenth Regiment, and Company G, Thirty-second Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William S. Reed, late of Company C, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Augustus A. Clawson, late of Company A, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wesley B. Reed, late of Company A, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Homer E. Benton, late of Company B, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan H. Ellis, late of Company D, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Walter E. Ellis, helpless and dependent son of Walter B. Ellis, late of Company H, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of George Engleman, late of Company E, Forty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas V. Malone, late of Company I, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of George W. Flagg, late of Company F, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Albert H. Wood, late of Company D, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas McCarty, late of Company L, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry J. Edge, alias Jason Edge, late of U. S. S. *Benton*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew West, late of Company K, Eleventh Regiment, and Company D, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George D. Abraham, late of Company I, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Uriah G. Williams, late of Company A, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John C. Emery, late acting assistant surgeon, United States Army, and assistant surgeon, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $21 per month in lieu of that he is now receiving.

The name of William H. Tripp, late of Company H, Fourth Regiment Maine Volunteer Infantry, and second lieutenant Company H, nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alonzo Pendland, late unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $21 per month in lieu of that he is now receiving.

The name of Thomas M. Johnson, late of Company A, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James S. Gray, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Wharton, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Increase E. Watson, late of Company K, Twenty-fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mark Whitney, late musician, band, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Stokes, late of Company F, One hundred and thirty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Melville N. Freeman, late of Company D, Third Regiment Maine Volunteer Infantry, and Company D, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George C. Bonney, late of Company K, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Algen S. Leach, late of Company B, Tenth Regiment Kentucky Volunteer Cavalry, and Company G, Fifty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Findley, late of Company D, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Curles, late of Company G, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Wells, late of Company E, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Derrick Huck, late of Company A, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Seth Bailey, late of Company K, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abbie L. Lockwood, widow of Horace H. Lockwood, late of Company D, Second Regiment Kentucky Volunteer Infantry, and First Independent Company Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Irvin M. Hill, late of Company D, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. McMillen, late of Company B, McLaughlin's squadron, Ohio Volunteer Cavalry, and Company C, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bradford G. Ostrander, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William A. Reeves, late of Company A, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Fred Eneker, late of Company C, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Booth, late second lieutenant Company C, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Campbell, late of Company D, First Battalion, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Daniels, late of Company C, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Behre, late musician, band, general service, United States Army, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles F. Runyan, late of Company I, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Denny, late of Company G, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Sage, late of Company D, Twentieth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Watkin H. Jones, late of Company E, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Cummins, late of Company E, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George G. Laughead, late of U. S. S. *Ouachita*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Scott Thompson, late of U. S. S. *General Lyon* and *Great Western*, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel C. Howe, late of Company A, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David I. Hain, late of Company C, Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lafayette Fasnaugh, late of Company E, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $18 per month.

The name of John V. Reed, late of Company H, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Shuey, late of Company H, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harry M. Sherman, late of Company G, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Thomas, late of Company E, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William J. Seals, late of Company D, Second Regiment East Tennessee Volunteer Infantry, and Company E, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alexander D. Smalley, late of Battery F, First Regiment Maine Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emery O. Pendleton, late of Company I, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Esburn Nutt, late of Company B, Thirtieth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Freeman D. Myrick, late of Company C, Thirteenth Regiment, and Company K, Thirtieth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Moses F. Hurd, late of Company H, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William E. Hayden, late of Company E, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel McClure, late of Company B, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry McClure, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael O. Sullivan, late of Company H, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Patrick Walton, late of Company A, Sixteenth Regiment, and Company D, Thirteenth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Francis Mathews, late of U. S. S. *Michigan, John Adams,* and *Santee,* United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amariah K. Wheeler, late of Company E, Coast Guards, Maine Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Thomas J. Hargrave, late of Company G, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George O. Pearl, late of Company H, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ina L. Murdock, helpless and dependent child of George W. Murdock, late of Company G, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Daniel W. Shawhan, late of Company D, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry T. Snyder, late of Company D, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George H. Fogg, late of Company C, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Openchain, late of Company K, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Seward Newtson, late of Company C, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaiah P. Watts, late of Company H, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edward Sams, late of Company K, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas G. Davison, late of Company G, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy Hackleman, dependent mother of Isaac Hackleman, late of Company L, Second Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John L. Rushton, late of Company H, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles W. Wormell, late of the Seventh Battery, First Battalion Maine Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sylvanus Smith, late of Company F, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Hall, late first lieutenant, Company D, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Gilbert, late of Company D, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of McHenry Smith, late of Company H, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Acton, late of Company C, Seventh Battalion, District of Columbia Militia Infantry, and pay him a pension at the rate of $21 per month.

The name of Adrian J. Hayward, late of Company C, One hundred and forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emma A. Hoskins, widow of Thomas D. Hoskins, late of Company A, Thirty-second Regiment Iowa Volunteer Infantry, and former widow of Marvin Norris, late of Company F, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of George W. Thompson, late of Company G, Eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Milton N. Campbell, late of Company L, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac N. Stotts, late of Company I, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Woodward, late of Company D, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Richard B. Daniels, late of Company K, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas Day, late of Company D, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jared Wheeler, late of Company A, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George B. Gilbert, late of Company C, Twenty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Annas, late of Company F, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Delos Neer, late of Company K, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Murray, late of Company F, Twelfth Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel H. Pettengill, late of Company C, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Josiah C. Tandy, late of Company H, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Addison S. Martin, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Churchill, late of Company I, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Percival, late of Company K, First Regiment California Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Martin, late of Company K, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Angus C. Burns, late of Company F, First Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Cornelius McGoff, late of Company D, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving

The name of Nathaniel Wilt, late of Company B, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph Smith, late of the U. S. S. *Vanderbilt,* United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore M. Burge, late of Company E, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Carrie M. Smart, helpless and dependent daughter of William M. Smart, late of Company K, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Hiram B. Newlon, late of Company E, Seventeenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Brainard, late of Company E, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaac D. Rowden, late of Company K, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edwin E. Baker, late of Company B, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Enos S. Whitcomb, late of Company K, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Chester R. Smith, late of Company K, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Horatio P. Smith, late of Company B, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Franklin Venable, late of Company A, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Capshaw, late of Company K, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of James H. Fontaine, late of Company B, Third Regiment, and Company K, Sixth Regiment, Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Fulkerson, late of Company F, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Michael H. Skinner, late of Company D, Second Regiment Pennsylvania Volunteer Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William J. Smith, late of Company I, Fifth Regiment Illinois Volunteer Cavalry, and Company E, Eighty-fifth Regiment, and Company H, Thirty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John H. Bird, late of Company A, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William White, late of Company G, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph P. Case, late of Company E, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Washington Richardson, late of Company K, One hundred and ninth Regiment, and Company F, Eleventh Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edwin S. Metcalf, late of Company B, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel Vanscoy, late of Company E, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Luther L. Rewalt, late assistant surgeon, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Dicks, former widow of Andrew Snyder, late of Company D, Eleventh Regiment Wisconsin Volunteer Infantry, and widow of James Dicks, late of Company F, Forty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Benjamin F. Morse, late of Company E, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James M. Widener, alias James W. Foster, late of Company I, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Isenberg, late of Company I, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas K. Hastings, late first lieutenant Company H, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William W. Thurston, late of Company I, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William W. Gordon, late of Company H, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Dewire, late of Company B, First Battalion, Nebraska Veteran Volunteer Cavalry, and Company G, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Millirons, late of Company D, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George L. Danforth, late of Company C, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Chester S. Pease, late of Company H, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John D. Swift, late of Company B, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Theodore Routh, late of Company E, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elisha D. Turner, late of Company D, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Arnold Bauer, late of Company B, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester Oatman, late of Company D, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Imogen P. Ingersoll, widow of Charles T. Ingersoll, late acting assistant surgeon, United States Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Wilford Herrick, late unassigned, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Newell, late of U. S. S. *Ohio*, *Ossipee*, and *Princeton*, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Crawford, late of the U. S. S. *Princeton* and *Cornubia*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lulu M. Joseph, widow of Mark Joseph, late of Company K, Seventh Regiment Indiana Volunteer Infantry, and second lieutenant Company L, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Edith G. Joseph, helpless and dependent child of said Mark Joseph, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Lulu M. Joseph the name of said Edith G. Joseph shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Lulu M. Joseph.

The name of Charles D. Hanscom, late of Company I, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 136. Melvina Coquillard.
S. 243. Henry Welzel.
S. 245. Samuel S. Wilson.
S. 266. Samuel H. Brooks.
S. 273. George W. Bass.
S. 325. Charles E. Wilcox.
S. 333. Adam Eckert.
S. 335. Albert Boon.
S. 384. Albert S. Greene.
S. 394. John Burns.
S. 496. Robert Liddell.
S. 506. Amos Dickinson.
S. 508. Henry A. Dayton.
S. 513. Theodore C. Bates.
S. 583. John W. Marks.
S. 586. Alexander Reed.
S. 617. William L. Swiger.
S. 658. Thomas J. Denny.
S. 672. George W. Grigg.
S. 683. William L. V. Kite.
S. 688. Daniel B. Mills.
S. 690. William O'Callaghan.
S. 703. John Wones.
S. 767. Frederick S. Webber.
S. 880. Jerome McWethy.
S. 1012. Mary L. King.
S. 1179. James Campbell.
S. 1235. Edward Patrick.
S. 1237. William H. Wyckoff.
S. 1280. Hugh S. Ryan.
S. 1356. Harvey Johnson.
S. 1375. Myron Gilmore.
S. 1391. Marion A. Babcock.
S. 1404. Benjamin F. Brock.
S. 1439. Loreta Blevins.
S. 1467. Hannah McAdams.
S. 1470. Ferdinand Fetter.
S. 1488. John W. Hoyt.
S. 1491. John B. Donaldson.
S. 1500. John E. Clark.
S. 1508. William H. Patterson.
S. 1518. Clifford A. Lewis.
S. 1614. Georgianna Thomas.
S. 1615. Thomas J. Gafford.
S. 1664. Sarah J. Briles.
S. 1826. John A. Wise.
S. 1831. Rosa Flake.
S. 1833. John M. Holmes.
S. 1834. John E. Rogers.
S. 1837. William S. Reed.
S. 1851. Augustus A. Clawson.
S. 1858. Wesley B. Reed.
S. 1860. Homer E. Benton.
S. 1883. Nathan H. Ellis.
S. 1899. Walter E. Ellis.
S. 1950. George Engleman.
S. 1992. Thomas V. Malone.
S. 2025. George W. Flagg.
S. 2042. Albert H. Wood.
S. 2048. Thomas McCarty.
S. 2050. Henry J. Edge, alias Jason Edge.
S. 2062. Andrew West.
S. 2067. George D. Abraham.
S. 2074. Uriah G. Williams.
S. 2077. John C. Emery.
S. 2078. William H. Tripp.
S. 2085. Alonzo Pendland.
S. 2087. Thomas M. Johnson.
S. 2092. James S. Gray.
S. 2096. Isaac Wharton.
S. 2102. Increase E. Watson.
S. 2127. Mark Whitney.
S. 2135. John W. Stokes.
S. 2143. Melville N. Freeman.
S. 2148. George C. Bonney.
S. 2150. Algen S. Leach.
S. 2153. William W. Findley.
S. 2187. John Curles.
S. 2198. George Wells.
S. 2199. Derrick Huck.
S. 2227. Seth Bailey.
S. 2231. Abbie L. Lockwood.
S. 2244. Irvin M. Hill.
S. 2248. John W. McMillen.
S. 2249. Bradford G. Ostrander.
S. 2284. William A. Reeves.
S. 2285. Fred Eneker.
S. 2286. William Booth.
S. 2292. George Campbell.
S. 2304. William W. Daniels.
S. 2306. William Behre.
S. 2307. Charles F. Runyan.
S. 2337. John H. Denny.
S. 2365. Benjamin F. Sage.
S. 2369. Watkin H. Jones.
S. 2385. James Cummins.
S. 2392. George G. Laughead.
S. 2419. Scott Thompson.
S. 2428. Samuel C. Howe.
S. 2446. David I. Hain.
S. 2466. Lafayette Fasnaugh.
S. 2498. John V. Reed.
S. 2502. James M. Shuey.
S. 2505. Harry M. Sherman.
S. 2508. Henry Thomas.
S. 2519. William J. Seals.
S. 2520. Alexander D. Smalley.
S. 2560. Emery O. Pendleton.
S. 2561. Esburn Nutt.
S. 2563. Freeman D. Myrick.
S. 2565. Moses F. Hurd.
S. 2569. William E. Hayden.
S. 2577. Samuel McClure.
S. 2578. Henry McClure.
S. 2585. Michael O. Sullivan.
S. 2613. Patrick Walton.
S. 2621. Francis Mathews.
S. 2630. Amariah K. Wheeler.
S. 2636. Thomas J. Hargrave.
S. 2647. George O. Pearl.
S. 2664. Ina L. Murdock.
S. 2680. Daniel W. Shawhan.
S. 2689. Henry T. Snyder.
S. 2707. George H. Fogg.
S. 2723. John Openchain.
S. 2740. Seward Newtson.
S. 2743. Isaiah P. Watts.
S. 2752. Edward Sams.
S. 2815. Thomas G. Davison.
S. 2828. Nancy Hackleman.
S. 2832. John L. Rushton.
S. 2842. Charles W. Wormell.
S. 2847. Sylvanus Smith.
S. 2855. George W. Hall.
S. 2904. George W. Gilbert.
S. 2909. McHenry Smith.
S. 2915. John Acton.
S. 2927. Adrian J. Hayward.
S. 2930. Emma A. Hoskins.
S. 2940. George W. Thompson.
S. 2942. Milton N. Campbell.
S. 2944. Isaac N. Stotts.
S. 2949. William H. Woodward.
S. 2952. Richard B. Daniels.
S. 2953. Thomas Day.
S. 2961. Jared Wheeler.
S. 2963. George B. Gilbert.
S. 2966. John H. Annas.
S. 2976. Delos Neer.
S. 2989. George Murray.
S. 2990. Daniel H. Pettengill.
S. 2991. Josiah C. Tandy.
S. 2992. Addison S. Martin.
S. 3005. James Churchill.
S. 3012. Thomas Percival.
S. 3013. Joseph Martin.
S. 3016. Angus C. Burns.
S. 3017. Cornelius McGoff.
S. 3020. Nathaniel Wilt.
S. 3023. Joseph Smith.
S. 3084. Theodore M. Burge.
S. 3092. Carrie M. Smart.
S. 3093. Hiram B. Newlon.
S. 3094. John F. Brainard.
S. 3095. Isaac D. Rowden.
S. 3099. Edwin E. Baker.
S. 3100. Enos S. Whitcomb.
S. 3102. Chester R. Smith.
S. 3118. Horatio P. Smith.
S. 3134. Franklin Venable.
S. 3135. William H. Capshaw.
S. 3136. James H. Fontaine.
S. 3137. Thomas Fulkerson.
S. 3156. Michael H. Skinner.
S. 3166. William J. Smith.
S. 3167. John H. Bird.
S. 3168. William White.
S. 3169. Joseph P. Case.
S. 3170. Washington Richardson.
S. 3179. Edwin S. Metcalf.
S. 3199. Daniel Vanscoy.
S. 3238. Luther L. Rewalt.
S. 3250. Margaret Dicks.
S. 3318. Benjamin F. Morse.
S. 3349. James M. Widener, alias James W. Foster.
S. 3350. William H. Isenberg.
S. 3351. Thomas K. Hastings.
S. 3361. William W. Thurston.
S. 3398. William W. Gordon.
S. 3407. John Dewire.
S. 3421. James M. Millirons.
S. 3447. George L. Danforth.
S. 3463. Chester S. Pease.
S. 3499. John D. Swift.
S. 3501. Theodore Routh.
S. 3502. Elisha D. Turner.
S. 3503. Arnold Bauer.
S. 3507. Sylvester Oatman.
S. 3565. Imogen P. Ingersoll.
S. 3568. Wilford Herrick.
S. 3581. Henry Newell.
S. 3592. George Crawford.
S. 3593. Lulu M. Joseph.
S. 3655. Charles D. Hanscom.

The following committee amendments were severally read and severally agreed to:

Page 3, line 27, strike out the following:

"The name of Amos Dickinson, late of Company K, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving."

Page 3, line 21, strike out the following:

"The name of Henry A. Dayton, late of Company E, Nineteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

Page 17, strike out lines 22 to 25, inclusive, as follows:

"The name of James Cummins, late of Company E, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

Page 25, strike out lines 4 to 7, inclusive, as follows:

"The name of George W. Thompson, late of Company G, Eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

Page 33, lines 22 to 25, inclusive, strike out the following:
"The name of George L. Danforth, late of Company C, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read a third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. KEY of Ohio. Mr. Speaker, I desire to call up the bill H. R. 12211.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 12211) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I desire to offer an amendment to this bill, and I would like to have 10 minutes in which to explain it. Will the gentleman agree to let me have 10 minutes?

Mr. KEY of Ohio. Mr. Speaker, I will not object to the gentleman having five minutes, but I will certainly object to amending the bill.

Mr. MOORE of Pennsylvania. I asked the gentleman to give me 10 minutes. I want to explain the case.

Mr. KEY of Ohio. I have no objection to the gentleman being given 10 minutes.

The SPEAKER. The gentleman has no control of the time when the bill is considered in the House. He has not any time to dispose of.

Mr. MOORE of Pennsylvania. I do not want to insist on going into the Committee of the Whole. I thought perhaps I could arrange it satisfactorily in the way I have suggested.

Mr. GILLETT. Mr. Speaker, does not the gentleman have an hour at his disposal?

The SPEAKER. He does not. If this bill is to be considered in the House as in the Committee of the Whole, he has five minutes; and nobody else has any more, either.

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] objects. Will the gentleman from Ohio make his motion to go into the Committee of the Whole?

Mr. KEY of Ohio. Mr. Speaker, my objection was, knowing that the House was soon to have a recess, that I did not care to make that motion. I wanted to have the bill considered in the House. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of the bill (H. R. 12211) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and widows of such soldiers and sailors, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of the bill H. R. 12211, which the Clerk will report.

Mr. KEY of Ohio. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. KEY of Ohio. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. The bill will have to be read.

Mr. RAKER. A point of order, Mr. Chairman. The bill has not been read yet by the Clerk. The first reading can not be dispensed with until the title has been read. The title has not yet been read.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12211) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. KEY of Ohio. Now, Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman, this bill comes at a time when the House is crowded and when there may not be fair consideration given to amendments that may be offered. I understand other amendments will be offered. I want to know if the gentleman from Ohio will agree to give me 10 minutes? He will have enough time before the arrival of the President to give me 10 minutes.

Mr. KEATING rose.

The CHAIRMAN. For what purpose does the gentleman from Colorado rise?

Mr. KEATING. I want to make a suggestion that I think will solve the problem. The chairman of the Committee on Pensions is anxious to dispose of the bill before the arrival of the President. Suppose we read the bill and the gentleman from Pennsylvania can offer his amendment at the end of the reading. If we have time then, I have no doubt the gentleman from Pennsylvania will have opportunity to offer an amendment.

Mr. MOORE of Pennsylvania. If we did that, the "gentleman from Pennsylvania" would be wiped off the limb.

Mr. CLARK of Missouri. Even if the President should arrive before the completion of the bill, the bill can come up at another time.

Mr. MOORE of Pennsylvania. The gentleman will have a great advantage in forcing this bill now, just as the President is expected to arrive.

The CHAIRMAN. Unanimous consent has been asked. The bill has been read by title. The gentleman from Pennsylvania will be recognized to offer an amendment at the close of the reading.

Mr. WALSH. There is no difficulty in getting such unanimous consent as that. When the time comes the gentleman can offer his amendment.

The CHAIRMAN. Is there objection?

Mr. WALSH. I object.

The CHAIRMAN. Objection is made. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled——

Mr. KEATING. Mr. Chairman, I desire to renew my request that the first reading of the bill be dispensed with. That will give the gentleman from Pennsylvania a chance.

Mr. MOORE of Pennsylvania. This is an important bill, as all pension bills are, and it is one that ought to be discussed where there is reason for discussion. I desire to ask the Chairman whether I am not entitled to discuss this bill in general debate?

Mr. RAKER. Regular order, Mr. Chairman.

Mr. MOORE of Pennsylvania. There having been debate upon it, I ask whether or not I am not entitled to an hour to discuss this bill?

Mr. KEY of Ohio. The bill not having been read, the gentleman would not be entitled to his hour.

The CHAIRMAN. The gentleman from Ohio [Mr. KEY] had the floor, pending the request to dispense with the first reading of the bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. The gentleman from Pennsylvania having been recognized to open the discussion, is he not entitled to the floor?

The CHAIRMAN. The gentleman was not recognized for that purpose. He was recognized to reserve an objection to dispensing with the first reading of the bill. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws——

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. WALSH. That is not in order. This bill is being read.

The CHAIRMAN. The Clerk will continue the reading of the bill.

The Clerk read as follows:

The name of Florence Marquis, widow of Fred S. Marquis, late captain of Company M, Eighth Regiment Ohio Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. It is proper at this point in the proceedings to offer an amendment to the bill?

The CHAIRMAN. The bill is not being read for amendment, and therefore it is not in order to offer amendments at this time. The Clerk will read.

The Clerk read as follows:

The name of Edith L. Morgan, widow of Altie M. Morgan, late of Company G, Twenty-second Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of each of the two minor children of the said Altie M. Morgan until they reach the age of 16 years.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. WALSH. We are in the committee now.

The CHAIRMAN. Evidently there is a quorum present. The Clerk will read.

The Clerk read as follows:

The name of George C. Rimes, late of Company E, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. The Clerk has been reading the bill in a tone of voice that is not distinct in the House. It is not the fault of the Clerk, but it is due to the fact that the House is not in order. I desire to make the point of order that the committee is not in order.

The CHAIRMAN. Does the gentleman desire to make a parliamentary inquiry or to make a point of order?

Mr. MOORE of Pennsylvania. A point of order, since the Chair has ruled on the question. I make the point of order that the House is not in order.

Mr. KEY of Ohio. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill (H. R. 12211) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and had come to no resolution thereon.

RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 5 minutes to 1 o'clock.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House stand in recess until 5 minutes to 1 o'clock. Is there objection?

There was no objection.

Accordingly (at 12 o'clock and 48 minutes p. m.) the House stood in recess.

At the expiration of the recess the House resumed its session and was called to order by the Speaker.

JOINT MEETING OF THE SENATE AND HOUSE.

At 12 o'clock and 56 minutes p. m. the Doorkeeper, J. J. Sinnott, announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President, and by their Secretary and Sergeant at Arms, entered the Chamber.

The Vice President took the chair at the right of the Speaker, and the Members of the Senate took the seats reserved for them.

The SPEAKER. On the part of the House the Speaker announces the following committee to conduct the President into the Chamber: Messrs. KITCHIN, SHERLEY, FLOOD, WEBB, GILLETT, CANNON, and MOORE of Pennsylvania.

The VICE PRESIDENT. On the part of the Senate the Vice President announces as a like committee Senators MARTIN, SIMMONS, CHAMBERLAIN, SAULSBURY, PENROSE, COLT, and KENYON.

At 1 o'clock and 2 minutes p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk amid prolonged applause.

The SPEAKER. Gentlemen of the Sixty-fifth Congress, I present the President of the United States. [Applause.]

ADDRESS OF THE PRESIDENT (H. DOC. NO. 1141).

Gentlemen of the Congress, it is with unaffected reluctance that I come to ask you to prolong your session long enough to provide more adequate resources for the Treasury for the conduct of the war. I have reason to appreciate as fully as you do how arduous the session has been. Your labours have been severe and protracted. You have passed a long series of measures which required the debate of many doubtful questions of judgment and many exceedingly difficult questions of principle as well as of practice. The summer is upon us in which labour and counsel are twice arduous and are constantly apt to be impaired by lassitude and fatigue. The elections are at hand and we ought as soon as possible to go and render an intimate account of our trusteeship to the people who delegated us to act for them in the weighty and anxious matters that crowd upon us in these days of critical choice and action. But we dare not go to the elections until we have done our duty to the full. These are days when duty stands stark and naked and even with closed eyes we know it is there. Excuses are unavailing. We have either done our duty or we have not. The fact will be as gross and plain as the duty itself. In such a case lassitude and fatigue seem negligible enough. The facts are tonic and suffice to freshen the labour.

And the facts are these: Additional revenues must manifestly be provided for. It would be a most unsound policy to raise too large a proportion of them by loan, and it is evident that the four billions now provided for by taxation will not of themselves sustain the greatly enlarged budget to which we must immediately look forward. We can not in fairness wait until the end of the fiscal year is at hand to apprise our people of the taxes they must pay on their earnings of the present calendar year, whose accountings and expenditures will then be closed. We can not get increased taxes unless the country knows what they are to be and practices the necessary economy to make them available. Definiteness, early definiteness, as to what its tasks are to be is absolutely necessary for the successful administration of the Treasury; it can not frame fair and workable regulations in haste; and it must frame its regulations in haste if it is not to know its exact task until the very eve of its performance. The present tax laws are marred, moreover, by inequities which ought to be remedied. Indisputable facts, every one; and we can not alter or blink them. To state them is argument enough.

And yet perhaps you will permit me to dwell for a moment upon the situation they disclose. Enormous loans freely spent in the stimulation of industry of almost every sort produce inflations and extravagances which presently make the whole economic structure questionable and insecure and the very basis of credit is cut away. Only fair, equitably distributed taxation, of the widest incidence and drawing chiefly from the sources which would be likely to demoralize credit by their very abundance, can prevent inflation and keep our industrial system free of speculation and waste. We shall naturally turn, therefore, I suppose, to war profits and incomes and luxuries for the additional taxes. [Applause.] But the war profits and incomes upon which the increased taxes will be levied will be the profits and incomes of the calendar year 1918. It would be manifestly unfair to wait until the early months of 1919 to say what they are to be. It might be difficult, I should imagine, to run the mill with water that had already gone over the wheel.

Moreover, taxes of that sort will not be paid until the June of next year, and the Treasury must anticipate them. It must use the money they are to produce before it is due. It must sell short-time certificates of indebtedness. In the autumn a much larger sale of long-time bonds must be effected than has yet been attempted. What are the bankers to think of the certificates if they do not certainly know where the money is to come from which is to take them up? And how are investors to approach the purchase of bonds with any sort of confidence of knowledge of their own affairs if they do not know what taxes they are to pay and what economies and adjustments of their business they must effect? I can not assure the country of a successful administration of the Treasury in 1918 if the question of further taxation is to be left undecided until 1919.

The consideration that dominates every other now, and makes every other seem trivial and negligible, is the winning of the war. [Applause.] We are not only in the midst of the war, we are at the very peak and crisis of it. Hundreds of thousands of our men, carrying our hearts with them and our fortunes, are in the field, and ships are crowding faster and faster to the ports of France and England with regiment after regiment, thousand after thousand, to join them until the enemy shall be beaten and brought to a reckoning with mankind. [Applause.] There can be no pause or intermission. The great enterprise must, on the contrary, be pushed with greater and greater energy. The volume of our might must steadily and rapidly be augmented until there can be no question of resisting it. If that is to be accomplished, gentlemen, money must sustain it to the utmost. Our financial programme must no more be left in doubt or suffered to lag than our ordnance programme or our ship programme or our munitions programme or our programme for making mil-

lions of men ready. These others are not programmes, indeed, but mere plans upon paper, unless there is to be an unquestionable supply of money.

That is the situation, and it is the situation which creates the duty, no choice or preference of ours. There is only one way to meet that duty. We must meet it without selfishness or fear of consequences. Politics is adjourned. The elections will go to those who think least of it; to those who go to the constituencies without explanations or excuses, with a plain record of duty faithfully and disinterestedly performed. I, for one, am always confident that the people of this country will give a just verdict upon the service of the men who act for them when the facts are such that no man can disguise or conceal them. There is no danger of deceit now. An intense and pitiless light beats upon every man and every action in this tragic plot of war that is now upon the stage. If lobbyists hurry to Washington to attempt to turn what you do in the matter of taxation to their protection or advantage, the light will beat also upon them. There is abundant fuel for the light in the records of the Treasury with regard to profits of every sort. The profiteering that can not be got at by the restraints of conscience and love of country can be got at by taxation. [Applause.] There is such profiteering now and the information with regard to it is available and indisputable.

I am advising you to act upon this matter of taxation now, gentlemen, not because I do not know that you can see and interpret the facts and the duty they impose just as well and with as clear a perception of the obligations involved as I can, but because there is a certain solemn satisfaction in sharing with you the responsibilities of such a time. The world never stood in such case before. Men never before had so clear or so moving a vision of duty. I know that you will begrudge the work to be done here by us no more than the men begrude us theirs who lie in the trenches and sally forth to their death. There is a stimulating comradeship knitting us all together. And this task to which I invite your immediate consideration will be performed under favorable influences if we will look to what the country is thinking and expecting and care nothing at all for what is being said and believed in the lobbies of Washington hotels, where the atmosphere seems to make it possible to believe what is believed nowhere else. [Applause.]

Have you not felt the spirit of the Nation rise and its thought become a single and common thought since these eventful days came in which we have been sending our boys to the other side? I think you must read that thought, as I do, to mean this, that the people of this country are not only united in the resolute purpose to win this war but are ready and willing to bear any burden and undergo any sacrifice that it may be necessary for them to bear in order to win it. [Applause.] We need not be afraid to tax them, if we lay taxes justly. They know that the war must be paid for and that it is they who must pay for it, and if the burden is justly distributed and the sacrifice made a common sacrifice from which none escapes who can bear it at all, they will carry it cheerfully and with a sort of solemn pride.

I have always been proud to be an American, and was never more proud than now, when all that we have said and all that we have foreseen about our people is coming true. The great days have come when the only thing that they ask for or admire is duty greatly and adequately done; when their only wish for America is that she may share the freedom she enjoys; when a great, compelling sympathy wells up in their hearts for men everywhere who suffer and are oppressed; and when they see at last the high uses for which their wealth has been piled up and their mighty power accumulated and, counting neither blood nor treasure now that their final day of opportunity has come, rejoice to spend and to be spent through a long night of suffering and terror in order that they and men everywhere may see the dawn of a day of righteousness and justice and peace. Shall we grow weary when they bid us act? [Applause.]

May I add this word, gentlemen? Just as I was leaving the White House I was told that the expected drive on the western front had apparently begun. You can realize how that solemnized my feeling as I came to you, and how it seemed to strengthen the purpose which I have tried to express in these lines.

I have admired the work of this session. The way in which the two Houses of the Congress have cooperated with the Executive has been generous and admirable, and it is not in any spirit of suggesting duty neglected, but only to remind you of the common cause and the common obligation that I have ventured to come to you to-day. [Applause.]

At 1 o'clock and 20 minutes p. m. the President retired from the Hall of the House.

At 1 o'clock and 21 minutes p. m. the Speaker announced that the joint session was dissolved.

Thereupon the Vice President and the Members of the Senate returned to their Chamber.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of the bill H. R. 12211, the pension bill.

Mr. SHERLEY. Will the gentleman withhold that for a moment? It is my understanding that the gentleman intends to finish the bill by a quarter of 2 o'clock, and, failing in that, will not further press it to-day.

Mr. KEY of Ohio. Mr. Speaker, I do not like to stand in the way of the chairman of a big committee who has an important bill up, but at the same time we had a distinct agreement that we could proceed with pension bills after the oil bill was out of the way. In view of the fact that the bill will not take more than 10 minutes to finish, we ought to be able to get through before a quarter of 2 o'clock, but I do not want to be tied up.

Mr. SHERLEY. And I do not want to tie the House up, which is more important than tying the gentleman up. If the gentleman will agree to move that the committee rise at a quarter of 2 if the bill is not finished, I shall not insist on a division.

Mr. MOORE of Pennsylvania. Mr. Speaker, I call the attention of the Chair to the unanimous-consent agreement by which the pension bills have the right of way. Saturday's RECORD shows this colloquy:

Mr. STAFFORD. Mr. Speaker, I desire also to submit an inquiry, and that is whether the order which was entered by unanimous consent to consider pension bills would not make those pension bills in order on Monday?

The SPEAKER. The Chair is inclined to think that it would.

Mr. COOPER of Wisconsin. It is my impression that there was unanimous-consent agreement in respect to taking up the pension bills.

Mr. RUSSELL. There was a unanimous-consent agreement to take up the pension bills following the disposition of the oil bill.

The SPEAKER. The Clerk informs the Chair that the order was that the pension bills were to follow the disposition of the oil bill.

Mr. RUSSELL. And if we adjourn now those bills will be in order on Monday.

The SPEAKER. They would.

Mr. SHERLEY. Pension bills are in order, but the House has a right to determine whether it wants to go into Committee of the Whole on the pension bills. If the day is to be taken up with pension bills, I am going to give the House a chance to determine whether it is more important to pass pension bills than it is an important deficiency bill for the prosecution of the war.

Mr. MOORE of Pennsylvania. I think the gentleman will save time to let the pension bills go through.

Mr. CANNON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. If I have the right to yield.

Mr. CANNON. This is a private pension bill. Has the gentleman any reason to believe that there will not be ample time within 10 days or 2 weeks to pass all these pension bills, and does not he think it is more important to consider the deficiency bill and the Army bill, in order that they may get to the Senate, with a view of hastening as early an adjournment as possible?

Mr. MOORE of Pennsylvania. I do not think the pension bill will take more than 15 or 20 minutes.

Mr. KEATING. Mr. Speaker, there is only one amendment to be offered—the amendment of the gentleman from Pennsylvania—and I therefore ask unanimous consent that the bill be considered in the House as in Committee of the Whole, with the understanding that at the end of the reading of the bill for amendment the gentleman from Pennsylvania be given 10 minutes in which to explain his amendment and the gentleman from Ohio [Mr. KEY] be given 5 minutes in which to reply. That will dispose of the whole matter.

The SPEAKER. The gentleman from Colorado asks unanimous consent that this bill be considered in the House as in Committee of the Whole, that it shall be read through for amendment, and at the end of the reading the gentleman from Pennsylvania [Mr. MOORE] shall have the right to offer an amendment and have 10 minutes in which to advocate and explain it, and at the end of his 10 minutes the gentleman from Ohio [Mr. KEY] shall have 5 minutes, and that that shall be the end of it.

Mr. WALSH. Does that comprehend the disposition of the further reading of the bill?

Mr. KEATING. And that the first reading of the bill be dispensed with. The gentleman from Kentucky [Mr. SHERLEY] suggests that we agree to end the entire proceeding by 2 o'clock. If we can get through by that time, I am willing that that should be put in.

The SPEAKER. And the further condition that the whole thing shall be ended by 2 o'clock. Is there objection?

Mr. STAFFORD. I object to the last provision; we will probably get through anyway.

Mr. KEATING. Then I withdraw the latter part of the request, that we finish by 2 o'clock.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill through for amendment.

An act (H. R. 12211) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Florence Marquis, widow of Fred S. Marquis, late captain of Company M, Eighth Regiment Ohio Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The name of Edith L. Morgan, widow of Altie M. Morgan, late of Company G, Twenty-second Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of each of the two minor children of the said Altie M. Morgan until they reach the age of 16 years.

The name of George C. Rimes, late of Company E, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Etta M. Browning, widow of Isaac R. Browning, late of Company C, First Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of each of the three minor children of the said Isaac R. Browning until they reach the age of 16 years.

The name of Sarah B. Greene, dependent mother of Benjamin J. Greene, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ethan H. Allen, late of Company A, Second Regiment United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Edward Blackmer, late of Company G, First Regiment Wyoming Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Annie Neate, widow of John S. Neate, late of the Hospital Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $25 per month.

The name of Charles H. Payne, late of Company D, First Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Fred A. Angelo, late of Troop C, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Lavinia M. Goe, widow of James B. Goe, late major of the Nineteenth Regiment United States Infantry, Regular Establishmnet, and pay her a pension at the rate of $25 per month.

The name of Samuel E. Spencer, late of the One hundred and twelfth Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Nicholi L. Nelson, late of Company E, Tenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Rufus Boer, late of Company E, Thirty-second Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Tucker McG. Simmons, late of Company F, Fourth Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of William M. Largent, late of Troop M, Fifth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John P. Hickel, late of Troop A, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary A. Dancey, widow of Obe Dancey, late of Company G, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The name of Clara H. Lambert, widow of James F. Lambert, late of Company D, Third Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month and $2 per month additional on account of each of the three minor children of the said James F. Lambert until they reach the age of 16 years.

The name of Edith V. Bowman, widow of Thomas E. Bowman, late of One hundred and tenth Company, United States Coast Artillery, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child, Charles T., of the said Thomas E. Bowman until he reaches the age of 16 years.

The name of Webb W. Belknap, late of Company C, Thirty-second Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Douglas D. Powell, late of Company D, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of William Reed, late of Battery F, First Regiment United States Artillery, and Troop H, Third Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Margaret E. Patton, widow of Joseph J. Patton, late of Captain Killian's company, Third Regiment North Carolina Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Grant H. Hill, late of Company M, Fourth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Ernst A. Selander, late of Troop C, Fifth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Edward F. O'Toole, late of Company F, Two hundred and first Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Ora May Larkin, widow of Charles Larkin, late of Troop A, Eighth Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of $25 per month.

The name of Hubert W. Wilson, late captain, Medical Corps, Second Regiment Infantry, Idaho National Guard, Mexican border defense, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Johnson, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Lyman F. Gray, late of the United States Navy, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Carroll A. Cantrell, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Laura G. Hight, widow of Fielding Hight, late of Capt. Lucas's company, Second Regiment, and Sergt. Capt. Brewster's company, First Regiment, Georgia Volunteers, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martha Johnson, widow of Merrick Johnson, late of Capt. Morris's independent company, Georgia Mounted Volunteers, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward Suckow, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Archambault, late of Company C, First Field Artillery Minnesota National Guard, Mexican border defense, and pay him a pension at the rate of $12 per month.

The name of Samuel N. Manro, late of Company G, Fiftieth Regiment Iowa Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jake Blizzard, late of Company B, Ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of George P. Vance, late of Company C, Eighth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Lindley Herrington, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Jules J. Toffier, late of Company I, Second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clara A. Crosby, widow of Arthur G. Crosby, late of Company F, Thirteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month, and $2 additional per month on account of each of the three minor children of the said Arthur G. Crosby until they reach the age of 16 years.

The name of James H. Powell, late of Company G, Eleventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Henry Graf, late of Troop A, Seventh Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ellen Mulligan, widow of John F. Mulligan, late of Company E, Battalion United States Engineers, War with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of the minor child, Agnes, of the said John F. Mulligan, until she reaches the age of 16 years.

The name of Ollie Laehn, widow of Charles W. Laehn, late of Company A, Fiftieth Regiment Iowa Volunteer Infantry, and the Sixty-eighth Company United States Coast Artillery, War with Spain, and pay her a pension at the rate of $25 per month and $2 per month additional on account of each of the three minor children of the said Charles W. Laehn until they reach the age of 16 years.

The name of Arthur F. Stowell, late of the Twenty-third Battery United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Jesse D. Nelson, late of Company G, First United States Infantry, and Company E, First Regiment North Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James A. Swaim, late of Company K, Thirty-third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Genevra M. Lamb, formerly widow of John D. Spittler, late of Company C, First United States Dragoons, War with Mexico, and pay her a pension at the rate of $25 per month.

The name of Elizabeth W. Messer, widow of Jacob C. Messer, late of Company H, Seventeenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The name of Amelia Davis, widow of Leonard Davis, late of Company E, Fifth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The name of Alonzo J. Mayo, late of Company G, First Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Alfred Ashton, late of Company H, Second Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ambrose M. Barrett, late of Company L, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Edward P. Aler, late of Company G, Two hundred and second Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Elizabeth Jones, widow of Joseph W. Jones, late of Company G, First Regiment North Carolina Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month.

The name of John M. Flynn, late of Company I, First Regiment Maine Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Leon P. Chesley, late of the One hundred and twenty-first Company, United States Coast Artillery Corps, Regular Establishment and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ruth R. Herrman, widow of George Herrman, late of Companies L and K, Ninth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month and $2 per month additional on account of the minor child, George R., of the said George Herrman until he reaches the age of 16 years.

The name of Lawson Ellsworth, late of Company C, one hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma L. Green, dependent mother of Frank M. Green, alias Marshall F. Green, late of Company D, First Regiment South Carolina Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles W. Kerlee, late of Troop I, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine Mahady, dependent mother of John J. Mahady, late of Battery E, First Field Artillery Minnesota National Guards, Mexican border defense, and pay her a pension at the rate of $12 per month.

The name of James P. Dooley, helpless child of James Dooley, late of Company B, Second Regiment Indiana Volunteers, War with Mexico, and pay him a pension at the rate of $12 per month.

The name of Richard Groebe, late of Troop B, Sixth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Katie Clifford, widow of Jerry Clifford, late of Company H, Twenty-first Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of each of the six minor children of the said Jerry Clifford until they reach the age of 16 years.

The name of Charles H. Hearing, late of Company A, Third Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Frances L. Young, dependent mother of Henry E. Young, late of Company K, Sixteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph R. Cook, late of Company F, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William James McDermett, late of Company H, First Regiment Colorado Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Fred F. Newell, late of Company G, Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Susan E. Brown, widow of Jesse Brown, late of Company D, Third Regiment United States Dragoons, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Thomas R. Poole, late of Company K, Ninth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Salathiel Woodruff, late of Company H, Second Battalion United States Engineers, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Joseph Jiles, late of Company F, Fifteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frank H. Campbell, late of band, First Regiment North Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry A. Jaegle, late of Company M, Tenth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James H. Schneider, late of Company C, First Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Lafayette York, late of Companies H and C, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary A. Lawson, widow of Spencer B. Lawson, late of Company E, Fifth Regiment Tennessee Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Mary O. Barbee, widow of Samuel P. Barbee, late of Company B, Second Regiment Kentucky Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Thomas A. Jenkins, late of One hundred and seventieth Company, Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Carrie E. Dennis, dependent mother of Guy C. Dennis, late of Company C, Ninth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lafayette Martin, late of Company G, Fifteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Louis H. Krafft, late of Company D, Second Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles Depue, late of Company D, Eighteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Walter Sewell, late of Company I, Fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sarah Ann Cantrell, widow of Merril Cantrell, late of Walter's Company and captain of a company, Georgia Volunteers, Indian Wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Addie Burns, widow of Thomas Burns, late of Company I, Second Regiment Ohio Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John L. C. Ellis, late of Company H, Ninth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary E. Wainright, dependent mother of James M. Wainright, late of Company F, First Regiment Louisiana Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Herbert R. Dodd, late of Company F, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Rebecca Strouther, dependent mother of Charles Strouther, late of Company G, Forty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Belle R. Reid, dependent mother of Wayne R. Jacobs, late of Company A, First Regiment Colorado Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Duff, late of Company I, First Regiment Florida Volunteer Infantry, War With Spain, and pay him a pension at the rate of $12 per month.

The name of Mary S. Hollinshead, widow of Rueben P. Hollinshead, late of Company H, First Regiment South Carolina Volunteer Infantry, and Hospital Corps, United States Army, War with Spain, and pay her a pension at the rate of $25 per month.

The name of Alice A. Thorburn, dependent mother of Orin B. Thorburn, late of Company B, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles Schiller, late of Troop B, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Gustav T. W. Schmidt, late of Battery F, Fifth United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Lois E. Magee, widow of Leon D. Magee, late of Company F, Forty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of the minor child, Leon D. Magee, jr., of the said Leon D. Magee, until he reaches the age of 16 years.

The name of Hugh McGuckain, late of Company I, Fifth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 512. Florence Marquis.
H. R. 681. Edith L. Morgan.
H. R. 850. George C. Rimes.
H. R. 990. Etta M. Browning.
H. R. 1047. Sarah B. Greene.
H. R. 1067. Ethan H. Allen.
H. R. 1224. Edward Blackmer.
H. R. 1237. Annie Neate.
H. R. 1258. Charles H. Payne.
H. R. 1857. Fred A. Angelo.
H. R. 1915. Lavinia M. Goe.
H. R. 2191. Samuel E. Spencer.
H. R. 2250. Nicholl L. Nelson.
H. R. 2498. Rufus Boer.
H. R. 2648. Tucker McG. Simmons.
H. R. 2751. William M. Largent.
H. R. 2760. John P. Hickel.
H. R. 3750. Mary A. Dancey.
H. R. 3877. Clara H. Lambert.
H. R. 3958. Edith V. Bowman.
H. R. 4456. Webb W. Beiknap.
H. R. 4810. Douglas D. Powell.
H. R. 4811. Wm. Reed.
H. R. 5155. Margaret E. Patton.
H. R. 5162. Grant H. Hill.
H. R. 5582. Ernst A. Selander.
H. R. 5657. Edward F. O'Toole.
H. R. 5702. Ora May Larkin.
H. R. 6040. Hubert W. Wilson.
H. R. 6416. Jas. E. Johnson.
H. R. 6826. Lyman F. Gray.
H. R. 6927. Carroll A. Cantrell.
H. R. 6929. Laura G. Hight.
H. R. 6930. Martha Johnson.
H. R. 6952. Edward Suckow.
H. R. 7097. George Archambault.
H. R. 7299. Samuel N. Manro.
H. R. 7300. Jake Blizzard.
H. R. 7452. George P. Vance.
H. R. 7500. Lindley Herrington.
H. R. 7606. Jules J. Toffier.
H. R. 7817. Clara A. Crosby.
H. R. 7832. James H. Powell.
H. R. 7834. Henry Graf.
H. R. 7963. Ellen Mulligan.
H. R. 8216. Ollie Laehn.
H. R. 8319. Arthur F. Stowell.
H. R. 8441. Jesse D. Nelson.
H. R. 8469. James A. Swaim.
H. R. 8589. Genevra M. Lamb.
H. R. 8610. Elizabeth W. Messer.
H. R. 8800. Amelia Davis.
H. R. 8843. Alonzo J. Mayo.
H. R. 9201. Alfred Ashton.
H. R. 9304. Ambrose M. Barrett.
H. R. 9486. Edward P. Aler.
H. R. 9601. Elizabeth Jones.
H. R. 9710. John M. Flynn.
H. R. 9762. Leon P. Chesley.
H. R. 9770. Ruth R. Herrman.
H. R. 9828. Lawson Ellsworth.
H. R. 10003. Emma L. Green.
H. R. 10074. Charles W. Kerlee.
H. R. 10137. Catherine Mahady.
H. R. 10168. James P. Dooley.
H. R. 10221. Richard Groebe.
H. R. 10311. Katie Clifford.
H. R. 10391. Charles H. Hearing.
H. R. 10428. Frances L. Young.
H. R. 10599. Joseph R. Cook.
H. R. 10601. William James McDermett.
H. R. 10607. Fred F. Newell.
H. R. 10634. Susan E. Brown.
H. R. 10667. Thomas R. Poole.
H. R. 10726. Salathiel Woodruff.
H. R. 10735. Joseph Jiles.
H. R. 10767. Frank H. Campbell.
H. R. 10778. Henry A. Jaegle.
H. R. 10815. James H. Schneider.
H. R. 10835. Lafayette York.
H. R. 10838. Mary A. Lawson.
H. R. 10907. Mary O. Barbee.
H. R. 10910. Thomas A. Jenkins.
H. R. 10943. Carrie E. Dennis.
H. R. 11081. Lafayette Martin.
H. R. 11149. Louis H. Krafft.
H. R. 11184. Charles Depue.
H. R. 11229. Walter Sewell.
H. R. 11288. Sarah Ann Cantrell.
H. R. 11386. Addie Burns.
H. R. 11389. John L. C. Ellis.
H. R. 11428. Mary E. Wainwright.
H. R. 11510. Herbert R. Dodd.
H. R. 11545. Rebecca Strouther.
H. R. 11587. Belle R. Reid.
H. R. 11613. James Duff.
H. R. 11647. Mary S. Hollinshead.
H. R. 11681. Alice A. Thorburn.
H. R. 11810. Gustav T. W. Schmidt.
H. R. 11724. Charles Schiller.
H. R. 11971. Lois E. Magee.
H. R. 11976. Hugh McGuckain.

Mr. KEY of Ohio. Mr. Speaker, I offer the following committee amendment, with the report accompanying it, which I ask to be printed in the RECORD. This amendment is a bill inadvertently left out of the omnibus bill. It has been considered by a subcommittee and by the whole committee, and I ask unanimous consent that the report be printed in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the amendment, as follows:

At the end of the bill insert a new paragraph as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wesley H. Crockett, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The report is as follows:

H. R. 4059. Wesley H. Crockett, Reed City, Mich., served in the Regular Establishment, United States Navy, on board S. S. *Minneapolis* from July 30, 1903, until October 26, 1903, when honorably discharged on account of disability. (I. O. 50808.)

The records of the Navy Department show that during service this man was admitted to the hospital for treatment October 10, 1903, for a disease diagnosed as neuresthenia and for disease of nervous system.

He was treated for this and it was pronounced chronic and he was discharged on account of said disease, which was officially held to have existed prior to his enlistment, three months before, and therefore not due to service.

He filed claim for pension in 1904, in which he alleged neuresthenia and claimed that same was due to service in the United States Navy, which was rejected on the ground the records of the Navy Department show that said disease existed prior to enlistment.

On appeal this adverse action was sustained. He filed no evidence other than the testimony of two lay witnesses to the effect that prior to his enlistment he was free from any disease or disability, but that since discharge he has suffered constantly from nervous disorder of a chronic character and is unable to perform manual labor. He also files testimony of a physician showing that since his discharge he has suffered from this disease.

The only board of surgeons which ever examined him reported in 1904 that he suffers from disease of heart and deranged stomach and trouble with the nervous system, evidently neuresthenia, and that there is no evidence of venereal disease or results.

With the bill the petitioner files an affidavit in which he states he is unable to perform labor on account of disease of the nervous system, stomach, and heart, and that the only property he owns is a small lot worth $100 in Reed City. The Member who introduces the bill assures the committee that his statement as to property is correct. A physician testifies that he suffers from chronic disordered nervous system, with disease of stomach, liver, and spleen.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 11, after the word "receiving," insert a new paragraph, as follows:

"The name of Thomas John Parker, late of the United States Marine Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

Mr. MOORE of Pennsylvania. Mr. Speaker, I have asked special consideration for this case for reasons which I shall endeavor to make clear. The Committee on Pensions has a series of rules. They are not rules of the House but are rules of the committee. One of them, rule 3, is as follows:

Rule 3: In no instance will a bill be considered by this committee in connection with which the records of the War or Navy Departments show medical treatment for syphilis, or other venereal disease of an aggravated character, unless the Bureau of Pensions has specifically waived same as a factor in present disabilities, or cause of death.

I have no objection to the enforcement of that rule by the committee, if it did not in some instances work a hardship upon soldiers and sailors; but, due to some agitation in the House heretofore, the committee has felt bound, as I am informed, to adhere strictly to this rule, and to make no exceptions so far as applications for pensions are concerned. Of course, I am in favor of the passage of the bill as reported by the committee. I have asked consideration for the amendment only because I believe there is merit in it and because in this particular instance I think the rule of the committee should be waived. I think it ought to be waived in the interest of fairness, in the interest of actual justice to the applicant, Thomas J. Parker.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HUDDLESTON. I just want to suggest that this committee has the power to waive the rule in a particular case, and in particular cases we do waive it.

Mr. MOORE of Pennsylvania. That is all the more reason why the House in which we are now considering this bill should act sympathetically in a case of this kind. Before introducing this bill—and I have very few pension bills and give the committee little trouble—I took pains to find out what was the real reason for the application, and ascertained that the applicant, Parker, who lives in my district and is now 71 years old, a United States marine in the earlier part of his life, was being supported by his wife, who maintains a small tobacco store, from which, I understand, she is now to be ousted. For 40 years this woman has lived with Thomas J. Parker and has maintained him out of the proceeds of her little tobacco store, which, I understand, has not amounted to more than $10 a week. I was satisfied there was great need in this case before introducing the bill; so careful, in fact, that I had my secretary personally investigate the case and report the conditions. He found the old couple living together in a small home, the husband crippled and blind and the wife doing the best she could to maintain him. She provided for him and attended him, and while both of them are aged and had been living together for 40 years there was nothing in their home life or physical condition apparently to warrant the suggestion that the husband had been afflicted as indicated. Moreover, they had two healthy children living, one with a family and another contributing somewhat to their support.

Mr. KNUTSON. What do the records of the War Department show as to the cause of this blindness?

Mr. MOORE of Pennsylvania. I looked into that when I found that the committee felt it had to stand by its rule in this case, and learned that although this same condition was charged against the man when his original application was made, he was granted a pension of $12 per month. Bear in mind he is now 71 years old. He was granted a pension of $12 because it was a disputed question among the physicians as to whether the blindness which he suffered was due to rheumatism that he contracted while attending the Boston fire or due to this other disease concerning which the committee held out against him and which he was said to have incurred in 1868. I found on looking it up that the whole matter had been thoroughly thrashed over in the Sixty-first Congress, second session, by the committee in charge at that time and that the following record had been made. Upon this record the pension of $12 a month was granted him:

The sailor was one of a detachment from the marine barracks who performed arduous and hazardous duty during the Boston fire of 1872, being on duty in the streets for 10 days without relief. There is both medical and lay testimony as to continuance of rheumatism fairly covering the whole period between discharge and the date of application for pension. Of these physicians, some five in number, who testified for the claimant, two were emphatic in their statements that no syphilitic symptoms were to be found, and the others failed to mention same. It is in evidence that sailor entered the Wills Eye Hospital, Philadelphia, October 10, 1881, and that the cause for which he was treated there by Dr. W. W. McClure during the ensuing six months and at intervals thereafter was rheumatic iritis. The sole question in the case is whether the blindness had its origin in the venereal disease of 1868.

Think of it! Whatever the offense was occurred in 1868. Subsequently the man married and subsequently became blind. During all these 40 years this good woman, who is healthy, but aging, has cared for and supported her blind sailor husband. If there was anything wrong with him, why did the Sixty-first Congress grant him a pension of $12? The testimony does not seem to bear out the suggestion that blindness was due to what occurred before his marriage away back in 1868. The later testimony bears out the statement that his eye trouble was due to the rheumatic affliction resulting from his service at the Boston fire in 1872. Let the committee stand by its rule in ordinary cases, I have no objection; but let the committee see the justice of making an exception in this. I have asked in this instance that the pension be raised from $12 to $50. If that is too much I am willing to accept $30, but I believe the issue might just as well be upon $50 as $30. The facts are that the man is blind and helpless; that he has to rely upon an aged woman to maintain him. For her sake, who has borne this charge for 40 years, the committee should be just. If this old misfortune had not arisen, if this red herring, as it were, had not been drawn across the path of this pensioner, I suppose the committee would cheerfully on the known facts, the man being blind and helpless and needing a nurse, have given a pension of $50 a month. I understand the committee has granted as high as $75 a month, but in this instance they might grant $50 since the facts seem so clearly to warrant it.

The SPEAKER. The time of the gentleman has expired.

Mr. KEY of Ohio. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. KEATING].

The SPEAKER. Without objection, the Chair will permit that to be done, although it is contrary to the rule. Is there objection? [After a pause.] The Chair hears none.

Mr. KEATING. Mr. Speaker, this is a very simple case. The Committee on Pensions has applied exactly the same rule in this case that it has in scores of other cases. If you reverse the committee in this case, in all fairness you should go back and in some way reverse the committee in a score of cases where during the last several years we have applied this rule. Now, the rule is that where the Pension Bureau makes a definite finding that a man's disabilities are directly traceable to syphilis not incurred in the service he shall not be granted a pension. That is all there is to the rule——

Mr. MOORE of Pennsylvania. Will my colleague yield?

Mr. KEATING. The gentleman from Pennsylvania, of course, challenges the finding of the Pension Bureau; but I submit that the physicians employed in the bureau have no object in doing an injustice to a claimant for a pension. They make such an investigation as is quite impossible for your committee or the Members of this House or the gentleman from Pennsylvania to make, and those physicians found that the man's blindness was due to syphilis, which of course was not contracted in the service——

Mr. MOORE of Pennsylvania. In 1868.

Mr. KEATING. In 1868; I do not care what the date may be. That is the finding, and now the gentleman comes in here and tells you a pathetic story about the man, about the excellent reputation he bears, that his wife bears, and that his children bear; but I submit all that has nothing to do with the case. This is a question of whether this House in all seriousness is going on record now as reversing a committee which adheres to a rule that a man who incurs disabilities through loose living and not because of something that he did for his country shall be placed on the honor roll of his country.

Mr. MOORE of Pennsylvania. And he is already there.

Mr. KEATING. He is, by a special act adopted during the Sixty-first Congress, put through here probably before this rule was adopted by the Pension Committee.

Mr. KEY of Ohio. It was.

Mr. KEATING. The Pension Committee adopted the rule because of discussion had on the floor of this House in which the committee was criticized for passing just such bills as the gentleman is endeavoring to insert in this omnibus measure, and the committee felt it ought to adopt such a rule to protect itself, to protect this House, and to protect the pension roll of his Nation. I hope the Members of this House are not prepared to place on this bill such a claim as the gentleman presents even in response to so affecting an appeal as he makes.

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 16, noes 27.

So the amendment was rejected.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12280, a bill making appropriations for urgent deficiencies, and pending that motion I ask unanimous consent that general debate be dispensed with.

The SPEAKER. The gentleman from Kentucky asks unanimous consent pending the motion, that general debate be dispensed with. Is there objection?

Mr. CANNON. Mr. Speaker, I have application for 10 minutes and I would like about 5 minutes myself.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent that general debate be limited to 30 minutes, 15 minutes to be controlled by the gentleman from Illinois [Mr. CANNON] and 15 minutes by myself.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that general debate be limited to 30 minutes, one-half of that time to be controlled by himself and one-half by the gentleman from Illinois [Mr. CANNON]. Is there objection? [After a pause.] The Chair hears none. The question is on going into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12280, the urgent deficiency bill, with Mr. HOUSTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12280, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12280) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. I suggest the gentleman from Illinois use some of his time.

Mr. CANNON. Mr. Chairman, I have no desire to take up much time upon this bill in general debate. What little I shall have to say will be touching the bill. The gentleman from Kentucky, who, no doubt, is more familiar with the bill than I am, will explain it in his 15 minutes, or as the bill is reached under the five-minute rule.

I just want to call attention to the bill. It carries in round numbers $123,000,000; it recommends appropriations and authorizations, and as I recollect it, in round numbers about $5,000,000 less than estimated for. It was prepared after very considerable hearings and after much of consideration. I will not attempt to analyze it in my time.

The appropriations through this fiscal year, since the commencement of the war, amount to $18,892,027.56, and contracts have been authorized in addition to the amount of $2,511,562,925.50, adding the amount the deficiency carried in this bill, $123,674,906.25, and the amount appropriated by act of March 28, $1,151,000,000, making a total for the current fiscal year of $22,678,507,127.79

The House has done its duty according to its best judgment and ability. I think both the House and Senate have freely and liberally cooperated in giving legislation that will enable the war to be conducted efficiently for the first year, and I pray at an early date it will be a successful close for our country as well as for our allies and the world.

Now, I want to say that you do not know and I do not know how the most of this money is to be spent. Oh, it is to be spent for the support of the Army, support of the Navy, the building of ships, advances to the allies. The money is to be expended by the Commander in Chief of the Army and Navy, the President of the United States.

Now, no great amount like the sum we have appropriated this year can be expended without waste. There must be some waste. God alone could make the expenditure of this vast sum without something of waste. We are entitled, however, to believe and demand that we will have the minimum of waste. All that human patriotism can do, all of knowledge that can be commanded, all of integrity that can be brought to the front, shall be brought to the front, and there will be as little waste as possible. But whether it be little or more, we must wait and see.

I am not here to prophesy that there will be undue waste. If we are to have reckless waste or wicked graft at all, it will be bad enough at the close of the war for us to realize it. But in the meantime, as the expenditures are being made, we should inquire to the best of our ability, without blocking the wheels for carrying on the war, what can be done to prevent waste and prevent graft.

Of course, we are all for the winning of the war. There can not be a speech made by anybody, hardly, but that it closes with "the flag," "the Republic," "humanity," "the winning of the war," "righteousness." Well, we are fighting for all those things. Sometimes it is on the tip of my tongue to fall in and make language avowing my patriotic support of the Government in this great emergency. Words are cheap unless action is wise—

Not everyone that sayeth "Lord, Lord," shall enter into the kingdom, but he that doeth the will of the Father.

And we have got to do it—not the will of the Father from day to day, because He does not send us special messages—but we have got to act to the best of our ability according to the aspirations and the hope of the people in order to win the war. And whoever fails in doing his duty, whether he is legislator or whether he is in the Army or the Navy, no matter where he is, must answer for patriotic and intelligent effort. [Applause.]

Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Chairman, I am very much interested in appropriations by Congress. And I was very much interested in what the President stated to us only a few moments ago. I do not recall the exact language the President used, but in substance, as I remember, it was that we could go home or in some way render an account of our stewardship to the people.

Now, I do not know what account of stewardship I can render. When I go home, my people ask me, "What are you doing with the billions and billions of dollars that Congress is appropriating?" I have to answer that I do not know. They can not understand that.

Now, the former distinguished chairman of the Committee on Appropriations, Mr. Fitzgerald, last December estimated, as I recall, that the Government would need $12,000,000,000 for the fiscal year ending June 30, 1919. From what information I now can get, the Committee on Military Affairs of the House will ask for that amount alone. It seems to me that at the rate we are going, by June 30, 1919, if war continues that long, we shall probably be called upon to authorize expenditures aggregating $40,000,000,000.

Now, there is no question about the temperament of the American people. They are willing to contribute the last cent they have to carry on this war and win it. But they want to know where their money is going—what you are doing with it.

I remember on a former occasion here, when the present distinguished chairman of the Committee on Appropriations criticized the late Maj. Gardner of Massachusetts because, as I recall, that distinguished hero had stated in some public utterance "that Congress was spending money like a lot of drunken sailors." I do not wish to speak in a spirit of criticism or in a spirit of partisanship. I have voted for every war measure demanded by the Executive for the successful prosecution of the war since I have been a Member of the House. There has not been any spirit of partisanship in my actions or in my statements. But I must say, to speak the way I feel about it, that the expression "that we spend money like a lot of drunken sailors" is a mild one. We vote and spend money like a lot of rubber stamps, and we never ask one question as to what is being done with it. I remember that here about a year ago we

appropriated with a whoop one morning, with hardly any discussion—I think without any debate—some $640,000,000 for aircraft work.

Where has that money gone? I do not know, and you do not know. Now and then we get a sniff from Hog Island, Muscle Shoals, or the Arlington Hotel property. I do not know what the character of that sniff is, but I do not believe I am performing my constitutional duty under my oath of office without making an attempt to find out. Do you think that you perform your duty, your responsibility as Members of the House, in voting away billions and billions of money without making any effort to see whether those moneys are expended lawfully and wisely and economically? If you feel that way about it, I do not. But you do not concern yourselves about it.

Under the Constitution all revenue legislation must originate in the House, yet you never say a word or lift your voice as to the proper expenditure of the public funds. The Senate has done much more than we have, and yet it seems to me there is not as much obligation upon the Senate as rests upon Members of the House. It will lead to a public scandal if you do not move.

I introduced a resolution here on April 6, No. 305, to provide for a committee on public accounts, in order that we might have some body that could properly investigate and make a report to the House as to the expenditure of public funds. I do not suppose anything will be done about it. It looks to me as if Members of Congress are impervious to everything except office and death. As to office they are very sensitive, and death they can not escape.

It does not seem to me that the financial resources of this country are inexhaustible. You have not got a bottomless well. We owe it to ourselves and to our country to husband our financial resources, in my judgment, if we are going to win this war, with the same care that we conserve the food products of this country. I call upon you again to take some means—I do not care whether you take my means or not—in order that the House and the country may know what is being done with the people's money. They are willing to give all they have if they know that it will be properly expended.

Why, there is not a subdivision of any State, like a municipality, that does not have an expert accountant go over the expenditures of that municipality and render a report to the legislative body thereof. Yet we sit here in the House like a lot of mummies and are willing to vote perhaps $40,000,000,000 away without any care or concern as to how those moneys will be expended. We are willing, I guess, to vote away all the power we have and say nothing about it.

Sometimes I wonder what has become of the Sage of Monticello. Has he turned over in his grave, with his face toward the melting pot of the earth, while his professed followers wantonly abandon the great principles he advocated, for which he fought, and to the maintenance of which he dedicated his life? It seems to me that we owe it to ourselves and to the country to do business in a businesslike way. You go upon your knees and beg the people to give to the Red Cross, to the war chest, to buy liberty bonds and thrift stamps, and all that sort of thing, and yet you refuse on the part of the Government to set any example of any degree of thrift yourselves. I tell you it is high time that the Government showed some disposition to exercise a little thrift and economy in public expenditures, and I warn you again and call upon you for action—affirmative action—before it is too late. [Applause.]

We are informed that additional revenue will be raised by increasing taxes upon incomes and excess profits and upon luxuries. It seems to me that we need to exercise some caution to avoid killing the goose that lays the golden egg. As to luxuries, of course we can tax them until the people no longer indulge in them.

As New York State pays between 30 and 40 per cent of all Federal taxes, the people of that State are vitally interested in the question of taxation. We would like to know why a portion of the increased revenues can not be raised from a protective tariff. It has been estimated that $300,000,000 a year can reasonably be raised by such means, thus relieving our own taxpayers to that extent; and then there is cotton. What about that? But perhaps that is too sacred a commodity for the extraordinarily nonpartisan majority to tax. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is recognized for 15 minutes.

Mr. SHERLEY. Mr. Chairman, I shall not undertake to delay the committee by any reply to the gentleman who has just taken his seat. I am always glad to commend and never in any way hinder, by criticism or otherwise, newly aroused desire for economy on the part of any Member of the House. But I suggest in passing, in a not unkindly spirit, that a good deal of the ignorance to which the gentleman confesses and about which I am not prepared to dispute, could be dissipated by his reading some of the hearings in connection with some of the bills that are brought out. Of course, many of those of us who work more than eight hours a day for many days each month and take testimony running into the thousands of pages are not to be blamed if gentlemen decline to make the effort to read and digest such testimony and if by virtue of that failure, not being in possession of all of the information they would like to have, they prefer to take the course of criticism rather than of affirmative action.

Mr. Chairman, the present bill before the House carries a total of direct appropriations and authorizations of $123,674,906.25, and while the aggregate is large, the reasons for the amounts recommended can be stated, I think, fully and briefly. Sixty million dollars of it is in compliance with the direct order of the Congress recently given in passing the housing bill, which authorized an expenditure of $60,000,000 for housing purposes.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. MADDEN. I would like to have the gentleman tell us of the special advantage he thinks there is in the organization of a corporation to take charge of this work?

Mr. SHERLEY. I had hoped to reach that under the five-minute rule, rather than in the midst of a brief statement.

Mr. MADDEN. The reason I asked that now is because the gentleman has just mentioned the housing matter.

Mr. SHERLEY. The reason is this, and I think it will appeal to the gentleman: It is perfectly manifest that this housing problem does not consist merely in the building of houses by the Government. For my part I hope it will consist least in that. But it consists in part in house building and in operating those houses after they are built. Now, of necessity there is a rigidity and, for want of a better term, a red tape in connection with Government operation which makes it very difficult to carry on efficiently such a continuing business. So much so that the gentleman will recall that in connection with the building of the Panama Canal practically all of the business connected with certain lines of work, such as the maintenance and running of the hotels, the ice plant, and other things, were effected through the medium of the Panama Railroad corporation. Gentlemen will also recall that in connection with the Shipping Board and its activities it was thought that for the purpose of operating the ships and conducting the business that was incident to them it was desirable to have a corporation, Government owned, and accordingly the Emergency Fleet Corporation was created.

This is not made mandatory. It is simply given to the President as an option, because of the belief on the part of the committee that there might be the need of such a medium for successfully carrying out the objects of the original legislation.

Mr. MADDEN. In other words, the committee believes that it will be more likely to be conducted as a strictly business proposition under this plan?

Mr. SHERLEY. Very much so, more economically, and with less approach to socialism by virtue of it.

Now, continuing the statement touching the items in the bill, the other large item in the way of cash is $25,907,000 for the Navy. This represents a number of items, all of which are set out in some detail in the report. Pay, miscellaneous, $1,250,000. The gentleman who spoke a few minutes ago [Mr. MAGEE] wanted to know where a good deal of money is going. Some of it is going in the same way that this item of a million and a quarter goes, to the increased size of the Navy. Transportation of enlisted personnel, $1,000,000. The same statement applies to that. Ordnance and ordnance stores, $4,500,000.

Mr. LONGWORTH. Will the gentleman yield at that point?

Mr. SHERLEY. Yes.

Mr. LONGWORTH. Is the gentleman advised as to whether any effort will be made to build a nitrate plant out of this?

Mr. SHERLEY. No; but I should say to the gentleman that if it were necessary to get powder and to get nitrates, and they did not take steps to do it, he and I would be the first men on this floor to criticize the failure properly to furnish the most essential thing in connection with the prosecution of the war.

Mr. LONGWORTH. Oh, assuredly, I entirely agree with the gentleman; but the gentleman will recall that out of a similar

bill reported and passed under the gentleman's direction not very long ago, more than $50,000,000 was taken without a word of hearing——

Mr. SHERLEY. Yes; and the answer to that lies, not in the fact that it was taken but whether it was taken and spent wisely; and about that fact the Committee on Appropriations hope to be able to give to the House further information.

Mr. LONGWORTH. I would be very glad if the committee would.

Mr. SHERLEY. I know the gentleman will be glad, and I am quite sure that I will be glad to give the gentleman the information.

Mr. MADDEN. Will the gentleman yield for another question? I do not want to embarrass the gentleman.

Mr. SHERLEY. Certainly. The gentleman never embarrasses me. I am glad to yield.

Mr. MADDEN. It occurs to me, and perhaps there is no way to remedy it, but I thought it might be wise to call the gentleman's attention to it, so that in investigating deficiencies he might care to look into it, or he might not think it worth while to look into it. For example, transferring men in the Army 8, 10, or 15 times from one place to another before they are finally located—whether some system ought not to be put into effect that would prevent the wasteful extravagance brought about in these transfers.

Mr. SHERLEY. I am inclined to agree with the gentleman that there can be, and ought to be, a reformation in the matter of travel expense for both the services, and I have taken occasion, not once but a number of times, to express to men having the matter in charge the hope that they would very carefully guard against such abuses. But in response to the gentleman's inquiry I want to say that it is perfectly manifest that no man, no matter what his capacity, can hope to undertake to go into a review of expenditures that total billions of dollars without such delay as to preclude his appropriating other moneys that are needed at the time when needed. If the committee may be allowed to say it fairly and modestly, I believe that it has made as full inquiry, not only touching this bill but every other bill that it has reported, as is possible in the time at its disposal. And may I repeat again that if gentlemen would sometimes read our hearings they would have a better appreciation of what the committee has endeavored to do in arriving at the facts.

Mr. MADDEN. I am sure the committee is doing everything that it can do. The question I asked has no bearing on this bill at all——

Mr. SHERLEY. I understand that.

Mr. MADDEN. But I have noticed that sometimes whole units will be ordered, say, to Fort Dodge, and then to Fort Sam Houston, and then to Fort Hancock, and then to some other port before they are finally located. It seems to me that there ought to be some way to reach that.

Mr. SHERLEY. The real way to reach it, and the only way to reach it, is through the efficiency of the military organization itself. I had occasion a week or so ago to call attention to a report recently made by a select committee of the House of Commons of the British Parliament in connection with the munitions portfolio. There was in that report a statement that was strikingly familiar in sound. That was, in substance, that the only thing that stood between the English taxpayer and the extravagant expenditure of money was the wisdom and the efficiency of the administrative officers who were charged with the expenditure, and that statement is just as true of America as it is of England, and it is true of both, not by virtue of the existence or the absence of any legislative machinery but by virtue of the facts that are inherent in the case. When a war is going on time is so important that investigation to prevent extravagance, if undertaken at the time of the appropriation, results in such delay as to be unjustifiable, and all you can do is when you find specific abuses to correct them as well as you can, and to impress, as I have endeavored to impress upon every administrative officer who has come before the committee, the solemn responsibility that rests upon him at this time to protect the Government against useless expenditure of money.

Mr. ROGERS. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. ROGERS. I want to ask the gentleman a question of detail merely. About two years ago certain fire insurance companies in the country got into a controversy with the Treasury Department as to the tax that they should pay under the revenue act. Of course, they paid the amount assessed by the Treasury Department and then brought proceedings for a rebate. These proceedings were decided in their favor, and in many cases agreements were entered into in their favor about a year ago. I have inquired of the Treasury Department a number of times about the payment of the claim, and they said that they had no money available for the purpose and have been inclined to suggest that Congress was derelict in not making the appropriation.

Mr. SHERLEY. Their suggestion was gratuitous and unwarranted. When they certify the claims to Congress, if they are proper and just claims, regularly audited, they will be carried in the general deficiency bill.

Mr. ROGERS. The Treasury Department has never certified them to Congress?

Mr. SHERLEY. I am informed by the clerk that they have not come to the Committee on Appropriations and I have no knowledge that they ever have been certified.

Now, Mr. Chairman, there is an addition to the large sums I have mentioned—$33,000,000 authorized for the Medical Corps. That $33,000,000 embraces a number of items—supplies, drugs, gas masks, motor ambulances, and various and sundry things. We gave an authorization because it was perfectly apparent from the financial statement made by the medical officers that they had on hand more money than they would actually expend between now and the 1st of July. But that money was obligated and was therefore held to meet obligations that would accrue from time to time, and unless they stopped the supplies—and this was particularly true as to the manufacture of gas masks—it was necessary that they be authorized, either by voting the cash or an authorization to continue the flow. The committee realized that the Military Affairs Committee would carry appropriations in the Army bill for this purpose and felt it was better to make the authorization than to give them the cash, due to the fact that if in the future it developed that the moneys that were given were not entirely needed they would be able to take care of the authorization without having the temptation of expending $33,000,000 additional.

Mr. McKENZIE. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. McKENZIE. I wish to ask the gentleman from Kentucky what effect this item will have on our appropriation bill?

Mr. SHERLEY. It will have simply this effect: The Military Affairs Committee will appropriate a good many times more than $33,000,000, and they will take up this authorization out of those moneys, and if these moneys are not sufficient they will come for additional money. The gentleman need not worry; the Medical Corps, with all of its virtues, has not failed in modesty of requests touching appropriations.

Mr. McKENZIE. That was one thing in my mind; I could not understand why they should come to the Appropriations Committee and ask an authorization of this character.

Mr. SHERLEY. To prevent laches. I will give the gentleman a concrete illustration. For instance, the Government is engaged in the manufacture of gas masks. Now, that manufacture must continue, and to continue many things must be ordered in advance. If they were to be denied, this money and have to wait until the 1st of July, that would leave a hiatus or stoppage in the flow of supplies and in the work carried on in the Government assembly plants and would greatly interfere with the manufacture of the gas masks at the rate they are seeking to furnish them.

Mr. McKENZIE. If the Army appropriation bill had had the right of way in preference to this bill, there would have been no necessity for this authorization, would there?

Mr. SHERLEY. It would depend upon whether the items in the Army appropriation bill were immediately available. It would also depend upon whether there was an actual deficiency in these cases. Where there is an actual deficiency the Military Committee can not undertake within its jurisdiction to deal with it.

These, Mr. Chairman, constitute the large items that go to make up the total of $123,000,000. There are a number of pieces of legislation proposed, all of it administrative in character, because the committee has very carefully refrained from attempting to usurp the jurisdiction of legislative committees by carrying legislation in the bill. They will be found set out, as is the uniform practice of the Committee on Appropriations, in the report submitted to the House, printed in italics, so that every Member of the House who wants to exercise ordinary diligence can advise himself in detail of any proposed legislation. They are found on pages 3 and 4 of the report.

There is a request of considerable size for additional personal service in the War Department. The committee has never in the past allowed the full amount asked by the War Department for additional personal help. It has felt that it was well to give to the War Department the need to constantly reexamine its estimates as to the need of additional service in order that there might be taken up the slack that is inevitable in a bureau that has had the great and sudden expansion that this has had. The committee is glad to say to the House that it believes that

there is a more keen appreciation and realization on the part of the War Department of the need of further carefully scrutinizing the demand in the way of additional clerks, and that steps have been taken and are now on the way for a careful inspection of the bureaus of that department looking to the elimination of unnecessary employees. The committee has met the situation by an appropriation which it believes is sufficient for the department to the 1st of July.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. McKENZIE. Is the $900,000 mentioned on page 6 of the bill to take care of deficiencies between now and the 1st of July?

Mr. SHERLEY. It is to carry their existing organizations to the 1st of July, and to allow not what they estimated for the increase between now and then, but for what the committee estimate ought to be the increase between now and then. Most of it is to take care of the existing personnel. The gentleman will also notice that there is a provision which limits to five people the number that can be employed under this fund at salaries as high as $5,000 each. The department urged that the amount be placed at $7,500, and that they be not limited as to the number, and the Secretary himself presented rather strong reasons in favor of that. In view of the well-known sentiment of the House the committee did not feel justified in going that far, but it did feel that it was warranted in permitting five men to be employed at not more than $5,000 each. Mr. Chairman, this Government is faced with a realization that it either has to accept the voluntary services of men, and then be subject to all of the criticism that grows out of that practice, or it must pay real salaries to get real men of ability. In life you never get something for nothing, and particularly is that true of the Government.

Mr. Chairman, I shall hope, in the consideration of the bill, to advise the committee touching any item that is in it respecting which inquiry may be made. In order not to delay its consideration I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

For carrying out the provisions of the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, including rental of offices in the District of Columbia, contingent and miscellaneous expenses, printing and binding, and personal services in the District of Columbia and elsewhere, $60,000,000, to continue available during the fiscal year 1919.

Section 7 of the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, is amended to read as follows:

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question in respect to the housing proposition. Has the department adopted a plan to be worked out as a general proposition in providing houses by which they ask the people in the community to organize companies and subscribe a certain portion of money, and then the War Department through the General War Board or the Housing Commission, I believe they term it, will supply the remainder? For instance, if the local people supply 80 per cent, will the Housing Commission supply 20 per cent, or what is the plan of working out this housing proposition, if any plan has been adopted?

Mr. SHERLEY. I shall endeavor as briefly as I can to answer the gentleman's question, although there are 100 pages of testimony that were taken by the committee in an effort to get an answer to just such a question.

Mr. ROBBINS. I asked the question in good faith, because of applicants from my own district.

Mr. SHERLEY. I know that, and I am not quarreling with the gentleman at all. I am just explaining to him that it is a little difficult, as he will appreciate in a moment, to answer briefly his question. The proposed plan or plans will vary according to localities. There was originally created in the Council of National Defense a committee for the purpose of studying housing problems. Out of that committee afterwards grew the creation of a commission in the Department of Labor, of which Mr. Eidlitz is the head, and a number of other prominent gentlemen are associated with him to study this problem.

They undertook to make inquiries into those cases where either the War Department or the Navy Department said to them there was need for housing, and as to those cases where the communities themselves made similar statements and their statements were verified by the department, and then, after a survey, they have tentatively mapped out what they thought was necessary to do. They undertook in each instance to take a preliminary survey, which would determine whether it was possible to house the additional workmen that either had come or were going to those communities in houses already existing—in other words, to see whether the community had reached what they phrased as the saturation point. They also undertook to determine whether it was possible to open up other localities as tributaries to such manufacturing establishments where the workmen were employed by improving methods of transportation. Failing in either of those methods and having by a survey of the men employed and to be employed come to the conclusion that there was need of additional housing, they then undertook, as far as possible, to get that housing provided by the voluntary action of citizens in the community, or the corporations affected, or by boards of trade, or other civic organizations.

They desire wherever it is practical to aid some organization of the community rather than to undertake directly Government building and Government ownership. In some cases they have been unable to get any sort of local aid. They suggested that they propose in a number of instances to loan 80 per cent of the cost of building a given number of houses, the loan to be made to a subsidiary corporation created for that purpose by the corporation employing the workmen for whom housing is sought. For instance, the Bethlehem Steel Co. might create a subsidiary corporation which would agree to furnish the land and 20 per cent of the cost of the building, and the Government would then furnish the additional 80 per cent, taking a first mortgage upon the houses so built, and in some instances with an agreement as a part of the terms of the loan that within a period of five years after the close of the war, there should be a valuation of the property to determine what it would cost to reproduce it as it was in the first instance, and to the extent that that represented a less sum than the actual cost, the mortgage should be reduced. In other words, the Government in such cases is assuming what might be called the war cost of building. If, for instance, 100 houses were constructed at $3,000 each, and it was determined after the war upon a valuation that those houses could be constructed at the time of such valuation for $2,800 each, there would be a wiping off of $200 for each house upon the entire 100 houses, and to that extent the mortgage which had been taken by the Government would be considered satisfied. Touching the rest of it, there should be paid 5 per cent interest as the law passed by Congress provided, and at the termination of the period of the loan, the payment of the principal. That has been the plan proposed in a number of cases. In some other instances, particularly in connection with navy yards where the Government owns the establishment that needs to have the housing for its workmen, it has been proposed that the Government itself would build.

It developed in the hearing that the problem was largely one of permanent housing, not because of the desirability of housing permanently, but because of the character of the workmen who were to be supplied with houses. Temporary housing is practical for much unskilled labor and for a limited amount of skilled labor. Single men can to a limited degree be so taken care of, but for the skilled mechanics who have their families it is necessary to provide them something better than could be supplied through temporary barrack construction, and the difference between the two in cost would not be such as to warrant putting up simply temporary buildings. So while they have practically in every instance refused to agree to the full demand of the locality as to the number of houses to be built, their program looks in large measure to the building of permanent houses that can be sold, and are to be sold where the Government owns them, to workmen who will live in them and will expect actually to own them. Where the Government makes a loan and takes a mortgage the house will be of such a character and in such locality as to assure the return to the Government of the money that is loaned. At least that is both the hope and expressed belief of those gentlemen. Now, as I stated in other instances, they are undertaking by aiding in transportation to solve some of the problems. The gentleman will find on page 8 of the hearings a list of the cities where there have been requests for purchasing houses and where they have come to some conclusion as to the amount of money that they would probably expend at such places. On page 9 is a list of other cities that have made requests and where requests have not yet been acted upon. Now, it became early apparent in the hearings that it was impossible for the committee to designate in the allotment of moneys and by the character of houses as to how this money should be expended, but a reading of the hearings will clearly disclose, I think, that these men, who are experts in their respective lines, have given to the subject a degree of study that warrants the belief that as far as possible there will be a safeguarding of the Government's moneys. The committee examined into each program of building that had to any degree been determined on.

Mr. ROBBINS. That answers very fully the inquiry. I noticed page 8 and 9, and had read the list of places that applied, but no town I had in mind seems to have been included in this list. Butler, Pa., whose application was presented, on behalf of the board of trade with members of the board of trade, does not seem to be included, and Erie, Pa., which I was advised at the same time had been favorably acted on, does not seem to be included. This is only, however, an omission that is not fatal at all.

Mr. SHERLEY. I do not recall either of those instances, but it is only fair to say the lists presented there are tentative. I think this ought to be said, and I say it without reference to the two instances that the gentleman cites, that there ought to be impressed through the membership of this House upon the communities of this country the very great duty that rests upon such communities to take care of this burden as far as it is possible; that they are not to assume that because the Government has seen fit to appropriate moneys for housing that it means thereby that it is to do all of the housing that needs to be done. The community that gets the benefit of great industrial activities on account of war orders, that has an expanse and a growth and a prosperity growing out of that, has a very definite pronounced patriotic obligation in turn to assume burdens that flow from those benefits, and not to look to the Treasury of the United States to house all the people who happen to come there.

Mr. ROBBINS. I think that was the same statement that was made to the Board of Trade of Butler, Pa., by the housing officials to whom they applied over in the city here, on F Street, I believe. I want to clear up the statement the gentleman made as to the depreciation charged off at the period of revaluation after the war for houses which were erected by the Government on the basis of 20 per cent advance by the Government and 80 per cent advance by the local community——

Mr. SHERLEY. It is the other way around; 80 per cent by the Government and 20 per cent by the local community, corporation, or individual.

Mr. ROBBINS. Is it the idea of the gentleman and of those who are interested in it in perfecting this housing proposition and its operation that that would be charged off as depreciation and credited to a Government mortgage, without any payment by the local people?

Mr. SHERLEY. The word "depreciation" is misleading. The idea is this: Building at this time is of necessity more expensive than at any other time——

Mr. ROBBINS. We appreciate that very much.

Mr. SHERLEY. And because it is more expensive to-day, private interests hesitate to undertake it. Now, if they are to be charged with the entire cost of building, the only thing that they get in the way of inducement is the loan at 5 per cent that the Government makes. They have insisted—and I am simply stating their case now, without necessarily meaning to say it meets my approbation—they have insisted that inasmuch as they have to build at a time when there is an excess of anywhere from 30 to 50 per cent in building cost, they should be permitted to pay back as of the value of that property if built in normal times, and they give to the Government the option to have an appraisal made at any time within five years after the close of the war. Now, that appraisal is not for the purpose of determining the value of the houses when appraised, but it is to determine what it would cost to erect at this time new houses exactly like those were when new.

Mr. ROBBINS. Protect them against the excessive cost?

Mr. SHERLEY. That is the purpose of such provisions.

Mr. WATSON of Pennsylvania. Is it the purpose to deduct from this $60,000,000 for housing money to establish electric-light plants, pave streets, and establish water companies?

Mr. SHERLEY. I think with perhaps the one exception of a proposed plan down near Portsmouth none of the items discussed were items where it was proposed to build houses outside of existing municipalities. In no instance was it proposed to create municipal facilities other than the suggestion touching some property outside of Portsmouth.

Mr. WATSON of Pennsylvania. I have in mind the shipping plant at Bristol. They are spending there about $5,000,000. They are opening a great many streets; they are placing a sewerage system in the streets, installing electric lights and water pipes, and paving the streets, and expending a great deal of money. Would that come out of the $60,000,000?

Mr. SHERLEY. That is a case where the moneys come from the moneys furnished the Shipping Board and the Fleet Corporation, and it is pursuant to an act that was passed some months ago authorizing the Emergency Fleet Corporation or the Shipping Board to expend up to $50,000,000 for housing purposes.

Now, I suspect, without recalling the details, though we had some testimony by the Shipping Board in the sundry civil bill as to Bristol, that this is the situation, namely, that they found that as a business proposition it was better to take certain lands that could be obtained in sufficient quantity at a reasonable rate; and they are building these houses and opening up the streets with a view of subsequent sale of the houses, rather than to undertake to buy expensive land that might not be as suitable for the purpose. And it might be quite possible, as the gentleman says, and I have no doubt it is, that in that instance they are opening up new streets.

Now, there is another question in that connection, and that is one of the reasons why, in my judgment, it is desirable to authorize in this bill the creation of a corporation. If the Government buys these lots and erects the buildings on them, the property ceases to be taxable for either municipal, county, or State purposes; and, of course, it is not to be expected that if you take out of a community certain of its taxable assets the community will of its own accord furnish municipal facilities. And in the hearings it was suggested that one of the things that was desirable to do, instead of having the Government go into the creation of municipalities, was to enter into agreements with existing municipalities, where it was practicable, for the extension of their sewerage and water and lighting and streets and fire and police facilities in consideration of having added property that would be sufficiently valuable for taxation to give a return for the facilities given.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MAPES. Mr. Chairman——

Mr. SHERLEY. I yield to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Has the President authorized the organization headed by Mr. Eidlitz, that was created by the Secretary of Labor, to go ahead with this housing proposition?

Mr. SHERLEY. At the time of the hearing he had not formally done so, but I have no doubt of his determination to use these gentlemen in the carrying out of this act. I say that because of the fact that in connection with some of these preliminary surveys and work that they have been doing, and which ought to have been done, and had to be done, if the situation was to be met, he has advanced out of the fund that Congress placed at his disposal a limited amount of money, I think something like $60,000. So I have no doubt he will use this existing organization.

Mr. MAPES. Can the gentleman tell us whether or not any conclusion has been reached as to how these houses that are to be built by the Government are to be furnished?

Mr. SHERLEY. They are not to be furnished by the Government at all. They are to be rented unfurnished; that is, outside of those in the District of Columbia, where they do expect to furnish them, and have dormitories composed of several hundred rooms, each room to house a single person.

Mr. MAPES. It will be necessary to furnish those, will it not?

Mr. SHERLEY. Yes, sir.

Mr. MAPES. And is that the settled policy of the organization?

Mr. SHERLEY. I gathered that that was their policy. The testimony showed that they did not contemplate the furnishing of any of these houses that are to be built elsewhere. And, as I stated a few minutes ago, it was their desire not to build these in any instance except as a final resort.

Mr. MAPES. My inquiry was directed more especially to the housing facilities to be put up here in the District.

Mr. SHERLEY. Well, in the District there are some proposals looking to the building on four sites here of dormitories, probably exclusively for women. The dormitories will house different numbers, according to the area available, divided into rooms that will be occupied by one person and which will be simply furnished and to have in connection with such dormitories a restaurant, the facilities of which will probably be given—and when I say "given" I do not mean in the sense of a gratuity—to some concessionaire, who will run the restaurant.

Mr. SNELL. Will the gentleman yield for another question on another matter?

Mr. SHERLEY. Certainly.

Mr. SNELL. Is there any provision in the $11,000,000 for training camps, for any training camps outside of those connected with the regular cantonments?

Mr. SHERLEY. The $11,000,000 for training camps was for training camps for any training camps outside of those committee had no opportunity to express an opinion in regard to their wisdom or their unwisdom. It developed that the Secretary of the Navy had taken the responsibility of ordering this work done, and there was $11,000,000 to be met, and there was nothing for the committee to do but to meet it.

Now, the gentleman will find on page 141 of the hearings a statement setting out the training camps and the estimates as to the expenditures at the various camps. They are all existing camps, and the amount which is to be expended or which has been expended is set out there. The gentleman will see that $7,650,000 is on camps where the work has been let and is under way; $950,000 is at camps where the work has been let but is not under way; and $2,400,000 is where authority has been given but where there has been no actual contract made.

Mr. SNELL. But there is nothing in this that provides for any additional camps?

Mr. SHERLEY. No, sir. The gentleman will find the details set out there. The committee has had no option. It is manifest that it is impossible for the committee, I will say to the gentleman, to ascertain how extensive the building should be and whether it is being done economically or not. The clerk reminds me that it did develop in the testimony that there were projects that had not been approved by the Navy looking to an expenditure of $4,000,000, but they are not involved in the amounts that are carried in this bill.

Mr. SNELL. Can the gentleman tell from what fund the nitrate plants Nos. 2 and 3, that have been decided upon, come—Nos. 2 and 3, down at Muscle Shoals?

Mr. SHERLEY. My subcommittee has had no hearing on that. The subcommittee on fortifications is having a hearing at this time on that and other matters in connection with the fortification bill. My understanding is that a very large part of the fund was obtained from the money appropriated in one of the deficiency bills last year in connection with the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon; it was held that the language "manufacture and test" made available such portions of that fund as were necessary in connection with the manufacture of ammunition.

Mr. SNELL. The gentleman says the fortifications subcommittee of the Committee on Appropriations is considering that at the present time?

Mr. SHERLEY. Yes. They are having hearings in connection with the estimates for the coming year, and, as always has been the practice of the Committee on Appropriations, they endeavor in connection with new estimates to make inquiry into the expenditures that have been made under similar items heretofore; and I happen to know—because I have talked the matter over with the gentleman from Missouri [Mr. BORLAND]—that this particular matter will be inquired into. I personally am not familiar with the testimony that has been given over the last several days.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. LONGWORTH. The entire amount of the plant No. 2 at Muscle Shoals was taken from the item that the gentleman refers to. Does the gentleman know what item is being used for the construction of those two new nitrate plants?

Mr. SHERLEY. I do not; but I presume the same thing would apply as to them. There was also an appropriation of $20,000,000 in the national defense act. Just how much of it has been used, or will be used, I do not know; but I think the gentleman will admit before he is through the inquiry—and I have no objection to the inquiry—that, assuming the necessity for a greatly increased capacity in this country for the making of various forms of explosives——

Mr. LONGWORTH. I think there is no question but that it is necessary——

Mr. SHERLEY. In a moment—and assuming the need for the creation of additional sources for the supply of nitrate as an incident to the manufacture of such explosives, that the department would have been derelict in duty if it had not undertaken to supply the deficiency in those particulars as early as possible. Now, by that I do not mean to say that the method pursued has been wise or unwise, though I do not think that the statements heretofore made have warranted the assumption that some gentlemen have indulged in, that the whole matter was indefensible and without excuse.

Mr. LONGWORTH. I do not think that anybody has denied the necessity for getting a larger supply of nitrate, but the gentleman must agree to this, that that appropriation when made was intended for objects other than the building of nitrate plants, and therefore if a large amount, some hundreds of millions, is taken out of that item——

Mr. SHERLEY. I do not agree to anything of the sort. I do not come close to it. I will tell you what I do agree to, and that is that the practice in the past has been—and by that I mean before the war—that whenever a department had in contemplation the creation of some factory or facility for manufacture that involved a sum at all large, instead of undertaking to get it out of the funds carried for guns or ammunition generally, they came to Congress and specifically asked for it. That is the way we created our various arsenals. But it does not follow that, because that was the practice in the past, there may not have existed conditions that warranted them in using this money for this purpose; and it does not follow, as implied in the question of the gentleman from Ohio, that such use means a diversion of funds, and that it results in a less sum being available for ammunition purposes. Just the contrary may be true. It does not necessarily matter in the way of quantity production of ammunition whether that money is expended in buying the finished product, whether all of it was so expended or part of it expended in getting those things that go to make the finished product.

Mr. SNELL. Does the money for the establishment of the water power come out of the same fund as that in connection with the building of the plant?

Mr. SHERLEY. My only knowledge on that point is derived from some statements made by the gentleman from Ohio, which I neither question or confirm.

Mr. LONGWORTH. My information came from the Secretary of War, and I can tell the gentleman that Dam No. 2 at Muscle Shoals is being built with moneys taken from the $20,000,000 nitrate fund, and the money for the erection of the plant itself is being taken from this appropriation.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Chairman, I ask for another minute.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SHERLEY. We can best get at this matter when it comes before the House in a regular way and when all of us will have all of the information that is available on the subject.

Mr. SNELL. When will that come?

Mr. SHERLEY. That will come under the fortifications bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The President, if in his judgment such action is deemed necessary or advantageous, may authorize the creation of a corporation or corporations for the purpose of carrying out the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, such corporation or corporations to have or obtain all powers necessary or appropriate therefor. The total capital stock of the corporation or corporations authorized hereunder shall not exceed $60,000,000: *Provided*, That where such corporation or corporations are created by authority of the President, representatives appointed by the President, or by such agency as he may designate to carry out the purposes of the said act, shall subscribe to, own, and vote the capital stock thereof for and on behalf of the United States, and shall do all other things in regard thereto necessary to protect the interests of the United States and to carry out the provisions of the said act: *Provided further*, That section 605 of the Code of the District of Columbia prohibiting a corporation from buying, selling, or dealing in real estate shall not apply to such corporation or corporations so created or designated, with respect to buying, selling, or dealing in real estate in furtherance of the provisions of the said act: *Provided further*, That the act entitled "An act to amend section 552 of the Code of Laws for the District of Columbia, relating to incorporations," approved February 4, 1905, shall not apply to any corporation or corporations created under the authority contained in this paragraph.

Mr. GILLETT. Mr. Chairman, I move to strike out the last word for the purpose of stating a fact that recently has come to my knowledge and which does not affect the legislation here, because it is nothing which Congress can affect one way or the other. It is a matter entirely within the executive action of the departments and bureaus. That is the competition here in Washington between the different bureaus and agencies of the Government, which I hope will not affect the building of these houses. I was told recently of one department where the men who were working were drawn out of their employment to another department because they were working 8 hours and the other department offered them the opportunity to work 10 hours, and, of course, for the two extra hours they would receive overtime. Therefore it was more attractive to them than where they were working. So they were drawn away from where they were doing good work to another department which, perhaps, needed them less. I do not believe that the question as to which needed them most was at all taken into consideration in their final apportionment.

I heard of another case where bricklayers who were working in one department here in Washington at $6 a day were offered $8 a day here by another department, and so they were taken away from the place where they were probably quite satisfied

and doing good work at $6 a day to the other department paying them $8 a day. Now, which department needed them most I do not know. If there was any assurance that they finally were landed in the place where they could do the most good to the Government, it would lessen my criticism.

Mr. SNYDER. Were the men who offered them the higher wages working on a contract?

Mr. GILLETT. No; these were both strictly Government departments or bureaus or agencies. I do not care to be specific and say who they were, because I do not wish to criticize any department; but it simply illustrates a condition which exists. I hope the Department of Labor, which is to engage in this housing business, will not follow the practice which other departments are now apparently following, of bidding against some other department, thereby constantly enhancing wages and increasing the cost to the Government, and worst of all not insuring that the department which needs them most finally gets them. There ought to be, and I suppose there is, on paper an organization to accomplish the object that there shall not be this competition among the departments, and that some one shall have supreme jurisdiction where a man shall go. But as these facts were brought to my attention I thought I would bring them to the attention of the authorities in this way, hoping that the abuse which apparently exists in Washington will not be increased by this very large addition to the employment of labor.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the temporary employment of such additional force of clerks and other employees as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the existing situation may demand, $900,000: *Provided*, That the Secretary of War shall submit to Congress on the first day of its next regular session a statement showing by bureaus or offices the number and designation of the persons employed hereunder and the annual rate of compensation paid to each: *Provided further*, That no person shall be employed hereunder at a rate of compensation in excess of $5,000 per annum, not more than 5 persons shall be employed hereunder at a rate of compensation in excess of $2,400 per annum each, and not more than 35 persons shall be employed at a rate of compensation in excess of $1,800 per annum each.

Mr. KAHN. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee, who is the clerk that is to be employed at $5,000 a year in the War Department? At page 6, line 12, there is a provision for one clerk in the War Department to be employed at $5,000 a year.

Mr. SHERLEY. No clerk.

Mr. KAHN. What is the $5,000 salary for?

Mr. SHERLEY. It is for those high-grade people whom the Secretary of War personally stated that he needed in connection with a lot of work that was going on in the department, among other things the systematizing of contracts. The gentleman will note that the paragraph relates to the temporary employment of such additional force of clerks and other employees as in the judgment of the Secretary of War may be proper and necessary.

I stated awhile ago, during the gentleman's absence, that the Secretary said he had but one of three methods that he knew of available to him for a certain character of work—either to accept the services of men who volunteered, with all the evils that have been so frequently pointed out on this floor, or the employment of men at salaries sufficient to get men of real competence, or turning over of important work to men who were simply clerks and not competent, or giving men commissions, with such high rank as would give them commensurate salaries, and which he thought was a very indefensible method. He urged very strongly upon the committee that we allow appointments at a rate as high as $7,500 a year, and without any other limitation than that he should personally make the appointment and certify the reason for it. The committee, having in mind somewhat the attitude of this House in the past, reached the conclusion that the allowance of five salaries not exceeding $5,000 would probably enable him to meet the situation, and it accordingly fixed that limitation.

Mr. KAHN. I have no objection to giving to the Secretary of War all the assistance that he needs——

Mr. SHERLEY. The proposition was simply this, and I am sure the gentleman will agree with it. It is perfectly apparent that in this day, with the tremendous expansion of that department, there is great need of a limited number of high-grade men. Now, you can get those men either by having them volunteer, or by paying them a salary, or by commissioning them, and I think the payment of a salary is a legitimate, dignified way for the Government to do it.

Mr. KAHN. I agree with the gentleman.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For Medical and Hospital Department, including the same objects specified under this head in the Army appropriation act for the fiscal year 1918 and in the deficiency appropriation act approved October 6, 1917, the Secretary of War is authorized to enter into contracts and otherwise to incur obligations not to exceed $33,000,000 in addition to the appropriations heretofore made.

Mr. KAHN. Mr. Chairman, I move to strike out the last word. I should like to have information about that item.

Mr. SHERLEY. I will give it again. I am sorry the gentleman was not here when I made the explanation a few minutes ago. I shall be glad to make it again.

The gentleman will find by looking at the hearings that the Medical Department came in with a statement showing the expenditures that they had made under the appropriations that had been given to them heretofore of $130,806,000; and they showed that there was in the way of expenditures and obligations an indebtedness that more than took up that amount of money, and that they needed, under additional obligations or appropriations, for motor vehicles, $2,985,000; replacements and repairs, $1,040,000; printing and binding, $100,000; veterinary supplies, medicines, and antiseptics, $269,019; dressings, $142,824.12; instruments, $67,272.92; horse blankets, $245,000; gas masks, $11,000,000; employees and operatives, $1,257,000. Other medical and hospital supplies: Medicines, antiseptics, and disinfectants, $5,000,000; surgical dressings and sutures, $14,000,000; hospital equipment and supplies, $1,600,000; textiles, $6,000,000; instruments and appliances, $900,000; litters, pack saddles, and field chests, $500,000; making a total of $45,316,116.04.

Then they had an expense of civilian employees, that is out in the field, of $1,315,000; laundry hospital linen, $400,000; civilian medical service, $500,000; expressage on medical property, $4,000; gas and electricity and laboratory apparatus, $4,000; miscellaneous, $6,000; allowance to disbursing officers in Europe for which no accountability will be made to the Surgeon General, $3,600; making a total of $51,145,116.04.

At the time this statement was made they had $18,233,305.35 unobligated, which left $33,000,000, the amount we are carrying here. At the time the hearing was had, which was later than the time the table was made up, there were a number of items that had changed the $18,000,000, which, as I said a moment ago, had been all obligated, but the table I have read gives you the situation, after four or five hours of hard work with the Medical Corps.

The Clerk read as follows:

For fuel, lights, repairs, miscellaneous items, and printing for the fiscal years that follow:
Nineteen hundred and eighteen, $45,150.
Nineteen hundred and nineteen, $147,500.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. Does the Government manufacture its own electricity for all these new buildings?

Mr. SHERLEY. I think in all new temporary buildings it buys it. It was stated that they were buying at a rate which was as cheap as they could make it. I do not think that applies generally to permanent buildings. Eight or ten years ago I had occasion to go into the cost of making electricity in the District of Columbia when they had a proposition to sell us electricity at a price which ran all the way from 10 cents down to 3 cents, and 3 cents was extravagant. In connection with these particular buildings I think we are getting it as cheaply as we could make it.

Mr. SNELL. Does the gentleman know what the rate is?

Mr. SHERLEY. It is a sliding scale, making it considerably under 3 cents, but I do not remember accurately the rate.

The Clerk read as follows:

War and Navy Department temporary office buildings (Potomac Park): For the following employees from August 15, 1918, to June 30, 1919, inclusive, at annual rates of compensation as follows: Assistant superintendent, $2,000; clerks—1 of class 4, 2 of class 3, 2 of class 2, 4 of class 1, 4 at $1,000 each; 4 messengers, at $720 each; chief engineer, $1,800; assistant engineers—1 $1,600, 6 at $1,400 each; chief electrician, $1,600; electricians—4 at $1,400 each, 4 at $1,200 each; foreman, $1,600; carpenters—3 at $1,400 each, 7 at $1,200 each; sign writer, $1,400; painters—3 at $1,200 each, 2 at $1,000 each; plumbers—1 $1,400, 4 at $1,200 each; steam fitters—2 at $1,400 each, 2 at $1,200 each; machinist, $1,400; 4 switchboard operators, at $1,200 each; 6 general mechanics, at $1,000 each; guards—captain $1,600, 6 lieutenants at $1,080 each, 8 sergeants at $930 each, 205 at $780 each, 80 at $720 each; fire marshal, $1,080; foreman of laborers, $1,000; 2 assistant foremen of laborers, at $840 each; 83 laborers, at $660 each; 22 female laborers, at $480 each; 8 forewomen of charwomen, at $300 each; 208 charwomen, at $240 each; in all, $388,955.

Mr. WATSON of Pennsylvania. Mr. Chairman, I move to strike out the last word. On page 10, line 4, there is a provision for a sign writer at $1,400. What is a sign writer?

Mr. SHERLEY. In this instance he is a painter who paints the signs for all the doors and hallways to help people find the offices and to indicate who are in the offices.

Mr. WATSON of Pennsylvania. Is he employed continuously every day writing signs?

Mr. SHERLEY. He is employed continuously, and when not painting signs he is doing general painting work around the place.

Mr. WATSON of Pennsylvania. He does other work besides painting signs?

Mr. SHERLEY. Yes.

The Clerk read as follows:

War Department temporary office building (Eighteenth Street and Virginia Avenue NW.): For the following employees from July 1, 1918, to June 30, 1919, inclusive, at annual rates of compensation, as follows: Assistant superintendent, $1,800; clerk of class 1; chief engineer, $1,400; assistant engineer, $1,000; 6 firemen at $840 each; 4 coal passers at $720 each; electrician, $1,200; carpenter, $1,200; painter, $1,000; general mechanic, $1,000; guards—captain $1,200, 3 sergeants at $930 each, 42 privates at $780 each; foreman of laborers, $840; 10 laborers at $660 each; 3 female laborers at $480 each; 2 forewomen of charwomen at $300 each; 18 charwomen at $240 each; in all, $68,270.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill a question. On page 9, line 25, I see there is an assistant superintendent at $2,000, and on page 10, line 25, an assistant superintendent at $1,800. Why is it not proper to reduce the one who draws $2,000, on page 9, in the Navy Department to $1,800, who seems to perform the same duties and hold the same office as the other and known by the same name? Why the difference?

Mr. SHERLEY. They have the same name but do not do the same amount of work. One of them is in charge of buildings very much larger than the other. The committee took the statement of Col. Ridley, who has charge of the matter and knows what these people ought to be paid. In these two instances he testified he was having great difficulty in getting men at all fitted to attend to the jobs at the salaries ordinarily paid. All the gentleman needs to do is to recall what unskilled laborers are getting to-day to realize that that is true because these men are not getting a permanent Government position, at least I hope they are not. These buildings will pass away in the course of a few years. Anyway that particular difference was at the instance of Col. Ridley, who said that the work they had to do warranted the difference in the salary.

Mr. ROBBINS. I want to say that I have been through these buildings somewhat, and so far as my observations go they are filled with clerks that are not employed. They are not busy. The service down there looks to me as if it was very indifferently and inefficiently rendered. Now, I want to be understood; I do not mean to say that those who are working are not performing their duty but they do not all work. On one occasion as I walked through the buildings at Seventh and B Streets I observed a great many idlers. As I and my friend went through one long room we counted seven girls and four boys sitting at a desk talking in one room. We took occasion to pass back through the same room 5 or 10 minutes afterwards and they were doing the same thing. Now, I have no objection to paying one of these men $1,800 and the other $2,000, for I accept the gentleman's explanation in this instance, but I wanted to make the other observation which struck me at the time, that if these two men are in charge of the buildings there, they ought to see that the people employed there work.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, he is laboring under a misapprehension as to what this force is for. This force has nothing to do with the clerical force of which he is speaking. This force is there for the purpose of attending to the heat, light, cleaning, and protection of the building. Touching the other matter, I want to say this: I have taken occasion—not once, not twice, not six times, but a dozen times—to call the attention of the various responsible officers of the Government to statements that have been made upon the floor and off the floor similar to what the gentleman has just said. I think—I know—that some of that criticism has been warranted by the facts. It is fair to say that there are times, of necessity, when a bureau is undergoing expansion, when there will be some slack that can not be immediately taken up, but that does not explain what has been a condition in the past. Some of it has been due to the very great incompetency of some of the clerical service that we get here, and if the Civil Service Commission would get a more intelligent examination, I think we would get a better class of clerks. We might not get quite so many school-teachers, but we might get more people who know about clerical duties. I want to say in justification of the department that an officer has recently been detailed upon this very matter, and I had occasion to talk to him—in point of fact, he sought me out as a result of some criticisms that I had made—and I have reason to believe that he and other people are going to correct and are correcting now some of the abuses of which the gentleman complains. When the sundry civil bill hearings come out the gentleman will find page after page of inquiry of various people in connection with just that question. You are usually met with the statement that they do not know of the incidents of which they complain. I suggest to Members of Congress—and it is not a pleasant duty, and there are a lot of things that are not pleasant these days—that instead of coming on the floor and making a general assertion, they come with the concrete case, when they see a case of that kind, and take the time to make some inquiry and find out who the clerk is and who is the man responsible for the clerk, so that we can put our finger on the people and get results. There are 15,000 temporary employees now in the War Department. It is impossible to indict every one and get anywhere, but if gentlemen will bring specific cases we will be glad to aid them in getting at the responsible people.

Mr. ROBBINS. I want to call the gentleman's attention in that connection to another incident that occurred to me, subject perhaps to his suggestion that I ought to be specific and get the names and places and the officers in charge. On Friday last, about half past 10 o'clock in the morning, I came along by those buildings at Seventh and B Streets. I had been in the one located farthest south on business. I found the whole street filled with clerks. It was not the noon hour. It was about half past 10 o'clock in the morning, but it looked like the Atlantic City boardwalk, and the gentleman who was with me made the same comment and wondered how it was that all those clerks were out. Boys and girls would walk up to the corner, buying ice-cream cones and going over to the fruit stand across the street, and seemed to be out for a holiday rather than working for our Government in war time. Does the gentleman know the explanation for that unusual condition of affairs?

Mr. SHERLEY. I expect the explanation is this: In certain departments the clerks are at work longer than seven hours, some perhaps working longer than eight hours, and they are being given 10-minute rest periods, I think, twice a day, in addition to the lunch hour. In other words, they come to work at an earlier hour and stay later, and it has been deemed advisable by the officers having them in charge to give them certain rest periods, and I am not prepared to say that that may not be wise administration, assuming that it does not mean actual curtailing of the work but simply means longer time down there, with rest periods so as to prevent the fag and the fatigue that slows down work. I think that is the explanation of the incident of which the gentleman speaks.

Mr. WALSH. Mr. Chairman, will the gentleman permit an inquiry with reference to these appropriations for these different employees?

Mr. SHERLEY. Certainly.

Mr. WALSH. Will they be eligible for the horizontal increase that has been given other Government employees?

Mr. SHERLEY. The gentleman means the $120 increase?

Mr. WALSH. Yes.

Mr. SHERLEY. That matter is in conference between the House and the Senate. It depends upon what comes out of conference. The Senate raised the amount and undertook to restrict it so as not to have it apply to new bureaus that have been created since July, 1916. The House provision did not so restrict it as to bureaus, but did restrict it to a lesser sum.

Mr. WALSH. I had forgotten for the moment that that matter had not been definitely acted upon; but if that is adopted, it depends upon the form in which it is finally enacted?

Mr. SHERLEY. Yes; but in these instances it would not affect these people, because this is not a new establishment but is an expanded old one.

The Clerk read as follows:

The char force of the foregoing temporary office buildings and the temporary office buildings in Henry Park, which is employed and paid by the bureaus or offices occupying the said buildings, shall be subject to the supervision and control of the superintendent of the State, War, and Navy Department Building.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word. The reason for that provision is this: There developed a rather curious situation growing out of an old division of authority, that had a reason, in old buildings. The superintendent of these buildings had charge of the charwomen engaged in cleaning the corridors, but had nothing to do with the cleaning of the space that was occupied by the offices. That was perfectly understandable in a building like the State, War, and Navy Building, which is divided into many rooms, but in a great number of these new buildings there are no rooms in the sense of rooms apart from the corridors. The corridor consists simply of a path through the middle of one big room, with a rail on either side, and it was absurd to have two different forces of charwomen under two different managements taking care of that space, and this is to correct that situation.

The Clerk read as follows:

Transportation of remains: For transportation of remains, including the same objects specified under this head in the naval appropriation act for the fiscal year 1918, $300,000.

Mr. ROBBINS. In reference to the item of $300,000 I wish to ask the gentleman, and I do not wish to elicit any information that will be very dismal or improper to obtain, but I had a constituent killed in battle on the French front, and upon request for the return of his remains, at the instance of his father in this case, I was advised that no returns would be made until the close of the war. If that be true, what is the necessity for this item? Is there an explanation? I do not care to go into it in detail or to make any inquiry that would disclose anything improper at all, but the item seems rather unusual.

Mr. SHERLEY. Mr. Chairman, this relates to the Navy and not to the Army. The Navy are bringing home a certain number of men who die on ships in foreign waters, and it also is used for the purpose of transporting the remains of men in the service here in America who die either aboard ship or ashore. The Navy has undergone a very large expansion, and we have felt that while we did not know that they would need this amount of money that they might need it, and the committee naturally did not want to refuse any money for such purpose.

Mr. ROBBINS. I understand that; I just wanted to inquire.

The Clerk read as follows:

COAST AND GEODETIC SURVEY.

For office expenses, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1918, $8,000.

Mr. PLATT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do not know anything as to the necessity of this item for the Coast and Geodetic Survey, and I do not want particularly to take part in the discussion as to whether clerks in Washington are, generally speaking, working, or, generally speaking, loafing. So far as my observation goes, they are working; but I do believe there is a whole lot of Government work being done here in Washington and elsewhere which has nothing whatever to do with the winning of this war, work that might as well be postponed now as not, and that the force of clerks so employed ought to be transferred to the War Department or the Navy Department or to some other department which is essential to the winning of the war. The Provost Marshal General has recently classified certain industries as nonessential and has said that men, even those who are married, who are holding certain positions in hotels and in other places must seek other work or fight. Now, there are lots of men from my observation doing Government work which is nonessential and who ought to seek other work or be forced to fight. On the 9th day of May I introduced the following resolution:

Resolved, That the Bureau of Efficiency be directed to report to the House of Representatives what Government activities in Washington or elsewhere are not essential to the successful prosecution of the war, and also what Government activities could be curtailed during the war so that their clerical forces could be transferred in part to essential war activities.

That resolution was referred to the Committee on Military Affairs, for what reason I do not know. I shall ask the Committee on Military Affairs, now that they have their big bill off their hands, to take some action on it or I shall ask a rereference of it.

It probably ought to be referred to some other committee. We certainly ought to have some light on this subject. We passed the Overman bill week before last giving the President full authority to reorganize and transfer men from one department to another, but President Wilson, I think, in all fairness may be said not to be given to drastic action. He does not like to chop off men's heads and throw people out of one place and put them in another if he can help it, but somebody ought to make a study and report on these matters, roughly at least, and let us know, let Congress know, and let the President know what activities could be postponed during the war or what should be curtailed. A great flood of people has been coming to Washington to do war work, congesting all living accommodations and causing unnecessary expense, when there are other people here who might be doing the war work instead of the work they are now doing.

Mr. ROBBINS. Will the gentleman yield?

Mr. PLATT. I will.

Mr. ROBBINS. Does not the gentleman think in the line of his suggestion that the great army of clerks over here in the Interstate Commerce Building valuing railroads could be taken off that job during the war and turned to something else, especially since the Government has taken over the roads?

Mr. PLATT. I do. I think that valuation work is an absolutely idiotic thing to do at this time. They are employing a lot of engineers that ought to be doing Army work. There is not a man employed in that work to-day who feels proud of his work, and several of them have told me so. The engineers who are employed will tell you they are not doing anything worth while. It is an outrage to continue work of that kind when everybody employed in it knows it is not useful at this time, if at any time, and when there is such a tremendous demand for engineers and for competent clerks in war work.

Mr. SHERLEY. Mr. Chairman, with the gentleman's general observation I am in accord; as to the illustration used to enforce it I am not. It so happens that the $8,000 is for the purpose of supplying charts for the Navy and Shipping Board, and is more essential now than ever before in its existence——

Mr. PLATT. I fully agree to that.

Mr. SHERLEY. And it was carried for that purpose. I do not agree with the gentleman especially touching the valuing of the railroads, because there is going to be a very great need of that sort of information to protect this Government from the expenditure of a great many millions of dollars in the near future. Whatever may have been the need in the past for doing it, the need has grown, and to stop work now would be to throw away all that is behind us and put ourselves at the mercy of the railroads if we should take them over or if any issue comes as to compensation for them incident to our present occupancy. I want to say I do thoroughly share with the gentleman his general indictment of many of the departments of the Government.

One of the melancholy things in connection with this war is that everybody is willing to tack onto a war need his particular activity, whether there be any legitimate reason in peace or otherwise for its existence, and one of the chief difficulties the Committee on Appropriations has is in trying to force that idea into the heads of men who do not want to see it, even when they do see it. I think the President has the power—and I think he has the desire—to eliminate some of the unnecessary activities that go on, but the ingenuity of men in explaining why the other fellow's job is unnecessary, but that theirs is important, passes all belief. Somehow or other, both in this present emergency and every other that this country has ever faced, it has been exceedingly difficult to divorce any governmental employee from his job. Some of the real achievements of my career in 16 years have consisted in abolishing a few commissions.

Mr. ANTHONY. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. SHERLEY. I will.

Mr. ANTHONY. I wanted to ask the gentleman what particular item in this bill has to do with picric-acid plants which I see the Government is contemplating establishing. What appropriation do they come out of?

Mr. SHERLEY. They do not come out of any in this bill. During the gentleman's absence that matter was discussed considerably. I will say to the gentleman what I said to others, in connection with the hearings on the fortifications bill, it is hoped the committee may be prepared to present to the House as much information as possible relative to the development of these various plants.

However, I was mistaken a moment ago. I was thinking of nitrates. The gentleman is speaking of——

Mr. ANTHONY. Picric acid.

Mr. SHERLEY. All I know about that is what I saw in the newspapers the other day, that one plant had been located at Little Rock.

Mr. ANTHONY. And one at Brunswick, Ga. I wondered what appropriation from the gentleman's committee they come out of.

Mr. SHERLEY. I am unable to answer, but it is quite possible that they come from the fund that is available for the manufacture of ammunition.

Mr. ANTHONY. Does the gentleman know if there is any particular reason for their location at Brunswick or Little Rock? Are there raw materials there?

Mr. SHERLEY. I will say to the gentleman that some time ago a gentleman came to me from my city and said that the city was very anxious to have located a plant at Louisville. I did not give him any help in the matter, not because I did not want to see my city obtain new industries, but since this war I have made it a rule to make no recommendation at all concerning any contractual relation between individuals or localities and the Government. I do not think a man in my position in the House should make such a request, however much he might desire it. All I know is that the gentleman came to me subsequently and said Louisville had lost out and that Little Rock had been chosen.

Mr. ANTHONY. I wondered what appropriation those two plants would come out of.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For stationery for Representatives, Delegates, and Resident Commissioners, including $1,000 for stationery for the use of the committees and officers of the House, $1,625.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to strike out the last word. I do this for the purpose of asking the gentleman to recur to page 14 and to the item headed "Public works, Bureau of Yards and Docks," and including—

repairs and preservation at navy yards and stations: For repairs and preservation at navy yards, fuel depots, fuel plants, and stations, $2,100,000.

Will the gentleman kindly state whether the Navy is now accumulating coal at fuel depots and whether this contemplates the erection of new ones? I am asking this now out of order, because I was obliged to leave the Hall for a while.

Mr. SHERLEY. That did not develop in the hearings at all, and this deficiency had nothing to do with that matter. It is a repair item and simply relates to general repairs and preservation at navy yards.

Mr. MOORE of Pennsylvania. It does not contemplate new fuel stations?

Mr. SHERLEY. It is a repair item entirely, and the hearings did not in any sense develop anything relative to such statement.

Mr. MOORE of Pennsylvania. I notice there is a great deal of discussion as to the necessity for buying coal early and putting it away now for next winter, so far as domestic use is concerned, and coal seems to be piling up at a great many Army stations and navy yards. I wondered if any precautions were being taken on that line now?

Mr. SHERLEY. I do not know that. I hope to present to the House a bill looking to the establishment of a yard here in the District of Columbia to take care of the Government needs for coal. It would save a lot of money and take us out from under the control of the coal dealers.

Mr. MOORE of Pennsylvania. That is a local question and is pertinent, but this matter of fuel depots does not contemplate the erection of new ones for the Navy, so far as the gentleman knows?

Mr. SHERLEY. I simply say that this item has nothing to do with that one way or the other. I do not know what is being done.

The Clerk concluded the reading of the bill.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to have the Clerk correct the totals of the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12280) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes, and had directed him to report the same to the House with the recommendation that the bill do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. CALDWELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CALDWELL. To ask unanimous consent that I may be given the privilege of extending my remarks in the RECORD on the subject of ordnance and also on the transportation of the Army.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subjects indicated. Is there objection?

Mr. WALSH. Mr. Speaker, the gentleman, I understand, has stricken out certain matter in his speech to which I called attention the other day?

Mr. CALDWELL. Yes.

Mr. WALSH. I do not object.

There was no objection.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, before making the motion to adjourn, I want to say that the gentleman from Alabama [Mr. DENT] intends to call up the military bill to-morrow. And we will adjourn over for Memorial Day. I would like to ask unanimous consent to dispense with the business in order on next Calendar Wednesday.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to dispense on Wednesday with the business in order on Calendar Wednesday. Is there objection?

There was no objection.

ADJOURNMENT FROM WEDNESDAY UNTIL FRIDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House, when it adjourns next Wednesday, may adjourn to meet on Friday at 12 o'clock.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House, when it adjourns next Wednesday, adjourn to meet next Friday. Is there objection?

There was no objection.

PRINTING COPIES OF THE PRESIDENT'S MESSAGE.

Mr. GARNER. Mr. Speaker, I want to ask unanimous consent that the number of copies that can be printed within the $500 limit, without resolution, of the President's message, delivered to-day, be printed and placed in the document room.

The SPEAKER. The gentleman from Texas asks unanimous consent that as many copies of the President's message, delivered to-day, as can be printed under the limit of $500 be printed and placed in the document room. Is there objection?

Mr. CANDLER of Mississippi. Reserving the right to object, Mr. Speaker, would it not be better to place them in the folding room?

Mr. GARNER. I have no objection, if you want them to go to the folding room. Many Members will not use them, but they would be given away.

Mr. CANDLER of Mississippi. I suggest that they go to the folding room.

Mr. GARNER. Very well; I have no objection to that.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 279. An act authorizing the Secretary of the Interior to issue patents in certain cases to missionary or religious organizations; to the Committee on Indian Affairs.

S. J. Res. 131. Joint resolution authorizing the Secretary of the Interior to extend the time for the payment of annual installments on the purchase price for land in the Standing Rock Indian Reservation; to the Committee on Indian Affairs.

REVISION OF REMARKS.

Mr. SHERLEY. Mr. Speaker, I ask leave to revise my remarks.

The SPEAKER. The gentleman from Kentucky asks leave to revise his remarks. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. KITCHIN. Mr. Speaker, I am going to make a unanimous-consent request, the first I have made since I have been in Congress, and I hope it will be granted. I ask unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, I be permitted to address the House for 10 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, he be permitted to address the House, not to exceed 10 minutes. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 28, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting list of places for which authorization for public-building work

is recommended (H. Doc. No. 1134); to the Committee on Public Buildings and Grounds and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting a supplemental estimate of appropriation desired by the Quartermaster Corps of the Army to increase the pay of the superintendent of the national cemetery at Mexico City, Mexico (H. Doc. No. 1135); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting supplemental estimate of appropriation required by the Engineer Department of the Army for the fiscal year 1919 (H. Doc. No. 1136); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 12294) to provide for the redistribution of general taxes and special assessments due and payable on real estate in the District of Columbia in cases of subdivisions or sales of land therein; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHANDLER of Oklahoma: A bill (H. R. 12295) for the relief of the Ottawa Indian Tribe of Blanchard Fork and Roche de Bœuf; to the Committee on Indian Affairs.

Also, a bill (H. R. 12296) for the relief of the heirs of the Eastern Cherokee Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 12297) granting an increase of pension to Willis J. Gambel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12298) granting an increase of pension to Andrew J. Molder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12299) granting an increase of pension to Jerry Daniel; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 12300) granting a pension to Katherin Baker; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 12301) for the relief of the owners of the schooner *Henry O. Barrett;* to the Committee on Claims.

By Mr. NORTON: A bill (H. R. 12302) granting a pension to Chloe A. Truax; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12303) granting a pension to Naomi Towner; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 12304) granting a pension to Annie C. Bonebreak; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 12305) granting a pension to Maria Theresa Smyth; to the Committee on Invalid Pensions.

By Mr. WALDOW: A bill (H. R. 12306) granting a pension to Margaret A. Kinney; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CANNON: Petition of D. C. J. Winder and 54 other residents of Kankakee County, Ill., demanding the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Resolutions adopted by the Chamber of Commerce, Kenosha, Wis., asking Government aid in the construction and maintenance of highways, etc.; to the Committee on Roads.

By Mr. DALE of Vermont: Petition of the Rebekah Council of Vermont, favoring war prohibition; also the petition of a county convention of interdenominational Sunday schools of Vermont, favoring the Barkley war prohibition bill; to the Committee on the Judiciary.

By Mr. ELSTON: Petition of Mrs. M. E. Harden and other residents of Alameda County, Cal., favoring the repeal of the zone-rate system of second-class postage; to the Committee on Ways and Means.

Also, memorial of Joseph H. Matthews, Edward W. Woodward, and J. R. Scupham, indorsing House bill 259, introduced by Mr. RAKER; to the Committee on Military Affairs.

Also, memorial of Frank Sextus and other residents of Alameda County, Cal., favoring the minimum wage bill; to the Committee on Labor.

By Mr. FULLER of Illinois: Petitions of Denison Coffee Co.; The Lord & Bushnell Co.; Hall, Wedge & Carter; the Pacific Mutual Door Co.; the Central Bureau, Furniture & Casket Manufacturers, all of Chicago; and Walter D. Williams, manager Security Insurance Co., of Rockford, Ill., protesting against any repeal or postponement of the advanced second-class postage rates as provided in the war-revenue act; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Resolution of the Board of Commissioners of Skamania County, Wash., favoring the construction of military highways and post roads in the States of Washington, Oregon, and California; to the Committee on Military Affairs.

Also, resolutions of the Tacoma Central Labor Union, the Tacoma Metal Trades Council, the Tacoma Building Trades Council, and the Tacoma Mill and Smelter Men's Union, No. 27, favoring the Smith-Sears rehabilitation bill; to the Committee on Education.

By Mr. KAHN: Papers to accompany H. R. 12291, a bill granting a pension to George Casseboom, Company A, First California Volunteer Infantry, War with Spain; to the Committee on Pensions.

By Mr. McFADDEN: Communication from J. Andrew Wilt, adjutant, Watkins Post, No. 68, Grand Army of the Republic, Towanda, Pa., favoring the passage of the so-called Smoot pension bill; to the Committee on Invalid Pensions.

By Mr. MAGEE: Petition of the Woman's Christian Temperance Union of Marcellus, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 28, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

O God, our Heavenly Father, at this critical hour of the world war, with vast interests hanging in the balance and the world looking on with restless anxiety, we appeal to Thy power to defend our men at the front who are struggling to maintain the principles which pertain to Thy kingdom. The cause of justice and righteousness and honor is the habitation of Thy throne, and we look to Thee with great confidence to lead on the forces contending for these principles. As Thou didst bid Thine ancient people to go forward, and gavest them a lasting victory over their foes, so do Thou speak to our armies on the field of battle to-day and give them a triumphant victory. Paralyze the arms that are raised against them until their enemies shall see the hand of God in the defense of the right, and seek no longer to destroy the peace of mankind. We ask it for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3799) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12211. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 12229. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 12280. An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8764) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. FRELINGHUYSEN presented a resolution adopted by the New Jersey Society of Architects, of Jersey City, N. J., favoring the utilization of the services of the architects of New Jersey in war work, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Frenchtown, N. J., and a petition of sundry citizens of Washington, N. J., praying for the adoption of an amendment to the Constitution of the United States to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Jersey City, of the Political Study Club of Orange, of the New Jersey State Organization for Public Health of Newark, all in the State of New Jersey, and of the Philadelphia Yearly Meeting of Friends, of Pennsylvania, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a memorial of the Common Council of Elizabeth, N. J., and a memorial of the Liberty Loan Committee of Elizabeth, N. J., remonstrating against the circulation of periodicals printed in the German language, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Jersey City, N. J., praying for a better system for Americanization of the foreign-born population in the United States, which was referred to the Committee on Education and Labor.

Mr. KELLOGG presented petitions of sundry citizens of Minnesota, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. SHEPPARD presented a petition of sundry citizens of Vernon and Wilbarger Counties, in the State of Texas, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was referred to the Committee on Woman Suffrage.

Mr. GRONNA. I present a communication from the Woman's Christian Temperance Union of the State of North Dakota, and several telegrams, which I ask to have printed in the RECORD.

There being no objection, the communication and telegrams were ordered to be printed in the RECORD, as follows:

NORTH DAKOTA WOMAN'S CHRISTIAN TEMPERANCE UNION,
Fargo, N. Dak., May 24, 1918.

To the United States Senate:

The Woman's Christian Temperance Union of the State of North Dakota, representing 3,000 women, protest most emphatically against the delay by the United States Senate in passing the Federal woman's suffrage amendment.

The women of this country are patriotically responding to every call made by the Government and are doing their utmost to help in winning the war. Many of us are humiliated that our great Nation should be the last English-speaking nation to accord to women the right of franchise. We also believe that it puts us in an unenviable position of inconsistency, not to have democracy at home when we are fighting for it abroad. We urgently petition that this act of simple justice may be given to the women of this great country at once.

ELIZABETH PRESTON ANDERSON,
President.
BARBARA H. WYLIE,
Corresponding Secretary.

FARGO, N. DAK., *May 25, 1918.*

Senator ASLE J. GRONNA,
Senate Chamber, Washington, D. C.:

Firmly believing that no more patriotic duty is before the American people than the enfranchisement of one-half her citizens, and in view of the fact that our allies have regarded the enfranchisement of their women as a war measure, thereby making the United States the only English-speaking nation without equal suffrage, we do hereby protest against the delay in the Senate and urge the immediate passage of the Federal amendment for woman suffrage. Please read into RECORD.

Alex Stern, Robt. B. Blakemore, J. J. Jordan, William Mills, O. M. Strate, Aubrey Lawrence, J. P. Hardy, E. J. Weiser, F. Irish, R. S. Lewis, Morton Page, H. W. Geary, Martin Hector, O. L. Engen, R. Hubert Harrington, E. Robert Clendening, R. M. Pollock, John H. Rindlaub, Martin P. Rindlaub, John S. Frame, A. G. Divet, Daniel B. Holt, J. E. Rockwell, N. B. Black, J. A. Pierce, A. H. Leimbacher, L. L. Twichell, C. E. Nugent, D. J. Burns, H. H. Wooledge, W. H. Barnett, W. P. Porterfield, R. J. Cone, E. M. Darrow, W. E. Boyd, Ralph E. Weible, H. L. Loomis, V. R. Lovell, John Wooledge.

HOPE, N. DAK., *May 25, 1918.*

Senator GRONNA,
Washington, D. C.:

As president of the Federated Club of North Dakota, representing women who are loyally serving the Government, I do protest against the delay in the Senate and urge the immediate passage of the Federal suffrage amendment. Please read this into the RECORD.

Mrs. H. G. VICK.

Mr. GALLINGER. I present petitions of the Equal Suffrage League of Dover; the Woman's Christian Temperance Union; the Woman's Missionary Society of the First Baptist Church; the Equal Suffrage Association; and of Amoskeag Grange, Patrons of Husbandry, all of the city of Manchester, N. H., praying for the passage of the woman's suffrage constitutional amendment.

I have presented very few of the numerous petitions and letters which I have received in relation to this subject, and have been constrained to say to my correspondents that I have no knowledge as to when the matter will be presented for the consideration of the Senate, it being in the hands of a committee representing the majority of this body.

Mr. McCUMBER. I present a telegram in the nature of a petition, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

HOPE, N. DAK., *May 25, 1918.*

Senator MCCUMBER,
Washington, D. C.:

As president of the Federated Clubs of North Dakota, representing women who are loyally serving the Government, I do protest against the delay in the Senate and urge the immediate passage of the Federal suffrage amendment. Please read this into the RECORD.

Mrs. H. G. VICK,
Cavalier, N. Dak.

REPORTS OF COMMITTEES.

Mr. CUMMINS, from the Committee on Rules, to which was referred Senate resolution 242, amending paragraph 3 of Rule VII of the Standing Rules of the Senate, relating to the business of the morning hour, reported it with an amendment and submitted a report (No. 468) thereon.

Mr. CULBERSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 9864) to amend section 111 of the Judicial Code in respect to the western district of Virginia, reported it with an amendment.

GRAND ARMY OF THE REPUBLIC.

Mr. SMITH of Arizona, from the Committee on Printing, to which was referred the House concurrent resolution No. 43 to authorize the printing of the journal of the Fifty-second National Encampment of the Grand Army of the Republic for the year 1918, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Fifty-second National Encampment of the Grand Army of the Republic for the year 1918, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

THE SEAMEN'S ACT (S. DOC. NO. 228).

Mr. SMITH of Arizona, from the Committee on Printing, submitted the following resolution (S. Res. 248), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from Florida [Mr. FLETCHER] on April 16, 1918, entitled "American sea power and the seamen's act," by Andrew Furuseth, president of the International Seamen's Union of America, be printed as a Senate document.

THE ELECTORAL COLLEGE.

Mr. SMITH of Arizona. From the Committee on Printing I report back an original resolution (S. Res. 249) to print the article entitled "The Electoral College and Presidential Suffrage" as a Senate document. I ask that the resolution may go to the calendar. I do not know enough about it to ask for its consideration at this time.

The VICE PRESIDENT. The resolution will be placed on the calendar.

BLACKFEET RESERVATION, MONT.

Mr. WALSH. From the Committee on Indian Affairs I submit a corrected report (No. 451) to accompany the bill (S. 4404) repealing that portion of the Indian appropriation act of March 1, 1907 (34 Stat. L., pp. 1015, 1035), which relates to the disposal of the surplus unallotted lands within the Blackfeet Reservation, in Montana, heretofore reported by me. I also report from the same committee certain amendments to the bill and ask that a reprint of the bill be made showing the reported amendments.

The VICE PRESIDENT. Without objection, that action will be taken.

Mr. WALSH. I ask that the report take the same number, and that the bill retain its place on the calendar.

The VICE PRESIDENT. It is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 4627) granting an increase of pension to Robert J. Erwin; to the Committee on Pensions.

By Mr. KING:

A bill (S. 4628) for the relief of H. G. Godfrey; to the Committee on Claims.

By Mr. FRELINGHUYSEN:

A bill (S. 4629) amending the act of Congress of August 24, 1912, chapter 389, paragraph 1 (37 Stat., 550), to include periodical publications of regularly incorporated charitable organizations, admitting such publications to the mails as second-class matter; to the Committee on Post Offices and Post Roads.

REPORT ON AMMONIA, NITROGEN, ETC.

Mr. SHIELDS submitted the following resolution (S. Res. 250), which was read and referred to the Committee on Printing:

Resolved, That 1,500 copies of the report of the Secretary of Agriculture concerning ammonia, nitrogen, and nitrogenous materials manufactured, imported, and used in the United States in pursuance of Senate resolution No. 137 of the first session of the Sixty-fifth Congress, be printed for the use of the Senate.

ORDER OF BUSINESS.

The VICE PRESIDENT. The morning business is closed and the calendar under Rule VIII is in order.

Mr. SMOOT. I move that the Senate proceed to the consideration of House bill 9959.

Mr. ASHURST. Is the motion debatable?

Mr. SMOOT. It is after morning business.

The VICE PRESIDENT. The Chair will have to examine the rule.

Mr. ASHURST. I do not wish to discuss the motion; I have no doubt I am in favor of the bill. All I wish to say is that I would prefer to have the calendar called in regular order. There is a bill on the calendar, Order of Business 141, the bill (S. 385) to authorize mining for metalliferous minerals on Indian reservations. It has been reported favorably from the Committee on Indian Affairs. The bill has once passed the House, has been twice reported favorably by the Committee on Indian Affairs, and the Department of the Interior is anxious that the bill should be passed. The situation in our country concerning mining for metalliferous and rare metals is such that the bill ought to pass.

I do not ask unanimous consent for the present consideration of the bill, because I know there would be a great deal of discussion and doubtless objection, but after disposing of the bill in which the Senator from Utah is interested officially, and which he wishes to have passed, I should like to ask that the calendar be taken up, so that Senate bill 385 may be reached.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Nugent	Smoot
Baird	Hollis	Overman	Swanson
Brandegee	Johnson, Cal.	Page	Thomas
Chamberlain	Johnson, S. Dak.	Pittman	Thompson
Culberson	Jones, N. Mex.	Poindexter	Townsend
Cummins	Kellogg	Pomerene	Trammell
Curtis	Kendrick	Shafroth	Underwood
Dillingham	Kenyon	Sheppard	Vardaman
Fernald	King	Sherman	Wadsworth
France	Kirby	Shields	Walsh
Frelinghuysen	McCumber	Simmons	Warren
Gallinger	McLean	Smith, Ariz.	Wilfley
Gerry	McNary	Smith, Ga.	Wolcott
Gronna	Martin	Smith, Md.	
Guion	Myers	Smith, Mich.	
Harding	Norris	Smith, S. C.	

Mr. PITTMAN. I wish to announce that my colleague [Mr. HENDERSON] is detained on official business.

Mr. WOLCOTT. I desire to announce that my colleague, the senior Senator from Delaware [Mr. SAULSBURY], is detained on public business.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

Mr. SMOOT. The Senator from Virginia [Mr. MARTIN] informs me that he has a report to make from the Committee on Appropriations, and he also expressed the opinion that it will take but a very few minutes to pass the bill. I am of the same opinion. The Senator from Virginia desires to have the bill passed as soon as possible, and therefore I withdraw my motion for the present in order that the Senator from Virginia may submit his report.

URGENT DEFICIENCY APPROPRIATIONS.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 12280) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

Mr. MARTIN. From the Committee on Appropriations I report back favorably with amendments the bill which has just been laid before the Senate, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MARTIN. There are very few amendments of the committee and I think the bill can be disposed of in a short time. I ask that the formal reading be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read the bill.

Mr. MARTIN. Mr. President, I send to the desk the amendments which were adopted by the committee.

The VICE PRESIDENT. The amendments proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 17, after line 12, under the heading "Legislative," it is proposed to insert:

SENATE.

To pay to Lula W. Stone, widow of Hon. William J. Stone, late a Senator from the State of Missouri, $7,500.

To pay to Mary Marrette Broussard, widow of Hon Robert F. Broussard, late a Senator from the State of Louisiana, $7,500.

For stationery for Senators and the President of the Senate, and for committees and officers of the Senate, $4,000.

The VICE PRESIDENT. The amendments are agreed to, without objection.

Mr. MARTIN. Those are the only amendments which the committee has recommended to the bill, Mr. President.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill S. 3799, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. WALSH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 12211. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 12229. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

INCREASE OF PENSIONS.

Mr. SMOOT. I move that the Senate proceed to the consideration of the bill (H. R. 9959) increasing rates of pensions of soldiers and sailors of the Civil War.

The VICE PRESIDENT. The Senator from Utah moves that the Senate proceed to the consideration of the bill named by him.

Mr. ASHURST. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, I wish to say that neither at this time, nor in fact at any time, do I wish to be put in the attitude of obstructing the bill in which the Senator from Utah is interested.

The VICE PRESIDENT. The motion of the Senator from Utah is one that is not debatable.

Mr. ASHURST. Very well.

The VICE PRESIDENT. The question is, Will the Senate proceed to the consideration of the bill? [Putting the question.] The Chair is unable to decide.

Mr. SMOOT. Then, I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence, and not having a transfer, I withhold my vote.

Mr. GUION (when his name was called). I am paired with the Senator from Wisconsin [Mr. LENROOT]. I transfer that pair to the junior Senator from Tennessee [Mr. MCKELLAR] and vote "yea."

Mr. WOLCOTT (when his name was called). I inquire if the Senator from Indiana [Mr. WATSON] has voted?

The VICE PRESIDENT. He has not.

Mr. WOLCOTT. Having a general pair with that Senator, I withhold my vote.

The roll call was concluded.

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from Mississippi [Mr. WILLIAMS] on account of illness in his family.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. KNOX] to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. JOHNSON of South Dakota. I have a pair with the Senator from Maine [Mr. FERNALD], which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. SMITH of South Carolina (after having voted in the negative). I wish to inquire if the Senator from South Dakota [Mr. STERLING] has voted?

The VICE PRESIDENT. He has not.

Mr. SMITH of South Carolina. I have a general pair with that Senator, which I transfer to the Senator from Illinois [Mr. LEWIS] and will let my vote stand.

Mr. SMITH of Georgia (after having voted in the negative). I see that the senior Senator from Massachusetts [Mr. LODGE], with whom I have a general pair, is not in the Chamber. I transfer my pair with him to the senior Senator from Arkansas [Mr. ROBINSON] and will allow my vote to stand. I will let this transfer remain for the day.

Mr. SWANSON. I am paired with the senior Senator from Washington [Mr. JONES], who is unavoidably detained from the Senate. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. BRANDEGEE (after having voted in the affirmative). I am paired for the day with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from Indiana [Mr. NEW] and will let my vote stand.

Mr. HARDWICK. I have a general pair with the Senator from Kansas [Mr. CURTIS], which I transfer to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. WOLCOTT. I desire to announce that my colleague, the senior Senator from Delaware [Mr. SAULSBURY], is detained on public business.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Connecticut [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from West Virginia [Mr. SUTHERLAND] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

Mr. POINDEXTER. I desire to announce that the senior Senator from Washington [Mr. JONES] is necessarily absent from the Senate Chamber.

The result was announced—yeas 44, nays 16, as follows:

YEAS—44.

Ashurst	Gerry	Kirby	Pomerene
Baird	Gronna	McCumber	Ransdell
Borah	Guion	McLean	Shafroth
Brandegee	Harding	McNary	Sheppard
Calder	Henderson	Myers	Sherman
Chamberlain	Hollis	Nelson	Smith, Mich.
Cummins	Johnson, Cal.	Norris	Smoot
Fall	Jones, N. Mex.	Nugent	Thompson
France	Kellogg	Page	Townsend
Frelinghuysen	Kendrick	Pittman	Walsh
Gallinger	Kenyon	Poindexter	Warren

NAYS—16.

Fletcher	Overman	Simmons	Thomas
Hardwick	Phelan	Smith, Ga.	Trammell
Johnson, S. Dak.	Reed	Smith, S. C.	Underwood
Martin	Shields	Swanson	Vardaman

NOT VOTING—36.

Bankhead	Hale	Lodge	Sterling
Beckham	Hitchcock	McKellar	Sutherland
Colt	James	New	Tillman
Culberson	Jones, Wash.	Owen	Wadsworth
Curtis	King	Penrose	Watson
Dillingham	Knox	Robinson	Weeks
Fernald	La Follette	Saulsbury	Willey
Goff	Lenroot	Smith, Ariz.	Williams
Gore	Lewis	Smith, Md.	Wolcott

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9959) increasing rates of pensions of soldiers and sailors of the Civil War, which had been reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the general pension act of May 11, 1912, is hereby amended by adding a new section, to read as follows:

"SEC. 6. That from and after the passage of this amendment the rate of pension for any person who served 90 days or more in the military or naval service of the United States during the Civil War, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, shall be $30 per month. In case such person has reached the age of 72 years and served six months, the rate shall be $32 per month; one year, $35 per month; one and a half years, $38 per month; two years or over, $40 per month: *Provided*, That this amendment shall not be so construed as to reduce any pension under any act, public or private."

Mr. THOMAS. Mr. President, I want to inquire of the Senator having charge of the bill what is the amount of the increase, when stated in dollars and cents, in each of the classes which are provided for in this amendment to the law?

Mr. SMOOT. Mr. President, in answer to the Senator, I will state that this substitute for the House bill is the same as the bill that was reported to the Senate and is now upon the calendar as No. 230.

Mr. THOMAS. That is the bill which was formerly under consideration?

Mr. SMOOT. Yes. After the so-called Sherwood bill passed the House, came to the Senate, and was referred to the Senate Committee on Pensions, the Senate committee substituted the provisions of the Senate bill referred to for the House bill. I will say to the Senator that the amount which will be carried, if the substitute is adopted, will be, in round numbers, $35,000,000. In other words, since the report was made by the Secretary of the Interior on February 15, 1918, to the Pensions Committee, there have been deaths among the old soldiers which reduced the amount to about $35,000,000. The report showed that there were 299,941 soldiers that would be affected by this legislation.

Of those less than 72 years of age who served 90 days and over and 72 years and over who served less than six months, there were 2,171, and the increased cost was $10,670,202.

Of those 72 years and over who served six months and less than one year there were 39,163, and the increased cost per year was $5,099,178.

Mr. POMERENE. Mr. President, may I ask the Senator from what he is reading, so that I may follow him?

Mr. SMOOT. I am reading from the report of Hon. Franklin K. Lane, Secretary of the Interior.

Mr. POMERENE. From what page of the RECORD is the Senator reading?

Mr. SMOOT. Page 5327 of the RECORD.

Of those 72 years and over who served one year and less than one and a half years there were 42,083, and the increased cost per year was $6,209,772.

Of those 72 years and over who served one and a half years and less than two years there were 24,785, and the increased cost per year was $4,165,542.

Of those 72 years and over who served two years and over there were 111,739, and the increased cost per year was $15,959,268.

That was based upon the bill as it was introduced by me, in which the pension applied to those reaching the age of 72 years.

Mr. THOMAS. I do not think the Senator caught my question. Perhaps I am at fault for that.

Mr. SMOOT. I may have misunderstood the Senator.

Mr. THOMAS. I will put the question in a different form. The bill provides—

That from and after the passage of this amendment the rate of pension for any person who served 90 days or more in the military or naval service of the United States during the Civil War, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, shall be $30 per month.

In dollars and cents per man, what would that increase be?

Mr. SMOOT. That, Mr. President, I can not tell offhand.

Mr. THOMAS. Well, take the next one.

Mr. SMOOT. I will say to the Senator that many of the pensioners are receiving $30 per month to-day, and therefore, unless they have served more than 90 days, this bill would not affect them at all; but if they were getting less than $30 a month, then, of course, they would receive the $30. In other words, the minimum rate of pension is $30 per month for soldiers serving 90 days or more.

Mr. VARDAMAN. Mr. President, will the Senator from Colorado permit me to ask the Senator from Utah a question?

Mr. THOMAS. Certainly.

Mr. VARDAMAN. What percentage of pensioners are receiving less than $30 per month now? Does the Senator know?

Mr. SMOOT. I have no figures which would enable me to state just the percentage. I could not say that.

Mr. VARDAMAN. It is very small, I fancy.

Mr. SMOOT. Oh, I will say to the Senator that there are a great many of them; and, in fact, the report here shows the age, the length of service, the numbers that it will involve, and the increase. I could tell the average, if that is what the Senator desires, by dividing the number into the amount of increase.

Mr. THOMAS. I do not care to put the Senator to that trouble.

Mr. SMOOT. I will say to the Senator that it will not take very long.

Mr. VARDAMAN. Will the Senator from Colorado permit the Senator from Utah to answer this further question: What is the increase carried by this bill? What is the total amount carried?

Mr. THOMAS. The Senator stated that.

Mr. SMOOT. Before it becomes a law, and taking into consideration the deaths that have occurred since the report was made, the department estimates that it will be about $35,000,000.

Mr. THOMAS. Mr. President, it is not my purpose to postpone the final vote upon the passage of this bill further than to state why I think it should not be enacted at this time, and to refer to some correspondence and criticisms evoked by the remarks which I submitted when Order of Business No. 230 was before this body for consideration. Indeed, knowing what the sentiment of the Senate is regarding this and similar bills, I very much question whether I would have said anything further about it were it not for the correspondence to which I have referred.

This bill is designed to add some $35,000,000 to the permanent expenditures of the Government, at a time when those expenditures are unprecedented in amount, and when the President has admonished us to remain here to increase the rates of taxation for the purpose of obtaining additional revenues needed for the exigencies of the war. One of the reasons assigned for this increase, if I comprehend it, is that owing to the increased cost of living the pensions now prevailing are insufficient to enable their beneficiaries to live decently; and another, of course, is the old, old demand of patriotism.

Mr. President, I do not understand that the bounty of the Government, as expressed in pensions, is or ever was designed, except in cases of total disability, to be sufficient for the sustenance of the beneficiary. If that were so, then our pension system, instead of necessitating the appropriation of one hundred and eighty-odd million dollars every year to meet its requirements, would take that amount of money multiplied several times. Pensions are theoretically a recognition of honorable service, and should be absolutely confined to the purpose for which they were originally designed; but under what I conceive to be a mistaken policy, partly commendable, but largely for political purposes, participated in by both of the great parties at all times, they have been so extended as to apply to all men, in any grade of service, in any war, for any time, in excess of 90 days, and, by special legislation, have been made to include in many instances men reported upon the military records as deserters or dishonorably discharged. In other words, the original purpose and theory of pensions has been long ago abandoned for the practice, now becoming altogether too common, in many other directions as well, of utilizing the Treasury of the United States for the payment of political debts and for the securing of political favors yet to come.

Mr. President, to say that this increase is prompted by the necessity of giving to the old soldiers of the country more money than they now receive, lest their means of livelihood become all to meager, is to defeat this bill upon its face, for the highest pension which will be paid under it is $40 per month. Mr. President, it is well known that no man at this time can live on $40 a month; or if he can, then his experience is so unique that he should be made the subject of special and honorable mention, wherever found. Long ago provision was made for these identical conditions in the establishment of Soldiers' Homes, some national, others instituted by the States, and both designed to give a refuge to the soldiers of the Republic in their old age and in their years of indigence. These homes to-day are open to this class of our citizens, who can enter them, not through any sense of dependence, but as the guests of the Nation, and receive in full that sustenance and support for which they were designed.

I was told by a pension official the other day that the cost per man of maintaining these Federal institutions now is $400 a year, as compared to $180 prior to the war—a raise which in itself means millions of dollars to the country, but which it should, of course, cheerfully bear in view of existing law and of the purpose for which these institutions were created. I have no doubt that the maintenance of State homes would show an equal percentage of increase.

Mr. WALSH. Mr. President——

Mr. THOMAS. I yield.

Mr. WALSH. I call the attention of the Senator from Colorado to the fact that the Sherwood bill, for which the so-called Smoot bill is offered as a substitute, excludes from its benefits the inmates of the soldiers' homes.

Mr. THOMAS. Mr. President, I am aware of that. I am aware also of the fact that the so-called Sherwood bill, if it should be enacted into law, would increase the cost of the pension rolls by something like twenty millions, an amount altogether too small to address itself to the favorable consideration of a majority of the Senate Committee on Pensions. I am glad that the Senator reminded me of the fact, however, because otherwise I might have omitted to state that this bill is so devised as to bring within its provisions all survivors of a given age, whether they are recipients of the benefits of the homes or not, unless I have entirely misread its provisions. But to claim that this bill is needed for the support of the old soldiers of the country and then limit the amount of its benevolence to a maximum of $40 per month is, as I said before, entirely to defeat the argument. If that were its purpose, this amount should be multiplied by three.

No, Mr. President; that is not its real purpose. The situation presents one bill from the House, championed by a member of the Democratic Party, and another in the Senate, championed by a member of the Republican Party, and the contest seemingly involves the problem as to which of the two parties shall have the distinguished honor at this time of increasing the general expenses of the Government.

Mr. SMITH of Michigan. Mr. President, will the Senator allow me to interrupt him?

Mr. THOMAS. Certainly.

Mr. SMITH of Michigan. I do not think the author of the bill we are now considering could have gotten a hearing for the bill in the Senate at all had he not been supported by Senators upon the other side of the Chamber. In fact, without their support the bill would not be before the Senate to-day.

Mr. THOMAS. Oh, I hope the Senator will not misunderstand me. The Democratic Party, to which I belong, when it comes to extravagant legislation, is just as deep in the mud as the Republican Party is deep in the mire.

Mr. SMITH of Michigan. Mr. President, if the Senator will allow me, I want to put it another way. As the result of a long experience and observation, I want to say that Senators upon the other side of the Chamber and upon the Democratic side of the House of Representatives have been animated by a higher purpose and motive than that ascribed to them by the Senator from Colorado in voting upon this pension legislation, and I have seen many bills saved by their patriotic ardor for an appropriate and proper recognition of the Union soldiers.

Mr. THOMAS. Mr. President, that is absolutely true. I am not now talking solely about pension legislation. In its earlier days pension legislation was of a character which every citizen could approve. I am speaking of its later developments, which can not be defended. Why, Mr. President, the last Congress enacted a pension bill which virtually requires the Government to pay alimony to certain widows of soldiers in this country, and that bill received as much support upon this side of the Chamber as upon the other. I refer to the bill for pensioning widows of soldiers, which provides that if a marriage of a widow is followed by a divorce for which the former pensioner was not to blame, then, that fact being established to the satisfaction of the authorities, her pension will be revived and go on just as before. If that is not paying alimony, then I am at a loss for a word which can properly describe it.

Mr. SMOOT. Does the Senator refer to the war-risk insurance bill?

Mr. THOMAS. Oh, no. I am speaking about the bill that was passed at the last Congress. But the Senator reminds me that we were unable to pass a bill for the insurance of our present soldiers at the last session of this Congress without including in it a further pension for the widows, as I remember, of soldiers of the Civil War.

I was about to say, when the Senator from Utah interrupted me, that it has been whispered to me that the enactment of this bill would make 40 Democratic Congressmen, which would mean one Congressman for every million dollars. I want to see Democratic Congressmen elected, but I am not so anxious to see it that I am willing to pay a million dollars apiece out of the Treasury of the United States to accomplish that result.

Mr. SMOOT. The Senator does not believe any such statement as that?

Mr. THOMAS. I do not know.

Mr. SMOOT. I will say to the Senator that I do not believe a word of it.

Mr. THOMAS. I do not know. I was told some years ago that the so-called Sherwood bill resulted in the election of fifty-odd Democratic Congressmen. I have been warned since the last speech I made on this subject that many Democratic votes which never were cast for any other ticket will go for the Republican Party because of my opposition to the bill. I do not believe that.

Mr. SMOOT. I wish to call the attention of the Senator to the fact that, if I remember correctly, just such a statement as that was made because the Senator voted for free sugar, but it did not affect the Senator at all.

Mr. THOMAS. Mr. President, that is true; but it would not have made any difference in my vote whether it cost my reelection or not.

Mr. SMOOT. Certainly not.

Mr. THOMAS. The position I now occupy is precisely that which I occupied then.

I am reminded in this connection of a speech made by our late lamented colleague when in the House, Hon. William Hughes, of New Jersey, one of the few patriots in that body who had the moral courage to vote against the $50,000,000 Sherwood pension bill. Here is what he said, June 10, 1911:

Mr. Speaker, I hope I can say I have always been friendly to men who fought the great battles of the Republic—

Let me say that I indorse the sentiment of this speech throughout—

Mr. Speaker, I hope I can say that I have always been friendly to men who fought the great battles of the Republic, and while I am not in the habit of saying much about my own military record, because there was nothing particularly distinguished about it, except that during the Spanish-American War I consumed as much bad beef as any other man in the American forces, still I was a soldier once myself and will go as far as any man ought to go in the matter of appropriating money for this purpose. Yet I want to say this, here and now, though I realize the effect of my vote upon this question, that $50,000,000 a year is too big a price for the country to pay to bring me back to Congress.

He was returned by an increased majority, not to the other end of the Capitol but here.

Now, Mr. President, before leaving this branch of my discussion, let me say that I am and always have been in favor of granting a pension, moderate in amount but proportioned to the disability, to every man who actually fought for his country, incurring disability either by wound or by disease, or who in his old age became, without his fault, so dependent as to appeal to the generosity of the country for which he fought.

Mr. SMITH of Michigan. Will the Senator allow an interruption?

Mr. THOMAS. Certainly.

Mr. SMITH of Michigan. What has the Senator to say of that class of soldiers who were in camp ready for military duty and contracted disease which permanently impaired their health and disqualified them for the battle of life?

Mr. THOMAS. That is service, Mr. President, quite as worthy of pension recognition as actual service in the field or in the trenches. But our pension system is not limited to those. During the past 25 years it has spread its mantle of munificence over all classes and conditions of men, without regard to their needs or the character of their service save as limited by the 90-day period. It has taken within its embrace men whose records we have corrected to enable them to secure pensions and those who have been searched for and discovered by pension attorneys and brought to the front for pension purposes. Mr. President, I am not in favor of that sort of pension system, and I never was.

The other day we passed 13 pension bills, omnibus bills, consisting of an aggregation of individual pension bills, presumably examined by the Committee on Pensions and passed favorably. I am satisfied that in those bills were cases which should not have been included. I did not object to their consideration, however.

Mr. SMOOT. Mr. President——

Mr. THOMAS. We passed 13 of them, and upon the theory that they embodied individual cases demanding recognition. This, however, is a universal pension bill designed for the poor and the rich, the low and the high, without any exception whatever. I yield to the Senator from Utah.

Mr. SMOOT. In this connection I wish to say to the Senator that these private pension bills apply only to those who are more persistent in coming to Congress and have learned the way. Would it not be better to pass a bill of this kind and do away with thousands and tens of thousands of those special bills?

Mr. THOMAS. Does the Senator think it would do away with one of them?

Mr. SMOOT. Yes; and I want to tell the Senator why. That is just what I hoped the Senator would ask me, and if he had not I would have stated it. Under the rule of the Senate and the House there is no pension granted above $50, and $50 only in case the soldier is absolutely helpless and requires constant attendance. Ninety-five per cent of all the special bills that are passed run between $30 and $40. This bill will do away with all those, I will say to the Senator, and I tell him now that as far as I am concerned, if this bill becomes a law I want them done away with. But when a soldier becomes absolutely helpless and requires constant attendance night and day to take care of him, to feed and wash him, and half the time, perhaps, he is required to be in bed, in those cases we could afford to pass a special act.

Mr. THOMAS. If my recollection serves me aright, the same argument was advanced for the Sherwood bill. It was said, "Why be bothered with these constantly accumulating individual bills? Let us pass a general bill and do away with them." I think they have multiplied manyfold instead of having disappeared since the enactment of that famous measure.

This bill will no more stop the tide of individual applications for pensions than it will result in the direction of economy in the administration of public affairs. The individual pension bill is an established institution. I have introduced many of them. I expect to introduce many more. They come from constituents who expect it. It is a right crystallized into that condition by the custom of many years, many of them doubtless inspired by the idea that since others got through successfully they will be equally fortunate.

Mr. President, I did ask one question when one of the bills to which I referred was before the Senate. I asked the Senator having charge of the bill what the total increase in the pension list in dollars and cents would be if the bill were enacted. He did not know. Those bills are reported by the committee and brought here without any estimate as to the total increase in the expenditures of the Government which they create. It indicates that they go through without much opposition and then come in so prepared as to include individual cases covering nearly every State of the Union. Of course, that appeals to Members of both Houses, very naturally, and does away with that rigid investigation which should be made of all bills designed to appropriate money by the Senate and the House after reaching their respective calendars.

Mr. SMOOT. Will the Senator yield to me for a moment?

Mr. THOMAS. Certainly.

Mr. SMOOT. In justification of the Senate committee in considering such bills as the Senator has referred to, I wish to say that not one of them comes to the Senate or to the House but what it has been carefully gone into and the testimony examined. The rule that is adopted is strictly adhered to. I know in some cases perhaps there is a difference of $5 as to the amount that may be granted to a particular individual, but they are rare. The committees have tried, particularly of late, to adhere strictly to the rule. The testimony must show that the case falls within the rule, for no greater pension can be given than the rule provides for.

Mr. THOMAS. I am not objecting to that. I was commenting upon some of their aspects which do not appeal to me favorably.

I have assumed since this war began, and I shall continue to assume with reference to individual pension bills which come here, that they represent worthy causes, and I shall vote for them, or at least I shall not vote against them. If we were not in the present war, they would deserve more careful scrutiny by the Senate—I do not mean by the committee but by the Senate—before we finally pass upon them.

Mr. President, in the vast mass of criticism, condemnation, and personal abuse of which I have been the recipient during the past month because of my attitude upon this bill I have received here and there some letters of a very gratifying character. I want to read one dated April 24. I will omit the name of the writer and his address as well, not because he has requested me to do so but because I fear if I do not he may also hear from some of the advocates of this bill outside of the Chamber. He says:

Hon. CHARLES S. THOMAS.

HONORED SIR: I note your objection and remarks in the RECORD of the 19th instant on S. 3783, introduced by Mr. SMOOT, and heartily commend you for the stand taken. Congress does not seem to use ordinary discrimination in many of its appropriations. A bill to raise salaries of postal employees made a flat raise for all regardless of how different employees are paid. Some are entitled to it; others that get it are overpaid now. Take as an illustration bill 3783. Of the Grand Army here—30 in number—8 would be benefited by it, not all of them needing it, while of the others 1 owns two fine farms worth more than $200 an acre; another owns 300 acres worth $240 an acre, house in city, bonds,

etc.; another with good farm, city property, Government $1,300 job; another a big farm and city property; and another the same; another has the triweekly paper, city property, and had State and United States offices for 12 years at from four to six thousand dollars a year. There are 5 farm owners. All these get the increase as well as the 8 whom it would benefit. These 22 rich men have had their pensions during all the pension years.

I favor a pension to every soldier who needs it, not a fixed sum but an abundance for every need; but it is unjust to pay a man worth $100,000 the pension a soldier needs for a comfortable support. Congress is overpaying rural carriers. With their autos they make their routes four-fifths of the time in three to four hours. The upkeep of an outfit in these parts is probably half the rural route congressional enthusiasts figure.

Pardon this trespass on your valuable time.

Mr. President, I have read this letter to emphasize the character of this bill, which gives an increase of pension to the man who does not need it as well as to the man who does need it, which gives it to the man possessed of much more than a competency as well as to the man who has no competency at all. It is a universal, indiscriminate piece of legislation, part of which may be deserved, but a part of which is reckless prodigality.

Mr. GALLINGER. Mr. President——

Mr. THOMAS. I yield.

Mr. GALLINGER. Admitting it to be an evil, is not that something which can not be avoided in legislation of this kind?

Mr. THOMAS. I do not think so.

Mr. GALLINGER. Take the war-risk insurance act. I know a young lady who married a soldier before he left for the front. Her father is a very wealthy man, but she gets her pittance of $10 each month from the Government of the United States. That runs all through the war-risk insurance act, which is a recent statute. So, as I look at it—and I have had a good deal to do with pension legislation, it is impossible to so construct an act that it will be equitable in all respects.

Mr. THOMAS. The war-risk insurance act, to which the Senator has referred, is one of the benefits of which every soldier is required to pay himself very largely. The Government assumes a part of the expense and the soldier the remainder. It works equitably, and it can only work equitably by being made universal in its application.

This is entirely different from this bill in its aspect as well as in its consequences. I do not think that our early pension law, although general in character, was so universally applicable as to fall with equal generosity upon those who needed it and those who did not need the support given by the Government. This is bad legislation, and at the present time it is worse than unwise legislation, because it is a needless increase in the expenditures of the Government.

So much, Mr. President, for the proposition that this bill is needed as one of the consequences of increased prices in the necessities of life. Let me summarize again by saying if there is anything in the argument, the bill provides for pensions that are altogether inadequate to the purpose.

Mr. President, I now refer briefly to a personal phase of the controversy, which perhaps can be appropriately introduced by calling attention to one or two letters which I have received of an entirely different character, and which are fair representatives of a vast number of others. I have a letter dated the 27th day of April, written to me by a gentleman in New Jersey, who takes great pleasure in sending me an extract from a newspaper, which I think, is published in this city and called the National Tribune.

I read the inclosure but not the letter. It is as follows:

The only outspoken opposition to the Smoot bill in the discussion last week was by CHARLES SPALDING THOMAS, senior Senator from Colorado, whose birth and breeding were in Georgia. He was about 17 years old when he left Georgia, but by that time he had acquired a lifelong rancor against the men that Sherman led triumphantly through Georgia. His association with the marauders of Pap Price's army, who formed so large a portion of the early settlers in Colorado, did not improve his knowledge of the world and his breadth of view on national questions. He has been conspicuous in his opposition to everything that looked to higher Americanism, and has made a personal matter of opposition to pensions. His speech in opposition to the pension bill was a dreary rehash of old Copperhead talk. He felt that "severe economy," which, in his mind, meant absolute deprivation, should be exercised in regard to pensions for Union soldiers, although he was in favor of lavish appropriations for other purposes. He felt that no man should be regarded as a permanent charge upon the Treasury of the country merely because he had fought to maintain its existence. His argument is such as one might expect from the limited mentality of a boy developed in the sand barrens of southeastern Georgia. The larger view that the men who had sacrificed everything when the country was poor and struggling for existence deserved some sort of repayment and grateful care by the Government, when they had grown old and it had grown rich, did not find lodgment in his circumscribed intelligence. He did not know from the history of his country that it had always regarded its veterans when they grew old as objects of particular care. It did this with the veterans of the War of the Revolution. By the time they had grown old the country had thoroughly established its national life; was proud of its place among the nations of the world, and felt that it owed much to the men who had given the best years of their life to accomplish this. It was the same with the war of 1812. The men who had fought in the Mexican War had brought an immensity of good to the country, which was recognized in the form of liberal pensions to them as they grew old. They did not forfeit this consideration by the country even by serving in the rebel army, which tried to destroy it. Such natural and usual feeling among legislators of really national view seems entirely impossible to the senior Senator from Colorado.

Another letter, dated on the 1st day of May, 1918, is very short and entirely to the point. It reads:

WAYNESBURG, PA., *May 1, 1918.*

I take pleasure in sending this clipping from one of your Washington, D. C., papers, and hope, if so, it will rip you up the back right along.

This letter is signed by a gentleman calling himself an "ex-Union soldier."

The extract I will read into the RECORD, as follows:

Senator THOMAS is one of those unfortunates who was too young to serve in the War of the Rebellion and too old to serve in the War with Spain. In 1860 THOMAS was 11 years old, and in 1898 he was 89.

That is one or two years, I believe, older than I really am. [Laughter.]

Not having had any military experience, Mr. THOMAS has no sympathy with soldiers or veterans. Also, having been born in the South—Georgia—the Colorado Senator does not love the Union veteran. Perhaps this explains his long and persistent opposition to nearly every pension bill that has come up in Congress since the worthy Senator has served in the Senate. His term expires in 1921. He is a Democrat. Perhaps the people of Colorado will decide in 1920 that they would like to have somebody besides THOMAS to represent them in the Senate. At any rate, the Union veterans in Colorado can very easily start a backfire under the seat of this southerner who would still wave the Confederate flag. Any movement of consequence takes time, so there is no use waiting for the 1920 senatorial campaign in Colorado to replace Mr. THOMAS. Let the ball begin rolling immediately.

These unworthy references to my origin are not important except as they indicate that the old animosities of our civil conflict, long since buried and forgotten everywhere else, still survives in the bosoms of some so-called soldiers who measure a man's patriotism by the attitude he occupies toward pension legislation.

We are assured that there is no politics in a bill of this character when in this identical article it is plainly intimated that there is not only politics of the most personal and virulent sort but politics which has for its object the defeat of men who, prompted by the desire to perform a conscientious duty, refuse to vote for every appropriation bill that comes before the Senate for consideration.

Mr. President, I have nothing but contempt of the most profound character for the man who at this period in our country's history will ascribe a motive actuating a Senator in the performance of his duty to opinions and prejudices said to have taken root during the days of the Civil War and reproach a Member of this body with being actuated by such sentiments and prejudices, because, forsooth, he finds it necessary to oppose a specific piece of legislation. I do not want the vote of any man or set of men who are capable of entertaining, much less expressing, such an opinion, degrading only the man who utters it.

It is needless for me to say, Mr. President, upon this subject more than to assert that when the war ended as it did I accepted the results and have endeavored to live in strict harmony with those results ever since. I have guided my conduct and my action in private and in public by that standard ever since. I propose to do my duty as I understand it, regardless of any motive which may be ascribed to me as inspiring my action, whether it degrades or elevates.

I have endeavored, Mr. President, in this body as consistently as I knew how to oppose every appropriation which seemed to me to be unnecessary or to border upon extravagance, with what success, unfortunately, the records of the Senate will for all time disclose. I shall continue in this course undeterred by the fear of abusive criticism and unmindful of the personal interests which my vote may affect; and I must determine for myself what the line of my duty is.

I have never been able to distinguish pork from pork because of any qualifying adjective. I am unable, Mr. President, to stand upon the floor of the Senate and oppose a river and harbor bill, a public-buildings bill, a bill increasing the pay of employees, and at the same time shut my eyes to a pension bill because, forsooth, it bears that name. I have never been able to accept the proposition that because a great army saved the country the entire Army for that reason should thereafter and always be beneficiaries from the Treasury of the United States. If that were so, then why, in God's name, do we confine our beneficence to the pitiful sums of thirty, forty, or fifty dollars a month, since if the public service rendered be not, as I have always supposed, patriotism undefiled by any considerations of personal benefit, then surely the Government should meet its obligations by making every man who has served under its banner independent for the rest of his days. That we do not, and I trust never will, attempt to accomplish. Patriotism can never

be true to itself and find expression in demands for compensation.

Mr. President, I have heretofore been the recipient of very severe criticisms from another direction. I think it was in the last Congress—my friend from Utah [Mr. SMOOT] will correct me if I am in error—that bills were introduced for the pensioning of the old soldiers of the Confederacy, and they were introduced in earnest. I received at once a multitude of letters from the South and from my own State, from the old Confederate soldiers, calling upon me to support that measure and declaring that the time had come when the feelings and the animosities engendered by the war had given way to a spirit of amity and brotherly love, through which could be seen the glimmerings of a patriotism and devotion to country equally great in the breast of the southern soldier with that of his northern adversary, and equally deserving of monetary compensation from a common Treasury. It was then that I received a letter from a gentleman in Alabama, formerly serving in the Confederate Army, which I intended to preserve, but lost. It was not grammatical, but to the point. He said:

DEAR SENATOR: The Daughters of the Confederacy has just resolved that no southern soldier can accept a pension from the United States Government and preserve his sense of self-respect. This is to inform you that I kin.

I received letters, Mr. President, some of which I have preserved, from my own constituents formerly in the Confederate Army, abusing me quite as roundly for telling them that under no circumstances would I support such a measure as I have received from Union soldiers since the last speech I made upon the subject. In one of them I was taunted with the fact that my father and my mother were born in Connecticut, and I was only a "galvanized" southerner, anyhow. I was reproached by another with the fact that, although I was born and brought up in the South, I was educated in the North, and that I had absorbed so much of the feeling of the Union that I was now about to shamelessly turn my back upon my old comrades in arms.

I merely mention this, Mr. President, for the purpose of demonstrating that I have tried to be consistent in my opposition to such legislation, and have encountered bitter reproaches from opposite directions. I should perhaps add that I would be recreant to my oath of office as a Senator if I ever countenanced the notion of extending the pension system to those who once had taken up arms against the flag of the country, and yet I doubt not that many of these old soldiers of the South, sincere, patriotic, and upright, giving to the cause in which they believed the highest test of devotion, are quite as worthy to be considered as entitled to some support in their old age as many of those who have been clamoring for my support to this bill.

Now, Mr. President, let me say one or two words more and I have done. I know, of course, that this bill will pass; it has been foredoomed to passage in some shape ever since it has been introduced, perhaps ever since it has been the subject of consideration. I am unable to support it, and I should at least be given credit for expressing my views in the open. I might say that, if Senators upon both sides of this Chamber who have intimated that this bill ought not to pass would oppose it upon the floor, it probably would not pass, or, if so, it would be enacted after material modification. With reference to public legislation, Mr. President, I am unfortunately incapable of having one opinion outside of the Chamber and another within its walls. I have thought that this legislation was improper and undesirable. I said so before the bill was introduced, and I say so now. Albeit I am in the usual hopeless minority and possibly deserving of the indirect credit of contributing to its passage by giving expression to my opposition.

Mr. President, the last bond issue enabled the Government to realize by loan several billion dollars. The people subscribed to that issue with enthusiasm and with a patriotism that knows no State and no section. Yesterday the President of the United States addressed the joint assembly of Congress upon the subject of revenue, and urged us to remain here during the sultry summer months of 1918 for the purpose of raising billions of added revenue. Very few of us desire to do so; all of us intend to do so, because the country's exigencies are such that money must be obtained both by loan and by taxation to the extent of its possible resources. This money is needed, Mr. President, to enable us to do the part of a mighty Nation in the greatest struggle of human history. This money is needed to give ample support and strength to our soldiers upon the battle front and to double their numbers as rapidly as they can be disciplined and transported. To win this great struggle perhaps every man and every dollar may be drawn upon in the great cause. There is no appropriation, Mr. President, no revenue needed for that purpose which I will not support as enthusiastically as any man here; but I want before I take my seat to utter once more my protest against the enactment of legislation at this time which needlessly increases the Nation's burdens. We must meet the emergency of the war, cost what it may; but during this hard season, when the nerves of the Nation are taut, when the fathers and the mothers, the wives, and the daughters of the boys at the front are even now listening tensely and anxiously for news of the last drive, when every breeze that crosses the sea on its westward course may be freighted with tidings of death and of disaster, we, Mr. President, should set our faces against needless extravagance and end for the time being our reckless appropriations of the public money for measures in nowise conducing to the success of our arms.

Democrats have denounced Republicans for their extravagance. Republicans have denounced Democrats for their extravagance. Each has been justified. Neither exhibits any evidences of reform in that direction. Attempts to stem the tide of needless expenditure are always met with the assurance that the particular thing under discussion is not the proper point of beginning. We must wait for something else and carry out our good intentions in other forms and for other objects. That point, Mr. President, has not been found. I am afraid it never will be. Perhaps before this war is over we may be called to give an account of our stewardship. I trust that in the final analysis we may not be found entirely wanting in our discharge of public duty with regard to public expenditures, easily postponed, if we so will, to other and less strenuous days.

Mr. GALLINGER. Mr. President, if this bill shall go over for consideration at a later day, I probably shall have a few words to say upon the propriety of enacting it; but for the present I want to ask the Senator from Utah to agree to some verbal changes in the bill, at least. If I were going to rewrite it, I would make it quite different from what it is. I do not think the phraseology is very happy; but I will ask the Senator if, in line 22, page 3, the word "amendment" should not be "act"? This will not be attached to the original act. It will be a separate statute.

Mr. SMOOT. This language was sent up to me by the department, and the word "amendment" was used in it. I think myself that the word "amendment," on line 22, page 3, ought to be "act," and also on line 6, page 4.

Mr. POMERENE. I was not able to hear the suggested amendment.

Mr. SMOOT. The Senator from New Hampshire was just suggesting that the word "amendment" on line 22, page 3, and on line 6, page 4, should be changed to the word "act."

Mr. GALLINGER. I make that motion, if it is necessary.

Mr. POMERENE. That is in section 6?

Mr. SMOOT. In section 6.

The PRESIDING OFFICER (Mr. SMITH of South Carolina in the chair). The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment on page 3, line 22, it is proposed to strike out the word "amendment" and insert the word "act"; and on page 4, line 6, it is proposed to strike out the word "amendment" and insert the word "act."

The amendment to the amendment was agreed to.

Mr. GALLINGER. Mr. President, this is an amendment to an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico." I ascertained a few days ago that there were just 384 veterans of the War with Mexico living on June 30, 1917. That number doubtless has been reduced by 100 between June 30, 1917, and the present time; so that there are probably less than 300 veterans of the Mexican War living at the present time. I will ask the Senator, as this is an amendment to an act which recognized the soldiers of the War with Mexico, if he does not think it would be well to include them in this act?

Mr. SMOOT. Mr. President, I wish to say to the Senator that most of the Mexican War veterans are already receiving $30 a month and over.

Mr. GALLINGER. Not many of them are receiving over $30.

Mr. SMOOT. I will say to the Senator that the records show that there are a good many who have been pensioned by special statute. The question has never been submitted to the committee, so I will ask the Senator if he will not withhold the amendment for the present and I will give it consideration?

Mr. GALLINGER. I shall be glad if the Senator will look into it. If I had my way about it, I would insert, after the words "Civil War," in line 24, the words "and the War with Mexico." I think those few survivors of the War with Mexico,

whom we have recognized in all our legislation heretofore, general and special, ought not to be overlooked in this proposed legislation.

Mr. President, there is one other amendment that I will suggest and which, I think ought, to go in the bill. The provision to which I refer was placed in the so-called Sherwood bill, for which this is a substitute. When I had more to do with pension legislation than I have now I insisted that it should go in all pension legislation where the services of pension attorneys and claim agents were not required, so I am going to suggest that at the end of the bill the following be added:

Provided further, That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for presenting any claim to the Bureau of Pensions or securing any pension under this act, except in applications for original pension by persons who have not heretofore received a pension.

The truth is that unless that goes in, the moment this bill passes, if it shall pass, the persons affected by the bill will be flooded with letters from pension attorneys, chiefly in Washington, asking them to agree to give them $10, more or less, for looking after their claims in the bureau, when no such service is required. It is merely a perfunctory matter to increase the pension in the bureau.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Montana?

Mr. GALLINGER. I yield; yes.

Mr. WALSH. As suggested by the Senator from New Hampshire, the Sherwood bill attempts to make provision for that case in this language in section 5:

That no attorney shall be recognized and no attorney fees shall be paid for the presentation or prosecution of any claim under the provisions of this act.

Mr. GALLINGER. The language I have used is in the original bill; but the language in the Sherwood bill, for which this is a substitute, is equally efficacious, and either one or the other should be agreed to.

Mr. SMOOT. Mr. President, I think the reason why it was not put upon this amendment was because the original act provides in substance what the Senator now suggests as an amendment.

Mr. GALLINGER. Yes. That arose from the fact that the Senator from Utah regarded this as an amendment, when, as a matter of fact, it is a separate act.

Mr. SMOOT. Therefore, Mr. President, I sincerely hope that the suggested amendment of the Senator will be adopted, because all of our pension laws passed in later years have had just that provision added to them.

Mr. GALLINGER. That is right.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the proposed amendment of the committee, the following:

Provided further, That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for presenting any claim to the Bureau of Pensions or securing any pension under this act, except in applications for original pension by persons who have not heretofore received a pension.

Mr. WALSH. Mr. President, if the Senator from New Hampshire will pardon me, I think the language proposed by him is hardly applicable, because there will be no original applications for pensions under this act.

Mr. GALLINGER. Oh, Mr. President, I think there may be original applications under this statute. There are still a good many soldiers who never have applied.

Mr. SMOOT. I will say to the Senator from Montana, that I think there are between 50,000 and 100,000 who have not made any application.

Mr. WALSH. In view of the language of the bill, I do not press my suggestion.

Mr. GALLINGER. I suggest that the words "or securing any pension" be stricken from the amendment I have offered, because the matter is covered by other language.

Mr. SMOOT. That will be acceptable, Mr. President.

The PRESIDING OFFICER. The amendment to the amendment will be modified as requested by the Senator from New Hampshire. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Now, Mr. President, I suggest that the quotation marks preceding the words "Section 6," in line 21, page 3, and after the word "private," in line 7, page 4, be stricken out.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Mr. President, with the exception of my suggested amendment extending the benefits of this act to the few surviving veterans of the Mexican War, those are all the amendments I have to offer; and I will not offer the proposed amendment covering the surviving soldiers of the Mexican War until the Senator from Utah has looked into it.

Mr. TRAMMELL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add the following proviso at the end of the bill:

Provided further, That the increase herein provided shall not be extended or granted to any pensioner who has an annual income of $1,000 or more in addition to his or her pension allowance.

Mr. SMOOT. Mr. President, I will ask the Senator from Florida whether he desires to speak upon the amendment at this time?

Mr. TRAMMELL. If the bill is not going to be disposed of immediately, and I judge it will not be, I should prefer having the amendment submitted and printed for consideration when we take up the bill and when more Senators are present.

Mr. SMOOT. The Senator offers it and asks that it be pending?

Mr. TRAMMELL. Yes; that it be pending.

Mr. SMOOT. That is, that it be printed and lie on the table?

Mr. TRAMMELL. Yes.

Mr. POMERENE. I suggest that it be printed in the RECORD, so that we may know what it proposes.

Mr. SMOOT. I will say to the Senator that it will be printed in the RECORD.

Mr. WALSH. Mr. President, I am advised that a general agreement has been entered into to the effect that at 2 o'clock the Senate shall adjourn until Friday. I take it there will be time for me to state to the Senate with some brevity the essential differences between the two bills now on the Senate calendar—the bill under consideration and the so-called Smoot bill, proposed by the Senate Committee on Pensions as a substitute for the bill coming from the House, generally known as the Sherwood bill.

Both of them contemplate granting an increase of pension to all those now having pensions and receiving $30 a month or less. The bills differ in respect to the amount of the increase in no very great degree, the appropriation called for during the first year by the so-called Smoot bill being something about $40,000,000, while the appropriation called for by the Sherwood bill is in the neighborhood of $29,000,000.

From each of these estimates made by the Pension Bureau some time ago a deduction must be made on account of intervening deaths, so that in the case of the Smoot bill I think probably the author has quite accurately stated that it contemplates an expenditure during the first year of about $35,000,000. A like deduction must be made from the estimate of the appropriation necessary under the Sherwood bill, and a further deduction must be made in case of that bill on account of two classes of exemptions for which it provides. These two exemption features in the Sherwood bill are what serve to distinguish it in any particularly marked way from the so-called Smoot bill. It provides that no one shall claim any benefits under the provisions of the bill, first, who is an inmate of a soldiers' home; or, second, who has an income in excess of $1,000 a year.

The justification for the increase at this time arises from the recognized large advance in the cost of living. The representatives of the old soldiers at the time the act of 1912 was passed represented, and no doubt with entire sincerity, that that was the last appeal that ever would be made to Congress for pensions for the old soldiers; but it was not to be anticipated, and no one could have anticipated, that such an extraordinary rise in the cost of living as we have witnessed would ensue, and it seems to me no criticism can be justly leveled at those who are in a special way the representatives and guardians of the interests of the old soldiers who now come and ask an increase of pension. I think everybody who admits the wisdom of the policy of granting pensions to the soldiers and sailors of the Civil War is agreed that some increase ought to be granted at this time in view of the very material advance in the cost of living.

I must say, however, that the Sherwood bill commends itself to me on account of the two exemptions to which I have adverted. Of course, so far as the old soldiers who are themselves inmates of soldiers' homes are concerned, they do not confront the additional cost of living. The Government already bears the additional burden of expense on account of the increased cost of living; so that it seems to me no appeal can be made in anything like a persuasive way to the Congress of the United States at this time in behalf of the soldiers who are being cared for either in the National or in the State institutions.

I have not at hand the information as to the number of persons who would be affected by that provision of the bill. I should

say in this connection, Mr. President, that the idea has been expressed to me in some letters received that under the provisions of the Sherwood bill the inmates of the soldiers' homes would draw no more pensions; but that is plainly an error.

It is not intended by anything in the Sherwood bill that anyone who is now drawing a pension shall be deprived of his pension, and it is expressly provided that his pension shall not be reduced. Provision is made in the following proviso, being a part of section 2 of the Sherwood bill, namely:

Provided further, That no pension heretofore granted shall be reduced by this act.

It is my purpose, whenever the appropriate time arrives, to suggest an addition to that of the following:

Nor shall any person now receiving a pension be by anything herein deprived of the same.

Now, with reference to the other class exempted under the Sherwood bill, namely, those having an income of more than $1,000 a year, it will be borne in mind that in like manner those people, whoever they may be, continue to draw the pensions provided for them by the act of 1912. They will simply be unable to claim the increase of pensions provided for by this act.

Mr. SMITH of Michigan. Mr. President——

Mr. WALSH. If the Senator will pardon me just a moment, the Sherwood bill has language in it substantially like that tendered in the amendment just offered by the Senator from Florida, as follows:

That no pensioner shall be entitled to receive any benefits under the provisions of this act for any period during which he shall be an inmate of any State or national soldiers' home; and the provisions of this act shall not apply to any pensioner whose net annual income from all sources, including his pension, is $1,000 or more.

It has been urged that it would cost more to administer that provision of the Sherwood bill than would be saved by virtue of it; in other words, that the investigations necessary to determine whether persons have an income of more than $1,000 would be quite equal to the amount that would be paid in pensions to those persons. In order to meet that condition, I shall propose an amendment to that portion of the act to read as follows:

to be determined by the income-tax reports on file in the office of the Commissioner of Internal Revenue, who shall annually on the 1st day of July transmit to the Commissioner of Pensions a list of all pensioners having an income, as shown by such reports, in excess of the said sum of $1,000.

I yield to the Senator from Michigan.

Mr. SMITH of Michigan. I do not want to interrupt the Senator from Montana except to make this observation, that the soldiers who are in soldiers' homes are not there from choice or of their own volition. They are not there because they prefer to reside there, but because of the stress of circumstances—perhaps because of wounds or exposure due to military service for which they can never be repaid. They are there perhaps because they have no other home that their income will support. Give them a proper pension and they would gladly return to their own home and the scenes that are dear to their hearts. Our Government can afford to be generous to its defenders.

Mr. WALSH. That is quite true.

Mr. SMITH of Michigan. I think that the State Soldiers' Home in Grand Rapids averages about a thousand persons constantly there, and I venture the assertion that not 20 out of that thousand are there from choice or would remain if he were able to leave. Many of them come without their families, leaving a wife at home dependent upon them. The wife gets the pension money. It is necessary to support her. It seems to me that that provision of the Sherwood bill which prevents increase of pension to those living in soldiers' homes is very faulty and unjust in that it does not take into consideration the service rendered by the soldier nor those who are dependent upon the soldier.

Mr. WALSH. There are two considerations that may address themselves very properly to us in that connection, it seems to me. In the first place, the soldiers' homes were fairly well occupied before the present condition arose. In other words, there were a large number of pensioners who found themselves without a home when the cost of living was on a normal basis or they found themselves unable to maintain themselves at home. Now, when the increased cost of living is considered they will find themselves even less able to maintain themselves at home. So I do not apprehend that you are going to empty the soldiers' homes by granting these pensions.

But, Mr. President, any inmate of the soldiers' homes may go home at any time he sees fit and thereafter he will draw the increased pension provided for by this act.

Mr. CURTIS. But if he has a family at home to support, the increased cost of living would be so great that he could not support his family and himself at home with the increased pension.

Mr. WALSH. That of course is quite true. If he has a family at home, the increased cost of living bears upon them. Although I have no figures available at this time, I feel very confident from all I know about the matter that the large majority of those in soldiers' homes have no homes.

Mr. CURTIS. I wish to state that I have received a large number of letters from inmates of homes who were supporting families outside.

ADJOURNMENT OVER MEMORIAL DAY.

Mr. WALSH. In accordance with the agreement to which I referred awhile ago, I move that the Senate adjourn until Friday at 12 o'clock.

The motion was agreed to; and (at 2 o'clock and 5 minutes p. m.) the Senate adjourned until Friday, May 31, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 28, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, out of the fervency of soul we come to Thee in prayer for the success of our soldiers and their allies in the great struggle now on in the western front; that our prayers may mingle with the thousands springing spontaneously from the hearts of anxious, loving, and devout souls.

Help us and them to rest our case on the immutable foundation, the justice and goodness of God. Our cause is right, and God is on our side; and though things may seem discouraging and dark, we may rest assured that all will be right in the end.

We can not always trace the way
Where Thou, Almighty One, dost move.

But Thy wisdom, power, and goodness will, in spite of everything to the contrary, prevail. So we trust, so we hope, so we pray, in His Name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. POWERS, indefinitely, on account of illness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia.

The message also announced that the Senate had disagreed to the amendments of the House to the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PITTMAN, Mr. PHELAN, Mr. SHAFROTH, Mr. SMOOT, and Mr. FALL as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

S. 4068. An act for the relief of Ella Oliver Richardson and Edmund Richardson, of New Orleans, La.

MRS. JOSEPH I. HOWE.

Mr. PARK. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 350 (H. Rept. No. 609).

Resolved, That the Clerk be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Mrs. Joseph I. Howe, daughter of Benjamin F. Craycroft, late an employee on the roll of the House, a sum not exceeding $250 to defray the funeral expenses of said Benjamin F. Craycroft.

The resolution was agreed to.

MRS. KITTIE IVINS.

Mr. PARK. Mr. Speaker, I present another privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 349 (H. Rept. No. 608).

Resolved, That the Clerk be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Mrs. Kittie Ivins, widow of Eugene E. Ivins, late an employee on the roll of the House, a sum equal to six months' compensation as clerk of the Committee on the Post Office and Post Roads, and an additional amount not exceeding $250 to defray the funeral expenses of said Eugene E. Ivins.

The resolution was agreed to.

SALARIES OF THE CHIEF PAGES.

Mr. PARK. Mr. Speaker, I have another privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 324 (H. Rept. No. 610).

Resolved, That the salaries of the two chief pages be increased to $1,500 each: *Provided*, That the said increase be paid out of the contingent fund of the House of Representatives until otherwise provided by law.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. PARK) there were—ayes 88, noes 11.

Accordingly the resolution was agreed to.

MAJORITY AND MINORITY MESSENGERS IN CHARGE OF TELEPHONES.

Mr. PARK. Mr. Speaker, I have another privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 323 (H. Rept. No. 611).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House until otherwise provided by law, to the majority and minority messengers in charge of telephones, respectively, the sum of $300 each per annum, payable monthly, as additional compensation.

The SPEAKER. The question is on agreeing to the resolution.

Mr. SHERLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. SHERLEY. To try to obtain some information about this resolution. I do not think we ought blindly to pay increases of salaries, and I should be glad if the gentleman will tell the House the reason for this.

Mr. PARK. The reasons submitted to the committee were mainly the increased cost of living.

Mr. POU. How much are these messengers now getting?

Mr. PARK. They are getting $1,200.

Mr. POU. And this is to give them $1,500?

Mr. PARK. Yes.

Mr. STAFFORD. I think the gentleman is mistaken. I think they are receiving $1,500 each, and this will make it $1,800.

Mr. DYER. I think it is $1,200.

Mr. STAFFORD. The resolution, as I understand it, relates to the chief telephone pages. Their salary was increased a couple of years ago from $1,200 to $1,500. The purport of this resolution is to increase their salaries from $1,500 to $1,800. Of course, I may be mistaken about this.

The SPEAKER. If there is any dispute about the facts, the Chair will suggest that the gentleman from Georgia withhold the resolution.

Mr. GARNER. Does not the gentleman from Georgia know as a positive fact how much these people are getting?

Mr. PARK. I understand they are getting $1,200.

Mr. GARNER. The gentleman ought to have positive knowledge on that.

Mr. SANFORD. Mr. Speaker, I am sure the chairman of the committee is informed as to the situation, but perhaps the figures have slipped his mind for the moment. The salary of the chief telephone operator is now $1,500, and the purpose of this resolution is to make it $1,800, in order to equalize a situation with reference to which the House has already acted. A few days ago the House raised to $1,800 the pay of two employees who are really in the same class as the chief telephone operators. To leave it as it now is would be an unfair discrimination really against these two operators. At the same time I think every one in the House knows that the positions held by these chief operators are very important positions, that these positions are held by men who are very efficient, and I think we all recognize that it is absolutely essential in these times that these men should have an income at least as great as $1,800 a year to maintain their families.

Mr. CANNON. Who are the two employees whose salaries were recently increased to $1,800?

Mr. SANFORD. Mr. Kennedy and Mr. Collier. The committee have looked into this matter carefully, and are in favor of this resolution.

Mr. BLACK. I want to ask the gentleman from Georgia a question. If these increases are granted, will these employees also get the $120 a year increase?

Mr. PARK. I think they will.

Mr. BLACK. Does the gentleman think they ought to receive the $120 increase provided in the legislative, executive, and judicial appropriation bill and also receive this $300 increase?

Mr. PARK. It is a matter for the House. I present it as chairman of the Committee on Accounts. The Committee on Accounts have reported it unanimously, and it is presented here for the House to act upon.

The SPEAKER. The question is on the resolution.

The question being taken, on a division (demanded by Mr. BLACK) there were—ayes 91, noes 29.

Mr. BLACK. On that I make the point of no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and fifty-seven Members present, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the passage of this resolution will, when their names are called, answer "yea," those opposed "nay."

The question was taken; and there were—yeas 247, nays 48, not voting 130, answered "present" 5, as follows:

YEAS—247.

Anderson	Ferris	Lazaro	Rose
Anthony	Fields	Lea, Cal.	Rowe
Ashbrook	Fisher	Lee, Ga.	Sanders, Ind.
Ayres	Focht	Lehlbach	Sanders, La.
Baer	Frear	Lesher	Sanders, N. Y.
Bankhead	Freeman	Linthicum	Sanford
Barkley	French	Lobeck	Schall
Barnhart	Fuller, Ill.	Lonergan	Scott, Iowa
Beakes	Gallagher	Longworth	Scott, Mich.
Bell	Gallivan	Lundeen	Sells
Beshlin	Gandy	Lunn	Shallenberger
Borland	Gard	McAndrews	Sherwood
Bowers	Garner	McArthur	Shouse
Brand	Garrett, Tenn.	McClintic	Sims
Brodbeck	Gillett	McFadden	Sinnott
Browne	Glass	McKenzie	Smith, Idaho
Browning	Glynn	McKeown	Smith, Mich.
Buchanan	Good	McKinley	Snell
Burnett	Goodall	McLemore	Snook
Burroughs	Graham, Ill.	Madden	Snyder
Byrnes, S. C.	Graham, Pa.	Magee	Stafford
Bryns, Tenn.	Gray, Ala.	Mansfield	Steagall
Campbell, Kans.	Green, Iowa	Mapes	Stedman
Cantrill	Greene, Mass.	Martin	Steenerson
Carlin	Greene, Vt.	Mays	Sterling, Ill.
Carter, Okla.	Gregg	Meeker	Sterling, Pa.
Chandler, N. Y.	Griest	Merritt	Stiness
Chandler, Okla.	Hadley	Miller, Wash.	Strong
Church	Hamill	Moon	Sumners
Cleary	Hamilton, Mich.	Moore, Pa.	Tague
Condy	Hardy	Moores, Ind.	Talbott
Collier	Harrison, Miss.	Morgan	Taylor, Ark.
Cooper, W. Va.	Harrison, Va.	Morin	Temple
Cooper, Wis.	Hastings	Mudd	Tilson
Crago	Haugen	Neely	Timberlake
Cramton	Hawley	Nicholls, S. C.	Towner
Crosser	Hayden	Nolan	Treadway
Dallinger	Heaton	Oliver, Ala.	Venable
Darrow	Heflin	Olney	Vestal
Davidson	Hersey	Osborne	Vinson
Davis	Hicks	Padgett	Volstead
Decker	Hull, Iowa	Paige	Waldow
Delaney	Humphreys	Park	Walker
Dempsey	Husted	Parker, N. J.	Walton
Denison	Hutchinson	Peters	Wason
Dent	Igoe	Platt	Watson, Pa.
Denton	Johnson, Wash.	Polk	Watson, Va.
Dill	Juul	Porter	Weaver
Dixon	Kahn	Pou	Whaley
Dominick	Kearns	Pratt	Wheeler
Doolittle	Keating	Price	White, Me.
Doremus	Kelly, Pa.	Purnell	White, Ohio
Drane	Kennedy, Iowa	Raker	Williams
Dupré	Kennedy, R. I.	Randall	Wilson, Ill.
Dyer	Kettner	Rankin	Wilson, La.
Eagan	Key, Ohio	Reavis	Wingo
Eagle	Kiess, Pa.	Reed	Wood, Ind.
Elliott	King	Riordan	Woodyard
Ellsworth	Kinkaid	Robbins	Wright
Elston	Knutson	Roberts	Young, N. Dak.
Esch	Kraus	Rodenberg	Zihlman
Evans	La Follette	Rogers	

NAYS—48.

Alexander	Connelly, Kans.	Holland	Overstreet
Almon	Cox	Houston	Quin
Aswell	Dickinson	Huddleston	Rainey, H. T.
Black	Garrett, Tex.	James	Robinson
Blanton	Goodwin, Ark.	Johnson, Ky.	Romjue
Booher	Gordon	Jones	Rubey
Caraway	Hamlin	Kincheloe	Russell
Claypool	Helm	Kitchin	Sherley
Connally, Tex.	Hensley	Oldfield	Sisson

Small	Thomas	Walsh	Wilson, Tex.
Stephens, Miss.	Thompson	Watkins	Wise
Stevenson	Tillman	Welty	Young, Tex.

ANSWERED "PRESENT"—5.

Butler	Dowell	Lever	Rucker
Cannon			

NOT VOTING—130.

Austin	Estopinal	Kreider	Rouse
Bacharach	Fairchild, B. L.	LaGuardia	Rowland
Blackmon	Fairchild, G. W.	Langley	Sabath
Bland	Fairfield	Larsen	Saunders, Va.
Britten	Farr	Little	Scott, Pa.
Brumbaugh	Fess	Littlepage	Scully
Caldwell	Flood	London	Sears
Campbell, Pa.	Flynn	Lufkin	Shackleford
Candler, Miss.	Fordney	McCormick	Siegel
Carew	Foss	McCulloch	Slayden
Carter, Mass.	Foster	McLaughlin, Mich.	Slemp
Cary	Francis	McLaughlin, Pa.	Sloan
Clark, Fla.	Fuller, Mass.	Maher	Smith, C. B.
Clark, Pa.	Garland	Mann	Smith, T. F.
Classon	Godwin, N. C.	Mason	Steele
Cooper, Ohio	Gould	Miller, Minn.	Stephens, Nebr.
Copley	Gray, N. J.	Mondell	Sullivan
Costello	Griffin	Montague	Sweet
Crisp	Hamilton, N. Y.	Mott	Swift
Currie, Mich.	Haskell	Nelson	Switzer
Curry, Cal.	Hayes	Nichols, Mich.	Taylor, Colo.
Dale, N. Y.	Heintz	Norton	Templeton
Dale, Vt.	Helvering	Oliver, N. Y.	Tinkham
Dewalt	Hilliard	O'Shaunessy	Van Dyke
Dies	Hollingsworth	Overmyer	Vare
Dillon	Hood	Parker, N. Y.	Voigt
Donovan	Howard	Phelan	Ward
Dooling	Hull, Tenn.	Powers	Webb
Doughton	Ireland	Ragsdale	Welling
Drukker	Jacoway	Rainey, J. W.	Winslow
Dunn	Johnson, S. Dak.	Ramsey	Woods, Iowa
Edmonds	Kehoe	Ramseyer	
Emerson	Kelley, Mich.	Rayburn	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. ESTOPINAL with Mr. CLARK of Pennsylvania.
Mr. FLYNN with Mr. COOPER of Ohio.
Mr. HOWARD with Mr. COSTELLO.
Mr. KEHOE with Mr. CURRIE of Michigan.
Mr. LARSON with Mr. DALE of Vermont.
Mr. MAHER with Mr. DILLON.
Mr. OLIVER of New York with Mr. EDMONDS.
Mr. PHELAN with Mr. EMERSON.
Mr. JOHN W. RAINEY with Mr. BENJAMIN L. FAIRCHILD.
Mr. RAYBURN with Mr. FAIRFIELD.
Mr. SABATH with Mr. FARR.
Mr. MONTAGUE with Mr. FESS.
Mr. HULL of Tennessee with Mr. FORDNEY.
Mr. SAUNDERS of Virginia with Mr. FRANCIS.
Mr. SHACKLEFORD with Mr. GRAY of New Jersey.
Mr. SLAYDEN with Mr. HASKELL.
Mr. THOMAS F. SMITH with Mr. KELLEY of Michigan.
Mr. SULLIVAN with Mr. KREIDER.
Mr. TAYLOR of Colorado with Mr. CURRY of California.
Mr. HILLIARD with Mr. MASON.
Mr. JACOWAY with Mr. HAYES.
Mr. HOOD with Mr. LITTLE.
Mr. OVERMYER with Mr. DUNN.
Mr. LEVER with Mr. MCLAUGHLIN of Michigan.
Mr. FOSTER with Mr. FOSS.
Mr. CANDLER of Mississippi with Mr. SLOAN.
Mr. SEARS with Mr. DOWELL.
Mr. GRIFFIN with Mr. IRELAND.
Mr. HELVERING with Mr. LANGLEY.
Mr. LITTLEPAGE with Mr. GOULD.
Mr. BLACKMON with Mr. MCCULLOCH.
Mr. CALDWELL with Mr. NICHOLS of Michigan.
Mr. CAMPBELL of Pennsylvania with Mr. SIEGEL.
Mr. CAREW with Mr. AUSTIN.
Mr. CLARK of Florida with Mr. BACHARACH.
Mr. CRISP with Mr. BLAND.
Mr. DALE of New York with Mr. BRITTEN.
Mr. STEELE with Mr. BUTLER.
Mr. DOOLING with Mr. CARTER of Massachusetts.
Mr. VAN DYKE with Mr. LUFKIN.
Mr. WELLING with Mr. MILLER of Minnesota.
Mr. RAGSDALE with Mr. MOTT.
Mr. ROUSE with Mr. NORTON.
Mr. WEBB with Mr. RAMSEY.
Mr. FLOOD with Mr. RAMSEYER.
Mr. GODWIN of North Carolina with Mr. SLEMP.
Mr. LONDON with Mr. SWEET.
Mr. SCULLY with Mr. SWIFT.
Mr. CHARLES B. SMITH with Mr. SWITZER.
Mr. STEPHENS of Nebraska with Mr. TINKHAM.
Mr. DONOVAN with Mr. VOIGT.
Mr. BRUMBAUGH with Mr. WARD.
Mr. DOUGHTON with Mr. WINSLOW.
Mr. DEWALT with Mr. GARLAND.

Mr. DOWELL. Mr. Speaker, I am paired with the gentleman from Florida, Mr. SEARS. I therefore withdraw my vote of "aye" and answer "present."

Mr. BUTLER. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. STEELE. I therefore withdraw my vote of "aye" and answer "present."

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

On motion of Mr. PARK, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

The SPEAKER. Under a special order of the House, the gentleman from North Carolina [Mr. KITCHIN] is recognized for 10 minutes. [Applause and cheers.]

Mr. KITCHIN. Mr. Speaker, in view of the hearty cooperation by Members on both sides of this aisle to dispatch business in order to adjourn the Congress by July 1, and in further view of the assurances which I have made so often to Members upon both sides of the House that we would not have a tax bill at this session, I feel it is due to myself, as well as to the House, to make a brief, plain statement concerning the legislative situation at this time. The first of the year—in fact, at the convening of this session of Congress—I recognized that the appropriations and the expenditures under the appropriations for the coming fiscal year would be so enormous that we would be under the absolute necessity, either at this session or at the next session, of bringing in a revenue bill largely increasing taxes. Upon returning to Washington after the holidays I talked with officials of the Treasury Department, with the Secretary of the Treasury and others, and insisted that a part of this session's program should be the enactment of a new revenue measure. When Mr. Burleson brought to me the President's program for the session, finding that it did not include any revenue legislation, I insisted to Mr. Burleson that the President should include as a part of this session's program a tax measure. I insisted upon and talked with the Treasury officials, including Mr. McAdoo, about the necessity of a revenue measure at this session as late as March 15.

I thought it was wiser and better, if we were to have tax legislation at this session, that we should begin it at once in the early part of the session, so that we could get it behind us and upon the statute books before the hot summer days came on, and then the people would have sufficient time to understand it, to approve or disapprove it. Those favoring and opposing would have opportunity to defend before their people their position on it. Finding that it was not the policy of the Treasury or of the administration to undertake the passage of a revenue measure at this session of Congress, and knowing, too, that a large majority of the House and Senate was opposed to such undertaking, I ceased further insistence upon its consideration and at once began to make efforts to so arrange the legislative program that we would get away by the 1st of July. I conferred with the minority leader and many other Members of the minority, also with the chairmen of the various committees, relative to the speeding up of legislation. I assured them that we would not have a tax measure, and, therefore, that we could get through the business in time to adjourn by July 1. Many of us believed and all hoped that by mutual, earnest cooperation it was possible and probable to dispose of the legislative program in time to adjourn by July 1, and went to work to that end. I took the matter up with the leaders in the Senate on both sides, and the same assurances that no tax measure was included in the session's program were made. All agreed to cooperate in facilitating the consideration and passage of the necessary war measures and the appropriation bills in time to get through by July 1, if possible.

I want to say that there has been upon the part of the minority as well as the majority an absolute keeping of good faith, both here and in the Senate. To-day the program, exclusive of a tax measure, is so far advanced that we would have adjourned about July 1. The minority has not forced the majority to bring in any special rule to consider any measure on the program. [Applause.] In the interest of facilitating legislation, the minority has consented to dispense with Calendar Wednesdays and Unanimous Consent Mondays whenever unanimous-consent request was made. While some did not favor all of the measures on the program, or all of the measures that have been presented as war measures, in toto, not one has attempted to filibuster or to delay the consideration of any of these measures, but he was willing and content to come to a showdown and to a vote. [Applause.]

I wish to say that when I saw the notice for the first time—and it was the first intimation that I had had from any quarter—in the New York World, about May 10, that the Secretary

of the Treasury would demand and insist upon a revenue measure at this session, I was the most surprised, the most amazed, man in this body. I had understood just a few weeks before that no revenue measure was in contemplation at all. I am firmly convinced that it is not necessary to enact a revenue measure at this session and that it is unwise under all the circumstances to undertake one at this late day in the session. But the President of the United States, Commander in Chief of the Army and Navy of the United States, has declared otherwise. He has given it as his opinion that it is necessary that a proper and just measure, largely increasing the revenues, be put upon the statute books before this session closes. Although, as I said, I do not believe there is an absolute necessity for the passage of such a measure at this session, yet when the Commander in Chief speaks I believe under the present circumstances that we should defer to his judgment. A refusal would be misconstrued and would be heralded by every enemy throughout the world, and especially in Germany, as a split between the Congress and the Commander in Chief, and that Congress had refused to give him the necessary money to maintain our armies in Europe. We could not afford to be so misconstrued and misinterpreted. Our duty is plain. We should go to the task as good soldiers and patriotic statesmen, promptly and uncomplainingly. [Applause.]

It has been asked how it is possible that we could pass a revenue measure in the short session while we claim that it will take four or five months or more to pass one at this session. The answer is easy. If the Ways and Means Committee—and it had decided to do that—should come back here a day or two after the fall elections, Congress not being in session, with no departmental work to perform, with no attendance necessary upon the sessions of the House, with no Members bringing in constituents to protest to us against taxing their particular product or incomes and profits, in that month of cool weather, when we could work morning, afternoon, and evening, 10, 12, and 16 hours a day, we could do what it will take us now two or three months to do. As it is now, the House will be in session and we shall have to attend the sessions of the House. We are subject to answer to roll calls; we must attend to departmental duties; and our correspondence is three or four times as large when the House is in session as when it is not in session. We can not work as many hours, even if the whole days were given to us, in this hot, intolerable, sweltering summer weather of Washington, as we could in November. I believe we could have framed and passed just as wise and as equitable a tax measure at the next session with that course pursued as we can at this session, and practically all the taxes would have been collected at the same time as they will be if passed at this session.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. GREEN of Iowa. The gentleman has spoken very frankly in reference to the situation, and in so far as his own action is concerned it was entirely unnecessary that he should make any explanation, because I am sure no one upon this side had any idea but he was acting in the utmost good faith. There is, however, one other matter of which I think some explanation ought to be given, if the gentleman is able to do so. It has come to my attention and to the attention of others of the House by repeated rumors that the action of the press had something to do with this matter. Can the gentleman inform me whether there is any truth in that?

Mr. KITCHIN. Mr. Speaker, I do not think that the Secretary of the Treasury thought it was necessary to have this revenue measure at this session until his return from the liberty-loan campaign. In fact I know he did not think it was necessary when he started out on that campaign; but after going out in the campaign, seeing the situation from another viewpoint, and after returning to Washington and getting a closer eye upon the condition of the Treasury and a closer ear to his advisers in the Treasury Department and learning of the demands of the different departments for the enormous increased appropriations submitted to Congress, I think he became unduly alarmed and gave undue weight to the opinion of his Treasury officials, and was therefore convinced that it was necessary to have this legislation at this session. In answer further to the gentleman: I do not think that Secretary McAdoo ever thought about the press—the newspapers and magazines—one way or the other. However, I do believe that way back hidden somewhere, unseen by most of us, there was an influence of one of the shrewdest and most powerful lobbies that ever infested the hotels or the corridors of this Capitol, which made itself felt with some in whose judgment the Secretary of the Treasury had great faith. I know that such a lobby has been maintained here by the big publishers. Its committee has had interviews with me. It was determined by the publishers at the first of the session that this session should not close until they had a chance to put to a vote in Congress either the question of the repeal, or modification, or a suspension of the operation of the postal-rate provisions of existing law. I know they attempted to get such an amendment on the Post Office bill in the House, or to get a separate bill for the purpose. They failed. They attempted to get it on the Post Office bill in the Senate committee and they failed. They then gave notice that a motion would be made in the Senate, after the Post Office appropriation bill was reported to it, to suspend the rules so that such amendment could be offered to the bill and thus have another fight in the House and the Senate. I know that they planned that if they could not get it in some pending bill, one way or the other, they would insist on a revenue bill, which they believed would give them their chance.

I know that the leading papers that have been denouncing Congress and the Ways and Means Committee, and especially me, for the present postal-rate provisions, as soon as they had the first intimation that a tax bill would be demanded by the Treasury Department came out in strong, leading editorials demanding, in the interest of the Treasury and the country, that Congress enact at this session another revenue bill.

I understand their game. I want to warn this House and the country of their game. [Applause.] Here it is: They are going to try to put the repeal of the postal provision or the suspension of its operation upon whatever revenue bill is passed here. But they know that the manhood and the patriotism, the sense of right and justice, and of honesty and fair dealing between the Government and every class of the people, of the membership of this House, will forbid and prevent such repeal or modification going on in a bill here. [Applause.] They then hope to put such amendment on in the Senate, and then, when it goes to conference, they are counting upon the conferees of the House and the Senate sitting in session day after day and week after week, and finally getting together on every proposition except the repeal or modification of that provision, and then, when election time or adjournment time is nearing, they hope to get the President or the Secretary of the Treasury to insist upon the House conferees yielding, appealing to them not to take the responsibility of defeating or further delaying the passage of the greatest and most important tax and financial measure ever proposed on account of sticking to the little, pitiful postal-rate provision. That is their game; and, gentlemen, I warn you now. See if that is not the path they take.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. KITCHIN. In a moment. I am going to watch and see who is going to help them play that game, and let you see what a prophet I am. [Applause.] I serve notice on them and the House now that if the Speaker's judgment shall assign me as one of the conferees there will be one who will not help them play that game, but will use all of his power to thwart it. [Applause.]

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 8764. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union.

OIL AND GAS LEASING BILL.

Mr. FERRIS. Mr. Speaker, I call up the bill S. 2812, and ask to agree to the conference asked by the Senate.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

The SPEAKER. What does the gentleman from Oklahoma want?

Mr. FERRIS. I ask to agree to the conference asked by the Senate. The Senate has already appointed conferees, and I ask that the House agree to the conference.

The SPEAKER. The gentleman from Oklahoma asks that the House agree to the conference asked by the Senate. Is there objection?

Mr. CANNON. What is the request of the gentleman?

The SPEAKER. It is the oil-leasing bill.

Mr. FERRIS. I ask that the House insist on its amendments and agree to the conference asked.

Mr. CANNON. What is the bill?

Mr. FERRIS. It is the general oil and gas leasing bill.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the bill S. 2812, to insist on the House amendments, and agree to the conference

asked by the Senate. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. FERRIS, Mr. TAYLOR of Colorado, Mr. RAKER, Mr. LA FOLLETTE, and Mr. SINNOTT.

ARMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12281) making appropriations for the support of the Army during the next fiscal year, and, pending that, Mr. Speaker, I ask unanimous consent that general debate on this bill be dispensed with, with the statement that, so far as the committee is concerned, we shall be liberal with the discussion of this bill under the five-minute rule, and that I expect to take some 20 or 30 minutes to explain the provisions of the bill after we start with the reading of it, and the gentleman from California [Mr. KAHN], the minority member, will do the same.

Mr. MADDEN. Reserving the right to object, will the gentleman from Alabama yield?

Mr. DENT. Yes.

Mr. MADDEN. Of course, I do not intend to object, but it seems to me that on a $12,000,000,000 expenditure there ought to be something that the chairman of a great committee like this and the ranking member of a great committee like this should say to the country and to the House for the information of the Members of the House and the citizens of the Nation.

Mr. DENT. I think the gentleman evidently did not understand all of my statement.

Mr. MADDEN. I understood the gentleman to say he was going to take 25 minutes.

Mr. DENT. Twenty to thirty minutes to explain it, and longer if necessary, and then have liberal discussion of each item of the bill under the five-minute rule.

Mr. MADDEN. I understood what the gentleman said, but I want to characterize what he said as inadequate; and that was the purpose for which I rose.

Mr. DENT. Does the gentleman want me to speak two hours?

Mr. MADDEN. I think the country is entitled to an elaborate statement in connection with the bill, and I think it devolves upon the chairman of this great committee and upon the members of the committee to make a frank statement to the country. There is no reason why they should not do it.

Mr. DENT. Does the gentleman mean to intimate we do not propose to make a frank statement?

Mr. MADDEN. I am afraid the gentleman could not do it in the short time he proposes to occupy. How could he do it?

Mr. KAHN. Will the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. KAHN. It is the purpose of the chairman of the committee, as I understand it, to make an elaborate explanation of the various items contained in the bill under the five-minute rule. And in that way the Members of the House will be fully informed of the items in the bill. It has been the experience of practically every committee of the House that, when an explanation has been made under general debate, the same explanation has to be made when the bill is up for consideration under the five-minute rule. Because many of the Members who are not here under general debate begin to ask questions concerning the items when the bill is up for second reading. The committee thought, therefore, that the explanations would be made fully, frankly, freely, under the five-minute rule. And the committee thought, furthermore, that probably a better purpose would be served in doing that. I personally have had no applications for time for general debate, thus showing the disposition on the part of the Members to debate the measure under the five-minute rule. In fact, I have assured the Members on this side of the aisle that they will be given ample opportunity under that rule to discuss fully the provisions of the bill and to ask all questions they desire respecting it.

Mr. MADDEN. Mr. Speaker, all of what the gentleman says is very interesting and instructive, but my own notion is that a consecutive statement about the items of the bill would be much more instructive and interesting, and appeal more to the intelligence of the public, than a disjointed statement made under the five-minute rule as to each particular item. And I do not believe that the people expect such expedition in the disposition of an important bill like this as to preclude the possibility of an amplified statement of the bill as a whole by the ranking men on the committee, including the chairman.

We were asked a little while ago to submit no questions when an appropriation bill came from this committee for $640,000,000 for airplanes. The committee came into the House with a great deal of mystery surrounding them. They seem to have been filled with a vision to the effect that if they disclosed any information which they possessed or did not possess something would happen to the Nation; that the Kaiser would discover that we had entered into a plan to exterminate him from the face of the earth. We were good and we abided the suggestions of the gentleman from California [Mr. KAHN] and the gentleman from Alabama [Mr. DENT] and asked no questions.

We sat here mutely, as automatons, and voted $640,000,000 to build airplanes, and we have heard from high sources of what has been done with the $640,000,000, how many airplanes we have not got, and what effect the introduction of these airplanes under this expenditure has had on the efficiency of the American Army on the other side, and how we have won the victories on the west front, and how we have prevented the German Army from advancing at Ypres, and Mount Kemmel, and Amiens, and on the Chemin des Dames, and all these places, while we have not an airplane anywhere that anybody knows anything about. We have seen the mystery that surrounded the appropriation. Now, we ought to know, and for one I ask—I am not going to demand it, but ask it as a right of the American people—that a full and complete and comprehensive statement in advance of the consideration of this bill shall be made by these men who report the bill, for the information of the House and for the information of the American people. [Applause.]

Mr. DENT. May I interrupt the gentleman there?

Mr. MADDEN. Yes.

Mr. DENT. Has the gentleman read the report?

Mr. MADDEN. Why, no. The gentleman only reported the bill day before yesterday.

Mr. DENT. The gentleman is mistaken.

Mr. MADDEN. Well, on Saturday night.

Mr. DENT. The gentleman has not read the report.

Mr. MADDEN. The gentleman reported the bill Saturday night, and since then I have been in conference and I have had to read so many things about other questions that I have not had time to read this.

Mr. DENT. If the gentleman had read the report he would find that I put in it, as the chairman of the committee, and at the suggestion of the committee, and after getting the consent of the Secretary of War, a statement to the effect that although it has been stated we had but 1 airplane in France with our Army we have 1,316 there, and that 323 of them were fighting planes. [Applause.] And that is in the report.

Mr. MADDEN. And none of these were made in America. They were made abroad. Not one of them was made out of the $640,000,000 appropriation that I referred to.

Mr. DENT. They were paid for out of it.

Mr. MADDEN. We have not the planes on the other side, and men who are there will testify to it. But that is not all. Regardless of what the report contains, I plead with the gentleman from Alabama [Mr. DENT] and the gentleman from California [Mr. KAHN] to make a statement comprehensive in its nature. They are as the trusted servants of the American people.

Mr. SAUNDERS of Virginia. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. MADDEN. The gentleman can make his demand for the regular order.

Mr. SAUNDERS of Virginia. The gentleman is out of order in his comments.

Mr. MADDEN. I am in order. The gentleman does not like to hear the truth.

The SPEAKER. All of this talk is out of order on both sides. The regular order is, Is there objection?

Mr. MADDEN. I object to the request made by the gentleman.

The SPEAKER. Objection is heard.

Mr. McKENZIE. I hope the gentleman will not do that.

Mr. MADDEN. The gentleman from Virginia can not drive me off the floor in that way.

The SPEAKER. Both gentleman are out of order.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will report.

The Clerk read as follows:

WASHINGTON, D. C., *May 28, 1918.*

Hon. CHAMP CLARK,
Speaker House of Representatives.

MR. SPEAKER: I request leave of absence for 29th and 30th, on account of important business.

Yours, truly, ALBERT F. POLK.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

ARMY APPROPRIATION BILL.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12281) making appropriations for the support of the Army for the fiscal year ending June 30, 1919. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12281) making appropriations for the support of the Army for the fiscal year ending June 30, 1919, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12281, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 12281) making appropriations for the support of the Army for the fiscal year ending June 30, 1919.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, I think the gentleman from Illinois [Mr. MADDEN], whom I admire very greatly, and of whom I am very fond, has gotten unduly excited over this situation. The Committee on Military Affairs has undertaken to obtain every bit of information that was possible relative to the military situation of this country, and it has been the sentiment of the committee that as much of that information as was consistent with the military program in Europe should be given to Congress and the country.

Personally I have begged and pleaded with the War Department to allow the Committee on Military Affairs of the House to divulge such information obtained in executive session in connection with this appropriation bill as would not interfere with the military operations of the Government. I have believed, and it has been my opinion all along, that the country ought to know what has been done, but that we ought not to promise too much as to what will be done. That has been the trouble heretofore. [Applause.] In line with that I asked the Secretary of War to give me permission to put into the report that was submitted in connection with this bill what has been accomplished in regard to the air service, which has been grossly misrepresented throughout the country. I am not here to say that it has accomplished everything that was promised. I am not here to say that there have not been some mistakes and some delays. But I am here to say that that service has accomplished a great deal more than the country has been advised of.

With that permission from the Secretary of War, I have printed in the report, as coming from the Committee on Military Affairs, the following statement, and I propose to follow that with a little more detail. The Aviation Section of the Signal Corps, according to the testimony before the committee, is as follows: Number of officers, 12,107; number of enlisted men, 136,761; number of fliers, 4,054; number of machines in France, 1,316; number of machines in the United States, 3,760.

Mr. GILLETT. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. GILLETT. So that there will be no misunderstanding as to that——

Mr. JUUL. From what page is the gentleman reading?

Mr. DENT. From the first page of the report.

Mr. GILLETT. Does it mean that those 1,300 machines were made in this country at all?

Mr. DENT. No; they have not been made here.

Mr. OLNEY. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. OLNEY. For the benefit of gentlemen over here, I will say it developed from our investigations that our raw material, including steel, was all shipped over to France by the advice of our officers and the staff officers of Great Britain, and every bit of American material went into those machines. Even our mechanics put those machines together.

Mr. GILLETTE. Does the gentleman mean that all those machines were made exclusively of American materials?

Mr. OLNEY. Yes.

Mr. GILLETT. The engines?

Mr. OLNEY. All but the engines.

Mr. KAHN. There has been a great deal of criticism about the Liberty engine and the delay in delivering the Liberty engine. Both England and France have placed orders in this country for the Liberty engine, so that that engine has proven a decided success, and the fact that the cobelligerent nations intend to buy some from this country is the best proof of the fact that they are a success.

Mr. MADDEN. Mr. Chairman, will the gentleman from Alabama yield to me in order that I may ask the gentleman from California a question?

Mr. DENT. Yes.

Mr. MADDEN. The gentleman says that England and France have placed orders with the United States Government for the Liberty engine. How many engines have they got? Have they only placed orders, or have they got engines?

Mr. KAHN. The engines are coming forth in good shape, and, of course, the deliveries will be made in accordance with our own needs and the quantity that we ourselves will use. There are over 900, I believe, that have already been shipped.

Mr. FIELDS. And 3,000 have been ordered by Great Britain.

Mr. MADDEN. Only 11 were delivered.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. SHALLENBERGER. I want to put into the RECORD the official figures of the production of the Liberty engine up to date. Five hundred and sixty-one have been delivered to the Army of the United States. Four hundred and eighty have been delivered to the Navy of the United States. Ten hundred and forty-one completed Liberty engines have already been delivered to the Army and Navy of the United States, and they are coming very rapidly now.

Mr. LONGWORTH. The gentleman from California [Mr. KAHN] said that the Liberty motors had turned out to be a great success, which I am delighted to hear. I want to ask the gentleman whether that was for the equipment of battle planes?

Mr. KAHN. It was for the equipment of bombing planes and fighting planes.

Mr. LONGWORTH. Not the actual fighting machine?

Mr. KAHN. Yes. The combat machine is the actual fighting machine. The Liberty motor can not be used to a good purpose in the pure plane operations. It is too heavy a machine, but in the heavy airplane it is undoubtedly a great success.

Mr. GREENE of Vermont. If the gentleman will permit me, I think perhaps the distinction was in the fact that the Liberty engine was not designed for and is not now being used for what are known as the pursuit machines, single seater, solo flying machines.

Mr. LONGWORTH. That is what I refer to as the battle planes.

Mr. GREENE of Vermont. The Liberty motor is not being used for that. It was obviously not intended for that, because it is too heavy for machines of that character.

Mr. LONGWORTH. Are the machines we are using made in Europe?

Mr. GREENE of Vermont. The single-seated pursuit machines, the solo flyers, are being made in Europe, but the heavier ones, combat planes and bombing planes, are being supplied with the Liberty engine as fast as it is being produced.

Mr. SHALLENBERGER. The War Department furnishes figures showing that 107 of the Haviland bombing planes have already been delivered to the United States Government.

Mr. MADDEN. Delivered where?

Mr. SHALLENBERGER. To the United States Government.

Mr. MADDEN. In the United States?

Mr. SHALLENBERGER. Some of them here.

Mr. MADDEN. Just a little while ago the Bureau of Publicity, over which Mr. Creel presides, sent out information to the newspapers that the factories were making planes to the capacity of the factories, that thousands of planes were on the way to France, and all that sort of stuff, and there was not one built in the United States, as was proved from the lips of the men who had control over the manufacture in the Army.

Mr. SHALLENBERGER. I will say for the information of the gentleman from Illinois that the facts are that the cause of the delay in the production of the combat planes has not been really here in the United States, but because of the fact that changes in the planes have been demanded by those who have had the matter in charge in France. The delay in the production of these planes has come largely because of the demand of those in charge of our armies in France rather than because of the inability of American manufacturers to produce that particular character of plane.

Mr. ANTHONY. Will the gentleman yield?

Mr. DENT. I should like to make my statement, but I yield to the gentleman from Kansas, a member of the committee.

Mr. ANTHONY. The gentleman made the statement that foreign governments had expressed their entire approval of the Liberty motor. I do not believe such a statement as that ought to go out entirely unqualified. While it is true that foreign governments have given orders for Liberty motors, it is also true, as the evidence taken at our hearings shows, that at the request of foreign governments orders for Liberty motors have been canceled and foreign motors substituted in their place, showing that the foreign governments prefer their own motors.

Mr. KAHN. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. KAHN. The testimony given only three or four days before this bill was reported was that both England and France have given orders for specific numbers of the Liberty motors.

Mr. ANTHONY. That is true, but if the gentleman will remember, Mr. Potter, who was in charge of that matter, stated to our committee that there were a number of cancellations of orders.

Mr. KAHN. That was before.

Mr. ANTHONY. No; lately, and where factories have discontinued the manufacture of Liberty motors and started, at the request of foreign governments, on the manufacture of their own motors in this country.

Mr. HUSTED. If the gentleman will yield, I want to get some further information along that line. I want to ask the chairman if there is an adequate number of training planes now in the Army aviation camps in this country and in France, in order to train the student aviators as rapidly as possible?

Mr. DENT. I will state to the gentleman, in answer to that inquiry, that more men have gone into the service than there are planes for them to use. This service has been very popular, and the men have gone in more rapidly than the manufacturers have been able to construct the machines.

Now, Mr. Chairman, when I was interrupted I believe I left off at the number of machines in France. We have 1,316 machines in France and 3,760 machines in the United States. The number of combat machines in France is 323 and the number of aviation training camps in the United States is 27.

Now, to satisfy my good friend from Illinois [Mr. MADDEN], I want to give the committee some additional figures. Last July Congress appropriated practically $640,000,000 for the Aircraft Service. It had already appropriated, as I recall, $10,000,000 in the regular Army appropriation bill on May 10, making a total of practically $650,000,000 that we appropriated last year for the aircraft program. Of that amount, according to the testimony as late as May 6, $316,517,000 had been actually spent. The balance of $423,369,000 has been obligated.

Mr. MADDEN. That takes it all.

Mr. DENT. Obligated for airplanes, engines, special clothing, motor transports, and other items provided for in that act.

Mr. MADDEN. But this was only for the construction of airplanes. It was not for clothing or payment of men or anything except the construction of airplanes, as I understood it.

Mr. DENT. Oh, yes; it was.

Mr. MADDEN. It was! Well, we spent $316,000,000. Will the gentleman tell us accurately what we have received for the $316,000,000?

Mr. DENT. I have already stated it.

Mr. MADDEN. We have 1,300 planes.

Mr. DENT. We have 1,316 in France and 3,760 in this country.

Mr. MADDEN. How much does that make it cost per plane?

Mr. DENT. I will give the gentleman those figures.

Mr. SNYDER. Will the gentleman yield?

Mr. DENT. Yes.

Mr. SNYDER. I want to ask the gentleman whether the cost of the 27 aviation fields that have been constructed, with the buildings and equipment, have been taken from the $640,000,000 fund?

Mr. DENT. Yes.

Mr. SNYDER. That forms a material part of the amount that has been expended?

Mr. DENT. Yes.

Mr. MADDEN. About $69,000,000 have been expended for aviation fields.

Mr. SNYDER. Was that authorized in the appropriation of the $640,000,000?

Mr. SHALLENBERGER. Yes; and they had to be provided before we could do anything with the aviation planes.

Mr. SNYDER. That is according to my understanding, and I wanted to develop it.

Mr. DENT. Now, of this amount there has been expended $270,000,000 for planes and special parts. The average price of a plane is about $5,000. The price of the engine ranges from $1,950 to $5,000.

Mr. MADDEN. That is to be added to the $5,000, so that it makes a plane cost anywhere from $6,900 to $10,000?

Mr. DENT. Exactly. At the time of the declaration of war we had 73 aviators in the Army. Since that time we have graduated 3,439 who can fly. At present 5,000 are waiting for assignment to the ground school.

Mr. MADDEN. Will the gentleman let me ask a question right there?

Mr. DENT. Yes.

Mr. MADDEN. How many of these men were graduated on the other side?

Mr. DENT. I have not in mind now the figures in regard to that.

Mr. MADDEN. I think there were a good many more men graduated on the other side than there have been on this side.

Mr. DENT. I think the gentleman from Illinois is mistaken about that.

Mr. MADDEN. We had over 1,500 there at one time that had been sent over.

Mr. DENT. I think I have those figures.

Mr. MADDEN. We want these facts, if it takes a corkscrew to draw them out.

Mr. DENT. If the gentleman will be patient, I will try to give the facts, but I can not recollect the figures. The gentleman seems to be very impatient in getting at the facts. I am trying to give the committee information as fully and completely as I can.

Mr. MADDEN. I do not think the gentleman ought to get angry about it.

Mr. DENT. I think I am entitled to get angry. I am trying patiently to give the facts to the committee.

Mr. MADDEN. I do not think the gentleman is going to make any progress by getting angry. I am not angry and I do not propose to get into any quarrel, but I do propose to insist on all the facts, as far as I am able to get them.

Mr. DENT. The gentleman has no right to say that he is trying to corkscrew the facts out of me.

Mr. MADDEN. I did not say that. I said that if I had to take a corkscrew to get the information, I proposed to do it to the best of my ability. I did not say that I was going to get them out of the gentleman that way. I do not think the gentleman has a right to resent it or be offended, for nothing that I said was intended to offend the gentleman. I do not think the gentleman will deny that I had a right to ask questions to get information if it is obtainable, but I propose to be courteous in regard to it.

Mr. DENT. I do not deny that; but I repeat that I do not think the gentleman should state that he had to corkscrew the facts out of me.

Mr. MADDEN. If the gentleman objects to that, I will withdraw what I said in reference to the corkscrew. [Laughter.]

Mr. WALDOW. Will the gentleman yield or does he wish to finish his statement?

Mr. DENT. I would rather make my statement, because it will read better in the RECORD and the House will better understand it; then I will be glad to answer any questions after I have concluded. There are 2,713 at the ground school, 2,963 at the primary flying school, and 191 at the bombing school.

There are 191 bombing schools, 145 pursuit schools, and 88 observers' schools. There are 4,606 flying officers in the United States, or were on May 1, and 1,590 abroad, making a total of 6,211. There are 6,506 nonflying officers in the United States and abroad 1,854, making a total of 8,364. There are 2,983 cadets at the flying schools in the United States and 2,044 abroad, making a total of 5,037.

Mr. MAPES. Will the gentleman yield?

Mr. DENT. I would rather complete my statement.

Mr. MAPES. The matter which I desired to inquire about is right in line with what the gentleman is saying. In the report the number of cadets is not mentioned. I wanted to inquire if the cadets were included in the number of enlisted men.

Mr. DENT. A cadet is to be a commissioned officer.

Mr. MAPES. How many men are in training?

Mr. DENT. The gentleman is interrupting the statement, and I can not stop to tell the gentleman these things. If he will be patient, I think it will all come out better in the end.

Mr. MAPES. But the committee report says nothing about the number of men in training, and I am interested to know.

Mr. DENT. The report gives the total men enlisted and men in the service.

Mr. MAPES. That is what I am trying to direct the attention of the gentleman to. I think the House would like to know how many men are in training, and the report does not show that.

Mr. GORDON. They are all in training except those who have gone to Europe.

Mr. DENT. I have given the number, 5,027.

Mr. MAPES. But the gentleman says the cadets are officers.

Mr. SHALLENBERGER. They are in training.

Mr. MAPES. I understood the gentleman from Alabama to say that the cadets are officers.

Mr. DENT. They will be officers.

Mr. MAPES. I would like to ascertain how many men are in training?

Mr. SHALLENBERGER. The men in training are cadets. We have cadets and reserve military aviators. When he has finished training, he becomes a recognized military aviator.

Mr. MAPES. Are those in training included in the report with the number of enlisted men?

Mr. SHALLENBERGER. The number of cadets, 5,027, is the number of men actually in training in the aviation schools in France and in this country.

Mr. MAPES. And they are included with the number of officers?

Mr. SHALLENBERGER. They are not included with the number of officers.

Mr. MAPES. Then they are not mentioned or included in any figures in the report.

Mr. McKENZIE Mr. Chairman, will the gentleman permit me to interrupt him?

Mr. DENT. Yes.

Mr. McKENZIE. One of the officers testified as follows:

We have at the present time 5,000 men awaiting assignment to ground schools. There are 2,713 men at the ground schools, 2,983 at the primary flying schools, 191 at the bombing schools, 145 at our pursuit schools, 88 at our observers' school, and none at any gunnery school.

And, in addition to that, of course there are thousands of students at places such as Champagne, Ill., and I think there are 12 schools in the country where they get their first primary training.

Mr. MAPES. Are those men all included in this number of enlisted men?

Mr. McKENZIE. Not as enlisted men.

Mr. MAPES. Then, as I said before, the men who are being trained for fliers are not mentioned as a part of the aviation section in the report.

Mr. McKENZIE. As I understand it, when a man is assigned to the flying corps he is made a second lieutenant. When he becomes a real flyer he is made a first lieutenant. I may be mistaken about that, but that is my recollection.

Mr. DENT. Mr. Chairman, I want to make this additional statement, so far as production is concerned. The week ending April 27 we shipped—that is, shipped from our factories—110 primary training planes, 19 advanced training planes, 7 combat planes, 241 primary training engines, 108 advanced training engines, 86 combat or Liberty engines. These figures have been brought practically up to date. I was furnished this morning by Col. Arnold, of the Aviation Section of the Signal Corps, with a statement which I shall put into the RECORD, giving the amount of money that has been expended up to May 23 for planes, propellers, and spare parts with the average price, and for engines and spare parts with the average price.

Mr. SNYDER. I would like to have the gentleman give that.

Mr. DENT. For planes, propellers, and spare parts, average per plane $5,000, $186,154,369.79. Those are the real corrected figures that he brings up to date. For engines and spares, average price $1,950 to $5,000 each, $240,803,176.65. Balloons, $9,590,204.54. Machine guns, ammunition, and bombs, $28,496,912.33. General equipment, including instruments, $32,768,733.47; clothing, $2,519,824.79. Total of obligations, $859,839,974.36.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question there.

Mr. DENT. Yes.

Mr. MADDEN. I would like to ask how many planes it takes for a flyer, to keep a flyer going?

Mr. DENT. That is a matter about which there is a difference of opinion.

Mr. MADDEN. Approximately?

Mr. DENT. My best recollection is that it takes about four.

Mr. MADDEN. How many planes have we got on the other side?

Mr. DENT. One thousand three hundred.

Mr. MADDEN. And how many flyers have we?

Mr. DENT. I gave that number to the committee a short time ago.

Mr MADDEN. It was over 2,000.

Mr. DENT. Yes.

Mr. MADDEN. Then we have less than one plane for each flyer, have we not?

Mr. DENT. Yes; I stated that frankly, that we were ahead in men and behind in the number of machines.

Mr. MADDEN. So that, as a matter of fact, there is not a bit of use in having the men unless we have the matériel—the guns and ammunition, and all that. Men are of no use in a battle unless they have everything else.

Mr. DENT. Except that when we get the machines we will have the men ready to go ahead and use them.

Mr. McKENZIE. May I be permitted to say to my colleague, in the interest of information, that a great many of our American flyers, who are spoken of in these numbers given out here, are flying for the English and the French?

Mr. MADDEN. Then they are not flying for us?

Mr. McKENZIE. Yes, they are; I beg the gentleman's pardon. They are doing their bit.

Mr. DENT. I shall state in that connection that it was testified before the committee, notwithstanding the current rumors that appeared in the newspapers of the country, that there never has been a time when the American forces in the front line have not been protected with machines. If we did not have a sufficient number, they were furnished by the British and the French.

Mr. MADDEN. I guess that is the information supplied to the committee, but I do not think it is true.

Mr. DENT. Of course if the gentleman does not believe what the War Department says I can not help it.

Mr. SNELL. Is it so that our Government has adopted the Handley-Page bombing machine?

Mr. DENT. That is one of them that they use.

Mr. SNELL. And the Bristol fighting machine?

Mr. DENT. Yes.

Mr. SNELL. And the D'Haviland reconnoissance machine?

Mr. DENT. Yes.

Mr. SNELL. Which one of those machines is it that you can build for about $6,000 or $7,000, as I understood from the gentleman's statement?

Mr. DENT. I do not recall the difference.

Mr. SHALLENBERGER. The price of the different machines has not been furnished the committee.

Mr. SNELL. I understood the chairman to say we could build some machines for $6,000 or $7,000.

Mr. SHALLENBERGER. That is the cheaper machine. The engine costs about $5,000 and that would undoubtedly apply to the large bombing plane.

Mr. SNELL. I understood you could not build a Handley-Page bombing machine for $50,000 or $60,000.

Mr. SHALLENBERGER. We have not built any yet; no, sir.

Mr. SNELL. Is there a Liberty motor actually in use on the western front in battle—in actual combat?

Mr. SHALLENBERGER. I do not think there is.

Mr. SNELL. How do you know they are successful if they have not been sent over there and been put in actual work?

Mr. SHALLENBERGER. Because we have tried them——

Mr. SNELL. Where?

Mr. SHALLENBERGER. In this country.

Mr. SNELL. I mean a battle plane at work on the western front—a combat plane?

Mr. SHALLENBERGER. Every condition of battle trial that is possible has been worked out in this country. We have not put them in battle, but the same process has been worked out as in regard to automatic machine guns; for instance, the Browning gun, for arming our troops. That has not been put in actual battle, but our officers know it is the best arm with which they can fight that has been produced anywhere.

Mr. SNELL. If the Liberty motor has not been tried on the western front, I was wondering——

Mr. SHALLENBERGER. Because the same air is there that there is here, and the same men who can drive it here can drive it there, and when we see these planes perform here we know they will do the same thing in battle.

Mr. SNELL. I was simply wondering how it would do until it was tried out in actual fighting?

Mr. SHALLENBERGER. We do not know that Gen. Pershing is going to win this war until he overcomes the enemy in battle. Still we have every confidence that the American soldier is going to win this war. We only know how this plane is going to perform in battle by what it has done here.

Mr. SNELL. How long before you expect a Liberty motor to be on the western front?

Mr. SHALLENBERGER. As far as I know, they are there now.

Mr. SNELL. But the gentleman does not know?
Mr. SHALLENBERGER. I have not been informed; we do not get the information.
Mr. GREENE of Vermont. The only difference in the test of the Liberty motor is that over there they get shot at?
Mr. SHALLENBERGER. That is about the difference.
Mr. MADDEN. Will the gentleman yield for one question in connection with the Browning gun? The gentleman said we had a whole lot of Browning guns. Where are they?
Mr. SHALLENBERGER. They are in the Army of the United States.
Mr. MADDEN. How many Browning guns have we got?
Mr. SHALLENBERGER. I am going to say something to the House about the Browning gun and I do not want to make my speech now.
Mr. MADDEN. The gentleman might tell us now if his speech is good.
Mr. SHALLENBERGER. I will say this: We produced more heavy Browning guns in 1918 than the United States had efficient machine guns at the declaration of war. We are producing right now at the rate of a thousand a month——
Mr. MADDEN. The heavy Browning gun?
Mr. SHALLENBERGER. Yes.
Mr. REAVIS. Will the gentleman yield?
Mr. SHALLENBERGER. I will.
Mr. REAVIS. I understand the Liberty motor is used in a fighting plane?
Mr. SHALLENBERGER. Not in a single-seater; it is too heavy for that purpose.
Mr. REAVIS. It is to be used as a combat plane, for the purpose of bombing?
Mr. SHALLENBERGER. It is used as a combat plane where you want to carry more than one man.
Mr. REAVIS. A combat machine is not necessarily a one-seater fighting machine?
Mr. SHALLENBERGER. No.
Mr. REAVIS. And the Liberty motor is to be utilized in that kind of a machine?
Mr. SHALLENBERGER. That is the idea. A fighting machine has a smaller engine, much smaller wings, and flies at tremendous rate of speed and can not use as heavy a motor as the Liberty motor.
Mr. REAVIS. Does the gentleman know what engine is to be used in connection with the fighting machine?
Mr. SHALLENBERGER. The Hispano-Suiza, the Bugati, and several foreign makes are to be utilized for that particular purpose.
Mr. REAVIS. Are we manufacturing any engines in America now.
Mr. SHALLENBERGER. We are starting to produce the Bristol fighter. There has been a great deal of change of orders in reference to the matter. The gentleman understands we are not trying to fight this war in this country. We take orders from those men who have to fight it in Europe. Finally we have come now, I am told, to a type of rapid fighter, in substance the Bristol fighter.
Mr. REAVIS. Is it not true the rapidity with which these aircrafts are changed makes any hard-and-fast proposition of a fighting plane rather inadvisable?
Mr. SHALLENBERGER. Yes. The art is new and being changed rapidly, and one reason why it was advisable to buy these fighting planes over there is because of the fact we are so far away it is difficult for us to change our manufacture as rapidly as the art of flying over there grows. It has been told us one of the great troubles of the British army in perfecting its fighting plane has been the little strip of water only 30 miles wide, the Straits of Dover, which separates them from France. So they do not have as immediate contact with the war as the French. And if that has been a stumbling block to them, the fact that we have 3,000 miles of water between us and the seat of war has been a greater stumbling block to us.
Mr. REAVIS. Is not that condition partly responsible for the somewhat deplorable condition the aircraft situation is in now?
Mr. SHALLENBERGER. I do not believe it is as deplorable as we have been led to believe. I will say to the gentleman that the Chief of Staff of the United States Army, a man in whom I think we have absolute confidence, has told us that there never has been a time when the fighting units of the American Army have not had all the battle planes to protect them that they could use. We have not 150 miles of front to defend yet. If we had, we would not have enough planes now.
Mr. REAVIS. Is it not true that such protection is from machines they furnished?
Mr. SHALLENBERGER. It is furnished by machines asked for and bought from them.
Mr. REAVIS. And to that extent we have not done probably what we should have done in reference to the aircraft defense?
Mr. SHALLENBERGER. If we would admit that we could make a better machine and a better plane, there might be considerable force in the gentleman's argument. I think the wise thing is to buy the best and equip our men with them while we are experimenting with the machines over here.
Mr. REAVIS. What I have asked is not in the spirit of criticism, but in order to get the facts. I would like to ask the gentleman one further question while he is on the subject of aviation.
The CHAIRMAN. Will the gentleman from Alabama [Mr. DENT] yield further?
Mr. DENT. For one more question; but I would like to finish my statement.
Mr. REAVIS. What I wanted to ask is this: There is a claim of a discrimination against the reserve military aviator to the effect that the aviator in the Regular Establishment receives rapid promotion, while the reserve military aviator is not given promotion beyond the rank of junior military aviator. What is there in that?
Mr. SHALLENBERGER. I looked into that matter, and I found the fact is that as soon as a man is commissioned into the Army now, whether in the reserve force or in the Regular Army proper, his opportunity for promotion is exactly the same. The only advantage the Regular Army man has over the man who has come in as a reserve officer is that his number in that particular grade is higher on the list generally, and so as the opportunities for promotion occur they come, of course, to the men at the head of the list; and so far as advancement is concerned, that is occurring now in the Aviation Department in particular, because a man is a better flier than another it is no handicap to him that he is a reserve aviator rather than a junior military aviator in the Regular Army. I am informed, so far as that particular thing is concerned, that there is no distinction in the Army whatever. I sympathize with the gentleman and his idea in asking that question. I took particular pains to go into it and inform myself, and I think that matter is thoroughly taken care of.
Mr. REAVIS. A member of the Regular Establishment having a higher number has some advantage over the regular military aviator, and the higher number is because of circumstances and not because of design?
Mr. SHALLENBERGER. It is because he is in the service prior to the other man.
Mr. REAVIS. And, as I understand it, a reserve military aviator is entitled after six months in the service to become a junior military aviator?
Mr. SHALLENBERGER. He is, if he passes to the satisfaction of a board that gives him that certificate.
The CHAIRMAN. The time of the gentleman has expired.
Mr. REAVIS. Mr. Chairman, I do not like to impose on the chairman of the committee, but this is a matter that has been brought to my attention several times, and if the gentleman from Alabama [Mr. DENT] will yield for a question or two I would appreciate it.
Mr. DENT. I will yield.
Mr. REAVIS. He is entitled to no further promotion, until at the expiration of two years he is made a military aviator?
Mr. SHALLENBERGER. Yes, sir.
Mr. REAVIS. But that has no increase in rank.
Mr. SHALLENBERGER. It is an increase in pay only.
Mr. REAVIS. But not in rank.
Mr. SHALLENBERGER. No, sir.
Mr. REAVIS. The regular is entitled to promotion up to the rank of major in the Aviation Service?
Mr. SHALLENBERGER. It is higher than that now.
Mr. REAVIS. I received a letter two or three days ago from Capt. Reynold that the limit——
Mr. SHALLENBERGER. We have an officer, Gen. Foulois, who is the only senior military aviator we have in the Army, and because he is a man that has been a flier for three years they have advanced him to the rank of military aviator, and now he is a brigadier general. I think the general statement the gentleman makes is a fact.
Mr. REAVIS. Now, can a reserve military aviator—that is, an aviator in the Reserve Army—hope for the attainment of that rank as will enable him to attain an equal footing with the rank?
Mr. SHALLENBERGER. I think he can. I think the fact of his proficiency as a flier is just as valuable to him in one service as in the other, and the fact that he has to take his

chances of seniority of service is one that is inevitable in every line of the Army.

Mr. REAVIS. And the gentleman's observations have led him to believe that the stories of discrimination against reserve officers are not correct?

Mr. SHALLENBERGER. I do not think there is any discrimination. The fact that a man has lately come into the Army as a reserve aviator and learns to fly quickly, of course means that he is inevitably low down on the line of lieutenants who are to be promoted, but it would be the same if he came in in the Regular Army.

Mr. GREENE of Vermont. I doubt if there are as many opportunities to become general fliers, as our friend Maj. Foulois was permitted to be, because those men occupy administrative offices, and the grade is not widely given up to numbers.

Mr. SHALLENBERGER. It is as the gentleman from Nebraska says.

Mr. McKENZIE. If my colleague will permit an interruption, in the interest of the truth brought out by the gentleman from Nebraska in regard to the failure of our country to get airplanes, I would like to have it go into the RECORD that a part of our trouble has been in the matter of the failure of contractors on the other side of the water to make deliveries. As a matter of fact, we contracted for something over 13,000 machines in France and England, and up to this time we have got only a few hundred, so that the fault is not all in our own country in bringing down the total.

Mr. REAVIS. Why do we not manufacture them in this country, if they can not furnish them on the other side?

Mr. McKENZIE. Because we can not or could not do it.

Mr. DENT. Mr. Chairman, I hope that the committee will allow me to proceed with my statement. I only want a few more minutes.

The CHAIRMAN. The gentleman from Alabama has 12 minutes remaining.

Mr. DENT. Mr. Chairman, in conclusion, it must be recognized that the aircraft program, which was inaugurated last summer, was an entirely new proposition in this country. The fact is that it was a comparatively new proposition in the world. And while there have been some mistakes and some delays, I think the War Department has done remarkably well in accomplishing upon this project as much as it has.

I wish to state that the Committee on Military Affairs began hearings on the Army appropriation bill the first week that Congress met in December. In fact, I think it was the second day after Congress convened. We remained in practically continuous executive session upon the estimates until the 8th day of February, except during the brief period of the Christmas holidays. During those sessions we were considering estimates for an Army of 1,600,000 men. We finished our work on the 8th of February and would have been ready to report a bill within a few weeks had it not been for the fact that the Secretary of War informed the committee that he expected to go to the western front and make a personal visit and desired that the committee should not take any official action until his return. He returned some time in April, and it took some weeks for the supplemental estimates to be prepared. He appeared with the Chief of Staff before the committee on the 3d day of May. We had hearings up to the 7th day of May on the supplemental estimates, which carried something over $4,000,000,000 in addition to the original estimates, and which provided for an Army ultimately during the next fiscal year of some 3,000,000. whereas we had been working heretofore upon an Army of 1,600,000 men.

The committee had to call again, before we took final action, a number of officers of the Quartermaster Department and the Ordnance Department, where the increases lay, in order to ascertain the facts in regard to those appropriations.

I mention these facts because it has been stated that the Committee on Military Affairs has worked under the spur of the War Department, and I think it is only fair to the committee that it should go into the RECORD that we worked morning and afternoon whenever we got these estimates, whenever we got the facts, until we finally brought out a bill that increased the original estimates from about $7,700,000,000 to practically $12,000,000,000; and the last estimate came in on the day before we reported the bill out, by which we were asked at the last minute to add $100,000,000 to the Medical Department, which the committee did, on the recommendation of the Secretary of War, indorsed by the Surgeon General of the Army. In other words, Mr. Chairman, this committee has substantially given to the War Department what they have recommended. We have gone into the question of expenditures which have been made under the appropriations that were made last year, and we have taken that as a basis in order to determine whether or not we ought to give to the War Department that which it is asking. We have discovered that there were some duplications—not many. These have been corrected. This committee is unanimously of the opinion that this war must be won and that we must rely upon the War Department's estimates, largely, as to what is necessary to appropriate in order to win it. [Applause.]

The CHAIRMAN. Does the gentleman from Alabama desire to reserve the remainder of his time?

Mr. DENT. Yes; I desire to reserve the remainder of my time.

Mr. KAHN. Mr. Chairman, the Committee on Military Affairs had no intention of shutting off debate or questions respecting this bill, which carries approximately $12,000,000,000. We thought that time could be saved by having a very full discussion of the various paragraphs of the measure under the five-minute rule. In formulating a bill of the vast magnitude in amount of this one the committee proceeded in an entirely different method from any that had heretofore been used. For every paragraph in the bill carrying a large appropriation there was appointed a subcommittee, consisting of one member of the majority and one member of the minority, and each subcommittee has made it a special point to become thoroughly familiar with the items contained in the particular paragraph over which it had jurisdiction. And so, as the bill is read under the five-minute rule, I feel the Committee of the Whole will be able to get more information on this proposed legislation than the House has ever received on any military appropriation bill that has ever been reported to the House heretofore. Some criticism has been made regarding the aeroplane program. Why even to-day on this floor the statement was made by one of the Members that we have practically no aeroplanes, whereas the truth is that we had entered into contracts with manufacturers on the other side of the Atlantic Ocean, who had been building aeroplanes for practically three years before we got into the war, to turn out machines for this country. They have been delivering machines to our forces in Europe right along. I believe it is only fair that these facts be stated.

Our country was notoriously unprepared for war. For years some of the Members on this floor, realizing how absolutely unprepared we were to defend American rights, tried to make the House see that we were living in a fool's paradise; but the light did not strike in on the minds of the majority of the Members of this House. And so we drifted, even "while the sparks were flying everywhere," and refused to make appropriations so that we could become, at least in a measure, prepared for a possible conflict. Eleven months before this country entered the war I offered an amendment to the military appropriation bill asking that the Army be increased to 250,000 men. That was on May 8, 1916. That was voted down by a substantial majority. Repeatedly I had offered amendments to increase the appropriations for ordnance, for small arms, for ordnance ammunition, for small-arms ammunition.

The amendments were voted down, because many of the Members thought that because we were the United States of America no nation on earth would ever want or dare to fight us. Some gentlemen probably thought we could prevent war by handing out religious tracts or high-sounding pacifist phrases to those who might become our enemies, and thus ward off the conflict. But we refused to make the necessary appropriations. So when we got into this war we were notoriously unprepared, and that very knowledge was in the minds of our enemies. They knew how criminally unprepared we were. They thought that we would never fight, no matter what they did to us. That is what they banked on. So when this war started, so far as our entrance therein was concerned, we had to commence at the very beginning of things. We had to create many war industries, because there were none in existence in this country. That was especially true of airplanes. We have had criticisms from the beginning. Honest criticism is a good thing. It has not been amiss, because when honest criticisms were made the War Department exerted every effort to correct the evils that had been pointed out. So at the outset we were criticized about the building of the cantonments and the camps and the location of the cantonments and the camps. But they were located, they were constructed, and you hear very little criticism of that kind nowadays.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. CAMPBELL of Kansas. I notice, however, that the department has abandoned the cost-plus principle upon which these cantonments were built. That was one of the principal criticisms against the building of the cantonments. That was where the graft was and where the thing was of which the country and the people complained.

Mr. KAHN. Mr. Chairman, when this country began the construction of 16 great military camps, each one capable of housing from 25,000 to 40,000 soldiers, when we began the construction of 16 National Guard camps, capable of housing anywhere from 20,000 to 30,000 men each, it was a serious problem to get the contractors who had the necessary force, the necessary equipment, and the necessary organization to undertake this great work. It had to be done in a great hurry. The troops were to go to the cantonments a very few weeks after they were started. The cost-plus proposition was the one that appeared at that time to the officials in charge of the work to be the best plan that could be utilized for the speedy construction of these camps. They found out later that they could construct to better advantage by letting contracts, and they have done that. I will not say that mistakes have not been made. I know mistakes have been made, and serious mistakes. But in a great war like this, when you start off with nothing to guide you, when you start off on an uncharted sea, it is inevitable that mistakes will occur. The surprising thing is that so few mistakes have occurred. The gentleman speaks of graft. I have here a clipping from the Liverpool Weekly Post of April 13, 1918, showing what real graft occurred in England, and England had been practically three years in the war before we got into it.

I ask unanimous consent to insert this clipping in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert in the RECORD the clipping indicated. Is there objection?

There was no objection.

The statement is as follows:

[From the Liverpool Weekly Post, Apr. 18, 1918.]

WAR CONTRACTS—DISCLOSURE OF BUNGLING BY MUNITION MINISTER.

The accounts of the ministry of munitions, overhauled by the auditor general, disclose several very remarkable items.

In one case, although the ledger showed £230,000 had for some months been due to be refunded by a firm under a contract since canceled, no active steps had been taken to recover this sum.

Upward of £500,000 was overpaid on one contract.

Overpayments involving over £250,000 were made to the same firm.

A contract ledger recorded payments of £1,400,000 only; the payments made totaled £4,700,000.

An abatement of £10,000 due from a firm in respect of a departure from contract conditions could not be traced.

One contractor was overpaid £111,362, and to the same firm £21,450 was issued, that sum having previously been paid.

The following table is given showing the extraordinary differences between estimates and actual costs in the erection of national factories, the first figure being the estimate, the second the cost:

	Estimate.	Cost.
A filling factory	£264,100	£1,153,000
A filling factory	632,800	2,200,000
A filling factory	250,000	915,000
A filling factory	350,000	781,000
A filling factory	200,000	626,000
A rolling mill	680,000	755,000
A projectile factory	627,000	900,000

There have been large stocks of defective shells owing to defects revealed at firing. Directions were given for the breaking up of some 3,000,000 complete rounds of 18-pounder ammunition. It was apparently impossible definitely to locate the fault in such a way as to justify a claim against the suppliers. The cost involved in breaking up the ammunition and in repairing the cartridge cases will be very considerable.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. CAMPBELL of Kansas. Graft in England does not justify graft in America.

Mr. KAHN. Does the gentleman know of any graft? It is his duty to present it to the proper officials of this Government if he does. [Applause.]

Mr. CAMPBELL of Kansas. I accept the statement of the gentleman. I know this: I know that the cantonments have cost much more than they ought to have cost. I know that there were delays in construction by reason of the fact that the longer it took to construct them the more they cost and the more the contractor got out of it. Everybody knows that. I know that criticism in the country has caused the department to abandon the cost-plus system

Mr. KAHN. Mr. Chairman, as I recall the facts, the percentage that was to be allowed would not permit a profit beyond a certain small percentage, and the total profit in any case was limited to a certain rather moderate figure. But I submit further that if the gentleman from Kansas [Mr. CAMPBELL] knows of any case where contracts were delayed in order to make profits, as a good, loyal citizen it is his duty to call the attention of the prosecuting officers of the Government to such violation of the law. [Applause.]

Mr. SHALLENBERGER. Gentlemen will recall that when Gen. Liggett was before the committee, testifying touching this matter of profits, he stated that while some contracts allowed a profit of 10 per cent the actual profit received by all the contractors in toto was less than 4 per cent.

Mr. KAHN. I recall that testimony very well, and that is what I had reference to in the statement I have just made to the gentleman from Kansas.

Mr. JOHNSON of Washington. In the case of the cantonment at American Lake, Tacoma, Wash., where a 10 per cent plus cost profit was allowed, the people themselves gave $2,000,000 worth of property to the Government, and the contract was so reduced that finally the profit was less than 3 per cent.

Mr. KAHN. I thank the gentleman for his information, and I want to say to this committee that the average profit on all of the cantonments, as stated before our Committee on Military Affairs, was practically 4 per cent.

Mr. QUIN. Will the gentleman yield?

Mr. KAHN. I yield to the gentleman from Mississippi.

Mr. QUIN. I want to say that the gentleman from California has stated it exactly right. The gentleman from Kansas knows that if there have been overpayments or mistakes they have all been corrected. The cantonments have been constructed in good faith, the Government is prosecuting the war, and what does the gentleman want to dig up an old carcass for and disgruntle the patriotic people of America? I ask that in good faith.

Mr. KAHN. Mr. Chairman, there was criticism in the beginning on account of lack of proper clothing for soldiers. I myself have believed that the criticism in many respects was justified. I think the officers of the Army were too much bound up with red tape. If they had cut the red tape in those terrible days of last winter when the thermometer was way below zero, if they had gone out and bought in the local markets warm heavy underclothing, socks, and overcoats, the country would have applauded and accepted their action. The Congress would have voted the funds to pay for those articles, and much suffering would have been saved. But at this time there is plenty of clothing for all the men that we now have in the Army. Indeed, we now have a large reserve on hand. No soldier has been sent to Europe at any time without a full equipment of everything he requires.

In regard to the aeroplane proposition, much time was lost in the beginning in trying to create an engine that could be standardized and whose parts could be multiplied many times, so that if the smallest part was destroyed it could be easily and readily replaced.

The Liberty engine was tried out for every possible defect. Let me call to the attention of the committee this fact: Your aeroplane starts from the ground where the thermometer registers, for example, 75°. In 12 minutes after it begins its flight it is 15,000 feet in the air, with the thermometer registering several degrees below zero. The changed conditions of the atmosphere naturally affect the metal in the machine, and all these problems have to be worked out carefully, so that there shall be no mistake.

The Liberty engine, I am informed, on the final test was taken to the top of Pikes Peak and was allowed to run there, I do not know how many hours, so as to be sure of its action in that high altitude.

But the production of the engines in this country was in a measure limited at times by the action of the cobelligerent nations.

Mr. CAMPBELL of Kansas. Will the gentlemen yield?

Mr. KAHN. If the gentleman will let me finish this statement. For instance, the War Department received a cable dispatch saying that a foreign type of engine was desirable, and a factory in New Jersey, which was known, I believe, as the Dusenburg factory, was equipped entirely for the manufacture of the foreign engines. They had just been equipped to build Liberty engines, although they had not started to manufacture them. But they promptly stopped their work on the Liberty engines. It took some weeks to change the machinery, and just as they became ready to start the new work they received another cable saying that it was not desirable to build that foreign engine and they should go on and build the engines that it was originally intended they should build. Still later on another cablegram was received directing that work proceed on the foreign engine. That is some of the evidence before the Committee on Military Affairs, and assuredly we should not blame the manufacturers in this country on account of the conditions at that time. They were unforeseen conditions. We are at war, and during war it is the unforeseen condition that is most troublesome.

The Chief of Engineers told us that of the large amounts that were asked by him for his department, I think something like $892,000,000, that many things would have to be duplicated three and four and possibly six times. He explained, for instance, that the Engineer Department has run tracks right up to the trenches, so that the soldiers in the trenches can be furnished with necessary food, ammunition, and supplies. A

charge or drive of the enemy might drive our forces back 5 miles, 10 miles, or even 20 miles.

The railroad tracks, the cars, and locomotives would all have to be abandoned, and as soon as our troops made a new stand new tracks would have to be laid immediately, new cars would have to be furnished immediately in order that the troops could still receive the necessary food, ammunition, and supplies. Now I will yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. What I wanted to ask was in reference to aeroplanes before the gentleman left that subject. What explanation was made to the committee why we have only two battle planes in France out of the $640,000,000?

Mr. KAHN. We never had that information before the committee.

Mr. CAMPBELL of Kansas. That is the information of the country and the public generally.

Mr. KAHN. Because some newspapers have chosen to publish that particular piece of misinformation.

Mr. CAMPBELL of Kansas. Does the gentleman state that there are more battle planes than have been published to the country by the investigation made in another body and statements made by the chairman of the Military Affairs Committee in another body?

Mr. KAHN. I have not been able to follow all those matters carefully.

Mr. CAMPBELL of Kansas. I would be glad to know, and probably the country would be glad to know, that we had more battle planes as the result of the expenditure of the $640,000,000.

Mr. KAHN. Let me appeal to the gentleman's own common sense. The gentleman has read that the American fliers have been bringing down enemy planes.

Mr. CAMPBELL of Kansas. In French and English battle planes.

Mr. KAHN. No; battle planes owned by this country. We have 323 fighting battle planes on the other side. We have now on the other side quite a number made in this country and shipped abroad, but we have nearly always had fighting planes on the other side, made, it is true, on the other side, because they had the factories to construct them at a time when we had practically no factories in this country.

These battle planes have been used with remarkable success by our American fighters. They will be materially augmented in the future, I have no doubt. And they were paid for out of the appropriation of $640,000,000 that has been spoken of on this floor. Of the total sum for aviation, about $755,000,000, only about one-third has been paid out. The other two-thirds is still in the Treasury to be used in the payment of additional planes and such accessories as may be delivered to the Government from time to time. They have been contracted for, but have not been delivered as yet.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. MADDEN. The gentleman just stated that only one-third of the $640,000,000 had been paid out.

Mr. KAHN. Yes.

Mr. MADDEN. The gentleman from Alabama [Mr. DENT] stated that $316,000,000 had been paid and that is more than one-half.

Mr. KAHN. I am speaking of the total amount allowed for the Signal Corps last year, which was $755,000,000.

Mr. LONGWORTH. All that still remains is obligated, is it not?

Mr. KAHN. Yes; of course. And I want to say that more than what remains is obligated. The testimony before the committee was that in order to speed up they had been compelled to go out and contract for planes, plane materials, and engines, in the hope of securing speedy manufacture and prompt delivery of the new planes.

Mr. SNYDER. Of course, this money we speak of as being obligated is for the purchase of aeroplanes both in this country and on the other side.

Mr. KAHN. Not only aeroplanes, but dirigible and stationary balloons.

Mr. SNYDER. That are to be delivered?

Mr. KAHN. Yes.

Mr. SNYDER. And at the present time the understanding is that the manufacturers who are building these various types of equipment are delivering and are prepared to deliver from day to day in larger and larger quantities. Is not that a fact?

Mr. KAHN. Exactly; in ever-increasing quantities.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. HUSTED. I would like to ask the gentleman if he thinks the aeroplane factories which we had in this country have been utilized to the best advantage in the manufacture of planes? My information is that the two largest factories—the Curtiss and the Standard factories—were for several months practically at a standstill, with nothing being done in them.

Mr. KAHN. I can tell the gentleman something about that from personal observation. When this country announced that it was going to manufacture aeroplanes on a large scale Washington was flooded with men who wanted to get into the game and who promised all kinds of things in the way of their ability to manufacture promptly if they could only get contracts. When the contracts were not forthcoming they would complain that the Curtiss company and the Wright company, the two companies that were actually in existence, were getting it all, and that no new company had any chance. So that my friend from New York seems to have been misinformed as to what was being done with the two companies that were then in existence.

Mr. HUSTED. I happened to meet a gentleman who had been at the Standard plant and at the Curtiss plant, immediately after he returned from an inspection of those plants, and he told me that when he was there, in one of those large factories, he saw but 10 planes that were approaching completion. They were 10 Bristol planes in the Curtiss plant, and he found about half the benches in that plant idle, with no workmen at the benches at all.

Mr. KAHN. I am under the impression, though possibly I am in error, that no Bristol planes have been completed as yet. Am I right about that?

Mr. SHALLENBERGER. I understand they are just beginning to have them produced now. They have not been approved up to date.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. McKENZIE. For the sake of the RECORD, in order that there may be no mistake about the figures, I would like to put the correct figures in the RECORD in regard to the appropriations made for aircraft. It was not only $640,000,000 but it was something over $700,000,000.

Mr. KAHN. Seven hundred and fifty-five million dollars, I think.

Mr. McKENZIE. And on the 30th of April, 1918, there had been expended $316,517,000, which left a balance of $433,369,000.

Mr. KAHN. I thank the gentleman for that contribution to this colloquy.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. HICKS. I want to state partly in answer to my colleague from New York [Mr. HUSTED] that less than a month ago I went through one of the Curtiss plants at Buffalo, and at that time I think less than half of their capacity was being utilized in turning out aeroplanes, and a number of Bristols were then being put on the block to be tested, and that plant, I think, was not being operated in anything near its full capacity.

Mr. KAHN. Mr. Chairman, in this connection I want to say that I hold no brief from the War Department. I have no desire to cover up anything or to apologize for any mistakes, but I believe it is the province of a Member of the House to give the facts truthfully and fairly and fearlessly.

There was another disappointing thing in connection with the manufacture of aeroplanes, and that was the question of lumber. It became a very serious question at the beginning. It was found necessary to get spruce lumber in large quantities. It might be supposed that every spruce tree that was felled would furnish necessary lumber, but that was not the case. The tree has to be of a certain grain, so that a number of trees might be felled before the right grain would be secured. The "I. W. W." in the West were fighting this Government's preparation for war. They committed notorious *acts of sabotage*. They broke the teeth on the saws that were used to cut this timber. They put emery dust into the oil that lubricated the bearings of the machinery in the mills.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. MADDEN. How many of those men have been sent to the penitentiary—any?

Mr. KAHN. I do not think that a single man was caught or arrested.

Mr. MADDEN. Have they prosecuted any of those men?

Mr. KAHN. I do not think they have captured any. But I want to say to the gentleman that there is a bill pending in this House for the giving of medals for efficient work done in connection with the war. The War Department sent Col. Disque to get out spruce lumber in the West. He found the "I. W. W." in control of the lumber camps.

He made inquiries and was told that many men had joined the I. W. W. simply on account of their desire to have some social life. They felt that here at least men got together and

found some entertainment. Col. Disque asked them whether they would join an organization that he would found. I believe he called it "The Loyal Legion of Loggers." He got up his own ritual, and thousands of these lumbermen joined this new organization. It was founded in the territory occupied by the I. W. W., and I am informed now that the L. L. of L. have practically driven the I. W. W. from the field. That man, Col. Disque, deserves a medal for what he has done. [Applause.]

Mr. MILLER of Washington. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. MILLER of Washington. For the purpose of information, would it be proper for the gentleman to state what the output now of the three character of planes is—the pursuit, the combat, and the bombing plane—per day and how they are going over to Europe? Would it be proper for him to state that?

Mr. KAHN. The figures were given me on Friday morning. I confess to my friend that they have escaped my memory, but we were told at the same time—for the committee was present when the statement was made at the war council up in the War Department Building—that in the vessels that have been going over these two or three weeks last past quite a number of planes were being shipped on every vessel.

Mr. SHALLENBERGER. I have some figures here on that. Up to April 1, total number of bombing planes produced were 14; in the week of May 11 we produced 34; in the week ending May 18 we produced 37; so we are producing now very much more freely than before.

Mr. KAHN. I thank the gentleman for the statement.

Mr. MILLER of Washington. That is the bombing plane?

Mr. SHALLENBERGER. That is the completed plane.

Mr. MILLER of Washington. Now, as to the pursuit, the combat plane, does the gentleman have any figures on those?

Mr. SHALLENBERGER. No; I have not. The Bristol fighter has just practically been approved, I understand.

Mr. MADDEN. One question, if the gentleman will permit. What is the life of a plane in active service; that is, the average life? I do not mean of any particular plane.

Mr. KAHN. It is only a few weeks, at most.

Mr. MADDEN. So that a plane put in actual service, say, the 1st of May and continued in service all during May would have to be renewed the 1st of June and a new plane substituted?

Mr. KAHN. Practically.

Mr. MADDEN. So the life of a plane is only 30 days, about?

Mr. KAHN. Practically that is so. It may be destroyed on the first occasion it goes into the air and it may last for many months, but it is all a matter of chance.

Mr. SNYDER. It has been stated here that England was producing about 5,000 aeroplanes per month and that France was producing about 5,000 per month.

Mr. MADDEN. Is the gentleman quoting me? If so, the gentleman is repeating what I said to him privately, but I did not make that statement. I said that England was producing about 3,000 and France about 2,000, making in all 5,000.

Mr. SNYDER. Does the gentleman's information in reference to the construction of aeroplanes lead him to confirm such a statement as that?

Mr. KAHN. I have no doubt that it is entirely correct. But that does not exceed the demands. It probably does not equal the demands, because the more men we can get into the air the more likelihood of victory for the allied forces. That is what this country had been led to believe and that is where the mistake has been made. We were told by the officers in the War Department that we would have machines in the air by the thousands; that we would drive the enemy, within a year, off the air; that we would blind the armies of the enemy, because, after all, the aeroplanes are the eyes of the Army.

As I have said, many unforeseen events contributed to the breakdown of the program. Take the question of linen. Linen has been the cloth used on the plane itself, on the wings.

Mr. GREENE of Vermont. Irish linen?

Mr. KAHN. Irish linen; yes. The supply became exhausted. There was not a yard of it to be had in this country, so the War Department was put to the expedient of inventing or devising some substitute for that material. They did invent a substitute. It is now being produced in great quantities, but naturally there was some delay before they were able to get that substitute. I am satisfied that from this time on the aeroplane program will proceed expeditiously.

My colleague on the committee from Vermont [Mr. GREENE] calls my attention to the question of lubricants. It has been found that practically the only oil that will not freeze when an aeroplane with a rapidly revolving propeller mounts 10,000 or 12,000 feet into the air is castor oil. It does not freeze; it keeps the bearings lubricated, and yet it is almost impossible to get the quantity of that oil that will be required. The farmers all over this country have been appealed to to raise the castor bean. I am inclined to believe that the Government itself is now taking up that matter, so that we ourselves will have to produce that lubricant.

Mr. MADDEN. Will the gentleman yield right there?

Mr. KAHN. Yes.

Mr. MADDEN. My understanding of the difficulty with the motor was that the lubricating section of the motor that was added to the Packard machine did not work, and it was found that that part of the Liberty motor had no place in the Packard machine and nothing would lubricate it except castor oil when it got up in the rarer atmosphere, and that because of that fact we were obliged to open castor-bean farms throughout the United States in order to raise the castor bean to make that oil.

If somebody had not displayed a selfishness in the make-up of the motor by insisting on having his lubricating section added to the Packard machine, no such condition would have arisen; and we would not have been put to the expedient of compelling the American people to wait until a crop of castor beans could be raised before we could put our motors in the field and have them lubricated.

Mr. HICKS. Will the gentleman yield?

Mr. KAHN. I will.

Mr. HICKS. I would like to make this statement: I think, in the last four weeks, probably, a substitute for oil has been found which utilizes 10 per cent of castor oil and 90 per cent of the raw oil for the use of the Liberty motor. And that comes to me from the highest authority, I think, and I believe it is a statement we can take as a fact.

Mr. MADDEN. I hope it is true, but the fact is just as I have stated, that we would not have had any trouble whatever in lubricating the Liberty motor if it had not been for the combination of conditions which forced the Government to accept the lubricating section of the machine that had no place on the machine itself.

Mr. WALDOW. Will the gentleman yield?

Mr. KAHN. I will.

Mr. WALDOW. If it is true that castor oil is the only oil we can use on our motors in this country, can the gentleman explain what grade of oil they are using over in France at the present time?

Mr. KAHN. No; I can not inform the gentleman; but I understand that castor oil is used on all machines where the propellers revolve very rapidly. It is not only the Liberty machine but any machine that has a propeller that revolves very rapidly that has to be lubricated with castor oil.

Mr. WALDOW. That is the point I was trying to make, to see if my friend from Illinois [Mr. MADDEN] was correct in his contention or not.

Mr. MADDEN. I am correct.

Mr. TILSON. The gentleman [Mr. KAHN] has stated that certain kinds of rotary engines must have this kind of lubricant; that those that revolve very rapidly must have this particular kind of lubrication. And so in France engines of that type have to have that kind of oil. Other engines use other kinds of oil.

Mr. WALDOW. I thank the gentleman.

Mr. MILLER of Washington. If it is not entirely out of line with the subject that we are discussing, and while talking about motors, has the gentleman from California heard anything about that mysterious force called "Garabed"?

Mr. KAHN. I want to say to the gentleman that the Military Committee took no chances with that. They made the proposition to the inventor that he could call any two or more members of the committee to witness his exhibit, and that if he convinced them that he had something of value to the Government we would pass his bill, and that if he did not convince the committee they would not take any action on it. This was not satisfactory to the gentleman, and the Committee on Military Affairs had nothing further to do with the matter.

Mr. CANNON. I believe that no part of the $12,000,000,000 in this bill or the $18,000,000,000 or $20,000,000,000 appropriated last year—not one cent of it—has been paid to Mr. Garagossian.

Mr. KAHN. The gentleman is quite right about that. I sincerely hope that the inventor will make good, however.

Mr. MADDEN. So do I. I hope somebody will make good.

Mr. KAHN. But he would not exhibit before any members of our committee, and we thought he ought to be willing to do that before we took any chances on his proposition.

Mr. HARDY. I want to really understand whether or not on this particular matter some injected machine caused the requirement for castor oil or whether that is the case with all rapidly revolving machinery, whether it be the Liberty motor or anything else?

Mr. KAHN. I understand in all rapidly revolving machines castor oil is used.

Mr. HARDY. What I wanted to get is a clear answer to the statement of the gentleman from Illinois [Mr. MADDEN] that it was some special self-interest.

Mr. KAHN. It is only fair to say about the Liberty engine that Gen. Squier, when he was before our committee as Chief of the Signal Corps, stated that it was the desire of his department to evolve a standardized motor. It seems that Germany, of all the warring nations, has used practically one motor, the Mercedes. I believe in a later period of the war they evolved a second motor. But I feel that probably, while the Liberty motor was being evolved and developed, we might have gone ahead manufacturing some motor that had been recognized as a success on the European battle fields.

Mr. HARDY. Will the gentleman yield right there?

Mr. KAHN. Yes.

Mr. HARDY. Did we not in effect do that by sending our material and men over to Europe and making contracts there for the old kinds of machines?

Mr. KAHN. The gentleman is quite right. We did that. Although I want to say that the European governments, of course, are so hard pressed in this war that the demand upon their own factories for their own planes is very great, and it has been a hardship for them to manufacture machines for us.

Mr. HARDY. But was not part of our appropriation expended in sending material and men over there for that work?

Mr. KAHN. Oh, yes; there is no question about that.

Mr. MADDEN. Just a statement in connection with that. My information is, based on thorough investigation, that the motor-plane factories of England and France are possible of expansion to nearly twice their present capacity. They have the motive power with which to work factories of more than twice the size they now are, and all that is necessary for us to do in order to get all the planes we need is to supply them with the fabricated steel and the spruce which we have contracted to supply and have not supplied, and have thereby retarded the expansion of these factories.

Mr. KAHN. Of course, I do not know the source of the gentleman's information, but when the matter was before the committee the committee was informed by the officers of the War Department that it was a hardship on the foreign governments to manufacture machines for our Government.

Mr. PLATT. The gentleman made his statement a little while ago to the effect that the Dusenburg Motor Co., of Elizabeth, N. J., had been manufacturing a foreign machine.

Mr. KAHN. No; it had been preparing to manufacture some machines for these countries, and then a cable came to have them stop the manufacture of that machine.

Mr. CAMPBELL of Kansas. Why?

Mr. KAHN. Because the belligerent nations wanted to try out a type of machine that they wanted, and they thought we could manufacture it over here more expeditiously than they could manufacture it over there.

We then got that factory into full preparation to turn out that particular engine, and just about the time it was ready to begin the manufacture of those machines a halt was called and none of them were manufactured.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. ANTHONY. I know that my colleague wants to be entirely correct in that statement, which he has made before here.

Mr. KAHN. Yes.

Mr. ANTHONY. I called up the War Department and was informed by them that they were still manufacturing the Bugati machine at the Dusenburg factory, and that the order has never been countermanded, and that the Bugati has been substituted for the Liberty motor, and is being turned out by the French Government.

Mr. PLATT. I think that is true.

Mr. KAHN. I think that is true; but the original order—and I think the other members of the Committee on Military Affairs will bear me out in what I have stated—was to turn that plant over to the manufacture of the engines desired by our cobelligerents, and just as they were ready to begin the manufacture of those engines the order was countermanded, at least for the time being, and all that time was lost. That was cited to our committee as one of the things that contributed to the delay in the turning out of engines. I think the chairman and other members of the committee who were present will bear me out in that statement. They were present when the statement was made.

Mr. ANTHONY. I think the gentleman has the Dusenburg Co. mixed up with some other company. I took the trouble to call up Mr. Potter's office, and that was the information I have just given.

Mr. KAHN. I asked Mr. Potter specifically about the Dusenburg case in the committee.

Mr. ANTHONY. It was stated that the French Government had substituted for the Bugati motor the Liberty motor. Now, I understood that the French Government had never proceeded with the manufacture of the Bugati motor, and that that order was countermanded. I understand they are still manufacturing the Bugati motor.

Mr. KAHN. When Mr. Potter was before the committee a few days ago I asked him whether the statement about the Dusenburg Co. was correct, and he said that it was.

Mr. ANTHONY. Has not the gentleman got the Dusenburg Co. mixed up in this instance with the Curtiss Co., which started out early to manufacture Spad machines, and that that order was countermanded after they had gotten well along in the manufacture of Spads, and they substituted the Dusenburg?

Mr. KAHN. No. The gentleman at my right [Mr. CRAGO] was present, and he heard Mr. Potter's statement as I have substantially stated it.

Mr. CRAGO. One was an order for the manufacture of a certain type of plane which had been countermanded by Gen. Pershing, saying that they no longer needed that type of plane, and one factory was stopped for production, and one month later an order came in for that particular type. The whole conversation was on the motor that the Dusenburg plant was manufacturing.

Mr. ANTHONY. I am informed that the Aircraft Production Office has just stated over the phone that they are no longer making the Liberty motor but the Bugati motor.

Mr. SNYDER. Are they not turning out Liberty motors?

Mr. ANTHONY. I do not know.

Mr. GREENE of Vermont. What inference is there to be deduced from the statement that they are turning out the Liberty motors instead of the Bugati?

Mr. CRAGO. They had not started to produce the others, but Mr. Potter informed the committee that it was at the specific request of the French Government that the manufacture of the Bugati motor was undertaken by the French Government.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes; I yield to the gentleman from New York.

Mr. PLATT. I happen to know something about this, because the Dusenburg people established a plant in my district and took the machinery down to Elizabeth, N. J., to manufacture the Bugati motor. I think they are still manufacturing that motor.

Mr. KAHN. I have no doubt they are manufacturing it.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I yield to my colleague.

Mr. McKENZIE. In order that this matter may be straightened out I will read a few questions and answers brought out in that matter before our committee. I read:

Mr. ANTHONY. I have read statements to the effect that the War Department had canceled those contracts for Liberty motors and substituted in their places orders for the manufacture of foreign motors.

Mr. POTTER. That is not so.

Mr. ANTHONY. The statement was made—did you place an order with the Dusenburg Co.?

Mr. POTTER. I believe so.

Mr. ANTHONY. Why was that order canceled?

Mr. POTTER. It must have been before my time, because I never heard of it. I can tell you why it was canceled. It was canceled because the French Government was very enthusiastic to have us build a motor called the Bugati, and the Bugati has more power, or is supposed to have more power, than the Liberty motor.

Mr. ANTHONY. It is a lighter motor, is it not?

Mr. POTTER. No; it is a heavier motor, but it is rated at 511 horsepower, while the Liberty is rated at 400 horsepower. The Bugati motor weighs over 900 pounds and the Liberty motor weighs 800 pounds. But the Bugati motor has some very peculiar qualities, and the French were very desirous to have us make it.

Mr. ANTHONY. Are those for the French Government or for our own?

Mr. POTTER. They were very anxious to have us do it.

Mr. ANTHONY. It was considered more desirable to use the Bugati, in view of the recommendation of the French Government, than the Liberty motor?

Mr. POTTER. I presume this is why they wanted it—and the Signal Corps was anxious to accept their suggestion—they thought the Dusenburg Motor Co. would be a good concern to make it, as they had not got actually started. I presume that was the reason.

Mr. ANTHONY. Notwithstanding the claims put forth for the Liberty motor, we yielded to the desire of the French Government in that case?

Mr. POTTER. To put in one factory for the development of another motor.

Mr. KAHN. Mr. Chairman, I want to say, in addition to that, that the last time Mr. Potter was before the committee I again called his attention to this case, and he again stated that the effort to produce the Liberty motor in the Dusenburg factory had been stopped and that the machinery had been changed so as to produce this other motor.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. HUSTED. I think the House has gained the impression that a large amount of material has been shipped abroad for the manufacture of airplanes?

Mr. KAHN. Yes.

Mr. HUSTED. And that those shipments have been going on for some time. Now, as I understand, as a matter of fact, we have shipped comparatively little material and the earliest shipment made was only a few weeks ago, so that the largest part of these airplanes that have been made for our use in France have been made from materials obtained over there.

Mr. KAHN. I believe the testimony shows, as my friend on the committee from Illinois [Mr. MCKENZIE] reminds me, that four-fifths of the spruce that is now cut for airplanes goes to European countries and only one-fifth is used in this country.

There is a peculiar thing, even about the spruce. It has to be treated in a peculiar way. It is what they call "laminated" before it is used.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CANNON. I ask unanimous consent that the gentleman's time be extended as long as he desires, within one hour.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the time of the gentleman from California be extended one hour, or as much thereof as he desires to use. Is there objection?

There was no objection.

Mr. KAHN. I thank the gentleman from Illinois [Mr. CANNON]. The spruce is cut into thin strips, and then the strips are glued together with a specially prepared glue so as to prevent the warping of the wood. That also takes some time in the preparation of the wood for the machines.

Mr. SNYDER. Will the gentleman answer one question?

Mr. KAHN. Certainly.

Mr. SNYDER. Giving the Signal Corps credit for all they are entitled to, and giving the manufacturers in the country credit for all they are entitled to, is it not a fact that if it had not been for the facilities offered us in England or France we would not have any aeroplane service at all on the fighting line now?

Mr. KAHN. The gentleman is entirely correct in that.

Mr. LONGWORTH. Will the gentleman yield for a question on a slightly different branch of the subject?

Mr. KAHN. Certainly.

Mr. LONGWORTH. I observe that there are some 12,000 officers in the Aviation Corps and only about 4,000 fliers.

Mr. KAHN. Yes.

Mr. LONGWORTH. Is not that a relatively small number of fliers as compared to the total number of officers in the Aviation Corps?

Mr. KAHN. No. The testimony before the committee is that the moment a machine lands it requires quite a force to inspect and repair it. I believe the testimony shows that about 30 men are required for each aeroplane. They rush forward to seize the machine as soon as it lands and inspect its every part, even to the minutest. Of course, these men must have officers over them. I believe the testimony before the committee is that there are a large number of officers in what they call the ground, or nonflying, service. The men go to training schools and learn how every part of the engine and the machine are manufactured and put together. They must take intensive training for anywhere from three to six months. Of course, when a man goes into the air the machine has to be as nearly perfect as human ingenuity can make it. So every little part of the machine is minutely scanned by a large force of mechanicians and laborers, with officers in command of those mechanicians and laborers. That is why there is a large force of officers in the corps. They are nonflying officers, although I am told that an effort will be made to teach many of these officers the art of flying, so as to make them more efficient.

Mr. LONGWORTH. Can the gentleman tell me how many of these 4,000 fliers are really expert fliers, in the same class as some of these English, French, and Italian officers who have lately been here—competent to fight in actual battle?

Mr. KAHN. Naturally, that is a hard question to answer. Every man who has been commissioned is able to manipulate a machine in the air, to fly, and he must be a competent flier or he would not have received his commission. He is a cadet before he is commissioned. He is taught to fly while he is a cadet and not a commissioned officer. The moment he becomes proficient in flying a machine he receives his commission.

Mr. LONGWORTH. There is a great deal of difference between being able to fly a machine and being able to do those various things that they say are absolutely necessary in battle. I did not know whether the gentleman could say approximately what proportion of our fliers are expert in that way.

Mr. KAHN. I presume it is all a matter of practice and experience. These so-called "stunts" come only after a man has absolute confidence in himself in the air. Probably some men acquire the knack of doing those things almost immediately, while others learn them only after some considerable time.

Mr. LONGWORTH. But it is stated that the very object of these exhibitions here by Col. Lee, of the British Army, and by Flashaire, of the French Army, was to show that a man who could not successfully do these various stunts would be absolutely helpless in an actual battle.

Mr. GREENE of Vermont. May I suggest that that must apply, of course, to solo flying, because observation, bombing, reconnoissance, and other similar work is somewhat more commonplace and not so spectacular.

Mr. LONGWORTH. Of course, that is true.

Mr. GREENE of Vermont. And still it is all combat flying.

Mr. KAHN. Observation work, of course, is just as important in its way as the other, because a man must have the ability to fly his machine across the line for the purpose of getting photographs of the terrain over which the enemy is operating. A man must be a skilled flier in order to do that, although I take it he would not have to be able to do those spectacular feats which we admire so much, and which we can see from this building every afternoon.

Mr. LONGWORTH. Can the gentleman state approximately how many fliers there are on the allied side?

Mr. KAHN. I asked that specific question at one of the meetings of our committee with the War Council, and our Chief of Staff informed us that the cobelligerent nations would prefer that that be not known.

Mr. KING. Is it not a fact that they are doing these stunts, like the falling leaf, and the spiral dip, and so forth, in our Aviation Service?

Mr. KAHN. All our fliers are being taught these things, and I rather think that before they are commissioned they have to show some expertness in those particulars.

Mr. WALSH. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. WALSH. Of these 4,000 fliers, are any of them privates? Are they not all officers? Do they not get a commission when they are able to do these stunts?

Mr. KAHN. Yes; they are all commissioned officers.

Mr. WALSH. So that none of the 4,000 fliers listed in the report are privates in the Aviation Corps?

Mr. KAHN. No; they are all commissioned officers. The pilots and fliers in the Aviation Corps are all commissioned officers. I should state, however, that there are some civilians who are employed as instructors in flying connected with the corps. The privates in the corps are the mechanicians, of whom I have spoken, the laborers, motor-truck drivers, and men who perform services of that kind.

Mr. ANTHONY. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. ANTHONY. We created the grade of aviator below the grade of commissioned officer. Are we utilizing that grade?

Mr. KAHN. No; we are not utilizing that grade. I proposed that provision in the national defense act myself, and it was adopted by Congress; but when this war began we had not received any great number of applications for that position, and so the department established the position of cadets. Cadets are men who apply for duty with the Flying Corps, and so long as they continue as students they are listed as cadets. When they graduate they are given commissions as second lieutenants. And by the bye, there has been a great deal of dissatisfaction expressed about that very proposition.

At the beginning of the war, or soon after we got into it, a number of young men in this country who desired to go into the flying section of the Aviation Corps were told that if they would go abroad for their instruction and training they would be commissioned as first lieutenants. A number of applicants were selected from each of the training camps and they were sent abroad. When they got on the other side and took the training they were finally given commissions as second lieutenants. It created a great deal of dissatisfaction.

In the meantime, men who went into the corps on this side, I understand, have been promoted much more rapidly than those who went abroad to be trained in the art of flying. It has given rise to some dissatisfaction in the corps, and I hope that something may be done to straighten out the matter, because if any promises were held out to the young men to go into this corps to the effect that they would be commissioned as first lieutenants by going overseas and taking the training there the Government ought to keep its promises to these young men.

Mr. LONGWORTH. One question more and then I will not further embarrass the gentleman.

Mr. KAHN. The gentleman is not embarrassing me.

Mr. LONGWORTH. About how many machines ought there to be for each aviator?

Mr. KAHN. Opinions vary. When we first took up the matter we were told that to support one machine in the air there ought to be three additional machines on the ground; that each serviceable machine really represented four machines in all; or, in other words, that a fully equipped squadron, which is made up of 18 machines, should in fact have a total of 72 machines.

But recently, before the committee, I asked one of the officials of the department whether there had been any change in that respect, and my recollection is that he stated that, all told, now six machines were required as a basis, so that a squadron now ought to have about 108 machines.

Mr. LONGWORTH. Then, roughly speaking, our 4,000 men ought to have something like 24,000 machines.

Mr. KAHN. Twenty-four thousand aeroplanes.

Now, Mr. Speaker, I have taken up more time than I had intended; but there is just one thing that I want to call to the attention of the committee before I close.

This bill calls for approximately $12,000,000,000, and we are just entering on the second year of the war. It is hoped by every loyal American that in the coming year our military forces will be largely augmented. It is to be hoped that the heavy ordnance and the large quantities of materials and supplies that will be required for larger armies will be forthcoming. This practically is but the beginning of the terrific drain that will be made upon the financial resources of the country.

It was stated yesterday by the President that we must prepare a new revenue bill to provide for the increased expense. I hope that if there is any graft in this country by anyone who is turning out any material for this Government, or who is furnishing any supplies to this Government, that there will be prompt indictment and swift punishment for the malefactor. [Applause.] In this extremity, when the country is fighting for its rights, and possibly for its very life, there must be no graft and no excessive profiteering at the expense of this Government. [Applause.]

I sincerely hope that another committee in this House will bring in such provisions in the new revenue legislation which it will propose that will make it extremely hazardous for any man in this country to levy excessive profits in this crisis at the expense of the Republic. [Applause.]

Mr. DENISON. Mr. Chairman, I want to ask the gentleman from California or the gentleman in charge of the bill a question.

Mr. DENT. I will yield to the gentleman.

Mr. DENISON. Some days ago the gentleman from New York [Mr. CALDWELL] made a speech on the subject of our military forces, in which he gave the number of men in the Army, the number of men actually sent to Europe on the western front, the number that had been taken during the month of April and the number during this month, and gave figures that were very interesting. I notice it caused a great deal of comment all over the country. Since that time the Secretary of War has given out a statement cautioning the people of the country against accepting statements by anybody except those that came from the Secretary of War. I would like the chairman to state whether the figures that were given out by the gentleman from New York [Mr. CALDWELL] the other day were in any sense authorized by the Military Affairs Committee or any department of the Government, and whether or not they can be relied upon.

Mr. DENT. I will say that they were not authorized by the Military Committee of the House. Whether they were authorized by the War Department I can not state. I will state frankly to the gentleman and to the House that we entered into a consideration of the appropriation bill and we agreed to consider it in executive session, and that there should not go out anything except that which was authorized by the committee through the chairman.

Mr. DENISON. I was at home recently making some speeches on the war during the liberty-loan campaign, and I gave out something in the nature of a statement as to the number of men we had over there and what I thought was the number of men that we were transporting each week. I had gotten my information in a general way, and it was not exactly authentic, but the newspapermen came and said, "We are glad to have the information, because we have been forbidden to publish it."

I was wondering, if the newspapers of the country have been forbidden to publish this and the people have been forbidden to speak about it, why a member of the committee should come before the House and give out the whole thing.

Mr. DENT. The newspapers certainly published it.

Mr. DENISON. Since he gave out the statement, of course.

Mr. DENT. I do not know whether the gentleman from New York [Mr. CALDWELL] is here, but if the matter is to be discussed, I think it ought to be discussed in his presence.

Mr. DENISON. The point about his remarks particularly interesting was as to the number of men that we are carrying over there each month. I was wondering whether that was correct.

Mr. DENT. I have no statement to make with regard to that, and if any question is to be raised about the gentleman's remarks I think it ought to be made when he is here. I am perfectly willing to make a statement about it when he is present. Mr. Chairman, I would like to put these figures into the RECORD as coming officially from the office of The Adjutant General to the Military Committee. At the time that we declared war we had an Army in the Regular Establishment of officers and men of a little over 127,000. We have now an Army of 2,037,000. The estimates in this appropriation bill are based upon an Army of 3,000,000 men by the end of July, 1919. The average for the Army and Navy is 2,600,000 men and 145,000 officers. The number of staff officers is 64,522 and in addition to that there are 6,881 staff officers not on active duty, and, therefore, not drawing pay. The number of line officers of the line is 75,611, and in addition to that there are 1,314 officers of the Reserve Corps not on active duty.

Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1919:

Contingencies of the Army: All contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergencies and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department, or any of its subordinate bureaus or offices at Washington, D. C., or in the Army at large, but impossible to be anticipated or classified; to be expended on the approval and authority of the Secretary of War, and for such purposes as he may deem proper, including the payment of a per diem allowance not to exceed $4, in lieu of subsistence, to employees of the War Department traveling on official business outside of the District of Columbia and away from their designated posts, $250,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. MADDEN. Mr. Chairman, I reserve a point of order on the item where it provides $4 per diem allowance. Is that correct? It has been usual to pay $3 allowance, has it not, for officials of the Government traveling outside of the city of Washington on official business?

Mr. DENT. That is on account of the increase in the cost of living.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. KAHN. That provision has been in the bill heretofore; we have been allowing $4 per day for some years back.

Mr. DENT. That increase was made a year or two ago.

Mr. KAHN. Three years ago.

Mr. MADDEN. I just wanted to inquire about it. I thought it was a change in the law.

Mr. DENT. No; no change in the law.

Mr. MADDEN. I withdraw the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from Alabama [Mr. DENT] indicated that he intended to be liberal in the discussion of this bill under the five-minute rule. I ask unanimous consent—and I desire to talk on the bill—that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, some time in July, 1917, I introduced a bill (H. R. 5410) to render possible the return of the bodies of our soldier dead to their home burial grounds in a sanitary and recognizable condition.

That bill is as follows:

A bill (H. R. 5410) to render possible the return of the bodies of our soldier dead to their home burial grounds in a sanitary and recognizable condition.

Whereas the articles of convention for the purpose of mitigating the evils inseparable from war agreed upon at the convention concluded at Geneva, Switzerland, on the 22d day of August, 1864, known as the Geneva Convention, as well as the articles of convention for the amelioration of the condition of the wounded of the armies of the field concluded at Geneva, Switzerland, on the 6th day of July, 1906, known as the International Red Cross Convention, were limited solely to matters and things relating to the care of the sick and wounded excepting only to the protection of the dead from robbery and illtreatment and the identification found upon the bodies of the dead; and

Whereas the purposes of the corporation known as the American Red Cross, a corporation incorporated by act of Congress approved January 5, 1905 (33 Stat., p. 599), is to furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of the conference of Geneva, and does not undertake to provide for the care of the dead; and

Whereas there has been incorporated under the laws of the District of Columbia a volunteer organization known as American Purple Cross Association, the active membership of which is limited solely to those who have made the professional care of the dead their life work; and

Whereas the object of the said association is to furnish volunteer aid in recovering, caring for, preserving, transporting, and burying the bodies of those who die in the military or naval service of the United States; and

Whereas the said association has offered itself as an auxiliary to the Quartermaster Corps of the United States Army for the purpose of rendering a trained professional service in the care of the dead similar to the service rendered by the American Red Cross to the Medical Department of the Army in the care of the sick and wounded; and

Whereas the said association has offered to raise, equip, train, and maintain at its own expense such units of embalmers as may be necessary, and further has offered to provide automobile service for such necessary units, to the end that the bodies of our soldier dead may be scientifically embalmed and permanently preserved, so that eventually they may be returned to their home burial grounds in a sanitary and recognizable condition: Therefore

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to accept the said offer of the American Purple Cross Association and to avail himself of the said service subject to such rules and regulations as he may prescribe: *Provided*, That the expenses incident to this service shall be borne by the American Purple Cross Association.

The bill became known as the Purple Cross bill. It is fair to the House and to the organizers of the Purple Cross movement also to say that a great deal of correspondence has resulted from the introduction of the bill and from the desire of the embalmers and undertakers of the United States to have it passed. The bill contemplated the introduction into the Army of a volunteer service somewhat akin to that of the Red Cross, the idea being that whereas the Red Cross is an organization which ministers to the sick and the wounded, the Purple Cross would undertake to preserve the bodies of the soldiers who fall in battle or die in the field, in order that they might be returned to their relatives in a sanitary and recognizable condition for decent burial in home burial grounds. Against the bill it has been suggested that there was a mercenary purpose behind it and that the enforcement of it might inure to the advantage of the embalmers and undertakers. Before introducing the bill I satisfied myself that there was no advantage the embalmers and undertakers could derive from the passage of the bill and the establishment of the Purple Cross except that bodies would be intrusted to them in the regular way when the Army or Navy delivered them back to the shores of the United States. In other words, if there was any advantage that an embalmer or undertaker might derive from this organization it would be only such as he would derive in the ordinary way through his employment by members of the family to preserve the body or conduct a funeral.

The study of embalming is interesting, dating back, as it does, to the preservative methods of the Egyptians. They had their way of preserving bodies, but in recent times, times of so-called civilization, the nations at war have made little scientific advancement in the matter of embalming. The United States apparently has taken the lead in this matter; but modern warfare in foreign lands does not contemplate the exertion of any great effort to do much for the soldier hero after he is dead. It has even been suggested that the quicker the body is disposed of the better it is for those who survive. That is the harsh military view.

During the great Civil War in the United States bodies much sought after following the war were lost upon either side. Confederate dead were dropped in the wilderness and Union dead in the mountain fastnesses. But after the war closed efforts were made by relatives on one side or the other to recover the remains with a view of giving them decent burial. Men and women have a natural interest in their kin and the desire to preserve the remains of loved ones, or at least to mark their final resting places, is certainly commendable. It is neither unnatural nor improper, and it is certainly intensely human, for the father or the mother, or the brother or the sister, who has given up a son or a brother to the service of the country, who has submitted to the sacrifice of a life, to desire to have the body returned for decent interment or to receive such reverence as may be paid even modestly to the memory of a hero.

Gentlemen may look askance at the suggestion that we can introduce the element of humanity into warfare, but I am inclined to think that even the soldier, stubborn and stern as he may be, has some touch of sympathy in his make-up for the mother, the wife, or the child who is afflicted and despoiled by the ruthlessness of war.

Certainly it is not unfair to suggest to a great department, charged with the keeping of millions of lives of our men, that some effort shall be made at least to preserve the bodies of those who die in order that those who loved them may regain possession of them at some time or another.

The advocates of the Purple Cross unhesitatingly declare that it would be perfectly feasible and practicable to preserve the bodies of our dead heroes in France. It was in evidence before the Committee on Military Affairs, which courteously gave a hearing on this matter, that bodies could be preserved under the modern embalming system for an almost indefinite period, There was some testimony that bodies had been preserved, for the purpose of evidence, for 10, 12, and 15 years. The thought underlying this Purple Cross movement was that men volunteering their services, contributing of their own funds, buying their own uniforms, contributing their own equipment and their own automobiles, their own scientific instruments and fluids, would go to France or England, or wherever our troops may be, and in the event of some dying or being killed would preserve the bodies, not necessarily for immediate shipment home but to be laid away so that when the ships were ready, or after the war, the bodies might be returned to the relatives in the United States for decent burial. The Committee on Military Affairs, following its usual course, conferred with the Department of War upon this subject and found the department unfavorable to it. I think there are members of the committee who were entirely sympathetic to the proposition and who believed in it, but who believed in the regular order and were inclined to think that no such measure should pass without the indorsement of the Secretary of War. The Secretary of War expressed himself to the Committee on Military Affairs and to others. He wrote sympathetically and congratulated those who had offered their services in this way. That originally was as far as the department would go.

In other words, the military view of this matter of preserving American bodies that might fall in a foreign land was that to establish any system looking to their recovery and their preservation would be in the nature of impedimenta, not to be encouraged.

The Red Cross continues its operations. That deals, of course, with the living. The Purple Cross was intended to deal with the dead, and so far as the dead were concerned that was the end of it. The War Department view was that while it might sympathize with the relatives of dead soldiers, unfortunately it did not have time to pick up the remains of the dead and preserve them for home burial.

Mr. DENT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. DENT. It is only fair to state the Secretary of War made his recommendation upon this proposition upon the recommendation of experienced Army officers.

Mr. MOORE of Pennsylvania. Exactly. I think the Secretary of War, while sympathetic, deferred, of course, to the judgment of skilled men of war. I think it is fair to him to say that.

Mr. DENISON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. DENISON. Will the gentleman state whether or not the War Department is doing anything at all to preserve the bodies of soldiers to be returned afterwards?

Mr. MOORE of Pennsylvania. The War Department has adopted a system which they call the "graves-registration service," and has put that service in charge, I think, of a chaplain of the Army. The function of that service apparently is to appear as speedily as possible wherever a dead soldier may be, check up his body, give him a marker probably, and pass him on with a few kind words. That is all there is to it. His body remains where it falls in France.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. DENISON. The reason I asked that question was a young man in the district of my colleague [Mr. WILLIAMS] died in France and his parents wanted his body returned here, and I happened to call upon The Adjutant General's office, and I was informed that precautions were being taken so the body could be brought over after the close of the war. I was just wondering in reference to that.

Mr. MOORE of Pennsylvania. I am about to give the gentleman the very latest information on that subject. I do not think it is intended to bring the bodies home.

Mr. McKENZIE. I understand the gentleman does not intend to intimate that the Secretary of War or the Army officers or the Committee on Military Affairs are governed in any way by no feeling of humanity or from an inhuman instinct, but from the fact it is absolutely impracticable to do the thing this organization desires to do?

Mr. MOORE of Pennsylvania. I have stated my belief that the Secretary of War is sympathetic personally, and I have also stated, so far as I have observed, that the members of the Committee on Military Affairs are likewise sympathetic, but some of them regard the proposition of preserving and returning the bodies as impractical, and feel they should be guided by the skilled men of war; that is to say, men in the field who have charge of the welfare and the safety of the fighting forces. Some time ago I asked the Secretary of War for an interview on this subject in order that we might come to some final determination of it, so far as his official action was concerned. As a result of that interview, which lasted for an hour, it was decided that Gen. Pershing for a second or third time should be consulted upon this question. Gen. Pershing had already indicated that the graves-registration service might not be altogether the best thing when the exigencies of war demanded the quick movement of troops, and he had disapproved of the Purple Cross.

In other words, gentlemen, as the practical soldier in the field sees it, you may yield your boy up to the draft; you may send him from your home; you may sacrifice the time and care you have given to his training and education; you may put him in the ranks at $30 a month; you may live in the hope and expectation that he will return to you and be an honor and an ornament to your home or to the city or the State from which he hailed, but if he has the misfortune to die, then, in the language of George H. Boker, all you can say is:

Lay him low, lay him low,
In the clover or the snow;
What cares he, he can not know;
Lay him low.

It is the end of it. It is the end of the boy in whom you have placed your hopes and expectations. He has gone from you and he is dead. What does the Army care? What does the world care? You miss your boy, but still that makes no difference. He is dead. You have nothing but the memory left.

Mr. CRAGO. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. CRAGO. I do not think the gentleman wants to leave the impression that that is the purpose of the thing. It would be for the saving of other young lives.

Mr. MOORE of Pennsylvania. That is to be considered. The gentleman was a soldier himself, and a good one. He fought in the Philippines, and he knows what it is to command men, to save men, if you please, but he also knows what it is to hear the appeals of the fathers and mothers back home who hope and expect to have their boys return to them.

Why, gentlemen, on one occasion I saw Woodrow Wilson, President of the United States, come over to my city to pay homage to the memory of two boys who were among the first to die down there at Vera Cruz. They were poor boys; they had not been conspicuous in the community; but they died for their country at Vera Cruz, and the President came over to honor them and to say kind words to the widowed mother of one of them. But their caskets could not be opened, and their mothers could not see the faces of these boys. They were encased in the Stars and Strips, and it was a glorious funeral, but the truth of the matter was that their caskets could not be opened. Their bodies, which might have been embalmed and preserved, were unfit to be seen.

I could produce here, if I had the time, letters from men in different parts of this country who have been called upon to open caskets in order that loving relatives might once again before eternity look upon the faces of those whom they cherished, but it could not be done. The proud forms they once beheld were putrid. They were already the prey of the worms. Mr. Chairman, those bodies could have been preserved. They could have been brought back in recognizable condition. They obtained decent home interment, but their relatives never dared to look upon them even for the purposes of identification.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. I am not finding fault with the Committee on Military Affairs. It must be guided by the wise heads of the Military Establishment. But in order to show that there is something human about this proposition, that it ought not to be turned aside lightly, that we who are flesh and blood ourselves should have some consideration for the flesh and blood of those who go forth in battle never to return, I shall read a letter. It came to me this morning, and it is a coincidence that I should receive this letter at the very moment that the Secretary of War forwarded to me a cablegram from Gen. Pershing on this subject. When I have read the letter and the cablegram I am willing to leave the matter with you, because it seems to me I shall then have done as much as may be expected of me to bring this matter to public attention. I can not force the passage of a bill requiring these soldier bodies to be preserved. I can not induce the Committee on Military Affairs to do anything the War Department does not want to do, but I can at least call attention to the human side of this great question of the kinship of Americans if not the kinship of the nations.

I read the following letter:

PHILADELPHIA, *May 27, 1918.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR SIR: We, the parents of Capt. Frederick David Clair, United States Medical Corps, killed in France a few days ago, most earnestly and respectfully beg your assistance in having his body returned to us at the earliest possible moment.

There is a bill before Congress authorizing the Purple Cross to embalm bodies of our soldier dead and to make this service possible, but in the meantime may we beg that you will take this matter up with the War Department and do all that is possible to give us this last comfort and satisfaction, and that by your assistance in the passage of suitable legislation you will facilitate the similar service to parents of those others who in the future lay down their lives for their country?

Yours, very truly,

HENRY CLAIR.

That is from the father of Capt. Clair, one of my constituents, who was killed in France last week.

Gentlemen, that is an appeal to a Member of Congress such as many of you will receive. I have received other appeals of this kind, because I have taken some interest in this effort to preserve the dead; but you will have numerous appeals of this kind from your constituents, asking you to help bring back the body of some one who was loved by those whom you respect in the districts you represent.

That letter from Mr. Clair came to me this morning. I felt it was opportune to bring it up to-day. It is the appeal of the parents of a brave young American officer killed in France, begging for an opportunity of looking again upon his face and to lay him away in the family burial ground. But with the same mail came the answer to that appeal—not specifically, but as affecting any and all appeals of the kind.

I shall put the correspondence in the RECORD. It contains the reply of Gen. Pershing to a cablegram of Adj. Gen. McCain asking if it is possible or advisable that such an organization as is contemplated by my bill, no matter what its name, but looking to the preservation of the bodies and their return may be properly instituted in the Army.

Here it is:

"WAR DEPARTMENT,
"*Washington, May 27, 1918.*

"DEAR MR. MOORE: Confirming our conversation this afternoon over the telephone in regard to the proposed legislation on embalming bodies of soldiers who die in France, I beg to hand you herewith a copy of an inquiry cabled to Gen. Pershing (No. 1293, par. 8), together with his reply (1162, par. 6).

"Very truly, yours,

"F. P. KEPPEL,
"*Third Assistant Secretary.*

"Hon. J. HAMPTON MOORE, M. C.,
"*House of Representatives, Washington, D. C.*"

—

"MAY 25, 1918.

"MEMORANDUM FOR THE THIRD ASSISTANT SECRETARY OF WAR.

"1. These papers relate to the question of embalming the remains of soldiers who die in France.

"2. At your request a cablegram (copy herewith) was sent to Gen. Pershing requesting his opinion in the matter.

"3. His reply (cablegram 1162, par. 6) is herewith.

"H. P. McCAIN,
"*The Adjutant General.*"

—

"MAY 11, 1918.

"PERSHING,
"*Am. Ex. Force, France:*

"No. 1293, paragraph 8. Legislation now before Congress looking to embalming all bodies of soldiers in France who die in hospitals or are brought behind lines for burial. Your recom-

mendation is requested as to desirability of such legislation in view of character and location of conflict.

"McCAIN.

"Based on memorandum from Third Assistant Secretary of War dated May 10, 1918.

"Cabled May 11, 1918."

[Extract of cablegram received at the War Department, Washington, D. C., May 24, 1918, from H. A. E. F. to The Adjutant General, Washington.]

"No. 1172. "MAY 23D.

* * * * * * *

"Paragraph 6. For the Chief of Staff. With reference to paragraph 8, your cablegram 1293, proposed legislation not desirable. Due to conditions beyond our control, it is ordinarily impracticable to embalm bodies anywhere in the theater of operations. It would be wise for us here to conform to the customs of our allies in this respect. The additional noncombatant personnel and additional supplies necessary to put into effect proposed legislation are factors to be considered.

* * * * * * *

"PERSHING."

That is the end of the story, gentlemen. I presume the Secretary of War will stand by Gen. Pershing. I think if I were Secretary of War I probably would do the same thing. But I wish to observe in passing, and before leaving this subject, that, though it may be expedient, it is a cold-blooded proposition to take the sons of American fathers and mothers away from their homes, away from their firesides, rush them into war, which is for liberty and democracy, to be sure, have them shot up—and they are the real heroes, those who die and do not come back—and then, when their bodies have been thrown into the ditches, adopting the course of the allies, refuse their American relatives the chance to recover and decently bury them. I repeat, it is a cold-blooded proposition but if it is required by the exigencies of war, we must submit. But there should be no deception about it; those who are going forth to battle, to yield up their lives on foreign soil, should understand the seriousness of their undertaking. They are doing brave and patriotic work, but the supreme test is not all. Those who fall may not expect to be returned to the land they love. Even their mortal remains shall not know the places where they once roamed as free-hearted American boys. It may be no monument for them, not even the humble inscription we are wont to engrave on common marble for those in civil life who pass away. It is the somber contribution they make to the world's welfare. [Applause.]

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. BORLAND. I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word and asks unanimous consent to proceed for five minutes out of order. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I want to pay a tribute of respect at this time to the nonpartisan, loyal support which has been given to these great measures by the men of Congress on both sides of this aisle. There is nothing more heartening at this time to the American people than that unanimity of sentiment and unanimity of loyalty which prevails among Representatives of the right sort. As a recent example of that I want to read to the House a little extract that I noticed in a paper from a speech of our blind colleague, Mr. SCHALL, of Minnesota, made recently, I think, in this city. The Minnesota Member is a man whom we all respect and admire, and who commands the complete confidence of this House because of the fearlessness of his opinions. The newspaper report of his speech is as follows:

"I believe that God has placed his hand on the head of President Wilson as a leader of nations. We as a Nation must have no other thought; we must stand back of that man as a unit."

These statements of Congressman THOMAS D. SCHALL were made in an address on war affairs at the Calvary Baptist Church last night. The blind Minnesotan admitted that he had long been an opponent of Wilsonian policies and told how war had changed his attitude. He is a Republican.

"Two years ago I opposed President Wilson with all the strength I possessed, because of his Mexican policy," said the Minnesota Congressman. "I did not know then what I know now.

"I believe he was chosen because he is peculiarly fitted to master the peculiar circumstances of this great crisis," said the legislator, in closing a eulogy of the Chief Executive.

Those words, coming at this time from one who is politically an opponent of the President, and following the great speech which the President made yesterday upon the absolute necessity of Congress putting aside all idea of politics and devoting itself wholly and single-heartedly to the work of winning this war, must be of great encouragement and a reflection of the true spirit of the American people in uniting against a foreign foe without the slightest division of party or partisan sentiment. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Coast Artillery School, Fort Monroe, Va.: For incidental expenses of the school, including chemicals, stationery, printing, and binding; hardware; materials; cost of special instruction of officers detailed as instructors; employment of temporary, technical, or special services; extra-duty pay to soldiers necessarily employed for periods of not less than 10 days as artificers on work in addition to and not strictly in line with their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; for office furniture and fixtures, machinery, motor trucks, and unforeseen expenses, $12,000.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the last word.

Mr. SHALLENBERGER. I ask unanimous consent that I may proceed for 15 minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. SHALLENBERGER. Mr. Chairman, there has been some reference in this discussion to criticism of the war program, and I wish to refer somewhat to criticism; some of it is constructive and some of it maliciously destructive. There has been a new publication coming to the desks of Members of Congress and circulated no doubt largely throughout the United States, called "The North American Review's War Weekly," by George Harvey. It is edited by Mr. Harvey, or at least that is indicated by the title of the publication. The North American Review has been one of America's standard publications, and therefore what this particular publication publishes receives weight in public opinion because of its name.

I find on page 4, of the issue of May 18 of this so-called war weekly, an article under heavy black headlines entitled, "Playing politics in England." This article deals with the attempt of Gen. Maurice and others to drive Lloyd George out of the British Cabinet and charges that the allies have failed to win the war because politicians in the allied countries have interfered with the conduct of the war. To quote from the article in part, it says:

The allies have not won the war, they have not won it and the cause of failure no man can dispute. England, France, and Italy have made war, but they have not silenced the guns of domestic politics. The politicians have sniped at Governments, dragging down a cabinet or driving out a minister, not with the hope of bringing more competent men into office, but simply with the contemptible purpose of forcing their own party chiefs into power. This may sound harsh, but it is true. England and France and Italy have been the victims of intrigue, of chicanery, of political huckstering, of the sordid tricks of the professional politician, but the people have remained sound to the core; but for the unbreakable will of the people the war would have been lost by the politicians.

In the very issue in which occurs the article about Gen. Maurice and the attempt of the politicians of Europe to weaken the efforts of the allied armies to win the war is an article headed, "Now as to guns," in which the following language occurs:

The total inability of Secretary of War Baker to deal truthfully with the American public is forcefully illustrated by his recent statement with regard to production of machine guns. The War Department has completely fallen down in the production of the heavy type of Browning guns. This fact was disclosed through questions addressed to Army officers by members of the House Committee on Military Affairs.

The charge is plain in the above that the Secretary of War was dealing untruthfully with the public in this matter. But the fact is the shoe is entirely upon the other foot. The untruth is in this printed article which I have quoted. No Army officer made such a statement. As chairman of the subcommittee upon ordnance, I have heard the testimony upon this matter and no such statement was made nor would be made by an Army officer because it would be untrue. Further on in this same article occurs this statement:

Brig. Gen. Tracy Dickson gave the exact figures to the committee and he and other officers admitted that the War Department's program had collapsed completely.

This statement also is at variance with the truth. The statement was that the Colt Manufacturing Co. had failed to come through according to contract.

And to complete its likeness to the charges of Maurice and his coconspirators, this article concludes with the following paragraph:

And more discouraging to millions of Americans than all the rest is the last-named fact, for it proves conclusively that Mr. Newton D. Baker does not and can not learn; that repeated exposures of mendacity and duplicity on his part teach him nothing; that his conception of his important duties is to devote his energies and ingenuity to camouflaging and deceiving the American public, rather than to making the performance of his department conform to the expectations of the people and the necessities of war.

In the issue of May 11 of this same War Weekly this same charge of attempted deceit by the Secretary of War as to the production of heavy Browning guns is published in the following language:

Apparently the nine little Browning guns, of which our pacifist War Secretary so smugly boasted months ago, were in fact little ones; to wit, light guns. The heavy Browning guns are not even nine. Although deliveries of them in quantity were under the contract to have begun last month, none are now likely to be furnished until next year.

The charges which I have read, which are published in this War Weekly, can not be misunderstood. They charge the Secretary of War with having deliberately misstated the facts for the purpose of deceiving the public, and that no heavy Browning guns have been delivered and that none were likely to be furnished until next year.

Now for the facts as shown by the records of the War Department, and which records were as available to George Harvey, editor of the North American Review and the War Weekly thereof, as to anyone else. From May 1 until May 18 of this year, in 18 days, 659 heavy Browning machine guns were produced and delivered to the United States Government by the Remington Arms Co. and the Westinghouse Co.; and May 18 is the very date of the publication of this untruthful and slanderous article aimed at the Secretary of War. At the time that this article was being published, charging that not even nine heavy Browning guns had been produced and that none were likely to be produced in 1918, in 18 days more heavy Browning machine guns had been produced than the United States Army had accumulated of machine guns of recognized efficiency from the date of the invention of machine guns up to the time of our declaration of war. In January, 1917, our entire stock of effective machine guns for the United States Army consisted of 353 Lewis guns and 282 Vickers-Maxims. We had on hand something over 600 old Benét-Mercié guns, but no one uses them in modern battle. At the same time that the heavy Brownings are being produced at the rate of more than 1,000 a month, deliveries of the light Brownings for May will be 2,500, and in a short time will rise as high as 10,000 a month, if necessity requires it. The Colt automatic pistols, one of the greatest weapons for close combat in trench warfare ever invented, are now coming at the rate of 40,000 per month.

The machine-gun units of the United States Army that are in Europe are fully equipped with the best modern machine guns that are available. Our troops training in this country are being rapidly equipped with the heavy and light Brownings as they come from the factories. The fact that we are manufacturing the Browning machine guns has not delayed for a minute the sending of our troops into action fully equipped with the best machine guns to be had. It means that when we have them armed with the Browning guns our troops will be equipped with machine guns superior in battle efficiency to those of the other armies of the world.

In John Browning we have the recognized greatest armorer in the world, the greatest inventor of rapid-fire and automatic machine guns and pistols. Of course, we could not equip our Army immediately with the latest Browning inventions, because they were invented since we went into the war.

Our experience with machine guns is an exact parallel with that as to the service shoulder rifle. Six months ago Col. George Harvey and other detractors of the efforts of the administration to put this Nation upon an efficient war basis made the welkin ring and the pages of the public press fairly shriek with charges that we had no rifles, that we were drilling with broomsticks and wooden guns, and that we should have rushed into the manufacture of the obsolete British Lee-Enfield rifle. But the Secretary of War and his advisers stood fast against this assault, with the result that now we have in the new improved service rifle of the model of 1917 the best rifle in the world. We are producing them in such floods that production is being slowed up.

From May 1 to May 18, 659 heavies were produced.

MACHINE GUNS.

Browning heavy machine guns are being produced at the rate of more than 1,000 a month. About one-quarter of this production is from the Remington Arms Co. and about three-quarters from the Westinghouse Co. Manufacture in the Colt plant is somewhat delayed. The present rate of production began early in May; 26 were produced by April 27; 659 had been produced through May 18. There is every prospect that the rate of production will increase rapidly during the next few weeks.

AUTOMATIC RIFLES.

Five hundred and fifty-eight Browning automatic rifles were delivered in March and 368 in April. The expected delivery in May was 2,500 and the production is expected to rise as high as 10,000 per month. Requirements are now being met by deliveries of Chauchat guns from the French.

Three thousand four hundred and twenty-six light guns by June 1, 1918.

PISTOLS.

Pistols are being produced at the rate of 40,000 per month. Production is considerably behind theoretical requirements, because, as the result of this year's experience, it is planned to arm a much larger per cent of the forces with pistols.

Production records are:

To January	107,000
During January	27,000
During February	32,000
During March	46,000
During April	39,000

New capacity is being created to bring manufacture well up to needs later in the year.

January, 1917, machine guns on hand:

Lewis	353
Vickers	282
Total	635

And 665 old Benét-Merciés, making a total of 1,200.

Mr. MADDEN. Mr. Chairman, will the gentleman yield right there?

Mr. SHALLENBERGER. When I have finished.

They are coming in such numbers that we can fully equip an infantry division of 27,000 men every three days. Even the North American Review's War Weekly has to doff its hat to this achievement, but it covertly refuses to give credit to the Secretary of War, who is responsible for every important determined action of the War Department. In this same publication I read this paragraph:

The one redeeming light in the whole ordnance business is the production of rifles and cartridges—the best in the world—away ahead of time and in such quantities that manufacturing is now being checked to release skilled labor for other pressing war needs. To Col. John T. Thompson, who quietly achieved the whole thing, the whole country, no less than the Government, owes a debt of everlasting appreciation and gratitude.

Col. Thompson is an efficient and valuable officer and he is entitled to credit for carrying out successfully the orders of the Secretary of War, and those who have charge of the production of machine guns are going to be entitled to the same plaudits for the production of these wonderful Browning guns, which are going to make possible and bring certain victory to the American armies.

Mr. Chairman, these attacks upon the Secretary of War for failure of ordnance production are just as false and made for exactly the same purpose as were those made by Gen. Maurice and those associated with him in their lying assaults upon the prime minister of England. They are for political purposes, and for political purposes only. To quote the language of this very publication, they are full of the "sordid tricks of the professional politician." They are as false as were the charges of Maurice against the British cabinet; but "the people are sound to the core" and can not be misled.

This so-called War Weekly has a very familiar sound, though it wears a different face. In the character of its assaults upon the American Government it reminds us of those formerly appearing in a weekly dealing with the war and published by one George Silvester Viereck. It has all the earmarks of a new "Bonnet Rouge," and I would suggest to the Department of Justice that it search for another Bolo Pasha lurking somewhere in the shadows. These evil shafts of political malice are not aimed primarily at the Secretary of War. The hope is that through him they may strike the President in the back. The American people are not easily deceived. They know that this war is going to be won by our soldiers fighting upon the battle fields of France. They will make short work of these political bushwhackers and faultfinders who fire at our Commander in Chief from safe ambush here in Washington. [Applause.]

Now, I yield to the gentleman.

Mr. MADDEN. The gentleman stated the guns were being made in such floods that they had to slow up.

Mr. GARNER. Twenty-seven thousand in three days.

Mr. SHALLENBERGER. Yes; 27,000 in three days.

Mr. GARNER. Nine thousand a day.

Mr. MADDEN. How many men have we in the field?

Mr. SHALLENBERGER. Something around 1,800,000.

Mr. MADDEN. How many guns does it take to a man?

Mr. SHALLENBERGER. It takes about 17,000 to a division, but every man in the division is not armed with a rifle.

Mr. MADDEN. What is the average or percentage of construction?

Mr. SHALLENBERGER. It is estimated that there should probably be a rifle and a half for each man. That is, for a million men we should have a million and a half rifles.

Mr. MADDEN. We lose some?

Mr. SHALLENBERGER. Yes.

Mr. MADDEN. In battle?

Mr. SHALLENBERGER. Yes. The wastage is about 40 or 50 per cent per annum.

Mr. MADDEN. So that the information that the committee has leads to the conclusion not only that we have all the guns we need now, but that we are making all that we may need, no matter how large the Army may be?

Mr. SHALLENBERGER. The information that we have is that we are producing rifles more rapidly than we have assembled men to carry them, and in order that these skilled toolmakers and mechanics may be used in other lines of production they are slowing up somewhat the production of rifles; although I will say to the gentleman that with the increase of a million men that we are voting in this bill, I understand they will have to again speed the production of shoulder rifles. But there is no question but that the capacity of our manufacturers for the manufacture of rifles has developed to such an extent that we have now put any danger of a shortage of rifles behind us.

Mr. MADDEN. We have plenty of rifles and plenty of machine guns?

Mr. SHALLENBERGER. We have plenty of machine guns for the men who are fighting in Europe. As to machine guns and other ordnance that goes with them, we think that in this Browning gun, which was invented by an American inventor, we have a better gun than we ever had, and that they are coming in quantity sufficient to meet all needs.

Mr. MADDEN. Have we plenty of ammunition?

Mr. SHALLENBERGER. We have plenty of small-arms ammunition.

Mr. MADDEN. What other have we?

Mr. SHALLENBERGER. The other ammunition is in the charge of the Committee on Fortifications, and our information is that that is supplied by the allied Governments. We are using their artillery, and they are furnishing us their ammunition.

Mr. CAMPBELL of Kansas. Have the Browning guns been tried out in battle?

Mr. SHALLENBERGER. Not in battle, but they are being used by our troops in America now.

Mr. CAMPBELL of Kansas. Then they have not yet been tried in battle?

Mr. SHALLENBERGER. No. The Browning heavy rifle is very much such a rifle as the Vickers or Hotchkiss. It has this one quality that we think makes it superior to all other machine guns, that it is very simple in its construction, has very much fewer parts, which can be standardized and produced in quantities, and the parts can be assembled much more easily, and it will be a more efficient rifle when it gets into the service.

Mr. CAMPBELL of Kansas. Have any of the lighter Browning guns been placed on aeroplanes?

Mr. SHALLENBERGER. Not that I know of. The light Browning gun is a gun to be used by troops when advancing, and to be fired from the shoulder or the hip, and used largely as an automatic gun.

Mr. CAMPBELL of Kansas. Can the gentleman from Nebraska inform us whether the light Browning gun or the heavy gun should be used on an aeroplane?

Mr. SHALLENBERGER. I saw in the public press that the heavy Browning gun has been tried out on aeroplanes and found to be a gun that can be synchronized; that is, so arranged as to fire its stream of shots between the revolving blades of the propeller, the same as several other machine guns will. The one fault found with the Lewis gun in this country, although we are buying them for use on aeroplanes, is that on account of the length of the stroke of the firing pin, or on account of some other feature of the mechanism of the Lewis gun, it is not adapted to synchronization. It can be used for the purposes of what is known as a flexible gun; that is, a gun to be fired from some other angles than directly through the propeller; but the heavy Browning gun has been found to be adapted to synchronization with the propeller, the same as it has been found to be adapted to everything else, so it is apparently an all-round gun.

Mr. CAMPBELL of Kansas. My purpose in asking the question is to know whether or not our machine-gun production will keep pace with our aeroplane production, or whether or not when we really get 50,000 or 100,000 aeroplanes we will have enough machine guns to place upon them. Does the gentleman think we will have?

Mr. SHALLENBERGER. Yes; our machine-gun program provides over 200,000 machine guns for aeroplanes. I will say to the gentleman that we have now something like 15,000 of the Marlin aircraft guns. That also is a gun that is available for use on airplanes the same as the others, because it can be synchronized to be fired through the propeller if necessary.

Mr. CAMPBELL of Kansas. What gun is generally used by the allies on their airplanes?

Mr. SHALLENBERGER. In Europe the Hotchkiss gun, a heavy machine gun similar to the Browning gun.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHALLENBERGER. Mr. Chairman, I will ask for five minutes more, in order to answer these questions.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KAHN. If the gentleman will remember, when the Committee on Military Affairs of the House were invited to see the demonstration of the light Browning gun there were present quite a number of officers from foreign countries. Those officers told members of the Military Affairs Committee that that light Browning gun was the best machine gun they had ever seen—better than anything they had on the other side.

Mr. SHALLENBERGER. A French officer who had been wounded a number of times while in the trenches working machine guns told me the light Browning gun was the best light machine gun he had ever seen—the most effective.

Mr. DICKINSON. The gentleman is speaking about the Browning gun. Is it being delivered——

Mr. SHALLENBERGER. Delivered to our soldiers in this country for training.

Mr. DICKINSON. I was going to ask whether that gun was being delivered to the soldiers in the cantonments in this country.

Mr. SHALLENBERGER. That is my information.

Mr. DICKINSON. Are any of them being sent abroad as yet?

Mr. SHALLENBERGER. I do not think they are. I will say to the gentleman that we have something like 4,000 Vickers machine guns. The Vickers gun is a first-class heavy machine gun, probably just as effective as the Browning gun, but having many more parts, and therefore much more difficult to manufacture. Our troops going over there have been supplied with that machine gun and also with the Hotchkiss machine gun, purchased in Europe.

Mr. DICKINSON. The reason I ask is that from my section there are some machine-gun battalions which expected to get the Browning gun.

Mr. SHALLENBERGER. I do not think they have gone over. I know they were sent to Camp Meade and some to Camp Pike in Arkansas.

Mr. BARKLEY. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. BARKLEY. Will the gentleman state how many machine-gun battalions there are at each cantonment?

Mr. SHALLENBERGER. I can not tell the gentleman.

Mr. BARKLEY. At each training camp there is at least one machine-gun battalion, is there not?

Mr. SHALLENBERGER. There are several at each camp, and I am informed that each one is being supplied with machine guns.

Mr. BARKLEY. At each training camp there is at least one machine-gun battalion?

Mr. SHALLENBERGER. Yes.

Mr. WALSH. Will the gentleman yield?

Mr. SHALLENBERGER. I will yield to the gentleman from Massachusetts.

Mr. WALSH. Will the gentleman state what advantage it will be to disclose down to the minutest detail the information which I understand appears in the hearings and has not yet been published?

Mr. SHALLENBERGER. Does the gentleman refer to the Browning gun?

Mr. WALSH. The Browning gun, the number of machine-gun battalions, and so forth.

Mr. SHALLENBERGER. I will say that I have not been one of those who believed that it was best for the country to conceal from the public the actual state of our Military Establishment and the fact of production of these things essential to the war. I think a great deal of misinformation and pessimism has been scattered through the country because we have not given out as much of this information as might have

been done. But I will say to the gentleman, as he no doubt knows, that the modern military men seem to think it necessary to keep as much information as possible from the public about military affairs, and therefore the Military Committee as a rule have deferred to it. But as to the matter of production of these guns the public is entitled to know the facts, and the information can be of no value to the enemy because they are not yet made in sufficient numbers to be dangerous on the other side. But I want to give the country the information that the production is now organized and the guns are rapidly being furnished that have been decided by our military men to be the best guns.

Mr. WALSH. I appreciate that the gentleman has acted in good faith, and I did not seek to criticize him but only wondered if it was to offset any rumors or reports that we were not making progress.

Mr. SHALLENBERGER. That was my idea in making the speech.

Mr. WALSH. The gentleman thinks it is necessary to divulge minor details in many respects in order to offset the reports, I assume?

Mr. SHALLENBERGER. I will say that I think the speech of the gentleman from California [Mr. KAHN] and the statement made by the chairman of the committee this afternoon giving detailed information about the aircraft were valuable contributions to public information, and if the information I have given about the production of machine guns shall in a small way serve some such purpose also I shall be content. [Applause.]

Mr. KAHN. Mr. Chairman, I do not know whether the gentleman stated for the benefit of the committee that even though we had not sufficient light Browning guns to arm our troops, nevertheless we have had thousands of the French guns furnished to us by the French Government, the Chauchat gun, to arm the troops on the other side, and our troops are equipped with that gun.

Mr. SHALLENBERGER. I thank the gentleman from California.

Mr. TILSON. Mr. Chairman, just a word more in explanation of the rifle situation and as to machine guns. The rifle situation is that at the time we entered the war the manufacture of the Enfield rifle in this country was said to amount to about 15,000 a day. When it was decided to modify the Enfield rifle and make it the "United States model, 1917," chambered to shoot American ammunition, the change was comparatively slight, although it took three or four months to make the new tools and gauges necessary to begin the manufacture of the Enfield rifles chambered for American ammunition. The change is comparatively slight, however, compared to what it would have been to make an entirely new rifle. Therefore we had available a potential capacity for the manufacture of rifles of 15,000 a day. It was necessary only to make changes of tools, gauges, and fixtures for the few minor changes necessary to shoot American ammunition instead of the British.

Thus far it has not been considered necessary to tool up beyond a daily capacity of 9,000, which has been thought to be quite sufficient. However, if it be necessary to tool up, it can be done easily to the maximum capacity that we were producing of the British rifle at the peak of production.

Mr. MADDEN. Mr. Chairman, will the gentleman yield.

Mr. TILSON. Yes.

Mr. MADDEN. I think the gentleman just answered what I was about to ask him. I was going to ask how he reconciled the statement of the gentleman from Nebraska [Mr. SHALLENBERGER] that we were making 9,000 a day with the statement that he has just made that we can make 15,000 a day.

Mr. TILSON. The gentleman will see that we must tool up for the additional 6,000 a day. The gentleman understands what it is to put into production any article of this kind which is made of metal and which has to function as perfectly as a gun. In order to tool up for the manufacture of such an article, it takes a great many special tools of very fine material and workmanship, with all the necessary dies, jigs, and fixtures. Then there must be a large number of dimension and limit gauges which are necessary to production in large quantities.

Mr. MADDEN. We have the machinery with which to make the maximum number, and all we need to do is to tool up our machinery?

Mr. TILSON. It will only be necessary to tool up our machines for the modified parts in order to increase our capacity to, say, 15,000 a day.

Mr. MADDEN. Or to add the necessary number of tools to the machinery that we already have.

Mr. TILSON. Yes; and it would not take a very large number of special tools, because we already have the tools for a maximum capacity of some 15,000, except for the comparatively few modified parts.

Mr. MADDEN. And we have the factory space?

Mr. TILSON. Yes.

Mr. MADDEN. And the machines themselves?

Mr. TILSON. Yes.

Mr. MADDEN. Then, all we need is the added number of tools?

Mr. TILSON. Yes.

Mr. MADDEN. And we also need the material?

Mr. TILSON. It has been decided, and I think correctly, that we should not take toolmakers, who are scarce, and the gauge makers, who are still scarcer, off other necessary work, where tools are necessary in the manufacture of artillery and ammunition, and put them to making tools for rifles when we have already a daily capacity of 9,000.

Mr. MADDEN. That is, if that is enough.

Mr. TILSON. The gentleman is entirely correct, and if it is not enough it will be necessary for us to tool up further.

Mr. MADDEN. Are the toolmakers limited in number?

Mr. TILSON. They are decidedly limited. The number of toolmakers and gauge makers in this country is quite limited. Every one is worth his weight in gold. A good toolmaker or a good gauge maker is a very important and valuable man just now.

Mr. MADDEN. Suppose we get an Army of 5,000,000 men on the other side, how many more toolmakers would we have to have in the United States than we have to-day.

Mr. TILSON. We are now training toolmakers every day. They are beginning at the simpler work of toolmaking and are going on up to the more complicated and difficult work, but we are training them every day.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. TILSON. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILSON. I wish to say a word about the machine-gun situation. The gentleman from Nebraska [Mr. SHALLENBERGER] has referred to it. I can best add a word in regard to the use of guns on airplanes. He described to you that there are two kinds of guns used on an airplane. On a single-seater machine, and these are usually tractors, it is necessary to have a gun that will shoot between the propeller blades in order that the pilot in piloting his machine can also sight his machine gun. Therefore, the machine gun should be built right into the fusilage of the machine, so that in order to aim the gun he maneuvers until he gets his cross wires across the enemy machine, then his machine gun is aimed and to discharge it he has only to pull the string and the gun operates.

The Lewis gun, though fine as a flexible gun, can not be adapted to shooting between the propeller blades, since it can not be synchronized, but we have a gun already in production and now being turned out in quantities that serves that purpose well. I refer to the Marlin aircraft gun. The aviation section of the Signal Corps took no chances as to machine guns and, therefore, chose for a fusilage gun the Marlin aircraft gun which synchronizes perfectly. They gave an order for 40,000 of these, I believe it was, or about that number.

At the same time an equal number of Lewis guns were ordered for use as a flexible gun—that is, a gun which is mounted on a swivel pedestal where the observer can turn and use it in every direction from an airplane.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. TILSON. I will.

Mr. GREEN of Iowa. Is not there some objection to the Marlin gun on account of its weight for use in an aeroplane?

Mr. TILSON. The gentleman means the gun being too heavy?

Mr. GREEN of Iowa. Yes.

Mr. TILSON. I do not believe so, because later on they are going to substitute for it the heavy Browning gun, which is not much different in weight.

Mr. GREEN of Iowa. The Lewis gun, at all events, is a much lighter gun?

Mr. TILSON. Yes; but it will not serve at all as a fusilage gun. You can not synchronize it to shoot between the propeller blades. It is not made so that you can use it for that particular purpose.

Mr. GARNER. Will the gentleman yield?

Mr. TILSON. I will.

Mr. GARNER. The gentleman made a very astounding statement, I thought, when he said that they had made a contract for 40,000 guns for single planes and 40,000 Lewis guns—that is,

80,000 guns, 80,000 aeroplanes—and then you are going to substitute the Browning gun for it. No wonder——

Mr. ANTHONY. I will say to the gentleman that is not all. The bill contains an appropriation for 220,000 more aeroplane guns.

Mr. GARNER. How many are we going to have, 300,000?

Mr. KING. Four hundred thousand, I hope.

Mr. TILSON. The order was, I think, for 38,000, to be exact, in each case, of the Lewis gun and of the Marlin aircraft; but I believe it has been increased as to one, if not both, of them.

Mr. GARNER. May I ask the gentleman another question in connection with this? I happened to see the newspaper report, I think, on this report of the Committee on Military Affairs, stating that it took about 30 men to each aeroplane. If we are going to have 400,000 aeroplanes and multiply that by 30, I want to know how many men we are going to have. That is one of the things that strikes me.

Mr. TILSON. I think the gentleman is somewhat askew on his original calculation. He can not figure the number of airplanes from the number of machine guns to be used in airplanes.

Mr. GARNER. I may be getting a little high, but the gentleman suggested that there were 40,000 guns of one kind and 40,000 of another kind already ordered——

Mr. TILSON. On the same plane there may be a number of guns.

Mr. GARNER. On a single seater, I understood, you could not use any gun except one that is fixed in the machine.

Mr. TILSON. Yes; but every machine is a fighting machine, and every machine must have at least one gun on it. If you have one, two, or three observers, the number of guns carried increases very rapidly.

Mr. QUIN. And some carry larger guns.

Mr. TILSON. There are larger machines. They have as high as seven guns on a single airplane.

Mr. GREENE of Vermont. The gentleman will suggest also that the wastage must be accounted for.

Mr. TILSON. The gentleman must figure that the wastage of the airplane is very great and that the wastage of these guns is very great.

Mr. McKENZIE. And is it not true that these guns can be used by the Army, and if they are not used on flying machines they are not lost.

Mr. TILSON. That is correct to a certain extent. The fusilage gun can not be used very well. It is made for the fusilage and without any wood on it at all, so that you could not use it after you had fired a number of shots. It would be too hot. Such a gun is built into the machine.

The heavy Browning gun is going to be used for the fusilage gun later on; that is, the regular heavy Browning gun with the water jacket left off. The gun we are going to use for defensive purposes on the ground is the same gun with the water jacket on it to cool it off.

Mr. GARNER. How many guns are we ordering in this bill for aeroplanes?

Mr. TILSON. I would not be able to tell the gentleman. I recall the original order as 38,000 each of the Lewis and the Marlin aircraft.

Mr. DENT. I hope the gentleman will allow me to interrupt him.

Mr. TILSON. I yield to the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. I ask for another minute in order to answer the question.

Mr. DENT. I ask that the gentleman have five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Connecticut may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. I hope the statement made by the gentleman from Texas [Mr. GARNER] that we are going to have over 400,000 aeroplanes will not go into the RECORD. Nobody contemplates anything like that.

Mr. TILSON. It will go in the RECORD hitched to the name of the gentleman from Texas.

Mr. GARNER. Will the gentleman yield? I did not suggest that you were going to have 400,000 aeroplanes.

Mr. DENT. Nor did I.

Mr. GARNER. Somebody else suggested it, and I was merely making calculations as to how many guns and men you would have to have to equip them.

Mr. TILSON. The gentleman did not draw any such inference from anything I said.

Mr. DENT. As a matter of fact, I said this afternoon, in my original statement on this bill, that I thought it was all right to state what has been accomplished under this service, but not to make any promise as to what would be accomplished, and I thought that had been the mistake that had been made. But certainly there is nothing now like 400,000 aeroplanes.

Mr. CAMPBELL of Kansas. The esteemed publication known as the CONGRESSIONAL RECORD may quote me as wishing that there were 400,000 on the front now.

Mr. DENT. If that was the case, you would not have any sunlight there at all.

Mr. MADDEN. I think it is unfortunate, Mr. Chairman, to have any such statement go into the RECORD as appears to have been made, to the effect that we are likely to have 300,000 or 400,000 aeroplanes in the service. Of course, before the war ends it may be necessary to make that many, but we will do that because it takes only 30 days to destroy an aeroplane. If we put in 5,000 planes a month we will have to put in 5,000 the month succeeding that, because the first 5,000 will be worn out. So that if the war lasts any particular length of time we will have a good many aeroplanes, and, of course, we will have a good many guns. But it does not follow that every time an aeroplane is worn out that the gun on the aeroplane is worn out—not at all; because the aeroplane may be operating and the gun never fire a shot. But the experience of the war has shown that the governments that are operating aeroplanes are required to renew their output of aeroplanes every 30 days. For example, if the allies already have 5,000 aeroplanes on the western front, or any place else on the battle line, they will have to put 5,000 new aeroplanes in service within the next 30 days. For the record goes to show that every aeroplane is totally destroyed, not necessarily because it is shot down, but because it is worn out, within 30 days. And the average life of a motor in an aeroplane is only 200 hours of active operation. We need 14 men for every aeroplane that is placed in the field. If we had 400,000 aeroplanes we would have 400,000 times 14 men in the Aviation Service, which is absurd, of course, and ridiculous to think about. If we ever get to a point where we have 2,500 battle planes on the battle line, managed by American aviators, I think we will be able to prove that we have done something.

Mr. GREENE of Vermont. I think, in line with that very suggestion, the figures which the public and Congress should watch are as to the number of machines that are ready to take the air at any given time, and in addition to that there is always this constant reinforcement on the way.

Mr. MADDEN. We will never have enough men on the other side, in my judgment, to require more than 2,500 aeroplanes in active service at any one time.

Mr. CAMPBELL of Kansas. I hope that is true.

Mr. MADDEN. That is true. It certainly can not be more than that, because with the allied armies of France and England they have not more than 5,000, and do not expect to have more than 5,000, and if they only need 5,000 surely America will not need more than 2,500. But we will need the 2,500 every month. That is the point. So that when we say we need 2,500 aeroplanes that means twelves times 2,500 every year, or 30,000. That is the point.

Mr. HUSTED. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HUSTED. As I understand it, the ultimate limit of life of an air motor is 40 air-hours, and if those motors are up say 5 hours a day, a motor will last only 10 days.

Mr. MADDEN. They will not last very long. The average time required to destroy a motor under all conditions that may obtain is 200 hours of active use. Of course, if they are up in the rarefied atmosphere they will wear out quicker than they will down below, because the work is a good deal harder on them; but if we get our Army organization to a point where we can be certain that we are going to be able to supply 2,500 aeroplanes every month for use in France, then I will say that the Army organization is getting to be what it ought to be.

Mr. FULLER of Illinois and Mr. QUIN rose.

The CHAIRMAN. Is the gentleman from Illinois [Mr. FULLER] a member of the Committee on Military Affairs?

Mr. FULLER of Illinois. I am not a member of the committee.

Mr. QUIN. I will wait until the gentleman from Illinois gets through.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. FULLER of Illinois. Mr. Chairman, I have no amendments to offer to this bill. I am satisfied to take the judgment of the committee. Its members have labored long and faithfully to provide by this bill the sinews of war. The amounts appropriated and authorized are very large, but undoubtedly not more than is necessary for the successful prosecution of the war. That is the one thing we are interested in now—to win the war. I believe it is time that the people should understand—and they do understand, and the world understands,

and by and by even the thick-headed German Imperial Government will be made to understand—that we are in this war to the finish, with all the man power and all the resources necessary to win. The whole people of the country are united and determined as never before on the one great proposition to win the war, that not only ourselves but the other peoples of the world shall be free to govern themselves and that autocracies shall never again be permitted to rule on this earth by frightfulness and force. The American people are a peaceful people, and they love peace to the extent that they are willing to fight for it, and to fight until the Prussian military power is crushed never to again attempt the conquest of the world. The great question now is not how long will this great war last, but how will it end? And it never can end and never will end until the present German Government is defeated and overthrown. There can be no talk of peace without victory or by compromise of any kind. When peace does come it will not be of the kind that is "made in Germany." It will be a peace based not on conquest, not on the robbery of territory from other weaker powers, but based on the immutable principles of right and justice to all nations, great and small. And this is impossible until the central powers are absolutely defeated and humbled to the point where right, not might, shall be accepted as the basis of enduring peace. As a member of this House, I propose to stand by the administration in the vigorous prosecution of the war and to give to the administration whatever and everything that is necessary or helpful in conducting the war. Neither do I approve of faultfinding and criticism if some mistakes are made, as inevitably there have been and will be, but, notwithstanding that fact, we have done more and accomplished more in the short space of a little more than a year since we entered the war than the most optimistic man in all the country could have hoped for or thought possible. We have in that time organized a great army, fit to meet and conquer a like number of any army that ever existed. From a quiet, peaceful people we have become a great military power that will make itself felt in the cause of justice and humanity and the liberation of the world from tyranny and oppression.

Mr. Chairman, I have no fear of the final result. We are not in the war for any selfish purpose. We covet the territory of no other people. We are not seeking to rob any nation of its lands or its resources of any kind. We are not seeking indemnities. It is said that in Germany the question is being discussed as to how much indemnity, how many billions of dollars, they will be able to collect from us when the war is over. I can tell them now. It was said some time by some one that we had "millions for defense, but not one cent for tribute." We can go better than that now. We have billions and hundreds of billions, if need be, to carry on this war until victory is won, but not a farthing for indemnities, so long as an American citizen is left alive, so long as a building in all this country stands, so long as a dollar is left, or so long as day follows night or night follows day. No; America has never yet been defeated, and it never will be so long as it never espouses a cause that is not just and right. The sooner the Imperial German Government understands this fact the better it will be for it and the German people. Let us pass this bill quickly and any other and every other necessary measure, counting not the cost till victory is won.

Mr. QUIN. Mr. Chairman, I would like to speak for 15 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Mississippi is recognized for 15 minutes.

Mr. QUIN. Mr. Chairman and gentlemen, since Congress convened in December your chairman, the distinguished gentleman from Alabama [Mr. DENT], and the other 20 members of that committee have done much irksome and tedious labor in order that they might present this bill, which amounts in round numbers to about $12,000,000,000. This is the largest appropriation ever made in one bill by any nation of the whole world. In the consideration and formulation of this measure our colleague from California [Mr. KAHN] has given much able and I may say thoughtful assistance and advice. Our committee, unselfish in its work, unselfish in its devotion to duty, has brought this bill before you and asks this Congress to pass it as it has been brought out here. It is in our judgment all necessary to properly prosecute and win the war.

You have read in the press of this country many mendacious and slanderous articles against the Secretary of War and the whole War Department. The country has had a flood of billingsgate and misinformation scattered upon it from one end of it to the other since this committee began the consideration of this measure. We started out with a program of about $6,775,000,000. The Secretary of War, after we had completed those hearings, was called to the battle front in France and asked us to hold this measure up until his return. He then came forward with another program, which gives the bill a total of about $12,000,000,000.

You have heard numerous charges against the War Department, assertions that it had fallen down and had ceased to function. You have had mendacious lies told about the airplane program. I do not say that the airplane program was carried out as successfully as was suggested or expected or intended by the Congress, but I do not believe, gentlemen, that the fall-down of the Aircraft Board is as complete and total as some newspapers have endeavored to make it appear. It has made fine progress in many respects.

Whatever fault may be found concerning it, it can not be attributed to this committee, nor can it be attributed to Congress. I know that the Ordnance Department has been mendaciously slandered and the public deceived as to the ability of this Government to prosecute this war with the proper amount of light and heavy artillery. I know further that many slanders went out against the War Department, especially the Quartermaster Department, touching the equipment of our soldiers in the way of clothing. True, there was some shortage. Very true, mistakes were made. But where is the honest, patriotic critic in this Republic who would not concede to the President and to the Army officials, to the Cabinet and to Congress, that some mistake would inevitably follow in the sudden organization of a great army, with all this country at peace, with all of our industries running on peace programs, when suddenly, over night, everything was transformed to a war footing? To-day you have two million and thirty-odd thousand soldiers. You have more than four hundred thousand sailors. You have all the industries of this country changed from a peace to a war basis. It has been done in less than 12 months. You have every one of your soldiers well equipped, and a splendid surplus. You have, in addition to that, all of your sailors well equipped, and a surplus for more. You have, my friends, the Republic organized in better shape to carry on a war than England was two years after they started into the war.

Mr. WALSH. Will the gentleman yield?

Mr. QUIN. I yield for a question.

Mr. WALSH. The gentleman is one of the most patriotic and hard-working members of the Military Affairs Committee, and I am, of course, very much interested in his statement; but I want to ask him if he does not think that a great deal of the dissatisfaction which has been expressed throughout the country has resulted from too rosy promises and predictions being made in certain quarter from time to time, which caused people in their enthusiasm to believe that greater results could be obtained than were humanly possible?

Mr. QUIN. I will say in response to the gentleman from Massachusetts that there is a certain psychological method by which the American people must be reached. All of us know, for instance, that the Aircraft Board painted rosy pictures that we knew were not true. Yet I believe they were honest in painting those pictures, in portraying to the public what would be done, in order to arouse that enthusiasm throughout every quarter of the United States that is necessary for this war to be a success. And if any department of this Government have overplayed what was actually being done, I am patriot enough to concede to them honest motives and a purpose that every man who has studied the situation knows is bound to prevail in order for the American people to appreciate properly the task before them and to get in their hearts the war spirit, the spirit of success. Why, do you know that in April, 1917, when we declared this war, and for several months thereafter there were rumblings in every quarter of the United States, faultfinding against the President, against his Cabinet, and against the Congress for declaring war. To-day, as demonstrated by the Red Cross drive in every quarter of the United States, the humblest citizen up to the most intellectual, and even to the man of great affairs in finance, has shown absolute patriotism, a spirit of patriotism pervading this Republic that should make every man in this House and throughout the American Republic proud that he is an American. Do you know, my friends, that in the psychological method in which all of these departments have handled this matter—I might include the Congress in that—the American people have been awakened and aroused so that there is to-day as much enthusiasm 40 miles from a railroad as there is right here in the Halls of Congress? The Red Cross drive shows that. All of our people in the South are patriotic. And I want to say that I live in a country where we have the poor black man. He is partaking of this patriotic de-

votion to his country just as the white man is. The poor, ignorant black man there contributes to the Red Cross. He gives to the Y. M. C. A. for the Army. He buys liberty bonds. He will not agree for any man to stand up and talk against this Government in his presence. That same spirit that is in the hearts of the South is found also everywhere else in this Republic, and if it had not been for the damnable I. W. W. bug you never would have had any disturbances in this country. You do not have disturbances anywhere in this Republic where the people are real Americans and want to see this Government carry out the aims, intents, and purposes as proclaimed by that great American, President Woodrow Wilson, who is the Commander in Chief of our Army and Navy. That purpose, as expressed by him here yesterday, is to bring old Kaiser Bill and that whole crowd to their knees and make them realize that this great giant of the West stands ready at all times not only to defend itself but to protect the poor and weak everywhere that the sun shines. [Applause.]

Mr. WALSH. I dislike to interrupt the gentleman's very interesting observation, but he has spoken of psychology. I would like to ask him if this is an instance of the psychological method which he thinks should be invoked in arousing patriotism? I quote from his colleague on the Military Affairs Committee to this effect:

Surely your Uncle Sam is a modern Aladdin, who when he wants a thing devoutly rubs the lamp of American patriotism, and the genius of America produces overnight all that he requires.

Is that the psychological method that the gentleman thinks should be used to arouse American enthusiasm?

Mr. QUIN. I can not comment on what any other gentleman thinks psychology might be.

Mr. WALSH. I wondered if that was following that method.

Mr. QUIN. I follow what we all consider sensible and legitimate and practical, and that is all that the War Department has done. That is all that any branch of this Government has pursued to-day. The Congress is aware of the fact and recognizes the fact that this committee, and especially the War Department, has had a wonderful task to perform, and at no time has it endeavored to shirk any duty or responsibility. Standing against the shaft of criticism, standing against the onslaught of designing politicians, your Secretary of War has withstood it all, and to-day stands out a leader of this country, sending our boys across the Atlantic ocean, guaranteeing, so far as the great Republic can guarantee, the fathers and mothers that these boys shall be protected with all of the great Government resources back behind them. Every patriotic citizen of this Republic in his heart feels that the soldier who has offered to immolate himself on the altar of his country should have the solid support and backing of the people behind him. [Applause.] That no man should have the right to quibble, grumble, and throw any stumblingblocks in the way of the successful winning of the war. No soldier nor sailor should in anywise be handicapped or hindered by any man in public or private life by any man of no means or by any man of the greatest means in this Republic. [Applause.] America is going to win this war and bring the bloody butcher to his knees and crush forever the Prussian ideals and destroy for all time military despotism. [Applause.]

The Clerk read as follows:

Purchase, equipment, operation, and repair of military, telegraph, telephone, radio, cable, and signaling systems; signal equipments and stores, field glasses, telescopes, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometers, anemometers, thermometers, and other meteorological instruments; motorcycles and motor-driven vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use in the office of the Chief Signal Officer; telephone apparatus, including rental and payment for commercial, exchange, message, trunk line, long distance, and leased line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, excepting telephone service for the various bureaus of the War Department in the District of Columbia; electric time service; the rental of commercial telegraph lines and equipment and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, but not including payment for individual telegraph messages transmitted over commercial lines; electrical installations and maintenance at military posts, cantonments, camps, and stations of the Army; fire control and direction apparatus and matériel for field artillery; salaries of civilian employees, including those necessary as instructors at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimentation and research for the purpose of developing improvements in apparatus and methods of signaling, including machines, instruments, and other equipment for laboratory and repair purposes; purchase, lease, construction, alterations, and repair for such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading, roads and walks, and other equipment required, $105,946,054.77.

Mr. KEATING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when we reach the end of this bill I intend to offer the so-called "stop-watch" amendment. Members of the House will recall that this amendment has been carried on the military and naval appropriation bills for the last four years.

It is a part of the naval appropriation bill which passed this House a few weeks ago. It should be in this bill.

I will present the amendment in the exact form in which it appears in the naval appropriation bill, which is as follows:

That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop-watch or other time-measuring device, a time study of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

The object of the amendment is to prevent the introduction of the so-called "Taylor stop-watch system" into Government plants. The subject has been pretty thoroughly thrashed out during the last few years, but I want to trespass long enough on the patience of the House to make two or three points.

CAMOUFLAGE ABOUT "EFFICIENCY."

The opponents of this amendment will tell you that it is a blow at efficiency, and they will endeavor to convince you that you can not have efficiency in Government plants unless you have the Taylor system. Now, we are all in favor of efficiency, and we are all willing to make whatever sacrifices may be required of us in order to bring about the efficient prosecution of this war.

But the Taylor system and efficiency are not synonymous terms. The supporters of the Taylor system have been clever enough to seize upon that word "efficiency" and to exploit it to their own advantage.

I think I can dispose of this question of efficiency by reading a letter from the Secretary of the Navy addressed to a Member of this House, Mr. GOULD, of New York. Referring to the stop-watch amendment in the Naval appropriation bill, the Secretary says:

This provision is a continuation of one incorporated in the naval appropriation act approved March 3, 1915, and carried in all subsequent naval acts, and while its inclusion in the bill now pending was made without the recommendation of the department the department is not opposed to it, and, in fact, advocated it at the time the naval act of March 3, 1915, was under consideration.

Its continuation from year to year has not operated to prevent satisfactory ascertainments by other means of the comparative efficiency of employees.

I would particularly call your attention to the concluding paragraph:

Its continuation from year to year has not operated to prevent satisfactory ascertainments by other means of the comparative efficiency of employees.

I think we can all agree that, judged by achievement, the Navy Department is one of the most efficient departments of Government.

REAL OBJECT OF "TAYLOR SYSTEM."

Analysis of the Taylor system reveals the fact that it is merely a clever device for speeding up workmen. Gentlemen who are experts in its use seem to regard workers as machines which should be driven to their utmost capacity until some one of the "parts" gives way. Then the machine should be tossed into the junk pile and a new machine substituted.

That this is not a harsh description of the system is shown by a familiar extract from the treatise entitled "Shop Management," written by F. W. Taylor, the "inventor" of this system. Mr. Taylor first installed his system in the Bethlehem Steel Works, and his methods in that establishment won him fame and fortune. In his book he boasts of his achievement in the following paragraph:

When the writer left the steel works, the Bethlehem pieceworkers were the finest body of picked laborers that he had ever seen together. They were practically all first-class men, because in each case the task which they were called upon to perform was such that only a first-class man could do it. The tasks were all purposely made so severe that not more than 1 out of 5 laborers (perhaps even a smaller percentage than this) could keep up.

"Only 1 out of 5 could keep up!" I wonder what became of the other four, and I wonder what would become of a society based on a speeding-up system where the workers' tasks were deliberately made so severe that only 1 out of 5 could keep up?

SELFISH INTERESTS URGE SYSTEM.

Certain interests are taking advantage of the fact that we are at war to urge the restoration of this pernicious system. They claim to be actuated solely by patriotic motives, but the fact is

they are more interested in establishing this system in the workshops of the Nation than they are in their country's safety. If they were unselfishly considering the Republic's welfare they would not attempt at this time to interfere with the President's handling of our very complex and delicate labor problems.

And allow me to diverge here for a moment to say that the President's management of the labor question since we have entered the great war has been one of the most marked triumphs of his administration. Neither the President nor any of his responsible lieutenants are clamoring for the Taylor system. On the contrary, at the very beginning of the war the Council of National Defense, presided over by the Secretary of War, issued an appeal to the legislatures of the country urging the maintenance of the various safeguards which had been thrown around labor. This declaration was approved by the advisory commission of the Council of National Defense on April 6, 1917, and is as follows:

That the Council of National Defense urge upon the legislatures of the States, as well as all administrative agencies charged with the enforcement of labor and health laws, the great duty of rigorously maintaining the existing safeguards as to the health and the welfare of the workers, and that no departure from such present standards in State laws or State rulings affecting labor should be taken without a declaration of the Council of National Defense that such a departure is essential for the effective pursuit of the national defense.

President Wilson has made his position so clear that no one can misunderstand it. In a letter to Gov. Brumbaugh, of Pennsylvania, on June 4 last, the President said:

I take pleasure in replying to your letter of June 1. I think it would be most unfortunate for any of the States to relax laws by which safeguards have been thrown about labor. I feel that there is no necessity for such action and that it would lead to a slackening of the energy of the Nation rather than to an increase of it, besides being very unfair to the laboring people themselves.

PRESIDENT WILSON EXPRESSES ALARM.

The President expressed the same thought in a letter addressed to the Committee on Labor of the Council of National Defense on May 15, 1917, from which I quote the following paragraph:

I have been very much alarmed at one or two things that have happened: At the apparent inclination of the legislatures of one or two of our States to set aside even temporarily the laws which have safeguarded the standards of labor and life. I think nothing would be more deplorable than that. We are trying to fight in a cause which means the lifting of the standards of life, and we can fight in that cause best by voluntary cooperation.

Members may say that if labor is so confident concerning the attitude of the Executive, why insist upon these limitations in the appropriation bills? The answer is that if you strike out this "stop-watch" amendment, the advocates of the Taylor system will immediately herald the result as a mandate from Congress in favor of the Taylor system, and they will prosecute a campaign for the installation of the system in the Government workshops and in the plants which are doing Government work.

While these efforts may not be successful, they will disturb the workers who are now doing everything humanly possible to turn out the things needed to win this war.

We were all tremendously pleased the other day when we read how a riveter in a New Jersey shipyard had broken the world's record for the number of rivets driven in a single day. He was not working under the Taylor system. He had not been subjected to the stop watch. The only spur he required was love of country and determination to aid in what he regarded as a holy cause. His unselfish patriotism was demonstrated when he tossed the prize given to him by a New York newspaper into the coffers of the Red Cross, together with the wage he had received for a remarkable day's work.

What will that hero and his fellows think if the Congress of the United States goes on record as indorsing the proposition that workingmen engaged on work vital to the safety of the Nation can not be depended upon to do their duty unless they have applied to them an industrial thumbscrew?

And right here allow me to call attention to the "Decision as to wages, hours, and other conditions in the Delaware River and Baltimore shipyards," rendered by the shipbuilding labor adjustment board on February 14, 1918. It was in a yard governed by this decision that the rivet-driving record was smashed the other day. I find on page 5 of the decision the following language:

We, the board, therefore direct that no bonus or premium in addition to the rates of wages prescribed in this award shall in future be paid.

Mr. Chairman, let us put an end to this policy of "nagging" labor. No good can come of it and much evil may result.

Mr. GORDON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GORDON. Mr. Chairman, I shall not occupy the whole five minutes. I only want to make a few observations upon the subject of the address just delivered by the gentleman from Colorado [Mr. KEATING]. The instance which he cites in the Bethlehem Steel Works to show that the Taylor system is a system of driving men beyond endurance and to undermine their usefulness, was, it seems to me, exceedingly unfortunate if it was intended to prove his case, because in the case he cites everyone of the men were pieceworkers. They did not have to perform any particular task; they were actually paid for what they did and no more. If a man did not want to perform the highest task and could not do it without injuring himself, he was at liberty not to do it. He was simply paid for what he did.

Mr. KEATING. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. KEATING. The gentleman understands that the quotation I just read from Mr. Taylor said that the task was purposely made so difficult, according to Mr. Taylor's own language, that only one man out of five could perform it.

Mr. GORDON. And the gentleman wanted to know what the other four did. Why, the other four performed less work than the maximum. Any man that has had experience with men knows that they are not of equal capacity. That is my criticism of the philosophy of the gentleman from Colorado and many others, who mean well. They assume that one man is equal to another and can do as much as any man that has had any experience in the work. Now, any man who has had experience in working with men or has had men work for him knows that men are not equal; they are no more equal in capacity to perform work than men in this House are equal in capacity to decide and present facts on public questions.

Mr. KEATING. I hope the gentleman will not put me in the position of saying that I have said that all men are of equal capacity in their performance either of mental or physical tasks.

Mr. GORDON. I never charged the gentleman with saying it, but his whole position is based on that theory. The example which he cited was piecework, and no man was required to perform any allotted task.

He simply got paid for what he did. Of course they have sheared and clipped it in the Navy Department so that it is utterly innocuous. They still have a system there by which they have drawn the teeth out of this amendment so that it does not do any harm.

Mr. KEATING. Does the gentleman claim that the Navy Department is any more inefficient than the War Department?

Mr. GORDON. No; I do not.

Mr. KEATING. Does not the record show that the Navy Department, if anything, is more efficient than the War Department?

Mr. GORDON. I do not think it does.

Mr. KEATING. It is at least as efficient.

Mr. GORDON. The gentleman is entitled to his opinion about that.

Mr. KEATING. How does the gentleman account for the fact that the Navy Department is efficient if an institution can not be efficient unless they have the so-called Taylor system?

Mr. GORDON. I did not say it could not be. I desire to say that it has clipped and shorn the gentleman's amendment so that it is no longer objectionable; that is to say, that the essential thing in the Taylor system is still being applied in the Navy Department. That is the real truth about it. The whole theory of this time study and premium payment is to pay men according to what they do; and men who are working for the Government, especially in a time like this, the greatest crisis in the history of the United States, ought to be satisfied to have the product of their labor measured by a stop watch or any other kind of measuring device, so that at night the Government would know exactly what each man has performed and pay him for what he does. [Applause.]

Mr. DENT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12281, the Army appropriation bill, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon this bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating therein an article written by my colleague, Mr. ALEXANDER, of Missouri, and printed in the Scientific American, upon the Government ship-purchase bill.

The SPEAKER. Is there objection?

There was no objection.

CASH HOLDINGS OF THE TREASURY.

The SPEAKER laid before the House the following communication from the Secretary of the Treasury, which the Clerk proceeded to read.

Mr. MADDEN (interrupting the reading). Mr. Speaker, I ask unanimous consent that the further reading be dispensed with and that the report be printed and referred to the appropriate committee.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the further reading and that the same be printed in the RECORD and referred to the appropriate committee. Is there objection?

There was no objection.

The SPEAKER. The communication is referred to the Committee on Ways and Means.

The communication referred to is as follows:

TREASURY DEPARTMENT,
Washington, May 22, 1918.

SIR: In compliance with resolution of the House of Representatives under date of May 13, 1918, a copy of which is hereto attached, there is transmitted herewith a statement showing the distribution of the cash holdings of the Treasury as of the beginning of business on April 1, 1918, and the Treasury balance on that date.

The location of the cash holdings of the Treasury offices are not shown in the statement transmitted by reason of the fact that it is not believed to be compatible with the public interest at the present time to disclose such location in this report.

Interest on deposits in special depositaries (war-loan accounts) under the act of September 24, 1917, on deposits in Federal land banks, and on deposits in national-bank depositaries as per items (3), (4), and (6), respectively, in the inclosed statement, is collected at the rate of 2 per cent per annum on the average daily balance in each case. In this connection attention is respectfully invited to the fact that deposits in special depositaries under the act of September 24, 1917, are of a very temporary character, being withdrawn, as a general rule, between three and five weeks from dates of deposit.

Should any further detail information with reference to this report be desired, I will be glad to transmit it as promptly as possible.

Respectfully,

W. G. MCADOO, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
May 13, 1918.

Resolved, That the Secretary of the Treasury be requested, if not incompatible with the public interest, to report to the House the amount of the Treasury balance on the 1st day of April, 1918, where the same was on deposit, and the rate of interest being received thereon from each depositary.

Attest: (Signed) SOUTH TRIMBLE, *Clerk.*

Financial statement of the United States Government.

Formerly issued as "Statement of the public debt" Mar. 31, 1918.

CASH AVAILABLE TO PAY MATURING OBLIGATIONS.

Balance held by the Treasurer of the United States as per daily Treasury Statement for Mar. 31, 1918	$1,012,094,761.10	Settlement warrants, matured interest obligations, and checks outstanding:	
Deduct—		Treasury warrants	$17,168,072.17
Net excess of payments over receipts in March reports subsequently received	39,537,751.68	Matured interest obligations [1]	5,278,004.67
		Disbursing officers' checks	133,016,110.92
		Balance	817,094,821.63
Revised balance	972,557,009.42		972,557,009.42

[1] The unpaid interest due Dec. 15, 1917, on first liberty loan, is estimated on the basis of receipts of the Treasurer of the United States for principal of bonds. It includes interest on interim certificates not exchanged for bonds and a calculation on account of bonds and interim certificates converted.

PUBLIC DEBT.

Debt bearing no interest (payable on presentation).		Debt on which interest has ceased since maturity (payable on presentation).	
Obligations required to be reissued when redeemed:		Funded loan of 1891, continued at 2 per cent, called for redemption May 18, 1900; interest ceased Aug. 18, 1900	$4,000.00
United States notes	$346,681,016.00	Funded loan of 1891, matured Sept. 2, 1891	20,850.00
Less gold reserve	152,979,025.63	Loan of 1904, matured Feb. 2, 1904	13,050.00
Excess of notes over reserve	193,701,990.37	Funded loan of 1907, matured July 2, 1907	494,250.00
Obligations that will be retired on presentation:		Refunding certificates, matured July 1, 1907	11,330.00
Old demand notes	53,012.50	Old debt matured at various dates prior to Jan. 1, 1861, and other items of debt matured at various dates subsequent to Jan. 1, 1861	900,620.23
National-bank notes and Federal reserve bank notes assumed by the United States on deposit of lawful money for their retirement	36,134,454.50	Certificates of indebtedness, at 3, 3½, 3⅞, and 4 per cent, matured	77,000.00
Fractional currency	6,845,598.23	Total	1,521,103.23
Total	236,735,055.60		

INTEREST-BEARING DEBT (PAYABLE ON OR AFTER SPECIFIED FUTURE DATES).

Title of loan.	Authorizing act.	Rate.	When issued.	When redeemable or payable.	Interest payable.	Amount issued.	Outstanding Mar. 31, 1918.		
							Registered.	Coupon.	Total.
Consols of 1930	Mar. 14, 1900	2 per cent.	1900	Payable after Apr. 1, 1930	J., A., J., O.	$646,250,150.00	$597,603,350.00	$2,120,700.00	$599,724,050.00
Loan of 1908-1918	June 13, 1898	3 per cent.	1898	Redeemable after Aug. 1, 1908; payable Aug. 1, 1918.	F., M., A., N	198,792,660.00	48,733,100.00	15,212,360.00	63,945,460.00
Loan of 1925	Jan. 14, 1875	4 per cent.	1895-96.	Payable after Feb. 1, 1925	do	162,815,400.00	102,427,550.00	16,062,350.00	118,489,900.00
Panama Canal Loan:									
Series 1906	June 28, 1902, and Dec. 21, 1905.	2 per cent.	1906	Redeemable after Aug. 1, 1916; payable Aug. 1, 1936.	do	54,631,980.00	48,944,040.00	10,140.00	48,954,180.00
Series 1908	do	do	1908	Redeemable after Nov. 1, 1918; payable Nov. 1, 1938.	do	80,000,000.00	25,805,520.00	141,880.00	25,947,400.00
Series 1911	Aug. 5, 1909, Feb. 4, 1910, and Mar. 2, 1911.	3 per cent.	1911	Payable June 1, 1951	M., J., S., D.	50,000,000.00	42,928,300.00	7,071,700.00	50,000,000.00
Conversion bonds	Dec. 23, 1913	do	1916-17.	Payable 30 years from date of issue.	J., A., J., O.	28,894,500.00	6,250,000.00	22,644,500.00	28,894,500.00
1-year Treasury notes.	do	do	1917-18.	Payable 1 year from date of issue.	do	50,902,000.00		27,362,000.00	27,362,000.00
Certificates of indebtedness.[1]	Sept. 24, 1917	4 per cent.	1917-18.	Payable on or before Apr. 22, May 9, and June 25, 1918.	At maturity or upon earlier redemption.	4,420,180,500.00			2,208,708,000.00
Certificates of indebtedness.	do	4½ per cent	1918	Payable on or before May 28 and June 18, 1918.	do	1,042,792,500.00			1,042,792,500.00

[1] The interest rate and maturity are given in respect of the certificates outstanding March 31.

Financial statement of the United States Government—Continued.

INTEREST-BEARING DEBT (PAYABLE ON OR AFTER SPECIFIED FUTURE DATES)—continued.

Title of loan.	Authorizing act.	Rate.	When issued.	When redeemable or payable.	Interest payable.	Amount issued.	Outstanding Mar. 31, 1918.		
							Registered.	Coupon.	Total.
First liberty loan of 1917.[1]	Apr. 24, 1917	3½ per cent	1917	Redeemable on or after June 15, 1932; payable June 15, 1947.	June, December.	$1,986,625,405.57			$1,986,625,405.57
Second liberty loan of 1917.[2]	Sept. 24, 1917	4 per cent.	1917	Redeemable on or after Nov. 15, 1927; payable Nov. 15, 1942.	May, November.	3,807,736,497.19			3,807,736,497.19
Postal savings bonds (1st to 13th series).	June 25, 1910	2½ per cent	1911–17.	Redeemable after 1 year from date of issue; payable 20 years from date of issue.	January, July.	10,758,560.00	$9,994,100.00	$764,460.00	10,758,560.00
Postal savings bonds (14th series).	do	do	1918	Redeemable after Jan. 1, 1919; payable Jan. 1, 1938.	do	302,140.00	275,280.00	26,860.00	302,140.00
War-savings and thrift stamps.	Sept. 24, 1917	4 per cent[3].	1917–18.	Payable Jan. 1, 1923	At maturity[3]	[4] 144,725,891.80			144,000,871.15
Aggregate of interest-bearing debt.						12,634,908,184.56			10,164,241,463.91

[1] These amounts represent receipts of the Treasurer of the United States on account of principal of the first liberty loan bonds to March 31, and include the principal of bonds which have been converted under the authority of section 11 of the act of September 24, 1917, into 4 per cent bonds.

[2] These amounts represent receipts of the Treasurer of the United States on account of principal of the second liberty loan bonds to March 31.

[3] The average issue price of war savings stamps for the year 1918 with interest at 4 per cent per annum compounded quarterly for the average period to maturity will amount to $5 on January 1, 1923. Thrift stamps do not bear interest.

[4] This amount represents receipts of the Treasurer of the United States on account of proceeds of sales of war savings certificate stamps and United States thrift stamps.

RECAPITULATION.

Gross debt.		Net debt.	
Debt bearing no interest	$236,735,055.60	Gross debt (opposite)	$10,402,497,619.77
Debt on which interest has ceased	1,521,100.26	Deduct—	
Interest-bearing debt	10,164,241,463.91	Balance available to pay maturing obligations	817,094,821.62
Gross debt	10,402,497,619.77	Net debt [1]	9,585,402,798.15

[1] The amount of $4,668,829,750 has been expended to above date in this and the preceding fiscal year from the proceeds of sales of bonds authorized by law for purchase of the obligations of foreign governments. When payments are received from foreign governments on account of the principal of their obligations, they must be applied to the reduction of the interest-bearing debt of the United States.

PAY WARRANTS DRAWN (NET).

	This month to date, fiscal year 1918.	Corresponding month to date, fiscal year 1917.	Fiscal year 1918 to this date.	Fiscal year 1917 to corresponding date.
Ordinary:				
Legislative Establishment	$750,338.11	$1,059,719.42	$11,309,993.17	$11,052,527.19
Executive proper	2,014,617.46	185,890.25	7,818,391.30	1,909,267.83
State Department	763,903.34	762,463.67	8,545,685.82	4,890,504.75
Treasury Department—				
Excluding public buildings	22,476,502.22	5,766,504.40	141,508,419.63	48,918,409.65
Public buildings	1,311,302.06	1,317,454.63	12,630,558.20	13,498,548.08
War Department—				
Military Establishment	570,457,078.30	14,928,625.39	3,312,135,686.01	222,009,744.47
Civil Establishment—War Department proper	1,194,714.40	208,580.89	10,209,181.93	1,772,747.45
Miscellaneous War, Civil	516,433.36	398,399.86	6,711,726.16	6,046,379.87
Rivers and harbors	2,241,852.74	2,751,228.00	22,331,819.54	22,552,174.78
Department of Justice	885,686.17	789,820.06	9,807,982.22	8,114,082.73
Post Office Department—				
Excluding Postal Service	157,949.81	164,531.98	1,460,144.71	1,360,907.16
Postal deficiencies				
Navy Department—				
Naval Establishment	143,783,676.14	21,205,743.26	921,847,403.40	143,154,865.20
Civil Establishment	120,453.70	85,663.81	1,240,827.64	718,889.71
Interior Department—				
Excluding pensions and Indians	1,923,802.58	2,098,521.54	30,110,780.35	23,680,622.15
Pensions	16,252,875.74	14,497,727.91	132,384,256.97	120,496,835.21
Indians	2,467,216.49	2,384,270.39	24,415,271.84	24,455,120.65
Department of Agriculture	5,291,483.30	1,997,556.95	33,659,228.35	23,254,923.47
Department of Commerce	1,348,317.15	955,359.99	10,385,298.50	9,074,057.81
Department of Labor	464,009.30	290,842.59	4,064,489.79	2,904,965.55
United States Shipping Board	116,693,717.68		497,145,885.61	
Other independent offices and commissions	1,954,421.14	651,631.40	62,698,373.31	5,457,559.72
District of Columbia	1,095,276.37	1,144,858.57	11,359,787.93	10,835,610.62
Interest on the public debt	720,993.39	447,729.58	56,423,232.11	17,371,288.52
Total ordinary	894,886,620.95	74,093,124.54	5,330,204,424.49	722,690,032.57
Panama Canal: Pay warrants for construction, etc.	1,597,557.33	1,877,736.18	15,959,443.23	14,672,217.48
Special:				
Purchase of obligations of foreign Governments	317,500,000.00		3,783,829,750.00	
Purchase of farm loan bonds	16,000,000.00		32,000,000.00	
Payment for West Indian Islands		25,000,000.00		25,000,000.00
Total warrants drawn on general fund	1,229,984,178.28	100,970,860.72	9,161,993,617.72	762,362,250.05

MEMORANDA.

Amount due the United States from the Central Branch of the Union Pacific Railroad on account of bonds issued:	
Principal	$1,600,000.00
Interest	1,985,969.52
Total	3,585,969.52

The foregoing is a correct financial statement of the United States Government at the close of business March 31, 1918.

W. G. McADOO, *Secretary of the Treasury.*

Statement showing distribution of the cash holdings of the Treasury at the beginning of business Apr. 1, 1918.

	To credit of Treasurer United States.	To credit of other Government officers.	General fund.
1. In Treasury, Subtreasuries, mints, and assay offices	$3,654,975,962.35		
Deduct: Reserve fund, trust funds, gold settlement fund	3,474,849,634.63		
	180,126,327.72	$23,858,199.13	$203,984,526.85
2. In Federal reserve banks:			
Federal Reserve Bank of Boston	5,301,591.77		
Federal Reserve Bank of New York	[1]3,022,120.66		
Federal Reserve Bank of Philadelphia	16,201,165.46		
Federal Reserve Bank of Cleveland	13,165,508.62		
Federal Reserve Bank of Richmond	5,567,622.42		
Federal Reserve Bank of Richmond, Baltimore branch	155,993.04		
Federal Reserve Bank of Atlanta	5,221,724.02		
Federal Reserve Bank of Atlanta, New Orleans branch	4,518,562.84		
Federal Reserve Bank of Chicago	11,402,355.03		
Federal Reserve Bank of St. Louis	5,716,651.81		
Federal Reserve Bank of Minneapolis	7,028,270.13		
Federal Reserve Bank of Kansas City	5,894,794.26		
Federal Reserve Bank of Dallas	7,641,015.63		
Federal Reserve Bank of San Francisco	7,992,123.87		
Federal Reserve Bank of San Francisco, Seattle branch	[1]265,404.43		
Total	92,519,853.81		
In transit	3,783,642.29		
			96,303,496.10
3. In special depositaries (war loan accounts, act of Sept. 24, 1917):			
Federal Reserve District of Boston	74,695,927.91		
Federal Reserve District of New York	367,821,874.23		
Federal Reserve District of Philadelphia	51,225,690.00		
Federal Reserve District of Cleveland	64,937,000.00		
Federal Reserve District of Richmond	19,852,216.66		
Federal Reserve District of Atlanta	15,423,580.00		
Federal Reserve District of Chicago	68,210,926.15		
Federal Reserve District of St. Louis	33,723,113.23		
Federal Reserve District of Minneapolis	15,855,800.00		
Federal Reserve District of Kansas City	21,363,509.64		
Federal Reserve District of Dallas	15,290,100.00		
Federal Reserve District of San Francisco	29,554,162.29		
			777,953,900.11
4. In Federal land banks:			
Federal Land Bank of Berkeley, Cal	250,000.00		
Federal Land Bank of Wichita, Kans	1,960,000.00		
Federal Land Bank of Louisville, Ky	250,000.00		
Federal Land Bank of New Orleans, La	250,000.00		
Federal Land Bank of St. Paul, Minn	1,090,000.00		
Federal Land Bank of Houston, Tex	700,000.00		
Federal Land Bank of Spokane, Wash	1,500,000.00		
			6,000,000.00
5. In treasury of the Philippine Islands	1,123,023.76	2,652,035.88	3,775,059.64
6. In National Bank depositaries:			

Location.	Number of depositaries.			
	Regular.	Special ($1,000 each).		
Alabama	11	9	200,669.94	281,968.69
Alaska	3		192,192.62	64,248.67
Arizona	7	1	174,697.50	15,542.19
Arkansas	6	2	163,880.20	142,226.34
California	19	12	422,833.16	174,316.84
Colorado	11	7	837,429.47	117,670.95
Connecticut	9	6	477,607.25	70,994.73
Delaware	2		31,111.96	46,270.43
District of Columbia	13		361,848.74	69,542.31
Florida	17	3	581,980.03	121,142.02
Georgia	13	12	400,215.92	326,913.69
Idaho	8	7	114,124.60	47,365.95
Illinois	34	30	1,595,303.56	237,249.40
Indiana	37	31	1,718,178.63	224,798.22
Iowa	22	40	716,101.96	89,266.40
Kansas	14	29	735,699.46	177,333.07
Kentucky	29	15	1,882,737.57	171,869.31
Louisiana	4	3	102,144.04	3,656.03
Maine	6	5	112,816.37	83,402.68
Maryland	13	13	2,020,932.19	9,567.87
Massachusetts	25	12	537,703.85	156,723.85
Michigan	23	10	487,116.39	420,613.22
Minnesota	14	13	321,096.20	403,969.72
Mississippi	5	4	117,599.57	109,615.93
Missouri	7	14	270,743.87	33,207.78
Montana	17		401,594.22	73,307.31
Nebraska	19	16	719,744.71	177,951.97
Nevada	1	2	52,000.00	
New Hampshire	3	11	128,160.40	157,854.23
New Jersey	15	8	518,900.08	171,357.83
New Mexico	7	2	225,770.21	14,361.51
New York	24	30	1,366,175.28	769,953.52
North Carolina	14	8	967,230.95	86,499.07
North Dakota	9	1	105,166.27	86,006.57
Ohio	38	48	1,337,687.35	420,175.94
Oklahoma	20	6	482,984.00	139,673.26
Oregon	11	7	560,730.94	88,819.87
Pennsylvania	66	75	2,178,356.06	329,373.99
Rhode Island	2	1	474,508.16	57,344.42
South Carolina	11	5	159,896.10	185,538.72
South Dakota	14	2	288,034.74	51,972.90
Tennessee	21	2	876,662.83	229,202.42
Texas	30	21	2,422,116.99	235,640.90

[1] Overdraft.

Statement showing distribution of the cash holdings of the Treasury at the beginning of business Apr. 1, 1918—Continued.

6. In National Bank depositaries—Continued.

Location.	Number of depositaries. Regular.	Number of depositaries. Special ($1,000 each).	To credit of Treasurer United States.	To credit of other Government officers.	General fund.
Utah	7	.....	$317,893.93	$35,516.13	
Vermont	4	5	64,481.31	3,204.88	
Virginia	26	18	1,238,289.38	272,305.94	
Washington	14	3	681,849.34	311,255.03	
West Virginia	10	11	362,424.12	93,407.87	
Wisconsin	23	14	710,061.10	265,706.41	
Wyoming	7	7	192,104.24	12,920.96	
Foreign, etc	9	.....	1,341,829.22	3,435,127.81	
Totals	774	581	32,731,416.98	11,304,045.75	
In transit to and from national banks			27,360,216.61		
			60,091,633.59	11,304,045.75	$71,395,679.34
Total assets in general fund					1,159,412,662.04
Deduct current liabilities:					
Treasurer's checks outstanding			620,842.08		
Deposits of Government officers:					
Post Office Department			25,513,128.71		
Board of trustees, Postal Savings System			8,502,269.37		
Comptroller of the Currency, etc			1,304,335.52		
Postmasters, clerks of courts, etc			35,014,356.43		
Deposits for—					
Redemption of Federal reserve notes			70,115,230.00		
Redemption of Federal reserve bank notes			408,950.00		
Redemption of national-bank notes			28,302,002.66		
Retirement of additional circulating notes			1,165,900.00		
Exchanges of currency, coin, etc			15,818,637.85		
					186,855,652.62
Balance in the Treasury at beginning of business Apr. 1, 1918 (or close of business Mar. 31, 1918) as per financial statement of the United States Government					972,557,009.42
Deduct settlement warrants, matured interest obligations, and checks outstanding:					
Treasury warrants			17,168,072.17		
Matured interest obligations[1]			5,278,004.66		
Disbursing officers' checks			133,016,110.97		
					155,462,187.80
Balance in the Treasury at beginning of business Apr. 1, 1918, free from current obligations					817,094,821.62

[1] The unpaid interest due Dec. 15, 1917, on first liberty loan, is estimated on the basis of receipts of the Treasurer of the United States for principal of bonds. It includes interest on interim certificates not exchanged for bonds and a calculation on account of bonds and interim certificates converted.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 152. Joint resolution to prevent rent profiteering in the District of Columbia.

ADJOURNMENT.

Mr. DENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 29, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, report on a preliminary examination of Northwest River, Va., and N. C., from at or near Woodwards Bridge upstream (H. Doc. No. 1137); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report on preliminary examination and survey of harbor at Duluth, Minn., with a view to the construction of a breakwater to protect the Duluth entrance thereto (H. Doc. No. 1138); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SNYDER: A bill (H. R. 12307) authorizing the Commissioner of Internal Revenue to refund any amount imposed as a penalty for failure to pay income tax within a specified time; to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 12308) to authorize the importation without payment of duty of sundry articles for the American National Red Cross, to be donated or used by it solely to or for the benefit of the land or naval forces of the United States or its allies, or for the relief of the civilian population of the United States or of its allies; to the Committee on Ways and Means.

By Mr. BURNETT: A bill (H. R. 12309) to exclude and expel from the United States aliens who are members of the anarchistic and similar classes; to the Committee on Immigration and Naturalization.

By Mr. COX: A bill (H. R. 12310) to impose a tax on the use of automobiles and motorcycles; to the Committee on Ways and Means.

By Mr. CAMPBELL of Kansas: A bill (H. R. 12311) making May 30 a national holiday as "Memorial Day"; to the Committee on the Judiciary.

By Mr. CARTER of Oklahoma: Resolution (H. Res. 369) authorizing the Committee on Indian Affairs of the House of Representatives to investigate the Bureau of Indian Affairs and branches; to the Committee on Indian Affairs.

By Mr. DENTON: Joint resolution (H. J. Res. 295) thanking the patriotic workers making the Red Cross campaign for a $100,000,000 fund a success; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LONGWORTH: A bill (H. R. 12312) for the relief of Edward J. Sharp; to the Committee on Claims.

Also, a bill (H. R. 12313) for the relief of Eliza L. Dubbs; to the Committee on Claims.

By Mr. MEEKER: A bill (H. R. 12314) granting an increase of pension to Julia Kemper; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 12315) granting a pension to Amanda Hammond; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 12316) granting an increase of pension to Frederick M. Brown; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 12317) granting a pension to Margaret Glynn; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 12318) granting an increase of pension to Mary J. Pack; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Gustin-Bacon Manufacturing Co., the St. Louis Surfacer Co., and the Missouri Savings Bank Association, against the repeal or delay of the second-class postage rates provided in the war-revenue act; to the Committee on Ways and Means.

Also (by request), petition of the Woman's Christian Temperance Union of Oshkosh, Wis., urging war prohibition as a means of conserving foodstuffs; to the Committee on the Judiciary.

Also (by request), memorial of the Council of the Diocese of Virginia, Protestant Episcopal Church, pledging every support in its power for winning the war; to the Committee on Military Affairs.

Also (by request), petition and letter of Evan O'Neill Kane, M. D., Kane, Pa., against furnishing all soldiers a tobacco ration; to the Committee on Military Affairs.

By Mr. CURRY of California. Petition of Forbes H. Brown, secretary Federal Employees' Union of Vallejo, Cal., against the Borland amendment increasing the hours of labor of Federal employees; to the Committee on Appropriations.

Also, petition of J. P. Millott, president of Mare Island machinists, protesting against the adoption of the so-called Taylor efficiency system and its application to Mare Island employees; to the Committee on Naval Affairs.

By Mr. FULLER of Illinois: Memorial of the Streator (Ill.) Post, No. 68, Grand Army of the Republic, favoring the Smoot pension bill; to the Committee on Invalid Pensions.

Also, petition of McNeil & Higgins Co., of Chicago, Ill., opposing repeal or postponement of the second-class postage rates of the war-revenue act; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Memorial of the United Presbyterian Church of Kirkwood, Ill., urging the adoption of a resolution to amend the Constitution to prevent polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: Evidence to accompany House bill 4095, granting a pension to Wesley H. Crockett; to the Committee on Pensions.

By Mr. KINKAID: Petition of citizens of Merna, Nebr., urging war prohibition; to the Committee on the Judiciary.

By Mr. McFADDEN: Petition signed by 30 residents of Montrose and Meshoppen, Pa., urging repeal of the zone system of postage for newspapers and magazines; to the Committee on Ways and Means.

By Mr. RAKER: Petition of S. E. Hummel, of California, protesting against the zone system and asking for its repeal; to the Committee on Ways and Means.

Also, resolution adopted by the California Automobile Association, asking that stock be allowed to graze in the national forests; to the Committee on the Public Lands.

By Mr. TAGUE: Petition of president American Federation of Labor, regarding increased postal rates for publishers effective July 1, 1918; to the Committee on Ways and Means.

Also, petition of Charlestown Metal Trades Council, Boston, Mass., on House bill 10854; to the Committee on Naval Affairs.

Also, petition of the Pattern Makers' Association of Boston, on House bill 10854; to the Committee on Naval Affairs.

Also, petition of machinists of Charlestown Navy Yard, Boston, Mass., on House bill 10854; to the Committee on Naval Affairs.

Also, petition of Machinists of Boston Lodge 264, International Association of Machinists, on House bill 10854; to the Committee on Naval Affairs.

Also, petition of Bunker Hill Lodge 634, International Association of Machinists, of Boston, on House bill 10854; to the Committee on Naval Affairs.

Also, petition of International Association of Machinists, against the Taylor system; to the Committee on Labor.

By Mr. TOWNER: Petition of William M. Story, Charles W. McClelland, and others, for a constitutional amendment prohibiting polygamy; to the Committee on the Judiciary.

By Mr. VARE: Memorial of Federal Lodge, No. 687, International Association of Machinists, Philadelphia Navy Yard, protesting against premium or bonus system being placed in the provisions of the naval appropriation bill; to the Committee on Naval Affairs.

Also, resolutions of the Common Councils of the city of Philadelphia, advocating legislation to prohibit the use of German in public gatherings; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 29, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, Heavenly Father, our salvation and our strength, a very present help in trouble, we thank Thee that in pursuance to a concurrent resolution passed by the Congress the President of the United States, the Commander in Chief of the Army and Navy, has set apart a day of prayer and fasting for the success of our arms and those of our allies in the great struggle for liberty, truth, justice, righteousness; and we pray that from every heart, in every home, in every State throughout the Union, a fervent prayer may ascend to the Throne of Heaven in behalf of a just and righteous cause, that peace may smile upon the world, its pursuits, make it blossom as the rose, joy and happiness reign in every home, and war be forever banished; and we will praise Thee forever in the name of the world's Great Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 12280. An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3790) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed without amendment the following House concurrent resolution:

House concurrent resolution 43.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Fifty-second National Encampment of the Grand Army of the Republic for the year 1918, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

EXTENSION OF REMARKS.

Mr. LONERGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the transportation of men and women in the military service of the United States.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD on the subject of the transportation of men and women in the Army. Is there objection? [After a pause.] The Chair hears none.

ARMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12281.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12281, the Army appropriation bill, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12281) making appropriations for the support of the Army for the fiscal year ending June 30, 1919.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

And also, for the establishment, equipment, maintenance, and operation of aviation stations, fields for testing and experimental work, including (a) the acquisition of land, or any interest in land, with any buildings and improvements thereon, by purchase, lease, donation, condemnation, or otherwise: *Provided*, That by order of the President any unappropriated or reserved public lands may be reserved from entry, designated, and used for such aviation stations or fields for testing and experimental work; (b) the improvement of such land by clearing, draining, seeding, and otherwise making the same suitable for the purpose intended; (c) procuring and introducing water, electric light and power, telephones, telegraph, and sewerage to aviation stations, testing or experimental fields, and buildings and structures thereon by the extension of existing systems or the creation of new systems and their maintenance, operation, and repair, installation of plumbing, electric fixtures, and telephones, fire apparatus and fire-alarm systems, and the maintenance, operation, and repair of all such systems, fixtures, and apparatus; (d) purchase of stoves and other cooking and heating ap-

paratus, kitchen and tableware, and furniture and equipment for kitchens, mess halls, offices, quarters, barracks, hospitals, and other buildings, screens, lockers, refrigerators, and all other necessary equipment; (e) purchase of special lubricating oil, fuel, and all supplies of every kind and character necessary or advisable for maintenance and operation of aviation stations, and airplanes and motor vehicles, including electric light and power, telephones, water supply, and sewerage service; (f) purchase and manufacture and installation of all kinds of machinery, tools, material, supplies, and equipment for construction, maintenance, and repair of aircraft, buildings, and improvements at aviation stations and testing and experimental stations, or property or appliances used in connection with aviation.

OUR MEMORIAL DAY.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on the morrow, in accordance with long-established custom, the Nation will pause to pay homage to its honored dead and to place silent yet eloquent tributes upon the graves of those heroes who in the dark days of sixty-one went forth to battle for the preservation of the Union.

But, sir, the day at this time has a peculiar significance. Our President has by proclamation designated this hallowed occasion as a day of fasting and prayer and so in venerating the memory of its fallen soldiers we may also be mindful of the soldier boys of to-day, and unite in breathing a prayer of thanksgiving for the achievements of the soldiers of other days and of supplication for those of to-day.

As the President has so nobly expressed it in the words of his proclamation:

And whereas it has always been the reverent habit of the people of the United States to turn in humble appeal to Almighty God for His guidance in the affairs of this common life:

Now, therefore, I, Woodrow Wilson, President of the United States of America, do hereby proclaim Thursday, the 30th day of May, a day always freighted with sacred and stimulating memories, a day of public humiliation, prayer and fasting, and do exhort my fellow citizens of all faiths and creeds to assemble on that day in their several places of worship and there, as well as in their homes, to pray Almighty God that He may forgive our sins and shortcomings as a people and purify our hearts to see and love the truth, to accept and defend all things that are just and right, and to purpose only those righteous acts and judgments which are in conformity with His will, beseeching Him that He will give victory to our armies as they fight for freedom, wisdom to those who take counsel on our behalf in these days of dark struggle and perplexity, and steadfastness to our people to make sacrifice to the utmost in support of what is just and true, bringing us at last the peace in which men's hearts can be at rest because it is founded upon mercy, justice, and good will.

We are reminded of those early days of 1775 and 1776, culminating in that immortal document the Declaration of Independence, and as the fathers were then imbued with the spirit of liberty so we to-day are inspired not only to vindicate our rights as a free people to protect our flag and our citizens but we go forth to battle for humanity and civilization and to preserve those principles without which the world must lapse into darkness and barbarism. [Applause.]

The United States of America has long been hailed as the "land of opportunity" for every well-meaning individual and as a haven for the oppressed. But in these days the Republic meets with its opportunity and with the spirit of the early days hovering over us, with the inspiration of the sacrifices of the heroes of the Civil War, sacrifices by the men in the blue and the men in gray, for both were prompted by their convictions of the righteousness of their cause, we go forth to avail ourselves of the Nation's great opportunity.

Ah, my colleagues fortunate we are that we have as Chief Executive and the Commander in Chief of the Army and Navy, one who can so magnificently express the aspirations of America, the ideals of the Republic, and the hopes of the liberty-loving people throughout the earth. He may truly be called "the spokesman of liberty." However much men may differ on economic policies or on questions dividing the two great political parties in our country to-day, how patriotically these partisan matters have been put aside.

Our purpose, our desires, and our understanding in this terrible crisis have been set forth by our President, clearly and unselfishly, and we as a united people rally about our banner, now the model of a world emblem, with confidence and courage and with pure vision.

We know that gloom and depression may await us from time to time as we proceed along war's highway, but we know also that the pages of history show no permanent setback or pause in the march of progress and civilization.

For our boys now facing the enemy and for those on the sea, and for those in preparation, and those to be called let our fervent prayers go to the Almighty, for their preservation, success, and guidance and for our own confidence and steadfastness, and that the victory which awaits us may not be long delayed.

Let us as a people unite in thought, word, and action.

Let us recall the sentiments of the signers of the Declaration of Independence and apply them to our present situation and to our declaration of war, passed by the Congress in the early days of April, 1917; and for the support of that declaration, with a firm reliance on the protection of Divine Providence we pledge our lives, our fortunes, and our sacred honor. [Applause.]

The Clerk read as follows:

And also, for creating, maintaining, and operating at technical schools and colleges courses of instruction for aviation students, including cost of instruction, equipment, and supplies necessary for instruction, and subsistence of students while receiving such instruction, $884,304,758.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. We are about half way through the aviation language as near as I can tell by hastily turning over the pages of the bill. This appropriates now or reappropriates or makes available all unexpended balances, as I gather from a hasty glance, heretofore appropriated for aviation, adding to it also $884,000,000 plus. I can not with a hasty reading conceive of anything that is not covered in the way of authority for preparation of this service, including creation of schools, colleges, instruction anywhere and everywhere without limit. I am not criticizing that, perhaps it is necessary. Of course, we have got to have faith in making these appropriations, as well as other appropriations, in the administration in the expenditure of the money. If it is not a wise expenditure we are in a bad way, because you can not conceive of anything in connection with this service that can not be done, and perhaps ought to be that way; but I would like to know how much there is now unexpended, how much contracted for that has not been paid, and is being appropriated for either in this bill or by the deficiency bill.

Mr. DENT. Mr. Chairman, there are so many figures involved in this bill that my memory may not be exactly accurate. I put in the RECORD on yesterday the amount that had been actually spent up to the 30th of April, and the balance that had been contracted for, and my recollection is that the amount expended was about $316,000,000, and the amount contracted for was about $433,000,000, in round numbers.

Mr. CANNON. That makes——

Mr. DENT. Makes about $749,000,000.

Mr. CANNON. Seven hundred and forty-nine millions, and there is yet available for expenditure, how much?

Mr. DENT. Four hundred and thirty-three million.

Mr. CANNON. Yet available?

Mr. DENT. That has all been contracted for.

Mr. CANNON. I do not ask the gentleman to be exactly accurate, but there has already been paid out of the Treasury——

Mr. DENT. More than $300,000,000 of the appropriations made last year.

Mr. CANNON. More than $300,000,000.

Mr. DENT. Three hundred and sixteen million dollars.

Mr. CANNON. And there have been contracted for $400,000,000?

Mr. DENT. More; $433,000,000.

Mr. CANNON. And there is available by authority of legislation and appropriation and authority to contract, how much?

Mr. DENT. All that is contracted for.

Mr. CANNON. Is the whole of it obligated?

Mr. DENT. The balance that has been unexpended.

Mr. CANNON. And only about $316,000,000 actually paid out?

Mr. DENT. Yes, sir.

Mr. CANNON. And then we add thereto $884,000,000, $304,000,000 being additional appropriations?

Mr. DENT. That is in order to carry out the air program for next year, the total program.

Mr. CANNON. This is available in foreign countries and available in the United States and covers everything, being enough and general enough to cover any possible expenditure that might be made for this service?

Mr. DENT. Undoubtedly.

Mr. CANNON. Including education and that kind of thing?

Mr. DENT. Certainly.

Mr. CANNON. How many aviation stations are there now?

Mr. DENT. Twenty-seven.

Mr. CANNON. Twenty-seven, in round numbers. Is it contemplated, if the gentleman knows from the hearings, to expend any more money to erect additional aviation stations? In fact, there is power, of course, to erect 27 or even 100 more stations.

Mr. DENT. My recollection is not distinct upon that subject, so I would like to consult the record.

Mr. GARRETT of Texas. If the gentleman will permit me, Gen. March testified before the committee that it was not the intention to construct any more aviation camps, although we might possibly have to construct one or two more. They expected filling and refilling what they had as fast as possible.

Mr. DENT. And possibly they would construct two or three more, but that program has not been agreed upon.

Mr. CANNON. That being the case, did the committee consider the wisdom or possibility that there would be two or three

more constructed, to be added to the 27? Did they take into consideration the propriety of limiting the construction of additional plants, say, to 2, 3, 5, or 10?

Mr. DENT. The committee never considered putting any limitation on the War Department in that matter.

Mr. CANNON. Still, the committee is satisfied it will not be done.

Mr. DENT. All the committee knows is the statement of the gentleman from Texas [Mr. GARRETT], a member of the committee, as to what Gen. March said.

Mr. CANNON. Now, Gen. March did say that there would be from two to three?

Mr. DENT. Probably; but that program has not been agreed upon.

Mr. CANNON. Was he asked?

Mr. GARRETT of Texas. I will say to the gentleman that he expressed himself more on the point that there would not be any, but if men were called out more rapidly than now anticipated there might be two or three more.

Mr. CANNON. Well, in peace we would not think of doing anything more than to appropriate for the present, and the two or three or four more, as the case might be; but there is absolutely no limitation here.

Mr. DENT. No one made any suggestion to the committee that there ought to be any limitation put upon the War Department in this matter in time of war.

Mr. GREENE of Vermont. If I may be permitted to suggest, I think we will find that there is a natural and automatic limitation because of the scarcity of men who are competent to teach fliers. There are not enough men now for what aviation camps we have in service, and there are not likely to be any for some time to come in excess of the number now sufficient for the camps we have established.

Mr. CANNON. I notice, however, that we can get those who are not American citizens. We can get them from our allies, and pay them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask that the gentleman from Illinois be given five minutes more.

Mr. CANNON. Well, I just want information. I thank the gentleman from California.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Illinois may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Vermont. If I may be permitted to continue, those additional men we get occasionally from our allies are simply the few that can be spared from the front and who have perhaps made some distinguished record and are entitled to a change and rest and whose splendid accomplishments make them splendid teachers. But they are limited in number and, of course, could not take care of the great bulk of the men.

Mr. CANNON. It is the condition that limits?

Mr. GREENE of Vermont. Yes, sir.

Mr. CANNON. Was he asked if it was contemplated to take men and educate them from the ground up? He has power to send them to college.

Mr. KAHN. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. KAHN. The provisions contained in the bill permit him to send them to college for special training for aviation purposes. The Aviation Section has organized some schools where they teach men to be mechanicians, so that they can become proficient in the art of producing planes and repairing planes. The matter of fact is that the Aviation Section now has on its rolls more applicants for training as fliers than they can accommodate. It will take many months, I am told, before all those who are now on the rolls awaiting an opportunity to be trained can be sent to the various schools for training. Their school facilities are all taken at the present time. Of course it takes some months to train them in the ground school; it takes some months to train them in flying. I think in flying it takes all of six months, and probably longer. In the ground schools they generally take three months. But those schools are kept going and are turning out men for the service just as rapidly as they can be turned out.

Mr. CANNON. I did not intend to offer any amendment to this bill, but I wanted to be informed. If it had been possible in the judgment of the committee reporting this bill to have made ample provisions and put some limitation in, whatever it might be, it seems to me that possibly it might have been wise. I am not one of those who seek to make trouble by word or interview in any way as to Army expenditures. But suppose there is somebody that has unlimited authority who is so inclined, might that criticism have been avoided by placing an ample limitation instead of giving unbounded authority, as the department would have, to take 10,000 or 50,000 or 100,000? I am not intimating that they would.

Mr. GREENE of Vermont. If I may say so, of course there would be no purpose in establishing a school in addition to those already in existence if there were no persons to teach in that school, and they are hard up for teachers now in the schools that they have. It is a peculiar art and one that requires such a time in which to acquire proficiency and competency that it is evident it will be at least several months before they will be even threatened with a surplus of competent teachers.

Mr. CANNON. In the present condition as to aeroplanes and engines there is much of criticism, and I do not know whether it is well founded or not. I hope and trust and believe that it is not well founded. However, it may be well founded to some extent. The query is: If there had been greater care in placing limitations, if that had been possible, in the appropriation of the great lump sum, might we not have avoided, perhaps, much of useless criticism?

Mr. GREENE of Vermont. The trouble is that in aviation it is literally true that the sky is the limit. Nobody knows exactly how much you can or must provide for.

Mr. CANNON. That is all. I beg the gentleman's pardon for not having read his remarks in the RECORD, but we are all so busy, you know, and the print is so fine, that gentlemen have to be more industrious than I am to get outside of everything that is going on.

Mr. ANTHONY. Mr. Chairman, I would like to say to the gentleman from Illinois that the trouble with last year's appropriation was not the fact that there were no limitations on the expenditure of the money, but the trouble was due to the lack of business judgment and common sense on the part of the men in whose charge those great appropriations were placed. The mistakes were that they did not proceed at once with the manufacture of approved types of foreign engines and foreign planes, but instead wasted five or six months of valuable time in trying to develop an engine of their own.

That, in my opinion, is the one and only reason why we have not secured the adequate supply of combat planes that we were promised by the War Department when they asked for the big program of last year, and, in my opinion, it is explained in no other way. But this House and the committee have got to place some degree of reliance in the hope that those responsible will avoid the errors of last year, and from the fact that they have recently really made some progress, as I believe they have, gives me confidence that from now on we will get dollar for dollar in airplanes out of the immense sum we are again appropriating for this year.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GORDON. Is it not a fact that time was necessary to build these factories and to create this organization and prepare these men and officers to train the fliers? Was not that one cause of the delay?

Mr. ANTHONY. Yes; but the vital mistake the department made was that it did not take advantage of existing manufacturing facilities to secure immediate production. For example, a contract was placed with the Curtiss Co. for Spad machines, an approved type of French pursuit machine. That factory was making good progress toward the manufacture of those machines and the fulfillment of the contract when the order was countermanded and they were put to work at something else. Mr. Potter told us the other day that he would have been glad if the Curtiss Co. had been permitted to carry out the original contract, because we would then have had these Spad machines by now in actual use on the American fighting lines in France, where they are so badly needed.

Mr. GORDON. Was that not one of the contracts countermanded by command of Gen. Pershing, who ordered them to stop?

Mr. ANTHONY. I do not care who made the order. It was a fatal blunder. There is no reason why the department should have given or approved such an order on somebody else's say so.

Mr. GORDON. I understand they gave it on Gen. Pershing's order.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. LITTLE. At what point have they arrived in the preparation now?

Mr. ANTHONY. It is my understanding that they have developed a large number of plants, and that from now on production will come through in fairly good shape. Blunders have

been made in the past through the lack of the exercise of common business sense, as I stated.

Mr. LITTLE. How soon will they begin to turn out the planes?

Mr. ANTHONY. I believe the production of Liberty engines is beginning to show results, and the production of planes is beginning to make itself felt.

Mr. LITTLE. I mean finished machines.

Mr. ANTHONY. We are getting some finished machines. Of course, you have got to get the engines first. We can not give the definite figures as yet, but we have to rely on the statements of the aircraft people.

Mr. LITTLE. That is the trouble. We can not get any definite figures.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GARRETT of Texas. In the remarks of the gentleman from Nebraska [Mr. SHALLENBERGER] on yesterday he gave the latest figures of production that the gentleman is calling for.

Mr. ANTHONY. There is one thing that the members of the Committee on Military Affairs should not want to do. We do not want to gloss over the blunders of last year. I do not think this House should put itself in the position of apologizing for blunders that have been made and our almost complete fall down in the actual production of fighting aircraft. The War Department promised us 22,000 planes on the battle front in July for the $640,000,000 that we appropriated. Congress did its part; we gave them the money. Instead of the 22,000 promised, we will have inside of 500 battle planes on the fields of France by July 1.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CANNON. It is much easier, in connection with anything that has been attempted, to criticize, looking through the hindsight, than it is to construct without mistake in the future. Now, I am not criticizing, because if there be mistakes I am not familiar enough with the subject to know whether or not they might have been avoided. I am not criticizing until I have further knowledge, and the only object that I had in asking the question that I asked was to ascertain whether the committee has investigated and thought that there might be limitations placed upon the language.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ANTHONY. The gentleman from Illinois suggested that limitations be placed on this appropriation. What limitations would the gentleman suggest?

Mr. CANNON. I know that you have spent the time since last December on this bill, while I have been busy since last December upon other bills that took up all my time as a member of the Committee on Appropriations. I am not suggesting limitations at all, because I know that sometimes "fools rush in where angels fear to tread." I am merely asking the question whether it was considered that this general authorization that covers, touching this branch of the service, all things, might not have been limited. I do not say that it ought to have been, but the question arose in my mind. I have eased my mind and will sit down.

Mr. ANTHONY. Let me say to the gentleman from Illinois that it is the impression of the committee that the aircraft work is now in competent hands. As one member of the committee, I was greatly impressed by Mr. Potter, the civilian who has been placed in charge of the aircraft production. He strikes me as a high-grade type of American business man, who is going to bring some order out of that chaos, and is going to give us airplanes. I do not believe there has been any criminal graft in the dispersion of that $640,000,000 that we gave them last year. I hope that the President has not limited the scope of the Hughes inquiry to violations of law alone. I hope this investigation will be broad enough to fix complete responsibility for the failure of our aircraft program. I think Mr. Justice Hughes will be sent on a wild-goose chase if he expects to find criminal graft in the work of American Army officers. They are not men, as a rule, who do that kind of business. Their business methods will be found clean. For many years no scandal has attached to the administration of the business side of the Regular Army. There may have been and were mistakes of judgment, but I do not believe graft will be found in the military administration part of the program. I believe that we can safely intrust the expenditure of this $884,000,000 to the men now in charge, and I believe we will get results from now on.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes; I yield.

Mr. ALEXANDER. The gentleman emphasizes the lack of efficiency in the past. Nearly every day we read in the newspapers of the loss of life at these flying schools. Is that a result of defects of the machines?

Mr. ANTHONY. We are informed that it is not due to defective machines, but that it is due to defective judgment of the men themselves. I have also been told by French officers that the loss of life which we sustain in our training activities is no greater than that which is sustained by the French in their training, and that when a man loses his life it is generally due to his own error.

Mr. ALEXANDER. Is there any way of correcting that by more efficient supervision?

Mr. ANTHONY. I think not. I think it comes largely from overconfidence of the man himself.

Mr. GORDON. If the gentleman will yield, Gen. Squier said before our committee that every precaution had been taken to safeguard the lives of these men, and that the loss of life in this country, in proportion to the number engaged, was less than in any other country in the world.

Mr. ALEXANDER. Oftentimes it occurs that the machine collapsed, which shows that there must have been some defect in the construction of the machine. Are these machines which are furnished to these student aviators of a type that will reasonably insure safety in these experiments?

Mr. ANTHONY. I will say to the gentleman from Missouri that perhaps one trouble is that we have had too large a variety of training planes. The department was compelled to order them from every available source, and instead of having a few models that they could absolutely rely upon and understand, we probably had a dozen or twenty models of training planes. There is perhaps some error there.

Mr. ALEXANDER. The subject is engaging the attention of the department, and they are trying to diminish the loss of life, are they?

Mr. ANTHONY. Unquestionably they are trying to extend every safeguard.

Mr. CRAGO. It was testified before our committee that the percentage of accidents to the number of men engaged in training was less than among the men who are driving automobiles in the country; that more men, in proportion to the number engaged, are killed by automobile accidents than by aeroplane accidents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman or some member of the committee a question. What bureau or individual will have actual authority over the expenditure of the $840,000,000?

Mr. DENT. The Aviation Section of the Signal Corps, recently reorganized by the President.

Mr. LONGWORTH. Does the gentleman refer to the reorganization made under the Overman law?

Mr. ANTHONY. Is it not a fact that the reorganization was made two weeks before the Overman law was passed?

Mr. LONGWORTH. I want to know whether the reorganization has been confirmed under the authority given in the Overman law.

Mr. KAHN. Mr. Chairman, I believe that the reorganization of the Aircraft Board took place several months ago, but that Mr. Potter took charge some time in February or April.

Mr. GORDON. In February.

Mr. LONGWORTH. That was after the breakdown?

Mr. KAHN. Yes; and there has been no reorganization since Mr. Potter took charge. I should say perhaps Mr. Ryan, for of course he is at the head of the department, although Mr. Potter is doing the work.

Mr. DENT. I understand the reorganization is to be continued, it may have been announced, but it is to be continued as now constituted.

Mr. LONGWORTH. The $840,000,000 is mostly for the production of aircraft. Who has the actual authority over the expenditures of that money; is it Mr. Ryan?

Mr. KAHN. Yes; Mr. Ryan and Mr. Potter.

Mr. LONGWORTH. This appropriation comes in the provision with regard to the office of the Chief Signal Officer. As a matter of fact, will the Chief Signal Officer or any member of the military branch of the Government have the authority to spend this money?

Mr. DENT. I do not know that I can answer the question definitely. It is my understanding that they have separated

the officers of the Regular Establishment of the Signal Corps from the aviation.

Mr. ANTHONY. Will it not be safe to say that it will be apportioned by the Chief Signal Officer but not spent until they get the authority from the Secretary of War?

Mr. LONGWORTH. Now, the gentleman says the Secretary of War.

Mr. ANTHONY. It is my opinion that the Secretary of War passes finally on every great expenditure.

Mr. LONGWORTH. It seems to me that a direct answer ought to be given as to who spends this money.

Mr. KAHN. If the gentleman will refer back to page 8, line 8, he will find that $105,946,054.17 are appropriated for the Signal Corps. This appropriation is for aviation.

Mr. LONGWORTH. Precisely; and that is the appropriation I refer to and the question I am asking. The chairman of the committee says the Chief Signal Officer has control, the gentleman from Kansas says the Secretary of War, and the gentleman from California says Mr. Ryan. Which is right?

Mr. DENT. The gentleman did not understand me to say that the chief signal officer had control of expenditures.

Mr. LONGWORTH. The gentleman said the most of it would be expended under the chief signal officer.

Mr. DENT. I said it would be expended under the men who had charge of the aviation section.

Mr. LONGWORTH. Is that right?

Mr. DENT. Gen. Kenly is at the head of one branch; Mr. Ryan at the head of the other.

Mr. LONGWORTH. Have they concurrent jurisdiction?

Mr. DENT. No; one has jurisdiction of the personnel and one of the production.

Mr. LONGWORTH. The gentleman said that this was almost entirely for production.

Mr. ANTHONY. Mr. Potter is chief of the aircraft production and, in my opinion, would have charge of the money for the aircraft production. I believe that on all of these expenditures the Secretary of War finally passes.

Mr. LONGWORTH. But the gentleman says that Mr. Ryan has not control, is not the actual head of the new organization; that he has not the disposition of the funds.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. I ask for five minutes more; I think we ought to know something about this. I am seeking for information, and I think the House and the country ought to have it.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LONGWORTH. No two members of the Military Affairs Committee agree.

Mr. DENT. I do not see any great difference between us.

Mr. LONGWORTH. The gentleman from Kansas says that Mr. Ryan thinks he has the authority, but he does not; that it is the Secretary of War.

Mr. DENT. He thinks finally that it goes to the Secretary of War, and of course it does, because they are all under the Secretary of War.

Mr. ANTHONY. Mr. Potter is the real man, although Mr. Ryan is nominally the head.

Mr. LONGWORTH. The excuse given for the breakdown of the aircraft program has been that there was no definite authority at the head of it; that there was red tape; that men would make contracts and then revoke them. That is what the gentleman from Kansas said. I want to know whether under the new reorganization that has taken place that red tape is to be avoided and that there will be a responsible head who can go ahead and make contracts and have the contracts carried out and expend the money. Is that true or is it not under the new organization?

Mr. TILSON. Mr. Chairman, I do not know that an additional member of the Committee on Military Affairs can give any additional information.

Mr. LONGWORTH. We would like an additional authority.

Mr. TILSON. I will give the gentleman such information as I have. Woodrow Wilson is not only President of the United States, but is Commander in Chief of the Army and the Navy. Mr. Baker is the Secretary of War and, under the President, has complete control over military matters, including these appropriations. The Aircraft Production Board is an arm of the Secretary of War in carrying out the orders of the Commander in Chief, the President.

Mr. LONGWORTH. Not under the Overman Act.

Mr. GORDON. Oh, yes; exactly that—under the Overman Act. That is just what that act is.

Mr. LONGWORTH. At any rate, that is not done under the Overman Act.

Mr. TILSON. It has not been done as yet. I wish to go further and say that it will depend upon the Secretary of War as to which one of these officials really has the final say, because, after all, the Secretary of War has that authority under the Commander in Chief. Therefore, if the Secretary of War shall direct that Mr. Ryan as head of the Production Board shall control it, then Mr. Ryan will control it. If the Secretary of War says that Mr. Potter shall control it, he will control it.

Mr. LONGWORTH. Has the Secretary of War not yet spoken? Has he not made any order of that sort?

Mr. TILSON. I have not seen any order of that kind.

Mr. LONGWORTH. Then, so far as the gentleman understands it now, Mr. Ryan is not in control and has not authority over expenditures or the making of contracts.

Mr. TILSON. I have this information: That Mr. Ryan has been placed, by the direction of the Secretary of War or by the President, in control of the production of airplanes.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. The President has designated him. but, as the gentleman says, the Secretary of War has power to say whether he shall have power or not, and he has made no such declaration.

Mr. TILSON. The Secretary has the power under the President, as I have stated. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. It is quite possible that the carrying out of these contracts will run further than the Secretary of War. I am told that Mr. Ryan is going west in a short time to investigate some said-to-be necessary railroad building into the Federal domain—the forest reserves—involving in one case the expenditure of nearly $3,000,000, and the final authority for the appropriation of that $3,000,000 may come from the Secretary of the Treasury, in his capacity as Director General of the Railroads, upon the recommendation of Mr. Ryan. To secure still more spruce than the Government is getting it is thought to be necessary to build railroads into the forest reserves. Otherwise a great supply of spruce for airplanes next year can not be guaranteed. I mention this to show how, of necessity, the authority divides.

Mr. TILSON. I do not know as to that or whether it includes any appropriation in this bill. If so I do not know about it. So far as the appropriations in this bill are concerned, they are under the direction of the Secretary of War ultimately—that is, subject to the orders of the Commander in Chief.

Mr. LONGWORTH. I have had a very large amount of variegated information upon this subject, but as I gather from what I now know the authority to expend this $844,000,000 is in the hands of a certain number of persons unknown.

Mr. SNYDER. Possibly the same ones that had it before.

Mr. LONGWORTH. Then where have we gotten?

Mr. GILLETT. Mr. Chairman, I wish to say a word in response to what was said by the gentleman from Kentucky [Mr. FIELDS]. I agree substantially with most of what he said; I agree heartily with his suggestion that we ought not to exaggerate or become hysterical in the criticisms of what is done by the departments. I do not believe that an investigation of this Aircraft Board is going to reveal graft. I do not think the officers in charge, either of the Regular Army or those drawn from civil life, have been grafters. But that serious mistakes have been made we all know. I wish to say a word about them from a little different angle than the gentleman from Kentucky [Mr. FIELDS].

What seems to me a subject for criticism is that after we had vested in the administration these enormous sums, soon after the outbreak of the war, for the first six or seven or eight months in which they were being expended, there was an attitude on the part of those who were spending them that everything was going smoothly and perfectly, and that all criticism was wrong; that no one should venture to make any suggestions; that there was nothing that needed investigation. That, it seems to me, was the attitude in all of the departments of the war, or of those who had control of these enormous expenditures, until the investigation and disclosures by the Senate Military Committee, and then because the country had been given to understand that everything was going so perfectly a revulsion came, and the country was probably overcritical, because beforehand they had not been allowed to be critical at all. It seems to me that there was the mistake, and now we find there have been blunders in other branches. This comes forcibly to my mind because I remember that on the 1st of February I went home to Springfield to make an address. I then told my people that whereas there were obviously deficiency and mistakes and sad delays in most of the war preparations, there was one department I was assured was up to schedule and doing splendidly,

and it was the one bright spot in our military organization, and that was the aircraft production. I said that because only a few days before the Secretary of War and Gen. Squier had been before the Committee on Appropriations and had given us that assurance. I have since looked up the record of that hearing, and I find that what was said was not sent back to us and printed. I do not condemn the Secretary of War and Gen. Squier for stating that. I suppose one of two things was true—either they did not know the conditions of the aircraft production at that time, or else they saw good and sufficient reasons why it was not wise that the Committee on Appropriations should know, and I appreciate that sometimes it is not well for military reasons that department heads should take Congress into their confidence.

Now, I do not know which of those two was true; but I do know I felt rather mortified after I had made this very encouraging and I thought assured statement at home to find I was wholly mistaken and misled. And I think, as the gentleman from Kentucky says, it is not strange, it is inevitable, that mistakes should be made; but I suspect the trouble probably was that all the departments did not for several months appreciate the tremendous magnitude and intensity of the struggle, did not appreciate how valuable time was, and did not devote that intense energy and earnestness of purpose that the crisis demanded. And I think it was unfortunate that a policy was adopted of concealing from Congress and the country the conditions that existed, of discouraging and deprecating investigation, instead of recognizing that it was better that the truth should be known and mistakes admitted and remedied as they occurred. It was not until these revelations came from the Senate committee that the departments did wake up and appreciate and perhaps themselves for the first time find out that there were things in their jurisdiction that needed investigation and overhauling, and since then I am happy to believe that there has been quite a change of attitude. We know there has been an important change of personnel, and I am hopeful that during the last few months and at present our war preparations are going on not only on a larger scale but with greater speed, intensity, vigor, and perfection than they were before.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Texas. Mr. Chairman, replying to the last statement made by the gentleman from Ohio [Mr. LONGWORTH] that the amount of money called for in this appropriation is to be managed or controlled by some unknown person, I do not think that statement should go into the RECORD unchallenged. The gentleman from Connecticut [Mr. TILSON], a member of the committee, answered the gentleman completely when he said that this appropriation, as all other appropriations making provision for the Army, comes directly under the Secretary of War. Aside from the declaration of war and the act providing for the raising of the Army, fixing the age limit for the draft of soldiers, the number of men to be called into the service, and so forth, all other powers for the conduct of this war lodged with the President as Commander in Chief of the Army and Navy, assisted by the Secretary of War and the Secretary of the Navy, under rules and regulations to be prescribed by him. Is the objection of the gentleman to this appropriation that the person who is going to sign the draft or warrant is not named? If so, I ask him when did this House ever pass an appropriation bill of any kind where, when it made an appropriation, it specified the name of the person or individual that was to superintend or supervise the expenditure of the money?

Would the gentleman go out here in this 10-acre lot of new buildings, filled with hundreds of officers and clerks for the Quartermaster's Department, and when we reach that item in the bill would he have you specify the head of each of those departments to spend the money for fuel, forage, horses for the Artillery and Cavalry, and the thousand and one other different items, all of which come under separate items, all of which are controlled by rules and regulations prescribed by the War Department for their payment and for their settlement? If that is what the gentleman objects to, then I think his objection is wholly unfounded, and if he objects to the appropriation itself how much does he object to and how much would he want it to be?

Mr. LONGWORTH. If the gentleman will permit, I desire to say I am not objecting to the appropriation. I am simply asking for information, and I have received from various members of the committee different information. The chairman of the committee told me that this was to be expended by the Aviation Section. Another gentleman told me that it was to be expended by Mr. Ryan, another by Mr. Potter, and now the gentleman says it is to be expended by the President. I am in favor of the appropriation. I was in hopes that this new organization was one so that the members of the Military Committee at least could tell me as to whether the red tape had been abolished, the power to contract put in the hands of one man or one bureau, and that they now ought to be relieved of the chaotic conditions that broke down the former aircraft production.

Mr. SHALLENBERGER. Mr. Chairman, I will give the gentleman, to the best of my ability, the information for which he is asking. It is in the hearing. On May 7, when the Secretary of War first appeared before us, a statement was made in reference to the reorganization, and in the first place it was stated—

> So far as the production end of it is concerned we have Mr. John D. Ryan, who is at the head of that, and he will be prepared to give you the information you want in regard to that phase of the subject.

Mr. John D. Ryan is at the head of the production department. On page 90 of the hearings the chairman of the committee asked Mr. Potter—

> What is your position?

He replied:

> I am chief of the equipment division of the Signal Corps.

He makes no claim whatever that he is the head of the production department. He states specifically that he is chief of a particular division under the control of the chief of production, Mr. John D. Ryan, and he is responsible to the Secretary of War, and the Secretary of War is responsible to the President of the United States. There is no conflict of authority, but it is very clearly and definitely defined, as I have stated it to you.

Mr. LONGWORTH. Then the gentleman thinks Mr. Ryan would have power under this to make contracts himself and find the money to carry out those contracts?

Mr. SHALLENBERGER. He has authority to make contracts and authority, subject to the approval of the Secretary of War, to disburse this fund.

Mr. GARRETT of Texas. Just like under all the other departments, the Quartermaster's Department. They have civilians in various branches here occupying positions of this kind with reference to the Army.

Mr. GREENE of Vermont. If the gentleman will permit me, I think it is the policy with this appropriation, as it is with all others, that something like a tentative allotment is made in the council of the General Staff, that allotment being based on the existing state of the military situation and different necessities as they are called for and given from time to time with constantly augmented information. They tentatively set out sums of money to be expended for certain purposes. Of course, they probably do not exercise direct control over the expenditure in its detail afterwards.

Mr. HUSTED. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the chairman of the committee admitted very frankly yesterday that there were more student aviators that had gone through the ground school than there were training planes for their use. Of course, that is a very unfortunate situation. That condition has existed, to my knowledge, for several months, and in order to relieve that condition the Signal Corps stopped all enlistments in the Aviation Section. I do not know whether they have opened up again or not, but they were stopped for a long time.

Mr. DENT. I understand they have not been opened up.

Mr. HUSTED. They have not been opened up. They were stopped in the early part of the winter. Of course, that is a bad situation, a very serious one, and it is one of the respects in which the partial failure of the Aircraft Production Board has injured the cause. But certainly the student aviators were not responsible for that condition and they should not suffer for it. Yet they have been made to suffer for it. Those men enlisted in the Aviation Section with the understanding that they would receive $100 a month and 60 cents a day for rations. Well, when it became known that all of these men could not be used in the flying training schools they were drilled as privates in Infantry companies, and their pay was reduced from $100 a month to $33 a month and their ration allowance was reduced from 60 cents a day to 39 cents a day. Now, if that had only continued for a week or two it would not have been much of a hardship, but it continued longer than that; it continued for a month or two, and it has worked a very great hardship.

Mr. GORDON. Will the gentleman yield?

Mr. HUSTED. In just a minute, when I get through.

I have in mind the case of a young man who enlisted. He was 30 years of age and had a wife and two children. He enlisted with the understanding that he was to receive $100 a month and 60 cents a day for rations until he received his commission as a lieutenant in the Flying Corps. He was drilled as a private for a couple of months at $33 a month and 39 cents a day for rations, and if he had not had a little money saved up it would have created a very serious situation for his wife and his two children.

Now, I only mention this in order that it may receive the serious attention of the committee and that something may be done to relieve this condition. But, of course, it should have been relieved by producing more aeroplanes. That is the basis of the trouble. We did not have planes enough, and I think there are a good many reasons why we have not planes enough other than causes absolutely beyond the control of the Aircraft Production Board.

I think, in the first place, that they have wasted altogether too much time in experimentation; that they have not been practical; that they have devoted their whole energy, for example, to producing a better aircraft motor than any other aircraft motor in the world, without knowing whether that experiment was going to be a success or a failure. The practical thing to do, as any manufacturer in the country would admit, was to go ahead and build those types of motors and those types of planes which were known to be practical for war service, and then to carry on the experimentation work on the side in the hope of developing something better than anybody else had ever yet produced. That was the practical thing to do, but during this long period we did not produce any planes. They were experimenting on the Liberty motor. They were not practical in their work in the Aircraft Production Board.

And there is another respect in which they made a great mistake. They waited a long time before they would adopt any particular class of planes, and the reason they gave me for not doing it was, as they said, "You know the Germans have only two types of planes. Everybody knows that the allies have about 50 types of planes, and these types are changing so constantly that it is impossible for us to tell what type of plane to adopt." And I suggested to them if it had ever occurred to their minds that the time might pass by when planes of any type were needed while they were making up their minds as to the types of plane to adopt. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last two words.

Of course, I am not authorized to speak for the War Department's policy, and it probably requires no explanation to this House why I will not. At the same time, as a member of the Committee on Military Affairs and present from time to time at the hearings in consideration of these appropriation and other military bills that have engaged our attention through the past winter, I have heard repeatedly the announcement from some apparently authorized witness that this change was made, or this plan was undertaken, or this system was adopted, or this method was experimented with, because Gen. Pershing sent word from France that he would like to have it done. And little by little it grew upon the consciousness of the committee that the War Department was deferring in most, if not all, of these matters to the advice, counsel, suggestion, or request of Gen. Pershing. By and by this idea materialized to such a substantial extent that it was officially stated in so many words that the War Department did not undertake to run the war in France from this distance; that it did not seek to impose upon Gen. Pershing any limitations that might not be well conceived at the distance of 3,000 miles across the sea; and that it proposed to leave his hands free and his judgment untrammeled, so as to be able to say at the close of the war that whatever happened to Gen. Pershing or his military adventure it could not be argued that he had been hampered or restrained or limited in any mischievous way by any War Department policy initiated on this side of the ocean.

Now, of course, that is a very wise, a very practical thing to do. All we have to do to obtain anything like a confirmation of our judgment as to that is to turn back to the pages of the story of the Civil War and to see how our generals in the field through those four bloody years were handicapped right and left, harassed and pursued, limited, hampered, and sometimes utterly defeated in their military purpose by the intrigues at Washington. I say it is undoubtedly a wise thing for the department to adopt that substantial basis for its policy—that Gen. Pershing shall have, humanly speaking, what he asks for, and with that, of course, we make no question.

But I am reminded, however, of a very natural and a very insidious tendency of human nature in this connection. I wonder if from time to time it has not already displayed itself rather covertly in the departments of the Government and whether we may not again expect to see it from time to time as the future develops.

Those of you who read and love the works of Charles Dickens will remember that in David Copperfield he had a firm of attorneys, Spenlow & Jorkins, and that it was the policy of this firm of lawyers to let Mr. Spenlow do all the business with the public in the front office, while Mr. Jorkins lurked down the corridors in an obscure office in the building and never was in sight. Every time anybody went to Mr. Spenlow for something that Mr. Spenlow wanted him to have it was all right; but any time that anybody went to Mr. Spenlow for something that Mr. Spenlow did not want him to have, Mr. Spenlow, to his great regret, and pathetically expressed regret, would say, "I would be glad to do this thing for you if I could, but Jorkins is obdurate, stubborn, and unyielding, and Jorkins will not let me do it." And so for years and years this firm carried itself along the primrose path of legal dalliance by Spenlow always charging off to Jorkins what Spenlow did not want to do. But one day David Copperfield, having, as he thought, a very serious errand to Spenlow & Jorkins, and being confronted with this customary statement by Mr. Spenlow, turned right out of the office, went down the hall, and faced the lion in his den. This was the first time it had ever happened to Mr. Jorkins. Mr. Jorkins was a mild, modest, peaceful little man, who did not dare say his soul was his own, and when David laid the case before him Mr. Jorkins took his hat and fled and was not seen there for a month. [Laughter.] This was the monster Jorkins upon whom all those things for years had been laid by Mr. Spenlow.

I will not follow up the moral and apply it, because I am speaking to men who have undoubtedly read it ahead of me. I do not know how many of the things that have happened and the things that will happen in the War Department have been and will be laid upon Gen. "Jorkins" Pershing in France, but I fancy that things that can not be explained in any other way here in America may be explained by the idea that Gen. Pershing wanted it.

In making this remark I do not want to be charged with any sinister intention. I am making it in all good faith. I think it is wise to give Gen. Pershing a free hand in all matters in a common-sense way, but human nature is human nature, and I doubt very much whether that policy, so announced and frequently announced, can always be conjured up as the proper and only reason why things are done on this side of the water that perhaps turn out to be failures. I think maybe if this struggle goes on and we are required from time to time to look into and investigate the conduct of the war we may very well keep in mind this suggestion. I believe it may yet prove to be a touchstone by which we can test out the origin of or responsibility for certain policies and satisfy ourselves about their character and reason for being. [Applause.]

Mr. WALDOW. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALDOW. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WALDOW. Will the gntleman yield?

Mr. GREENE of Vermont. Yes.

Mr. WALDOW. Has the gentleman any information relative to the orders from Gen. Pershing, or anyone else in France, asking us not to build training planes at this time?

Mr. GREENE of Vermont. I recall no specific instance. I know only now and then that some particular thing is passed off at the moment by saying, "This is as Gen. Pershing wanted it."

Mr. WALDOW. Does the gentleman know of any specific instance?

Mr. GREENE of Vermont. I am not referring to any specific instance, and I am making no charges as to particulars. I am merely making this suggestion in good faith. It is something that it will be well to remember and keep in mind when various important matters more or less certain to develop in this war are brought to us that we shall have to determine with great care.

Mr. KAHN. The fact is that the manufacture of training planes has been discontinued because they have as many as they require.

Mr. GREENE of Vermont. There is no trouble about making the training plane, relatively speaking. I understand its production has gone on quite satisfactorily.

Mr. SNOOK. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Certainly.

Mr. SNOOK. Can the gentleman tell me whether the $884,000,000 covered by this item includes everything incident to the support and expense of the aircraft program?

Mr. GREENE of Vermont. I do not know of any considerable sums in other places in the bill that could be charged off to the Aviation Section of the Signal Corps.

Mr. SNOOK. Does this include the pay?

Mr. GREENE of Vermont. No. That is in the Quartermaster's Department. There may be some items which in a bookkeeping way trace themselves back to the Aviation Section.

But that suggestion leads me to another phase of this subject, which I hope I may be pardoned for dwelling upon for a moment. The gentleman's question was, in substance, "Does this cover all probable expenses of the Aviation Section for the coming year?" We mean to be thoroughly frank and open and candid with the committee in making the statement that, reduced to its plainest terms, the figures we have brought in in this bill are the last guess of the War Department, refined perhaps at places, certainly moderated a little bit in places now and then, by the guess we added to it. Of course such items as pay and the specific allowances that are set down to be spent for this and that and the other thing established by law are all regulated by the law itself, and the figures simply follow automatically in the bill. But when it comes to providing supplies for the Army and for unusual and sometimes unexpected contingencies for the maintenance of the armies in the field we have simply got to guess, and guess with a prayer in our hearts as we do it. There is no other way. One may very easily lay down, for instance, in peace times a certain definite sum of money, well limited by what practical experience and observation have shown to be a reasonable policy, and say that this part of the Army or that part of the Army shall have that sum of money, and no more, for its maintenance and maneuvers, for drill and training, and so on. That is easily done, because even if the sum shall not prove to be sufficient it is not a great hardship that the activities should temporarily cease along that particular line. But, involved in this great war, no man can foresee from one day's end to the other what sums may be necessary for one particular item incident to the support and maintenance of an army in the field. It is utterly impossible.

For instance, we will direct your attention very soon to appropriations which are asked by the engineers in the field. In normal times we could try to build up not only the amount of property in the shape of engineering field material that was necessary for drilling and training but a certain amount that could be added to the reserve supply always properly to be kept in store. But in the active operations in the field the engineers to-day, for instance, are trying to lay down some piece of engineering work. It is characteristic of this work that the material is largely expended in its use. There is no recovery. There is no reclamation of it under ordinary circumstances, especially when it is used in tactical operations in the field. But even at that, our engineers may lay down perhaps $100,000 worth of property of a substantial nature ordinarily likely to be serviceable for some time.

To-morrow morning the German has made his raid, he occupies that terrain, and that property is all abandoned into his hands and must be charged up to our appropriation account. Next week perhaps our engineers are laying down a pontoon bridge across a stream. They are starting it systematically, with material enough apparently to perform this very necessary task in the midst of a conflict. Then all at once they are surprised by the Germans, and the first attempt of the Germans is to prevent the laying of the pontoon bridge. It is so urgently necessary to the security of our troops or to the advance of our strategic program that the engineers persist in their attempt to lay this pontoon bridge. The Germans meanwhile are shelling it and destroying much of the material almost as fast as it is laid down. Before that bridge is completed perhaps there has been destroyed in the work leading up to its completion enough material to have laid that bridge several times over, all gone in the twinkling of an eye, as one might say.

To-day we have a million dollars' worth of shells in an ammunition dump somewhere in France. To-night an enemy aeroplane drops a bomb on it, and it is no more.

Those are only sample suggestions, but I hope they illustrate to you quite plainly how utterly impracticable it is for men to sit down here together, even in the gravest council, and try to see if they can approximate with anything like a sensible determination how much money we shall place against every item in this bill. It seems to me the only thing we can do is to be governed by the instinctive patriotic purpose that wells up in the heart of every one of us, and let so much of the restraints of bookkeeping go for the present. The only thing we can be assured of is such certainty of honesty of accounting as will show us by and by where every dollar went, and that every dollar went for an honest purpose through the hands of honest men.

Something has been said about the size of this appropriation, and the question has been asked as to whether the committee has employed its opportunities for examination of witnesses and other methods sufficiently to be reasonably certain that these appropriations have been prepared with something like proper scrutiny and care. I need perhaps only to suggest to you that as this item which we are now considering came down to us by estimate it was for $1,038,000,000. We have, through counsel with those who appeared before us and through some investigations as to the purposes for which these things were likely to be used or must necessarily be used, scaled that down to $884,304,758. Of course, that is no guaranty that the sums we have set against the items in the bill will be the limit of the expenditure, because certainly you and I know that if it became necessary to spend more in order to keep our Army in the field in this emergency we would shoot against the wall the man who obstinately and needlessly waited until Congress convened before he spent the money. There would be no question about that.

Mr. LONGWORTH. Did not the original estimate also include the $105,000,000?

Mr. GREENE of Vermont. That is for the Signal Corps.

Mr. LONGWORTH. That has nothing to do with this?

Mr. GREENE of Vermont. No. So this one instance perhaps may be accepted by you as a sufficient guaranty of the good faith we have tried to exercise in scrutinizing all the other items of the bill and in scaling down the sums submitted. There is so much that we must take upon credit, there is so much that we must take upon faith, in the awful uncertainties of the world's most awful war, that we do not pretend to be exact after the manner of a cash register, but we do want to be sensibly liberal. [Applause.]

Mr. HARRISON of Virginia rose.

Mr. KAHN. Mr. Chairman, I will yield for my colleague on the committee, Mr. HARRISON of Virginia, if he desires some time.

Mr. HARRISON of Virginia. Mr. Chairman, I want to go back to what was brought up here yesterday in regard to the cost-plus form of contract. I do that because in all of the war activities there was no misrepresentation which was more generally circulated in certain sections of the district I have the honor to represent than the criticisms of that form of contract. I took up this matter with the War Department in order to get a concrete and concise statement as to the truth about this form of contract. I have a letter from Col. Marshall, of the Quartermaster Corps, in charge of the construction division, which I desire to read. I also have the report of the commission on whose recommendation this form of contract was adopted, and I also have the form of the contract itself, which I will ask leave to put into the RECORD, so that we will have before us in concrete shape the exact truth about these contracts.

Mr. ANTHONY. Will the gentleman state again what the nature of the contract was?

Mr. HARRISON of Virginia. The cost-plus contract, which gives the contractor a commission on the actual cost. The letter from Col. Marshall is as follows:

WAR DEPARTMENT,
OFFICE OF CONSTRUCTION DIVISION,
Washington, April 18, 1918.

Hon. T. W. HARRISON,
House of Representatives, Washington, D. C.

MY DEAR SIR: Your letter of April 10 addressed to the Acting Quartermaster General of the Army, with inclosure from Mr. Walter Campbell, of Luray, Va., has been referred to this office for consideration and reply.

It is unquestionably true that the most erroneous impression has been spread abroad regarding the real method of work pursued in connection with the construction of the War Department during the past months. It has been repeatedly stated, although the statement has been many times shown to be without foundation, that there was no check upon the contractors in the way of prevention of inordinate swelling of the cost of the work, and that the contractor could, by increasing the cost of the work, almost without limit increase his own profits pro tanto.

As a matter of fact, the contractor in all the jobs of any magnitude under the direction of the Construction Division has received a compensation which netted him a very low percentage indeed. For example, the average percentage of the entire cost of the National Army cantonments which was received by the contractors as their fees was under 3 per cent. The compensation of the contractor is graduated on a sliding scale, so that the higher the cost of the work the lower the percentage of such cost which represents the fee of the contractor. In addition to this, there is an absolute check on the amount which can possibly be received by the contractor under the form of contract used. A stated maximum is fixed, beyond which no money can be received by the contractor, no matter how much the job may cost.

Inasmuch as in most cases this maximum, figured on a percentage basis, was reached comparatively early in the job, it is directly to the interest of the contractor to finish the job as quickly as possible to decrease the expense of the same in order that his overhead may be cut down.

Inclosed herewith is a photostat copy of the findings of the committee which was appointed to make a thorough investigation of the emergency form of contract and to report any substitute therefor or improvements thereon which might be devised. The report speaks for itself.

Inclosed herewith also is a copy of the emergency form of contract, under which all work of any size under the direction of this office is done.

It is believed that this letter and inclosed documents completely answer the points raised by your correspondent.

Very respectfully,

R. C. MARSHALL, JR.,
Colonel, Quartermaster Corps, National Army,
In Charge of Construction Division.

The report of the commission and the form of the contract are as follows:

MARCH 15, 1918.

To Lieut. Col. R. C. MARSHALL,
Quartermaster Corps, National Army,
In charge of Cantonment Division.

SIR: The committee invited to advise in regard to methods of executing construction work under the direction of the Cantonment Division begs to report as follows:

The committee has not felt that a study of the details as to form and content of the contract form proposed is embraced in the scope of the invitation presented, and it has therefore limited its consideration to the purchase and hire method and to the various schemes of contractual relations which might be established for emergency construction work between the Government on the one hand and the constructing agencies on the other.

Broadly speaking there is but one alternative to the usual method of executing work through the process of letting it under some one of the various forms of contract, and that is by purchase and hire, which means, in effect, the forming of the operating organization, the purchasing of all material, and the hiring of all labor by the Government itself. The main objections to this method may be summarized as follows:

The most vital prerequisite to the successful and speedy prosecution of emergency construction work is an efficient field organization. This takes time and experience to assemble, and such organizations must be tried out to insure efficiency, and it seems apparent that the valuable time lost in such process is an insuperable objection to this method. The committee believes existing contractors' organizations should be maintained and fostered, as they constitute, in the opinion of the committee, important factors in the economic life of the Nation and of exceeding importance to its progress when the war is over. These organizations have been built up through the course of many years, and they should not be disrupted or destroyed if their services may be utilized in the work proposed. Serious embarrassment is likely to arise from placing employees on the construction work under the rules and regulations imposed on all Government employees. The difficulty of adapting such rules and regulations to the character and conditions of the work in the various sections of the country would be a very serious drawback in the judgment of the committee.

The administration of work under this method would create an unwieldy organization in Washington. The vast amount of the work proposed and its varying character, and the fact that it is so widely scattered over the country, would make it almost impracticable to attempt to administer it all through a central office, and if it is attempted to decentralize it by transferring final authority to each piece of work it practically becomes an agency contract.

Such a system might be applicable to a project of colossal magnitude under conditions in which time is not of the essence of the contract and might conceivably be a sheer necessity where sanitation, policing, and other governmental functions could not be adequately provided for in any of the usual contractual forms.

The committee finding none of the conditions which would recommend this method of procedure present in the emergency construction work contemplated, and finding on the contrary many serious objections, advises that the "purchase and hire" method be not used.

The committee advises, therefore, that the projected work be executed under some form of contract with existing contracting organizations, and the committee has weighed carefully the advantages and disadvantages of the various methods in common use, with reference to the particular problems presented by the type of projects and the conditions imposed by their emergency nature as well as the abnormal conditions of the labor and material market produced by war conditions.

A few years ago the lump-sum contract was the one most commonly employed, and for it were claimed many advantages for both parties thereto which are to-day found to exist in all the contractural instruments which are equitably drawn. There could be no possible objections to the "lump-sum" contract were the Government dealing with clearly delineated problems to be executed under stable peace conditions always provided that the bidders be selected for their fitness and capabilities to properly perform the work, but the committee finds the following vital defects to which it begs to call to your attention.

No steps may be taken until drawing and specifications are complete, the bids taken, and the contract awarded, and thus would be lost those precious months which may be measured not in dollars but in lives.

The history of war-emergency construction shows the development of many projects originally small by comparison into works of great magnitude and importance, and for such development the "lump-sum" plan is too inflexible to operate satisfactorily; administration costs must increase in adjusting important changes, while inequities and dissatisfaction are bound to arise. In such an unstable market as exists costs must be figured by the contractor high enough to provide a margin to cover unforeseen and uncontrollable changes in the prices of material or labor which would result in a speculative price which would be disadvantageous to the Government.

Your committee advises, therefore, that the "lump-sum" method be not used.

There is a variant to the foregoing which provides for a lump-sum contract to cover the original project, with a cost-plus remuneration for changes and extensions, but since the main objections inherent in the straight lump-sum method are present here also the committee advises that it be not used.

On an emergency contract of intermediate extent an admirable method in normal times is an agreed fixed price on such units of construction as per yard of concrete in place, per thousand bricks in the wall, etc.; but here again the committee finds that existing conditions and the extreme variations in scope of the work rob it of its sole advantage—exact adjustment by final survey. A fairly complete knowledge in advance of the conditions under which concrete is to be poured and steel fabricated and erected obviously controls a close estimate for the establishment of equitable unit prices, and so this method acquires many of the objections advanced against the "lump-sum" method. For these reasons the committee advises that the "unit-price" method be not used.

One other type of contract should be mentioned before presenting the scheme the committee unanimously advises, and that is the agency form of contract. The agency contract must be founded upon, and its successful use depends upon securing those absolutely essential conditions of mutual trust and confidence which grow alone from long and satisfactory association in the position of owner and contractor; its principal use is confined to undertakings of such magnitude as to be beyond the financial capacities of the strongest contracting organizations, and unless contemplated projects embrace work of so extraordinary a character we deem its use unwise, particularly as an agent could involve the Government in onerous obligations.

Having advised therefore that these various forms be not used, and for the reasons stated, the committee unanimously concurs in advocating what may be termed "the cost plus," a sliding scale fee scheme of contract for both general contracts and subcontracts. In its general application it enjoys the same confidence in the building world as to the equities as does the lump-sum contract, as is evidenced by its very extensive use. Its essential features are its applicability to projects great and small—its extreme flexibility with automatic adjustment of all variations in plan and scope. Under its terms the rates of pay for labor are known to be more equitable than under other methods; it requires for its successful application a painstaking review of the records and standing of contractors just as is now made under existing methods to insure the selection of an organization which measures up to the requirements of the contemplated project, but without working any hardship, since no one can escape the axiom that in the final analysis each job can go only to one contractor. The committee believes that one of the objections charged to this form of contract is that it encourages extravagance and holds open temptations to increase costs, because such increase is accompanied by increased compensation. The general form of contract now in use by the cantonment division, in which the percentage decreases as the cost increases and is broken by fixed fees at intervals, seems calculated to effectually check, if not prevent, this tendency. Moreover, under the contract proposed the Government retains the right to control the prices of most materials and of labor. Under these circumstances it does not seem to the committee that such an objection would have any force in relation to this form of contract. No reasonable objection can be pointed out by anyone possessing a full understanding of its equitable operation in practice, and finally this scheme appeals to the committee as possessing one qualification which must commend it to all thinking men—it permits starting actual work weeks and even months before the details are completely worked out and delineated, and permits the Government to push the job at any speed it may elect, changing at will its plan and scope, but paying only what the work actually costs plus a fee which is so reasonable as to be above the reach of fair-minded criticism.

The committee therefore advises for emergency construction work by the cantonment division the scheme of contract known as "cost of the work plus a sliding-scale percentage with a maximum upset fee."

Respectfully submitted.

A. N. TALBOT, *Chairman.*
JOHN LAWRENCE MAURAN, *Secretary.*
JOHN R. ALPINE.
FREDERICK L. CRANFORD.
CHARLES T. MAIN.
OSCAR A. REUM.
R. G. RHETT.
E. W. RICE, Jr.

NOTE.—The committee invited to advise in regard to methods of executing construction work under the direction of the cantonment division was as follows:

John R. Alpine, general president United Association of Plumbers and Steam Fitters, representing the American Federation of Labor.

Frederick L. Cranford, president General Contractors' Association of New York, Brooklyn, N. Y.

Charles T. Main, president American Society of Mechanical Engineers, Boston, Mass.

John Lawrence Mauran, president American Institute of Architects, St. Louis, Mo.

Oscar A. Reum, representative of the president of the Building Construction Employers' Association, Chicago, Ill.

R. G. Rhett, president Chamber of Commerce. United States of America, Charleston, S. C.

E. W. Rice, president American Institute of Electrical Engineers, Schenectady, N. Y.

A. N. Talbot, president American Society of Civil Engineers, Urbana, Ill.

CONTRACT FOR EMERGENCY WORK.

CONSTRUCTION OF ———.

Contract made and concluded this — day of ———, 191—, by and between ——— ———, a corporation organized under the laws of the State of ——, represented by ——— ———, its president, party of the first part (hereinafter called contractor) and the United States of America, by ——— ——— (hereinafter called contracting officer), acting by authority of the Secretary of War, party of the second part.

Whereas the Congress having declared by joint resolution approved April 6, 1917, that war exists between the United States of America and Germany, a national emergency exists and the United States urgently requires the immediate performance of the work hereinafter described, and it is necessary that said work shall be completed within the shortest possible time; and

Whereas it is advisable, under the disturbed conditions which exist in the contracting industry throughout the country, for the United States to depart from the usual procedure in the matter of letting contracts, and adopt means that will insure the most expeditious results; and

Whereas the contractor has had experience in the execution of similar work, has an organization suitable for the performance of such work, and is ready to undertake the same upon the terms and conditions herein provided:

Now, therefore, this contract witnesseth, that in consideration of the premises and of the payments to be made as hereinafter provided, the contractor hereby covenants and agrees to and with the contracting officer as follows:

ARTICLE I.

EXTENT OF THE WORK.

The contractor shall, in the shortest possible time, furnish the labor, material, tools, machinery, equipment, facilities, and supplies, and do all things necessary for the construction and completion of the following work:

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in accordance with the drawings and specifications to be furnished by the contracting officer, and subject in every detail to his supervision, direction, and instruction.

The contracting officer may, from time to time, by written instructions or drawings issued to the contractor, make changes in said drawings and specifications, issue additional instructions, require additional

work, or direct the omission of work previously ordered, and the provisions of this contract shall apply to all such changes, modifications, and additions with the same effect as if they were embodied in the original drawings and specifications. The contractor shall comply with all such written instructions or drawings.

The title to all work completed or in course of construction shall be in the United States; and upon delivery at the site of the work, and upon inspection and acceptance in writing by the contracting officer, all machinery, equipment, hand tools, supplies, and materials, for which the contractor shall be entitled to be reimbursed under paragraph (a) of Article II hereof, shall become the property of the United States. These provisions as to title shall not operate to relieve the contractor from any duties imposed hereby or by the contracting officer.

ARTICLE II.

COST OF THE WORK.

The contractor shall be reimbursed in the manner hereinafter described for such of its actual net expenditures in the performance of said work as may be approved or ratified by the contracting officer and as are included in the following items:

(a) All labor, material, machinery, hand tools not owned by the workmen, supplies and equipment, necessary for either temporary or permanent use for the benefit of said work; but this shall not be construed to cover machinery or equipment mentioned in section (c) of this article. The contractor shall make no departure from the standard rate of wages being paid in the locality where said work is being done without the prior consent and approval of the contracting officer.

(b) All subcontracts made in accordance with the provisions of this agreement.

(c) Rental actually paid by the contractor, at rates not to exceed those mentioned in the schedule of rental rates hereto attached, for construction plant in sound and workable condition, such as pumps, derricks, concrete mixers, boilers, clam-shell or other buckets, electric motors, electric drills, electric hammers, electric hoists, steam shovels, locomotive cranes, power saws, engineers' levels and transits, and such other equipment as may be necessary for the proper and economical prosecution of the work.

Rental to the contractor for such construction plant or parts thereof as it may own and furnish, at the rates mentioned in the schedule of rental rates hereto attached, except as hereinafter set forth. When such construction plant or any part thereof shall arrive at the site of the work, the contractor shall file with the contracting officer a schedule setting forth the fair valuation at that time of each part of such construction plant. Such valuation shall be deemed final, unless the contracting officer shall, within five days after the machinery has been set up and is working, modify or change such valuation, in which event the valuation so made by the contracting officer shall be deemed final. When and if the total rental paid to the contractor for any such part shall equal the valuation thereof, no further rental therefor shall be paid to the contractor, and title thereto shall vest in the United States. At the completion of the work the constructing officer may at his option purchase for the United States any part of such construction plant then owned by the contractor by paying to the contractor the difference between the valuation of such part or parts and the total rentals theretofore paid therefor.

Rates of rental as substitutes for such scheduled rental rates may be agreed upon in writing between the contractor and the contracting officer, such rates to be, in conformity with rates of rental charged in the particular territory in which the work covered by this contract is to be performed. If the contracting officer shall furnish or supply any such equipment, the contractor shall not be allowed any rental therefor and shall receive no fee for the use of such equipment.

(d) Loading and unloading such construction plant, the transportation thereof to and from the place or places where it is to be used in connection with said work, subject to the provisions hereinafter set forth, the installation and dismantling thereof, and ordinary repairs and replacements during its use in the said work.

(e) Transportation and expenses to and from the work of the necessary field forces for the economical and successful prosecution of the work, procuring labor, and expediting the production and transportation of material and equipment.

(f) Salaries of resident engineers, superintendents, timekeepers, foremen, and other employees at the field offices of the contractor in connection with said work. In case the full time of any field employees of the contractor is not applied to said work but is divided between said work and other work, his salary shall be included in this item only in proportion to the actual time applied to this work.

(g) Buildings and equipment required for necessary field offices, commissary and hospital, and the cost of maintaining and operating said offices, commissary, and hospital, including such minor expenses as telegrams, telephone service, expressage, postage, etc.

(h) Such bonds, fire, public liability, employers' liability, workmen's compensation, and other insurance as the contracting officer may approve or require and such losses and expenses, not compensated by insurance or otherwise, as are found and certified by the contracting officer to have been actually sustained (including settlements made with the written consent and approval of the contracting officer) by the contractor in connection with said work, and to have clearly resulted from causes other than the fault or neglect of the contractor. Such losses and expenses shall not be included in the cost of the work for the purpose of determining the contractor's fee. The cost of reconstructing and replacing any of the work destroyed or damaged shall be included in the cost of the work for the purpose of reimbursement to the contractor, but not for the purpose of determining the contractor's fee, except as hereinafter provided.

(i) Permit fees, deposits, royalties, and other similar items of expense incidental to the execution of this contract, and necessarily incurred. Expenditures under this item must be approved in advance by the contracting officer.

(j) Such proportion of the transportation, traveling, and hotel expenses of officers, engineers, and other employees of the contractor as is actually incurred in connection with this work.

(k) Such other items as should in the opinion of the contracting officer be included in the cost of the work. When such an item is allowed by the contracting officer it shall be specifically certified as being allowed under this paragraph.

The United States reserves the right to pay directly to common carriers any or all freight charges on material of all kinds and machinery furnished under this contract and certified by the contracting officer as being for installation or for consumption in the course of the work hereunder; the contractor shall be reimbursed for such freight charges of this character as it shall pay and as shall be specifically certified by the contracting officer; but the contractor shall have no fee based on such expenditures. Freight charges paid by the contractor for transportation of construction equipment, construction plant, tools, and supplies of every character shall be treated as part of the cost of the work upon which the contractor's fee shall be based, provided that charges for transportation of such construction equipment, construction plant, and tools over distances in excess of 500 miles shall require the special approval of the contracting officer.

No salaries of the contractor's executive officers, no part of the expense incurred in conducting the contractor's main office, or regularly established branch office, and no overhead expenses of any kind, except as specifically listed above, shall be included in the cost of the work; nor shall any interest on capital employed or on borrowed money be included in the cost of the work.

The contractor shall take advantage to the extent of its ability of all discounts available, and when unable to take such advantage shall promptly notify the contracting officer of its inability and its reasons therefor.

All revenue from the operations of the commissary, hospital, or other facilities, or from rebates, refunds, etc., shall be accounted for by the contractor and applied in reduction of the cost of the work.

ARTICLE III.

DETERMINATION OF FEE.

As full compensation for the services of the contractor, including profit and all general overhead expense, except as herein specifically provided, the contracting officer shall pay to the contractor in the manner hereinafter prescribed a fee to be determined at the time of completion of the work from the following schedule, except as hereinafter otherwise provided:

If the cost of the work is $100,000 or under, a fee of 7 per cent of such cost.

If the cost of the work is over $100,000 and under $125,000, a fee of $7,000.

If the cost of the work is over $125,000 and under $450,000, a fee of 6½ per cent.

If the cost of the work is over $450,000 and under $500,000, a fee of $29,250.

If the cost of the work is over $500,000 and under $1,000,000, a fee of 6 per cent.

If the cost of the work is over $1,000,000 and under $1,100,000, a fee of $60,000.

If the cost of the work is over $1,100,000 and under $1,500,000, a fee of 5½ per cent.

If the cost of the work is over $1,500,000 and under $1,650,000, a fee of $82,500.

If the cost of the work is over $1,650,000 and under $2,200,000, a fee of 5 per cent.

If the cost of the work is over $2,200,000 and under $2,450,000, a fee of $110,000.

If the cost of the work is over $2,450,000 and under $2,850,000, a fee of 4½ per cent.

If the cost of the work is over $2,850,000 and under $3,250,000, a fee of $128,250.

If the cost of the work is over $3,250,000 and under $4,000,000, a fee of 4 per cent.

If the cost of the work is over $4,000,000 and under $4,250,000, a fee of $160,000.

If the cost of the work is over $4,250,000 and under $4,775,000, a fee of 3¾ per cent.

If the cost of the work is over $4,775,000 and under $5,175,000, a fee of $179,062.50.

If the cost of the work is over $5,175,000 and under $5,725,000, a fee of 3½ per cent.

If the cost of the work is over $5,725,000 and under $6,225,000, a fee of $200,375.

If the cost of the work is over $6,225,000 and under $6,825,000, a fee of 3¼ per cent.

If the cost of the work is over $6,825,000 and under $7,400,000, a fee of $221,812.50.

If the cost of the work is over $7,400,000 and under $7,750,000, a fee of 3 per cent.

If the cost of the work is over $7,750,000 and under $8,350,000, a fee of $235,500.

If the cost of the work is over $8,350,000 and under $8,800,000, a fee of 2¾ per cent.

If the cost of the work is over $8,800,000 and under $9,650,000, a fee of $242,000.

If the cost of the work is over $9,650,000 and under $10,000,000, a fee of 2½ per cent.

If the cost of the work is over $10,000,000, a fee of $250,000.

Provided, however, That the fee upon such part of the cost of the work as is represented by payments to subcontractors, under subdivision (b) of Article II hereof, shall in each of the above contingencies be 2½ per cent and no more of the amount of such part of the cost.

The cost of materials purchased or furnished by the contracting officer for said work, exclusive of all freight charges thereon shall be included in the cost of the work for the purpose of reckoning such fee to the contractor, but for no other purpose.

The fee for reconstructing and replacing any of the work destroyed or damaged shall be such percentage of the cost thereof—not exceeding 7 per cent—as the contracting officer may determine.

The total fee to the contractor hereunder shall in no event exceed the sum of ———, anything in this agreement to the contrary notwithstanding.

ARTICLE IV.

PAYMENTS.

On or about the 7th day of each month the contracting officer and the contractor shall prepare a statement showing as completely as possible: (1) The cost of the work up to and including the last day of the previous month, (2) the cost of the materials furnished by the contracting officer up to and including such last day, and (3) an amount equal to 2½ per cent, except as herein otherwise provided, of the sum of (1) and (2) on account of the contractor's fee; and the contractor at such time shall deliver to the contracting officer original signed pay rolls for labor, original invoices for materials purchased, and all other original papers not theretofore delivered supporting expenditures claimed by the contractor to be included in the cost of the work. If there be any item or items entering into such statement upon which the contractor and the contracting officer can not agree, the decision of the contracting officer as to such disputed item or items shall govern. The contracting officer shall then pay to the contractor, on or about the 9th day of each month, the cost of the work mentioned in (1) and the

fee mentioned in (3) of such statement, less all previous payments. When the statement above mentioned includes any work of reconstructing and replacing work destroyed or damaged, the payment on account of the fee in (3) for such reconstruction and replacement work shall be computed at such rate, not exceeding 2½ per cent, as the contracting officer may determine. The statement so made and all payments made thereon shall be final and binding upon both parties hereto, except as provided in Article XIV hereof. The contracting officer may also make payments at more frequent intervals for the purpose of enabling the contractor to take advantage of discounts at intervals between the dates above mentioned or for other lawful purposes. Upon final completion of said work the contracting officer shall pay to the contractor the unpaid balance of the cost of the work and of the fee as determined under Articles II and III hereof..

ARTICLE V.

INSPECTION AND AUDIT.

The contracting officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, to the work and material, and to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the contractor pertaining to said work; and the contractor shall preserve for a period of two years after its completion or cessation of work under this contract all the books, records, and other papers just mentioned. Any duly authorized representative of the contractor shall be accorded the privilege of examining the books, records, and papers of the contracting officer relating to said work for the purpose of checking up and verifying the cost of said work. The system of accounting to be employed by the contractor shall be such as is satisfactory to the contracting officer.

If at any time the contracting officer shall find that bills for labor, material, or other bills legitimately incurred by the contractor hereunder, are not promptly paid by the contractor, the contracting officer may, in his discretion, refuse to make further payments to the contractor until all such obligations past due shall have been paid. Should the contractor neglect or refuse to pay such bills within five days after notice from the contracting officer so to do, then the contracting officer shall have the right to pay such bills directly, in which event such direct payments shall not be included in the cost of the work.

ARTICLE VI.

SPECIAL REQUIREMENTS.

The contractor hereby agrees that it will:

(a) Begin the work herein specified at the earliest time practicable, and diligently proceed so that such work may be completed at the earliest possible date.

(b) Promptly pay for all labor, material, or other service rendered.

(c) Procure and thereafter maintain such insurance in such forms and in such amounts and for such periods of time as the contracting officer may approve or require.

(d) Procure all necessary permits and licenses, and obey and abide by all laws, regulations, ordinances, and other rules applying to such work, of the United States of America, of the State or Territory wherein such work is done, of any subdivision thereof, or of any duly constituted public authority.

(e) Unless this provision is waived by the contracting officers, insert in every contract made by it for the furnishing to it of services, materials, supplies, machinery, and equipment, or the use thereof, for the purposes of the work hereunder, a provision that such contract is assignable to the United States, will make all such contracts in its own name, and will not bind or purport to bind the United States or the contracting officer thereunder.

(f) In every subcontract made in accordance with the provisions hereof, require the subcontractor to agree to comply fully with all the undertakings and obligations of the contractor herein, excepting such as do not apply to such subcontractor's work.

(g) At all times keep at the site of the work a duly appointed representative, who shall receive and execute on the part of the contractor such notices, directions, and instructions as the contracting officer may desire to give.

(h) At all times use its best efforts in all its acts hereunder to protect and subserve the interest of the contracting officer and the United States.

ARTICLE VII.

RIGHT TO TERMINATE CONTRACT.

Should the contractor at any time refuse, neglect, or fail in any respect to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, the contracting officer may, at his option, after five days' written notice to the contractor, terminate this contract, and may enter upon the premises and take possession, for the purpose of completing said work, of all materials, tools, equipment, and appliances, and all options, privileges, and rights, and may complete, or employ any other person or persons to complete, said work. In case of such termination of the contract, the contracting officer shall pay to the contractor such amounts of money on account of the unpaid balance of the cost of the work and of the fee as will result in fully reimbursing the contractor for the cost of the work up to the time of such termination, plus a fee computed thereon at the rate or rates for monthly payments set forth in Article IV hereof; and the contracting officer shall also pay to the contractor compensation, either by purchase or rental, at the election of the contracting officer, for any equipment retained; such compensation, in the event of rental, to be in accordance with paragraph (c) of Article II, and in the event of purchase to be based upon the valuation determined by the contracting officer as of the time of his taking such possession. The contractor hereby agrees that such payments when made shall constitute full settlement of all claims of the contractor against the contracting officer and the United States, or either of them, for money claimed to be due to the contractor for any reason whatsoever. In case of such termination of the contract the contracting officer shall further assume and become liable for all such obligations, commitments, and unliquidated claims as the contractor may have theretofore in good faith undertaken or incurred in connection with said work, and the contractor shall, as a condition of receiving the payments mentioned in this article, execute and deliver all such papers and take all such steps as the contracting officer may require for the purpose of fully vesting in him the rights and benefits of the contractor under such obligations or commitments. When the contracting officer shall have performed the duties incumbent upon him under the provisions of this article, the contracting officer shall thereafter be entirely released and discharged of and from any and all demands, actions, or claims of any kind on the part of the contractor hereunder or on account hereof.

ARTICLE VIII.

ABANDONMENT OF WORK BY CONTRACTING OFFICER.

If conditions should arise which in the opinion of the contracting officer make it advisable or necessary to cease work under this contract, the contracting officer may abandon the work and terminate this contract. In such case the contcacting officer shall assume and become liable for all such obligations, commitments, and unliquidated claims as the contractor may have theretofore, in good faith, undertaken or incurred in connection with said work; and the contractor shall, as a condition of receiving the payments mentioned in this article, execute and deliver all such papers, and take all such steps as the contracting officer may require for the purpose of fully vesting in him the rights and benefits of the contractor under such obligations or commitments. The contracting officer shall pay to the contractor such an amount of money on account of the unpaid balance of the cost of the work and of the fee as will result in the contractor receiving full reimbursement for the cost of the work up to the time of such abandonment, plus a fee to be computed in the following manner: To the cost of the work up to the time of such abandonment shall be added the amount of the contractual obligations or commitments assumed by the contracting officer, and such total shall be treated as the cost of the work, upon which the fee shall be computed in accordance with the provisions of Article III hereof. When the contracting officer shall have performed the duties incumbent upon him under the provisions of this article, the contracting officer and the United States shall thereafter be entirely released and discharged of and from any and all demands, actions, or claims of any kind on the part of the contractor hereunder or on account hereof.

ARTICLE IX.

BOND.

The contractor shall, prior to commencing the said work, furnish a bond, with sureties satisfactory to the contracting officer, in the sum of ——— dollars, conditioned upon its full and faithful performance of all the terms, conditions, and provisions of this contract, and upon its prompt payment of all bills for labor, material, or other service furnished to the contractor.

ARTICLE X.

CONVICT LABOR.

No person or persons shall be employed in the performance of this contract who are undergoing sentence of imprisonment at hard labor imposed by the courts of any of the several States, Territories, or municipalities having criminal jurisdiction.

ARTICLE XI.

HOURS AND CONDITIONS OF LABOR.

No laborer or mechanic doing any part of the work contemplated by this contract in the employ of the contractor or any subcontractor contracting for any part of said work contemplated shall be required or permitted to work more than eight hours in any one calendar day upon such work, such prohibition being in accordance with the act approved June 19, 1912, limiting the hours of daily service of mechanics and laborers on work under contracts to which the United States is a party. For each violation of the requirements of this article a penalty of $5 shall be imposed upon the contractor for each laborer or mechanic for every calendar day in which said employee is required or permitted to labor more than eight hours upon said work, and all penalties thus imposed shall be withheld for the use and benefit of the United States. *Provided*, That this paragraph shall not be enforced nor shall any penalty be exacted in case such violation shall occur while there is in effect any valid Executive order suspending the provisions of said act approved June 19, 1912, or waiving the provisions and stipulations thereof with respect to either this contract or any class of contracts in which this contract shall be included, or when the violation shall be due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or property, or by other extraordinary events or conditions on account of which, by subsequent Executive order, such past violation shall have been excused.

In the event of any dispute with reference to wages, hours, or other conditions appertaining to said work, between the contractor or any subcontractor and labor employed by him on said work, the contractor or subcontractor shall immediately notify the contracting officer of the existence of such dispute and the reasons therefor. The contracting officer may, at his option, instruct the contractor or subcontractor involved in such dispute as to the method or steps which the contractor or subcontractor should follow with reference thereto, and the contractor or subcontractor shall thereupon comply with such instructions.

ARTICLE XII.

RIGHT TO TRANSFER OR SUBLET.

Neither this contract nor any interest therein shall be assigned or transferred. The contractor shall not enter into any subcontract for any part of the work herein specified without the consent and approval in writing of the contracting officer. In case of such assignment, transfer, or subletting without the consent and approval in writing of the contracting officer, the contracting officer may refuse to carry out this contract either with the transferror or transferee, but all rights of action for any breach of this contract by the contractor are reserved to the United States.

ARTICLE XIII.

NO PARTICIPATION IN PROFITS BY GOVERNMENT OFFICIALS.

No Member of or Delegate to Congress, or Resident Commissioner, nor any other person belonging to or employed in the military service of the United States, is or shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom, but this acticle shall not apply to this contract so far as it may be within the operation or exception of section 116 of the act of Congress approved March 4, 1909 (35 Stats., 1109).

ARTICLE XIV.

SETTLEMENT OF DISPUTES.

This contract shall be interpreted as a whole and the intent of the whole instrument, rather than the interpretation of any special clause, shall govern. If any doubts or disputes shall arise as to the meaning or interpretation of anything in this contract, or if the contractor shall consider itself prejudiced by any decision of the contracting officer made under the provisions of Article IV hereof, the matter shall be referred to the officer in charge of cantonment construction for determination. If, however, the contractor shall feel aggrieved by the decision of the officer in charge of cantonment construction, it shall have the right to submit the same to the Secretary of War, whose decision shall be final and binding upon both parties hereto.

ARTICLE XV.

This contract shall bind and inure to the contractor and its successors.

It is understood and agreed that wherever the words "contracting officer" are used herein, the same shall be construed to include his successor in office, any other person to whom the duties of the contracting officer may be assigned by the Secretary of War, and any duly appointed representatives of the contracting officer.

Witness the hands of the parties hereto the day and year first above written, all in triplicate.

By ——— ———, *President.*

Witnesses:
(1) ——— ———,
(2) ——— ———.

UNITED STATES OF AMERICA,
By ——— ———, *Contracting Officer.*

Witnesses:
(1) ——— ———,
(2) ——— ———.

SCHEDULE OF RENTAL RATES.

(The rates mentioned are per day.)

The following ranges of rental rates are shown only as an indication of what may be allowed. Rentals will be fixed by contracting officer, who will take into consideration sizes, capacities, conditions, and fair market valuations of equipment. Rentals for equipment not shown on list following will be fixed as provided in last paragraph of section (c) of Article II hereof:

Automobiles	$2.00 to	$8.00
Adding and listing machines and typewriters	.25	.50
Buckets, tipple, bottom dump, orange-peel, clam-shell, etc	.50	2.00
Boring machines, power driven	.20	.75
Back fillers, power driven	2.50	10.00
Block machines, concrete	———	———
Boilers, upright and horizontal	1.50	6.00
Cars, steel or wooden, contractors'	.40	2.00
Crushers, stone	———	———
Compressors	1.50	8.00
Derricks, with or without power	.50	20.00
Dirt spreaders	2.00	15.00
Diving outfits complete	———	———
Engines, skeleton, with or without slewing gears	2.00	5.00
Engines, traction	2.00	15.00
Hammers, riveting	———	———
Instruments, engineering	.25	1.00
Locomotives, narrow or standard gauge	5.00	25.00
Mixers, with or without power, equipped with loaders or not	1.00	8.00
Motorcycles	.25	1.00
Motors, electric	.25	8.00
Pumps, with or without power	.50	6.00
Pipe machines, with or without power	.50	6.00
Pile drivers, drop, steam-hammer or jet, with or without power	.50	25.00
Plows, not car unloaders	.25	1.00
Rail, per ton	———	———
Rollers, horse or power	.50	15.00
Scrapers, slip or wheel	.25	1.00
Saws, power	.25	5.00
Steam shovels	10.00	30.00
Skips, steel or wooden	.10	1.00
Trench diggers	10.00	30.00
Trucks, motor	1.00	25.00
Wagons	.25	1.00

Fuel, lubricants, and labor not included in the above.

It seems that this form of contract was resorted to after this commission had been appointed to investigate the whole subject as to what form of contract should be resorted to. In the next place it appears that the average percentage received by the contractors was less than 3 per cent on the amount of the expenditure, and in the next place it is shown that they can make no profit by continuing the work, because there is a limit to the compensation which they can receive, and after the work has reached that point then they must do all the work that is necessary to be done without further compensation.

Mr. KNUTSON. Will the gentleman yield for a question?

Mr. HARRISON of Virginia. Yes.

Mr. KNUTSON. What is that point?

Mr. HARRISON of Virginia. There is a maximum amount fixed in every contract, and they can receive no more, no matter what is the maximum cost. This contract is still in use in the construction department, as the result of long experience.

As to all these criticisms, criticism of these contracts, criticism of the aircraft construction, criticism of the medical department in regard to the care of the sick, criticism as to the construction of the cantonments, and criticism as to the ordnance, whenever an investigation has been made it has almost universally been found that there is not only a refutation of the charges, but a tribute to the efficiency of the War Department.

Mr. CANNON. Will the gentleman yield?

Mr. HARRISON of Virginia. I will.

Mr. CANNON. Let me put a case to the gentleman. I want to understand this. Suppose the contract was for $2,000,000. Up to that point the contractor would get the cost plus. If it went to $4,000,000 he would not get the cost plus beyond the $2,000,000, but he would get the cost of the additional two millions.

Mr. HARRISON. After he gets the commission on $2,000,000 it does not make any difference how much more the constructions cost, he gets no compensation for it whatever.

Mr. CANNON. But he gets the cost of the extra two millions, although he would not get the cost plus.

Mr. HARRISON of Virginia. He does not get anything; the Government furnishes the cost, and his compensation for supervision of the work is the commission on the cost.

Mr. CANNON. Precisely.

Mr. HARRISON of Virginia. He has nothing to do with the cost; it makes no difference what it costs because the Government pays it.

Mr. CANNON. If it went up to $4,000,000 he would get nothing in the shape of compensation for the extra two millions, but he would get the compensation, the 10 per cent on the $2,000,000.

Mr. HARRISON of Virginia. If the percentage was 10 per cent?

Mr. CANNON. Whatever it was.

Mr. HARRISON of Virginia. I understand that the average compensation given to the contractors is less than 3 per cent in all the construction work done by the Government.

Mr. HELM. Will the gentleman yield?

Mr. HARRISON of Virginia. Yes.

Mr. HELM. It has been stated on the floor that there are about 2,000,000 men in the Army. In that number of men it necessarily follows that there are a large number of men from every vocation of life.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HELM. I ask unanimous consent that the gentleman from Virginia have five minutes more?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HELM. The soldiers are used in France for construction work, constructing roads, railroads, and sent into the forests to hew timber. The point I want to get at is this: Whether out of this aggregate of two millions of men steps have been taken, or it is considered wise to undertake, to mobilize a construction force to be used in the construction of cantonments or such work as is now going on in Washington? That is to say, we have the engineers, we have the office of the Supervising Architect in the Treasury Department, we have the bricklayers, we have the masons, we have men who understand concrete and wood work; now, is it advisable or practicable, in order to get away from the extortionate and exorbitant prices that are being paid labor everywhere where there is work that enters into the cost-plus price, is it possible to organize out of these 2,000,000 men a sufficient force to do the construction work such as I have outlined, to the advantage of the United States and in the interest of economy?

Mr. HARRISON of Virginia. I will say that only in certain branches of industry are there troops specially enlisted and organized—such as for cutting timber and so forth. They have what they call the forest troops. But it would not be practicable to take men from a training for field service, develop them to serve on the battle fields of France, and then use them for construction work.

Mr. HELM. Is it not true that in France we are constructing immense warehouses, railroads, docks, and all kinds of work along that line? It occurs to me that it would be no degradation for soldiers who were brick masons and stonemasons or carpenters if they were organized into a construction force, so as to save millions of dollars that are being wasted in paying carpenters $6 or $7 a day, men who never used a handsaw. It looks to me like a feasible, sensible, practical, and economical thing to do.

Mr. HARRISON of Virginia. It may be that the gentleman from California can state; but I understand 40 per cent of the people carried to France are not used on the battle lines, but used for work.

Mr. KAHN. If my colleague will permit, there are special and technical troops who do the very work the gentleman from Kentucky speaks of and who are employed in doing that work in France to-day.

Mr. HELM. Why could not some of the technical troops be used in constructing the acres of buildings that are now being constructed in Washington, as well as in cantonment work?

Mr. KAHN. They are used in France altogether in doing that work of construction. It is all under the Engineer's Department. These troops have been enlisted in the Engineer's Department, all soldiers, and they are doing this very work.

Mr. HELM. If the soldiers in France are doing that work, would it be any degradation for the soldiers in the United States to do it?

Mr. HARRISON of Virginia. It would be impossible to draft men for military service and then divert them from the military training into construction work, but there are men specially enlisted into units for such purposes.

Mr. HELM. In a war of this magnitude, where construction enters into it in such enormous proportions, where an army is useless without it, is not the organization of construction forces as essential as any other force in the Army, or any other wing or branch of the Army? Would it not be a good, common sense thing and the part of wisdom to select out of these 2,000,000 men a construction force?

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. SNYDER. I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SNYDER. Will the gentleman yield?

Mr. HARRISON of Virginia. Yes.

Mr. SNYDER. Referring to the letter the gentleman has read, I take it that that refers only to the construction work of cantonments and does not apply to underwear, guns, and so forth.

Mr. HARRISON of Virginia. I have a letter from Gen. Goethals on that subject, in which he says that that form of contract is not used in his department.

Mr. SNYDER. The gentleman does not mean for us to understand that not more than 3 per cent was made on any contract, but that that was the average of all the contracts.

Mr. HARRISON of Virginia. That was the average of all the contracts. I have here the statement of the War Department that says that the average is not 3 per cent.

Mr. JOHNSON of Washington. Mr. Chairman, permit me to make a statement concerning the largest cantonment, and I made the same statement yesterday, the amount involved being over $6,000,000. The site, three times larger than the other sites in the United States, was given by the people and amounted to $2,000,000. The contractor was to receive an upset price of $250,000. Certain figures were taken away from that, so that when he came to final settlement he had less than 3 per cent, out of which he paid the war tax, and when he was through all that was coming to him was much less than $100,000.

Mr. COX. How long did it take him to do the work?

Mr. JOHNSON of Washington. Less than 90 days. He delivered the buildings ahead of time. They got so that they could raise 25 or 30 of these barracks in one day, and built them at the lowest cost of any cantonment.

Mr. COX. That is a pretty good wage for 90 days' work—$100,000.

Mr. JOHNSON of Washington. But the contractor did not receive anywhere near that sum net. He was the chief contractor, and he put up all of the money through the cooperation of the banks, and he did not receive settlement from the Government until just a few days ago. He was not overpaid for a great and successful work. The haste required some overpayments down along the line perhaps, but when one demands haste one pays for it always.

Mr. ANTHONY. Mr. Chairman, what the gentleman from Virginia [Mr. HARRISON] says in regard to the restricted profit on the construction of cantonments may be true, but I have come to the conclusion that the adoption of the cost-plus system by the War Department and other departments of the Government has led to a veritable riot of waste and extravagance in the expenditure of public moneys in the past year. While the profits of the contractor may have been limited, the cost-plus system has enabled those contractors to pay any price they pleased for labor and materials, and in my judgment much of this cost-plus work has cost the Government 50 per cent more than it should have cost, not only in the construction of buildings, but in the various other expenditures that have been made on the cost-plus basis. I want to call to the attention of the gentleman from Virginia the fact that in the construction of cantonments, it has been shown that where contracts have been let to the lowest bidder, as they were in a few instances for cantonment buildings, the cost was from about $70 to $90 per capita for the men housed, and where the cantonments were let on the cost-plus system with no restriction on the cost of labor and material, it resulted in a per capita cost of from $140 to $200. This has been shown not only in the records of the War Department, but in the records of the Navy Department.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MOORE of Pennsylvania. Is it possible that the President in his address to the House the day before yesterday, referring to profiteering concerning which he had information, could have had in mind those who have been making profits on the 10 per cent cost-plus system?

Mr. ANTHONY. I am not able to read the President's mind.

Mr. MOORE of Pennsylvania. The gentleman recognizes that the President in his address did state that there was a large amount of profiteering going on, and that the departments had the data and that the information was available.

Mr. ANTHONY. The President could easily find and trace enormous waste of public money under this cost-plus system. In the investigations of the Committee on Military Affairs I for one followed that question up. When the heads of the bureaus that had in charge these vast expenditures came before us I put direct questions to them on this point. For instance, I asked Gen. Dickson, who was in charge of the vast amounts we are appropriating for ordnance expenditures, what he thought of the cost-plus system, and he said it was bad business for the Government and that he was in favor of doing away with it. That the results to the Government were not good.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. COX. Is there anything in the pending bill that will prevent the letting of contracts in that way?

Mr. ANTHONY. There is nothing in the pending bill that will prevent it; but the gentleman from Kentucky [Mr. SHERLEY] the other day when he brought in the deficiency bill very wisely, in my opinion, incorporated a proviso that will save the Government millions of dollars. He provided that no work or contract to be made under or by authority of any provision of that act shall be done or made on or under a percentage or cost-plus percentage basis. The Appropriation Committee thereby condemned the whole cost-plus system, and that committee also provided that with any contract involving more than $1,000, no contract should be let until at least three responsible competing contractors shall have had opportunity to bid and be considered on that contract, all contracts to be awarded to the lowest responsible bidder, the Government reserving the right to reject any and all bids. That same proviso, in my opinion, should be in this bill.

Mr. JOHNSON of Washington. Does that apply to expenditures in the deficiency appropriation bill?

Mr. ANTHONY. Expenditures covered by the deficiency appropriation bill.

Mr. MOORE of Pennsylvania. I was wondering whether the Committee on Military Affairs was leaving this matter of profiteering to the Committee on Ways and Means to be dealt with on a tax basis? It may be we will have to look into that during the consideration of the revenue bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CANNON. The cost-plus basis was cut out by legislation in housing people at the various factories and in the construction of houses in the District of Columbia, and that clause amended to some extent the legislation that was enacted in the bill that was reported by the Committee on Public Buildings and Grounds, and for this reason, and this reason only, it was limited to $1,000; that when you build these houses and rent them they will need to be repaired, and it was thought this ought to be modified as to the $1,000, so as to enable them to keep up current repairs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none.

Mr. WILSON of Illinois. In the gentleman's opinion do not you believe that this cost-plus proposition has caused a great deal of delay in the construction of buildings and different works that have been going on?

Mr. ANTHONY. I want to say it has undoubtedly caused delay, and the only excuse for it has been the Government was laboring under an emergency and demanded action regardless of cost or price. More than anything else this cost-plus system absolutely stampeded the American labor market, causing disturbance everywhere. Perhaps the first few contracts for cantonments which were let could be justified under such a condition of emergency, but now there is absolutely no excuse for the continuation of such a system.

Mr. WILSON of Illinois. Has not the gentleman heard of instances of that kind where there has been a very great delay in the construction of buildings and plants, because it cost more and the contractor would make more out of it——

Mr. ANTHONY. I have heard all kinds of statements in reference to the cost-plus system. The charge made by the gentleman from Illinois is substantially correct.

We are appropriating eight hundred and eighty-odd millions of dollars for aircraft in this bill, which will be expended largely under the direction of Mr. Potter, who is chief of the aircraft production. Mr. Potter himself stated in the hearings, in answer to a direct question, that he does not believe that the cost-plus system is a good one. That it is bad business for the Government. I believe it would be a good policy, therefore, to get away from a system that is costing the Government millions of dollars in waste and extravagance and that future contracts should be let upon a practical business basis.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. ANTHONY. I will yield.

Mr. GRAHAM of Illinois. I am interested in what the gentleman is saying about the cost-plus proposition as compared with contracts for the cantonments. Are there any figures available to the Members of the House that show that situation?

Mr. ANTHONY. I will say to the gentleman that in the hearings published from the Naval Committee, under the head of "Cantonment construction for the Navy," figures are there given which show the per capita cost of such construction for the Navy under the cost-plus system runs about $180 to $190 per capita, and under the contract system—they let a number by contract—they cost $80 or $90 per capita. The only cantonment I know of which was let by the Army authorities on a contract basis cost $70 per capita, whereas the figures under the cost-plus system for all these other cantonments run up to nearly $200 per man in some instances. It is interesting to note that in the first estimates presented to our committee by the War Department for housing the first million men of our new Army the per capita cost in these estimates was $40 per man. It surely must be a wasteful and extravagant system which runs this cost up 300 per cent or more in many instances.

Mr. KAHN. Mr. Chairman, in regard to the expenditure of money appropriated for aviation, part of it will be expended by Brig. Gen. Kenley, the Chief of the Division of Military Aeronautics, and part of it by the Division of Equipment of the Signal Corps. Gen. Kenley will have charge of the payment for construction of camps, aviation fields, the salaries of employees, and officers in the Aviation Section. Mr. Potter's division will have charge of the expenditures for the contruction of aeroplanes, balloons, dirigibles, and the necessary machinery for operating those aeroplanes and balloons.

Mr. DOWELL. Will the gentleman yield?

Mr. KAHN. I will.

Mr. DOWELL. Will the gentleman give the committee what proportion of this appropriation will be used for the construction of aeroplanes?

Mr. KAHN. Oh, a very large proportion of the amount will be used for the construction of aeroplanes.

Mr. SHALLENBERGER. If the gentleman will permit, I have here the exact item, and I will give it. It is $668,534,436 for aeroplanes and plane engines alone.

Mr. DOWELL. That is for construction?

Mr. SHALLENBERGER. For construction of aeroplane engines.

Mr. KAHN. Now, in regard to the matter of the Aircraft Board that has been referred to so often in this debate, they have made mistakes in the past; there is no doubt about that. But when it was announced to the country that business men of the ability and standing of Mr. Coffin, of Mr. (now Col.) Deeds, of Mr. (now Col.) Thompson had been appointed to that board there was general satisfaction expressed in the press of the country and by the people of the country because those men were recognized successful business men. They had made a success of their own affairs, and it was believed that by patriotically coming to the assistance of the Government in this emergency they were doing a laudable and patriotic thing. Of course, the House and the country were led to believe that we would have an immense number of flying machines by the 1st of this July. The War Department itself gave out the statement that we would have 22,000 machines by the 1st of this coming July, and members of the Committee on Military Affairs believed the statements which were made before the committee. They had no reason to doubt those statements, and I honestly believe that the members of the Aircraft Board thought it would be possible to turn out that number of machines.

Mr. COX. Will the gentleman yield?

Mr. KAHN. I will.

Mr. COX. About how many will we have by the 1st of July?

Mr. KAHN. We have over 5,000 now.

Mr. COX. Have we them in France?

Mr. KAHN. We have a goodly proportion of them in France.

Mr COX. I have seen so many reports I would like to have some one state somewhat authoritatively.

Mr. KAHN. We went over that yesterday, if the gentleman will look at the RECORD. There are over 1,300.

Mr. DENT. Thirteen hundred and sixteen and 323 combat machines.

Mr. NOLAN. Will the gentleman yield?

Mr. KAHN. I will.

Mr. NOLAN. How many of them were built in this country?

Mr. KAHN. Those in France?

Mr. NOLAN. Yes.

Mr. KAHN. Nearly all were built abroad—in England and in France. I should say there are about 30 planes over there now which were built in this country?

Mr. NOLAN. Developed and built here?

Mr. KAHN. Yes.

Mr. NOLAN. And the rest have been built in France?

Mr. KAHN. And England. That is quite right.

Mr. DOWELL. Will the gentleman yield for another question?

Mr. KAHN. Yes.

Mr. DOWELL. What are the prospects now in this department for turning out these planes? What does the gentleman believe from investigation as to what we may expect from this department in the near future?

Mr. KAHN. I believe that the construction is proceeding very satisfactorily at the present time and that there will be a constantly increasing number of planes and engines every week from now on.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHALLENBERGER. Mr. Chairman, I wanted to bring out a little more, if I could, for the information of the committee, something in reference to the number of aviators that we are providing to operate the airplanes. The gentleman from New York [Mr. HUSTED] questioned the reason for the closing of the aviation schools to cadets. The gentleman from California [Mr. KAHN] brought this matter to the attention of Col. Arnold when he was before the committee, and asked him for the reason, and he replied that they have now 11,000 fliers and cadets training in the aviation schools, and when those aviators who are now in training in these schools are qualified and certified as fliers, we will then have enough fliers to require at least 40,000 or 50,000 aeroplanes, because it takes three or four aeroplanes to back up each flier. So with the present prospect for machines, we have now in training vastly more fliers than we can supply machines for.

Then, also, as to the number of enlisted men in the aviation department: The authorized enlistment was 120,000 men. They already have 138,000 men. This Aviation Service has been the most attractive service, apparently, of any in the Army. Men were anxious to get commissioned in the Aviation Service, which is an attractive thing for young men, because it is dangerous and the best paid service of all of the corps of the Army. Until a recent order of the War Department, a man, as soon as he was commissioned as a flier, received a commission as first lieutenant. Then he received, if he was a junior military aviator or reserve military aviator, an additional increase of 50 per cent in his pay. So the young military aviators coming into the service received pay equal to that of a lieutenant colonel of the Regular Army, although the lieutenant colonel of the Regular Army may have served 30 years in the Army.

This service was tremendously attractive to the young man. The aviator's service at the front is vastly different from that of other men in the Army. The Infantry and Artillery are in the front of battle, in the trench, and in the mud, and they have little opportunity to sleep when on active service, and that sleep is often in the mud and amidst the din of battle. The infantryman toils through the day and the night with his equipment on his back; the aviator and those who have charge of the machines that supply the aviator are miles in the rear, sometimes even out of the sound of the great guns. They have their quarters in which to sleep. They have the most desirable service, so far as the personal comfort of the soldiers is concerned, of any soldiers in the Army. So, because of the attractiveness, the better pay, the fact that the eyes of the world are on the service, young men came rapidly into the service. They closed those aviation schools because they had more aviators in training than there was any possibility of finding planes for. What we need most now is men in the Infantry and Artillery, who fight on the ground, and who must finally win battles. Because of the fact that the aviation service was attracting more men into the service than could be used at present, the department has closed temporarily entrance into that service.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. MOORE of Pennsylvania. How many men does it take to care for one aeroplane?

Mr. SHALLENBERGER. About 20 men.

Mr. KAHN. I think the testimony before the committee was that it required 30 men, but that they hope ultimately to cut that number down.

Mr. SHALLENBERGER. To 20. I think the gentleman is right.

Mr. MOORE of Pennsylvania. What is the average cost, if the gentleman can tell us, of an aeroplane—of a fighting machine?

Mr. SHALLENBERGER. We have different prices here. They run all the way at present from $5,000 to $10,000, according to the cost of the engine, largely.

Mr. MOORE of Pennsylvania. The gentleman's plea for the increase of the Infantry and Artillery appeals very strongly to me, and impels me to ask this question, which has frequently flitted through my mind in the consideration of this aviation question: After we have built the machines, after we have made all this expenditure upon them, after we have paid the flier this high salary, equal, as the gentleman indicates, to the pay of a lieutenant colonel in the Army——

Mr. SHALLENBERGER. That has now been changed. They only get commissions now as second lieutenants, but up until the 1st of January they were commissioned as first lieutenants; but they still get increased pay, also.

Mr. MOORE of Pennsylvania. After we have employed 30 other men to take care of the flier and his machine, what is the net result of the use of the machine except the killing of one man up in the air?

Mr. SHALLENBERGER. In my judgment the use of the aeroplane is largely to furnish eyes for the Army. It is as essential as any other corps of the service.

Mr. MOORE of Pennsylvania. It is exceedingly important as a matter of scouting work, I concede.

Mr. SHALLENBERGER. But we can not win the war with eyes only.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Nebraska have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. It would appear that the expense of the organization and the maintenance of one machine is very extensive.

Mr. SHALLENBERGER. But very essential.

Mr. MOORE of Pennsylvania. It takes a great deal of time to get ready. We will concede, for the purpose of argument and as a matter of fact, that as an eye of the Army the machine is of great value; but what is its actual value as a fighting machine, relatively? It kills one man if it comes in contact with the enemy.

Mr. SHALLENBERGER. My judgment is only that of a private citizen and not that of a military man, but I think that up to date the actual fighting of the aeroplane as directed against an opposition army it is very limited. Occasionally opportunities occur for these men to attack from the sky the men upon the ground and effect some loss of life; but so far as the actual field fighting is concerned or being able to drive the other army from the field, I do not think that Army men claimed that the Aviation Service attempts or expects to do that at all.

The CHAIRMAN. To whom does the gentleman yield?

Mr. SHALLENBERGER. I will yield first to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Modern artillery operations are almost impossible under certain conditions there on the western front without observation planes spotting the fire of the opposing batteries and giving information as to their location. They hover over that part of the German lines which is the objective and signal back to the artillery several miles in the rear as to where the shot went and where to place the next shot. That is taking the place the captain would have in the observation trench.

Mr. MOORE of Pennsylvania. Is that what you call scout duty?

Mr. GREENE of Vermont. That is strictly combat work.

Mr. KAHN. If my colleague will remember, the testimony before the committee was that the airplane does a great deal of bombing work and destroys the airdromes of the enemy, the ammunition dumps of the enemy, the transport trains, and does all kinds of damage, which makes it exceedingly hard for the enemy to continue his operations.

Mr. SHALLENBERGER. I think it could be stated fairly, as the gentleman from California has so well said, that the aviation department of the Army is absolutely essential to the Army. It has its particular province to perform, and because it was new and so essential our War Department offered special and attractive inducements to get young men to go into that service. And the point I want to make and call to the attention of the House is that the War Department has temporarily stopped these young men coming into the Aviation Service for the reason that it has at present and in training as many of these men as it could possibly use, and in order not to have a superabundance of those men, and in order to have these young men go into other branches of the service, they ask them to go to other schools.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. HUSTED. It was brought to my attention that a number of student aviators who enlisted under an understanding with the Government that they would receive commissions as first lieutenants were not in fact commissioned as first lieutenants, but as second lieutenants. I think an order was issued to the effect that all students in ground schools who did not complete their ground training before October 20, 1917, or, if in the flying school, should not complete their training and qualify before December 20, 1917, they could only be commissioned as second lieutenants, notwithstanding the fact that the Government practically entered into a contract with them by the terms of their enlistment that they would receive commissions as first lieutenant if they qualified in due course. Now, it seems to me that this was an injustice to those young men, and that something should be done to right that injustice.

I have the case of a young man who passed a very brilliant examination in the ground school, who went to a flying school, but who was unfortunate enough to be located in a flying school where there was a very inadequate number of planes, and he failed to receive his commission as first lieutenant. But there were other men who enlisted after he did who did not certainly do any better work in the ground school than he did, and who were fortunate enough to get into flying camps where there were more flying planes in proportion to the number of students, and who did receive commissions as first lieutenants.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SHALLENBERGER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. I yield.

Mr. GRAHAM of Illinois. I have observed quite a number of young men who have enlisted in the Aviation Section of the Signal Corps who have not been called to the training schools. Does the gentleman know from any information he has whether it is the purpose of the department to call all those young men who have already enlisted in that department for training as fast as they are needed?

Mr. SHALLENBERGER. I think they will be called as fast as they are needed. I think the reason they have not been called so far is because they have already enough in training in proportion to the number they need.

Mr. GRAHAM of Illinois. These young men are of draft age and registered, and it sometimes causes confusion between the draft and their enlistment in the Aviation Section. That is the reason why I inquired about it.

Mr. SHALLENBERGER. Of course, that is a matter of administration, resting with the department, and they will have to administer that in the Army and for the country as best they can. Those young men and all other young men must take their chances. It is one of the incidents of war. The department will do the best it can under the circumstances.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. LOBECK. Instances have been brought to my attention where men have taken the training and were promised commissions as second lieutenants and have not received them yet. Does the gentleman know anything about that?

Mr. SHALLENBERGER. I am not informed as to that. That is a matter of administration in the department.

Mr. LOBECK. I was told that the reason why they did not get their commissions was that they did not have artillerymen enough, and that there was a necessity to have artillerymen of equal number to accompany them.

Mr. SHALLENBERGER. We can not win the war merely with aviators. We have to have artillerymen and other men in other arms of the service. As to the case mentioned by the gen-

tleman from New York [Mr. HUSTED], there was no contract made by the Government. That was a rule or practice in the service. They went into the service with the hope that they would be made first lieutenants.

But when the service came to be expanded in Europe it was soon ascertained there that service in the Infantry was more dangerous than that in aviation, and consequently the idea of giving the aviators favors that were not given to the other arms of the service was working to the disadvantage of the morale of the Army. The men who had to go into the trenches night and day and stand there in the mud claimed that they served in a branch of the service which was just as dangerous as the service of the aviator, and that they were entitled to the same pay and consideration that others were entitled to; and so in the interest of the service and in the interest of winning the war those in charge of our affairs in Europe made the request to the War Department here that those young men should be given commissions as second lieutenants instead of commissions as first lieutenants, so that these young men are being treated exactly the same as the young men in the Artillery and in the Infantry and in the other corps of the service. Nevertheless they still get additional pay that the others do not get. They have a favored service, and receive better pay, and they have their air-service clothing furnished to them. In all they are the preferred service of the Army.

Mr. HUSTED. Mr. Chairman, will the gentleman yield again?

Mr. SHALLENBERGER. I yield to the gentleman from New York.

Mr. HUSTED. Is the gentleman aware of the fact that the enlisted men I have referred to signed applications in an application form issued by the War Department for commissions as first lieutenants?

Mr. GORDON. Lots of them signed applications for commissions as first lieutenants.

Mr. HUSTED. And these applications were accepted. I would like to ask the gentleman if he thinks it is a wise policy to encourage these young men in that way to enter the service, whether they have a legal contract or not, who enter with the clear understanding that if they qualify they are to be commissioned as first lieutenants, and then when they are accepted they are cut down to second lieutenants?

Mr. SHALLENBERGER. I think every one of them ought to be glad and proud to serve as an infantryman, artilleryman, or in any other corps of the Army. I do not think there ought to be favor shown to any branch of the service. [Applause.]

Mr. DENT. If I may interrupt the gentleman there, I will state that we had this matter up before the committee and called the attention of the Signal Corps officers to this so-called pledge that has been made. Who was authorized to bind the Government of the United States by a promise to give a man a commission? The answer is that nobody was authorized to do a thing like that.

Mr. GORDON. And nobody has ever done it.

Mr. DENT. Unless some recruiting officers, in their zeal, may have led young men to believe they would get something which they were disappointed in getting. But nobody has any authority to bind the Government by any such pledge as that.

Mr. GORDON. Mr. Chairman, I ask unanimous consent to proceed for 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GORDON. Mr. Chairman, the enormous sums carried by this measure for the support of the Military Establishment for the year ending June 30, 1919, exceeding as it does in amount any proposition ever submitted to this or any other legislative body, would seem to demand a much more comprehensive and detailed statement from the Committee on Military Affairs than it has been possible to furnish the House. The hearings before our committee were, at the request of the Secretary of War, held in secret, the reasons assigned for such secrecy being that to make public the facts elicited at the hearings might aid and assist the enemy, and witnesses were reluctant in some cases to answer questions propounded by members of the committee, assigning the same reason. Much as the committee may have differed from the Secretary of War, it felt bound to respect his wishes on this subject, and but for a change in attitude in the past few weeks the committee would not have been at liberty to give the House the information contained in its report and disclosed on the floor by Members on the first day of discussion in the consideration of the bill.

The enormous lump-sum appropriations made last year, carrying as they did a repeal of every limitation and restriction imposed by law upon the expenditure of the money, would seem to justify the House in demanding of the committee a strict accounting as to the manner in which these enormous sums have been expended or obligated.

In addition to the reason already given, there are others which are patent and obvious why this can not be done. Our Army in the field is 3,000 miles away, across the ocean. Requisitions from Gen. Pershing must be promptly complied with, or the money supplied with which to purchase them, and the officials of the War Department here must comply promptly with these requests and have no discretion in the matter.

After a preliminary inquiry made by the President of the United States a few months ago into the reasons for the failure to deliver aeroplanes under contracts made with the Government, the President ordered the Attorney General of the United States to institute and prosecute a complete and thorough investigation of the whole aeroplane program, including the contracts made and money expended thereon, and appointed ex-Justice Hughes as special counsel to conduct the investigation. After this action had been taken it would have been obviously improper for the committee to attempt to cover any part of the field comprehended by this special investigation, and it has not attempted to do so. The House and the country may, and I believe will, repose trust and confidence in the honesty, thoroughness, and impartiality of the investigation instituted by the Chief Executive and suspend judgment concerning the men and matters involved until the same has been completed and a report made. The necessity for appropriations this year can not wait upon a determination of the question of whether the money formerly appropriated was expended properly or not. Indeed, if it had all been wasted or stolen, Congress would still be under the imperative necessity of appropriating all that it believes will be required to provide this branch of the military service with the men and equipment to properly and effectively prosecute the war, and upon so new and technical a branch of the service as this your committee and the Congress are and will be constrained to accept the opinions of the Executive and his military advisors.

There has never been a time in the history of this country when the public interest so imperatively demanded the service and sacrifice of unselfish patriotism as the present. The vital energies of the people are being diverted and weakened by the mouthings and ravings of the "patrioteer" and the "profiteer." The motives of both are generally the same.

On April 6, 1917, Congress adopted a joint resolution declaring that, by reason of the repeated acts of war upon the people and Government of the United States by the Imperial German Government, a state of war existed between Germany and its people and the people and Government of the United States.

A recitation of these acts of war, the sinister, deceitful, and disgraceful misrepresentations which characterized the diplomacy of the Imperial German Government in negotiations with our own for nearly two years preceding our declaration, is wholly unnecessary except to say that all of them were in entire accord with the traditional foreign policy of the Hohenzollerns as defined by Frederick the Great, when he declared that he employed no ministers of state at home except clerks and none abroad except spies. Our declaration of war was a statement of fact, the truth of which none now seriously attempts to controvert or deny.

The union of the German States, followed by nearly 50 years of the iron rule of the Hohenzollerns, with universal compulsory military service in time of peace, rigorously enforced and financed by a rapacious system of taxation, supplemented by the enormous indemnity in money and land extorted from France at the close of the Franco-Prussian War, has produced the natural and logical result. It has converted the people of Germany into two distinct classes, masters and slaves, and has destroyed the soul of that nation. Disregarding and violating its treaties with practically all the civilized nations and every just and humane rule and established precedent of international law, this military autocracy, under the leadership of the Hohenzollerns, is striking at the foundation and reaching for the pillars of civilization. "What shall it profit a nation to gain the whole world and lose its own soul?"

In the light of all the facts no American citizen may now properly entertain the slightest doubt of the justice and necessity of the declaration by Congress of a state of war with Germany, solely as a result of the acts of the Government and rulers of that country prior to April 6, 1917.

Three vital questions which engaged the attention of Congress prior to our declaration of a state of war were—

(1) The prohibition against our own citizens of their unquestioned right to sell to any or all belligerents in our own markets arms and munitions of war. This question never came up on the floor of the House, because no bill to impose

such prohibition was ever reported; but in letters to all of my constituents who wrote me on the subject I opposed the proposition and gave my reasons for such opposition.

(2) The proposition of withdrawing, suspending, or surrendering the lawful rights of our citizens upon the high seas was opposed by me in every form in which it was presented.

(3) When the President of the United States asked for authority and an appropriation of money with which to defend merchant ships flying the United States flag against unlawful attacks upon the high seas, I spoke and voted for the resolution granting this authority and appropriating the money to enforce it.

In his letter to Joseph E. Davies, candidate for Senator in the State of Wisconsin, on March 20, 1918, President Wilson said of and concerning these three questions:

> The McLemore resolution, the embargo issue, and the armed neutrality measure presented the first opportunity to apply the acid test in our country to disclose true loyalty and genuine Americanism. It should always be a source of much satisfaction to you that on these crucial propositions you proved true.

The votes cast by me in this Chamber and the remarks made by me on the floor of this House have been willfully misrepresented by the Cleveland Plain Dealer, Cleveland News, and Cleveland Leader for the purpose of discrediting me before my constituents. These newspapers have repeatedly charged that I have obstructed war legislation. This statement is a willful and malicious falsehood and not supported by a scintilla of evidence. I call upon the membership of this House to bear witness that since I have been a member of this body I have not only not obstructed any legislation but have tried in every way in my power to facilitate the proper disposition of every measure which has come before it for consideration.

The statement has been repeatedly made in these Cleveland newspapers that I opposed the declaration of war, although I voted for it.

On April 8, 1918, the Cleveland Plain Dealer says of and concerning me:

> From the beginning of America's controversy with the German Imperial Goverment these two sixth city Democrats have done about everything in their power to hamper their own Government.

The controversy with Germany resulting from the destruction of the *Lusitania* arose on May 7, 1915; it was finally ended by the pledge of the German Government, about one year later, to obey the law as to merchant ships. This pledge was withdrawn January 31, 1917, and was followed by the armed-ship resolution and later by a declaration by Congress of a state of war with Germany on April 6, 1917. If, as the Plain Dealer now says, I was "hampering" the Government of the United States in the controversy with the Imperial German Government, from the beginning of that controversy, why did not the Plain Dealer discover that fact or why refrain from saying anything about it until the spring of 1917? Why did not the Plain Dealer expose me to my constituents before my last reelection instead of supporting me? Why did they not support my Republican opponent, as the leading German-language newspaper in Cleveland, whose editor is now in an enemy alien internment camp, did? Why did the Plain Dealer say, in an editorial on October 31, 1916, of and concerning me, the following:

> The Plain Dealer, however, never doubted either the Congressman's honesty or his courage; nor has his ability been at issue, for foes as well as friends recognize it.
>
> The Plain Dealer believes now that the best interests of the twentieth district and of the country at large, so far as one Member's identity affects it, will be promoted by the reelection of GORDON.

I have voted for every proper measure to provide the men and money and mobilize the resources of the United States for the successful prosecution of this war and shall continue to do so while the war lasts and I remain a Member of this body. [Applause.] The legislation which I opposed was directed against the citizens of the United States and not against the public enemy. At the commencement of each of my three terms of service in this House, I have solemnly sworn that—

> I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

The foregoing oath of office defines and points out the primary duty of Members of Congress and all others are dependent upon and secondary to it.

I opposed the measure to conscript the bodies of our citizens into the military service without first affording them an opportunity to volunteer in the National Army, the reasons for my opposition being stated in a speech delivered on the floor of this House, a copy of which was mailed to each of my constituents. I have opposed and shall continue to oppose any legislation which invades the constitutional rights and liberties of our citizens to properly exercise freedom of speech and of the press, my reasons for which were stated on the floor of this House and also to my constituents. Of more than 100 war measures enacted by Congress since the declaration of war I have opposed the enactment of but two—the draft law and the espionage act—and this opposition was directed solely and entirely to certain provisions in the bills which I believed to be unwarranted or direct invasions of the constitutional rights of our citizens. The persistent attempts which have been made by a portion of the public press—including the three newspaper I have named—and by many individuals to incite acts of mob violence and to stir the ignorant and lawless to invade the rights of unoffending and law-abiding citizens since our declaration of war is a disgrace to our common country, its history, and institutions. The protection which our flag has afforded to the downtrodden, oppressed, and persecuted citizens of all lands has always been the proud boast of American citizens. [Applause.]

This lawless crusade has resulted in the persecution and lynching of innocent, law-abiding men by irresponsible and lawless mobs; the only imputation of guilt, in some cases, against these people being that they happened to bear German names.

Every fire of unknown origin and every act of violence of which the perpetrator is unknown is ascribed to alien enemies or to their sympathizers by these inciters of riot and mob rule.

On April 12 last the Attorney General of the United States wrote a letter to a Member of this House, which was published in the CONGRESSIONAL RECORD, in reply to these incendiary reports referred to, in which Attorney General Gregory said:

> The public assumes that there is a great deal of enemy activity going on in this country, and it is but natural that vague rumors are magnified into definite and sensational stories. The talk of damage done by enemy aliens in causing incendiary fires is an illustration of this. Repeatedly, both in reputable newspapers and in publications gotten out by citizen societies, exaggerated statements are made as to the amount of damage. Statistics show that, considering the vastly increased value of merchandise and plants, the actual fire loss to property of all descriptions in 1917 was not appreciably larger than that of the year 1913. Likewise, the report recently made by the National Board of Fire Underwriters shows, in substance, that during the past year not one fire has been clearly proven to be the work of alien enemies, and at a recent conference in the Treasury Department of all the men in all departments charged with protection of plants and supplies, it was stated without dissent that no instance was known of a fire caused, within the past year, by alien enemies.

Here is an official statement from the head of the Department of Justice of the United States which effectually places the stamp of falsehood upon the sensational stories which have been published in the past year in the public press throughout the country and which have formed the basis of inflammatory statements and wild rumors, which have been utilized to incite the ignorant and vicious against innocent and unoffending persons. The world-wide condemnation of the Imperial German Government for its willful disregard of the recognized usages of civilized warfare and the lawful rights of neutral nations and their citizens has been fully warranted and finally forced this Nation to recognize a state of war as a result of these lawless assaults upon our citizens and Government, but the American people and their officials should realize that in a time like this a special obligation rests upon all to protect the humblest law-abiding citizen in the exercise of his just rights. If the substitution of force or mob rule for a government of law is to be sanctioned by public officials, or even by public sentiment, those characteristics of American democracy which have made this Nation worth living in, fighting for and dying for, will have passed away. In some of the Western States the governors have prohibited the holding of public meetings for discussion of public questions, have invited unlawful assaults upon such meetings by their proclamations, attempting to withdraw the protection of the laws from persons so assembled, thereby inviting and inciting the vicious and criminal elements to commit assaults upon them.

In one case the governor of a great Western State called out the militia of the State to disperse a public meeting, but failed to get the troops there in time, and the meeting was held in spite of him, under the protection of the local authorities; none who attended or spoke at such meeting has been arrested or charged with doing or saying anything unlawful, so that we may assume that the meeting was a perfectly lawful assembly and entitled to the protection of the guaranties contained in the State and Federal Constitutions.

A measure was introduced in the United States Senate which was prepared and advocated before a committee of that body by an Assistant Attorney General of the United States, which provided for the trial of citizens in civil life by military courts, although the Constitution of the United States provides that no person who is not in the Army or Navy shall be tried on a charge of crime except by a jury and in a civil court, a powerful lobby was here in Washington advocating the enactment of this measure, and it would probably have been enacted if its

provisions had not been exposed to public view, when it was repudiated by the Attorney General, who declared that it was prepared and presented to Congress without his knowledge or consent, and it was then publicly denounced and condemned by the President of the United States.

The present attitude of the Cleveland Plain Dealer, Leader and News toward me is unquestionably controlled in large part by the financial interests of these publications.

Under the 1-cent-a-pound rate on second-class mail matter, these newspapers have been carried through the mails and delivered for more than 33 years at an enormous and rapidly increasing loss to the Government, which loss has amounted to more than two and one-half millions of dollars for the nine years ending June 30, 1917. The post-office authorities estimate that for the fiscal year ending June 30, 1917, the cost of this service to the Government furnished the Plain Dealer was $202,983.39, and for this service the company actually paid $28,010.35, making a net contribution by the people of the United States to the Plain Dealer Publishing Co. for one year of $174,973.04. These facts are uncontroverted, and have never been denied by them. This disgraceful and scandalous rate of postage of 1 cent per pound upon newspapers and magazines, under which for more than 33 years the publishers have had the profits accruing from transporting and delivering their publications for less than one-eighth of the actual cost to the Government will always remain a blot upon the record of the American Congress, and I take more pride in whatever aid and assistance I have been able to render in exposing and abolishing in part this scandalous graft and subsidy than in any other public service I may have rendered. The cost in money of this subsidy during the 33 years it has been in force is enormous, amounting in the aggregate to about thirteen hundred millions of dollars, but this money loss is trifling when compared with the indirect but no less certain loss to the people of the country in the debasement and demoralization of the literature of the Nation. [Applause.]

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, I want to say a few words in connection with this bill and then I want to make a few general observations, perhaps that are not so pertinent to the bill we are now considering. I want to say, in the first place, as one of the minority members of the Committee on Military Affairs, that I wish, as a member of that minority, to express to the chairman of our committee our gratitude and thanks for the gentlemanly way in which he has treated the minority members in the consideration of this great bill.

I want to say one other thing, and that is that while perhaps many of us on that committee are not ignorant of the winding paths that lead to the spotlight of publicity, the committee has scrupulously, as a committee, kept out of that limelight. For that reason, perhaps, we have been criticized to some extent. It may have been said, and perhaps with some truth, that either the members of the Committee on Military Affairs in the House were ignorant of what was going on in the country and in the War Department or they were too modest to say anything about it. I want to say, gentlemen of the committee, we are not troubled with modesty, and we believe that we have had our share of the information that rightfully should be given to any Members of Congress; but we have felt that it was not the duty of the members of that committee, while considering the great appropriations for the maintenance of the Army for the next year, to stand on the street corners and publish as authentic every statement that might have been given to us in confidence as members of that great committee. There are no facts that we have that Members of Congress do not know generally, and there is no information we have that would injure any American citizen or, in my judgment, would give aid or comfort to the enemy. But as a matter of common prudence, decency, and modesty, we have tried to refrain from making the hearings before our committee a public matter until the time came for discussion of the bill.

I was one of those appointed on the subcommittee on the matter of aeroplanes and the Signal Corps in the Army. We proceeded to get such information as we could relative to the expenditure of the $640,000,000 appropriated last year and what they expected to do with the vast appropriations we are now making. While that information is not in detail, it is sufficient to convince the most of us that no real criminal misconduct has been indulged in by the officers in the Army charged with the expenditure of this great amount. It may develop that such has been the case, but I hope as an American citizen that such will not be the fact.

I am one who has never been carried away with the enthusiasm of many people in respect to the aircraft program. I did not yield to the newspaper arguments prior to the enactment of the appropriation of $640,000,000 that if we would only give that to the Signal Corps they would blind the enemy; that they would put out the eyes of the enemy, and with the aeroplanes we would win the war. I was not convinced that that could be done.

I am still unconvinced; and I have back of me the testimony of one of the great officers of the United States Army, who said only a few days ago that that is an impossible thing to do. It is absolutely impossible to blind the enemy; yet the newspapers of the country heralded everywhere the claim that if Congress would only furnish the money, with aeroplanes we would blind the Germans and win the war, and for that reason the people based a great deal of faith upon the appropriation of that vast sum of money and expected wonderful results. Those results were promised by the men who came before our committee and the men who wrote the articles for the magazines of this country predicted great results, but the truth about the matter is that it is simply an illustration of the old cross-country circus. The billposters overadvertised the show, and the men who did the advertising, just as in the case of the circus, were not the men who could perform the acrobatic stunts and deliver the goods when the show came along.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. McKENZIE. Mr. Chairman, I understood I was to have 20 minutes, as did the gentleman from Ohio [Mr. GORDON].

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 15 minutes more. Is there objection?

There was no objection.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. ANTHONY. Will the gentleman tell us whether the same men who did this advertising were intrusted with the expenditure of the $640,000,000?

Mr. McKENZIE. I will say this, that the Chief of the Signal Corps was one of them, and he is an officer that I think we all like.

Mr. ANTHONY. I refer specifically to the planting of that article in the Saturday Evening Post, by Sam Blythe, which, it was stated, was done on direct orders from officers of the departments.

Mr. McKENZIE. I have no information about the fact, but I have no doubt that probably that article was inspired. The truth about it is that even the Army officers were deceived, in my judgment. The optimism of the men behind this aircraft program was something that would carry away everyone except the most incredulous. I happen to be one of those incredulous ones; and I feel now and I warn my countrymen not to place too much faith even on this billion dollars which we are about to appropriate for aircraft, because it will not win this war.

It will help; it is an incident; it is one of the instruments we must have for our Army and for its protection in the matter of reconnaissance, but the only way that we can ever defeat the mighty German Army is not with any psychology or with any kind of new invention, but it is with cold steel on the plains of Picardy and in Belgium and in northern France. [Applause.] The cannon and the rifles and the machine guns in the hands of fearless men, who fear not to look a German in the eye with loaded gun in hand, must win this war, and in no other way can it be won.

I might say that we cut down this appropriation from two to three hundred million dollars. For example, in order that no one may criticize the committee for cutting down the estimates made by the Signal Corps, I want to say that they had an estimate of one hundred million dollars and odd for machine guns. We transferred that to the Ordnance Department, where it properly belongs. They had $7,000,000 for the purchase of land, and we struck that out upon the theory that they have three-year leases on all of the land and options to buy at a fixed price. We felt that at this time it would not be wise to engage in the purchase of land, but they would better wait until by experience they find out which is the better place to buy. We cut out $1,000,000 for the permanent coastal stations for two reasons: First, we did not feel that our committee had jurisdiction of the matter; second, this is not the time to go into permanent constructions of stations of that character. We did that as to the Mexican border. We cut down the appropriation for Hawaii, and we cut down to some extent the appropriation for Panama. I say this so that you will understand why it is that we cut down these appropriations from the estimate made by the Signal Corps.

I want to say that I do not wish to indulge in criticism to any great extent, but there are some things I think deserve a fair statement, and one of them is that, whether it was deliberately done or unconsciously done, the American people were

deceived by the men behind this aircraft proposition, and the people have found out now that plans on paper will not make engines or machines. It is only the skilled hand of the artisan that can turn out these things. The American people have found out now, after months of perhaps wasted time, or partially wasted time, that they must get right down to the common-sense plan of going to the men who know how to do these things and having them done by the actual artisans and workmen of the country rather than by a board of specialists and scientists who may be able to plan the most colossal schemes but can not execute them. This is where we find ourselves to-day, but it is not all dark, for the machines are being made, and I have an abiding faith in the ability and genius of the American people to even make a success out of this belated aircraft program as they have made a success out of many other things pertaining to the maintenance and support of our great armies.

One thing I might say in passing, because I felt at the time that it was a great mistake in our War Department, and that was the calling out of the men into the camps last winter, spoken of by some man yesterday, before they had clothing to keep them warm. I can not conceive of any excuse for that kind of mistake. I have no excuse to offer for the men responsible for it, notwithstanding the fact they stated before our committee that as a military proposition it was the right thing to do. I prefer to stand by Gen. Sharpe's statement. When asked about it, he said it was not for him to say, but he believed the right thing to do before calling out an army was first to provide the things for the equipping and taking care of that army. It has been done since, and, thanks to the ingeniousness of the American citizen, to-day we are prepared to take care of all the boys we want to call into the Army, but the men who called those young boys from their homes last winter into the cold, cheerless camp, perhaps without the necessary warm clothing, in my judgment have got something to answer for to the people of this country. But be it to the everlasting credit of the soldier boy who was called, but few murmurs were heard from them. [Applause.] They treated the matter as soldiers. We on the Committee on Military Affairs have had our attention called to many things of course that disturb us, and one of them that has caused a great deal of disturbance is the question of the commissioning of civilians in the Staff Corps of our Army. I realize that it is necessary to have them, that some of the greatest men of our country have been commissioned in those staff corps, and they are needed there, but the thing that strikes home to the heart of the man who loves a real soldier is to see these men, who are no more soldiers than you and I, no more soldiers than the boy who follows the plow, or the miner who goes down into the shaft, wearing the uniform of a soldier of the Army of our country. I know that it has been criticized, and I believe justly so, not in the regular organization, because the man who gives his life to his country in the Regular Army should be entitled to wear the uniform of the country at all times and all places, and I am not unfamiliar with the argument that is made for the commissioning and the giving of the uniform to those men who come from civil life into these staff corps offices in the city of Washington, and there is some force to the argument, but after all I feel sorry for those men. The remorseless pen of The Adjutant General will keep the record of every one, and his record is written there, where he goes, what division he was in, where he spent his time while in the Army. No man knows better than those gentlemen whom we meet on the street clad in an officer's uniform that they are not soldiers. When they meet a private on the street with bronzed and ruddy cheeks, ready to go across to where the smoke of conflict rolls, that man knows in his heart that he is not a soldier, that the private that he meets upon the street is the real soldier. [Applause.] And I hope, my fellow countrymen, that the time will come, with all respect to those men, when there will be a regulation in our Army that none but a soldier shall wear the insignia of the man who has to do and to die. [Applause.]

But I want to call attention to another thing. We know some of them say they would like to go to France. Yes; they tell us that, and no doubt many of them would, but they knew before they donned the leather leggings and the cap of an officer that the pathway to France was open in the Artillery and the Infantry, but they did not seek that avenue, and are now right here in safety. How refreshing! Oh, how much good it does us as Americans to see, standing at the threshold of the White House in the Capital of our country, that grizzled old veteran pleading to be sent where the battle rages, Leonard Wood. [Applause.] Oh, we should not be carried away by these things. Do not get excited and worry over them, my friends, for there are only a few thousands of them, but think of the millions of boys in the line and the officers in the line who will add to the glory and luster of our flag on those foreign fields. One man spoke to-day or yesterday about grafters. Oh, I have no doubt they are abroad in the land. When war comes, like snakes in the grass you can see their heads coming up everywhere looking for an opportunity to rob their Government. O God, grant that such may not be the opportunity they may have, and may God pity each and every one of them and damn each and every one of them forever [applause] is my prayer. And when I think of them, even, and their contemptible meanness I forget it when I think of the glorious millions of patriotic, honest men and women in this country ready to give of their all to support the Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. May I have five minutes more?

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. McKENZIE. I would like to talk longer, but, gentlemen, I do not want to worry you this hot day. I want to say this: With all the shortcomings of the War Department and the officers and all of us, we may all have made some mistakes, as an American, as an American citizen, I am proud of the record of my country when I realize that only a year ago we had but few ships. Yes; like gallant Perry, when he had to go into the forest on the shores of Lake Erie and cut the trees to make the boats to win the battle for our country, here in this conflict we have had to go to the forests and into the mines of the country and dig up the ore and bring out the lumber to make the boats to carry our men across. We had to build forges to make the cannon and to construct all the great equipment necessary to carry on this war, but the genius of American citizenship is winning out, and in one year we have accomplished more than any other nation on the face of the earth could accomplish. Did Democrats do it or Republicans do it? Ah, forget that. Americans did it; Schwab and Ryan and the other men who have been called in to help in this country have done this great work.

I want to say to you gentlemen on that side of the House and to the country do not compliment us for standing by the administration in this great conflict. Do not humiliate a Republican on this side of the Chamber by complimenting him for standing by his country in the hour of trial. What do we care who may be at the head of the Government in this hour of trial? We are Americans, and more than that, the most glorious heritage that we have as a party is the fact that its first great duty was to save this Nation from a most dangerous and disastrous revolution. We were rocked in that cradle; we have been taught from infancy to manhood to love the great central power of this country of ours and its flag. As followers of Alexander Hamilton we have not found much difficulty in giving to the President, though a Democrat, all the power that he has asked with which to carry on this war. We will give him more; we will give him every power necessary to win the war for America. And when that is all done we realize and know that he is an American and not a usurper. Should he undertake to usurp one of the rights or privileges of an American citizen, then we will rise against him as you will rise against him. But so long as we delegate this power to him as representative of the people there is no danger.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I ask that the gentleman's time be extended for one minute.

Mr. McKENZIE. Now, my friends, on to-morrow, on the 30th day of May, the beautiful month of flowers, we are going to strew flowers upon the graves of the heroes of our country in all the wars past, and with all the solemnity that will go with that service. The youth of this land, 2,000,000 of them, are now in arms. We said by our vote here that we would take them whether they wanted to go or not, and we put them in. So to-morrow, my friends, as we cast our bouquets of flowers on these graves, let us reconsecrate ourselves to these young men and to this great, free land of ours, and determine to stand together until that Old Flag shall wave in triumph on the smoke-covered battle fields of France and human liberty shall be secure everywhere. [Loud applause.]

Mr. SAUNDERS of Virginia. Mr. Chairman, the aviation section of this bill has been discussed very fully, and in connection with this discussion much nteresting and instructive matter has been put into the RECORD. In the last issue of the Scientific American, a technical journal of high standing, will be found a very appropriate and informing article, entitled "The true story of the Liberty motor." Doubtless this article has already been read with interest by some at least of the

members of this committee, and they will agree with me that it ought to have a larger circulation than will be the case if its dissemination is restricted to the columns of the Scientific American. This article deals in a lucid, scientific, and informing fashion with a subject that holds the attention of every American at this time. I intend to ask that this article be made a part of my remarks, but before doing so, I desire to call the attention of the committee to one or two citations therefrom of peculiar interest, in view of some of the statements that have been made, and queries that have been propounded, in the progress of this debate. The first quotation is as follows:

An air of mystery has surrounded the Liberty motor from its inception, and it is high time that this was dispelled. Recent announcements from the War Department, disclosing details of the motor and their similarity to other motors of American and foreign design, give us the liberty to tell here for the first time the real story of the development of our standard aviation motor.

Then follows a very instructive discussion of the history and evolution of the Liberty motor.

Again on the subject of production, which has been discussed in such a misleading and extravagant fashion by sensation mongers in the daily press, the article proceeds to say:

One of the engineers of the Ford plant told the writer personally, that he thought everyone would recognize the right of the Ford Co. to an opinion on "quantity production manufacture." He said—

Referring to the Liberty motor—

that never in the world's history had a greater piece of work been done on a similar scale. The development of this motor was simply short of marvelous, and the public instead of criticizing the manufacturers for slowness should be thankful that they have had such competent men to carry on the work, and develop a motor of such efficiency in so incredibly short a space of time.

In view of the criticism, at times almost malignant, of the officials charged with the work of developing and producing on a vast scale an efficient motor, at once simple and powerful, and embodying the lessons that have been learned in the evolution of the aeroplane engine, the statements just quoted will I have no doubt be of peculiar and exceptional interest to the Members of this House, and the general public. Everyone is entitled to have the truth, the whole truth and nothing but the truth in this connection.

Now I ask, Mr. Chairman, unanimous consent that I may include and make a part of my remarks the article from which the citations have been taken.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] asks unanimous consent to include in his remarks the article referred to. Is there objection?

Mr. COOPER of Wisconsin. May I ask the gentleman who is the author of the article, or is it an editorial?

Mr. SAUNDERS of Virginia. I do not know who is the author. Apparently he is one of the staff of the Scientific American, since the article is not a signed one, as would in all likelihood be the case, if it was a contribution by a correspondent.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none.

The following is the article referred to:

[From the Scientific American, June 1, 1918.]

THE TRUE STORY OF THE LIBERTY MOTOR—THE LIGHTEST AND MOST POWERFUL AIRPLANE ENGINE PRODUCED ON A QUANTITY BASIS.

When Secretary Baker made the dramatic announcement last summer that a new motor, christened the "Liberty," had been developed by two American engineers in a five-day conference behind locked doors, men who were experienced in machine design shrugged their shoulders. They knew the impossibility of designing so highly refined a machine as an airplane motor in such a brief time. They assumed, therefore, that the so-called new motor was probably a standard motor in which a few modifications had been introduced, and speculation was rife as to what particular standard motor had been adopted. It was at first claimed that the German motor, known as the Mercedes, formed the basis for the Liberty motor; then other claimants came forward.

An air of mystery has surrounded the Liberty motor from its inception, and it is high time that this was dispelled. Recent announcements from the War Department, disclosing details of the motor and their similarity to other motors of American and foreign design, give us the liberty to tell here for the first time the real story of the development of our standard aviation motor.

Shortly after the outbreak of the great European War Mr. Henry Joy, then president of the Packard Motor Car Co., became impressed with the importance of the airplane in modern warfare. He felt certain that before the conflict was over the United States would be involved, and, looking about among our motor manufacturers, he realized how poorly prepared we were to produce the motive power for aerial warfare. There was no question that Europe was far ahead of us in the construction of airplanes and airplane motors, and being a motor manufacturer himself he realized how long it would take to develop the manufacture of first-class motors in this country, even after we woke up to the realization of their necessity. Therefore he urged his company to proceed at once with the development of an airplane motor which would compare favorably with the very best produced in Europe. This was in the fall of 1914.

In the spring of 1915 work was started on such a motor, and the design was completed in November of that year. The engine was ready for block test in February of 1916. As there were no facilities for testing airplane engines by actual flights in this country, the new motor was placed in a racing chassis of special construction and was subjected to severe tests at the Sheepshead Bay Speedway. The engine was of 299 cubic inches displacement, or just under the 300-inch racing limit established by the A. A. A. It was of the 12-cylinder V type, with cast-iron cylinders. After it had been thoroughly tested out, a second model was designed, based on the principles that had been proved out on the first model. This was of much larger design, with 4 by 6 cylinders and of 905 cubic-inch piston displacement. The new motor was provided with an airplane propeller and mounted on a truck. With this unique power plant the truck was driven about the streets of Detroit. The air-propelled truck could travel faster than any man would care to drive it. In one test the wheels were locked, and yet the truck was pushed over snow-covered ground.

In April, 1917, a second engine of this model was completed and placed in a racing chassis. It established the official world record of 130 miles per hour, or a mile in 28.76 seconds. In this second model steel-forged cylinders were used, fitted with pressed steel jackets welded on. Considerable difficulty was at first experienced in attempting to weld the jacket to the cylinder without burning the metal or introducing strains in it. After a considerable experiment it was found that the meeting edges which were to be welded must be of the same thickness, otherwise the heavier section would carry off the greater proportion of heat and the two surfaces could not be heated to the same temperature. By reducing the surfaces to exactly the same section, welding with the oxy-acetylene torch was readily accomplished.

In the first model the cylinders were set at an angle of 60°, following the practice used in automobile engines; but in the second model an angle of 40° was adopted so as to cut down head resistance. Tests of the engine showed that there was no noticeable vibration with the cylinders set at this unusual angle, even when the engine was run at considerably reduced speed. In this engine the cam shaft was placed directly over the cylinders and the housing for the cam shaft acted as a truss to hold the upper ends of the cylinders rigid.

The third model was begun in April, 1917, immediately after war was declared, and the first engine was completed in May. This contained certain improvements over the previous models, aimed particularly at reduction of weight and simplification of manufacture.

One of the first demands upon this country when it entered the war was to start the manufacture of airplanes in large quantities. We had a reputation for manufacturing on a quantity basis, and it was felt that if we turned our great industrial organizing ability upon this problem we could turn out a fleet of airplanes that would simply overwhelm the enemy. Our engineers had studied the foreign airplane motors and a number of them were being made in this country. It was realized, however, that they were not adapted for quantity production on an American basis, and it was very necessary for us to develop a motor of our own which would become a standard and which could be produced in enormous quantities. As soon as the United States was drawn into the war the Packard Motor Car Co. offered its models and experience to the Government, and being actuated by patriotic motives, was perfectly willing to abandon, for the time being, all claim to the origination of this motor, although it had expended $400,000 in its development. However, there were some changes that the Government called for, and it was felt that a representative of some other motor manufacturing concern should be called in to advise with the Packard engineers in the modifications which would eventually be adopted by the Government. Accordingly Maj. Hall, of the Hall-Scott Motor Co., was called to Washington to confer with Mr. (now Lieut. Col.) Vincent, chief engineer of the Packard Co. Mr. Vincent had with him the blue prints of the complete plans of his motor and these were studied by Maj. Hall, who suggested a number of changes.

When the war first broke out airplanes were fitted with 100-horsepower engines. Very soon they were found to be insufficient and engines of 125 horsepower were made. The engine power then gradually increased to 150, 175, 200, 250, and it was about in that neighborhood when Maj. Hall and Mr. Vincent were called upon to furnish the United States standard motor. It was felt that a motor should be designed so far ahead in power of anything else that had been produced that by the time it could be turned out in quantity it would still be well in the lead. Accordingly a horsepower of between 350 and 400 was sought and the size of the cylinders was changed from 4 by 6 to 5 by 7. Because of the larger cylinders required in the new motor the angle of the V was changed from 40 to 45 degrees. The larger pistons and cylinders required slightly greater clearances. In place of the forced lubrication of the crank shaft which was provided in the Packard engine the scupper system was introduced by Maj. Hall, because it had been found very efficient on the Hall-Scott motor. This is also a feature of the Mercedes motor. The scupper consists of a small cup-like flange on the crank arm, which catches the oil and throws it up on the bearing of the crank shaft. These and other slight modifications were thoroughly discussed and decided upon by the two motor experts, who worked unceasingly and arrived at the finished design in a conference lasting five days. They had a herculean task before them and deserve the highest praise for the successful outcome of their efforts.

As soon as the conference was over telegraphic instructions were sent on to the Packard plant and work was started immediately upon the new motor. Even before blue prints arrived the wood model was prepared in the general form and essential features of the new motor. Work on the new engine was pushed at the highest speed possible, and on the 3d day of July it was completed and shipped to Washington. The next day it arrived there, on the Nation's birthday, and was christened the "Liberty Motor."

After the first experimental motor had been completed it was subjected to a great many trying tests and was found to be exceedingly efficient and very light. It developed a horsepower of considerably over 400 and its weight was but little over 800 pounds. Its weight per horsepower was therefore about 2 pounds, which is much lighter than the majority of airplane motors. On endurance tests it stood up wonderfully. It was tested at the summit of Pike's Peak, in order to determine its action under conditions of rarified atmosphere, and proved very satisfactory. At the Bureau of Standards in Washington a special room was set aside in which a partial vacuum was created equivalent to that which exists at the maximum height to which an airplane engine has been carried. In this room the engine was found to operate perfectly. At one of its first altitude tests in a plane the American record for altitude was smashed. Not until September was the order to proceed with the manufacture of the Liberty motor definitely given, and immediately work was started in the Packard plant.

It was not considered advisable to build a new plant and purchase new machinery for the manufacture of the new motor, because this would consume a great deal of time. Instead, it was decided to give up the manufacture of automobile motors for the time being and rearrange the machine tools to make the new motor. While the plans were

being prepared to carry this out the automobile-motor plant was operated day and night at full capacity in order to produce as many automobile motors as possible before the manufacture of them stopped. Under this intensive program by the end of the year a large stock of motors had been machined and for the most part assembled to meet the commercial demands. In the meantime work on the new Liberty motor was going ahead as fast as possible. New jigs had to be constructed, machine tools had to be fitted with new appliances, and the work had to be organized so that the motor could be produced on a large scale.

It is interesting to note that the first experimental motor was delivered to the Government on the 4th day of July, and the first production motor was sent to Washington on Thanksgiving Day. This, however, did not mean that the production problems had all been solved. No one except a man who has actually had experience with such work can realize the infinite amount of detail required in organizing a new industry. Usually the organization work does not make any showing at all to the general public, and consequently is not appreciated. One of the engineers of the Ford plant told the writer personally that he thought everyone would recognize the right of the Ford Co. to an opinion on quantity production manufacture. He said that never in the world's history had a greater piece of work been done on a similar scale. The development of the Liberty motor was simply short of marvelous, and the public instead of criticizing the manufacturers for slowness should be thankful that they have had such competent men to carry on the work and develop a motor of such efficiency in so incredibly short a space of time.

The motor which was delivered to the Government on Thanksgiving Day developed a number of small troubles. One of these was the difficulty of lubrication, and eventually it was found necessary to change the scupper system to the original forced lubrication system. But the most important change was made in the production of the cylinders. In the first Liberty motor the cylinders had to be bored from the solid—an operation that was very costly in time and money. This, however, was a copy of the best foreign engineering practice and was followed as a necessary detail by our engineers. It was at this juncture that the enginers of the Ford Motor Car Co. made a notable contribution. They developed a cylinder forged out of steel tubing, which enabled the manufacturers to turn out the cylinders at very low cost and in exceedingly large quantities. Seamless steel tubing is used, and this in but four operations under the forge press and bulldozer is converted into a headed and flanged cylinder blank on which a minimum of machining need be done. The manufacture of these cylinders was not undertaken until the end of January, and now they are being turned out in very large quantity. Each week the cost of producing the cylinders has been reduced slightly, and all the savings made have been turned over to the Government. At the time the writer observed the work on these cylinders the cost had been cut down more than half, with even greater economies in prospect.

One of the difficulties encountered in the Liberty motor had to do with the form of ignition. In the original Packard motor the "Delco" system of ignition was used. This consists in generating current with a small electric generator geared to the engine shaft and then transmitting the current by means of a pair of distributers to the spark plugs. Magneto ignition was tried, but it proved impossible to design a single magneto which would operate with the irregular timing required in an engine in which the cylinders were set at the unusual angle of 45 degrees. A single magneto could not be used and so a battery of four magnetoes had to be employed. This added somewhat to the weight of the engine. Then further difficulties were encountered. Owing possibly to the vibration of the engine at high speed, the magnets of the magneto showed fatigue and gradually lost their magnetic property. So that eventually it was decided to return again to the original system of ignition. One of the marked differences in appearance of the Liberty and Packard "900" is due to the fact that the latter is provided with reduction gearing. The advantage of this is that it places the hub of the propeller more nearly in line with the center of area of the engine, so that far more efficient driving results are produced in the air. For this reason the reduction gearing is being looked upon with favor now, and it is highly probable that there will be a return to this feature of the original Packard "900." Furthermore, the ideal speed for the engine is higher than ideal propeller speed. It is rather remarkable that in a number of very important features it has been necessary to revert to the original design.

Production of the Liberty motor is now proceeding at a very satisfactory pace. More motors are being produced than there are planes to carry them. When the writer visited the Packard plant several weeks ago they were being turned out at the rate of 15 per day and it was hoped that inside of two months a production of 50 per day would be attained. No expense was being spared to reach this rate of production, but again the matter of organization was holding up the work so that it was considered impossible to attain that rate before the end of June.

In the Ford plant manufacture of the Liberty motor was just about to start with a program of 100 complete engines per day when the plant is in full operation. Here, as in the Packard plant, the standard equipment of the machine shop was being overhauled and reorganized for work on the Liberty motor. This was being done at the expense of the regular commercial motor. In several other factories work on the Liberty motor has either just begun or is about to begin, and certainly by the middle of the summer the Liberty motor ought to be produced in very large quantities. The only thing that is retarding the airplane program now is the manufacture of planes to carry the motors.

The efficiency of the Liberty motor is not to be questioned by anyone who has examined it thoroughly. It is far more powerful than any other airplane engine ever produced on a quantity production basis. It exceeds in power all but a few experimental machines. Although rated at 400 horsepower, it has shown on test as high as 485 horsepower, and its weight is 820 pounds.

It is a mistake to assume that any one motor is adapted to all classes of airplane service. There is no single motor abroad which is of such universal utility. The Liberty motor is one of the most powerful airplane motors in the world and the lightest for its power. Obviously, it would be impracticable to use it on light machines which do not require such power, or on slow observation machines. But it is ideal for bombing purposes, for here we have large airplanes of great carrying capacity that must travel long distances at high speed. The Liberty motor should also be available for fighting machines of the larger types. We are making a great many motors of other types for our training machines and for our lighter fighting machines. Altogether, the airplane situation is fast approaching a very satisfactory basis, and before the end of the year it should play an important part in the great struggle on the other side of the water.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Chairman and gentlemen, of course I have become bankrupt on assurances and promises as to adjournments and recesses, and all of that, but I can redeem myself in this statement or this promise: I have talked with the minority leader and others, and it has been found that a great many gentlemen desire to go away Saturday, as they have engagements for that day, and if we can finish this bill by Friday evening I will make a motion to adjourn over until Monday. So I thought possibly that might encourage us to work on this bill a little harder.

ARMY APPROPRIATIONS.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto be now closed.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and all amendments thereto be now closed. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Provided, That the moneys herein appropriated shall be and become immediately available upon the passage of this act, and shall also be available for the payment of obligations incurred prior to the passage of this act in the event such obligations are of a character otherwise within the scope of the appropriation.

Mr. CANNON. Mr. Chairman, there is one question that I wish to ask of the gentleman in charge of the bill. We had some conversation about the amount that is carried by this bill. You expend the appropriations of every kind, by this proviso, heretofore made. Now, does that add to the aggregate of appropriations that you have stated heretofore for the Aviation Service?

Mr. DENT. It does not add to anything, but it carries into the next fiscal year the amount of money that we appropriated last year.

Mr. CANNON. And the amount not expended was included in your statement?

Mr. DENT. Yes.

Mr. CANNON. That is all.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided, That during the existing emergency the head of the bureau or department charged with aircraft production be, and he is hereby, authorized to employ in the District of Columbia, out of appropriations made for designing, procuring, caring for, and supplying airships, engines, and property connected therewith, such services as are necessary for carrying out these purposes.

Mr. HICKS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. HICKS. I do so, Mr. Chairman, merely to carry out, in a measure, and amplify the statement made by my colleague [Mr. HUSTED] this morning in regard to some of the reasons why the air program has fallen down. It seems to me that one additional reason why there has been so much delay in production has been lack of a positive, continuing policy on the part of the War Department in relation to the air service.

A few weeks ago I went through one great plant in Buffalo, N. Y., operated by the Curtiss Co., and they told me that their capacity was only partly utilized, for the simple reason that the Government, after making a contract with them or sending them specifications and blue prints, would frequently telegraph them to hold up on those contracts until further notice, and that days and even weeks would pass before instructions were received to proceed. The result was that the Curtiss Co. could not go ahead and order material in large quantities or contract for labor, and therefore could not inaugurate a comprehensive program of quantity production. I think that is one reason for the delay, and a very serious one, which should be corrected.

The gentleman from Pennsylvania [Mr. MOORE] asked the gentleman from Nebraska [Mr. SHALLENBERGER] a question this morning as to the cost of airplanes. This is an Army bill, but I will ask indulgence to refer to Navy matters for a moment. I know the gentleman from Pennsylvania will be interested in this particular item, especially as it relates in part to his own city. I refer to the cost of the seaplanes now being manufactured in the Curtiss works and in the navy yard at Philadelphia. These great seaplanes or boats, that have a 96-foot spread of wings and a lifting capacity of 10,000 pounds, when ready for flight, completely manned and armed, cost $48,000. They are equipped for service abroad and are now being shipped.

Of course, the purpose and object of that service is not merely the killing of a crew in an opposing plane, as the gentleman from Pennsylvania suggested, but it is to patrol the coasts of

France and the shores of Ireland, in order to destroy submarines by dropping depth charges upon them or attacking them by gunfire. They are driven by two Liberty motors, mount several machine guns, and, I confidently believe, will prove most effective in checking the ravages of the German submarine. [Applause.]

The CHAIRMAN. The pro forma amendment, without objection, is withdrawn. The Clerk will read.

The Clerk read as follows:

Provided, That the President be, and he hereby is, authorized, through the head of any executive department, to sell, upon such terms as the head of such department shall deem expedient, to any person, partnership, association, corporation, or any other department of the Government, or to any foreign State or Government, engaged in war against any Government with which the United States is at war, any war supplies, material, and equipment, and any by-products thereof, for the production of such war supplies, materials, and equipment which, during the present emergency, may have or may hereafter be purchased, acquired, or manufactured by the United States.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 14, line 21, after the word "States," insert: "*Provided further*, That sales of guns and ammunition made under the authority contained in this or any other act shall be limited to sales to other departments of the Government and to foreign States or Governments engaged in war against any Government with which the United States is at war."

Mr. GOOD. Mr. Chairman, from a glance at the paragraph it will be seen that it is contemplated to give authority to the President, through the head of any executive department, to sell to any person, partnership, association, or corporation any war supplies or material.

Obviously, it will be necessary to sell a great deal of war supplies and materials when the war is over. It is also obvious that it is now necessary to sell a great deal to the countries with which we are allied in the present war. There will be millions of feet of lumber; there will be thousands of ice chests and things of that kind too numerous to mention, to be disposed of. But, Mr. Chairman, we should not grant to the head of any department the right to sell guns and ammunition to any person, firm, corporation, or association or to any country except the countries that are at war with the Governments with which we are at war.

But yesterday, in the Committee on Appropriations, large sums of money were asked to purchase certain 6-inch guns of Mr. Bannerman, of New York, which he had purchased from the Navy of the United States. It was stated on the floor of this House that two years ago, when our boys crossed the border and went over into Mexico, they were met there by Mexicans armed with Springfield rifles purchased by these second-hand dealers in New York City and elsewhere.

Why should the Government of the United States sell guns and ammunition to a firm or a corporation which in turn could sell these supplies to some bandit or insurgent who might use them against our own troops. So far as guns and ammunition are concerned, if they are to be disposed of at all Congress ought to have something to say about it without leaving it to some bureau chief, as it would be left, to decide who shall purchase it and at what price.

My attention was recently called to articles used in Panama, sold to a concern in the United States for $1,500 each, which that same concern has since sold to our War Department for $15,000 each. Congress need not hurry now to dispose of war supplies and materials, especially guns and ammunition. We, of course, have been necessarily hurried and have had to pay large prices for the acquisition of these things to make an adequate defense of the United States; but Congress need not now trust to a bureau chief to dispose of billions of dollars worth of this kind of material but can well wait, and can understand and identify the person to whom we are selling it, or the country to which we are selling it, rather than sell it to the second-hand dealer, who could sell it if he wanted to a country with which we might have some very grievous trouble.

All that this amendment does is simply to provide that when it comes to guns and ammunition we can only sell to another department of the Government or to States or countries that are at war with the same countries with which we are at war. We can furnish our allies with all those things, but we can not sell them to Bannerman at any price or on any terms that some mere bureau chief might determine upon.

Mr. DENT. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. DENT. The gentleman submitted his amendment to me, and I investigated it as well as I could, and I think it ought to be adopted.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Iowa [Mr. GOOD].

The amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Iowa offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GOOD: On page 14, line 21, after the word "States," insert: "*Provided further*, That a detailed report shall be made to Congress on the first day of each regular session of the sales of any war supplies, material, and equipment made under the authority contained in this or any other act, except sales made to any foreign State or Government engaged in war against any Government with which the United States is at war, showing the character of the articles sold, to whom sold, the price received therefor, and the purpose for which sold."

Mr. DENT. I have no objection to that; but, Mr. Chairman, I want to call attention to the fact that the first proviso comes in after the word "States," and this further proviso ought to come after the first one.

Mr. GOOD. Yes; it should follow the amendment that has just been adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

The Clerk read as follows:

Provided further, That during the present emergency the requirements of section 3744 of the Revised Statutes shall not apply to the rent of quarters for the use of local, district, or medical advisory boards where the amount to be paid is less than is customarily charged the public for the same quarters: *And provided further*, That all payments made by disbursing officers appointed in connection with the execution of the selective-service law for rents unsupported by a lease may be passed to their credit by the accounting officers of the Treasury if otherwise correct.

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 16, line 13, at the end of the paragraph, insert a new paragraph, as follows:

"The Secretary of War is authorized and directed to provide and issue to all men who, under the provisions of an act for making further and more effectual provision for the national defense, and for other purposes, approved May 18, 1917, or of any law hereafter enacted, have heretofore been or shall hereafter be drafted into the military service but subsequently exempted therefrom, or who heretofore or hereafter having volunteered for military service shall have been or shall be rejected for any cause, a distinctive button or badge of such design, size, and composition as he shall determine and adopt, and to cause a new button or badge to be issued to such persons, without charge therefor, whenever during the present emergency the button or badge originally issued shall have been lost, destroyed, or rendered unfit for use without fault upon the part of the person to whom it was issued, and to meet the cost of procuring, providing, and distributing the same out of any appropriations heretofore or hereafter made for expenses incident to or necessary for the registration, selection, or draft of persons available for military service.

"It shall be unlawful for any person other than the one who has been drafted and exempted, or who has volunteered and been rejected, as aforesaid, to wear said button or badge, or other button or badge approximating the design thereof, or for any person by misrepresentation to procure the issuance of either an original or substitute button or badge, or for any person, partnership, association, or corporation, without the authority of the Secretary of War therefor, to manufacture said button or badge, or other button or badge approximating the design thereof; and any person, partnership, association, or corporation who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $500 or by imprisonment for not more than six months, or by both such fine and imprisonment."

Mr. DENT. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Alabama reserves a point of order.

Mr. ROGERS. Mr. Chairman, my amendment, just read from the Clerk's desk, provides for the issuance of a distinctive badge or button by the War Department to every man who has volunteered for military service, or who, having been drafted for military service, has for valid cause been exempted by the constituted authorities of the United States. The exact language carried by my amendment was proposed by the Secretary of War himself in a communication sent to the Senate of the United States and to the House of Representatives of the United States on December 20, 1917. In support of the measure the Secretary of War wrote:

An exemption badge or button, which may be worn by men of military age drafted into the military service but subsequently exempted therefrom, or who have volunteered or may hereafter volunteer for military service but have been or shall hereafter be rejected for any cause, seems necessary in order that such men may have something official to show that they are not slackers.

Such a badge or button having been authorized, the law should also provide penalties for its unauthorized use or manufacture.

I have the honor to suggest, therefore, that legislation be obtained as early as practicable, to accomplish these objects, and to submit the following draft of a bill for this purpose.

Then follows a suggested draft of a bill identical with the amendment which I have just offered.

The Senate Committee on Military Affairs favorably reported this bill, and it passed the Senate on February 5 of this year. The House Committee on Military Affairs has not acted, but I have been told informally by several of the members of the committee that they are in hearty accord with its provisions. I have talked this morning with the men in The Adjutant General's office who are charged with the administration of recruiting both by conscription and by volunteering. They tell me that their mail is daily flooded with appeals from all over the country for a badge of this kind, and that men who are not wearing the uniform for a cause which does not arise from their own fault should be permitted as an act of the barest justice to wear in their buttonholes some indication that there is a valid reason why they are not rendering military service.

I believe that the adoption of this amendment and the issuance of exemption badges or buttons would have a tremendously useful effect upon the general military situation throughout the country, because it would enable everyone at a glance to know that a man of draft age was not in the Army for some good reason outside his own preference or his own fault.

When I was in England last winter I saw men, young men and older men, wearing a badge as big as a policeman's badge on their lapels. I made inquiries as to what those badges were, and I found that Great Britain had found it necessary for the effective administration of the recruiting service to give men who had served in the military establishment and men who had been validly exempted from military service some distinguishing token by which the world might know that they either had done their duty or had tried to do their duty. The badge told their neighbors that they wore mufti for some reason outside of their own fault. I think the membership will support this amendment, and I hope the chairman of the committee may think it proper to withdraw the reservation of his point of order.

Mr. DENT. Mr. Chairman, this matter has been considered by the Committee on Military Affairs and considerable opposition developed, although no final action has been taken. Some Members made the objection that it would subject these men who had the badge to criticism, and that we ought to consider this bill carefully. The committee, after we get through the appropriation bill, proposes to take up all matters of general legislation recommended by the War Department; probably next week; but I think the matter ought to be carefully considered by the committee itself rather than to have it put on an appropriation bill, and for that reason I shall have to insist on the point of order.

Mr. ROGERS. Will the gentleman yield?

Mr. DENT. Yes.

Mr. ROGERS. Is it fair to ask whether the gentleman from Alabama is personally in favor of this bill?

Mr. DENT. I will state that I have no decided views. I think there are some things to be said on both sides.

Mr. ROGERS. I think the whole country will be behind the action of Congress if it gives these men a chance to show what they are.

Mr. DENT. We will take it up as soon as this bill is through.

Mr. ROGERS. The bill has been considered by the Committee on Military Affairs of the Senate, by the War Department, and by the Secretary himself.

Mr. DENT. Yes; but it is a comprehensive bill carrying a great many details, and I do not think it would be exactly fair to put it on an appropriation bill even though it is a desirable bill.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. DENT. Yes.

Mr. SHALLENBERGER. I wish to call the attention of the gentleman from Massachusetts to the fact that the law now under the questionnaire gives a man of military age a status that if he is not in the service of his country he is out of it not by any fault of his. He does not have to wear any badge.

Mr. ROGERS. But the general public does not understand that, and the man deserves some protection from the unjust comments of other people.

Mr. SHALLENBERGER. The gentleman is aware that there are 6,000,000 registered, and there would be 4,000,000 men wearing badges under the gentleman's amendment. They need no excuse.

Mr. DENT. At any rate, I will say to the gentleman that there is such an opposition to this bill in its present form among the members of the committee that I think it is my duty to make a point of order.

Mr. ROGERS. May the House have the assurance of the chairman of the committee that within a very short time this great question will be taken up and disposed of?

Mr. DENT. It is my purpose, as soon as we get relief from the appropriation bills, to take up every bill on the calendar of the Military Committee and dispose of them one way or the other. Of course, I do not know how the committee may act.

The CHAIRMAN. Does the gentleman from Alabama insist on his point of order?

Mr. DENT. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROGERS. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 16, line 13, at the end of the paragraph, insert the following as a new paragraph:

"The Secretary of War be, and he hereby is, authorized and directed to provide and issue to all men who, since April 6, 1917, have been honorably discharged from the armed forces of the United States, a distinctive button or badge of such design, size, and composition as he shall determine and adopt, and to cause a new button or badge to be issued to such persons, without charge therefor, whenever during the present emergency the button or badge originally issued shall have been lost, destroyed, or rendered unfit for use without fault upon the part of the person to whom it was issued, and to meet the cost of procuring, providing, and distributing the same out of any appropriations heretofore or hereafter made for expenses incident to or necessary for the registration, selection, or draft of persons available for military service.

"SEC. 2. That it shall be unlawful for any person other than the rightful owner to wear said button or badge, or other button or badge approximating the design thereof, or for any person by misrepresentation to procure the issuance of either an original or substitute button or badge, or for any person, partnership, association, or corporation, without the authority of the Secretary of War therefor, to manufacture said button or badge, or other button or badge approximating the design thereof; and any person, partnership, association, or corporation who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $500 or by imprisonment for not more than six months, or by both such fine and imprisonment."

Mr. DENT. Mr. Chairman, I make the point of order on the amendment.

Mr. ROGERS. Will the gentleman reserve it for a moment?

Mr. DENT. I will.

Mr. ROGERS. Mr. Chairman, I do not wish to take the time of the committee in discussing my second amendment. The first one was to provide for men who had either volunteered, but had been rejected for physical or some other valid reason, or had been drafted and had been exempted for some good cause from serving with the colors. This amendment provides that men who have actually served with the colors and have been honorably discharged from the service of the United States shall be permitted to receive and wear a badge furnished by the United States showing their service. This amendment is, I think, even more meritorious than the other, for it cares for men who have actually served and who for wounds or injuries have been honorably discharged by the Government.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. GREENE of Vermont. Of course, they get an honorable discharge, and that is more important and authoritative.

Mr. ROGERS. An honorable discharge paper, of course, is a great protection to these men. That is the official proof that they have rendered service. But just as the gentleman from Vermont, who has made the suggestion, is proud of wearing in his lapel at this moment a button showing the fact of his Spanish War service, so the men who have served in the present great war with Germany desire to wear in their lapel a button showing their military service.

Mr. CRAGO. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. CRAGO. Has the gentleman forgotten that the Government has never issued that badge?

Mr. ROGERS. I hope at some time that defect may be remedied.

Mr. CRAGO. I think we are starting at the wrong end of the line.

Mr. ROGERS. Mr. Chairman, I have had some knowledge of the condition of the sick and wounded soldiers at Walter Reed Hospital and elsewhere. There are at that one hospital several hundred men who either have been discharged for physical reasons or who are about to be discharged for physical reasons from further service in the United States Army. Those men have done their part just as well as they know how, and without fault on their own part they have fallen physically by the wayside. They want this recognition by the United States Government of the fact of their service. There are also at Walter Reed Hospital 30 or 40 men who have returned from France hopelessly crippled from wounds or injuries received in France. These men have nothing that they can wear to show to their friends and neighbors and the people whom they meet that they have rendered honorable service in this great war with Germany. This amendment will take care of those men. Again, I submit that it is rendering only the barest justice to those

soldiers, who have done the very best they could for their country's cause.

Mr. DENT. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LOBECK. Mr. Chairman, I move to strike out the last word, and I do this for the reason that I have received a letter from the governor of Nebraska in regard to the Nebraska soldiers at Camp Cody. I understand there is a meeting to-day in Washington of the governors from the States of Minnesota, South Dakota, North Dakota, and other States considering the same subject in regard to their State troops, and during the few minutes I have I wish to read Gov. Neville's letter. It is as follows:

STATE OF NEBRASKA,
EXECUTIVE OFFICE,
Lincoln, May 25, 1918.

Hon. C. O. LOBECK,
Washington, D. C.

DEAR MR. LOBECK: As I advised in my telegram of this date, I have information that 5,660 men are to be taken from the Thirty-fourth Division as a replacement draft as soon after June 1 as they can be gotten ready. This will take more than 1,400 men from the One hundred and thirty-fourth Infantry, Nebraska's only Infantry National Guard organization in the service. One officer of the regiment will accompany each 250 men. This will leave, in addition to the noncommissioned officers in the companies of the regiment, approximately 16 men to each company. The One hundred and twenty-seventh Field Artillery, an organization of Nebraska men and officers, will be similarly affected. It means that Nebraska's organizations are to be entirely disrupted, and that the guaranty of the Government that Nebraskans in the National Guard would serve under Nebraska officers is to be entirely disregarded. The places made vacant are to be filled by drafted troops from New Mexico, Arizona, Texas, and Colorado. You, of course, know that the type of drafted men from those States, being largely Mexicans, in no way compares to our men.

I wish to say that these Nebraska soldiers who are now at Camp Cody have served for nearly two full years on the Mexican border, and they wish to be kept together, having trained as one unit.

Of course, it will be claimed that this disorganization is demanded by military necessity, but military necessity can not justify and the interests of the Government will not be served by destroying the esprit de corps and the morale of these fine organizations.

I have seen National Army divisions at Camp Funston and various Regular Army organizations. I have just returned from a 10 days' trip to Camp Cody, and I know from my own personal experience and investigations that the men of the Thirty-fourth Division are as fine a lot of troops as we have in the service, and now that the officers who are incapable have been weeded out they will measure up to the very best.

Nebraska and other Middle Western States are leading in all phases of war-work activities. The Minnesota and Kansas City Federal reserve districts were the first to go over the top in the recent liberty-loan campaign. Nebraska stands first in subscriptions to war savings stamps, and the men in the service from this State, as well as other Middle Western States, are certainly entitled to some consideration.

The Thirty-fourth Division has been in training for nearly a year at Camp Cody, the most undesirable and unenviable camp in the United States from the standpoint of the pleasure of the men stationed therein. Officers whose wives live in Deming have not been permitted to spend more than two nights per week outside of the camp. The men have not been given a furlough, except when a death occurred in the immediate family. Not a half dozen officers have been given leave to return to Nebraska since the troops went South a year ago. I can say, without fear of contradiction, that no division has worked harder than the Thirty-fourth, and the condition of the men indicates it. The men are trained to the minute, and various English and French officers have officially reported to the department that the division was ready and fit for foreign service and that no further advancement could be hoped for in the present environment. Drafted men who have been in training but a few weeks are now in France, and this division, which has been hard at work for practically a year, under the most unfavorable conditions, is now to be disrupted, the men to be distributed throughout various organizations, and the officers can look forward to another long period of training at Deming.

I feel sure that our Representatives in Washington have sufficient influence to cause the department to change their plans with reference to the disruption of these organizations. These men were not drafted; they are volunteers, and they are certainly entitled to serve their country as such and in the organizations of their choice. If the department can not be prevailed upon to move the division, perhaps they would move the brigades, regiments.

I know that you will do everything you can in this matter. The governors of other Western States are interested, and it is possible that several of us will make a trip to Washington with reference to it. The matter must be attended to at once, however, as these troops will leave as soon after June 1 as they can be gotten ready.

Yours, very truly,

KEITH NEVILLE.

Of course, this is a matter of administration, but I believe and it seems to me it is for the best interest of the Army and for the soldiers that these men who have served practically for two years in the National Guard on the border should be entitled to go together and not to be distributed in other regiments. There are, I believe, no better men in the service than these Nebraska soldiers. The most of them are native-born Nebraskans, absolutely and truly American in their views, educated in Nebraska schools—there are no better schools anywhere—accustomed to western outdoor life, these soldiers will render our country the best of service. They are true to the flag, they understand the principles of pure democracy, they are the bravest of men, and when the history is written of this war, if these Nebraskans are given the opportunity to battle for their homes, their loved ones, their country, it will be said of them they were the bravest of men and have done the fullest share to bring victory to our country. I hope that they may be kept together as a fighting unit.

The Clerk read as follows:

Additional pay to officers for length of service, $3,500,000.

Mr. DENT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 16, line 20, after the figures, insert the following: "That section 23 of an act for making further and more effectual provision for the national defense, and for other purposes, approved June 3, 1916, be and the same hereby is amended by adding thereto the following:

"'Should any such officer during such provisional period of two years become incapable of performing the duties of his office by reason of physical incapacity resulting from an incident of service, he shall be retired from active service by the President upon the actual rank held by him at the time of retirement in the manner provided by law for the retirement of permanent officers of the Regular Army, and provisional officers retired under the provisions of this section shall be in addition to the number of officers of the Army on the retired list now fixed by law.'"

Mr. MADDEN. Mr. Chairman, I would like to have some explanation of that amendment.

Mr. KAHN. Mr. Chairman, will the chairman of the committee kindly explain that?

Mr. DENT. I yield to the gentleman from Vermont.

Mr. GREENE of Vermont. Mr. Chairman, this amendment after all is more in the nature of restoring to the law as it stood what apparently was inadvertently taken out of it by the amendment to section 23 of the act approved June 3, 1916.

Mr. KAHN. The national-defense law?

Mr. GREENE of Vermont. The national-defense law. It was inadvertently taken out of that act by an amendment. The proposition is simply this: The War Department asked us to write into the national-defense act some provision whereby the young officers going into the Army in the first grade of second lieutenant from civil life——

Mr. MADDEN. That is into the Regular Army?

Mr. GREENE of Vermont. Into the Regular Army from civil life—should be styled provisional officers for the period of two years. And the purpose was explained to be this: That under the former procedure when they had been commissioned in this grade upon their acceptance from civil life they put themselves in the status of permanent commissioned officers, and it then required something like an intricate process under the law to dismiss them from the service for something that did not involve a court-martial charge. In other words, the practical effect of it was that when they were found not to be suitable or adaptable to military service there was no easy way to dismiss them from the service. A new status in a sense was created for a provisional service until it should be found out that the young man had a suitable temperament and the general all-around fitness to become an officer of the Army. Of course, if he violated any military discipline or anything of that kind demanding dismissal he would be treated as any other officer would, but there was no provision under the existing law whereby the man could be easily dismissed from the Army upon the mere ground that he was not the kind of man who would make a success of it.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. MADDEN. As I read the language it provides——

Mr. GREENE of Vermont. I am coming to that. After we had written into this national-defense act the authority to call these young officers provisionals for the period of two years it developed that by construction of that amendment in the office of the Judge Advocate General it was held that appointment did not confer upon the appointee the right of retirement that was held by other officers who held a permanent status in the Army.

We did not intend any such thing, because the young man who goes into the Army as a provisional second lieutenant goes in with the same serious disposition and intent to become an Army officer as any other man; and not only that, but he has precisely the responsibility and the obligation other men of his grade and rank have, is held exactly to the same accountability, and consequently if he is wounded in service, incapacitated in service, there ought not to be any more discrimination against him than against a man who had been in there, say, 15 minutes longer and had just gone over that period of two years' service. Moreover, the terms of that amendment did not apply to the graduate of West Point. The West Pointer was permitted to go right in and become a second lieutenant, although the Government had spent four years of time and about $25,000 to educate him to become a second lieutenant, and he was permitted

to be eligible for retirement within the next 24 hours if he might be disabled in the line of duty in the service, while the young man in civil life, who brought into the Army his own education and never cost the Government a cent, who might be disabled in the same accident, on the same tour of duty, could not be retired. Now, we did not mean to take that right of retirement for the provisional out of the general law by that amendment of the act of June 3, 1916.

Mr. MADDEN. In other words, you make eligible the retirement any time after he goes into the service after he meets with an accident?

Mr. GREENE of Vermont. Just exactly as in the case of all other officers of the Army.

Mr. MADDEN. What status has an officer in the National Army under such circumstances?

Mr. GREENE of Vermont. He does not engage in the business as a profession.

Mr. MADDEN. The mere fact is he does not engage in the business as a profession, but he does give his services, and his life if need be.

Mr. GREENE of Vermont. It has always been the fact that a professional soldier in the Regular Army is forbidden by the law to follow any other gainful occupation.

Mr. MADDEN. While they are in the Army?

Mr. GREENE of Vermont. Certainly; but they are in the Army for life.

Mr. MADDEN. The other man is forbidden to accept any other gainful occupation.

Mr. GREENE of Vermont. But he is not in the Army for life.

Mr. GORDON. He is in there for the period of the war, and he may be for life.

Mr. MADDEN. The other men are prohibited, under any circumstances, from accepting any gainful occupation while they occupy that position.

Mr. GREENE of Vermont. Oh, that is true; but he does not give up his home and business.

Mr. MADDEN. He does——

Mr. GREENE of Vermont. He does not in the sense of a man who takes up the Army as an occupation and a profession and goes into it for his life work and expects to stay there until he is 62 years of age.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. SHALLENBERGER. The Army officer in the Regular Establishment has the same right to resign as an Army officer in the National Guard has at any time.

Mr. GREENE of Vermont. Well, that same thing is true, I might say to the gentleman from Illinois—it has been true all these years, 50, perhaps, or more—about this same right of retirement. The right of retirement would be upheld when the disability had been incurred within 15 minutes after the man had gone into the Army, one might say, and always has been so.

Mr. SHALLENBERGER. If a man resigns from the Regular Army he releases his right to retirement?

Mr. GREENE of Vermont. Absolutely.

Mr. MADDEN. The statement the gentleman from Vermont made was that a man who went into the Regular service as an officer is not permitted to do any other business while he is an officer, and that same obligation applies to a man who is not in the Regular Army.

Mr. GREENE of Vermont. Yes; but in the Regular Army it withholds from them that privilege for a period of probably 40 years, which is a restriction not enforced in any occupation other than the Army——

Mr. MADDEN. And probably during the period he would be paid better than he would be in any other occupation.

Mr. GREENE of Vermont. The gentleman and I have seen men of splendid administrative capacity getting $5,000 or $6,000 in the Army who in outside employment would be getting $15,000 or $25,000 a year.

Mr. SHALLENBERGER. Another thing lies in the fact that there is no possibility of accumulating such a competency as will support a man in his old age, and that is one reason for retirement.

Mr. GREENE of Vermont. Exactly. It is part of a contractual obligation by the Government from the time that the man is sworn in that he will from that day on refrain from any outside gainful occupation, and in consideration of the fact that his salary never will be enough for him to lay up a competency, as men expect to do in civil life, that he will be carried along until he is 62 years of age, when the Government will retire him——

Mr. SHALLENBERGER. I want to ask this question, if I may do so. The man who has fitted himself for the Army in the West Point Academy during the four years while he is constructively in the Army is not entitled to any retirement until he is commissioned in the Army?

Mr. GREENE of Vermont. Not at all.

Mr. SHALLENBERGER. The idea of the probational civilian coming in was to put him in a certain degree in the position of the man who has had four years to fit himself, whereas this man comes in two years to fit himself; and the idea of the probation was a sort of two years' trial before he was fully accepted into the service. Now, the contention of the gentleman from Vermont is, in substance and in fact, that a man who has been taken into the Army on trial ought to be treated exactly the same as any other man coming in any other way into the Regular Army.

Mr. GREENE of Vermont. The point of the thing in effect is this, that the provisional started at the beginning of his two-year period with the idea that his permanent retention in the Army was contemplated. He goes along in the service from day to day like any other officer, and at the end of two years, when the clock strikes 12, he becomes a permanent officer, and those two years are credited to him as a longevity accumulation.

Mr. MADDEN. The longevity accumulation begins at the beginning of the West Pointer's academy period.

Mr. GREENE of Vermont. Not now. It was changed two or three years ago.

Mr. MADDEN. I do not think so.

Mr. GREENE of Vermont. I think it was.

Mr. MADDEN. We have been passing bills here recently——

Mr. GREENE of Vermont. They were for the old Civil War officers, due to a former construction of a comptroller that that service did count.

Mr. MADDEN. I think this legislation, while it does justice to the men to whom it applies, fails to do justice to the men to whom it does not apply, because many of the men who have gone into the National Army as officers have gone in because of the special ability they possess that qualifies them for the service they are called upon to render, and they have acquired that ability by long years of arduous toil and the expenditure of vast sums of money in educating them in the special lines in which they are experts.

Mr. SHALLENBERGER. The gentleman from Illinois [Mr. MADDEN] recalls the eloquent speech of his colleague [Mr. McKENZIE], to the effect that this tremendous number of men who come into this Army from civil life, with very little training, would have the same right of retirement as those men who are entitled to it by service.

Mr. MADDEN. I am speaking of those only who have swivel-chair jobs and not of men who are actually at the front and go to the front because they are, first, arduously patriotic and want to go to the front, and because of special qualifications that lead them to be useful at the front.

Mr. GREENE of Vermont. I suggest to my friend from Illinois that that presents the subject on an entirely different basis, because those men are only in the Army temporarily, and designedly so, and will go back to civil life again. That was a part of the contract of employment that was made. And if we do not adopt this amendment, I will suggest to the committee that we shall have the anomaly of two kinds of junior officers in our Regular Army, all performing exactly the same duties, all having exactly the same obligations, all having exactly the same responsibility and held to the same accountability, and yet one of them can be retired if he is wounded in that duty and the other can not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I would like to ask recognition.

Mr. McKENZIE. Mr. Chairman, I ask that my colleague have two minutes more in order that I may ask him a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McKENZIE. I desire to ask my colleague, the gentleman from Vermont [Mr. GREENE], if it is not a fact that in the Regular Army a graduate of West Point, educated at the expense of the Government, is entitled to the consideration of which he now speaks; that is, the right of retirement solely?

Now, then, all you seek to do by this amendment is to give to the young man who by his own effort educates himself, prepares himself, and qualifies as a second lieutenant, and gets a commission, the right to be on the same ground as the man who gets a second lieutenant's commission and who has been educated at West Point at Government expense? Is not that fair?

Mr. GREENE of Vermont. That is better stated than when I tried to do it, when I was hinting at it myself a little while

ago. It comes right down, as I said just a moment ago, to the fact that unless you do this thing you will have the anomaly of two kinds of officers in the service, all held to the same obligation and responsibility, getting the same pay, and yet one having this handicap against him, for which no reason whatever can be given. And, moreover, this would not have been necessary, this proposed amendment, were it not for the fact that afterwards the War Department, and very likely advisedly, read into the language of our amendment what none of us ever considered it to mean when we originally proposed it to the House for adoption.

Mr. MADDEN. Mr. Chairman, I do not wish to be understood as opposing what I believe to be just legislation, and I consider this just. But I want to call the attention of the committee to this situation:

Criticism has been frequently made upon the floor of the House about men who have come in from civil life to the Army and have obtained commissions and are occupying useless places. But most of these men came in because they have peculiar knowledge of some phase of the war activities which are deemed essential to the successful conduct of the war. It is frequently stated on the floor that they came in because of pressure from influential people on the outside. Now, that can just as well apply to the men who are commissioned as second lieutenants in the Regular Army as professional officers, and I will cite a case which will serve as an illustration.

Into the training camps that we have had all over the United States men have come from civil life to compete for commissions, and it just so happens that boys who had rich and influential parents or friends, and who were able to place at the disposal of the commanding officers of the training camps automobiles, to be used whenever they pleased to take advantage of them, and to invite them to all kinds of social entertainments, were given commissions in the Regular Army, whereas the boys who had qualified without having such influences at work were given commissions in the National Army or the Reserve Corps.

I am speaking of something that I know. I happen to know cases where these boys were granted commissions in the Regular Army not because of any special qualification that they proved themselves to have at all, but simply because of the influence of their wealth on the commanding officer who had the right to mark up their standard of efficiency. I do not know how you are going to get around it, how you are going to discipline men who accept such favors, and then commission men into the regular service because of the favors.

But the practice exists in all the training camps and a great many of the men who are being placed in a position where they can be retired if injured are commissioned in the regular service as provisional officers now because of the conditions that I have described.

Mr. GORDON. Mr. Chairman, will it interrupt the gentleman if I ask him a question?

Mr. MADDEN. Not at all.

Mr. GORDON. My understanding is that they are required to take an examination prescribed by The Adjutant General before they can get a commission in the Regular Army.

Mr. MADDEN. No; they are commissioned in the Regular Army through the recommendation of the commanding officers of the training camps.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. KAHN. The condition that the gentleman refers to is due, no doubt, to the great expansion of the Regular Army. They had to get many new officers for the units of the Regular Army. On the other hand, many Regular Army officers of the higher grades were taken out of the Regular Army and put into the National Army. They are officers to-day in the National Army.

Mr. MADDEN. I agree to that; but still they hold their status in the Regular Army, notwithstanding that. But the point I am making was not touched at all by the statement of the gentleman from California. My point, if I have not made it clear, is that of two young men of equal ability—one the son of poor parents, and the other the son of rich parents, who are able to entertain the commanding officer of the company in which these two young men served while they were in training—the one was commissioned in the Regular Army and the other one may not have been commissioned at all, or if so, he was commissioned in the Reserve.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman permit an interruption?

Mr. MADDEN. Yes.

Mr. GREENE of Vermont. I do not, of course, know of the special instance——

Mr. MADDEN. I am talking about a lot of instances, but I am only describing one.

Mr. GREENE of Vermont. The practice in the camps of which I am informed under these preparations for commissions in the Regular Army was something like this: The class that was preparing to qualify for reserve commissions was notified that a limited percentage of those men standing high enough in their studies would be permitted to take examination for a commission in the Regular Army apart from their test for a reserve commission, which they were taking anyway.

Mr. MADDEN. But anybody who had the influence to do the things prescribed would be certified for commission in the Regular Army. Otherwise they would be certified to the Reserve Corps.

Mr. SMITH of Michigan. That does not happen often.

Mr. MADDEN. That happens every day, if I am correctly informed.

Mr. KAHN. If the gentleman is correct in his statement that influence was used in favor of the rich young man to get a better position than the poor young man could obtain, then there ought to be an investigation of that matter.

Mr. MADDEN. I am sure about it.

Mr. KAHN. There should be in the Army of the United States no distinction as to class. The very purpose of the draft law was to destroy class distinctions in the armies of the United States.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I will yield in a moment. If it has crept in in the commissioning of officers of the Army, decidedly there should be an investigation to determine the facts, and the officers who might be found guilty of it ought to be severely punished by the military courts-martial.

Now I yield to the gentleman from Oklahoma.

Mr. McKEOWN. I wanted to ask the gentleman whether or not he was aware that it was a common rumor throughout the different camps that there had been some discriminations made with reference to commissioned officers?

Mr. KAHN. I dare say that such statements have been made. The man, probably, who failed at the training camp, in his desire to get a commission, in explaining his failure, says, "Oh, I was discriminated against; I was not given a square deal"; and by repeating that statement to all his friends the impression goes abroad that there was favoritism. I know that there are many cases where men went into those camps with high hopes, trusting that they would be commissioned. They could not meet the requirements of the training, physically or mentally, perhaps. They were unequal to the task, and they dropped out. But the proposition stated by the gentleman from Illinois [Mr. MADDEN] is entirely a different one, and it is a serious proposition.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. MADDEN. Of course, you can not stop a captain from being influenced by such surroundings as I have described in favor of the young man whose father is placing an automobile at his service and inviting him to all kinds of social functions. You could not prevent him from favoring the boy, regardless of whether the boy was qualified or not. But I know lots of cases where that has happened.

Mr. KAHN. I desire to say that I have not come in contact with a single case of that kind.

Mr. MADDEN. The gentleman has been too busy writing the bill. He has not been outside where that happens.

Mr. KAHN. The city I come from had a training camp at the very outset. The gentleman visited the training camp and spoke to the young men who were attending the camp while the camp was in being over at Fort Myer.

Mr. GREENE of Vermont. Will my colleague yield?

Mr. KAHN. Yes.

Mr. GREENE of Vermont. My colleague has been a legislator for a great many years. Has he ever yet found a way of passing a law that will repeal certain tendencies of human nature?

Mr. KAHN. Oh, it is, of course, impossible to frame a law that will do that.

Mr. GREENE of Vermont. These cases arise out of a cussedness that probably no law can ever reach. You can get an individual case and punish it, but it is doubtful if you could prevent it.

Mr. McKENZIE. Is it not a fact that even if the statements of my colleague from Illinois [Mr. MADDEN] are correct, these young officers might get a commission as second lieutenants through favoritism, but after they got into the Army the first time they went up against an efficiency examination they would be out?

Mr. KAHN. They would be dropped—given an honorable discharge and probably would have to go into the draft.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Pay of clerks, messengers, and laborers, office of the Chief of Staff: One chief clerk, at $2,750 (increase of $500 submitted), $2,500.

Mr. KAHN. Mr. Chairman, on page 18, lines 2 and 3, I move to amend by striking out the words "increase of $500 submitted" and the parentheses.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 18, lines 2 and 3, strike out "(increase of $500 submitted)."

Mr. DENT. I ask unanimous consent that the words "increase submitted" wherever they occur on the page be stricken out.

The CHAIRMAN. The question is first on the amendment offered by the gentleman from California [Mr. KAHN].

The amendment was agreed to.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that in the following lines on that page the words in parentheses may be stricken out. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, may I have the Clerk report the paragraph on page 18 as it reads with the amendment which has been adopted?

The CHAIRMAN. Without objection, the Clerk will report the paragraph as amended.

The Clerk read as follows:

Pay of clerks, messengers, and laborers, office of the Chief of Staff: One chief clerk, at $2,750, $2,500.

Mr. KAHN. Mr. Chairman, I move to amend further by striking out, in line 2, page 18, after the word "clerk," the words "at $2,750."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 18, line 2, after the word "clerk" strike out the words "at $2,750."

Mr. ROBBINS. The gentleman will see, by looking at the other paragraphs, that the word "at" ought to remain, and simply the figures ought to be stricken out.

Mr. KAHN. The gentleman is correct. I ask to modify my amendment in the way the gentleman suggests.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment in the way which the Clerk will report.

The Clerk read as follows:

Modified amendment offered by Mr. KAHN: Page 18, line 2, after the word "at," strike out "$2,750."

The CHAIRMAN. Is there objection to the modification?

There was no objection.

The CHAIRMAN. The question is on the amendment as modified.

The amendment as modified was agreed to.

The Clerk read as follows:

One clerk, at $2,250, $2,250.

The CHAIRMAN. Without objection, the last figures, "$2,250," in line 4, will be stricken out.

There was no objection.

The Clerk read as follows:

One gardener, at $720.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. Where do they use the gardener in the office of the Chief of Staff; to keep the windows decorated? [Laughter.]

Mr. DENT. No; he is used in the Army War College.

Mr. MADDEN. What does he do; decorate the offices located there?

Mr. DENT. He takes care of the plants and flowers, keeps the grounds in condition so as to make them attractive.

Mr. COX. I wonder if it would not be better policy for the gardener to raise potatoes instead of flowers.

Mr. MADDEN. I do not know what he does raise unless it is boquets for the men at the War College.

Mr. DENT. The gentleman knows that these are items that have been carried in the bill for years. The gentleman has been a long time in discovering this.

Mr. MADDEN. There are so many new problems involved in the conduct of the war that it is hard to discover them all at once.

The Clerk read as follows:

One hundred and eleven clerks, at $1,800 each (increase of 32 submitted), $199,800.

Mr. DENT. Mr. Chairman, I ask that all words included in parentheses on page 19 be stricken out.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the words in parentheses on page 19 be stricken out. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Ordnance Department: Pay of 7,239 officers, $16,743,807.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the gentleman state how many officers there are in this 7,239 in the Ordnance Department above normal? I want to ascertain what the increase is above the normal number.

Mr. DENT. In other words, what it was before the war. My recollection, offhand, is that there were something like 1,200 or 1,300 officers before the war.

Mr. KAHN. Will my colleague yield?

Mr. DENT. Yes.

Mr. MOORE of Pennsylvania. I am asking the question in order to gauge the number of increases in the Army.

Mr. DENT. I can give the gentleman the figures by looking them up.

Mr. MOORE of Pennsylvania. Can the gentleman at this point say about what the increase has been in the total number of officers of the Army?

Mr. DENT. I can by looking it up. I put the figures in the RECORD yesterday. There were before the war something like 7,500 officers in the Regular Army. We are now appropriating for 145,000 officers, that is an average, and we expect the number will reach 160,000.

Mr. MOORE of Pennsylvania. That was printed in the RECORD of yesterday?

Mr. DENT. Yes.

Mr. KAHN. I can give the gentleman an idea of the size of this increase by telling him that when the estimate was submitted to the committee in December they asked for pay of 2,000 ordnance officers, and now in this bill we are considering the matter of 7,239.

Mr. MOORE of Pennsylvania. That would indicate an increase of more than 5,000 officers since December last?

Mr. KAHN. Exactly.

Mr. MOORE of Pennsylvania. That is the information I was seeking.

Mr. KAHN. Of course, if the gentleman will allow me——

Mr. MOORE of Pennsylvania. Would that ratio of increase hold as to all the officers between December last and the present time?

Mr. KAHN. I think so.

Mr. MOORE of Pennsylvania. May I ask if the 7,239 officers in the Ordnance Department whose salaries are provided for include what we call the dollar-a-year men?

Mr. KAHN. No; the dollar-a-year men are civilians. The commissioned officers all receive salaries of the various grades in which they are commissioned.

Mr. MOORE of Pennsylvania. Some of the dollar-a-year men are operating under the Ordnance Department, are they not?

Mr. KAHN. I imagine they are, but they are still civilian employees.

Mr. MOORE of Pennsylvania. They wear the uniform?

Mr. KAHN. No; they do not. They do not wear a uniform at all; they are not commissioned.

Mr. MOORE of Pennsylvania. Until they are in the pay of the Government at something more than a nominal salary?

Mr. KAHN. Until they are in the Army subject to the rules and regulations of war.

Mr. MOORE of Pennsylvania. I want to get at that, because there are rumors floating about that men who obtain no pay, who are nominal employees of the Government, are wearing the uniform of the Army.

Mr. KAHN. I know of no instance of that kind.

Mr. LONGWORTH. May I ask if all these officers are noncombatant?

Mr. KAHN. Yes; they are noncombatant officers; but I am told that the Ordnance officers who go across the Atlantic and are near the base of supplies there——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. KAHN. May I have one minute in which to finish this answer?

The CHAIRMAN. The gentleman is recognized in opposition to the amendment.

Mr. KAHN. The officers who go over there are subject to aeroplane attacks just the same as any other soldier.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. FIELDS. The Ordnance Department is not mentioned in the President's classification of noncombatant forces.

Mr. KAHN. They are not so classified.

Mr. LONGWORTH. But they are technically termed "noncombatant"?

Mr. KAHN. Yes; although they are not classified as noncombatant by the President's orders.

Mr. TILSON. From a military standpoint the gentleman will understand that they are not noncombatant. The Ordnance officers are really combatant, and the Medical Department and the chaplains are the only force that are not combatant from a military point of view.

Mr. SHALLENBERGER. The gentleman will recall that this question was asked of the Chief of Staff and he went on record before the committee as saying that the only noncombatants now recognized were the Medical Corps and the chaplains.

Mr. LONGWORTH. Did not the President recently make an order declaring certain branches to be noncombatant?

Mr. SHALLENBERGER. That is for the conscientious objector.

The Clerk read as follows:

Reserve veterinarians, $68,000.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. What is included in the reserve veterinarians? I want to direct the chairman's especial attention to this kind of a case that came to me: I have in my district two young men who graduated at a regular college for veterinarians. They are within the draft age, although they have practiced their profession, one of them for four years and the other one for two years. They were promptly drafted and taken into the ranks. I applied to the head of the veterinarian department here at Washington for a transfer of these men into the professional department as veterinarians, where their education, capacity, and training fitted them for service. Neither of them were men who could serve in the ranks very well, one being quite small in stature and the other being rather delicate. I was told there was not any method of release from the situation at this time, that they would have to remain in the ranks, and probably in the future they could be called into the service in their professional capacity. What is meant by this reserve veterinarians and what is the relief for the situation I present, if any?

Mr. DENT. This, of course, would not take care of that. Does the gentleman want to know how many that provides for?

Mr. ROBBINS. Yes. What is provided for in this item, page 21, line 4, "reserve veterinarians, $68,000"?

Mr. CRAGO. They are the ones in the service that have been called to the service from the reserves.

Mr. KAHN. They are commissioned now.

Mr. ROBBINS. How many are there of those?

Mr. KAHN. Some thousands are now in the Army.

Mr. ROBBINS. There would not be many thousands if that is all you are going to pay for their salaries. If you are going to pay only $68,000 for their pay in the Army, there would not be 1,000 of them, but very few.

Mr. KAHN. They were provided for originally in the national-defense act of June 3, 1916.

Mr. ROBBINS. I want information. I am not seeking to impose an amendment on this section, because I do not know myself what the full import of it is, but I would like to know something about it.

Mr. KAHN. Mr. Chairman, I rather think that it is a misprint, because the estimates that came down from the War Department were for $700,000 for these reserve veterinarians.

Mr. ROBBINS. I am sorry I spoke, if that is the case.

Mr. KAHN. On page 21 of the committee's print of the bill the chairman of the committee will find that the original estimates were for $700,000, and there was no request made by the department for an increase in that amount.

The appropriation for the last year, before we got into the war, was for $68,000, so I rather think that that must be a misprint and that the amount should be really $700,000.

Mr. DENT. I think there is some mistake there, and I ask unanimous consent that the item be passed.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that this paragraph may be passed temporarily——

Mr. ROBBINS. With the hope in the meantime this may be corrected and my two men taken care of, I have no objection.

The CHAIRMAN. Does the gentleman yield the floor?

Mr. ROBBINS. I yield.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that this paragraph may be passed temporarily with the right to return to it at some future time during the consideration of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Nurses, $26,724,000.

Mr. LITTLE. How many nurses are expected to be provided for by this item?

Mr. KAHN. I believe, if my memory is correct, that there were to be 30,000, and they are finding a great deal of difficulty in getting the number they require.

Mr. LITTLE. Are they to be male or female?

Mr. KAHN. Those are female nurses.

Mr. LITTLE. Another suggestion. Are there any colored nurses for the colored troops?

Mr. KAHN. Of that I have not been informed.

The Clerk read as follows:

Bureau of Insular Affairs: Pay of three officers, $15,000.

Mr. LITTLE. Mr. Chairman, I would like to inquire, beginning line 11, in reference to the following language:

Provided, That during the existing emergency the President is authorized to appoint in the Officers' Reserve Corps and the National Army, for service in the Judge Advocate General's Department, in addition to the grades now authorized, officers of the grades of first lieutenant and captain from such citizens as he shall find to be physically, mentally, and morally qualified for appointment.

There are two questions I would like to ask: First, if it is intended that they shall be attorneys, and, second, how many are intended to be appointed? It seems to me we have got about enough noncombatant officers, anyway.

Mr. DENT. I will state to the gentleman this will be a limitation and a reduction in expenditures, because under the present law there can be no appointment of first lieutenants and captains in the Judge Advocate General's Department, and the department recommended this amendment so that they could put men in there with the rank of first lieutenant and captain instead of major and so on up.

Mr. LITTLE. I think that is a good idea.

Mr. DENT. And save money.

Mr. LITTLE. Are those men to be attorneys?

Mr. DENT. Yes.

Mr. LITTLE. It does not say so.

Mr. FIELDS. It is understood that the men must pass an examination.

Mr. LITTLE. It does not say so. They do not have to pass any examination; it simply provides that the President is authorized to appoint, and so forth.

Mr. DENT. This simply changes the present law so as to reduce the grade to first lieutenant and captain.

Mr. KAHN. I desire to say to the gentleman——

The CHAIRMAN. To whom does the gentleman yield?

Mr. LITTLE. I want to ask either of the gentlemen: Ought not there be something more than to say here that a man shall be physically, mentally, and morally qualified? There is no examination provided, he does not have to be an attorney, and it seems to me very poorly drawn.

Mr. DENT. Well, this is the language that was prepared in the War Department by the Judge Advocate General's Office itself, and they think it will take care of it.

Mr. LITTLE. I think it ought to be corrected. Another thing I want to say to the chairman, does not he think there should be some limitation on the number? Why, we have got plenty of noncombatant officers now.

Mr. DENT. Their number is fixed in the bill.

Mr. LITTLE. Not in connection with this.

Mr. DENT. The only difference is that we appropriate for the number of officers in the Judge Advocate General's Office.

Mr. LITTLE. I suppose that would limit the appointments. It seems to me there certainly should be some sort of examination.

Mr. DENT. I want to call the gentleman's attention to a question which was asked a moment ago in regard to the number of nurses. If the gentleman will look at page 267 of the hearings he will find that this item is intended for the purpose of providing 20,664 nurses.

At the time of this testimony, which was secured in January, I believe there were 4,300 in the service. The gentleman will find that on page 267 of the hearings.

Mr. LITTLE. That does not indicate whether there are to be any black nurses for black soldiers. I think it no more than fair that such provision be made. Those people are in on this war. They are all loyal Americans, and in these days when they go to war for the Republic they should be given every consideration. There is no place for a color line on the firing line.

Mr. DENT. No. No such thing as that is indicated there.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman from Alabama [Mr. DENT] if there would be any objec-

tion to an amendment to the paragraph requiring that those who are appointed shall have been actual practitioners at the bar during a period of years?

Mr. DENT. I think that is the rule now.

Mr. SHALLENBERGER. I will state to the gentleman the regulations require now that they shall have had two years of practice in some court.

Mr. MOORE of Pennsylvania. I do not want to put the gentleman on the witness stand, but I would like to know if it is not a fact that some men have been appointed to the Judge Advocate General's staff who are not learned in the law as we understand that term?

Mr. DENT. I have never heard of any cases of that kind.

Mr. MOORE of Pennsylvania. Is it true that the regulations require that these appointees should be learned in the law?

Mr. GREENE of Vermont. I think I can inform the gentleman that the general policy is this: I have found out from recent experience that when a candidate for admission in the Judge Advocate's department presents himself he is requested to have his relationship to the department for that candidacy established through some officer of the American Bar Association in this city. There is where he is certified and vouched for in some way.

Mr. KAHN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. KAHN. I think the gentleman has in mind the thought that some years ago the Judge Advocate General selected certain officers of the Army to go to the law schools in this city for the purpose of educating them in the law with the ultimate purpose of having them detailed to his department. Congress at that time took the matter up and decided to strike out provisions of that kind from the bill. And I understand that ever since then the men who have been commissioned in the Judge Advocate General's Department have been lawyers of recognized standing.

Mr. LITTLE. Do you not think we ought to put an amendment right in there, so that they would be?

Mr. KAHN. Well, there is no doubt in my mind but that the Judge Advocate General is exceedingly anxious to get men learned in the law, because the business of his department is growing enormously. He is not going to commission men in his department who are not lawyers, and who can not review the various classes of cases that are submitted to the Judge Advocate's Department for final action.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

By Mr. MOORE of Pennsylvania: On page 2, line 16, after the word "citizens" insert "learned in the law."

Mr. KAHN. Mr. Chairman, I make the point of order on that on the ground that we have passed that paragraph.

The CHAIRMAN. The Chair does not think we have come to it yet.

Mr. KAHN. Oh, I think we are several lines below it.

The CHAIRMAN. On page 21?

Mr. KAHN. Yes.

The CHAIRMAN. To what line does the gentleman from Pennsylvania propose his amendment?

Mr. MOORE of Pennsylvania. It is to the proviso on page 21, beginning with line 11. I am not sure we have passed it.

The CHAIRMAN. That paragraph was passed, the Chair will state to the gentleman, some time ago.

Mr. MOORE of Pennsylvania. It has been passed?

Mr. LITTLE. Mr. Chairman, I ask unanimous consent that we return to it and consider the gentleman's amendment. It will take but a minute.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to return to the paragraph beginning on line 11, page 21.

Mr. DENT. I hope we will not delay the reading of the bill by any such matter as that.

Mr. GREENE of Vermont. Will the gentleman from Pennsylvania let me call his attention to the fact that the amending of this law would not change the original statute on which these appropriations are based?

Mr. FIELDS. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Kentucky objects, and the Clerk will read.

The Clerk read as follows:

For expenses of courts-martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, and expenses of taking depositions and securing other evidence for use before the same, $350,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, the matter of courts-martial has been very generally commented upon recently, and it has been suggested that some of the sentences have been exceptionally severe. I realize that in times of war it is necessary to maintain discipline, and that the courts, particularly the courts-martial, should be respected, and that the men in the ranks, as welll as officers, should adhere strictly to the regulations. But over on my desk are a number of clippings that have been forwarded to me from time to time with respect to the punishments meted out by courts-martial to some of the men, some of whom have been absent without leave and some of whom have offended their officers in various ways. Those punishments range all the way from a year to 20 years in prison. Now, these are war times, and such penalties as 15 or 20 years' imprisonment may be excused on the ground that we are at war and that discipline must be maintained in the Army.

But one of the things we are fighting for is freedom, or the lessening of the burdens which one man with arbitrary power is inclined to impose upon another, and I have been wondering whether at some point in this bill—and this is the proper point—attention should not be called to the fact that the public is beginning to think that some of these sentences by American courts-martial are extremely severe. They are not, of course, such punishments as would be meted out by a court or by a jury. There is some heart in the ordinary civilian judge. He understands, or ought to understand, the element of human sympathy. He understands as well, of course, the necessity of enforcing the law. But a military board is a different tribunal; it is a little less formal perhaps and a little more severe when it comes to punishments; and it is a question in the minds of many people whether harsh sentences, such as courts-martial sometimes impose, are actually as effective as they are intended to be.

Granted that a boy may have left the camp without leave, or he may have gone to see a sick relative, or that he had some call which he felt himself obliged to respond to, notwithstanding the regulations. Granted that it was wrong for him to violate those regulations. Do you make a better soldier out of that fellow by trying him and sentencing him to 20 years' imprisonment? Granted that his immediate commanding officer, who may not have been his superior in intelligence, has been offended at something he has done, and that he has been drawn before a court-martial for insubordination. Does it make him a better soldier or more subservient to the regulations to send him into limbo for 15 or 20 or 25 years?

I bring this matter to the attention of the House because this is the one place where these matters can be discussed.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. CANNON. If it is 15 or 20 years it will keep him out of the trenches, will it not?

Mr. MOORE of Pennsylvania. Yes; it will keep him out of the trenches. That may be the purpose of it. But I should hope not for the sake of the culprit or of the Army itself.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GREENE of Vermont. The fear that some of these sentences might be inflicted upon mischievous young gentlemen in the service who had committed a breach of the regulations, so that they might be kept out of the trenches, led to a recasting of the policy that might be followed by the Judge Advocate General, and in order that the sentence imposed would not have the effect of doing away with active field duty on the part of the man sentenced, it has led in some cases to a postponement of the sentence, so that the soldier might be required to serve first.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. The gentleman is well informed in matters of war. He was a soldier himself. I want to ask him to answer my question, Whether it makes the man a better soldier by giving him an undue punishment?

Mr. GREENE of Vermont. It makes a difference, due to the circumstances of the case, just as it does in civil life. A captain has a certain amount of undefined, but generally understood, latitude of power in the regulation of discipline in his command. And if he is a wise man, as in the case of a wise employer of labor in civil life, he may make use of a milder kind of discipline that does not appear on the court record.

Mr. MOORE of Pennsylvania. That is all right if the captain uses wisdom and discretion. But if he has an ill temper or a bad liver or is out of sorts with the world and with his regi-

ment it may turn out that his treatment of the men in his company may be unduly severe.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CANNON. I want to say to the gentleman from Pennsylvania that I had a letter from two boys who went from my district into the Army down at Houston, and after they had been there for some time they wanted to get a furlough to go home and see the folks. They were homesick. They could not get the furlough, and the result was that they went home and had their little visit and then turned around and came back.

Mr. MOORE of Pennsylvania. Were they court-martialed?

Mr. CANNON. They were arrested. I have not heard from them since, but I went to The Adjutant General's office and put it up to them. I said I have not any doubt—here is the letter—but what those boys knew better, but they were homesick. He said I have not much doubt about it either. He said that is one thing that newly enlisted soldiers and newly drafted soldiers have to contend with. Homesickness is a very serious matter. I took it for granted that they had some punishment, although I guess it was not very severe.

Mr. GORDON. The gentleman had better send his secretary to see what the punishment was.

Mr. MOORE of Pennsylvania. Having returned to the camp, I would say they were not attempting to escape the service. They were wrong in leaving camp, but a 15-year sentence would not make good soldiers of them, surely.

Mr. QUIN. Mr. Chairman, I move to strike out the last word. I appreciate the sentiment expressed by my friend from Pennsylvania, but he fails to recognize that we are now at war and that discipline must be enforced, and that the proper authorities to enforce the discipline in the Army must of necessity be the Army officers.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. QUIN. Yes.

Mr. MOORE of Pennsylvania. I distinctly recognize the value of discipline, and I am in favor of discipline all through, but I was suggesting that some of these court-martial sentences seem to be very harsh.

Mr. QUIN. I admit that they seem harsh, but we are at war, and we must expect these Army officers to maintain discipline with a firmer hand than the courts over citizens by civil-court proceedings. These young men who violate the regulations of the Army do it knowingly—whether it is willful or not I am not able to say—but if there is any case where Army officials have administered undue punishment to the soldier, he has the right to appeal to the White House to the Commander in Chief, that great man who has the milk of human kindness in his heart and can appreciate wrong from right. It would be a dangerous thing for this Congress to in any way handicap the officers of the Army in enforcing discipline.

I admit that it seems hard for a fellow who gets homesick, who leaves a camp and gets a sentence, but it must be held up as an example to all the rest of the soldiers in the camp, because if one or a dozen or fifty can leave a camp without leave and not be subject to punishment, the whole camp would be demoralized, and for that reason I think we had better let the Army officials enforce discipline according to their judgment of what is best for the Army. In times of peace it might be all right to have the sentences as lenient as possible.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Louisiana. Mr. Chairman, I ask unanimous consent to publish in the RECORD the following telegram in reference to the Red Cross drive.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to insert a telegram in the RECORD. Is there objection?

There was no objection.

The telegram is as follows:

BOGALUSA, LA., *May 27, 1918.*

Hon. J. Y. SANDERS, M. C.,
Washington, D. C.:

We are happy to advise that the citizens of Bogalusa and Washington Parish have given over $22,000 to the Red Cross drive, which closed to-day. Our allotment of $10,000 was oversubscribed on the first day of the drive. In so far as we can learn, your home city and parish have made the best record in the State.

J. H. CASSIDY,
Parish Chairman of Red Cross.
W. C. FLANDERS,
Secretary.

Mr. LITTLE rose.

Mr. DENT. How much time does the gentleman want?

Mr. LITTLE. Just a moment; I want to correct a misapprehension.

Mr. DENT. Will three minutes do?

Mr. LITTLE. Yes.

Mr. DENT. Then, Mr. Chairman, at the expiration of that time I ask unanimous consent that all debate on the paragraph and all amendments thereto close.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to close all debate on the paragraph and amendments thereto at the expiration of three minutes. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Chairman, I do not want the suggestion made by the gentleman from Pennsylvania [Mr. MOORE] to go unchallenged. It would be a gross injustice to the military courts-martial and to the officers. As a matter of fact, the officers of the courts-martial in other years, as a rule, have not been particularly harsh. Of course, it sometimes happens that the sentence will be hard on a man, but that also is true in the civil courts. The military courts-martial are not governed by the captain's say-so. The captain may be pretty hard on one of the soldiers, but when it gets to the court-martial that does not count. The judge advocate, the prosecuting officer, is not always much of a lawyer. He may come from civil life, and while the commanding officer gets mad all through, the members of the court-martial know it, and they do not act from his recommendation. They depend on the evidence—or did formerly. They are not all selected from the same regiment, and frequently do not know the officer making the charge. They are scattered, selected from various regiments.

I think you will find, as a rule, that these boys do not get much worse sentences than they deserve, and sometimes, perhaps, less. I do not say it never happens otherwise, but it would be an injustice to the officers of the Army to let that statement that the sentences are too harsh go unchallenged. It has been suggested that discipline is necessary. That largely depends upon the personality of the captain or the colonel of the regiment. The maintenance of discipline depends on his personality. The fellows who go before the courts-martial, as a rule, are men who need some attention. I want to get that straight in the RECORD, so that the statement will not go unchallenged. If at the present time there are long sentences for small offenses, the matter should be given attention. Of course, very likely the bureaucracy, unfamiliar with actual field work, may have exaggerated views of what punishment should be inflicted for trivial infractions of the rules. But when our officers have had actual experience this will be remedied.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For additional 20 per cent increase of pay of enlisted men on foreign service, $89,806.752.

The CHAIRMAN. There is a typographical error in the figures $89,806,752 in line 4, page 24. There should be a comma instead of a period. Without objection, the Clerk will be authorized to make the correction.

There was no objection.

Mr. ROBBINS. That amount must be a mistake. It does not amount to $89.000,000, does it?

Mr. DENT. That is the amount figured by the Quartermaster's Department that will be due under the law.

Mr. KAHN. The enlisted men get a 20 per cent increase for foreign service; and as by the end of 1919 we expect to have 3,000,000 men on the other side of the Atlantic Ocean, the gentleman can readily see that the 20 per cent increase in salary will figure out a considerable amount.

Mr. FIELDS. It is a matter of law.

The CHAIRMAN. The Clerk will read.

The Clerk read to the conclusion of line 20, on page 31.

Mr. MOORE of Pennsylvania. Mr. Chairman, does not the gentleman from Alabama think we have gone far enough to-night?

Mr. DENT. Yes; I think we have. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. GARNER having taken the chair as Speaker pro tempore, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 12281) making appropriations for the support of the Army for the fiscal year ending June 30, 1919, had come to no resolution thereon.

LEAVE TO EXTEND REMARKS.

Mr. HASTINGS. Mr. Speaker, I ask permission to extend my remarks in the RECORD in order to print a short patriotic address delivered by Hon. Houston B. Teehee, Register of the Treasury, to his coworkers down there.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD by inserting a patriotic address delivered by Mr. Teehee. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. On what subject?

Mr. LINTHICUM. On Adjourning Politics.

Mr. WALSH. The gentleman's own remarks or an editorial?

Mr. LINTHICUM. An editorial.

Mr. WALSH. I object.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1804. An act for the relief of George T. Hamilton; to the Committee on War Claims.

S. J. Res. 143. Joint resolution authorizing the acceptance by members of the military or naval forces of the United States of decorations from the government of any of the countries concurrently engaged with the United States in the prosecution of the present war, and the issuance by the United States of decorations to members of the military and naval forces of said countries; to the Committee on Military Affairs.

S. J. Res. 139. Joint resolution for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

S. J. Res. 155. Joint resolution providing for the filling of a vacancy which will occur July 2, 1918, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; to the Committee on the Library.

S. J. Res. 141. Joint resolution amending the act of July 2, 1909, governing the holding of civil-service examinations; to the Committee on Reform in the Civil Service.

S. J. Res. 134. Joint resolution to reimburse soldiers and officers for uniforms and equipment lost on board the *Tuscania* February 5, 1918, and in other like cases; to the Committee on Military Affairs.

S. 924. An act for the relief of Delilah Siebenaler; to the Committee on Claims.

S. 463. An act for the relief of the heirs of Joshua Nicholls; to the Committee on War Claims.

S. 304. An act for the relief of Peter McKay; to the Committee on Claims.

S. 280. An act for the relief of Alfred Sjostrom; to the Committee on Claims.

S. 1923. An act for the relief of John Doyle, alias John Geary; to the Committee on Invalid Pensions.

S. 4244. An act for the relief of entrymen within the Castle Peak irrigation project, in Utah; to the Committee on the Public Lands.

S. 57. An act for the relief of Kate Canniff; to the Committee on Claims.

S. 2975. An act for the relief of Katherine Macdonald; to the Committee on Claims.

S. 933. An act to authorize the Secretary of the Interior to issue patent for certain land to school district No. 9, of Sanders County, Mont.; to the Committee on the Public Lands.

S. 1889. An act revoking authority to lease Sibley Island, in the Missouri River, to the city of Bismarck, N. Dak.; to the Committee on the Public Lands.

S. 2552. An act to provide for a leave of absence for homestead entrymen in one or two periods, and for longer times; to the Committee on the Public Lands.

S. 2654. An act providing for the appointment of two additional district judges in the northern district of the State of Illinois; to the Committee on the Judiciary.

S. 2704. An act for the acquisition of additional land at the Leon Springs Military Reservation, Tex.; to the Committee on Military Affairs.

S. 2714. An act authorizing the removal of stumps from cut-over Oregon and California lands; to the Committee on the Public Lands.

S. 2910. An act providing for an additional judge for the northern district of California; to the Committee on the Judiciary.

S. 3125. An act for the relief of certain enlisted men of the United States Navy; to the Committee on Naval Affairs.

S. 3217. An act providing for the appointment of an additional district judge for the western judicial district of the State of North Carolina; to the Committee on the Judiciary.

S. 3399. An act to amend an act approved May 27, 1908 (35 Stat., 417, 418), and for other purposes; to the Committee on Naval Affairs.

S. 3405. An act to amend the naval appropriation act approved Aug. 29, 1916, relative to the loss of pay by officers and enlisted men of the Navy and Marine Corps who are absent from duty on account of sickness or disease resulting from their own misconduct; to the Committee on Naval Affairs.

S. 3527. An act to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States," approved March 3, 1885; to the Committee on Military Affairs.

S. 3735. An act to provide for enlistments in the National Guard of the District of Columbia, and for other purposes; to the Committee on Military Affairs.

S. 4365. An act to authorize the President to make provision for the care and treatment of persons discharged from the military or naval forces of the United States who are citizens of any nation at war with a nation with which the United States is at war; to the Committee on Military Affairs.

S. 4135. An act to amend the act of September 1, 1916, entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,' approved March 3, 1915, so as to provide for terms of the district court to be held at Anderson, S. C." so as to change the time of holding courts in the western district of South Carolina; to the Committee on the Judiciary.

S. 4423. An act relating to the deposit of copyrighted books upon medical and allied subjects; to the Committee on Patents.

S. 4428. An act to amend section 272 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

S. 4498. An act to amend section 13 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; to the Committee on Military Affairs.

S. 4477. An act authorizing certain persons formerly connected with the American embassy at Berlin to accept pieces of plate presented to them by the British Government; to the Committee on Foreign Affairs.

S. 3900. An act to amend section 5172 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

S. 4277. An act providing for the protection of the uniform of friendly nations, and for other purposes; to the Committee on the Judiciary.

S. 4166. An act to amend section 3 of an act of Congress approved February 23, 1887 (vol. 24, Stat. L., ch. 210, p. 409), entitled "An act to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881"; to the Committee on Foreign Affairs.

S. 3384. An act to amend the public-building act, approved March 4, 1913; to the Committee on Public Buildings and Grounds.

S. 4127. An act to authorize the W. M. Ritter Lumber Co., a corporation, to construct bridges across the branches and tributaries of the Big Sandy River and their tributaries, in the counties of Buchanan and Dickenson, in the State of Virginia; to the Committee on Interstate and Foreign Commerce.

S. 4154. An act granting to the trustees of the Methodist Episcopal Church of Bowdoin, Mont., for the benefit of the Methodist Episcopal Church, at Bowdoin, Mont., lots 12 and 13, in block 21, town site of Bowdoin, State of Montana; to the Committee on the Public Lands.

S. 3945. An act to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army; to the Committee on Military Affairs.

S. 4445. An act granting the consent of Congress to Marion and Horry Counties, S. C., to construct a bridge across Little Peedee River; to the Committee on Interstate and Foreign Commerce.

S. 72. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; to the Committee on the Judiciary.

S. 3663. An act authorizing the Cowlitz Tribe of Indians, residing in the State of Washington, to submit claims to the Court of Claims; to the Committee on Indian Affairs.

S. 1847. An act to authorize the addition of certain lands to the Wyoming National Forest; to the Committee on the Public Lands.

S. 4023. An act amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland

Reserve, Cal., to the city of Los Angeles, Cal.," approved June 30, 1906; to the Committee on the Public Lands.

S. 3392. An act for furnishing water supply for miscellaneous purposes in connection with reclamation projects; to the Committee on the Public Lands.

S. 3571. An act granting lands for school purposes in lots No. 111 in each of the town sites of Fort Shaw and Simms, Sun River reclamation project, Montana; to the Committee on the Public Lands.

S. 3570. An act granting lands for school purposes in Government town sites on reclamation projects; to the Committee on the Public Lands.

S. 3943. An act to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws; to the Committee on the Public Lands.

S. 1760. An act to authorize the sale and disposal of an island in the Coosa River, in the State of Alabama; to the Committee on the Public Lands.

S. 954. An act to amend an act approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands"; to the Committee on the Public Lands.

S. 950. To provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska; to the Committee on the Public Lands.

S. 939. An act relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices; to the Committee on the Public Lands.

S. 93. An act to consolidate national forest lands; to the Committee on the Public Lands.

S. 4451. An act to provide for allowances for and minimum pay of Army field clerks, to provide for increased pay to Army field clerks for service beyond the continental limits of the United States, and to provide quarters or commutation thereof to Army field clerks in certain cases; to the Committee on Military Affairs.

S. 2460. An act authorizing the issuance of patent to the Milk River Valley Gun Club; to the Committee on the Public Lands.

S. 4471. To declare unlawful associations purposing by physical force, violence, or injury to bring about any governmental, social, industrial, or economic change in the United States, and prescribing punishment for persons engaged in the activities of such associations, and for other purposes; to the Committee on the Judiciary.

S. 4557. To provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes; to the Committee on Education.

S. 3124. An act for the relief of Francis M. Atherton; to the Committee on Invalid Pensions.

S. 3566. An act authorizing the President to appoint Second Lieut. Ansel G. Wineman as a provisional second lieutenant in the Regular Army; to the Committee on Military Affairs.

S. 3002. An act for the relief of the Copper River & Northwestern Railway Co.; to the Committee on Claims.

S. 2896. An act for the relief of Elizabeth Marsh Watkins; to the Committee on Claims.

S. 2205. An act for the relief of Isaac J. Reese; to the Committee on Invalid Pensions.

S. 1738. An act for the relief of the Southern States Lumber Co.; to the Committee on Claims.

S. 1090. An act for the relief of the Alaska Steamship Co.; to the Committee on Claims.

S. 921. An act for the relief of James Duffy; to the Committee on Invalid Pensions.

S. 100. An act to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to Cyrena E. Young; to the Committee on the Public Lands.

S. 180. An act for the relief of Ellen M. Willey, widow of Owen S. Willey; to the Committee on Invalid Pensions.

S. 1879. An act for the relief of John C. Hesse; to the Committee on Military Affairs.

S. 2097. An act for the relief of Charles S. Fries; to the Committee on Claims.

CONTESTED ELECTION CASE—STEELE AGAINST SCOTT OF IOWA (H. REPT. NO. 595).

Mr. WILSON of Louisiana. Mr. Speaker, I desire to give notice that on next Tuesday I shall call up the contested election case of Steele against Scott, from the eleventh district of Iowa. I have conferred with the majority leader and the minority leader.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. MOORE of Pennsylvania. The gentleman does not expect much discussion in that case, does he?

Mr. WILSON of Louisiana. So far as I know, I do not expect there will be much discussion; but of course it is impossible to tell.

Mr. MOORE of Pennsylvania. It is a unanimous report of the committee?

Mr. WILSON of Louisiana. A unanimous report of Committee on Elections No. 1.

MILITARY ACADEMY APPROPRIATIONS.

Mr. DENT. Mr. Speaker, I ask unanimous consent to disagree to the Senate amendments to the Military Academy appropriation bill, H. R. 11185, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to disagree to the Senate amendments to the Military Academy appropriation bill and ask for a conference. Is there objection?

There was no objection; and the Speaker pro tempore appointed as conferees on the part of the House Mr. DENT, Mr. FIELDS, and Mr. KAHN.

ADJOURNMENT.

Mr. DENT. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p. m.), under the order heretofore made, the House adjourned until Friday, May 31, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting a proposed clause of legislation authorizing and directing the accounting officers of the Treasury to allow and credit in the accounts of Brig. Gen. Frederic V. Abbot, Engineers, National Army, the sum of $4,000 (H. Doc. No. 1140), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11874) for the refund of duties paid on materials destroyed by fire; Committee on Ways and Means discharged, and referred to the Committee on Claims.

A bill (H. R. 11677) granting a pension to Samuel L. Lilly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 12319) authorizing an exchange of lands by the Mountain Home Co., of Glenrock, Wyo.; to the Committee on the Public Lands.

By Mr. BENJAMIN L. FAIRCHILD: Joint resolution (H. J. Res. 296) proposing an amendment to the Constitution of the United States limiting the rights of suffrage of citizens of the United States; to the Committee on the Judiciary.

By Mr. WOOD of Indiana: Joint resolution (H. J. Res. 297) suspending section 9 of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883; to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIOTT: A bill (H. R. 12320) granting a pension to Lola E. Hutsonpillar; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 12321) for the relief of Clarence Hazelbaker; to the Committee on the Public Lands.

By Mr. GARLAND: A bill (H. R. 12322) granting a pension to Lizzie K. Thorpe; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 12323) granting an increase of pension to Richard L. Chaney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12324) granting an increase of pension to Martin L. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12325) granting an increase of pension to George Kesinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12326) granting an increase of pension to Edson M. Gaskill; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 12327) granting an increase of pension to Sarah A. Salter; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 12328) granting an increase of pension to Enos Snodgrass; to the Committee on Invalid Pensions.

By Miss RANKIN: A bill (H. R. 12329) granting an increase of pension to Beverly W. Lemert; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 12330) granting an increase of pension to William Tinkham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12331) granting a pension to Catherine Varner; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 12332) granting an increase of pension to John H. Dunkleburg; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 12333) granting a pension to Julia A. Gardner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CANNON: Petition of Rev. William Fulton and others, of Wellington, Ill., for repeal of act increasing postage on second-class mail matter; to the Committee on Ways and Means.

By Mr. DRUKKER: Memorial of Lakeview Council, No. 217, Sons and Daughters of Liberty, indorsing House bill 10846, fixing a one-third fare rate to enlisted men desiring to visit their homes; to the Committee on Interstate and Foreign Commerce.

By Mr. ELSTON: Resolution of Oakland (Cal.) women's committee of the Council of National Defense, urging the passage of the Barkley bill; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petitions of Samuel Gompers, president of the American Federation of Labor; also of the Dixon Woman's Club, of Dixon; the Chicago Piano and Organ Association, of Chicago; the Woman's Civic Club, of Rivinia; Local Union No. 1722, United Mine Workers of America, of Oglesby; Chicago Photo Engravers' Union, No. 5, of Chicago; and the Woman's Christian Temperance Union of Putnam County, all in the State of Illinois, asking the repeal of the zone system for second-class mail as provided in the war-revenue act; to the Committee on Ways and Means.

By Mr. HAMILTON of New York: Resolution adopted at a public meeting held at Bemus Point, N. Y., and a petition of the Lakewood (N. Y.) Methodist Episcopal Church, favoring the adoption of an amendment to the Constitution which will prohibit the practice of polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. HILLIARD: Resolutions adopted by the Medical Society of the City and County of Denver, urging that the services of women physicians be utilized in the present war; to the Committee on Military Affairs.

By Mr. RAKER: Letter from the San Francisco Center of the California Civic League, protesting against the zone system and indorsing the Army nurse bill; to the Committee on Military Affairs.

By Mr. SNYDER: Petition of residents of Clark Mills, N. Y., favoring early enactment of the war prohibition measure, so called; to the Committee on the Judiciary.

By Mr. TAGUE: Letter of George W. Prentiss & Co., Holyoke, Mass., protesting against the proposed postponement of increases in publishers' postal rates effective July 1; to the Committee on Ways and Means.

Also, letter of Frank E. Fitts Manufacturing & Supply Co., Boston, Mass., protesting against postponement of application of increases of postal rates for publishers effective July 1; to the Committee on Ways and Means.

Also, letter of John Hood Co., Boston, Mass., protesting against postponement of application of increases in postal rates for publishers effective July 1; to the Committee on Ways and Means.

Also, letter from Union Label Trades, American Federation of Labor, Washington, D. C., protesting against increases in postal rates for publishers effective July 1; to the Committee on Ways and Means.

By Mr. VARE: Memorial of the Philadelphia Board of Trade, protesting against the allotment of shipping to Philadelphia as announced by Maj. Gen. Goethals; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *May 31, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy grace and wisdom that we may desire no higher good than that which comes from Thee, that we may have our delight in Thy law and in people that do Thy will, that our desire may be the establishment of Thy kingdom and our purpose the glory of Thy name. We pray Thee to help us to put away from us every evil thing and guide us in Thy way that we may accomplish Thy divine purpose in us as a nation. We ask it for Christ's sake. Amen.

The Vice President being absent, the President pro tempore (Mr. SAULSBURY) assumed the chair.

The Journal of the proceedings of Tuesday, May 28, 1918, was read and approved.

SELECTIVE DRAFT—GEN. LEONARD WOOD.

Mr. JOHNSON of California. Mr. President, recently I had occasion to advert to the disproportionate burden placed upon some of the States of the Union by the quota for the present draft. I pointed out at that time that the enthusiasm of those States which had responded to the appeal of the Nation for volunteers was penalized by the method adopted.

I desire to read into the RECORD a letter upon this subject which has come to me from V. S. McClatchy, of the Sacramento Bee, a gentleman of the highest standing, very well known in California, with three sons in the service:

> In connection with your effort to induce, on the part of the administration, proper allowance to California and other States who have exceeded their conscription quota through the volunteer movement, and particularly as affecting the case of California, this information will be of interest to you.
>
> Under the policy adopted, as you point out, California will be penalized for her patriotism in volunteering. She will be called upon for a quota far in excess of the proportion demanded from a number of other States.
>
> One result of this will be that our labor supply, already very gravely depleted, will be still further decreased. Farmers are already disinclined to enlarge their field operations because of the probability that the crops can not be harvested through lack of labor at the proper time, and because of the further probability that the cost of such labor as can be secured will be so excessive as to make a loss instead of a profit.
>
> Ralph Merritt, food administrator for this State, declared in an address on May 18, as per clipping inclosed, that California has supplied more food to the allies per capita than any other State in the Union, and that she is sending forward to the allies 50,000 tons of foodstuffs a month. California, as you know, because of climatic and soil conditions, can produce enormously in excess of what she is now producing, and far beyond the possibilities of most States. What will handicap her in going to the limit of her capabilities in this line is, in part, shortage of labor, and the policy of the administration in placing upon her a disproportionate conscription burden will react upon the whole Nation and her allies in the curtailing of the food production in this State.
>
> Sincerely, yours, V. S. MCCLATCHY.

This, Mr President, but adds to that which I said upon the subject some weeks ago and demonstrates not only that an injustice is done when the country asks for volunteers in not giving credit to those volunteers in the draft quota, but in addition to that seriously affects the work which must be done behind the lines and the furnishing of indispensable supplies to our own country and our allies.

Mr. President, while I am upon my feet there is one other matter to which in a few sentences I desire to advert. I wish to express my very deep regret that in this crisis the services of such a distinguished soldier as Gen. Wood should not be utilized.

I speak but a personal opinion. I do not know Gen. Wood, except as the Nation knows him, as one of our most accomplished, able, and intrepid commanders—an officer with a brilliant record, whose services to the Republic have entitled him to the highest esteem, indeed the affection, of our people.

It is in this day, Mr. President, when "politics is adjourned" I read of this eminent general, pursuant to his orders, arriving with his command at the point of embarkation only to be met as he was about to take ship for France with orders sending him to the far West. We have dire need for such men—dire need for such a soldier as Gen. Wood.

It is with sadness, sir, that I voice my very great regret that those across the sea who bear our flag and fight our battles are, particularly under such circumstances, deprived of the ability and the services of Gen. Leonard Wood.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House insists upon its amendments to the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERRIS, Mr. TAYLOR of Colorado, Mr. RAKER, Mr. LA FOLLETTE, and Mr. SINNOTT managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DENT, Mr. FIELDS, and Mr. KAHN managers at the conference on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD. I send to the desk a letter from Hon. J. S. Cullinan, of Houston, Tex., which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 17, 1918.

Hon. JOE H. EAGLE,
House of Representatives, Washington, D. C.

DEAR MR. EAGLE: I have just read the Emergency Fleet Corporation News, dated May 13, reporting on the launching of the steamship *Tuckahoe* in the world's record of 27 days 3 hours and 10 minutes.

Considering the vital importance of ships in carrying out the war program, this achievement seems to me second to none that has developed since we entered the war.

I believe it demonstrates the wisdom—

First. Of having placed Chairman Hurley in charge of the Shipping Board.

Second. Securing the services of America's most capable captain of industry, Charles M. Schwab, who fortunately combines experience with a heart and a head, so essential to understanding the men behind the lines on which our military success will be made possible.

In reading this article and other newspaper announcements regarding the launching of the *Tuckahoe*, I am impressed with one point that the country and the press seemed to have entirely lost sight of.

I am writing you this letter to call your attention to that point in order that the record may be kept straight.

The success now being achieved in our ship construction comes largely, if not wholly, from adopting the policy of utilizing the Nation's steel fabricating capacity at the points where such were located and shipping the material to the yards located on the seacoast.

As you know, I had frequent conferences last year with members of the Shipping Board on this question, which I in turn discussed with Senator SHEPPARD, yourself, and others. In my judgment adopting the policy of utilizing this fabricating capacity was due solely to the foresight of Gen. George W. Goethals. The point I wish to make is that our press and the public seem to have overlooked this fact, to be more or less indifferent, or to have forgotten his wonderful achievement at Panama, and to have adopted a policy more or less critical of his connection with the Shipping Board, leaving it to posterity to dig out the facts and give him the credit which he so justly deserves.

While I realize that your time is greatly absorbed, I trust that when occasion offers you will discuss this point with Senator SHEPPARD, and after further developing and confirming the facts herein stated one of you see to it that such facts are entered in the record.

I am quite sure that Chairman Hurley, Mr. Schwab, and other members of the Shipping Board and Emergency Fleet Corporation would most heartily concur in this suggestion.

With personal regards and respects, believe me,

Yours, very truly, J. S. CULLINAN.

Mr. JOHNSON of South Dakota. I have here resolutions adopted by the Commercial Club of the city of Belle Fourche, S. Dak., which I send to the desk to be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

Resolution.

At a recent meeting of the board of directors a spirited discussion was engaged in, having as its origin the drafting of labor to meet the needs of our Government and the abolition of industrial disturbances throughout the United States. The various problems arising were discussed in an able manner by different members of the board, and the following resolutions were compiled, passed, and transmitted to the national chamber at Washington, D. C.:

"Whereas our country is now engaged in a great war, fighting for the preservation of the common rights of humanity; and

"Whereas the preparations for the conduct of such war have been hindered and impeded by numerous strikes among the industrial workers, and by these strikes the great shipbuilding program and other war-time activities of the Government have been retarded to such an extent that the individual and collective interests of the Government and its citizens have been jeopardized, to the sole advantage of the enemy; and

"Whereas the continued tolerance of the individuals and organizations engaging in these strikes or industrial disturbances will prolong unnecessarily the victorious ending of the war and will cause needlessly the sacrifice of many lives and untold treasure; and

"Whereas the potency of a government to support the soldiers in the field with the proper and necessary rations necessary to sustain the Army at the greatest fighting capacity without the slightest hindrance or delay logically is, and politically should be, as great as it is, to call men from their homes and firesides to actually engage in the conflict; and

"Whereas, due to the inability of the Government to procure sufficient skilled labor to engage in shipbuilding, manufacturing of aeroplanes, ammunition, and numerous other ordnance supplies of vital military and naval importance, the Government's military plans are being retarded in a manner detrimental to the individual and collective interests of the Government and its citizens: Therefore be it

"*Resolved*, That the commercial club of the city of Belle Fourche, S. Dak., earnestly request that the Congress of the United States immediately pass such suitable laws as will empower our President, as Commander in Chief of the Army and Navy of the United States, to draft all men between the ages of 20 and 60 into the military forces of our country for such services therein as they may be individually best fitted to perform: Therefore be it further

"*Resolved*, That we further petition the Congress of the United States to pass suitable laws prohibiting strikes or industrial disturbances at least during the period of the war and establishing a board of arbitration to hear and determine all cases of disputes between employers and employees."

Mr. CUMMINS. I present a petition signed by more than 700 citizens of Ames, Iowa, relating to emergency war-time prohibition. I ask that the petition, which is very brief, be read, and that it be then appropriately referred. I request that the names be omitted.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

PETITION TO THE SENATE FOR EMERGENCY WAR PROHIBITION.

AMES, IOWA, *May 27, 1918.*

This is a time of stress in our national life. There is shortage of grain for food purposes, and every household in the land has been restricted in the use of certain cereal foods. In the situation it would seem that our provision for economy ought to extend to the denial of grain to any commercial use not specifically intended to serve the cause of our arms in a definite way. For instance, the grain that is consumed by the breweries and the distilleries ought to be available for the use of our Army abroad.

We, the undersigned, participate in the conservation that is essential to the winning of the war. In this critical hour when the life of our democracy depends upon the conservation of all the resources of the Nation, we believe that any dissipation of available energy is imprudent, and even threatens the defeat of the cause for which we are at war. We desire, therefore, that the common sacrifice of all the people to the cause of liberty be not impaired or lessened by the inefficiency resulting from the manufacture and use of intoxicating beverages.

We therefore respectfully petition the Senate to enact a law speedily providing for emergency war prohibition.

Mr. NELSON. I have a petition here signed by 58 of the posts of the Grand Army of the Republic, representing the majority of the living ex-soldiers of the Civil War residents of Minnesota, in favor of additional pension legislation. I ask that the petition may be referred to the Committee on Pensions.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Pensions.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Minnesota, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Claremont, Dawson, Russell, and of the congregation of the La Sueur Evangelical Lutheran Church, all in the State of Minnesota, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. WARREN presented a petition of sundry citizens of Greybull, Wyo., praying for the enactment of further prohibition legislation as a war-time measure, which was ordered to lie on the table.

Mr. TOWNSEND presented petitions of Kilbourn Post, No. 361, Grand Army of the Republic, Department of Michigan, of Sherwood; of Eddy Post, No. 231, Grand Army of the Republic, Department of Michigan, of Plymouth; and of W. T. Sherman Post, No. 410, Grand Army of the Republic, Department of Michigan, of Vassar, all in the State of Michigan, praying for an increase in the pensions of veterans of the Civil War, which were ordered to lie on the table.

He also presented a petition of the Woman's Club of Adrian, Mich., and a petition of the Woman's Christian Temperance Union of East Jordan, Mich., praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of Guy V. Henry Camp, No. 3, United Spanish War Veterans, of Grand Rapids, Mich., praying for the enactment of legislation to provide pensions to soldiers and sailors who served in the Spanish-American War, the Philippine insurrection, or the China relief expedition, and to widows, minor children under 16 years of age, and dependent parents of such soldiers and sailors, which was ordered to lie on the table.

MEMORIAL DAY ADDRESS BY SENATOR CURTIS.

Mr. THOMPSON. Mr. President, I present and ask to have printed in the RECORD the able and eloquent address delivered yesterday by my colleague, the junior Senator from Kansas [Mr. CURTIS] at the Memorial Day services at Arlington, Va.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

[Memorial Day speech at Arlington, May 30, 1918, by Senator CHARLES CURTIS.]

"It is indeed a great honor and a special distinction to be invited to deliver the Memorial Day address at Arlington, this great and silent city of the noble dead, who gave their lives that our Government should not perish from the earth. It is proper that these beautiful grounds on the banks of the historic Potomac should have been selected as the last resting place of thousands of brave men who offered their lives that this Nation might live. Here they peacefully sleep, but they did not die

in vain, and you veterans, their comrades, did not suffer in vain. For the world is just beginning to realize what a powerful Government you preserved and what a leading part it is able to take in the affairs of the world.

"It was only 57 years ago that the tramp of the sentinel and the call of the bugle were heard here, and should the Capitol over yonder ever be in danger, these graves and the memory of the principles for which these men fought will inspire our people to give up their all and fight to the very last for its preservation. The Capitol, our Government, and our flag are dear to every loyal heart in this broad land.

"To-day in every city and hamlet in the United States people have gathered to cover the graves of our soldier and sailor dead with beautiful flowers and show their deep appreciation for the splendid work, the wonderful courage, and the great sacrifice of those who have passed to the great beyond, and there will be no regrets should a tear or a flower fall on the grave of one who wore the gray.

"To-day they are decorating the graves of the brave American soldiers who have died in the great world conflict in France, but they and those who follow them will not have died in vain, because when the war is over, Kaiserism, autocracy, and the false doctrine that 'Might makes right' will have perished from the face of the earth.

"We are glad that the Red Cross is to have charge of the decoration of the graves of our soldiers and sailors in France. What a wonderful and Christian work the Red Cross, the Young Men's Christian Association, the Salvation Army, and other organizations are doing 'over there,' and their timely and successful work will not be forgotten by a grateful people.

"Some 56 years ago you and your comrades were fighting to preserve the Union; fighting to hold the States together; fighting to make men free; fighting to uphold the Constitution; and you were fighting for the Stars and Stripes, the flag of our country, the emblem of liberty. When the war was over and you returned to your homes and your dear ones, you little dreamed that in fifty-odd years nearly the entire world would be at war, and that your sons and your grandsons and the sons and the grandsons of those who fought on the other side in that great struggle would be fighting side by side to uphold the rights of our Nation under international law, for our right to freedom of the seas, for the rights of the weaker nations against the oppression of the stronger, for the establishment of the fact that a treaty between nations is more than 'a scrap of paper,' and that they would be fighting for civilization throughout the world. We have always had faith in the supremacy of God, the controller of the destinies of nations and the movements of men. When the establishment of our Republic was in danger, when the need of a great leader was felt, there came forth in the struggling colonies George Washington. He has since been known as the 'first in peace, first in war, and first in the hearts of his countrymen.' When the contest was uncertain, and when assistance must be had, France sent to us Lafayette. France is now finding that the bread cast upon the waters is being returned, and we will send all the men needed to help drive the enemies of civilization and the invaders from Belgium and France.

"Later and in your time, when compromise after compromise had failed to settle a vital question and the time was near at hand when the strength of the Nation was to be put to the severest test, there moved to the West—to the then Territory of Kansas—a man who was to give his life to hasten the conflict which would settle that question once and for all. That man was old John Brown, of Ossawatomie. He did not live to see the object for which he gave his life accomplished, but you soldiers at the front quickened your steps as you sang 'John Brown's body lies mouldering in the grave, but his soul goes marching on.' Just a little later, when a leader was to be selected, the lot fell to a pioneer lawyer, a man who had not been trained in statecraft and diplomacy, but a man who knew men; a man who had a heart that beat and a mind that thought for the people. This man was elected President, and he made the greatest and the best President our country has ever had. That wonderful man was Abraham Lincoln. After the war came and after the Union forces had met defeat a number of times, and when the tide of war was uncertain, a great military leader was needed, and from the long list of gallant officers there was selected the silent soldier and the world was given its greatest general, U. S. Grant. It is unnecessary for me to name the great generals which the war produced; you remember them, you were glad to follow them—Sheridan, Meade, Hancock, Hooker, Sherman, and others—but these men could not have won the war without the splendid fighting and the loyal support of the brave men in the ranks.

"In 1914, when poor little Belgium was invaded and when Paris was threatened, there stood the great Gen. Joffre. As the war has continued there have been found to face and hold back that military machine Haig, Petain, Diaz, the great Foch, and our Black Jack Pershing. Our prayer to-day is that these men may be found equal to the great crisis which now confronts the allied forces, and may lead these forces to a final and decisive victory.

"History is repeating itself in this country. When President Lincoln took his oath of office there were some strong men from the North in the Congress who did not belong to his political party, and out in his own State of Illinois there were two very strong men who had opposed him—the little giant, Stephen A. Douglas, and the able and fearless John A. Logan—but when war came the President found Stephen A. Douglas one of his strongest supporters in the Senate, and he was found ever ready to do his part to help win the war; and the other, believing he could do more at the front, left his seat in the House, returned to his State, and helped secure volunteers, and afterwards John A. Logan became the greatest volunteer general the world had ever known. The loyal men in Congress then forgot party lines. In the Congress to-day, on matters pertaining to the war, there are no party lines drawn, and the members of one of the great political parties, the one to which the President does not belong, are doing everything they can to help win the war. On matters pertaining to the war the Members of the Republican Party, as well as the Democratic Party, are standing by the Government. They have upheld and will continue to uphold the hands of President Wilson in all legislation necessary to carry the war to a final victory. He is the Commander in Chief of our Army and Navy, and he will have the full support as such of the loyal men and women of the country. Then, again, I know you men and women remember the one man in the House who from the time the war began in 1914 and before our country became seriously involved urged the administration and the Congress to prepare for war. He pointed out our weakness and our unpreparedness on land and sea, and when war came he resigned his seat in the House, gave his services to his country, and was preparing and hoping to be sent to France with his command, but death took him from us. He was the brave and fearless Augustus P. Gardner, of Massachusetts, whose death we all mourn.

"I could name the Members of the Senate and House who belong to the minority who are ready and anxious to join with those of the majority and do everything that can be done to hasten the war to a victorious conclusion, but that is unnecessary, for you, the people of Washington, know them, and you know that when the President needs war legislation it is only necessary for him to call and those of the minority will join the members of his party in the Congress, and they will quickly and fully respond. It can truthfully be said that in this country to-day no political party has a monopoly on patriotism.

"In the great war in which you were actors there were slackers at home then, and there are some now. I hope those of to-day may be run down as fast as possible. You had spies then, and there are spies in this country now. May they be caught and punished as they deserve to be punished. I do not think action should be delayed until daybreak. There were profiteers then—we have them now. I hope they may be put out of business. You had brave men in every walk of life who were ready and willing to give their lives for their country's cause—we have the same kind of men to-day. The women were busy with their comfort committees, busy as nurses, and they were giving their love and gentle care, as they are now. To-day the women are filling the places and performing the duties of men. A vast majority of the people are ready and willing to do their part; all they ask is that the laws be honestly and faithfully administered and that the taxes they pay be economically expended, and that no favoritism be shown.

"You men have lived long and active lives; you have had many calls, but there is one call you will remember above all others, that was the call of your country, which you answered so quickly and proudly. You went to the front singing 'We are coming, Father Abraham, 300,000 strong.' You have never regretted your answer, you have always been proud of the fact that you helped hold the States together. To-day your boys are answering their country's call, and they will fight to the end. They, too, will never regret what they are doing for humanity and civilization. At the beginning of the great Civil War there were many who did not believe the Union could be saved, but they did not know the people of the North, East, and West, and some in the South. They did not know the make-up of the Union Army. Many thought that war would last but a few months, but it lasted four long hard and bloody years. It lasted until slavery was abolished in this country; it lasted until the rights of the Nation were recognized; yes, it did not end until there was a great and lasting victory for the Union,

and I am happy to say that now the people of every section of the country are glad it ended as it did.

"I have been asked how long the present war will last. This I can not answer, but I know one thing, and that is it will not end until there is a victory of right over wrong. It will not end until there is a decisive and lasting victory for civilization.

"Your wonderful victory of 53 years ago opened the eyes of the world; you fought with the old-time cannon, musket, and bayonet. I have read accounts of the trench and other methods of fighting in the present great war, but I doubt if the real old-time fighting of your armies has been excelled. I know you who were in the cavalry would like to wake up some morning and read of a great and successful cavalry charge by our allied armies.

"They have new inventions now, and new methods. The airplane, an American invention, and, by the way, I hope we may soon be sending them over in large numbers—there is no reason, that I know of, why hundreds have not been sent, but we will not talk of what might have been done; we will express the hope for better results in the near future—and we hope the skies may soon be darkened with our airplanes, and that we will be supreme in the sky and on the land. Then there is the submarine, an American invention. May some of our inventors find a device that will put the submarine out of business. From recent reports we learn they are not doing as much damage as they were a short time ago. I am not here to talk of inventions. I do want to tell you how much this country is indebted to the Union soldiers and the loyal women of the country for their great, wonderful, and timely service from 1861 to 1865. We have enjoyed the blessings which came to us as a result of your loyalty and devotion to your country, a service which brought you honorable scars when you were making the earth tremble beneath your mighty tread. Our Union was preserved and our Constitution, the articles of which are cemented by the blood of our brave men and the tears of our noble women, was upheld.

"I do not intend to detain you by telling you of the great battles in which many of you were engaged; those awful times of shot and shell come back to you to-day more vividly than any tongue can describe or any brush can paint.

"Some years ago I went over the field of the great and decisive Battle of Gettysburg—what a victory was won there. It was surely the turning of the tide, the beginning of the end. You remember Shiloh, Mission Ridge, Winchester; some of you fought with Hooker above the clouds, and remember Lookout Mountain. Many, I know, marched with Sherman to the sea, and some of you saw the curtain fall at Appomattox, and if you did not see it, you were all glad it fell—glad to know the war was over and you could go back to the dear ones left behind. Over there are the remains of 2,111 unknown dead; their names are unknown and there is no record here of their brave deeds, but their names and deeds are recorded in the great book.

"I am glad to see the mothers, wives, and sisters here to-day. You did your full duty then and you had your share of suffering, but you suffered in silence then as you and others are suffering in silence now. The noble work of the women from '61 to '65 will not be forgotten, and if you have no dear one 'over there' your hearts go out to your sisters who have. Long live the splendid organizations such as the Women's Relief Corps, the Women of the Grand Army of the Republic, and other similar organizations, and may their good work go on and on. May I mention the Sons of Veterans, and express the hope that every son of an ex-Union soldier may join the splendid organization?

"You who wore the blue made up the grandest army and you fought in the greatest war which history had recorded up to that time. The victory you won was greater than was first realized. It united the people of this country as they had never been united before, it wiped out the curse of slavery, and it made the United States a great world power.

"The real test did not come until 20 years ago, when our country was compelled to go to war with Spain, when you saw the sons of the rich man and the sons of the poor man, you saw the boys of the North and the South and the East and the West fighting side by side to uphold the honor of our common and united country. That war did not last long, but it demonstrated what the young men of the country were willing to do—they were ready to fight in a foreign land for the sake of humanity. I have always believed that the young men of this country should be reared with a definite understanding of the principles for which you and your comrades fought from '61 to '65, for as long as we remain true to those principles there will be no danger to our form of government; but if those principles are ever forgotten or abandoned, no one can tell what will happen. For one, I have full faith and confidence in the wisdom of the American people, and so long as we have a Government of, for, and by the people, we are in no danger.

"With our great success and wonderful prosperity we have neglected to keep as well prepared as we should have, and I hope the future will find our beloved country prepared for any danger which may arise, for a little preparation at the proper time would have saved many lives, would have saved millions of money, and would have prevented untold suffering.

"Some of you marched down Pennsylvania Avenue in the grand review. If you did, you read inscribed on a canvas attached to the Treasury Building the following: 'There is one debt which we can never pay; that is the debt we owe to our soldiers and sailors.' That was true then, and it is true to-day. Since I have been in Congress I have always voted for all legislation proposed for the benefit of the Union soldier, his widow and orphans, and in behalf of the soldiers of other wars and their widows and orphans, because of the debt we owed the brave soldiers of our land. You won the war, you preserved the Union, and after the war many of the Union soldiers became pioneers and the frontier disappeared before them. Our country has been developed, her great resources have been uncovered, and it has become a rich and prosperous Nation.

"After the beginning of the war in 1914 we were neutral, and we hoped and prayed that we might be permitted to remain so, but it was decreed that we should be drawn into that great war. Our rights as neutrals and the rights of all neutrals were openly disregarded. International law was violated, the freedom of the seas was denied, and the false doctrine of 'Might makes right' was openly advocated, and our citizens—men, women, and children—were sent to the bottom of the sea without warning. A state of war was forced upon us, and now we will remain in it until international laws are obeyed, until the freedom of the seas is recognized, until treaties between nations are regarded as binding obligations, and until there is a lasting and decisive victory. I believe some day there will be lasting peace, for it is written, 'And He shall judge among many people and rebuke strong nations afar off, and they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up a sword against nation, neither shall they learn war any more.' Why can not the victory in this war be so great that the promise made shall be fulfilled at this time?

"We have been the great melting pot of the world, and now in this crisis we are to find out if the metal is base or the pure gold of Americanism. Its purity can only be shown by those who have gone through the fire and emerged American citizens, ready to put the United States, their adopted country, ahead of all other countries, and are ready and willing to stand for and defend our country against the world. This is the only true test.

"Mr. Commander, soldiers and sailors of the War of 1861 to 1865, we stand before you to-day with bowed and uncovered heads, because we know the great debt we owe you. Our Constitution still stands as a model to other nations. You fought to uphold it. Our Union of States is still secure. You offered your lives to preserve it. Our Government still stands. It was good enough for you to fight for; it was good enough for your comrades whose graves are being decorated to-day to die for; it was good enough for our mothers to pray and suffer for; and it is good enough for every true and loyal American citizen.

"We have but one prayer to-day, and that is that the Stars and Stripes, our flag, may always remain what you fought to make it, the true emblem of liberty and a protection to every American citizen in every part of the civilized world."

GRADES OF MEDICAL OFFICERS IN THE ARMY.

Mr. OWEN. I submit for the RECORD a comment on the grades for the medical officers of the Army by Maj. Louis L. Seaman. It is a very short, pungent comment, and I think it ought to be incorporated in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

GRADES OF MEDICAL OFFICERS IN THE ARMY.

[By Maj. Louis L. Seaman, M. D.]

"A grave crisis for the American soldier awaits the decision of Congress—a military question of most serious import, although to the casual observer it may seem comparatively trivial. It is embodied in the bills introduced by Mr. OWEN in the Senate and Mr. HICKS in the House for 'fixing the grades of the commissioned officers of the Medical Corps of the United States Army on active duty, and for other purposes,' and is as follows:

"*Be it enacted, etc.*, That hereafter the commissioned officers of the Medical Corps and of the Medical Reserve Corps of the United States Army on active duty shall be distributed in the several grades in the same ratios heretofore established by law in the Medical Corps of the United States Navy. The Surgeon General shall have authority to designate as 'consultants' officers of either corps, and relieve them as the interest of the service may require.

"SEC. 2. That the Medical Corps, through its officers, shall have supervision and control of the hygiene and sanitation of posts, camps, commands, and troops under such regulations as the President may establish, with authority to issue and enforce such orders as will prevent or diminish disease, except that when such orders interfere with necessary war operations the military commander may suspend them.

"All of which means as follows:

"Shall the American soldier in the present war be sacrificed to preventable diseases, through red tape and the petty jealousies of line and staff officers—as has occurred to a frightful extent in past wars—or shall he be allowed to retain his health under the most advanced science of the age?

"That is the real question Congress is asked to settle, and when it is remembered that in every war in which the United States has engaged, indeed in all the prolonged wars of history—except the Russo-Japanese War—the medical officer has had to combat the foe that has caused 80 per cent of the mortality—never less than four times, and often twenty times as many as the artillery, infantry, mines, and all other methods of physical destruction combined, there should be no question as to the result.

"The Surgeon General of the Army asks for higher rank for the members of his corps, that they shall be graded the same as in the Medical Department of the Navy, because it will add to the prestige of the corps, and thereby increase their influence. Unquestionably, increased rank will have some effect, especially when it is remembered that the reserve corps to-day constitute over 80 per cent of the total Medical Corps of the Army, and is made up of the cream of the American medical profession. But at the hearing before the Committee on Military Affairs of the Senate on March 15, when discussing sanitary regulations and recommendations made by medical officers, Senator OWEN said:

"A brigadier general of the line does not hesitate to disregard advice bearing on typhoid fever or pneumonia which is given by an officer of subordinate rank, and unless the Medical Department has rank it is difficult for the line officers to realize that the advice which the medical officer gives should be taken upon the basis of its merits and not upon the basis of the rank of the one who makes the recommendation. Upon that point I think Gen. Gorgas should explain to the committee his opinion.

"Gen. GORGAS. I think that is the real argument from the standpoint of efficiency for this increased rank.

"Later, Senator HITCHCOCK asked this question:

"Suppose a division commander or a camp commander refuses to take the advice of a medical officer, advice which the medical officer deems essential; has he any way of bringing it up to you, and can you issue superior orders to compel the recognition of the medical officer's advice through your rank as compared with the rank of that officer?

"Gen. GORGAS. Cases of that kind are constantly coming up, where the medical officer disagrees with his division commander. He sends it up through The Adjutant General. You know, I am just an advisory officer. I have no direct authority anywhere. The Adjutant General sends it over to me practically for advice, but my action would go with regard to it. If I concur with the medical officer, the Secretary and Adjutant General would take it into consideration. Of course, they are the final authorities in the matter.

"Senator HITCHCOCK. The Secretary and The Adjutant General would finally decide the question?

"Gen. GORGAS. Yes.

"Senator HITCHCOCK. So that your power is only advisory?

"General GORGAS. My power is only advisory.

"Senator HITCHCOCK. And even if there were a brigadier general on the spot, his powers would be only advisory?

"Gen. GORGAS. In the Medical Department? Yes; his powers are only advisory.

"Senator HITCHCOCK. So that mere rank does not give authority?

"Gen. GORGAS. It does not give authority.

"Thus it is seen the medical officer or department in the Army to-day has no authority. Without some authority, which may be exercised without interfering with the strategy or military operations of war, i. e., when the army as not actually engaged in battle, it is possible his department may again prove a humiliating failure, as it has in every war in which our forces have ever engaged. I have been present, either as an officer or observer, in eight wars, in every continent in the world, and I assert that the medical officer in our Army has not even the privileges which would enable him to maintain the health of the men who are intrusted to his care. He selects recruits because of their youth, health, and physical ability to withstand the hardship of war. It should be his business first, last, and nearly all the time to maintain this condition, and he would do it if given adequate authority. Then if he failed he should be court-martialed and dismissed from the service. But he has no authority, not even over the ration. The vast majority of diseases which incapacitate an army result from autointoxications, which could be prevented by proper dietary. Witness the Spanish-American War, where in a period of three months, as stated in the report of the Surgeon General, '293 men died from battle and other casualties and 3,681 from disease'; and in this army of 170,000 there were 158,000 hospital admissions, or 90 per cent, although three-fourths of the men never left the camps of their native land. The Japanese Army had for the same period about 4 per cent hospital admissions, including their wounded, or about one twenty-second times as many. The vast difference in these figures illustrates the value of a medical and sanitary department properly equipped and empowered to enforce practical sanitation and supervision of the dietary. I believe that if this department had been properly systematized, with sufficient numbers, with supervisory control over the ration, and with power to enforce sanitary and hygienic regulations, the units of our Army would have returned to their homes at the close of the Spanish-American campaign in better physical condition than when they entered it.

"Disease is the silent foe that lingers in every camp and bivouac. It is this foe, as the records for the past 200 years prove, that has been responsible for four times as many deaths as the guns of the enemy, not to mention the vast number of invalided and pensions, the cost of which every 25 years is equal to the entire cost of the war from which they resulted.

"Every death from preventable disease is an insult to the intelligence of the age, and when it occurs in the Army, where the units are subject to discipline, it becomes a governmental crime. The State deprives the soldier of his liberty, prescribes his hours of rest, his exercise, equipment, dress, diet, and the locality in which he shall reside, and in the hour of danger expects him, if necessary, to lay down his life in defense of its honor. It should, therefore, give him the best sanitation and the best medical supervision that the science of the age can devise. For just as surely as the engineer who disregards the signal or the train dispatcher who gives wrong orders is responsible for the loss of human life which follows, so Congress is responsible for the thousands of soldiers' lives stupidly, criminally sacrificed, not on the glorious field of battle, but in camps from known preventable causes. It is for these men, never for those who fall gallantly fighting, that I offer my prayer.

"The rank of Surgeon General should be commensurate with the importance of the department of which he is the head. He should be a member of the War College and responsible only to the Secretary of War or to the President. There should be conferred upon him and his subordinates final authority in all matters of sanitation and hygiene, except in the emergency of battle, when, of course, all authority should devolve upon the officers of the line.

"The importance of the medical as compared with other staff departments has never been sufficiently recognized or appreciated in our country. Until it is clearly realized that the most important function of the medical officer is the prevention of disease rather than its cure the old custom will prevail. To be efficient the medical officer must not only be a good surgeon but a sanitarian, a bacteriologist, a chemist, and an administrator. Upon him devolves the duty of preventing disease, and his part in maintaining the effectiveness of the units makes him a most important factor in the Military Establishment.

"The following resolution was submitted by the writer at the meeting of the International Congress of Military Surgeons in St. Louis, 1904, and, after favorable report by the executive committee, was unanimously adopted:

"*Resolved*, That the Association of Military Surgeons of the United States now assembled respectfully petitions Congress at its next session to reorganize the Medical Departments of the United States Army and Navy on a broad basis similar to that of the countries most advanced in military sanitation, giving to their officers equivalent rank, dignity, and power, and to their personnel ample numbers for the proper care of the ill and injured in military and naval service.

"The adoption of the bills introduced by Senator OWEN and Representative HICKS will go far toward rectifying a humiliating failure—one which, if the present war is sufficiently prolonged, may result in the defeat of our Army, for more wars have been decided by disease than by bullets.

"LOUIS L. SEAMAN, M. D."

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Military Affairs, to which was referred the bill (S. 2933) for the relief of the Philippine Scouts, reported it without amendment and submitted a report (No. 469) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 2176) for the relief of George B. Hughes, reported it with an amendment and submitted a report (No. 470) thereon.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (S. 4427) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes, reported it with amendments and submitted a report (No. 473) thereon.

ESTATE OF THOMAS H. HALL.

Mr. TRAMMELL. From the Committee on Claims I report back favorably without amendment the bill (S. 2374) to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall of the payment of money alleged to have been misappropriated by a clerk in said office, and I submit a report (No. 474) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. Let it be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of the said Thomas H. Hall as such postmaster, be, and they are hereby, relieved of the payment of $544.73, together with the amount of the costs which may have accrued on account of the United States bringing an action to enforce the payment of said sum, the said sum being the amount of cash and funds held by the Post Office Department to be due from said Hall's estate to the United States for money misappropriated to his own use by a clerk in said office while the proffered resignation of said Hall was pending in the Post Office Department and while the said clerk was acting as postmaster with the consent and acquiescence of the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMOOT. I should like to ask the Senator from Florida if this party while he was acting as postmaster was under bond or not?

Mr. TRAMMELL. The Senator asks if the assistant was under bond?

Mr. SMOOT. Yes; the assistant who was acting postmaster.

Mr. TRAMMELL. I do not think he was. I can in about two minutes explain the situation, if the Senator desires an explanation.

Mr. SMOOT. I should like to have the Senator explain it.

Mr. TRAMMELL. Mr. Hall was postmaster at Panacea, Fla., a little summer resort. He had a hotel there and it was leased to a man named Knapp. Mr. Knapp was the assistant postmaster. In December, 1911, Mr. Hall, who was at that time absent from home, was advised that there was a shortage of $213 in the post office at Panacea. He immediately returned home and checked it up and found that it was correct and paid the $213. His health being bad, and being originally from Boston, he wanted to seek treatment in Boston, where his former home was. So he set about to resign as postmaster. He did resign as postmaster and was advised January 4, 1912, that his resignation had been accepted.

A man by the name of McLaurin was appointed postmaster. On January 20, 1912, Mr. McLaurin advised Mr. Hall that he had executed his bond and had signed all the appointment papers and had mailed them to the Postmaster General. Thereupon, Mr. Hall, who was really in bad physical health, left and went to Boston for treatment, presuming he had been relieved and his resignation had been accepted, as he had been advised through his then Congressman, Mr. Mays, from that district. Mr. McLaurin advised him that he had qualified. But it seems that Mr. Knapp, the assistant postmaster, who really had been guilty of this defalcation, had evidently withheld the papers and not forwarded them to Washington.

Some eight or ten months subsequent to that time Mr. Hall, then in Boston in a critical condition, was advised that when the accounts of the post office for the quarter ending June 30, 1912, were audited there was a shortage of about $1,200. He immediately wired that he had not been postmaster since January and was then too ill to come to Washington. So his wife came here and investigated the matter. Mr. Knapp was then, upon the suggestion of Mr. Hall, arrested and while he was out on bond he paid some $700 of the shortage and reduced it to five hundred and forty-odd dollars.

The matter has been before both the Senate and House committees and has been favorably recommended in each instance, the position being that Mr. Hall, in all good faith, thought he was relieved from responsibility, and the peculiar circumstances arose on account of the rascality and dishonesty of the man who really was in charge of the post office and withheld the mail.

Mr. WARREN. I understand from the Senator that the bill is not to pay out the money, but to cancel the account.

Mr. TRAMMELL. Yes; to relieve the estate from the suit. The attorney representing the department has not proceeded to press the suit with any vigor for the reason that he thought it was a meritorious matter for the consideration of Congress. The suit is pending, but no judgment has yet been procured in the suit against the estate of Mr. Hall. That in brief states the situation.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSION TO STANDARDIZE SCREW THREADS.

Mr. KENYON. I report back favorably from the Committee on Standards, Weights, and Measures, with amendments, the bill (H. R. 10852) to provide for the appointment of a commission to standardize screw threads, and I submit a report (No. 471) thereon. I ask unanimous consent for the present consideration of the bill. If it leads to any particular discussion, I shall not ask to take up the time of the Senate to consider it. The bill, I will say, is considered to be of great importance.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HARDWICK. I should like to again have the title of the bill stated.

The Secretary read the bill by title.

Mr. KENYON. Mr. President, I will say that the bill has passed the House of Representatives unanimously and is unanimously reported from the committee of the Senate. While on the face of it it may appear to be a trivial bill, I will say to the Senator from Georgia that the testimony before the committee was to the effect that, because of the failure to have any standardization of this kind, the Government has already lost some $50,000,000. The bill involves no expense at all to the Government.

Mr. HARDWICK. I should like to have the bill read before we decide whether we shall now consider it.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That a commission is hereby created, to be known as the commission for the standardization of screw threads, hereinafter referred to as the commission, which shall be composed of five commissioners, one of whom shall be the Director of the Bureau of Standards, who shall be chairman of the commission; one a commissioned officer of the Army, to be appointed by the Secretary of War; one a commissioned officer of the Navy, to be appointed by the Secretary of the Navy; and two to be appointed by the Secretary of Commerce, one of whom shall be chosen from nominations made by the American Society of Mechanical Engineers and one from nominations made by the Society of Automotive Engineers.

SEC. 2. That it shall be the duty of said commission to ascertain and establish standards for screw threads, which shall be submitted to the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for their acceptance and approval. Such standards, when thus accepted and approved, shall be adopted and used in the several manufacturing plants under the control of the War and Navy Departments, and, so far as practicable, in all specifications for screw threads in proposals for manufactured articles, parts, or materials to be used under the direction of these departments.

SEC. 3. That the Secretary of Commerce shall promulgate such standards for use by the public and cause the same to be published as a public document.

SEC. 4. That the commission shall serve without compensation, but nothing herein shall be held to affect the pay of the commissioners appointed from the Army and Navy or of the Director of the Bureau of Standards.

SEC. 5. That the commission may adopt rules and regulations in regard to its procedure and the conduct of its business.

SEC. 6. That the commission shall cease and terminate at the end of one year from the date of its appointment.

Mr. BORAH. Mr. President, I presume that this is an important matter, as the Senator from Iowa [Mr. KENYON] has said, but I wonder if this bill did not have its origin prior to the passage of the Overman law. If the Overman law does not permit the coordination of action with reference to such matters as this, I can not understand why it was passed at all. If we are going to continue to create commissions and to diversify these different activities, notwithstanding the fact that we enacted the Overman law, it seems to me that we shall be insisting upon doing that which the Overman law was enacted to prevent. I should like to have the views of the Senator from Iowa as to the necessity for the passage of this bill in view of the facts which I have stated.

Mr. KENYON. Mr. President, as I understand the matter, there is now no authority to do the particular work which is provided for by this bill. If there were a commission authorized to do it, it could be coordinated with other commissions or united with them under the Overman law. I do not understand that under the Overman law authority would be conferred to do work of this character. It is true that this bill originated before the Overman law was enacted. This bill passed the House, I think, along about the same time as the passage of the Overman law.

Mr. BORAH. I am not going to object to the bill, in view of the fact that it is reported from the Senator's committee, and he has given it more consideration, of course, than it has been possible for me to give it, and I accept his judgment.

Mr. KENYON. I have not given the bill any consideration in connection with the question which the Senator from Idaho has raised as to the effect of the passage of the Overman law.

Mr. BORAH. But there is some one somewhere in the Government who has been dealing with this matter, and under the Overman law the work could be centralized, and, in my judgment, it ought to be done instead of being diversified.

Mr. HARDWICK. Mr. President, I should like to inquire of the Senator from Idaho whether or not this commission has any jurisdiction to do anything else except to standardize screw threads?

Mr. KENYON. It will only have authority to standardize bolts and nuts used in aeroplanes, in motor trucks, and in all such things for the Army and the Navy, and it is proposed to standardize the screw threads as to those.

Mr. HARDWICK. But it does not apply to business generally throughout the country?

Mr. KENYON. It does not.

Mr. HARDWICK. In the reading of the bill I heard something about publishing this information.

Mr. KENYON. Yes; but it would only be persuasive, because it would cover all Government contracts, and the manufacturers would have to standardize if they carried Government contracts.

Mr. HARDWICK. But can not the officials of the Army and the Navy and of the other governmental agencies do this work without any such law as this at all?

Mr. KENYON. But in that case the Army will have one standard and the Navy will have another standard, and so it will go.

Mr. OVERMAN. We have a standardizing bureau, which is known as the Bureau of Standards, which acts with the War Department and the Navy Department.

Mr. KENYON. I will say to the Senator from North Carolina that the Bureau of Standards is very much in favor of the passage of this bill. The director of that bureau was before the committee and gave his testimony, which the Senator will find in the hearings. The director stated that this was a very essential measure.

Mr. HARDWICK. But under the Overman law everything provided for in this bill could be done, could it not?

Mr. KENYON. I am not certain as to that.

Mr. HARDWICK. I think it could be.

Mr. KENYON. I doubt it.

Mr. HARDING. Mr. President, will the Senator from Georgia allow me, as a member of the committee, to submit an observation?

Mr. HARDWICK. I yield the floor to the Senator.

Mr. HARDING. The necessity for standardization was so apparent to members of the committee and to those who testified before the committee that it is a perfect marvel that this has never been done before.

Mr. HARDWICK. Let me ask the Senator from Ohio——

Mr. HARDING. I quite agree with the contention of the Senator from Idaho [Mr. BORAH] and with that of the Senator from Georgia [Mr. HARDWICK], that, with the proper exercise of authority under the Overman law, this work could be accomplished without a commission; but the enactment of this bill will call the matter to the attention of the manufacturers of the country in a perfectly agreeable way, and will establish a commission, without any cost, which will proceed with this work upon scientific lines and with the cooperation of the War and Navy Departments.

Mr. HARDWICK. I was wondering if the Senator from Ohio thinks it is wise policy to be enacting legislation here in Congress merely to direct the attention of the manufacturers of the country to something there is already ample authority of law for doing. If we embark in that field, there may be a million things of an administrative character already provided for by existing law that we might think we could emphasize a little by passing a law through Congress with reference to them. That is the only objection I have to the bill.

Mr. HARDING. If the Senator from Georgia will allow me, if I may disavow any desire to criticize the Overman law or the sponsor therefor, I want to say that the enactment of the Overman law does not persuade me that I am to surrender all my functions as a Member of Congress. While I agree that all this might have been accomplished without legislation, I am perfectly confident that the enactment of this bill will expedite the matter and accomplish great good. All there is to it is that it is designed to bring together these highly capable representatives of the Society of Engineers and the automotive organizations of the country to do a thing that ought to have been done long ago.

The Senator from Iowa and myself might join in a discourse on the technical phases of this question which would be beyond the understanding of ourselves and of Members of the Senate; but it is all related to the pitch and the toleration of the screw or the bolt and the opposite of that thread in the nut. It needs only the judgment of technical men to fix the standard and set the time in advance when every manufacturer of bolts and screws in the United States in reestablishing his machinery, which must be done after a few days, may conform to that standard.

Mr. HARDWICK. Was the Senator on the committee that investigated this matter?

Mr. HARDING. Yes.

Mr. HARDWICK. I wish to say to the Senator that I am not going to object to the consideration of the bill, and I am not going to vote against it. My only observation was that it looked to me like an unnecessary piece of legislation, because it has already been covered by legislation, and I doubt the wisdom of establishing the policy of legislating about the details of administrative matters that are already provided for by law.

Mr. HARDING. Mr. President, before the Senator from Georgia goes out, I should like to call his attention to the fact that the Overman bill accomplished its purpose when it was enacted; that was the purpose for which it was introduced; but we are not to surrender our functions or cease to perform our duties because of it.

Mr. HARDWICK. Undoubtedly; but I hardly think it is the function of legislation to take care of things of this sort, which ought to be left to administrative officers of the Government.

Mr. TOWNSEND. Mr. President, may I ask the Senator from Ohio a question?

Mr. HARDING. Certainly.

Mr. TOWNSEND. I am wondering what effect this new order would have upon the screws and nuts already in existence?

Mr. HARDING. There are millions of screws and nuts manufactured every day, and there are millions of them cast aside every day; that is unavoidable, as the testimony shows. The answer to the Senator from Michigan is this, that the standards will be adopted and proclaimed several weeks in advance. The manufacturer of nuts and bolts has his dies, which are required to be renewed every few weeks, and he will get notice long enough prior to the necessary renewal to adjust the new dies to the standards fixed by the Government. It does not impose any hardship upon anybody, and the sole purpose is to effect, first, an economy; and, second, to speed up the production of Government necessities in time of war.

Mr. BORAH. Mr. President, I have no doubt of the necessity of this kind of legislation, but I do think that this is an insidious attack upon the Overman bill.

Mr. HARDING. Well, let it be so. Whether it is an attack on it or not, if it adds to the Government efficiency at this time of need, let us pass it at once.

Mr. OVERMAN. I understand that this is merely to advertise the fact that this ought to be done, and to let the manufacturers know that, if this bill passes, it will be done. The purpose of the bill is advertisement.

Mr. HARDING. No.

Mr. OVERMAN. I understood the Senator to say so.

Mr. HARDING. If the Senator please, let us be serious about this matter. The truth is that the contracting agents of the Army and the contracting agents of the Navy have never had the practical sense to get together and fix a standard which they could demand for Government use. The manufacturers themselves, recognizing the great waste and difficulty in meeting conflicting specifications, have asked that proper authority in this country fix standards for Government service in that particular line. It is not going to involve any expense, and it ought to be done instantly. I was never so shocked in my life as at the statement made by an eminent authority before the committee that the waste in bolts and nuts since we entered the war had exceeded $50,000,000. I think the Senate ought to pass the bill without objection and get it out of the way.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HITCHCOCK. I should like to know whether the Overman law would apply to this commission if it shall be constituted? My opinion is that this would be later legislation and that the proposed commission would be absolutely free from any of the control of the Overman law. I think it is very objectionable legislation to create commissions. Congress has already created innumerable commissions, which, like Tennyson's brook, run on forever, even when their authority has ceased. I object to the consideration of the bill.

The PRESIDENT pro tempore. Objection is made.

LIMITATION OF DEBATE—AMENDMENT OF THE RULES.

Mr. UNDERWOOD. From the Committee on Rules I report back with an amendment Senate resolution No. 235, to amend the rules of the Senate relating to the limitation of debate, and I submit a report (No. 472) thereon. As the resolution relates to a limitation of debate in the Senate, I ask unanimous consent that the report may be read for the information of Senators, and I will ask that it go over until to-morrow. I desire to call it up at an early day.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read the report, as follows:

"Mr. UNDERWOOD, from the Committee on Rules, submitted the following report:

"The Committee on Rules, to which was referred Senate resolution 235 'to amend the rules of the Senate relating to the limitation of debate,' having given consideration to said resolution, report the same back to the Senate with an amendment providing that all the language in the proposed resolution be stricken out and in lieu thereof the following be adopted:

"*Resolved*, That during the period of the present war the rules of the Senate be amended by adding thereto the following:

"'That no Member shall occupy more than one hour in debate, unless by unanimous consent, on any bill or resolution and not over 20 minutes on each amendment proposed thereto.'

"The Committee on Rules recommend that the resolution as amended do pass.

"The history of the parliamentary bodies of the world disclose the fact that no question involving parliamentary procedure has been productive of more contention than the issue involved in proposals to place limitations on the time of debate. The questions involved have time and time again been thrashed out from every conceivable angle and are as ancient as the establishment of legislative government.

"The effort to close debate in order that the main question might be voted on has been proposed in many ways and approached from many angles.

"In the old form as first adopted in the House of Representatives the question was, 'Shall the main question be now put?' An affirmative vote had the effect of cutting off further debate and further amendment and bringing the House to a direct vote upon the pending question.

"This form of the question was originally proposed in the First Congress under the Constitution by Members who had served in the Continental Congress. Subsequently the motion was changed so that the Member seeking to cut off debate moved 'the previous question,' and this has been the form of a cloture motion in the House for a century past. The Senate has declined to adopt, until this Congress, for its ordinary business, this or any other method of cloture for debate. On August 28, 1850, Mr. Stephen A. Douglas, of Illinois, introduced a resolution providing for a 'previous question' in the Senate, but it was defeated. Since that time the Senate has considered the business before it without any general limitation on debate, except where it was accomplished by unanimous-consent agreements from time to time until a rule was adopted in this Congress on the 8th day of March, 1917, authorizing a cloture motion on petition of 16 Members, requiring a two-thirds vote to adopt the same.

"This rule, although it has proved effective in some noticeable instances, is not adapted to ordinary work of the Senate. It is not flexible, and when once adopted prevents all debate and all further consideration of the main subject and all amendments thereto, so that, except in the case of a deliberate filibuster attempted to delay the passage of legislation which has the support of a very large majority of the Members of the Senate, it can not be used to expedite the consideration and passage of pending legislation.

"It is, therefore, proposed that instead of amending the existing cloture rule, that the delay and lack of consideration given important legislation, which is caused by unlimited debate, be met and remedied for the period of the present war by fixing a reasonable limitation on the time that each Member shall be privileged to discuss pending legislation, and limiting that time to 1 hour to the main question and 20 minutes to amendments thereto, unless the Member desiring additional time obtains the unanimous consent of the Senate to proceed.

"It is rarely the case that a bill or resolution pending before the Senate requires more than one hour for a Member to clearly and concisely present his views on the subject, and in the exceptional case there is no probability that the unanimous consent of the Senate can not be obtained for the Member to proceed where the debate is legitimate and not intended to delay procedure.

"It is true that many able speeches in the Senate have occupied more than one hour's time, but this does not negative the suggestion that the question could have been as ably debated within the hour's limitation.

"The real question involved in the consideration of a cloture rule is the question of numbers in a parliamentary body. Three men associated together in a triumvirate could discuss the issues between them without a chairman and without rules and accomplish results. A board of directors composed of a dozen men would need a chairman to give recognition to the member desiring to speak and would require some rules as to parliamentary procedure, but would not need a rule to close debate in order to attend to business within reasonable limitations. On the other hand, a parliamentary body composed of a thousand men would require the most stringent rules for the consideration of business coming before it and the absolute power of the majority to close debate at any time on any pending question in order that business might be transacted at all.

"When the Senate was first organized the Union was composed of 13 sovereign States, which were represented by 26 Senators. To-day there are 48 States in the Union, represented by 96 Senators. The rules of the Senate governing the limitation of debate are practically the same to-day as they were in the first Congress, and yet it must be apparent to all the 96 men, legislating for more than 100,000,000 people, with the many and varied questions that are presented to the National Government for consideration, that they can not possibly properly attend to business under the same rules and regulations as those adopted by the 26 original Senators, representing a sparsely settled country with national issues few and far between.

"There is a certain amount of important legislative business that must be transacted by the Senate in each year in order that the Government may exist and perform its functions. Undue delays or unlimited debate on one question of necessity cuts down the time for the consideration of all other questions. A careful study of the legislative history of the United States Senate will clearly demonstrate the fact that where there has been long and protracted debate on some one question pending before the Senate, that a large number of other questions of vital importance to the country have been ultimately speedily and hastily passed without the consideration that their importance merited.

"To-day we are confronted by the gravest crisis that has ever faced the civilized world. It is clear that the burden of carrying on the war for civilization and freedom must ultimately rest on our country and our people. Many, many questions of vital importance to the world's civilization and our country's safety must come before the Senate for consideration before peace is obtained. They are entitled to the most careful consideration and to reasonable speed in legislative attainment.

"The only way that this can be accomplished is by the establishment of a reasonable limitation on the time allowed for debate to each Member.

"The proposal now made by the Committee on Rules does not apply a gag rule, does not cut off debate on any question at any time, but merely provides that each Member shall be restricted in the time that he may occupy in the discussion of the questions before the Senate to a reasonable opportunity to express his views. The committee has limited the scope of the rule to the length of the present war. Within that time it can be tried out. If it proves satisfactory it can be extended by reenactment. If it should prove unsatisfactory at the close of the war it will cease to be a rule of the Senate by the time limitation contained in the resolution."

Mr. UNDERWOOD. I ask that the resolution go to the calendar; and I desire to give notice that after the disposition of the routine morning business on Monday next I shall ask the Senate to consider it.

Mr. SMITH of Michigan. Mr. President, I will ask the Senator from Alabama if this is a unanimous report from the Committee on Rules?

Mr. UNDERWOOD. No; it was not unanimous. A large majority of the members of the committee who were present at the meetings voted in favor of the report. I believe there was one dissenting vote by a Senator who was actually present at the meetings, and there were some other members of the committee who probably would not have agreed to the report if they had been present; but on the part of the members present there was only one dissenting vote.

The PRESIDENT pro tempore. The resolution will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KING:

A bill (S. 4630) to repeal the act of Congress approved February 1, 1905, and to transfer national forests from the Department of Agriculture to the Department of the Interior, and for other purposes; to the Committee on Public Lands.

By Mr. SHIELDS:

A bill (S. 4631) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended; to the Committee on the Judiciary.

By Mr. HARDWICK:

A bill (S. 4632) to exclude and expel from the United States aliens who are members of the anarchistic and similar classes; to the Committee on Immigration.

By Mr. HARDING:

A bill (S. 4633) granting a pension to Edward McCabe; to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 4634) granting a pension to Joseph Danielson; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4635) granting a pension to Theodore Reed; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 4636) to authorize the coinage of 2-cent pieces, and for other purposes; to the Committee on Banking and Currency.

By Mr. HENDERSON:

A joint resolution (S. J. Res. 156) to suspend the requirements of annual assessment work on mining claims during the years 1919 and 1920; to the Committee on Mines and Mining.

AMENDMENT TO APPROPRIATION BILLS.

Mr. OWEN submitted an amendment providing that during the fiscal year 1919 and thereafter the courts, including the appellate courts of the United States, shall be open to seamen without furnishing bonds or prepayment of fees, without making deposits to secure fees, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that the sum appropriated by section 1661, Revised Statutes, for making and equipping the whole body of the militia the sum of $3,700 out of the sum apportioned to the State of Oklahoma for the year 1917–18 be made available for the purpose of paying the expenses incurred by that State over and above the allotments made by the Secretary of War to the State of Oklahoma, etc., intended to be proposed by him to the Army appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Military Affairs.

MINING ON THE PUBLIC DOMAIN.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 3220) authorizing the Secretary of the Interior to make investigations, through the Bureau of Mines, of lignite coals to determine the practicability of their utilization as a fuel and in producing commercial products which was referred to the Committee on Mines and Mining and ordered to be printed.

OPPRESSED RACES OF AUSTRIA-HUNGARY.

Mr. KING submitted the following resolution (S. Res. 251), which was read and referred to the Committee on Foreign Relations:

Whereas there was held in the city of Rome, Italy, on the 8th, 9th, and 10th of April, 1918, a congress of the oppressed races of Austria-Hungary, at which resolutions were adopted protesting against the tyranny to which they had been subjected, and setting forth the nationalistic aspirations of the various peoples represented at said congress; and

Whereas said resolutions assert principles concerning government and the right of people to determine the form of government under which they shall live, and in substance declare that governments derive their just powers from the consent of the governed: Therefore

Resolved, That we express our approval of the principles and statements contained in said resolutions, and that we express our earnest sympathy in behalf of the nationalistic aspirations of the peoples represented in said congress.

THE BOHEMIAN PEOPLE.

Mr. KING submitted the following resolution (S. Res. 252), which was read and referred to the Committee on Foreign Relations:

Whereas Bohemia for centuries has struggled for independence and the realization of her nationalistic ideals and aspirations, and the people of said country by their inherent greatness, moral worth, industrial progress, and intellectual capacity and achievements are entitled to self-government and all the rights and prerogatives that belong to a free people and to an independent, sovereign State; and

Whereas in this dark hour the people of said country are striving to realize their nationalistic aspirations and to establish a government of and by and for the people of said country and to emancipate themselves from the absolutism and oppression of the Austrian and German Empires: Therefore

Resolved, That the nationalistic aspirations of the Bohemian people for freedom and self-government have the earnest sympathy of the United States, and that this Nation will welcome the Bohemian people and the sovereign independent state which they may organize into the community and fellowship of free and liberty-loving peoples.

THE COMMITTEE ON BANKING AND CURRENCY.

Mr. OWEN submitted the following resolution (S. Res. 256), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Banking and Currency or any subcommittee thereof be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

DATA RELATIVE TO PROFITEERING AND THE REVENUE.

Mr. BORAH. Mr. President, I send to the desk a resolution which I ask to have read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 253), as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate with the following information:

1. Any and all facts, figures, data, or information now in possession of the Treasury Department relative to profiteering which would in any way enable Congress to deal with the matter either through the present proposed revenue legislation or through enactment of more effective criminal statutes.

2. The figures showing the amount of money which the Government has raised up to this time since the beginning of the war by taxation and the amount which it has raised by loans.

Mr. BORAH. Mr. President, I ask the indulgence of the Senate for just a moment until I explain my object and purpose in introducing this resolution and my desire to have the information brought to the Senate, and, after having been brought to the Senate, that it may have the consideration of the Senate.

There is one portion of the President's great message upon taxation, delivered a day or two ago, to which it seems to me sufficient attention has not been given in public discussion, and that is the part which reads as follows:

> There is abundant fuel for the light in the records of the Treasury with regards to profits of every sort. The profiteering that can not be got at by the restraints of conscience and love of country can be got at by taxation. There is such profiteering now and the information with regard to it is available and indisputable.

That statement is evidently based upon facts within the knowledge of the administration and, I take it, in the possession of the Treasury Department. The President, in my judgment, suggests a very proper and efficient way in which to deal with the subject of profiteering, and that is by taxation. You can not reach it in all instances, in its subtle and devious ways of carrying on its work, by criminal statutes. While criminal statutes are desirable and should be passed wherever it is thought that they can meet the situation there is no doubt but that an effective aid to any criminal statute is that of taxation. In many instances where it could not be reached at all by any other method it can be reached effectively by taxation.

I am, therefore, in hearty accord with the expression of the President with reference to the method of reaching profiteering; but, Mr. President, I regarded that statement, when made by the President, as somewhat startling. If it had been said by some private citizen, it would likely have startled him upon the way to the penitentiary. But the President has made the statement and it was most proper—indeed, not only proper, but has developed upon us the duty—to discuss the subject and deal with it. I take it that he would not have incorporated it in his message had he not regarded it as of transcendent moment, and worthy of the speedy consideration of Congress.

To say that profiteering is here, and that the evidence of it is indisputable, and that it is subject to the call of Congress, is to notify the Congress that more important than dealing with the general subject of revenue—which we might deal with later, perhaps effectively—is dealing with this particular subject of profiteering. That should be dealt with at once. Summer or no summer, vacation or no vacation, that should have our immediate attention. Mr. President, of course in referring to a profiteer we do not refer to a man who is simply conducting his business in a skillful and efficient way and securing the reward of such skillfulness and efficiency by taking a reasonable profit for his efforts. The man to whom the President refers, and I presume to whom we refer when we speak of profiteers, is the man who takes advantage of his country's condition, of its perilous situation to gather extraordinary profits, who is taking advantage of his country's stress and trial to increase enormously and unjustly and unfairly his individual and private gain.

To my mind, and I presume I simply express the view of every patriot, the man who does that is upon a lower moral level than the foreign spy. The foreign spy is at least loyal to his flag, he is loyal to his country; he takes his life in his hands to serve that country; but the man who claims the protection of the flag, who professes his loyalty to the Government and his devotion to the flag, and at the same time takes advantage of the Nation's peril and the Government's dire necessities to increase his private gain, thereby demoralizing the efforts of the people, impeding the progress of the war, and

finally working for its ultimate failure, is infinitely lower in morals, in my humble judgment, than the foreign spy who takes his life in his hands for his own government.

The Congress of the United States is now advised unmistakably in terms which can not be contradicted or about which there can be no doubt that this profiteering is active and the evidence indisputable. If that be true, there should be no talk of adjournment until this bill shall have passed. While we might provide the revenue a month or a month and a half or two or three months from now, the profiteer should not be permitted to escape beyond the time within which we can act intelligently and effectively.

Mr. President, a few days ago a noted woman in this country with whose methods as to government most of us disagree, but with whose humanitarian objects and purposes many of us agree, was convicted in an American court. Here is the statement upon which that conviction was founded, or at least one of the counts of the indictment:

No government which is for the profiteers can also be for the people.

Nothing is truer than that statement. No government which is for the profiteer can be for the people. If the Government of the United States possesses the facts as to the existence of these profiteers and fails to prosecute, fails to deal with them by taxation or otherwise, the Government is derelict and justly subject to the criticism of everybody who is for the people; and not only for the people but, in the broader sense, for the Government, for a government can not long exist which will not eliminate the profiteer—

And I am for the people, while the Government is for the profiteers.

Now, it is up to Congress to justify the conviction of Rose Pastor Stokes in that court. It is up to us to demonstrate beyond question that the Government of the United States is not with the profiteer, and we can not do so if we leave the evidence before us undealt with and legislation unenacted.

I do not assume at this time that the Government is friendly to the profiteers, but there will be no defense to the charge made by these people if the Congress shall adjourn without most drastic legislation concerning this matter. If the facts are here, and the President tells us and the American people they are here, and we fail to deal with the situation, Rose Pastor Stokes will no longer be a criminal, but a martyr. This Government can not be a slacker in dealing with those who pad the pay rolls and cheat the taxpayer, who scheme for the possession of the money which the Government must have to prosecute the war, who, while our boys are dying and liberty stands in hourly peril, extort through overreaching and fraud from their struggling Nation and at the same time justify the conviction of those people who denounce it.

Now, a government may close the lips of an individual; you may reduce them all to silence for a time; but every time you close the lips of an individual and fail to remedy the wrong you put a thousand more to thinking, and you can not prevent people from thinking. In time their thinking will ripen into action. If we would have the people contented and confident; if we would have our country relieved of a multitude of prosecutions, it devolves upon us here and now to remove the evil which is now conceded by the Government to exist and the facts concerning which are at our disposal.

Mr. President, I do not desire to go further into detail or take the time of the Senate longer at this time. But in conclusion let me say this Congress now assembled will mortgage the energy and the capacity of the American people for the next 250 years. When we think of the reluctance of a national debt once established to release its hold upon the sweat and toil of men, when we reflect upon its remorseless demands for annual tribute we can well believe that two and a half centuries will still find a portion of this obligation we are so speedily imposing a burden upon the people. One shudders to contemplate the deprivation, the self-denial, the suffering, and the sacrifice which its payment will involve. From decade to decade, from generation to generation families will bend under the burden, and the average citizen through long years will feel its haunting presence at the fireside and at his table.

With every necessary dollar expended no patriot will find fault—it is the price we pay for the liberty we love, for the freedom we would transmit to our children. But if we falter in cutting out waste and extravagance we will receive, and justly, the execrations of those who must meet this gigantic debt. If we delay one hour beyond the time necessary to shape the law to deal with the execrable wretch, the hated of earth, the alien from hell who would profit off his country's peril, we will deserve what we will receive—the anathemas and the curses of posterity. The profiteer! That scavenger of civilization, that tarautula burying its fangs in the veins and arteries of the wounded and the grief stricken, yet the President says he is in our midst, that the evidence is here and indisputable. In the name, therefore, of the success of this war, in the name of every patriot in the land making his sacrifice and contributing his efforts to the common cause, let us proceed to his destruction. We can either drive him from his prey—the American people—or we can turn his ill-gotten gains into the Treasury of the United States to meet the burdens of this war. The President is right. We can deal with him effectually and conclusively by taxation, and I trust that in the passage of this resolution we will not falter in doing our full duty in that respect.

Mr. SWANSON. I should like to move to proceed to the consideration of House bill 9864.

Mr. BORAH. Will the Senator wait just a moment? It has been suggested that I ask for the consideration of the resolution which I submitted. I should like to have it agreed to, if there is no objection.

The PRESIDENT pro tempore. The Senator from Idaho asks for the immediate consideration of the resolution.

Mr. SWANSON. There is a little bill on the calendar that I should like to dispose of that should be passed by the 1st of June.

Mr. BORAH. If there is any debate——

Mr. SWANSON. There will be no debate on this bill. It simply rearranges the terms of the courts in Virginia and must become operative by the 1st of June.

Mr. BORAH. There would not be any debate on the resolution.

Mr. SWANSON. I ask unanimous consent for the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Virginia was recognized.

Mr. BORAH subsequently said:

Mr. President, since addressing the Chair before, a Senator has asked that the resolution go over, in order that he may have an opportunity to read it and consider it. I ask leave now to introduce two other resolutions addressed to other departments on the same subject matter, and that they may go over also, to be dealt with at the same time.

The PRESIDENT pro tempore. Such will be the order.

Senate resolution 254, submitted by Mr. BORAH, is as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with the following information:

Any and all facts, figures, data, or information now in possession of the War Department relative to profiteering which would in any way enable Congress to deal with the matter either through the present proposed revenue legislation or through enactment of more effective criminal statutes.

Senate resolution 255, submitted by Mr. BORAH, is as follows:

Resolved, That the Federal Trade Commission be, and it is hereby, directed to furnish the Senate with the following information:

Any and all facts, figures, data, or information now in possession of the Federal Trade Commission relative to profiteering which would in any way enable Congress to deal with the matter either through the present proposed revenue legislation or through enactment of more effective criminal statutes.

COURTS IN VIRGINIA.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the consideration of House bill 9864.

Mr. SMOOT. Let it be read.

The Secretary read the bill (H. R. 9864) to amend section 111 of the Judicial Code in respect to the western district of Virginia; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out section 1 and in lieu thereof to insert:

That section 111 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 111. The State of Virginia is divided into two districts, to be known as the eastern and western districts of Virginia.

"The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Accomac, Alexandria, Amelia, Brunswick, Caroline, Charles City, Chesterfield, Culpeper, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Gloucester, Goochland, Greensville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Powhatan, Prince Edward, Prince George, Prince William, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, and York.

"Terms of the district court shall be held at Richmond on the first Mondays in April and October; at Norfolk on the first Mondays in May and November; and at Alexandria on the first Mondays in January and July.

"The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alleghany, Albemarle, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Frederick, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Madison, Montgomery, Nelson, Page,

Patrick, Pulaski, Pittsylvania, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe.

"Terms of the district court shall be held at Lynchburg on the second Mondays in January and July; at Roanoke on the second Monday in February and the first Monday in August; at Danville on the second Monday in March and the third Monday in September; at Charlottesville on the second Mondays in April and November; at Harrisonburg on the fourth Mondays in April and November; at Big Stone Gap on the third Monday in May and the second Monday in October; and at Abingdon on the second Mondays in June and December.

"The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Lynchburg, Roanoke, Danville, Charlottesville, Harrisonburg, Big Stone Gap, and Abingdon, which shall be kept open at all times for the transaction of the business of the court."

Mr. HARDING. I wish to ask the Senator if the bill proposes to create an additional judge?

Mr. SWANSON. It does not. There are only two judges in Virginia. This changes the terms of court. It provides for no new judges and no increase in salary.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to amend section 111 of the Judicial Code."

COMMISSION TO STANDARDIZE SCREW THREADS.

Mr. HARDING. I desire to call the attention of the Senate to the bill (H. R. 10852) to provide for the appointment of a commission to standardize screw threads, to which the Senator from Nebraska [Mr. HITCHCOCK] objected. The objection to its consideration has been removed by a proposed amendment to section 6 of the bill. I should like to propose that amendment and ask for the passage of the bill at this time. The amendment is that section 6 shall be made to read:

That the commission shall cease and terminate at the end of 60 days from the date of its appointment.

Striking out, on line 2, page 3, the words "one year," and substituting therefor "60 days."

Mr. OVERMAN. I should like to have the bill go over. I should like to look into it and see how it may affect the Overman law.

Mr. HARDING. Is it a very fine thing to have the bill go over? We have lost $50,000,000 already by the failure to standardize in this simple matter.

Mr. OVERMAN. I think screw threads ought to be standardized. The only question in my mind is as to the effect of the bill on the act we passed.

Mr. KENYON. What is the use of delay? All Senators who have studied the bill and know anything about it favor its passage.

Mr. OVERMAN. I shall not object to its consideration, but I thought it ought to go over for the present.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. The Chair is unable to determine who has the floor. The Senator from Iowa was speaking, and the Chair recognizes him as entitled to the floor.

Mr. KENYON. I ask the Senator from Nebraska if he will not withdraw his objection to the bill?

Mr. HITCHCOCK. My chief objection, and the most serious one to the bill I can see, is that it creates a commission which might become a debating society for a considerable time. That objection is largely removed by the proposed amendment of the Senator from Ohio, by which the commission will cease to exist within 60 days. I therefore withdraw my objection to the present consideration of the bill.

Mr. KENYON. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendments of the Committee on Standards, Weights, and Measures were, in section 1, page 1, line 6, before the word "commissioners," to strike out "five" and insert "nine"; in line 8, before the word "commissioned," to strike out "one a" and insert "two," and after the word "commissioned," in the same line, to strike out the word "officer" and insert "officers"; in line 9, before the word "commissioned," strike out "one a" and insert "two"; in line 10, after the word "commissioned," to strike out "officer" and insert "officers"; line 11, to strike out "two" and insert the word "four"; on page 2, line 1, to strike out "one" and insert "two"; and in line 3, before the word "from," to strike out "one" and insert "two," so as to make the section read:

That a commission is hereby created, to be known as the commission for the standardization of screw threads, hereinafter referred to as the commission, which shall be composed of nine commissioners, one of whom shall be the Director of the Bureau of Standards, who shall be chairman of the commission; two commissioned officers of the Army, to be appointed by the Secretary of War; two commissioned officers of the Navy, to be appointed by the Secretary of the Navy; and four to be appointed by the Secretary of Commerce, two of whom shall be chosen from nominations made by the American Society of Mechanical Engineers and two from nominations made by the Society of Automotive Engineers.

The amendments were agreed to.

Mr. HARDING. On page 3, line 2, I move to strike out the words "one year" and substitute therefor "60 days," so as to read:

SEC. 6. That the commission shall cease and terminate at the end of 60 days from the date of its appointment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. KENYON. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. KENYON, Mr. HARDING, and Mr. SHIELDS conferees on the part of the Senate.

WAR-RISK INSURANCE.

Mr. SIMMONS. On account of the enforced absence by reason of illness in his family of the Senator from Mississippi [Mr. WILLIAMS], one of the conferees on Senate bill 4482, I ask for the appointment of an additional conferee.

The PRESIDENT pro tempore. The Senator from North Carolina requests unanimous consent that the Chair appoint an additional conferee on the disagreeing votes of the two Houses upon the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended. Is there objection? The Chair hears none, and will appoint the Senator from Idaho [Mr. NUGENT] as an additional conferee on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the dates given, approved and signed the following acts:

On May 23, 1918:

S. 3935. An act to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided.

On May 25, 1918:

S. 4409. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes."

MILITARY ACADEMY APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN conferees on the part of the Senate.

STEAMBOAT INSPECTION.

The PRESIDENT pro tempore. The morning business is closed.

Mr. SMOOT. There has been almost a universal request that the Senate shall adjourn over the week end. I was in hopes, of course, that we would take up the pension bill to-day, but in conformity with the request made I am perfectly willing to allow the consideration of the bill to go over until Monday.

Mr. VARDAMAN. If the Senator will yield to me, I should like to ask him if he still objects to the consideration of Senate

bill 2104 that we had up a few days ago, the purpose of which is to increase the salaries of the boiler inspectors. If there is not to be any opposition to that bill, it has been on the calendar for many months, and the department is very much desirous to have the legislation enacted.

Mr. SMOOT. I will say to the Senator from Mississippi that I received in this morning's mail a number of communications upon the question of steamboat inspectors. I have not yet had time to read them, and I want the bill to go over at least until I can examine the letters which I have already received.

Mr. VARDAMAN. I am not going to urge the consideration of the measure at this time, but it is very necessary that it shall be passed. I wish now to give notice that early next week I am going to ask the Senator from Utah to consider the question which it involves, and to be ready to act upon the bill.

ADJOURNMENT TO MONDAY.

Mr. MARTIN. Mr. President, I move that the Senate adjourn until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 1 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, June 3, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 31, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in Heaven, for the splendid tributes poured out yesterday all over the land for our heroes in every war we as a people have been called upon to wage from the inception of a Government of the people; for all the prayers that ascended to Thee from devout hearts in behalf of our soldiers, sailors, and their allies, who are fighting to-day for the same principles which our soldiers of the past fought for.

Grant that the day, hallowed by precious memories, the tributes and the prayers which were poured out, may be an inspiration and solace to our heroes of to-day.

May their courage and valor drive back the barbarians and bring to the world an everlasting peace, in His name. Amen.

The Journal of the proceedings of Wednesday, May 29, 1918, was read and approved.

DEPARTMENT EMPLOYEES LIABLE TO MILITARY SERVICE.

Mr. MADDEN rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. Mr. Speaker, I rise for the purpose of moving the discharge of various committees from further consideration of some privileged resolutions which were introduced several days ago, a week ago last Wednesday, and of asking that they be taken up for consideration at this time and passed.

Mr. GARRETT of Tennessee. We will have to have one at a time.

The SPEAKER. Send one of them up.

Mr. MADDEN. I shall send them all up, and they can come in their order.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

House resolution 356.

Resolved, That the Interstate Commerce Commission be requested to report to the House the number of men in the service of the commission liable to military service for whom requests have been made and obtained for exemption from military duty, the names and addresses of such persons, and the character of work they are performing in the service of the commission.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve the point of order on the resolution. With the purpose the gentleman has in mind I am in entire sympathy, at least in so far as I understand the purpose.

Mr. MADDEN. The only purpose is to get the names and addresses of these people.

Mr. GARRETT of Tennessee. That necessarily requires an expression of opinion; that is, as to those liable to military service.

Mr. MADDEN. I mean within the draft age.

Mr. GARRETT of Tennessee. I do not know about that. The resolution does not say so.

Mr. MADDEN. I am asking only for those who are exempted upon request from military duty and those within the draft age. Of course, they are liable to military duty if they are within the draft age.

Mr. GARRETT of Tennessee. But unfortunately the resolution does not say so.

Mr. MADDEN. Then let us amend it so that it will say so.

Mr. GARRETT of Tennessee. For the time being I make a point of order on the resolution.

Mr. MADDEN. I do not think the point of order is well taken; I think the resolution simply asks for facts. It does not ask for an opinion. It asks for information which ought to be in possession of the department to which the resolution is addressed.

The SPEAKER. What does the gentleman say about this language:

That the Interstate Commerce Commission be requested to report to the House the number of men in the service of the commission liable to military service.

Mr. MADDEN. I mean within the draft age.

Mr. GARRETT of Tennessee. But the resolution does not say so.

Mr. MADDEN. I will make it say so, if I may be permitted to amend the resolution.

Mr. GARRETT of Tennessee. Of course, the gentleman can introduce a new resolution.

Mr. MADDEN. I do not see why there should be any necessity for that. If it accomplishes the purpose by amending the language to which the gentleman objects at this time, why delay?

It seems to me, Mr. Speaker, there is no more important function to be performed by the Congress of the United States than to ascertain whether or not we have a number of slackers in the different departments who are being made slackers and hidden away from the front-line trenches at the instance of the department heads, while the sons of the widows of America are compelled to go to the front and fight. The purpose I have in mind is that by the passage of these resolutions we shall be able to ascertain who these men are, what duties they are performing, where they are from, and whether the duties they are performing are of sufficient value to the department to justify exemption. I have no desire to cripple any department. If there is any man in a department who is being exempted from military service and who is within the draft age whose duties in the department are such as to make it essential that he should be exempted from military service, I would be the last man to object to it, but let us take, for example, the case of the Secretary of Agriculture, who asked and obtained exemption for 2,000 men of draft age in his department.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. In a moment. There ought to be something done about that. If that condition exists in the Agricultural Department, it is fair to assume that it exists in other departments. Whether it does or not, we will soon be able to know if we get the information that they have in their possession, and this is a mere resolution of inquiry as to the facts.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. RAYBURN. Does the gentleman know that there are that many within the draft age in the Agricultural Department who have been exempted?

Mr. MADDEN. It is admitted.

Mr. RAYBURN. By whom?

Mr. MADDEN. By the Secretary of Agriculture.

Mr. BORLAND. I have not seen any such statement.

Mr. MADDEN. That statement was made on the floor of the House by the members of the Agricultural Committee.

Mr. BORLAND. The Secretary of Agriculture has not admitted any such statement.

Mr. MADDEN. My understanding is that he did admit it to the members of the Agricultural Committee.

Mr. BORLAND. I hope that is not the case.

Mr. RAYBURN. The gentleman said that he had admitted it—not that it was his opinion that he did.

Mr. MADDEN. That is the statement of the members of the Agricultural Committee on the floor of the House.

Mr. BORLAND. I hope the gentleman is wrong about that admission being made.

Mr. MADDEN. I hope he is, too.

Mr. BORLAND. I am free to say that if 2,000 men have been exempted in the Department of Agriculture from military service who are within the draft age——

Mr. MADDEN. That is true.

Mr. BORLAND. There is no justification for 100 men within the draft age being exempted as special employees of the department.

Mr. MADDEN. The charge was made on the floor during the consideration of the agricultural extension appropriation bill that that is the case, and the statement was made by members of the Committee on Agriculture to the effect that the Secretary of Agriculture himself said that in each case of exemption he gave it his personal consideration, and no one

from the Agricultural Department—the Secretary of Agriculture or anybody else—has denied the statement.

Mr. BORLAND. I can not see the slightest harm in the gentleman's resolution, and I think it ought to be passed if such a statement as that was made.

Mr. SHALLENBERGER. If the gentleman will permit, how is it possible under the law for any man——

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. MADDEN. I yield to the gentleman from Missouri.

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. GARRETT of Tennessee. I reserved the point of order——

Mr. MADDEN. I would like for the gentleman from Missouri [Mr. RUBEY] to be able to make a statement if he desires.

Mr. SHALLENBERGER. Will the gentleman yield for a question? I would like to ask the gentleman from Illinois how it is possible under the law for anyone to be exempted unless he is exempted lawfully? He must have been exempted by some particular board which had authority to do such a thing under the law. Does the gentleman object to that?

Mr. MADDEN. I object to the head of a department requesting exemption for men in his department and then having anybody given the power to grant the request to the extent of 2,000 in one department, when there are only 20,000 people—men, women, and boys—in that department.

Mr. SHALLENBERGER. No one can do it except the exemption board.

Mr. MADDEN. That does not make any difference.

Mr. SHALLENBERGER. Does the gentleman charge that the local exemption board——

Mr. MADDEN. The gentleman is quibbling.

Mr. SHALLENBERGER. I am not; I am trying to find what must be the facts under the law.

Mr. MADDEN. I maintain that the head of a department exceeds his authority when he asks for an exemption, and nobody ought to be permitted to grant exemption to 2,000 people in a single department when the total number in that department—men, women, and boys—are only 20,000.

Mr. SHALLENBERGER. But under the law——

Mr. MADDEN. Do not let us quibble about it; let us get the information and then we can take it up, and it seems to me we ought to have the information.

Mr. GARRETT of Tennessee rose.

The SPEAKER. The gentleman will hear the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Speaker, the difficulty about that, if the gentleman will permit, is the question of whether we will get the information that we desire under the resolution as it is drawn.

Mr. MADDEN. If there is any thought it will not accomplish the purpose, change it.

Mr. GARRETT of Tennessee. I understand the purpose of the gentleman from Illinois, and I stated in the beginning when I reserved the point of order that I was in sympathy with him, but I do not want to do an injustice to anybody.

Mr. MADDEN. Neither do I.

Mr. GARRETT of Tennessee. And the question is whether under the resolution we would get the information that we really desire.

Mr. MADDEN. I am perfectly willing if there is any danger of not getting the information to withdraw the resolution and to have it prepared so that we will get the information.

The SPEAKER. That is the best way to settle it. The Chair is as much in favor of the gentleman's resolution as the gentleman is.

Mr. MADDEN. Mr. Speaker, before we do that I would like for the gentleman from Missouri [Mr. RUBEY] to state what he knows about these exemptions in the Department of Agriculture.

Mr. RUBEY. Mr. Speaker, if the gentleman from Tennessee will permit, I desire to say this: I made a statement on the floor of the House, when the emergency appropriation bill was being considered, in reference to 2,000 exemptions in the Agriculture Department, and I put it in this way: The Secretary of Agriculture has recommended to the local boards as many as 2,000 men in the Department of Agriculture who are absolutely necessary and essential to do the work in the department. Then these local boards, of course, passed upon his recommendations. In some cases the local boards refused to grant the exemption; in other cases they were granted. I do not know where in the department these men are located. I am not opposing the suggestions made by the gentleman from Illinois. Let us find out where they are. I have an idea that a great many of them are in the Meat Inspection Department and the meat inspection must be continued under the law passed by Congress, and if the men in the Meat Inspection Department are not exempted the prospects are the meat inspection will have to stop. I do not know whether these men are in there or not, but I am sure some of them are.

Mr. HAUGEN. Mr. Speaker——

Mr. MOORE of Pennsylvania. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT] makes a point of order, as I understand it, that the resolution calls for an opinion rather than for a statement of facts?

The SPEAKER. If the gentleman from Pennsylvania will allow the Chair, while the Chair is in favor of the resolution, that has got nothing to do with it. The resolution is faulty and is knocked out by numerous decisions because it calls for an opinion. You can not change the rules——

Mr. MOORE of Pennsylvania. If the Chair will pardon me——

The SPEAKER. In a moment—you can not change the rules to conform to any particular case because the Speaker and all the Members of the House together want to do it. You have got to have some kind of a standard on which to go.

Mr. MOORE of Pennsylvania. As I understand the Chair, he holds that portion of the resolution which provides that the commission report the number of men in the service of the commission "liable to military service" as expressing an opinion.

The SPEAKER. The Chair thinks so, yes.

Mr. MOORE of Pennsylvania. I want to call the Chair's attention to the language of the resolution which is—

That the Interstate Commerce Commission be requested—

That is the usual form—

to report to the House the number of men in the service of the commission liable to military service.

Now, if reporting of the number of men liable to military service in the commission would be expressing an opinion, then, of course, the Chair is right under the rule, but it seems to me the commission would be required under this resolution to say to a man in its service, "Are you in the military service; are you subject to military service?" which would be a method of ascertaining a fact to be reported. Or the commission, without expressing an opinion, would look up his record and ascertain the facts, and if the man was subject to military service, so report. That is all there is to this resolution.

The SPEAKER. If this resolution provided that the civil service should report to the House the number of men between the ages of 21 and 31 years, that would be a mathematical fact that could be ascertained to a certainty, but it is going far afield to say that the Secretary of Agriculture or any other Secretary can, with the numerous decisions and modifications about this draft business, tell how many men are subject to military duty. It would be almost impossible.

Mr. MADDEN. Mr. Speaker, I withdraw the resolution and will reintroduce it to-morrow in the modified form.

The SPEAKER. That settles the matter. Now, the Clerk will report the second of these resolutions.

Mr. MADDEN. I withdraw them all.

ADDITIONAL URGENT DEFICIENCIES.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12280, and agree to the Senate amendments.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12280) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. SHERLEY. Mr. Speaker, these are the only amendments that the Senate put on the bill. Two of them are to pay the widows of deceased Senators and one is an amendment providing $4,000 for the contingent expenses of the Senate—the stationery expense.

Mr. ANTHONY. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. ANTHONY. Is the provision or limitation in the bill as to cost-plus contracts the same as it left the House?

Mr. SHERLEY. Whatever was in the bill when it passed the House is still in it, and the only things new that are in it are the amendments to which I referred.

Mr. ANTHONY. I refer to section 7.

Mr. SHERLEY. That is still there exactly as it passed the House. Section 7, spoken of here, was a section in the housing bill, and the only change that was made in it at all, and the only reason it was carried in here, was to permit contracts of

$1,000 or under to be let without competitive bidding. But it is the same as it passed the House.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

REFERENCE OF CERTAIN SENATE BILLS.

Mr. WALSH. Mr. Speaker, I desire to direct the attention of the Chair to what appears to be erroneous references of several Senate bills, as appearing on page 7811 of Wednesday's daily RECORD. The bill S. 4428, an act to amend section 272 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," was referred to the Committee on Military Affairs. It relates, it is true, to military offenses, but a proper reference of that, I submit, should have been to the Judiciary Committee. The bill S. 4451——

The SPEAKER. Wait a minute. Let us get through with the other one first.

The Parliamentary Clerk informs me that the reason he referred that bill to the Committee on Military Affairs was because the bill came from the Military Affairs Committee of the Senate.

Mr. WALSH. Mr. Speaker, that is no sound reason.

The SPEAKER. That may be.

Mr. WALSH. It is an act relating to offenses committed by officers and enlisted men of the Army and Navy, but it is made a part of the Penal Code of the United States, and the rules provide that the codifications of the Judicial Code are in this body in the jurisdiction of the Committee on the Judiciary.

Mr. DENT. Mr. Speaker, I think I can relieve that situation. I have consistently taken the position that these bills should go to the Committee on the Judiciary.

The SPEAKER. Without objection, it will be so referred. [After a pause.] The Chair hears no objection. Are there any others?

Mr. WALSH. The bill S. 4277, an act providing for the protection of the uniform of friendly nations, and for other purposes, is another one, and the chairman of the committee agreed to have a House bill of similar tenor considered by the House Judiciary Committee. I think the gentleman will recall that.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. WALSH. I will.

Mr. GREENE of Vermont. Heretofore there has been provision for the protection of the uniform carried along, as a matter of fact, in Army legislation introduced by the Committee on Military Affairs. What is the difference between that and the uniform of foreign armies?

Mr. DENT. We carried it in the national defense act, which really remodeled all the military laws of the country. But any change of the military laws of the country, I think, ought to go to the Committee on the Judiciary.

Mr. GREENE of Vermont. I am talking about the uniform of the United States Army, and the forbidding of its being worn by anybody not a member of the United States Army.

Mr. DENT. It refers to the uniforms of our cobelligerents in this country, and carries a penalty with it.

Mr. WALSH. The House bill was referred to the House Judiciary Committee, and has been acted on and reported, and is upon the calendar. This is a bill of similar tenor, and I think it should be referred to the same committee.

The SPEAKER. The gentleman from Massachusetts asks to rerefer the bill in question to the Committee on the Judiciary. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. The next bill is the bill S. 4451, an act to provide for allowances for and minimum pay of Army field clerks, to provide for increased pay to Army field clerks for service beyond the continental limits of the United States, and to provide quarters or commutation thereof to Army field clerks in certain cases. As it appears in the RECORD, it was referred to the Committee on the Public Lands. That measure should be referred to the Committee on Military Affairs.

The SPEAKER. That evidently was a clerical error, and it ought to go to the Committee on Military Affairs.

Mr. WALSH. I ask that it be rereferred.

The SPEAKER. Without objection, it will be rereferred.

There was no objection.

RED CROSS CONTRIBUTION.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Alabama asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. BANKHEAD. Mr. Speaker, in these days when all sections of our country are responding so generously to every call made by the Government for war activities it might appear ungracious and invidious to call attention to the recent record made by my home county, Walker County, Ala., in the recent Red Cross drive. But I have just received a letter from the chairman of the Red Cross organization in that county, the contents of which I ask permission of the House to read. I read:

Walker County, with a quota of $6,340, subscribed to the Red Cross war fund $67,254. [Applause.] The figures are not complete as to Dora and Carbon Hill. In addition to being a subscription of 1,000 per cent, it represents more than 4½ per cent of the total bank deposits. Subscriptions are still coming in.

I challenge any Congressman to show a better record by his constituents for patriotism and willingness to give until it hurts. I am sure my colleagues will join with me in appreciation of this splendid contribution by the people of Walker County for this great purpose. [Applause.]

EXTENSION OF REMARKS.

Mr. DOWELL rose.

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. DOWELL. I desire to ask unanimous consent to extend my remarks in the RECORD by printing a letter received from the secretary of the Chamber of Commerce of Des Moines, Iowa, relative to the Postal Service.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD by printing a letter from the secretary of the Chamber of Commerce of the city of Des Moines about the Postal Service. Is there objection?

Mr. KITCHIN. Does it refer to the zone system?

Mr. DOWELL. No, sir.

Mr. KITCHIN. To the service?

Mr. DOWELL. Yes.

The SPEAKER. Is there objection?

Mr. WALSH. I object. We get hundreds of letters about that.

The SPEAKER. The gentleman from Massachusetts objects.

CONFEREE ON OMNIBUS PENSION BILLS.

Mr. RUSSELL. Mr. Speaker, Gen. SHERWOOD, who is one of the conferees on nine omnibus pension bills, is now afflicted and advises me that he will probably not be on his feet for ten days or two weeks. He has requested me to have some one substituted in his place as a conferee, and I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] be substituted for him as a conferee on these nine pension bills.

The SPEAKER. The gentleman from Missouri asks unanimous consent that Mr. ASHBROOK be substituted as a conferee on the nine pension bills referred to in place of Gen. SHERWOOD, on account of the injury or accident to Gen. SHERWOOD. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. DOWELL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DOWELL. I desire to state that I omitted to submit this letter to the gentleman from Massachusetts [Mr. WALSH]. [Laughter.]

The SPEAKER. It is not debatable.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on subjects pertinent to the RECORD, referring particularly to the measure recently passed by the Senate in regard to the vocational training of injured soldiers and sailors.

Mr. WALSH. Reserving the right to object, is that the same measure pending before the House?

Mr. BLANTON. Yes; it is; that and other measures pending. That is one of the chief.

Mr. DOWELL rose.

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. DOWELL. I was trying to object. I do object to the request for unanimous consent.

The SPEAKER. The gentleman from Iowa objects.

LEAVE OF ABSENCE.

Mr. ROGERS. Mr. Speaker, my colleague, Mr. CARTER of Massachusetts, has been ill for some weeks in a hospital in Washington. He had a leave of absence extended to him some weeks ago, but that has expired. I now ask unanimous consent that he be given a continued and indefinite leave of absence.

The SPEAKER. The gentleman from Massachusetts asks that his colleague, Mr. CARTER of Massachusetts, be granted an indefinite leave of absence on account of illness. Without objection, it will be granted.

There was no objection.

The SPEAKER. The Chair would suggest to all gentlemen that the easiest way to get these leaves is to fill up a blank here and send it to the desk, and thus save time.

ARMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12281, the Army appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12281, the Army appropriation bill, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12281, which the Clerk will report.

The Clerk read the title, as follows:

A bill (H. R. 12281) making appropriations for the support of the Army for the fiscal year ending June 30, 1919.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read the paragraph, beginning on line 21 of page 31, covering "Incidental expenses, Quartermaster Corps."

Mr. POU. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the last word.

Mr. POU. Mr. Chairman, the other day I read an announcement that an organization of negroes in the South had subscribed for $100,000 of liberty bonds, and that announcement reminded me of the splendid course of the negro race in America from the very beginning of the war in Europe even before America entered the war.

I thank God that at last America is united in purpose. We are resolved to win the war at all costs, but there were suggestions here and there of disloyalty, among a very few people it is true, in the early days of America's participation. But so far as I have heard, so far as I know, so far as I have read, in not one negro home in America is there even a suggestion of disloyalty. [Applause.] It is pleasant, indeed, to pay this tribute to this race of people, because they deserve it. They are doing their utmost to support their country in this great world crisis. They are subscribing to liberty bonds. They are giving to the Red Cross, and their young men are cheerfully responding to the draft call. This attitude of the negro race is not surprising to the people of the South, who probably know the negro character better than any people in the world.

The southern people saw him tried in the memorable days of the War between the States. They saw him tested as few people have ever been tested in the history of the world. His very soul was wrung in a struggle between love of freedom and love of friends, and the love for those who had been kind to him won the victory. The helpless women and children of the South during those four memorable years were left largely to the mercy of the negro race. Be it said to their everlasting credit that in not one instance did they prove treacherous. [Applause.]

Some day I hope to see a monument of pure white marble erected in this city so high that its summit pierces the clouds, so enduring it will outlive the ages. That monument should be built, and some day will be built, by the southern people as a tribute to the fidelity of the negro race in protecting and caring for the helpless of our population during the war between the States.

And now, Mr. Chairman, in this great world crisis the negro is being tested again, and he will not fail. He is ready to risk all. He will go wherever he is sent cheerfully and without question. In the early days of the war I read that German agents had been sent among the negroes of the South to stir up sedition. In common with other southern men, I felt no concern for the result of the work of these agents. I knew perfectly well that if these German agents ever went among the negroes they would be taken care of in a very proper and effective manner without any assistance whatever from the Department of Justice or any Government officials.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. POU. Certainly.

Mr. JOHNSON of Washington. I had the honor to be in the gentleman's State during the week of the Red Cross drive, and in almost every community the colored people held meetings and made great contributions. In one meeting alone $650 was raised from that population.

Mr. POU. I am glad my friend from Washington has made that statement. The negroes not only in North Carolina, but all over the South, are supporting the Red Cross to the extent of their means. They have given and will give more. They are not a wealthy race, of course. They have accumulated slowly, but they are giving willingly of what they have.

Mr. Chairman, the negro race as a rule live in humble homes. As I stand here now I can see all over the South the vine-clad cabins of this kindly race. They have their faults, but disloyalty is not among those faults. In their homes you will find a burning love of country, a burning love for the flag. From these little homes throughout the South responding to their country's call the young negro men are now answering, "Here; we are ready." [Applause.]

Mr. BLANTON. Mr. Chairman, I desire to discuss several matters pertinent to the RECORD.

Some weeks past our Committee on Education and Labor, of which I am a member, acting with the Senate Committee on Education and Labor, held joint hearings in framing proper legislation inaugurating vocational training for the reeducation and rehabilitation of our injured soldiers and sailors who shortly from abroad will be returning to us maimed and helpless. In performing this task we have reviewed the experience of Belgium, France, Italy, England, and Canada, and have had the benefit of the study and wise counsel of many leading philanthropists and experts both in the United States and Canada. After exhaustive hearings and careful executive deliberation our House and Senate committees agreed upon a measure, which on May 20 was introduced in the Senate by its committee chairman as S. 4557, and on May 21 was introduced in the House by our chairman as H. R. 12212, Report No. 597.

This legislation is designed, just as far as modern surgery, medicine, science, ingenuity, and money will permit, to make the injured whole again in the sense of so reeducating and rehabilitating him that he shall be absolutely independent of alms and pensions by being qualified and able to successfully compete for numerous positions in the professional and industrial world. It is especially designed to dispel despair by filling the breast with hope and ambition immediately after disablement. Beginning in the hospital, even while skillful surgeons are remaking the body and restoring it to health and before being fitted with the latest inventions in artificial arms, legs, eyes, or fingers, a scientific inventory is taken of the maximum possibilities and adaptation to labor, and hopeful assurance is timely given the injured that he has a future worth while before him and that he will be made able once again to fill the honorable position of a useful and independent citizen.

In Canada to-day injured soldiers and sailors are being taught successfully 196 different trades and professions from which it is possible for them all to earn a living and maintain themselves.

We can not do too much for our brave boys when injury causes their return, and we must promptly allay their apprehensions by the definite assurance that while they are undergoing this rehabilitation and until proper self-sustaining placement is effected their dependents will be cared for by the Government.

These brave Americans are already returning. May I commend to my colleagues the expedition with which the Senate considered and passed this measure? It was called up on Thursday, May 23, and passed Saturday, May 25, by a vote of 61 to 0.

I indicated there were other matters I desired to mention. The President has clearly demonstrated that we can not adjourn July 1, even though the elections are upon us. Our duty is here, regardless of our political futures. The President has well said that we who do our duty need have no fear of elections. We should be willing to trust the people to do what is just and right. They well remember the good advice given by the Speaker of this House, printed in the CONGRESSIONAL RECORD of March 17, 1916, namely:

A man has to learn to be a Representative, and a Member's usefulness to his country should increase with service; that useful and influential Congressmen are made largely by experience and practice; that it is an unwise performance for any district to change Representatives at short intervals. A new Congressman must begin at the foot of the class and spell up. Of course, the more brains, tact, energy, courage, and industry he has the quicker he will get up. If he possesses these qualities, and if his constituents will keep him in the House, he is as certain to rise as the sparks are to fly upward. No man should be elected to the House simply to gratify his ambition. All Members should be elected for the good of the country. The best rule, it seems to me, is for a district to select a man young enough to learn and to grow, with at least fair capacity, industrious, honest, energetic, sober, and courageous and keep him here so long as he discharges his duties faithfully and well.

When to win this war it has been necessary to take from the people so many constitutional rights and centralize this power

in the worthy Commander in Chief of our Army and Navy, Congress owes a solemn duty to the people to return to them each and every one of these rights just as soon as this war is over; hence if there ever were a time to apply President Lincoln's advice that "It is unwise to swap horses in the middle of the stream," it should be during the present war Congress.

May I not repeat what I have once said before—that this is no time for unjust criticisms, while duty keeps us far away from our constituents. Impulsive statements in this RECORD are unduly magnified and distorted. Where criticisms are deserved, let them come, but they should be deserved.

To keep the RECORD straight, I feel that it is my duty to correct a few unfounded criticisms. A charge has been made that I have a son on the Government pay roll drawing a salary of $2,000 as my secretary. That it was unwarranted is shown by the following:

WASHINGTON, D. C.

I, Mrs. R. L. Arceneaux, upon oath state: Since April, 1917, excepting a short interim, I have been on the clerical force in Congressman BLANTON'S office, and for some time I have been his chief clerk on a salary of $1,260 per annum. The charge that he has a son on the Government pay roll at a salary of $2,000 as his secretary is wholly untrue, and does him a great injustice. He certified his son's name merely to control the allowance for clerk hire, thus enabling him to employ an adequate office force.

In April, 1917, I left a salary of less than $50 per month as stenographer in a law office in Abilene, Tex., where I live and was raised, to accept an assistant clerkship with Mr. BLANTON at a salary of $60, with a raise of $5 each month. I replaced another lady, Miss Crump, of Washington, on the ground that being a constituent of his home county I had the first claim to the position. Until July, 1917, the allowance for clerk hire was only $1,500 per annum, or $125 per month, and until July, 1917, Congressman BLANTON paid Mr. Roy Davis $80 per month and paid me $60 plus a raise of $5 each month after April, 1917, totaling more than the amount allowed him for clerk hire, and all of his son's salary was paid out of his own pocket. Having 58 counties and several hundred miles of Mexican border in his district, I believe that Congressman BLANTON has twice as much correspondence and departmental business as any other Member here, and no one clerk living could handle all of his business. His oldest son, who is now only 17 years old, attends to all personal mail and the confidential correspondence files. The $500 increase per year for clerk hire in July, 1917, was the act of the Sixty-fourth Congress passed before Mr. BLANTON became a Member.

After Mr. Davis left, Mr. BLANTON has from time to time employed seven different people to do extra work, including another young lady from his district and Mr. Halbert Kiefer, from Anson, Tex. As soon as I became familiar with the departments and the general work of his office I was appointed chief clerk at a salary of $1,260 per year, with hours from 9 to 5, with one hour off for lunch, and besides his son, Mr. BLANTON now has a Miss Hamelin regularly employed in his office by the month, who does night work after 6 p. m. With few exceptions he is forced to work in his office every night and keeps two typewriters going practically all of the time, and has paid as high as 75 cents per hour for extra stenographic work. Being his chief clerk I am the one most interested in the proper disposition of his allowance for clerk hire, and as I am perfectly satisfied no one else should complain.

Mrs. R. L. ARCENEAUX.

Sworn to and subscribed before me on this the 15th day of May, A. D. 1918.

[SEAL.]

D. B. MULL,
Notary Public, District of Columbia.

It has been charged that I do not sympathize with the problems which daily face our Government employees, and that because this House has seen fit to honor my 15-year-old son with the position of a page that it was inconsistent for me to defend the Postmaster General against unwarranted assaults labor organizations in my district were making against him and for me to fight the blanket raise in salary of $120 each to the 240,000 Government employees. I was heartily in favor of granting an adequate raise to all postal employees and to second, third, and fourth class postmasters, some of whom have not been able to pay running expenses; but this amendment proposed no increase whatever to them, but merely proposed a raise of $120 each to the 240,000 employees other than those in the Postal Service. I was in favor of granting a substantial increase to the worthy and meritorious men and women in our various departments, but to reward the slackers with the same increase given to the deserving seemed to be both unjust and outrageous. I insert here the remarks I made during this debate, to show that there was nothing inconsistent in my position:

[From CONGRESSIONAL RECORD of Mar. 14, 1918, p. 3506 (debate on amendment proposing an increase in salary of $120 each to 240,000 Government employees).]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, in order to show the spirit, temper, and teeth of the organizations who are demanding this increase, I want to read to you colleagues two excerpts from a petition which has been sent from one city in my district:

* * * * * * *

"Whereas a member of the Cabinet of the President of these United States has stated in his annual report that the organization of employees in his particular branch of the Federal Government is a menace to the public service; that such employees, though justly compensated (as he claims), are making many selfish demands, are endeavoring to unjustly influence Congress, and will inevitably go out on a strike, and that they will make impossible a provision for the economic conduct of the service: Therefore be it

"Resolved by the El Paso Central Labor Union of El Paso, Tex., and vicinity, That we, the representatives of over 3,000 workingmen of El Paso and vicinity, denounce and brand the statements of the said member of the Cabinet of our President as untrue, misleading, and farfetched in the main, and that we sincerely regret that he is a citizen of these United States and of the fair State of Texas and is a member of the Cabinet of the President of these United States, and do hope and trust that his resignation will be requested, if he shall not have the honor and manhood to present the same."

* * * * * * *

Simply because the able Postmaster General of the United States, Hon. Albert S. Burleson, under a sense of duty felt compelled to make certain recommendations to insure the best and most efficient service to the Government, organized labor is trying to cudgel him out of office. I was reared to young manhood on a farm and worked my own way through the university of my native State, and knowing by actual experience the many hardships which beset the man who toils for his daily bread, my heart has always beat in close sympathy with the labor problems of the land; but when organized labor becomes bigger than the Government and in a war crisis is selfishly making demand after demand at the expense of millions and millions of the unorganized toilers of our country, I must raise my voice against it, even though it may cause strong political antagonism against me in the future.

This is the spirit and temper of the organizations that are demanding this increase at this time. That is why, for one good reason, I am going to vote against this amendment. I want to say to my colleagues that I do not believe that there is a class of workmen anywhere in existence who are better cared for than the clerks in the employ of the United States Government, save and except postal employees and certain postmasters. Why, they get 30 days' vacation in summer on full pay; they get every single holiday that is enjoyed by the banks or individuals; they get each and every one of the 52 Sundays—something that the Members of Congress do not get. [Laughter.] They are entitled to as many as 30 days' sick leave on doctor's certificate on full pay. They enjoy the privilege of 12 half holidays in the summer and others on all special occasions in Washington.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I ask for two minutes more.

Mr. BYRNS of Tennessee. I will yield the balance of my time to the gentleman. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has five minutes.

Mr. BYRNS of Tennessee. I will yield two minutes to the gentleman from Texas.

Mr. BLANTON. I will state to you gentlemen that these clerks are housed in the most comfortable quarters imaginable; they are surrounded by every kind of luxury found in department buildings; you will find many of them wearing the best tailor-made clothes in Washington; and many of them drive their own automobiles every day on the streets of this city. [Laughter.] You will find many of them in the most popular theaters in the city.

Mr. JOHNSON of Washington. And they do all this on $480 a year?

Mr. BLANTON. That $480 a year is a myth. The new employees that have been coming here day after day from my district have been entered on the department pay roll at $75 a month, with increases, when some of them do not know how to run a typewriter and are absolutely inexperienced, and could not draw $40 a month in their home towns. [Applause.]

I know of assistant bank cashiers in my district, filling important and honorable positions of trust in national banks requiring high business qualifications, who do not now get over $100 per month. I know of a young lady who was drawing a salary of $60 in a bank in New Orleans, who accepted a position as interpreter of French in the Ordnance Department, beginning at a salary of $1,100, and one day this week she remarked to a friend that all she did that day was to translate three short letters, and that often she had nothing to do at all. I was told by the principal of Wood's Commercial College that girls are constantly being taken out of his school who hardly know the keyboard of a typewriter and started in at $1,000 and $1,100 salaries by the Government. I know of an employee in The Adjutant General's Office drawing $1,400 a year who is the secretary of a labor organization, and who spends part of his time during office hours in soliciting clerks to join the union, arguing to them convincingly how much influence over Congress such unions can exert in their behalf.

There is hardly a department in Washington where, if the employees all worked faithfully and diligently eight hours a day, it would not be possible to dispense with at least one-third of the employees. I have been told by conscientious clerks from my district working here that if Members of Congress could only see how much time is wasted each day, how much time is used by cigarette smokers in rolling, lighting, and smoking from 10 to 20 cigarettes each day, how much time is wasted by social conversation each day between many young men and young women, see just exactly how many time-wasting, clock watchers there are in the various departments of Government service in Washington among the 240,000 employees whose salaries this amendment seeks to raise, and which $28,000,000 increase the now already overburdened taxpayers will have to pay, that instead of granting this increase to each and every one of them alike, we would take steps to weed out these incompetents, decrease the salaries of the slackers, and raise the salaries only of the diligent employees who are giving good service and deserve it.

I have a 15-year-old son who is an employee of this House, receiving $2.50 per day, and no man in Washington better earns his pay, for from the day this session met in December he has not missed an hour, but sits at that desk there from the time Congress meets every day until it adjourns, including the Sunday sessions we have had, yet I do not think that he is entitled to the increase which this amendment would give him, and I am going to vote against it.

I am in favor of granting a substantial increase in salary to certain second, third, and fourth class postmasters, post-office clerks, railway mail clerks, and rural carriers, who are now making less than any family can live on, and I think that we should not further delay the passage of the bill providing for their relief, but this amendment offers them no relief whatever.

But during this war crisis, when we are taking young men between the ages of 21 and 31 from their families, their wives and children, and their private businesses and forcing them to fight in the trenches, knee-deep in mud for $30 per month, it does occur to me that these 240,000 employees we let stay safely at home, who are to be benefited by this bill, and most of whom get salaries ranging from $1,100 to $2,000, ought to be willing to make some sacrifice, dispense with some of their accustomed luxuries and extravagances, and neither demand these increases nor protest against working eight hours a day, especially while safely living in the Capital, and many filling positions vacated by soldier boys now in the trenches in France. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri [Mr. RUCKER].

The CHAIRMAN. The gentleman from Tennessee has exhausted his time. [Laughter.]

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry. Was this a trick purposely played on me by the gentleman from Tennessee? [Laughter.]

The CHAIRMAN. The time is kept by the timekeeper at the desk.

I deem it a great honor to him, to myself, and to my district for this honorable body to permit my young son to serve it as a humble page. In more than a dozen other employments in Washington he could make a larger salary. I presume that my critic would have me ask the fathers in my district to send some other young boy here, 2,000 miles from home, to serve us at $2.50 per day only while Congress is in session, when expenses to and from home and while here would largely exceed the total income received.

It has been further charged that in December I went to my district to make a political campaign. The people of my district know full well the urgent circumstances which required my presence in Texas last December, and the expense, inconvenience, and hardships I went to in performing my duty there. I had inspected my district after adjournment in October, but during the month of November there were 3,865 soldiers admitted to the hospital at Camp Travis, with 25 deaths, and 5,404 soldiers admitted to the hospital at Camp Bowie, with 42 deaths; and during December there were 4,378 soldiers admitted to the hospital at Camp Travis, with 56 deaths, and 4,155 soldiers admitted to the hospital at Camp Bowie, with 181 deaths. In these two hospitals were many west Texas boys from my district, some dying daily, and I felt that I owed it to their loyal fathers, who had sent me here, to inspect these camps and take all action possible to have furnished to these boys every safeguard and protection available. Moreover, following a very disloyal and unpatriotic speech made at Comanche, Tex., many socialistic petitions, numerously signed, came here demanding the repeal of the draft law, and my people appealed to me to help them remove this undercurrent of seditious sentiment. Up to this date I have not missed one hour from my official duties, from sickness or otherwise, except on this trip to Texas in December, during which I missed only 40 hours of the House proceedings, for during the entire time I was in Texas the House met only seven times and was in session altogether only 40 hours, for Congress adjourned on December 18 for the holiday recess, not to meet again until January 3. I spent the entire holidays 2,000 miles from my wife and children, traveling at my own expense, and spent Christmas Eve inspecting Camp Travis and Kelly Field, near San Antonio. Merely to keep the record straight, even at the risk of being tedious, I will insert sufficient brief excerpts from press reports of my speeches to show the absence of politics in my work:

Comanche Vanguard: "Congressman BLANTON made a telling speech on the Government's war policies. He had the audience to pledge undivided loyalty to the Government in winning the war."

Moran correspondent, Abilene Reporter: "He made one of the greatest speeches ever delivered in our town, his subject being the present war. Though very hoarse, having spoken at quite a number of places, he made his hearers understand so thoroughly the fact that they, too, were in this war, to lend their money, themselves, and, if need be, their lives, that we might win; that every man could do something—if he couldn't give $1, $10, or $100 to the Red Cross, and could not buy a liberty bond or a war stamp, that one thing was sure, that we could be patriotic and stand by the greatest man in the whole world to-day, Woodrow Wilson."

Stamford Leader: "He brought a ringing message, and every one of the 500 people present was interested, who gave loud and prolonged applause."

Hamlin Herald: "He spoke to a crowded house, saying he had pledged the loyalty of his people to the President and was here to tell them a few things they should know. He made it clear that he did not want his people to countenance disloyalty in any form, act, or word."

Ballinger Ledger: "He touched the hearts of 500 people, saying this was no political gathering, that this was no time for politics, but that politics had been brushed aside in Washington, and Democrats and Republicans alike were supporting the President. Leaving Abilene at 5 a. m. he addressed the high school for 30 minutes immediately after arriving here, and after his two hours' speech in the opera house he hurriedly left for Paint Rock, where he speaks at 1.30, then at Eden at 4, and at Junction to-night, making five speeches to-day."

Concho Herald: "He spoke to an appreciative audience on the subject of war, and had the sympathy and moral support of all present. We were glad to have heard him and feel that he is doing good."

Llano News: "He told them the issues of the war, and what is required at the hands of the people to win. He impressed every one with the absolute necessity of every man, woman, and child doing his part. It is regretted that every citizen of the county was not present."

Burnet Bulletin: "He delivered a vigorous address upon the war policies of our Government, which met with great applause."

Brady Standard: "He spoke on our Government's war policies, and his speech was nonpolitical."

San Saba News: "He said this Nation now has no place for politics or politicians; all are now Americans first, patriots who are defending the flag."

Coleman Democrat-Voice: "Speaking December 28 on the Government's war policies, he was cheered to the echo by the hundreds of people who braved a blizzard to hear his message. Politics did not enter."

Brownwood Bulletin: "BLANTON outlined United States war purposes and was greeted by large and appreciative audience at courthouse last night. An appeal was made for their loyal support to every phase of the Government's war plans."

Blanket Signal: "If a slacker had been in his audience (in Brownwood), he would have been converted; but no slackers attended, for everyone rose to his feet when the speaker tested their loyalty to the Government. Everyone went away seeing things in a different light, and had everybody in Brown County heard him the world war which is now very much in progress would indeed be taken more seriously, and the Red Cross and Y. M. C. A. would not need solicitors in their campaigns to raise funds for our soldier boys, and the importance of food conservation could have been more easily understood."

Georgetown Commercial: "Congressman BLANTON left Washington for the holiday recess at his own expense, denying himself the pleasure of being at home with his family on Christmas, and made speeches in his district setting forth our Government's position on the war. There is much ignorance on this and other public questions. The country has been too busy on immaterial things anyway, and it is nearly time there was an awakening. It is high time there was more patriotism, and patriotism without works is dead."

Austin American, December 26: "Congressman BLANTON has just inspected Camp Travis and Kelly Field and reports conditions improving. He regretted being away from his family during the holidays, but deemed it his duty to advise his people of war conditions. He stated that the one supreme thing needed to win the war was absolute loyalty of all the people."

The above excerpts show conclusively that I did not make the trip to Texas last December to conduct a political campaign.

In conclusion, let me state that we should all get much satisfaction out of the fact that the President is satisfied with our efforts. On October 6 President Wilson stated:

The Sixty-fifth Congress, now adjourning, deserves the gratitude and appreciation of a people whose will and purpose, I believe, it has faithfully expressed. One can not examine the record of its action without being impressed with its completeness, its courage, and its full comprehension of a great task.

In his address last Monday the President made our path of duty so clear and plain that no one of us will hesitate in carrying out his wishes. May I quote a portion of it:

[Excerpts from the address of the President, delivered May 27, 1918.]

Gentleman of the Congress, it is with unaffected reluctance that I come to ask you to prolong your session long enough to provide more adequate resources for the Treasury for the conduct of the war. I have reason to appreciate as fully as you do how arduous the session has been. Your labors have been severe and protracted. You have passed a long series of measures which required the debate of many doubtful questions of judgment and many exceedingly difficult questions of principle as well as of practice. The summer is upon us, in which labor and counsel are twice arduous and are constantly apt to be impaired by lassitude and fatigue. The elections are at hand and we ought as soon as possible to go and render an intimate account of our trusteeship to the people who delegated us to act for them in the weighty and anxious matters that crowd upon us in these days of critical choice and action. But we dare not go to the elections until we have done our duty to the full.

* * * * * * *

We can not in fairness wait until the end of the fiscal year is at hand to apprise our people of the taxes they must pay on their earnings of the present calendar year, whose accountings and expenditures will then be closed. We can not get increased taxes unless the country knows what they are to be and practices the necessary economy to make them available.

* * * * * * *

Only fair, equitably distributed taxation, of the widest incidence and drawing chiefly from the sources which would be likely to demoralize credit by their very abundance, can prevent inflation and keep our industrial system free of speculation and waste. We shall naturally turn, therefore, I suppose, to war profits and incomes and luxuries for the additional taxes. [Applause.]

* * * * * * *

The consideration that dominates every other now, and makes every other seem trivial and negligible, is the winning of the war. [Applause.] We are not only in the midst of the war, we are at the very peak and crisis of it. Hundreds of thousands of our men, carrying our hearts with them and our fortunes, are in the field, and ships are crowding faster and faster to the ports of France and England with regiment after regiment, thousand after thousand, to join them until the enemy shall be beaten and brought to a reckoning with mankind. [Applause.] There can be no pause or intermission. The great enterprise must, on the contrary, be pushed with greater and greater energy. The volume of our might must steadily and rapidly be augmented until there can be no question of resisting it. If that is to be accomplished, gentlemen, money must sustain it to the utmost. Our financial program must no more be left in doubt or suffered to lag than our ordnance program or our ship program or our munitions program or our program for making millions of men ready.

* * * * * * *

There is only one way to meet that duty. We must meet it without selfishness or fear of consequences. Politics is adjourned.

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I, for one, am always confident that the people of this country will give a just verdict upon the service of the men who act for them when the facts are such that no man can disguise or conceal them.

* * * * * * *

The profiteers that can not be got at by the restraints of conscience and love of country can be got at by taxation. [Applause.]

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May I add this word, gentlemen? Just as I was leaving the White House I was told that the expected drive on the western front had apparently begun. You can realize how that solemnized my feeling as I came to you, and how it seemed to strengthen the purpose which I have tried to express in these lines.

I have admired the work of this session. The way in which the two Houses of the Congress have cooperated with the Executive has been generous and admirable, and it is not in any spirit of suggesting duty neglected, but only to remind you of the common cause and the common obligation that I have ventured to come to you to-day. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

Transportation of the Army and its supplies: For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including members of the Officers' Reserve Corps, enlisted men of the Enlisted Reserve Corps, and retired enlisted men when ordered to active duty, including the cost of packing and crating; for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; for travel allowance to officers and enlisted men on discharge; for payment of travel allowance as provided in section 126 of the act approved June 3, 1916, to enlisted men of the National Guard on their discharge from the service of the United States, and to members of the National Guard who have been mustered into the service of the United States and discharged on account of physical disability; for payment of travel pay to officers of the National Guard on their discharge from the service of the United States, as prescribed in the act approved March 2, 1901; for travel allowance to persons on their discharge from the United States disciplinary barracks or from any place in which they have been held under a sentence of dishonorable discharge and confinement for more than six months, or from the Government Hospital for the Insane after transfer thereto from such barracks or place, to their homes (or elsewhere as they may elect, provided the cost in each case shall not be greater than to the place of last enlistment; of the necessary agents and other employees, including per diem allowances in lieu of subsistence not exceeding $4 for those authorized to receive the per diem allowance; of clothing and equipage and other quartermaster stores from Army depots or places of purchase or delivery to the several posts and Army depots and from those depots to the troops in the field; of horse equipment; of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; for payment of wharfage, tolls, and ferriages; for transportation of funds of the Army; for the hire of employees; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on conditions that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation of such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *And provided further*, That nothing in the preceding provisos shall be construed to prevent the accounting officers of the Government from making full payment to land-grant railroads for transportation of property or persons where the courts of the United States have held that such property or persons do not come within the scope of the deductions provided for in the land-grant acts; for the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing unserviceable animals; for the purchase, hire, operation, maintenance, and repair of such harness, wagons, carts, drays, other vehicles, and motor-propelled and horse-drawn passenger-carrying vehicles as are required for the transportation of troops and supplies and for official, military, and garrison purposes; for gasoline and lubricants for flying machines; for drayage and cartage at the several depots; for the hire of teamsters and other employees; for the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for official, military, and garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific Oceans, $1,532,606,103: *Provided further*, That $75,000 of the appropriation hereby made shall be available for additional pay of employees on harbor boats, quartermaster service, in lieu of subsistence: *And provided further*, That hereafter, under such regulations as the Secretary of War may direct, the authorized horses of mounted officers ordered for duty over the seas or to Alaska may be transported at public expense to remount depots or elsewhere in the United States for safekeeping during the absence of such officers: *And provided further*, That in the discretion of the Secretary of War, and under such regulations as he may prescribe, travel pay at the rate now prescribed by law for discharged soldiers may be given to all enlisted men for whom the law authorizes travel allowances as an incident to their entry upon and relief from active duty with the Army.

Mr. DENT. Mr. Chairman, I move to strike out the last word for the purpose of making this statement. The amount of this appropriation is $1,532,000,000, in round numbers. I have a letter indicating that perhaps this amount will possibly not be sufficient. I have endeavored to run down the additional amount that the department may possibly want, but I have not sufficiently accurate information to enable me to offer an amendment to cover the additional amount. In view of the fact that this information has just come to the committee, I hope that this item will be adopted, and if there is any mistake about it there can be a correction.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I want to ask the gentleman if provision is made in the bill for a reduced rate for supplies sold to soldiers and their families?

Mr. DENT. I know of no such provision as that in the bill.

Mr. MOORE of Pennsylvania. I believe that provision holds in the Navy Department—that officers and men may buy Navy Department supplies at a rate cheaper than the prevailing rate in the market.

Mr. DENT. I think there is some regulation on the subject, but there is nothing in the law.

Mr. MOORE of Pennsylvania. Can an officer of the Army, living in Washington and having his family here, buy supplies for his family at a rate cheaper than a clerk in one of the departments can buy outside?

Mr. DENT. I can not answer the gentleman about that.

Mr. MOORE of Pennsylvania. During the last two or three days the papers of Washington have given much publicity to the hoarding of food by a certain officer of the Navy, which raises a question that has been discussed during the last two or three weeks by the Federal Trade Commission as to what may be termed the commercial rake-off. People have wondered why an officer of the Navy would want to fill his house from cellar to roof with supplies apparently in excess of the immediate needs of his family. It may have been all right. The goods may have been purchased and paid for, but the incident brings to a head a great deal of talk that has been going on with regard to the manner in which supplies for both the Army and the Navy are distributed. I am not going to find fault with a soldier of the United States having the privilege, while he is in Washington or elsewhere, of obtaining some advantage through the purchase of supplies for his family which the outside public does not enjoy, although the system may be susceptible of a good deal of abuse, and doubtless is. But I do believe that if officers of the Army and Navy are stocking up their cellars and garrets with contributions that come to them from commercial sources because they have influence as to the amount and nature of purchases, then we ought to enact some legislation or attach a proviso to this bill that would stop the practice once for all. The Federal Trade Commission indicates that it has come to be a practice for purchasers of commercial houses to accept tribute from those who have commodities to sell, and thus raise the price to the public. I do not charge that such a practice prevails in the Army or Navy, but if it has started it ought to be stamped out immediately. Why should an officer of the Government buy and lay away for his own use substantially $2,000 worth of supplies in advance of the coming winter, when all other purchasers of supplies must await their turn at the corner grocery in the usual way under the Food Administration handicaps?

Mr. KAHN. As far as the Army is concerned, I doubt whether that could be possible, because the officers of the Army are frequently moved from post to post. How the Navy officer referred to by my friend from Pennsylvania could have wanted to stack up or store up a lot of provisions for the future without knowing beforehand whether he was going to continue at this station passes my comprehension.

Mr. MOORE of Pennsylvania. It is stated in the newspapers—I do not state the fact as authentic, because I have no direct knowledge—that in this one house have been discovered 2,200 pounds of granulated sugar and 637 pounds of lump sugar; 442 pounds of substitute lard, and a long list of articles, so numerous as to be sufficient if put into a grocery store to establish a good business, if sold at modern prices. Why does a man do that? Is it the ordinary precaution against a hard winter, or is it due to the fact that somebody in the service has the power to buy millions of dollars worth of goods, or because he has the power to buy large quantities for the Government and can favor particular goods? If such a practice prevails in the Army or Navy, I say again there ought to be some provision in a bill of this kind to stamp it out. The man who has the power to purchase Government supplies, and who takes money, or takes goods on the side, is guilty of bribery and should be rooted out of the service in disgrace.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SHALLENBERGER. In the case referred to by the gentleman, is not the officer under indictment?

Mr. MOORE of Pennsylvania. Yes. I hesitate to name the man, because he may be innocent. I am using the case referred to as an illustration.

Mr. SHALLENBERGER. The gentleman intimates that there is a certain amount of bribery in these matters, but that is a case for the courts.

Mr. MOORE of Pennsylvania. The President of the United States from that rostrum two or three days ago said there was great extravagance, and indicated that there are lobbies in Washington. Some of those lobbies may be interested in the sale of goods to the Government.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask for two minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. GREENE of Vermont. I think the gentleman from Pennsylvania suggested that perhaps it might be wise to put some penalty in this bill. I think upon reflection, carrying out the suggestion of the gentleman from Nebraska, that, so far as the civil law is concerned, of course the offense is taken care of by indictment in the civil courts. So far as concerns the status of the officer of the Army or the Navy, he is punishable under the articles of war for conduct unbecoming an officer and a gentleman.

Mr. MOORE of Pennsylvania. This item alone carries an appropriation of a billion and a half dollars for supplies that are not to be advertised for in the usual way.

Mr. KAHN. The gentleman is mistaken. This item is for transportation; it has nothing to do with the purchase of supplies.

Mr. MOORE of Pennsylvania. Well, take the item for the purchase of supplies for the Army. They are not advertised under the law, are they?

Mr. GREENE of Vermont. I do not know the latest regulation, but customarily they are or were up to a recent time.

Mr. MOORE of Pennsylvania. Necessarily there must be cases of influence. It would be a distinct advantage to the seller to make terms with the purchasing agent.

Mr. GREENE of Vermont. That is true under all circumstances anywhere.

Mr. MOORE of Pennsylvania. But never anywhere in the history of the world as provided for in these lump-sum appropriations.

Mr. GREENE of Vermont. Does the gentleman suggest that because of these large figures there must be a corresponding increase——

Mr. MOORE of Pennsylvania. No; but if in these Army and Navy appropriation bills you permit officers and men to be preferred customers and also to prefer the sellers, you hold out a temptation to certain people to use influence.

Mr. GREENE of Vermont. What is the remedy?

Mr. MOORE of Pennsylvania. The remedy would be to punish both the man who tenders and the man who accepts a gratuity.

Mr. GREENE of Vermont. The law provides against that now.

Mr. MOORE of Pennsylvania. No matter whether it was a pound of lump sugar or a thousand dollars in cold cash, the law should provide punishment for any man who accepts gratuities from contractors, especially if he is an officer of the Government.

Mr. GREENE of Vermont. It does now, both the civil and military law.

Mr. MOORE of Pennsylvania. It does not in the bill.

Mr. GREENE of Vermont. No; but by existing law or existing regulations.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word. This seems to be an appropriate place to ask this question, as this item deals with the transportation of the Army. It is reported in a morning paper that a gentleman standing high in official circles made with regard to the number of men abroad a definite statement in figures, and I will read a sentence or two from the article and ask the gentleman in charge of the bill whether he agrees that the figures cited are correct. This article appears in this morning's Washington Post, and the headlines are:

MILLIONS IN UNITED STATES ARMY ABROAD, SAYS LEWIS—PREDICTS FORCE WILL EQUAL ENGLAND BY DECEMBER.

CHICAGO, *May 30.*

Senator JAMES HAMILTON LEWIS says in a speech here to-day that the United States now has 1,000,000 soldiers in foreign lands, and that by December 1 it will be numerically equal to that of England.

I desire to ask the chairman of the Military Committee to state whether or not, in his judgment, those figures give a correct idea to the American people of the number of American soldiers now abroad and the number expected to be there at the close of the year.

Mr. DENT. The chairman of the Military Committee of the House will have to strictly decline to answer that question; that is one subject the Military Committee of the House has tried to keep secret.

Mr. LONGWORTH. I can appreciate that the chairman of the Military Affairs Committee might well regard it as improper to state in public the number of soldiers that he knows officially to be now abroad, but in view of the fact that a distinguished Senator of the United States, himself high in the councils of the majority party, and a man who is at least believed to be one of the principal spokesmen of the administration, is reported to have made a statement in public which would tend to convey a false idea to the American people of the number of our soldiers abroad, I think it proper to ask on the floor of the House some gentleman to state whether or not those figures are exaggerated, without necessarily revealing any information as to the exact facts.

Mr. SHERLEY. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. SHERLEY. Does the gentleman think that they are exaggerated?

Mr. LONGWORTH. I do.

Mr. SHERLEY. Then why is the gentleman asking that question of another gentleman?

Mr. LONGWORTH. Because I do not pretend to be an authority on the matter.

Mr. SHERLEY. Is not the gentleman trying to have a little byplay at the expense of the Senator?

Mr. LONGWORTH. Not at all. I have great respect for the Senator. I like the Senator very much, but I do criticize a statement by any man in public life which would tend to give to the American people an exaggerated view of any situation.

Mr. SHERLEY. Does the gentleman know whether it is exaggerated or not?

Mr. LONGWORTH. I am seeking information. Does the gentleman who addresses me know?

Mr. SHERLEY. No; but I have not undertaken to advertise it and make the offense, if it be an offense, worse by advertising; therefore, I am asking the gentleman.

Mr. LONGWORTH. Does the gentleman believe the statement to be exaggerated?

Mr. SHERLEY. Whether I believe it or not, I would not undertake, if I thought a mistake had been made, to make the mistake worse by the kind of comment in which the gentleman is indulging.

Mr. LONGWORTH. I have simply asked for information, and if the gentleman can give it to me, I would be very glad to have it.

Mr. SHERLEY. The gentleman does not need information, because he said he has an opinion already.

Mr. LONGWORTH. I have an opinion.

Mr. SHERLEY. Far be it from me to suggest that the gentleman ever had an opinion without information.

Mr. LONGWORTH. I thank the gentleman for that. I am greatly obliged to the gentleman.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. I shall not pursue the subject further under the circumstances.

Mr. DENT. Mr. Chairman, I just desire to make this additional statement before we pass this item. I stated a few moments ago that we had some information that perhaps this item was not large enough now and might have to be increased, but we have not sufficient information to fix the increased figure. That perhaps may be increased in the other body. The reason I make this statement is because we have general information that the Government of the United States has been supplied with a very much larger number of ships for transport purposes than was anticipated only a short while ago.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. This is one of the largest items in this bill. It is made so by reason of the fact that it is taking care of the transportation of the initial supply for our greatly increased Army that we are sending to France. Each man who goes to France must have at least 6 tons of material sent to him during the year, and for each 5 men who go to France there must be sent 1 animal, and each animal must have forage and supplies weighing practically 6 tons per year, so that for each man that we have in the trenches there must be a daily supply of approximately 26 pounds. Immediately behind this man there must be a reserve stock within reaching distance of approximately 30 days' supply. Behind him is a railroad 300 miles

long, over which the cars travel at the rate of about 20 miles per day, so that there must be a 15-day supply on the railroad to keep the reserve stock at the line in full quantity. Then at the port of entry there must be a reserve stock of about 3 months' supplies, and across the sea there must be in course of transportation the daily supply, and it takes 60 days to make a round trip, so that there must be a 30-day supply for each man of the Army on the sea at all times. On this side there must be a reserve depot or embarkation depot in which there is kept approximately 90 days' supply, and then there is behind that a reserve depot with 30 days' supply, and then we must figure the average distance between the factory and the place of concentration, and divide that number of miles by 20 to find the number of days' supply that must be on the railroad from the factory to the reserve depot. Besides that we must take into consideration the fact that all of our material must come first from the farm and from the mine, and over the quarter of a million miles of railroads now under operation in the United States there must be a continuous daily supply of raw material in transit. If you take the figures 26 pounds and multiply them by the number of men we have in France, and then multiply that by the number of days that you will find in 9 months, you will get the quantity of material that we must first put on the transportation facilities of this country before our men can fight a single day. It is true that a part of this supply has been furnished in France to begin with, which placed us in the position of a man who was drinking out of a rain barrel while waiting until the reservoir of a new waterworks had been constructed. That reservoir has been constructed. The pipe lines have been laid across the sea, and our people in France now are using the supplies that were manufactured here. The sum of $1,500,000,000 is only a small part of what it is going to cost us, and I am satisfied it will reach nearer $2,000,000,000 than to the present mark before the fiscal year has expired.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Clothing and camp garrison equipage: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, including enlisted men of the Regular Army Reserve and retired enlisted men when ordered to active duty, for issue and for sale at cost price according to the Army Regulations; for payment for clothing not drawn due to enlisted men on discharge; for altering and fitting clothing and washing and cleaning when necessary; for equipment and repair of equipment of laundries, dry-cleaning plants, salvage and sorting storehouses, hat-repairing shops, shoe-repair shops, clothing-repair shops, and garbage-reduction works; educational propaganda in connection with reclamation; for equipage, including authorized issues of toilet articles, barbers' and tailors' materials, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling, and similar necessaries; for a suit of citizen's outer clothing, to cost not exceeding $10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge; to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison; and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, $1,230,190,089.

Mr. OLNEY. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to speak for 20 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for 20 minutes. Is there objection?

There was no objection.

Mr. OLNEY. Mr. Chairman, the last words from Lieut. Col. Brett, of the Quartermaster's Department, are as follows:

The item of $1,230,000,000 for clothing and equipage is divided between the two as follows: Clothing, $999,000,000; equipage, $230,000,000.

Questions naturally arise in our minds with respect to the clothing of the Army. Are all men now in the service fully equipped? The latest from the Quartermaster Department is that they are fully equipped. Are they fully equipped as they go into the service? They are fully equipped as they have gone into the service, and there is a reserve supply for every soldier in uniform to-day of from two to three months. It may interest the House to know that provisions have been made at all of the cantonments to provide clothing for 233,000 men going into the cantonments between now and the 1st of July and a full outfit is now awaiting the men at the camps.

Some of these items may interest the House, such as shoes. The total purchases to May, 1918, of field shoes were 13,863,000 pairs; marching shoes, 11,310,000 pairs. Of the original orders for 21,000,000 pairs of shoes, 18,000,000 pairs of shoes have been delivered.

Mr. KAHN. Will my colleague yield?

Mr. OLNEY. I will yield.

Mr. KAHN. Does the gentleman believe that it will be as necessary to buy so many pairs of shoes in the future, in view of the reclamation service which the Quartermaster Corps has established?

Mr. OLNEY. No, indeed; and that is why the committee reduced the estimate from $1,253,000,000 to $1,230,000,000 for clothing. That is very true. Now, at the beginning of the war there was a notable lack of clothing in some camps; but do we ever stop to realize as a country that for three years before our entry into the war we were supplying the allies with all they needed to prosecute the war? We have kept the nations of Europe above water in giving to them what they asked of us. We have kept factories of Great Britain and France going night and day manufacturing our own supplies.

Now, concerning the question brought up in the House here about aeroplanes which might be cleared up, it is a fact, brought out by a question which I submitted to the war council, that we have over there nearly 1,300 aeroplanes equipped with all our material—lumber, steel, every bolt and nut that make up the aeroplane, except as to the engine.

Mr. KAHN. Does the gentleman know that a number of those that were built on the other side were built by American mechanics who were sent to the other side for the purpose of building aeroplanes over there?

Mr. OLNEY. I thank the gentleman for bringing that fact to my attention. It is a fact our mechanics were sent over to France to assemble machines. We Americans forget that prior to our entrance into this great war we had furnished 50,000 men in various capacities on the fighting line as ambulance drivers, in the aviation section of our different allies—Italy, France, and Great Britain—and in the service of the line.

Mr. TILSON. Will the gentleman yield?

Mr. OLNEY. I will.

Mr. TILSON. Before the gentleman leaves the point of clothing and equipment, will the gentleman indicate as to the supply of wool and whether there is any difficulty about getting an abundant supply of wool, knowing the gentleman to be an expert on that very important line of military preparation?

Mr. OLNEY. I thank the gentleman from Connecticut for bringing the wool question to my attention. It is a fact that since the beginning of the great war sheep and lambs the world over have been slaughtered to supply food to the conflicting armies. There is only one country in the world which has noted an increase in its wool supply, and that country is Australia. Our own sheep supply has dwindled from 55,000,000 sheep of five years ago until we have to-day about 47,000,000 sheep. The wool supply from 47,000,000 sheep amounts to 300,000,000 pounds of wool in the grease, which, being scoured, on the shrinkage basis yields 130,000,000 pounds of wool; but the women of the United States, the boys and girls, and even adults, are fast knitting away our enormous supply, and I want to tell you about the splendid work which the Red Cross has been doing for a year and more in knitting supplies for our allies and the American troops.

I figure out there are 10,000,000 of Americans knitting to-day useful articles like sweaters, helmets, wristlets, and stockings, and so assiduously have they been knitting for many months that the Quartermaster's Department has been obliged to request the Red Cross to have the women of the country knit those articles only which are most useful. Suppose that 10,000,000 of persons are knitting throughout the year and use a pound and a half of wool in yarn a month. You can easily reckon out they would consume easily 130,000,000 to 140,000,000 pounds of wool a year, therefore we are consuming in this manner our normal supply, and we need to import twice as much wool as we raise here. In the Senate Military Affairs Committee considerable attention was paid to the fact we did not have all-wool uniforms. As a matter of fact, in the early part of the war 35 per cent of cotton did creep into our uniforms, but to-day all uniforms are made of all-wool. The overcoats and the blankets are made of 65 per cent wool and 35 per cent reworked wool, or sometimes called shoddy; but shoddy, Mr. Chairman, is not as bad as it sounds. It is simply reworked wool of your clothing and my clothing, perhaps discarded, and put through a garnet machine and made into wool, which is just as useful as the best wool grown in this country for clothing purposes. We import for clothing purposes the wool which we need, the long staple or combing wool, the very best adapted for our Army uniform cloth, and we get those wools from South America, Australia, and some of the colonies of Great Britain, and we have on hand to-day in our encampments enough clothing to provide for 233,000 men going into various cantonments within

the next 30 days, and I think that is a splendid record. [Applause.]

I want just to refer incidentally back to my old home town of Dedham and say to you that while the average quota under the draft provided for but 70 men, Dedham has sent out to the war in various capacities 400 men. [Applause.] The noble and self-sacrificing mother of one of the boys from Dedham, the boy being only 19 years of age, a volunteer, fighting in the line, a corporal, read a letter from him to me a few weeks ago, in which, after relating interesting incidents of his career in France, he concluded with this statement. "Mother, I am proud to tell you I was wounded to-day." [Applause.] Through our Commander in Chief we have called to Washington many well-known men in business and industry from all walks of life, and they are giving their services to this country gratuitously. Among others the names of Schwab, Baruch, Stettinius, Eidlitz, Hughes, Taft, and Davison, of the Red Cross are doing yeomen work, and all glory to these gentlemen who have sacrificed their business and have come to the assistance of the Government with their wide experience, brains, and intelligence in this time of emergency.

And we need all this civilian strength, this civilian brain, and we also should secure the best military geniuses we can find in our country to win this war. The boys are crying for a certain great military genius, and I hope some day in the near future we will have Maj. Gen. Leonard Wood in Europe to help our Army there win the war. [Applause.] In one great accomplishment alone, as the originator and the incorporator of the Plattsburg camp, he has made his name immortal in history, and the alumni, 50,000 strong, who have gone out from summer military training camps and have been commissioned are crying for Wood to go over, so that the firm will be Pershing, Wood & Co. A splendid testimonial was paid to Gen. Wood in Kansas only a week or ten days ago, when the legislature passed a resolution, signed by the governor, commending Wood for what he had done for the division at Camp Funston in instilling into his men military training, discipline, and the love and respect of the men for Wood the soldier and Wood the man.

We will have to pay our toll in France. Great Britain has paid a tremendous toll, as is evidenced by 500 cemeteries located from the French coast away almost to the front line, where 450,000 of the best blood of England, Ireland, Scotland, Wales, Australia, and Canada are buried, and where the wooden crosses shining in the sunlight and gleaming in the moonlight show the tremendous toll that Great Britain has paid in this war. We may expect to have our casualties come forth within the next week or ten days by the scores and the hundreds and even the thousands. But already we must pay a splendid tribute to the women, to the aged women of France, women who sent out their sons to the war, and who are already marking the graves of the few hundred American soldiers that have died "over there." [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Storage and shipping facilities: For inland and port storage, including all necessary buildings, docks, tracks, handling, and other facilities for Government supplies, including rentals and purchase of land, the hire of employees, and for all other necessary expenses, $143,603,037.

Mr. SHERLEY. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the gentleman from Alabama [Mr. DENT], in charge of the bill, to suggest the purposes for which this sum is being carried.

Mr. DENT. I will say to the gentleman that it would take some time to name all the purposes, but the general purpose, of course, is the erection of buildings to supply depots at embarkation points and points in France where soldiers are to disembark and where the cargoes are to be disembarked.

Mr. SHERLEY. The gentleman is aware that permanent and temporary construction of this character have always been carried in appropriations in the sundry civil bill and have not been carried in the military bill, where appropriations have only been in the way of repairs and improvements of buildings.

Mr. DENT. Yes. This is a new item in the bill.

The CHAIRMAN. Will the gentleman from Kentucky yield to the gentleman from California?

Mr. SHERLEY. Yes.

Mr. KAHN. I am under the impression, although I have not looked it up lately, that the appropriation for $1,500,000, which was made in about 1906, for the construction of Army transport docks and the warehouses at San Francisco, was carried in the Army appropriation bill.

Mr. SHERLEY. That may or may not be true, although I would want to see the record before I admitted it was true. But while that is one instance that is doubtfully recited, I could call the gentleman's attention to dozens and dozens that have always been carried in connection with the sundry civil bill.

Now, Mr. Chairman, I want to make this general statement to the committee. The Committee on Appropriations has no desire at this time to be captious about its jurisdiction. This is a time in the history of the affairs of America when men must forget anything that is personal to them or to their work in the furtherance of the object that we all have a common interest in. And yet it is important that, pending a better arrangement touching jurisdictions of committees and the method of procedure in this House, there should be preserved in a broad general way the jurisdictions that belong to various committees. And the reason for that is in order that we may have a complete record of what we are doing. We are necessarily appropriating great sums of money without the fullest investigation, but the time will come when the records of those appropriations and the purposes for which they were made and the reasons given in justification of them will be very important in the checking up of the activities of the various departments of the Government, and the bringing about a return of the normal peace conditions of the Government.

Now, the deficiency act of March 17 carried an appropriation of $100,000,000 for this purpose, with a contract authorization of $50,000,000 more. From what I have understood by informally talking with Gen. Goethals, who has the expenditure in charge, they want not only the amount of money that is now being carried here but they want $50,000,000 more to make good the contract authorizations that they were given the right to incur. I am not going to make on behalf of the committee a point of order, but I am not going to let the matter be carried without the assertion of the right, the exclusive right, of the Committee on Appropriations to deal with this subject matter in order that the records may show that the carrying of it here is not to be taken as a precedent or to be used as a precedent in determining the jurisdictions that belong to respective committees hereafter.

For my own part, I hope that one of the benefits that will come out of the power conferred upon the President in connection with the Overman bill will be such a reorganization of the departments from an administrative standpoint as will do away with a great deal of the confusion that is occasioned now; and that as an incident to that, the Congress of the United States will have the courage and be willing to give the time to bring about a real and entire reform touching jurisdictions of committees of the Congress.

I hope that one of the good things that will come out of this war, and which will bring great relief, will be a modern method of transacting business. I want to say what I have so frequently said to the House, that the fault is by no means confined to the legislative branch of the Government, but that the legislative branch can never completely remedy the matter until there is an actual reform initiated on the part of administrative officers. I am not prepared entirely to state, although I think I know pretty accurately, the experience the Committee on Military Affairs is having in connection with appropriations, because I try to follow the estimates that come to every committee of this House in order to have some general idea as to what is being demanded in the way of appropriations; but I can say, speaking for the Committee on Appropriations itself, that the carelessness with which many estimates are sent to the House is beyond any possible excuse. And I have made that protest so pronounced to some of the administrative officers who are responsible that I hope we are going to have a marked reform in that regard.

Now, I want to repeat that in my judgment the committee ought not to have carried this item. I am not at all certain that it was because of any desire on their part; I am not at all sure that it did not result from just some of that looseness of estimating of which I am speaking. But I assume that they are familiar with some of the purposes that are intended to be carried out by virtue of this appropriation, and I suggest to them, inasmuch as they have got it in here, that unless I am very much misinformed as to the situation $50,000,000 more is being asked for by Gen. Goethals in connection with this work.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. DENT. I will state to the gentleman very frankly that I am inclined to believe that we ought not to have carried this item. But in a $12,000,000,000 bill, $143,000,000 is quite liable to slip by, and it did slip by me in this case. I am glad the gentleman is not going to make a point of order.

Mr. SHERLEY. I am frank to say that I am sure not only the gentleman from Alabama but the ranking Member on the minority side, has shown a disposition in connection with those matters belonging to that twilight zone lying between the two

committees, to meet and consult in a spirit of perfect fairness. I am not making this statement with the idea of taking anybody to task, but simply for the purpose of keeping the record straight as we go on, and in the hope that incidentally they may impress upon the War Department the necessity of a more intelligent survey of the estimates in connection with the rules of the House of Representatives and the laws upon the statute books.

I withdraw the point of order. [Applause.]

Mr. KAHN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. KAHN. I want to say, Mr. Chairman, that the interesting statement made by the gentleman from Kentucky [Mr. SHERLEY] carries with it certain useful information for the House. Unfortunately two committees of the House are called upon to pass upon appropriations for military matters. The Committee on Appropriations has charge of fortifications. The seacoast artillery is all manufactured from money voted by the Committee on Appropriations. In the past—and I do not know whether the practice continues as much to-day as it did—the officers of the War Department would frequently bring an estimate to the Committee on Military Affairs, and, if it was turned down, they would go with the very same estimates to the Committee on Appropriations. I think the gentleman from Kentucky can bear me out in that statement.

Mr. SHERLEY. I think that is true, except that I would reverse the process. They were usually turned down by us and then they went to you and got the money. [Laughter.]

Mr. KAHN. That is immaterial after all. They generally went to the Committee on Appropriations to get in a deficiency item, and that committee considered their deficiency bill after the Army appropriation bill had passed. That is, if there was an appropriation made in the military bill this year and they did not have money enough they would go to the Committee on Appropriations in the following session with the new items and try to get the money from them.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GREENE of Vermont. They had another fine place where they could play both ends against the middle, and that was in the Field Artillery, which was cut in two, the jurisdiction for one part going to our committee and the jurisdiction for the other part going to the Committee on Appropriations.

Mr. KAHN. Exactly. I fully appreciate the spirit in which the gentleman has acted in this matter. It is patriotic. It is broadgauged. It is thoroughly commendable. But I want to call to his attention the fact that in preparing this bill we found a number of paragraphs where the War Department had gone before his committee with deficiencies, and his committee put new language in the paragraph. We had no notice of that at all.

Mr. SHERLEY. I think the gentleman will find that any changes that were made were so incidental as to be negligible, because the one thing that the committee did, and did it at the expense of great trouble, was to carry a lot of divisions that were in the Army bill into the deficiency bill so that you might check them up afterwards.

Mr. KAHN. I want to say to the gentleman that I asked officers of the War Department when they came before our committee and gave us the estimates whether there was any new language in the paragraphs, and on a number of occasions they said "Yes." I said, "Has it been in the law?" They said, "Yes." I asked, "Who put it into the law? Did this committee?" They said, "No; we got it into the law under the act of June 15 or October 6, which came from the Committee on Appropriations."

Mr. SHERLEY. If the gentleman will permit, there may have been a few instances of that.

Mr. KAHN. Of course, the comparison of the new law with the former law shows that new language was inserted. And I say frankly the new language was necessary and was properly inserted.

But I submit that great good can be accomplished in this House if the chairman of the Committee on Appropriations would invite the chairman of the Committee on Military Affairs to come to the hearings when the Committee on Appropriations is considering military appropriations.

Mr. SHERLEY. Will the gentleman tell me when the chairman of the Committee on Military Affairs will be able to attend to his own hearings if he attends mine?

Mr. KAHN. Mr. Chairman, recently when the matter of an increase of the salary of the clerks and civilian employees of the Government was taken up by the gentleman's committee, he invited the chairman and the ranking member of all the appropriating committees to meet with him in the consideration of the subject. They did meet with him, and the increase recommended was in accordance with the unanimous report of those various chairmen and ranking members. So that there is no difficulty about it if we just go about it in the right way.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word.

Mr. SHERLEY. The gentleman from Kentucky has not only gone much further than the suggestion of the gentleman from California, but he went much further some time ago. The gentleman from Kentucky made to the House the suggestion of a program for centralizing appropriations nearly 10 years ago and has lost no opportunity in the 10 years last past to urge upon the House the necessity of the centralization of all appropriations, and this without regard to himself, because both he and his predecessor, the chairman of the Committee on Appropriations at that time, Mr. Fitzgerald, offered to resign their places and forego any personal honor that might be supposed to come as the result of this consolidation. But they were met at every turn with ambitions of men who were either chairmen or prospective chairmen of committees and who objected to losing any of the power that they thought belonged to them. I do not say that unkindly, but I say it in the interest of historical accuracy as to what has happened in connection with the proposed centralization of appropriations. Now the suggestion made is practical only to a very slight degree. The gentleman from Alabama [Mr. DENT] will bear witness that I have endeavored, wherever it was practicable, to keep in touch with him concerning appropriations at this time. The work that was done in connection with the deficiency appropriations last year was work that had to be done under the rules of the House by the Committee on Appropriations, because the gentleman's statement as to the jurisdiction of that committee is notable for what it leaves out rather than what it includes. The Committee on Appropriations has and always has had jurisdiction of the deficiency estimates of all the departments of the Government, and it is because of this that only at that one committee's table does there come a survey of all the expenditures and requests for appropriations of this Government and that there is any sort of check kept upon the governmental expenditures as a whole.

Mr. GREENE of Vermont. How does the gentleman define a deficiency in the providing of materials of war in war time? Is it not simply a new and original appropriation?

Mr. SHERLEY. Oh, no. If the gentleman will look at the decisions, he will find many pages of decisions in connection with what constitute deficiencies.

Mr. GREENE of Vermont. In time of war, for war supplies and material?

Mr. SHERLEY. Some of them in time of war, when we were at war, and some of them in time of peace, when we were at peace.

Mr. GREENE of Vermont. How can you make an original estimate, when you are providing in war time for the destruction that takes place day by day?

Mr. SHERLEY. What the gentleman is stating is that inasmuch as the department may not be able to foresee, therefore the rule of deficiencies ought not to exist. There may or may not be some logic in that position. It has nothing to do with the present jurisdiction of the committees.

Mr. GREENE of Vermont. It is not a question of being able to foresee. There is nothing to be foreseen. It is the expenditure for warfare day by day that nobody estimates anything about, but simply expends what he has on hand.

Mr. SHERLEY. I do not agree with the gentleman at all. I think that argument has been the basis for very loose estimates and looser appropriations and that we are getting to the point where we ought to know something about details and estimates of appropriations. But all of that is aside. The only value of this discussion, if it have a value, is to emphasize the need that there is for a complete revolution in our method of doing business, both by the departments and by the Congress. I hope the time is shortly coming when all of the appropriating committees as such will be unrecognizable, including the Committee on Appropriations. Whether that involves my personal fortunes or not is a matter of the utmost indifference; but there must come a modern method of appropriating, and it must have a new fundamental factor in it altogether aside from committees. The Congress of the United States never can undertake to check up by question and answer all of the activities of government in spending these huge sums. What is needed is not only a centralization of appropriations but there is needed a separate audit that will be responsible to the legislative rather than to the administrative branch of the

Government and whose work shall be available to some committee created for the purpose of checking up expenditures that have been made. [Applause.]

Mr. MADDEN. Will the gentleman yield for a question there?

Mr. SHERLEY. Yes.

Mr. MADDEN. I hope the day is fast approaching when the last suggestion of the gentleman may be made a real fact. I am in hearty accord with the suggestions he has just enunciated, and I trust that we will soon be able to formulate some plan by means of which we will have greater efficiency in appropriating the money, and less conflict of jurisdiction in committees, and more certainty and assurance of knowledge obtained from the audit which the gentleman has just outlined.

Mr. SHERLEY. If the gentleman will permit, there is only one way to accomplish this, and we are going to talk for weeks and do nothing unless that one way is adopted.

Mr. MADDEN. Let us do it.

Mr. SHERLEY. This Congress, or this House if it can not get action otherwise, has got to pick out 5 or 6 or 7 or 10 men whom it believes in and give them the job of making a reorganization of procedure, and then when they come in here, unless they do a most foolish piece of work, the House, as a whole, must have the highest sort of legislative courage, and that is self-abnegation, and must accept their work. If they bring in a program here, and everyone who happens to have thought about the thing for 20 minutes at some time or has had some one make a suggestion to him, undertakes to deal with it, you will never get anywhere; you will get a hotchpotch. I have been waiting until public opinion was sufficiently strong to get this sort of attitude of mind on the part of the membership in this House.

The CHAIRMAN (Mr. SMALL). The time of the gentleman has expired.

By unanimous consent, Mr. LONERGAN was given leave to extend his remarks on the pending bill.

The Clerk read as follows:

Barracks and quarters: For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Coast Artillery; for construction of reclamation plants; for constructing and repairing public buildings at military posts; for hire of employees; for rental of the authorized allowance of quarters for officers, including members of the Officers' Reserve Corps when ordered to active duty, on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available, including enlisted men of the Regular Army Reserve, retired enlisted men, and members of the Enlisted Reserve Corps when ordered to active duty; for grounds for cantonments, camp sites, and other military purposes, and for buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for such furniture for the public rooms of officers' messes and for officers' quarters at military posts as may be approved by the Secretary of War; for wall lockers in permanent barracks and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks, offices, and quarters, and for flooring and framing for tents, and for the National Guard when called or drafted into the service of the United States, $175,000,000.

Provided, That no part of the moneys so appropriated shall be paid for commutation of fuel or quarters to officers or enlisted men: *Provided further*, That the number of and total sum paid for civilian employees in the Quartermaster Corps shall be limited to the actual requirements of the service, and that no employee therein shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War: *Provided further*, That in time of war, or when war is imminent, the Secretary of War is hereby authorized, in his discretion, to rent or lease any building or part of building in the District of Columbia that may be required for military purposes.

Provided further, That the following-described part of the naval reservation at Bishops Point, island of Oahu, Territory of Hawaii, is hereby transferred to and placed under the control and jurisdiction of the War Department for use for military purposes: Beginning at an iron bolt driven in the coral at the northwest corner of the Bishops Point Naval Reservation, and running thence with the north line of the reservation by true azimuths and distances, as follows: First, azimuth 293° 49′ 430 feet to a concrete monument; second, azimuth 23° 49′ 375 feet to the high-water line, and thence along the high-water line to the point of beginning; containing three acres, more or less: *And provided further*, That there is hereby reserved to the use of the Navy Department a right of way over the said military reservation from the remaining portion of the naval reservation on Bishops Point to and upon any landing which may be built from the shore of the military reservation to water of sufficient depth to permit naval launches to moor alongside the said landing.

Mr. ANTHONY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANTHONY: Page 42, line 8, after "$175,000,000," insert the following:

"*Provided*, That where practical so to do no work be done or contract made under or by authority of any provision of this act on or under a percentage or cost-plus basis, nor shall any contract be let involving more than $1,000 until at least three responsible competing contractors shall have been notified and considered in connection with such contract, and all contracts to be awarded to the lowest responsible bidder, the Government reserving the right to reject any and all bids."

Mr. ANTHONY. Mr. Chairman, this amendment is intended to convey to the War Department the desire of Congress that future contracts be awarded as far as practicable on a business basis. It is intended to do away, wherever possible, with the so-called cost-plus contracts, which undoubtedly have resulted in waste and extravagance, and the heads of most of the important bureaus say that they should be done away with. The language of the amendment is almost a duplicate of the language used in the deficiency bill to restrict expenditures in the $60,000,000 appropriation for housing, except that I recognize that in the military construction and in the award of contracts for military supplies there may be certain emergencies where it is desirable to waive practical business methods and adopt the cost-plus basis for a contract. The way is left open for the department, if confronted with an emergency, to use that system, but it conveys the direct information that it is our desire to do away with the cost-plus system, which is by many considered an unwise method of expending public moneys.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. SHALLENBERGER. I did not get the entire reading of the amendment, but I understand from the gentleman's statement that it does not absolutely bind the War Department to a prohibition of the cost-plus system?

Mr. ANTHONY. No; I use the words "where practical so to do." I ask for the adoption of the amendment.

Mr. DENT. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN (Mr. SMALL). The Chair will be glad to hear the gentleman from Alabama.

Mr. DENT. It is entirely new legislation on an appropriation bill, and therefore not in order.

The CHAIRMAN. The Chair will suggest that it is pertinent to inquire whether it reduces the appropriation.

Mr. DENT. How does it reduce the appropriation? It adds to the appropriation, as far as that is concerned. It requires advertisement for competitive bids. How can it reduce the appropriation where it requires competitive bids?

Mr. ANTHONY. The purpose of the amendment is along the line of economy. Undoubtedly it will tend to a reduction and economy in the expenditure of public funds. I understood the gentleman from Alabama to have no objection to the amendment.

Mr. DENT. The gentleman from Kansas and I do not generally misunderstand each other. I stated that I was in sympathy with the purpose of the amendment; but I would like to think over the proposition, and it occurs to me that in war times it might not be proper to handicap the War Department.

Mr. ANTHONY. Does the gentleman understand that the language has been modified by using the words "where practical so to do," so that there is no rigid limitation?

Mr. DENT. I think that makes it practically meaningless. However, Mr. Chairman, I will withdraw the point of order.

Mr. SHERLEY. I renew the point of order, and I do it for this reason: I am in thorough sympathy with the gentleman from Kansas as to what he desires. I believe that, speaking by and large, contracts, particularly those that are made on the cost-plus system, result in extravagance, and at times in gross extravagance. I think they should never be entered into except as a last resort, but I do not believe that you can pass a hard and fast rule such as this without crippling the department.

Mr. ANTHONY. But the language has been changed.

Mr. SHERLEY. There is carried in the housing bill a provision which provides that the $50,000,000 shall be expended only under competitive conditions such as are set out. There was carried in the deficiency bill that has just passed section 7 of that law, amending it so as to get away from the restriction of the law in contracts of $1,000 or under. But section 7 carried in the deficiency bill applies only to the appropriation for the housing—$50,000,000. Now, it is perfectly manifest that you might with wisdom put a provision of that kind on that sort of an appropriation and yet not be able with wisdom to do it as to all appropriations in connection with the Army.

I do not quarrel at all with what the gentleman seeks; I am in hearty sympathy with him, but I submit to his own good judgment that it is not practical to say that in every instance money shall only be expended under competitive bidding.

Mr. ANTHONY. I modified the language that is used in the gentleman's deficiency bill by using the words "where practical so to do," recognizing the fact that in a military emergency it might be very necessary for the department to proceed at once under the cost-plus system. With that modification it leaves

the amendment not binding at all, and the reasons advanced by the gentleman from Kentucky are not applicable.

Mr. SHERLEY. I am indebted to the gentleman's remarks in respect to the language of his amendment. I was in conversation with the gentleman from California [Mr. KAHN] and was unable to ascertain the exact reading of it, but from what the gentleman had said to me earlier in the day in conversation I assumed that he had put a hard and fast provision there. If the matter has elasticity in it, I have no objection to it, because I am in sympathy with the purpose of it.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that the amendment be again reported. I think some gentlemen have not heard it.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the amendment be again reported. Is there objection?

There was no objection, and the Clerk again reported the amendment.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. DENT. I would suggest to the gentleman from Kansas that in the second paragraph, where he provides for competitive bids, he should repeat his language "when practical so to do."

Mr. ANTHONY. I used there the words "where circumstances may permit," which, I think, cover the contention of the gentleman.

Mr. SHERLEY. Mr. Chairman, I suggest that the words "where circumstances so permit" ought to follow the word "contract" several lines above instead of where it is written. As it reads now it is—

Nor shall any contract be let involving more than $1,000 until at least three responsible competing contractors shall have been notified and considered in connection with such contract where circumstances so permit.

I think it would read smoother and clearer if it provided as follows:

Nor where circumstances so permit shall any contract be let—

And so forth.

Mr. ANTHONY. I have no objection to the change.

Mr. DENT. I would suggest that the gentleman use the same language "where practical so to do."

Mr. SHERLEY. It does not fit in there.

Mr. ANTHONY. I think it accomplishes the purpose the way it is now. I am willing to accept any reasonable amendment.

Mr. SHERLEY. It is hard to make a smooth reading on the floor, but I suggest the gentleman amend his amendment by inserting after the word "contract," where it occurs the second time, the words "where circumstances so permit," and that said words be eliminated after the word "contract" where it appears the third time, and I ask the Clerk to read it as modified.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

After the word "contract," where it appears the third time in the amendment, strike the words "where circumstances so permit," and after the word "contract," where it appears the second time in the amendment, insert the words "where circumstances so permit," so that the amendment as modified would read as follows:

"*Provided*, That where practical so to do no work be done or contract made under or by authority of any provision of this act, on or under a percentage or cost-plus percentage basis, nor shall any contract where circumstances so permit be let involving more than $1,000 until at least three responsible competing contractors shall have been notified and considered in connection with such contracts, and all contracts to be awarded to the lowest bidder, the Government reserving the right to reject any and all bids."

Mr. SHERLEY. Mr. Chairman, I think all of us will agree that the language can be improved upon, and I realize the difficulty of hastily preparing or amending amendments on the floor so as to properly perfect them, but the bill will go to conference, and as we are agreed on what we want to do, I shall not now object. My original objection, as I stated in my opening sentence, was against absolutely tying the Government, and it was necessary that the point of order be immediately made if it was not to be lost.

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. DOWELL. This amendment applies to the entire act. It does not apply to the section only to which it is attached.

Mr. SHERLEY. I understand that.

Mr. DOWELL. Should it not follow at the close of the bill in a separate section? In that event gentlemen can take time to prepare the amendment as they desire.

Mr. SHERLEY. I think it would be in better form, but, after all, the form of it can be worked out very much better off the floor than on it, and I am quite sure that the Senate will take notice of this debate, and that it will be worked out so as to carry out the views we all have in mind.

Mr. ANTHONY. Of course, it is the understanding that the widest latitude be permitted the War Department, and the purpose of it is to convey the desire of the House that these contracts be let to the lowest bidder, where practicable. I want the amendment to convey that information.

Mr. SHERLEY. I agree with the gentleman's purpose, and inasmuch as it is not hard and fast I think it is a desirable thing to do.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. DENT. Mr. Chairman, I desire to submit a suggestion for unanimous consent, that the gentleman from Kansas withdraw that for the present and offer it at the close of the bill where general legislative matters are considered, if it is satisfactory to him.

Mr. ANTHONY. I shall withdraw it with the understanding that the chairman of the committee offer it at the close, if that is agreeable to him, for I may not be present.

Mr. DENT. I am willing to offer it after we put it in shape, but I hope the gentleman from Kansas will draw and reshape it.

The CHAIRMAN. Unanimous consent is asked that the amendment be withdrawn at this stage. Is there objection?

There was no objection.

Mr. LOBECK. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LOBECK: Page 42, line 8, after the figures "$175,000,000," insert:

"*Provided*, That the amount of $250,000 of the above amount appropriated, or so much thereof as may be necessary, may be used for the construction, including plumbing, heating, lighting, and cold storage, of a warehouse upon the site of the quartermaster's depot, at Omaha, Nebr."

Mr. DENT. Mr. Chairman, I reserve a point of order on the amendment.

Mr. LOBECK. Mr. Chairman, I am in favor of this amendment, and I do not think it is subject to the point of order, because, to my mind, it is a limitation of expenditures. The need of additional quarters at the Omaha Quartermaster Corps depot are well known. Col. Grant, the commander in charge of the quartermaster department at Omaha, who has been there for a number of years, has made a request of the War Department for an additional building to be built there. Col. Grant has been in the Quartermaster Service of the Army many years, and probably knows the necessities of additional buildings at Omaha better than anyone. I have received a statement from the Quartermaster General of the Army, dated May 28, 1918, of the amount of tonnage which has been handled at the Omaha depot since the declaration of war, and I find that it amounts to a total of 176,000,000 pounds. The classification of this tonnage is as follows: Subsistence, 105,000,000 pounds; other supplies, 71,000,000 pounds. The floor space used and the amount of rentals are as follows: The Government property at the Omaha depots covers 122,955 square feet, so there is no rental on that space, but Col. Grant has had to rent outside of the Government-owned property a total of 54,579 square feet. Of this 15,059 square feet a patriotic firm of Omaha rented a building to the Army at a dollar for six months, so the Government practically has had free use of this. Something had to be done to shelter the Government's supplies and this firm came to the rescue. For 20,000 square feet the Quartermaster Corps pays $1,000 per month—I understand that is for cold-storage purposes—and 10,000 square feet, 10 cents per square foot per month of space actually used; 9,520 square feet, at 60 cents per square foot per year. Summary: Government property, 122,955 square feet; private property rented, 54,579 square feet. There is ample room owned by the Government there for an additional building with railroad trackage. The railroad tracks are so located that there is an admirable space for a cold-storage plant on the first floor of the new building asked for by this amendment, so a cold-storage plant under the main floors can be easily maintained. There is much perishable product bought and secured by the Quartermaster Corps in the neighborhood of Omaha. Omaha at the present time has been made a zone for the Quartermaster's purchases for the western half of Iowa, Nebraska, Wyoming, and the contiguous territory, and it will not only be necessary now, during the war, but after the war this new building will be needed. During the last year a large amount of Army supplies could not be housed, and much of the purchases were housed on the outside with tarpaulins to cover over them, and every precaution used to protect the supplies. I can assure the Members that Col. Grant did everything to protect the sup-

plies from the elements. He is built that way. I brought the need of a new building to the attention of the committee, and the committee, while they appreciated the necessity of an additional building at the Omaha Quartermaster Corps depot, felt that a special amendment for a building would cause other amendments to be offered; and their idea was to make the Army appropriation bill general in its scope, therefore they did not wish to make any special amendments or provisos throughout the bill. But I believe it is necessary to have this additional building to protect Army supplies and offer the amendment in good faith.

Now, so far as Omaha being a good point to buy supplies for the Army, it is one of the best points in the country to buy merchandise and subsistence. In conversation yesterday with Mr. Charles H. Pickens, of Omaha, the president of one of the largest mercantile and manufacturing concerns in the Middle West, he stated that he had been bidding on Government supplies for over 40 years—competition from everywhere—bidding for supplies to Army forts all through the central and western portions of the United States, and the bids for Army rations from Omaha averaged 19 cents per ration, whereas the average throughout the country by other bidders per ration was 21 cents. Omaha is a large railroad center, one of the best in the country; the transcontinental lines go through Omaha, with railroads radiating therefrom. The Army must purchase much of its needed supplies in the Missouri Valley country. Omaha can do its share, with its manufacturing output in 1917 amounting to $327,721,546, consisting in part of—

Alfalfa products	$3,500,000
Bags and bag-factory products	3,525,000
Bread and bakery	1,350,000
Butter manufactured	11,011,925
Coffee	1,334,000
Flour and mill products	6,217,319
Furnishing goods, ready to wear	2,022,000
Boots and shoes	1,500,000
Harness and saddles	514,000
Macaroni	1,040,000
Milk	1,800,000
Packing-house products	191,718,000
Smelter products	59,997,165
Soap and soap products	7,400,000
Structural steel and iron	2,615,783
Sirups and preserves	500,000
Tanks, stacks, drums, etc	876,334
Tents and awnings	336,948

All of which, with other manufactures, is called upon by the Army for supplies. I might add that live-stock receipts at Omaha for the year was 7,565,830 head. It is one of the great horse markets of the United States, and the grain receipts amounted (at Omaha) to 66,462,100 bushels. All of which shows that Omaha is in the center of a productive country, where the Army must look for and get supplies.

Therefore I hope, in the interest of economy and the protection of the necessary Army supplies, that it may be cared for at the Omaha depot. I hope the committee will adopt my amendment, and that the Chairman will overrule the point of order. I appreciate and thank the chairman of the Committee on Military Affairs, Mr. DENT, and his associates for their courtesy to me in this matter.

Mr. DENT. Mr. Chairman, I hate to insist upon the point of order in a matter of this kind because I am sure the gentleman's statement is entirely accurate, but I do not think matters of this kind ought to be put in an appropriation bill, and for that reason I shall have to insist upon the point of order.

The CHAIRMAN. The gentleman from Alabama makes the point of order. Does the gentleman from Nebraska care to be heard?

Mr. LOBECK. No; I stated a moment ago I thought it was a limitation on the appropriation, and I leave it to the Chairman to determine, as he is more familiar.

The CHAIRMAN. The Chair does not think it carries a limitation in a legislative way, and therefore sustains the point of order.

Mr. LOBECK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Chairman, I have voted for every bill which has been presented to Congress for the winning of this great war. I have given the administration every support, both as ranking member of the Committee on Foreign Affairs and on the floor of the House, which my ability affords. I shall vote for this bill providing $12,041,000,000 for the Army and the prosecution of the war. This sum is so great it staggers the imagination and is impossible of human conception.

It provides for an army of 3,000,000 men, with all those things which go to make it effective and powerful. It provides for thousands of aeroplanes and the men to properly operate them. It pleases me in that it is the clearest announcement of all the bills which have come before us that America is living up to its pledge of all its men and resources if needed for the prosecution of this war.

The winning of the war is the great question confronting the American people. All other questions in comparison sink into insignificance. It is a matter which will determine the construction of the maps of the world and the status of civilization. It will demonstrate whether or not the world is to be governed for democracy or whether autocracy shall stalk its hideous form throughout the future years. It means peace and happiness to all the people or a world in arms.

We have made wonderful progress from a peace status to a war basis. Our enterprise and organizations are rapidly demonstrating to the world that we can be a fighting people as well as a business people. The great shipyards of my city are working day and night in the construction of ships to carry the American soldiers and those products necessary for their equipment and support and for the prosecution of the war on the battle fields of Flanders. Only the other day one Knight, a colored riveter of the Bethlehem Steel Co. at Baltimore, drove 4,875 rivets in a single day, establishing a world record for himself and the shipyard. The pictures in the lobby outside this Hall, taken at midnight at the Baltimore Dry Docks & Shipbuilding Co., show the activities at that shipyard to be as great at midnight as midday.

The people of my city are active and energetic in supporting all measures for the prosecution of the war and for the comfort and convenience of the soldiers abroad and in the cantonments of the country.

We people of Baltimore have our entire attention focused upon the winning of the war. It is the one great question confronting us. We realize that success of the war means everything to our great Republic. Our people are determined, no matter what it costs, to see that success perches upon the American banner and the banners of its allies.

The members of the Committee on Military Affairs in the formation of this wonderful appropriation bill, the largest in the history of our country, the largest that has ever appeared before any legislative body in the history of the world, have performed with exactness a great work. I am told that if one could begin counting silver dollars at the birth of Christ and worked 10 hours per day from then until now he would not have completed 1,000,000,000.

The committee in the preparation of this great measure demonstrates to Congress and to the American people that it is composed of experienced men well versed in military needs. Long experience is a wonderful asset to Congress and to the Nation. It is this experience which means everything in a great conflict of this kind. It is like the experience of a great general, such as our Gen. Pershing in command "over there." Who would for a moment dare even suggest the removal of this soldier of experience to place in his stead one without experience, because he happened to be a good fellow, a friend, or associate? So it is with the various men of this great legislative body; their experience is a golden asset to the American people. Speaker CLARK in an address said that—

> A man has to learn to be a Representative, just as he must learn to be a blacksmith, a carpenter, a farmer, an engineer, a lawyer, or a doctor.

The President of the United States in his address a few days ago, realizing the importance of every man being on the job in this crucial time, said:

> The consideration that dominates every other now, and makes every other seem trivial and negligible, is the winning of the war. [Applause.] We are not only in the midst of the war, we are at the very peak and crisis of it. Hundreds of thousands of our men, carrying our hearts with them and our fortunes, are in the field, and ships are crowding faster and faster to the ports of France and England with regiment after regiment, thousand after thousand, to join them until the enemy shall be beaten and brought to a reckoning with mankind. [Applause.] There can be no pause or intermission. The great enterprise must, on the contrary, be pushed with greater and greater energy. The volume of our might must steadily and rapidly be augmented until there can be no question of resisting it. If that is to be accomplished, gentlemen, money must sustain it to the utmost. Our financial programme must no more be left in doubt or suffered to lag than our ordnance programme or our ship programme or our munitions programme or our programme for making millions of men ready. These others are not programmes, indeed, but mere plans upon paper, unless there is to be an unquestionable supply of money.
>
> That is the situation, and it is the situation which creates the duty, no choice or preference of ours. There is only one way to meet that duty. We must meet it without selfishness or fear of consequences. Politics is adjourned. The elections will go to those who think least of it; to those who go to the constituencies without explanations or excuses, with a plain record of duty faithfully and disinterestedly performed. I, for one, am always confident that the people of this country will give a just verdict upon the service of the men who act for them when the facts are such that no man can disguise or conceal them. There is no danger of deceit now. An intense and pitiless light beats

upon every man and every action in this tragic plot of war that is now upon the stage. If lobbyists hurry to Washington to attempt to turn what you do in the matter of taxation to their protection or advantage, the light will beat also upon them. There is abundant fuel for the light in the records of the Treasury with regard to profits of every sort. The profiteering that can not be got at by the restraints of conscience and love of country can be got at by taxation. [Applause.] There is such profiteering now and the information with regard to it is available and indisputable.

I am advising you to act upon this matter of taxation now, gentlemen, not because I do not know that you can see and interpret the facts and the duty they impose just as well and with as clear a perception of the obligations involved as I can, but because there is a certain solemn satisfaction in sharing with you the responsibilities of such a time. The world never stood in such case before. Men never before had so clear or so moving a vision of duty. I know that you will begrudge the work to be done here by us no more than the men begrudge us theirs who lie in the trenches and sally forth to their death. There is a stimulating comradeship knitting us all together. And this task to which I invite your immediate consideration will be performed under favorable influences if we will look to what the country is thinking and expecting and care nothing at all for what is being said and believed in the lobbies of Washington hotels, where the atmosphere seems to make it possible to believe what is believed nowhere else. [Applause.]

Have you not felt the spirit of the Nation rise and its thought become a single and common thought since these eventful days came in which we have been sending our boys to the other side? I think you must read that thought, as I do, to mean this, that the people of this country are not only united in the resolute purpose to win this war but are ready and willing to bear any burden and undergo any sacrifice that it may be necessary for them to bear in order to win it. [Applause.] We need not be afraid to tax them, if we lay taxes justly. They know that the war must be paid for and that it is they who must pay for it, and if the burden is justly distributed and the sacrifice made a common sacrifice from which none escapes who can bear it at all, they will carry it cheerfully and with a sort of solemn pride. I have always been proud to be an American, and was never more proud than now, when all that we have said and all that we have foreseen about our people is coming true. The great days have come when the only thing that they ask for or admire is duty greatly and adequately done; when their only wish for America is that she may share the freedom she enjoys; when a great, compelling sympathy wells up in their hearts for men everywhere who suffer and are oppressed; and when they see at last the high uses for which their wealth has been piled up and their mighty power accumulated and, counting neither blood nor treasure now that their final day of opportunity has come, rejoice to spend and to be spent through a long night of suffering and terror in order that they and men everywhere may see the dawn of a day of righteousness and justice and peace. Shall we grow weary when they bid us act? [Applause.]

May I add this word, gentlemen? Just as I was leaving the White House I was told that the expected drive on the western front had apparently begun. You can realize how that solemnized my feeling as I came to you, and how it seemed to strengthen the purpose which I have tried to express in these lines.

I have admired the work of this session. The way in which the two Houses of the Congress have cooperated with the Executive has been generous and admirable, and it is not in any spirit of suggesting duty neglected, but only to remind you of the common cause and the common obligation that I have ventured to come to you to-day. [Applause.]

The sentiment is rapidly spreading for the retention in Congress of those experienced Members who have supported the administration in the prosecution of the war and are in accord with the principles and doctrines laid down by the President, the Commander in Chief of our Army and Navy. As evidence of this I quote from an editorial of the Baltimore News of May 10, 1918, headed "The Less Politics the Better," which says:

It is not possible to do away with elections because the Nation has a war on its hands, but it is possible to devote the minimum of time and attention to political maneuvering and wirepulling. The patriot who seeks office merely because he wants a job is doing both his party and his State poor service. This is one time that the man who is in should be left in unless there is imperative reason for making a change. * * * Col. George Harvey in the North American Review is urging that a political truce be declared for the duration of the war, and that the present Members of Congress be returned without any contest at all either for the nomination or election.

Only recently in an editorial, May 28, 1918, the Baltimore Sun, in commenting upon President Wilson's message, said:

ADJOURNING POLITICS.

"Politics is adjourned," said President Wilson in his address to Congress Monday. "The elections will go to those who think least of it; to those who go to the constituencies without explanations or excuses, with a plain record of duty faithfully and distinterestedly performed. I, for one, am always confident that the people of this country will give a just verdict upon the service of men who act for them when the facts are such that no man can disguise or conceal them."

Is the President right? Is politics adjourned? Was the President stating a fact or expressing an ideal? The answers to those questions depend upon the temper and opinions of the American people. If they feel with the President that politics is adjourned, then politics is adjourned.

In using those words the President, we believe, was not merely phrasing a glittering and pleasing generality; he had, we believe, something concrete and definite in mind. Our own idea as to that definite and concrete thing is this:

So far as possible, there should be no contests in the primary or general elections of this year, but every Congressman who is a candidate for reelection and who has proved his patriotism and faithfully supported the work of the war in office should be returned without opposition.

For those who have not faithfully supported the work of the war politics is not and should not be adjourned. The fights against both the nomination and election of these men should be made just as hot as is necessary to defeat them. But the men who have stood by their country, who have supported the war measures vigorously and sincerely, should be reelected without question.

We have faith that the great mass of the American people will adopt this attitude and will bring about a fulfillment of the President's prophecy that the elections will go to those who think the least of politics.

I have dwelt upon these matters for the purpose of showing that the sentiment of the country approves the splendid record made by this Congress of experienced legislators in their support of the administration; that they approve of its efforts upon broad, comprehensive, and enlarged plans, so that there can be no underrating of the task set before us; that they approve the appropriations of such magnitude as will put in the field a large army, which will render success assured; that all other questions are viewed with dismay except the prosecution of the undertaking with the greatest rapidity commensurate with preparation for the winning of the war, the greatest conflict the world has ever known.

I wish in conclusion to congratulate the committee upon their splendid work and adequate legislation. The country will applaud and the winning of the war by ample force and war munitions made easier.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word.

I desire to address the committee for a few moments in the interest of historical accuracy. It is now universally recognized that the success of the selective-draft act has been primarily due to the fact that its administration has been placed in the hands of the State and local civilian authorities. Mark Sullivan, of Collier's Weekly, was among the first to give wide publicity to this supreme virtue of the draft law. On June 23, 1917, in his "Comments on Congress," he said:

MARK SULLIVAN'S EDITORIAL IN COLLIER'S.

Anyone who will read the draft bill closely or will search his recollection of the details of registration and draft which we are just passing through will discover this fact, a fact of the most fundamental importance, although utterly inconspicuous: At no point does a soldier come to a citizen and say "Come"; at no point does a military authority say to a civilian, "Come, you; take orders from me." This is conscription in the odious sense, and this is the thing which doesn't happen in our case. The administration wrote the bill and laid out the process so that at no place does the Army *take* a man from civil life; it is always civilians *sending* a man to the Army. What happens is that a group of civilians say to a man, "We have examined the circumstances of all the persons in our community, and we designate you as one best fitted to go and serve us; that is, to serve the civil population as a soldier." The board of civilians who make this designation are the local civil authorities, who have been elected to the offices they hold by the very voters whom they now survey and designate—the neighbors of the men drafted. And if the drafted man does not agree that his designation was a proper one or believes that he should be exempted, he has a chance to lay his reasons before the fellow civilians who have designated him. Finally, if the local board still insists on his designation, he has an appeal again to civilians. At all points it is *civilians choosing* a man from among themselves and *sending* him to serve them in the Army; at no point is it a case of *soldiers taking* a man. The subordination of the Army to the civil population is maintained. A loose or careless or hurried handling of our emergency by a man intent on quickness and expediency might have lost us a good deal.

Thus far Mr. Sullivan is absolutely correct in his appreciation of the merits of civilian tribunals, but he then goes on to attribute this most wise plan to the President:

The writer of this paragraph does not happen to know whether or not Mr. Wilson personally wrote or dictated the conscription bill. But it is certain that this feature of the fundamental structure of the bill is an emanation from Mr. Wilson's mind, a mind so well grounded in the principles of democratic society that it just naturally works right without being conscious of it. The bigness of this it is hardly possible to exaggerate, yet it passes merely as part of the day's work.

In the Philadelphia Public Ledger of May 16, 1918, there appeared an article entitled "How a great democracy created its Army," by William H. Taft, which gives credit for this legislative masterpiece to another individual. In discussing the origin of the selective-draft act, Mr. Taft says:

PRESIDENT TAFT'S COMMENTS.

Without abating in the slightest the credit of those who put through the bill, it is not too much to say that the real inventor of the system, the man who has done more than any other one person in the Government practically to carry it out, is Maj. Gen. Enoch H. Crowder, the Judge Advocate General of the United States. * * *

When we declared war and the question of the proper method of raising an Army was before the War Department, the General Staff was consulted and so was the Judge Advocate General. They both submitted plans and Gen. Crowder's was adopted; and the action of the administration in adopting it has been triumphantly vindicated by the result. * * *

In devising the mechanism needed, Gen. Crowder showed his broad vision and complete confidence in the self-governing capacity of the American people. He called for the voluntary action of State, county, and city officials and for the formation of committees of unofficial persons to execute the law. Through these agents, in a marvelously short time, nearly ten millions of men, between 21 and 31, were registered. Exemption boards, 4,500 in number, and district boards, 200 in number, with the duty of selection and examination, were created, and the amount of free and valuable service rendered by them speaks volumes for the patriotic spirit of their members. * * *

Now, I not only respect but sincerely admire the greatest of our living ex-Presidents. From the day he left the White House to this hour he has deserved the high esteem in which he is held by his fellow citizens everywhere. Since the declaration of war he has given to the limit of his time, his strength, and his great ability in the cause of victory for our arms. Under his persuasive leadership the most far-reaching compact in the history of American industry has been made. For the duration of the war the leaders of organized labor have agreed to abandon the right to strike, and the leaders of organized capital have recognized the justice and expediency of collective bargaining. Always constructive in his statesmanship, not one word of faultfinding or unfair criticism has escaped from his lips. Both during the war and long after its close our people will mention with pride the patriotic service of William Howard Taft, a true American. [Applause.]

I know that Mr. Taft would be the last man to bestow credit where credit is not due. It is easy to imagine how he fell into this error, particularly when praising one with whom he served in the Philippine Government. But now let us see who it was that is really responsible for the use of local civil tribunals to determine the men to be selected to do the actual fighting in this war.

HISTORY OF THE LEGISLATION.

Early in April, 1917, the Secretary of War sent to the chairman of the Committee on Military Affairs the original draft of the selective-draft act which, Mr. Taft says, was prepared by Gen. Crowder. Nowhere in this proposed bill is any mention made of tribunals or boards whose duty it would be to enforce the provisions of the law. The President is authorized to utilize all Federal or State officers, but beyond that no intimation is given of how citizens are to be selected for military service. On April 9, 1918, the Secretary of War made a statement before the Committee on Military Affairs in support of this bill and the record shows that he was accompanied by the Judge Advocate General. Beginning on page 61 of the hearings the gentleman from Nebraska, Mr. SHALLENBERGER, made this statement and inquiry:

Mr. SHALLENBERGER. Referring to the third section of this bill, which, as the chairman said, was discussed the other day, you have referred several times, and I think it is a very essential point, to the manner of the selection of those men. As I remember it, you stated that it was contemplated that something like 48 per cent, at least, or a large proportion of them, would be exempted for one reason or another. Now, in the application of that exemption there would have to be a tribunal to determine the questions that will arise in the administration of the law. Has the department determined whether this tribunal shall be a civil tribunal or a military tribunal?

Secretary BAKER. That has not yet been determined.

Mr. SHALLENBERGER. You understand, of course, that some nations—Germany, for instance—has a military tribunal, while England has a civil tribunal to administer the law. Furthermore, you know, no doubt, that in Argentina, and, perhaps, in some other countries, there has been a great deal of dissatisfaction about the fairness of the administration of the law in making the selections. The matter presents difficulties that will make for a great deal of dissatisfaction, and I did not know whether or not you had determined that vital point.

Secretary BAKER. I have heard of the criticism of the Argentine administration of the law. This bill places at the disposal of the department or the Government all the administrative and executive agencies of every State, including, doubtless, the smallest administrative units in the State. Undoubtedly some system will have to be devised for a fair and public determination of those matters.

Mr. SHALLENBERGER. But that has not yet been determined by the department?

Secretary BAKER. No.

Mr. SHALLENBERGER. I think we will be asked about that on the floor and that the matter will be very fully discussed. If the department has determined upon its policy——

Secretary BAKER (interposing). We have determined our policy, but not how it will be administered. Those details have not been worked out yet.

On April 11 the Secretary of War and the Judge Advocate General were again before the committee. I read from page 117 of the hearings:

The CHAIRMAN. Have you anything further to suggest, Mr. Secretary?

Secretary BAKER. There is only one other thing. There has been some question raised as to just what was done in Great Britain on the subject of conscription, and Gen. Crowder has kindly found for me the military-service act of the British Government, and I would like to read perhaps just enough of it to make the question clear.

Mr. CALDWELL. How much of it is there?

Secretary BAKER. It is not very long; only two or three pages.

Mr. KAHN. I think we would like to hear it.

Mr. CALDWELL. The only thing I had in mind was whether or not it would not be well to put the entire act in the record.

Secretary BAKER. I understood that to be the purport of your question.

Mr. GORDON. Is that the latest act which they have passed? The first act was passed in January, 1916, and the last act was enacted in May.

Secretary BAKER. My impression is that this is the act of January, 1916.

Gen. CROWDER. This is the act which set in force the conscription in 1916. It is the first of the acts. We have not the series of acts here.

Secretary BAKER. On the back of the act appears the indorsement, "Ordered by the House of Commons to be drawn on the 6th day of January, 1916."

Mr. GORDON. That was the original act.

Mr. SHALLENBERGER. And it has been considerably amended since then.

Secretary BAKER (reading):

"*Be it enacted, etc.*, as follows:

"1. (1) Every male British subject who—

"(a) On the 15th day of August, 1915, was ordinarily resident in Great Britain and had attained the age of 18 years and had not attained the age of 41 years; and

"(b) On the 2d day of November, 1915, was unmarried or was a widower without any child dependent upon him—

"shall, unless he either is within the exceptions set out in the first schedule of this act or has attained the age of 41 years before the appointed date, be deemed as from the appointed date to have been duly enlisted in His Majesty's regular forces for general service with the colours or in the reserve for the period of the war and to have been forthwith transferred to the reserve."

* * * * * * *

Mr. SHALLENBERGER. The second schedule, Mr. Secretary, shows the constitution of the tribunal in which this is administered, and that is the question I asked you about.

Secretary BAKER. Shall I read the second schedule?

Mr. SHALLENBERGER. That is the one I asked you about yesterday.

Secretary BAKER. I will give you the substance of it, and will ask you, Governor, to follow me and see if I leave out anything that ought to be in:

"There shall be a military-service tribunal for each local registration district under the national registration act of 1915 in Great Britain, or for any division of any such district which may be adopted for the purpose by the registration authority of the district, consisting of such persons, not less than 5 and not exceeding 25 in number, as may be appointed for the purpose by that authority.

"2. There shall be appeal tribunals, acting within such areas as His Majesty may appoint, consisting of such persons as may be appointed for the purpose by His Majesty.

"3. Tribunals may act through committees appointed by them, consisting wholly or partly of members of the tribunal."

Mr. SHALLENBERGER. The act I have before me says there shall be a local tribunal. It does not say a military tribunal at all.

Secretary BAKER. It says a military-service tribunal in the act I have. There are two other provisions:

"There shall be a central tribunal for Great Britain consisting of such persons as may be appointed for the purpose by His Majesty.

"5. His Majesty may, by order in council, make regulations with respect to the constitution, functions, and procedure of the military-service tribunals, the appeal tribunals, and the central tribunals; and, so far as provision is not made for procedure by those regulations, the procedure of the tribunal shall be such as may be determined by the tribunal."

Then there are two brief sentences on the subject of appeal:

"1. Any person aggrieved by the decision of the military-service tribunal and any person generally or specially authorized to appeal from the decision of that tribunal by the army council may appeal against the decision of the military-service tribunal to the appeal tribunal of the area.

"2. Any person aggrieved by the decision of an appeal tribunal, and any person generally or specially authorized to appeal from the decision of that tribunal by the army council, may, by leave of the appeal tribunal, appeal to the central tribunal."

Mr. SHALLENBERGER. In the copy I have before me in every case where you have read "military-service tribunal" this says "local tribunal."

Mr. GORDON. Mr. Secretary, did you read all the subsequent acts to the act of January, 1916?

Secretary BAKER. That is the only one I have, Mr. GORDON.

Mr. GORDON. There have been two subsequent acts—one of January 27, 1916, and then one enacted in May.

The CHAIRMAN. Suppose we put both of them in the record.

Secretary BAKER. Gov. SHALLENBERGER has copies of both of them, and I will ask him to submit them for the record, because this is the only copy the War Department has, so far as I know.

(The papers referred to follow:)

"GREAT BRITAIN.

"Military-service acts, 1916 (5 and 6 Geo. 5, c. 104).

"An act to make provision with respect to military service in connection with the present war. [27th January, 1916.]

"*Be it enacted, etc.*, as follows—

I omit the first part of the act.

"SECOND SCHEDULE—CONSTITUTION OF TRIBUNALS.

"1. There shall be a local tribunal for each local registration district under the national registration act, 1915, in Great Britain, or for any division of any such district which may be adopted for the purpose by the registration authority of the district, consisting of such persons, not less than 5 and not exceeding 25 in number, as may be appointed for the purpose by that authority.

"2. There shall be appeal tribunals, acting within such areas as His Majesty may appoint, consisting of such persons as may be appointed for the purpose by His Majesty.

"3. Tribunals may act through committees appointed by them, consisting of members of the tribunal.

"4. There shall be a central tribunal for Great Britain consisting of such persons as may be appointed for the purpose by His Majesty.

"5. His Majesty may by order in council make regulations with respect to the constitution, functions, and procedure of the local tribunals, the appeal tribunals, and the central tribunal; and, so far as provision is not made for procedure by those regulations, the procedure of the tribunal shall be such as may be determined by the tribunal.

"Regulations made under this provision shall contain instructions to the local and appeal tribunals given with a view to securing uniformity of decision and practice amongst the several tribunals.

"Any order in council under this provision may be revoked or varied by any subsequent order in council, and any regulations made under any such order shall, as soon as may be, be presented to Parliament.

"6. If any difficulty arises with respect to the constitution of local tribunals, or otherwise in relation to the operation of this act with respect to local tribunals, the local government board, or, as respects

Scotland, the secretary for Scotland, may take any appointment and do anything which appears to them necessary or expedient for the establishment of those tribunals or for securing the full operation of this act with respect to those tribunals.

"APPEAL.

"1. Any person aggrieved by the decision of a local tribunal, and any person generally or specially authorized to appeal from the decision of that tribunal by the army council, may appeal against the decision of a local tribunal to the appeal tribunal of the area.

"2. Any person aggrieved by the decision of an appeal tribunal, and any person generally or specially authorized to appeal from the decision of that tribunal by the army council, may, by leave of the appeal tribunal, appeal to the central tribunal."

* * * * * * *

Mr. SHALLENBERGER. Mr. Secretary, if it should develop, as it appeared from those two bills which you and I have submitted, that the British Government has rescinded its original declaration providing for a military tribunal and has changed it to a civil tribunal, would not that indicate that it is a matter of serious importance?

Secretary BAKER. It might well be, and I have no objection to that character of tribunal. I am indifferent on that subject so long as it is a tribunal that can act with swiftness. Certainty and swiftness are what we desire.

The Judge Advocate General will examine into that other question as soon as he gets the President's proclamation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAYDEN. All that I have quoted from the hearings demonstrates that neither the Secretary of War nor the Judge Advocate General had given any serious consideration to the question of how the draft tribunals were to be constituted. The gentleman from Nebraska, however, had devoted much thought and study to this question. He was quick to see the advantage of what Mark Sullivan calls "a fact of the most fundamental importance, the bigness of which it is hardly possible to exaggerate." Mr. SHALLENBERGER offered an amendment to the bill as drafted by the War Department which the Military Committee was glad to accept, so that when H. R. 3545 was reported to the House it contained the following proviso, of which he is the author:

CIVILIAN CONTROL FIRST PLACED IN THE LAW.

Provided, That the President is authorized and empowered to constitute and establish throughout the United States tribunals for the purpose of enforcing and carrying into effect the terms and provisions of this act, together with such regulations as he shall prescribe and determine necessary for its administration. A majority of the members of each tribunal shall be citizens of the United States not connected with the Military Establishment.

When the selective-draft bill was under discussion in the House on April 28, 1918, this colloquy occurred:

Mr. DEWALT. The only provision in the bill in reference to the selective mode is that which is contained on page 9, stating that the board shall be constituted and established by the President, and that a majority of the members of each board shall be citizens of the United States not connected with the Military Establishment.

Mr. SHALLENBERGER. Yes; and that amendment to the bill was put in on my motion. I asked the Secretary of War how these boards were to be constituted. I learned that there are 900 or more of these boards operating in England, and in my opinion, from the best information I could get, there will have to be several thousand boards operating in the United States. The Secretary of War could not assure me that these boards were to be civilian boards, and so I offered the provision that at least a majority of them should be civilians. I have since learned that in England every member of the local board is a civilian. In that country—a kingdom fighting for its life—the people are so insistent upon subordinating the military to the civil department of the Government that they have provided that every man who decides upon the right of a man to go to war or stay at home shall be a civilian.

* * *

Mr. MILLER of Minnesota. Could we not rely upon Army officers to be more free from prejudice and favoritism than any other class?

Mr. SHALLENBERGER. I do not think so; not upon a question of this sort. I think this plan will be accepted much more willingly by the country if the tribunal is a civil body.

HISTORY OF THE PROVISION IN THE SENATE.

The War Department draft of the bill was likewise introduced in the Senate without any provision for the establishment of local and district boards, which corroborates the fact that no one in the department realized, in the beginning, the importance of creating such boards. On May 28, a week after the House bill containing the Shallenberger amendment had been reported, the Senate agreed to an amendment to its bill which was offered by Senator KELLOGG of Minnesota. The Kellogg amendment is as follows:

The President shall make rules and regulations to carry out the terms and provisions of this section and provide for the issuance of certificates of exemption or partial or limited exemption and for a system to exclude and discharge individuals from selective draft. There shall be created under the direction of the President local tribunals in the several States or subdivisions thereof, composed of the members of the local civil government, to decide all questions of exemption under this act, and also all questions arising under the draft for partial military service or for including or discharging individuals or classes of individuals from the selective draft, which shall be made under the rules and regulations aforesaid, and shall also provide for an appeal tribunal.

The Senate struck out all after the enacting clause in the House bill and inserted its bill as one amendment. The entire subject matter being in conference, it was possible for the conferees to work out the details of the law as we now know it.

SHALLENBERGER AMENDMENT FIRST IN HOUSE BILL.

In view of the approval given to the Shallenberger amendment by the House Committee on Military Affairs and because of the favorable action taken by the House and the Senate, the War Department was, by that time, fully alive to the merits of his proposal. I have no doubt but that the Provost Marshal General assisted the conferees in working out the details of the last half of section 4 of the selective-draft act. But to say that any administrative officer conceived this plan is not correct, as I have demonstrated by the testimony taken when the War Department first presented this matter.

Far be it from me to detract in any way from the excellent record made by the executive branch of the Government in the administration of the draft law. The officials of every degree have performed wonders of work, but surely there is glory enough to go around without assigning credit for wise legislation where it does not belong. The country has a right to know, and history should record, that the members of the Committee on Military Affairs of the House of Representatives have not blindly accepted every departmental suggestion, but have acted with courage and intelligence on many notable occasions. If time would permit, I could mention numerous exhibitions of the same kind of statesmanship by other members of the committee, but in view of the wide publicity that has been given to claims of authorship for the local and district board provisions of the selective-draft act, I thought that it was due to the House that the credit for the origination of this legislation be given to one of its most able and distinguished Members, the gentleman from Nebraska, Mr. SHALLENBERGER. [Applause.]

Mr. KAHN. Mr. Chairman, I am pleased to testify to the splendid work that the gentleman from Nebraska [Mr. SHALLENBERGER] performs on the Committee on Military Affairs. But I want at this time to say that the Provost Marshal General, who is also the Judge Advocate General of the United States Army, in my opinion is one of the most efficient officers in the Army of the United States. [Applause.] He has repeatedly appeared before the Committee on Military Affairs and made valuable suggestions to that committee. Almost invariably the committee has been glad to follow his advice and suggestions. During the days preceding the passage of the selective-draft law I know that officer worked from 15 to 18 hours a day in perfecting the rules and regulations that the law provided. He was in communication with every governor of every State in this Union as early as the beginning of April, 1917. The selective-draft law passed this House on April 27. By April 23 he had sent to the governor of each State all the necessary forms and blanks for putting the law into effect. After the selective-draft law was passed, his work became still more onerous, and he performed it in a manner that drew the commendation of everybody in this country whose commendation was worth having. We were particularly fortunate, in my opinion, that we had in such an important administrative office a man of the legal attainments and constructive ability of Gen. Crowder. Ever since then, in trying to work out legislation for the improvement of the selective-draft law and the elimination of possible mistakes, he has been at his desk at all hours, morning, noon, and night. You can find him at his desk in the War Department at 8 o'clock in the morning, and you can find him at his desk in the War Department late into the night of the same day. I believe that an officer of that character is worthy of all the praise that can be bestowed upon him. [Applause.]

Mr. GREENE of Vermont. I move to strike out the last two words.

Mr. Chairman, I realize, as the House does, that it would be not only impossible but presumptuous for me to try to add anything to the testimony to the character and efficiency of the Provost Marshal General that has been so eloquently expressed by my colleague, the gentleman from California [Mr. KAHN]. But perhaps the House will indulge me for a moment in pointing out a small but significant incident in the career of Maj. Gen. Crowder, which early gave promise of his great capacity for such a Herculean task as this which he has been called upon to perform, and has performed so ably that he is to-day one of the foremost military figures in the story of this generation. And it showed the temperament, it showed the inclination, it showed the industry, and the always high-spirited purposes of an officer in the United States Army many, many years ago, before anybody but the officer who paid him and his immediate superior had much idea that he wore a uniform at all.

Years ago when Enoch H. Crowder was a junior lieutenant in the United States Army, and that Army was so small, as many of us remember, that it was scattered up and down our country in little one-company posts here and there, largely out on the

plains and down in Texas; he, like many other officers of his grade and in his time, found that there was for long intervals precious little for an active-minded military man to do. And while he was stationed at one period in an obscure post in the interior of Texas he found there by chance some old Government prints which told the story, in the old-fashioned, "pub. doc." style of the day, of the draft that had been invoked during the Civil War. It interested him, first, for its historical value and, next, because, as a military man, he was never losing any opportunity to prepare himself against the possibilities of the future. Bear in mind that he was then a junior lieutenant in the line, and probably in his most hopeful fancy never expected to reach the great responsibilities of a national character he is now discharging with such signal distinction. He spent days and weeks in the study of the official returns and reports of that old Civil-War draft, and he made up his mind then that sooner or later as this country developed and its military necessities grew correspondingly the time would come when the policy underlying a selective-service act would of necessity be adopted by this Nation.

So years and years ago, years before many men who sit on this floor had become qualified legal voters, this young officer of the Army began to develop his idea of a national policy upon which a selective-service act would be based.

He studied the matter of conscriptive military service from time to time during all the intervening period, and I dare say it may be stated with all fairness and due regard for the truth that he was perhaps the only man in the United States who was undertaking such a systematic and methodical study of that subject during that time. He continued it up to the recent day when, all at once, to the benefit of a great Nation, which during all its 140 years nearly had relied upon the volunteering system as its means of national defense, he was through his industry and foresight prepared to come forward in the emergency with the groundwork of the great fundamental system of what we know to-day as the selective-service law. And it might also be said, if it were not a somewhat fantastic paraphrasing of the myths of the classic days gone by, that the selective-service principle and policy, at least, sprang, armed cap-a-pie, from under the helmet of Enoch H. Crowder, just as the poet tells us a great contribution of wisdom personified sprang full-armed from the brain of the master of Olympus. [Applause.]

Mr. SULZER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Alaska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SULZER: Insert, page 44, after line 16, the following:

"*Provided*, That hereafter, so long as the construction and maintenance of 'military and post' roads in Alaska, and of other roads, bridges, and trails in that Territory shall remain under the direction of the Secretary of War, he be authorized to submit such estimates for the consideration of Congress as are, in his judgment, necessary for a proper prosecution of the work."

Mr. DENT. Mr. Chairman, I reserve a point of order on that.

Mr. SULZER. Mr. Chairman, I realize, of course, that this amendment is subject to a point of order, but I trust the chairman of the Committee on Military Affairs will not insist upon the point, and for this reason: The War Department has been the agency through which the principal pioneer work of the Government in Alaska has been performed. In the early days of 1898, during the Klondike rush and the rush to the early gold fields of Alaska, the War Department was there as the principal representative of the Government in the maintenance of law and order. It is the agency which has constructed and maintained the telegraph and cable systems of Alaska, that provided communications between the different camps and settlements, and in doing all this splendid work, Mr. Chairman, the War Department has rendered a most notable service to the people of that Territory and to the people of the country, not only in performing their military duties, but in rendering aid and assistance to those who were in a perishing condition, rescuing many out of the cold and snow, in giving of their supplies, in providing medical relief in the hospitals which they constructed and maintained, and in innumerable other ways rendering assistance which could not have been rendered in any other way or by any other agency.

The War Department led the way in the pioneer work throughout Alaska. Its activities have not been confined to a few months of travel and observation during the summer season, for its agents have been on duty at all times, in and out of season, in summer and winter. In their performance of duty the agents of the War Department have paid their toll of life and have undergone unutterable hardships.

When the law was enacted in January, 1905, creating the Alaska Road Commission it was recognized by Congress that the War Department was the proper agency to undertake and carry on the work of building the roads and trails and bridges in the Territory of Alaska; but for some reason of which I am not aware, when the Alaska Road Commission was created there was no provision made in the law authorizing appropriations by Congress for the vigorous prosecution of the work, the law simply authorizing the road commission to use a percentage of the license funds collected in Alaska.

The commission and the War Department have struggled against the most tremendous difficulties in their work of endeavoring to build roads and trails and bridges throughout a Territory 600,000 square miles in extent. They have had tremendous obstacles to overcome, and they have had very limited appropriations to carry on the work which Congress gave them to do. Notwithstanding the fact that there was no provision in the law by which they could obtain appropriations, Congress has continuously, every year since the commission was created, appropriated certain sums of money, notwithstanding the fact that the items were subject to points of order. Some years the point of order was made and some years it was not made. Either in this House or in the Senate these items were put in, and appropriations varying in amount from year to year have been made for over 12 years.

The Alaska Road Commission has constructed over 1,000 miles of wagon road, 650 miles of winter sled road, and over 2,300 miles of trail, and has expended for all purposes a total of $3,969,611.23 to June 30, 1917, of which sum $2,265,000 has been appropriated by Congress and $1,704,611.23 has been provided by the people of Alaska through taxation. The work of the commission has covered all parts of the Territory, from Ketchikan to Nome, from Prince William Sound to points north of the Arctic Circle.

Officials representing many departments of the Government having activities in Alaska have commended the work. There came to my attention only this morning this document entitled "Soil reconnoissance in Alaska, with an estimate of the agricultural possibilities," by Hugh L. Bennett and Thomas D. Rice. On page 177 I find the following comment:

There is some summer travel over the Valdez-Fairbanks Road, but little freight thus far has been handled over this road this season. This road was constructed by the Alaska Road Commission under the direction of officers of the United States Army. The Alaska Road Commission is made up of two line officers and one engineer officer. Col. W. P. Richardson has been president of the commission since its inception. It represents a remarkable piece of work, particularly in view of the obstacles to road construction—the remoteness of the region crossed from points of supply, the large number of swift streams, some of which are dangerous glacial streams that had to be bridged, and the unfavorable road material and poor drainage conditions encountered in many places. There are long stretches of this road, which extends over 400 miles into the interior, that are so good that automobiles are enabled to make a high rate of speed at any time of the year. The writer went from Chitina to Fairbanks over this trail with a small automobile the latter part of August, 1914, under the most unfavorable conditions that have been known since the road was completed. An abnormally heavy rainfall had caused formidable slides, much damage to causeways and bridges, and had brought about a very soggy condition of the roadbed in places where both topography and character of material have militated against good drainage. It is true some exigencies had to be met on this trip; nevertheless good time was made, some two weeks or more having been saved in reaching the interior by this route. Under normal conditions automobiles make the trip easily. During winter mail for the interior is carried over this trail and some freight is distributed along the road and even carried to Fairbanks. The road houses are nearly all stocked with sufficient supplies during winter for the needs of the following summer.

The road commission, cooperating in some instances with local citizens, has constructed a number of good roads in the mining districts, notably in the Fairbanks district. Good wagon and automobile roads run from Fairbanks to Ester, Fox, Dome, Golden City, Olness, Meehan, Cleary City, Chatanika, and other points along the mining creeks. There is a good road from Hot Springs to Eureka. Trails for dog sleighs, which carry considerable freight during the winter, lead in many directions through this region.

With the extension of the mining and agricultural interests to other parts of this region, additional wagon roads will have to be built from time to time.

This tribute is from agents of the Department of Agriculture, and was made in 1914, and of course covers but a small portion of Alaska where work has been performed by the board of road commissioners. It is but fair to say, however, that the Valdez-Fairbanks Road, or what is now called the "Richardson Highway," is the principal military road built by the commission. This great highway, extending from the coast to the interior, has been vastly improved since the above report was written. Automobiles have recently made the trip of 400 miles in 30 hours, running time. I journeyed on this road in the fall of 1916 in a Cadilac automobile, carrying seven passengers and their baggage. There was no particular discomfort, and this trip is one of the most scenic that can be found in the world. Words can not describe or the imagination conceive of the beauties and the grandeur of the scenery that may be viewed from this great highway, which will ever stand as an enduring monument to the patience, courage, and splendid achievements of Brig. Gen. Wilds P. Richardson. And I want to take this opportunity of

paying my respects to that officer, who, from the time of the organization of the road commission until a few months ago, acted as chairman of the board. No more able, conscientious, or hard-working officer was ever detailed to the Alaska field by the Federal Government. To use his own language, in his last report to the War Department—

The board, without precedent in the history of the department in the way of organization and methods of accounting, and without adequate funds to work with, at the outset found itself confronted with a problem the magnitude of which was little short of discouraging. It would not be easy to conceive a greater variety of difficulties to overcome from a physical viewpoint in a work of this character, or more vexatious phases of the "human equation" to deal with, than have come before the board in this work.

Gen. Richardson, Alaska's general, and the other Army officers of the board were given active commands with the colors shortly after the United States entered the war, and their experience in Alaska will give them many advantages in fighting the enemy. And in their new work go with them the well-wishes and God-speed of all patriotic Alaskans.

With the departure of Gen. Richardson and his associate officers from Alaska the management of the affairs of the Alaska Road Commission was placed in the hands of men thoroughly familiar with the work, who, acting under the orders of the Chief of Engineers of the United States Army, are now going forward in an entirely satisfactory manner.

It has been the history of the United States and Canada in the development of the pioneer sections that they must have adequate railroads and wagon roads. Their development has only been commensurate with the road and railroad improvements. First, there must be trails and roads to feed the country adjacent to the navigable streams and waters, then railroads, and, finally, a network of wagon roads over which to haul the tonnage for the railroads.

On the great American plains and in Canada the development was slow until railroads and wagon roads were built. But note how speedily these areas grew once the miner and the farmer had the facilities for getting their products to the market, and to obtain in return the manufactured articles, clothing, and supplies for their families.

Had they not been assisted by the Government in the building of these roads, areas that are thickly populated now would be, as they were for many years, the home of only a few of the more hardy pioneers still struggling for existence, and not a land of well-to-do and happy families.

So it is in Alaska. Great stretches of territory that are now sparsely settled would have prosperous farmers and miners and other residents if they could be furnished a means of getting their products to market and of receiving in return those articles which they would have to have but which they could not produce themselves.

Alaska must have a network of wagon roads to feed the great railroad which the Government is now building in the Territory and to feed the railroads which will be built in the future. But it must have more. It must have roads built and maintained from the rich mining camps to the great navigable waterways over which such a large portion of the freight of the country travels to-day, that the Nation may be enriched by the gold and other metals of which it is so badly in need.

And it is because of these latter roads that it is impracticable to have the road building and the railroad construction carried on under one head, as might be urged by some. The two organizations have two important, separate, and distinct functions to perform. The railroad constructors must furnish the means of transportation to a large area of territory, but the wagon-road builders must aid a vastly greater area. The War Department still seems to be the best agency to carry on this work, both from a military and an economic point of view. The department has gained a wide knowledge of all the intricate conditions to be met in the different parts of the Territory, has developed a splendid organization, and has the best means of obtaining satisfactory results.

The building of adequate roads is, as I have said, of the greatest importance in the development and settlement of Alaska, in placing the resources of the Territory at the disposal of the Nation, and in building up the great volume of trade between the States and Alaska, which, we all fondly anticipate, will continue to grow with rapid strides. Everyone knows that a new country must have roads in order that the settlers may obtain the communication and transportation necessary to conduct their affairs.

Mr. Chairman, it is very gratifying to know that this bill contains an appropriation of $100,000 for roads and trails in Alaska, and that a point of order has not been raised against this item. I appreciate this action on the part of the House, and I know that the people of Alaska appreciate it, and that it will serve a splendid purpose. But the amount is small for a work so great, and I regret the appropriation is not much larger, for the need is very great. However, I realize that the committee has done its best under all the circumstances.

In the past the funds provided were limited, and the fact that the road commission could never be certain that the appropriation would be made has been very unsatisfactory and has greatly handicapped the work. Supplies can not be obtained or crews engaged for the season's work until the appropriation bill is actually passed. This necessitates a delay in starting work, and often the better part of the season is thus lost. Most of the work is done during the months of June, July, August, and September, but in order to make the most of this short season, crews must be started for interior points in April and supplies must be freighted in during the winter months. These supplies must be contracted for during the months of November and December.

A continuing appropriation of $500,000 per annum for a number of years would accomplish much greater results than it has been possible to accomplish under the conditions existing in the past. I trust that some provision having this end in view may be found acceptable.

The demands for roads and trails from all sections of Alaska are most insistent. The pioneers who are seeking out and producing the gold, copper, silver, lead, tungsten, antimony, tin, chrome, and other metals; the farmers who are turning a wilderness into green fields dotted with homes; the fishermen who in many places need better communication in order to handle their product more expeditiously; the transport of the mails, and many other needs all cry out for roads. This work is of a permanent value and every dollar invested by the Government will return many fold.

In administering the public domain in Alaska the Government has pursued a different policy than that which brought about great development in the States. The Government has largely retained title and the local taxing power of the people has been very limited. It has therefore been necessary for the Government to provide the necessary facilities which, under different conditions, might have been provided by local taxation.

Alaskans have been doing everything in their power to aid in winning the war. They subscribed 247 per cent of their quota to the last liberty loan, and they desire nothing that will in any way handicap the great purpose of the Nation at this time, but we must not forget that when our victorious soldier boys return from the war we must provide opportunities for them, and Alaska can be made to offer those opportunities in a splendid manner if adequate provision is made to render the great resources of the Territory available to early and proper development.

The purpose of this amendment, Mr. Chairman, is to relieve the War Department and this commission from the embarrassing situation of having the responsibility of carrying on a great work under an act of Congress while not being able to submit estimates for appropriations to adequately carry on that work, and therefore all this amendment seeks to do is to authorize the Secretary of War to make estimates to Congress for proper appropriations for this work. I therefore earnestly hope that the amendment will be adopted and that the chairman of the committee will not insist upon his point of order.

The CHAIRMAN. The Chair will hear the gentleman from Alabama on the point of order if he desires to be heard.

Mr. DENT. Mr. Chairman, there has been some controversy as to whether this appropriation in the Army appropriation bill was not subject to a point of order. When the gentleman from Alaska submitted his amendment, as I understood it, it was to correct that proposition. There has been some objection to the Committee on Military Affairs making appropriations for roads in Alaska. But I do not see any objection to the gentleman's proposition legalizing what we have been doing all along, so I will not press the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Claims for damages to and loss of private property: For payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army that have accrued, or may hereafter accrue, from time to time, to be immediately available and to remain available until expended: *Provided*, That settlement of such claims shall be made by the Auditor for the War Department, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages, $30,000.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. JOHNSON of Washington. Mr. Chairman, I make the pro forma motion in order to say that I have just returned from a visit to the National Soldiers' Home at Hampton Roads, Va., and that while there I met citizens from Newport News and Norfolk, Va., who, when they learned that I was a Member of the House of Representatives, expressed the opinion that this Congress had been "pretty easy" in that it let the Government be "worked" for a fancy figure for the site of the old Jamestown Exposition. They laughed and chaffed and joked over the fact that while that site had been hawked around for $300,000, and had, in fact, been sold at bankruptcy sale for a much less sum than that, it had finally been unloaded onto the Government as a "war necessity" for a cool million of dollars. That sale is still a matter of pleasantry in and around Norfolk, and while but a few of the citizens divided the "swag," all of them, so far as I could learn, seem pleased that the great sum was poured out in that community.

It strikes me that, having "worked" the Government, they should at least be kind enough to refrain from telling Members of Congress how "easy" they were. I was inclined to flare up at the statements made. I reminded those whom I met that the House had refused to pay this price; that our Naval Committee had turned it down; and that we stood by the committee until appeals came down from the Cabinet that the purchase of the Jamestown site at a million dollars was an absolute and immediate war necessity. If my memory serves me correctly, the promoters of the scheme insisted upon $1,200,000, but after one or two losing votes here they generously threw off $200,000 and accepted $1,000,000, which probably was three times too much—certainly one-half too much. It is useless to complain and criticize now, but I have felt that it was my duty to tell the membership how certain citizens of the Chesapeake Bay cities feel about our "liberality." I believe that the Committee on Military Affairs has exercised much diligence in an effort to protect the bill now under consideration, and I beg to assure all of the Members of the House that it behooves them to scan closely all of the appropriation bills, and to be everlastingly on watch for propositions of this kind. The President has called attention to profiteering. It is certain that outrageous and indefensible profiteering is going on all along the line. And here is a fine sample of it. Other localities have given valuable sites to the Government. Pierce County, the most populous county in the district which I have the honor to represent, bonded itself for a debt of $2,000,000 to buy and give to the Government a great tract of 80,000 acres of land for war purposes. The two transactions stand out in vivid contrast. I am sorry that my visit on Memorial Day to that beautiful home for the veterans at Hampton Roads was marred by hearing brag and blow of how the Government had been "stung" for money in these fearful days of war. How can we expect to get at the small profiteers and penny grabbers when such things as the Jamestown deal are pulled off and forced through an unwilling Congress. Here in the House we have stood by and let things like this go through under the guise of war necessities. We must not do it again. It is not too late to cut down these bills. It is time to quit throwing away money like water. [Applause.]

The Clerk read as follows:

Medical and Hospital Department: For the manufacture and purchase of medical and hospital supplies, including gas masks, motor ambulances, and motorcycles for medical service, their maintenance, repair, and operation, and disinfectants, and the purchase and exchange of typewriting machines for military posts, camps, hospitals, hospital ships, and transports, and supplies required for mosquito destruction in and about the military posts in the Canal Zone: *Provided*, That the Secretary of War may, in his discretion, select types and makes of motor ambulances for the Army and authorize their purchase without regard to the laws prescribing advertisement for proposals for supplies and material for the Army; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals, of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Nurse Corps (female), and of cooks, and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the enlisted force of the Medical Department; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, printing, binding, laundry, and all other necessary miscellaneous expenses of the Medical Department, $267,408,948.

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 51, line 17, at the end of the paragraph insert as a new paragraph the following:

"The Secretary of War may, under rules and regulations to be prescribed by him, provide for the employment of civilian medical service, including care and subsistence in private hospitals, for officers, enlisted men, and civilian employees of the Army, on leave of absence or furlough, or otherwise absent with leave from the status of duty: *Provided*, That it shall be impossible or impracticable for the Medical Department to furnish the necessary medical treatment and hospital care, and that the disabilities necessitating such service shall have originated in the line of duty."

Mr. DENT. I reserve a point of order on the amendment, Mr. Chairman.

Mr. ROGERS. Mr. Chairman, this amendment is simply to permit the payment by the Government of the cost of treating a soldier on furlough when he is in a private hospital as a result of illness or injury received while on duty. The amendment has the sanction and express approval of the War Department and of the Surgeon General.

On the 6th day of March I introduced the following bill (H. R. 10522):

The Secretary of War may, under rules and regulations to be prescribed by him, reimburse officers, enlisted men, and civilian employees in the Military Establishment for actual disbursements for treatment in private hospitals and services by civilian physicians while on furlough: *Provided*, That the disability necessitating such treatment or service originated in the service and in line of duty.

The Committee on Military Affairs referred that bill to the War Department, and in the course of time, under date of March 26, the Acting Secretary of War, Mr. Benedict Crowell, reported back to the committee as follows:

I have the honor to acknowledge receipt of House bill 10522, referred to me with the request for any information relating thereto in the possession of the War Department.

Many Surgeons General have in the past frequently urged the equity of the assumption by the Government under some circumstances of medical expenses of officers and soldiers incurred while for the time being in the status of absence with leave from duty.

It is, of course, impossible to see whether our Medical Department will be able to handle efficiently all disabled men. It may be found necessary to accept the services of private hospitals and civilian physicians during the course of the war. If the employment of such private services is placed within the control of the Secretary of War it is assured there will be no unnecessary expense incidental to such service.

I notice, however, that the bill provides for the reimbursement of officers, enlisted men, and civilian employees in the Military Establishment for actual disbursements made by them. It would be preferable were the services paid directly from public funds rather than to have the payment made in the first place by private individuals and claims then made over against public funds.

I therefore recommend the following legislation in place of the bill as submitted.

Then follows the draft of the amendment which I have just offered, and which has been read from the Clerk's desk.

There are a great many cases where extreme hardship results from the present law. A soldier is taken ill in camp. He is not seriously ill at the moment. He applies to his company commander for a furlough. He goes home on furlough. It then develops that he has contracted pneumonia or some other serious illness. He has to go to a private hospital and to incur charges for his medical and hospital care. Under the law, although that illness was incurred in the service and in line of duty, there is no way by which he or his family can be reimbursed by the Government for the expenditures which have been necessitated by his military service. The Surgeon General has repeatedly recommended to the Congress—I have the list of the recommendations in my file here—that it should be possible, under suitable regulations promulgated by the Secretary of War, for these payments to be made. As the law now stands, it is an extremely arduous and, I think, entirely indefensible burden which is imposed upon the soldier and his family to meet these frequently very heavy and burdensome expenditures. I have sought to get a hearing upon this bill from the Committee on Military Affairs, but its time has been very much taken up with the consideration of the appropriation bill. In consultation with the chairman of the committee, he suggested that it might be one way to raise the point for me to propose this exact amendment to this bill. I hope that under the circumstances he will withdraw the point of order and allow the amendment to be retained in the bill.

Mr. DENT. Mr. Chairman, I will state to the gentleman that the idea that he has is a good one, but I do not believe we ought to handicap the War Department with too much

legislation in this bill. That is the only real objection I have to it. I do not know what this will open up, and we ought at least to have a little more information from the War Department and their views upon the subject before we put it into the appropriation bill.

Mr. ROGERS. Will there be an opportunity for me to present this before the Committee on Military Affairs at some reasonably early date?

Mr. DENT. If the gentleman will pursue me, I will promise him that he shall certainly get a hearing within the next week or 10 days.

Mr. ROGERS. My pursuit has been very insistent, but unprofitable up to this time.

Mr. KAHN. The committee have had more important business before them.

Mr. DENT. I will state to the gentleman that if he wishes I will undertake to get him a hearing some day next week.

Mr. ROGERS. That is satisfactory.

The CHAIRMAN. The point of order is sustained.

Mr. ROGERS. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Massachusetts offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 50, line 17, after the word "contract," strike out the proviso down to and including the word "furlough," in line 19.

Mr. ROGERS. Just a word on that amendment, Mr. Chairman. I think it perhaps accomplishes the purpose of the previous amendment which was ruled out on the point of order, and yet is not open to the objection suggested by the chairman of the committee that it is loading down the appropriation bill with new legislation. I think if that proviso as it stands in the bill as reported by the committee were eliminated it would leave with the Secretary of War discretion to permit these payments in worthy cases.

Mr. DENT. Mr. Chairman, I hope that amendment will not be adopted. I think the committee ought to be able to go into that question independently. This certainly does keep them from employing physicians and nurses and paying expenses in private hospitals.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The question being taken, the amendment was rejected.

The Clerk read as follows:

Engineer School, Washington, D. C.: Equipment and maintenance of the Engineer School at Washington Barracks, D. C., including purchase and repair of instruments, machinery, implements, models, and materials for the use of the school and for instruction of Engineer troops in their special duties as sappers and miners; for land mining, pontoniering, and signaling; for purchase and binding of professional works and periodicals of recent date treating on military and civil engineering and kindred scientific subjects for the library of the United State Engineer School; for incidental expenses of the school, including chemicals, stationery, hardware, machinery, and boats; for pay of civilian clerks, draftsmen, electricians, mechanics, and laborers; compensation of civilian lecturers and payment of tuition fees of student officers at civil technical institutions; for unforeseen expenses; for travel expenses of officers on journeys approved by the Secretary of War and made for the purpose of instruction: *Provided*, That the traveling expenses herein provided for shall be in lieu of mileage and other allowances; and to provide means for the theoretical and practical instruction at the Engineer School by the purchase of textbooks, books of reference, scientific and professional papers, and for other absolutely necessary expenses, $30,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The next item carries an appropriation of $135,000,000 for the engineer equipment of troops, which I presume is to be spent very largely on the other side of the water.

Mr. KAHN. And also a great deal on this side for training material for troops.

Mr. MOORE of Pennsylvania. I am in favor of the item and of all appropriations for the Engineer Department, because I appreciate the value of that department to the Government in time of peace as well as in time of war. But I do not want the opportunity to pass without calling attention to the large appropriations for the Engineer Corps for a variety of purposes, not including the construction and development of waterways in this or in foreign countries. It seems appropriate now to say that while we have a great deal of harsh criticism in the United States of the work of United States Army Engineers on river and harbor improvements—a paltry appropriation of $21,000,000 being carried in this year's appropriation bill—yet we can pass an appropriation of $135,000,000 for the purpose of equipping engineers without a word of dissent. Just what practical results we get from it I am not going to discuss, but I would like to see a little more work done by the engineers of the United States Army in the upbuilding of waterways for our naval and Army craft, as well as for the merchant marine in the United States.

It may be a matter of some information to the House, apart from the Military Affairs Committee, that an engineer regiment is being formed now for the purpose of facilitating the movement of traffic on the canals in France. I happen to know of efforts being made to gather together boatmen and bargemen, men familiar with the movement of vessels on inside waterways and canals in the United States, for immediate service on the waterways of France.

The United States engineers in France evidently realize the value of canals and inland waterways in France, and they are using them to the full, as the French Army has used them to the full. But there are rumors abroad now, some published in the newspapers this morning, of the imminence of the submarine danger along the coast of the United States. We have had three or four reports that captains of large ships, some of them British captains, have seen submarines around the islands of the Caribbean Sea and on their way up the Atlantic coast. Some of them have been reported as approaching the mouth of Chesapeake Bay. Are we prepared for an invasion of this kind?

For many years I have called attention to the military importance, the strategic importance, if you please, of opening up our waterways along the Atlantic seaboard, and particularly of connecting up the two great bays—the Delaware and the Chesapeake—which would also connect the navy yards along the Atlantic.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKENZIE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. McKENZIE. Does the gentleman think that if Congress should get busy and get the intercoastal canal finished up it might be of some use within six months or a year?

Mr. MOORE of Pennsylvania. I think so. I think Congress and the departments ought to get busy. I have been endeavoring to get Congress to get busy for more than 10 years. Congress has made a move in this matter, and there is now in the Engineer's office, unless it has emerged from that office into the Attorney General's office, authority for condemnation proceedings with regard to the particular canal I have been speaking of. But that is not the only reason I wanted to discuss this matter of the engineers. I wanted to call attention to the ease, the great ease, with which enormous appropriations may be made in bulk in both the Army and the Navy bills without objection, while trifling appropriations for river and harbor improvements seem to stir up the entire country to a spirit of revolt and denunciation. Is not this a retrograde policy?

If misfortune should ever come to the country because of the failure of any of the departments or of Congress to act on the advice of those who have been advocating the improvement of the inland waterways for the purpose of defense, the burden will not rest on those who have called attention to the matter. But is it not strange that men will find fault, that newspapers will go into paroxysms of fright and indignation, at the suggestion that two and a half millions be spent to take over an important connecting link in the waterways of the Atlantic coast, when, in one instance, without notice to Congress, the departments can spend $7,000,000 for a picric-acid plant and in another $4,000,000 for another picric-acid plant? I read from the Star, published in Washington:

Contracts have been let by the Ordnance Department for two picric-acid plants, one to cost $7,000,000, and to be located at Brunswick, Ga., and the other to cost about $4,000,000, to be located at Little Rock, Ark.

Can anyone tell us how these things are brought about without comment? Who in this House ever heard of the project of erecting a picric-acid plant to cost $4,000,000 at Little Rock? Have we had any discussion as to the wisdom of appropriating and spending $7,000,000 for a picric-acid plant at Brunswick, Ga.? You have heard something about inside waterways, something about the wisdom of taking over the Chesapeake & Delaware Canal, or the utilization of the Cape Cod Canal; but who has informed this House about the expenditure of $7,000,000 for a picric-acid plant at Brunswick, Ga.?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I just want to call to the attention of the gentleman from Pennsylvania [Mr. MOORE] that in peace times before we entered the war, in the fiscal year 1918, this item called for an appropriation of $1,174,000. The war has made it necessary to appropriate $135,000,000 for this item.

The Clerk read as follows:

Engineer operations in the field: For expenses incident to military engineer operations in the field, including the purchase of material and a reserve of material for such operations, the construction or rental of storehouses within and outside the District of Columbia, the purchase,

operation, maintenance, and repair of horse-drawn and motor-propelled passenger-carrying vehicles, and such expenses as are ordinarily provided for under appropriations for "Engineer depots," "Civilian assistants to engineer officers," and "Maps, War Department": *Provided*, That when to the interest of the Government, funds appropriated under this head may be used for the purchase of options on material for use in engineer operations in the field, $892,000,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I presume under this paragraph carrying $892,000,000 the engineers would have authority to put boats upon canals in France.

Mr. KAHN. Yes.

Mr. MOORE of Pennsylvania. They have the power here specifically to provide motor-propelled passenger-carrying vehicles, and in France just now barges are used to a large extent for the purpose of moving troops as well as to carry supplies and move them from one point to another. I think this is highly commendable, because while we are sending horseflesh abroad to carry our men and railroad material and railroad constructors to build railroads, it is entirely consistent that we should apply some of the great resources of the country to the utilization of the waterways of France, if it facilitates the purposes of the war. But suppose for a moment that the seat of action should be removed from France and transferred to the United States. Suppose there is some truth in the suggestion that submarines are hovering along the Atlantic seaboard. Suppose it is possible or probable that some new *Deutschland* may enter the port of Baltimore, as the original *Deutschland* did a couple of years ago, and our waterways in the United States are not ready to transport our troops or to transport our supplies from point to point. Suppose, having built up the waterways of France and helped to improve those of England with the resources of the United States, it should be found when the war develops upon our own frontier that we are unable to take advantage of our waterways because we have persisted in neglecting them.

It may be that military experts know about this subject more than I do; it may be that some of them have thought this thing over carefully and are thoroughly well prepared to meet the question, but I call your attention to the fact that some years ago when we sought to have the Secretary of the Navy send a few small craft through one of the canals from one navy yard to another along the Atlantic coast he was unable to do so because there was not sufficient depth of water to accommodate the boats. He sent them out into the open sea and they were driven by storm, and great damage occurred to the property of the United States; if I am not mistaken some lives were lost. On one occasion, a little more recent, we undertook to have some vessels of the Navy enter one of the ports of the United States up yonder in New England, but those battleships could not approach nearer than 7 miles of that city. I recall, too, that when the Secretary of the Navy came to a great convention in the cities of Albany and Troy, several years ago, we undertook to have one of the small vessels, one of the smallest of the torpedo boats, sent up the Hudson River to dock at the city of Albany. She did, and when she docked there she docked so successfully that upon the arrival of the Secretary of the Navy she had settled in the mud and was unable to move stem or stern. It might have been necessary for that small boat to pass through the Erie Canal into the Great Lakes. It may be that the day will come when vessels will have to be passed from the Great Lakes to the ocean.

The railroad control board is undertaking to meet the Erie Canal situation by putting barges on to carry grain from the Great Lakes to the Atlantic Ocean, and the Shipping Board is putting on some barges to brave the open sea in times of stress. They are making a start, but I suggest that in the event of war upon our own shores we would have to speed up on our inland waterways or we would not be prepared for such an emergency.

Mr. CANNON. Mr. Chairman, I rose just to cast my eye about to see if the gentleman from Wisconsin [Mr. FREAR], a member of the Committee on Rivers and Harbors, is present. If he is not present, the speech of the gentleman from Pennsylvania [Mr. MOORE] will have to go unanswered. [Laughter.]

The Clerk read as follows:

Ordnance service: For the current expenses of the Ordnance Department in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters, and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the Ordnance Service and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; for publications for libraries of the Ordnance Department, including the Ordnance Office; subscriptions to periodicals, which may be paid for in advance; and payment for mechanical labor in the office of the Chief of Ordnance; and for purchase, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles, $30,000,000.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. It will probably be remembered that when the regular minority leader, the gentleman from Illinois [Mr. MANN], was last in attendance upon the House, he made a few remarks with reference to war preparations, and among other things expressed the hope and the confidence that American genius would before this war closed invent something that might very materially assist in turning the course of it toward victory for this country and our allies. I have had occasion recently to take note of two inventions the nature of which I do not care to go into at this time, although I do not know that it is kept especially secret, but which are such that I believe when they come into general use in our armies will give a great advantage to the side that has the opportunity of using them. Possibly they may go further. Their effect may be revolutionary. My understanding is that the War Department has so far approved these inventions that it has made what might be called a trial order in connection with them. I think that the War Department might go further in this respect and very much further with reference to the matter of promising inventions in general. I presume that I, as much as any other man, have objected to, and indeed at times criticized, the expenditures where I thought there was likely to be some waste and an unnecessary use of the public funds, not only in connection with matters that were not directly connected with the war, but also with some that were in fact directly connected with the war. But I want to say now, and I believe that I express the opinion of every Member of the House, and if not I shall be glad to have any who takes the contrary view express himself, that I think the department ought not to hesitate in the least about spending money for the trial of these new inventions. It may be that after putting many thousand dollars into these new inventions to which I have referred an actual trial in the field may possibly show that they are no improvement over what we already have.

But if the order is not made larger than what they have given the contract at this time it will not be possible to make a sufficient amount to have any appreciable effect on the great conflict before some time next year. I want to say for my part, as I believe for the great majority of the House, that I think no one would object to a million dollars being used in the trial of promising inventions. I have had some occasion to bring matters of this kind to the attention of the various boards, and I have regretted to see a disposition, perhaps inspired by the fact they might think they would be criticized in case the inventions turned out to be failures, a disposition to be somewhat niggardly in making a trial of inventions which seemed to be very promising and which the boards to whom they were submitted considered likely to be of great use and advantage. The present situation on the western front at this time indicates that the lack of success on the part of the allies and the almost interrupted success of the enemy in recent months is largely due to the fact that in a scientific way, in an inventive way, Germany has always been somewhat ahead of the allies. I think that has been the case with reference to flying machines. It has been the case as to various devices which have been used with great effect in this war, and it is probably the case with reference to gases which have been used by the Germans with such deadly effect and at times with such dreadful effect in turning the tide of victory in their favor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. I bring this matter up at this time in the hope that all the officers of the department who are following any avenue of promising investigation may take a broader view with reference to the expenditures in that direction. I do not believe that there is any necessity for caution in that respect, and I do not believe that money can be considered as wasted even if it should turn out that some of the things that are being tried should not prove as effective as we might wish. There has always been, I think, somewhat of a tendency on the part of our Regular Army officers, and indeed those in the Navy, to view with skepticism new inventions which might come under their notice. It was the case in the Civil War, and I think it has been somewhat the case at this time, but I hope they will not be deterred in any way by the fact that Congress has been at times critical as to how it is spent, but, on the contrary, will use every dollar that is needed, if it be millions, to test the work of every invention that shows any promise of being of any help in this great conflict. [Applause.]

The Clerk read as follows:

Ordnance stores, ammunition: Manufacture and purchase of ammunition for small arms and for hand use for reserve supply, ammunition for burials at the National Soldiers' Home in Washington, D. C., ammunition for firing the morning and evening gun at military posts prescribed by General Orders No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home at Washington,

D. C., and soldiers' and sailors' State homes, $390,000,000: *Provided*, That the Secretary of War is authorized to enter into contracts, or otherwise incur obligations for the purposes above mentioned in this item not to exceed $706,486,091, in addition to the appropriation herein and heretofore made.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. Under this item in the bill I believe hand grenades are purchased. I think I owe it to the House to make an explanation, not of an error that I made in a previous talk to the House, but of a claim made by the Ordnance Department that was thought to be well founded at that time, which has not turned out to be correct. As I brought to the attention of the House the original claim, I think it is due the House to present the facts as they are in regard to the hand grenades.

As you know, the Mills grenade was used by Great Britain very successfully, but it was very dangerous to the men training with it and a great many lives were lost. So when we came to develop the hand grenade very properly we attempted to get as good a grenade and at the same time not have it so dangerous. This device was arranged on this grenade by which in addition to pulling the safety pin and releasing the lever, which had to be done in the case of the Mills grenade, there must also be a sidewise motion. After the safety pin was drawn, in addition to releasing the hand from the lever, which was all that needed to be done in the Mills grenade, there must be a sidewise motion bringing it around to one side in order to arm the grenade. In that way it was made safe for the man throwing it, but by the same token it was also made safe for the other fellow. It was found in actual practice that it was too safe, and the long and short of it is it has been discarded. They had already made several millions, probably two or three millions, of these Bouchon assemblies, but it is not all wasted, because they are able to saw off this handle and put on a new handle. All that is wasted is the labor of sawing off the old handle and the time and material used in making a new handle. This done we have a grenade just exactly as good and exactly as dangerous both to friend and foe as the Mills grenade. So we are back to just where we began in respect to hand grenades.

Now, we are developing another grenade, which I wish to show the House. It is the Wales grenade, that we hope is going to be superior to anything that has ever been developed. Grenades heretofore have been time-fuse arrangements. The one I hold in my hand is a time-fuse grenade, and the Mills grenade is also. After the lever has been released in that way [illustrating] the fulminate is fired, and 4½ seconds afterwards the grenade explodes. If you drop it where you are, it explodes in 4½ seconds, just the same as if it had been passed over to the enemy. In fact, grenades are all dangerous if they are any good. A man can not throw one far enough to get out of the way himself. In other words, he is in the danger zone himself as far as he can throw it if he is in the open where it might hit him.

We have been trying to invent an impact grenade, which has certain distinct advantages, and we think we have it in the Wales grenade. It has a double safety device. The safety pin must be withdrawn before it is dangerous at all. After that this chain must be drawn, and it has a pull about the same as a rifle-trigger pull—about a 6-pound pull. Taking the button between the fingers, the grenade is thrown like a baseball, holding on to the button. As the grenade leaves the hand it pulls the chain out, and when the chain is pulled out of the grenade the next thing it hits it explodes on impact. This is a very good feature in hand grenades, because it is very difficult to time the grenades accurately enough to make them explode at the right time.

This one explodes at the right time, because that is just when it hits, or it can be made to explode a certain time after the impact. In addition to the safety pin, which I have now removed, this chain must be removed. It is usually withdrawn in throwing, but I shall pull it out here. It is now what is called "armed," and if there were an explosive charge in the grenade it would explode when it strikes anything. If I should throw it just as far as I could, it would fire when it landed. If I dropped it at my feet, it would fire. [Mr. TILSON dropped the grenade into an empty wastebasket in front of the Speaker's desk, and the detonator fired with a loud report.] [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired. [Laughter and applause.]

The Clerk read as follows:

Small-arms target practice: For manufacture and purchase of ammunition, targets, and other accessories for small-arms, hand, and machine-gun target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition, targets, target materials, and other accessories which may be issued for small-arms target practice and instruction at the educational institutions and State soldiers' and sailors' orphans' homes to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, $75,200,000; *Provided*, That the Secretary of War is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned in this item not to exceed $84,073,725, in addition to the appropriation herein and heretofore made.

Mr. SCHALL. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent to extend my remarks in the RECORD on the Overman bill.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD on the Overman bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FIELDS. Mr. Chairman, before proceeding I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Chairman, I make a similar request.

The CHAIRMAN. The gentleman from California submits a similar request. Is there objection? [After a pause.] The Chair hears none.

Mr. OLNEY. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Massachusetts makes a similar request. Is there objection?

There was no objection.

Mr. SHALLENBERGER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, I will state for the benefit of the committee that when we go back into the House I propose to ask unanimous consent that all Members who have spoken upon this bill may have the privilege of extending their remarks within a certain period.

Mr. LOBECK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FIELDS. Mr. Chairman, the bill H. R. 12281, which we are now considering, the purpose of which is to appropriate funds for the maintenance of the Military Establishment for the fiscal year ending June 30, 1919, carries a direct appropriation of $9,583,349,808.61 and an additional authorization of $2,458,332,801, making a total of $12,041,682,609.61, the largest amount of money ever appropriated or authorized in a single bill in any legislative body on earth. The sum is so large that it almost staggers the imagination of man. But our expenditures must be measured by our responsibilities at the present time, which are the heaviest, the most extensive, and the greatest ever assumed by any Nation from the dawn of civilization to the present hour. They are of such magnitude that the mind of man is not capable of fathoming their depths, measuring their height, or conceiving their extensiveness. But great as they are, they must be met and they will be met, for should we fail to meet and properly discharge them we would through such failure surrender the principles upon which our civic institution was founded and for which we live as a Nation—the principles for which our Puritan fathers said good-by to an oppressed people and braved the dangers of an unfathomed sea and an unexplored wilderness that those principles might be permitted to run their course and develop their virtues in the lives and the affairs of men.

Those principles for which our Revolutionary fathers defied the mother country and offered their fortunes, their blood, and their lives that they might be crystallized into the form of organized government for the protection, the benefits, and the blessings of their posterity and the generations to come after them, and should we of this day and generation fail to demonstrate the zeal and offer up the sacrifices demonstrated and offered up by our Puritan and Revolutionary fathers in the protection and for the perpetuity of those principles, the principles of religious and civil liberty, we would not be worthy to call them our fathers, but would, in our humiliation, be forced to hang our heads in shame amid the tombs where sleep their ashes. But we will not suffer humiliation or subject our posterity to the evil consequences that would follow our failure. But in a spirit of unanimity and by force of combined effort we will meet and discharge every responsibility that confronts us or may hereafter confront us in the prosecution and proper settlement of this war. For only its vigorous prosecution and proper settlement will insure our safety as a Nation and our

peace in the future, and the more effort we exert, if exerted effectively, the sooner we will win, and with less sacrifice of life than would be required by a long-continued war of less vigor.

I do not mean by that assertion that we will win immediately with all the effort of which we are capable. I have realized from the beginning that it would require both time and effort to win this war, and have so stated both on this floor and elsewhere, but I do contend, as I have from the day that we entered the war, that we should prosecute it in the most vigorous manner regardless of the present cost, for any effort to economize at this time on necessary expenditures would be false economy and result in extravagance, or have the effect of extravagance in the end.

There will, of course, be some extravagance and some waste of money in building up a great institution like our Military Establishment, especially when constructed as rapidly as it has been constructed and with such proportions as it contains, but considering as a whole the work which has been done in a little more than one year we are forced to regard the success of the movement as almost immeasurable.

The building up of our Military Establishment from what it was at the beginning of the war to what it is to-day would be like entering upon an unexplored continent in the wilds with nothing to start with but its natural undeveloped resources, and converting it into a land of modern cities and manufacturing establishments of every character within a period of one year.

This result has not been accomplished without mistakes or without duplication in some instances and omissions resulting in great disadvantage in others. But, as I have previously said, that could only be expected in so rapid a growth of so great an institution.

I for one did not believe when we started on this great program that there would not be mistakes, but, quite to the contrary, I expected mistakes to be made, but did all in my power in my humble and feeble way to safeguard against mistakes as much as it was possible to do so; and I will say in passing that I have observed that some who were loudest in the expression of their belief, when the war first started, that our military men were infallible, and loudest in their condemnation of Members of Congress, and especially members of the Military Committee who endeavored to guard against mistakes, have since been loudest in their criticism of mistakes, both real and imaginary, on the part of both the administration and the Military Establishment; and I am frank to say, Mr. Chairman, that that sort of conduct always makes me tired. I have no patience with an extremist who blows first hot and then cold in their judgment of their fellow men.

We should weigh the virtues and achievements of men along with their shortcomings and their failures, and if we pass judgment upon the progress of the administration and the Military Establishment in that manner we must concede that their success in preparing for the prosecution of this war has exceeded the highest hopes of even the most optimistic.

Mr. Chairman, much criticism has been indulged in during this debate with regard to the Aviation Section of the Army. Some of it is probably well founded, but much of it wholly without foundation.

About 10 months ago we provided the appropriation to increase this branch of the service. There are business men here who have built up business organizations from the ground and who know something about the time that is required to build up a private institution that does not compare in any way in size with this great institution. First, we started on such a large scale as compared with what we had ever figured on before that it almost staggered the country, and I think, and have thought from the beginning, that the task which those in charge mapped out for their first year was impossible, and this was probably one of their greatest mistakes, as their failure to accomplish it resulted in disappointment and disappointment brought criticism. They had first to find the men who could figure out the plans for this organization. Then they had to find the factories throughout the country that could manufacture the different parts. That could not be done in a day. It took time. After the different factories were located it had to be decided what parts should be manufactured by one and what should be manufactured by another.

All that took time, and then the material with which to manufacture airplanes had to be procured, most of which had to be taken in its raw state from the forests and the mines. I know that mistakes have been made. But would not mistakes have been made in a private institution of the same size? Therefore I think it is unfair to brand the whole proposition as a fraud, as some people seem to try to do because mistakes have been made in building up this institution which has come up like a mushroom almost overnight. As I say, of course mistakes have been made, because this institution was built up by men, and the man who would contend that mistakes should not have been made would also have to contend that human beings have reached a state of perfection where mistakes are impossible, and if I should contend that we have reached a state of that kind, the man who finds the most fault would be the first to take issue with me. We should not become spasmodic in these days, although you know the American mind is subject to that. First the American people as a class are indifferent on great problems, and our indifference oftentimes causes unnecessary delay. Our indifference toward preparation for the proper defense of our country caused us to enter into this war wholly unprepared. Then our next chief characteristic is our spasmodic tendencies after we become aroused. After the first spasm has passed we then settle down to a sane business determination to perform the duty before us, and that is the plane upon which we are standing to-day. These mistakes are being corrected by the men who have made them. I have seen no evidence of graft. If there is a man anywhere in or connected with the Military Establishment who has indulged in graft of any character he should receive the severest punishment; but the man who has honestly made a mistake should not be branded as some of these men have been branded by some of the papers and some of the people throughout the country. This great organization has probably expanded faster than any other organization that has ever been built up in this country under the Government or under private control. It was all an experiment. There were only a handful of men who knew anything about the service, and in view of that fact, together with the magnitude of the responsibility that was laid upon their shoulders, it is a wonder that even greater mistakes were not made than have been made. I have no objection, and I know that the honest men who are charged with mistakes have no objection, to an honest, unbiased investigation, and because of the criticism that has been heralded throughout the country I think it is due them and due the country that a fair, impartial investigation be made, so that men who have not grafted may be exonerated; and if there be any who have grafted the punishment should be meted out to them that they deserve. But the investigation should be conducted in a spirit of fairness, with only one purpose in view, and that should be for the betterment of conditions in the service and for the meting out of justice to everyone concerned. Probably all branches of the service have made mistakes, and you know as a rule we hear more about the mistakes of men than we do about their achievements or the good things they do, but if we weigh the success and the achievements of the Military Establishments along with its mistakes and failures the latter will fade into insignificance.

I can not refer, in my limited time, to the many shining achievements of the Military Establishments since the war began, but I hope that I may have the time to refer briefly to a few of them. First, it has builded an Army, and, thanks be to God, an Army of men and not of children, that surpasses in size and efficiency the highest demands made by the critics of the administration when the task was first begun. It has built up its technical units with men of the highest skill in their respective trades, which adds untold strength and efficiency to the whole establishment, and it has converted the Medical Department, which was small at the beginning of the war, into one of the greatest institutions of its kind that the world has ever seen.

The country owes a debt of gratitude to Gen. Gorgas and the skilled and patriotic men who have labored with him in the splendid performance of that great task, and I may say in passing that no other branch of the Military Establishment appeals so much to the American people as does the Medical Department, which cares for and administers to our soldier boys—God bless them—when sick and wounded, and for that reason no other department finds so firm a place in the hearts of the people.

There is one other branch of the service in particular, the success of which I wish to refer to briefly, and that is the small-arms division of the Ordnance Department, over which we have just passed. The country is under obligations to that branch of the service for the magnificent work which it has done. The success of this branch of the service is a splendid illustration of the work of a man who is familiar with what he is doing. When the small-arms division took hold of its task at the opening of this war, under the management of Col. John T. Thompson, a man of practical experience, it had, so to speak, a broomstick to start with, but that department has attracted the attention of the press from one side of the country to the other.

I read from the editorial column of the Philadelphia Inquirer of March 11, 1918, the following:

One of the heads of the bureaus in Washington who will have no trouble in getting along famously with March is the chief of the small-arms division of the Ordnance Department, Col. John T. Thompson. This hustling expert left the Army a number of years ago to accept an offer from the Remington Rifle Co. He built the mammoth plant at Bridgeport, Conn., where the bulk of the guns made in this country for the British, French, and Russian Governments were turned out. Thompson returned to the Army when America entered the war, and is now smashing records for his own Government. Under his direction the Army is now getting rifles at the rate of 13,000 a day. This is a world record. According to War Department estimates, there are now more than a million and a quarter Springfield and modified Enfield rifles on hand. Consequently the Washington Government will have to direct Col. Thompson's energies to some other channel, or the Army will be buried under an avalanche of small arms.

And the Louisville Courier-Journal of March 26 said editorially:

PLENTY OF RIFLES.

When the German legions were pouring into France, a horde armed and equipped as men never before had been armed and equipped, the vanguard of an army of 12,000,000, according to figures which have been accepted as credible, young Englishmen were drilling with wooden guns.

When the war had been in progress more than three years, and when America had been drawn into the maelstrom, American recruits, some of them, began drilling with broomsticks.

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The belaborers of Gen. Crozier and Col. Thompson, of the Ordnance Department, a short time ago, had their fling, and enjoyed it a great deal, but apparently there was no real cause for the perturbation about the inadequacy of the department; no reason for introducing the term "Crozierism" into the vocabulary of opprobrious terms. The Army and Navy Journal, in an article indorsing the type of rifle now being manufactured for the American troops, credits Col. Thompson, chief of the small-arms division of the Ordnance Department, "more than anyone else" with what it terms "one of the greatest accomplishments of the war, and perhaps the greatest single contribution we have made so far to the cause of the allies."

From broomsticks in May, 1917, to modified Enfields at the rate of 50,000 a week in March, 1918, with a larger developed manufacturing capacity, in a country whose firearms manufacturers outside of the Government arsenals made nothing but sporting rifles in 1914, is a record of which no American need be ashamed; an achievement which Col. Roosevelt, secretly and silently at least, must regard as "corking."

Also, the Arms and the Man of March 30 said in speaking of Col. Thompson:

He served in the ordnance branch in many capacities, including that of chief ordnance officer of the United States forces at Tampa, Fla., and that of instructor of ordnance and gunnery at West Point.

At the close of the Spanish War his work brought him in closer touch with small-arms problems, and he played an important part in the development of the Springfield rifle, model 1903, as well as in the development of the Army automatic pistol.

At the close of eight years of duty at the Springfield and Rock Island Arsenals he was detailed as senior assistant to the Chief of Ordnance, where among other duties there fell to him the task of supervising the methods of administration of ordnance establishments. During this service he prepared, at the request of the Chief of Ordnance, a paper on the "Art of Designing and Constructing Small Arms." This paper was presented before the International Engineering Congress in 1904. He was also selected to prepare the article on American small arms for the tenth edition of the Encyclopædia Britannica. For a considerable time he served as a member of the executive committee of the National Rifle Association.

Following his retirement from active duty and before his return to Army service at the outbreak of the war with Germany, Col. Thompson was general ordnance engineer of the Remington Arms U. M. C. Co., and in that capacity supervised the construction of the new rifle plant at Bridgeport, Conn. Following this he was consulting engineer of the Remington Arms Co. of Delaware, Eddystone, Pa., and here he was of great assistance in increasing the facilities of that plant in order to carry out the enormous demands of Great Britain for the Enfield rifle, model of 1914. When this country declared war on Germany Col. Thompson was called into active service and was assigned to the task of redesigning and modifying the British Enfield, for which his wide experience and special training in rifle production has fitted him. This service resulted in making available several rifle plants which had been making this rifle for the British Government to carry out the extensive production program for the U. S. rifle, model of 1917 (modified Enfield), which is now so successfully being met. To Col. Thompson must go the larger part of the credit for the world-record production of the modified Enfield and for its general excellence.

And another prominent paper recently said:

The one redeeming light in the whole ordnance business is the production of rifles and cartridges—the best in the world—away ahead of time and in such quantities that manufacturing is now being checked, to release skilled labor for other pressing war needs. To Col. John T. Thompson, who quietly achieved the whole thing, the whole country, no less than the Government, owes a debt of everlasting appreciation and gratitude.

Mr. Chairman, we are proud of the condition that the small-arms division has put itself in, such a condition that it could even discontinue the manufacture of the rifle as a whole for the manufacture of repair parts that will be used in repairing the guns that are put out of commission by use on the battle field.

Now, of course, we did not have experienced men like Col. Thompson for every task to be performed, and therefore the same success and the same showing could not be expected. But while we criticize mistakes that have been made, I feel that it is only fair to call attention to remarkable showing that have also been made. You know, we are rather given to magnifying the mistakes and overlooking the achievements of men. But I contend that if it is right to criticize where criticism is due, it is also right to give praise where praise is due, and I am submitting these observations in a spirit of fairness to the man who has performed his duty and performed it well. So much for that.

Now, in the last hours of the consideration of this bill, I want to refer briefly to the splendid and nonpartisan spirit that has manifested itself in the committee in the preparation of this bill, and that is now manifesting itself in the House during its consideration. I want to say, first, for the minority, that at no time in the preparation of this bill have the minority members even shown a shadow of political play or an effort to take political advantage of any kind whatsoever. [Applause.] We have met our tasks, not as Democrats or Republicans, but as American citizens, performing a duty laid upon us, not by our respective political parties, but by our country, that is involved in the greatest war of all time. [Applause.] And I am proud to see the same spirit asserting itself in the action of the citizenry throughout the country. There are criticisms sometimes, no doubt, that are not justified, but I believe that the American people as a whole are thinking less of politics to-day than ever before in the history of the Republic, and that should be their frame of mind until this conflict is ended. Because this is not a political war; it is the war of the Nation, and it can only be won by the people of the Nation in one united effort.

The committee has studied the estimates submitted by the War Department, and it has been the intention and the determination of the committee to give to the War Department every facility necessary to the proper prosecution of the war. Some estimates may seem extravagant, but at the best it was only a guess.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FIELDS. I ask unanimous consent to continue for two minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. FIELDS. We could not expect the executive officers to submit accurate estimates as to what they would need on many of the items in the next fiscal year, because time can only tell what the needs may be. If the war goes on, probably the next estimate will stagger the imagination of the American people. But whatever may come or whatever estimates may be submitted the Committee on Military Affairs of the House stands ready, on both sides of the aisle, to support the President and the War Department in the prosecution of this war to a successful conclusion. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Automatic machine rifles: For the purchase, manufacture, test, repair, and maintenance of automatic machine rifles, or other automatic or semiautomatic guns, including their mounts, sights, and equipments, and the machinery necessary for their manufacture, $237,144,000: *Provided*, That the Secretary of War is authorized to enter into contracts, or otherwise incur obligations, for the purposes above mentioned in this item not to exceed $337,726,000, in addition to the appropriation herein and heretofore made.

Mr. TILSON. Mr. Chairman, under this item of "purchase of machine guns" I wish to ask the indulgence of the committee for a very few minutes while I say a few words about machine-gun production.

I hold in my hand the so-called light Browning gun. I present it because comparatively few people realize that it is more a glorified rifle than a machine gun. I place beside it, in order to show the difference, a machine gun known as the Marlin aircraft gun, which is used in the airplane as a fusilage gun. We have given orders for a number of thousands of these, and they are in full production, so that they are coming in just as rapidly as we shall need them. There is no difficulty in securing all the Marlin aircraft guns we need, and of all the Lewis guns we need. Both are in full production and are coming right along.

Now, just a word as to what "production" means. So much has been said, founded on so little knowledge in regard to what "production" means, and about when an article is "in production," that I think an explanation is timely. We have even heard some talk of the "peak of production," seemingly without any idea of what "production" means. If you make one gun, that is production in a sense. You have made one. Our grandfathers would procure a gun barrel and then go to another man and get it "stocked." That is the way guns were made in those days. Our guns now are made by machinery. When they are made in large quantities they must be made by machinery, and in order to produce them in large quantities it is necessary to have the necessary machinery and the necessary tools. For certain operations it is necessary to have a large number of tools, because one operation may be performed very rapidly, and another operation, equally important and which must be done on each gun just the same as the other, can be done only

very slowly. Therefore, in order to produce the guns at a certain given rate you must have greater preparation for doing those operations that take a long time than for those operations which take only a short time.

It is just as if you had a flow of water through a pipe of a certain size, where the flow is very slow; the pipe will admit only so much water. If you wish to enlarge the stream and build part of the pipe ten times as big, but leave the diameter of the pipe elsewhere just the same as before, you leave it at the original capacity; you will get no larger flow than through the original small pipe.

The smallest place is sometimes called the "neck of the bottle." It is the slowest point of production. In order to enlarge the production it is necessary to produce more tools, jigs, dies, and other essentials of manufacture. It may then be found that at another point is the "neck of the bottle," and so on until it is found out exactly the number of machines, tools, and other appliances of all kinds necessary for an even flow and a maximum amount of production from each operation. That is what is called "the peak of production."

Now, as to the Browning gun, neither the light nor the heavy gun has reached anything like the peak of production. Both of them are being put into production from the manufacturer's standpoint. The light Browning gun is much further advanced than the heavy Browning gun. Both are now being made by machinery; not full production yet, understand. It is necessary to tool up a great many departments and for many operations in order to have them come through rapidly. We are trying to find out where the "neck of the bottle" is, in regard to the manufacture of light and heavy Browning guns, and are enlarging it from day to day. We are hopeful that we are going to have by the end of the year a full maximum stream of production coming in. We are hopeful that we will be able even before the end of this year to equip some of the divisions in Europe with the light Browning, those that now have to be equipped with a foreign type of gun, which is a great disadvantage, because it does not shoot American ammunition. Along with the shoulder rifle that shoots American ammunition they must use a machine gun that uses at present a different ammunition.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. SMITH of Michigan. Would it be an advantage to assert the superiority of the Browning gun over the Lewis gun? The Lewis gun, I understand, is in production now.

Mr. TILSON. It is entirely different from the Lewis gun. The Lewis gun weighs about 26 pounds and is a portable gun, but you can not run and fight with it.

Mr. SMITH of Michigan. What is the weight of that other gun?

Mr. TILSON. It is 15 pounds 8 ounces empty. It is a great gun for attack. It is something like a glorified rifle, as I said at the beginning, and it has this additional advantage, that it is not only automatic but semiautomatic.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. TILSON. Mr. Chairman, I would like to have two minutes more.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. TILSON. I will try not to use it all.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. LOBECK. How many shots will it fire?

Mr. TILSON. This fires 20 shots from this magazine. A larger magazine can be made to hold 40, but that makes more weight, and there is a disadvantage in that. This shoots 20 shots. It is not only automatic but semiautomatic.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. TOWNER. Before you leave that magazine proposition, as I understand it, the soldier carries with him a certain number of those shot?

Mr. TILSON. The magazine?

Mr. TOWNER. Not the magazine itself, but the cartridges to put in the magazine. That is correct, is it?

Mr. TILSON. That is correct.

Mr. TOWNER. Now, can you explain to us how much of a motion and how long it takes to take out the expended cartridges and put in the new ones?

Mr. TILSON. The expended cartridges are gone. The shell comes out of this hole here [indicating], and the bullet goes out the muzzle of the gun. It is a simple matter to slip the clips right into the magazine five cartridges at a time. Besides, they carry extra magazines.

Let me explain the automatic and semiautomatic features. The machine is made full automatic by just changing a lever here; then by pulling the trigger and keeping on pulling every shot in it will go. Now, as to the semiautomatic, which is advantageous for certain kinds of service, you have to pull the trigger each time, making the motion indicated after you get the aim. So that the gun may be aimed a little more carefully; and as the expending of ammunition is sometimes a very serious matter, it is well to keep the gun, so far as possible, semiautomatic. It can be used quite rapidly in that way.

Mr. DICKINSON. The gun which the gentleman has in his hand is a light Browning gun, is it?

Mr. TILSON. The gun which I have in my hand is a light Browning gun.

Mr. MOORE of Pennsylvania. Would the gentleman mind pointing that gun toward the other side for a little while? [Laughter.]

Mr. DICKINSON. What is the difference between that and the heavy Browning gun, and how is the heavy Browning gun carried or handled?

Mr. TILSON. The heavy Browning gun is not carried in battle. It weighs up toward 40 pounds, has a water jacket on it to cool it, and is used on a tripod. It is used in defensive positions, called "nests." It is a very rapid and very deadly gun. It can be held very steady on account of its weight and the use of a tripod.

Mr. DICKINSON. Is it carried just like the Lewis gun that we saw on the street last year some time?

Mr. TILSON. It is a little heavier than the Lewis gun. It is of about the same weight as the Vickers gun, takes the same place, and is used for the same purpose as the Vickers gun. When it is used on the ground, it also has a water jacket on it to cool it, because the cooling of a gun is a very important matter; but when it is used in an aeroplane, the water jacket is stripped from it. The heavy Browning gun is the one that is intended to be used for a fusilage gun in the air, with the water jacket stripped off. For the present we use this Marlin gun, which, as I said at the opening of my remarks, is already in production, and which synchronizes very beautifully; that is, it shoots between the propeller blades. The same is true of the heavy Browning gun, whereas no one has ever been able to synchronize the Lewis gun. Therefore the Lewis gun can be used only as a flexible gun on an aeroplane; that is, it is used as a free gun, to shoot in every other direction except between the propeller blades.

Mr. DICKINSON. I understand the gentleman to say that the heavy Browning gun is to be used on the aeroplanes?

Mr. TILSON. Yes; and on the ground. It is used on the aeroplanes without the water jacket.

Mr. DICKINSON. But these machine-gun companies are expected to use the heavy Browning gun?

Mr. TILSON. Yes; they use the heavy Browning and the light Browning.

Mr. DICKINSON. Both?

Mr. TILSON. Yes; these are the two guns they are expected to use.

Mr. DOWELL. Are the heavy Browning guns now being used?

Mr. TILSON. They are only being used for training purposes. The heavy Browning guns are not yet sufficiently in production to justify the arming of divisions in Europe with them.

Mr. DOWELL. Then, as I understand it, the Army has not been equipped either with the light or the heavy Browning gun?

Mr. TILSON. The Army has not.

Mr. DOWELL. What guns are they using?

Mr. TILSON. In France they are using the Hotchkiss gun, chambered for French ammunition, for the heavy work, and they are using the Chauchat gun, which weighs only about 3 pounds more than the light Browning. It is being used for an attacking gun.

Mr. DOWELL. Can the gentleman tell us when the Browning gun will be ready for use by the Army?

Mr. TILSON. That would be only an opinion of mine. The capacity for production is increasing so rapidly, as they increase the special tools, of which I have spoken so often, that I am very hopeful that long before the end of this year they will be able to equip any divisions they please with them, and

that by the beginning of the year we will be making all the light and heavy Browning guns that we shall need.

Mr. KAHN. Will my colleague yield?

Mr. TILSON. I yield to the gentleman from California.

Mr. KAHN. If I remember correctly, the evidence before the committee was that a great many of the light Brownings have been manufactured and are now in the hands of troops.

Mr. TILSON. Oh, yes.

Mr. KAHN. And the heavy Browning it was believed was being made at only one factory, and that the work in that factory had been materially delayed, but since then the committee have been informed that the heavy Browning guns are also being manufactured at the Westinghouse Co.'s plant and the Remington Co.'s plant, and that they are now coming into quantity production.

Mr. TILSON. It depends on what the gentleman means by a great number. I could, if necessary, give the gentleman the exact number that have been made of the heavy and light Brownings, but that is not necessary. The most important point is not how many guns we have to-day. The important point is how many guns per day are we going to be able to manufacture in the days to come. As I have stated, we have not enough of these guns as yet to supply the entire Army, and it would be unwise to attempt to supply a small part of the Army at once. In my judgment it will be much wiser to use these guns for training purposes in this country for the present, training the men who are going to use them in the time to come.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I want to ask the gentleman from Connecticut a question. In reply to the gentleman from California [Mr. KAHN] he said that a great many light Browning guns were now in use in France. What is meant by the expression "a great many"? How many does that cover?

Mr. TILSON. My answer to the gentleman from California was that it depends on what is meant by the expression "a great many." It depends on the viewpoint.

Mr. COOPER of Wisconsin. Can not the gentleman approximate that?

Mr. TILSON. I certainly could. I could not only approximate it, but I could give the exact number.

Mr. COOPER of Wisconsin. Is there any reason why the House of Representatives should not know that?

Mr. TILSON. I have not thought it best to go into details as to the number. I will state to the gentleman privately, if he will come to me, and give him all the information I have. I have not felt as a junior member of the committee that it was my function to give out information supposed to be more or less confidential from the War Department and I prefer not to do it.

Mr. KAHN. How long does the gentleman think it will take to furnish every soldier who is called upon to carry a light Browning gun so that each will have one in his possession, at the rate we are making them now?

Mr. TILSON. At the rate they are making them now it would take two or three years, because as I have explained they are not in full production, but at the rate at which they are going to be able to turn them out a few weeks hence is another matter.

Mr. LONGWORTH. Mr. Chairman, I would like to ask the chairman of the committee a question. Does the gentleman think it proper to state how many machine guns of various kinds have actually been delivered to the American Army?

Mr. DENT. I hardly think so, further than what has been published in the report of the committee.

Mr. LONGWORTH. I have read a further statement on the part of a member of the committee, and may I ask the gentleman whether that statement is accurate or not?

Mr. DENT. What statement?

Mr. LONGWORTH. I refer to the speech in the RECORD, on page 7776, which purports to give the exact number of machine guns so far delivered.

Mr. COOPER of Wisconsin. Whose speech is it?

Mr. LONGWORTH. A member of the Committee on Military Affairs.

Mr. MADDEN. Was it the gentleman from New York [Mr. CALDWELL].

Mr. LONGWORTH. The gentleman from New York [Mr. CALDWELL].

Mr. DENT. I will state that the gentleman from New York [Mr. CALDWELL] has been here practically all the afternoon, but at the present moment he is out, and I think the gentleman ought to answer that question himself.

Mr. LONGWORTH. I asked the question of the chairman of the committee because I read two statements to-day, both apparently authoritative, coming from gentlemen who assume to know, and have no objection to stating publicly the number of machine guns actually delivered. I referred to a statement this morning with regard to the number of troops abroad made in a speech in Chicago in an article which I read. The chairman of the committee did not care to state, and I think quite properly so, what number he believed were abroad. In that paper from which I read this morning it is said that there are 100,000 machine guns actually delivered to the American Army.

Mr. MADDEN. And 1,000,000 troops abroad.

Mr. LONGWORTH. Yes; I referred to that this morning, and the members of the committee did not care to state whether that statement was exaggerated or not. I am now referring only to the statement that there were 100,000 machine guns delivered, and evidently the gentleman making it thought it was proper to state how many there were. The gentleman from New York [Mr. CALDWELL] goes with more detail into that matter, and specifies the different types of guns and the total number to be somewhere in the neighborhood of 40,000. Now, I am a little in doubt whether I ought to ask the chairman of the committee which statement he believes.

Mr. DENT. I do not think the gentleman ought to ask.

Mr. LONGWORTH. Then I do not.

Mr. CALDWELL. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. CALDWELL. I do not mind the gentleman asking me the question.

Mr. LONGWORTH. I will ask the gentleman from New York then—and I assume, as he has published it, that he believes his statement is correct.

Mr. CALDWELL. On the date that I gave the information I am satisfied that the statement I made was absolutely correct. I will state, in addition to that, since the date of the information was acquired by me it is barely possible that the numbers I have stated have been substantially increased, and how much I do not know. The gentleman referred to in the other branch of the Government made his statement of the date on which he was speaking. He may have been absolutely accurate. I know the date that I took to make my statement from the statement was absolutely correct. I have been careful in all the statements I have made to take the figures that are not new enough to give the enemy any information or that he could benefit from. I have tried to take figures old enough so that we could be reasonably sure that the enemy knew all about them.

Mr. LONGWORTH. May I ask the gentleman when and where and from whom he acquired his information?

Mr. CALDWELL. I would rather not state that; but the gentleman may take my word as a Member of the House that I got information which I believed was true and that I felt justified in giving it to the House and to the country.

Mr. LONGWORTH. Was it information that was authorized to be made public?

Mr. CALDWELL. Yes; it was given me with the understanding that I would make it public.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. SHALLENBERGER. I would like to ask the gentleman from New York if he took into consideration the guns in the possession of the United States Army in France—the machine guns?

Mr. CALDWELL. I think not.

Mr. LONGWORTH. The gentleman states now that the number mentioned by another gentleman in a public speech may be correct.

Mr. CALDWELL. If he included the number manufactured since the date of my speech and the manufacture of foreign countries that we are using, it is highly possible it is correct.

Mr. LONGWORTH. As I read the statement of the gentleman from New York, his statement was made on May 27?

Mr. CALDWELL. The gentleman will find that I stated that on such a date there had been delivered so many guns.

Mr. LONGWORTH. For instance, the gentleman says:

> We have 2,500 Colt, 2,500 Lewis, 3,400 Hotchkiss, 6,600 Vickers, of the heavy type, used only in the field. * * *
> Of the lighter machine guns, used for aircraft work, 16,000 of the Marlin synchronized type have been delivered up to May 1——

Mr. CALDWELL. The gentleman will notice that is some days ago. This is the 31st of May.

Mr. LONGWORTH. Did the gentleman intend to state, as nearly as he could, the number of machine guns delivered to date? That is what I want to know, because that is the appearance of his speech.

Mr. CALDWELL. The statement is very plain that I was making a statement as of May 1.

Mr. LONGWORTH. No; but the gentleman said "we have."

Mr. CALDWELL. The statement itself says May 1.

Mr. LONGWORTH. That refers to only one, the Marlin. The others were all under the statement, "We have 2,500 Colts," and so forth.

Mr. CALDWELL. I did not say "we have now." I said there have been delivered so many.

Mr. LONGWORTH. Oh, no, no.

Mr. CALDWELL. The gentleman will recognize it would be manifestly improper for me to give information that would give aid and comfort to our enemy, and the gentleman will certainly realize that no official statement or semiofficial statement of that character would be presented to this House as of up to the present minute. I have been careful in everything I have stated to this House to take figures of a date old enough so that I would not be giving information to our enemies. That is as plain as I can make it, and I think the rest of the House understands it.

Mr. LONGWORTH. I agree with the gentleman that it is unwise at this time for any public man to state under show of authority that there have been certain numbers of machine guns delivered to the United States Army. I regard it as even more reprehensible to state a number which by any possibility can be an exaggeration of a number actually delivered. This is no time for a public man to make any statement which will tend to lull the people of America into a fancied state of security. [Applause.] It was for that reason only that I called the attention of the House this morning to a public speech delivered by a Member of another body, in which he stated there are a million American soldiers in France to-day; that on December 1 next there would be a number equivalent to the entire British Army; and also made a definite statement as to the number of machine guns actually delivered. I trust that the gentleman to whom I refer did not say that. I trust that he was incorrectly reported.

Mr. DENT. I was going to ask the gentleman whether he is sure that the Senator from Illinois was correctly reported.

Mr. LONGWORTH. I only know what I read in the newspaper, but this I do know that there have been statements——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent to speak for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONGWORTH. This I do know, that statements have been repeatedly made by public men who the public at least believe know as to the accuracy of the facts they are stating, and these statements have been, as we all know, on repeated occasions grossly exaggerated, whether purposely so or not, and I repeat that the most indefensible thing to my mind that a public man can do in hours like these is to make statements to the American people which are exaggerated and which tend to make them believe that conditions are brighter than the facts justify.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. KAHN. Is it not a fact that the statement by the War Department that we would have 22,000 aeroplanes by the 1st of July of this year is responsible in part for the feeling among the American people that the program has broken down.

Mr. LONGWORTH. Unquestionably, and that was what I had in mind. That I regard as the worst of all these misstatements. The people were given the right to believe, because it was stated upon the authority of those who were assumed to know, that on the 1st of July we would have 20,000 aeroplanes produced in this country and delivered in France, and it is just such statements as that that I complain of.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. FESS. My colleague, were he at home, would find that the statement about our machine guns has been the subject of favorable editorials in almost every county paper in Ohio. I have been there and just came from there, and if the statement is misleading at all, it will certainly create a revision of opinion in due time, because it has been accepted as a statement of fact, and I simply rise to add that statement to the importance of what my colleague is saying. We are building up false hopes among the people and thereby a tremendous revulsion if we can not keep faith with them.

Mr. LONGWORTH. I agree with my colleague entirely. I sincerely trust that the gentleman to whom I have referred has been incorrectly reported. I have great admiration for him and a great liking for him, but if what he actually said is an overestimate, either in respect to the number of American soldiers abroad or the number of machine guns delivered, it amounts, as my colleague says, to encouraging false hopes in the breasts of the American people and at a time in our history when it is most dangerous to encourage such false hopes.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. I know, of course, that an absolutely accurate statement of the accomplishments of this administration in carrying out the endeavor of the American people to do this thing in a great way is going to sit unpleasantly with a great many people in this country and particularly that branch of the people——

Mr. MADDEN. Mr. Chairman, I do not believe the gentleman is justified in making a statement of that sort on the floor of this House. The attitude of the membership of the House has not been such to justify it, nor has the attitude of the people generally.

Mr. CALDWELL. And the many people to whom I refer are the people who have in season and out of season criticized the administration for what it has done or failed to do, who have one day set a figure that they thought was higher than the administration could reach, and when the administration reached it quickly have raised their "ante" within the next breath and claimed the administration should have done two or three times that much.

Mr. McKENZIE rose.

Mr. CALDWELL. No; I can not yield, I have not the time. When it occurs that this administration can prepare and take over 10, 20, and 100 times as many men and their supplies as anybody in the country or any of our friends or any of our enemies thought we could take over, then they say we are disclosing secrets that ought to be kept under cover, and if somebody makes a statement of fact that tends to create confidence of the American people in our institution that these critics have been trying to destroy, then that man is subjected to criticism here upon the floor of this House.

On the 4th day of last July I was in my home city, Forest Hill, L. I., and at that time I had just received a telegram from my secretary informing me that an inquiry of the War and Navy Departments disclosed we had under arms in defense of this country a little more than a million men. At noon that day I had lunch with a distinguished gentleman, who has been the severest critic of this administration, at which I announced that fact. We were in my home city, where he was the guest of honor, and sitting at a table with me among my friends. He sought to destroy confidence in me by saying to me he did not believe it and asking me how many soldiers I thought we would have in France in a year from that date. I replied a million. He then got up in the company and asked to shake hands with me as an optimist. Thank God, I am an optimist. I have confidence in the administration. I am satisfied that on the 4th day of July of this year we will have a million of the best soldiers in the world, clothed with the best clothing ever prepared by any people for its soldiers, armed with the best guns and shooting the best ammunition, and surrounded by the most moral influences that ever surrounded an army in the history of the world. They will carry our cause to victory regardless of the unfounded criticism hurled at this administration because it happens to be Democratic. [Applause.]

Mr. DENT. Mr. Chairman, I move to strike out the last word just to make this statement: I had hoped we could pass this bill this afternoon. It is now 4.30. It is not a partisan measure; it has not been a partisan measure before the Committee on Military Affairs of the House, and I am sorry that anything should be injected into this discussion that would make this any sort of an unhappy occasion, because we have all worked together harmoniously, and I hope from now on we will proceed to act in the same way, and we will not have any further trouble about the passage of this bill because I do not believe that there is a single Member of this House who is not willing to vote for this bill after the Committee on Military Affairs, composed of Republicans and Democrats, have carefully gone over everything we need with the War Department and have decided upon the amount that ought to be given. I am sure that if we will but get in a happy humor we can pass this bill to-night and adjourn over until Monday. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. FESS. Mr. Chairman, I rise to oppose the pro forma amendment just for the purpose of calling attention to a demonstration and test made not long ago with one of the Browning machine guns. An officer took a belt that held 250 cartridges, displaced some of them by leaving several partly protruded, and also took a soft hammer and pounded three or four out of place, and then took the belt and twisted it around three or four times and laid it upon the ground and started the gun. He said that any other machine gun where the cartridges

were not put in place would jam when that place was reached; also that any cartridge that was in any way deformed would cause the gun to jam. This officer, with whom I am very well acquainted, and know precisely what I am talking about, started the gun in operation and it shot 250 times, righting all of those errors as it went along. He made the statement that this was the only gun made to-day that would do that, and when I spoke to him about the comparative efficiency of the gun, he said that if we had a sufficient number so that our men could be well supplied there is no doubt that a good report of it will be made both by the men and the gun. You will permit me to say that much in favor of the program. I have not had any feeling of criticism other than just what was suggested a while ago that I think it is very, very unfortunate to build up a false hope, a promise that we are not able to keep. That is the reason I introduced a moment ago a note that might seem to be adverse.

I agree with my friends that when we are rightly equipped—and you can not do it at once—and our boys are in line, there is one way that this war will end, and that is the right way. By the superior ability of American troops we will end this war. The troops that are now moving away from Berlin, that were promised they could be back home in three months after they started, will certainly go back when they are driven back by the force of the American Army. I do not have any doubt even in this hour of depression, when you read the headlines as to what is going on. I think without doubt we will be able to dispose of more Germans than they will of us, and that will ultimately end the war in our favor. [Applause.]

The Clerk read as follows:

Arming, equipping, and training the National Guard: To provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice and field and coast defense instruction, either independently or in conjunction with any part of the Regular Army, and there may be set aside from the funds apportioned for that purpose and allotted to any State, Territory, or the District of Columbia such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of said State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice and field and coast defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled to by law. To provide for camps of instruction for the instruction of officers and enlisted men of the National Guard. Such camps shall be conducted by officers of the Regular Army detailed by the Secretary of War for the purpose, and may be located either within or without the State, Territory, or District of Columbia to which the members of the National Guard designated to attend said camps shall belong. Officers and enlisted men attending such camps shall be entitled to pay and transportation and enlisted men to subsistence in addition at the same rate as for encampments or maneuvers for field and coast defense instruction: *Provided*, That of this sum so much thereof as may be necessary is authorized to be expended for the payment of transportation of troops of the Regular Army in connection with joint camps of instruction of the National Guard: *Provided*, That of this sum as much thereof as may be necessary is authorized to be expended for the pay, transportation, and subsistence of officers and enlisted men of the National Guard Reserve as may be authorized by the Secretary of War under the law to attend encampments, maneuvers, or other exercises of the National Guard, $2,473,650.

Mr. CRAGO. Mr. Chairman, I have not taken an active part in the debate on this bill, because I was anxious to see it expedited as much as possible, but on this provision for the National Guard I want to submit a few observations and call the attention of the House to the fact, with which perhaps you may be familiar, that of our magnificent Army now in the field at home and abroad about one-half million of the best-trained men are the product of the National Guard of the various States. [Applause.] In other words, that under the provisions of the act approved June 3, 1916, providing for the extension and for the federalization of the National Guard the result has been that this Government has found itself furnished with almost one-half million of the best troops that now represent it at home or abroad. It has been shown by the figures of the War Department, much to the surprise of many people, that the death rate and the disease rate is much less in the National Guard than in any other branch of the Army, the National Army having the highest percentage of diseases of different kinds, the Regular Army second, and the National Guard third. And, in fact, the figures are so low in the National Guard that it is a matter of a great deal of favorable comment.

Now, I am not calling attention to this purely out of the desire that many of us have had all these years to see the National Guard a great national force. I think you will be fair enough to say that those of us who have had the welfare of the National Guard at heart have been the first to take up with the National Army and have been the first to further every effort to augment the efficiency and numbers of the Regular Establishment. It is not merely a matter of pride. With me it was the matter of doing the best we could for the only existing volunteer organization which we had prior to the beginning of the war.

There has, however, been a feeling in the country, and shared by many officers in the National Guard, that there has been undue prejudice in regard to the officers of the National Guard. I am not satisfied that that prejudice exists. I am satisfied, however, that one provision in the national-defense act has been used to a greater extent than it was ever intended to be used, and it is another example of the fact that the machinery you once start in motion sometimes, in a general way, becomes so automatic in its workings that it does a great deal of harm. It is impossible, of course, in dealing with millions of men to consult the feelings and desires at all times of the individual. But there must be in institutions of all kinds some laxity and some flexibility, and they should take into consideration the human element in all things.

Section 77 of the national-defense act reads as follows:

SEC. 77. Elimination and disposition of officers.—At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such an officer, he shall be discharged. Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court-martial.

Under the circumstances that was rather an unfortunate wording. I speak of the one word "discharged." Because we have had numerous cases of splendid officers of the National Guard who, by reason of the reorganization of the Army units and the divisions, were compelled to take commands in a service with which they were not familiar. For instance, some of our best Infantry officers suddenly found themselves in command of a Field Artillery regiment. These men, thoroughly drilled, disciplined, and trained in Infantry matters, were sent to some technical school, and because of the fact that they were not able at their age in life to master the higher mathematics, integral calculus, and trigonometry, which are necessary to a thorough knowledge of the Artillery game, what was done? Instead of sending these men back to some other arm of the service or lowering them in rank and giving them a chance in the arm of the service where they really belonged, they were dismissed from the service, to which they had given their best years of study and preparation. They were proud of the fact that they had this training. They hated to go back home. And there was no use for their going back home, because they had been educated in the service and to good advantage. The lives of our young men depend on the good training of our officers, and I am glad to see this thorough training going on, but I do hate to see, under any general machinery put in motion, men not allowed to serve somewhere, but sent to their homes feeling that they are in a measure discredited in their home communities, men who have been willing and able and anxious to go into service and do their duty. I know of cases of this kind, where men have been transferred from Infantry to the Artillery, and have had to come home. They have said, "You can put me into any service in which you wish to enlist me." "You can place me in any rank that you want to give me." One man, a colonel, said, "I will gladly go as a lieutenant or as a captain, or I am willing to enlist in the ranks. I will shoulder a musket and go along with the boys in my organization."

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CRAGO. I would like to have one minute more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. CRAGO. There were some cases where men had slight physical disqualifications and could not stand the severe tests that were imposed for over-sea duty. What has happened to these men? They have been given 15 or 20 years' training. They have worked for years to acquire a knowledge of military science. Why should they not be assigned to these thousands of positions which have been suddenly created and filled with men who never took any interest whatever in military matters heretofore? These experienced men were sent back home. They would have made efficient men in the Ordnance and in the Quartermaster Departments and in other branches of the service. I doubt the wisdom of sending these men back home after they have given years of their lives to the service. I am deeply concerned about building up a great military establishment filled with highly qualified technical officers, but we need these men, anxious and willing to do their duty, more than we need men chosen from civil life suddenly and placed in commissions where they are lost and out of place.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield for an inquiry?

Mr. CRAGO. Yes.

Mr. MILLER of Minnesota. Would the gentleman's committee entertain the advisability of amending the provision to which he has called attention?

Mr. CRAGO. My amendment would be along this line, that where an efficiency board found a man disqualified for the position he was then occupying they should make further inquiry as to his fitness for some other position, either in some other rank or in some other line of the service; and I think in that way there could be formed a reservoir from which men could be drawn to fill these places which are now being filled suddenly with men taken from civil life and invested with a captain's or a major's uniform.

Mr. MILLER of Minnesota. Is the Committee on Military Affairs proposing or considering an amendment of that kind?

Mr. CRAGO. Well, I will say that we have been so busy during the consideration of the present bill that we have not had opportunity to give it much attention.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for three minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CRAGO. Very little attention has been given to this. I hesitated to make any objection, because I did not want to interfere, and I know the members of the committee did not want to interfere in any way whatsoever with the plan of the department in forming this great Army. But I asked The Adjutant General the other day if the Secretary of War really knew of the splendid men who were being separated from the service because of some slight lack of technical knowledge as found by an efficiency board. I think the findings of the efficiency boards have been unduly severe, both as to physical and mental qualifications.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. PLATT. Is it not true that some of these trained men are being commissioned in a new branch of the military service known as United States Guards?

Mr. CRAGO. I think that is so. That is confined, however, to service in the United States, and it is not very comfortable for a man who has held himself out in his local community as a military man to be sent back home and go into an organization of that kind. The colonel that I spoke of was met by an order on the train as his regiment was entraining for a port of embarkation.

Mr. MOORE of Pennsylvania. Mr. Chairman, will my colleague yield?

Mr. CRAGO. Yes.

Mr. MOORE of Pennsylvania. Has any prejudice or discrimination been manifested, so far as the National Guards of particular States have been concerned?

Mr. CRAGO. I do not think there has been any prejudice against the States or against the National Guard, because I think that in most of these boards there has been a National Guard officer. I think the trouble has been that they have not taken into consideration sufficiently the human element.

Mr. MOORE of Pennsylvania. The gentleman knows that Pennsylvania had a fine National Guard, manned by enthusiastic officers, many of whom served seven months down on the border of Mexico, and some of whom have been thrown out entirely by these efficiency boards, although the ambition of their lives was to remain in the military service.

Mr. CRAGO. I do not think most of them have been thrown out, but many of them have been. Entirely too many, in my opinion.

Mr. LOBECK. What has been true of the officers from the gentleman's State, whom he knows of, has also been true of Nebraska men who have served their full two years on the Mexican border.

Mr. CRAGO. It has been true.

Mr. LOBECK. Men who have forgotten their geometry and trigonometry and could not pick them up readily.

Mr. CRAGO. These men ought to have been given places in other branches of the service.

Mr. LOBECK. I know some of them were excellent men, and they ought to have been retained in the service.

Mr. STEENERSON. I should like to say to the gentleman from Pennsylvania, on behalf of the other Members of the House, that we want to thank him for this explanation. It is a criticism that is quite general throughout the whole country, and I have been asked the reason for this apparent discrimination against National Guard officers. I have been unable to answer it as I would like to. Therefore I want to thank the gentleman for giving the explanation. It seems to me his view is correct—that it is in large part due to the wording of the statute; that they take it too literally—that he "shall be discharged." I hope the gentleman will cooperate with the members of the Committee on Military Affairs to correct that, so that we can utilize these men in the future.

Mr. CRAGO. There is just one way in which it can be corrected without additional legislation. It is in the power of the Secretary of War to commission these men, but the department does not seem to want to interfere with the rule which has been laid down.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. DIXON having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On May 23, 1918:

S. 3935. An act to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided.

On May 25, 1918:

S. 4409. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes"; and

H. R. 8696. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

On May 29, 1918:

H. R. 9715. An act extending the time for the construction of a bridge across the Bayou Bartholomew, in Ashley County, Wilmot Township, State of Arkansas.

On May 31, 1918:

H. R. 4910. An act to authorize the establishment of a town site on the Fort Hall Indian Reservation, Idaho; and

H. R. 5489. An act to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

To provide for pay of property and disbursing officers of the several States, Territories, and District of Columbia, $26,000.

The CHAIRMAN. The Reading Clerk calls attention of the Chair to the fact that in line 8, page 64, the dollar mark is omitted before the figures "26,000." Without objection, he will be authorized to make this correction.

There was no objection.

The Clerk read as follows:

Ordnance equipment for Home Guard organizations: For procuring arms, ammunition, equipment, etc., for issue and use in connection with Home Guard organizations, in pursuance of the provisions of the act of Congress approved June 14, 1917, authorizing issues to Home Guard organizations, $2,500,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word. There are several Home Guard organizations in the country that are in uniform but without small arms. I have had several applications from various units asking whether there is any possibility of securing these small arms for practice and use. Will this item supply that?

Mr. DENT. This item is intended to supply that as far as it can be done. This item is largely, necessarily, a guess as to how much they can supply to the Home Guard organizations. The War Department asked for $4,500,000, but on the showing they made, we thought $2,500,000 would be all they could possibly supply without depleting the regular organization.

Mr. FESS. Is there any source for obtaining small arms without this provision? Are the War Department giving any of this equipment to any Home Guard organizations at the present time?

Mr. DENT. If the gentleman will recall, at the last session of Congress we passed a provision authorizing the distribution of those arms that the Government had that were not necessary for use in the Regular Establishment, and those have been distributed.

Mr. FESS. They have been distributed?

Mr. DENT. They have been distributed, as I understand it, as far as the department have been able to reach the situation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SLAYDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Provided, That the appropriations herein made for the support of the Army and the National Guard are available for such printing, binding, and blank books as may be necessary in putting in effect the objects of the appropriations: *And provided further*, That hereafter printing, binding, and blank books required for use outside of the District of Columbia in connection with the support of the Army and the National Guard may be done or procured elsewhere than at the Government Printing Office when in the opinion of the Secretary of War such work can be more advantageously done or procured locally, the cost thereof to be paid from the proper appropriations.

Mr. DENT. Mr. Chairman, I ask to return to page 21, line 4, where we passed an item by unanimous consent, for reserve veterinarians, $68,000. That is the only item in the bill that has been passed over, and we thought that perhaps there was some mistake about that. That item is just exactly as the committee approved it. It is the same amount as the appropriation that was made last year, and I understand that not one cent has been spent under it. So I think the committee acted wisely in making it $68,000 instead of $700,000 that was asked for.

The CHAIRMAN. Unanimous consent is asked to return to the paragraph referred to by the gentleman from Alabama, on page 21, beginning with line 4.

Mr. DENT. Mr. Chairman, the item on page 21, line 4, "Reserve veterinarians, $68,000," should stand as it is.

The CHAIRMAN. Without objection, it will stand as reported by the committee. [After a pause.] The Chair hears none.

Mr. DENT. Mr. Chairman, on page 70, line 7, the word "hereafter" was stricken out by the committee, so as not to make it permanent law, and I move that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 70, line 7, after the word "that," strike out the word "hereafter."

The amendment was agreed to.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 70, line 14, at the end of the paragraph, insert the following:

"*Provided*, That where practicable so to do, no work be done or contract made under or by authority of any provision in this act or under a percentage or cost-plus percentage basis, nor shall any contract, where circumstances so permit, be let involving more than $1,000 until at least three responsible competing contractors shall have been notified and considered in connection with such contract, and all contracts to be awarded to the lowest responsible bidder, the Government reserving the right to reject any and all bids."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The amendment was considered and agreed to.

The Clerk read as follows:

That the Secretary of War be, and he hereby is, authorized to exchange a strip of land of about 200 feet in width, within the Aberdeen Proving Ground, and extending from Bush River to Magnolia, Md., and adjoining the right of way of the Pennsylvania Railroad Co., for a tract of land situated inside the limits of the Aberdeen Proving Ground, and having an area of about 8 acres, upon the payment to the United States of such consideration, in addition to said tract of land, as the Secretary of War shall deem equitable.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. This exchange of land seems to be within the Aberdeen Proving Ground, one fronting the Bush River and the other inside.

Mr. DENT. I will read a paragraph of a letter from the Acting Secretary of War:

The Pennsylvania Railroad Co. owns a small tract of land lying inside the boundaries of the Aberdeen Ordnance Proving Ground just south of Magnolia, Md. The railway company wishes to secure from the Government a strip of land 200 feet wide, extending from the Bush River to Magnolia, Md., adjacent to the present right of way of the company, for the purpose of constructing new tracks made necessary very largely in order to take care of the Government traffic. This commission has made a tentative agreement with the railroad company for an exchange of the land now owned by the Government and desired by the railroad company for right of way for the strip of land owned by the railroad company inside the proving ground, the Government to receive, in addition to the tract of land owned by the railroad company, a cash consideration of $13,500.

Mr. MOORE of Pennsylvania. Two hundred feet fronting on the river to go to the railroad is within the proving ground?

Mr. DENT. Yes.

Mr. MOORE of Pennsylvania. And in consideration of $13,500 the Government is given land elsewhere. Will the gentleman state whether that is the ordnance proving ground? An effort was made to buy Kent Island, which failed, and a new site was obtained by the Ordnance Bureau for the purpose of a proving ground. What I would like to know is, if this is the proving ground which was thus obtained?

Mr. DENT. The letter of the Acting Secretary of War says that on February 20, 1918, Lieut. Col. John S. Dean, of the War Department board of appraisers, addressed to the Judge Advocate General the communication which I have read. This letter was submitted by the Judge Advocate General to the Ordnance Department, and under date of March 21, 1918, the Acting Chief of Ordnance formally approved the proposed transfer.

Mr. MOORE of Pennsylvania. Yes; the exchange had the approval of the department, but is this the ordnance proving ground?

Mr. SHALLENBERGER. I think it is the proving ground for bombs and explosives by the Ordnance Department.

Mr. MOORE of Pennsylvania. Is this the ground that takes the place of the Kent Island site?

Mr. SHALLENBERGER. I can not answer that question.

Mr. KAHN. As I understand, this ground is along the Bush River near Aberdeen. The War Department found that the quantity of land that they had acquired there was not sufficient for carrying on experiments for the aeroplanes that are used in bombing operations. It was found that the test of the bombs was being held back by the fact that they had not enough land.

Mr. MOORE of Pennsylvania. I will ask the gentleman from California to yield before my time expires. This is an ordnance site?

Mr. KAHN. Altogether.

Mr. MOORE of Pennsylvania. And what have aeroplanes to do with it?

Mr. KAHN. Because they are taking the bombs up in the aeroplanes for experimentation on that land.

Mr. MOORE of Pennsylvania. Can the gentleman say how much ground there is in the Aberdeen Proving Ground?

Mr. KAHN. No; but I understand it is a very large tract.

Mr. MOORE of Pennsylvania. And runs up close to the Pennsylvania Railroad.

Mr. KAHN. I do not think it does; my impression is that it runs along the Baltimore & Ohio Railroad.

Mr. MOORE of Pennsylvania. The Pennsylvania Railroad is getting 200 feet front on the Bush River, as I understand. I want to know if the tract runs up to the railroad?

Mr. KAHN. I am not in a position to inform the gentleman.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. TILSON. Mr. Chairman, among the soldiers thus far contributed by America to the allied forces in France, no single individual has thus far distinguished himself by more heroic deeds or received wider or more deserving recognition for them than Maj. Raoul Lufbery, the American ace, whose dramatic death in battle a few days ago attracted the attention not only of this country but of the entire world. His name and his deeds are worthy of commemoration. He is worthy of the place on our roll of national heroes, which he now fills. His spirit will live in the hearts of the other young Americans who will aspire to take up the work he left unfinished.

Maj. Lufbery's home, so far as such an adventurous, roving spirit could be said to have a home, was at Wallingford, in my district. At one time he was employed by the International Silver Co. at that place. His brother and other members of his family still live there.

It would be interesting and instructive if there were the material at hand to record here a worthy biography of this remarkable young man. Lacking such authentic material, I shall insert in the RECORD, under leave granted, a newspaper story written by a New York Sun reporter and published in that paper a few days before Maj. Lufbery's death. It is written in characteristic Sunday newspaper style, but from it may be gleaned much that will help to give an insight into the life and character of one who gave all and gave it heroically to his country's cause.

LUFBERY, SOLDIER OF FORTUNE—STORY OF KING OF THE AIR AS TOLD BY HIS BROTHER.

"Charles Lufbery had forgotten that he must go back to the factory at 1 o'clock and that he had no luncheon; for he was telling with affectionate pride all he knew of his brother, Maj. Raoul Lufbery, now famous as an aviator in France.

"He could not give a complete record, a 'dossier,' he called it, of his brother.' Indeed, nobody but Raoul Lufbery himself could do that, for his life has led him through many unknown, sunlit byways. And then Charles had not seen him since he was in Wallingford, Conn., 10 years ago.

"Charles served with the French Army from July 10, 1915, until he was discharged on March 23, 1917. And, would I believe it, once he was within 15 miles of where Raoul was stationed, but his commanding officer said they must go right on and so he missed seeing his brother.

"People in Wallingford say that Charles is of the same general appearance as his brother. He is slight, not more than 5 feet 8 inches in height, with straight, brown hair and sad, luminous brown eyes. He must have got this sadness in his eyes during those 19 days he served without relief in the trenches at the Battle of the Somme. And here he was unknown and undecorated, telling stories of his brother with more joy than if they had been his own.

FAMILY NEVER UNDERSTOOD HIM.

"Raoul was the member of the Lufbery family whom none of the rest ever quite understood, but for this very mystery and the quiet charm of his personality they loved him more than they did any of the others.

"'We were never surprised at anything Raoul ever did, and sometimes,' Charles said, 'when we were alone he was as good as a story book. But you could not get him to talk if there was company.'

"At that noon hour in Wallingford we sat in the kitchen of the little brown cottage. Noise from the factory next door came like a liberal pizzicato of basses in a Puccini opera. Lawrence, Raoul's sister-in-law, searched through boxes for old letters, while Marcel, the 9-year-old son, gallantly spun his top in the hope that somebody would look that way. Little moving shadows from the great apple tree were on the floor, and there was a scent, as ever in Connecticut in May, of wood smoke and flowers and ferny meadows.

"I do not know just what time of year Raoul Lufbery came to Wallingford, but it should have been May, and I think he must have stood there on the common, looking off at the wooded hills and taking deep draughts of the rustic air, when he said to himself that Wallingford should always be his home wherever he happened to be.

"He was in Connecticut only a year and a half in all his life. His father was American, born in New York City, and spent most of his life in Wallingford, and his mother was French. He himself was born 34 years ago in Clermont, France.

SELDOM WROTE TO HOME FOLKS.

"Just when Raoul learned to fly Charles didn't know, but certainly he did learn, and they were very glad, for now they could hear of him through the newspapers. He hated to write, and when he was in Wallingford he used to tell them that when they did not hear from him they would know he was dead. However, some said vaguely that he learned piloting in Indo-China, and his sister, Yvonne, knew for sure that the celebrated Maurice Pourpre was his teacher.

"And after that conversation you can understand that Maj. Lufbery had to take to the air, as he had exhausted everything land and water had to offer by way of adventure.

"'He was always ready to risk everything,' Charles said, 'and the moment's joy was all he wanted from it. Ah, he is splendid for an army! He could dress wounds or cook or comfort the wounded, and do all those simple things which so few know how to do at all. He ought to know them. He has made his living so ever since he was 15.

"'You know when he thought he might come home they talked of giving him a great banquet. Well, Gerve' (so they call him), 'if he should hear of such an intention beforehand, would slip home incognito. He wouldn't know what to do with a banquet.'

"'Yes,' Mrs. Lufbery said, 'but he'd manage that better than the girl in South Dakota. This girl wrote and wanted to know when Raoul would be at home and where she could send something she had knitted him. He'd be terribly worried over this; so I sent the letter to Yvonne. You see they all think I am his mother and I'd be so honored; only I hope I don't look so old.

"'He was never the one to be popular with girls, or men, either. He liked to be alone, and sometimes he would sit looking and say nothing.'

RAOUL ALWAYS MOST MODEST.

"Charles said that in Paris he had seen aviators splendid in their decorations and uniforms, the most admired men in the hotels. But Raoul wouldn't cut much of a figure among them; indeed, he'd sooner face 20 German airplanes than try, 'because he does not care much about how he looks.'

"As Charles talked, now and then he rocked the cradle where his baby son, 5 weeks old, was trying to sleep. This, if you feel like meeting so distinguished a person, is Raoul Francis Lufbery, godson of his illustrious uncle, the American ace. But the baby, unimpressed by his own importance and by the exploits of his godfather, wept as if he were in a game where Maj. Raoul held four aces, instead of being one.

"Just to show you what sort of family Lufbery came from: Julian, his oldest brother, Charles, and he himself all went to help France, although they are American citizens. Maj. Raoul, probably because he never did have a dancing master, is not one to put his best foot forward. His family are poor, but when you know them you understand that culture and hospitality are not the exclusive property of the rich.

"Now, Raoul got his taste for high adventure early in life. His mother died when he was about 6 years old, leaving the three brothers to their grandmother's care. According to all accounts, the lady found it the hardest work in life. For Raoul was always restless.

"Like a true Frenchman—or an American of the world, as he really is—he decided when he was 15 that he just could not live another day unless he saw Paris. So he left his grandmother and set off.

"He never saw her again. For when Charles was in France, he went to Clermont to see her, and found 'to my great sadness that she was dead, and we had not heard of it.'

"Meanwhile the boys' father married again. From this marriage they have four sisters, Yvonne, Marie Louise, and Germaine, nurses in Boston, and Berthe, who is married and with whom Raoul's father now lives in Yalesville, Conn. There is another brother, Rene, who tried to enlist in the Aviation Service last spring, with what fortune I do not know.

"Unlike most great men from the Provinces Raoul was unimpressed by Paris. It was well enough, he used to say, for people who liked the order of the city. But obeying the police, dining in cafés, toiling, and paying your rent wasn't his idea of life.

"Under some protection which was on hand to look after the interests of the future aviator he sailed for Algeria. But the voyage was a very hard one, and he fell ill upon arriving at Algiers. While in the hospital, he became a great favorite with the doctors and nurses, as he always did with people whom he came to know. And, having no prospects, they made him an orderly in the hospital. Here he stayed for two years.

"From there he went to Egypt, where he says to this day he'd like to settle if he was compelled to settle any place, because the climate is so congenial to a vagabond.

TOLD OF ENTERTAINING ADVENTURES.

"In Wallingford on Sundays and when he was not working in the silver factory he would entertain his brother and sister-in-law with tales of these early adventures which he remembered more vividly than any of the later ones.

"One night in Garrah, for the sake of his personal preference and also his purse, he decided to spend the night sleeping in the sand near a ruined castle.

"'Just as he is sleeping,' his brother said, 'he sees a man crouching with a knife in his mouth, waiting for a chance to stab him. Raoul had nothing to fight with, but he wrestled with the man, and the noise they made brought some soldiers from the patrol, and they both were arrested.

"The chief was very angry and threatened to send Raoul to torture and prison. But luckily Raoul had money and the other fellow had a bad record, and they released my brother.

"Even in Egypt the people respected the person who had money. But this dollar, and that's all Lufbery had, was exceedingly valuable, because by its means he got into the first military uniform he ever wore. It came about this way:

"After that escape the moonlit nights of Egypt lost their charm for our hero aviator. So he decided to go back to Constantine, Algeria. It was more French and less ungodly there. Accordingly he set out and he reached to the beginning of the desert, where nobody could travel without a guide, though the way was short, only about two days' journey.

"Here he met a young Canadian, also bound for Constantine, and presently a man with three donkeys put in an appearance. The man wanted the boys to help with the merchandise, but he inquired where they were going, and if they had any money. Raoul produced his dollar and the Canadian had about that much. The man took it all and they started.

WAYLAID BY A ROBBER BAND.

"They had traveled one night without adventure, resting during the day. But the next evening, just as they started, they were surrounded by a band of robbers. The owner of the

donkeys laid about him with a club and killed two of the thieves and the rest killed him and one donkey.

"When they saw that the two boys had no money they took their clothes, every stitch, and left some bread and water for them and the two remaining donkeys, which were too slow for the robbers' trade.

"By riding all night in the chill desert the boys reached a settlement of two houses early the next morning. The people said they had no food to give, but they purchased the donkeys from the boys, and let them spend the 5 francs to buy two grain bags from them.

"Lufbery, always quick to put to use what was at hand, cut a hole in the bottom of each bag for their heads and one in either side for the arms, and the two adventurers donned their costumes and set out for a barracks of the French Foreign Legion, which was about an hour away.

"When the soldiers saw the boys approach they screamed and howled. And, though the boys' sense of humor had been dulled by hunger and their own plight, they had only to look at each other to see what the joke was.

STRANGE OBJECTS TAKEN IN AND FED.

"Seeing that the strange objects were well disposed and so merry, also that they knew the French language, the soldiers took them in, fed them, and gave them some clothes.

"And this was the first time the future American ace had worn the military uniform. Of course it possessed great variety, and some of the garments were a trifle large, but one can not be too squeamish in the matter of attire right after coming out of a grain bag.

"Here Raoul and the Canadian parted and Raoul went for a while to Constantinople through Rumania and through Switzerland. After various unrecorded adventures he arrived at Fulda, Germany, where he worked for two years in a brewery. From the eternal dampness of the place he contracted rheumatism, from which he is never entirely free.

"While at Fulda he learned to speak and read German, but he became so ill of rheumatism that he had to be taken to a hospital. For a while after his release he taught gymnastics. With the little money he got from that he went to Hamburg. There he helped load a ship, for which he got the $40 necessary to pay his fare to America.

"The gymnastics set him up wonderfully, and he was skilled in athletics. The neighbors who lived downstairs in the house which his brother occupied in Wallingford could have told that, for he'd make a dumb-bell of a broomstick with two stones tied to the ends, and not infrequently one of these fell off and raised a great row downstairs.

"Some time in 1906 he reached America, where he thought he would find his family again, for though they had been separated there was a strong affection among them all. When he got to Wallingford he found that his father had sailed for France two days before; but Charles and his wife were there to welcome him. Yes, and the half-brother, Rene; and these two boys set up housekeeping on their own account in a concomitant red brick building called the Wallace Block, below the railroad station.

"Later he lived with his brother Charles. He was very eager to learn English, and went to a night school for a while. But he liked to be alone.

RESTLESS IN WALLINGFORD.

"Though he was fond of his sister, he got restless in Wallingford. He went to New Orleans, then to Mexico, and finally to San Francisco. In New Orleans he was in a bakery, but he wrote a gay card in French that he didn't consider this his life's work. From the White Palace Hotel, San Francisco, he wrote that he was a waiter there, and that it was somewhat better than putting raisins in bread, his former job. In the same year, 1908, he wrote from Honolulu, Hawaii. And then the letter from the Philippines, where he served with the American Army for 18 months.

"'And Charley' (his brother), he says in the same letter to Yvonne, 'is he still working in the factory? Has he now a small garden around his new house? I know it was his dream to have something like this when I left over there. He was also crazy for chickens. I hope he has all these things now and is satisfied. I wish so little could satisfy me.

"'Very often, generally in the evening, when I am alone studying or reading in my room, I think of my little sister Yvonne. I have a good idea that we are not separated forever, but that we are able to meet again one of these days.' But Yvonne has not seen him since.

"When I was asking where the Lufberys lived I spoke to a little girl who was coming back from school. No; she hadn't known the flier, but her sister knew his sister, Yvonne. With the true instinct of a gossip she wanted to tell me all she knew. Had I ever heard of a Frenchman named Gûynemer (pronounced as one would pronounce it in Wallingford)?

"Well, he was dead now; but before he died he had killed a thousand Germans, and now the Lufbery girl thinks he was the bravest man in the world. But a while ago she wouldn't read anything about him. She said she couldn't bear him. The reason was this: He had had more glorious victories than her brother had.

JOINED LAFAYETTE ESCADRILLE.

"According to Elliott Cowdin, Lufbery joined the Lafayette Ecsadrille when it was sent to the Verdun sector early in May, 1916. There were no letters to the Wallingford Lufberys about that. Only a postal card from Hongkong in 1911, saying that Raoul had a position in the Imperial Chinese Customs in Canton, 'which I like tolerably well.'

"But on December 27, 1917, now possessing the Croix de Guerre, the British Military Cross, the French Medaille Militaire, and the Legion of Honor, he wrote to his brother:

"'Now I am looking like a Christmas tree, medals all over my chest. The last one I was decorated with is a Montenegrin order with a ribbon, red, blue, and white. Though it has not the value of the French Legion of Honor or the Military Medal, I am awfully proud to wear it.

"'You certainly have heard through the newspapers about my commission in the American Aviation, but the truth is I have been appointed to that rank—major—a month ago, but I can not wear the uniform yet as the French are still holding my discharge.

"'I now have 16 official German machines to my credit, and many others unofficial. On December 2 I brought two of them down.

"'Well, how is everything up at the old Wallingford? I would like very much to see it again. Unfortunately, I must give it up for the present. I should like to organize some sort of a little flying circus for the Germans before I leave here.'

"But here it was 1 o'clock and the whistle had blown; so Charles Lufbery took his sandwiches and started back to the factory.

"'We're very proud of all Raoul's honors,' he said, with a certain wistfulness, 'but the best thing would be if America had a medal for great bravery and Raoul would win it, and he'd come back here and the President would pin the medal on.'"

The Clerk read as follows:

That the authority conferred upon the President by the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," is hereby extended so as to authorize him during each fiscal year to raise by draft as provided in said act and acts amendatory thereof the maximum number of men which may be organized, equipped, trained, and used during such year for the prosecution of the present war until the same shall have been brought to a successful conclusion.

Mr. GARRETT of Texas. Mr. Chairman, may I for a moment direct the attention of the House to this last paragraph? There has been a good deal said in the press of the country about the size of the Army that the United States should raise or that it would be necessary for it to raise in order to win this war. This last section, Mr. Chairman, puts forever at rest the question of the number of men to be called for the winning of this war; the number is calculated and limited only by the amount of money appropriated and the number of men within the draft age. There will perhaps be some people who will look with a great deal of amazement upon the immense appropriation carried in this bill. When we stop to figure this we can hardly understand how there can be so much money in the world. Twelve billion dollars—just think of it, one hundred and twenty dollars and over for every man, woman, and child in the United States. When we passed the resolution declaring war against the Imperial German Government we pledged every man and every dollar and every resource of this country to the winning of this war. We are now simply apportioning the money into yearly allotments according to the needs of the Army.

The number of men that will be called will be dependent upon the amount of money that we appropriate here to equip and take care of them. Therefore, to those who may have been lingering under some shadow of doubt and wish to know, and that the enemy may know, we, without hesitation or reservation, say that the position of America to-day is that she proposes to furnish and equip enough soldiers to whip the Kaiser and everybody connected with him to a standstill, be the time long or short. [Applause.] I realize the fact that the House is weary; that we are now at the end of this bill; and that we want to pass it; and I ask unanimous consent to extend my remarks in the RECORD, and to insert therein some figures and other data.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, before the gentleman resumes his seat will he yield for a suggestion?

Mr. GARRETT of Texas. Yes.

Mr. LONGWORTH. In line with what the gentleman is saying, it might be interesting to know that in this bill we are appropriating 50 per cent more than the entire cost of both sides of the Civil War, and we are doing it unanimously.

Mr. GARRETT of Texas. I want to say, in reply to that, and want to say this on behalf of the chairman of the committee [Mr. DENT] and on behalf of the ranking Republican member [Mr. KAHN], that I have never seen so harmonious action in any committee as there has been during the entire hearings of the Committee on Military Affairs on this bill. There has been no discordant note in the committee during the preparation of this bill that in any way would indicate that there is anything in the bill that ought not to be there, or that there are things left out of it that ought to be in it.

The Republicans and the Democrats have voted side by side, and I want to say for the Secretary of War, Mr. Baker, and every Army officer who has come before us, that they have greatly assisted the committee in its labors, and have at all times been willing to show and make clear every item that is called for in this vast appropriation, all of which you will find set out in detail in the hearings, and no one has tried to withhold anything that should not have been withheld, except for military reasons, and I want to congratulate Mr. DENT and Mr. KAHN upon the magnificent manner in which they have handled this appropriation bill through the committee and through the House, and, following the suggestion of the gentleman from Ohio [Mr. LONGWORTH] a bit further, we can notify the Kaiser to-night that America is, as one man, out to get his scalp. [Applause.]

Mr. Chairman, on the 6th day of April, at 3 o'clock in the morning, the House of Representatives declared that the Imperial German Government had committed repeated acts of war against the Government and people of the United States; that its conduct toward our country and people had become so unjust, cruel, and barbarous; that it had so utterly disregarded the long-established rights of our people on land and seas, and had been so lacking in honesty and fair dealing as to constitute a violation of the course of conduct which should obtain between friendly nations.

President Wilson came before the Congress and delivered a war message that was heard around the world. In this memorable message he pointed to the many outrages of the Kaiser's Government against our people and country—his utter disregard of treaty obligations—his demand that we abandon our God-given right to traverse the seas or suffer the consequences.

A determination to continue at whatever cost his ruthless murderous submarine warfare—sinking all ships destined to belligerent or friendly ports, regardless of their cargo, whether composed of human beings or inanimate things, that dared violate his imperial order fixing a pathway across the ocean, decreeing that we must travel therein or die.

The President in his message among other things said:

There is one choice we can not make; we are incapable of making; We will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated. The wrongs against which we now array ourselves are no common wrongs; they cut to the very roots of human life.

In response to this message the Congress on this memorable morning passed the following resolution:

Resolved, etc., That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of this Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States.

The adoption of this resolution is the answer of America to the Kaiser of Germany, that this country will call to arms its last man and spend its last dollar and fight to the last trench before our people will ever bow down to this most arrogant tyrant and deadly enemy of human progress, happiness, liberty, and civilization.

Mr. Chairman, your Committee on Military Affairs, of which I have the honor to be a member, have found themselves at all times in pleasant accord with President Wilson and Secretary of War Baker. I believe, sir, the President, as Commander in Chief of the Army and Navy, should have a free hand in the conduct of this war, and I have not hesitated to vote into his hands, without restriction or limitation, all power and money he believed necessary to carry on this world-wide conflict to a successful conclusion.

The bill we are now considering, making appropriations for the support of the Army for the fiscal year ending June 30, 1919, carries the stupendous sum of $9,583,340,808.61, in addition to which $2,458,332,801 is authorized.

I believe it can be safely stated that this is the largest appropriation ever reported by any committee of any legislative body on earth.

In the early months of the war there was some criticism for failure to furnish our soldiers with sufficient clothing. This was almost unavoidable, when you take into consideration the immensity of our new military program.

When war was declared we had a Regular Army of about 127,588 officers and men.

We now have, including the draft calls for April and May, an Army of 2,030,027, and the appropriation provides during the next fiscal year for an Army of practically 3,000,000 men, the pay for an army of this size being based upon an average pay of $2,313 per officer and $373.69 per man.

While in the beginning of such a huge military program some mistakes and delays may have occurred, yet on the whole I think our country is to be congratulated that after a little more than a year from the date of the declaration of war our Nation has constructed a wonderful Military Establishment.

The American people have come to realize as never before that we are living and passing through a crisis in the history of our country and the world which shall leave its everlasting impress upon the lives and character of the people of this Nation and of all other God-fearing, liberty-loving nations, large and small, throughout the world.

When war broke out in Europe our people looked on in sorrow and pity, hoping and praying that the fagots from the awful conflagration then consuming the Old World would not fall upon our shores.

For nearly three years President Wilson tried every diplomatic avenue consistent with the Nation's honor to save our people and country from the awful vortex of war, but to no avail. From the day the Kaiser began his merciless, murderous march through little Belgium he demonstrated to the world that he had begun a war of conquest against the nations of the earth, limited only by his power to take and to hold.

Nation after nation of the Old World has already gone down under the iron hand of this autocratic tyrant, and its helpless people are being made slaves of his cruel will.

Sirs, if there be one among you that doubts for one moment that if the Kaiser should be successful with his army in Europe he would withhold his hand from our land and country, let such, I beg you, now look and listen to the woeful message of the survivors of those vessels that have so recently been sent to the bottom of the Atlantic Ocean just out from our own shores by those midnight assassins of the sea—the German submarine.

Even now, as we sit here in the Capitol of our Nation appropriating money to sustain our soldiers, the information comes that a dozen vessels have gone down just off the Jersey coast. This awful conflict has now come to our very door. It is no longer confined to poor, prostrated Belgium and bleeding France—it is everywhere.

I tell you, sirs, we are at war with a king crazy mad for world power, backed by a deluded and misguided people, whose desire for conquest knows no bounds. But I believe with all the power of my being that the days of this mad king are numbered and he can not pass them.

America has entered this war in defense of her national honor, to maintain her rights long established, and to avenge the deaths of her outraged people—and to make the world safe for free people to live in for all time.

We have joined our allies, Great Britain, France, and Italy, and our soldier boys, fighting side by side with their soldier boys, will bring this unprincipled autocrat to his knees. He will be held to a strict account for the murder of defenseless people, for sending men and women into slavery, for laying waste the land of Belgium and fair fields of France. He will be made to recognize the sovereign rights of the American people on land and sea for all time.

To accomplish all this means much sacrifice on the part of all our people. Will we make such sacrifice? Yes; a thousand times over, if need be.

The history of the American people from the day they took their place among the free nations of earth until now has been written page by page with the indelible pen of human sacrifice and self-denial—and whatever sacrifice may be necessary for those of us who remain at home to make to win this war will be freely made, whether it be in donations to the Red Cross, purchase of liberty bonds, payment of taxes, even to the last

dollar, all will be given to sustain our fearless soldiers who are willing to die if need be that the world may be free.

Mr. Chairman, the patriotic people of Texas are willing to do more than give of their substance. They are willing to deny themselves food that our soldiers and allies may have bread.

May I call the attention of the House to the fact that the people of the great State of Texas in early spring of this year fasted for 45 days as to wheat and flour, during which time they consumed no wheat and shipped all their wheat and flour out of the State?

I wish to read at this point a telegram from Mr. E. A. Peden, State food administrator of Texas, to Gen. John J. Pershing:

Gen. JOHN J. PERSHING,
Commanding General American Expeditionary Forces:

Entire State of Texas will consume no wheat until June 1 as a contribution toward winning the war.

E. A. PEDEN,
State Food Administrator.

To which telegram Gen. Pershing wired the following reply:

I assure you American Expeditionary Forces appreciate sacrifice by your great State toward winning the war. United States will win through sacrifices of men, money, and comforts, and troops already here will have opportunity through Army publication, Stars and Stripes, to know part of what largest State in Union is doing.

While we may find some consolation and comfort in the sentiment that runs through the beautiful lines of Gen. Pershing, yet who of us does not feel and know that the sacrifices we make here, whether we deny ourselves food and raiment or lay our last dollar upon the altar of our country, are exceedingly small when compared with those being made by our brave soldiers, sailors, and Red Cross nurses, who have taken their lives in their hands, given up home and loved ones, passing through a sea of death where ten thousand dangers lurk unseen, to meet the army of the world's worst enemy face to face on the field of conflict?

Mr. Chairman, the American soldiers are proving themselves in this war. To-day they are in the thickest of the fight. Company after company, regiment after regiment, brigade after brigade, and division after division are being hurled against the army of the Kaiser like the irresistible waves of a maddened sea. With fixed bayonets, clenched teeth, and a determination born of confidence in the eternal justice of their cause they are defying their enemy to do his worst. They are standing like an impenetrable wall between the enemy and their own country and challenging him to break through.

Yea, sirs, they are doing more than this. Even now they are moving like a mighty phalanx against the Kaiser's army and will drive his men back across the Marne and on and on back to their own soil, where they shall make an unconditional surrender and the Kaiser shall be made to right every wrong he has committed against outraged humanity.

The figures and data referred to are as follows:

EXHIBIT A.

Condensed memoranda relative to appropriations for support of the Army, fiscal year 1918–19.

Page of hearings.	Items in committee print.	Original estimate.	New estimate.	Amount of appropriation.	Amount of authorization.
1359	Contingencies of the Army	$300,000.00	$300,000.00	$250,000.00	
976	Army War College	9,000.00	9,000.00	9,000.00	
1360	Contingencies, Military Information Section	2,000,000.00	2,000,000.00	1,500,000.00	
1376	Expenses, military observers abroad	100,000.00	100,000.00	100,000.00	
1378	United States Service School	82,810.00	82,810.00	82,810.00	
1319	Contingencies, Headquarters Military Department, etc	20,000.00	20,000.00	20,000.00	
1383	Coast Artillery School, Fort Monroe, Va	28,000.00	28,000.00	28,000.00	
1067	Signal Service of the Army	1,138,240,314.77	1,039,488,103.77	990,253,812.47	
1121	Commercial telephone service, Coast Artillery	15,150.00	15,150.00	15,150.00	
	Maintenance Office of Provost Marshal General	None.	15,762,000.00	15,762,000.00	
1125	Washington-Alaska Military Cable Service	147,445.00	147,445.00	147,445.00	
192	Pay, etc., of the Army	1,003,934,176.40	1,589,950,745.14	1,587,318,495.14	
	Subsistence of the Army:				
28	Supplies, service, and transportation, Quartermaster Corps	298,405,655.57	830,557,393.00	830,557,393.00	
349	Regular supplies, Quartermaster Corps	231,751,055.51	552,868,393.00	552,868,393.00	
413	Incidental expenses, Quartermaster Corps	19,457,814.59	37,455,787.00	23,000,000.00	
428	Transportation of the Army and its supplies	954,189,015.72	1,251,592,903.00	1,532,698,103.00	
603	Water and sewers at military posts	19,735,546.00	70,563,605.00	70,563,605.00	
629 628	Clothing and camp garrison equipage	1,832,515,020.63	1,230,190,989.00	1,230,190,989.00	
	Storage and shipping facilities	None.	143,603,037.00	143,603,037.00	
765	Horses for Cavalry, Artillery, etc	28,755,991.00	77,491,081.00	70,000,000.00	
799	Barracks and quarters	23,839,967.00	187,193,839.00	175,000,000.00	
937	Military post exchanges	1,217,512.00	2,991,953.00	2,991,953.00	
951	Roads, walks, wharves, and drainage	3,043,443.00	35,117,175.00	35,117,175.00	
1061	Alaska roads and bridges, etc	100,000.00	100,000.00	100,000.00	
963	Barracks and quarters, Philippine Islands	4,233,833.00	4,233,833.00	500,000.00	
1190	Construction and repair of hospitals	25,000,000.00	83,653,612.00	60,000,000.00	
1204	Quarters for hospital stewards	81,100.00	64,600.00	64,600.00	
969	Shooting galleries and ranges	343,110.00	4,620,438.00	343,110.00	
976	Maintenance, Army War College	12,200.00	12,780.00	12,200.00	
980	Rent of buildings, Quartermaster Corps	100,015.00	100,015.00	100,015.00	
986	Claims for damage and loss of private property	10,000.00	30,000.00	30,000.00	
988	Vocational training	75,000.00	75,000.00	75,000.00	
1149	Medical and hospital department	157,111,894.00	157,111,894.00	267,408,948.00	
1183	Hospital care, Canal Zone	60,000.00	60,000.00	60,000.00	
1183	Army Medical Museum and Library	30,000.00	30,000.00	25,000.00	
	Bureau of Insular Affairs	1,800.00	1,800.00	1,800.00	
1251	Engineer Department, engineer depots	50,000.00	50,000.00	50,000.00	
1252	Engineer School, Washington Barracks	30,000.00	30,000.00	30,000.00	
1255	Engineer equipment of troops	135,000,000.00	135,000,000.00	135,000,000.00	
1262	Civilian assistant to engineer officers	115,000.00	115,000.00	90,000.00	
1264	Engineer operations in the field	892,000,000.00	892,000,000.00	892,000,000.00	
1280	Contingencies, Engineer Department, Philippine Islands	4,000.00	4,000.00	2,501.00	
1280	Military surveys and maps	1,000,000.00	1,000,000.00	850,000.00	
1287	Lithograph press, Fort Leavenworth, Kans	6,000.00	6,000.00	6,000.00	
5	Ordnance service	25,500,000.00	30,000,000.00	30,000,000.00	
79	Ordnance stores, ammunition	393,000,000.00	1,036,488,921.00	393,000,000.00	$736,486,921.00
105	Small-arm target practice	75,200,000.00	159,273,725.00	75,200,000.00	84,073,725.00
119	Manufacture of arms	50,000,000.00	257,324,325.00	50,000,000.00	207,324,325.00
33	Ordnance stores and supplies	93,400,000.00	443,699,263.00	93,400,000.00	350,299,263.00
33	National trophy and medals, rifle contests	10,000.00	10,000.00	10,000.00	
45	Automatic machine rifles	237,144,000.00	574,870,000.00	237,144,000.00	337,726,000.00
137	Armored motor cars	75,550,000.00	347,972,500.00	75,550,000.00	272,422,500.00
	Authorization for ordnance supplies	None.	500,000,000.00		500,000,000.00
986	Claims for loss of private property	7,800.00	7,800.00		
1299 1312	National Guard, arming and equipping	366,500.00	366,500.00	6,450,150.00	
1049	Rifle ranges for civilian instruction	1,720,000.00	1,720,000.00	210,000.00	
1049	Civilian military training	6,018,060.00	2,640,000.00	250,000.00	
63	Ordnance equipment for Home Guards	4,500,000.00	4,500,000.00	2,500,000.00	
1059	Reserve Corps, quartermaster supplies	2,135,671.00	2,788,096.00	2,788,096.00	
65	Ordnance stores, Reserve Officers' Corps	2,921,725.00	2,921,725.00	2,921,725.00	
1060	Quartermaster supplies, schools and colleges	84,505.00	81,505.00	45,505.00	
66	Ordnance supplies, schools and colleges	1,138,700.00	1,138,700.00	1,138,700.00	
	Claims	291.00	782.99		
	Total	7,732,914,061.22	11,771,607,347.86	9,583,349,808.61	2,458,332,801.00

EXHIBIT A—Continued.

RECAPITULATION.

Total amount of appropriations for fiscal year 1918–19	$9,583,349,80 8.61
Total amount of authorization for fiscal year 1918–19	2,458,332,801.00
Total amount of appropriation and authorization 1918–19	12,041,682,609.61
Fiscal year 1917–18:	
Total amount of appropriations from all sources	5,248,654,299.49
Total amount of increase over fiscal year 1917–18	6,793,028,310.12

EXHIBIT B.

	Apr. 1, 1917.	June 5, 1917.	Sept. 1, 1917.	Jan. 31, 1918.
Officers:				
Regular Army	5,791	6,341	7,022	7,452
National Guard	7,612	8,389	12,945	13,803
Reserve Corps				39,717
National Army				2,879
Staff				62,129
Enlisted men:				
Regular Army	121,797	190,068	308,145	493,105
National Guard	174,008	228,425	350,225	430,554
Reserve Corps				74,750
National Army				480,850
Total officers and enlisted men	309,208	433,223	678,337	1,605,239

EXHIBIT C.

	Regular Army.		Reserve Corps.		National Guard.		National Army.		Total.	
	Officers.	Enlisted men.	Officers.	Enlisted men.	Officers.	Enlisted men.	Officers.	Enlisted men.	Officers.	Enlisted men.
General officers	44						199		243	
General Staff	79				59				138	
Adjutant General's Department	46		62		62		221		391	
Inspector General's Department	29		11		31		27		98	
Judge Advocate General's Department	32		101		35		43		211	
Quartermaster Corps	315	13,075	1,939	15,993	44		5,027	89,431	7,325	118,499
Medical Department	1,195	48,385	25,252	20,000	2,327	20,223	1,895	25,910	30,669	114,518
Engineers	321	62,838	4,997	15,000	760	24,466	977	35,277	7,055	137,581
Ordnance Department	102	4,450	3,535	1,000	25		847	42,785	4,509	48,235
Signal Corps	158	75,581	12,281	26,567	255	6,761	649	12,837	13,343	121,746
Bureau Insular Affairs	2								2	
Chaplains	142						389		531	
Professors	7								7	
Cavalry	1,579	25,762	30,860		49	1,790	23,620	1,536	75,458	29,088
Field Artillery	997	40,389			3,603	86,330		53,185		179,904
Coast Artillery Corps	1,424	49,689			819	19,000				68,689
Infantry	3,813	140,176			8,684	252,455		156,522		549,153
Depot Brigade								70,437		70,437
Miscellaneous		44,332			153	927		23,043	153	68,302
Total	10,295	504,677	79,038	78,560	16,905	411,952	33,894	510,963	140,133	1,505,152

In addition to the above there are the following officers not on active duty: Adjutant General's Department, 4; Judge Advocate General's Department, 2; Quartermaster Corps, 78; Medical Department, 6,645; Engineer Corps, 40; Ordnance Department, 85; Signal Corps, 27; line officers, 1,314 (Reserve Corps).

This table does not include the men accepted on the recent call to the draft, which was for 150,000 men, who were to report between April 26 and April 30, nor the last call for 233,742 men, who will report between May 25 and May 30.

In the National Army line officers are not commissioned in the several branches of the line, but simply in the National Army.

Classification of the Reserve Corps line officers has not yet been completed.

ADJUTANT GENERAL'S OFFICE, *May 16, 1918.*

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. LUNN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 71, after line 18, insert the following:

"*Provided*, That no part of the appropriations in this act shall be available for salary or pay of any officer, manager, superintendent, foreman, or any other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop-watch or other time-saving device a time study of any such employee between the starting and completing thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonuses or cash rewards to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Mr. DENT. Mr. Chairman, I reserve the point of order on the amendment.

Mr. LUNN. Mr. Chairman, I am opposed to the Taylor stop-watch system for speeding up. This amendment is the same that has been in the appropriation bill for the last four years, word for word. I do not know how many members of the Military Affairs Committee were present when it was for some reason or other stricken out of this bill. I was absent at the time. I have talked with a number of them just now and find that they have no objection to its going back, and I would like to suggest——

Mr. BLACK. Will the gentleman yield for a question?

Mr. LUNN. In just a moment. I would suggest that we request the individual opinion of the majority and minority leaders, because I do not want at this late hour to inject anything that will cause this splendid spirit of unity to be marred. I have reason to believe that neither of the gentlemen will oppose. I am sure that there has been no request on the part of the Secretary of War that this be eliminated. I do not believe there will be anything gained by it; I believe rather that such action might arouse an unfortunate spirit that would not be aroused if the law is made to conform with the regulations heretofore adopted.

The Army bill for the past four years has contained the substance of my amendment, and there is no reason for change at this time. The splendid spirit of loyalty on the part of America's workers should not be impugned by an inference that they need prodding by a stop-watch speeding-up system.

Mr. BLACK. Will the gentleman yield?

Mr. LUNN. I will yield now.

Mr. BLACK. The gentleman stated that he did not know whether or not the Secretary of War opposes this amendment. Does not the gentleman know that when this same amendment was proposed in 1916 that Secretary of War Baker addressed a letter to the Speaker of the House protesting emphatically against the adoption of an amendment of this kind?

Mr. LUNN. I could not answer that, not being a Member of the House at that time. I will yield to the gentleman from Colorado and request him to answer.

Mr. BLACK. I will read it when I get the opportunity.

Mr. KEATING. Mr. Chairman, it is true the Secretary of War did write such a letter. It was written before the United States went into war, and after the United States went into war the same Secretary of War, as president of the Council

of National Defense, issued an appeal to the legislatures and the business men of this country pleading with them not to remove any of the safeguards which had been thrown around labor. The last declaration from the Secretary of War, which, if I have the opportunity, I will be glad to read, is the one which should carry weight with the House.

Mr. BROWNE. Will the gentleman yield?

Mr. KEATING. The gentleman from New York has the time.

Mr. LUNN. I yield to the gentleman.

Mr. BROWNE. I would like to say in connection with what the gentleman from Colorado says that if the bill is left just the way it is now the Secretary of War could prohibit time study and premium system if he so desired, so if the Secretary of War is in sympathy with labor and desires to do so there is nothing in this legislation to prevent him, but by passing this legislation we practically handcuff the Secretary of War and prevent him from doing what he wants to do.

Mr. KEATING. If you do not adopt this limitation you then wipe off the statute books one of the safeguards which have been thrown around labor in this country, and to that extent you violate the appeal made by the Secretary of War and the Council of National Defense.

Mr. BROWNE. I want to ask the gentleman from Colorado if he does not impute to the Secretary of War this fact, that the Secretary of War will do something that organized labor and the labor people will not like?

Mr. KEATING. I have not the slightest idea that the Secretary of War will approve the Taylor system. I have too much respect for his judgment to imagine any such thing as that.

Mr. BROWNE. Then why does not the gentleman leave it within the discretion of the Secretary of War?

Mr. KEATING. My own view of it is that if you knock out this limitation it will be heralded by the forces which have been clamoring for its elimination as a victory for the Taylor system. All the departments of the Government will be besieged to install it. That may lead to great unrest among the workmen of the country.

Mr. LUNN. If there was to be any extended debate, I would not want to yield all of my time. There is no reason why we should stir up agitation on this, and I think it would be far better if the amendment could be accepted by the leader of the minority and the leader of the majority and we could finish up the bill. I would like to ask the chairman——

Mr. DENT. Mr. Chairman, it is true that this proposition was submitted to the Committee on Military Affairs. The committee has rejected it on several occasions, but uniformly it has been put in the bill on the floor of the House heretofore. I have forgotten how many times the proposition has been submitted on the floor of the House in connection with the Army appropriation bill. I had hoped that it would not be injected into the bill at this time, but in view of the fact that it has been carried in the Army appropriation bill for a number of years, and in view of the fact that this very House has put the same provision in the naval appropriation bill, and the matter is now pending, as I understand it, with some difference of opinion between the Senate and the House on that subject, I think in order to expedite matters that I will withdraw my reservation of a point of order and ask that the amendment be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I renew the point of order.

Mr. PADGETT. Will the gentleman yield a moment? This provision was in the naval appropriation bill, and it contains two subjects—first, the prohibition against the use of the time watch, and, second, an inhibition against the payment of bonuses and rewards for excess service or greater production. The Senate amended the provision by striking out the last subject and leaving the first one, so that, as the Senate amendment is now, there is a provision against the use of the time watch, and they strike out the inhibition against the payment of bonuses and rewards. Now, that Senate amendment will be brought to the House for a separate vote, and if the House sustains the Senate upon that matter, why the two bills can be adjusted later on.

Mr. MOORE of Pennsylvania. Will the gentleman yield before he takes his seat?

Mr. PADGETT. Yes, sir.

Mr. MOORE of Pennsylvania. As the matter has been amended by the Senate, the whole proposition now stands between heaven and earth, with a fair chance of being defeated, does it not?

Mr. PADGETT. The matter stands that both Houses have agreed to the prohibition against the use of the stop watch, and the Senate has amended the House provision striking out the inhibition against the payment of cash rewards and bonuses, and that will come to the House for a separate vote.

Mr. MOORE of Pennsylvania. The matter is so compromised and must be so voted on as not to give a fair expression upon the question raised by the gentleman from New York. So, Mr. Chairman, I renew the point of order.

The CHAIRMAN. The gentleman from Pennsylvania renews the point of order. The Chair will hear the gentleman from New York [Mr. LUNN] on the point of order.

Mr. LUNN. All I have to say, Mr. Chairman, is that it has been in the appropriation bills for the last four years. It is not new legislation.

The CHAIRMAN. That exact language?

Mr. LUNN. The exact language. It went on in the Sixty-third Congress, and also, I believe, in the Sixty-fourth. It is the identical language used in the bills heretofore.

The CHAIRMAN. Can the gentleman recollect at what point of the bill it was offered?

Mr. LUNN. I think at the end of the bill, but we can verify that. There is no doubt about it.

Mr. MOORE of Pennsylvania. My recollection is, confirmed by several gentlemen around me, that it was put on in the ordnance paragraph and not at the end of the bill.

Mr. BROWNE. Mr. Chairman, I have the exact place it was put on. It was put on on January 22, 1915. Mr. Deitrick, of Massachusetts, offered the following amendment to the military appropriation bill, on page 52, after line 14, of that bill.

The CHAIRMAN. Will the gentleman read the language?

Mr. BROWNE. The language is as follows:

On page 52, after line 14, insert the following:

"*Provided*, That no part of the appropriation made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and the completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant, and no claim for services performed by any person while violating the proviso shall be allowed."

This memorandum that I have just read says, "On the military and naval appropriation bills, 1916," and "January 22, 1915."

The CHAIRMAN. The Chair will rule. The Chair is necessarily bound by precedent, and the precedent just quoted is binding. The Chair overrules the point of order.

Mr. BLACK rose.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. BLACK. I rise to oppose the pending amendment.

The CHAIRMAN. The Chair begs to state that the ruling which he has just made is made upon precedent and does not represent, as a matter of parliamentary law, the views of the Chair.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this amendment be concluded in 30 minutes; no; say 20 minutes.

SEVERAL MEMBERS. Ten minutes!

Mr. MOORE of Pennsylvania. Mr. Chairman, I have made a motion to strike out the last word.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate close in 30 minutes.

Mr. DENT. I make it 20 minutes.

The CHAIRMAN. In 20 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Washington. How is the time to be controlled?

The CHAIRMAN. You can not take a Member off his feet by a parliamentary inquiry.

Mr. NOLAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. A Member can not be taken off his feet by a parliamentary inquiry.

Mr. NOLAN. How is that 20 minutes to be apportioned? I am not trying to take the gentleman off his feet.

The CHAIRMAN. The gentleman from Texas is recognized. Is there a desire to agree upon the control of time?

Mr. DENT. I do not ask for the control of time myself. I thought it would be left in the control of the Chair.

Mr. MOORE of Pennsylvania. Since the question is left open again, I ask for five minutes of that time.

The CHAIRMAN. The Chair will recognize the gentleman from Texas [Mr. BLACK] for five minutes, and the gentleman from Pennsylvania [Mr. MOORE] for five minutes, and the gentleman from California [Mr. NOLAN] for five minutes, and the gentleman from Washington [Mr. JOHNSON] for five minutes.

Mr. DENT. Does that exclude the gentleman from Colorado [Mr. KEATING], who wanted time?

Mr. NOLAN. I would be willing to surrender my time to the gentleman from Colorado.

Mr. DENT. The gentleman from Colorado wanted five minutes.

The CHAIRMAN. The Chair suggests that gentlemen agree upon time now.

Mr. BLACK. Mr. Chairman, it seems to me that of all other times now is the most inopportune to adopt any provision of law which would have a tendency to obstruct and delay the Government of the United States in its efforts to speed up the production of war essentials. I had hoped that no Member would propose an amendment of this kind to the military appropriation bill, but the gentleman from New York [Mr. LUNN] has come forward with one which, to my way of thinking, can have no other effect than to tie the hands of our Government and prohibit it from using well-known and well-established systems of efficiency in its arsenals and munition plants.

His amendment reads as follows:

> That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device, a time study of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

This amendment has been properly termed the antiefficiency amendment.

I do not assail the motive and good intention of any member who advocates and supports it, but I do seriously question his judgment.

During the Sixty-fourth Congress this same proposition was championed by Mr. Tavener of Illinois, then a Member of the House, and it was generally referred to as the Tavener amendment.

I voted against it then, as I shall vote against it now. In my opinion it was unwise for Congress to adopt it in time of peace, and it is certainly inexcusable now, when we are calling upon our people everywhere to speed up production in every proper and legitimate way.

In this morning's newspapers is featured an appeal from the President to the people of the United States, and in which appeal, among other things, he says:

> The problem before us is not primarily a financial problem, but rather a problem of increased production of war essentials and the saving of the materials and labor necessary for the support and equipment of our Army and Navy. * * * I therefore urge that our people everywhere pledge themselves to serve the Government to their utmost in increasing production in all fields necessary to the winning of the war.

Is it not a strange bit of irony that on the very day that this appeal is published to the world the House of Representatives is about to adopt an amendment which will say to those officials who are in charge of our Government arsenals and munition factories that they are prohibited from using well-known and tested methods of efficiency in the production of war materials so urgently and sorely needed at the present time?

I have heard it said that America is awake; but surely it is not awake enough, or else an amendment of this kind would not be adopted. I would be ashamed to go back home to my constituents and say to them that we are asking you to overcome your shortage of labor on the farms and in the fields by working longer hours and by calling upon the women and children to help, but that while asking that of you we, the House of Representatives, are willing to adopt an amendment which such men in authority as Secretary of War Baker and Chief of Ordnance Gen. Crozier say will limit and retard the production of war essentials in our own Government factories.

I have no fight to make on union labor. I not only recognize the right of laboring men to organize and bargain collectively but think that it is wise for them to do so.

But that does not prevent me from opposing the demands of some of those who claim to be their leaders and spokesmen when I think they are wrong, as I certainly do think in this particular case. They look just like any other citizens to me—no more, no less. And in a time like this I do not see why they should be accorded consideration over and above that which is accorded the average citizen.

We have said to the wheat farmer, it is true, that in time of peace you would be permitted to sell your product at whatever price it would bring on the open market, but now the exigencies of war make it necessary that you make some sacrifices for the good of the whole Nation, and therefore a price will be fixed on your wheat—which is the fruit of your labor—and you must sell at that price, notwithstanding a much greater one would probably be obtained if the markets were left open and free.

We have said to the sugar growers of the South and the West the same thing, and I have heard no complaint from them.

But when we come to a proposition of this kind, in rush some gentlemen and at once raise the hue and cry that the standards of union labor must not be disturbed; that everything must go on just exactly as in time of peace.

Well, up to the present war we had an established method of recruiting armies, did we not? It was the volunteer system and had been the historic policy of this Nation for a hundred years; in fact, was the deep-rooted system of the Anglo-Saxon race, but we changed it and adopted the selective draft because of the realization of the magnitude of the task which confronted us and the grim determination which we had to meet it adequately.

But when a proposition arises involving some contention of those who claim to speak for union labor, certain gentlemen at once get active and say, "Hands off; hands off."

I think the situation has been admirably expressed recently in the following language:

> I think this question of putting labor continually, in the passage of these bills, between the accomplishment of efficiency and the accomplishment of victory for our country is the greatest libel and the greatest slander that has ever been laid at the door of American labor. There may be some overzealous representative of the interests of labor who thinks that he must stand at the door and ring the bell whenever labor is called on to make a sacrifice, trying to prevent the sacrifice. So far as I am concerned, I believe that the great body of American labor is just as willing to make its sacrifice for the purpose of this war as any other class of citizens in the United States.

WHAT IS THE NEED FOR THIS AMENDMENT ANYHOW?

I think I would be just as willing and just as anxious to prevent any worker for the United States Government from being the victim of injustice and oppression as would the gentleman from New York, who has proposed the amendment, or as would any Member who has advocated it in debate.

The Committee on Military Affairs, after their long consideration and hearings on the bill, have not recognized any necessity for incorporating any such provision as this in the measure. Are we to assume that this great committee has been indifferent to the rights of labor? No. The simple truth is that there is no necessity for this amendment, and not only is it not needed but it will be positively harmful, not only to the Government, but also to those who labor in Government plants. Have the gentlemen who are championing the adoption of this amendment cited us to any evidence where any Government employee has ever been mistreated or wronged or oppressed in any way by the efficiency system which existed in Government plants prior to the adoption of such an amendment?

No such evidence has been cited, and I make bold to challenge the production of it. If gentlemen who are advocating this amendment know of any such facts, it is their duty to acquaint the House with them. They have not produced them because none are available.

The truth of the matter is this efficiency system was working admirably, greatly benefiting the Government and also the employees, when Congress stepped in at a former session, and, over the protest of the Secretary of War, Newton D. Baker, adopted the same amendment as the one we are now discussing.

ATTITUDE OF SECRETARY BAKER.

In this connection let me say that at the first session of the Sixty-fourth Congress Secretary Baker wrote a letter to Speaker CLARK on this subject, and it was referred by the Speaker to the Committee on Military Affairs. This letter is dated April 20, 1916, and, among other things, says:

> The wages paid to our operatives at the Watertown Arsenal as a flat rate, irrespective of their response to the time system, is the current rate of the community for similar work, and in addition to that premiums are offered, not large but large enough to stimulate continuous and faithful activity. So far as I know, there is not a case on record at Watertown since the introduction of this system of a nervous breakdown or physical exhaustion due to excessive work nor is it claimed that the operatives in that plant, protected as they are against long hours by a wise eight-hour provision, are in any sense driven or hurried beyond a fair and safe limit.

Secretary Baker also states in his letter that each employee of the Watertown Arsenal working on premium jobs receives on an average $10.66 as premiums in addition to his daily wage.

The Secretary of War further states in his letter:

> The legislation which is being urged upon Congress is advocated by organized labor, which is opposed to the system intended to be prohibited, for the essential reason which is embodied in the charge that it is a speeding-up system. I can not understand this charge as having any other meaning than that the work required of the em-

ployees by the system is unduly severe. Of the truth of this charge in the practice of the system at the Watertown Arsenal there is no evidence whatever, but there is a great deal of evidence the other way. There is no complaint of overwork at the arsenal and no workman has been discharged because of failure to meet the requirements of the system.

The Secretary further says:

To prohibit the system, of which the record shows undoubted advantages both to the Government and to the employees, because of a charge unsupported by evidence or even by any attempted evidence, for there has been no effort to prove overwork at the Watertown Arsenal, seems to me to be most unwise.

TESTIMONY OF GEN. WILLIAM CROZIER, CHIEF OF THE BUREAU OF ORDNANCE, UNITED STATES ARMY.

At the hearings on the Tavener bill, H. R. 8665, a bill with identical purpose as the amendment now under consideration, Gen. Crozier, Chief of Ordnance, appeared before the Committee on Labor and testified, and the substance of his testimony is printed in the views of the minority submitted in House Report No. 698, Sixty-fourth Congress, first session, from which I take the following:

The testimony of Gen. Crozier, Chief of Ordnance, before the Labor Committee demonstrated that premium and bonus systems have been in use in Government arsenals for many years, to the satisfaction of both management and operatives; that time studies in connection with the premium systems have been in operation in the Watertown Arsenal since 1909; that such system has never been used to "speed up" workmen by ascertaining the fastest time in which work could be done, and declaring it a standard of service; that every charge of alleged overwork has been investigated, and that "we have never found a man at the Watertown Arsenal who has said he was overworked." (Hearings, p. 159.) That accidents, instead of increasing under application of the system, have been less among those engaged under premium or bonus payments than among those engaged in day labor; that since the fixing of work under scientific management has reached appreciable proportions there has been annually a steady decrease in the cost of production to the Government, accompanied by a steady increase in the earnings of those working under the system; that effort to stir up opposition to the system has been evidently stimulated from the outside by organizations opposed to the principles of the system itself, but efforts to abolish it have been met with spontaneous expressions from the workmen of desire to continue under the premium and bonus systems, and that their own social welfare had been advanced by their larger earnings. Finally, that the right to pay premiums or bonus to workers in Government arsenals is regarded by the officers in charge as an essential means of stimulating meritorious increase in production if national self-defense at any time demands such increased production.

Patriotism, it is true, may supply a sufficient incentive to many employers and employees, but the right to insure increased reward for better service by premium or bonus is the only certain means of obtaining necessary increased production.

OPINION OF HON. LOUIS D. BRANDEIS ON THIS ANTIEFFICIENCY AMENDMENT.

I assume that no one will dispute that Associate Supreme Court Justice Brandeis has always been recognized as a friend of union labor. Before his appointment to the Supreme Court he expressed his views on this subject in a letter to the Efficiency Society of New York City, dated January 21, 1916, and, among other things, he said:

Referring to the proposed congressional legislation to prohibit the introduction or use of time study and premium payments in Government establishments:

In my opinion any such restriction upon the conduct of Government establishments would be highly inadvisable. The purpose for thus proposing the legislation is doubtless one which all of us would approve. Increased efficiency ought not to be purchased at the expense of health and other qualities essential to good citizenship and the general welfare, but no one can doubt that increased efficiency is essential to the public welfare, that we have not yet learned how best to secure that efficiency, and that the most important element in securing efficiency is the knowledge of facts, to the ascertainment of which time study is a means.

To prohibit time study and premium payment is as crude a method of affording to the workingman proper protection as the proverbial "burning of the house to roast the pig."

I submit, Mr. Chairman, that, if the House of Representatives is determined to "burn the house to roast the pig," the present hour, of all times, is the most inappropriate one in which to do it, because at no time in the history of our Republic has it been more important to speed up the production of war essentials than at the present hour.

THE USE OF TIME STUDY IN MANUFACTURING PLANTS.

A good deal of misinformation exists as to the use of the stop watch in time study of a given piece of work. Some gentlemen seem to think that it is used in the hands of a task master to speed the worker beyond his limit of endurance. The Government of the United States has never so used it, and, what is more than that, there is no danger whatever of its being so used. On this particular phase of the matter the minority report, to which I have heretofore referred, states:

The stop watch is used principally as a laboratory instrument. It is seldom used in the plant by a foreman standing over the workman timing him. It is used by way of experimenting in taking the operation that is to be performed and making a laboratory study of it before setting the time or determining what is a reasonable time in which to do or perform the operation. It is also extremely necessary to use the stop watch in deciding upon which of many methods is the best method to be used. As one mechanic illustrated, he took, for example, "the planing of a surface of iron or steel." There are four ways by which this may be done: It can be done on the planer, on the milling machine, or it can be done on the surface grinder or on the shaper. How is the manufacturer going to know which is the best method to employ without experimenting on it in the laboratory? The method to be used varies with every kind of material and every different shape of article.

All systems of scientific management that I have read anything about require that some time study be made of factory production in order to have efficient management. Therefore this amendment is sufficiently broad to condemn all of them. Likewise all such systems hold that the bonus or premium is essential as a part of the system as a reward for well-directed effort on the part of the employee. The adoption of this amendment prohibits the payment of such bonus or premium. So to sum up the whole matter this amendment can mean nothing else except a direct blow at Government efficiency, and in the light of the showing which has been made for it it has not a single leg to stand upon.

CONCLUSION.

While our allies are fighting with their backs to the wall against the unspeakable "Hun" and our own brave men are filling up the thinning ranks for the purpose of stemming the onrushing tide of Teutonic savagery, many of them at the price of their own lives, it is getting high time that everybody in this country was putting his shoulder to the wheel to speed us on the way to victory.

It is a broad statement, yet a true one, that America's first great victory will be won when the personal advantage and the personal privilege of each of us have been submerged in unselfish devotion to the common cause.

Capital and labor can well afford to defer their quarrels to another day, if, indeed, it is ever necessary to again renew them with the bitterness which has often existed in the past.

Mutual concessions must be made and criminations and recriminations should be abandoned in face of the common danger which threatens us from a common foe. For if Germany should win this war none of the rights of capital would be secure, and the rights which labor now enjoys, the best and most liberal of any nation in the world, would be thrown into the scrap heap and industrial slavery dictated by Prussian masters would rise to take their place.

Whatever class hatred there is—which has grown up in this country, much of it, under the nuturing care of demagogic agitators—should be forgotten, and the man who seeks to revive it should be looked upon as a public nuisance and be condemned by public opinion accordingly. No more democratic army was ever raised by any nation than that which is now battling for the honor and liberty of the Republic.

The son of the millionaire is fighting side by side with the son of the farmer, the miner, the artisan, and the mechanic. There is no distinction of honor and no difference of hardships. There should be none. There must be none.

Shoulder to shoulder and man to man they are fighting the world's greatest battle for democracy.

And, Mr. Chairman, when the storm and quake and withering fire of battle shall have died away, "when the shouting and the tumult dies and the captains and the kings depart," may this democratic Army return in triumph, bearing palms of victory with them, to take up again the happy and contented pursuits of peace.

Mr. MOORE of Pennsylvania. Mr. Chairman, it seems to me we ought to face an amendment like this and not run away from it. It is a serious matter to the Government. In times of war I do not believe we should hamper the President of the United States, especially with respect to the largest war appropriation bill ever passed by any parliamentary body. We appropriate about $12,500,000,000 here. The money is given freely in taxes and loans from the people. Both sides of the House are united and harmonious in their desire to pass the bill in order to strengthen the work of the President in prosecuting the war. Yet just as we propose to put the finishing touches upon it we are asked to say, "Provided, Mr. President, you will operate the factories and the workshops just as we tell you to do."

There was a strange performance in the House a few days ago. I believe it was the first time such a scene has been enacted since this war was declared. We were passing an Agricultural appropriation bill, and we came to the largest item in it—an item for $6,000,000. Then came a surprise amendment and the House actually voted that the President might apply the $6,000,000 to the purposes of the war in the encouragement and conservation of the food supply, provided he first enacted prohibition in the United States. We had heard many pledges on the floor from both sides of the House, in which the speakers asserted their absolute and unqualified confidence in the President of the United States. They declared their absolute and unqualified desire to be found "standing by the President of the United States," and one of the boasts made by some of the

gentlemen was that they did not propose that it should be said of them back home in their districts that they had cast one vote here that would interfere with the President, he whom we recognize and support as the Commander in Chief of the Army and Navy, in the prosecution of this war.

Why, gentlemen, Samuel Gompers, the head of the American Federation of Labor, who may have his spokesmen here this afternoon, has indicated his desire to work with the President of the United States. He has preached it from the housetops, and so have the other labor leaders of the country. They have expressed their desire to work with the President.

Since this war began wages have gone up, just as the cost of living has gone up. Workmen have contributed generously of their labor to the common cause of prosecuting the war. But now comes the greatest war bill of them all, and strangely enough it comes on the very day that the Director General of Railroads has found it necessary to issue a public statement calling upon striking workmen over yonder in Alexandria to play fair with the Government. Mr. McAdoo, speaking for the Government and the President, has been obliged to say to those who would impede the war's progress that the cause of the Government must be supreme. Take up the morning paper and read the statement of Mr. Director General McAdoo. It is a call to workmen to be loyal to their flag. He tells the strikers that they are obstructing the war, and that the Government must rise superior to their personal wishes. Do we want to take issue with that proposition?

It is most untimely to come into this House when we are passing the greatest war bill of all the war bills and say to the President, as this amendment proposes to do: "Mr. Commander in Chief of the Army and Navy, you may have this $12,500,000,000, but you must abide by the rules of the union in the various workshops or the war must stop."

Take the responsibility those of you who desire to vote for this amendment at this particular time. With you I value and appreciate the services of labor, but for one I am not willing to tie the hands of the President in these war times by this hamstringing amendment. [Applause.]

Mr. NOLAN and Mr. KEATING rose.

Mr. NOLAN. Mr. Chairman, I will yield in favor of the gentleman from Colorado.

Mr. KEATING. Mr. Chairman, I am sure that no Member of this House has the slightest desire to "hamstring" the President of the United States in the prosecution of this war. This amendment will not have that effect. The best evidence that it will not is that it has been on all the appropriation bills for four years. It is on the appropriation bills now. The Government of the United States is now transacting business under this limitation. It is the recognized rule of conduct in the Government workshops of this country, and no responsible official of this Government is asking that it be changed at this time.

The gentleman from Texas read a letter from the Secretary of War written more than a year ago, before we entered the war, written within two or three weeks after he became Secretary of War, and written probably at the suggestion of Gen. Crozier, a gentleman who, when the great test came, did not prove efficient himself. But the gentleman from Texas is not prepared to produce any paper to-day from the Secretary of War showing that he is demanding the repeal of this limitation.

Mr. BLACK. Will the gentleman yield?

Mr. KEATING. No; I have not the time. The gentleman had five minutes and did not present to the committee any later word from the Secretary of War. The Secretary of the Navy, in a letter I inserted in the RECORD two or three days ago, declared that the amendment did not prevent the establishment of efficiency in the workshops of the Navy, that as far as he was concerned he had no objection to its retention.

What is the attitude of the Secretary of War and the President of the United States? As I said a few moments ago, when the gentleman from New York was good enough to yield to me, the Secretary of War is president of the Council of National Defense, and one of the first things he did after we declared war was to assemble the members of the Council of National Defense, and they adopted an appeal to the legislatures and business men of this country to "maintain the existing safeguards as to the health and welfare of workers." That appeal went out all over the country and had a splendid effect.

The President of the United States, addressing the governor of the State of Pennsylvania, confirmed the position of the Council of National Defense in the following memorable letter:

I take pleasure in replying to your letter of June 1. I think it would be most unfortunate for any of the States to relax the laws by which safeguards have been thrown about labor. I feel that there is no necessity for such action, and it would be a slackening of the energy of the Nation which will increase all the time, and besides it is unfair to labor itself.

Now, the main object in urging the retention of this limitation is to preserve the existing harmonious relations between labor and the Government. No nation engaged in this war is in such a happy position concerning its labor problems as the Government of the United States. The gentleman from Pennsylvania referred to some little tuppenny strike out in Alexandria affecting two or three hundred men. In some of the belligerent countries thousands and tens of thousands of men have gone out on strikes.

To-day, in the month of May, the month of strikes, you have fewer men affected by industrial troubles in this country than you ever had at a similar period in any year during the last quarter of a century. [Applause.] I appeal to gentlemen in this House not to assist some labor hater to throw a monkey wrench into the machinery. We should retain this provision and thus keep faith with labor.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. MILLER of Minnesota. Assuming that the letter read by the gentleman from Texas from the Secretary of War states his position on this subject before we entered the war, what is there about the entry of the Nation into the war that should affect that?

Mr. KEATING. The Secretary of War has been managing our military affairs for more than a year. Does not the gentleman know that if the Secretary of War had found this limitation restricted output or interfered with the prosecution of the war, we should have the Secretary of War and the President himself here demanding the removal of the limitation?

Mr. MILLER of Minnesota. I do not think so.

Mr. KEATING. If the gentleman does not, he does not understand our Secretary of War, who would not permit anything to interfere with the prosecution of the war.

Mr. MILLER of Minnesota. I assume that the Secretary of War has not changed his opinion overnight.

Mr. JOHNSON of Washington. Mr. Chairman, I sincerely hope this amendment will be added to the bill, so that the law will be left as it has been. I am opposed to a stop-watch system. I have seen it at work. I do not think it adds to efficiency. I have the honor to represent a district which is heavily engaged in work for the Army, for the aviation service, and for the shipping service. More than 10,000 soldiers are in there working not only in the mills but in the woods. We have put soldiers in with workingmen and have had no trouble. We have solved that problem, and are delivering the goods. I want no stop watch held on either soldiers or workers. I believe each class is equally patriotic. In my district, since the United States entered this war, we have by united effort delivered 22 ships. The neighboring district, represented by the gentleman from Washington [Mr. MILLER] has delivered another 20 ships, and the district of my neighbor on the south [Mr. HAWLEY] also a large number. We have solved our labor problems and settled our differences. Why open them up? I do not think we will have other labor problems, even if you vote this down; but I believe that it is unwise to do unnecessary damage to labor at a time when it is patriotically performing its duty, working hard, and asking for neither bonus nor premium. Find a way to stop profiteering, great and small, and labor will be fully content with the wage it receives; but now everything goes up in a spiral—wages, fuel, food, rents, and clothing all in an endless chain, and the situation can not be helped by holding a stop watch on one link of that chain. Go down with me to one or two of these departments here in Washington, in overcrowded, overheated, sweltering rooms, and see girls working for the Government under the penalty efficiency system, and you will vote every time against it. It gets nowhere.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LUNN].

The question was taken; and on a division (demanded by Mr. LUNN) there were—ayes 52, noes 53.

Mr. LUNN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. DENT and Mr. MOORE of Pennsylvania to act as tellers.

The committee again divided; and the tellers reported—ayes 63, noes 58.

So the amendment was agreed to.

Mr. DENT. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12281, and had directed him to report the same back to the House, with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GARNER. Mr. Speaker, on that I demand a division.

The SPEAKER. All those in favor of passing the bill will rise and stand until counted.

Mr. COOPER of Wisconsin (interrupting the count). Mr. Speaker, I demand the yeas and nays.

Mr. SHERLEY. Mr. Speaker, I make the point of order that while the House is dividing that motion is not in order. The gentleman can make it right after the Chair has announced the count on the division, but he can not stop the division by a demand of that sort.

The SPEAKER. That is correct, but the Chair fears it is too late now.

Mr. SHERLEY. I insist upon the division.

The SPEAKER. Those in favor of taking the vote by yeas and nays will rise and stand until counted. [After counting.] One gentleman has arisen, not a sufficient number.

Mr. COOPER of Wisconsin. Mr. Speaker, I simply want the RECORD to show that the vote is unanimous.

The SPEAKER. The question is on the passage of the bill. All those in favor of the passage of the bill will rise and stand until counted. [After counting.] One hundred and thirty-nine gentlemen in the affirmative. Those opposed will rise and stand until counted. [After a pause.] No gentleman rises in opposition to it.

Mr. COOPER of Wisconsin. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. COOPER of Wisconsin (interrupting the count). Mr. Speaker, I am told—and I did not know it until just this moment—that a number of gentleman have gone away, supposing there would be no roll call, and I withdraw the point of order.

The SPEAKER. The gentleman from Wisconsin withdraws his point of order. The bill is passed unanimously. [Applause.]

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DENT. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on this bill may have five legislative days within which to extend their remarks on the bill.

The SPEAKER. Is there objection.

Mr. HAMLIN. Reserving the right to object, there are quite a number who were not permitted, on account of the rush for time, to speak on the bill, and I ask unanimous consent to extend my remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. DENT. Mr. Speaker, I ask unanimous consent that every Member of the House be permitted to extend his remarks if limited to this particular bill.

Mr. RAGSDALE. Mr. Speaker, I object.

The SPEAKER. The Chair never did put the original request, and that was that gentlemen who spoke on this bill should have five legislative days in which to extend their remarks on the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks on the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HAYES. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from California [Mr. HAYES], the gentleman from California [Mr. NOLAN], the gentleman from Michigan [Mr. SMITH], the gentleman from Utah [Mr. WELLING], the gentleman from Missouri [Mr. ROMJUE], the gentleman from Missouri [Mr. DICKINSON], the gentleman from Colorado [Mr. KEATING], the gentleman from Michigan [Mr. BEAKES], the gentleman from Pennsylvania [Mr. FARR], the gentleman from Utah [Mr. MAYS], and the gentleman from Alabama [Mr. GRAY] ask unanimous consent to extend their remarks in the RECORD. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I think unless these requests are limited to five legislative days I shall object. If these gentlemen all ask to extend their remarks within five legislative days I have no objection.

The SPEAKER. The Chair did not make the request and the Chair can not modify it.

Mr. WALSH. I ask unanimous consent to modify these various requests by making it within five legislative days.

The SPEAKER. The gentleman from Massachusetts tacks on these requests the proposition that they be limited to five legislative days, and, taking the original requests in conjunction with this amendment, is there objection?

Mr. DOWELL. Mr. Speaker, I object to the amendment.

Mr. SHACKLEFORD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects without the amendment, and the gentleman from Iowa with it, so you are all objected to.

ADJOURNMENT UNTIL MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 12 o'clock on Monday next.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 12 o'clock Monday. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12280. An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3799. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. FISHER, for one week, on account of illness in the family.

To Mr. DRANE, for 10 days on account of official business.

To Mr. MCARTHUR, for to-morrow, on account of important business.

EXTENSION OF REMARKS.

Mr. WALSH. Mr. Speaker, I withdraw the tacking on I put on these requests in view of the desire of the gentleman from Iowa to get even with me for objecting to his extending a letter.

The SPEAKER. Is there objection to these gentlemen who asked to extend their remarks in the RECORD? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 11 minutes p. m.), under its previous order, the House adjourned to meet on Monday, June 3, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury transmitting copy of a communication from the chairman of the War Industries Board, submitting an estimate of appropriation required by the War Industries Board for salaries and expenses for the fiscal year 1919 (H. Doc. No. 1142), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JONES, from the Committee on Reform in Civil Service, to which was referred the joint resolution (S. J. Res. 141) amending the act of July 2, 1909, governing the holding of civil-service examinations, reported the same without amendment, accompanied by a report (No. 612), which said joint resolution and report were referred to the House Calendar.

Miss RANKIN, from the Committee on the Public Lands, to which was referred the bill (S. 933) to authorize the Secretary of the Interior to issue patents for certain land to school district No. 9, of Sanders County, Mont., reported the same without amendment, accompanied by a report (No. 613), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 11479) for the relief of the heirs or legal representatives of Nat W. Fant, deceased, reported the same without amendment, accompanied by a report (No 614), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12240) granting a pension to Scott Colegate, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Miss RANKIN: A bill (H. R. 12334) appropriating money for the use of the tribal council of the Flathead Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 12335) to regulate the citizenship of married women; to the Committee on Immigration and Naturalization.

By Mr. HICKS: A bill (H. R. 12336) authorizing the Secretary of the Navy to reimburse officers, enlisted men, nurses, and civilian employees in the Naval Establishment, Marine Corps, and Coast Guard for certain disbursements while on furlough necessitated by disabilities originating in the service and in line of duty; to the Committee on Naval Affairs.

By Mr. KING: A bill (H. R. 12337) to authorize the establishment of a bureau of farm-risk insurance in the Agriculture Department; to the Committee on Agriculture.

By Mr. SIMS: A bill (H. R. 12338) to amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended by the act entitled "An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," approved March 28, 1918, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Joint resolution (H. J. Res. 298) extending to the Territory of Alaska the same rights and privileges as are accorded the several States under the act of February 23, 1917, providing for the promotion of vocational education; to the Committee on Education.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 12339) for the relief of Warren C. Isham; to the Committee on Naval Affairs.

By Mr. BRODBECK: A bill (H. R. 12340) granting an increase of pension to Frederick Sloat; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12341) granting an increase of pension to Joseph Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12342) granting an increase of pension to Craig M. Geiselman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12343) granting an increase of pension to Mary A. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12344) granting an increase of pension to William Low; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 12345) granting an increase of pension to Charles H. Giles; to the Committee on Invalid Pensions.

By Mr. GOODALL: A bill (H. R. 12346) to amend and to correct the military record of Thomas Decker; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 12347) granting a pension to Alice E. Marvin; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 12348) granting an increase of pension to Cornelius S. Munhall; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 12349) granting a pension to Nancy J. Chambers; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 12350) granting an increase of pension to Nathan C. Dobbs; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 12351) for the relief of David L. Marks; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial (inclosing arguments and evidence) of the International Association of Machinists, against the so-called Taylor system; to the Committee on Naval Affairs.

Also (by request), resolutions of the Allied Printing Trades Council of St. Joseph, Mo., urging the amendment of the war-revenue act by eliminating the section dealing with second-class postage rates; to the Committee on Ways and Means.

Also (by request), memorial of the Chicago Alumni of Northwestern College, asking for enactment of war prohibition legislation; to the Committee on the Judiciary.

By Mr. CURRY of California: Resolutions forwarded by Dr. Dewey R. Powell, secretary of 76 physicians and surgeons of San Joaquin Valley, favoring drafting medical men for surgeons in the Army Medical Corps; to the Committee on Military Affairs.

By Mr. DOOLITTLE: Petition of the German Methodist Church of Alta Vista, Kans., for the enactment of war prohibition; to the Committee on the Judiciary.

By Mr. DOWELL: Petition of 987 citizens of Ames, Iowa, urging emergency war-time prohibition; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of Buckley, Dement & Co. and Coyne Bros., of Chicago, and the East St. Louis Lumber Co., of East St. Louis, Ill., opposing repeal or postponement of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. LONERGAN: Memorial of Hartford Christian Endeavor Union, favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. McCLINTIC: Petition of Oklahoma City (Okla.) Chamber of Commerce asking that everything possible be done to better public highways; to the Committee on Roads.

By Mr. MILLER of Minnesota: Memorial of Slovenian Republican Alliance of America, asking that the Slovenese be released from bondage of the Austrian Government; to the Committee on Foreign Affairs.

By Mr. SANDERS of New York: Petition of Mr. E. T. Marsh and 11 other residents of Rochester and vicinity, protesting against the zone system for second-class postage; to the Committee on Ways and Means.

By Mr. TILSON: Petition of Hartford (Conn.) Clearing House Association against the guarantee of deposits on national banks, which puts a premium on incompetence; to the Committee on Invalid Pensions.

SENATE.

MONDAY, *June 3, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, our trust is in Thee. We pray Thee to help us appreciate the supreme importance and value of spiritual things. We are in the midst of a world struggle which calls for the delivery of every element of force and power that we have at our command; may we not be tempted to leave the path that leads to God, for our dependence is upon the mighty arm of God. As we turn to Thee this morning at the beginning of this day's work give us, we pray Thee, power to make better distinctions, and to value spiritual things in their place as God would give us the light to see the sources of power for a mighty conflict like this. We pray that Thy spirit may guide us in the duties of this day. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of the proceedings of Friday, May 31, 1918, was read and approved.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 229).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia submitting

a revised estimate of appropriation for certain employees for the public schools of the District of Columbia for the fiscal year 1919, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 12281) making appropriations for the support of the Army for the fiscal year ending June 30, 1919, in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 12280) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD. I send to the desk a telegram from the Texas Equal Suffrage Association in reference to the Federal suffrage amendment, which I ask to have set out in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

AUSTIN, TEX., *May 31, 1918.*

Hon. MORRIS SHEPPARD,
Washington, D. C.:

The Texas Equal Suffrage Association, in annual session assembled, directly representing 20,000 members and indirectly 500,000 women voters of Texas, do hereby vigorously protest against the Senate's delay in passing the suffrage amendment denying enfranchisement to 20,000,000 American women. As southern voters we ask Democratic Senators to register their belief in equality, intelligence, and loyalty of American women by passing at once the suffrage amendment. The Nation more than a year ago pledged itself to democracy both at home and abroad, and we respectfully ask Congress to now redeem this pledge. We ask you to present our protest to the Senate and have it read into the RECORD. Please answer.

MINNIE FISHER CUNNINGHAM, *President.*

Mr. GRONNA presented a petition of the North Dakota Medical Society, praying for the enactment of legislation to provide advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of the fourth district of the North Dakota Federation of Women's Clubs, of Hope, N. Dak., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented resolutions adopted by the Woman's Club of New England, N. Dak., pledging support to the increased postal rates legislation recently enacted, which were ordered to lie on the table.

Mr. SMOOT. I present a telegram addressed to the Senate of the United States in my care. It is short, and I ask that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SALT LAKE CITY, UTAH, *June 1, 1918.*

SENATE OF THE UNITED STATES
(Care Senator REED SMOOT), *Washington, D. C.*

GENTLEMEN: The Young Ladies' National Mutual Improvement Association, numbering 35,000 young women in Utah and surrounding States, urges you to legislate for nation-wide prohibition.

MARTHA H. TINGEY, *President.*

Mr. JOHNSON of South Dakota. I have received several resolutions to Congress in the form of memorials from the Universal Franchise League of Huron, S. Dak., sent me by Mrs. Arla E. Willard and Verna T. Meyer; also a letter from Mrs. John L. Pyle, State president of the league, inclosing several editorials from South Dakota newspapers, requesting that the memorials and clippings be read into the RECORD. I also have a letter from Mrs. C. N. Herreid, of Aberdeen, S. Dak., inclosing a memorial from the Sunday Musical Club of Aberdeen on the same subject. I would like to have had these memorials printed in the RECORD, but knowing the recent rule adopted by the Senate and being advised that objection would be made, I desire to offer them and have them referred to the Committee on Woman Suffrage for serious consideration.

Mr. VARDAMAN. I desire to have read a telegram addressed to the United States Senate in my care from Hon. W. H. Patten, speaking for the Southern Baptist Convention.

There being no objection, the telegram was read, as follows:

SHUBUTA, MISS., *May 31, 1918.*

UNITED STATES SENATE
(Care Hon. JAMES K. VARDAMAN),
Washington, D. C.:

Over 2,000 members at the Southern Baptist Convention, Hot Springs, urge the passage of war-time prohibition to hasten and insure victory. The enormous waste of men, money, food, fuel, and other war necessities through the liquor traffic is a crime against the men at the front and our God and puts our victory in jeopardy. Patriotism demands action at once.

W. H. PATTEN.

Mr. CALDER. I present a petition from the Religious Society of Friends in favor of woman suffrage, which I ask may be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

RELIGIOUS SOCIETY OF FRIENDS,
New York, Fifth Month, 30th, 1918.

To Hon. WILLIAM M. CALDER, of New York:

The Yearly Meeting of the Religious Society of Friends, representing Friends in the States of New York and eastern New Jersey, in annual session at Fifteenth Street and Rutherford Place, New York City, is deeply concerned that the United States should recognize the right of women to a voice in her own government, particularly at a time like this, when other nations are enfranchising their women.

And therefore calls upon the President of the United States and the Senators from the States of New York and New Jersey to do all within their power to urge the immediate passage of the Federal suffrage amendment.

And directs that a copy of this minute be sent to President Wilson, Senator JAMES W. WADSWORTH, Jr., and Senator JOSEPH S. FRELINGHUYSEN and Senator DAVID BAIRD, of New Jersey.

ELLWOOD BURDSALL, *Clerk.*
JOSEPHINE H. TILTEN, *Assistant Clerk.*

Mr. JONES of New Mexico. I have received two telegrams addressed to the Senate in my care in regard evidently to the amendment to the Agricultural appropriation bill with reference to prohibition. I ask that the telegrams be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the telegrams were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

TUCUMCARI, N. MEX., *May 31, 1918.*

The CONGRESS OF THE UNITED STATES
(Care Senator A. A. JONES), *Washington, D. C.:*

Americans of Tucumcari are praying in great union service that God will give you grace and power from on high to exercise your vast authority in freeing America from the sin of the liquor traffic; that the national iniquity which may prevent Almighty God from hearing our prayers for speedy victory may be removed. Sent by resolution of mass meeting in session Memorial Day.

Harry H. McElroy, V. M. Dyer, H. M. Doughty, Ed Hall, J. Greshem, Thos. Coshow, E. Clark, L. Major, C. Cushack, O. D. Ferguson, Ed Saxon, H. Herndon, P. Headerlitt, Ira Furr, Mark Brown, C. Herndon, J. Ritz, Annie Hicks, F. M. Smith, A. Maddox, Roy Smith, F. Caruthers, O. Hixie, Walter W. Dobson, M. Walter, L. Jackson, L. Z. Payne, C. Hittson, Cora Hittson, President Woman's Christian Temperance Union, N. Reasoner, G. Ellis.

SANTA FE, N. MEX., *May 31, 1918.*

The UNITED STATES SENATE
(Care Hon. A. A. JONES), *Washington, D. C.:*

We, the people of Santa Fe, N. Mex., assembled on this national day of prayer, urge the passage of the Randall amendment to the administration food-production bill passed by the House, believing God will hear when the Nation ceases to do evil.

J. A. WOOD,
F. E. LOCKRIDGE,
C. E. LINNY,
Committee.

Mr. KENYON presented a petition of sundry citizens of Eldora, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the faculty of the Leland Stanford University, of California, praying for the repeal of the present zone system of postage rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented a petition of the Equal Suffrage League, of Newton, Mass., and a petition of the College Equal Suffrage League, of Boston, Mass., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of A. D. Weld Post, No. 148, Grand Army of the Republic, Department of Massachusetts, of Winchester, Mass., praying for an increase of pensions for veterans of the Civil War, which was ordered to lie on the table.

Mr. MYERS presented a petition of sundry citizens of Hamilton, Mont., praying for the fixing of prices of substitutes for wheat and wheat flour, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 4005) providing for the survey of public lands remaining unsurveyed in any of the surveying districts of Florida, with a view of satisfying the grant in aid of schools made to said State under the act of March 3, 1845, and other acts amendatory thereof, reported it with amendments and submitted a report (No. 478) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 2171) to abolish the United States land office at Springfield, Mo. (Rept. No. 477);

A bill (S. 2715) to authorize an exchange of lands with the State of Montana in connection with Muddy Creek Reservoir site, Sun River project, and Nelson Reservoir site, Milk River project, and for other purposes (Rept. No. 476); and

A bill (S. 4221) for the relief of private owners of lands within or near the Bitter Root National Forest, Mont. (Rept. No. 475).

Mr. THOMPSON, from the Committee on Pensions, to which was referred the bill (S. 4444) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China, reported it with amendments and submitted a report (No. 479) thereon.

THE COMMITTEE ON BANKING AND CURRENCY.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 256, submitted by Mr. OWEN on the 31st ultimo, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Banking and Currency, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-fifth Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 4639) granting an increase of pension to John Doughty;

A bill (S. 4640) granting an increase of pension to George W. Martin;

A bill (S. 4641) granting an increase of pension to Samuel Robison; and

A bill (S. 4642) granting a pension to Margaret S. Pruyn; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 4643) to increase the compensation of bookbinders in the Government Printing Office; to the Committee on Printing.

By Mr. MYERS:

A bill (S. 4644) granting a pension to Daniel H. Anker; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4645) authorizing the conveyance of the United States jail and land on which the same is located at Guthrie, Okla., to Logan County, Okla.; to the Committee on Public Lands.

A bill (S. 4646) to create a rural credit society and general insurance league to facilitate the increase in farm production, to create two fiscal and financial agents for the Government of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. PENROSE:

A bill (S. 4647) for the relief of Rinald Bros., of Philadelphia, Pa. (with accompanying papers); to the Committee on Claims.

A bill (S. 4648) for the relief of Mary E. Bingham (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4649) granting a pension to Julia A. Hoffner; and

A bill (S. 4650) granting an increase of pension to John H. Wood; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 4651) granting an increase of pension to Bessie A. Dichman (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 4652) requiring the filing of copies of all contracts for services rendered or materials furnished to the United States or certain contractors and agencies of the United States; to the Committee on the Judiciary.

By Mr. CALDER:

A joint resolution (S. J. Res. 157) admitting into the United States 1,000 cases of chartreuse ordered by Batjer & Co., of New York, before the passage of the food-control act prohibiting the importation of distilled spirits, the delivery of which was delayed on account of war conditions until after that act went into effect; to the Committee on Finance.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

Mr. McKELLAR. I introduce a bill for the retirement of employees in the classified civil service, which I ask to have referred to the Committee on Civil Service and Retrenchment.

The bill (S. 4637) for the retirement of employees in the classified civil service was read twice by its title and referred to the Committee on Civil Service and Retrenchment.

Mr. McKELLAR. I ask unanimous consent that the bill be printed in the RECORD for the information of Senators, and in connection with the bill I ask also that a summary of its provisions be printed to follow the bill.

There being no objection, the bill and the matter referred to were ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That, beginning on the 1st day of July next following the passage of this act, all employees in the classified civil service of the United States who have on that date or shall have on any date thereafter reached the age of 68 years shall be eligible for retirement on an annuity as hereinafter provided: *Provided*, That mechanics, city and rural letter carriers, and railway mail clerks shall be eligible for retirement at 65 years of age: *Provided further*, That postmasters shall not be included in the provisions of this act.

SEC. 2. That for the purpose of determining the amount of annuity which retired employees shall receive the following classifications and rates shall be established:

Class A shall include all employees to whom this act applies who shall have served the United States for a total period of 30 years or more.

Class B shall include all employees to whom this act applies who shall have served the United States for a total period of 25 years or more, but less than 30 years.

Class C shall include all employees to whom this act applies who shall have served the United States for a total period of 20 years or more, but less than 25 years.

Class D shall include all employees to whom this act applies who shall have served the United States for a total period of 15 years or more, but less than 20 years.

The annuity to a retired employee in class A shall equal 50 per cent of such employee's average annual basic salary, pay, or compensation from the United States for the 10 years next preceding the date on which he or she retired: *Provided*, That in no case shall an annuity in this class exceed $600 per annum.

The annuity to a retired employee in class B shall equal 40 per cent of such employee's average annual basic salary, pay, or compensation from the United States for the 10 years next preceding the date on which he or she retired: *Provided*, That in no case shall an annuity in this class exceed $540 per annum.

The annuity to a retired employee in class C shall equal 30 per cent of such employee's average annual basic salary, pay, or compensation from the United States for the 10 years next preceding the date on which he or she retired: *Provided*, That in no case shall an annuity in this class exceed $480 per annum.

The annuity to a retired employee in class D shall equal 25 per cent of such employee's average annual basic salary, pay, or compensation from the United States for the 10 years next preceding the date on which he or she retired: *Provided*, That in no case shall an annuity in this class exceed $420 per annum.

SEC. 3. That for the purpose of this act and subject to the provisions of section 10 hereof the period of service of an employee in the classified civil service shall be computed from original employment, whether as a classified or unclassified employee in the civil service of the United States, and shall include periods of service at different times and services in one or more departments, branches, or independent offices of the Government, and shall also include service performed under authority of the United States beyond seas or honorable service in the Army, Navy, or Marine Corps of the United States, either Regular or Volunteer: *Provided*, That in the case of an employee who is eligible for and elects to receive a pension on account of disability incurred in the line of duty the period of his military or naval service shall not be included for the purpose of assignment to classes defined in section 2 of this act.

It is further provided that in computing length of service for the purposes of this act periods of separation from the service shall be excluded, and that in the case of a substitute city carrier, postal clerk, or railway postal clerk only periods of active occupation in the duties for which he or she was employed shall be included.

SEC. 4. That the provisions of this act shall include employees of the Library of Congress and the Botanic Gardens, excepting such persons as may be appointed by the President and confirmed by the Senate, and may be extended by Executive order, upon recommendation of the Civil Service Commission, to include any employee or group of employees in the civil service of the United States not classified at the time of the passage of this act. The President shall have power, in his discretion, to exclude from the operation of this act or include therein any employee or group of employees whose tenure of office is intermittent or of uncertain duration.

SEC. 5. That all employees to whom this act applies shall, on arriving at the age of retirement as defined in section 1, be automatically separated from the service: *Provided*, That if not less than 90 days before the arrival of an employee at the age of retirement the head of the department, branch, or independent office of the Government in which he or she is employed certifies to the Director of the Bureau of War-Risk Insurance that by reason of his or her efficiency and his or her willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon certification by the Director of the Bureau of War-Risk Insurance, and at the end of the two years he or she may, by similar certification, be continued for an additional term of two years, and so on: *Provided, however*, That at the end of 10 years after this act becomes effective no employee shall be continued in the civil service of the United States beyond the age of retirement specified in section 1 hereof for more than four years.

SEC. 6. That each employee who may become eligible for retirement as provided in this act shall, not less than 60 days before reaching the retirement age, file with the Director of the Bureau of War-Risk Insurance, in such form as he may prescribe, an application for an annuity, and said application shall be supported by a certificate from the head of the department, branch, or independent office of the Government in which the applicant has been employed, stating the age and period or periods of service of the applicant and salary, pay, or compensation received, as shown by the official records: *Provided, however*, That in the case of an employee who is to be continued in the service of the United States beyond the retirement age as provided in section 5 of this act no application for retirement and annuity as herein prescribed

shall be filed with the Director of the Bureau of War-Risk Insurance: *And provided further*, That failure to apply for retirement and annuity within 60 days after reaching the retirement age because of the pendency of an application for retention in the civil service shall not be construed to deprive any person of retirement and annuity.

Upon receipt of satisfactory evidence the Director of the Bureau of War-Risk Insurance shall forthwith adjudicate the claim of the applicant, and, if title to an annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Treasury Department, and such certificate shall become evidence of the right of the annuitant to the annuity as therein defined.

SEC. 7. That every employee to whom this act applies who shall continue in the civil service after the passage of this act, as well as every person to whom this act applies who may hereafter be appointed to a position or place, shall be deemed to consent and agree to the deductions made and provided for hereinafter, and payment with such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such person during the period covered by such payment, except his or her claim for the benefits to which he or she may be entitled under the provisions of this act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this act applies.

SEC. 8. That, beginning on the first day of the second month after the month in which this act is approved, there shall be deducted and withheld from the basic salary, pay, or compensation of each person to whom this act applies a sum equal to 2½ per cent of such person's basic salary, pay, or compensation. The Secretary of the Treasury shall cause the said deductions to be withheld from all specific appropriations for the particular salaries or compensation from which the deductions are made and from all allotments out of lump-sum appropriations for payments of such salaries or compensation for each fiscal year, and said sums shall be transferred on the books of the Treasury Department to the credit of a special fund to be known as "the civil-service retirement fund," and shall be credited, together with interest thereon at 4 per cent per annum, compounded annually, to the individual account of the employee from whose salary or compensation the deduction was made. Such "civil-service retirement fund" is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act. There is also appropriated, out of any moneys in the Treasury not otherwise appropriated, a sum which, when added to the deductions herein provided and transferred from other appropriations under the provisions of this act, shall be sufficient to make payments provided by this act: *Provided*, That the Secretary of the Treasury is hereby authorized and empowered to invest, from time to time, in interest-bearing securities of the United States, such portions of the "civil-service retirement fund" hereby created as, in his judgment, may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of carrying out the provisions of section 11 of this act.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this act to establish special funds supplementing individual contributions by the employees and to receive, invest, and disburse for such purpose all moneys in the form of donations, gifts, legacies, bequests, or otherwise, which may be contributed by private individuals or corporations or organizations for the benefit of the civil-service employees generally or any special class of employees.

SEC. 9. That annuities as herein provided shall be paid monthly, and checks shall be issued and mailed to the last-known address of the annuitant on the first business day of the month succeeding the month in which the annuity becomes due: *Provided*, That where an annuitant is laboring under legal disabilities the annuity in such cases may be paid to the duly appointed guardian.

SEC. 10. That upon the transfer of any employee from unclassified to classified status, or upon the reinstatement of a former employee to the service, credit for such past service or for any part thereof shall be granted only upon the payment to the Treasurer of the United States, within 90 days of such transfer or reinstatement, of the amount of such deductions with interest as provided in this act as would have been made for the periods of actual service or part thereof for which credit is to be given. Interest shall not be computed, however, for periods of separation from the service.

SEC. 11. That in the case of an employee in the classified civil service of the United States who shall be transferred to an unclassified position, and in the case of any employee to whom this act applies who shall become absolutely separated from the service before reaching the retirement age the total amount of deductions of salary, pay, or compensation with accrued interest computed at the rate of 4 per cent per annum compounded annually, shall, upon application, be returned to such employee; and in event of the death of an employee before he shall have received in annuities an amount equal to the total amount of the deductions from his salary or compensation together with interest thereon at 4 per cent per annum compounded annually up to the time of his death, the excess of the said accumulated deductions over the said annuity payments shall be paid in one sum to his or her legal representatives upon the establishment of a valid claim therefor.

SEC. 12. That for the purpose of administration, except as otherwise provided herein, the Director of the Bureau of War-Risk Insurance, under the direction of the Secretary of the Treasury, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

SEC. 13. That payment of annuities, refunds, and allowances as herein provided shall be made by the disbursing clerk for the Bureau of War-Risk Insurance, and with the approval of the Secretary of the Treasury, checks in payment of annuities may be drawn without separate vouchers or receipts, but in such form as to protect the United States against loss: *Provided*, That vouchers shall be required in all cases in which payment of annuities, refunds, or allowances are to be made to some person other than the annuitant, and in all other cases in which the Secretary of the Treasury may deem it necessary.

SEC. 14. That it shall be the duty of the head of each executive department and the head of each independent establishment of the executive branch of the Government not within the jurisdiction of any executive department to report to the Bureau of War-Risk Insurance in such manner as said bureau may prescribe the name and grade of each employee to whom this act applies in or under said department or establishment who shall be at any time in a nonpay status, and the amount of basic salary, pay, or compensation lost by the employee by reason of such absence. The Bureau of War-Risk Insurance shall keep such record of appointments, transfers, changes in grade, separations from the service, and losses of pay as shall enable it at all times to determine accurately the amount of salary, pay, or compensation deducted and withheld from any individual under the provisions of this act.

SEC. 15. That the Secretary of the Treasury shall prepare and keep all needful tables, records, and accounts required for carrying out the provisions of this act, including data showing the mortality experience of the officers and employees in the service and the rate of withdrawal from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of officers and employees. The Secretary of the Treasury shall make a detailed comparative report annually to Congress showing all receipts and disbursements, together with the total number of persons receiving annuities and the amounts paid them.

SEC. 16. That none of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

SEC. 17. That for clerical and other services and all other expenses necessary in carrying out the provisions of this act, there is hereby appropriated the sum of $100,000, out of any moneys in the Treasury not otherwise appropriated, which sum shall be immediately available and continue available until the end of the fiscal year next after the passage of this act; thereafter the Secretary of the Treasury shall include in his annual estimate of appropriations a sum sufficient to continue this act in full force and effect.

SEC. 18. That all laws and parts of laws inconsistent with this act are hereby repealed.

PROVISIONS OF RETIREMENT BILL.

Section 1: Classified civil employees covered. Postmasters excluded. Eligibility age for retirement, 65 for mechanics, city or rural letter carriers, railway postal clerks; 68 for others.

Section 2: Service required and life pension provided: Thirty years or more defines class A, pension 50 per cent, maximum $600; 25 up to 30 years defines class B, pension 40 per cent, maximum $540; 20 up to 25 years defines class C, pension 30 per cent, maximum $480; 15 up to 20 years defines class D, pension 25 per cent, maximum $420.

Section 3: All United States Government service counted (subject to sec. 10 deduction adjustment if necessary). Military or naval service counted unless receiving military or naval pension. Periods of separation not counted. The substitute postal employees covered credited with only periods of active employment.

Section 4: Library of Congress and Botanic Garden employees included, except presidential. Executive order may cover in employees not now classified. President may exclude or include employees of intermittent or uncertain tenure.

Section 5: Successive two-year continuances. Upon certification by head of department or branch at least 90 days prior, of efficiency. Ten years after passage of act, absolute age limits 69 and 72.

Section 6: Application for annuity, unless continued under section 5. Made to Director Bureau of War-Risk Insurance at least 60 days prior to retirement. Certification by head of department or branch as to age and pay. Treasury Department certificate evidence to right to annuity.

Section 7: Continuance of employment deemed consent to deductions. Return of deductions and payment of pensions shall be full acquittance of claims for service.

Section 8: Deductions 2½ per cent of (basic) pay. Withheld from salary appropriations. Transferred on Treasury books to "civil-service retirement fund." Credited to individual account with 4 per cent compound interest. Secretary of Treasury to invest funds not immediately payable.

Section 9: Annuities payable monthly.

Section 10: Deductions at interest to be made up for credit desired for service for which deductions had not been made.

Section 11: Total return to employee or legal representative in no case less than total deductions accumulated at 4 per cent interest.

Section 12: Administration by Director Bureau of War-Risk Insurance.

Section 13: Payments made by disbursing clerk of Bureau of War-Risk Insurance in such form as to protect United States against loss.

Section 14: Records of appointments, transfers, separations, nonpay periods, and pay thus lost to employee. Head department or branch to report. Director Bureau War Risk to record.

Section 15: Secretary of Treasury to keep all other needful tables and records for future valuations or adjustments. To report annually to the Congress on conditions of the fund.

Section 16: Moneys not assignable or attachable.

Section 17: Appropriation for clerical and other services: One hundred thousand dollars first year, then such sums as necessary.

Section 18: Repeal of inconsistent law.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. FRANCE. I introduce a bill for further increasing the Naval Establishment of the United States, which I ask to have read and referred to the Committee on Naval Affairs.

The bill (S. 4638) making appropriations for the purpose of further increasing the Naval Establishment of the United States was read the first time by its title, the second time at length, and referred to the Committee on Naval Affairs, as follows:

Be it enacted, etc., That for the purpose of further increasing the Naval Establishment of the United States the President of the United States is hereby authorized to undertake, prior to September 1, 1918, the construction of the battle cruisers enumerated below:

Twenty battle cruisers, carrying suitable armor and, when fully completed, as powerful armament as any vessels of their class, to have the highest possible or practicable speed and greatest desirable radius of action, at a cost, exclusive of armor and armament, not to exceed $22,000,000 each: *Provided*, That work upon these shall be begun as soon as practicable in order that they may be utilized at the earliest possible date, even before they shall be fully equipped with armament, for the purpose of facilitating or protecting the transport of troops or for other services.

SEC. 2. That the President be further authorized to undertake the construction of 10 scout cruisers, carrying suitable protection and armament suited to their size and type, to have the highest practicable speed and greatest desirable radius of action, at a cost, exclusive of armor and armament, not to exceed $9,000,000 each, to be begun as soon as practicable but not later than January 1, 1919.

SEC. 3. That there be, and hereby is, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, the sum of $600,000,000, or so much thereof as may be necessary, for the carrying out of the provisions of this act.

CONSIDERATION OF TREATIES—AMENDMENT OF THE RULES.

Mr. BORAH. I submit a proposed amendment to Senate resolution 235 with reference to amending the rules of the Senate. I ask that the proposed amendment be read and lie on the table, to be offered as an amendment when the matter comes up.

The VICE PRESIDENT. The proposed amendment will be read.

The SECRETARY. Add the following as a new section:

That all treaties shall be considered and acted upon by the Senate in its open or legislative session unless four-fifths of the Members of the Senate by yea-and-nay vote shall determine to close the doors during the consideration of the particular treaty upon which the vote to close the doors is taken.

That this rule shall not be limited to the period of the war.

AMENDMENTS TO ARMY APPROPRIATION BILL.

Mr. SHAFROTH. In behalf of my colleague [Mr. THOMAS], who is absent, I submit an amendment intended to be proposed by him to the Army appropriation bill, which I ask may be printed and referred to the Committee on Military Affairs.

The VICE PRESIDENT. It will be so ordered.

Mr. McCUMBER. I submit a proposed amendment to the Army appropriation bill. It is very short, and I ask that it may be read by the Secretary.

The amendment was read and referred to the Committee on Military Affairs, as follows:

Add at the end thereof the following:

"That the President is hereby authorized and directed to immediately proceed to increase the National Army to not less than 5,000,000 enlisted men and such additional officers as may be necessary for such force, exclusive of noncombatant forces that may be employed either in the United States or abroad; and the President is further hereby requested to report to Congress what additional legislation and what additional appropriations will be necessary to carry this provision into effect in the shortest possible time; and, as nearly as may be, what time will be required to raise, equip, and put such force in the service in France or elsewhere outside the United States."

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on May 31, 1918, approved and signed the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia.

HOUSE BILL REFERRED.

H. R. 12281. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919, was read twice by its title and referred to the Committee on Military Affairs.

DATA RELATIVE TO PROFITEERING AND THE REVENUE.

Mr. UNDERWOOD. Has the morning business been disposed of?

The VICE PRESIDENT. If there are no concurrent or other resolutions, the morning business is closed.

Mr. UNDERWOOD. I desire to call up for consideration Senate resolution 235.

Mr. BORAH. May I make an inquiry before that is done with reference to resolution 253, coming over from a former day?

The VICE PRESIDENT. If the Senator wishes to call it up, he has a right to do so.

Mr. BORAH. I ask that it may lie over without prejudice, due to the fact that a Senator has suggested that he might desire to offer an amendment to the resolution.

The VICE PRESIDENT. The present occupant of the Chair has heretofore ruled that there is no rule which requires the Chair to lay before the Senate a resolution coming over from a preceding day; that it is a matter within the control of the Senator who introduced it, and he has a right to call it up just before the close of morning business; that such resolutions do not go to the calendar until after they have been called up and discussed.

Mr. BORAH. I shall defer calling up the resolution until the Senator who spoke to me is ready to proceed.

Mr. UNDERWOOD. I did not exactly understand the inquiry of the Senator from Idaho or the ruling of the Chair as to the status of the resolution. Does the Chair hold that Senate resolution 235 is in order at this time?

The VICE PRESIDENT. It is.

Mr. BORAH. I was speaking with reference to another resolution.

Mr. UNDERWOOD. Oh, with reference to another resolution.

LIMITATION OF DEBATE—AMENDMENT OF THE RULES.

The VICE PRESIDENT. The Chair lays before the Senate resolution No. 235, which will be read.

The SECRETARY. The amendment of the Committee on Rules is to substitute for the resolution the following:

Resolved, That during the period of the present war the rules of the Senate be amended by adding thereto the following:

"That no Member shall occupy more than 1 hour in debate, unless by unanimous consent, on any bill or resolution and not over 20 minutes on each amendment proposed thereto."

Mr. MARTIN. Mr. President, I do not propose to make any extended argument upon the resolution offered by the Senator from Alabama, which has been reported from the Committee on Rules. I simply desire in a very few words to express my opinion as to the very great importance of the adoption of this rule.

I certainly have no disposition, Mr. President, nor do I believe there is any disposition on either side of the Chamber to curtail legitimate debate on any matter that may come before the Senate, but I do feel that the time has arrived when the Senate ought to assert some authority, some influence on the debates which take place here.

When the Senate was a smaller body and the sense of responsibility of each Senator more direct and more acute the Senate got along practically without any rules, but with the growth in numbers in the Senate and the development of a disposition to debate elaborately most questions that come before the body we have at times found ourselves seriously embarrassed by the lack of some rule to control the debates.

I have been in the Senate, Mr. President, a little more than 23 years. Of course, I may be mistaken, and I do not speak with any dogmatic idea, but on few occasions, if any, since I have been in the Senate during the 23 years has there been a time when a Senator might not have expressed his views fully under the rule now reported from the Committee on Rules—1 hour on the main question and 20 minutes on each amendment.

Mr. NORRIS. Mr. President——

Mr. MARTIN. I yield to the Senator.

Mr. NORRIS. I wish to ask the Senator from Virginia his opinion about the construction of the rule. As I heard it read it simply provides that no Senator shall speak longer than one hour. I should like to ask the Senator whether, if the rule were adopted, he thinks a Senator under that rule would have the right, provided, of course, he could get the floor in the regular way, to talk, say, 30 minutes on a bill and at another time, if the bill were still before the body, talk another 30 minutes. In other words, would he have to use his entire hour at once or could he speak as often as he pleased within the limit fixed if he divided up the time?

Mr. MARTIN. Mr. President, my judgment is that under the proposed rule presented a Senator would have a right to speak as many times as he saw fit, so that he did not in the aggregate occupy more than one hour on a bill or more than 20 minutes on an amendment. If there is any doubt on that subject, I should be very glad if the Senator from Alabama [Mr. UNDERWOOD] would so modify his resolution as to remove from the minds of all Senators every doubt on that subject.

Mr. UNDERWOOD. Mr. President, if the Senator from Virginia will allow me, I desire to call his attention to the fact that I think there can be no doubt on that question. The rule provides:

That no Member shall occupy more than one hour in debate, unless by unanimous consent, on any bill or resolution.

The limitation is one hour in debate; there is no limitation on the number of speeches a Senator may make.

Mr. NORRIS. I had not read the resolution.

Mr. UNDERWOOD. So I do not think there would be any question in the world that a Senator might make a speech for 30 minutes, then yield the floor, and then, in the usual procedure, again get the floor and again speak upon the pending measure for 30 minutes; but, except by unanimous consent, of course he would be limited to one hour in the aggregate of speeches made.

Mr. MARTIN. I do not think there is any doubt about that construction.

Mr. NORRIS. I do not myself believe there is any doubt about it.

Mr. MARTIN. I do not think it would be possible to put any other construction upon it.

Mr. NORRIS. I presume that of course the same construction would apply as to the 20-minute limitation of debate on an amendment.

Mr. MARTIN. I think there is no doubt as to that.

Mr. WADSWORTH. Mr. President, will the Senator from Virginia yield to me?

Mr. MARTIN. I yield to the Senator from New York.

Mr. WADSWORTH. The Senator from Virginia said a moment ago that in his long service in the Senate he could not remember a time when a Senator could not properly express his opinion upon a bill within one hour; but can not the Senator remember that on many occasions it would be absolutely impossible for a Senator to express his opinion or his judgment upon certain amendments in 20 minutes? Sometimes, may I say to

the Senator, an amendment offered is infinitely more important than is the bill itself?

Mr. MARTIN. I think a Senator can state in 20 minutes his reasons for supporting or opposing any amendment.

Mr. WADSWORTH. As an example, Mr. President, the Senator from Idaho [Mr. BORAH] this morning introduced an amendment to this very resolution, which would revolutionize the methods pursued by the Senate for 120 years in the discussion of treaties; and under this resolution, were it in force, no Senator could speak over 20 minutes on the amendment proposed by the Senator from Idaho.

Mr. MARTIN. That proposition is one that extends to a very limited scope, and I am sure that any Senator can say all that he needs to say on that subject in 20 minutes.

Right here I will say, able as is the Senator from Idaho, and cogently as he presents his reasons from time to time on matters before the Senate, I doubt if he has ever occupied more than an hour on any bill since he has been in the Senate. His speeches are short; he rarely occupies so much as 20 minutes on an amendment, and rarely, if ever, as much as an hour on a bill. Senators who have occupied more than that time have done so by reason of the latitudinous rules of the Senate, not that they could not, if they saw fit to do so, condense their views within the limits fixed by this proposed rule.

As I have said, I do not believe the Senator from Idaho has ever delivered a speech here occupying more than an hour or on an amendment made a speech occupying more than 20 minutes.

Mr. SMITH of Michigan. Mr. President, will the Senator from Virginia yield to me?

Mr. MARTIN. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, the fact that the Senator from Virginia favors this resolution proposing a radical amendment of the Rules of the Senate is in itself very significant. I think I am violating no confidence among the Senator's friends when I say that he is rather a new convert to the doctrine of applying a rigid rule in debate.

Mr. MARTIN. If the Senator will excuse me right there, I will say he was never wider of the mark than that. After I was elected to the Senate, and before I qualified, I made a speech in Virginia at a college commencement in which I urged that the rules of the Senate be modified in order that the Senate should control its business; and I have never departed from that idea one single instant in my twenty-three years of service as a Senator in this body.

Mr. SMITH of Michigan. I know the Senator from Virginia was committed to that proposition as he entered the Senate.

Mr. MARTIN. And I have adhered to it since I came to the Senate.

Mr. SMITH of Michigan. There is not a single Senator who is not committed to it before he enters the Senate, and every Member of the other House comes here committed to a more rigid rule in debate. My friend from Alabama [Mr. UNDERWOOD] got his ideas, undoubtedly, from the procedure of the House of Representatives, where real debate is practically unknown and the individual Member, no matter how able, is from every point of view minimized, while over here, where the membership is smaller, he is maximized, and the State he represents can not be imposed upon without his consent. Generally speaking, this latitude in debate is not abused and desirable results can always be obtained.

I had the pleasure of coming to Congress at the same time the Senator from Virginia entered the Senate, and during all that time I have been one of his admirers. I have watched his course with a great deal of interest, and his rise to party leadership has been a matter of profound satisfaction to me. But this is the first time I have ever heard him say anything about the necessity for a drastic cloture in Senate procedure on the floor of the Senate. I have occasionally heard expressions of regret when delays became vexatious, but I want to say to the Senator from Virginia that the rule under which we are now operating has in the main been most wholesome. I hope I am not intruding upon the time of the Senator from Virginia.

Mr. MARTIN. I have yielded, but not for a very long speech.

Mr. SMITH of Michigan. If I am intruding I will gladly wait until the Senator has finished.

Mr. President, such cloture as is now proposed would have minimized the sacred rights of States, and I have seen the rights of States successfully defended by the latitude of debate. The Senator from Virginia will recall, I have no doubt, the fight which I made 10 years ago, standing in my place in this Chamber, against the British-American waterway treaty, which would have deprived my State of valuable water rights along the Canadian border which belonged to the State of Michigan, and which there was no possible way of preserving except by the power to delay a vote and an appeal to the fair-mindedness of Senators upon both sides of the Chamber. Senators upon the other side of the Chamber, then in the minority, came to my relief and saved my State from being grossly imposed upon by a treaty with Great Britain, Senators from other States would have been guided by the Executive, who had no interest in Michigan, but only in the Nation as a whole.

But, sir, as the specially commissioned representative of my State it fell to my lot to protect her interests, and through our unbridled procedure amendments to the treaty were made on the last day of the session, for which service the legislature of Michigan and the people of our State were truly grateful. Surely, Senators, you are not now to forego for all time this powerful weapon against injustice and wrong, reestablishing the party caucus decree as the binding rule in legislation in the Senate.

I think—and I say it with very great respect for the Senator from Virginia—it would be a great mistake now to adopt such a rule, when there is no possible confusion, when his wishes as majority leader in all war measures are our wishes, when the wishes of the leader on the other side of the Chamber and of the dominant party here on the conduct of the war are our wishes upon this side of the Chamber. We have never interposed in any way our right to unlimited discussion and have not thwarted the purposes of the other side at any angle, and if there is a reason now why we should make this radical departure from established custom, surely it should be so cogent and so powerful as to command respect from both sides of the Chamber.

Mr. MARTIN. Mr. President, referring to the personal allusions made by the Senator who has just taken his seat, I want to say that I realize, so far as my official duties here have been concerned, that I have been treated with just as much consideration by the Republican side of the Chamber as I have been by the Democratic side of the Chamber. I appreciate the kindness and the consideration which have been shown to me more than words can express. This, however, is not a matter that is brought forward from one side of the Chamber, but it is brought forward for the consideration of the Senate as a body. It is not a cloture rule; it is not stringent in any of its aspects. It allows a Senator 1 hour on any bill or resolution and 20 minutes on each amendment. A Senator may divide that time up—he need not speak all at once—just so that in the aggregate he consumes no more time than that.

Referring to the matter of such importance to the State of the Senator from Michigan, suppose it had been before the Supreme Court of the United States, how much time would have been allotted to him to argue it there?

Mr. SMITH of Michigan. Oh, Mr. President, the Senator's question is not quite fair. This is the forum of the people in a representative Government. They have commissioned us here to do their bidding. The bar of the Supreme Court have only been commissioned to proceed under the law with briefs and limited latitude, but here we make the law; and there should be no such restrictions and restraints as appertain to court procedure.

Mr. MARTIN. It need take no longer to argue a question here than it takes to argue it before the Supreme Court of the United States, in my humble judgment.

Mr. SMITH of Michigan. Mr. President, the Senator is wrong. The time we spend here is mostly spent in adjusting differences of opinion, exchanging views, and bringing together the divergent views of many States. The Supreme Court sits together in judgment upon our work, and could, if they desired, restrict argument entirely to written briefs; but here we have to get an audience of Senators, and if they are busy in committee a quorum must be obtained and we must prolong our discussion until we can reach their ears. It is an altogether different situation from that suggested by the Senator from Virginia.

Mr. MARTIN. Mr. President, the object of this rule is to get an audience for Senators. Under it debate is to be limited to an hour on the main question and 20 minutes on each amendment; and, if that is done, Senators will sit in their seats and listen to the arguments of Senators as they are made.

Mr. McCUMBER. Mr. President——

Mr. MARTIN. I yield to the Senator from North Dakota.

Mr. McCUMBER. I wish the Senator would explain wherein the present cloture rule will fail to procure the desired results. I wish to agree with the Senator; I want to shorten debate; but we adopted a rule only a very short time ago for cloture, and I wish the Senator, who has given this matter great consideration, would explain to the Senate wherein that rule of cloture is inefficient and will not meet the present requirements.

Mr. MARTIN. The proposed rule is not, strictly speaking, a cloture rule. If it is adopted it will limit the time to be consumed in debate.

Mr. McCUMBER. I know that; but the purpose of it, I assume, is to hurry legislation, to advance legislation as rapidly as possible through the two branches of Congress; and, as the purpose of the resolution is exactly the same as the purpose back of the adoption of the cloture rule, I again ask the Senator to explain wherein the cloture rule will fail to secure the rapid enactment of legislation?

Mr. MARTIN. It is an entirely different proposition. As my friend from Illinois [Mr. LEWIS] suggests, the cloture rule was primarily intended to prevent what we call filibusters. The proposed rule now pending is to limit the time consumed in debate; and the limitation is to apply only to the period of the war.

Mr. HARDING. Mr. President——

Mr. MARTIN. I yield to the Senator from Ohio.

Mr. HARDING. Right at that point, if, in arguing for the adoption of the amended rule, the Senator from Virginia will tell the Senate why we should adopt a rule for the war time and not continue it in the aftertimes of peace, I will be very much interested. I ask him to do that because, in my judgment, the work of the United States Senate will never be more important than now; and it seems to me that if the rule is a good thing in these most extraordinary times it ought to be the permanent policy of the Senate.

Mr. MARTIN. Mr. President, experience may lead to that conclusion. Certainly during the war there may be occasions when expedition is vitally important. I think it is vitally important right now. I am drifting into more extended remarks than I contemplated. I did not intend to do more than briefly express my opinion about this resolution; but its importance and the questions that have been propounded have led me into a more protracted discussion of the matter than I had contemplated.

Just at this very moment, Mr. President, we are confronted with a very serious situation. Senators are worn out with their long and arduous work, and it is very important that the necessary legislation shall be expedited as much as possible. I want every Senator to have all the opportunity that is necessary to present his views to the Senate on every question that may be brought before it; but I do want him held to the narrowest limits that are compatible with a fair and reasonable expression of his views and arguments.

Mr. VARDAMAN. Mr. President, I would suggest to the Senator from Virginia, with his consent, that in cases like the one cited by the able Senator from Michigan [Mr. SMITH] a moment ago, under this rule the Senate could always be relied upon to hear a Senator for an indefinite length of time, because the proposed rule provides that a Senator may speak, with the consent of the Senate, beyond the limit fixed in the resolution; and in a matter affecting a Senator's State, as in the case mentioned by the Senator from Michigan, there would be no trouble, I apprehend, about the Senator being accorded all the time that he might desire.

Mr. SMITH of Michigan. Will the Senator from Virginia pardon an interruption?

Mr. MARTIN. Yes.

Mr. SMITH of Michigan. I wish to say to the Senator from Mississippi that it would have been simply impossible to have gotten unanimous consent in this Chamber in that treaty fight. The session was ending under the Constitution. I was at odds with all the members of the Committee on Foreign Relations upon this side of the Chamber, and I got my strength from the other side of the Chamber; and it would have been impossible for me to have obtained unanimous consent to delay ratification. If the proposed amendment had been the rule of the Senate, it would have passed quickly and unjustly. Such has been the experience of other Senators.

Mr. VARDAMAN. I do not see how a Senator could get his consent to refuse another Senator the right to debate fully a question of the character mentioned by the Senator from Michigan.

Mr. MARTIN. Mr. President, as I have said, at this particular time Senators are weary bodily and mentally; they have been under great pressure for a long time; and, so far as I am personally concerned, I am exceedingly anxious to see the necessary legislation disposed of, and that then the Senate may recess, either for a long time or at intervals, while the Finance Committee, which has the laboring oar on the revenue bill, devotes itself to the formation of that measure.

Mr. HARDWICK. Mr. President, will the Senator yield?

Mr. MARTIN. I yield.

Mr. HARDWICK. Since the war began has there been any unusual debate or delay in connection with any war measure?

Mr. MARTIN. I do not recall that there has been.

Mr. HARDWICK. There has been nothing that would have been done more rapidly under the proposed rule than without it?

Mr. MARTIN. I do not recall the history of all these matters; but, as I say, it is not from any spirit of complaint that this proposed rule springs. I have no doubt about the attitude of the Senate.

Mr. HARDWICK. What I have in mind, if the Senator will pardon me, is that even if there might be a reasonable argument for this rule in that there is necessity of speeding up legislation, our past experience does not prove any necessity for it at all, for we have gotten along all right without it; there has been no unusual debate; and no long arguments have been made.

Mr. MARTIN. Oh, well, Mr. President, we have gotten along in a way, but we have gotten along very badly, not as to war measures, perhaps, because the Senate is ultrapatriotic. I do not question the patriotism of any Senator on this floor; and I believe they are all ready to make sacrifices and to do what is necessary for the conduct of this war; but I believe that this rule will facilitate the dispatch of business, and do no injustice to any Senator or to any State. I think right now there is more than ordinary reason for speeding up legislation in order that Senators may have a much-needed rest. The proposed rule is a very simple one, but it is not a rigorous one; it does not interfere with the reasonable rights of any Senator, and, as I have already stated, there is not likely to be any question about which a Senator can not give his views reasonably and sufficiently in an hour on the main bill and 20 minutes on each amendment. I have never known a case where more than that time was actually needed—I will not say I have never known a case, for there may have been a few—but if more time is really needed than afforded under the proposed rule, there will be no difficulty about getting unanimous consent whenever a Senator has not concluded his remarks and desires additional time in order to give essential views on an important measure. There is no trouble in the Senate about that. If there is one thing that the Senate is more liberal about than any other body in the world, it is in the courtesy of its Members to each other. It would be a very peculiar situation when a Senator could not get unanimous consent for a reasonable extension of his remarks when he asked it. There is no difficulty about that. The rule is a reasonable one and a just one; and under it, with the opportunity for unanimous consent on extraordinary occasions, I say the fullest possible necessary debate can easily be had.

Mr. OWEN. Mr. President——

Mr. MARTIN. I yield to the Senator from Oklahoma.

Mr. OWEN. I see no reason why unanimous consent should be required to give an extension of time. If the Senate desires to give an extension of time to any Senator, it ought to be capable of being done by a motion, if the Senate controls itself.

Mr. SMOOT. One vote would stop it under this resolution.

Mr. OWEN. One vote ought not to stop it. That is the point I make.

Mr. MARTIN. When a Senator has had an hour on the main question, and has had 20 minutes on each amendment, I think he might very readily put up with the rule as it is written and not expect to proceed further unless he can get unanimous consent. I think the rule is a reasonable one; I think it will help in the dispatch of business, and I sincerely hope it will be adopted by the Senate.

Mr. GRONNA. Mr. President, may I ask the Senator a question?

Mr. MARTIN. Certainly.

Mr. GRONNA. I share the Senator's opinion that the Senate ought to expedite its business, especially during the war. I have been here only a very short time, but I can remember that on one or two occasions it would have been impossible for the Senators who were chiefly interested in the matters that were pending to present to the Senate in an hour what they ought to have presented. I know that the Senator from Virginia has had occasion oftener than I have to observe matters of that kind. I could call attention to certain resolutions which have been introduced in this body, and which have been acted upon, where it would have been absolutely impossible for any Senator to present his views properly in an hour. Does the Senator think that on any question affecting a Senator's personal liberty, or on a question of personal privilege, there should be such thing as a limitation of time?

Mr. MARTIN. I will say to the Senator that I do not believe there has ever originated in the history of this country a question of personal liberty or of personal privilege when the views of a Senator could not have been presented in one hour.

Mr. GRONNA. I do not care to name the cases, but the Senator knows that there have been cases here where it would have been absolutely impossible for the Senator, I might say, whose position was challenged, to present his views in the time allowed by this proposed rule. We had before us here two

or three years ago a case of that kind, and the Senator from Virginia knows that it took several days for the Senator involved to present his case.

Mr. MARTIN. Several days were consumed, but I do not think it should have taken several days.

Mr. GRONNA. If the resolution is adopted, and the rules are changed, I think a Senator should have in his own right the privilege to speak on a question of personal privilege without reference to this limitation. I believe that the proposed rule ought to be amended in that respect.

Mr. MARTIN. The Senate will never deny a Senator the privilege, if there be occasion for him to occupy more than an hour. It is hard to conceive of a case that would require more than an hour. Too much talk is not argument. There is no case, though it involves the rights of a citizen or the rights of a State or the constitutional liberty of the people of this country, in which the Supreme Court of the United States allows more than one hour. It does not take so much time to present the views on these questions. Of course, the time can be consumed, but the time is not necessary. The argument can be condensed. A great deal may be said in one hour. I do not recall a single instance when all that was necessary to be said might not have been said in one hour.

Mr. BORAH. Mr. President, I should like to ask the Senator a question. I offered an amendment to this resolution this morning providing for open sessions of the Senate with reference to treaties coming before the Senate. Has the Senator concluded how he feels about that amendment, whether it would be acceptable to those who are advocating this resolution or not?

Mr. MARTIN. Mr. President, I hope that will be eliminated and will be presented as a separate proposition. Personally, I am opposed to open debate on treaties. I think we have gotten along very well during the entire history of the Government under the rule of secret sessions in the consideration of treaties. There are times when they should be considered in open session, and the Senate can so order whenever it sees fit; but speaking personally, and not having exchanged views with a single Senator on the floor, I do not think it desirable to change that rule, and personally I shall vote against an amendment to that effect. I should like to have it go over to some other time, and let this come up as a plain, simple, narrow proposition, and not be embarrassed by bringing in other questions.

Mr. President, I have consumed more time than I intended. I have strong convictions, I have sincere feelings, about this matter. I believe this rule will facilitate the dispatch of business in the Senate and that it will afford every reasonable opportunity for legitimate debate, and I sincerely hope it will be adopted.

Mr. UNDERWOOD. Mr. President, I am anxious that we may have an opportunity to get a vote on this question and have the Senate decide affirmatively whether it intends to adopt a rule or not to adopt a rule for the limitation of debate during the war period.

Mr. President, the basis of our Government is the rule of the majority. Of necessity, the rule of the majority must be the basis of all government that is organized and not autocratic. Of course, I do not mean by that to say that the minority ought not to be represented, that the minority has not the right to be heard, that the minority has not the right to have its proposals considered; but in the last analysis, if we are to have a government the majority must rule. That is the whole spirit of our Republic.

In my judgment, the reason why a rule establishing limitation on debate in the Senate never has been adopted up to this time is not because the country is in danger if the power of the minority to cause unusual delay is not continued in the Senate. When the present rules of the Senate were adopted and the procedure, so far as debate is concerned, became a part of the rules of this body, there were 26 Senators of the United States; and for many years afterwards, for nearly a half century, the membership of this body was not largely increased. It must be apparent to all that the question of a parliamentary body conducting its business resolves itself entirely into a question of the number of men who must transact business in the body. As the report in this case says, if you had a triumvirate consisting of three men there would be no difficulty in their transacting their business without a chairman, without rules of procedure, and without limitation on the time of debate; but if you had a legislative body composed of a thousand men, of necessity you could not do business without having a presiding officer, without having rules of procedure, and unless the majority of that thousand men were authorized to close debate and proceed to transact business and dispose of it at any hour and any time.

The condition in the United States Senate has materially changed since the adoption by the original Senate of the United States of this rule providing for unlimited debate. Twenty-six men could transact their business, and do it efficiently, without a rule limiting the time of debate. To-day there are 96 Members of this body. It must be apparent to all that a small minority can stop the legislative wheels, slow down the machine, and prevent business being transacted, unless some limitation is placed on debate.

The Rules Committee, instead of proposing to the Senate a resolution authorizing a majority of the Senate by motion to order the previous question and cut off debate, have concluded that the same result may be obtained and that the legitimate transaction of business may be expedited without a gag rule, without placing in the hands of the majority the power to cut off all debate, but by merely limiting to a reasonable time the power of a single Senator to occupy the floor of the Senate.

If this resolution should not be adopted, why not? In the first place, it is not proposed to ask the Senate to adopt it as its final conclusion for all time to come. The terms of the resolution itself limit its operation to the period of the war.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. UNDERWOOD. I yield.

Mr. SHIELDS. Just at that point I should like the Senator to explain whether or not this resolution would affect legislation after the active hostilities had ceased, not relating to the prosecution of the war—for I apprehend that to be the main reason for introducing it now—but looking toward the settlement and adjustment of the relations of this country with our allies and with all foreign countries. Very important measures may then come up that ought to be debated very elaborately. And a further question: Would it affect the deliberations of the Senate in considering any treaty of peace that might be negotiated and upon which the Senate would be compelled to pass?

Mr. UNDERWOOD. The resolution says "during the period of the present war." I take it that the period of the present war will last until a treaty of peace is signed, and therefore that the resolution would be effective until that day; and I see no reason why it should not be effective until that day. The after-the-war business of the Congress undoubtedly will not present itself until a treaty of peace is signed, because the Congress must know with surety that the war has been concluded and peace has come to the country before it can attempt to adjust its legislation to peace conditions.

As to the question whether there should be a limitation on the power of debate in considering a peace treaty, I see no reason why there should not be a limitation of debate. It may be most important to have a limitation of debate. More than that, I take it that when the hour comes that a final treaty of peace is signed by the President of the United States and submitted to this body for its ratification, when the world is ready to make peace, when the nations of the world through their executive heads have signed a treaty of peace, it would be a very bold man indeed who would stand in the Senate to stop the consummation of such a treaty. The probabilities are, of course, that when that final treaty of peace comes before the Senate, there will be many things in it that will not meet with your approval or my approval. If we waited until we got a treaty of peace on which we could all agree as being exactly what we wanted, we might wait forever.

Mr. WADSWORTH. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New York?

Mr. UNDERWOOD. I yield.

Mr. WADSWORTH. Does not the Senator think that the cloture rule which is now incorporated in the rules of the Senate would take care of the situation which he is now describing in connection with the discussion of a treaty of peace?

Mr. UNDERWOOD. It would take care of it in one way; yes. It would take care of it with a gag proposition.

Mr. WADSWORTH. Would it not take care of it in all statesmanlike ways?

Mr. UNDERWOOD. No; not at all. It would not accomplish the purpose of this proposition.

Mr. WADSWORTH. May I ask the Senator what would be the purpose of this proposed rule as applied to the debate in the United States Senate on the treaty which shall end this war?

Mr. UNDERWOOD. I will state the question. I think it very pertinent to the whole rule. If we had a rule authorizing the ordering of the previous question that was effective, that could be put in operation so as to limit debate and at the same time have a thorough consideration of the questions before the

Senate, it would be far from my purpose to offer an amendment to change it.

Mr. BORAH. Mr. President——

Mr. UNDERWOOD. If the Senator will allow me to answer the question of the Senator from New York first, then I shall be glad to yield.

Mr. BORAH. Certainly.

Mr. UNDERWOOD. But the rule that we have now in the Senate, adopted at the beginning of this Congress, is ineffective except for one purpose, and that is that when there is a deliberate, systematic filibuster on, when a small minority is attempting to prevent the majority from doing business, then, in the course of time it can be put into operation and made effective so far as concerns bringing the main question to an issue and voting on it; but it does not bring the main question to an issue with fair and just consideration of the questions involved. In other words, it is not at all probable that you could get the previous question ordered under the present rule of the Senate until there had been unlimited debate for a long time.

As a general rule, that debate would be confined to the main question, it would be confined to the main purpose, and would not come down to a real consideration of the amendments or a proper shaping of the legislation before the Senate.

Then when 16 Members of this body sign the petition and send it to the desk and it is read, the Senate would have to wait over a day before it could consider it, with practically 48 hours intervening between the time when the Senate was prepared to order a cloture and when it could make cloture effective. And when it did order cloture, what would be the effect? It would cut off debate on the original bill, cut off debate on the amendments, prohibit the offering of future amendments, and bring the Senate to a direct vote on the measure as it stands before the Senate, with the amendments that are already proposed, without an opportunity to discuss them. It cuts off any opportunity to further amend or further modify amendments before the Senate. It takes an ax and drives it through the consideration of legislation, without perfecting it, because there is no other way to accomplish the result. Now, that rule may be necessary, it may be effective at times, but it is not the way to perfect legislation and bring about a desirable result. I now yield to the Senator from Idaho.

Mr. BORAH. Speaking of the treaty which shall conclude this conflict, in which the people of the United States would be more directly interested, perhaps, than anything upon which the Congress will have to pass for many years, does the Senator believe that it is more important to limit debate upon the treaty than it is that the treaty shall be heard in open session before the people of the country?

Mr. UNDERWOOD. I have no objection to the consideration of the treaty in open session when it comes, as far as I am individually concerned. Of course, the Senator knows what the rules of the Senate are. I do not know whether those rules would provide for that at the time or not.

Mr. BORAH. I have offered an amendment which will put it beyond question that the treaty shall be heard in the open.

Mr. UNDERWOOD. I am not sure that I am not in favor of the consideration of treaties in the open. I am not at all averse to the consideration of the great peace treaty in open session, as far as the lights before me now. I can call to mind some questions that for international reasons it might be wiser for the Senate to consider behind closed doors, but that is not involved in this question. That is an entirely different question.

Mr. BORAH. It is involved in the fact that I have offered an amendment to the resolution.

Mr. UNDERWOOD. I hope the Senator will not encumber this resolution in that way.

Mr. BORAH. No; I am trying to add strength to it.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Alabama yield to the Senator from Illinois?

Mr. UNDERWOOD. I yield.

Mr. LEWIS. To make clear the situation, may I ask the Senator, Is there anything in the resolution that could not be abrogated by the Senate in the discussion of different matters, so as to leave that open to any future rule?

Mr. UNDERWOOD. Nothing at all. When we reach a treaty of peace for consideration, the Senate can adopt a further rule, if the majority wants to do it. There will be no difficulty if this rule is adopted, and the Senate wants to adopt a rule providing that there shall be unlimited debate upon it. As a matter of fact, I have no doubt that in the consideration of a peace treaty the Senate itself, by unanimous consent, will agree to a lengthy and unlimited debate, if the Members of the Senate desire it when that time comes.

Mr. BORAH. I do not know that I understood the Senator from Illinois [Mr. LEWIS]. Did I understand the Senator to say that there is nothing in the Senate rules now which would prevent an open session of the Senate upon treaties?

Mr. LEWIS. No; Mr. President, I queried the Senator from Alabama whether there is anything in the present proposition that could not be abrogated when the time came to consider a peace treaty. In other words, I wish to have it manifest that the proposed rule, if passed, would not affect in the way of a barrier or obstruction any rule that we might choose to adopt for the purpose of discussing the peace treaty in open session.

Mr. UNDERWOOD. Mr. President, I think there is a very good reason why the Senate should adopt this rule. I do not believe that there is any possibility of there being a filibuster in the Senate to prevent legislation that the majority wishes to enact during the period of this war. There has been an undoubted disposition in the membership of both sides of the Chamber to enact the legislation that the executive branch of the Government desires, in order to carry on the war. But we have had very long and almost interminable debate on several questions that have been before the Senate. If there was anything for the good of the country that was accomplished by long debate I do not know it. I do not mean to say there is a condition that is not benefited by the debate, and amendments were not adopted that improved the legislative condition; but in my judgment the length of the debate did not improve the legislative situation.

Before this Congress adjourns, nay more, I will say before this war is over, because that is the length of this resolution, a great many questions of vital importance to the people of this country and to the civilization of the world are coming before the Senate for its consideration. They are questions not only that must be voted upon, but they are questions that should be considered, and I want to say that I am one of those men in the Senate who believe that our unlimited right of debate is the leading cause of the lack of consideration by the United States Senate of most of the bills that come before it for enactment.

It is said sometimes, and said with pride, that the Senate of the United States is a great deliberative body. That may be true, but the further you extend the field of deliberation the narrower you draw the scope of legitimate consideration of general legislation that comes before this body, because it must be apparent to all who consider it that when the Senate of the United States takes months for deliberation and debate on one measure, which it many times has done in the past few years, it cuts off the consideration of other legislation that must be passed by this body.

I can recall an instance that occurred some years before I became a Member of the Senate, when a measure then pending was debated for months in a short session, and in order to prevent an extra session of Congress it was necessary to pass practically all the accumulated legislation of the session—appropriation bills and other bills of vast importance—by unanimous consent without consideration within the last few days of that session. And that will occur continually.

I think in order that we should have wise legislation, safe legislation, there should be a fair and reasonable opportunity for every Member of this body to present his views and the position of his constituency to this legislative body and to propose such amendments as he thinks are in the interest of his constituency and for the benefit of the country; and when he has done that he has no right to further delay legislation. He has no right to stop the legislative machine, and if he does so by additional debate he is merely preventing the consideration of other important business, sometimes during the existence of the Congress.

I see no reason why this rule should not be adopted. It is reasonable in its limitations. There are very few questions that ever come before the Senate of the United States where proper preparation is made that can not be discussed within the period of an hour, and if those questions are of such vast importance that they require more than an hour for legitimate debate I have no doubt that the Senate will agree itself for an extension of the time, as it can under this rule.

Mr. WADSWORTH. Does not the Senator mean that every Member of the Senate present must agree?

Mr. UNDERWOOD. It can be done readily by unanimous consent. If any gentleman on the other side, or on either side, desires to offer an amendment which will provide that the time can be extended, either by unanimous consent or a vote of a majority of the Senate, I shall be very glad to agree to it, as far as I am concerned. There would be no objection in the world.

The whole object of this rule is merely for the purpose of allowing the majority of the Senate to transact its business, and if the majority of the Senate are not prepared to bring the Senate to a vote but are willing to extend the time I can see no objection to allowing the majority to control the situation. I do not think it is necessary, but there could be no objection to that proposition if that is all that stands in the way of the adoption of a reasonable rule, but that a reasonable rule is necessary there can be no doubt.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. UNDERWOOD. I yield.

Mr. SHAFROTH. I should like to ask the Senator whether under this proposed rule a condition of debate which I am going to describe could take place? We adopted a unanimous-consent agreement while a bill was pending that debate should be limited to 20 minutes on the bill and 5 minutes on each amendment. The ruling of the Chair was that although the Senator had not spoken upon the bill, yet when he rose an amendment was pending and he had to be limited to five minutes. It seemed to me at the time that that was a great injustice, but nevertheless that was the ruling of the Chair and, if I remember correctly, there has been no overruling of that decision.

I believe in the pending resolution there ought to be a limitation of one hour to debate on the bill; but if a Senator has not exercised his privilege of one hour of debate and an amendment is pending he ought not to be confined to 20 minutes but should be confined to the 1 hour of general debate and the 20 minutes in addition, if he desires. I ask the Senator whether such a privilege would be given under the resolution as reported by the committee?

Mr. UNDERWOOD. I do not think there can be any doubt about that. The proposal merely says that no Member shall occupy more than one hour in debate. That is a negative proposition. It does not say when he shall occupy it or how he shall occupy it; it merely says that he shall occupy no more than one hour. Undoubtedly under that language he could occupy that hour at any time he pleased in any way he pleased, but when he had occupied that hour in general debate his time for general debate would be over and he would be confined to 20 minutes on amendments after that time.

Mr. SHAFROTH. After he had used his one hour?

Mr. UNDERWOOD. I do not think there can be any question about the way the rule reads and that a Member could occupy one hour in general debate at any time he saw proper.

Mr. HITCHCOCK. Will the Senator state whether it is the purpose of his amendment of the rules to have it apply to the consideration of treaties?

Mr. UNDERWOOD. The Senator calls my attention to a point that I started to answer a moment ago and I did not fully consider then what occurs to my mind now. I am inclined to think the rule does not apply to treaties. I stated a while ago that I thought it did, but the rule reads this way:

> That no Member shall occupy more than one hour in debate, unless by unanimous consent, on any bill or resolution.

I do not know whether a treaty would be considered a bill or resolution; probably not. I would have no objection to having it apply to a treaty resolution, but I doubt whether the terms of the resolution are broad enough as it is now written to cover a treaty.

Mr. HITCHCOCK. My recollection is that the Senate in executive session generally adopts a resolution ratifying a treaty, and that might come within the term of this amendment of the rules for that reason. I suppose the Senator would be willing to except the consideration of resolutions ratifying treaties.

Mr. UNDERWOOD. I would have no objection to that. When I come to consider it I do not think the resolution is broad enough to cover treaties in executive session. The purpose of the resolution is primarily to give the Senate a chance to give legitimate consideration to all the legislation that comes before the body and not undue deliberation to a part of the legislation that comes before the body. I think it will accomplish the result. I think this is the only way we can accomplish the result. I do not think there is a particle of harm that can come out of this resolution. There is no issue that is coming here during the war period that is going to be decided along partisan lines, that is not going to be passed, if the executive branch of the Government concludes that the legislation is necessary to carry on the war. On the other hand, the question of the Senate considering all the bills and considering them carefully does mean a reasonable limitation on debate. It can not mean anything else.

As a distinguished Senator said awhile ago, many delays in the Senate are caused by the fact that it is necessary to have a quorum present in the Senate. Mr. President, in my judgment the reason for the delays on that score is the fact that we have unlimited debate. Members will listen to a speech for a reasonable length of time, they will listen to speeches when they know there is action going to be taken in a reasonable time and the measure is coming to a vote, but when you have unlimited debate, speeches running four, five, and six hours in length, Members will not stay in the Chamber, and they do not stay in the Chamber except under very exceptional circumstances. If the debate is limited to an hour Senators will wait and listen for the conclusion of the speech.

Mr. President, we are not winning on the western front; our enemy's vessels are at our very doors to-day, destroying our commerce. The American people must awake to the fact that they must win the war and that on them alone depends the result of winning the war. The Senate of the United States may as well realize now that we are just beginning our war legislation. To fight this war out to an ultimate conclusion may mean a period of four or five years to come; it will mean the sacrifice of hundreds of thousands of lives; it will mean the levying of billions on billions of taxation. It will mean the appropriation of the vastest sums of money that this country has ever known.

Those great questions coming before the Senate are entitled to its serious consideration, its earnest consideration, and its full consideration. That can not be accomplished by unlimited debate. It may be pleasing on some questions to run the debate to a last analysis, but it will not accomplish results. To fairly consider the questions coming before us and to fairly dispose of them we must have a reasonable limitation of debate on the main question and then reasonable and fair opportunity to consider amendments offered to legislation coming before the Senate.

Mr. KING. Mr. President——

Mr. UNDERWOOD. Just one moment, and I will yield to the Senator.

I want to challenge Senators here to point me to the time when there has been a great measure before the Senate in recent years open for consideration when it was not necessary, finally, by reason of unlimited debate, either to adopt the cloture rule, that cut off all consideration of amendments, or to agree to a unanimous-consent rule, and practically cut off the consideration of vital and important amendments at the conclusion of a general debate that led nowhere and went nowhere.

Now I yield to the Senator from Utah.

Mr. KING. Mr. President, the Senator from Alabama has just adverted to the fact that we would be called upon to make heavy appropriations. The Senator will recall that during the past year large appropriation bills have come before the Senate for consideration, and I recall that in nearly every instance those bills, calling for staggering amounts of seven or eight billion dollars, including the bonding bill, were passed with but very limited debate; there was no opposition. So it has been with practically every measure that has come before the Senate since we embarked upon this war.

Does the Senator from Alabama think, in the light of the experience that we have had during the past year, there is any necessity for this rule? Does not the course of the Senate argue and prophesy that there is no necessity for it; that the patriotism of Senators here is such that they will not indulge in any debate that is unreasonable, that will delay important and imperative legislation; that they are ready to enact such laws as may be required to meet our foe and to meet the great crisis that now confronts us?

Mr. UNDERWOOD. Mr. President, I am not impugning the patriotism of the Senate; I do not say that it is unpatriotic for any Senator to speak six hours in debate if he thinks six hours are necessary; but when 10 or a dozen Senators each speak six hours it very materially delays public business. I will say to the Senator from Utah that in the consideration of the appropriation bills immediately after the war broke out, none of us knew much about the contents of those bills, not even the members of the committee, because they were new matters, and we did not know where they led. I will also say that one reason for the lack of consideration of those bills was in the fact that the Senate's time was taken up by other matters, and it did not desire to occupy time on appropriation bills on which, in many instances, time could be wisely and well spent for at least a resonable length of debate and consideration.

But we are approaching a summer, probably the most historic summer in the history of our country; possibly the most critical summer in the life of this Nation; a summer when we must get our men to the firing line; when we must provide the supplies that are going to win this war, and when we are going to levy on the American people a system of taxation that will be right,

that will be just, that will be necessary; but that in all probability will hurt. The taxation that has fallen on the American people up to this time has not in the main hurt; it has not been taxation that men had to make sacrifices to bear in the main; but, in my judgment, we are approaching a condition in this country when a tax will be levied heavily enough and drastically enough, and must be levied in that way, when the people of the United States will feel it. To levy that class of taxes and pass those bills in a reasonable time it will be necessary for some proper limitation on debate in the Senate to be adopted, and to be adopted at this time, unless it is proposed and expected that the great revenue bill to support this war and to maintain our armies in the field is to be pending between the two Houses until next fall. That is not necessary; we have got to do the work; we have got to do it well. There is no reason why the revenue bill that is approaching should not be disposed of in the early summer, and yet be ably written and carefully considered, if there are reasonable rules and reasonable opportunities for its consideration presented to the Senate of the United States.

I very much hope, Mr. President, that this resolution will be adopted, and that we may have an early disposition of it by the Senate.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. UNDERWOOD. I yield.

Mr. GRONNA. Suppose the same thing should happen in reference to the next revenue bill which happened as to the last revenue bill? Of course the Senator from Alabama recollects that the last revenue bill came from the Finance Committee to the Senate, but it did not seem to be approved by a majority of the Members of the Senate. It was therefore sent back to the committee, but it was argued at length before it was so sent back. After its recommittal it was again reported to the Senate, having been very materially changed. Supposing such a thing as that again happens, does the Senator from Alabama believe that an hour's debate by each Senator would be sufficient on the entire bill?

Mr. UNDERWOOD. I can say to the Senator from North Dakota that, of course, the question of what each Senator thinks is the time necessary for him in order to present his views to the country on a legislative measure is a question of personal equation. I can, however, say to the Senator that I once reported a great revenue bill to the House of Representatives, which is on the statute books to-day, and I presented the views of the Ways and Means Committee to the House of Representatives within an hour. I did it satisfactorily to myself, and, I think, to the satisfaction of the House, and I have never heard any complaint as to the length of debate on that subject.

Mr. GRONNA. I presume the Senator did so; but I am afraid I have not made myself clear to him. I wanted to know if a Senator would have but one hour on a bill when it was first reported, and then, supposing it was recommitted and that an entirely new bill should be written, would he have but one hour altogether?

Mr. UNDERWOOD. I do not understand the proposed rule in that way.

Mr. GRONNA. But it would be the same bill.

Mr. UNDERWOOD. If there is any question about that, I would be glad to have the resolution modified so as to cover it.

Mr. GRONNA. I am very glad to hear the Senator say that.

Mr. UNDERWOOD. But, of course, if a bill up for consideration before the Senate is recommitted to the committee and subsequently reported back, I would regard it as having a new legislative status, and that each Senator could debate it for an hour. If, however, as I have said, there is any question about that, I should be glad to see the resolution modified.

Mr. GRONNA. I made the inquiry merely for the purpose of understanding the resolution. I think it is very important we should understand it.

Mr. UNDERWOOD. I would have no objection to a modification on that score.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. UNDERWOOD. I yield.

Mr. LODGE. I have no doubt that a Senator reporting a bill, even a great revenue bill, could compress all that is necessary to be said in an hour; but in regard to a great revenue bill, suppose the chairman of the committee reporting the bill makes no speech at all, the man does not live who in carrying a great revenue bill through the Senate can cover as little as an hour merely in answering questions that are asked him. Under this rule he would be deprived of an opportunity to explain his bill.

Mr. UNDERWOOD. As I have said, I do not think there is any question that if additional time were needed the Senate, by unanimous consent, would grant it; but when questions are asked the chairman they are asked and answered in the time of some other Senator, and if the chairman responds to questions of other Senators it is not a consumption of the time of the chairman, but a consumption of the time of the Senator who asks the questions.

Mr. LODGE. He may have to take the floor in order to make the explanation.

Mr. UNDERWOOD. Well, in the case of an amendment that may be so, but in my judgment—and I think the Senator from Massachusetts will bear me out—a great deal of unnecessary time is taken up in explaining amendments. On the idea that the country may not understand or the Senate may not understand the real objection to an amendment, although it is foreordained to defeat, as everybody knows, even if nothing in the world is said on the subject, I have seen it discussed for hours. Everyone knew when it was offered that it was not going to pass, but, nevertheless, the time of the Senate was occupied in that way.

Mr. President, that is all I desire to say on the question at this time.

Mr. FALL. Mr. President, I desire to present an amendment at this time so that the matter may be discussed. I ask that the proposed amendment be read.

The PRESIDING OFFICER. There is a pending amendment.

Mr. FALL. I understand that, and I simply wish to have read for information the amendment I intend to propose, and I will offer it formally at the proper time.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed to add the following proviso:

Provided, That this rule limiting debate to one hour upon the main question and 20 minutes upon any amendment shall not apply, except by unanimous consent, to any bill, measure, or question which has been determined upon or agreed to by or in a party caucus or conference of Senators of the majority party.

Mr. FALL. Mr. President, I have, since my entrance into this body been in favor of a reasonable limitation upon debate, and I yet entertain that feeling. I may say, however, that this now being the only body in the United States in which debate can be carried to an informing extent to the people of the United States, I have to some extent modified my views, as we have changed many of our opinions during the course of the war.

From what has been said by the Senator from Alabama [Mr. UNDERWOOD], having in charge the resolution, I have no doubt that he will accept the amendment. He remarked just before taking his seat that as to measures necessary to carry on the war there would be no partisan determination. I think that has been true so far.

Mr. President, I have, as I have said, favored a limitation upon debate, but I have believed that debate to the very limit was perfectly legitimate, and that a filibuster was perfectly legitimate as against a caucus measure. If the caucus simply meant, for instance, at this time that the entire 52 Democrats, composing the majority of the Senate, agreed that they were to put through a measure, that would be, of course, government by the majority party, spoken of by the Senator from Alabama; but the fact remains that, with 52 Members upon the majority side, in a caucus of those Senators 27 Senators can bind, as I have heard Senators upon the other side say, they have been bound against their will to a certain line of conduct, and to a certain vote upon a proposition.

So, Mr. President, not only can 27 Members control the legislation of the 96 Members of this body, but with 27, constituting a majority of the Democratic Senators present, and 14 constituting a majority of the 27, it is perfectly possible, by bringing into operation the party whip and calling a caucus of the majority at this time, for 14 Senators to control the legislation, war or otherwise, to be enacted by 96 Senators. Therefore as against the weapon of a party caucus debate carried to the extent of a filibuster is perfectly legitimate, and, in my judgment, is in the interest of the people whom we are supposed to represent here, not as Democrats or Republicans, but as Senators of the United States Senate. So much for this amendment. I conceive that the Senator from Alabama will see the justice of it, and, in view of the fact that we are not legislating on war measures upon party lines, that there will be no objection to its adoption.

Mr. President, the amendment of the Senator from Idaho [Mr. BORAH], now pending, proposing that debate upon treaties

shall be in open session of the Senate, to my mind, is one which should be adopted. If there has been no necessity for it heretofore, there is the utmost necessity for it now. The President of the United States has said in a message to the world that when the different nations shall sit around the peace table the proceedings should be open; that nothing should be secret; that the treaty which he signs, as the Senator from Alabama states, should be considered openly. On the other hand, the treaty which we ratify, under the objection made to the amendment of the Senator from Idaho, must be considered secretly.

Mr. President, in the consideration of treaties presented to this body I can recall at least 25 treaties which, in my judgment as a Senator, would never have been ratified had they been discussed in the open. In my judgment, the people of the United States would never have allowed the ratification of the so-called Bryan peace treaties; and the people of the United States yet do not know what they are, because the people were not furnished with copies of those treaties to carry home and read. I opposed every one of them upon the ground that, instead of being a peace treaty, it was a challenge to war, and that the people of the United States would never allow the question of their national honor or of their national interests to be submitted, not to an arbitration tribunal, but to the other party in interest; that the adoption of the treaties meant that they would be torn up when the first occasion arose; and in my judgment, as I say, they never would have been adopted had they been discussed openly and the people informed as to what those treaties contained, as they have never yet been informed.

In my judgment had the treaty with Nicaragua been considered openly, as it was considered in secret session, while under the same statements made with reference to it, it would have been ratified, in my judgment, I think correctly—I think the Senate in ratifying it acted for the best interests both of Nicaragua and of this country—but had the reasons for its ratification been discussed openly, so that the people of the United States could have understood it, there never would have been the exceedingly great injustice done to Costa Rica and Honduras which has ensued from the ratification of the Nicaragua treaty. There never would have been the consequences of the ratification of that treaty as it was without the carrying out of pledges which some of us had that a similar treaty, or one along the same lines, satisfactory to Costa Rica and Honduras, was in course of preparation and would follow.

Had the policy as announced to some of us then been carried out you would have seen a different result. The world would not have witnessed the dissolution of the Supreme Court of Central America, which was inaugurated at the invitation of the United States, and which, I may say, we forced upon those people. With our delegates present during all their sessions we prevailed upon them to agree that instead of fighting and carrying their continual difficulties to the sword's point with one another they would leave matters in dispute between themselves to a high tribunal to be constituted by each of the States. For years we had no difficulty among the Central American States. This court, the Supreme Court of Central America, was inaugurated. The plan was formed in the State Department at Washington. Those people were summoned here, and the representatives of the State Department attended their conferences and assisted in the formation and working out of the plans forming the Supreme Court of Central America, to which all difficulties should be relegated. We knew here, and we discussed here, the fact that there were serious difficulties between Costa Rica and Honduras upon the one hand and Nicaragua upon the other, and that we were ratifying a treaty with Nicaragua knowing that we were doing an injustice to Costa Rica, particularly; knowing that the President of the United States—President Cleveland—had decided the very point in issue with reference to the Nicaragua route, for which we were paying $2,000,000, in favor of the Costa Rican Republic.

Knowing that Costa Rica had an equal interest in Fonseca Bay, as did Honduras, we purchased from Nicaragua rights upon Fonseca Bay; and so far as I am concerned, sir, I will say frankly that my vote in favor of the ratification of the treaty with Nicaragua was cast because I had personal assurances that treaties with Costa Rica and with Honduras of a satisfactory nature would be carried along with it and presented to us for ratification, settling all the difficulties between this country and Costa Rica, Honduras, and Nicaragua, respectively.

What was the result of that act of injustice, which never would have been perpetrated had this treaty been discussed openly here in the Senate? The result was that Costa Rica and Honduras appealed to the high court which had been established for them at our instigation, and there each of them secured a judgment against Nicaragua, based upon this treaty of ours; and then Nicaragua, hiding behind the provision in the treaty that we would protect her with our armed forces, defied the judgment of the Supreme Court of Central America, refused to abide by it, and no recourse was left or is left to Costa Rica or Honduras; and not one word yet has this Senate had to the effect that the State Department is undertaking to do justice to those two countries, which have been robbed of their territory by the ratification of a treaty by this body.

Mr. President, all the good work done by Elihu Root in Latin America has practically been done away with because we have not discussed Latin-American affairs here openly and knowingly, and have not understood them; and in our consideration here of treaties or propositions concerning Latin-American countries we do not understand Latin America, and never will understand it. Open debate is more necessary upon matters of this kind than upon any other matters pending before this body or which may pend before this body, in my judgment. I know that a majority of the older statesmen upon this side of the Chamber do not agree with the Senator from Idaho [Mr. BORAH] and the Senator from New Mexico and others here who have voted upon every occasion for open consideration of treaties; but, Mr. President, I say again, as I have said here before, that the people of the United States are entitled to know all about their foreign affairs. They are entitled to know whom we send to foreign countries now to negotiate for us, and they are entitled to know what character of negotiations are carried out. The people of the United States are entitled to know what agreement has been made with the allied countries and is being carried out through the deliberations of the allied war council, in which Clemenceau represents France, and Lloyd-George represents Great Britain, and the minister of foreign relations represents Italy, and we know not who represents the United States.

In strictly war matters we have a Chief of Staff representing the United States; but in the other matters which are being constantly passed upon we have no one representing us, as I understand, except a Mr. Crosby, whom I have not the pleasure of knowing, officially or otherwise, or knowing of, I may say. We were all acquainted with the name of Col. House, who apparently attended this council at one time, but we are informed that he is now in the United States. We know nothing of the report which he has made. Our foreign affairs are not being carried on through the officials named in the Constitution and in the laws of the United States, but apparently all our foreign relations are in the hands of men unknown to the law and unknown to the Constitution.

"No secret diplomacy," Mr. President? There never has been, at any previous period in the life of this great country of ours, the secrecy that exists now with reference to foreign relations, both with neutral countries and with belligerents and with our allies. I defy any of you, even during executive sessions, to give to the Senate any information of any kind or character with reference to the relations of this Government with foreign countries. In no instance in the history of this country, prior to this administration, has a President, in addressing the Congress of the United States when great foreign affairs were pending, failed or refused to give the Congress all the information which could be made public with reference to the details of the conduct of the foreign relations of this country, and to send in privacy to the respective bodies the data upon which the information was given. I defy you to look through the messages and documents of the Presidents of the United States, from the day of George Washington to that of Woodrow Wilson, and challenge the statement which I have made here. Now, above all times, are we justified in overturning the practice of the Senate for the last hundred years or more, and in demanding, in all foreign relations with which under the Constitution this body has anything to do, that at least through this body shall the people of the United States, whom we represent, be informed as to their affairs.

Mr. BORAH. Mr. President, this morning I offered an amendment to this resolution which reads as follows:

Add the following as a new section:

"That all treaties shall be considered and acted upon by the Senate in its open or legislative session, unless four-fifths of the Members of the Senate, by yea-and-nay vote, shall determine to close the doors during the consideration of the particular treaty upon which the vote to close the doors is taken.

"That this rule shall not be limited to the period of the war."

I insert the latter clause by reason of the fact that the main resolution has a clause which limits the other proposed amendment to the period of the war; otherwise, it would have been unnecessary to insert that clause.

Mr. President, I do not think it is necessary for me to say that this amendment is offered in good faith, and will be urged to a final conclusion. It is a proposition which some of us

have been advocating for the last 10 years, and with which, so far, we have not made very rapid progress. Several months ago I offered a resolution asking the Committee on Rules to report concerning the advisability of discussing treaties in the open—a committee of which the honorable Senator from Alabama [Mr. UNDERWOOD] is a member, and others—and it shows really that the delay in this body is not in the open sessions, but in the committee. That resolution has been with the committee for several months, and so far no report whatever has been made upon it. I assume it is by reason of the fact that they have no limitation upon debate in the committee. So it necessitates offering the amendment upon the floor of the Senate in order that we may have a hearing at all upon the subject.

Mr. President, six minutes is not sufficient time in which to present this amendment and the reasons why it should be adopted; but I want to say to the Members upon the majority side of the Chamber that the Senator from Idaho ought not to be the one called upon to advocate this amendment. It ought to come from the majority side of the Chamber. It ought to be supported upon that side by reason of the fact that it is the carrying out of the repeatedly pronounced policy of the President. We shall not be able to satisfy those with whom we are dealing abroad, nor our own people, that our many asseverations with reference to open policy concerning foreign affairs are in good faith if we defeat this amendment.

I was surprised to hear the leader of the majority say this morning that he was opposed to this amendment; and I trust that upon fuller investigation and fuller consideration of the resolution the leader upon the majority side will conclude that it is in harmony with the program which has been outlined by the President, and not only in harmony with the program which has been outlined by the President, but in this instance thoroughly in harmony with the general trend of affairs with reference to foreign matters.

The President, in his message upon the 8th of January, 1918, among other things, said:

> The program of the world's peace, therefore, is our program; and that program, the only possible program, as we see it, is this:
> I. Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

No other provision or clause among the 14 separate propositions which the President submitted to the country and to the world as prerequisite to a permanent and abiding peace received more consideration and discussion in the literature of the world, particularly abroad, than the one which I have just read. There were many publicists in England who were open advocates of this policy prior to the beginning of this war, and they have repeatedly stated facts which, to my mind, justify their conclusion that if this policy of open diplomacy, of inhibition against secret understandings among different nations, of open consideration of all negotiations between nations had obtained for the last 40 years in Europe this war would have been avoided. It was the secret and sinister combination of those who did not represent those who now must pay the taxes and carry the burdens and fight the battles of this war which finally, in their entangling understandings and agreements, brought on this great conflict. The most marvelous thing, sir, of the twentieth century—a time when the trend is toward open, candid, democratic government—is that a few men have been permitted to sit about secret council tables and barter and trade in the lives, not only of individuals and peoples but of nations, and to enter into treaties, alliances, and engagements which must ultimately result, if their ambitions were to be satisfied, in just such conflicts as the one in which we are now engaged. Anyone who is familiar or who desires to familiarize himself with the history of diplomacy, the secret alliances and combinations and understandings of the supposed leaders or of the real leaders of Europe during the last 40 years, will find therein the secret of this conflict which is now approaching our very doors. And yet, sir, the most pronounced democracy of the world hesitates to close in upon this proposition and to announce, once and for all, that the people who pay the taxes and fight the battles and suffer and die shall know the kind of contract which we make with other peoples during the time that it is being made.

It is a travesty upon common sense, it is a grim piece of humor, to say to the people of the United States: "You shall know the contents of the treaty after it has been made, after it has been ratified. After you are tied and bound, shackled by the agreement, you shall know the contents of it, when you have no power to reject it."

The time in which to turn on the light of public opinion and to put the negotiators who deal in the affairs of nations upon record is when public opinion will be upon those who are closing the negotiation and where public opinion will have the power to stay the combinations which are to gratify the individual ambitions of diplomats and leaders.

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 9959.

Mr. UNDERWOOD. I should like to ask the Senator in charge of the unfinished business if he will be willing to allow this resolution of the Senate to be considered to a conclusion?

Mr. SMOOT. I should like to accommodate the Senator, but I am quite sure the discussion would take the balance of the day. I allowed this bill to go over last week until to-day with a distinct understanding that it should be proceeded with at this time. I desire to proceed with the bill.

Mr. UNDERWOOD. I wish to say that I shall endeavor to-morrow to bring up the resolution and secure a vote upon it at some reasonable time.

INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9959) increasing rates of pensions of soldiers and sailors of the Civil War.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	McKellar	Shields
Beckham	Henderson	McNary	Simmons
Borah	Hitchcock	Martin	Smith, Ga.
Brandegee	Johnson, Cal.	Myers	Smith, Md.
Calder	Johnson, S. Dak.	Nelson	Smoot
Culberson	Jones, N. Mex.	Norris	Sutherland
Cummins	Jones, Wash.	Nugent	Swanson
Curtis	Kellogg	Page	Thompson
Dillingham	Kendrick	Penrose	Townsend
Fall	Kenyon	Phelan	Underwood
Fernald	King	Pittman	Vardaman
France	Kirby	Poindexter	Wadsworth
Gronna	Lenroot	Ransdell	Warren
Guion	Lewis	Saulsbury	Wolcott
Hale	Lodge	Sheppard	
Harding	McCumber	Sherman	

Mr. CURTIS. I desire to announce the absence of the senior Senator from New Jersey [Mr. FRELINGHUYSEN] on business of the Senate. I will let this announcement stand for the day.

I should like also to announce that the Senator from Indiana [Mr. NEW] is absent on business of the Senate, and I ask that this announcement may stand for the day.

Mr. LEWIS. May I be permitted also at this time to announce the absence of the senior Senator from Florida [Mr. FLETCHER] and the junior Senator from Florida [Mr. TRAMMELL], detained on public business? I ask that this announcement may stand for the day.

I desire also to announce the absence of the senior Senator from Mississippi [Mr. WILLIAMS] occasioned by illness in his family, and of the Senator from Kentucky [Mr. JAMES] by personal illness.

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness.

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. There is a quorum present.

Mr. SMITH of Georgia. Mr. President, I wish to call attention to the extreme nature of the substitute reported by the Senator from Utah [Mr. SMOOT] from the Committee on Pensions. Where an injury takes place in the service I believe in most liberal care for the injured. Where there is simply service without any injury and the party is mustered out sound, I do not believe in giving a pension at all. I have expressed that view quite often, and I had the privilege of urging it against Spanish-American War pensions. Where the widow is the widow of a man who was a soldier, married before he went into the Army, I can see an excellent reason for providing for her, but where he was mustered out and subsequently married I do not understand why, because he has been in the service, it should cause pensions in vast quantities for widows.

The only excuse that I understand there is for a pension to one who leaves the Army sound and without injury grows out of the fact that if a man has rendered gallant service in battle for his country, and misfortune should subsequently overcome him, it makes a strong case of appeal to his country to see that he is guarded against misfortune. But that is not the substitute of the Senator from Utah. That is the bill, in a sense, as passed by the House. The Senator from Utah proposes to pay as much as $480 a year to men who served in the Army, who came out without a scratch, who rendered no special service, who have been prosperous in life, and who perhaps have in-

comes of $50,000 a year. Without an injury in the service, without any special claim, without actually reaching the front or being in a battle, from the mere fact that they are on the roll, without exception, no matter how rich, the pension may go to $480 a year.

I can not justify, I can not excuse, a charge, especially in the present condition of the Treasury, of between $30,000,000 and $40,000,000 a year for such a purpose.

It has been the custom of the committee where there was a special burden of sickness and want resting upon the soldier to carry the pension up to something like this sum.

Now, let us see the provision in the House bill.

Mr. KING. Will the Senator yield?

Mr. SMITH of Georgia. Certainly.

Mr. KING. I think the Senator might state at that point, too, that a large number of those served only about 90 days, or a few days over that—from 90 days to 6 months.

Mr. SMITH of Georgia. Some of them never got to the front at all. You do not limit it to men who got in reach of bullets. You put it in the same class as the effort which was made to pension the Spanish-American soldiers. Many of them were citizens of my State who never got to Cuba, who never were shot at.

I have seen no excuse for going into the Treasury in behalf of those men, and I have, with a sense of duty performed, sought to check pensions of this character for them.

Now, mark the distinction. I do not wish to be misunderstood. If they were injured, even in camp; if they were wounded in the service; if their services have brought scars or lessened their capacity for future usefulness to themselves and their families, I think it is right that the country should bear the loss and not the injured man. This Smoot amendment, however, is a service pension, without regard to injury.

Mr. SMOOT. So is the bill passed by the House.

Mr. SMITH of Georgia. I know; but the House bill has a limitation on it.

I started to say that I am opposed to all service pensions, but yours is much worse than the House bill, because the latter is put on the theory that where a man has served in the Army and has not any substantial income, the Government will help him, but you do it without regard to his needs. The cry has been always heretofore that you can not afford to let a man who served gallantly in the Army, and who has become needy subsequent to the war, suffer. There is something in that appeal; but this provision of the Senator from Utah gives $480 a year to men who perchance never heard the roar of musketry, who were never within the line of battle, and who may be worth to-day their thousands and thousands.

I can see no excuse for it except that there are a large number of them, and it is mighty hard to stop an appropriation when it reaches a great many people. I have found that a small appropriation touching only a few people is much easier to stop than a large appropriation touching a great many people, an appropriation which will carry from the Treasury money into the pockets of a great many people. Here is the House provision:

SEC. 3. That no pensioner shall be entitled to receive any benefits under the provisions of this act for any period during which he shall be an inmate of any State or National soldiers' home; and the provisions of this act shall not apply to any pensioner whose net annual income from all sources, including his pension, is $1,000 or more.

A man with a thousand dollars a year is certainly protected from want. The chief object of the substitute of the Senator from Utah is to strike out that provision. More people are reached if we strike that out; the distribution is broadened.

The House bill carries a pension, if the party has served 90 days, of $27 per month, six months $29, one year $31, one and a half years $35, two years $39 per month. The proposal of the Senator from Utah as to amount is that anyone on the pension roll who served 90 days or more in the military or naval service $30. The service in the Navy was without the slightest danger. They were just as safe as any man on an ordinary boat before the submarine was known, and yet for 90 days' service on board a vessel, with no opposing ship, with no navy against them with which to contend, the person is to have for the balance of his life $360 a year, no matter how much he is worth, no matter how successful he has been in business, no matter how much his little 90-day trip contributed to his health and strengthened him for future activity. It is an unreasonable proposition.

Then it says six months $32, one year $35, one and a half years $38, two years $40: "*Provided*, That this amendment shall not be so construed as to reduce any pension under any act, public or private." It is vastly more objectionable than the House bill.

I confess that when a man has worn the uniform of his country and stood up for it and fought for it, even if he comes out sound and in his old age is poor and needy, I have not much heart to object to helping take care of him, but why not be satisfied with the provision of the House bill? That carries the income up to a thousand dollars a year. Do not undertake to give this sum to men who left the service without a wound, without a scratch, without an injury, and who were never in reach of a bullet and who have now more than they need.

Mr. President, I do not desire to detain the Senate. I merely felt that if I did not express my conviction on this subject I would be rather running from a responsibility. If the Senator from Utah had a list of men who had suffered from the service, if he had a list of men who had been wounded, men who had losses from the service, I think the case would be strong to make them sound. I wish it distinctly understood that my objection is to pensioning in this way those who were not hurt at all and who do not need the money.

Mr. McCUMBER. Mr. President, in the pension legislation of 1907, 1908, and 1912 we eliminated, and it was hoped that we had eliminated for all time, every thought of the pension roll being a roll of poverty-stricken soldiers. It was supposed that at that time we had made the pension roll a roll of honor, that any soldier who had fought for his country, battled for the Union and saved his country, could accept as an expression of gratuity from a grateful Government. I hope to God we will never go back upon the record we made at that time, so that any one of these old men, now from 75 to 90 years of age, can accept that expression of gratefulness on the part of a great rich Government without feeling that by so doing he is placing the stamp of pauperism upon his honorable record.

I hope that we will sustain the record that we made at that time, and I shall suffer the disappointment of my life if the Senate of the United States shall ever go back upon the record that it made then in eliminating this objectionable provision of our pension laws.

We applied that same rule to all soldiers. We applied it the same to the Mexican veterans. We did not ask whether they had a thousand dollars income a year or whether they had any support whatever. We said you served your Government, and now, being from 75 to 90 years of age, you shall receive this gratuity from your Government without feeling a pang of shame for having entered your name upon the pension roll.

Again, Mr. President, the Senator from Georgia says the only reason why we propose or seek to justify this bill is that it affects a large number—that it is so unjust we would only pass it in view of the fact of the great number, intimating probably the voting strength it might carry. Let me call the attention of the Senator to the fact that it does not cover anywhere near the number that the Adamson bill covered, which we passed in 1916, and which showed its good effect in the voting strength of those affected in the succeeding fall election. It does not cover anywhere near the number covered by the $300,000,000 which will now be put on top of the benefits derived from the Adamson bill and which we submit to without reference to what effect it may have upon the numbers or upon the voting strength of any particular number of organizations in the United States.

Mr. President, before beginning this war $40,000,000, the equivalent of 40 cents per capita of all the men and women and children in the United States, would have been a very large sum of money. Before our entry into this war no such appropriation would have been made without the greatest and most careful deliberation and forethought. But since our entry into the war we scarcely give any consideration to an appropriation of anything less than a billion dollars. We vote for $640,000,000 for airplanes, and when the year goes by and we have not any planes in sight we vote for another billion dollars, without obtaining the slightest information as to what has become of the $640,000,000 or whether we are to get anything out of that appropriation.

Again, we place $40,000,000 in the hands of a censor, without even an inquiry as to what use he is going to make of it.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. Certainly.

Mr. SMITH of Georgia. The second sum for aeroplanes has not been before the Senate yet, has it?

Mr. McCUMBER. Well, it has already passed the House of Representatives to the amount of almost $900,000,000, and it will probably go through the Senate without much consideration.

Mr. SMITH of Georgia. It is highly probable that it will, but I hope we shall be able to give the Senator some informa-

tion about it. The Senator said it passed without information. As I am on the subcommittee which is trying to get the information, I had just wondered if it had slipped through without my knowing it.

Mr. McCUMBER. I am afraid that the Senator will not have a great deal of information for us by the time that bill gets here. It will pass with about the same consideration which was given the other appropriation.

Mr. SMITH of Georgia. At least, however, I should like to know that it was passed. I should be embarrassed if, according to the suggestion of the Senator, it had slipped through and I did not even know that it had passed when I was thinking I was watching it.

Mr. McCUMBER. Well, the Senator from Georgia probably remembers that $640,000,000 slipped through, and the Senator will probably also remember that we do not know what has become of it at a time when we are asked for nearly $900,000,000 more.

Mr. SMITH of Georgia. The bill did not slip through. Both bodies understood that they were appropriating the money and thought we were going to have airplanes. Before we vote upon the additional billion dollars, if we need so much, and can build airplanes and help whip the Germans with them—and I am going to vote for it—I hope I shall know more than I now know about what has been done with the previous appropriation. I think we shall have considerably more information upon that subject, not all of it satisfactory—some of it very unsatisfactory—but still we want the information as to what became of the money, however it went.

Mr. McCUMBER. And may I join the Senator from Georgia in the hope that the Senate will also find out what is going to be done with the other billion dollars, whether we shall get anything out of it, and how it is to be expended? Nothing of that character was attempted in the previous bill. But to proceed:

We placed $40,000,000 in the hands of a censor, the whole equivalent of what is to be voted for the old soldiers, without the slightest inquiry as to what was to be done with it, and if that censor spends $10,000,000 circulating socialistic literature—a literature which is calculated to destroy any government upon the face of the earth, the same as it has already destroyed Russia—we make no inquiry, but we submit to it and sit quietly by, without a murmur, because the censor is a part of the war administration.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I yield to the Senator.

Mr. KING. Does the Senator from North Dakota in the criticism which he is now making refer to Mr. Creel and his committee?

Mr. McCUMBER. I refer to the censor committee; and the Senator from Utah, of course, understands, as every one who listens to me does, who is the head of that committee and who is the real censor.

Mr. KING. If I may be pardoned, I hope the Senator from North Dakota will not impute to me any improper motive in interrogating him, because I am somewhat in sympathy with some of the criticisms he has made at various times, and have sometimes felt that the committee referred to was subject to just criticism, and I rose for information and not for the purpose of provoking any controversy.

The Senator has referred to the fact that certain literature, socialistic in character, has been promulgated by this committee. I should be very glad, as none of it has come to my attention, to be advised of that fact, because if it is true, and I could be convinced that this committee was disseminating literature of the character referred to, I would be one of the first to demand the abolition of the bureau or committee, whatever its title, Mr. Creel and all, because they have no right to take the money of the people of the United States and utilize it to advocate a change in our form of government or to promulgate the un-American and disastrous doctrines that have destroyed Russia.

Mr. McCUMBER. Well, Mr. President, if the Senator from Utah will call upon that committee for a statement of their expenditures and the number of thousands of tons of literature of a socialistic character which have been sent broadcast over the country, he will perhaps secure the information he now desires.

Mr. KING. Will the Senator from North Dakota yield for just one further question?

Mr. McCUMBER. I yield.

Mr. KING. Acting upon the suggestion of the Senator, I shall take the first occasion to request of the committee a copy of everything which they have sent out aside from the daily publications.

Mr. McCUMBER. I wish the Senator would do so, for I know, if I should offer such a proposition on this side, I should never get it through.

Mr. KING. And if it is of the character suggested by the Senator, I shall join him and shall ask his aid in working such reforms as will prevent a repetition of that evil.

Mr. McCUMBER. But, Mr. President, we are considering the awful extravagance of expending $40,000,000 to relieve the sufferings of the few remaining soldiers who made it possible for us to have a Government to-day. When we appropriate $150,000,000 for food control; in other words, when we spend $150,000,000 to drive the price of the farmers' wheat below the market value, we scarcely scan the amount or stop to contemplate that we spend $150 where we save $1 by this Food Commission.

Again, when we vote $150,000,000 to control the price of coal, and then decrease the coal output to such an extent that people freeze, we smile, and we take our medicine, because we say "this is one of the burdens of war." When we take over the railroads of the country and allow the Director General to appropriate $300,000,000 to increase wages—and thereby increase his own popularity, thus killing two birds with one stone—and then charge this same $300,000,000 back to the farmers who must ship over the railroads and compel them to pay 25 per cent more than they have been in the habit of paying for their freight, while you cut down their income 25 per cent, we grin and bear it as a part of the miseries and inequalities of this war.

As I said, Mr. President, when we appropriated $640,000,000 for aircraft—enough to have furnished all the craft we could possibly use in 10 years if it had been expended honestly and efficiently—and when after wasting that we are asked to vote another billion dollars, we are told that we must expect extravagance in war times and that we must expect a great amount of graft!

I drove down Sixth Street the other evening, Mr. President, where employees were constructing Government buildings. I saw two pieces of timber 2 by 8, 14 feet long. They were nailed together by two little slats at the ends. Two men could have taken hold of those two slats and have carried those two pieces of timber anywhere. How many men were handling them? There were 6 men on each side—12 men altogether—carrying those two little pieces of timber, and there were 5 more men standing idly by because there was not any room for any more to get hold of the pieces of timber that they were removing.

A few rods from there a number were unloading a load of lumber composed of boards 1 inch thick by 6 inches wide and about 14 feet long. Any able-bodied man could have taken three of those boards and carried them. It took two men to lift one board of that size off the wagon, and then three men got hold of it, one in the middle and one at each end, and carried it away, while three other individuals stood idly by because there was no work for them to do. That is the way the Government's work is being done here during this war, when we demand more than has ever been demanded before in the history of the country, the physical efficiency of every man who performs labor for the Government.

Mr. CALDER rose.

Mr. McCUMBER. I yield to the Senator from New York.

Mr. CALDER. Is that a cost-plus job, I will ask the Senator?

Mr. McCUMBER. Of course it is all cost plus; the more men it takes the greater the profit. But you can get at the man who makes the profit, because you can tax him and you can get any per cent of that profit back into the Government coffers, but you never can get the 90 per cent waste of time.

Mr. CALDER. And waste.

Mr. McCUMBER. Yes; the waste of man power; that is lost forever.

Mr. President, I repeat when we employ five men to do the work of one and pay each of those five men three times his normal wages, we are asked to control our sense of indignation because these are war times and we must expect inefficiency and extravagance.

Mr. KING. Mr. President, will the Senator from North Dakota yield to me?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I yield.

Mr. KING. The Senator from North Dakota was speaking a moment ago about the waste in the construction of buildings here in the city of Washington. While the Senator is of the

opposite political faith from myself, and I have not always agreed with his utterances, it has been a source of pleasure for me to hear him and to listen to his splendid outspoken Americanism. I want to corroborate what he has been saying as to the inefficiency of the administration that is charged with the building of public structures in this city. Repeatedly I have gone to the places where public buildings are being erected, and I desire to say that the waste there is inexcusable. If Mr. Sterrett, who is in charge of these contracts, as I am told, is responsible for their performance, his record calls for criticism. Whoever is constructing those buildings deserves to be denounced and condemned, not only here but elsewhere, for the waste and extravagance which they permit. I join with the Senator from North Dakota in his condemnation of the methods employed by some of these cost-plus contract men. I thank the Senator for yielding to me.

Mr. CALDER. Mr. President——

Mr. McCUMBER. I yield to the Senator from New York.

Mr. CALDER. The Senator from Utah [Mr. KING] used the name of Col. Sterrett. In justice to Col. Sterrett, whom I know, I desire to say that he has nothing whatever to do with superintending the construction of buildings. He is a member of the committee that has to do with awarding contracts, but which has nothing whatever to do with managing the work on the jobs.

Mr. KING. Will the Senator from North Dakota permit me to make an inquiry of the Senator from New York?

Mr. McCUMBER. I yield.

Mr. KING. If Col. Sterrett has the letting of these contracts, he must know that some of the men who are performing the work are slackers and profiteers, and why does he not correct the abuse?

Mr. CALDER. I have no knowledge, Mr. President, if the Senator from North Dakota will permit me, of just what method is pursued in handling this work, but I know that vast sums of money are being wasted because of the inefficiency of the management under the contracts. I was at the great quartermaster's base in Brooklyn on Saturday last, and I talked to a carpenter whom I know, and he said he was working 10 hours a day 7 days a week. For the 10 hours a day on week days he was receiving 12 hours' time, and for the 10 hours on Sunday he was receiving 20 hours' time, and was getting 70 cents an hour. He said the actual time that he worked in the 7 days was 70 hours, and he was given 92 hours' time, and received for that time something like $64 a week. Not only is that a waste of money on the part of the Government, but it has the effect of taking from private business the men who are working along those lines, and requiring those who need men in their own business to pay double what ought to be paid. I join the Senator from Utah in condemning that sort of thing, but I hardly think it is fair to condemn Col. Sterrett for it, because I doubt if he is responsible directly for the management of the work of construction.

Mr. McCUMBER. The thing to be condemned is the whole system and the seeming complacency with which the administration views this enormous waste without taking any steps whatever to correct it. It has been stated in the press generally that the great waste in our shipyards is a thing of the past. Only a few days ago an overseer of labor in one of the principal shipyards in the United States saw me at my office and, without giving the name of the shipyard or the name of the individual, he said, "This claim of present efficiency in our shipyards sounds all right in the press, but I want to tell you frankly that we are not getting 50 per cent efficiency in the work of our shipyards." While all this is going on, this enormous extravagance, scandalous beyond anything that has ever happened in the history of the Government, we are sending soldiers over to Europe to fight our battles and we are not able to supply them because we have not the ships, we have not the munitions, we have not the force there that we ought to have been able to put there long before this time.

Mr. President, when we spend $20,000,000,000 to accomplish that which ought to have been accomplished with $5,000,000,000 we are asked to excuse it on the ground that we were unprepared and we must pay 75 per cent of our war taxes for experience. Of course we have got to pay for experience; but when you tell me that we have got to pay 75 per cent for our experience you are telling me of men in charge who are 75 per cent inefficient and unequal to the task imposed upon them.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Mr. President, I am very glad the Senator from North Dakota is calling attention to this misuse of the public funds. I have made a good deal of investigation along that line myself, and in every investigation that I have made the same slimy trail of the serpent of greed has been found. The Senator ought to, and I trust he will, pursue the inquiry until the Government official shall be discovered who is condoning or conniving at this species of thievery. The graft and profiteering is in the land and all that is necessary to reveal it in all of its nakedness is to turn on the light. It is all right to condemn the individual contractor who is profiting by this system, but the man primarily responsible to Congress and to the people is the Government official who knows about it and fails to stop it. I hope the Senator will continue his investigation and, if possible, discover the public officer who is betraying the Government and who is a party to this prefidious plundering of the Treasury. We made such a discovery at Hog Island, and ever since we made the discovery certain miserable, lying newspapers have been intimating that those of us who uncovered it were sympathizing with the enemy and that which we did was done for the purpose of delaying the building of ships. A more infamous, unfounded slander was never perpetrated by a hired liar. I think the time has come when the Congress should direct its attention to just such matters as the able Senator is now talking about, and if possible bring to justice the miserable traitors to the Government who are responsible for this robbery of the Public Treasury. The crime of which they are guilty is not less reprehensible because they do it under the guise of patriotism.

Mr. McCUMBER. Mr. President, Congress can do really but one thing. Congress appropriates the money, but Congress makes no appointments in the administrative departments of the Government. That is done by the President. We must rely upon him to make appointments of men who are competent to perform their duties. If he fails to secure men of that character Congress is without any redress. All it can do, no matter how great the extravagance may be, is to raise the money by taxation and to vote it by way of appropriations, and do the little kicking on the side, as we are doing in the Senate now, against the extravagance, with the hope that it will at some time have some effect.

The Senator has been down in the departments. Go into any one of them and you will find clerks so closely packed that they are in each others' way, and you will probably find that at least one-fifth of them are idle or semi-idle. We simply have more men at work than we need in all of these places. We have more clerks than we actually need. We could put an army of 10,000,000 men in France to-day, and the remainder of those at home could perform as much physical service for the benefit of the Government as is being performed to-day.

Mr. VARDAMAN. The Senator, of course, recognizes that the Congress can investigate these matters and call them to the attention of the people and the country, just such matters as he is now calling attention to. There ought not to be any trouble to locate the cause of the neglect of duty in the character of work the Senator has just spoken of. The contractor can be found and the man who is supervising the construction can be found. That is a matter that a committee of Congress could look after and discover, and I think it ought to be done. I repeat, I am glad the Senator is calling attention to this matter. He is doing a real service to his country.

Mr. McCUMBER. We tried at one time to create a committee which was to look into the question of war expenditures, but we were unable to put it through. We did not have the votes in the Senate. It would have been the function of that committee to ascertain what was being done with this $640,000,000 that we now find has gone out of existence, and we perhaps could have seen that some of it was efficiently expended at the time.

Mr. VARDAMAN and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield; and if so, to whom?

Mr. McCUMBER. I yield first to the Senator from Mississippi.

Mr. VARDAMAN. I should like to ask the Senator if he does not think that Justice Hughes will discover that?

Mr. McCUMBER. I hope he will.

Mr. VARDAMAN. I hope so.

Mr. McCUMBER. It is a very fine thing to discover that your horse is stolen after it is gone, even though you did not take precautionary measures to lock the stable before; but it would have been wiser to guard the animal in the first instance. I now yield to the Senator from Kansas.

Mr. CURTIS. I merely wish to correct a statement made by the Senator in reference to the committee to which he has referred. The item providing for that committee, as I recall, passed the Senate.

Mr. McCUMBER. I said we did not get it through. Mr. President, it seems to me, in short, that incompetency and extravagance and graft and slacking, everything abominable and censurable, must be expected in this war, and the only patriotism that we have a right to expect is the patriotism of the soldiers at the front, of the buyers of liberty bonds, and the farmers of the country, who are expected to raise wheat at 40 per cent below its market value. All of the rest can be looked on and excused upon the ground that we were not prepared for this conflict and consequently we expect great extravagance. But, Mr. President, if we can spend and squander billions of dollars more than are necessary in this great conflict, if we can be so wildly extravagant along every line, I confess that we can afford a little $40,000,000 to ease into the grave the old soldiers whose sacrifices gave us this country. I want to give it to them, and I want to give it to them without any strings tied to it, and to say to them, "This is a gift on the part of your Government, the Government which you saved, and this is an expression of gratitude on the part of the Government. It is a gratuity freed from the stigma of pauperism." I hope, Mr. President, that the bill will be passed just as reported by the committee.

The PRESIDING OFFICER (Mr. GUION in the chair). The question is on the amendment offered by the Senator from Florida [Mr. TRAMMELL].

Mr. KING. I ask the Secretary to state the amendment offered by the Senator from Florida.

The SECRETARY. On page 4, line 7——

Mr. VARDAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	McNary	Shields
Beckham	Henderson	Martin	Simmons
Calder	Johnson, Cal.	Myers	Smith, Md.
Cummins	Johnson, S. Dak.	Nelson	Smith, Mich.
Curtis	Jones, N. Mex.	Norris	Smoot
Dillingham	Jones, Wash.	Nugent	Swanson
Fall	Kellogg	Page	Thompson
Fernald	Kenyon	Phelan	Townsend
France	King	Poindexter	Underwood
Gronna	Lenroot	Pomerene	Vardaman
Gulon	Lewis	Saulsbury	Warren
Hale	Lodge	Shafroth	Wolcott
Harding	McCumber	Sheppard	

Mr. KING. The Senator from Montana [Mr. WALSH] was unexpectedly called from the city. I desire to make that announcement, and will allow it to stand for the day.

Mr. SHIELDS. I wish to announce the absence of my colleague [Mr. MCKELLAR] on official business.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on official business.

Mr. LEWIS. I announce that the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from Arkansas [Mr. KIRBY] are detained on official business. I wish also to announce that the senior Senator from Kentucky [Mr. JAMES] is detained by illness, and that the Senator from Mississippi [Mr. WILLIAMS] is detained by illness in his family.

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, there is a quorum present.

Mr. KING. Mr. President, I offer the amendment, which I send to the desk, in the nature of a substitute for the amendment offered by the Senator from Florida [Mr. TRAMMELL].

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In lieu of the amendment offered by the Senator from Florida, it is proposed to insert at the end of the bill the following:

That no pensioner shall be entitled to receive any benefits under the provisions of this act for any period during which he shall be an inmate of any State or National soldiers' home; and the provisions of this act shall not apply to any pensioner whose net annual income from all sources, including his pension, is $1,000 or more, to be determined by the income-tax reports on file in the office of the Commissioner of Internal Revenue, who shall annually on the 1st day of July transmit to the Commissioner of Pensions a list of all pensioners having an income, as shown by such reports, in excess of the said sum of $1,000.

Mr. VARDAMAN. Mr. President, if it will not interfere with the Senator's discussion of his amendment, while I have no authority to do this from the Senator from Florida [Mr. TRAMMELL], I notice that he is absent from the Chamber; and I will ask that that amendment be passed over for the time until the Senator from Florida can be present.

Mr. KING. I shall be very glad if my colleague will accede to that.

Mr. VARDAMAN. Will the Senator in charge of the bill consent that the amendment be passed over temporarily?

Mr. SMOOT. Mr. President, I understand that the Senator from Ohio [Mr. POMERENE] desires to address the Senate, and if that is the case I suggest that he proceed now; and then, if there is time after he has finished, we can take up this matter.

INSTALLMENT PAYMENTS OF INCOME AND EXCESS PROFITS TAXES.

Mr. POMERENE. Mr. President, I am taking the liberty of addressing the Senate on a subject which is very near to my heart.

On the 26th of February, 1918, I introduced a bill (S. 3963) to permit the payment of income and excess-profits taxes in six monthly installments, beginning July 15, 1918, deferred payments to draw interest at the rate of 3 per cent per annum and to be secured. This bill was referred to the Finance Committee, and up to date we have had no report upon it. I understand that two objections are raised to it:

First. The formal objection that legislation of this character should originate in the House if there is to be any legislation upon the subject.

Assuming, without admitting, that this objection is technically well founded, it could be waived, as the provision in the Constitution that "all bills for raising revenue shall originate in the House of Representatives," even if comprehensive enough to cover the change of time of payment of the revenue, is purely directory and not mandatory.

Second. The Treasury Department is opposed to it because, they say, we need the money. In a recent statement authorized by the Secretary of the Treasury he says: "The agitation in favor of legislation to authorize the payment of income and excess-profits taxes in deferred installments is doing much harm." With all due respect and with all kindness, permit me to say that it is not the agitation of this question that is doing harm; but, if harm is resulting, it is because of the unreasonable opposition of the Treasury Department to a very reasonable request. I ask the indulgence of the Senate while I discuss it for a few moments.

Senators will agree with me that the money with which to carry on this war must come from the pockets of our people. We can get it by taxation or by the sale of bonds, or by a combination of the two methods. In any event the people furnish the money. In each of the liberty loan campaigns it was thought wise to have the bonds payable in installments.

FIRST LIBERTY LOAN.

The first liberty loan was offered May 14, 1917. The amount offered was $2,000,000,000. It was closed June 15, 1917. There were nearly 4,000,000 subscribers. The aggregate subscriptions were $3,035,000,000. Two billion dollars were accepted. They were payable as follows:

Two per cent, or $40,000,000, payable on application for loan.
Eighteen per cent, or $360,000,000, payable June 28, 1917.
Twenty per cent, or $400,000,000, payable July 30, 1917.
Thirty per cent, or $600,000,000, payable August 15, 1917.
Thirty per cent, or $600,000,000, payable August 30, 1917.

SECOND LIBERTY LOAN.

Early in October, 1917, the second liberty loan, amounting to $3,000,000,000, was offered. The loan closed October 29, 1917. There were nearly 3,500,000 subscribers. The subscriptions aggregated $4,617,532,200. The Secretary of the Treasury accepted one-half of the amount which was oversubscribed in excess of the $3,000,000,000. In other words, there was allotted to subscribers on account of this loan $3,808,766,150. But these bonds were not required to be paid at one time, but in installments, as follows:

Two per cent, or $76,175,323, payable October 27, 1917.
Eighteen per cent, or $685,577,907, payable November 15, 1917.
Forty per cent, or $1,523,506,460, payable December 15, 1917.
Forty per cent, or $1,523,506,460, payable January 15, 1918.

THIRD LIBERTY LOAN.

When the recent drive for the third liberty loan was begun those in charge appreciated the unwisdom of calling for a loan of $3,000,000,000 to $5,000,000,000 and require all the money to be paid into the Treasury at one time, and therefore it was provided that these bonds should be paid for in installments. The total subscriptions amounted to $4,170,019,650. This sum, by the terms of the loan, to be paid as follows:

Five per cent, or $208,500,982.50, before May 4, 1918.
Twenty per cent, or $834,003,930, before May 28, 1918.
Thirty-five per cent, or $1,459,506,877.50, before July 18, 1918.
Forty per cent, or $1,668,007,860, before August 15 1918.

This arrangement was made for the convenience of the people who subscribed for the bonds. I think I can safely state that very few subscribed for bonds unless they either had the money in hand with which to pay or had a reasonable prospect of securing it. Suffice it to say, no one, whether he had money or not, was compelled to subscribe for bonds, except out of a pure spirit of patriotism, and we are delighted to record that more than 17,000,000 of our people were ready and willing to come, and did come, to the aid of the Government in the third liberty loan.

In view of this and the earlier prompt responses by the people to the calls of the Government for war funds, does not prudence suggest that whatever may be our plan or plans for raising money, they should be so framed as to reduce to a minimum the burdens upon business.

PAYMENT OF TAXES.

When it comes to the payment of taxes, what do we require? I am glad to testify to the fine spirit which has been shown by the business men of the country. Rarely has anyone heard complaint about the amount of tax. The only favor the taxpayers ask is a little indulgence as to the time when the taxes shall be paid and they have strong reasons for asking this favor at the hands of both the executive and legislative branches of the Government.

While many of us felt for many long months that the war clouds were lowering, it was not until April 6, 1917, that the Congress passed the resolution declaring a state of war with the Imperial Government of Germany.

The revenue law providing for the taxes upon incomes and war profits was not passed until October 3, 1917. The taxes on incomes and excess earnings for the calendar year expiring December 31, 1917, were made payable on or before June 15, 1918. In other words, these taxes for 10 months and 3 days were retroactive in character and the business world had no notice thereof until the revenue bill became a law on October 3, 1917.

Most of the manufacturing, mining, and commercial enterprises of the country during the calendar year of 1917 made great profits, but the demands of the Government as well as of private enterprise were of such a character that in order to meet them business men were required to reinvest their net earnings as they accrued either in increased capacity of their plants or in new stocks of raw material at highly advanced prices. Their greatest task was to get money with which to carry on their business and what would have been the state of our preparations, either from a military or industrial viewpoint, if they had not thus reinvested their profits as earned in their business?

But this is not all. As autumn approached and during the months of winter the great transportation system of this country broke down under the strain and stress of increased traffic and most of our manufacturers and other producers were unable to market their products. Their business enterprises were handicapped. Their warehouses were filled to the bursting point. They could not convert their goods into cash with which to meet their maturing obligations, much less pay their revenue taxes either in advance or as they became due.

It is urged by the Treasury Department that the Congress did afford relief by providing that these taxes could be paid in whole or in part in advance of their maturity. But these taxes were not made payable in advance for the benefit of the taxpayer. It was for the benefit of the Government. I only need to suggest in answer to this argument if men do not have the money to meet their obligations when they mature they probably do not have the money with which to cancel these obligations before maturity. In my judgment it would have been much better not to attempt to assign a reason for opposition to this bill than to assign such a reason. I am not pleading for extension of time for men who have the cash with which to pay. I am pleading for those who do not have it.

Again, it is suggested by the Treasury Department that short-time certificates to the amount of $1,500,000,000 have been issued, which will mature between June 1 and 15, and these must be paid. It is said that the taxpayers had the right to buy these short-time certificates from time to time and turn them into the Treasury in payment of their taxes.

Of course, they had this right of purchase, and they can use these certificates for that purpose if they have them. But I doubt if many business men bought short-time certificates unless they had the cash with which to pay for them; and if, because of industrial and transportation conditions, the producers could not market their wares they probably did not have the money with which to buy them. I think I can safely assert that the Treasury Department went into the markets where money was to be found and sold these short-time certificates to those who had the money, not to the producers who may have had property but did not have money. And, again, I must add that an argument to the effect that men who have no money with which to pay their taxes could go into the market and, out of their lack of money, buy short-time certificates with which to pay their obligations is not very convincing.

Surely, if taxpayers had the money with which to buy short-time certificates, would not business prudence suggest that instead of thus investing their money they would take advantage of the discount of 3 per cent provided in the revenue law and pay their taxes before maturity or discharge other obligations? Careful business men always discount their bills when they can. Would they not by the same token discount their taxes when permitted, if they had the money with which to do it?

It is no doubt true that the class of taxpayers who had money to invest in short-time certificates will use them in the payment of their axes pro tanto, and to that extent it will relieve the strain on the cash of the country and thereby indirectly help those who have taxes to pay by increasing the amount of available cash which may be loaned by the banks of the country to those who are required to borrow.

But we must not forget that at least 90 per cent of the business men of the country are borrowers. Other things being equal, the larger the volume of business conducted the greater the amount of borrowed capital required. National banks and most State banks can not loan to an individual borrower in excess of 10 per cent of their capital and surplus. Many business men have been compelled to borrow, and have borrowed from their banks to this limit. This is not a special condition which applies to scattered communities; it applies to nearly all of the industrial cities and towns of the country. No matter what collateral borrowers may have to present to the banks, many of them do not have the funds to loan. The banks of the country have been acting very patriotically in accommodating their clients wherever and whenever they could, but they have been taxed to the limit in caring for the current necessities of their respective communities, and it is going to be a serious proposition, not only with the business men but with the banks themselves, to arrange to accommodate the taxpayers of the country and advance $2,775,185,000, the estimated income and excess-profits taxes to be paid on June 15, in addition to the normal demands made upon banks by the commerce of the country. The communication of the Secretary of the Treasury to the President of the Senate indicates that this amount will be largely increased, and I feel justified in expressing the opinion that when the Treasury Department receives full returns the total income and excess-profits taxes will amount to not less than $3,000,000,000.

PER CAPITA CIRCULATION.

Let me present another phase of this question. May 1, 1918, the total circulating medium of the country was $5,318,546,717. Estimating the population of continental United States at 105,581,000—and these are the figures given by the Secretary of the Treasury—the circulation per capita was, on that date, $50.37. The total income and excess-profits taxes to be paid on June 15, according to the estimate of the Secretary of the Treasury, amount to $2,755,185,000. In other words, if these taxes are to be paid in cash or its equivalent, and presumably they must be, it will require 52.17 per cent of the circulating medium of the country to make the payment. If these taxes amount to $3,000,000,000, as I verily believe they will, it will require 56.40 per cent of the circulating medium to pay them—and this to be raised in one day. I do not believe it will be said the circulating medium of the country is very much in excess of our commercial requirements under normal conditions.

I have just presented this subject as if all the circulating medium was available. Let me present the same thought in another way. The cash in all of the banks on June 20, 1917, was $1,502,502,000. I have not been able to get figures for a later date. The estimated population May 1, 1917, was 103,859,000, making the per capita in bank $14.46. Dividing the total estimated income and excess-profits taxes to be paid June 15, 1918, $2,775,185,000, by the estimated population, 105,581,000—and these are the figures of the Treasury Department—the per capita income and excess-profits taxes to be paid on June 15, 1918, will amount to $26.28, or, in other words, they will be $11.82 in excess of the per capita cash in the banks of the country. Assuming the revenue from this source will reach $3,000,000,000, the per capita taxes to be paid will be $28.14, or $13.95 in excess of the per capita cash in the banks.

Should not these facts give us pause for thought? Even if it were not going to prove a serious inconvenience to the bankers and business men of the country, ought not the Government to hesitate before it throws this burden upon the circulating medium of the country in one day's time?

The Treasury Department realizes the force of this argument, and they hope to relieve against it to some degree by permitting, and I quote the words of the Secretary, "qualified depositories, banks, and trust companies to make payment of taxes for themselves and their customers by credit, in the same way as subscriptions for bonds and Treasury certificates are paid."

This method will help banks and trust companies, but it will not help the taxpayers generally, except by indirection. It does not increase their line of credit at their banks; it will not authorize the banks to loan in excess of 10 per cent of their

capital and surplus, and it is going to seriously embarrass the industrial communities for the ready cash with which to conduct current business.

I have been referring to the suggestion of the Secretary of the Treasury that some of these taxes might be paid "by credit," but since that suggestion was made there has been issued, under date of May 29, 1918, a supplement to Department Circular No. 92, in which it is expressly provided that "payment of income and excess-profit taxes can not be made by credit."

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. KELLOGG. If it will not interrupt the Senator, I should like to ask him one question.

Mr. POMERENE. I yield.

Mr. KELLOGG. I am in sympathy with the views of the Senator on this question, and it is not from a want of sympathy that I ask the question. The last Treasury statement which I saw, however—that of May 17, 1918—showed to the credit of the disbursing officers of the Government only $932,000,000, in round figures. I will not read the fractions.

Mr. POMERENE. What is the date of that statement?

Mr. KELLOGG. May 17, 1918. That was the amount which the disbursing officers of the Government could draw upon to pay the obligations of the Government. Now, as I am informed, the expenditures of the Government to-day amount to a billion and a half a month, and are increasing at the rate of $100,000,000 a month; and if that is true, by the 1st of January, 1919, those expenditures will equal $2,000,000,000 a month, or $24,000,000,000 a year. Is it not quite probable that the Treasury must have the money with which to meet those expenditures?

Mr. POMERENE. Mr. President, the question of the Senator from Minnesota anticipates my argument.

Mr. KELLOGG. I beg the Senator's pardon, then, for interrupting him.

Mr. POMERENE. I think I shall explain that matter to the entire satisfaction of the Senator or anybody else who has studied this question, except the Treasury Department.

My belief is that this is a method of financing which under ordinary circumstances would not be approved. It may be added further that the mere fact that the Treasury Department suggests this plan is a sufficient demonstration that it does not need the cash on that particular date.

CAN THE BANKS MEET THESE DEMANDS ON JUNE 15?

That the payment of these taxes on one date will be a serious drain on the banks is quite evident.

Under date April 1, 1918, I was advised that the cash in the banks of Cleveland, exclusive of the Federal reserve bank, amounted to $17,500,000. The cash in the Federal reserve bank and other depositories amounted to $75,000,000, a total of $92,500,000. The aggregate income and excess-profits taxes to be paid in that city was estimated at from $75,000,000 to $100,000,000. In other words, the taxes to be paid by the business people of Cleveland were approximately equal to, if not in excess of, the cash in the Cleveland banks, their depositories, and the reserve bank. All the figures given as to taxes are estimated, but I may say that later information indicates that they are not very far from right.

The Treasury Department, as I am informed, does not keep separate accounts for each city and town or locality, but for the several districts, and it is therefore not possible to find the exact amount of taxes payable in each city without a vast deal of clerical labor. I believe these figures, however, to be substantially correct.

On March 28, 1918, in the city of Columbus the total cash in the banks of that city amounted to $3,320,000; the total due from banks amounted to $11,100,000, or a total of $14,420,000. At the same time they owed for bills payable and bills discounted $2,450,000, leaving a balance of cash in the vaults and amounts due from banks of $11,970,000. The income and excess-profits taxes to be paid by the people of that city were variously estimated at from $12,000,000 to $15,000,000. Or, in other words, the taxes to be paid are more than the available cash in the banks.

In the little, but thriving, city of Ironton there are four banks with a total capital of $575,000. The income and excess-profits taxes to be paid by her industries reach the astounding figure of $1,500,000, or nearly three times the total bank capital of that little city.

In the State of Ohio there are one or more important industrial cities, towns, or communities in nearly every one of her 88 counties.

I could, if time permitted, give similar data with respect to many other localities, but I do not conceive this to be necessary. The conditions prevailing in Cleveland, Columbus, and Ironton are not exceptions. They are typical of conditions throughout the State.

I hope the Senate will indulge me while I read brief extracts from some letters received by me from chambers of commerce, clearing house associations, commercial and financial organizations, as well as from bankers, merchants, and manufacturers.

CHAMBERS OF COMMERCE.

The Chamber of Commerce of the United States, at its annual meeting held in Chicago, April 10, 11, and 12, 1918, adopted the following resolution:

Resolved, That the Chamber of Commerce of the United States again recommends and urges the passage by Congress of a law providing for the payment of income, excess profits, and other special war taxes in installments so arranged as to give adequate protection to the commercial, industrial, and financial interests of the country.

Under date of February 28, 1918, the chamber of commerce of the city of Columbus writes, in part, as follows:

Should the Government fail to permit a distribution of these payments over a period of time * * * the result might be very disastrous. In Columbus alone it would be necessary for very many prosperous businesses either to withdraw money from working capital and reduce operations or to borrow large amounts from the banks. It is estimated that the total payments of Columbus taxes would aggregate more than one-half of the total deposits of Columbus banks.

CLEARING HOUSE ASSOCIATIONS.

Under date February 21, 1918, the Cleveland Clearing House Association passed the following resolution:

Whereas it is conservatively estimated that the income and excess-profits taxes due from individuals and corporations of this city will amount to $150,000,000; and

Whereas the time of payment of income taxes will be coincident with the payments on the next issue of liberty bonds; and

Whereas the payment of this large amount will seriously affect the resources of the banks of Cleveland: Therefore be it

Resolved, That we urge upon the honorable Secretary of the Treasury that action be taken to distribute the payment of income and excess-profits taxes over the balance of the calendar year.

In a letter to me, under date February 23, 1918, Mr. C. A. Paine, president of the Cleveland Clearing House Association, writes:

As you know, we are a large manufacturing city, and all of our banks have been called upon to extend larger loans to our customers than usual, on account of the large business which they are doing, the increased cost of material, labor, and the delay on account of the railroad congestion. This has necessitated our rediscounting at the Federal reserve bank to a considerable extent.

We all feel that unless this situation is relieved by the time the income and excess-profits taxes are due, the strain on the banks will be almost more than they are able to meet.

The President of the Akron Clearing House Association on April 17, 1918, stated that a careful survey showed that the income and excess-profits tax due from individuals and corporations of that city will amount to somewhere between $15,000,000 and $20,000,000, and expressed the opinion that in order to relieve the strain on the banks it is absolutely necessary that these payments be distributed over the balance of the year.

ASSOCIATIONS OF CREDIT MEN.

On March 19, 1918, "the Ohio conference of the National Association of Credit Men, representing 2,000 Ohio manufacturers, wholesalers, and jobbers in convention assembled at Cleveland, unanimously indorsed a plan for the extension of time of payment of Federal income tax and recommend that such payment be made in installments over a period of months."

The Cincinnati Association of Credit Men, under date April 11, 1918, writes:

As an organization of Cincinnati business men, representing 500 manufacturers and wholesalers, we are firmly of the opinion that it is vital in maintaining stable conditions in credits throughout the country, that some legislation be passed permitting the payment of war income and excess-profits taxes in installments over a period of months.

Such legislation meets with the approval of not only the local organization but the State organization, as evidenced by the resolution to this effect adopted at Cleveland, March 19, 1918.

ASSOCIATIONS.

The officers of the Bankers' Association in the following States—Indiana, Kansas, Michigan, Minnesota, Missouri, North Dakota, Nebraska, Ohio, Oklahoma, South Dakota, Illinois, Iowa, and Wisconsin—in a conference passed certain resolutions in which they used in part the following language:

In our opinion the payment of the entire amount at any fixed date may cause an unnecessary and undesirable contraction of credit.

The Ohio Manufacturers' Association, Columbus, in a statement issued to the manufacturers of that State, several weeks ago, said:

The banking deposits of Columbus on January 1, 1918, were $50,000,000. The reserves on the same date were $12,000,000. From careful estimates made by bankers and others the total tax, individual and corporate, which the city will have to pay to the Government on or before June 15, 1918, will be from $18,000,000 to $20,000,000.

This is a burden which the banks of the city can not assume without great difficulty, and which will necessarily result in the calling of loans and in the curtailing of necessary business. Of course, eventually much of the money will return to the city through the ordinary channels of trade, but it will be a long time before this happens and the immediate strain will be very great.

The Industrial Association of Cincinnati recently passed resolutions declaring that—

In our opinion the payment of the entire amount at any fixed date may cause an unnecessary and undesirable contraction of credit.

RETAIL ASSOCIATIONS.

The Ohio Retail Dry Goods Association, after urging legislation permitting the payment of these taxes in installments, say:

In the opinion of this association, unless such extension is granted, it will necessarily curtail business operations and cripple business enterprises and banking facilities to such an extent that it will be almost impossible for the banks to finance the tax, if the whole tax is to be paid on or before June 15.

In a note accompanying this resolution the secretary of the association says:

The first installment can be in circulation by the time the other installments fall due, thereby maintaining an equilibrium.
This is a patriotic move, as stability of business is essential to the successful prosecution of the war.

The Retail Merchants' Association of Columbus, under date March 27, sent me copy of resolution adopted by them, in which they express the opinion that—

Unless such extension is granted it will necessarily curtail business operations and cripple business enterprises and banking facilities to such an extent that it will be almost impossible for the banks to finance the tax, if the whole is to be paid on or before June 15.

Mr. SMITH of Michigan. Mr. President, will the Senator yield to an interruption?

Mr. POMERENE. I yield.

Mr. SMITH of Michigan. I should like to ask the Senator, in view of the very seriousness of the situation which he describes, which all communities will suffer equally with his own, whether he has ever taken this matter up with the Secretary of the Treasury and has used the data which he has collected, evidently with some care, and which is so full of meaning, and whether there is any prospect of getting the cooperation of the executive department of the Government in the very praiseworthy attempt which the Senator is making to get relief from this situation?

Mr. POMERENE. The Senator's question is very pertinent and very proper. I did take it up with him some weeks ago, prior to his starting on the third liberty-loan campaign, and since that time I have taken it up probably three or four times with one of the Assistant Secretaries of the Treasury, who has had the matter in charge. Without going into the details of these conferences, I think I may say that their contention has been that they need the money. But I think, if the Senator will do me the honor to listen until I have completed my statement, I shall be able to show that they do not need all this money at one time.

Mr. SMITH of Michigan. If the Senator will pardon me, are we going now to fail to act because of the lack of sympathy of the Treasury Department with our plan, or are we failing to act because of the legislative situation in which we find ourselves?

Mr. POMERENE. Mr. President, I introduced this bill February 26. I have had several conferences with individual members of the Finance Committee. I have taken it up and discussed it with Senators and with certain Representatives in Congress, and I find that practically everybody agrees with me save and except the Secretary of the Treasury and his assistants; that is, everyone with whom I have come in contact. I may say that in my humble judgment the business men of the country, who are to finance this war, have some knowledge of public finances.

Mr. SMITH of Michigan. And some rights.

Mr. POMERENE. I am quite sure that the business men of the country are going to yield to additional taxes and they are going to subscribe for additional bonds, and they will do it with a patriotic purpose. Knowing their disposition in that behalf, we ought to make these burdens as light as possible.

BUSINESS MEN'S CLUB.

The Business Men's Club of Cincinnati, under date of March 1, 1918, wires:

The extension of time beyond June 15 for paying part of the excess-profits tax we believe is absolutely essential to the business interests and welfare of the country, and we heartily indorse the above-suggested extension and respectfully recommend same be given most earnest and careful consideration.

MANUFACTURERS.

On March 2 a prominent firm in Akron wrote concerning the payment of these taxes in a lump sum on or before June 15, 1918, as follows:

Unless modified, I think this requirement is going to bring on the most serious financial disturbance the country has experienced since the panic of 1903.
Without upsetting our entire scheme of financing, it is impossible to withdraw from our banking institutions at one time the amount of money required to pay the income and excess-profits tax.

Another manufacturing concern of the same city, under date of March 28, writes concerning the payment of these taxes at one time as follows:

The financial shock will be tremendous if the entire income tax must be paid on one day, and I sincerely trust that your bill may pass Congress and thereby prevent an injury to the Nation that can easily be avoided without interfering with the needs of the Government.

One of the leading manufacturing concerns of my home city, Canton, writes under date of March 18, 1918:

If all corporations and all individuals are called upon to pay this huge sum of money by June 15, I can't for the life of me see where the cash will come from.

Another firm from the same city writes:

From inquiries made at the banks and financial institutions with which we have come in contact, as well as manufacturers and other business interests, we have had our opinion confirmed, that due to the expansion in business it has been necessary to transfer a large portion of our working capital into equipment and buildings in order to meet the demand for increased output, which we have been called upon to produce for the past two years.
The present conditions make it necessary for us to secure additional funds from banks in order to meet the demands for increased price of material and labor, and is taking a large amount of additional capital. These conditions have led to the inquiry of a number of our friends as to how the current business is to be taken care of when we are compelled to pay over to the Government in one sum the amount of income which will be called in this vicinity.
We certainly feel that it will work as a hardship upon all of us if there is no change in the date of payment.

Another large firm writes:

It will undoubtedly work a great hardship on a great many concerns to pay the entire amount in one payment, and the total amount to be made by all the payees, if taken at one time, can not help, as I see it, being a disturbing factor in the financial and industrial world. Just how this should be done, I am, of course, not prepared to say; but that it should be done, I am quite thoroughly convinced.

A prominent firm of Toledo, Ohio, writes in part as follows:

The payment of the excess-profits taxes on last year's business, which will be due on June 15, as well as the necessary payment of the income tax for the same period, together with State, county, and city taxes, all of which are due about the same time of the year, is, in our judgment, going to create a crisis in the affairs of many businesses, that will not have been able by that time to adjust themselves to this extra and unusual expenditure.

And after urging the payment of these taxes in monthly installments, this firm adds:

This extension would act as a cushion, to let many concerns down a little easier, and by another year, perhaps, everybody will be more used to these extraordinary payments and will have arranged their affairs to take care of them.

Another Toledo firm, on March 28, 1918, writes:

Something should be done by Congress to enable corporations to pay the income and excess-profits tax in three or four installments.
Speaking of my own companies, most of which have made money and all of whom are carrying greatly increased inventories (due entirely to the high level of values) and too many liberty bonds, I want you to know that we can not pay all of our tax in June without selling the bonds and declining to subscribe to the next issue, neither of which we wish to do.
The 4 per cents net us exactly 1.6 per cent after paying the excess tax on same. Of course, we did not purchase them as money makers, but when Mr. McAdoo thinks we are getting 4 per cent, less income tax, he is very much mistaken, for after paying 6 per cent for the money to buy them we are out just 3.40 per cent upon the transaction.

In closing his letter, this writer, whom I know personally and very favorably, says:

Do not, I beg of you, think for a moment that we are wanting in patriotism; the Government can have our shops, talents, and money, but they can not have more money than we possess.

One of the large firms of Cincinnati writes:

We subscribed for $200,000 of the second liberty loan and borrowed the money to do so, as we needed the capital we have in the business to take care of our regular business. We were able to carry these bonds for three months on a basis of 4 per cent. We asked for a renewal of one-half of them and are paying 4½ per cent interest on those. We do not object to this, because it is for the Government, and we want to do our "bit."
On account of the railroad situation and delay in delivery of material, a great many of our customers are asking for extra time, saying they have not been able to ship their material and get their money and they can not pay us the amounts due and want to give us notes.
The furnaces have been hard hit by the lack of coke and an exceptional winter, and they are asking us to advance them against their shipments.
We shall have to pay a pretty large excess-profits tax, and the members of our firm will also pay a larger amount of income tax, and it looks now like they would have to borrow the money to do it, and this is brought about through no fault of theirs, but on account of the railroad troubles. We feel there is nothing else to be done except to hope for Congress to help the business interests by extension of payment of income tax. If this is not done, the Government will find a great many manufacturers and business men who will be unwilling to take any more bonds except those they can absolutely pay for.

A large manufacturing concern of Cincinnati, under date March 12, writes, in part, as follows:

We feel the interests of the country at large would be far better served if the payment of this tax could be distributed over a period of 90 days or 4 months. If we are forced to make payment of this tax in one lump sum, it undoubtedly will result in a very serious situation, causing a decided slump in business.

Another prominent business man of Cincinnati writes with regard to the payment of income and excess-profits taxes:

It is really necessary for credit and safety of many individuals and firms that payment of such taxes be permitted to extend over a few months rather than on one day, June 15.

Another large concern, under date March 1, 1918, writes:

The present law will at one time take from the channels of trade such a huge sum of money that commercial institutions are likely to be seriously handicapped; particularly manufacturing enterprises, which require, under present conditions, a much larger percentage of operating capital to output than ever before. In many cases the severity of the burden may interfere with the output of manufactured products which directly or indirectly contribute to the winning of the war.

These taxes, which have been loyally accepted by the business interests of the country as a necessary war sacrifice, would be much less burdensome if paid in installments, and this would, in our opinion, avoid the curtailing of production likely to result under the present plan.

Another large firm writes, under date March 2, in reference to the payment of war excess-profits taxes under the law of October 3, 1917, as follows:

It will impose a burden on our corporation to pay our taxes in a single payment so shortly after they are assessed. It will mean a hardship to us, for the reason that we will have to withdraw, if we are obliged to pay these taxes in one payment according to the law, a large amount of capital which we could employ to good advantage in our business, and can hardly withdraw the amount in so short a space of time.

We believe other corporations, merchants, and manufacturers in general are all meeting the same conditions, and wish to have this tax collected through installment payments, say, two or three payments to be spread out over a period of three to six months, first installment to start as specified by the law, and the others to be extended as seem best for the interests of both the Government and taxpayers.

Mr. SMITH of Michigan. Will the Senator yield again?

Mr. POMERENE. I yield to the Senator.

Mr. SMITH of Michigan. I have listened to the Senator with a great deal of interest, yet I have not heard him say what I think should be said with reference to the excess-profits tax. The excess-profits tax is the amount in excess of the preceding period which these business concerns earned. If they have invested that money in new machinery and extension of plant, if they have invested it in brick and mortar and labor for the extension of their plant, they are assessed exactly as though it were cash in their vaults, and they can not realize on this machinery nor brick nor mortar nor labor expended.

Mr. POMERENE. Mr. President, the Senator's question suggests this further fact: It is true that these profits have been invested in additions to their plants, and it happens that these manufacturers, from whose letters I am now reading, are many of them engaged in the manufacture of machine tools, and they were urged to make these additions to their plants through the press by the Government.

Mr. SMITH of Michigan. I am glad that I called the Senator's attention to that aspect of the situation. I gathered as much from what I have seen myself in the State of Ohio, where in steel and in iron so much of their money is invested. It seems to me that the Secretary of the Treasury, who has in many respects shown a very broad and commendable view of the business necessities of the country, should give heed to this desire upon the part of business men not to be penalized all at one moment for what is really a semigovernmental function which they are following.

Mr. POMERENE. Mr. President, I have very great admiration for the very great ability and patriotism of the Secretary of the Treasury, and I commend nearly everything that he has done, but I think that he has made a mistake in this matter, and I am calling this to the attention of the Senate because I believe it to be my duty to my constituents and the people at large to do it.

Mr. McCUMBER. I wish to ask the Senator if he does not think that much of the hardship which he has enumerated will be relieved if the Secretary of the Treasury follows out the plan which he suggested to the Finance Committee, of a redeposit of all sums in the particular district from which collected in the banks of that district to be drawn by the Government only as needed, so that the same sum can be loaned and reloaned to those who pay out the taxes?

Mr. POMERENE. Of course, that is going to aid the communities very materially, but I want Senators to bear this fact in mind. I said before in my argument, in the early part of it, that 90 per cent of the manufacturers of this country are borrowers, and it requires more capital to do a given quantum of business now than it did two or three years ago. Many of these manufacturers have borrowed up to the very limit, not so much the limit of their borrowing capacity, if they had a place to which they could go; but under the restrictions which are wisely placed around the national-bank system and the State-bank system, limiting the amount of money which can be loaned to an individual borrower to 10 per cent of the paid in capital and surplus, they are not able to get this money.

Mr. McCUMBER. But the Secretary intimated in his testimony before the committee that a considerable proportion of that which would be paid, if paid in full, would be needed very shortly after the date set for payment by the law itself, and of course the Senator will agree that the Government must have the funds in some way as rapidly as the Government needs to expend it. If all the balance except that which the Government needs to pay out is left in the banks in the vicinity from which it was collected, why have we not secured about the same results that we would secure if these parties were allowed to pay interest to the Government for the difference, because they would be paying the same interest if they borrowed the same amount of money from the bank?

Mr. POMERENE. The Senator's question and statement in part anticipates my argument, and with his permission I will postpone my reply to it until a little later.

Of course, the depositing of these funds in certain localities will to a certain extent relieve the financial situation; yet it is not going to relieve the inability of many men to borrow, since they have already borrowed up to their limit.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. POMERENE. Yes; I yield to the Senator.

Mr. KELLOGG. I should like to mention one fact which I think the Senator has overlooked in his argument. As I understood the Senator from Ohio, he was comparing for some purpose the cash on hand in various banking centers. In Ohio—and the same condition exists elsewhere—with the amount of the excess-profits and income tax to be paid, as a matter of fact, as those taxes will be paid in credits——

Mr. POMERENE. No; Mr. President, they will not be paid in credits.

Mr. KELLOGG. But checks will be accepted on a man's bank account.

Mr. POMERENE. But those checks must be drawn against cash.

Mr. KELLOGG. They will be drawn against credit in the bank which a man has on deposit.

Mr. POMERENE. Let me call the Senator's attention to this: Under date of May 29, 1918, the Treasury Department issued a statement supplemental to Department Circular No. 92, dated October 6, 1917, and the supplement thereto, dated April 10, 1918, in which they say:

Payment of income and excess-profits taxes can not be made by credit.

Mr. KELLOGG. They may be paid with checks.

Mr. POMERENE. Certainly.

Mr. KELLOGG. And checks are drawn on bank deposits. The comparison which, it seems to me, should be made is between the total excess-profits and income taxes and the amount of bank deposits in the country. The amount of deposits in the country in national banks on March 4 was $14,438,000,000, and on the last report of all other banks they were $17,671,000,000.

Mr. POMERENE. Mr. President, of course we all understand this to be the fact——

Mr. KELLOGG. Well——

Mr. POMERENE. Pardon me a minute.

Mr. KELLOGG. Let me complete the question.

Mr. POMERENE. Very well.

Mr. KELLOGG. As those are the deposits which must be drawn on by checks to pay the taxes, it is equivalent to paying them by the credits of the country, is it not?

Mr. POMERENE. Mr. President, the resources of the banks are in part credits, but I have called attention to the strain it is going to be upon the circulating medium, and it was for that reason I made the comparison between the taxes to be paid and the cash in the country or in the banks; and I think I will demonstrate before I get through with the argument that the Government does not need all this money at one time.

Another large concern in Cincinnati writes:

As a manufacturer I can freely state that although we have made a reasonable amount of money in the past four or five years, the great bulk of it has been put back into our business in order to increase our output, and this is especially true in the last year since our own Government has been at war. This is done at the request of the Government, as they have repeatedly requested through the public press that all manufacturers engaged in work for the Government should use their utmost effort to increase their production. Production can only be increased by increased investments. Our stock of raw and finished material to-day is many times larger than ever before in the history of our company, and I think the same is true of most manufacturing concerns—I know it is true as to the metal industries.

If the manufacturers are forced to pay this money between now and June, they will either have to curtail their buying or dispose of their holdings in bonds and stock, which, under present market conditions, will mean a terrible loss.

Another large concern, under date of February 26, writes, after suggesting that the taxes be paid in installments "every three or every four months from June 15 to the end of the year":

If you could get along with payments made in that way it would be, in our opinion, a wonderful relief to the country, and we know it would be to ourselves. In our little business, if the banks refuse to accommodate us we do not see how in the world the money could be raised. Whether the banks will do this or not we do not know, but in large concerns it must be still worse.

* * * In talking to many others, they feel the same way that we do, that this amount of money demanded on one day is going to make a terrible hardship on the majority of the manufacturers throughout the country.

Another large concern writes:

We fear that not sufficient thought has been given to the fact that it will probably mean disaster and great hardship to have all the money raised under this law taken from the ordinary channels of trade in one day, when it is remembered that the collection of this tax will be preceded or followed very shortly by the collection of the ordinary taxes—Federal, State, county, and municipal—and that another issue of liberty bonds is proposed, while the extraordinary demands for contributions to the Red Cross, Young Men's Christian Association, and other patriotic and worthy causes, which are very worthy, must be met.

Another large manufacturing concern writes:

During 1916 the profits from our business were mostly divided between subscriptions to the first and second liberty loans and for payments for raw material and stock which we are compelled to carry and for which we pay now almost treble the old prices. Therefore our surplus money has been invested and a lump payment of our tax in June will be a big problem for us and necessitates great hardship in curtailing our business and in borrowing additional funds.

Freight conditions cause us to carry a larger stock than usual, both on account of our fear of not receiving raw materials and also on account of not being able at times to ship finished goods, and with the fact mentioned above that this stock is worth much more to-day than in normal times, and we see no relief from this condition during the coming months, our money will remain tied up in our business. * * *

We therefore respectfully suggest that you consider the change in date set for payment of the tax, either postponing same or allowing it to be paid in installments throughout the balance of the year.

Another large manufacturing concern writes:

The manufacturers and business men in general feel the effects of the war, even at this time, very keenly. They have gone through an unusually hard winter and through the railroad embargoes, which shut off shipping; their funds are tied up. It surely will border on the impossible for many of them to raise this money in one sum by June 15.

It must be remembered in the meantime that the business men are also called upon for the very many other war activities, such as the Red Cross, the Young Men's Christian Association, not to mention the many demands from cantonments for community houses, smileage books, and all manner of things of a similar nature. Finally, it must be remembered that the business men will surely be expected to again subscribe liberally for the third issue of the liberty bonds, and the majority of them, we believe, and we are among the number, have not yet been able to in full take care of our 4 per cent liberty bonds, to which we subscribed very heavily, indeed.

Another large concern writes:

In the case of our own company, as well as individuals connected therewith, we have bought very heavily of Government bonds and would like to continue to take our share of forthcoming issues. We still have heavy payments to make on our commitments for bonds.

In ordinary times we could go to our banks for large loans. Financial conditions, however, are such to-day—and there is no relief promised for the immediate future—that we can not count on our usual accommodations from the banks.

Although we have been very conservative in the management of our business, the needs of the Government have forced us to make considerable extensions.

We think our concern is typical of many others who will encounter serious difficulty if the taxes for the year must be paid not later than June 15.

Another firm writes:

We affirm that our business was very profitable in the years 1915, 1916, and 1917, after some seven years of practically no profits. Desirous of expanding our business we contracted for a new building and other improvements some nine months before the passage of the excess-profits tax law, which has more than taken our available cash and profits of 1917 and previous years, and making us a borrower. The tightening of the money market prevents our borrowing a single dollar on our real estate by mortgage or otherwise (which under normal conditions we could easily do), and as our line of open credit at the bank has already been exhausted we are facing the serious problem of how we are to raise additional funds to meet these June taxes. Understand, we made no new contracts after the passage of the law; in fact, for some three months before the act, but contracts let months previous we had to carry out.

I could spend hours reading letters to the same effect, and with them fill many pages of the CONGRESSIONAL RECORD, but I do not care to consume the time of the Senate. I have had similar communications from more than 21 States in the Union. On the other hand, I have received but one letter in the last six months suggesting that efforts to extend the time of payment perhaps should be stopped, in view of the opposition of the Secretary of the Treasury to them.

These letters from which I have read to the Senate, as well as others which I have in my possession, are but the outpouring of the convictions of intelligent, broad-gauged, patriotic business men who not only understand financing their own business propositions but have a comprehension of national finances as well. Whatever the Congress may see fit to do toward granting them relief I know they will submit to and do the best they can. But if some relief is not granted them they will never cease to feel that when the Government had its opportunity to help them it failed to do so.

But I have been asked several questions touching the financial condition of the Treasury, and I wish to dwell upon that for a few minutes.

FINANCIAL CONDITION OF THE TREASURY.

I am advised that it will require on an average about $1,000,000,000 per month to finance our own obligations and to meet the promises which we have made to our allies. In other words, at the present rate of current expenditures, the war will require $12,000,000,000 per year. I am not taking into consideration increased expenditures, which are to be expected.

Of course, they are going to increase, but they are not going to be met by this tax, which is to be paid by June 15.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. POMERENE. I do.

Mr. KELLOGG. I may be wrongly advised, but I have been informed that the expenditures now are a billion and a half dollars a month.

Mr. POMERENE. Oh, Mr. President, if the Senator will pardon me, I will refer to that in a moment. It is true that our expenses during the month of May were a billion and a half dollars, but I am speaking of the average during the current year. They will probably be larger later on.

Mr. KELLOGG. But I am advised that they are increasing at the rate of a hundred million dollars a month.

Mr. POMERENE. Be that as it may, that does not meet the situation.

On May 14, 1918, according to the daily statement issued by the United States Treasury Department, there was a balance in the Treasury of $1,647,962,823.94.

On the same day, according to the estimates submitted by the Secretary of the Treasury in response to a resolution of the Senate, we were advised that the aggregate collections from all sources for the fiscal year of 1918 would amount to $4,095,699,000.

The total subscriptions for the third liberty-loan sale amounted to $4,170,019,650.

Making a total revenue from these three sources of $9,913,681,473.94.

In addition to this amount there are several thousands outstanding returns of income and excess profits, and my belief is that they will be sufficient to increase the revenue from this source from $2,775,185,000, reported by the Secretary of the Treasury, to $3,000,000,000, and adding this estimated increase to the total as above stated will bring the amount of the funds to $10,138,496,473.92.

With this amount added, estimating that the expense will not be in excess of $1,000,000,000 per month, the revenue from these three sources would be sufficient to pay the expenses of the Government from May 14, 1918, until after March 1, 1919.

It develops, however, that the Treasury Department issued short-time certificates, in anticipation of the third liberty loan, to the amount of $3,012,085,500.

Of this amount there has already been paid $900,000,000; certificates turned in as payment on the above subscriptions maturing May 28, $120,474,500; maturing June 18, $123,311,000; maturing July 9, $144,741,000; maturing July 18, $103,023,000; making a total of $1,391,549,500; leaving balance unpaid, which will mature May 28, June 18, July 9, and July 18, $1,620,536,000.

The Treasury Department has also issued short-time certificates maturing July 25 amounting to $1,500,604,000.

This leaves a total of outstanding unpaid certificates amounting to $3,121,140,000.

I am unable to state what proportion of the certificates already redeemed have been paid out of the revenue for the current calendar year, but if the total issue, aggregating $4,512,689,500, has been or is to be paid out of the funds in the Treasury, or to be derived from the taxes to be paid June 15, 1918, or the third liberty loan, there would still remain a balance of $5,625,806,973.94. If the expenses of the Government amount to $1,000,000,000 per month, there will be sufficient funds to carry the Government through until after November 1, 1918, even if there were no revenues derivable from any other source whatsoever.

But we have revenues coming in from the customs, from the post office, and from many other sources of internal revenue which are not taken into consideration in this calculation I have made, and which will substantially add to the Government's revenues.

One of the Assistant Secretaries of the Treasury advises me the disbursements for the months of May and June may aggregate $3,000,000,000, or for these two months $1,000,000,000 in excess of the rate of expenditures above stated. Assuming this to be true, under the calculations just made all of the

short-time certificates will be paid and the funds arranged for will meet the demands of the Government until October 1. All of this money is furnished by the public. Under the plan of the Treasury Department, if no extension of the time of payment is granted, much of this money will be in the Treasury months before it is needed. As bearing upon the ability of the Government to grant an extension of the time of the payment for a part of these taxes it will be interesting for Senators to remember that the third liberty loan is being paid much more rapidly than is required by the terms of sale. The New York Times on May 19, 1918, informed us that out of a total subscription in the Federal reserve bank district of New York, amounting to $1,114,930,700, it has received payment to the amount of $812,489,904, or nearly 73 per cent of its entire subscription.

On May 20, 1918, I was advised by the Treasury Department that out of the total subscription of the third liberty loan $2,500,000,000 had already been paid. Or, in other words, there had already been paid on May 20, 1918, an amount equal to the payments becoming due May 4, May 28, and July 18. How much has been paid since May 20 I do not know. The fact that these payments have thus been made in advance is all the more reason why it is not necessary to be so insistent upon the payment of all of these taxes upon June 15.

It is expected that a new loan will be called in October or November.

If the Government was able during the past few months to arrange for a loan in the form of short-time certificates aggregating $4,512,689,500 in anticipation of the collection of the taxes, the payment of which was not secured, and of the third liberty loan, at a time when the loan was not yet arranged for, can it not issue short-time certificates, if necessary, in anticipation of the collection of a part of the taxes if their payment is secured and deferred as the proposed legislation contemplates?

Ought we not to do this little bit for the business public? If the Government in the past few months has issued this large number of short-time certificates and has paid all or the most of them off, can it not issue other short-time certificates if necessary? Surely the Government can not take the position that it has exhausted its ability to make loans on short-time certificates. Surely those who have money and have accommodated the Government in the past by buying these certificates will continue to accommodate the Government by buying short-time certificates in the future.

I am making this appeal for those who have their all invested in their business and who do not have the ready cash. I beg of the Congress to pause and think what will be the effect of compelling the business men to pay into the Treasury $3,000,000,000 in one day.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. POMERENE. I yield.

Mr. GRONNA. The issuance of the certificates of which the Senator speaks would not increase the circulating medium; they would not increase the amount of cash.

Mr. POMERENE. No; that is true.

Mr. GRONNA. Those who would buy these certificates would have to utilize whatever cash they might have in the bank; so that it really would not make any difference whether they pay their money for certificates or whether they pay it for taxes.

Mr. POMERENE. That is true, so far as they are concerned; but it is interesting to note that only those people invest in short-time certificates who have the money. The taxpayer who has no money does not invest in them.

Mr. GRONNA. The Senator is making a very logical argument. Of course, I admit that if we have the necessary cash in the Treasury there is no reason why we should not permit these people to meet their taxes on the partial-payment plan; but, as I understand, the Secretary of the Treasury has said that the Treasury does need the money.

The Senator, I think, has painted a very gloomy picture. He has compared the tremendous amount of taxes with the cash of the country. I think that the comparison should be made, as suggested by the Senator from Minnesota, with deposits.

Mr. POMERENE. Oh, Mr. President, I recognize the fact, of course, that deposits are made in the banks, and that there are more deposits there than there is cash on hand. I understand that thoroughly.

Mr. GRONNA. I know the Senator does.

Mr. POMERENE. And I am not disputing the Senator's position, but I am comparing the amount of this tax with the amount of the cash, in order to show the additional drain upon this cash and the strain upon it. That is all I am seeking to do by the argument.

Mr. GRONNA. I am listening to the Senator with a great deal of interest, and I realize fully that the payment of the tax is going to be a serious drain upon the banks of the country and upon the business people.

Mr. POMERENE. Mr. President, this subject is not a new one to me. Out in my State, for instance, we require all taxes—State, municipal, county, township, and school—to be paid in June and December; but up to 15 years ago all of that money was locked up in the county treasury. It could not be placed upon deposit, and for several weeks before the tax-paying period began and for a number of weeks after the tax-paying period had ended the tax money was in the vaults of the county; the public could not have it, and business was being constantly crippled.

Mr. GRONNA. But the point I wish to make, if it does not disturb the Senator, is this: If the Secretary of the Treasury does insist upon the payment of these taxes at one time, it will not seriously disturb the condition of the banks, because, after all, it will only be a transfer of credits.

Mr. POMERENE. Mr. President, that may be the Senator's view, and I recognize his experience and have great respect for his opinion, but the fact of the matter is that the bankers of my own State think that it is going very seriously to curtail their ability to meet the situation. It must be borne in mind that I am not concerning myself so much for those men who have the money; it is that class of men who have property and business but do not have the money and perhaps have borrowed up to their limit that concern me, and I do not want to see the business of the country unnecessarily embarrassed.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. POMERENE. I yield.

Mr. SMITH of Michigan. I approve entirely what the Senator has said. The Senator has dealt with this question in a broad, patriotic, and thorough manner, and here is a case where Senators on both sides of the Chamber are agreed that relief ought to be afforded, and yet we can not get it. Cloture would not help us to get it. The Senator has spoken now for about an hour and 40 minutes, and he has not told all he knows, by any manner of means, upon this question, and yet we can not get action.

Mr. POMERENE. Mr. President, my colleagues have been contributing very much to the interest of this subject, and perhaps if I had not permitted interruptions I would have been through and could have told what I knew.

Mr. SMITH of Michigan. No; I am sure the Senator could not possibly have gotten through in an hour and said all the wise things he has said.

Mr. POMERENE. I have such profound respect for my distinguished friend from Michigan that I do not care to get into a controversy with him on the subject of cloture.

Mr. KING. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. POMERENE. I yield.

Mr. KING. I hope that when the new rule proposed by the Senator from Alabama [Mr. UNDERWOOD] comes up for consideration the Senator from Ohio will remember the splendid speech he is making and the length of time which he has necessarily consumed and vote against the proposed rule.

Mr. POMERENE. My good friend from Utah can not embarrass me by that question, because whether that cloture hits me or anybody else, I am for it.

Mr. SMITH of Michigan. Oh, my!

Mr. POMERENE. Nothing could be more gratifying to our people than to pass a joint resolution which will permit the payment of a portion of their taxes on June 15, 1918, and give them a little time within which to get the necessary funds for the balance.

In view of present conditions, I believe the plan I proposed of making these payments in monthly installments should be changed. Permit me to suggest that one-half of the taxes be paid on June 15 and the balance in two and three or two and four months from June 15. In this way the money that is first paid will find its way back into the commerce of the country, help to relieve the tightness of the money market, enable the business men to finance their enterprises, and prepare themselves to pay the balance of their taxes and provide for the fourth liberty loan which will come. It will do neither the Government nor the business public any good to have idle money in the Treasury for a period of time when there are constant demands for all of our circulating medium. If by chance the needs of the Government during the next four or five months shall prove greater than we anticipate, they no doubt will be met by issuing other short-time certificates or by mak-

ing the fourth liberty loan at an earlier date than now contemplated. Although the Government had outstanding these short-time certificates to the amount of $4,513,689,500, it only called for from $3,000,000,000 to $5,000,000,000 in the third liberty loan, and it divided this loan into four payments. The largest payment to be made at one time was only 40 per cent, or $1,668,700,860. As stated before, this loan to the Government was made by men who either had the money or had prospects of getting it, and the largest amount required to be paid by them in one day was $1,668,700,860. And notwithstanding the care which was taken to distribute these payments upon liberty loans in such a way as at the same time to both serve the Government and interfere as little as possible with the current business of the country, it is proposed under the present law to require all taxpayers of the country to pay $3,000,000,000 in one day, or nearly twice the amount of any one payment upon the liberty loans, whether they have the money or not.

I am not an alarmist. I think I have clearly shown that the business public is very much disturbed because of the insistence of the Treasury Department that this money shall all be paid on one day. They feel that it is not necessary. I believe I have shown that it is not necessary. I think those Members of the Congress who have kept in touch with their constituents back home know that the country wants to pay their taxes in installments, not because they do not have the property out of which the taxes can be collected, but because they are now having serious trouble to finance their business, and they are not able to borrow the necessary funds at their banks. Bankers in many localities have loaned to their clients to the very limit. They are not disturbed because of the quality of the securities offered for new loans, but because under the law they can not extend the amount of their loans, or because they do not have the money in bank to take care of them. Let me give you a concrete case, which is typical:

A contractor of my acquaintance who had to meet a small pay roll of $1,900, who is a man of some property and in good credit, went to every bank in the city where he was putting up a public building, with his note indorsed by several responsible sureties. He was denied the loan because they were not making any new loans in anticipation of the expected drain upon the banks by the payment of these taxes on June 15, at the same time assuring him that under normal conditions they would have been glad to have loaned $100,000 to him with the same sureties.

Within three weeks a prominent citizen of Ohio, who is in a position to be familiar with the financial conditions of the State, told me that several of the largest taxpayers in his section of the State had said that if the Government did not grant an extension of time for the payment of a portion of these taxes they knew they could not get the money to pay them all, and if an attempt was made to distrain their property for the payment of the taxes they would make application to the courts for the appointment of a receiver in order to prevent unnecessary sacrifice of their property and get a little time in which to convert it into cash.

I recognize the fact that I shall be criticized in certain quarters for making these observations, but I have been in touch with this subject for more than six months. I know that the views I have expressed meet the approval of nearly all the responsible chambers of commerce, clearing-house associations, organizations of bankers, merchants, manufacturers, mine operators, as well as most of the business men, firms, and corporations of the country.

Congress will be asked to provide for increased taxation. Business will respond with the same patriotism to these increased taxes and future loans that it has in the past, but let us not add to its burdens unnecessarily. I hope, though the day is late, that Congress and the Treasury Department will see their way clear to grant a reasonable extension for the payment of a portion of these taxes. Any extension will be better than none at all.

INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9959) increasing rates of pensions of soldiers and sailors of the Civil War.

Mr. SMOOT. Mr. President, it is quite evident that it will be impossible to secure a vote upon this bill to-night. As I understand, there are one or two other Senators who desire to speak. I therefore send to the desk a request for unanimous consent for a vote upon the bill.

The PRESIDING OFFICER. The Senator from Utah submits a request for unanimous consent, which will be stated by the Secretary.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Tuesday, June 4, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 9959, a bill to increase pensions of soldiers and sailors of the Civil War, through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the bill or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. SMOOT. Mr. President, before the roll is called I desire to say that it is understood that the Senate will recess to-day if this unanimous-consent agreement is entered into.

Mr. GRONNA. Mr. President, I should like to ask the Senator from Utah a question. The Senator, in his request for unanimous consent, limits the speeches to 10 minutes upon the bill and 5 minutes upon amendments. Is not the bill now, as it has been reported from the committee, in the nature of an amendment?

Mr. SMOOT. I will say to the Senator that it is in the nature of a substitute, which is always treated as a bill.

Mr. GRONNA. On a former occasion that question came up, and I think those of us who anticipated that we would be given 10 minutes were disappointed, and found that we had only 5 minutes.

Mr. SMOOT. We have from 12 o'clock to 2 for general discussion, and that is not limited. After 2 o'clock the discussion upon the bill itself can be either on the House bill or on the Senate bill, and five-minute speeches can be made on amendments.

Mr. GRONNA. I am not criticizing the request at all from a personal standpoint, because I think I consume less time in debate than any other Member of this body, but I think we might just as well have it understood that only 5 minutes will be given to anyone under the unanimous-consent agreement asked for by the Senator from Utah. There is no need of putting in a provision for 10-minute speeches, because no Senator will be given 10 minutes.

Mr. SMOOT. Mr. President, I think under the unanimous-consent agreement the bill itself could be discussed for 10 minutes by any Senator.

Mr. GRONNA. Then why not provide that only five minutes shall be given? I think every Senator here understands that this is a substitute reported by the committee, which is the same as an amendment, and no Senator will be given more than five minutes' time.

Mr. SMOOT. I will say to the Senator that my idea is that any Senator who desired to speak on the bill after 2 o'clock could speak upon the bill itself, and refer to either the House provision or the Senate provision; but when it came to a specific amendment to the Senate provision or the House provision, of course he could only speak for 5 minutes. He could talk upon the bill, however, for 10 minutes.

Mr. SHAFROTH. Mr. President, I suggest to the Senator from Utah that when a Senator does not exercise his privilege of discussing the bill, and the consideration of amendments begins, he gets no opportunity whatever of discussing the bill except upon an amendment, and that discussion is limited to 5 minutes. That is the difficulty we have encountered several times. It seems to me that in order to obviate that objection the Senator might provide for 10-minute speeches on amendments, and then it would be satisfactory all around, I think.

Mr. SMOOT. I am perfectly willing to modify the proposal so as to provide for speeches of 10 minutes upon the bill and 10 minutes upon amendments.

Mr. KING. Mr. President, if the Senator will permit me, I think there are only two amendments that will be offered, so far as I am advised. Those two amendments are provisions that were a part of the House bill, and they will be offered to perfect the Senate substitute.

Mr. SHAFROTH. Probably the complication will not arise, but a number of complications have arisen in the past by reason of having the distinction between 10-minute and 5-minute speeches. As soon as amendments are offered and the consideration of one has begun, it seems that the Chair has ruled that you can not go back and discuss the bill at large. I think that difficulty would be obviated by the proposition I have made.

Mr. SMOOT. I will modify the proposed agreement, then, by making the time allowed on amendments 10 minutes instead of 5.

Mr. JONES of Washington. Mr. President, I should like to hear the proposed agreement read.

The PRESIDING OFFICER. The Secretary will read the proposed unanimous-consent agreement as modified.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Tuesday, June 4, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 9959, a bill to increase pensions of soldiers and sailors

of the Civil War, through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said calendar day, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 10 minutes upon any amendment offered thereto.

Mr. JONES of Washington. Mr. President, I note that after 4 o'clock there is to be no debate on the bill or on any amendment. If this were any other bill than a pension bill I would not consent to a proposal of that kind, but while I have an amendment that I hope to have an opportunity of offering to this bill, I think I shall not object to the proposal in this case. As I have said before, however, upon legislative matters of a general character I will not consent to fixing a definite time to vote after which amendments that are proposed must be voted upon without any discussion whatever.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones, N. Mex.	Martin	Shields
Brandegee	Jones, Wash.	Nelson	Simmons
Cummins	Kellogg	Nugent	Smith, Mich.
Curtis	Kenyon	Owen	Smoot
France	King	Page	Sutherland
Gronna	Lenroot	Penrose	Swanson
Gulon	Lewis	Pomerene	Vardaman
Harding	McCumber	Saulsbury	Warren
Hardwick	McKellar	Shafroth	Wolcott
Henderson	McNary	Sheppard	

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably detained from the Chamber on public business.

Mr. SHAFROTH. I desire to announce that my colleague [Mr. THOMAS] is detained on official business.

Mr. MCNARY. I wish to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN] on official business.

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators, and Mr. KIRBY, Mr. NORRIS, Mr. POINDEXTER, Mr. SHERMAN, Mr. SMITH of Georgia, Mr. TOWNSEND, and Mr. UNDERWOOD answered to their names when called.

Mr. HALE, Mr. DILLINGHAM, and Mr. JOHNSON of South Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, there is a quorum present. The Senator from Utah [Mr. SMOOT] offers a proposed unanimous-consent agreement, which will be read by the Secretary.

The Secretary again read the proposed unanimous-consent agreement.

The PRESIDING OFFICER. Is there any objection to the proposed unanimous-consent agreement? The Chair hears none, and the agreement is entered into.

EXECUTIVE SESSION.

Mr. KING. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3799. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 12280. An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes.

RIVER AND HARBOR APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 230).

Mr. RANSDELL. I submit the conference report on House bill 10069, known as the river and harbor appropriation bill, which I ask to lie on the table and be printed. I ask also that the report be printed in the RECORD.

The VICE PRESIDENT. Without objection, that action will be taken.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 7, 8, 9, and 11, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the language in the proposed amendment; also strike out the period at the end of line 20, page 18, insert in lieu thereof a colon, and add the following words: "*Provided*, That in estimating the cost of doing the work by Government plant, including the cost of labor and materials, there shall also be taken into account proper charges for depreciation of plant and all supervising and overhead expenses and interest on the capital invested in the Government plant, but the rate of interest shall not exceed the maximum prevailing rate being paid by the United States on current issues of bonds or other evidences of indebtedness"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"SEC. 5. That the Secretary of War shall cause an investigation to be made regarding the discharge or deposit into any of the navigable waterways of the United States of free acid or acid waste in any form, or any other deleterious substances, and the extent to which the same exists and the sources thereof, together with any injurious results therefrom affecting the navigability of such waters or any works of improvement made thereon by the United States or any other uses of said navigable waters, and submit a report to Congress which shall include a summary of the evidence obtained and any recommendations regarding same which may be deemed appropriate, and any necessary expenses connected therewith shall be paid out of the available funds herein or hereafter appropriated for examinations, surveys, and contingencies. If in the course of such investigation it should be considered desirable to obtain any existing data or expert evidence or service from any of the other departments of the Government, the Secretary of War is hereby authorized to make application therefor, and such departments are hereby directed to furnish such data or evidence or service as may be so required and which may be considered pertinent or appropriate."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "be," at the beginning of the twentieth line, and insert in lieu thereof the word "being"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 1 and 2.

DUNCAN U. FLETCHER,
JOS. E. RANSDELL,
KNUTE NELSON,
Managers on the part of the Senate.

JNO. H. SMALL,
CHAS. F. BOOHER,
C. A. KENNEDY,
Managers on the part of the House.

RECESS.

Mr. KING. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Tuesday, June 4, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 3, 1918.

SURVEYOR GENERAL.

Henry Gerharz, of Montana, to be surveyor general of Montana, his present term expiring June 23, 1918. (Reappointment.)

REGISTER OF LAND OFFICE.

John B. Sanford, of California, to be register of the land office at San Francisco. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Mrs. Grace B. Caukin, of California, to be receiver of public moneys at San Francisco. (Reappointment.)

Alexander Mitchell, of California, to be receiver of public moneys at Los Angeles. (Reappointment.)

Adelbert B. Gray, of Carson City, Nev., to be receiver of public moneys at Carson City, Nev., vice Edmund James, term expired.

PROMOTION IN THE ARMY.

FIELD ARTILLERY ARM.

Second Lieut. Roger A. Sanford, Field Artillery, to be first lieutenant with rank from May 13, 1918.

APPOINTMENT IN THE ARMY.

VETERINARY CORPS.

Veterinarian Henry L. Sommer, Ninth Cavalry, to be assistant veterinarian, United States Army, with rank from May 25, 1918.

TRANSFER TO THE ACTIVE LIST OF THE ARMY.

INFANTRY.

Capt. William M. Goodale, retired, to be captain with rank from July 12, 1911.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Lieut. William C. I. Stiles to be a lieutenant commander in the Navy from the 18th day of January, 1918.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of March, 1918:

Webb Trammell,
Frank J. Lowry,
Walter A. Riedel,
Jay K. Esler, and
Bushrod B. Howard.

The following-named assistant surgeons of the United States Naval Reserve Force to be assistant surgeons in the Navy with the rank of lieutenant (junior grade), for temporary service, from the 19th day of January, 1918:

Hiram B. Duncan,
Elmer J. Morrison,
Robert H. Scott,
Robert K. Rewalt,
Harry V. Sims,
Melvin S. Stover,
Dana M. Collier,
Walter M. Brunet,
Samuel P. Bartley,
Richard P. Bell,
Arthur D. Burnett,
Charles F. Carter,
William S. Kerlin,
Ernest R. Schilling,
Herbert L. Arnold,
Walter E. Hennerich,
Lyle D. McMillan,
Harry B. Jablow,
John Pennington,
Enoch Calloway,
Grove Baldwin,
William A. Epstein,
Robert C. Hannigen,
John A. Cloyd,
Charles T. McGregor,
Alfred M. Kahn,
William H. Schellhamer,
Philip Levey,
Harry J. Noble,
Dudley D. Schoenfeld,
Charles C. Wolcott,
Paul W. Bloxsom,
Elmer C. Texter,
Malcolm L. Pratt,
Walter J. Muellenhager,
Alfred C. Labine,
Royal K. Joslin,
Arthur H. Pierson,
Thomas H. Sharp,
Cecil G. Sutherlin,
Hadley H. Teter,
Calvin N. Caldwell,
David H. McCall,
James A. Fountain,
Alfred G. Tinney,
Charles A. Cullen,
William F. Krone,
John S. Von Winkle,
Lawrence C. Chisholm,
George W. Ruger,
Herman C. Petterson,
Howard Rouse,
Nelson A. Bryan,
Henry P. Merrill,
Warwick T. Brown,
James L. Pierce,
Avery H. Sarno,
David W. Register,
Harrison L. Wyatt,
Myron L. Curtner,
Rolfe Tainter,
Gustaf A. Larson,
John A. Judy,
Grover C. Freeman,
Frederick W. Muller,
Harry E. Kaplan,
John J. Blue,
William R. Leahy,
Houston B. Fite,
John L. Cremens,
Carlyle J. Edwards,
Gilbert H. Larson,
Carl O. Fischer,
Edwin G. Stork,
Ralph E. Duncan,
Henry C. Mahnken,
John R. Frank,
Everett K. Gear,
Adolph G. Sund,
Alfred L. Arnold,
Jared E. Clarke,
Hillard L. Weer,
Charles M. Glassmire,
Bryant E. Moulton,
Randall Clifford,
John B. Craig,
Willis D. Hall,
Samuel E. Johnson,
Bathune F. McDonald,
Marvin M. Gould,
Robert F. Zeiss,
Arthur C. Dean,
Robert S. Wood,
Thomas H. Russell,
Henry D. Stewart,
Alva G. Thomas,
Waldemar R. Metz,
Daniel P. Platt,
Gardner N. Cobb,
Kirk B. Bard,
Jacob S. Rosenthal,
William A. Frascolla,
Henry DeW. Hubbard,
Kenneth D. Legge,
John A. Marsh,
Roy L. Fielder,
Arthur Goettsch,
Reuben H. Hunt,
Earl H. Mitchell,
William A. Morgan,
Russell C. Ryan,
Thomas Soltz,
Grover C. Todd,
Paul B. Welch,
James B. Bert,
Robert E. Henderson,
Warren A. Van Derveer,
Ralph A. Gowdy,
Calvin H. Childress,
Clement J. Friedman,
James K. Gordon,
Paul P. Maher,
Lance E. Briscoe,
Alvin O. Sibila,
John B. Healy,
Julian P. Johnson,
Harry B. Krummes,
Howard H. Montgomery,
Philip H. Decker,
Lafayette T. Miller,
Frank L. Hubbard,
Jose A. Perez,
Ray E. A. Pomeroy,
Grady R. Roberts,
Leighton A. Smith,
Charles B. Wade,
Charles F. Graham,
John M. Emmett,
Wendell P. Blake,
Frank E. Sayers,
Woodhull L. Condict,

Charles L. Fackler,
Mervin C. Myerson,
Harry M. Biffar,
Ivan M. Proctor,
Richard Owen,
William H. Olds,
Joseph M. Archibold,
Henry A. Bruckshaw,
Joseph C. Brugman,
William P. Mull,
Anthony Stadtherr,
Gordon A. Grimland,
Bronson E. Summers,
William E. Costolow,
Charles Lieber,
Jesse W. Smith,
John C. Wieters,
J. Hart Toland,
William R. Turner,
George A. Enion,
Carl H. Fornell,
Charles M. Hatcher,
William B. James,
W. Iden King,
George M. Richards,
Alexander S. Walker,
Richard D. Anderson,
Max Shaweker,
Talmadge Weatherly,
Paul L. Holliday,
John E. Linden,
Richard W. Vaughan,
Walter R. Parker,
Robert V. Williams,
Winthrop Adams,
Vernon E. Babington,
William A. Reese,
John A. Salb,
Harry J. Dooley,
Howard L. Dovey,
William F. Kennedy,
Edgar F. McCall,
Clarence S. McKee,
Eugene Torrey,
John M. Walker,
Charles J. V. Fries,
Eugene T. Morrison,
McClure Scott,
Harvey L. Bassinger,
Thomas L. Carter,
James C. Walker,
Clarence P. Curley,
Mercer C. Parrott,
Karl McC. Scott,
Joseph P. Israel,
Albert G. Wenzell,
Joseph J. Mundell,
Mendel L. Cohn,
Paul J. Flory,
Edwin C. Thomas,
Clarance A. Whitcomb,
Francis D. Walker,
Louis F. Garben,
Royal A. McCune,
Edward L. McDermott,
Alfredo DeYoanna,
Saverio DeYoanna,
John G. Downey,
Joseph F. Montague,
Thomas C. Redfern,
John T. Short,
John Casagrande,
George E. McLaughlin,
Russell S. Boles,
Arnold E. Saverien,
Joseph J. Toland,
Theodore Warner,
Robert L. McMahon,
Thomas A. Ratliffe,
Franklin C. Hill,
Glaister H. Ashley,
Arthur Wildman,
Walter A. Bacon,
George T. Polk,
Lyell C. Kinney,
Raymond Lewis,
Philip D. Werum,
William H. Wynn,
Stanley Nichols,
Cyrus C. Brown,
James M. Nichols,
William F. Crouse,
Robert C. Leddy,
Charles R. Tatum,
Benjamin H. Viau,
Charles W. Brown,
Harry D. Conley,
Harris B. Corey,
Paul G. Parker,
Claude Timberlake,
Harry L. Howell,
Jacob Applebaum,
Tema L. Eyerly,
Charles L. Warner,
John C. Clayton,
Robert D. Hostetter,
Leo B. Norris,
Abraham Jablons, and
Bertie T. Larson.

The following-named assistant surgeons of the United States Naval Reserve Force to be assistant surgeons in the Navy with the rank of lieutenant (junior grade), for temporary service, from the 1st day of March, 1918:

James F. Finnegan,
Glenn J. Parker,
Christopher C. Gardner,
Charles W. Lane,
Robert S. Irvine,
Irving Gray,
John J. Keegan,
Edwin Peterson,
Samuel Eisler,
Carl J. Bucher,
Samuel Z. Myers,
Richard T. Powers,
Mylnor W. Beach,
Verner B. Callomon,
Fred J. Eakins,
Robert M. Entwisle,
Joseph B. Helm,
Charles Koenigsberger,
Francis H. Lee,
John A. McLain,
Leo T. McNichols,
Albert M. Mitchell,
Trygve Oftedal,
George U. Pillmore,
Earl B. Rinker,
Louis H. Segar,
Edward S. Smith,
James C. Doughty,
Louis H. Douglass,
Howell C. Johnston,
Arthur S. Judy,
Linwood H. Justis,
Horace G. Longaker,
Sterling N. Pierce,
Robert G. Reaves,
Charles B. Bleasby,
John W. Gainey,
Edward R. Messer,
James F. Churchill,
Gaetano De Yoanna,
Robert H. Donnell,
Joseph Visalli,
Maurice T. Briggs,
Carroll H. Fowlkes,
Henry L. Holzberg,
Henry L. Marshall,
Charles J. C. Gillon,
Byron M. Harman,
Walter C. Payne,
James F. Runner,
Henry B. Conrad,
Earl S. Pomeroy,
Benjamin Thane,
William R. Redden,
Francis B. Galbraith,
Frank S. Johns,
Hiram F. Leshin,

Will L. Brown,
Horace S. Craigin,
William R. Lightbody,
Arthur A. Neubauer,
Robert E. Cleary,
Raymond D. Fear,
Maurice A. Aaronson,
Harry J. Vaughan,
Arthur L. Gaetani,
Bruno J. W. Glaubitz,
Raymond R. Simmons,
Gurdon S. Allyn,
Thomas H. Cherry,
Lewis G. Avery,
William W. Davies,
Andrew J. Hedgcock,
Maurice Joses,
Fred N. Pugsley,
James B. Latimer,
John H. Morrissey,
Floyd W. Rice,
Ellis M. Spoont,
Ardemore A. Stott,
Samuel S. Watkins,
Thomas F. Duhigg,
Lloyd A. Kennell,
Conrad O. Rogne,
Ronald B. Rogers,
Corydon M. Ryon,
Bernard J. O'Neill,
Fred H. Gebhardt,
Joseph F. Rowe,
John C. Lindsay,
John R. Lynch,
Edward D. Lette,
Cope M. Blackford,
Fred C. Smith,
James O. Walker,
Jesse C. Horton,
Thomas C. Little,
Solomon Schneider,
Edwin Janss.
Isaac N. Ratchford,
Charles C. Richards,
Claude D. Roop,
Arthur Van Dusen,
Camille M. Shaar,
Benjamin W. Gaines,
Thomas G. McDonald,
Ian D. Tiedmann,
Milton H. Schutz,
Howard T. Child,
Robert A. Schless,
William F. Broadhead,
Edward L. Lingeman,
Samuel Cline,
James D. Benjamin,
Hugh F. Lena,
Jules Magnette,
Reuben G. McCall,
William K. Otis,
Edward D. Archibald,
Enoch G. Brian,
Charles R. Hughes,
Harry E. Kleinschmidt,
Fred A. Rieckhoff,
Craig Worth,
Emmett J. Brady,
Fremont Cummins,
Harry A. Keener, and
Edward J. Cummings.

Pay Clerk Ransom C. Wall to be an assistant paymaster in the Navy with the rank of ensign, for temporary service, from the 1st day of January, 1918.

The following-named citizens to be acting chaplains in the Navy with the rank of lieutenant (junior grade), for temporary service, from the 15th day of May, 1918:

Robert H. Blackshear, citizen of Georgia,
Joseph A. Perkins, citizen of Illinois,
William P. Reagor, citizen of Kentucky, and
Reuben W. Shrum, citizen of New Jersey.

John F. B. Carruthers, citizen of the District of Columbia, to be an acting chaplain in the Navy with the rank of lieutenant (junior grade), for temporary service, from the 16th day of May, 1918.

Frank Halford, assistant quartermaster in the Marine Corps with the rank of major, to be major in the Marine Corps from the 29th day of August, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 3, 1918.

REGISTER OF LAND OFFICE.

Vene Bloomer to be register of the land office at El Centro, Cal.

POSTMASTERS.

MASSACHUSETTS.

Myra G. Jordan, West Upton.

MISSISSIPPI.

Ansel W. Quin, Columbia.

WYOMING.

Herbert M. Brown, Sundance.
Florence S. Heitz, Superior.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 3, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, help us to concentrate all our energy and strength, physically, mentally, morally, upon the prosecution of the damnable war which has been forced upon us with a faith that makes for patience, a hope that makes for confidence, a patriotism that makes for sacrifice, a courage that makes for endurance, that we may do and dare, fight and pray.

For right is right, since God is God;
And right the day must win;
To doubt would be disloyalty,
To falter would be sin.

In the name of right we pray. In the name of humanity we pray. In the name of Christ we pray. In the name of God we pray. Amen.

The Journal of the proceedings of Friday, May 31, 1918, was read and approved.

DEPARTMENT EMPLOYEES LIABLE TO MILITARY SERVICE.

Mr. MADDEN and Mr. KING rose.

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. MADDEN] rise?

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of privileged resolutions which I send to the Clerk's desk. There are a number of them, perfected in accordance with the understanding of a day or two ago.

The SPEAKER. The Clerk will report the first one.

The Clerk read as follows:

House resolution 372.

Resolved, That the Secretary of the Navy be requested to report to the House of Representatives the number of men in the service of the Navy Department between the ages of 21 and 31 years for whom requests for exemption from military duty or deferred classification have been made and allowed by such department, the name and home address of each such person, and the character of work he is performing in the service of the department, and the length of time he has been in such service.

The SPEAKER. The question is on agreeing to the resolution.

Mr. RAYBURN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MADDEN. We had those things up on Friday, and it was understood——

Mr. RAYBURN. It seems to me from the reading of the resolution that the gentleman is asking for something the department can not give. He asks for the number of exemptions asked and the number allowed by that department. That department or any other department has no right to allow exemptions.

Mr. MADDEN. They asked somebody else to allow them.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the resolution be again reported.

Mr. MADDEN. This resolution has been reported in accordance with the understanding of the House on Friday.

The SPEAKER. The Clerk will again report the resolution.

The resolution was again reported.

Mr. MADDEN. That is, "asked by the department and allowed."

Mr. RAYBURN. It says "asked and allowed" by the department. The department has no power whatever to allow an exemption.

Mr. MADDEN. Mr. Speaker, I ask to have it corrected.
The SPEAKER. How does the gentleman wish it corrected?
Mr. MADDEN. To have it read "asked by the department and allowed." Have each one of them read in that way.
Mr. DOWELL. Mr. Speaker——
The SPEAKER. For what purpose does the gentleman rise?
Mr. DOWELL. Will the gentleman yield for a question?
Mr. MADDEN. Yes.
Mr. DOWELL. Is there any deferred classification?
Mr. MADDEN. This asks for deferred classification.
Mr. DOWELL. Asks for deferred classification also?
Mr. MADDEN. Yes.
Mr. DOWELL. I did not understand that.
The SPEAKER. The question is on agreeing to the amendment.
Mr. STAFFORD. May we have it reported as it would read as amended?
The SPEAKER. The Clerk will report it again. This makes the third time.
Mr. STAFFORD. It has not been reported as amended by the gentleman from Illinois.
The SPEAKER. The Clerk will read the resolution as proposed to be amended.
The Clerk read as follows:

Resolved, That the Secretary of the Navy be requested to report to the House of Representatives the number of men in the service of the Navy Department between the ages of 21 and 31 years for whom requests for exemption from military duty or deferred classification have been asked by such department and allowed, the name and home address of each such person, and the character of work he is performing in the service of the department and the length of time he has been in such service.

The SPEAKER. The question is on agreeing to the resolution as amended.
Mr. WALSH. Mr. Speaker——
The SPEAKER. For what purpose does the gentleman from Massachusetts rise?
Mr. WALSH. That does not convey the impression the gentleman seeks by his amendment.
Mr. MADDEN. It says "asked by the department and allowed." I suggested it be changed.
Mr. MONDELL. The gentleman from Illinois, Mr. Speaker, asked to strike out the words "by such department," as I understand it.
Mr. MADDEN. Everybody here asked to have it changed Friday, and it was changed to meet everybody's views.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2374. An act to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall of the payment of money alleged to have been misappropriated by a clerk in said office.

The message also announced that the Senate had passed with amendment the bill (H. R. 9864) to amend section 111 of the Judicial Code, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 10852) to provide for the appointment of a commission to standardize screw threads, had requested a conference with the House of Representatives, and had appointed Mr. KENYON, Mr. HARDING, and Mr. SHIELDS as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following order:

Ordered, That Mr. NUGENT be appointed an additional conferee on the part of the Senate on the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bill and joint resolution of the following titles:

On May 31, 1918:

S. J. Res. 152. Joint resolution to prevent rent profiteering in the District of Columbia.

On June 1, 1918:

H. R. 8764. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2374. An act to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office; to the Committee on Claims.

EXTENSION OF REMARKS.

Mr. KING. Mr. Speaker——
The SPEAKER. For what purpose does the gentleman rise?
Mr. KING. I ask unanimous consent to extend my remarks in the RECORD on the subject of agricultural or farm-risk insurance.
The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the subject of agricultural and farm-risk insurance. Is there objection? [After a pause.] The Chair hears none.

DEPARTMENT EMPLOYEES LIABLE TO MILITARY SERVICE.

The SPEAKER. The Clerk will report this resolution as modified:
The Clerk read as follows:

House resolution 372.

Resolved, That the Secretary of the Navy be requested to report to the House of Representatives the number of men in the service of the Navy Department between the ages of 21 and 31 years for whom requests for exemption from military duty or deferred classification have been asked by such department and allowed, the name and home address of each such person and the character of work he is performing in the service of the department and the length of time he has been in such service.

The SPEAKER. The question is on agreeing to the resolution.
Mr. RAKER. Mr. Speaker, I offer the following amendment: After the word "years" insert "July 1, 1917."
Mr. MADDEN. Oh, no. Well, all right. The gentleman can offer it.
The SPEAKER. The gentleman from California [Mr. RAKER] offers an amendment, which the Clerk will report.
Mr. RAKER. After the word "years" insert the words "July 1, 1917."
Mr. MADDEN. Between 21 and 31 on July 1?
Mr. RAKER. Yes.
Mr. MADDEN. I accept the amendment.
The SPEAKER. Without objection, the amendment will be agreed to.
There was no objection.
The SPEAKER. The question is on agreeing to the resolution as amended.
The resolution as amended was agreed to.
Mr. MADDEN. Now, Mr. Speaker, I ask that the other resolutions in the hands of the Clerk be amended in accordance with the amendment of this one.
The SPEAKER. The gentleman from Illinois asks that the other 10 resolutions be amended in the same way that that one was.
Mr. FOSTER. They are going to be read?
The SPEAKER. Yes. Is there objection to the request of the gentleman from Illinois?
There was no objection.
The SPEAKER. The Clerk will report the next one with that language in.
The Clerk read as follows:

House resolution 377.

Resolved, That the Attorney General be requested to report to the House of Representatives the number of men in the service of the Department of Justice between the ages of 21 and 31 years July 1, 1917, for whom requests for exemption from military duty or deferred classification have been asked by such department and allowed, the name and home address of each such person and the character of work he is performing in the service of the department and the length of time he has been in such service.

Mr. WALSH rose.
The SPEAKER. For what purpose does the gentleman from Massachusetts rise?
Mr. WALSH. I want to direct the attention of the gentleman from Illinois to the fact that I think that the amendment of the gentleman from California [Mr. RAKER] nullifies the effect of the resolution. It simply calls for the names of those who were in the service of the department on July 1, 1917, between the ages of 21 and 31.
Mr. MADDEN. That is not what we want.
Mr. WALSH. If you will read the resolution, you will find that that is what you will get.
Mr. RAKER. Mr. Speaker, the purpose of the amendment is to get those who are in the service 21 years of age.

Mr. WALSH. Putting the language in where he does, he confines the information to the number of men who were of that age in the service July 1, 1917.

Mr. RAKER. I think not.

Mr. MADDEN. We do not want to do that.

The SPEAKER. The Clerk will report the resolution again.

The Clerk read as follows:

Resolved, That the Attorney General be requested to report to the House of Representatives the number of men in the service of the Department of Justice between the ages of 21 and 31 years July 1, 1917, for whom requests for exemption from military duty or deferred classification have been asked by such department and allowed, the name and home address of each such person and the character of work he is performing in the service of the department and the length of time he has been in such service.

Mr. MADDEN. I am afraid that that does exactly what the gentleman from Massachusetts says it does, and I hope the amendment will not be adopted. I move to strike it out of the other resolution now.

The SPEAKER. The gentleman from Illinois moves——

Mr. MADDEN. I move to reconsider.

The SPEAKER. The gentleman from Illinois moves to reconsider the action of the House in passing the resolution about the Navy Department. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MADDEN. I move to strike the amendment out.

The SPEAKER. The gentleman from Illinois moves to strike out the amendment offered by the gentleman from California.

Mr. DOWELL. No; Mr. Speaker, that is not in order.

Mr. MADDEN. It is in order. We are reconsidering it.

Mr. DOWELL. The proper way is to reconsider the vote whereby the amendment was adopted.

The SPEAKER. That is what we have done.

Mr. DOWELL. He is making a motion to strike out.

The SPEAKER. He is making the motion to strike out now.

Mr. DOWELL. The proper motion is to reconsider the question.

The SPEAKER. The Chair knows; but the motion to reconsider has already passed.

Mr. DOWELL. I understand; but the motion should be to reconsider the vote whereby the amendment was adopted, and not by striking it out. We have reconsidered the vote, but we ought now to reconsider the vote whereby the amendment was adopted and refuse to adopt the amendment.

Mr. WALSH. Mr. Speaker, the question reverts on the motion of the gentleman from California without any motion to reconsider or anything else. We have reconsidered the vote whereby we passed the resolution, and now the question reverts to the motion of the gentleman from California.

Mr. PARKER of New Jersey rose.

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. PARKER of New Jersey. My proposition is that if you put in the words "who were between the ages of 21 and 31" on that day you will have no trouble about the resolution. I move to insert "who were."

Mr. DOWELL. There was a motion made to reconsider the vote which adopted the resolution. That was carried.

The SPEAKER. Yes.

Mr. DOWELL. Now, when we had the resolution here the amendment of the gentleman from California was adopted. That now stands as adopted by the House. The question now should be to reconsider the vote whereby that amendment was adopted. Then we have brought it back to the question of voting on the amendment, but until the vote by which the amendment was adopted is reconsidered you can not consider any other question with reference to that amendment. The vote should now be to reconsider the vote whereby the amendment to the resolution was adopted.

Mr. MADDEN. Mr. Speaker, I make that motion.

The SPEAKER. The gentleman from Illinois moves to reconsider the vote whereby the amendment of the gentleman from California was adopted. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MADDEN. I move the adoption of the resolution.

Mr. RAKER rose.

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. RAKER. To get unanimous consent to speak for a minute or two minutes before the next resolution is taken up.

Mr. MADDEN. We have a lot of them.

The SPEAKER. The gentleman from Illinois controls the time.

Mr. MADDEN. Mr. Speaker, I move the adoption of the resolution.

Mr. DOWELL. The question now recurs on the adoption of the amendment.

The SPEAKER. The Chair understands that just as well as the gentleman from Iowa.

Mr. DOWELL. The gentleman was moving the adoption of the resolution when I raised the question.

Mr. RAKER. Will the gentleman allow me a minute?

Mr. MADDEN. Oh, we shall not get anywhere with this matter if you do that.

Mr. RAKER. There is a resolution here to try to get information. But you will not get the names of all of these men who are over 30 years of age under this resolution. Since the date the law went into effect there have been hundreds who have passed the age of 30 years, and you ought to get all of those who are in that service that are over 30 years of age. That is what we want in the resolution.

The SPEAKER. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The SPEAKER. The question is on agreeing to the resolution.

Mr. DOWELL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DOWELL. Mr. Speaker, I desire to make an inquiry of the gentleman from Illinois.

The SPEAKER. Does the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. DOWELL. Would it not cover this case to provide for the names of those within the draft age, as provided by law?

Mr. MADDEN. A point of order was made and sustained against that language on Friday last.

Mr. DOWELL. It would seem to me that by unanimous consent that ought to be inserted.

Mr. WALSH. The draft age is specified here by giving the ages.

Mr. DOWELL. There could be no question about it if the resolution said "of draft age," and that would include those that have gone beyond 31 years of age.

Mr. MADDEN. The use of that language on last Friday was objected to on a point of order, and the point of order was sustained.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

NEGRO SOLDIERS.

Mr. CHANDLER of New York. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD a booklet entitled "A Tribute for the Negro Soldier," by John E. Bruce, a distinguished author and the American representative of the African Times and Oriental Review, London, England.

The SPEAKER. The gentleman from New York asks unanimous consent to insert in the RECORD an article on the colored soldier. Is there objection?

There was no objection.

DEPARTMENT EMPLOYEES LIABLE TO MILITARY SERVICE.

Mr. MADDEN. Mr. Speaker, there is another resolution, which I call up.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 371.

Resolved, That the Secretary of War be requested to report to the House of Representatives the number of men in the service of the Department of War between the ages of 21 and 31 years for whom requests for exemption from military duty or deferred classification have been made and allowed by such department; the name and home address of each such person, and the character of work he is performing in the service of the department, and the length of time he has been in such service.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman from Illinois yield to me for a moment.

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. I do not know that it is important, but I venture to direct the gentleman's attention to the amendment offered by our friend from California [Mr. RAKER], and suggest that such an amendment, not in the language offered, but somewhat modified, ought to be adopted, so as to include those who on June 5, the day of registration, are of that age, and I suggest that for this reason: There might be someone in the service who would not come within the terms of the resolution as the gentleman now provides. I do not like to take up the time of the House, but I can see where this situation might arise. When the Secretary of War sends down that information, if he sends it literally, according to the terms of the resolution, he would probably exclude from it——

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I have not the floor.

Mr. MADDEN. I yield to the gentleman.

Mr. GARNER. Does not the gentleman from Tennessee believe that a Cabinet officer would interpret this language according to its intent, to ascertain the number of men subject to draft who have been excused on account of service in the Government. If I thought that a member of the Cabinet would construe it any other way, I would certainly insist that it be drawn with more accuracy, but I can not conceive that a member of the Cabinet would undertake to excuse himself from not sending the information that evidently this resolution is intended to bring forth.

Mr. GARRETT of Tennessee. Here is the point, let me say in answer to the gentleman from Texas. We know what we have in our minds, but if we do not say what we have in our minds in the resolution as we pass it, how is the Secretary of War to construe the resolution other than by its terms? So far as its terms are concerned, it says those who are in the service who are between the ages of 21 and 31 years at this time, and it does not say between the ages of 21 and 31 on the 5th of June last. That is the way I would put it, in order to avoid any possibility of misunderstanding between the department and the Congress, and in order to avoid any criticism that might arise in the future. I venture to bring that to the attention of the gentleman from Illinois.

Mr. MADDEN. I suggest to the gentleman that he offer such an amendment, and I would yield for that purpose.

Mr. DOWELL. Mr. Speaker, I suggest an amendment to insert the words "on the 5th of June, 1917, or who became 21 years of age thereafter," and that would include all of them.

Mr. RAKER. I want to make this suggestion to the gentleman, that if, after the word "war" you would insert the words "who were on June 5, 1917, between the ages of 21 and 31," it would answer the purpose.

Mr. DOWELL. And who became 21 years of age.

Mr. MADDEN. Mr. Speaker, I am not yielding the floor for this purpose.

Mr. RAKER. I know what the gentleman wants to get at, and that is all of the men who are liable to service, but you leave out of the resolution all of the men who went into the service between June 5 and the present date, and there will be no record of that, and we ought to have a record of all of those men.

Mr. GARNER. Mr. Speaker, I want to suggest to the gentleman from Illinois that he temporarily withdraw his resolution until he can get time to put it in shape.

Mr. MADDEN. Mr. Speaker, I yield to the gentleman from Tennessee to offer an amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: After the word "war," insert the words "who were on June 5, 1917," so that the resolution will read:

"House resolution 371.

"*Resolved*, That the Secretary of War be requested to report to the House of Representatives the number of men in the service of the Department of War who were, on June 5, 1917, between the ages of 21 and 31 years, for whom requests for exemption from military duty or deferred classification have been asked by such department and allowed; the name and home address of each such person, and the character of work he is performing in the service of the department, and the length of time he has been in such service."

Mr. RAKER. Mr. Speaker, I accept that amendment. It is perfectly agreeable to me and is exactly what I want to reach.

The SPEAKER. The question is on ordering the previous question on the amendment and the resolution.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to insert those words in each of the other resolutions, including the one that has been passed.

The SPEAKER. The gentleman from Illinois asks unanimous consent to insert the words of the amendment of the gentleman from Tennessee [Mr. GARRETT] in all of these resolutions that are to be offered and also in those that have already been passed. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

House resolution 383.

Resolved, That the United States Shipping Board be requested to report to the House of Representatives the number of men in the service of that board who were, on June 5, 1917, between the ages of 21 and 31 years, for whom requests for exemption from military duty or deferred classification have been asked by such board and allowed: the name and home address of each such person, and the character of work he is performing in the service of the department and the length of time he has been in such service.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

House resolution 377.

Resolved, That the Attorney General be requested to report to the House of Representatives the number of men in the service of the Department of Justice who were, on June 5, 1917, between the ages of 21 and 31 years, for whom requests for exemption from military duty or deferred classification have been asked by such department and allowed; the name and home address of each such person and the character of work he is performing in the service of the department and the length of time he has been in such service.

The resolution was agreed to.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes when these resolutions have been disposed of.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House for 15 minutes when these resolutions are disposed of. Is there objection?

There was no objection.

Mr. MEEKER. I ask unanimous consent, following the gentleman from Michigan——

Mr. GARNER. Mr. Speaker, let us get through with these resolutions.

The SPEAKER. Certainly; but the gentleman from Missouri has a right to submit a request for unanimous consent.

Mr. GARNER. I ask for the regular order.

The SPEAKER. The regular order is that the gentleman from Missouri [Mr. MEEKER] is asking unanimous consent.

Mr. MEEKER. I ask unanimous consent that following the gentleman from Michigan [Mr. FORDNEY] I be permitted to address the House for 10 minutes on the result of the correspondence with the several nations of the world as to the status of alien soldiers.

The SPEAKER. The gentleman asks for 10 minutes following the gentleman from Michigan [Mr. FORDNEY] to talk about alien soldiers. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

House resolution 378.

Resolved, That the Secretary of Labor be requested to report to the House of Representatives the number of men in the service of the Department of Labor who were, on June 5, 1917, between the ages of 21 and 31 years, for whom requests for exemption from military duty or deferred classification have been asked by such department and allowed, the name and home address of each such person, and the character of work he is performing in the service of the department and the length of time he has been in such service.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

House resolution 379.

Resolved, That the Secretary of Agriculture be requested to report to the House of Representatives the number of men in the service of the Department of Agriculture who were on June 5, 1917, between the ages of 21 and 31 years, for whom requests for exemption from military duty or deferred classification have been asked by such department and allowed, the name and home address of each such person, and the character of work he is performing in the service of the department, and the length of time he has been in such service.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

House resolution 380.

Resolved, That the Secretary of Commerce be requested to report to the House of Representatives the number of men in the service of the Department of Commerce who were on June 5, 1917, between the ages of 21 and 31 years for whom requests for exemption from military duty or deferred classification have been asked by such department and allowed, the name and home address of each such person, and the character of work he is performing in the service of the department, and the length of time he has been in such service.

Mr. McKENZIE. I should like to ask my colleague one question. If I understand the reading of these resolutions, this will only give us a line on the men who have been excused and who are now employed in the particular departments to which this inquiry is directed.

Mr. MADDEN. And in all the bureaus of each department.

Mr. McKENZIE. Now, if my colleague will permit one other question, will these resolutions reach a case where the head of a department has asked that the man be deferred on account of the necessity of having his services in the department, and after that has been done the man has been given a commission in either the Army or the Navy?

Mr. MADDEN. Then, if it does not do that, we will try and reach it.

Mr. McKENZIE. It ought to be reached.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

House resolution 381.

Resolved, That the Secretary of the Treasury be requested to report to the House of Representatives the number of men in the service of the Treasury Department who were on June 5, 1917, between the ages of 21 and 31 years for whom requests for exemption from military service or deferred classification have been asked by such department and allowed, the name and home address of each such person, and the character of work he is performing in the service of the department, and the length of time he has been in such service.

The resolution was agreed to.

House resolution 382.

Resolved, That the Interstate Commerce Commission be requested to report to the House of Representatives the number of men in the service of the Interstate Commerce Commission who were on June 5, 1917, between the ages of 21 and 31 years for whom requests for exemption from military duty or deferred classification have been asked by such commission and allowed, the name and home address of each such person, and the character of work he is performing in the service of the commission, and the length of time he has been in such service.

The resolution was agreed to.

House resolution 376.

Resolved, That the Secretary of the Interior be requested to report to the House of Representatives the number of men in the service of the Department of the Interior who were on June 5, 1917, between the ages of 21 and 31 years for whom requests for exemption from military duty or deferred classification have been asked by such department and allowed, the name and home address of each such person, and the character of work he is performing in the service of the department, and the length of time he has been in such service.

The resolution was agreed to.

House resolution 375.

Resolved, That the Postmaster General be requested to report to the House of Representatives the number of men in the service of the Post Office Department who were on June 5, 1917, between the ages of 21 and 31 years for whom requests for exemption from military duty or deferred classification have been asked by such department and allowed, the name and home address of each such person, and the character of work he is performing in the service of the department and the length of time he has been in such service.

The resolution was agreed to.

House resolution 374.

Resolved, That the Federal Trade Commission be requested to report to the House of Representatives the number of men in the service of that commission who were on June 5, 1917, between the ages of 21 and 31 years, for whom requests for exemption from military duty or deferred classification have been asked by such commission and allowed, the name and home address of each such person, and the character of work he is performing in the service of the commission, and the length of time he has been in such service.

The resolution was agreed to.

House resolution 373.

Resolved, That the Secretary of State be requested to report to the House of Representatives the number of men in the service of the Department of State who were on June 5, 1917, between the ages of 21 and 31 years for whom requests for exemption from military duty or deferred classification have been asked by such department and allowed, the name and home address of each such person and the character of work he is performing in the service of the department and the length of time he has been in such service.

The resolution was agreed to.

LEAVE OF ABSENCE.

Mr. WELTY, by unanimous consent, was given leave of absence for two weeks, on account of official business.

THE RED CROSS AND THE Y. M. C. A.

The SPEAKER. The gentleman from Michigan is recognized for 15 minutes.

Mr. FORDNEY. Mr. Speaker and gentlemen of the House, I have a letter here which I am going to ask the Clerk to read, received by me on Saturday last from a young man, a lieutenant in the Engineer Corps, now in France. It is so interesting and complimentary to the Red Cross and the Y. M. C. A. that I thought the House would like to hear it.

The Clerk read as follows:

WITH THE COLORS,
France, May 4, 1918.

Hon. J. W. FORDNEY,
Washington, D. C.

MY DEAR FRIEND: Your most welcome letter came to me to-day, and I sure was glad to hear from you. Letters are letters in this country, and to get news from home certainly makes one feel fine.

I can not say much about what we are doing, but will tell you that we are doing some interesting work and are very busy all the time; and when I return to the States I will be able to tell you some interesting things that will interest you, too.

I am having a great time getting my tongue twisted into shape, but an Irishman was not made in a day, and you can not change him in a day, either.

I have seen some of the finest roads that are in existence anywhere; really they surpass most country roads in the States by 100 per cent; fine grades and permanent construction everywhere, but I guess that labor has been plentiful and cheap, so they could well afford it. Drainage is the solution of all road construction, either railroad or highway, and they have well taken care of that. The railroads are rock ballasted because they have nothing else, but we have it over them on transportation and equipment, surpassing in every detail.

The country is not as level as it might be, and all the time that I spent studying about these great plateaus is thrown away, because the ground is like some of the ranches in the Palouse country in eastern Washington, where a rancher buys a ranch, stands it on edge, and farms both sides.

They talk in the States about this country being very immoral, but it is a mistake, because I believe they are better as a whole than the States along that line. They seem to be a clean, industrious people as far as they are personally concerned, but they have some peculiar ideas about taking care of their stock, that they all enter the same door and sleep under the same roof.

They can say what they want to about the Red Cross and the Y. M. C. A., but I will say that they are the "daddies" to us all over here, and a person that dares say a word against them should be shot at sunrise, and if cloudy should be shot in bed.

I am getting along dandy, feel fine, and am doing my bit every day and late at night, and any time that you can spare a moment to drop a line to an appreciative friend, then that's me; because I will be back some day, and I will go back in the old field again, and I do not want to forget or be forgotten in the lumber field at home.

Kindest regards to Mrs. Egerer and to your good family, and allow me to remain,

A sincere friend, DAN MCGILLICUDDY.

Mr. FORDNEY. The boy goes further and gives a description of the forests and tells the kind of timber and flowers, and says it is a very beautiful country, quite like Paradise Valley in the Cascade Mountains. Paradise Valley is a valley at the foot of the great Rainier Mountain, in the State of Washington, with most magnificent scenery. I thought it would be of interest especially to those who have an interest in the Young Men's Christian Association and the Red Cross, because he states that they are doing such good work.

THE PROPOSED NEW REVENUE BILL.

Mr. FORDNEY. Gentlemen, the object of my few remarks this morning is in reference to the proposed new revenue bill. It is one of great importance to the people of the country, and I feel it timely for me to make a few remarks in reference to that bill, which it is proposed will raise $3,000,000,000 in addition to existing laws.

I have and will continue, as every loyal citizen will, to vote for the necessary money for the Government to carry on this great war. I do not agree with some of my colleagues as to the proportion of our expenditures that we must raise by taxes. It has been repeatedly stated by the administration and by the Secretary of the Treasury, to me only a few days ago, that we are not raising by taxes in proportion to our expenditures the amount of money raised by Great Britain. In that the Secretary is in error. I am in receipt of a letter addressed to me by our American ambassador at London, England, dated April 25, which I have here in my possession. He gives the amount of money spent in Great Britain since the beginning of that war. He gives the amount raised by direct taxation, and gives it in great detail, and the amount of borrowed money. In order to be brief, let me say that up to the end of this fiscal year, March 31, 1918, that date being the end of Great Britain's fiscal year, Great Britain since the beginning of the war has raised £6,454,034,000, or $31,408,585,660. Of that sum there has been raised in Great Britain by taxes $7,871,000,000, or 25.06 per cent. That is, in round numbers 25 per cent of all expenditures in Great Britain from the beginning of the war until March 31, 1918, has been by taxation.

Mr. GARNER. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. GARNER. Does that include the money loaned to the allies?

Mr. FORDNEY. I am not certain.

Mr. GARNER. I think that is the entire expenditure and includes the money loaned to the allies.

Mr. FORDNEY. Now, if it is true, so much the better for my side of the argument. Twenty-five per cent is all the money they are raising in Great Britain by taxes for their expenditures in this war. I have also obtained from our American consul at Ottawa, Canada, the amount of money that Canada is raising by taxes in proportion to her expenditures in this great war, and Canada has raised 18½ per cent by taxes. France has raised 11 per cent by taxes and borrowed 89 per cent. Italy has raised 9 per cent and borrowed 91 per cent.

Now, taking it for granted that our expenditures this year are far above the estimates made last year, which was $12,067,000,000, the amount of money raised under existing revenue laws is going to exceed $4,000,000,000, far exceeding the per cent raised by Great Britain in proportion to our expenditures. It is conceded by the Treasury Department that we will raise $4,000,000,000, but I believe I am within bounds of correctness when I say that we will raise this year under existing laws in round numbers four and a half billion dollars from taxes. The Secretary of the Treasury stated to me one week ago that he

expected our expenditures this year, including our loans to the allies, would reach $24,000,000,000; in round numbers that we would loan to our allies $6,000,000,000. My good friend, Mr. KITCHIN, stated to me since that time that he understands that our loans will reach $8,000,000,000 of this $24,000,000,000 of our expenditures and our loans to our allies. I do not believe it is claimed by anybody that we should tax the people now for the money that we are loaning to the allies. We are selling bonds on which we are obtaining money to loan to the allies, and we expect our allies to pay the interest and the principal of those bonds when they come due, because their obligations to the Government of the United States fall due when our bonds come due on which we are borrowing this money. Therefore, my friends, I believe that the money we exact from the people at this time should be the proportion necessary for our own expenses of this war, not including our loans to the allies. I believe the President in his speech the other day, although I was not present, but I read it in the paper, fixed the total sum of our expenditures, including our loans, for the fiscal year of 1918–19, the next fiscal year, at $20,000,000,000, $4,000,000,000 below the sum stated to me by the Secretary of the Treasury.

Mr. MADDEN. If the gentleman will permit, the President did not submit figures in his statement.

Mr. FORDNEY. I saw that in the papers, and if it is not correct of course I stand corrected.

Mr. PADGETT. Will the gentleman yield?

Mr. FORDNEY. I will be glad to yield.

Mr. PADGETT. I simply want to make a statement that perhaps the Members would be interested in as rumors are going around. I have just talked with the Secretary of the Navy, and he said that to-day some German submarines appeared off the Jersey coast about 40 miles southeast of Barnegat and had sunk three schooners. We have not heard of others. He said they had gotten information that they had sunk three schooners about 40 miles southeast of Barnegat Light.

Mr. JOHNSON of Washington. The latest Associated Press report said that 14 vessels in all had been sunk, including one rather large vessel but quite a number of small vessels.

Mr. PADGETT. The Secretary stated the only definite information they had was that they had sunk three.

Mr. FORDNEY. I thank the gentleman; that is very interesting and startling information that makes the situation far more serious than up to date. Now, Great Britain's expenditures for the coming fiscal year, which this letter states had been sanctioned and agreed upon on the night before this letter was written, are a great increase over the three or four previous years. The amount of money to be raised by taxes this coming fiscal year, beginning the 1st of April in Great Britain, is $4,097,000,000, a total budget of $14,467,000,000 for the coming fiscal year. The amount of money to be raised by direct taxes of that total expenditure for this next fiscal year is 28.33 per cent. Now, my friends, it is claimed by the Secretary of the Treasury that we should raise at least 40 per cent of our expenditures this year, not including our loans to the allies.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FORDNEY. If I can get a moment or so longer I will yield to the gentleman.

Mr. LONGWORTH. I would like the attention of the chairman of the Ways and Means Committee. The gentleman from Michigan has just stated that the Secretary of the Treasury has requested the raising of 40 per cent of our expenses by taxation, including loans to the allies——

Mr. FORDNEY. Not including loans to the allies.

Mr. LONGWORTH. Excluding loans to the allies.

Mr. FORDNEY. Exclusive of our loans to the allies.

Mr. LONGWORTH. That would bring the total amount of the proportion of taxes down to about 25 per cent, would it not?

Mr. FORDNEY. If we are expected by this new revenue measure which is contemplated to raise $3,000,000,000 in addition to the amount to be raised under existing law we will raise some $7,500,000,000 next year by taxes. Now, if that is but 40 per cent of our expenditures during the next year, then our expenditures, not including our loans to the allies, will be from $18,000,000,000 to $20,000,000,000.

Mr. LONGWORTH. Not according to the understanding that we had in the committee. I want to say, because I think this is an important matter, my understanding was that there was estimated about $24,000,000,000, and that included about $8,000,000,000 of loans to the allies.

Mr. KITCHIN. No; it included $6,000,000,000, and I stated in my opinion it would be at least $8,000,000,000.

Mr. LONGWORTH. I understood that $8,000,000,000 was the amount estimated—$6,000,000,000 already loaned and two more to come.

Mr. GARNER. It never has been more than $500,000,000 a month.

Mr. LONGWORTH. Then the total amount, exclusive of the loans to the allies, was $18,000,000,000?

Mr. GARNER. Yes.

Mr. COOPER of Wisconsin. Will the gentleman permit one question?

Mr. FORDNEY. I am going to ask for two or three minutes more, and I will yield now.

Mr. COOPER of Wisconsin. The gentleman has read, or he himself has stated, that our ambassador in England put the amount which England has raised by taxation to meet her war expenditures 25 per cent, approximately, of the total.

Mr. FORDNEY. Up to the end of this fiscal year, and 28 per cent for the coming fiscal year.

Mr. COOPER of Wisconsin. That is what I wanted to ask specifically. You made that 25 per cent. Does that mean the aggregate from the time the war began up to this time?

Mr. FORDNEY. The twenty-five per cent, my friend, that I mentioned includes the fiscal years of 1915–16, 1916–17, and 1917–18.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes longer.

The SPEAKER. Is there objection? (After a pause.) The Chair hears none.

Mr. COOPER of Wisconsin. Following that question, the gentleman says that includes the end of the fiscal year 1917–18. Now, has England levied any higher taxes for the fiscal year which is to end in 1918–1919?

Mr. FORDNEY. England for the fiscal year 1918–19 has added increases all along the line—and if I had time I would read the amounts—additional taxes from the various kinds of revenue she is raising, and there are many of them.

Mr. COOPER of Wisconsin. Will the gentleman answer one more question? What tax now does England levy on excess profits and also on war profits?

Mr. FORDNEY. I do not know the exact percentage that she is taxing upon war profits and excess profits; but the amount is given here as excess taxes, $2,588,978,000, not in detail; neither is the percentage of her total tax given. I have not the latest addition to the laws of Great Britain that give the amount of excess-profit taxes which they are levying by percentages, but I do not believe that is in the possession of our State Department, because I made inquiry for it and could not obtain it.

Mr. COOPER of Wisconsin. The excess profits, and especially war profits, in this country, were the profits to which President Wilson specifically attracted attention the other day in his message.

Mr. REAVIS. Under the present revenue law in England, do they not raise 25 per cent of the cost of the war?

Mr. FORDNEY. No; 28 per cent for the next fiscal year; 25 per cent up to the end of this fiscal year is the average amount of taxes raised by Great Britain.

Mr. REAVIS. For the next fiscal year the gentleman states it will be 28 per cent?

Mr. FORDNEY. Yes, sir.

Mr. LONGWORTH. In the question of the gentleman from Wisconsin [Mr. COOPER] I do not understand what distinction he makes between war profits and excess profits. England has no such taxes as we have. The only tax is war-profit tax, the difference between the profits before and during the war.

Mr. FORDNEY. Under the existing law England permits all her industries to make 10 per cent on the capital invested before imposing these taxes.

Mr. COOPER of Wisconsin. There is a marked distinction between excess profits and war profits. A man in business may be making profits now very largely in excess of his antewar profits, and yet those may not come from anything in the way of manufacturing munitions and, therefore, are not war profits.

Mr. FORDNEY. It will be hard, my friend, for you and me to determine what is a war profit right now from the industries in this country. A farmer may be making large sums of money out of the products of his farm, we may say. Is it war profit or is it not? Take any industry, every industry, and what is the difference between an ordinary increase in profit and war profit? Now, let me go just a little further.

Mr. KITCHIN. Will the gentleman permit one question?

Mr. FORDNEY. I will.

Mr. KITCHIN. How much are the estimated expenditures of Great Britain for what we call her fiscal year, now?

Mr. FORDNEY. They are $14,462,000,000 for the fiscal year of 1918–19, which has just begun, April 1. England's fiscal year ends March 31.

Now, gentlemen, I believe it is a common rule and a common practice of every country in the world during the time of war that some of the money raised to carry on a great war has been raised from increased import duties. I want to call your attention to our situation here.

The Wilson bill, about which the Republicans of this country made so much fuss during the 1896 campaign, carried an average ad valorem rate of 21½ per cent on imports. Of course, the matter of imposing a tax under that law as compared with the tax imposed upon imports in the Dingley law and in the Payne law were entirely different. Some articles were placed upon the free list that were later changed back to the protective list. But mark what I say: Twenty-one and one-half per cent was the ad valorem rate under the Wilson law. Twenty-five and one-half per cent was the ad valorem rate under the Dingley law. Eighteen and one-half per cent was the ad valorem rate under the Payne law.

Although the demagogues of the country said there were no reductions in the Payne tariff law, it was 3 per cent below the rates in the Wilson bill, about which the Republicans made so much fuss. But under existing law last year our ad valorem rates were 6 per cent, gentlemen—getting mighty closs to free trade. The last year of the Payne tariff law yielded to our Treasury $333,000,000 in revenue on imports of $1,812,000,000. Taking an average of the first nine months of this fiscal year and for the months of April, May, and June this year, which would complete this fiscal year, the average rate is 6.06 per cent under the Underwood tariff law, which will yield for the 12 months $168,000,000 on imports in round numbers in values of $2,800,000,000. Or $165,000,000 less will be collected on imports this year under the Underwood tariff law than was collected under the Payne tariff law, with an increase of $1,000,000,000 of imports this year.

I say to you the time has come, if we must raise more revenue to help carry on this war, when we should raise a greater portion of it from our import taxes.

Mr. GARNER. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GARNER. The gentleman will recall when the last bill was made up the House carried a provision for an ad valorem increase, which was struck out in the Senate.

Mr. FORDNEY. Yes.

Mr. GARNER. Under the present conditions, with an embargo where you would have to have a license to import and export, does not the gentleman think it would be far-fetched to talk about levying any kind of duty at the customhouse?

Mr. FORDNEY. No; I do not, because it is the easiest tax in the world for the people to pay, because when they pay it they do not know it. There is where the Republicans have the advantage over you Democrats in imposing taxes upon the people. [Laughter.] Under existing law, if we had the Payne rates of duty in effect to-day, our imports would yield $518,000,000 of revenue instead of $168,000,000.

Mr. HENRY T. RAINEY. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. HENRY T. RAINEY. I thought the attitude of the gentleman always had been that the consumers do not pay the tax. The gentleman's attitude now is that they pay it, but do not know it. [Laughter.]

Mr. FORDNEY. No; I say that the consumer does pay it when the taxes are internal, and I will call your attention to why.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. FORDNEY. Mr. Speaker, I ask for two minutes more.

The SPEAKER. The gentleman asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. FORDNEY. My friend, the difference between an internal tax and an import tax is this: Suppose you and I are engaged in the same line of business in this country, anything that we may be producing, no matter what it is. We add to our cost of production our taxes and insurance and all overhead expenses. Your tax is the same as mine on the internal tax, or war-profits tax, or the consumption tax, or any other kind of internal tax that is imposed upon the article that you and I are producing. We must add it to our cost, and your cost is the same as mine, and consequently we both add it to the cost, and the consumer must and does pay that added cost. There is no argument against that. Now, then, suppose you are engaged in producing an article abroad similar to an article that I am producing here in the United States, and your raw material and labor cost is below my cost. My good friend, we must impose an import tax on your product; otherwise you will undersell me and put me out of business; and the minute you put me out of business, up goes the price, and you control the market; and under such circumstances the consumer then pays the tax, and none other. There is no comparison between an import tax and an internal-revenue tax. [Applause.] Mr. Speaker, I wish here to insert the letter and statistics received from our foreign embassy:

LONDON, *April 25, 1918.*

DEAR SIR: I am directed by the ambassador to acknowledge your letter of the 6th of April, asking him if he can advise you what portion of the cost of the war in England is raised by direct taxation and what portion is obtained from loans.

I find upon examination that in 1913–14 the revenue of the United Kingdom for the financial year was £198,243,000 and the expenditure £197,492,700. This will give you a rough idea of prewar revenue and expenditure.

For the financial year 1915–16 the revenue was £336,767,000; expenditure, £1,559,706,000; 1916–17 the revenue was £573,428,000; expenditure, £2,198,113,000; 1917–18 the revenue was £707,235,000; expenditure, £2,696,221,000.

The estimated revenue for 1918–19 is £842,050,000, of which £782,200,000 is to be obtained from taxes, and the estimated expenditure, £2,972,197,000; deficit, £2,130,147,000, as will be seen from the attached extract, to be obtained from loans.

I am, dear sir, your obedient servant,

BOYLSTON BEAL,
Special Attaché of Embassy.

The Hon. JOSEPH W. FORDNEY,
House of Representatives, Washington, D. C.

THE COMING YEAR.

ESTIMATED REVENUE AND EXPENDITURE.

The following statement of revenue and expenditure for 1918–19 was issued as a white paper last night:

Estimated revenue, 1918–19.

Customs	£71,650,000	
Add proposed additional taxation	22,850,000	
		£94,500,000
Excise	35,350,000	
Add proposed additional taxation	17,850,000	
		53,200,000
		147,700,000
Estate, etc., duties		31,500,000
Stamps	8,500,000	
Add proposed additional taxation	750,000	
		9,250,000
Land tax		650,000
House duty		1,950,000
Income tax (including supertax)	267,500,000	
Add proposed additional taxation	22,950,000	
		290,450,000
Excess-profits duty, etc		300,000,000
Land-value duties		700,000
		634,500,000
Total receipts from taxes		782,200,000
Postal service	24,600,000	
Add proposed increase in charges	3,400,000	
		28,000,000
Telegraph service		3,500,000
Telephone service		6,500,000
		38,000,000
Crown lands		650,000
Receipts from sundry loans, etc		6,000,000
Miscellaneous		15,200,000
Total receipts from nontax revenue		59,850,000
Total revenue		842,050,000
Deficit		2,130,147,000
		2,972,197,000

Mr. MEEKER, Mr. HOLLAND, and Mr. SMALL rose.

The SPEAKER. The gentleman from Missouri [Mr. MEEKER] is entitled to 10 minutes. The Chair will recognize the gentleman from Virginia [Mr. HOLLAND] next. The Chair will recognize the gentleman from North Carolina [Mr. SMALL] now.

RIVER AND HARBOR BILL.

Mr. SMALL. Mr. Speaker, I desire to submit for printing under the rule the conference report on the river and harbor bill.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER. The conference report will be printed under the rule.

Following are the conference report and accompanying statement:

CONFERENCE REPORT (NO. 615).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 7, 8, 9, and 11, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the language in the proposed amendment; also strike out the period at the end of line 20, page 18, insert in lieu thereof a colon, and add the following words: "*Provided*, That in estimating the cost of doing the work by Government plant, including the cost of labor and materials, there shall also be taken into account proper charges for depreciation of plant and all supervising and overhead expenses and interest on the capital invested in the Government plant, but the rate of interest shall not exceed the maximum prevailing rate being paid by the United States on current issues of bonds or other evidences of indebtedness"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"SEC. 5. That the Secretary of War shall cause an investigation to be made regarding the discharge or deposit into any of the navigable waterways of the United States of free acid or acid waste in any form or any other deleterious substances, and the extent to which the same exists and the sources thereof, together with any injurious results therefrom affecting the navigability of such waters or any works of improvement made thereon by the United States or any other uses of said navigable waters, and submit a report to Congress which shall include a summary of the evidence obtained and any recommendations regarding same which may be deemed appropriate, and any necessary expenses connected therewith shall be paid out of the available funds herein or hereafter appropriated for examinations, surveys, and contingencies. If in the course of such investigation it should be considered desirable to obtain any existing data or expert evidence or service from any of the other departments of the Government, the Secretary of War is hereby authorized to make application therefor, and such departments are hereby directed to furnish such data or evidence or service as may be so required and which may be considered pertinent or appropriate."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "be" at the beginning of the twentieth line, and insert in lieu thereof the word "being"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 1 and 2.

JNO. H. SMALL,
CHAS. F. BOOHER,
C. A. KENNEDY,
Managers on the part of the House.

DUNCAN U. FLETCHER,
JOS. E. RANSDELL,
KNUTE NELSON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, submit the following written statement explaining the effect of the action agreed upon:

The rivers and harbors bill as it passed the House carried cash appropriations in the sum of $21,427,900 and one continuing contract authorization in the sum of $82,700. The amount added by amendment in the Senate was $2,344,000 in cash appropriations, making the total of the bill as it passed the Senate $23,771,900 in cash appropriations and a continuing contract authorization for $82,700. As a result of the conference the amount involved in the Senate amendments has not been changed. One amendment, however (No. 1), involving an increase of $140,000, has not as yet been agreed to.

The following statement shows the action taken by the conference on each of the Senate amendments:

ACTION OF CONFERENCE.

On amendments Nos. 1 and 2, page 8: Mobile Harbor and Bar, Ala. Items increase amount appropriated in House bill for improvement work from $200,000 to $340,000. The committee of conference have been unable to agree.

On amendment No. 3, page 13: Fox River, Wis. Item eliminates language in House bill appropriating $22,500 for maintenance and improvement work, and provides that the funds shall be applied to maintenance work only. House conferees recede.

On amendment No. 4, page 14: Los Angeles Harbor, Cal. Item adopts new project for the construction of a channel through the west basin into the southwestwardly arm to the site of a proposed large floating dry dock and appropriates the full estimated cost of said channel. House conferees recede.

On amendment No. 5, page 18: Section 4, providing that no contracts for river and harbor work shall be entered into hereafter if the contract price is more than 25 per cent in excess of the estimated cost of doing the work by Government plant. Item provides that overhead expenses, depreciation, and interest on capital invested, properly chargeable to such work, shall be taken into consideration in estimating the cost of executing the work by Government plant. House conferees recede with an amendment changing the phraseology, and specifically setting forth that the rate of interest charged on the cost of Government plant shall not exceed the maximum prevailing rate being paid by the United States on current issues of bonds or other evidences of indebtedness.

On amendment No. 6, page 18: Pollution of navigable waters of the United States. Item adds new section making it unlawful to discharge or deposit from any source whatever any free acid or acid waste in any form into any navigable water of the United States or into any tributary of any navigable water above tidewater, and provides penalties to be applied on conviction for violation of the provisions of this section. House conferees recede with an amendment striking out the proposed language and inserting in lieu thereof a section providing for an investigation by the War Department regarding the discharge or deposit into navigable streams of free acid, acid waste, or other deleterious matter, and to report to Congress the extent to which the same exists and the sources thereof together with any injurious results therefrom affecting the navigability of such waters or any works of improvement made thereon by the United States or any other uses of said navigable waters, such report to contain recommendations regarding same which may be deemed appropriate.

On amendments Nos. 7, 8, and 9, pages 19, 20, and 21: Items renumbering sections of House bill. House conferees recede.

On amendment No. 10, page 22: Modification and readjustment of terms of uncompleted contracts for work of river and harbor improvement. Item adds new section providing that if the Secretary of War shall determine that contracts for work of river and harbor improvement entered into prior to April 6, 1917, and uncompleted, have become inequitable and unjust on account of inceased costs of material and labor and other unforeseen conditions arising out of the war, he is authorized to modify and readjust the terms of said contracts in a just and equitable manner, such modifications and readjustments to apply only to work under said contracts remaining to be done hereafter, and any such sum as may be necessary to provide for the increased cost of the contracts due to said modifications and readjustments, not exceeding the sum of $2,000,000, is appropriated by the new section. It is also provided that as a condition of any such contract being so modified that the Secretary of War shall have the right, at the end of any fiscal year, until the contract is completed, to make such further modifications as in his judgment shall be advantageous to the United States and just to the contractor. House conferees recede with verbal amendment, substituting the word "being" for the word "be," in line 10, page 23.

On amendment No. 11, page 23: Item adopts the following section:

"SEC. 10. That hereafter when the expenses of persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty are chargeable to appropriations of the Engineer Department, a per diem of not exceeding $4 may be allowed in lieu of subsistence when not otherwise fixed by law."

House conferees recede.

JNO. H. SMALL,
CHAS. F. BOOHER,
C. A. KENNEDY,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, I would like to ask the gentleman from North Carolina if this is a complete agreement?

Mr. SMALL. It is complete except as to one Senate amendment, for Mobile Harbor.

Mr. WALSH. And the gentleman expects to ask the House to insist upon its disagreement to that?

Mr. SMALL. Yes; I expect to ask the House to insist upon its disagreement upon that Senate amendment.

PERMISSION TO ADDRESS THE HOUSE.

Mr. JOHNSON of Washington. Mr. Speaker, I would like to ask unanimous consent to proceed for 10 minutes next after the gentleman from Virginia [Mr. HOLLAND].

The SPEAKER. The gentleman from Virginia has no privilege to proceed as yet.

Mr. JOHNSON of Washington. I understood that the gentleman from Virginia would be recognized after the gentleman from Missouri [Mr. MEEKER].

The SPEAKER. The Chair will recognize him to make a unanimous-consent request.

Mr. HOLLAND. Mr. Speaker, I ask unanimous consent to address the House after the gentleman from Missouri concludes, for not exceeding 10 minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to address the House for not exceeding 10 minutes after the gentleman from Missouri concludes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes following the gentleman from Virginia.

The SPEAKER. The gentleman from Washington asks unanimous consent to proceed for 10 minutes following the gentleman from Virginia. Is there objection to that request?

There was no objection.

The SPEAKER. The gentleman from Missouri is recognized.

STATUS OF ALIEN SOLDIERS IN THE ARMIES OF THE WORLD.

Mr. MEEKER. Mr. Speaker, I ask permission to extend my remarks in the RECORD, and I wish to assure the gentleman from Massachusetts [Mr. WALSH] that I will not put any applause in the extended remarks.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. MEEKER. Mr. Speaker, about a year ago, after we had entered the war, we discovered that some 40,000 or 50,000 American citizens had entered the armies of England, France, and Canada. We learned at that time that the men who had taken the oath of allegiance to the British Crown had decitizenized themselves. Steps were taken to repatriate those men. That legislation has already been enacted. However, at the time that bill was under discussion in the Committee on Immigration and Naturalization the question came up as to the status of alien soldiers in the different nations throughout the world. I took up the question with the representatives of the several countries throughout the world, requesting that they provide me with the oath which an alien desiring to enter the military or naval service must take. I also requested that they supply me with information on the following subjects:

First, as to how the taking of this oath affects the citizenship in the nation whose army the alien enters.

Second, does the taking of the oath make him a citizen in whole or in part in that country?

Third, how does it affect him as regards the right of franchise, devolution of property, marriage and divorce, and receiving a pension from the Government?

Fourth, should an alien who has taken the oath of allegiance and served in the military or naval forces and for that service has been granted a pension become a citizen of another nation, would he thereby forfeit his pension?

There is one thing about which we need to be thinking: Under our present laws if an alien who, leaving his family in the United States, has joined the forces of one of our cobelligerents, is wounded there and comes back, under our present law, he can not be admitted to the United States, because he might become a public charge.

One of the questions which we are going to have to think about and to discuss also with our cobelligerents is this: Will these cobelligerents of ours permit the pensions to follow these wounded aliens who desire to return to the United States? If they do, then there is no danger whatever of their becoming public charges in the United States. The more you think on the status of soldiers in alien armies the more difficult and delicate you will see the situation will become as time goes on after the war.

The data which I have here this morning and which I am submitting is not complete. It is such a long task to get all the information on the subject that I felt it might be better to put in now the data which we have and add to it as we may be able to get further light on the subject. I do not have here a report from China or from Russia, and, of course, not from Germany. A few of the smaller nations are yet to be heard from. I have not yet been able to obtain copies of the oaths taken by aliens entering the service of some of these nations, but the data which has been collected thus far is sufficient to show that practically no two nations in the world have the same system of taking aliens into their service or the same rules for providing for the men after they have finished their military service. This correspondence has convinced me that the United States has gone far ahead of any other nation in providing and caring for the aliens who enter her military service. There is much work yet to be done looking toward the final adjustment of the relations that should be maintained between our Government and the aliens who have served under the colors of our cobelligerents who are returning to this country in the hope of once more being with their families.

Mr. DENISON. Will the gentleman state the result of his investigation as to ascertaining what France has done and will do for those Americans who have been members of the Foreign Legion?

Mr. MEEKER. I can not offer any data on that subject. Of course, as I said, I think it will be absolutely necessary for us in a council of nations, which must inevitably come in the not far-distant future, to work out an entirely new system of caring for the alien soldiers who may pass from one country to another. At present we have not the data on the point the gentleman has raised.

The following information is compiled from reports received:

ARGENTINA.

Argentine military and naval forces are organized under the compulsory military law; therefore foreigners have nothing to do with that service and in peace times can not enter it.

There have been in other times what they called "foreign legions" fighting in time of war under the flag, but generally men serving in those legions have finished their services with the war without becoming citizens. If they have continued in the service, as has been the case several times, they have not been able to belong to the army or navy without being naturalized Argentinians in accordance with the laws of Argentina.

A naturalized citizen who enjoys a pension from the Argentine Government loses his pension if he resigns his citizenship.

BOLIVIA.

The fact of an alien taking military service in Bolivia does not make him a citizen and does not in any way affect his rights concerning property or his marriage obligations.

If pension is granted an alien, the right is not lost unless he should go to a country actually at war with Bolivia.

BRAZIL.

In both corps of the navy—national marines and naval battalions—foreigners are not admitted. Foreigners may only be accepted in the corps as extra firemen; are under contract for a fixed period, subject to military law, not required to give allegiance. In other words, they are civilians under military status while in the service of the navy.

Enlisted men do not lose original nationality, as the enlistment is not equivalent to naturalization.

Foreigners are placed in same class as natives in all that concerns acquisition and enjoyment of rights. It is understood that foreigners serving as soldiers have, with slight restrictions peculiar to their occupations, all civil rights which they enjoyed before enlisting, as follows: Contractual rights, marriage, raising family, divorce, property, disposal of property inter vivos or extestamento, enjoyment of prizes, pensions, life insurance. Foreigners once admitted to the ranks as sailors shall not be entitled to political or electoral rights.

A pensioner of the State loses his pension if he goes to any foreign country without permission of the Government, but pensioner does not suffer any restriction if, before he leaves for foreign country, he obtains an official permit, even though he is a naturalized citizen.

BULGARIA.

No aliens can enter the military or naval service of Bulgaria unless he first becomes naturalized as a Bulgarian citizen, thereby acquiring all the rights and privileges of citizenship.

Alien civilians may be employed in offices which have no connection with active military service, such as clerks in the ministry of war, leaders of military bands, etc.

Should an alien who has taken the oath of allegiance and served in the military or naval forces, and for that service been granted a pension from the Bulgarian Government, become a citizen of another nation, he thereby forfeits his pension, and should he return to Bulgaria he would be liable in case of a general mobilization to be drafted into service.

CHILE.

Foreigners are admitted to the Chilean Army only under contracts when their services are indispensable or as attachés at the request of some friendly government; this also applies to the navy.

COLOMBIA.

No one can be admitted to the army without taking an oath to support and defend the constitution and to comply with all the obligations it imposes. This oath of itself does not make him a citizen of Colombia, and does not modify the statutes as to personal and real property of foreigners in Colombia, or to exercise the rights, natural and civil, that the laws of Colombia establish.

DENMARK.

Every man who is in possession of Danish citizenship is liable to military service, but only those aliens who have acquired a fixed residence in Denmark, and then only in so far as no treaty with a foreign State or the alien's duty toward such foreign State as a subject thereof would prevent the drafting of the alien into Danish military service. Neither the taking of the oath nor the military service would make an alien a Danish citizen or affect his status in civil life.

All officials and officers appointed by the King are entitled to a pension under certain conditions, but otherwise pension must be granted by special act. As a rule a pension can not, without special permission, be paid to a pensioner living outside of Denmark, but a mere change of citizenship would not affect the title to a pension.

ENGLAND.

The law forbids the giving of a commission to an alien, and an enlisted alien is not capable of being promoted to a commission. As regards other aliens, if a soldier is a negro or a person of color, by enlisting in His Majesty's regular forces he becomes entitled to all the privileges of a natural-born British subject. This will not give him any right of franchise unless he has a franchise qualification in some other way; and as regards devolution of property, marriage, and divorce, these depend generally on domicile and not on nationality. As regards other aliens enlisting, they do not by so doing get any civil rights of British subjects. They, therefore, get no right of franchise, and as regards devolution of property, marriage, and divorce, that depends generally on domicile and not on nationality; but so far as it may in any case depend on nationality, they would not be treated as British subjects.

As regards the right to receive a pension, an enlisted alien is in exactly the same position as any other soldier. In case of war between his country and Great Britain, his pension would not be paid to him during the war, and his pension ceases to be payable, except in special cases, if he ceases to reside in British dominions. If an alien or any other soldier becomes the subject of another nation, there is no provision to deprive him of his pension. Pension rights are not the creation of statutes but of royal warrants or orders in councils, as the case may be, which provide for payment of pensions, if the money be provided by Parliament. There is no legal obligation on the State to pay any pension, but only an obligation of honor based on the fact that the State had pledged its credit. The above remarks apply generally to naval pensions.

The following oath is taken at the time of enlistment:

I, ———, do make oath that I will be faithful and bear true allegiance to His Majesty King George the Fifth, his heirs and successors, and that I will, as in duty bound, honestly and faithfully defend His Majesty, his heirs and successors, in person, crown, and dignity against all enemies, and will observe and obey all orders of His Majesty, his heirs and successors, and of all the generals and officers set over me. So help me God.

FRANCE.

An alien who desires to enter the military or naval service of France is not asked to take on oath. He has only, under the present circumstances, to sign a paper pledging himself to serve while the present war lasts.

GREECE.

As a rule, no one but a Greek subject is admitted to the military or naval service in Greece. Exception is made in special cases when foreigners are accepted as special instructors, in which case their status is determined in details by a special law. In such cases the foreigners do not acquire the Greek citizenship.

GUATEMALA.

The Government has, on occasions, employed aliens as instructors and professors for the artillery and military academy, and they have been employed under a contract, but at present there are no aliens in the army. These aliens have been obliged, of course, to take the oath to observe the laws of the country during their stay. All aliens take the oath on the Constitution of the Republic. An alien who serves either in the army or any other position in the Government has to become a citizen, thereby losing any other citizenship.

HAITI.

No foreigner can be admitted to the Haitian Army or marine before declaring his intention to settle in Haiti and swearing that he renounces all other countries. This rule admits of exceptions and does not apply to American citizens who, conformable to the convention between the Republic of Haiti and the United States of America, are named by the President of Haiti, of the proposal of the United States to organize and command the new organization of gendarmes of Haiti.

A naturalized foreigner who has obtained a military pension from the Government of Haiti can not be denationalized.

HONDURAS.

During the stay of an alien in military or naval service he must obey the laws and ordinances as well as any Honduran citizen. The taking of the oath does not make him a citizen.

If he has served in military or naval forces, and for that service is granted a pension from the Government, becomes a citizen of another nation, he thereby forfeits his pension.

HOLLAND.

No aliens are taken into the Dutch Home Army at any time, with the possible exception of surgeon officers. Aliens may enter the Dutch Colonial Army in peace times.

An enlisted man signs a promise that he will serve six years, or whatever the term may happen to be. An officer swears loyalty to the sovereign, obedience to the laws, and submission to military discipline. These obligations are not considered as expressing or implying renunciation of citizenship in any other be naturalization before either obligation can be taken. Neither country. To enter the Dutch home military service there must obligation affects devolution of property, marriage, or divorce.

A Dutch soldier receiving a pension will forfeit it if he becomes a citizen of another country.

A foreigner can enlist only in the colonial army of the Dutch East Indies; they can not enlist in the home army. By such enlistment and by the oath required therefor, he does not acquire the Dutch citizenship, but he is entitled to a pension according to the rules and regulations of the service.

ITALY.

Only Italian citizens have the privilege of serving in the Italian Army and Navy, and are therefore requested to take the oath.

Aliens may volunteer for service, and take the oath only if they were born in the Italian Kingdom, or if they were born from parents having resided there at least 10 years at the time of their birth. By so doing they acquire Italian citizenship. Italians who have lost their citizenship are admitted to serve and take the oath and thus resume the citizenship they had lost.

JAPAN.

There is no legal impediment against the entry of an alien into the service, provided the Government so desires or orders, but his foreign nationality will preclude him from enjoying or exercising rights and duties exclusively pertaining to a Japanese subject. However, were he so admitted, his citizenship would not be affected even partially, nor would he change his status at all in respect to the right of franchise, devolution of property, marriage, and divorce. The minister of home affairs may, with the sanction of the Emperor, permit the naturalization of an alien who has done specially meritorious service to Japan, without regard to ordinary requirements.

There is no statute covering the case of an alien in general in regard to pensions. It may be paid on the basis of the contract entered into between the Government and the party concerned, or, lacking that, by the special grant of the Government. The Japanese Government is actually paying pensions to a few German professors who used to be in its civil service.

NICARAGUA.

An alien may obtain employment in the militia, but he must previously resign the protection of his own Government. The taking of the oath does not affect the citizenship of an alien at all; either it affects him as regards the right of franchise, devolution of property, marriage and divorce, and receiving pension from the Government. In order that an alien may become a citizen of Nicaragua it is necessary that he reside in the country for at least two consecutive years, and after that

that he make a declaration to the bureau of naturalization, or that he obtain the charta of naturalization in conformity with the law. Foreigners in Nicaragua enjoy the same civil rights as those conferred by the constitution to the Nicaraguans. In very few cases the law establishes differences between a Nicaraguan and an alien.

An alien who has served in the army or navy of Nicaragua will enjoy the same privileges and pensions that a Nicaraguan would enjoy, and by the fact that he became a citizen of another nation he would not forfeit these privileges and pensions.

NORWAY.

With the exception of salaried officers, no soldier takes an oath. The conscription oath was abolished in 1891. Military duty has no effect upon citizenship in Norway. Persons other than native-born Norwegians may be taken for duty when they are domiciled in the land. The fact that a foreigner resides in Norway, however, does not mean that he must serve; neither does the law state that he shall have resided in Norway for a certain length of time, but his relations to Norway must be so firm that he must really be domiciled there. A foreigner who does military duty in Norway does not for that reason become a Norwegian subject.

Military duty has no influence upon the right to vote, nor upon the transfer of property, marriage, or divorce. Only subjects of Norway can vote, and foreigners may not acquire property lawfully except by permission of the King.

At present there are no fixed rules for pensions other than for salaried officers. A pensioner who resides out of Norway will not be paid his pension except by permission of the King, when drawing kroner 200 or over, and when drawing less permission must be obtained from the department. These rules apply to both civil and military pensioners.

PANAMA.

Panama has no army or navy, the national police corps being the only corporation in charge of the custody of public order. There is no objection to foreigners joining the police corps, and the oath consists in swearing to defend the constitution and laws of the country.

An alien joining the police corps does not lose his citizenship according to the Panama laws, and this loss depends only upon the laws of the country of which the alien is a citizen.

PERU.

No aliens are permitted to serve in the Peruvian Army. A few aliens are serving in the Peruvian Army as engineers and mechanics. Their condition is similar to that of individuals engaged by contract for a given period of time, and they do not thereby become Peruvian citizens. Citizenship is acquired after a residence in Peru of two years, without requiring an oath. Aliens in Peru possess the same rights affecting property and marriage as Peruvians. As regards divorce, their rights are governed by the laws of their country.

No pension has ever been granted by the Peruvian Government to any alien, and should a naturalized Peruvian citizen become a citizen of another country he would thereby forfeit his pension.

PORTUGAL.

There is no provision of law authorizing the enlistment of aliens in the Portuguese Army or Navy.

Naturalized citizens are subject to compulsory service.

SALVADOR.

The foreigner in Salvador who desires to enter the national army must swear loyalty to the country and absolute submission to the authorities.

When a foreigner joins the army simply as an instructor, he does not lose by that fact his citizenship, nor acquire that of Salvador.

The soldier, as well as the civilian, who adopts another nationality, naturally loses rights that belonged to his former citizenship.

SERBIA.

An alien desiring to enter the Serbian Army must take an oath of fidelity to his superiors and of submission to the military laws. Service in the army does not affect his citizenship without his express wish to that effect. The taking of the oath does not make him a citizen of Serbia if he does not wish so. The Serbian citizenship is obtained only by the written request of the alien.

Aliens serving in the Serbian Army do not change their civil status in respect to the rights of franchise, property, marriage, or divorce. They are considered as volunteers.

SIAM.

Aliens entering the Siamese Army do not take an oath, but sign a contract which varies according to the nature of the employment.

The only way in which Siamese citizenship may be acquired by an alien is through his naturalization by law or by special decree of the King.

SPAIN.

To enter the army of Spain one must be a Spanish subject or a naturalized Spaniard. The oath to the flag is sworn after having entered the army and after having received elementary instruction.

Spanish citizenship is obtained by acquiring a letter of naturalization or by acquiring residence in any municipality of the monarchy, the rights of Spanish citizens being acquired thereby.

If a person deriving a pension on account of services in the Spanish Army acquires foreign citizenship he loses his pension.

The same laws apply to the navy.

SWEDEN.

No alien is admitted to the army or navy of Sweden.

An alien must have resided in the country for at least three years previous to his admission as a citizen, and before entering either army or navy must have been naturalized and been admitted to Swedish citizenship.

SWITZERLAND.

The Swiss constitution provides for a universal military service.

Subject to all such service are all male citizens from 20 to 44 years of age.

Aliens are exempt from service and can under no circumstances serve in the Swiss armed forces.

No pensions are paid by the Swiss Government.

TURKEY.

No oath is required from Turkish subjects nor aliens who desire to enter the military or naval forces of Turkey.

The enlistment in the Turkish Army or Navy does not make an alien a subject of the Ottoman Empire either in whole or in part.

It does not affect him as regards the right of franchise, devolution of property, marriage, or divorce.

The soldier and his family are entitled to receive a pension from the Government.

If an alien takes the oath of allegiance to the Turkish Empire and serves in the military and naval forces, and for that service is granted a pension, becomes a citizen of another nation, he forfeits his pension.

UNITED STATES.

The oath, when taken by an alien, does not affect his citizenship in the United States. It does not make him a citizen in whole or in part. It does not affect franchise, devolution of property, marriage and divorce, or a pension—except as to Indian wars.

In time of peace no person who is not a citizen of the United States or who has not made legal declaration of his intention to become a citizen, and so forth, shall be enlisted for the first enlistment in the Army.

Judge Advocate General E. H. Crowder says: "The statutes appear to contain no provision that a pension shall be forfeited by reason of becoming a citizen of another country. It seems improbable that an executive department would conceive itself to have the power to depart from the general theory of the pension laws, which is to the effect that when a person has become entitled to a pension he has become so by reason of service and not by reason of citizenship—whence it seems necessary to conclude that change of citizenship can not affect the pension."

At the time of his enlistment every soldier shall take the following oath or affirmation: "I, ——— ———, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me according to the Rules and Articles of War."

VENEZUELA.

According to the Military Code of Venezuela only Venezuelans are permitted to serve in the army. Under the provisions of the Federal Constitution it is an attribute of Congress to permit or not the admission of foreigners to the service of the Republic.

The constitutional provision referred to indicates that a foreigner admitted to the service of the Republic does not lose his status as such, and that his services are considered as rendered under a mere contract.

The Venezuelan pension laws refer solely to Venezuelan citizens.

By unanimous consent, Mr. FORDNEY was given leave to revise and extend his remarks in the RECORD.

NAVAL BASE AT HAMPTON ROADS.

Mr. HOLLAND. Mr. Speaker, I was not in the House last Friday when the gentleman from Washington [Mr. JOHNSON] made certain statements which, if true, would reflect on me, on the people of the district I have the honor to represent, on the Secretary of the Navy and several of his trusted advisers, and especially on the owners of the property recently acquired by the Government for a naval operating base on Hampton Roads. Usually I pay no attention to remarks based on mere idle gossip, but as this speech has been printed in the CONGRESSIONAL RECORD and might accidentally be read by those who do not know the facts, I shall depart from my usual rule and ask that I may be given time to make a short reply.

Mr. STAFFORD. Will the gentleman give the page of the RECORD where the remarks of the gentleman from Washington [Mr. JOHNSON] are printed?

Mr. HOLLAND. Page 7253.

The gentleman repeats certain slanderous statements which he claims were made to him by certain citizens of Newport News and Norfolk in reference to the value of the naval-base property and the manner in which it was acquired, accuses the people of my district of indefensible profiteering, and then boastfully declares that his own people were good enough to buy and give to the Government for war purposes a great tract of land of 80,000 acres. "The two transactions," said he, "stand out in vivid contrast."

I shall not believe that such slanderous statements were made by reputable citizens until the gentleman has furnished me their names and I have had an opportunity to investigate their standing at home. Reputable citizens do not so willfully slander the people among whom they live. I know there are a number of sensational gossipers in every community, whose chief delight consists in running around and telling idle tales, and the men who expressed the opinions claimed were evidently men of this kind and not worthy and patriotic citizens. The very statements furnish the best evidence that they were not, and belie the good sense, the good judgment, and the patriotism of the men who made them. Men who stand idly by and silently and knowingly permit a fraud to be perpetrated on their Government which by their own statements they might have prevented are almost as criminal as the men who actually perpetrate it. I have no patience with men who have evidence of wrongdoing and then deliberately fail or refuse to disclose it. I would never make the statements of such men the basis of slanderous speech in this House. I would never offer their utterances as proof of the accuracy of my own statements. But some people love to repeat gossip and without investigating its truth or falsity.

I advocated the purchase of this property at the price at which it was offered by the owners, and to that extent I am responsible for its acquisition by the Government. Before advocating its purchase I ascertained that Secretary Daniels, following the example of Secretaries Meyer and Bonaparte and the advice of every expert in his department, had recommended its purchase or condemnation. It was declared by them to be the only available, satisfactory site on Hampton Roads that could be developed and equipped as a fleet-operating base and that its acquisition was essential for war purposes. If the Secretary of the Navy and his advisers, the men responsible, especially in time of war, for keeping the Navy in a proper and efficient condition, can not be safely trusted to determine what property is urgently needed for "war purposes," then, in God's name, who can be trusted? I reached no hurried or biased conclusion as to its value. I read the statements of the Secretary of the Navy and his expert advisers, who recommended its purchase at the price named by the owners, and I then advised with hundreds of the most representative business men of Norfolk, men fully acquainted with real-estate values in that section and having no interest in the property, before I reached the conclusion that the price was fair and just. I had absolutely no interest in the property. My constituents were able to hold it and had no need or inclination to resort to improper methods to dispose of it. And I brand as slanderous and as absolutely untrue even an indirect intimation that I would aid or abet one or a number of my constituents in any scheme to impose upon the Government. I would brand it in still stronger language if the rules of this House would permit. When I can not render the Government, as well as my constituents, honest and patriotic service, I shall then become unworthy to be a Member of this great body. But why did not these patriots at least furnish me the information which it is claimed was given to the gentleman from Washington?

Nor do the facts justify the statements said to have been made by these gentlemen that the owners of this property are unpatriotic and have imposed on the Government. Such statements are also slanderous and untrue. The owners offered to sell the property to the Government for the sum of $1,400,000, and we have the statement of the Secretary of the Navy that this was a just and fair price. We have also the statements of Capt. McKean and other naval experts who were appointed to make a special investigation of the subject matter to the same effect. Do you question their honesty or their judgment? Do you not at least believe that they had sense enough to discover an attempt to impose on the Government, if any such attempt had been made? When this proposition was under discussion in the House and some question was raised as to the value of the property, I made the offer, on the part of the owners, to have its value determined by condemnation or by any other fair method. I was willing to trust the courts to determine its value. But subsequently the House, upon the recommendation of the Committee on Naval Affairs, authorized its condemnation and directed that its value should be determined by a board or commission appointed for that purpose. This board was appointed by order of July 21, 1917, and after a careful and painstaking investigation, made on the premises, with opportunity to every one who desired it to be heard, submitted its award on the 5th day of December, 1917. It awarded the owners the sum of $1,422,935. This award was subsequently approved by the Secretary of the Navy and by the President. The gentleman from Washington evidently was not familiar with these facts. They refute, and beyond question, his indefensible statement, based on the weakest kind of evidence, that the owners "worked" the Government for a fancy price for their property. Did the Secretary of the Navy and his expert advisers and also the special board to determine its value corruptly collude with the owners in the perpetration of a fraud upon the Government? No one would believe this. And yet the owners, if they "worked" the Government, must have done so through these officials. But where were these patriots all this time? Why did not they appear before this board, which for four long months, and on the premises, was making diligent effort to ascertain the real value of this property, and testify that the Government was about to be "worked" for a fancy price? This would have been far more patriotic than to indulge now in unwarranted criticism.

The people of the district I have the honor to represent are with few exceptions native-born Americans. They are as loyal, as patriotic, as honest, and as severely condemn profiteering as the citizens of any other State. They have shown their courage and their patriotism in every crisis that has confronted this Government; and history will prove that this has been done by their deeds, not by their professions. I have no indictment to bring against the people of the great State of Washington. I would not bring an indictment against them upon the testimony of mere gossipers. The very name "Washington" is sacred to all Virginians. But I do most strongly resent the insinuations of its Representative in this body and his boastful intimation that his people are more honest, more loyal, or more patriotic than are the people of old Virginia. I recall the old story of the man who stood up in the temple and boastfully thanked God that he was better than other men and especially better than the poor man who at the same time was beseeching his Father to be merciful to him a sinner. That story has always impressed me, and I have made it a rule never to boast of my own good deeds and never to impugn the motives of men who may be just as honest and just as patriotic as I profess to be. I commend this story to the gentleman from Washington, and if he will read it I do not believe he will again wrongfully and unjustly condemn the people of an entire community. People are frequently better than we think they are. This is no time for crimination or recrimination. The boys from Washington and from Virginia are doubtless now standing side by side on the battle front, each vying with the other in a supreme effort to win this war. Why can not we, as the Representatives of the same great States, stop indulging in such unjust criticisms and stand side by side in united effort to accomplish the same great purpose? Such a course would furnish the best evidence of a more genuine patriotism.

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] is recognized for not to exceed 10 minutes.

Mr. JOHNSON of Washington. Mr. Speaker, in the few remarks made by me on Friday afternoon during the discussion of the Army appropriation bill I discussed the price paid by the Government for the site of the old Jamestown Exposition property in Virginia. I beg to assure the House that I had no thought in mind of reflecting upon the activities of the gentleman from Virginia [Mr. HOLLAND], who represents that district. The gentleman has just stated that he wonders why people who said to me that the price was too high did not say so when certain men in that neighborhood were selling this site. Because I presume they knew that the price carried a large part of the losses of the Jamestown Exposition, and would

have been criticised by many of their own fellow citizens if they had so stated. I presume, too, that in many congressional districts the Members, while elected to come here and serve the Nation, are expected, each and every one, to bring home some bacon for his district. That has been the rule. Constituents rarely, if ever, blame a man for getting all that he can for his district. But the House is correcting that a little. But the point in what I said about the Jamestown sale was this: Having stated what the citizens told me about these sales, I said—

Here in the House we have stood by and let things like this go through under the guise of war necessities. We must not do it again. It is not too late to cut down these bills. It is time to quit throwing away money like water.

Mr. Speaker, I said that, and I stand by it. Now, the stories that I heard may have been gossip, told me during a pleasant visit to the National Soldiers' Home in that vicinity, but no one whom I met seemed to know the exact details of the transaction. Every Member of the House here was a party to it. Few Members know the exact details. We were dependent upon reports, and finally upon the conference report. I said Friday that I thought we had paid $1,200,000. I now correct the figures, based on the statement of the gentleman from Virginia himself. We paid $1,422,530, or $200,000 odd more than I thought we paid. I said that they had demanded $1,200,000, and after the thing had been voted down here in the House, the Members of the House not being willing to stand for it, that we had then paid $1,000,000.

I ascertain now that we paid $1,200,000, and I am told that citizens involved in the ownership of the property making that sale were asked to accept that sum, and if any of them were not satisfied with the proposed rate or proportion that they received they could accept 75 per cent in money and sue the Government.

But, Mr. Speaker, I do not care to pursue that any further. It has gone by. It is an example of some high prices that have been paid. This House has been unable to help itself. When we did protest and vote against this, immediately there came statements that we could not controvert that it was an absolute war necessity. That statement was made in the Committee on Naval Affairs, and the statement was also made that the finger of God pointed to this as the place. These men who had it to sell received a price of $1,400,000, when it had been hawked around town for sale at a greatly less price. I stated that the offered price was $300,000, but I am told it was bought at a forced sale for $400,000; that no outsiders bid at the auction, for the reason that they knew that if they bought it that it carried a lot of bills and liens of the collapsed Jamestown Exposition. So, as a matter of fact, after the Secretary of the Navy had recommended this and urged it after the House had turned it down, there were attached to the price paid for it the debts of the Jamestown Exposition. That and the fact the Government wanted it gave it its value.

I have no controversy with the gentleman from Virginia [Mr. HOLLAND]. I know him to be a faithful, hard-working Member of this body, and I will not quarrel with him. His people got the money. Some of them rapped at me a little bit—said this Congress was "easy"—and I claimed I had a right to warn every Member, including myself, that we must scrutinize these bills in the future.

Mr. MAYS. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. MAYS. Does the gentleman have the names of those men who said that this Congress was "easy"?

Mr. JOHNSON of Washington. Yes; I have two or three of the names.

Mr. MAYS. Will the gentleman give the names?

Mr. JOHNSON of Washington. I can do it, but before I do give the names I wish to say that there is a distinguished gentleman from my State who is down there now, and if necessary I can wire him to investigate thoroughly this question.

Mr. MAYS. Will the gentleman give the names?

Mr. JOHNSON of Washington. I have not the names with me at this moment. Now, I find in this morning's New York Sun an editorial concerning another sudden increase in land values, and to show that I do not pick out any one place for criticism I want to say that this locality is near Los Angeles.

Congress appropriated $80,000 for the acquisition of 12 acres of land at Point Vincent, Cal., 12 miles from the harbor, in which to place a new lighthouse. It was owned by a syndicate which demanded $632,000 for the property, $32,000 for the land itself and $600,000 for the depreciation in value of the remaining property of the syndicate at and about Point Vincent, where it is proposed to establish a fine residence section.

Mr. COX. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. COX. Are these profiteers on the Pacific coast going to get that $600,000?

Mr. JOHNSON of Washington. No; when the price was raised $600,000 the lighthouse project was abandoned. Secretary Redfield declined to proceed further with it. The Sun criticizes Mr. Redfield, says he should not have quit, and says that if the Government were always frightened off by the exorbitant claim of landowners the country would have to get along without any more new public buildings, forts, or lighthouses. Then the Sun discusses the right of the Government to the property of its citizens, and in conclusion the editorial states what I think should have been done in the Jamestown case:

A judicial proceeding to condemn the necessary land in this case would settle once for all the vexed questions whether such a claim for the alleged depreciation of land not taken can properly be allowed to augment the award of the land taken.

Now, I think when the purchase price of land reaches such a discussion as this site at Jamestown did the United States Government would do well to have a judicial proceeding to determine the real value and not the value created by the fact that the Government wants it. I know, as every Member knows, that when we go back to our districts this fall and undertake to explain all of these tremendous expenditures of money each Member is likely to pick out for criticism the expenditure which looks to him the rankest, and for myself I am likely to pick out Jamestown and set that $1,400,000 sale in time of war up against the $2,000,000 gift of land by the citizens of Tacoma, in the district which I have the honor to represent.

Mr. CARAWAY. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. CARAWAY. Before the gentleman sits down will he tell the House what he means by each Member wanting to take home some bacon?

Mr. JOHNSON of Washington. Oh, the gentleman knows, surely. I think it has been well known for years past that when a man is elected to Congress and is sent here to help perform full service for this great Government, to participate in the making of laws, he is also expected to look out for the wants of his district—get post-office buildings, river and harbor improvements, nitrate plants, and all that—and if he gets them he will be considered as a good Representative of his district. Of course that does not always mean reelection, for let me say that the man who has taken home the most bacon in recent years was Judge Wickersham, of Alaska, who engineered an appropriation for a railroad in Alaska costing $35,000,000.

Mr. CARAWAY. Mr. Speaker, will the gentleman please say what he means? That does not say what he means by the word "bacon." Does the gentleman mean something that is dishonorable?

Mr. JOHNSON of Washington. Oh, no, no. What I tried to say——

Mr. CARAWAY. Let me finish my question. Will the gentleman say why he used that expression in talking about the Jamestown Exposition space, for which he said the Government pays too much?

Mr. JOHNSON of Washington. Oh, well——

Mr. CARAWAY. Was not the inference that way——

Mr. JOHNSON of Washington. I used it as slang, as an expression of the street. I would not criticize the gentleman from Virginia [Mr. HOLLAND] here or elsewhere for trying to prove that the site was worth $1,400,000. I have not criticized him. His people, most of them, no doubt believe that it was worth that. It had attached to it a part of the debt of the Jamestown Exposition. The criticism falls upon all the rest of us, as we failed to stand by our real judgment in the matter, which is the statement I made in the first place and which is all there is to it.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is unanimous-consent day, and the Chair will ask the gentleman from Illinois [Mr. FOSTER] to take the chair.

Mr. FOSTER assumed the chair as Speaker pro tempore.

SALARY OF DISTRICT ATTORNEY, RHODE ISLAND.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 3563) to increase the salary of the United States district attorney for the district of Rhode Island.

The SPEAKER pro tempore. Is there objection?

Mr. DYER. Mr. Speaker, let us have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the United States district attorney for the district of Rhode Island shall be at the rate of $5,000 a year.

With the following committee amendment:

Line 5, strike out "$5,000" and insert "$3,500."

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. I object.

The SPEAKER pro tempore. The gentleman from Michigan objects, and the Clerk will report the next bill.

Mr. STINESS. Mr. Speaker, before that is done, will the gentleman withhold his objection for a moment?

Mr. CRAMTON. I withhold the objection for a moment.

Mr. STINESS. Mr. Speaker, I hope the gentleman from Michigan will not press his objection at this time. This bill has been here for two years. The recommendation of the United States district judge three years ago was that this salary be increased to $4,000. I know something of the duties of the office, because I held the office just before the present incumbent. I know that during the last two years and since the war these duties have increased very much, and I think there is no reason why this salary should not be increased, on account of the increased duties of the office and on account of the increased cost of living. Because of the war various new duties have been thrust upon the present incumbent, and it seems to me that the salary ought to be increased.

Mr. SANFORD. What is the present salary?

Mr. STINESS. Two thousand five hundred dollars. That salary has been paid for a great many years. It used to be the custom that the person who held the office practiced law generally, but of late years that has changed, and the United States district attorney must now devote all of his time to the duties of the office. If the gentleman from Michigan were familiar with the duties of the office, I know that he would not make the objection.

Mr. DYER. Mr. Speaker, I want also to appeal to the gentleman from Michigan [Mr. CRAMTON] not to object to this bill. It has received very careful consideration from the Committee on the Judiciary. We have had hearings upon it and have gone into it very carefully. The conclusion is that it is an outrage to ask a man of ability to be a district attorney of the United States for the salary that is now being paid in this case. It is far below that paid the district attorneys all over the United States as a general proposition. The Committee on the Judiciary considered this and unanimously reported the bill and urged that it be passed. I hope the gentleman from Michigan will not object to considering the bill upon its merits.

Mr. CRAMTON. Mr. Speaker, reserving the right further to object, I do not care to go into the merits of the bill further than to suggest this, that it is to be assumed that the Department of Justice is as familiar with the needs and merits of that official as any of us, and the report of the committee upon this bill proposes a larger salary than the Department of Justice recommends. Further than that, this same bill was before us in the last Congress, and the question was raised as to the jurisdiction of the Committee on the Judiciary to handle bills of this kind. There is no question about the jurisdiction under the rules, and it is a mystery to me why gentlemen should persist in having their bills referred to a committee that does not have jurisdiction of them. The rules provide that "the examination of the accounts and expenditures of the several departments of the Government and the manner of keeping the same," and so forth, "the abolishment of useless offices, the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction" of the nine standing committees on the public expenditures of the several departments, and that expenditures in the Department of Justice shall be referred to the Committee on Expenditures in the Department of Justice. Rather than raise the point of order on these bills I make objection at this time.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. DYER. Will the gentleman state whether or not any of the committees on the expenditures to which he has referred has ever brought in a bill increasing the pay of a district attorney or a district judge of the United States?

Mr. CRAMTON. I shall answer the gentleman by stating that at this session of Congress the Committee on Expenditures of the Department of Justice, of which I am a member, has recommended a bill for the increase of the salary of a district attorney in the district of Connecticut, and that bill is now on the calendar.

Mr. STINESS. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. STINESS. I would suggest to the gentleman that the recommendation made here by the judge of the district court and also by the Department of Justice was made two years ago. Since that time we have been in war. About Narragansett Bay there are a dozen forts where there are a large number of soldiers, and there are a great many prosecutions for the sale of liquor in the war zone, and other offenses.

There have been a great many prosecutions under the espionage act and other matters of that kind, so that there has been a very large increase in the duties of the office. Now, I have no quarrel with the gentleman from Michigan about what committee this should go to; I do not care. If it has gone to the wrong committee I am sorry, but the fact is that the man who performs the duties of the office at $2,500 a year should be paid at least $5,000, and it seems to me fair to consider this as a war measure, because these duties have increased on account of the war, and with all these forts and soldiers and new duties it seems to me this man should be paid more. Now, when I held that office, which was immediately before the present incumbent, when I first went into the office there was not so much to do. We had two terms of the grand jury a year, and it took four or five days for a term. The work increased after that, so that the grand jury is in almost continuous session and sits there three or four weeks at a time. I did not ask for an increase in my own salary because a different administration had come in, and I realized that it was not going to be long that I would remain in that office. This gentleman took my place. He is a good Democrat, he is a good official, he is capable, he is performing the duties with ability, and because this bill has gone to some committee to which the gentleman thinks it should not have gone, I hope he will not let that stand in the way of giving this man the salary to which he is entitled. He can not live on $2,500, and there is no use talking about it. It is not a living salary, as the gentleman knows, and therefore I hope he will withdraw any objection that he has about its going from one committee to another and let the bill pass on its merits.

Mr. CRAMTON. I suggest to the gentleman that the consideration as to the cost of living, and so forth, will apply to all district attorneys, and it seems to me the logical way is to have the whole subject given consideration in an exhaustive way by the proper committee.

Mr. STINESS. I will say to the gentleman that this case is different from the ordinary cases of district attorneys, because on account of the war many activities are centered in the district. There is the naval training station, the torpedo station, and thousands and thousands of men are there who were not there before.

Mr. RAKER. Will the gentleman yield? There has been more or less controversy over this matter and measures of a similar nature. There has been a contest on the floor of this House whether these small committees are doing work. There was a question whether or not they should have assistance when Congress met at the beginning of the session. Under the rules this committee has jurisdiction of this class of bills. The Judiciary Committee and the large committees of the House are flooded with business, and why do not you ask unanimous consent to have the bill stricken from the calendar and refer it to the Committee on Expenditures in the Department of Justice, and the gentleman will get his bill reported out. It ought to be objected to, we ought not to let the bill go through.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. O'SHAUNESSY. Mr. Speaker, I would like to have a word to say. I am the man who introduced the bill, and I am very grateful to the gentleman from Rhode Island [Mr. STINESS] for saying something in advocacy of it. Because I felt anything I might say to the gentleman from Michigan would be absolutely lost upon him. I kept quiet. Anything I might say would be absolutely lost on him. I have tried to save the time of the House. Whatever effort I made would be in vain, dealing, as I was, with that kind of intelligence.

Mr. CRAMTON. Mr. Speaker, objection not having been made the second time to letting the bill go through in the last Congress in this shape, the gentleman did not appreciate the courtesy, but comes in this Congress and insists again on it after he had notice that I objected.

Mr. O'SHAUNESSY. Mr. Speaker, let me say——

Mr. CRAMTON I will object, Mr. Speaker.

Mr. O'SHAUNESSY. May I ask unanimous consent to address the House for a minute?

Mr. CRAMTON. Mr. Speaker, I object.

[Mr. O'SHAUNESSY here used words which were subsequently stricken out.]

Mr. CRAMTON. Mr. Speaker, I make the point of order, and I ask that the gentleman's words be taken down.

[Mr. O'SHAUNESSY here used words which were subsequently stricken out.]

Mr. WALSH. I ask that the last remark of the gentleman from Rhode Island [Mr. O'SHAUNESSY] be taken down. The gentleman can not stand here and insult the House.

The SPEAKER pro tempore. The gentleman will withhold until the Chair can state the question.

Mr. CRAMTON. I make the point of order that the gentleman from Rhode Island [Mr. O'SHAUNESSY] did not have the floor, and that his language can not appear in the RECORD.

The SPEAKER pro tempore. It was by unanimous consent only, and anyone has a right to object. But the gentleman demands that the words be taken down.

Mr. WALSH. I ask that the second remark be taken down.

The SPEAKER pro tempore. The gentleman from Massachusetts asks that the second remark of the gentleman from Rhode Island [Mr. O'SHAUNESSY] be taken down. It will be done.

Mr. O'SHAUNESSY. Mr. Speaker, in order to let business proceed, I will withdraw the remark. Possibly we will find others at another time.

Mr. DYER. Mr. Speaker, I object, unless he has the right under the rules to do that.

The SPEAKER pro tempore. When a request is made that the words be taken down, it can not be withdrawn except by unanimous consent. Is there objection?

Mr. SMITH of Idaho. I object. I insist that the words be taken down and that the House pass upon them.

The SPEAKER pro tempore. The Clerk will report the language objected to.

The words objected to and afterwards ordered stricken from the RECORD were read by the Clerk.

Mr. RUSSELL. Mr. Speaker, I move that the words be stricken from the RECORD.

The SPEAKER pro tempore. Those in favor of the motion will say "aye," those opposed "no"——

Mr. DYER. On that I make the point of order that there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present, and the Clerk will call the roll.

Mr. RUSSELL. I move a call of the House.

The SPEAKER pro tempore. This is an automatic call of the House.

Mr. WALSH. I desire to inquire of the Chair if we are in the House or not. If so, where is the mace?

The SPEAKER pro tempore. We are in the House.

The Clerk will call the roll. Those in favor of expunging the words from the RECORD will, as their names are called, answer "yea," and those opposed will answer "nay."

The question was taken; and there were—yeas 269, answered "present" 6, not voting 155, as follows:

YEAS—269.

Alexander	Dewalt	Haugen	McKenzie
Almon	Dickinson	Hawley	McLemore
Anderson	Dill	Hayden	Madden
Ashbrook	Dillon	Heflin	Mansfield
Aswell	Dixon	Helm	Mapes
Ayres	Dominick	Helvering	Martin
Bankhead	Doolittle	Hensley	Mays
Barkley	Dupré	Hersey	Meeker
Barnhart	Dyer	Holland	Merritt
Beakes	Eagan	Huddleston	Miller, Minn.
Beshlin	Eagle	Hull, Iowa	Miller, Wash.
Black	Edmonds	Hull, Tenn.	Mondell
Blackmon	Elliott	Humphreys	Moon
Blanton	Ellsworth	Igoe	Moores, Ind.
Borland	Elston	James	Morgan
Brand	Esch	Johnson, Ky.	Mott
Britten	Evans	Johnson, Wash.	Mudd
Browne	Fairfield	Jones	Neely
Buchanan	Farr	Juul	Nelson
Burnett	Ferris	Kearns	Nicholls, S. C.
Burroughs	Fess	Keating	Nolan
Byrnes, S. C.	Fields	Kelly, Pa.	Oldfield
Byrns, Tenn.	Focht	Kennedy, Iowa	Oliver, Ala.
Campbell, Kans.	Fordney	Kettner	Oliver, N. Y.
Campbell, Pa.	Foster	Key, Ohio	Olney
Candler, Miss.	Frear	Kincheloe	Osborne
Cannon	Freeman	King	O'Shaunessy
Cantrill	French	Kinkaid	Park
Carlin	Fuller, Ill.	Knutson	Parker, N. J.
Carter, Okla.	Fuller, Mass.	Kraus	Platt
Chandler, N. Y.	Gallivan	La Follette	Polk
Chandler, Okla.	Gard	Langley	Pou
Church	Garner	Larsen	Purnell
Claypool	Garrett, Tenn.	Lazaro	Quin
Cleary	Garrett, Tex.	Lea, Cal.	Ragsdale
Coady	Glynn	Lee, Ga.	Rainey, H. T.
Collier	Godwin, N. C.	Lehlbach	Raker
Connally, Tex.	Good	Linthicum	Randall
Connelly, Kans.	Goodall	Little	Rankin
Cooper, Wis.	Goodwin, Ark.	Littlepage	Rayburn
Cox	Gould	Lobeck	Reavis
Crosser	Graham, Ill.	London	Robbins
Curry, Cal.	Gray, Ala.	Lonergan	Roberts
Dallinger	Greene, Vt.	Longworth.	Robinson
Davis	Hadley	Lufkin	Rodenberg
Decker	Hamilton, Mich.	Lundeen	Rogers
Delaney	Hamlin	Lunn	Romjue
Dempsey	Hardy	McAndrews	Rouse
Denison	Harrison, Miss.	McArthur	Rubey
Dent	Harrison, Va.	McClintic	Rucker
Denton	Haskell	McCulloch	Russell
Sanders, Ind.	Steagall	Towner	White, Me.
Sanders, La.	Stedman	Van Dyke	White, Ohio
Sanders, N. Y.	Steele	Venable	Williams
Sanford	Steenerson	Vestal	Wilson, Ill.
Schall	Stephens, Miss.	Vinson	Wilson, La.
Scott, Iowa	Sterling, Pa.	Voigt	Wilson, Tex.
Scott, Mich.	Strong	Volstead	Wingo
Shallenberger	Sumners	Waldow	Winslow
Sims	Switzer	Walker	Wood, Ind.
Sinnott	Tague	Walsh	Woodyard
Slayden	Taylor, Ark.	Walton	Wright
Slemp	Taylor, Colo.	Wason	Young, N. Dak.
Smith, Idaho	Temple	Watkins	Young, Tex.
Smith, Mich.	Thomas	Watson, Va.	Zihlman
Smith, C. B.	Thompson	Welling	
Snook	Tillman	Whaley	
Stafford	Timberlake	Wheeler	

ANSWERED "PRESENT"—6.

Cramton	Hastings	McKeown	Stiness
Dowell	Jacoway		

NOT VOTING—155.

Anthony	Emerson	Kelley, Mich.	Rowe
Austin	Estopinal	Kennedy, R. I.	Rowland
Bacharach	Fairchild, B. L.	Kiess, Pa.	Sabath
Baer	Fairchild, G. W.	Kitchin	Saunders, Va.
Bell	Fisher	Kreider	Scott, Pa.
Bland	Flood	LaGuardia	Scully
Booher	Flynn	Lesher	Sears
Bowers	Foss	Lever	Sells
Brodbeck	Francis	McCormick	Shackleford
Browning	Gallagher	McFadden	Sherley
Brumbaugh	Gandy	McKinley	Sherwood
Butler	Garland	McLaughlin, Mich.	Shouse
Caldwell	Gillett	McLaughlin, Pa.	Siegel
Caraway	Glass	Magee	Sisson
Carew	Gordon	Maher	Sloan
Carter, Mass.	Graham, Pa.	Mann	Small
Cary	Gray, N. J.	Mason	Smith, T. F.
Clark, Fla.	Green, Iowa	Montague	Snell
Clark, Pa.	Greene, Mass.	Moore, Pa.	Snyder
Classon	Gregg	Morin	Stephens, Nebr.
Cooper, Ohio	Griest	Nichols, Mich.	Sterling, Ill.
Cooper, W. Va.	Griffin	Norton	Stevenson
Copley	Hamill	Overmyer	Sullivan
Costello	Hamilton, N. Y.	Overstreet	Sweet
Crago	Hayes	Padgett	Swift
Crisp	Heaton	Paige	Talbott
Currie, Mich.	Heintz	Parker, N. Y.	Templeton
Dale, N. Y.	Hicks	Peters	Tilson
Dale, Vt.	Hilliard	Phelan	Tinkham
Darrow	Hollingsworth	Porter	Treadway
Davidson	Hood	Powers	Vare
Dies	Houston	Pratt	Ward
Donovan	Howard	Price	Watson, Pa.
Dooling	Husted	Rainey, J. W.	Weaver
Doremus	Hutchinson	Ramsey	Webb
Doughton	Ireland	Ramseyer	Welty
Drane	Johnson, S. Dak.	Reed	Wise
Drukker	Kahn	Riordan	Woods, Iowa
Dunn	Kehoe	Rose	

The Clerk announced the following pairs:

Until further notice:

Mr. BRUMBAUGH with Mr. DALE of Vermont.

Mr. HILLIARD with Mr. MASON.

Mr. BELL with Mr. NICHOLS of Michigan.

Mr. CALDWELL with Mr. KENNEDY of Rhode Island.

Mr. GRIFFIN with Mr. COOPER of West Virginia.

Mr. DONOVAN with Mr. IRELAND.

Mr. BOOHER with Mr. HAMILTON of New York.

Mr. BRODBECK with Mr. TINKHAM.

Mr. SEARS with Mr. DOWELL.

Mr. LEVER with Mr. MCLAUGHLIN of Michigan.

Mr. OVERMYER with Mr. DUNN.

Mr. HOOD with Mr. HEATON.

Mr. STEPHENS of Nebraska with Mr. GEORGE W. FAIRCHILD.

Mr. SHACKLEFORD with Mr. AUSTIN.

Mr. SISSON with Mr. FOSS.

Mr. CAREW with Mr. ANTHONY.

Mr. DALE of New York with Mr. BACHARACH.

Mr. TALBOTT with Mr. BROWNING.

Mr. CRISP with Mr. CARTER of Massachusetts.

Mr. CARAWAY with Mr. BLAND.

Mr. DIES with Mr. BOWERS.

Mr. CLARK of Florida with Mr. BUTLER.

Mr. DOREMUS with Mr. COPLEY.

Mr. DRANE with Mr. CRAGO.

Mr. ESTOPINAL with Mr. CURRIE of Michigan.

Mr. FLOOD with Mr. DAVIDSON.

Mr. FLYNN with Mr. EMERSON.

Mr. GALLAGHER with Mr. BENJAMIN L. FAIRCHILD.

Mr. GANDY with Mr. NORTON.

Mr. GORDON with Mr. GARLAND.

Mr. GLASS with Mr. GILLETT.

Mr. GREGG with Mr. GRAHAM of Pennsylvania.

Mr. HAMILL with Mr. GRAY of New Jersey.

Mr. HOWARD with Mr. GREENE of Massachusetts.

Mr. KEHOE with Mr. GRIEST.

Mr. HOUSTON with Mr. HAYES.

Mr. KITCHIN with Mr. HUSTED.

Mr. LESHER with Mr. HUTCHINSON.
Mr. MAHER with Mr. HICKS.
Mr. MONTAGUE with Mr. KAHN.
Mr. OVERSTREET with Mr. KIESS of Pennsylvania.
Mr. PHELAN with Mr. KREIDER.
Mr. PRICE with Mr. MCFADDEN.
Mr. PADGETT with Mr. MCKINLEY.
Mr. RIORDAN with Mr. SIEGEL.
Mr. SABATH with Mr. SLOAN.
Mr. SCULLY with Mr. ROWE.
Mr. SAUNDERS of Virginia with Mr. SNELL.
Mr. SHERLEY with Mr. STERLING of Illinois.
Mr. SHOUSE with Mr. SWIFT.
Mr. SHERWOOD with Mr. TILSON.
Mr. SMALL with Mr. TREADWAY.
Mr. THOMAS F. SMITH with Mr. WARD.
Mr. STEVENSON with Mr. KELLEY of Michigan.
Mr. SULLIVAN with Mr. PRATT.
Mr. WEBB with Mr. MAGEE.
Mr. WEAVER with Mr. CLARK of Pennsylvania.
Mr. WELTY with Mr. MOORE of Pennsylvania.
Mr. WISE with Mr. PAIGE.
Mr. DOOLING with Mr. MCCORMICK.
Mr. FISHER with Mr. PETERS.
Mr. DOUGHTON with Mr. FRANCIS.
Mr. JOHN W. RAINEY with Mr. REED.

Mr. DOWELL. Mr. Speaker, I am paired with the gentleman from Florida, Mr. SEARS. I desire to withdraw my vote of "yea" and be recorded as voting "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present, and the Doorkeeper will open the doors. The Clerk will call the next bill on the calendar.

MEDALS OR DECORATIONS RECEIVED FROM FOREIGN COUNTRIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 2796) to permit American citizens to wear medals or decorations received from certain foreign countries on entering the military or naval service of the United States, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, when this bill was last under consideration I understood the gentleman from Tennessee [Mr. PADGETT] had some remarks to make about it. I do not see him here at the present time. I ask unanimous consent that the bill be passed over at the present time without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be passed over at the present time without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will call the next bill.

MEDALS OF HONOR AND DISTINGUISHED-SERVICE MEDALS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1720) to provide for the award of medals of honor and distinguished-service medals.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand that the Committee on Military Affairs is about to report a bill that will have the full support of the War Department. Therefore I object to the present consideration of this bill.

The SPEAKER pro tempore. The gentleman from Wisconsin objects, and the bill will be stricken from the calendar. The Clerk will report the next bill.

JUDGMENT IN FAVOR OF THE CHEROKEE NATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4699) providing for the payment of certain interest on items 1 and 4 of the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokee Nation.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that this bill be passed over without objection.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. WALSH. I object to the consideration.

The SPEAKER pro tempore. The gentleman from Massachusetts objects, and the bill will be stricken from the calendar. The Clerk will report the next bill.

CLAIMS OF CHEROKEE NATION AGAINST THE UNITED STATES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 357) conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. WALSH. I object.

The SPEAKER pro tempore. The gentleman from Massachusetts objects. The Clerk will call the next bill.

INJURIES TO GREEK NATIONALS IN SOUTH OMAHA, NEBR.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 69) to authorize the payment of indemnities to the Government of Austria-Hungary, Greece, and Turkey for injuries inflicted on its nationals during riots occurring in South Omaha, Nebr., February 21, 1909.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The bill is stricken from the calendar. The Clerk will call the next bill.

ROCKY MOUNTAIN NATIONAL PARK, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 171) to repeal the last proviso of section 4 of an act to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes, approved January 26, 1915.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The Clerk will call the next bill.

SALARIES IN CUSTODIAN SERVICE, TREASURY DEPARTMENT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 344) for the regulation of salaries in the custodian service of the Treasury Department.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. COX. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana objects. The bill is stricken from the calendar.

DETERMINATION OF HEIRSHIP, FIVE CIVILIZED TRIBES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10590) to provide for a determination of heirship in cases of deceased members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Tribes of Indians in Oklahoma, conferring jurisdiction upon district courts to partition lands belonging to full-blood heirs of allottees of the Five Civilized Trbes, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think some explanation ought to be made as to the necessity for passing this bill before waiving the right of objection.

Mr. CARTER of Oklahoma. Mr. Speaker, the reasons for the first section of the bill are set forth pretty clearly in the report, and especially in the brief of Mr. Semple, which, I am sure, the gentleman from Wisconsin has read.

Mr. STAFFORD. Mr. Speaker, will the gentleman permit a question?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. I think the House will be interested in that phase of the bill which seeks to make retroactive proceedings as to the title of real estate of Indians, to which this bill relates. I think that is rather an objectionable feature of the bill.

Mr. CARTER of Oklahoma. I agree with the gentleman, Mr. Speaker, and if unanimous consent is given to pass this bill I will then ask unanimous consent to substitute the Senate bill 4151 for this bill. That bill has already passed the Senate, and it eliminates that part of the bill which is retroactive.

Mr. STAFFORD. So, then, the gentleman is in favor of striking out that provision of the bill which would make retroactive decisions as to realty?

Mr. CARTER of Oklahoma. I am perfectly willing to do that.

Mr. STAFFORD. I would like to ask the gentleman one further question, which relates to a different subject matter, and that is as to the provision authorizing the partition of real estate of Indians where an interest is owned by a restricted Indian.

Mr. CARTER of Oklahoma. The situation is about this: The act of Congress approved May 28, 1908, undertook to confer jurisdiction for a complete settlement of inherited estates on the Oklahoma State courts. Now, the county courts constitute the probate courts of our State, but the Oklahoma laws specifically vest jurisdiction for partition in the district courts. This leaves us with no tribunal competent to partition inherited estates where the rights of one restricted heir is involved.

Many of these estates descend to both restricted and unrestricted heirs. The unrestricted heirs may be held up indefinitely by one restricted heir, their interests jeopardized, and their part of the estate made almost worthless.

Land buyers sometimes get undivided interests for much less than actual value because no valid title can be made. The gentleman can understand how havoc can be played with titles, values, and legitimate development under such unsatisfactory and indefinite procedure as that existing now.

Mr. STAFFORD. Are there many instances where the land is owned exclusively by restricted Indians?

Mr. CARTER of Oklahoma. Where the inherited estates are owned exclusively by restricted Indians?

Mr. STAFFORD. Where the inherited estates descend to heirs who are exclusively, or a major portion of them, restricted Indians?

Mr. CARTER of Oklahoma. That is true in some cases, but in many cases the inherited estate descends to both restricted and unrestricted heirs. An exception to that, of course, would be the immediate descendants, the children of the deceased persons, both of whom fall in the restricted class. Where there are no children, then the gentleman can see that the descent might go to unrestricted as well as restricted Indians. And in some cases you will find that the sons and daughters of a father may some of them be restricted and some unrestricted, because some are the children of an Indian mother and others the children of a white woman.

Mr. STAFFORD. Then the gentleman has no question that this provision will not work any injury to the rights of the restricted Indians, but will be beneficial to them?

Mr. CARTER of Oklahoma. It will not be injurious to the restricted Indians and it will work great benefit to the unrestricted Indians.

Mr. STAFFORD. I can understand how it will work great benefit to the unrestricted Indians in case among the heirs at law there are but one or two restricted Indians, because the sale of the interest in the real estate in which he owns an undivided share is forbidden. Will the gentleman inform the House what is the present method of the determination of heirships among the Indians of the Five Civilized Tribes?

Mr. CARTER of Oklahoma. Full-blood Indians?

Mr. STAFFORD. Yes.

Mr. CARTER of Oklahoma. There is at present no procedure for the determination of heirship. There is no such thing as a final determination of the heirship of full-blooded Indian heirs in the Five Civilized Tribes.

Mr. STAFFORD. This first section of the bill endeavors to provide a method of the determination of that heirship?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. So far as I am concerned, I have no objection to the consideration of the bill.

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Oklahoma if the Senate bill which he suggested he would offer as a substitute contains the language which Mr. Secretary Lane, in a letter of March 16, 1918, to the gentleman from Oklahoma [Mr. CARTER], said he would like to see incorporated in House bill 10590?

Mr. CARTER of Oklahoma. Yes; if the gentleman will look at the report, he will see that the language is as follows:

Provided, That an appeal may be taken in the manner and to the court provided by law in cases of appeal in probate matters generally.

That is contained in the Senate bill.

Mr. COOPER of Wisconsin. Yes; but that other language, which I see is in the House bill in accordance with the suggestion of the Secretary of the Interior, is that in the Senate bill? This is the language to which I refer:

That the lands of full-blood members of any of the Five Civilized Tribes are hereby made subject to the laws of the State of Oklahoma providing for the partition of real estate. Any land allotted in such proceedings to a full-blood Indian, or conveyed to him upon his election to take the same at the appraisement, shall remain subject to all restrictions upon alienation and taxation obtaining prior to such partition. In case of a sale under any decree or partition the conveyance thereunder shall operate to relieve the land described of all restrictions of every character.

Mr. CARTER of Oklahoma. That is in the bill as passed by the Senate, which I will have read if we get unanimous consent for consideration.

Mr. COOPER of Wisconsin. I notice that is contained in the letter of the Secretary of the Interior to which I refer, and he says that he recommends the enactment of the House bill if it is amended in accordance with this particular suggestion.

Mr. CARTER of Oklahoma. The amendments are carried in the Senate bill.

Mr. COOPER of Wisconsin. Is there any other language in the Senate bill which will at all contradict these amendments?

Mr. CARTER of Oklahoma. The only provision placed in the Senate bill which is not in the House bill is down in the middle of section 1, and is this language:

But this provision shall not be construed to reopen the question of the determination of an heirship already ascertained by competent legal authority under existing law.

That has been added in the Senate bill, I understand, at the suggestion of the department.

Mr. COOPER of Wisconsin. That particular clause would not in any way affect the two amendments suggested by the Secretary?

Mr. CARTER of Oklahoma. No; it would not.

Mr. COOPER of Wisconsin. Which are incorporated in the bill?

Mr. CARTER of Oklahoma. It would not affect them.

Mr. STAFFORD. Will the gentleman yield?

Mr. CARTER of Oklahoma. I yield to the gentleman.

Mr. STAFFORD. Since I last addressed the gentleman my attention has been called by the gentleman from Alabama [Mr. HUDDLESTON] to a decision rendered by the Supreme Court of the United States to-day which passes upon the question of the heirship or title to lands of Indians of the Five Civilized Tribes. Of course, the gentleman can not be acquainted with the scope of that opinion, and I think perhaps in view of that decision it might be well to let this bill be passed over temporarily, to see just what the scope of the decision of the Supreme Court is.

Mr. HASTINGS. If the gentleman will permit, this bill deals with procedure. I think the decision of the Supreme Court, from what I hear, only deals with the rights of the heirs. This bill, as the gentleman understands, deals with the method of determining the heirs and not what the rights of the heirs are. The decision of the Supreme Court did not deal with that question nor could it deal with section 2 giving the district courts of Oklahoma jurisdiction where, in the decision of Coleman against Battiest, it was held under existing law our Supreme Court did not have jurisdiction. So the passage of this bill could not possibly do any damage. Let me say to the gentleman, while I am on my feet, that this bill is recommended by the Secretary of the Interior, it is recommended by the Senate Committee on Indian Affairs, and it has been passed by the Senate, and recommended by the House Committee on Indian Affairs, and there is no opposition to it.

Mr. CARTER of Oklahoma. And it has been requested by the Federal land bank at Wichita, Kans.

Mr. STAFFORD. I know the influences back of the bill, and I recognize the need, but I thought it might be better to postpone it in order that we might get acquainted with the decision of the Supreme Court.

Mr. HASTINGS. I think, as I have said, that the decision of the Supreme Court only deals with the rights and not with the method of determining the heirs.

Mr. CARTER of Oklahoma. And the question of there not being a procedure for the determination of the heirs has been passed upon by the Supreme Court long ago. We have no way of determining the heirs unless this bill is passed.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. COOPER of Wisconsin. I notice as the bill was originally introduced it provided that in the determination of questions of fact as to who were the heirs the decision of the probate court in the State of Oklahoma conducted in the manner provided by the laws of the State for the determination of heirship should be conclusive of the question, and then I observe that the House committee inserted a proviso:

That an appeal may be taken in the manner and to the court provided by law, in cases of appeal in probate matters generally.

That is an exceedingly important proviso.

Mr. CARTER of Oklahoma. That is in the Senate bill. The Senate placed it in this bill; and if the gentleman will permit me, the original bill from which the gentleman is reading was

introduced at the suggestion of the attorney for the Federal land bank at Wichita, Kans. He simply sent the bill to me, and I introduced it; it was sent in the regular course to the Secretary of the Interior, and the Secretary suggested certain changes, every one of which has been adopted in the bill reported and in the bill as passed by the Senate.

Mr. COOPER of Wisconsin. The gentleman will see that if Congress should enact a law and say that the decision of the probate court in Oklahoma shall bar any attempt at an appeal——

Mr. CARTER of Oklahoma. I think what the gentleman says is very important, and I was glad the Secretary called my attention to it, so we put it in the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent that the bill S. 4151 on the Speaker's table be considered in lieu of the House bill.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent that the Senate bill 4151 be substituted for the House bill. Is there objection?

Mr. WALSH. Reserving the right to object, did I understand the gentleman to say that this bill was on the Speaker's table?

Mr. CARTER of Oklahoma. The Senate bill is on the Speaker's table.

The SPEAKER pro tempore. Is there objection to taking the Senate bill from the Speaker's table and substituting it for the House bill?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a determination of the question of fact as to who are the heirs of any deceased citizen allottee of the Five Civilized Tribes of Indians who may die or may have heretofore died, leaving restricted heirs, by the probate court of the State of Oklahoma having jurisdiction to settle the estate of said deceased, conducted in the manner provided by the laws of said State for the determination of heirship in closing up the estates of deceased persons, shall be conclusive of said question: *Provided*, That an appeal may be taken in the manner and to the court provided by law in cases of appeal in probate matters generally: *Provided further*, That where the time limited by the laws of said State for the institution of administration proceedings has elapsed without their institution, as well as in cases where there exists no lawful ground for the institution of administration proceedings in said courts, a petition may be filed therein having for its object a determination of such heirship and the case shall proceed in all respects as if administration proceedings upon other proper grounds had been regularly begun, but this proviso shall not be construed to reopen the question of the determination of an heirship already ascertained by competent legal authority under existing laws: *Provided further*, That said petition shall be verified, and in all cases arising hereunder service by publication may be had on all unknown heirs, the service to be in accordance with the method of serving nonresident defendants in civil suits in the district courts of said State; and if any person so served by publication does not appear and move to be heard within six months from the date of the final order, he shall be concluded equally with parties personally served or voluntarily appearing.

SEC. 2. That the lands of full-blood members of any of the Five Civilized Tribes are hereby made subject to the laws of the State of Oklahoma providing for the partition of real estate. Any land allotted in such proceedings to a full-blood Indian, or conveyed to him upon his election to take the same at the appraisement, shall remain subject to all restrictions upon alienation and taxation obtaining prior to such partition. In case of a sale under any decree, or partition, the conveyance thereunder shall operate to relieve the land described of all restrictions of every character.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CARTER of Oklahoma, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill H. R. 10590, to provide for a determination of heirship in cases of deceased members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Tribes of Indians in Oklahoma, conferring jurisdiction upon district courts to partition lands belonging to full-blood heirs of allottees of the Five Civilized Tribes, and for other purposes, was laid on the table.

NUMBERING AND RECORDING OF UNDOCUMENTED VESSELS.

The next bill on the Calendar for Unanimous Consent was the bill S. 1549, an act to require numbering and recording of undocumented vessels.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I would like to ask the gentleman what is the necessity for the United States taking jurisdiction of these motor-propelled boats, 16 feet in length and over, whether they have a permanent or a detachable motor, as this bill proposes to do?

Mr. ALEXANDER. We have two hundred and fifty or three hundred thousand motor boats plying in different waters, chiefly on the Atlantic coast, which are not numbered, and there are no means for identification. It is important to identify them, first, for the purposes of taxation, and, second, if they violate the rules of the road.

The statute of 1910 provides that all motor boats shall have lights, life preservers, whistles, means for extinguishing burning gasoline, and shall comply with the rules of the road for navigable waters. There is no lack of legislation to secure safety in respect of these boats. But it often happens that the parties operating craft of this character take advantage of the difficulty of detecting infractions of the statutes, and in defiance of the laws cross the bows of large steamers, greatly interfering thereby with the navigation of these vessels. Further, they cross the bows of other motor boats, and in still other ways violate the regulations of the police laws, to the very great danger of all concerned. Frequently they disregard the regulations relating to lighting after sunset, and leave their boats in dangerous places without anchor lights. The inspectors are continually confronted with violations of this character, but in many instances are unable to trace the guilty parties.

After we became involved in the war, as a military measure, the Navy Department undertook to enforce a rule of this kind as a protection to our naval vessels and merchant ships on the eastern coast, but they found they had no power to do so. This legislation is shown to be necessary in view of what has been stated on the floor to-day, that the German submarines are active in our waters. It will be a means of identifying the motor boat so that we may know the ownership and identify the boat, whether it is operated by an enemy alien or some other one inimical to our interests. That is a reason in addition to the reasons that have been assigned in the committee report.

The only objection ever made against numbering motor boats was because some of the owners of the high-class boats thought that to place numbers on them would disfigure them. But there is now no objection from any source whatever so far as I am advised.

Mr. WALSH. Will the gentleman permit me to state an additional reason why this is proper legislation? In many sections of the country fishermen owning these boats leave the waters of their own State and fish in foreign jurisdictions and if they there violate the State laws there is no way of identifying or tracing them. This would permit that.

Mr. ALEXANDER. And oftentimes the boats are stolen, and it is impossible to identify them. It is just like letting automobiles go about the streets of our cities without any method of identifying them.

Mr. STAFFORD. When I read the bill and the report it occurred to me it was unnecessarily placing under Government regulation fishing motor boats and other larger craft and exacting from them a license tax of $10 a year merely under the guise of regulation.

Mr. ALEXANDER. This does not carry any tax whatever.

Mr. WALSH. Ten dollars is the penalty.

Mr. ALEXANDER. The only expense is to put the numbers on the boats and the owner has to report to the collector of the port.

Mr. WALSH. That $10 is the penalty.

Mr. ALEXANDER. Yes; for violating the law.

Mr. STAFFORD. I gained the impression from reading the report, which was nearly a month ago, that all of these vessels would have to pay a license.

Mr. ALEXANDER. Oh, no.

Mr. STAFFORD. If they were enrolled as required by the bill.

Mr. ALEXANDER. No.

Mr. CHARLES B. SMITH. Does this act apply to the inland waters of the United States?

Mr. ALEXANDER. All of the navigable waters of the United States where motor boats are used.

Mr. CHARLES B. SMITH. I would like to say to the gentleman that the members of the Motorboat Club of Buffalo have written to me objecting to the bill. The club itself has not objected, but I wondered if there is any burden placed upon them that should not be put on motor boats in the Great Lakes.

Mr. ALEXANDER. Not at all. There is no expense attached except in the placing of the numbers on the boats. It is simply a means of identification. It is of the utmost importance now, if never before, in view of the presence of enemy submarines off our coasts and for the reasons I have already given.

Mr. STAFFORD. The gentleman from Massachusetts [Mr. WALSH] and the chairman of the committee say that this bill would not require any additional tax. I direct their attention to the report. Perhaps I read it erroneously. It says:

It will aid the Treasury Department in the collection of the taxes imposed on pleasure boats of a certain character by section 603 of the act of October 3, 1917. As it is, the department finds great difficulty in locating the boats subject to this tax.

Mr. WALSH. That is another tax altogether.

Mr. ALEXANDER. That is another tax entirely. If the motor boats are liable to that tax under exising law, this simply helps to identify the boat and enables the Government to trace the owner.

Mr. STAFFORD. Personally I do not think we should try to regulate motor boats in all of our inland streams and on the Great Lakes. There may be necessity during the war to have a bill like this, especially in view of the present exigency of submarines appearing on the Atlantic coast, but for the National Government to take charge of the regulation of all motor boats on the inland streams, wherever navigable, I think it is going quite far.

Mr. ALEXANDER. The statute of 1910 provides that all motor boats shall have lights, life preservers, means of extinguishing burning gasoline, and so forth. We do not impose any additional burden upon them here except to say that they shall be numbered, and that is for the purpose of identification.

Mr. LEHLBACH. There is no objection to the numbering of these motor boats that can not with equal force be urged against the licensing and numbering of automobiles, and nothing can be said for licensing and numbering automobiles that can not with equal force be said for motor boats. The only reason the Federal Government has to do this is because it has control of all navigable waters of the United States.

Mr. STAFFORD. The gentleman advances a good argument in favor of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That every undocumented vessel, operated in whole or in part by machinery, owned in the United States and found on the navigable waters thereof, except public vessels, and vessels not exceeding 16 feet in length measured from end to end over the deck, excluding sheer, temporarily equipped with detachable motors, shall be numbered. Such numbers shall be not less in size than 3 inches and painted or attached to each bow of the vessel in such manner and color as to be distinctly visible and legible.

SEC. 2. That the said numbers, on application of the owner or master, shall be awarded by the collector of customs of the district in which the vessel is owned and a record thereof kept in the customhouse of the district in which the owner or managing owner resides. No numbers not so awarded shall be carried on the bows of such vessel.

SEC. 3. That notice of destruction or abandonment of such vessels or change in their ownership shall be furnished within 10 days by the owners to the collectors of customs of the districts where such numbers were awarded. Such vessel sold into another customs district may be numbered anew in the latter district.

SEC. 4. That the penalty for violation of any provision of this act shall be $10, for which the vessel shall be liable and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found. Such penalty on application may be mitigated or remitted by the Secretary of Commerce.

SEC. 5. That the Secretary of Commerce shall make such regulations as may be necessary to secure proper execution of this act by collectors of customs and other officers of the Government.

SEC. 6. That this act shall take effect six months after its passage.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

QUESTION OF PERSONAL PRIVILEGE.

Mr. SHACKLEFORD. Mr. Speaker, I rise to a question of personal privilege in connection with an article published about me in the St. Louis Republic under date of May 25, 1918.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. SHACKLEFORD. It is because of the headlines placed over an article, which I send to the Clerk's desk and ask to have read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The shameful record of Congressman SHACKLEFORD.

Mr. SHACKLEFORD. Mr. Speaker, the St. Louis Republic is waging against me and other Missouri Congressmen a campaign of such vindictiveness and falsehood that I feel I owe it to myself and to the public to make some reply.

It opened the assault of May 25 in an article entitled "The shameful record of Mr. SHACKLEFORD." To justify that malignant headline it set out numerous specifications, some of which are wholly untrue.

It charges that I did not vote for conscription. Technically that charge is true, but the publishers of the Republic knew that I favored conscription; that at the time the vote was taken I was absent from Washington for a week or so at the advice of my doctor on account of sickness; that I did not go away, however, until I had been assured by those having the conscription bill in charge that there was no doubt of its passage. One way to tell a falsehood is to conceal a part of the truth. The Republic chose that method.

It charges that before war had been declared I opposed administration measures of preparedness. That is another falsehood. I defy the Republic to point to a single vote cast by me against any measure of preparedness advocated by President Wilson.

It charges that I was sponsor for the McLemore resolution warning Americans not to travel on armed ships of the warring nations. That charge is also false. I had a large part in framing the report of the Committee on Foreign Affairs against the McLemore resolution. When the resolution came up in the House I voted to lay it on the table and kill it. This is shown by the CONGRESSIONAL RECORD of March 7, 1916, on page 3720.

Why has the Republic resorted to the publication of these several false charges against me? There can be but one answer. It was moved by a wrongful desire to inflict injury.

The Republic having thus willfully misrepresented me it is fair to assume that it will continue its policy of falsification. The people, however, will doubtless judge its future utterances by its past record and not require me to follow up and expose every untruth it may publish from now until the election. They will probably keep in mind the instruction which the judge sometimes gives to the jury, that if they find any witness has testified falsely on any material matter they may disregard all of his testimony.

In further justification of its characterization of my record as "shameful," the Republic makes some other charges which may be briefly noticed.

It is charged that I voted for the Stone resolution, declaring a state of war with Austria-Hungary. That statement is not quite correct. It was not the Stone resolution for which I voted, but a resolution from the House Committee on Foreign Affairs, of which I was a member. I assisted in the preparation of that resolution and voted for it in the House. It went to the Senate and was there concurred in. The President had asked for the passage of this resolution and was satisfied with its form. What is there in my action on this measure to make my record "shameful"?

The Republic charges that I voted for the prohibition and woman suffrage amendments. I did vote for resolutions referring these proposed amendments to the States to be ratified or rejected by them as they may choose. What was there in either of these votes to render my record "shameful"?

The Republic charges that I voted against the bill which would have "forced" the President to send Col. Roosevelt to France in command of a division of the American Army. That charge is true. The President was Commander in Chief of the Army. It was his duty to appoint officers to command under him. He was responsible for the conduct of the war, and I felt it would be out of place for Congress to dictate to him in that matter. What was there in my action on that measure to render my record "shameful"?

The Republic says that I am an astute politician; that I rarely speak on the floor of the House; but that I play a prominent part in committee meetings and am regarded as an especially aggressive worker in cloakrooms, where many a bill has been put across or killed long before final action was taken on the floor. I should hardly claim that much for myself, but if it be true it simply shows that I have the friendship and the confidence of other Congressmen and that I am able to exercise influence with them. Would it be a good policy for the district to change a Congressman with such capacity and influence for a new and an untried man? Is there anything in this characterization of me to render my record "shameful"?

If the Republic sets itself up as a dictator of Missouri politics then we have a right to ask that it should be truthful and honest in its dictatorship.

On the morning of the last election the Republic had an editorial containing the following words:

Woodrow Wilson has given us the greatest administration since Lincoln, because the President and Congress have worked constructively together. Our lawmakers have had vision, conscience, insight. The election of a Congress prepared to continue this service to the Nation and to mankind is just as important as the election of the President himself.

Missouri expects every man to do his duty to-day by voting for Senator REED and the Democratic congressional ticket.

On November 6, the day before the last election, the Republic had another editorial from which I quote:

The Congress of the past four years has set a new mark in efficiency in legislation.

Missouri takes deep satisfaction in the highly honorable and conspicuously important part by the Missouri delegation at Washington in the new legislation enacted to meet new needs of a new day. No one can recount the history of this epochal period and leave out the achievements of Missourians in the high places of responsibility in the National Legislature.

These two editorials were words of high praise of me and the other Missourians. Both of these editorials were published more than eight months after the McLemore resolution incident of which the Republic now complains. Were these complimentary editorials honest expressions of the opinion of the Republic? If so, then its contrary expressions now are not honest.

The Republic claims that it is inspired to make these malevolent attacks on me and other Missouri Congressmen by a spirit of patriotism, but its record proves this to be untrue. Patriotism never inspired anybody to stir up strife and differences among the American people in an hour of danger like this. Patriotism never inspired anybody to utter falsehoods about any public man for the purpose of undermining the confidence of the public in him. What then has moved the Republic to its policy of vituperation? In my judgment there are three moving causes for it.

In the first place the Republic has never been as prosperous as its owners would like. It has not kept pace in circulation with the Globe-Democrat, its great rival. Consequently its advertising columns do not draw the volume of business nor command the prices therefor that is desired. The managers of the Republic, recognizing the splendid spirit of patriotism that pervades the country have undertaken to capitalize it for a larger circulation. They hope to do this by assuming a "holier-than-thou" attitude.

Again, the Republic and other large newspapers and magazines have for years been going through the mails at very much less than the cost of carriage. This loss to the Government now amounts to something like $80,000,000 a year. When we came to make up the war-tax bill in the last Congress we took part of this subsidy away from the publishers. I and other Missouri Congressmen actively supported this measure. Its passage largely increased the amount of postage which the Republic has to pay the Government. Naturally, the Republic does not look kindly on any of us who increased its taxes. It wants to defeat us, but can not afford to state its real reason and so resorts to such subterfuges as the McLemore resolution, failure to support the bill to send Roosevelt to France, and so forth.

Then, too, the Republic is one of those papers, of which happily there are not many, that professes loyalty to one party and sells its columns to the other. [Applause.] To provide itself with a plausible excuse for such conduct it is probably now paving the way by attacking those Democrats who are likely to be nominated.

In the last campaign, when the Democratic Party had one of the hardest struggles of its existence, the Republic sold its columns to the support of Judge Hughes. On each of the last six days before the election there was carried in the Republic nearly a whole page statement of reasons why Wilson should be defeated and Hughes elected. The Republican campaign committee paid the Republic large sums for this service. The Republic sold its space to get money. The Republican committee bought it to get votes for Hughes. That committee was made up of wise men, who knew what they were doing. They were not throwing their money away, but were putting it where it would do the most good. Nobody can doubt that in Missouri Wilson's vote was made smaller and Hughes's larger by this shameful sale of the columns of this Democratic daily. Had Hughes carried Missouri, he would have won the election.

On those days of the campaign when this great Democratic paper was selling its space to the Hughes committee I and other Democratic Congressmen who are now being vilified and misrepresented by it were in the campaign holding up the flag of Democracy and rallying the voters to the support of Wilson. Is it not strange that in the face of that record the Republic should now in the house of our fathers challenge me and these other Missouri Democrats?

In the same issue of the Republic which carried the vituperation and the slanderous article to which I have referred there was an editorial, from which I quote:

There is probably not one man in this Congress who would now favor legislation intended to restrict the war activity of the country to a limit below the utmost that can be done.

If that statement be true, and it is, then why keep up a fight on these Congressmen? They are very busy with their country's business. Why disturb them and compel them to take the time to look after their own affairs and defend their reputations against the false charges of sinister newspapers?

On May 28 the Republic had another editorial, from which I will quote:

This is no time for fights between American leaders. There is only one enemy, and if there is any American who is impairing his usefulness to the country as a whole by having a feud with any other American he falls short of the full duty of American citizenship.

I commend these words of the Republic to its managers. This is no time to stir up strife between Americans. We should all stand together and win the war. The Republic has said that there is not a man in Congress who would not go to the last limit for victory. Then why malign and harass them? Why not leave their minds free to give their country their best service? The situation is serious. Our boys are going by the hundreds of thousands. They should have, and should be made to feel that they have, a united country behind them. It must discourage them to know that people at home have lost sight of them in a struggle to put some men out of Congress simply to make room for others to get in.

I assure the Republic that everybody here is loyal and will do his best. Then why not forget past differences and stand together in supporting the flag which we all so dearly love?

Oh, the shame of the St. Louis Republic! [Applause.]

GEORGIA EXPERIMENT STATION.

The next business on the Calendar for Unanimous Consent was House joint resolution 231, authorizing the Secretary of Agriculture to certify to the Secretary of the Treasury for payment, and the Secretary of the Treasury to pay, the appropriation for the Georgia Experiment Station, of the State of Georgia, under act of March 4, 1917, for the fiscal year ending June 30, 1918, to the board of trustees of the Agricultural and Mechanical College of the State of Georgia, and for other purposes.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, provision for substantially the same purpose as this is carried in the Agricultural appropriation bill, which has been agreed to in a partial conference report. Therefore I object.

The SPEAKER. The gentleman from Wisconsin objects, and the resolution is stricken from the calendar.

INDIANHEAD RAILROAD.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 6982) to authorize and empower the Secretary of the Navy to enter into and contract for the construction of a line of railway from a point in the District of Columbia to Indianhead, Md.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, this bill has already passed the House and is now on the Speaker's table, having been returned by the Senate with Senate amendments. This bill is erroneously on this calendar, and therefore I object.

The SPEAKER. The Chair thinks the gentleman has the wrong bill. The Speaker asks the Clerk to pass the one the gentleman is talking about.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, is this the Indianhead bill? Mr. Speaker, this bill has been substantially incorporated in the amendment in the naval appropriation bill, and under the circumstances I do not think we should act upon it here, but await the action of the conferees on that amendment. Therefore I object.

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, it is my recollection, which I am sure is accurate, that this bill here pending was inserted as a paragraph in the naval bill. Before the paragraph was reached during the consideration of that bill it was criticized here, and thereupon the chairman of the Committee on Naval Affairs [Mr. PADGETT], the gentleman from Tennessee, asked leave to withdraw the paragraph and it was withdrawn, he at the same time saying that he understood that the Pennsylvania Railroad was going to build this proposed line of track. I therefore object to its consideration at this time.

The SPEAKER. Both the gentlemen from Wisconsin object, and the bill is ordered stricken from the calendar.

PUBLIC-BUILDING SITE AT FARIBAULT, MINN.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 3332) authorizing the Secretary of the Treasury to sell and convey certain land to the city of Faribault, Minn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to sell to the city of Faribault, Minn., at a proper price and upon such terms as he may deem to be to the best interests of the United States, that portion of the Federal building site in said city described as follows: The west 16 feet of lots 1 and 2 of block 46, of the original town (now city) of Faribault, Minn., for public alley purposes; to convey said land to said city by the usual quitclaim deed, and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt.

The SPEAKER. This bill is on the Union Calendar.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. STAFFORD, a motion to reconsider the vote by which the bill was passed was laid on the table.

PAYMENT FOR LEGAL SERVICES RENDERED TO THE CREEK NATION.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 906) making an appropriation to Stuart, Lewis, Gordon & Rutherford in payment of legal services rendered by them to the Creek Nation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The bill is stricken from the calendar.

Mr. CARTER of Oklahoma. Will the gentleman reserve his right to object for a moment?

Mr. WALSH. I will.

Mr. CARTER of Oklahoma. Will the gentleman agree that the bill go to the foot of the calendar?

Mr. WALSH. Certainly.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice and go to the foot of the calendar.

The SPEAKER. The gentleman from Oklahoma asks to pass the bill without prejudice and same to go to the foot of the calendar. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS MAHONING RIVER, OHIO.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10021) granting the consent of Congress to the county commissioners of Trumbull County, Ohio, to construct, operate, and maintain a bridge and approaches thereto across the Mahoning River in the State of Ohio.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county commissioners of Trumbull County, Ohio, to construct, maintain, and operate, at a point suitable to the interests of navigation, a bridge and approaches thereto across the Mahoning River, near the city of Niles, in the township of Weathersfield, in the county of Trumbull, State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The committee amendment was read, as follows:

Page 2, line 4, insert a new section, section 2, as follows:
"That the right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE TENNESSEE RIVER NEAR LOUDON, TENN.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10818) to authorize the county of Loudon, in the State of Tennessee, to construct a bridge across the Tennessee River near Loudon, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? The gentleman from Tennessee [Mr. AUSTIN] is sick and sent the Chair word that he would like to have this bill passed without prejudice.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to have the bill passed without prejudice.

The SPEAKER. The gentleman from Wisconsin asks that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Does that take it to the foot of the calendar?

Mr. STAFFORD. In view of the circumstances, I do not think it would, the gentleman from Tennessee being ill.

APPEALS FROM DECISIONS OF BOARDS OF LOCAL INSPECTORS OF VESSELS.

The next business in order on the Unanimous Consent Calendar was the bill (S. 1544) to provide for appeals from decisions of boards of local inspectors of steam vessels, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think some explanation should be made as to the purpose to be accomplished by this bill.

Mr. ALEXANDER. Mr. Speaker, the language of this bill in the form in which it was reported from the Committee on the Merchant Marine and Fisheries is identical, I think, with the bill that passed the House in the last Congress but failed to pass the Senate. It was framed with a view of meeting conditions growing out of the *Eastland* disaster. Under existing law there is no appeal provided by law from the decision of local inspectors. This bill does no more than provide that appeal may be made either by officers named or by some one directly interested from the local inspector to the supervising inspector and from the supervising inspector to the Supervising Inspector General, and it is better to enforce our navigation laws and fix the responsibility to the public of those who may be negligent in the discharge of their duties and jeopardize or cause the loss of human life and at the same time protect those who may be unjustly convicted of an offense by providing for appeal. On page 3 of the report the Secretary of Commerce sets out a number of cases where there were accidents and where the masters of the vessels were convicted before the board of local inspectors but punished nominally, although the offense was very grave, and yet there was no appeal from their decision.

Mr. WALSH. Mr. Speaker, further reserving the right to object, do I understand this permits the Department of Commerce to appeal also from the decision of its own inspectors?

Mr. ALEXANDER. Yes. Now, it says:

That whenever any person directly interested in or affected by any decision or action by any board of local inspectors of vessels shall feel aggrieved by such decision or action he may appeal therefrom to the supervising inspector of the district, and a like appeal shall be allowed from any decision or action of a supervising inspector to the Supervising Inspector General, whose decision, when approved by the Secretary of Commerce, shall be final.

Mr. WALSH. Yes; I noticed the language to which the gentleman has directed my attention, but the gentleman cited cases where accidents had occurred or disasters and parties in charge of vessels had had the case investigated by local boards of inspectors and the sentence inflicted was very light, although the offense was great.

Now, if this bill becomes a law, as I read that language, the navigation department of the Department of Commerce——

Mr. ALEXANDER. The Steamboat Inspection Service.

Mr. WALSH. The Steamboat-Inspection Service could not appeal from that decision, with a view of having the case reviewed and a more severe penalty being imposed.

Mr. ALEXANDER. I call the gentleman's attention to the second section, that says:

That whenever there shall be a disagreement between the local inspectors in regard to any matter before them for decision they shall report the case to the supervising inspector of the district, who shall investigate and decide the same; and any supervising inspector may within 30 days thereafter, upon his own motion, review any decision or action of any board of local inspectors within his district, and in like manner the Supervising Inspector General may within 30 days thereafter review any decision or action of any supervising inspector or board of local inspectors, and the decision of the Supervising Inspector General in such case shall, when approved by the Secretary of Commerce, be final.

Mr. WALSH. That is only in case there is a dissenting opinion, so to speak, filed by one of the local inspectors.

Mr. ALEXANDER. Not only where there is a difference of opinion, but from any decision of the local inspectors.

Mr. WALSH. Now, there may be cases, and are cases, I have no doubt, where the local inspectors impose nominal penalties upon persons who are responsible for accidents, and it is done unanimously, and yet something may occur later to show that a more severe penalty should have been imposed. The only way it can be imposed, if this bill should become a law, is in case there is a disagreement between the local inspectors. Now, does not the gentleman think, with this measure, which is urged to perfect the navigation laws, with the right of review on the part of the Steamboat-Inspection Service of the Department of Commerce, that they ought to have the right to reopen and investigate these cases without the necessity of their being a disagreement amongst the local inspectors?

Mr. EDMONDS. Will the gentleman yield?

Mr. ALEXANDER. I think the language will do that. I call the gentleman's attention to the language beginning in line 13 on page 2:

Any supervising inspector may within 30 days thereafter, upon his own motion, review any decision or action of any board of local inspectors within his district.

That is so, whether it is a unanimous or divided opinion.

Mr. WALSH. That seems to be hooked up with the early part of the section.

Mr. ALEXANDER. And then again it says:

The Supervising Inspector General may within 30 days thereafter review any decision or action of any supervising inspector or board of local inspectors.

Mr. WALSH. That all seems to be hooked up with the first part of the section.

Mr. EDMONDS. I would like to call attention to the fact that it is upon his own motion.

Mr. LEHLBACH. There are two propositions. One is that in case of disagreement they shall report it. And it goes on to say that on his own motion the supervising inspector may.

Mr. WALSH. The language is clear, I will admit, but it is hooked up with the earlier part of the section by a semicolon, and it would seem to depend upon the disagreement.

Mr. ALEXANDER. I think it is quite clear that the supervising inspector in the first instance, and later on the Supervising Inspector General, on his own motion, may review any action of the local inspectors. The Supervising Inspector General may review any decision or action of the supervising inspector or board of local inspectors.

Mr. HARDY. The purpose of the framing of the language in the form in which it is was to make it absolutely compulsory that if there was a division it should go up to higher authority. If there was no division, still the right of review existed in the higher authority.

Mr. WALSH. Of course, there would be no question——

The SPEAKER pro tempore. Is there objection?

Mr. WALSH. Still further reserving the right to object, if this was started out as a new sentence then it would be clearer.

Mr. HARDY. The committee had it in mind, and they thought the semicolon would be sufficient to distinguish between the two.

Mr. WALSH. In view of the explanation of the gentlemen of the committee, who have given this careful attention, and in view of the great importance of the measure, I am willing to waive any doubt for the present I have as to the language, and I will not object.

The SPEAKER pro tempore. The Clerk will read the bill.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that this bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 1544) to provide for appeals from decisions of boards of local inspectors of steam vessels, and for other purposes.

Be it enacted, etc., That whenever any person pecuniarily interested in any decision or action of any board of local inspectors of steam vessels shall feel himself aggrieved by such decision or action, he may appeal therefrom to the supervising inspector of the district, and a like appeal shall be allowed from any decision or action of a supervising inspector to the Supervising Inspector General, whose decision, when approved by the Secretary of Commerce, shall be final: *Provided, however*, That application for such reexamination of the case by a supervising inspector or by the Supervising Inspector General shall be made within 30 days after the decision or action appealed from shall have been rendered or taken: *And provided further*, That in all cases reviewed under the provisions of this act where the issue is the suspension or revocation of the license of a licensed officer, such officer shall be allowed to be represented by counsel and to testify in his own behalf.

SEC. 2. That whenever there shall be a disagreement between the local inspectors in regard to any matter before them for decision, they shall report the case to the supervising inspector of the district, who shall investigate and decide the same, and any supervising inspector may, upon his own motion, review any decision or action of any board of local inspectors within his district, and in like manner the Supervising Inspector General may review any decision or action of any supervising inspector or board of local inspectors, and the decision of the Supervising Inspector General in such case shall, when approved by the Secretary of Commerce, be final.

SEC. 3. That any decision or action reviewed by the Supervising Inspector General or by any supervising inspector, as provided in section 1 of this act, may be revoked, changed, or modified by such reviewing officer, who shall have power to administer oaths, and to summon and compel the attendance of witnesses by a similar process as in the district courts of the United States; and the disbursing clerk, Department of Commerce, shall pay, on properly certified vouchers, such fees to any witness, so summoned, for his actual travel and attendance, as shall be officially certified to by the officer reviewing the case, not exceeding the rate allowed for fees to witnesses for travel and attendance in the district courts of the United States.

SEC. 4. That the Secretary of Commerce shall make such regulations as may be necessary to secure a proper enforcement of the provisions of this act.

SEC. 5. That section 4452 of the Revised Statutes, as amended by section 6 of the act of March 3, 1905, is hereby repealed.

Also, the following committee amendments were read:

Amend, line 3, page 1, by striking out the word "pecuniarily" and inserting in lieu of the same the word "directly"; and after the word "in" insert the words "or affected by."

Amend, line 5, page 1, by striking out the word "himself."

Amend, line 7, page 1, by striking out the comma and inserting a semicolon after the word "district."

Amend, line 6, page 2, by striking out the comma after the word "officer."

Amend, line 11, page 2, by striking out the comma after the word "decision."

Amend, line 13, page 2, by striking out the comma after the word "same" and insert in lieu of the same a semicolon; and by striking out the comma after the word "may" and inserting thereafter the words "within 30 days thereafter."

Amend, line 15, page 2, by striking out the comma after the word "district."

Amend, line 17, page 2, by inserting after the word "may" the words "within 30 days thereafter."

Amend, line 24, page 2, by striking out the word "section" and inserting in lieu of the same the word "sections"; and after the word "one" insert the words "and two."

Amend, line 11, page 3, by striking out the comma after the word "oaths."

Amend, line 5, page 3, by striking out the comma after the word "witness" and by striking out the comma after the word "summoned."

Amend, line 5, page 3, by striking out the comma after the word "attendance."

Mr. WALSH. In reporting this amendment on page 2, line 13, the Clerk reported striking out the comma. There has been inserted there a semicolon, which, I assume, is the committee amendment.

Mr. ALEXANDER. The comma is stricken out and the semicolon placed there.

Mr. WALSH. Will the gentleman just yield for a moment? I wish to ask his attention to the point raised a moment ago. Will the gentleman state when this 30 days begins to run or expire? It says:

And any supervising inspector may within 30 days thereafter.

Does that mean 30 days after they have reported the case to the supervising inspector of the district, or does it mean 30 days after they have investigated and decided the same?

Mr. ALEXANDER. It is after any decision by the board of local inspectors. They report those decisions.

Mr. WALSH. Then, of course, if it is after any decision by the supervising inspector, it would seem to me that the contention which I raised earlier is correct, that the supervising inspector can only open these cases on his own motion in case there is a disagreement in the local board, because that is the only time that it is reported to the supervising inspector.

Mr. ALEXANDER. No; they are reported, as I understand.

Mr. WALSH. I know; but it is the only time it is reported, when there is investigation and further report.

Mr. ALEXANDER. The decisions of the local inspectors, in any event, whether there is a disagreement or not, are reported to the supervising inspector.

Mr. WALSH. Yes; but the gentleman says that the 30 days begins after the supervising inspector has investigated and reported the case, as the result of the disagreement by the local board.

Mr. ALEXANDER. Of course, every decision calls for an investigation, but it is after the decision of the local board.

Mr. WALSH. I do not think the gentleman is correct there.

Mr. ALEXANDER. That is our intent. I think it is clear.

Mr. WALSH. I understood the gentleman to say it was 30 days after the investigation and decision of the supervising inspector of the district, then after the decision the supervising inspector of the district might reopen it on his own motion.

Mr. ALEXANDER. There is no appeal under the existing law from the decision of the local inspectors, and now we have undertaken to make it so. Not only in a case where there is a disagreement may their action be reviewed but also when they are in agreement. When the decision of the local inspectors is reported to the supervising inspector he may review that decision and reverse it if he thinks the facts warrant it, and although he may affirm it the Supervising Inspector General may himself review and reverse that decision. The purpose is to place the responsibility all along the line, from the Supervising Inspector General down to the local inspector, to avoid just such accidents as the *Eastland* disaster.

Mr. WALSH. Yes; I think it is important that we should do what the committee intends. Will the gentleman tell me when the "30 days thereafter" begins, that is set forth in line 17?

Mr. ALEXANDER. It reads, "may within 30 days thereafter review any decision or any action of any supervising inspector

or board of local inspectors." He does not have to wait for the action of the supervising inspector of the district. He may review the action of the local inspectors himself.

Mr. WALSH. Yes. But when does that 30 days expire?

Mr. ALEXANDER. Either after the decision of the local board of inspectors or in the other instance after the decision by the supervising inspector.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Speaker, will the gentleman give me five minutes more?

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes more.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. HARDY. Mr. Speaker, will the gentleman yield there for a suggestion?

Mr. WALSH. Yes.

Mr. HARDY. I think there is a little misapprehension. I do not think the local inspectors make reports to the supervising inspector of the district of all their decisions. They make their decision, and it stands unless there is a division. If there is a division they are by this law required to report their action to the district supervising inspector. If not, their decision stands. But under this bill any supervisor can visit all these local boards and review all their decisions.

He can take it up on his own motion any time within 30 days after the rendering of any decision by the local board. Whether there is a division or not, the supervising inspector has the right to do it.

There are three different conditions provided for. One is where there is a division. In that case, they are required to report to the supervising inspector of the district. Then, if there is no division and the decision is unanimous, the district supervising inspector has the right of his own motion to review the decision and action of the local board. And, again, the Supervising Inspector General may, within 30 days thereafter, review any decision or action of the district supervising inspector. So that it provides for the taking up of these decisions, whether they are done by unanimous agreement or not, first by the supervising inspector of the district, and then, if the inspector general is dissatisfied with that, he goes on on his own motion. There is not much formality of appeal or report. This bill was intended to give to the supervising inspector of the district the right to go into the action of these local boards and see what they were doing and investigate and examine any decisions they might make.

Mr. WALSH. And a like right is given to the Inspector General?

Mr. HARDY. Yes.

Mr. WALSH. The point I make here is that under the language of the section, as framed, any supervising inspector may, within 30 days thereafter——

Mr. HARDY. What does that "thereafter" mean? "Upon his own motion he may review any decision or action of the board." Take that sentence by itself. "Any supervising inspector may within 30 days thereafter upon his own motion review any decision or action of any board of local inspectors within his district." We were attempting to make this grammatically correct and at the same time not very much alter the language that came to us from the Senate and also the language that was incorporated in the bill that the House passed last session and that went to the Senate and died by inaction there. I do not see but that "thereafter" can refer to but one predicate. It refers to any decision or action of the local board of inspectors.

Mr. WALSH. But it says when they are divided they shall report the case to the supervising inspector of the district, who shall investigate and decide the same; and then it says, "Any supervising inspector may within 30 days thereafter." Now, the natural inference given to that language would be that it would be 30 days after this supervising inspector had investigated and decided the case.

Mr. HARDY. I am as anxious as the gentleman from Massachusetts is to get it perfectly clear, and if we can find any words that will relieve any doubt, I shall be glad to adopt them.

Mr. WALSH. I do not desire to delay the passage of this important measure for the purpose of putting in any language which I propose. I do want to get the opinion of the members of the committee as to whether or not this language is susceptible of the meaning which they intend to convey, and if it would not be clearer to change the semicolon into a period and strike out the word "and" and capitalize the word "any" in line 13.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HARDY. I ask that the gentleman may have five minutes longer.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the time of the gentleman from Massachusetts be extended five minutes. Is there objection?

There was no objection.

Mr. KING. Why not eliminate the period and semicolon and put an end to this controversy?

Mr. HARDY. I am trying to find what will make it clearer than it is. I think it might be made to read:

And any supervising inspector may, upon his own motion, review any decision or action of any board of local inspectors within his district within 30 days after the same is rendered or taken.

Mr. WALSH. Of course there would not be any doubt about that language.

Mr. HARDY. If he will offer that amendment we will accept it.

Mr. WALSH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER pro tempore. The committee amendments are first in order.

Mr. WALSH. I desire to offer this amendment as a substitute for the committee amendment when it is reached.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 3, strike out the word "pecuniarily" and insert in lieu thereof the word "directly."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 4, at the beginning of the line insert the words "or affected by."

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all the committee amendments except the one in lines 13 and 14, on page 2, be acted upon in gross.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that all the committee amendments to the bill, with the exception of the one in lines 13 and 14, on page 2, be agreed to in gross. Is there objection?

There was no objection.

The other committee amendments were agreed to, as follows:

Page 1, line 4, insert "or affected by."

Amend, line 5, page 1, by striking out the word "himself."

Amend, line 7, page 1, by striking out the comma and inserting a semicolon after the word "district."

Amend, line 3, page 2, by striking out the comma after the word "officer."

Amend, line 8, page 2, by striking out the comma after the word "decision."

Amend, line 10, page 2, by striking out the comma after the word "same" and insert in lieu of the same a semicolon; and by striking out the comma after the word "may" and inserting thereafter the words "within 30 days thereafter."

Amend, line 12, page 2, by striking out the comma after the word "district."

Amend, line 20, page 2, by striking out the word "section" and inserting in lieu of the same the word "sections"; and after the word "one" insert the words "and two."

Amend, line 22, page 2, by striking out the comma after the word "oaths."

Amend, line 1, page 3, by striking out the comma after the word "witness"; and by striking out the comma after the word "summoned."

Amend, line 2, page 3, by striking out the comma after the word "attendance."

Mr. WALSH. Now, Mr. Speaker, I offer the following amendment: On page 2, in line 13, strike out the semicolon and insert a period. Strike out the word "and" following the period and capitalize the word "any"; and then strike out the words in that line and in line 14, "within 30 days thereafter"; and after the word "district," in line 15, insert "within 30 days after the said decision or action has been rendered or taken," so that the language will read as follows:

Any supervising inspector may upon his own motion review any decision or action of any board of local inspectors within his district within 30 days after the said decision or action has been rendered or taken.

Mr. HARDY. Let me suggest to the gentleman that if he strikes out the semicolon, inserts a period, strikes out the word "and," and puts in a capital "A" for the word "any" the sentence will be plain. Then it could not refer back to the question of the report and would be perfectly clear. We will make no objection to it.

Mr. WALSH. If the gentleman will offer that as a substitute for my amendment, I will accept it.

Mr. HARDY. I offer as a substitute instead of the amendment offered by the gentleman from Massachusetts, to strike out the semicolon after the word "same" and insert a period, strike out the word "and," and then begin the word "any" with a capital "A," so that it will read:

Any supervising inspector may, within 30 days thereafter, upon his own motion, review any decision or action of any board of local inspectors within his district.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HARDY: Page 2, line 13, after the word "same," strike out the semicolon and insert in lieu thereof a period. Strike out the word "and" and capitalize the letter "A" in "any."

Mr. WALSH. Mr. Speaker, I will accept that substitute for the amendment which I offered.

Mr. STAFFORD. Mr. Speaker, as I understand it, the gentleman from Massachusetts offered a substitute for the committee amendment. Now, he suggests that the gentleman from Texas offer a substitute for his substitute. I do not know of any parliamentary rule which makes that in order.

Mr. ALEXANDER. Mr. Speaker, I understand the gentleman from Massachusetts desires to withdraw his amendment.

Mr. WALSH. I withdraw my amendment.

The SPEAKER pro tempore. The gentleman from Massachusetts withdraws his amendment. The question is on the amendment which has been reported by the Clerk.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent, the title of the bill was amended so as to read: "An act to provide for appeals from decisions of boards of local inspectors of vessels, and for other purposes."

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

WOMAN SUFFRAGE IN HAWAII.

Mr. RAKER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2380) granting to the Legislature of the Territory of Hawaii additional powers relative to elections and qualification of electors.

The SPEAKER. The gentleman from California moves to suspend the rules and pass the bill the title of which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is a second demanded?

Miss RANKIN. I demand a second.

The SPEAKER. Is the lady from Montana opposed to this bill?

Miss RANKIN. No; I am in favor of it.

The SPEAKER. The Chair will recognize somebody who is opposed to it, if there is anybody, in accordance with the rule; otherwise the Chair will recognize the lady from Montana.

Mr. RAKER. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman asks that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from California is entitled to 20 minutes and the lady from Montana [Miss RANKIN] is entitled to 20 minutes.

Mr. RAKER. Mr. Speaker and gentlemen of the House, this bill passed the Senate on September 13, 1917, unanimously. I want to state that hearings on this bill were had before the Committee on Woman Suffrage of the House. A number of parties appeared, particularly Mrs. Benjamin F. Pittman, of Boston, who has been in Hawaii and is familiar with the situation there; also Mrs. Maud Wood Park, Dr. Anna Howard Shaw, and others.

After such hearings and full consideration by the committee the bill was reported out of the committee unanimously. There was and is no opposition in the committee to the bill. It simply gives the Hawaiian Legislature the power and the right to enact a law, if they see fit, or they may submit it to the citizens by the way of referendum, to say whether or not female suffrage shall be granted to the women of Hawaii. At this time I ask unanimous consent that the report be printed in the RECORD as a part of my remarks.

Mr. WALSH. Reserving the right to object, what is the use of reprinting this report?

Mr. RAKER. Because it is valuable and there is no other way of getting it into the RECORD. It contains valuable statements.

Mr. WALSH. The statements of Mrs. Maud Wood Park and Dr. Anna Howard Shaw and Mrs. Benjamin F. Pittman?

Mr. RAKER. Yes; and I think the statement of Mrs. Pittman is remarkable.

Mr. WALSH. Those statements are printed in full in the report, and it is a little unusual to reprint the reports in the RECORD.

Mr. RAKER. I was trying to save time instead of recapitulating them in my remarks. I want them to go to the House and to the country for the benefit of the country.

Mr. WALSH. I do not think the gentleman ought to reprint the reports in the RECORD.

The SPEAKER. Is there objection?

Mr. WALSH. I object.

Mr. GARNER. Will the gentleman yield?

Mr. RAKER. Yes; I yield to the gentleman from Texas.

Mr. GARNER. Was the Delegate from the Hawaiian Islands in favor of the bill?

Mr. RAKER. Yes; he wrote a letter to me personally and asked a meeting of the committee, and he sent a written statement, as he was called away on a subpœna to testify as a witness in an important case in Hawaii and could not be personally present.

Mr. GARNER. And the Delegate is in favor of the bill?

Mr. RAKER. He is not only in favor of it but he is anxious for its passage.

Under the organic act creating the Territory of Hawaii suffrage was confined to male citizens. This bill proposes to vest in the Legislature of the Territory of Hawaii the "power to provide that in all elections authorized to be held by the organic act of the Territory of Hawaii female citizens possessing the same qualifications as male citizens shall be entitled to vote."

The bill also provides that the legislature "is further hereby vested with the power to have submitted to the voters of the Territory of Hawaii the question of whether or not the female citizens of the Territory shall be empowered to vote at elections held under the laws of the Territory of Hawaii." The proposal comes to the Congress of the United States from the people of Hawaii through the action of their Territorial legislature.

The measure is favored by both political parties of the islands, and there is indicated a large measure of popular interest in the granting of suffrage to the women of the Territory.

Since the organic law can only be changed by an act of Congress, the power necessary to make the needful changes so as to allow women to take part with men in the exercise of suffrage is by the bill vested in the Legislature of Hawaii, which can either of its own motion grant the rights of equal suffrage to all its citizens, subject to the other limitations of the organic act, or can provide for a referendum on the subject, or can do both. This statement of the facts of the case relieves the question from the suggestion that the Congress of the United States is forcing upon the people of the Territory of Hawaii a suffrage system which may be unwelcome to them. The request comes in the form of a petition from the representative body of the Territory, and further provision is made for a referendum vote. All that Congress is asked to do is to permit the legislature to grant the privilege of equal suffrage to the women of the Territory in the discretion of the legislative body itself.

The question of equal suffrage for the territory of Hawaii should be disassociated from the question as it affects the United States of America. Nevertheless it is pertinent to observe that the alternative method here recommended empowering the legislature to grant equal suffrage or submitting the matter to a referendum of the people are methods already in force in the States of the Union.

During the present year the Legislatures of North Dakota, Ohio, Rhode Island, Michigan, Nebraska, and Indiana have voted to grant presidential suffrage to the women of these States, while in Maine, Iowa, South Dakota, and Oklahoma the legislatures have referred the question of woman suffrage to the people.

Congress simply grants in this bill to the Legislature of the Territory of Hawaii the power granted the State legislatures in the various State constitutions and by Congress in acts granting Territorial government. Porto Rico was granted that power in the recent bill providing for civil government in that island.

It is also proper to observe that the cause of woman suffrage has been tremendously advanced on account of the war conditions which now prevail over so large a part of the world. The women of England, for example, patriotically enlisting in every form of service except that of actual combat on the fields of battle, have so deeply impressed members of Parliament that

this long-deferred measure of justice has recently passed the House of Commons by an overwhelming majority. It then passed the House of Lords, and was approved by the King. The women of England now have full rights of suffrage, for which they have been struggling for so many years.

In other parts of the British Empire, in Australia, New Zealand, the six Provinces of Canada, and British Columbia, women possess equal rights with men; while in India, Burma, and British Honduras women have been granted municipal suffrage by the British Parliament. Finland, Norway, Denmark, and Iceland have granted equal suffrage, and Sweden every suffrage right except the vote for Parliament. Republican France has pledged to extend municipal suffrage to women in the immediate future. One of the States of Mexico, Yucatan, has granted suffrage to its women. As Mr. Asquith recently remarked:

"I no longer regard this question from the standpoint we occupied before the war. Women have worked out their own salvation. I am ready to give them the vote."

It has been deemed advisable to remove the source of discontent and disunion by rewarding the tremendous share of women in the labors and sacrifices incident to a state of war.

An act of Congress, therefore, empowering the Legislature of Hawaii to remove one restriction of the organic act or to submit the question to a referendum of the voters will be in line with many precedents that have been established during the period of the great war.

Ever since Jefferson declared as the foundation of our liberties the principle that "Governments derive their just powers from the consent of the governed," it has become apparent that equal suffrage is inevitable not only in America but throughout the world.

It is worthy of note that the House of Representatives on January 10, 1918, by the constitutional two-thirds vote passed H. J. Res. 200.

The premier of Italy, last week, said that he feels the time has come for the extension of full suffrage to the women of Italy, and that he trusts that the Italian Parliament will immediately pass the measure granting woman suffrage in Italy.

Within the last two months the great Lone Star State of Texas has given primary suffrage to the women of Texas. The bill should pass without a dissenting vote.

Mr. Speaker, I reserve the balance of my time.

Miss RANKIN. Mr. Speaker, I am sure that everyone in the House who voted for woman suffrage on January 10 last is in favor of this bill. It merely gives the Legislature of Hawaii the right to decide whether or not they shall give woman suffrage to the women of Hawaii, or submit it to the voters. I believe that the women in Hawaii are just as anxious for another step in democracy as are the women all over America and every country in the world. We are fighting this war for democracy, and democracy does not come in any one step; it comes by all the people taking the steps that are before them, and this is one of the steps toward a fuller democracy. [Applause.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 3547, with an amendment.

The Clerk read as follows:

A bill (H. R. 3547) to extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes.

Be it enacted etc., That the provisions, limitations, and benefits of an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912, be and the same are hereby extended to include any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, or as a member of any other State organization, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, and who actually rendered a service of 90 days or more in any of the said military organizations during said war, and who were honorably discharged therefrom or otherwise honorably relieved from duty under the order of proper military authority.

SEC. 2. That the widows, minor children, and dependent parents of those provided for in section 1 of this act shall be entitled to the same pensions as are now provided by law for the widows, minor children, and dependent parents of the soldiers who were in the regular service during the Civil War.

SEC. 3. That the Secretary of the Interior shall prescribe rules and regulations governing the character of evidence necessary to prove the service herein set forth: *Provided*, That a certificate of the adjutant general of the State to which the military organizations belonged, showing the date of honorable discharge therefrom, shall be accepted in lieu of the honorable discharge required by the provisions of the act referred to in section 1: *And provided further*, That the provisions of this act shall not extend to the case of any person wherein the evidence discloses any fact that would have barred him from an honorable discharge had he been in the military service of the United States.

SEC. 4. That title to pension under this act shall commence from the date of filing application therefor in the Bureau of Pensions after the passage and approval of this act.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. STAFFORD. From what I have heard of it I think I shall be, although I am not positive.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Missouri is entitled to 20 minutes and the gentleman from Wisconsin to 20 minutes.

Mr. RUSSELL. Mr. Speaker, I desire to very briefly state the purpose of this bill. This is the second time that this bill has been reported to the House by the unanimous vote of the Invalid Pensions Committee. When it was reported to the House before, for some reason we were not able to get it up for consideration. By this bill we hope to do to-day what ought to have been done, in my opinion, many years ago; that is, to recognize and to pension the State troops who rendered the same services in defense of the Government during the Civil War that was rendered by the Regular troops, all of whom have long since been granted pensions. I can speak with more information about Missouri troops, because I have given them more attention, but there were State militia in Kentucky, Indiana, and other States that rendered the same character of service. The Missouri Militia was recognized by President Lincoln as a part of his army, and he asked the governor of that State not to disband the militia, because they were rendering a service which, if they were discontinued, would compel him to send his Regular troops to take their places. It is true that the State of Missouri paid its militia during the Civil War, but after the war was over Congress reimbursed the State for every dollar that it had paid out to sustain its militia. They fought side by side with the Regular troops. Some of them were wounded and many of them were killed in the battles that were fought in defense of the Union at that time. They fought with Government arms and ammunition, lived upon Government provisions, and were commanded by Federal officers.

Mr. LANGLEY. And if the gentleman will permit me to suggest, the troops of Kentucky and some of the other States did the same thing.

Mr. RUSSELL. Kentucky's militia was in exactly the same attitude. She had some State troops that rendered similar service, sometimes for six months and sometimes for a year, fighting side by side with the Regular troops in the battles of the Civil War, using the ammunition of the Government, and fighting under the command of Federal officers. After the war was over Congress returned to Kentucky, as it did to Missouri, every dollar paid out by that State to sustain the militia during the war.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. RUSSELL. Yes; I yield.

Mr. WALSH. What are the other States that are interested? I notice from the report that Kentucky and Missouri are mentioned, and other States, and on page 2 mention is made of Indiana and Pennsylvania.

Mr. RUSSELL. There are four States that will have the principal part of men who will be benefited by this legislation—Missouri, Indiana, Kentucky, and Pennsylvania. There were some in Kansas, I think some in Arkansas, and perhaps some in Nebraska.

Mr. LANGLEY. And also in West Virginia.

Mr. RUSSELL. And some in West Virginia.

Mr. WALSH. How much will these various companies from these various States add to the pension rolls?

Mr. RUSSELL. It will be very slight, because there were very few in those States, even during the war, and nearly all of them have died. I think the estimate in the report of the probable expense of this bill is far beyond what will be true. It is stated that Missouri would probably add 5,000 soldiers to the rolls. I do not believe there are 2,000 of these militiamen alive to-day, and the few left are old and feeble. A great many of them afterwards went into the regular service, and that diminished the number; they are getting pensions now, and four-fifths of the balance of them have died. This was the best estimate that I have been able to get from the adjutant generals of the several States. I do not believe the bill, if passed, will cost the Government $3,000,000 the first year, and the amount will rapidly decrease as the old soldiers pass away.

Mr. WALSH. Have some of these been pensioned under special acts of Congress?

Mr. RUSSELL. None of them, unless they were wounded in battle. We have tried in some cases to get through special bills, and while some of them have passed in the House they have usually, if not always, been defeated in the Senate.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. RUSSELL. Yes; I will.

Mr. FESS. I am ignorant of the facts in the case, but how does it come that the other States are not in the same situation as the four mentioned?

Mr. RUSSELL. The chief part of the State troops were in the border States that did not secede, such as Kentucky and Missouri. There were a few State troops raised in some of the other States; but the great body of these troops were in Kentucky and Missouri, the two border States during the war, and they fought with the Union troops, and were paid by the States at the time; but Congress has paid back the money, recognizing that they rendered necessary and valuable services for the Union.

Mr. WOOD of Indiana. Mr. Speaker, will the gentleman yield.

Mr. RUSSELL. Just for a moment.

Mr. WOOD of Indiana. It may enlighten the gentleman from Ohio [Mr. FESS] to state that the troops from Indiana that are included in this bill served principally in resisting the Morgan raid and they saved Cincinnati, the One hundred and eighth Indiana especially. I know that regiment was intrenched under command of Gen. Lew Wallace at the time that the Morgan raid was threatening the States.

Mr. LANGLEY. They rendered a valuable service.

Mr. RUSSELL. I have set out here in the report documents which I wish the Members would read, letters and orders written and signed by President Lincoln, saying that the Missouri Militia was a valuable part of his Army and that they were rendering an important and a beneficial service.

Mr. FESS. Could the gentleman tell me who were the Squirrel Hunters in connection with the Civil War?

Mr. RUSSELL. No; I do not know.

Mr. LANGLEY. Those are organizations, I think, drawn in the service.

Mr. RUSSELL. This bill does not include anybody except State troops who fought during the Civil War to put down the rebellion in cooperation with Federal troops and under the command of Federal officers. In Missouri our militia were commanded for a time by Gen. Schofield, a Federal officer.

Mr. FESS. If the gentleman will permit, the designation, I think, applies to the group that defended Cincinnati on the occasion of the Morgan riot, and I wondered whether that was a Federal or a State organization.

Mr. RUSSELL. Mr. Speaker, how much time have I taken?

Mr. ALEXANDER. Were they not troops that enlisted for service for 100 days?

The SPEAKER pro tempore. The gentleman has used eight minutes.

Mr. RUSSELL. I yield time to the gentleman from Kansas [Mr. CAMPBELL]. How much time does he wish?

Mr. CAMPBELL of Kansas. I want about three or four minutes after some one who is opposed to the bill has used some time. Let the gentleman reserve the remainder of his time.

Mr. RUSSELL. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER pro tempore. The gentleman from Wisconsin is entitled to 20 minutes.

Mr. STAFFORD. Mr. Speaker, I think we are going rather fast at this time when we are so pressed for revenue to consider a bill that has been rejected in prior Congresses to pension not only the soldiers of those who were connected with the State militia, but also their widows and children. Obviously this very proposal has met with opposition in the Senate, otherwise the special bills included in the omnibus pension bills which have gone to the Senate to pension soldiers connected with State militia who had performed real service in real battle would have passed. This bill seeks to open up the floodgates of the Treasury to State militia organizations whether they saw service or not.

Mr. LANGLEY. I beg the gentleman's pardon.

Mr. STAFFORD. Where is that limitation?

Mr. LANGLEY. He must have rendered actual service for 90 days.

Mr. STAFFORD. Just like the home guards to-day are rendering actual service in the present emergency by police duty. This bill is not limited to those who smelled powder and really saw actual fighting. There may be instances where there were State militiamen who were identified with actual fighting, but there is no such limitation in this bill. Furthermore, there is nothing in this bill that prevents claim agents from obtaining returns. Who knows—I do not know—but who knows there may not have been and have been for years a lobby seeking to have this bill passed, with large fees to come as a result of it——

Mr. RUSSELL. Will the gentleman yield?

Mr. STAFFORD. I yield, in fairness, of course, to the gentleman from Missouri after that statement.

Mr. RUSSELL. This is an amendment to the Sherwood bill, and it provides that attorneys can not get any fees, and this appropriates that as a part of the law.

Mr. STAFFORD. I will stand corrected as to that, and I am glad the gentleman corrected me.

Mr. IGOE. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. IGOE. As I understand the bill, it is limited to those soldiers who served under Federal officers armed and equipped by the——

Mr. STAFFORD. I know Missouri is interested in this; and if we may establish this precedent, and especially now, when the Treasury is in such need of funds, why, we will have the precedent also for the home guards after this great war is over. They, too, will claim to have a pensionable status. I think of all times this bill should not be now considered. We have heard from time to time—at least, I have—of the pressure brought by Missouri Representatives for giving the Missouri militia a pensionable status. The Senate of the United States, from the admission of the gentleman from Missouri, has refused to recognize that they were entitled to any pensionable status.

Mr. LANGLEY. Will the gentleman yield?

Mr. IGOE. The reason the Senate has refused is that it says that it ought to be done in a general bill; that is the reason.

Mr. LANGLEY. The Senate took the position there ought to be general legislation.

Mr. STAFFORD. I believe, so far as I am concerned, there ought to be special legislation which applies only to those who saw real service.

Mr. CLARK of Missouri. Does the gentleman know most of those men were in a large number of small, hot, bitter fights in Missouri, and were fighting all over the State?

Mr. STAFFORD. There might have been local engagements.

Mr. CLARK of Missouri. They were local engagements, and they were for blood, too.

Mr. FARR. In Pennsylvania they were engaged in bitter fights.

Mr. KINKAID. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Nebraska to speak for the home guards of that State.

Mr. KINKAID. Does the gentleman know that the survivors of these militiamen who fought in the Civil War are not now confined to the States they were chosen from, but are scattered over the States of the Union?

Mr. STAFFORD. Why did not they join the Federal forces in the regular way? Why did they stay back at home and why did not they yield themselves to command of the military authorities to defend the Union just as to-day those connected with the National Army are yielding themselves for the national purpose? They were under the State militia to do home duty as home guards are now doing. I reserve the remainder of my time. Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has used five minutes.

Mr. RUSSELL. I yield to the gentleman from Kansas [Mr. CAMPBELL] three minutes.

The SPEAKER. The gentleman from Kansas is recognized for three minutes.

Mr. CAMPBELL of Kansas. Mr. Speaker, it is too late to talk about taking money out of the Treasury to pay for wars. This is to pay for a war that is past, a debt that has long been due to soldiers in the service of the United States in the sixties. Few rendered better service to the country than did the men who are included within the provisions of this bill. They were from Missouri, they were from Kansas, they were from Nebraska, they were from New York, Pennsylvania, and from many other States of the Union. They fought in some of the hardest-fought battles of the war, including Gettysburg. Why has not this thing been done before? Simply because the legislation was attempted by special bills. It was said, "Why do you not include them all in one bill?" No one can explain why this was not done. It is just a question of rendering justice to men who performed a great service to their country. Men from Kansas went to Missouri, fought down in Arkansas; they remained in the service until the war was over. They did not take the time to enlist in the regular service. They were not

thinking about the organization they were with. They were thinking about rendering service to the country at the time, and they were taking no chances on anything except rendering the quickest and best service they could to their country. It is the purpose of this bill to give them a pensionable status. They rendered exactly the same kind of service in the field as the men they fought side by side with. They fought under Union commanders and beside the men in the regular service who have been pensioned for years. I know some of them. I always thought they had been in the regular service. They belong to the Grand Army of the Republic. They have suffered every hardship that any other soldier suffered——

Mr. ALEXANDER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. ALEXANDER. I have in mind an old man, about 80 years of age now, who had 250 days of actual service during the Civil War in Missouri, and yet he has no pensionable status.

Mr. CAMPBELL of Kansas. I have one in my home town who served in Missouri, and a better citizen never lived anywhere, and until he became old a few years ago he never suggested such a thing as a pension. I introduced a special bill for him, but it could not pass, because the committees of Congress said that they wanted to include him along with all the other men who served in similar organizations. And so it is. The only way to do justice to these men is to pass this bill, and I sincerely hope that further objection on the ground that it takes money out of the Treasury will not be made. These men have this due them, not as a gratuity, but as a matter of absolute justice. We agreed to provide for them just as we agreed to provide for the others who fought the battles of that great war. They were included among those whom Lincoln said at the close of the war should be provided for, as well as their dependents.

Mr. WALSH. When was that agreement made?

Mr. CAMPBELL of Kansas. When Lincoln said that those who fought the battles of the war, and their dependents, should be taken care of in their declining years.

Mr. WALSH. He did not refer to the militia.

Mr. CAMPBELL of Kansas. He referred to those who fought the battles of the war.

Mr. WALSH. He referred to those who were in the Federal service.

Mr. CAMPBELL of Kansas. He did not confine his statement to the regular troops and recognized all who fought in the battles of the war, without regard to where they came from or the organization in which they served. I hope this bill will pass. It does justice long delayed.

Mr. STAFFORD. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, it is not a popular thing to-day to refuse or decline approval of pension legislation which attempts to do justice to those who in the troublesome days of 1861 engaged in defending various sections of this country. But I submit that after the great Commonwealth of Missouri has received from the Federal Treasury at least the sum of $7,456,000 in one payment and various other payments from time to time, for the use of its militia in doing guard duty or repelling invasion, or engaging in skirmishes within its borders or across the borders, for the protection of its own homes and firesides, that the State of Missouri is in a position to do something for these men. The report here does not set forth whether it has ever attempted to come to their relief or make provision for them or not.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. CLARK of Missouri. Now, does the gentleman know that this sum of $7,000,000 and these other odd sums were given to Missouri to recoup that State for money that it actually spent in fitting those troops, and arming them, and in giving them uniforms? It was not in the nature of a compensation. It was paying back the money that the State of Missouri patriotically put into the war because it could not get the Federal administration out there to put in enough.

Mr. WALSH. This sum was paid to reimburse the State on account of money expended, and then there were various other sums paid to the State of Missouri to reimburse it. But we have not heard of the other States where the State militia went into the Union service and faced the enemy being paid or reimbursed. The truth is that there are three or four States—Indiana, Pennsylvania, Kansas, Kentucky, and Missouri—that are known. Some other States are referred to, but no statistics are given, whose troops did valuable service. There is no question about their repelling invasion perhaps, and about their defending the States, and if facing the enemy in actual service they deserve consideration. But they were not part of the Regular Army, and I doubt whether the great Lincoln in his reference, at the close of the war, to what would be done for the people at the close of the war, contemplated making provision for militiamen who saw no fighting.

Now, a great many of them, of course, it will be said, did not come within the 90-day provision. But many who will come within that limitation did no actual fighting. They simply comprised a home guard and were not fighting men in the true sense.

Mr. RUSSELL. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Certainly.

Mr. RUSSELL. Would the gentleman let me read just about two lines from this report, instead of answering the question?

Mr. WALSH. Yes.

Mr. RUSSELL. This is what President Lincoln said at the conclusion of his remarks when the Government was about to disband the militia. He said:

I, therefore, as at present advised, can not attempt the destruction of the enrolled militia in Missouri.

That was after stating their valuable service.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Massachusetts and the gentleman from Missouri if there is not a precedent for the payment of this money, at least a precedent embodying the principle contained in this bill? Some years ago I recall distinctly that Congress passed a bill reimbursing the State of Pennsylvania for money which it paid, or which it had reimbursed to the business men of Philadelphia, for money which they had paid to the militiamen of Pennsylvania who went down to help Meade in that battle.

Mr. RUSSELL. They returned the money, you know, to Kentucky and to Missouri; money advanced to sustain these militiamen. Congress reimbursed them for the money on the ground that they had rendered a Federal service.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Speaker, will the gentleman yield me three or four minutes more?

Mr. STAFFORD. I yield to the gentleman four minutes.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for four minutes more.

Mr. WALSH. Mr. Speaker, of course Pennsylvania has been reimbursed, and Missouri has been reimbursed. I imagine that Indiana has also been reimbursed from the Federal Treasury, and possibly Kentucky. But it seems to me that before we embark upon this general legislation to make these militiamen the beneficiaries at this particular time we ought to know how much it is going to cost, and to know in such case that actual fighting service was rendered. Now, here is a report, voluminous, with many extracts, and conveying the information that legislation similar to this now proposed, not quite so general in character, has been attempted before and failed.

Mr. RUSSELL. Mr. Speaker, will the gentleman yield?

Mr. WALSH. The first time this was attempted——

Mr. RUSSELL. Does not the gentleman think that those people who rendered that faithful service to this Government 55 years ago have waited long enough?

Mr. WALSH. Of course, that question can be asked with reference to any legislation in the nature of pension legislation. In fact, I think I may have asked the question myself of the gentleman as a member of the Committee on Invalid Pensions, but it was in reference to volunteers who had served as a part of the Regular Establishment and who had not remained subject to the State call and only State jurisdiction and who were fighting. These volunteers, these militia, could have become a part of the Regular Establishment very easily. The gentleman from Kansas [Mr. CAMPBELL] stated that they did not do it; they did not take the time to do it. Of course, they did not; they remained as a State militia, and they remained for the most part near their own firesides, and the character of the service which they rendered was local, and it was under State command, and some never saw the enemy.

Mr. FARR. The Pennsylvanians were not members of the State militia. They were called out on account of the invasion of Pennsylvania. A great many of them served at Gettysburg.

Mr. WALSH. What were they?

Mr. FARR. They were emergency men. They volunteered to protect the Union.

Mr. WALSH. Does the gentleman think that the Pennsylvanians come under the provisions of this bill?

Mr. FARR. That is my understanding.

Mr. WALSH. They were not State militiamen.

Mr. RUSSELL. Any State organization that served for 90 days in cooperation with the Federal troops and under the com-

mand of Federal officers in putting down the rebellion will come under this bill.

Mr. WALSH. That would be within the provision of the amendment.

Mr. RUSSELL. Of the bill also.

Mr. WALSH. The amendment opens the door still wider. The gentleman from Pennsylvania [Mr. FARR] states that his troops were not State militia.

Mr. FARR. They were emergency men.

Mr. WALSH. He states that they were emergency men. By whom were they raised?

Mr. RUSSELL. By the governor of the State.

Mr. FARR. The governor of the State called for volunteers, because Pennsylvania was being invaded.

Mr. FOCHT. I would like to ask the gentleman how he interprets the word "militia," for the simple reason that it has been suggested by the gentleman from Pennsylvania [Mr. FARR] that Pensylvania, during the invasion of that State, raised a large number of emergency men.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOCHT. I should like to have unanimous consent to speak for five minutes on this important question. We will get right down to where Pennsylvania stands, or ought to stand.

Mr. RUSSELL. This includes any State organization. If I had the time I would be glad to yield it to the gentleman.

Mr. FOCHT. I ask unanimous consent to proceed for five minutes.

The SPEAKER pro tempore. The time for this debate is limited.

Mr. FOCHT. I ask unanimous consent to address the committee for five minutes.

Mr. CLARK of Missouri. Mr. Speaker, I ask that the time of this debate be extended 10 minutes, and that 5 minutes of that time be given to the gentleman from Pennsylvania [Mr. FOCHT] and 5 minutes to me.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the time of this debate be extended 10 minutes, 5 minutes to go to the gentleman from Pennsylvania [Mr. FOCHT] and 5 minutes to the gentleman from Missouri [Mr. CLARK]. Is there objection?

Mr. STAFFORD. Reserving the right to object, I have demands for time in opposition that I can not meet. I ask unanimous consent to make it 15 minutes, giving those in favor of the proposition 10 minutes and those opposed to it 5 minutes.

The SPEAKER pro tempore. Is there objection to extending the time 15 minutes, 5 minutes to go to the gentleman from Missouri [Mr. CLARK], 5 minutes to the gentleman from Pennsylvania [Mr. FOCHT], and 5 minutes to the gentleman from Wisconsin [Mr. STAFFORD]?

There was no objection.

Mr. GARNER. Mr. Speaker, I want to suggest to the gentleman from Pennsylvania that with the rapidity with which we are passing pension bills now I think the militia will be taken care of at this session, and the emergency men will probably be taken care of just before the next election.

Mr. FARR. They are included in this bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. FOCHT] is recognized for five minutes.

Mr. FOCHT. I yield first to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, this bill ought to have been passed 50 years ago. [Applause.] If it had not been for the 111,000 men that Missouri sent to the Union Army, when that State had only 160,000 voters in 1860, and if it had not been for the 75,000 Kentuckians that Kentucky sent to the Union Army, the Confederate flag would be waving in Richmond this minute. Now, it is true that a good many of these men never went out of the State of Missouri, but they took the place of the men who did go. Missourians and Kentuckians did not need any great amount of drilling to know how to use a rifle or a double-barreled shotgun. They went from their homes and fought innumerable battles in Missouri, in squads, companies, regiments, brigades, and armies. Of course, Pennsylvania sent her emergency men to Gettysburg when Pennsylvania was invaded. Missouri was invaded every two or three months during those four years, and so was Kentucky, and some of those men fought the most bloody battles that were fought during the entire Civil War. They were shot to pieces; cut to pieces; they died. The State was overrun by both armies.

There is no prejudice left in the State of Missouri growing out of the Civil War; and I will tell you what happens: When a Union soldier writes to me to get him a pension or to get his pension increased, his Confederate neighbor writes a letter right along in the same mail asking that it be done. [Applause.]

Talk about these men not fighting! I will tell you what I saw with my own eyes when I was a small boy. I saw seven Kentucky home guards charge the whole of Morgan's cavalry—the flower of Kentucky chivalry—down a broad gravel road without any ambush about it. The Kentuckians and the Missourians would fight the devil. [Laughter and applause.]

There has always been a discrimination against the border State men. It was easy to be a Union man in Massachusetts, it was easy to be a Confederate in Mississippi, but in Kentucky and Missouri, in that border land, it was perilous to be either or to sit on the fence; a fellow had to feel of his topknot every morning to see if, like the flag of his country, it was still there. [Laughter.] It was father against son, brother against brother, neighbor against neighbor, and frequently husband against wife. If there ever was a set of men worthy and fit to be put on the pension roll, it is the Kentuckians and the Missourians. They followed Frank Blair, who did more than any other one man in the United States, except Abraham Lincoln, to save the Union. If monuments were built in this town to soldiers in proportion to the services they rendered, Blair's would tower among the tallest. He kept Missouri from seceding. That prevented Kentucky from seceding; and if you had given the 111,000 Union soldiers of Missouri and 75,000 from Kentucky, and those two great agricultural States to feed on, they never could have starved Lee's army into surrender. This bill ought to have been passed long ago. It has been frequently reported. Judge Henry W. Gibson, of Tennessee, offered in a bill like this to put them all on the pension roll, but they did not serve long enough. You had to have a length of service of 90 days. It was fixed accidentally. There was an entire battalion in my district that served 89 days, which shut them out of the general pension law. There is no man on the top of the earth with good sense enough—Solomon would not have had sense enough with his wonderful headpiece—to tell why a man who served 89 days ought not to be put on a pensionable basis as well as a man who had served 90 days. If the House wants to do justice long deferred, it ought to pass this bill with a whoop. [Applause.]

Mr. FOCHT. Mr. Speaker, I fully realize the embarrassment of following the eloquent and distinguished Speaker, a statesman and logician. He has spoken well and with conviction with respect to the border States, and while Pennsylvania occupied a position of somewhat different relation from that of the border States, nevertheless the question of the invasion of Pennsylvania in 1863 by Gen. Lee and his army is interesting historically and of vast importance. The fact of the matter is that during the whole period from the outbreak of the war until after the battle of Gettysburg, nearly all of the conflicts and raids were within 50 or 75 miles of Washington. The reason for that was that the Union troops were massed about the Capital to protect it, always being in fear and apprehension that the Confederates would attack in force the Federal Capital.

Now, in relation to what was suggested by the gentleman from Wisconsin [Mr. COOPER] as establishing a precedent for a bill like this: The business men of Philadelphia furnished the clothing for the emergency men of Pennsylvania who were called in 1863 by Abraham Lincoln through Gov. Curtin. The State of Pennsylvania later reimbursed the business men, paying them interest on their loan, and later the United States Government reimbursed Pennsylvania without interest on the loan. That is the way that came about and was concluded.

Now, as to the justice of this bill, the facts apply to Pennsylvania as elsewhere. But to these emergency men it does not apply, as I understand, since it relates to only militiamen who must have been in the service 90 days. A gentleman on this side in all generosity and spirit of chivalry and justice told me that he understood what I meant when I referred to the emergency men, and that just as certain as the men of Missouri and Kentucky or any other border State who served a week or a month or three months or longer are favorably regarded, so will all be considered as having been Federal soldiers and will come within the interpretation of the pension laws. Certainly, if Missouri and Kentucky militiamen are entitled to the consideration that will be given them in this bill, it should extend to the emergency men of Pennsylvania, who answered when Lee marched triumphantly up the great Cumberland Valley, creating alarm among the people lest the invasion of the State be extended to Harrisburg and Philadelphia. Thousands of emergency men answered the call and resisted the advance. My own father, a minister of the gospel, left the pulpit and went out with them, and by reason of exposure lost his life when I was a year old. I know that there were emergency men there who are entitled to consideration

because they protected the State and to a great extent interfered with if they did not intercept a portion of Lee's army beyond the Susquehanna. Senator Daniels, a brave, chivalrous gentleman from Virginia, told me all about how he reached the Susquehanna River and there saw the bridge in flames, the torch having been applied by one of these emergency men to prevent him from crossing the river and invading Lancaster County. None of those men were out 90 days, but they did perform a great service. The force of these emergency men broke the advance of Lee and his army, and instead of having the great battle at a place somewhere farther east, at a point which might have been selected by Lee, Meade and his generals selected the place to deliver the blow at Gettysburg, and they chose Round Top, Culps Hill, and the heights south of Gettysburg, and there rolled back the tide that broke against them. Some of us may think that it is pretty long after the war to do this, but the very fact that it is so long after the war, and the very fact that there are only a few yet living who participated even in the border States of Missouri and Kentucky, make these men no less entitled to the passage of this bill, and I am anxious that we also pass a bill when it comes along for the emergency men of Pennsylvania who went down and resisted the great advance of Lee and his armies.

Mr. FARR. Mr. Speaker, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. FARR. The emergency men of Pennsylvania are included in this bill.

Mr. FOCHT. Yes; but they must have served three months, and they did not serve that long. Let us amend the bill and include them all along the line.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. FESS. When Morgan made his famous charge there was a group of men called out at Cincinnati to protect that city, and they served for a certain time. They were nicknamed the squirrel hunters. Those men are not included.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to proceed for one minute longer in order to answer the question.

The SPEAKER. Is there objection?

There was no objection.

Mr. FESS. Those men are not included in this measure, because this limits it to those who served 90 days.

Mr. FOCHT. It ought to be amended to include them all and make it a clean-up along the border and elsewhere of all that collection of loyal men who did serve their country but who have heretofore been barred from participating in pensions and honors due them. The bill should be so amended as to include them all, thus finally recognizing patriotism in whatever measure exhibited.

Mr. FESS. I think so, because these men came out at the call and offered their lives in a very emergent case in the Civil War.

Mr. FOCHT. There can be only a very few of them. I would say scarcely 200 in Pennsylvania, many less than 500, and I doubt whether there are anything like 5,000 in the entire country. But Lincoln called, and they responded, so let us give them this honored place in the sun along with the veterans who gave longer and greater service and whose valor is always cherished and ever near our hearts.

Mr. RUSSELL. Mr. Speaker, I yield two minutes to the gentleman from Arkansas [Mr. TILLMAN].

Mr. TILLMAN. Mr. Speaker, the exact status of these soldiers ought to be understood, and when it is I think there will be no question about the House voting for this bill. They have been denied pensions on a mere technicality. President Lincoln recognized them as a part of his Army. They have failed to be accorded a pensionable status by the ruling of former Secretary of War Root, whose ability as a lawyer is beyond question. Here are his declarations with reference to the question of whether they are entitled to pensions. He said:

> The Missouri Militia did not constitute a part of the Army of the United States, but were a force acting from time to time in cooperation with it; that the order disbanding such troops can not be construed as equivalent to an honorable discharge in the sense in which these words are used in section 2304, Revised Statutes.

They were recognized by competent authority as a part of the United States Army. They fought and received wounds, they served in cooperation with the Army, and were denied pensions simply because their discharge was not quite technical. As the Speaker of the House well said, they participated in a number of battles. The most prominent battle in Missouri in which they participated was the battle of Springfield, and their defense under Holland at that time against the largely outnumbering force of the Confederates under Marmaduke constitutes a very bright page in the history of the State troops.

My State is only slightly interested in this measure. There are a few members of the Enrolled Missouri Militia in my district. They fought in the battles mentioned in this report, and fought gallantly. Now, if the policy of the country is to pension men who fought in the Union Armies and cooperated with them, this bill ought to pass. [Applause.] I call to mind a few members of the Enrolled Missouri Militia now honored citizens of my district, which borders on the State of Missouri, Mr. R. H. Hamilton, of Keener, Boone County, and Mr. Willis Russell, of Green Forest, both high-type men, men of high character, and men who deserve a reasonable pension to make easier their lot now that they are entering upon the final march that is soon to end at the portals of the great hereafter. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Speaker, I believe I have 11 minutes remaining.

The SPEAKER. The gentleman has 11 minutes remaining.

Mr. STAFFORD. I yield one minute to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I want to ask the gentleman from Missouri [Mr. RUSSELL] a question.

Mr. RUSSELL. I will be very glad to answer the gentleman.

Mr. WALSH. Is it a fact men who belonged to these organizations of the State militia of Missouri, Kentucky, Indiana, and Pennsylvania, if wounded in battle, can secure a pension?

Mr. RUSSELL. Some of them, yes. They had a rule in the committee, or there was an act that permitted soldiers in the State organizations who were actually wounded in battle to be granted pensions.

Mr. WALSH. Is that by general law?

Mr. LANGLEY. If the gentleman will permit me to correct him there, there was a statute, which expired by limitation in 1873. They had to apply before that date.

Mr. RUSSELL. I believe that is a fact. That law is now out of existence.

Mr. WALSH. Up until 1873 those men who were wounded could procure pensions under the general law?

Mr. RUSSELL. I know there was such an act at one time.

Mr. WALSH. Have they been securing pensions since that time, where they were wounded, by special act?

Mr. RUSSELL. I do not think since I have been in Congress, nearly 10 years, that any man has ever gotten a pension as a Missouri enrolled militiaman. The House has passed some such bills, but the Senate has, I think, in all cases refused to do so. Has the gentleman a minute remaining? If so, I would like to read two or three lines from a letter written by one of the Speaker's constituents, a man whom he knows very well, Jesse F. Trower. Somebody said something about these soldiers rendering no service. He says:

> I gave 511 days of actual military services in this State. That was more arduous and dangerous than many of those drawing pensions for years. In the battle at Ashley, Pettis County, Mo., one of my brothers was killed, another brother was badly wounded. I was by the side of the one killed.

That is the kind of service that he rendered in Missouri, and thousands of other militiamen rendered the same faithful service. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker, many will remember that the southern part of the State of Indiana was in open revolt for quite a period during the Civil War; that had it not been for the State militia organization under the command of Federal officers there is no telling what would have happened along the border between Indiana and Kentucky. Oliver P. Morton, governor not only of the State of Indiana but acting as the Union governor of the State of Kentucky, was commended time and time again by President Lincoln for his ceaseless vigilance in keeping in repression the southern sympathizers along the Ohio River. The One hundred and eighth Indiana did signal service, not only in keeping down rebellion within the borders of the State of Indiana but likewise in resisting attacks and repeated raids by Morgan in the State of Indiana and in the State of Ohio. Yet this regiment was never mustered into the United States service. At the suggestion of Abraham Lincoln, Gen. Lew Wallace, one of the greatest volunteer generals to give his service in the Civil War, went to the city of Cincinnati and took the One hundred and eighth Indiana with him; also two or three other companies and parts of Indiana regiments. He also organized an army out of the citizenship of the city of Cincinnati, threw up breastworks, and saved the city of Cincinnati from being destroyed by Gen. Morgan.

This is but a sample of the service that was rendered by these men in the State of Indiana along the border, and not only in Indiana but across in Kentucky, where they fought side by side with the Kentuckians, and also across the border in the State of Illinois. The southern part of Illinois was in open

rebellion against the North, or a considerable portion of it was for a time, and these men rendered signal service there along with the militia of that State. I indorse the statement of the Speaker of the House that it is a duty the Government owes these men. It is not a charity that we are giving them, but it is paying them for services rendered and recognizing them as we have recognized those who served as members of the United States Army. We are giving them a chance to have their names placed upon the scroll of honor—the United States pension roll—to which they are justly entitled for patriotic service rendered.

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, while I am in sympathy with the legislation, I have asked for this time in order to call a matter to the attention of the gentleman from Missouri [Mr. RUSSELL].

In response to the suggestion of the gentleman from Wisconsin [Mr. STAFFORD] as to attorney fees, it was the opinion of the gentleman from Missouri [Mr. RUSSELL] that, due to the fact that the act of 1912 had a prohibition of attorney fees none was necessary in this act. I would like to call the attention of the gentleman to the fact that while section 1 does extend the provisions of the act of 1912 to this class of men, this is not strictly an amendment of that act and there might be a question as to whether attorneys could secure fees under section 1. But section 2, as to widows, minor children, and dependent parents, certainly would open the way for pension attorneys to get fees. While I am in sympathy with the legislation I am not in sympathy with a lot of fees being opened up here to Washington pension agents. I want to ask the gentleman whether, in order to remove all possible question, he would be willing to accept an amendment such as was placed in similar legislation to the effect that no attorney shall be recognized and no attorney fee shall be paid for the presentation or prosecution of any claim under the provisions of this act?

Mr. RUSSELL. I will say to the gentleman from Michigan that I would have no objection in the world, but he understands it would have to be done by unanimous consent. But I take it, this being an extension of the Sherwood Act, which has that provision——

Mr. CRAMTON. Section 2 refers to persons who do not come under the Sherwood Act.

Mr. RUSSELL. The Sherwood Act does not include widows——

Mr. CRAMTON. Or children.

Mr. RUSSELL. Well, I have no objection——

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Speaker, if this is the proper place, I ask unanimous consent for the consideration of the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan asks unanimous consent to offer an amendment, which the Clerk will report.

Mr. CRAMTON. It will stand as a new section, to be numbered as section 5.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: At the end of the bill, on page 3, insert the following as a new section:

"SEC. 5. That no attorney shall be recognized and no attorney fees shall be paid for the presentation or prosecution of any claim under the provisions of this act."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The section is inserted at the end of the bill.

Mr. RUSSELL. Mr. Speaker, I ask that the gentleman use the balance of his time. I have but one more speech.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Speaker, I shall not indulge in prophecy as to what the status of the Union would have been if there had been no State militia to protect the border States from invasion of the Southern forces. It is certain, however, that this bill in its amended form seeks to give pensionable status to men in the militia forces and other forces that never were in battle, and its purpose is to include all and give them a pensionable status, and by so doing cast reflection upon the hundreds of thousands of Union soldiers who volunteered in defense of their country. They were slackers to stay at their firesides and repel some temporary invasion. They were merely members of the State militia acting, in a way, as policemen, to give protection to their localities but not obligated for service outside at the command of the military officers of the Nation.

Mr. DEWALT. Mr. Speaker, will the gentleman permit an interruption?

Mr. STAFFORD. Yes.

Mr. DEWALT. Do you call the Battle of Gettysburg a temporary invasion?

Mr. STAFFORD. Oh, I well recall what was done at the Battle of Gettysburg, because my mother has told me how Philadelphia was alarmed and how all were called upon to go to the rescue, if need be, to prevent an invasion; but that was a temporary affair. These men did not volunteer as my mother's brothers volunteered in the service from the beginning of the war to the end of the war. They were merely called upon to protect their homes, fearful that Lee's army coming up from the South would go on to Philadelphia and New York. If they are on a par with the men who volunteered for three years, if they had the mettle in them to offer their service and their lives for the entire war, why did they not volunteer?

You are seeking now by this legislation to minimize the effect of the service and the valor of the true guardians of the Union, those who volunteered for the duration of the war, ready to go wherever their commanding officers would direct them. You are asking here by this amendment which is offered to include all who were members of State militia, who chanced to be members of the State militia and other organizations and had served 90 days, whether they had smelled powder or not. A few instances are cited—and we know how often a few instances are cited to justify a general bill which, if considered in its entirety, could not be justified—a few instances are cited where some men had engaged in battle; but this discussion shows that these men in the State militia did not leave the State.

I read to you what the official records show, as stated by Secretary of War Root, when he passed upon this question:

It will be seen from the foregoing that the enrolled Missouri Militia was a State force, organized under the militia law of the State for State service; that portions of it served—

Yes; that is the argument made here to justify this general bill extending to all a pensionable status—

that portions of it served at various times and at short periods under United States officers and informally with United States troops in defense of the State.

We have declined up to the present moment to pension the old soldiers who enlisted for the duration of the war and longer if they had not served 90 days. If they had served only 85 days, you can not get a special bill through here, even though they had enlisted for two years or during the duration of the war. But now you are going to pension those who were members of the State militia, who joined that honorable body to protect their own firesides, who acted as police officers in a little larger sense, but who were unwilling to go to the front in company with the regular forces.

Mr. FOCHT. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. That is what you are doing, and you are minimizing by this action the character of service of those who volunteered for the duration of the war. You are placing on a parity with those men who enlisted in the regular organizations those who declined to enlist and respond to the call to service. You are placing those men on a parity with the valiant soldiers who enlisted in the Federal forces under the direction of the commanding officers of the national army. I again repeat that the organizations covered by this bill are nothing more than on a par with the home guards who are now being organized throughout the country to do police duty. Occasion might have arisen when these home guards might have been called upon to put down sedition, but as I see the country manifesting its national spirit in waging this war they will not be called upon for that service. Are you going to ask that they, too, when this war is over, shall be put on the same status as those valiant boys who are going abroad to fight our battles? That is what you are doing. You are putting on the same plane, on a par, the State militiamen with those who volunteered to go to the front and fight for the Union.

Mr. FOCHT. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. FOCHT. Differentiating between the man who stayed at home and the man who went to the front, did not the feeling on the whole pension question reflect itself in the act of 1912—a service pension—and did not the gentleman vote for that?

Mr. STAFFORD. Unfortunately I was out of Congress at that time and did not have the privilege of voting on that question.

We have not up to the present time recognized the pensionable status of a soldier who had not served 90 days. You could not get a bill through Congress for such a man, even if he had rendered service for 85 days. Now you propose to pass a general law for those who stayed at home and were not involved in any battle whatever.

Mr. FOCHT. If we did those men an injustice before, we want now to correct that injustice. [Applause.]

Mr. STAFFORD. You want to do an injustice to the soldiers of the Civil War and pension these men who declined to enlist in the Federal service. You say that these men should have the same pensionable status as those who enlisted in the Federal service.

Mr. RUSSELL. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. RUSSELL. Does not my friend overlook this part of the bill showing what sort of service they rendered under orders of an officer of the United States, or who volunteered for the time being to serve with a regularly organized military or naval force?

Mr. STAFFORD. Yes; under orders; but some of those men never saw service. They were merely doing police duty to protect their own homes, and you are citing a few instances of musket battles in Missouri, or down in Kentucky, when three-fourths of them never saw a battle at all, but remained at their firesides as members of the State militia.

Mr. RUSSELL. Mr. Speaker, I yield the balance of my time, three minutes, to my colleague from Missouri [Mr. HAMLIN].

The SPEAKER. The gentleman from Missouri is recognized for three minutes.

Mr. HAMLIN. Mr. Speaker, I have sat here for several years and watched the gentleman from Wisconsin [Mr. STAFFORD] perform, and he is always interesting and usually fair, but this is the first time I have ever seen him assume the rôle of the defender of the old soldier on the doubtful grounds that to pass this bill would be a reproach to the old Union soldier. The men who are taken care of in this bill fought for the Union side by side with those who now draw a pension, and many of whom have drawn pensions for years. I submit to do justice to anyone has never been and can not be a reflection on anyone else. All that we are asking in this bill is to do justice to a class of men who were not only loyal to the Union but who proved their loyalty by their action during the trying days of the Civil War.

Mr. Speaker, I think that there is a lamentable lack of right information in regard to the men affected by this measure. The men whom the gentleman from Wisconsin designates as "having done police duty" out in the State of Missouri thought they were rendering service to the Federal Government in the same way and under the same authority as those who happened to have been recognized afterwards as Federal troops. I know that the Seventy-second Enrolled Missouri Militia, to which reference has been made by my friend from Arkansas, Judge TILLMAN, did render effective service at the battle of Springfield in 1864. I also know that these men were under the control and subject to the orders of a Federal officer. The gentleman from Wisconsin [Mr. STAFFORD] refers to them as home guards. In our State the home-guard organizations have had a pensionable status for years. Shortly after the war closed a commission, known as the Taylor-Hawkins Commission, were sent out into our State. They reported on these different military organizations, and in that report they recognized the Missouri Home Guards, the Provisional Enrolled Militia, Missouri Cavalry, and certain other State militia organizations, but there were a number of certain other State militia organizations which they reported were not to be regarded as Federal troops. I have never been able to find out any reason why that distinction was made. I have inquired at the War Department, I have their report, I have investigated records, and I have never been able to find out the standard that commission used in reaching their conclusion. Now, gentlemen, here are the facts: These so-called militia organizations of the State were under the jurisdiction of the Federal Government. They were under the jurisdiction of a Federal officer. The Federal Government has recognized them by reimbursing the State for the money expended by it in their support. Gen. Schofield, a Federal general, had control of these organizations in our State during the war. They fought side by side with the men in the Missouri Cavalry, who have been recognized as a Federal organization. They fought side by side with the home-guard organizations, which have also been recognized as Federal troops. In my own county, in which the Battle of Springfield was fought, the Seventy-second Enrolled Missouri Militia went to the front and successfully defended the city of Springfield, drove Marmaduke and his forces away, fought side by side with Federal troops, were under the command of a Federal officer, underwent all the hardships and took all the dangers of regular Federal troops and other home organizations that have been recognized as Federal troops. But for some reason, as I stated, which I can not explain, under the Taylor-Hawkins Commission report, they have never been recognized as Government troops. It is but common justice and common honesty that these men be given a pensionable status, and thereby put them on an equality with the men who are now drawing pensions; that is all that we ask.

The SPEAKER. The time of the gentleman from Missouri has expired. All time has expired. The question is on suspending the rules and passing this bill with the amendment.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 53, noes 10.

Mr. STAFFORD. Mr. Speaker, on that I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present, and evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of suspending the rules and passing this bill with the amendment will, as their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 176, nays 62, answered "present" 1, not voting 191, as follows:

YEAS—176.

Alexander	Ellsworth	Knutson	Rodenberg
Ashbrook	Esch	Kraus	Romjue
Ayres	Evans	La Follette	Rose
Barkley	Fairfield	Langley	Rubey
Barnhart	Farr	Lazaro	Rucker
Beakes	Ferris	Lea, Cal.	Russell
Beshlin	Fess	Lehlbach	Sanders, Ind.
Bland	Fields	Little	Sanders, N. Y.
Bowers	Flood	Littlepage	Schall
Britten	Focht	Lobeck	Scott, Iowa
Browne	Fordney	London	Scott, Mich.
Browning	Foster	Lonergan	Shackleford
Burroughs	Frear	Lufkin	Shallenberger
Butler	French	Lundeen	Sinnott
Campbell, Kans.	Fuller, Ill.	McAndrews	Slayden
Campbell, Pa.	Gandy	McArthur	Smith, Idaho
Cannon	Glynn	McClintic	Smith, Mich.
Carter, Okla.	Gould	McCulloch	Steele
Chandler, Okla.	Graham, Ill.	McKeown	Steenerson
Church	Gray, N. J.	McLemore	Sterling, Ill.
Claypool	Greene, Vt.	Magee	Strong
Cleary	Hadley	Mapes	Switzer
Connelly, Kans.	Hamilton, Mich.	Martin	Tague
Cox	Hamlin	Mays	Taylor, Colo.
Crago	Harrison, Va.	Miller, Minn.	Temple
Cramton	Hawley	Miller, Wash.	Thomas
Crosser	Hayden	Mondell	Thompson
Dallinger	Hayes	Moon	Tillman
Davis	Helvering	Morgan	Timberlake
Decker	Hensley	Mott	Van Dyke
Delaney	Hersey	Mudd	Vestal
Dempsey	Hull, Iowa	Oldfield	Voigt
Denison	Humphreys	Olney	Volstead
Denton	Igoe	Osborne	Waldow
Dewalt	Johnson, Ky.	Parker, N. J.	Walton
Dickinson	Juul	Platt	Wason
Dill	Kearns	Polk	Wheeler
Dillon	Keating	Purnell	Wilson, Ill.
Dixon	Kelly, Pa.	Raker	Wingo
Doolittle	Kettner	Randall	Winslow
Dowell	Key, Ohio	Rankin	Wood, Ind.
Dyer	Kiess, Pa.	Reavis	Woodyard
Eagan	King	Robbins	Young, N. Dak.
Elliott	Kinkaid	Roberts	Zihlman

NAYS—62.

Almon	Edmonds	Kincheloe	Stephens, Miss.
Anderson	Garner	Kitchin	Stevenson
Aswell	Garrett, Tenn.	Larsen	Sumners
Bankhead	Garrett, Tex.	Lee, Ga.	Taylor, Ark.
Bell	Goodwin, Ark.	Mansfield	Venable
Black	Gray, Ala.	Montague	Vinson
Blackmon	Hardy	Nicholls, S. C.	Walsh
Blanton	Harrison, Miss.	Park	Watkins
Buchanan	Heflin	Price	Whaley
Byrnes, S. C.	Helm	Ragsdale	White, Ohio
Byrns, Tenn.	Holland	Rainey, H. T.	Wilson, La.
Candler, Miss.	Huddleston	Rayburn	Wilson, Tex.
Caraway	Hull, Tenn.	Robinson	Wright
Connally, Tex.	Jacoway	Rogers	Young, Tex.
Dominick	James	Sanford	
Eagle	Jones	Stafford	

ANSWERED "PRESENT"—1.

Cooper, Wis.

NOT VOTING—191.

Anthony	Collier	Dupré	Gordon
Austin	Cooper, Ohio	Elston	Graham, Pa.
Bacharach	Cooper, W. Va.	Emerson	Green, Iowa
Baer	Copley	Estopinal	Greene, Mass.
Booher	Costello	Fairchild, B. L.	Gregg
Borland	Crisp	Fairchild, G. W.	Griest
Brand	Currie, Mich.	Fisher	Griffin
Brodbeck	Curry, Cal.	Flynn	Hamill
Brumbaugh	Dale, N. Y.	Foss	Hamilton, N. Y.
Burnett	Dale, Vt.	Francis	Haskell
Caldwell	Darrow	Freeman	Hastings
Cantrill	Davidson	Fuller, Mass.	Haugen
Carew	Dent	Gallagher	Heaton
Carlin	Dies	Gallivan	Heintz
Carter, Mass.	Donovan	Gard	Hicks
Cary	Dooling	Garland	Hillard
Chandler, N. Y.	Doremus	Gillett	Hollingsworth
Clark, Fla.	Doughton	Glass	Hood
Clark, Pa.	Drane	Godwin, N. C.	Houston
Classon	Drukker	Good	Howard
Coady	Dunn	Goodall	Husted

Hutchinson	Merritt	Reed	Stedman
Ireland	Moore, Pa.	Riordan	Stephens, Nebr.
Johnson, S. Dak.	Moores, Ind.	Rouse	Sterling, Pa.
Johnson, Wash.	Morin	Rowe	Stiness
Kahn	Neely	Rowland	Sullivan
Kehoe	Nelson	Sabath	Sweet
Kelley, Mich.	Nichols, Mich.	Sanders, La.	Swift
Kennedy, Iowa	Nolan	Saunders, Va.	Talbott
Kennedy, R. I.	Norton	Scott, Pa.	Templeton
Kreider	Oliver, Ala.	Scully	Tilson
LaGuardia	Oliver, N. Y.	Sears	Tinkham
Lesher	O'Shaunessy	Sells	Towner
Lever	Overmyer	Sherley	Treadway
Linthicum	Overstreet	Sherwood	Vare
Longworth	Padgett	Shouse	Walker
Lunn	Paige	Siegel	Ward
McCormick	Parker, N. Y.	Sims	Watson, Pa.
McFadden	Peters	Sisson	Watson, Va.
McKenzie	Phelan	Slemp	Weaver
McKinley	Porter	Sloan	Webb
McLaughlin, Mich.	Pou	Small	Welling
McLaughlin, Pa.	Powers	Smith, C. B.	Welty
Madden	Pratt	Smith, T. F.	White, Me.
Maher	Quin	Snell	Williams
Mann	Rainey, J. W.	Snook	Wise
Mason	Ramsey	Snyder	Woods, Iowa
Meeker	Ramseyer	Steagall	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. BORLAND with Mr. CHANDLER of New York.

Mr. BRAND with Mr. COOPER of Ohio.

Mr. BURNETT with Mr. ELSTON.

Mr. CANTRILL with Mr. FREEMAN.

Mr. CARLIN with Mr. FULLER of Massachusetts.

Mr. COADY with Mr. GOOD.

Mr. COLLIER with Mr. GOODALL.

Mr. DENT with Mr. GREEN of Iowa.

Mr. DUPRÉ with Mr. HASKELL.

Mr. GALLIVAN with Mr. HAUGEN.

Mr. GODWIN of North Carolina with Mr. HOLLINGSWORTH.

Mr. HASTINGS with Mr. JOHNSON of Washington.

Mr. LINTHICUM with Mr. KENNEDY of Iowa.

Mr. LUNN with Mr. LONGWORTH.

Mr. OLIVER of Alabama with Mr. MCKENZIE.

Mr. PARK with Mr. MADDEN.

Mr. POU with Mr. MEEKER.

Mr. ROUSE with Mr. MERRITT.

Mr. NEELY with Mr. MOORES of Indiana.

Mr. OLIVER of New York with Mr. MORIN.

Mr. SANDERS of Louisiana with Mr. NELSON.

Mr. O'SHAUNESSY with Mr. NOLAN.

Mr. SIMS with Mr. RAMSEY.

Mr. CHARLES B. SMITH with Mr. RAMSEYER.

Mr. SNOOK with Mr. PARKER of New York.

Mr. STEAGALL with Mr. STINESS.

Mr. STEDMAN with Mr. SWEET.

Mr. STERLING of Pennsylvania with Mr. TOWNER.

Mr. WATSON of Virginia with Mr. WATSON of Pennsylvania.

Mr. WELLING with Mr. SLEMP.

Mr. SEARS with Mr. WILLIAMS.

Mr. SCULLY with Mr. COOPER of Wisconsin.

Mr. ———— with Mr. AUSTIN.

Mr. TALBOTT with Mr. NICHOLS of Michigan.

Mr. DIES with Mr. HUSTED.

Mr. CLARK of Florida with Mr. DAVIDSON.

Mr. DRANE with Mr. NORTON.

Mr. HAMILL with Mr. MCFADDEN.

Mr. HOUSTON with Mr. KELLEY of Michigan.

Mr. OVERSTREET with Mr. ROWE.

Mr. SHERLEY with Mr. KAHN.

Mr. WEBB with Mr. SELLS.

Mr. WALKER with Mr. DARROW.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill H. R. 12100 and the bill H. R. 12099 be given a privileged status, not to interfere with the consideration of conference reports or appropriation bills.

One of the bills amends the shipping act, the purpose being to make it clear that vessel property may not pass under foreign ownership without the consent of the Shipping Board, and also broadens the definition of "vessel" so as to include a vessel in the course of construction and before it is launched. The other bill is a bill to confer on the President power to prescribe charter rates and freight rates and to requisition vessels, and for other purposes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to give a privileged status to the two bills named, not to interfere with conference reports and appropriation bills. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I ask the gentleman to withdraw his request until morning, so as to give opportunity to Members of the House to examine these bills.

Mr. ALEXANDER. I have no objection to that. They are important bills, and one is strictly a war measure.

EXTENSION OF REMARKS.

Mr. LITTLE. Mr. Speaker, on Decoration Day I heard a very useful and patriotic address delivered by the Hon. FREDERICK ZIHLMAN, a Member of this House, on the Antietam battle field. I ask unanimous consent to extend my remarks in the RECORD by inserting it therein.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

VALIDATING CERTAIN PUBLIC-LAND ENTRIES.

Mr. STEENERSON. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 78, to validate certain public-land entries.

ADJOURNMENT.

Mr. RUSSELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 4, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, submitting a supplemental estimate for the services of a clerk stenographer and typist, Treasury Department (H. Doc. No. 1143); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a proposed clause of legislation authorizing and directing allowance and credit in accounts of Lieut. Col. Charles J. Nelson, Quartermaster Corps, United States Army (H. Doc. No. 1144); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation required by the Treasury Department for the fiscal year ending June 30, 1919 (H. Doc. No. 1145); to the Committee on Appropriations and ordered to the printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CHARLES B. SMITH, from the Committee on Patents, to which was referred the bill (H. R. 8763) to amend the act entitled "An act to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens," approved August 17, 1916, reported the same without amendment, accompanied by a report (No. 616), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KEATING: A bill (H. R. 12352) for the retirement of employees in the classified civil service; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS: A bill (H. R. 12353) to authorize the Secretary of War to provide and issue distinctive buttons or badges to men who, since April 6, 1917, have been honorably discharged from the armed forces of the United States; to the Committee on Military Affairs.

By Mr. DENT: A bill (H. R. 12354) to authorize the Secretary of War to exchange certain lands owned by the United States in Monroe County, Pa., for certain other adjacent lands owned by the Monroe Water Supply Co.; to the Committee on Military Affairs.

By Mr. SANDERS of Louisiana: A bill (H. R. 12355) to regulate the interstate use of automobiles and all self-propelled vehicles which use the public highways in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMTON: A bill (H. R. 12356) to amend section 801 of public act No. 50 of the Sixty-fifth Congress, entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. LEHLBACH: A bill (H. R. 12357) to increase rates of pensions for permanent specific disabilities incurred while in the military or naval service of the United States; to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 12358) to extend the franking privilege to such officials of the several States as are charged with the administration of the State Confederate pension laws; to the Committee on the Post Office and Post Roads.

By Mr. POU: Resolution (H. Res. 370) urging the immediate consideration of Senate bill 1553; to the Committee on Rules.

By Mr. ASWELL: Joint resolution (H. J. Res. 299) authorizing the Postmaster General to expend not more than 50 per cent of the gross earnings of motor-truck parcel-post routes for the construction and maintenance of the highways on which the service is or may be established; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 12359) granting an increase of pension to Thomas Anderson; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 12360) granting a pension to William P. Robinson; to the Committee on Pensions.

By Mr. DARROW: A bill (H. R. 12361) granting an increase of pension to Henry C. Shane; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 12362) granting a pension to Frank Shaw; to the Committee on Pensions.

Also, a bill (H. R. 12363) granting a pension to George Matson; to the Committee on Pensions.

By Mr. LEE of Georgia: A bill (H. R. 12364) granting a pension to James W. Ledford; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 12365) granting an increase of pension to Job W. Conoway; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 12366) for the relief of John H. Kidd; to the Committee on Military Affairs.

Also, a bill (H. R. 12367) granting a pension to Patrick Lehan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12368) granting an increase of pension to James F. Dickey; to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 12369) granting an increase of pension to Philip H. Anschutz; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 12370) granting an increase of pension to Honora Thompson, widow of James M. Thompson, alias James Mieberg; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 12371) granting a pension to Cora Goddard; to the Committee on Pensions.

Also, a bill (H. R. 12372) granting a pension to Thanie Thompson; to the Committee on Pensions.

By Mr. ZIHLMAN: A bill (H. R. 12373) granting a pension to Louisa C. Coleman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COOPER of Wisconsin: Petition of members of the First Congregational Church of Janesville, Wis., urging immediate prohibition of the manufacture of alcoholic beverages as a war measure; to the Committee on the Judiciary.

By Mr. ESCH: Petition of members of Henry Dretiott Post, No. 141, Grand Army of the Republic, of Hillsboro, Wis., favoring the Smoot pension bill; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Petition of the Chicago Union Ministers' Association, for prohibition of the manufacture and sale of intoxicating liquor during the period of the war; to the Committee on the Judiciary.

Also, petition of J. D. Hollingshead Co., of Chicago, against repeal or postponement of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. LUNDEEN: Petition of the International Brotherhood of Blacksmiths, Local No. 2, Minneapolis, Minn., Thomas P. Hughes, secretary, against premium and bonus systems on Government work; to the Committee on Naval Affairs.

Also, petition of Boilermakers' Lodge No. 510, Minneapolis, Minn., Dave Swanson, secretary, against premium and bonus systems on Government work; to the Committee on Naval Affairs.

Also, petition of Machinists' Union No. 827, Minneapolis, Minn., J. F. Tritz, secretary, against premium and bonus systems on Government work; to the Committee on Naval Affairs.

Also, petition of Electrical Workers' Union No. 292, Minneapolis, Minn., Charles A. Anderson, secretary, against premium and bonus systems on Government work; to the Committee on Naval Affairs.

Also, petition of Blacksmiths' Union, Local 73, Minneapolis, Minn., A. R. Gisslen, secretary, against premium and bonus systems on Government work; to the Committee on Naval Affairs.

By Mr. McFADDEN: Resolutions passed by Unity Grange, No. 1710, Galilee, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Resolution adopted by the Oak Park Baptist Church, Sacramento, Cal., protesting against the zone system and urging its repeal; also letters from the Woman's Christian Temperance Union of Sacramento, Cal.; from the Agricultural Extension Club of Nevada County, Cal.; and from the American Federation of Labor, protesting against the zone system and urging its repeal; to the Committee on Ways and Means.

Also, resolution indorsing the military highway defense system on the Pacific coast adopted by the Mendocino Chamber of Commerce, the Pomeroy (Wash.) Commercial Club, and the Greenwood Civic Club, of Elk, Cal.; to the Committee on Military Affairs.

By Mr. SNELL: Petition of members of the Episcopal Church, the Presbyterian Church, the Baptist Church, and the Methodist (Methodist Episcopal) Church, of Gouverneur, N. Y., for the passage of a bill to effectively prohibit the use of any kind of foodstuffs during the war for the manufacture of intoxicating beverages, and to limit liquors on hand to nonbeverage uses; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of the woman's committee of the Minnesota Council of National Defense and Public Safety Commission, in favor of House bills 7736 and 5716; to the Committee on the Post Office and Post Roads.

By Mr. VARE: Memorial of the City Councils of Philadelphia, urging the construction of dry docks for commercial shipping at that port; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *June 4, 1918.*

(Legislative day of Monday, June 3, 1918.)

The Senate met at 12 o'clock noon.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Jones, N. Mex.	Nelson	Smith, Mich.
Cummins	Jones, Wash.	Norris	Smoot
Curtis	Kellogg	Page	Sterling
Fall	Kendrick	Penrose	Thompson
Fernald	Kenyon	Poindexter	Townsend
Gronna	King	Ransdell	Wadsworth
Hale	Kirby	Sheppard	Warren
Harding	Lenroot	Shields	Watson
Hardwick	Lodge	Simmons	Wolcott
Hitchcock	McCumber	Smith, Ariz.	
Johnson, Cal.	McNary	Smith, Ga.	
Johnson, S. Dak.	Myers	Smith, Md.	

Mr. CURTIS. I desire to announce the absence of the senior Senator from New Jersey [Mr. FRELINGHUYSEN] on official business. I will let this announcement stand for the day.

I wish also to announce the absence of the junior Senator from Indiana [Mr. NEW] on official business. I ask that this announcement may stand for the day.

Mr. KIRBY. I was requested to announce the unavoidable absence of the junior Senator from Mississippi [Mr. VARDAMAN] on official business.

I wish also to announce that the junior Senator from Kentucky [Mr. BECKHAM] is detained on official business.

Mr. KENDRICK. I desire to announce that the junior Senator from Nevada [Mr. HENDERSON] is detained by death in his family.

Mr. SHEPPARD. I wish to announce that the senior Senator from Florida [Mr. FLETCHER] and the junior Senator from Florida [Mr. TRAMMELL] are detained on public business. I also announce that the Senator from Mississippi [Mr. WILLIAMS] is detained by illness in his family and that the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. CULBERSON, Mr. MARTIN, Mr. SWANSON, and Mr. UNDERWOOD answered to their names when called.

Mr. GUION, Mr. BORAH, Mr. FRANCE, Mr. PITTMAN, Mr. CALDER, and Mr. OWEN entered the Chamber and answered to their names.

Mr. MCNARY. I wish to state that my colleague [Mr. CHAMBERLAIN] is absent on official business.

Mr. SAULSBURY, Mr. BANKHEAD, Mr. POMERENE, Mr. SHAFROTH, Mr. MCKELLAR, and Mr. SUTHERLAND entered the Chamber and answered to their names.

Mr. SUTHERLAND. I wish to state that my colleague [Mr. GOFF] is absent on account of illness.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

ESTIMATES OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting supplemental estimates of appropriation required by the Division of Purchases, Storage, and Traffic, General Staff of the Army, for the fiscal year 1919, $2,896,429 (S. Doc. No. 233), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting a supplemental estimate of appropriation in the sum of $145,103,037 required by the Director of Purchases, Storage, and Traffic for inland and port storage, for the fiscal year 1919 (S. Doc. No. 232), which, with accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 1549. An act to require numbering and recording of undocumented vessels;

S. 2380. An act granting to the Legislature of the Territory of Hawaii additional powers relative to elections and qualification of electors; and

S. 4151. An act to provide for a determination of heirship in cases of deceased members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Tribes of Indians in Oklahoma, conferring jurisdiction upon district courts to partition lands belonging to full-blood heirs of allottees of the Five Civilized Tribes, and for other purposes.

The message also announced that the House had passed the bill (S. 1544) to provide for appeals from decisions of boards of local inspectors of vessels, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3332. An act authorizing the Secretary of the Treasury to sell and convey certain land to the city of Faribault, Minn.; and

H. R. 10021. An act granting the consent of Congress to the county commissioners of Trumbull County, Ohio, to construct, operate, and maintain a bridge and approaches thereto across the Mahoning River in the State of Ohio.

PETITIONS AND MEMORIALS.

Mr. BRANDEGEE. I send to the desk a letter accompanied by a resolution passed by the New Britain Chamber of Commerce, of Connecticut, and ask that the Secretary read it.

There being no objection the Secretary read as follows:

NEW BRITAIN, CONN., *May 31, 1918.*

Hon. F. G. BRANDEGEE,
United States Senate, Washington, D. C.

DEAR HONORABLE SIR: We beg to advise you that the directors of the New Britain Chamber of Commerce have unanimously adopted the resolutions attached. These resolutions have received the indorsement of the National Chamber of Commerce of the United States and the American Association of State Highway Officials, and we urge your consideration.

We believe the recommendations of these resolutions are vitally important and necessary and should be made operative at the earliest possible moment.

Yours, very truly,

NEW BRITAIN CHAMBER OF COMMERCE,
LEON A. SPRAGUE, *Executive Secretary.*

Mr. BRANDEGEE. I will not ask that the resolutions be read if they may be printed.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions unanimously adopted by the meeting of highway transportation men of the Chamber of Commerce of the United States in session at Chicago, Ill., April 11, 1918.

Whereas the Chamber of Commerce of the United States, assembled in its war convention in Atlantic City last September, urged as a war measure the prompt improvement of public highways; and

Whereas the transportation requirements of the country due to the war can be only met by complete coordination of the carrying capacities of railroads, highways, and waterways; and

Whereas there has developed in our country a tremendous increase in highway transportation for the haulage of munitions, foodstuffs, and essential supplies; and

Whereas we recognize the necessity of a Federal war-time policy in respect to highway improvement, permitting the various States to immediately formulate a definite highway program: Therefore be it

Resolved, That we urge upon the Federal Government and the several States the importance of adopting a program that will insure adequate highway construction and maintenance, so that our highways may properly carry their share of the burdens of transportation; and be it further

Resolved, That we urge upon the President and the Members of Congress the creation of a centralized Federal authority to determine the highway policy of our Government, with power to direct the administration of that policy.

Mr. LODGE presented a petition of the Third Middlesex Representative District Organization of the Massachusetts Woman Suffrage Association, praying for the immediate submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. JONES of Washington presented a petition of Sedgwick Post, Grand Army of the Republic, Department of Washington, of Spokane, Wash., praying for an increase in the pensions of veterans of the Civil War, which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial from the Yakima Hop Growers' Association, of Washington, and a telegram in the nature of a memorial from McNeff Bros., of Portland, Oreg., remonstrating against the adoption of the so-called Randall amendment to the agricultural appropriation bill prohibiting the use of food materials in the manufacture of malt beverages, which were ordered to lie on the table.

Mr. NELSON presented resolutions adopted by the United Commercial Travelers of Stillwater, Minn., favoring the enactment of legislation to provide for the creation of a centralized Federal authority to determine the highway policy of our Government, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Minneapolis, Minn., praying for the recognition of the independence of Ireland, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Alice Paul Branch of the Minneapolis Woman's Party Association, of Minneapolis; of the Woman's Council of National Defense, of Koochiching County; and of Mrs. Henry Wailler, of White Bear, all in the State of Minnesota, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Minnesota, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. TOWNSEND presented petitions of William Fenton Post, No. 258, Grand Army of the Republic, Department of Michigan, of St. Ignace; of Edward Dwight Post, No. 163, Grand Army of the Republic, Department of Michigan, of Vermontville; of B. T. Chapin Post, No. 287, Grand Army of the Republic, Department of Michigan, of Allegon; and of Oscar Bartlett Post, No. 233, Grand Army of the Republic, Department of Michigan, of Lamb, all in the State of Michigan, praying for an increase in pensions of veterans of the Civil War, which were ordered to lie on the table.

Mr. HALE presented a petition of the Rotary Club of Portland, Me., praying for the enactment of legislation to provide for the creation of a centralized Federal authority to determine the highway policy of our Government, which was referred to the Committee on Agriculture and Forestry.

Mr. JONES of New Mexico. Out of order, I ask to have read a telegram, in my care, addressed to the Senate.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I shall not object to this request, but when it is disposed of I should like to go on with the pension bill under the unanimous-consent agreement.

There being no objection, the Secretary read the telegram, as follows:

LAS CRUCES, N. MEX., *June 3, 1918.*

UNITED STATES SENATE
(Care Hon. A. A. JONES), *Washington, D. C.:*

We the people of the Protestant churches of Las Cruces, N. Mex., respectfully urge you to immediately pass the Barkley bill or any other providing for national bone-dry prohibition as a war measure, being urged by the Government to conserve food in our homes. In the name of consistency, we ask that this measure be passed.

W. A. SUTHERLAND.
H. B. HOLT.
FRANK A. HAWLEY.
B. T. LINK.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 4653) for the relief of William H. Rounceville; to the Committee on Military Affairs.

A bill (S. 4654) for the relief of Harry E. Fisk; to the Committee on Claims.

A bill (S. 4655) granting a pension to Wilfred W. Phaneuf (with accompanying papers);

A bill (S. 4656) granting a pension to Sophronia F. Shurtleff (with accompanying papers); and

A bill (S. 4657) granting a pension to Rufus H. Hopkins; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4658) granting an increase of pension to Evan Chalfant (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 4659) granting a pension to Daniel Kenney (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 4660) granting a pension to William M. Reid; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4661) to amend section 4414, Revised Statutes of the United States, to classify and provide salaries for clerks in the Steamboat-Inspection Service; to the Committee on Commerce.

A bill (S. 4662) to amend section 4884 of the Revised Statutes, relating to patents, trade-marks, and copyrights; and

A bill (S. 4663) for the exercise of the right of eminent domain in taking for public use a subordinate property in the grant, right, and property covered by letters patent, upon making just compensation; to the Committee on Patents.

By Mr. HOLLIS:

A bill (S. 4664) granting an increase of pension to George L. Danforth; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4665) granting an increase of pension to Robert Bailey;

A bill (S. 4666) granting an increase of pension to Morris Hinchman; and

A bill (S. 4667) granting an increase of pension to Theodore Marcy; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4668) granting an increase of pension to William Small (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4669) granting a pension to James W. Grant; to the Committee on Pensions.

By Mr. HITCHCOCK:

A joint resolution (S. J. Res. 158) further extending the time within which the joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River shall remain in effect; to the Committee on Foreign Relations.

CLAIM OF THE FRENCH GOVERNMENT (S. DOC. NO. 231).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of France against this Government on account of losses sustained by a French citizen in connection with the search for the body of Admiral John Paul Jones, which was undertaken by Gen. Horace Porter, formerly American ambassador to France, and I recommend that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

WOODROW WILSON.

THE WHITE HOUSE, *4 June, 1918.*

HOUSE BILLS REFERRED.

H. R. 3332. An act authorizing the Secretary of the Treasury to sell and convey certain land to the city of Faribault, Minn., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 10021. An act granting the consent of Congress to the county commissioners of Trumbull County, Ohio, to construct, operate, and maintain a bridge and approaches thereto across the Mahoning River in the State of Ohio, was read twice by its title and referred to the Committee on Commerce.

INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9959) increasing rates of pension of soldiers and sailors of the Civil War.

The VICE PRESIDENT. The pending question is the amendment of the Senator from Utah [Mr. KING].

Mr. THOMPSON. Let the pending amendment be reported.

The SECRETARY. The amendment is offered as a substitute for the amendment previously offered by the Senator from Florida [Mr. TRAMMELL]. Add at the end of the bill the following:

That no pensioner shall be entitled to receive any benefits under the provisions of this act for any period during which he shall be an inmate of any State or National soldiers' home; and the provisions of this act shall not apply to any pensioner whose net annual income from all sources, including his pension, is $1,000 or more, to be determined by the income-tax reports on file in the office of the Commissioner of Internal Revenue, who shall annually on the 1st day of July transmit to the Commissioner of Pensions a list of all pensioners having an income, as shown by such reports, in excess of the said sum of $1,000.

Mr. KING. Mr. President, it is not my purpose to enter into a discussion of this bill, or to do more than briefly explain the amendment which is under consideration and point out the differences between the House bill and the amendment proposed by the Senate committee. I confess to no great familiarity with pension legislation, and can not speak with the same authority upon these questions as those Senators can who for years have been members of the Pension Committee and have had to do with legislation which has come from that committee during past sessions of Congress. I had not intended to offer any amendments to this bill or to submit any observations whatever, but the chairman of the committee, the Senator from Montana [Mr. WALSH], was unexpectedly called from the city, and he requested me to call attention to this amendment which he submitted a few days ago and stated, as I recall, that at the appropriate time he would offer it as an amendment to the Senate bill. It is always an ungracious task to oppose legislation which is in the interest of those who have served in the armies of our country, and those who have the temerity to do so are often denounced and their motives misrepresented and assailed. There is always a feeling that men who are called to serve their country in time of war should receive the gratitude of their countrymen and consideration at the hands of the people, and this feeling is frequently appealed to and generally relied upon to secure legislation increasing pensions. Of course there are always some who are willing to take from the Public Treasury even where morals or constitutional limitations would interpose objection. In other words, some people seem to regard the Public Treasury as an unfailing fountain to which all may go for gratuities and gifts and benefactions. In war times the demands upon the Treasury from every source and from almost every section are greater than ever. The Government staggers under imperative demands, and yet many worthy enterprises and measures are pressed for consideration which could with propriety be postponed to a more propitious hour.

In these observations I am speaking generally and not with any particular reference to the measure under consideration. I do, however, wish to impress upon Senators the necessity of economy and prudence in dealing with the Public Treasury. The exactions which are being daily made are so tremendous that every man who has vision must view with apprehension the financial future not only of the Government but of the people. We can not spend billions annually, with decreasing sources of taxation and diminishing productivity in the fields of agriculture and manufactures and in the activities of trade and commerce, without sooner or later feeling the oppressive burden which inevitably will bear heavily upon the country. And yet every appeal for economy, so far as I have been able to discover since we entered upon the war, has met with but very little support. Every section of our land is seeking an

appropriation. Money is sought to operate the railroads, to develop mines and industries, to prosecute private enterprises, and in many instances to aid in purely local and often selfish schemes and plans. Efforts are constantly being made to extend the functions of the Government and to embark the Nation upon wild and tempestuous seas of experimentation.

Indeed, there is no project so visionary, no scheme so Utopian, that its adoption is not urged by many and appropriations sought to aid in its execution. Where the money is to come from to meet these stupendous demands it is impossible to determine. There are limits to the power of taxation, and it follows necessarily that there are limits to the ability of the Government to procure revenue. Taxation may be so onerous as to destroy industry and property values. The burdens of taxation must be wisely and prudently laid upon the people; and while enormous amounts must be taken from the people under revenue laws, the aim should be to so lay the taxes as not to paralyze or destroy business. But, Mr. President, with the increasing demands which are being made for appropriations and in view of the fact that millions of men are being taken from gainful occupations, it becomes more and more apparent that unless the most rigid economies are practiced the people and the Government will bend under the oppressive burdens which are to be placed upon them. Pursuasive reasons are assigned for many, indeed the greater part, of the appropriations which are sought from the Government, and it is almost impossible to withstand the pleading of the proponents of many measures calling for governmental aid.

Pension bills properly call for sympathetic consideration. Men who served and saved our country are entitled to the gratitude of the Nation. There is no man who appreciates the issues of the Civil War who does not experience a feeling of profound reverence for those men who fought and suffered for the Union. The men who were wounded, the men who incurred physical disabilities, and who for months and years bravely defended the flag and fought for the maintenance of the Union, are entitled to the consideration of the country. So it is a very ungracious task to oppose any measure that increases pensions to Civil War veterans; and in offering this amendment and in asking the Senate to approve the House bill, known as the Sherwood bill, I do not want to be put in the attitude of opposing the legitimate claims of the Civil War veterans. As I stated, I am not very familiar with pension legislation and am not an authority upon the questions involved in the present measure; but, as I understand, Hon. ISAAC R. SHERWOOD, chairman of the Committee on Invalid Pensions in the House, prepared and introduced in the House a bill known as the Sherwood bill, which passed the House and came to the Senate for consideration. The House bill provides, in substance, that the rate of pension of any person who served in the military or naval service of the United States during the Civil War and was honorably discharged therefrom, and who is now in receipt of a pension or shall hereafter be granted a pension under the provisions of any general law, or is now pensioned under a special act of Congress, and who is entitled to a pension of less than $25 per month, shall receive under the bill a pension amounting to $25 per month.

The bill further provides that for every person who has reached the age of 70 years and served 1 year the rate of pension shall be $26 per month; and the soldier serving 1½ years receives $28 per month. Service for 2 years calls for $30 per month; for 2½ years, $31 per month; and for 3 years or over, $32.50 per month. The bill further provides that in case such person has reached the age of 75 years and served 90 days, he shall receive $27 per month; and if service was for 6 months, $29 per month; and if for 1 year, $31 per month; for 1½ years, $35 per month; and for 2 years or over, $39 per month. There is a further provision for persons who were wounded in battle or in line of duty and who are now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty suffered disability and are unable to perform manual labor. They shall be paid at the rate of $39 per month regardless of the length of service or of age. Section 3 of the House bill provides that no pensioner shall be entitled to receive any benefits under the provisions of this act for any period during which he shall be an inmate of any State or National soldiers' home; nor shall the provisions of the act apply to any pensioner whose net annual income from all sources, including his pension, is $1,000 or more.

This bill was considered by the House committee and was reported to the House and subsequently passed the House with practical unanimity. The author of the bill is Gen. SHERWOOD, a distinguished Union soldier. In a letter to the chairman of the Senate Committee on Pensions Gen. SHERWOOD states: "This bill was prepared by the Committee on Invalid Pensions after a deliberation of about two months and after full consultation with the legislative committee of the Grand Army of the Republic, and I am a member of the legislative committee." He further states in his letter that the bill carries, in round numbers, a little less than $21,000,000 for the first year; that it excludes from the provisions 23,000 soldiers in National and State soldiers' homes and all soldiers having a yearly income, inclusive of pensions, of $1,000 or more. Proceeding, the General uses this language:

> Had it not been for the war and the increased cost of living, of course, there would have been no need for new pension legislation at this time, and in order to make the bill an emergency measure these two exceptions were made. Formerly it cost the Government $240 a year to keep each soldier in a soldiers' home; now it costs the Government $400 a year for each soldier. Hence the increased cost of living is borne exclusively by the Government for the soldiers living in soldiers' homes."

The House measure, as will be seen, is therefore the product of men who are familiar with the needs of the soldiers and with pension legislation, and the bill which they reported would appear from the record to have met at that time at least the approval of representatives of the soldiers. Of course, I can appreciate that there will be some soldiers who would welcome almost any increase in pension.

I do not make this statement by way of criticism but merely as illustrating a conspicuous trait of human nature. It is the natural disposition of people, particularly where they feel that they are entitled to consideration, to obtain as much as they possibly can. Indeed, some people are so selfish that no concessions to their demands would prove satisfactory. I believe that there have been some private pension bills that lacked merit, and that some persons have received and are receiving pensions who are not entitled to them. I can understand that even though the Sherwood bill was universally approved by the soldiers when reported, it would now meet with opposition from some if they believed that a measure carrying larger pensions could be enacted into law. And so the bill drawn by Gen. SHERWOOD, in connection with representatives of the Grand Army of the Republic, does not now, I understand, meet the approval of all of the old soldiers. There are some who prefer the Senate bill because it increases the pensions very materially and gives to those who served but a few months the same rates of increase as many who served for years. Without analyzing the two bills in this respect, it is sufficient to say that the report of Commissioner Lane shows that the estimated cost of the Sherwood bill for the first year is approximately $22,000,000, and I am advised that estimates furnished as to the appropriations required to meet the pensions under the Senate bill will, for the first year, be in the neighborhood of $40,000,000. Of course, since those estimates were furnished a large number of the beneficiaries under either bill have passed to the great beyond, so that there would be a substantial reduction in each amount. As I understand the position of the distinguished chairman of the Senate Pension Committee, it was to the effect that the Sherwood bill had received the approval of the House, it had been prepared by a veteran of the Civil War, who had won high honors because of long and gallant service, after full conferences with representatives of the soldiers, and that it would be the part of wisdom to adhere to the House bill and to pass the measure substantially as it came from the House. The Committee on Pensions of the Senate, as Senators are aware, substituted another measure for the House or Sherwood bill.

Mr. President, as I understand, there was a comprehensive law passed in May, 1912. It was understood that it was so comprehensive and dealt with the entire subject in a manner so just and generous that the claim was made that no additional pension legislation would ever be required. I am advised that representations were made at that time by those who claimed to speak for the Civil War veterans, that if Congress would enact into law the bill then under consideration there would be no further claims made for additional pensions except in some specific or unusual case.

Mr. McCUMBER. Mr. President——

Mr. KING. I yield to the Senator.

Mr. McCUMBER. I ask the Senator to yield to me that I may correct that impression. I had charge of the bill at that time in putting it through as chairman of the Committee on Pensions, and I reiterated many time that there might be occasions and probably would be occasions for a change at some future time and that I did not regard at that time that to be the final bill, and I wish to say to the Senator I do not regard this one to be the final bill, notwithstanding the optimistic utterances that are made.

Mr. KING. Of course, the Senator who has just interrupted me knows far more about pension legislation than I do. He has been familiar with this question for many years by reason of his long service in the Senate and because at one time he was chairman of the Committee on Pensions. But I am sure that statements have repeatedly been made of the character to which I have just referred.

Mr. McCUMBER. The Senator is right.

Mr. KING. If it is not improper, I call the attention of the Senator from North Dakota, and other Senators, to the recent statements made before the Committee on Pensions of the Senate by the past commander in chief, Mr. Gardner, and others representing the Grand Army of the Republic. As I recall their statements, they were to the effect that when the act of May 12, 1912, was passed assurances were made that that was the end of pension legislation except in a few unusual or unanticipated cases. I am quite sure that Mr. Gardner, speaking for the organization, made substantially the statement which I am now crediting to him.

Additional pension legislation is now asked for primarily because of the high cost of living. The contention is made that the great advance in everything entering into the lives of the soldiers makes it necessary that they shall receive higher pensions; otherwise some, and indeed many, would suffer serious privations. I think the claim was made in the House committee, before whom the subject was considered at great length, that the reason for this legislation was the high price of living. The report of the House committee accompanying House bill 9959 contains the following language:

It is not claimed this bill is adequate to fully meet the increased cost of living. It is a fair estimate that the purchasing power of a dollar to-day, as compared with the time the act of May 11, 1912, was enacted, is a trifle less than 40 cents on the dollar. This bill, if enacted into law, will increase the purchasing power of the soldiers' pensions to about 72 per cent. In other words, if conditions as to prices had remained normal, compared with 1912, the present proposed legislation would have the same effect upon the surviving soldiers of the Civil War as if their pensions had been reduced 28 per cent.

I think I am correct in stating that the principal reason urged for this legislation was that because of the change in industrial and economic conditions it was only fair to make further contributions to the old soldiers to enable them to meet the high prices incident to such changed conditions.

Mr. McCUMBER. If the Senator will just add to that the increased age of the pensioner and the increasing disability to earn a living, taken in connection with the high cost of living, he will state a further reason for the proposed legislation.

Mr. KING. Undoubtedly, if the committee went deeply into all the reasons that might be urged in justification for the legislation proposed, it might be agreed that the Senator is correct, and yet that reason was just as apparent when the act of May, 1912, was passed, and which seemed so satisfactory as to lead the representatives of the old soldiers to assume that no additional legislation would ever be requested. However, as I read the report of the House committee, the suggested reason of the Senator from North Dakota does not seem to have been considered by them; certainly it was not assigned as one of the grounds for their report and as a reason for supporting the House bill. The bill which passed the House of Representatives, and which is known as the Sherwood bill, came from the House committee, as I recall, with a unanimous report. It is true that Hon. OSCAR E. BLAND, of Indiana, submitted what might be denominated a supplemental report, in which he expressed views somewhat in antagonism to those contained in the report which was submitted accompanying the bill.

Mr. SMOOT. Mr. President——

Mr. KING. I yield to my colleague.

Mr. SMOOT. I merely want to correct the impression which my colleague seems to have, that this was a unanimous report. It was a majority report from the committee, and was not a unanimous report.

I will say further, that when the bill was under discussion on the floor of the other House, there was a rule brought in which would not allow an amendment to be offered to the bill. Members had either to vote for the House bill or they had to vote against it. Therefore, the vote which the bill received was a vote in favor of an increase of pension, and not that the individual members wanted that particular pension bill.

Mr. KING. Mr. President, my information is that the House committee voted unanimously to report the Sherwood bill, and the report accompanying the bill appears to be unanimous, except, as stated, that Representative BLAND submitted additional views, in which he expressed the view that higher pensions should be provided than those given in the Sherwood bill.

The House bill differs from the substitute which is reported by the Senate committee in a number of particulars. I shall not take the time nor the trouble to explain in detail the differences, because all Senators are familiar with them. I call attention, however, to two items in which the difference is marked. In the House bill section 3 provides that—

No pensioner shall be entitled to receive any benefits under the provisions of this act for any period during which he shall be an inmate of any State or National soldiers' home; and the provisions of this act shall not apply to any pensioner whose net annual income from all sources, including his pension, is $1,000 or more.

The substitute bill reported by the Senate committee omits this section and contains no similar provision. It is manifest that the House bill did not intend to extend the increases provided in the bill to pensioners who were receiving, either from investments or from other sources, large incomes. It has been a subject of considerable discussion for many years as to whether it was just and fair for men who are receiving large incomes from their investments or from other sources to obtain at the same time a pension from the Government. Instances have been brought to the attention of the public where men have incomes of thousands of dollars per annum, and yet they were drawing pensions from the Government. I have known of many cases where persons who served in the war but received no injuries whatever and indeed in some instances they were never at the battle front, and they were in excellent physical condition, and yet they were drawing large pensions, notwithstanding the fact that they were the recipients of incomes ranging from a few thousand to many thousands of dollars per annum. Such cases have provoked criticism and have led to many general charges that the pension roll contained many fraudulent or, at least, many unworthy claimants.

Doubtless the House committee deemed the reasons sufficient and satisfactory to warrant them in placing in the House bill section 3, just referred to. The Senate bill, as stated, omits this provision and, therefore, repudiates the position of the House and indorses the view that the same pension should be given to the soldier who received no injuries and whose annual income is thousands of dollars as that which is paid to the soldier who received wounds in line of battle and who has no income whatever except the pension derived from the Government. If the proposed Senate bill becomes law, then we give notice to the country that pensions are not based upon injuries or disabilities, or the needs and necessities of the worthy and valiant soldier, but the rich man, the man of large income, the man who is sound of body and of mind, the man who was in the Army only 90 days, the man who merely guarded a train and who was hundreds of miles from shot and shell, shall receive the same pension as the former. Senators may find sufficient reasons for supporting this view. This position may seem just and fair and consistent to them. It occurs to me that the House bill is founded upon a sounder and certainly a fairer and juster principle.

As stated, the reason assigned for increasing the pensions is the increased cost of living and the inability of many of the old soldiers to support themselves under the present conditions. It has been claimed that many of them are indigent, and indeed do not have sufficient to meet their daily necessities. For this view to be consistent and logical those whose incomes take them out of this class ought not to receive the increased pension. If increases are granted because of the poverty and needs of the soldiers, then those who are not in poverty and who are not in need of increased pensions ought not to receive them. At any rate, that was the position of Gen. Sherwood and the position of the House. I ask Senators to consider whether or not the principle followed by the House is not sound and just.

There has been some criticism of this provision, under which no pensioner having an income of $1,000 or more should be entitled to receive any benefits under the provisions of the bill; it was said that the trouble of executing a law of this character would be exceedingly great; that there would be complications; that to ascertain what a man's income was would make the cost greater than the amount which ultimately would be charged to the Treasury. To meet this view the Senator from Montana [Mr. WALSH] submitted an amendment, which forms a part of the amendment which I have just suggested to the Senate, and that provides that in ascertaining the income of the pensioner it shall "be determined by the income-tax reports on file in the office of the Commissioner of Internal Revenue, who shall annually on the 1st day of July transmit to the Commissioner of Pensions a list of all pensioners having an income, as shown by such reports, in excess of the said sum of $1,000."

If this amendment is adopted, then the criticism referred to is without merit. The plan proposed by the amendment is simple, and the Commissioner of Pensions could readily provide rules and regulations to enable his office to deal with the question in a satisfactory manner.

Mr. McCUMBER. Does the Senator from Utah object to being interrupted? I think he could explain matters as he goes

along possibly a little better by permitting interruptions than by not doing so.

Mr. KING. I have no objection to interruptions, although I suggest to the Senator from North Dakota that I may not be able to explain matters, because I am not very familiar, I confess, with pension legislation, and the Senator from Montana, who was unexpectedly called from the city, had this matter in charge, and I am only attempting the part of a poor and indifferent substitute.

Mr. McCUMBER. I want to suppose a case of this character: Suppose that during the year 1917, as shown by the report of the Commissioner of Internal Revenue in 1918, a soldier had an income of a thousand dollars a year; we will assume that after the 1st day of July he has no income. You have no method of ascertaining that fact under the amendment which is proposed, and he would be deprived of the pension that would be his due until another year elapses to again ascertain on a second report from the Commissioner of Internal Revenue that he had no income during that year. The fact that a soldier had an income in 1917 of a thousand dollars is no evidence whatever that he will have a thousand-dollar income in 1918. I think the Senator from Utah will see, if he stops to consider that proposition, that the amendment does not meet the case and can not meet the case. The matter must be investigated from time to time right along by the Commissioner of Pensions.

Mr. KING. Will the Senator permit me, before I attempt to answer what he suggests, to inquire for information if there was not a measure some years ago—I think it was denominated the widows' pension act of 1908—under the terms of which there was a similar provision to this; that is, that there was a limitation provided? Is it not also a fact that under that provision there was no difficulty, or but little difficulty, in enforcing it?

Mr. McCUMBER. No. The 1890 law granting pensions to widows provided that no widow who had an income of $250 a year should be entitled to pension. If she applied under that law, she had to state at that time what her income was; and, in addition to her own statement, the Commissioner of Pensions required other evidence; in other words, the bureau investigated the matter, so that it was determined at the time and before any pension was allowed at all whether or not a widow had an income of $250. The matter was never left to some other arm of the Government, to the taxing power, to make a report once a year. If the commissioner found that after she had drawn her pension for six months she then had an income of $250 a year the pension would be discontinued.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. LODGE in the chair). Does the Senator from Utah yield to the Senator from Kansas?

Mr. KING. I do.

Mr. CURTIS. May I say in that connection that the complaints were so numerous and so much trouble was occasioned that that provision was repealed?

Mr. KING. Mr. President, of course I can not challenge the accuracy of the statement of the distinguished Senators who have just spoken, because their greater familiarity with this subject permits them to speak with an authority that I certainly do not have, but I am advised that that law was fairly satisfactory and was enforced as successfully as most laws usually are.

I wish to say, in reply to the Senator from North Dakota, that I see no reason why the income-tax report, which must be made, may not be taken as a guide. The proposed amendment does not provide that it shall be conclusive; that is to say, if the report submitted for one year shows an income in excess of $1,000, that may be prima facie evidence that the income the following year will be approximately the same amount. It is not, however, conclusive by any means; it would be merely a guide to determine whether the pension should be paid; and if, as I understand the proposed amendment and the operations of the law, a man's income should suffer a loss during that year and should sink below the thousand-dollar line, then by making a satisfactory showing to the Commissioner of Pensions he would be placed on the pensionable list. The amendment I have suggested does not prevent the Commissioner of Pensions from acting favorably upon any application for pension when he receives evidence that the income of the soldier is less than $1,000. The proposed amendment does not establish the question of income for all time. The income-tax return is made annually. Each person's income varies, and the tax of this year may greatly differ from that of next year. The Pension Office will have no greater difficulty in meeting this question than will the Internal-Revenue Office in meeting the question of taxation under the revenue bill.

Mr. McCUMBER. But, Mr. President, if the Senator will allow me, the Senator supports the amendment on the theory that it obviates an investigation by the Pension Bureau. My argument was simply that it would not obviate it, because, while it might be said that the internal-revenue report would be prima facie evidence, after all the matter would have to be investigated immediately to determine whether or not the soldier had a thousand-dollar income, for in his application under the new law undoubtedly the blanks would require him to show whether or not he was receiving a thousand dollars from other sources; and if he should say that he did not have, notwithstanding the fact that the record showed that he did have, an income of a thousand dollars in 1917, an investigation would be required. That would call for a vast number of special agents, that would involve an extra appropriation, and by the time you got through you would find that it would cost more than could possibly have been saved to the Government.

I think that is a most important consideration.

While I am on my feet, I want to present to the Senator another consideration, and that is this, as we found in connection with many cases of widows' pensions: When there is no question of income, practically every possible question of fraud under the pension laws is eliminated, while when there is a question of income at stake fraud from every source is invited. It was found to be easy, as was discovered in connection with the consideration of special pension bills, for the soldier or the widow to get rid of their little incomes by transferring them to some other member of the family. So the person with an elastic conscience would always be safe in securing the pension, while the person who was honest and conscientious in all matters would say, "I have this amount of income, and I am not going to try to get rid of it in any way or transfer it to any other member of the family or make any transfer of my property," and would be deprived of the little pension that would otherwise come to him.

Those, I think, are the only real cases of fraud we have ever had that amount to anything in connection with the administration of the pension laws. The number who would have a thousand-dollar income is small; probably not to exceed 3 or 4 per cent.

Mr. KING. Mr. President, the wit of man never has been sufficient to enact laws that may not be circumvented. The ablest lawyers frame legislation for State legislatures, for Congress, for Parliament, and the greatest legislative bodies in the world, and yet the next session of the legislative bodies is called upon to correct the mistakes, the omissions, the errors, and the evils which were sought to be remedied in the previous legislation. It seems not humanly possible to enact a law that will meet every condition and that will prevent fraud, deception, and evasion. I grant that there may have been—and the Senator says that such is the fact—evasions by old soldiers or by their widows in the past; but because there have been evasions and frauds committed by beneficiaries of legislation at the hands of a generous Government, that is no argument, to my mind, against just and fair legislation. If men and women will commit perjury, will deliberately violate plain and just statutes, there is only one remedy, and that is to punish them.

Mr. President, the argument that has been just submitted by my distinguished friend is one of the stock arguments against the income tax. It has been urged by the greatest publicists of Europe and by some of the greatest writers of our own land against income-tax legislation that it leads to evasion and fraud; that it entails too much investigation and is too inquisitorial in character; that as a result the taxpayer in order to avoid the exactions that the law demands will resort to fraud and evasions and, indeed, to perjury.

That is not an argument, Mr. President, against the income tax or against any fair taxing law. There are men, as suggested by the Senator, whose consciences are so elastic that they would stop at no law, and perjury would be committed in the presence of civil magistrates or prelates of the church. No law could be drawn that they would not try to evade; no statute could be enacted that they would not endeavor to avoid. The paramount question here is, Is this proposed amendment just and fair? If it is, then it is not a sufficient argument against it that somebody may commit perjury and thus avoid the operations of the statute.

I should like to inquire of my distinguished friend—and I do not do it in a controversial way, because I entertain such profound respect for him that I would not seek a controversy with him—whether he believes that men who are earning thousands of dollars a year, and who are not in need of a pension, ought not to receive pensions, or is it his opinion that they ought to be the beneficiaries of pension legislation to the same extent as those who are in poverty or whose necessities demand financial aid?

If the Senator will answer, I shall be very glad to get his view on that matter.

Mr. McCUMBER. Mr. President, I can answer that without the least hesitancy. I think that what we are granting to these old soldiers is a gratuity on the part of the Government to those who do not need it—we may call it a gratuity simply—and that it is an assistance to those who do need it. To say that because some old soldier who fought four years for his country has saved a little, by being a little more careful than the others, he should be deprived of that expression of gratitude on the part of his Government seems to me to be entirely unjust, although he may not need it.

I do not want to see the old soldiers put in the position of mendicants. I do not want this granted to them as alms. I want the Government to grant it in a free and liberal spirit, and with a grateful heart for what they have done for the country; and I want it to be granted in such a way that every one can accept it without feeling that he has placed himself in a position where he can be called an alms soldier. He is entitled to it from my standpoint, and he ought to receive it free from the stigma of penury.

Mr. KING. As I understand the Senator, his position is this: That if a man is earning $10,000 or $100,000 a year, or if he receives that income from his investments, he ought to have the same pension as the man who is in want and who has no income whatever. I can not agree with that view; but I do not care to enter into a protracted discussion of that question, although it is cognate to the question involved. I will only say that, in my opinion, there should be a distinction. No matter how the pension may be viewed the millionaire, the man in good health, the man who was never wounded and was never near the smoke of battle, and who served but 90 days guarding some stores or supplies hundreds of miles from the battle line, should not receive the same consideration in money as the soldier who is in want, who served for years in deadly conflicts, and who perhaps received injuries of a serious nature.

Mr. President, there is another point of difference between the substitute bill and the bill which came from the House. In the House bill the inmates of the soldiers' homes were not to be the beneficiaries of this increase. I stated at the outset, and I think the report of the House committee supports my contention, that the theory of this increase was based upon the increase in the cost of living. A few years ago the inmates of the soldiers' homes were maintained by the Government at an annual expense of approximately $240 each. Now, by reason of the increased cost of living, the amount exceeds $400 each. The Senate bill makes a discrimination. It permits the man who is in a soldiers' home, who is being supported by the Government, to get the same compensation as the man who is at home and has to support himself out of his pension or from other sources of income.

If one of the primary reasons justifying this legislation is the increased cost of living, then it is illogical to say that the man who is being supported by the Government in the soldiers' home shall derive the same benefits from this pension bill as the man who is not in the soldiers' home. So it seems to me, Mr. President, that the House bill is more logical, and certainly is more just, than the bill which comes from the Senate committee.

Mr. President, I desire to read from a statement made by Hon. ISAAC R. SHERWOOD, chairman of the House committee. We all know that Gen. SHERWOOD is a distinguished citizen of this country; that he entered the Civil War as a private, served with distinction for more than four years, and was mustered out a brigadier general.

If anyone is entitled to speak for the old soldier, either in the House or in the Senate, it seems to me that Gen. SHERWOOD is that man. His long experience and his familiarity with pension legislation and with the condition of the soldiers it would seem qualify him to speak and would give to his remarks a persuasiveness that could not be found in the statements of any Senator or any other Congressman.

Calling attention to the difference between the House bill and the Senate bill, Gen. SHERWOOD uses this language:

> Particularly at this time it would cause very bad feeling among both the Civil War veterans and the people abroad in the country if Congress were to do an injustice to those survivors of the Civil War who actually incurred wounds or disabilities in line of duty during the war. The vital fault in the Smoot amendment is that it completely overlooks this class of pensioners, who are clearly and eminently entitled to at least equal consideration with those who are now pensioned for age and service. Under the provisions of the House bill, the $25 per month minimum rate and 30 per cent increase is made to apply to these pensioners as well. It is also manifestly unfair to the veterans of advanced age who served from a year to the entire period of the war to give them comparatively small increases while the men who enlisted in 1864 and 1865, and served in many cases only 90 days, are given increases of from 75 to 100 per cent; yet this would be the effect of the bill as amended by the Senate committee. The House bill, however, gives the short-service men a minimum pension of $25 per month, and it is conceded that they are entitled to that, for the reason that Congress last session made the rate of pension for widows $25 per month.

Of course, the Sherwood bill is illogical, in a sense, because of giving the 90-day men under 70 years of age the same increase as the men who fought for three or four years; but the position is justified, apparently, because Congress gave a rate of $25 to the widow, and it was supposed that if the widow of the soldier who served but 90 days received $25 per month, then the soldier who served for a like period should receive as great an amount. However, there is no justification for the provision giving to those who served only 90 days or 100 days or a few months the same compensation, when not wounded, when suffering from disabilities, as the men who fought for years in the Civil War.

Right on that point, Mr. President, I am informed that there has been a very earnest propaganda in favor of the Senate bill by the 90-day men. Telegrams which I have seen would seem to indicate that. I do not think the old soldiers who fought two and three and four years are very eager for the Senate bill.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to his colleague?

Mr. KING. I yield to my colleague.

Mr. SMOOT. I intend to answer the Senator, and perhaps it would be better for me not to say anything at all at this time, or call the Senator's attention to the statement just made. The only objections that I have had to the so-called Smoot bill, however, have been from 90-day men. They claim that some of the bloodiest battles that were fought in the war were fought by 90-day men, which is true. Take the One hundred and fifty-eighth Massachusetts, who met on the Common of Boston with 1,158 men. They did not fight much more than 90 days, and when they were through there were only 78 left out of the 1,158; and I could go on and recite, all through the war, similar instances. Men who only enlisted for 90 days were in some of the bloodiest battles that were fought; and I will say to the Senator that the only objections that I have had to the bill that was introduced by me, and is now under consideration, are from 90-day men. They claim that they entered the Army; some of them served no longer——

Mr. KING. They were mustered out.

Mr. SMOOT. Some of them were, and therefore they have suffered just as much as men who have served longer, and therefore they ought to be entitled to the same pension as the men who, under the provisions of my bill, receive $10 more than they do. I will go into that in detail as soon as my colleague is through.

Mr. KING. The position of Gen. SHERWOOD seems to me to be sounder, and certainly to be juster, than the position just contended for by my distinguished colleague.

Mr. SMOOT. Mr. President, Gen. SHERWOOD introduced in the House the first pension bill granting a dollar a day to every soldier who served in the Civil War, irrespective of age, and irrespective of length of service; and he undertook to pass such a bill through the House of Representatives.

Mr. KING. Mr. President, Gen. SHERWOOD's position, as he confessed it to me, and as his correspondence which I have before me indicates, is in favor of a recognition of length of service, as well as consideration for age. In a letter to Senator WALSH, Gen. SHERWOOD makes this statement:

> During the last year of the war, when raising recruits, President Lincoln called for a million men; one call was for 500,000, another call for 300,000, and another for 200,000. This was in 1864. Many of these men were called for one year, and some for six months, and some for 90 days. The 90-days men were usually called on to guard lines of transportation. The draft law called for men between the ages of 18 and 45, and a good many of these men called out in 1864, who saw no service and were never at the front, are older than the old veterans who enlisted in 1861 and served during the entire war. Hence, you will see by granting a pension based solely on age, you will, in a majority of cases, grant a greater pension to the 90-days men, who had no service at the front, than the old veterans, like myself, who was in 42 battles and 123 days under fire. I served four months as a private at $11 per month, and was mustered out as a brigadier general.

Mr. SMOOT. We all do that, and that has been the policy of pension legislation ever since the 11th day of May, 1912. That is what the so-called Smoot bill provides, age and length of service, notwithstanding what Gen. SHERWOOD says in his letter to the chairman of the committee. I am sorry to say that Gen. SHERWOOD did not read the bill, or else he certainly did not understand it.

Mr. KING. Mr. President, obviously there ought to be a distinction in paying pensions to soldiers.

Mr. SMOOT. There is a distinction.

Mr. KING. The man who was in the Army for 30 days or 90 days certainly ought not to receive as much as the man who fought for his country for four years unless—and I make this distinction—he received wounds or injuries that would take

him out of the class, which for want of a better term I will call service class.

Mr. SMOOT. The Senator knows that the existing laws take him out of that class. If he has lost an arm, he gets so much; if he has lost a leg, he gets so much; if he has lost an eye, he gets so much; and this bill will never affect him.

Mr. KING. Oh, I understand that. I was making that distinction because the broad statement that preceded the last qualification might have been misunderstood. Of course, I am familiar with the law which makes provision for those who suffered disabilities and wounds and I understand the basis of pensioning soldiers falling within this category, but I recur to the statement I made a moment ago. If the question of justice cuts any figure in pension legislation there obviously ought to be some distinction between pensions granted to men who merely served 30 days or 90 days and pensions granted to those who were in the Army three or four years. The Senate bill grants a larger increase relatively to the 90-day men than it does to the men who were in the Army for several years.

Mr. SMOOT. Mr. President, the Senator makes that statement on what was written by Gen. SHERWOOD. I want to say to the Senator that the increase given in the pension for length of service under the Senate provision is exactly in the same proportion as that given in the law of May 11, 1912. It is true that in the Senate bill there is a general increase to $30 wherever a person served 90 days, and in the House bill it is $25. There is the difference between the two. The pension in the Senate bill is $5 more than in the House bill for service beginning at 90 days; but the increases in the Senate provision begin with $32, $35, $38, and $40, and the pensions in the House provision increase in about the same proportion.

Mr. KING. Oh, Mr. President, I make this statement, based upon the records and upon the evidence submitted by Gen. SHERWOOD. The Senate bill, by placing all soldiers below 72 years of age in one class, practically abandons the age-and-service distinction in the case of 160,000 pensioners, nearly one-half of the entire Civil War roll. These figures are based upon the last report of the Commissioner of Pensions, and, as stated, in that class will be found men who served only 90 days, and then not upon the battle line, but in mere police duty or guarding railroad tracks remote from the scene of battle. By the provisions of the Senate bill a soldier 71 years of age who served 4 years will be given the same pension as the soldier 62 or 65 years of age who served only 90 days.

Mr. SMOOT. Mr. President, the Senator is certainly mistaken. He does not know what the Senate bill is, or he would not make any such statement as that. It is true that the Senate bill provides that all men who served 90 days shall have a pension of $30 per month. It is true that the House bill provides that all men who served 90 days in the Army, irrespective of whether they were ever injurd or not, shall receive $25. The difference between the two bills is the $5 a month. That is the difference between the two bills as to that class of men. Now, the same thing applies to the present law. It is not a question now of how long a man served, if he served over 90 days. His age then counts, and then the length of service counts, as to whether the pension shall be increased over the minimum amount of $18 for men 70 years old. Whatever increase there is over $18 for men over 70 years old is the increase up to $30 under the Senate bill and $25 under the House bill; but both bills recognize the age and the service. Those are the facts in the case as to the two bills.

Mr. KING. Mr. President, notwithstanding what my colleague has said, I repeat that the Senate bill throws into one class approximately 160,000 men——

Mr. SMOOT. So does the House bill.

Mr. KING. And that within that class will be found 90-day men and men who served in the war for a period of one year or more, and they get the same compensation, so that, as Gen. SHERWOOD said, there is a discrimination.

Mr. SMOOT. Of course, I know that my colleague does not want to make a statement that can not be borne out. I just want to call his attention to what the bill says, and then he will plainly see that that can not possibly be right. Somebody has informed him wrongly.

That from and after the passage of this amendment the rate of pension for any person who served 90 days or more in the military or naval service of the United States during the Civil War, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, shall be $30 per month.

Now—

In case such person has reached the age of 72 years and served six months, the rate shall be $32 per month; one year, $35 per month; one and a half years, $38 per month; two years or over, $40 per month.

Mr. KING. Is it not a fact that under the Senate bill those under 72 years of age are thrown into the one class?

Mr. SMOOT. They are thrown into the $30 class just the same as the House bill throws them into the $25 class. It is exactly the same principle. There is not a particle of difference.

Mr. KING. Beginning at 70 in the House bill and 72 in the Senate bill.

Mr. SMOOT. Yes; and if the Senator would carry out his idea as to the Senate bill providing too much of an increase, if we cut it down to 70 years, it would make a difference of between $7,000,000 and $8,000,000 more. Different posts of the Grand Army of the Republic throughout the country wanted it 70 years, but I could not cut it down to 70 years and take in all, because I thought the increase would be too much. So we compromised on 72 years, but if it had been 70 years I say to my colleague it would have cost a great deal more, at least $7,000,000 to $8,000,000 more, per annum.

Mr. KING. I feel confident, after a limited investigation of this subject, that the statement made by Gen. SHERWOOD that—

it is also manifestly unfair to the veterans of advanced age who served from a year to the entire period of the war to give them comparatively small increases, while the men who enlisted in 1864 and 1865 and served in many cases only 90 days, are given increases of from 75 to 100 per cent. Yet this would be the effect of the bill as amended by the Senate committee—

is borne out by the facts.

In speaking of the Senate bill Gen. SHERWOOD states: "The short-term soldiers receive an increase of about double that of the long-term soldiers, which has created a good deal of dissatisfaction. The increase should be even with all classes of soldiers, and a bill that increases the pension received by short-term soldiers out of proportion to what the long-term soldiers would receive would be regarded as generally unfair, inequitable, and unpatriotic."

There is no question, Mr. President, but what some of the short-term soldiers did heroic service in sanguinary battles, and there is no question but what the militiamen called by President Lincoln in the latter part of 1864 and those who served only 90 days would have given the same splendid and heroic service as all other soldiers if the demand had been made of them. But it is true that most of the soldiers called into service shortly before the termination of the war served in positions that did not call for fighting. They were used to guard railroad lines and property of the Government, in many instances at points far distant from the fighting line. They were absent from home but for a short time. They encountered no dangers and experienced but slight privations. While they are entitled to all credit and praise for what they did do and for what they were willing to do, I can not reconcile myself to the view that they are entitled to the same pensions, the same financial rewards from the Government, as those men who fought upon many bloody battle fields and who for years contended for the supremacy of the Union. It seems to me there should be a distinction made. But I repeat that the Senate bill places in one class approximately 160,000 of those whose names are upon the pension rolls, and that a large part of that number consists of men who served but 90 days, or a short time in excess of that period, and that all found within the class receive the same rating and obtain the same increase. As I have before stated, another serious defect in the Senate amendment is found in its failure to provide for the veterans who actually incurred disabilities either by wounds, injury, or disease in the service, and who are now pensioned under the general law. Of course, one obtaining a pension under the general law, and who finds himself entitled to a higher rate under the Senate bill, would by making application obtain the benefits of the Senate bill even if he did not automatically pass under the provisions of the same. But no just provision is made in the Senate amendment for this class of soldiers, while many younger men who were called into the service late in the year 1864, and many of whom were not mustered into service until November and December in that year, and, indeed, in some instances, not until March, 1865, and whose length of service was only 90 days or a few days additional, would receive under the Senate bill increases of from 50 to 90 and 95 per cent, and such would be true though they received no injuries, suffered no disabilities, and participated in no battles.

Mr. President, I submit that the House bill, which was, as I understand, unanimously passed by the House, contains provisions more satisfactory than the Senate bill. As I have heretofore indicated, the American people are ready and willing to do justice to the brave men who made supreme sacrifices to save our Nation. Speaking for myself, I am in favor of liberal pensions for all who received wounds and injuries and incurred disabilities in the line of duty. Those who have so suffered, and whose opportunities for participating in the activities of life have been impaired, should be most generously cared for by a grateful people. And those who for years gave their serv-

ice and risked their lives in the mighty conflict that tried the souls of men should receive most generous treatment.

I confess that I do not feel that the obligation is so strong upon the Government to make such contributions to those who served but for a few months, who suffered but few privations, who incurred no risk, who received no wounds, and who suffered from no disabilities attributable to military service. In my opinion, there is ground for a distinction in such cases, and the House bill recognizes the distinction to which I have referred; the Senate bill does not.

Mr. President, I shall ask the Senate to adopt this amendment to the Senate bill. Then I shall offer that part of the amendment requiring the Commissioner of Internal Revenue to transmit to the Commissioner of Pensions a list of all pensioners having an income in excess of $1,000 as an amendment to the House bill for the purpose of perfecting that, and then at the appropriate time I shall ask the Senate to reject the amendment offered by the Senate committee and to support the bill passed by the House as thus amended.

Mr. SMOOT. Mr. President, during the little time I shall occupy this morning in explaining the Senate bill I was in hopes there would be a fairly good attendance in the Senate, for I am quite sure that if Senators understood just what this bill provides for the veterans of the Civil War, and compared it with what we have already done for our soldiers engaged in the present war, there would not be a vote against it in this body.

I am going to take time enough, Mr. President, this morning to call particular attention to our liberality to our soldiers, which I approved, as I did when the war-risk insurance bill was up for consideration, so that not only Senators interested in it now but hereafter can refer to it and by comparison defend any vote that they may cast to-day to increase the pensions of Civil War veterans to the amount that is provided for in the pending bill.

Mr. President, the most that has been said by way of criticism of the Senate bill is that we have stricken from the House bill the provision that gave Civil War veterans now the inmates of a national soldiers' home the benefit of the increase in pension, and, again, that we have stricken out the provision that wherever there is a soldier of the Civil War whose income exceeds a thousand dollars he shall not be entitled to the increase provided.

I want to call the attention of the Senate to the fact that nearly 90 per cent of the old soldiers who are at present at a soldiers' home went there because their earning capacity had failed them, and also the little pension that they were receiving was not sufficient to buy food enough to feed himself and his wife and children. The only thing that a soldier in that condition could do was to go to a soldiers' home and let all his pension go direct to the keeping of his wife and children.

The high cost of living affects the soldier's wife and child, whether he be in the soldiers' home or not. It is admitted in the House report that the cost of maintaining the soldiers' home has increased from $240 per year for each veteran to over $400. So the cost of living has increased for a soldier's wife and children at home; and in most cases the veteran would not be at a soldiers' home if he could help it; he would prefer to live with his family; but he can not do so on the pension the Government of the United States has paid him in the past, for it has been scarcely enough to keep body and soul of his wife together. If every veteran was alone in the world, if he had no dependents upon him, if he had no wife nor children to care for, the argument made to-day against a soldier living in a soldiers' home receiving an increase in pension would be correct.

I want to say now that if the Senate bill is passed many of the old soldiers now in the homes, particularly those who have served two years and over, who will receive $40 per month under the provisions of the bill will try to eke out an existence at home and leave the soldiers' home. They are not there because they want to be there; they do not like to be away from wife and children and to have it said by unthinking people they are paupers. God knows that men who fought and bled for their country and saved it and its institutions, and now the greatest country in all the world, are entitled to recognition and gratitude on the part of our Government.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Will the Senator from Utah yield?

Mr. SMOOT. I yield.

Mr. KENYON. I should like to ask the Senator, for my information, what is the average age now of the surviving soldiers of the Civil War.

Mr. SMOOT. The average age is a little under 75 years.

And what, Mr. President, does this little increase amount to? In eight years from now on Decoration Day in any part of the country an old soldier of the Civil War will be pointed to as a living miracle, one who has had a charmed life.

Mr. KENYON. May I ask the Senator another question? Does the Senator know how many soldiers are passing per year to the great beyond?

Mr. SMOOT. Last year, in the year 1917, there were 9.2 per cent of the soldiers living on the 1st day of January, 1917, passed away during that year, and every year as the years increase that percentage will grow by leaps and bounds. During this month there will be over 3,000 of them pass to the great beyond.

Mr. KENYON. So whatever we do we had better do now.

Mr. SMOOT. We had better do it now and do it quickly.

Mr. President, the proposition of paying pensions to old soldiers in the soldiers' home is not a new question. I have been on the Pension Committee for 16 years, and among the very first things considered after I was a member of that committee was just such a proposition as that before the Senate now, first, to prevent any soldier who went to a soldiers' home from receiving a pension; second, if the soldier had a $1,000 income, he was not to receive a pension.

I take it, Mr. President, that any Senator who is in favor of recognizing the old soldier for the service he did for his country, who believes in pensions at all, will vote against any such proposition. Why pauperize them? I do not refer to the man who has a $1,000,000 income a year, referred to to-day, if there is such a man, nor to the thousands of old soldiers of the Civil War who are not receiving a pension to-day, who never asked for one, and never will ask for one, but the many thousands who are dependent upon their pension to live. If a $1,000 limit is agreed to, what does it mean? It means that every man who shall draw a pension in the future acknowledges to the world that he is the next thing to a pauper. I want to say that the Government of the United States owes it to the veterans that an increase in their pensions be granted under existing conditions, and let us stop and think if they were fighting to-day how much better off would they be than when they were fighting for the very life and existence of our country.

Mr. President, I received a letter from a veteran the other day about this $1,000 limitation. It will take but a few moments to read it, and I am going to do so.

JERSEYVILLE, ILL., *May 28, 1918.*

Hon. REED SMOOT,
Washington, D. C.

MY DEAR SENATOR: Two days ago I sent you a letter regarding the pension bill which you have introduced in the Senate and neglected to state in that letter that the reason I am taking the interest I am in this matter is that I was the first post commander of the Lowe Post, G. A. R., in this city, and the boys naturally look to me to help them out, and they feel it is hardly fair to make a question of how much a man earns to secure him a pension, because, as I previously stated, it practically pauperizes him; whoever receives the pension shows to the world he is not able to take care of himself, which some of us would hesitate to do. It should be remembered that the Civil War veterans had no attention paid to them as is being done to-day with the soldiers. There were no Red Cross, hospitals, Y. M. C. A.'s, or anything of that character to lighten his burden, neither was his family taken care of. In my own case, my mother was left a widow with five children, three girls and two boys, I being the baby, and I enlisted at 16, my brother also went into the Government service as ship carpenter, he being 20, leaving mother alone, and the Government at that time paid no attention whatsoever to her or took no interest whether she starved to death or not, which is altogether different in these days, and I am thankful the present method prevails instead of the one under which we served, but don't put the old soldiers, who went through the hardships which they did, on the pauper list. Either give him a chance to get his pension because of a grateful Nation or cut it out, and do not treat him as a tramp at the back door whom you feed because you sympathize with him because of his hunger.

Mr. President, no one could express it better than this old soldier has done. The Commissioner of Pensions has stated not once but many times that if this provision is put into the bill the act will be hard of administration. The old soldiers themselves, in a bill before Congress not many years ago, insisted that a provision be incorporated preventing a woman of loose character from receiving a pension as a widow of a Civil War veteran. What was the result? Mr. President, nearly $500,000 was spent in examinations under that law, as an investigation was made of every case of a widow who applied for a pension to learn if she was such a character. Untold delay was the result. I have letters from men who had experience in passing through that kind of examinations, the reading of which would make the blood of every Senator boil with indignation at the questions that were asked of pure American women—questions that were an insult to womanhood.

Adopt the amendment offered by my colleague [Mr. KING] and it will mean delay after delay. I do not want it understood the present commissioner would cause unnecessary delay, because his heart for the old soldier is in the right place. He does not want the pending amendment adopted, and I will take my oath now that there are not a hundred old soldiers in the United States who want it.

Mr. President, why this opposition to a little increase in the pension of Civil War veterans? I can not understand it. I know it is not sufficient, but I believe that it is the most that can be secured for them under existing conditions, and whatever help is to come to them must come quickly.

I say now that if we pass this bill instead of passing special bills carrying special rates for individual cases this measure will take care of them, and there will be fewer special pension bills pass Congress in the future, and that will be in cases where the soldier is absolutely helpless, where he requires attendance night and day. As I stated the other day, the rule of the Senate is such that in cases like that we grant $50 a month. The Senate bill does not touch a case like that, but those will be the principal cases that will be passed through Congress by special act.

Mr. SHAFROTH. Mr. President——

Mr. SMOOT. I yield.

Mr. SHAFROTH. I should like to have the Senator state to the Senate how the compensation that is contemplated to be given in the shape of insurance to our soldiers now compares with the increase which is proposed in this bill? We surely should treat the aged veterans as liberally as we do our young active soldiers and their dependents.

Mr. SMOOT. I will gladly do it, and I will do it right now. In answer to the Senator's question, I take pleasure in calling attention of the Senate to the conditions existing to-day. I am not criticizing them, but I want the country to know what our Government is doing for the soldier who is engaged in the present war as compared with the soldier of the Civil War.

First, Mr. President, there is a family allowance. Let me call attention to what that allowance is. There is an allowance in the case of a man and his wife, including a former wife divorced, and to his child or children. If there be a wife but no child, $15 is allowed; if there be a wife and one child, $25; if there be a wife and two children, $32.50, with $5 per month additional for each additional child. That is the family allowance. Did the Civil War veterans have a family allowance? Was there ever a cent given to them on that account? We all know that there was not.

If there be no wife, but one child, the allowance is $5; if there be no wife, but two children, the allowance is $12.50; if there be no wife, but three children, then the allowance is $20; if there be no wife, but four children, it is $30, and $5 per month additional for each additional child.

Mr. President, this allowance does not stop with the wife and children, but it goes to the mother or father or the stepmother or the stepfather; it goes to almost all relatives or any relatives that may be dependent upon the soldier. The allowance is granted whether the soldier leaves the confines of the United States or goes abroad. The soldier may never see a trench, unless it be one dug in the United States.

But over and above the family allowance, Mr. President, there is what is termed compensation for death or disability. I had a case called to my attention only the other day by the War-Risk Insurance Bureau of a colored soldier from South Carolina. He had a wife and five children. From the day he entered the Army he received a family allowance of $47.50 a month. He was sent "over there" and later killed in France. He was at that time carrying an insurance of $10,000. Mr. President, we are giving our soldiers insurance at actual cost as in times of peace. The soldier no doubt received his insurance for about $6.70 a thousand, or $67 a year for the $10,000 insurance. There is no other Government that has insured its soldiers engaged in this war at a rate much less than $50 per thousand.

Mr. SHAFROTH. I should like to say to the Senator that I know of a policy of insurance that was taken out by one of the soldiers who has gone to France. The increase of his premium was five times what it previously had been in times of peace.

Mr. SMOOT. Yes, Mr. President; and that was a special rate. Canada is asking $50 a thousand, and we could only get two companies in the United States to bid upon policies for soldiers at that rate. Their bid was $50, the same as that imposed in Canada.

The colored soldier to whom I have referred offered his life, and he died for his country, and was entitled to recognition, and was so recognized. His family, all the time he was in this country, received $47.50 per month family allowance. As soon as he was killed what did they receive? The widow is paid $57.50 a month under the death provision of the compensation clause. Not only that, but for 240 months we shall continue to pay her $25 a month making $82.50 a month that she will receive. Is there anyone who will say that a man, 58 years after serving his country as every Civil War veteran did, who is now on the brink of the grave, to whom manual labor is impossible, and in view of the high cost of living—is there anyone who will say that such a man should not receive $30 a month from this Government for the few years that he has yet to live—and the years of those veterans are numbered beyond a doubt? If a soldier incurs a disability in the present war, the same as hundreds of thousands of Civil War soldiers incurred, under the war-risk insurance act he will be given more than if he had been killed.

The report of the War-Risk Insurance Bureau only the other day showed that we had over $16,500,000,000 of insurance in force. If we get into this war on such a scale as it seems we must, if we send two or three million men to France, and they suffer death and disabilities as the English and French soldiers have suffered, can Senators not see what this insurance is going to cost the Government of the United States? Yet Senators hesitate and criticize because we are asking at this late day, 54 years after the close of the war, the little increase provided for in the bill as reported by the Senate committee.

Why, Mr. President, while we are talking here upon this bill since its introduction into this body there have been over 4,000 of these men who have passed to the great beyond.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Utah a question or two.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. SHAFROTH. There is a feature about your bill which I think is very admirable, and that is the recognition that a greater pension should be given to soldiers on account of the length of service. I know the Senator from Utah has been a member of the Committee on Pensions for many years, and that he is very thoroughly acquainted with all the laws relating to pensions. I should like to ask the Senator whether or not there is any law now upon the statute books that recognizes length of service as governing the amount of pension the soldier is to receive?

Mr. SMOOT. I will say to the Senator from Colorado that the act of May 11, 1912, recognizes the soldier's age and the length of his service in determining the amount of his pension.

Mr. SHAFROTH. Will the Senator state about what that is?

Mr. SMOOT. I have the tables right here, and I will be glad to furnish the Senator the figures. Of course, when that law was passed there were only a few soldiers who were less than 62 years of age, and in fact the House committee report on the pending bill shows that in 1918 there were only 2,711 soldiers of the Civil War who are less than 72 years of age, so that I think I had better begin at the rates for soldiers between 70 and 75 years as provided for in that law.

Under the act of May 11, 1912, a soldier 70 years old who served 90 days was given $18 a month; if he served 6 months, $19 per month; if he served 1 year, $20 per month; if he served 1½ years, $21.50 per month; if he served 2 years, $23 per month; if he served 2½ years, $24 per month; and if he served 3 years or over, $25 per month. If he had reached the age of 75 years and had served 90 days, he was given $21 per month; if he had served 6 months, $22.50 per month; if he had served 1 year, $24 per month; if he had served 1½ years, $27 per month; if he had served 2 years or over, $30 per month. In other words, $30 was the maximum rate that was provided by the act of May 11, 1912.

Mr. SHAFROTH. And previous to that time there was no distinction between the man who had served for a limited time and the man who had served for a long period in the war?

Mr. SMOOT. None whatever. He applied at the Pension Office, and, if the pension was granted, it was generally granted upon the basis of what he undertook to prove as to his financial condition and as to his physical condition. It was left entirely to the man and the Pension Bureau.

Why, Mr. President, in connection with the Civil War pensions, do Senators stop to think that the first pension that was ever granted to the soldiers of that war was only $4? And then when it was raised to $6 they thought that was a very large amount. I wish to say to Senators now that during the time that $6 was given to those soldiers they could have purchased almost as much with that sum as they can to-day with a pension of $30 a month.

Under the act of May 11, 1912, only six years ago, there was granted what is called a service-and-age pension, and every pension bill that has been considered since that time has been based upon that principle. All of the Grand Army of the Republic men from one end of the country to the other approve of the plan. I have the resolutions of nearly every Grand Army of the Republic post in the United States approving of what is known as the Smoot pension bill, the bill for which I am asking the Senate to vote as a substitute for the Sherwood bill, passed by the other House.

I do not wish to take the time of the Senate now to read the correspondence from Gen. SHERWOOD to the chairman of the Pension Committee of the Senate; but I will say the correspondence shows he must never have read the bill; or, if so, did not understand it. I do, however, wish to refer to the circular letter which he has sent to all Senators, to which reference has been made by my colleague [Mr. KING] to-day, and which has been pointed to as evidence why the Smoot bill should not be approved. In that circular letter Gen. SHERWOOD says:

Particularly at this time it would cause very bad feeling among both the Civil War veterans and the people abroad in the country if Congress were to do an injustice to those survivors of the Civil War who actually incurred wounds or disabilities in line of duty during the war. The vital fault in the Smoot amendment is that it completely overlooks this class of pensioners, who are clearly and eminently entitled to at least equal consideration with those who are now pensioned for age and service. Under the provisions of the House bill the $25 per month minimum rate and 30 per cent increase is made to apply to these pensioners as well.

Mr. President, there is not a Senator who does not know that if a man has lost an arm he gets a larger sum than is provided for in the pending bill. If he loses an eye, he gets nearly twice as much; if he loses a leg, he gets nearly twice as much. I doubt whether there is a single Civil War soldier in the United States who has received injuries that could not go to the Pension Office and get more than either the Sherwood bill or the Smoot bill provides. He says, further:

The Secretary of the Interior and the Pension Bureau officials have told me that they consider the present system of pensions for age and service the most satisfactory ever enacted.

Of course it is the most satisfactory system ever enacted, and both bills recognize age and service.

The House bill proposes proportionate increases based on age and service, whereas the Smoot bill changes this method against the interest of the veteran soldiers of long service.

Why, Mr. President, the only difference is that the Sherwood bill starts at $25, while the Senate bill starts with $30, and the Senate bill increases the pension according to the length of service exactly in the same proportion as does the present law. The trouble with this letter is that Gen. SHERWOOD can not find a Grand Army of the Republic post in the United States that will agree with him.

Criticism has been made of the 90-day service man. If I had the time I could cite a list of battles fought during the Civil War, some of them the most bloody battles of the war, which were fought by 90-day men. I call attention to the One hundred and fifty-eighth Massachusetts. In that organization 1,158 men, as I remember, started from Boston Common, but before their service of 90 days was over they had all been killed save 78; and if a man is wounded, whether he served five days or five years, the present law takes care of him.

So far as soldiers in soldiers' homes are concerned, the Government is paying the increase in cost of living, as stated, so they suffer no personal loss on account of the advance in living expenses. No; they do not suffer for lack of care, but their wives and their children suffer, and, as I stated, 90 per cent of those that have gone to the soldiers' homes have gone there because the pittance they are receiving to-day will not buy sufficient food to keep the bodies and souls of their wives and children together. They do not go there because they want to go there; but when it comes to the question of who shall be fed, and the old soldier knows there is a way provided by which he can be fed and cared for at a soldiers' home created by Congress and paid for by a gracious Government, and all that he would eat if he were at home will go to feed his wife and his children, he accepts the inevitable and enters a home.

If the Senate bill passes, I know that there will be many of them who will go back to their own homes and try to eke out an existence as long as they live. We talk about the high cost of living, and it is a reality; but it does not apply, Mr. President, to the workingmen of the country as it does to the old soldier. The veteran's earning capacity is nearly gone and will never improve. Few want him. He is not at his best either bodily or mentally. Every cent of increased cost of living falls upon his loved ones without a chance of an increased compensation to the soldier.

Our railroad employees are all taken care of by increased wages. The employees in our steel mills and our factories and upon our farms are all taken care of, but the old soldier can not be taken care of unless it is by an increase in his pension.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Yes; I yield.

Mr. SHAFROTH. I should like to ask the Senator another question. In the former part of his speech the Senator stated that the heart of the Commissioner of Pensions was with this bill. Has there been a formal indorsement of it by the commissioner?

Mr. SMOOT. Mr. President, I want to say to the Senator from Colorado, as I said to the Senator from Montana [Mr. WALSH] when he asked me the same question when the bill first came up, that it is always understood by the Committee on Pensions, in referring any bill to the Commissioner of Pensions, that it is for information, and nothing else. That has been the rule of the committee ever since I have been on it, and I think ever since the committee was organized. The question is not asked whether the commissioner approves the bill or not; but I want to say to the Senator that I have not the least doubt but that he does.

Mr. SHAFROTH. Can the Senator say that the approval of the department exists from knowledge outside of a formal report? I hope it does.

Mr. SMOOT. I have no doubt but that it does.

Mr. President, just a few more words and I shall close.

I have been attending the gatherings at Arlington on Memorial Day for the last 12 years. I attended the exercises held there on May 30 of this year, and I could not help but notice that even upon the platform there were very few seats occupied by old soldiers. I remember the time when every seat upon the platform at Arlington, with the exception of a very few occupied by invited guests, was occupied by members of the G. A. R. A few years ago I spoke at Arlington on Memorial Day, and I noticed in the audience quite a number of the old soldiers upon the front benches. The other day you could almost count them upon the fingers of your hands. Old Father Time has with his finger touched them in a way to let them and all the world know that their days are but few; and, Senators, the few that are left are asking you to-day, they are pleading with you, to give them the small pittance asked for in this Senate bill. They are asking you not to load it down by amendments, not to make it so that it is impossible of administration without delays and endless delays. Knowing that their days are numbered, knowing that we have done more for every soldier who is fighting for liberty to-day, can we refuse their request?

I come to you to-day, Senators, and I know whereof I speak. The veterans are almost a unit for this legislation; and I want to say also to the Senate that when this bill passes it will be the last general bill for the Civil War veterans, in my opinion, and I am quite sure it will, for I do not think it will ever go to conference, for if the House had had a chance to vote on such a bill the bill that was passed by the House, in my opinion, never would have passed. The House will have a chance to vote on this measure, and I hope by their vote they will say to the old soldier in this country, "Your declining years shall be made as happy as this little increase in pensions will enable them to be. At least we do not want to see you or your loved ones suffer for the want of bread." That is just about what this bill will do and nothing more.

Therefore, Mr. President, I do hope every amendment that is offered to the Senate bill will be voted down, and that it will be substituted for the House bill, and go to the House, and let us see what the House will do with it; and I promise you all that you will have the thanks of all the old veterans that are left, and I believe there will be a peace and a rest for your conscience that will make you satisfied with the action of this day. I shall always feel satisfied with my effort in securing assistance from the Government for the veterans and widows of the Civil War. May God bless them in their declining years.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah [Mr. KING] as a substitute for the amendment of the Senator from Florida [Mr. TRAMMELL].

Mr. KING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Norris	Smith, Md.
Beckham	Hollis	Nugent	Smoot
Brandegee	Johnson, Cal.	Owen	Sterling
Culberson	Johnson, S. Dak.	Page	Sutherland
Cummins	Jones, Wash.	Penrose	Swanson
Curtis	Kellogg	Phelan	Thompson
Dillingham	Kenyon	Pittman	Townsend
Fernald	King	Poindexter	Underwood
France	Kirby	Pomerene	Vardaman
Gronna	Lenroot	Shafroth	Warren
Guion	McKellar	Sheppard	Watson
Hale	McNary	Smith, Ariz.	Wolcott
Hardwick	Nelson	Smith, Ga.	

Mr. KING. I have been requested to announce that the Senator from Illinois [Mr. LEWIS] is detained on official business.

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] on official business.

The PRESIDING OFFICER (Mr. WATSON in the chair). Fifty-one Senators have answered to their names. A quorum is present. The question is on the adoption of the amendment offered by the Senator from Utah [Mr. KING] as a substitute for the amendment of the Senator from Florida [Mr. TRAMMELL].

Mr. SMOOT. On that I ask for the yeas and nays.

Mr. POMERENE. I ask that the amendment be stated.

The PRESIDING OFFICER. Without objection, the amendment will be again stated for the information of the Senate.

The SECRETARY. As a substitute for the amendment offered by the Senator from Florida [Mr. TRAMMELL], the Senator from Utah [Mr. KING] offers the following amendment:

That no pensioner shall be entitled to receive any benefits under the provisions of this act for any period during which he shall be an inmate of any State or National soldiers' home; and the provisions of this act shall not apply to any pensioner whose net annual income from all sources, including his pension, is $1,000 or more, to be determined by the income-tax reports on file in the office of the Commissioner of Internal Revenue, who shall annually on the 1st day of July transmit to the Commissioner of Pensions a list of all pensioners having an income, as shown by such reports, in excess of the said sum of $1,000.

The PRESIDING OFFICER. The question is on the amendment just stated by the Secretary.

Mr. SMOOT. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when Mr. FRELINGHUYSEN's name was called). I desire to announce the absence of the senior Senator from New Jersey [Mr. FRELINGHUYSEN] on official business. Were he present he would vote "nay."

Mr. PITTMAN (when Mr. HENDERSON's name was called). I announce the absence of the junior Senator from Nevada [Mr. HENDERSON] on account of death in his family. He will be necessarily absent for several days.

Mr. CURTIS (when Mr. NEW's name was called). I desire to announce the absence of the junior Senator from Indiana [Mr. NEW] on official business. Were he present he would vote "nay."

Mr. PENROSE (when his name was called). I am paired with the senior Senator from Mississippi [Mr. WILLIAMS]. I will transfer that pair in his absence to the junior Senator from Indiana [Mr. NEW], and I will vote. I vote "nay."

Mr. SMITH of Michigan (when his name was called). I have a pair with the senior Senator from Missouri [Mr. REED]. I transfer that pair to the junior Senator from New Jersey [Mr. BAIRD] and vote. I vote "nay."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH], which I transfer to the Senator from Nevada [Mr. HENDERSON] and vote. I vote "nay."

Mr. VARDAMAN (when his name was called). I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. I understand he would vote "nay" on this amendment. I transfer my pair to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. LODGE (when Mr. WEEKS's name was called). My colleague [Mr. WEEKS] is absent from the city. He has a general pair with the Senator from Kentucky [Mr. JAMES]. If present my colleague would vote "nay."

The roll call was concluded.

Mr. CALDER. I have a general pair with the Senator from Rhode Island [Mr. GERRY]. On this question I am at liberty to vote, and I vote "nay."

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN], who is necessarily absent, to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. WARREN (after having voted in the negative). I have a pair with the Senator from North Carolina [Mr. OVERMAN], which I transfer to the Senator from New York [Mr. WADSWORTH] and let my vote stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from Florida [Mr. FLETCHER];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES]; and

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. KING. I have been requested to announce that the Senator from Illinois [Mr. LEWIS] is detained on official business.

The result was announced—yeas 24, nays 39, as follows:

YEAS—24.

Bankhead	King	Phelan	Smith, Ga.
Beckham	Kirby	Pittman	Smith, Md.
Culberson	McKellar	Pomerene	Swanson
Hardwick	Martin	Ransdell	Underwood
Hitchcock	Myers	Sheppard	Vardaman
Hollis	Owen	Smith, Ariz.	Wolcott

NAYS—39.

Ashurst	Gronna	Lenroot	Sherman
Borah	Guion	Lodge	Smith, Mich.
Brandegee	Hale	McNary	Smoot
Calder	Harding	Nelson	Sterling
Cummins	Johnson, Cal.	Norris	Sutherland
Curtis	Johnson, S. D.	Nugent	Thompson
Dillingham	Jones, N. Mex.	Page	Townsend
Fall	Jones, Wash.	Penrose	Warren
Fernald	Kellogg	Poindexter	Watson
France	Kenyon	Shafroth	

NOT VOTING—33.

Baird	Henderson	Overman	Trammell
Chamberlain	James	Reed	Wadsworth
Colt	Kendrick	Robinson	Walsh
Fletcher	Knox	Saulsbury	Weeks
Frelinghuysen	La Follette	Shields	Wilfley
Gallinger	Lewis	Simmons	Williams
Gerry	McCumber	Smith, S. C.	
Goff	McLean	Thomas	
Gore	New	Tillman	

So Mr. KING's amendment was rejected.

Mr. KING. I offer an amendment to the original House bill, to add at the end of section 3 the following——

The PRESIDING OFFICER. If the Senator will permit the Chair to interrupt him, the Chair is informed that the amendment is now pending offered by the Senator from Florida [Mr. TRAMMELL].

Mr. KING. I think the vote on the amendment just offered is really decisive of the vote upon the Trammell amendment. The Senator from Florida [Mr. TRAMMELL] is not here, and I will take the liberty in his behalf of withdrawing that amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Florida is withdrawn, without objection.

Mr. MYERS. May one Senator withdraw an amendment offered by another Senator?

The PRESIDING OFFICER. It can be done without objection.

Mr. MYERS. I object. I want to vote on the Trammell amendment.

Mr. KING. I shall not insist on withdrawing it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Florida [Mr. TRAMMELL]. The Secretary will report the amendment.

The SECRETARY. On page 4, line 7, amend the proposed amendment of the committee by adding, after the words "public or private," the following:

Provided further, That the increase herein provided shall not be extended or granted to any pensioner who has an annual income of $1,000 or more in addition to his or her pension allowance.

The PRESIDING OFFICER. The question is on agreeing to the amendment which has just been read.

The amendment was rejected.

Mr. KING. I offer the following amendment.

The PRESIDING OFFICER. It will be read.

The SECRETARY. At the end of section 3 of the original bill strike out the period and insert a comma and the following:

to be determined by the income-tax reports on file in the office of the Commissioner of Internal Revenue, who shall annually on the 1st day of July transmit to the Commissioner of Pensions a list of all pensioners having an income, as shown by such reports, in excess of the said sum of $1,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

Mr. KING. A parliamentary inquiry. What amendment was made to the committee amendment?

The PRESIDING OFFICER. The Secretary will read.

The SECRETARY. The Senator from New Hampshire [Mr. GALLINGER] offered an amendment, on page 4, line 7, after the word "private" and before the period, to insert the following proviso:

Provided further, That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for presenting any claim to the Bureau of Pensions or securing any pension under this act, except in applications for original pension by persons who have not heretofore received a pension.

Mr. SMOOT. I will simply say that that is a copy of the provision in nearly all the pension laws that have been passed

within the last 10 years. It should have gone in the amendment, but was overlooked.

The SECRETARY. Also, on page 3, line 22, the word "amendment" was stricken from the bill, and the word "act" inserted.

Mr. KING. The question is, I understand, whether the House bill shall be accepted or whether the Senate bill shall be accepted.

The PRESIDING OFFICER. That is the question.

Mr. SMOOT. I wish to call attention to one other amendment found on page 4, line 6, to strike out the word "amendment" and insert the word "act."

Mr. BRANDEGEE. Will the Senator permit me to ask him a question? Was the amendment which was suggested by the Senator from New Hampshire [Mr. GALLINGER] to include the veterans of the Mexican War incorporated in the bill?

Mr. SMOOT. No; it was not accepted, and I will say to the Senator that I think it is very much better to leave it out. I called the attention of the Senator from New Hampshire to it and requested him to take it up in another bill rather than to try to put it on this bill.

Mr. BRANDEGEE. Very well. A parliamentary inquiry: Did the Senator from New Hampshire actually offer the amendment, or did he merely make the suggestion?

Mr. SMOOT. No; the Senator gave notice in the Senate that he would offer the amendment, and I asked him not to offer the amendment, that I would look the matter up later, and the Senator withdrew his amendment at that time.

Mr. THOMPSON. I desire to offer an amendment.

The PRESIDING OFFICER. The Senator from Kansas offers an amendment, which will be read by the Secretary.

The SECRETARY. On page 4, line 1, strike out the figures "30" and in lieu thereof insert the figures "40"; page 4, line 3, strike out the figures "32" and insert "42"; page 4, line 4, strike out the figures "35" and insert "45," and strike out "38" and insert "48"; page 4, line 5, strike out the figures "40" and insert in lieu thereof the figures "50," so as to make the section read as follows:

SEC. 6. That from and after the passage of this amendment the rate of pension for any person who served 90 days or more in the military or naval service of the United States during the Civil War, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, shall be $40 per month. In case such person has reached the age of 72 years and served 6 months, the rate shall be $42 per month; 1 year, $45 per month; 1½ years, $48 per month; 2 years or over, $50 per month: *Provided*, That this amendment shall not be so construed as to reduce any pension under any act, public or private.

Mr. THOMPSON. Mr. President, this amendment simply increases the amount provided in the substitute reported by the Senator from Utah [Mr. SMOOT] to conform to the provisions of the bill introduced by myself on April 6, 1918, Senate bill 4298, which I desire to have made a part of my remarks, as representing my views of proper legislation on this subject at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill introduced by Mr. THOMPSON April 6, 1918, is as follows:

"A bill (S. 4298) granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico.

"*Be it enacted, etc.*, That from and after the passage of this act any person who served not less than 60 days in the military or naval service of the United States during the Civil War and who has been honorably discharged therefrom, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed on the pension roll and be entitled to receive a pension of $40 per month. In case such person has reached the age of 72 years and served six months, the rate shall be $42 per month; one year, $45 per month; one and one-half years, $48 per month; two years or over, $50 per month.

"That from and after the passage of this act any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico, and has been honorably discharged therefrom, shall, upon making like proof of such service, be entitled to receive a pension of $50 per month.

"SEC. 2. That nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act, and that no person who is now receiving, or shall hereafter receive, a greater pension under any other general or special law than he would be entitled to receive under the provisions herein, shall be pensionable under this act: *Provided further*, That membership in a Federal or State soldiers' home shall not render a soldier ineligible to pension under the provisions of this act or any other general or special law.

"SEC. 3. That the provisions of this act shall include any person who served during the late Civil War and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, and the acts of January 29, 1887, March 3, 1891, and February 17, 1897.

"SEC. 4. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act, except in applications for original pension by persons who have not heretofore received a pension.

"SEC. 5. That all acts and parts of acts, in so far as they conflict with the provisions of this act, are hereby repealed."

Mr. THOMPSON. I offer this amendment to help the old soldiers meet the great increase in the cost of living that has been urged by the author of the substitute as a reason for this legislation, and if at the same time it is intended to be the last word on pension legislation, as has been stated here, the amounts provided by the Smoot amendment are wholly inadequate, in my judgment, to keep pace with the constant increase in the cost of living.

Mr. President, we owe an everlasting debt of gratitude to the old soldiers. It can not be measured in dollars and cents. The valuable services rendered this country at the time of its greatest need should be fully appreciated by all who now enjoy the privileges and benefits of a prosperous and a happy life under the Stars and Stripes. To pledge one's life to any service is no small undertaking. To save the greatest Nation in the world and to settle forever the principle that the people of a republic can govern themselves is no small result. It counts for more to-day than ever before in all the history of the world.

As the soldiers of the Civil War saved this country, they have more than any other class of our citizens offered us now as a united Nation the opportunity, and enjoined upon us the duty, to save the world. These old soldiers stood by Lincoln in preserving the Union, which made it possible for the sons and grandsons of the soldiers who wore both the blue and the gray to stand by Wilson in saving the world. I have never had any sympathy with the man who claims that there is no legal obligation to pension the old soldiers. Technically this may be true, but there is a moral obligation to do so, which in the light of all the surrounding circumstances is a far greater obligation than a legal one. If my house were on fire and my own life and the lives of my family and my accumulations in property of a lifetime were in jeopardy, and the firemen would come and save my life and the lives of my family and my property, would anyone deny, if some unfortunate fireman was injured, say he lost his sight or was totally disabled, that I would not be morally bound to aid him all the rest of his life? Of course, there would be no legal obligation to do so, but——

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. THOMPSON. Gladly.

Mr. VARDAMAN. I ask the Senator if he can tell me how much his amendment will increase the total appropriation for pensions?

Mr. THOMPSON. As nearly as I can ascertain from the Pension Office, where I submitted this amendment, it will be about 25 per cent additional. It is simply a $10 raise, starting with $40 per month as the minimum for all soldiers with 90 days' service to their credit.

Mr. VARDAMAN. In millions of dollars how much would it be?

Mr. THOMPSON. In millions of dollars the estimate given me was about $50,000,000, while the bill under consideration I understand carries about $35,000,000.

Mr. VARDAMAN. Has the Senator any idea how many of these pensioners are still living?

Mr. THOMPSON. The reports from the Pension Bureau will show. I have an idea how many in Kansas are living, and I am proud that there are so many, as they rank with our best citizens. I know in round numbers there are about 25,000 soldiers and widows of soldiers on the pension rolls in Kansas, and I am glad of it because they are all good citizens and may well be regarded as a roll of honor.

As I was saying, Mr. President, when interrupted by my genial friend, the Senator from Mississippi, in citing the case of a fire, there would be no legal obligation to pay the debt for an injured fireman in saving my life or saving my property, but there would be a moral obligation greater than a legal one. The man could not recover judgment in a court, but no one would dare face his Maker at the close of life's battle denying

the moral obligation to do so, and this principle applies with much more force when it comes to saving the life of our great Nation, which has enjoined upon it to-day the greater duty of saving the world.

I am heartily in sympathy with this legislation, but, as stated in the beginning, I believe that these amounts are inadequate, especially if it is the intention that this should be, as was said here, the last word on pension legislation. Taking into consideration the enormous increase, by leaps and bounds, in the cost of living, the amounts that I have proposed are none too large to enable the old soldiers and their families to live in comfort and decency the rest of their lives. They are certainly entitled to this consideration. Their days are numbered. The average age of the old soldier is now about 74 years, so there can not be many more years that this obligation to these brave men who accomplished so much for our country will have to be paid. Bear in mind the rates proposed by me are the rates followed by the Pension Office and by the Pension Committees in the case of private bills. Why not, then, in a general bill provide for all the old soldiers on the same basis we figure that a man is entitled to in an individual case and end the necessity for special legislation of this character?

I therefore ask for the adoption of my amendment.

The PRESIDING OFFICER. The time of the Senator from Kansas has expired. The question is on agreeing to the amendment proposed by the Senator from Kansas. [Putting the question.] The noes seem to have it.

Mr. THOMPSON. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment as amended.

Mr. KING and Mr. SMOOT called for the yeas and nays, and they were ordered.

Mr. THOMPSON. I wish to ask the Senator from Utah if there is any provision in the bill as amended to take care of the soldiers of the Mexican War?

Mr. SMOOT. No; there is no provision in this measure to take care of the Mexican War veterans. I will say to the Senator that there are very few of them. I understand that a great majority, and there are not many more than 200 of them, are receiving rates that are equal to the rates provided for in this bill. I did not want to load the bill with anything other than just the pensions for Civil War veterans, and therefore I hope the Senator will not offer any amendment to it at this time. If in the future there is any doubt as to whether they are not taken care of, I assure the Senator from Kansas that I shall gladly join with him and the Senator from New Hampshire [Mr. GALLINGER] in making provision for them.

Mr. JONES of Washington. Mr. President, I have had a good many letters from Indian war veterans out in our section of the country who feel that they should be given more recognition by the Government. I ask the Senator who is the author of the substitute what objection there would be to proposing an amendment of that sort on this bill?

Mr. SMOOT. I want to be perfectly frank with the Senator and with the Senate in saying that I believe the rates that are in the Senate bill now are the highest rates that will be supported by a majority vote in this and the other House. I hope there will be no amendment to the bill, because the veterans of the Civil War want relief and they want it quickly, and I hope the Senator will not in any way jeopardize the early passage of the bill.

Mr. JONES of Washington. I think the Senator is correct in that view, and that is one reason why I did not offer an amendment carrying out the provisions of the bill which I introduced some time ago relating to the same matter that this bill covers. I do not desire to jeopardize the passage of this measure. I believe if we adopt a substitute it will probably be ratified in the other House without controversy, and that will make it the law, while if we should amend it further it would go to conference and the outcome would be uncertain. I believe the Spanish War veterans should have more recognition, and also the Indian war veterans, but I believe it would be better to allow those matters to come up as separate measures. Therefore, recognizing this situation, I shall not offer an amendment along those lines.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when Mr. FRELINGHUYSEN's name was called). I desire to announce the absence of the senior Senator from New Jersey [Mr. FRELINGHUYSEN] on official business. Were he present he would vote "yea."

Mr. MYERS (when his name was called). I have the same announcement as to the transfer of my pair as on the last vote and vote "nay."

Mr. CURTIS (when Mr. NEW's name was called). I desire to announce the absence of the junior Senator from Indiana [Mr. NEW] on official business. Were he present he would vote "yea."

Mr. PENROSE (when his name was called). I make the announcement again of the transfer of my pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from Indiana [Mr. WATSON] and will vote "yea."

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the senior Senator from Missouri [Mr. REED]. I transfer that pair to the junior Senator from New Jersey [Mr. BAIRD] and vote "yea."

Mr. STERLING (when his name was called). Making the same transfer of my pair as on the previous vote, I vote "yea."

Mr. VARDAMAN (when his name was called). I have a pair with the Senator from Wisconsin [Mr. LA FOLLETTE]. I transfer that pair to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. WARREN (when his name was called). I announce my pair with the Senator from North Carolina [Mr. OVERMAN]. If at liberty to vote, I should vote "yea."

Mr. LODGE (when the name of Mr. WEEKS was called). My colleague [Mr. WEEKS] is absent from the city. He has a general pair with the Senator from Kentucky [Mr. JAMES]. If present, my colleague would vote "yea."

The roll call was concluded.

Mr. McKELLAR. I desire to announce the unavoidable absence of the Senator from Illinois [Mr. LEWIS] on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from Florida [Mr. FLETCHER];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN]; and

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK].

Mr. McCUMBER. I have a general pair with the senior Senator from Colorado [Mr. THOMAS], who is necessarily absent from the Senate. I therefore withhold my vote. Were I at liberty to vote I should vote "yea."

Mr. CALDER. I have a general pair with the junior Senator from Rhode Island [Mr. GERRY], and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. KELLOGG (after having voted in the affirmative). I inquire if the senior Senator from North Carolina [Mr. SIMMONS] has voted?

The PRESIDING OFFICER. He has not.

Mr. KELLOGG. Then I withdraw my vote.

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] on account of official business.

The result was announced—yeas 36, nays 22, as follows:

YEAS—36.

Ashurst	Hale	Nelson	Smith, Mich.
Brandegee	Harding	Norris	Smoot
Cummins	Johnson, Cal.	Nugent	Sterling
Curtis	Jones, N. Mex.	Page	Sutherland
Dillingham	Jones, Wash.	Penrose	Thompson
Fernald	Kenyon	Phelan	Townsend
France	Lenroot	Poindexter	Wadsworth
Gronna	Lodge	Shafroth	Watson
Guion	McNary	Sherman	Wolcott

NAYS—22.

Bankhead	King	Pomerene	Smith, Md.
Beckham	Kirby	Ransdell	Swanson
Borah	McKellar	Sheppard	Underwood
Culberson	Martin	Shields	Vardaman
Hardwick	Myers	Smith, Ariz.	
Johnson, S. Dak.	Pittman	Smith, Ga.	

NOT VOTING—38.

Baird	Gore	McCumber	Thomas
Calder	Henderson	McLean	Tillman
Chamberlain	Hitchcock	New	Trammell
Colt	Hollis	Overman	Walsh
Fall	James	Owen	Warren
Fletcher	Kellogg	Reed	Weeks
Frelinghuysen	Kendrick	Robinson	Wilfley
Gallinger	Knox	Saulsbury	Williams
Gerry	La Follette	Simmons	
Goff	Lewis	Smith, S. C.	

So the amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

On motion of Mr. SMOOT, the title of the bill was amended so as to read: "An act to amend an act entitled 'An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico,' approved May 11, 1912."

LIMITATION OF DEBATE—AMENDMENT OF THE RULES.

Mr. UNDERWOOD. Mr. President, I move that the Senate proceed to the consideration of Senate resolution No. 235, relative to the limitation of debate.

The PRESIDING OFFICER. The Senator from Alabama moves that the Senate proceed to the consideration of Senate resolution 235.

Mr. HARDWICK. Mr. President, I desire to propound an informal parliamentary inquiry. The motion of the Senator from Alabama being made after 2 o'clock, it is debatable, is it not?

The PRESIDING OFFICER. The Chair understands that it is debatable.

Mr. HARDWICK. Then I will proceed to discuss it.

Mr. UNDERWOOD. Then, Mr. President, the pending motion before the Senate is my motion to proceed to the consideration of Senate resolution 235?

The PRESIDING OFFICER. The Senator from Alabama is right. The Senator from Georgia is recognized.

Mr. HARDWICK. Mr. President, it is always with reluctance, not only because of warm personal friendship, but because of my great confidence in his judgment, that I take issue with any proposition which is presented by my distinguished friend from Alabama; but with reference to this particular matter I must take issue, and take sharp issue with him.

In my judgment, there is not the slightest reason for pressing this particular proposition at this particular moment. I quite concede that, if it were necessary in order to prosecute this war vigorously or to enact any measure that was necessary for its vigorous and adequate prosecution, the entire Senate, without division or exception, would be willing to do far more than sacrifice one of its rules or any part of its parliamentary procedure; but, Mr. President, it does not seem that such is the situation.

We have already been in this war for 14 months, and I challenge the Senator from Alabama or any other proponent of this resolution, or any Senator who intends to support it, to cite a single instance in which a single war measure has been unduly delayed or unnecessarily debated to the injury of the country or to the hurt of the prosecution of the war itself. I pause for reply. No reply is made, I take it, because none can be made.

During the 14 months of this war the American Congress has turned out an unprecedented volume of important and, indeed, in some respects indispensable legislation. It has appropriated vast and untold sums of money, unprecedented in the history of this or of any other country, without question and without murmur, for the prosecution of this war; it has conferred vast and unlimited powers, without precedent in the history of this country, and with but little precedent in the history of other countries, for the prosecution of this war. On no one of these matters has the debate been unduly protracted, unfairly extended, or has it had any other purpose or any other effect except to illuminate and in many instances to improve such measures.

The Senator from Alabama presents this proposition as a war measure; the language of the resolution so states it. I say, joining issue with him on the threshold of the question, that there is no war necessity here; that there is no war measure here. On the contrary, Mr. President, if the recital of facts which I have just made to the Senate, and of which I have invited contradiction, if contradiction be possible, is true, then there is neither necessity, occasion, nor excuse for the presentation of this resolution as a war measure.

Mr. President, it seems to me that we can ill afford at this time, with no excuse for it, with no occasion for it, and with no reason for it, to change the established rules of this body further than we have already done. Legislation that is the most important in the history of the country, far-reaching in its effects, touching fundamentally the rights and liberties of the American people and their property, has already been considered by this body. More legislation of the same or of an equally important character is bound to be considered in the near future by this body. Questions that are the gravest that can engage and command the consideration of a parliamentary body will be before this Senate. Certainly, in the absence of any purpose, in the absence of any design to unduly protract or to unduly prolong discussion, there is no occasion whatever for the Senate to lay aside that freedom of debate which has ever been its chiefest glory and its strongest weapon. The more important the questions that we are called upon to consider the more reason there is for real debate, for genuine discussion.

As the Senator from Alabama has well pointed out, we realize full well that at the other end of this Capitol, because of its numerous constituency, the numbers of the body sitting there, anything like free debate or general discussion or thorough sifting of the measures on the floor of the body is a practical impossibility. So, if there is to be on these momentous questions that are yet to come real debate in either branch of the American Congress, it must and can be here, and here alone.

If the time should come, if any Senator could reasonably state that he thought the time had come, when filibustering tactics, when obstructive measures had rendered it impossible to enact legislation necessary for the conduct of this war, the enactment of which was vital to our success, then I think we might well consider this proposition; but until that time does come, until that occasion does arise, it seems to me that the Senate would do well to proceed cautiously, slowly, and conservatively about this matter.

Mr. President, there is not so much difference, not fundamental in its construction at least, between this body and the old Senate when the Constitution was first formed. We may have a larger number of representatives, as suggested by the distinguished Senator—96 now instead of 26 then—but this body was always intended to be the conservative balance wheel of this system of ours. Here the States, without regard to their size or population, have equal representation, equal voice, and equal power. The individuals who sit here represent not so much a certain number of people as a certain political entity, a sovereignty in some respects at least, and, clothed with a representation of that character, from the beginning they have been given power that is not inconsiderable and that ought not to be thoughtlessly diminished or foolishly frittered away.

I have served at the other end of the Capitol with my distinguished friend from Alabama and with many other Members of this body, who sit on both sides of this Chamber, and we have seen there the perfection of that system to which we are rapidly approximating here—debate denied at the will or whim of the majority, amendments cut off at the pleasure of whatever faction happens to be in control, substantial rights denied for reasons of policy or of politics. Here free speech has been enthroned; here the right to real debate has existed and survived; and, as I said just now, that existence and that survival constitute not only the chief glory but the greatest power of this great body.

With one House, possibly necessarily so because of its size, put in a position where it is reduced to the practical operation of a machine, with the power of its individual Members almost gone, with individuality almost wholly stripped from them, except as they represent or operate the machine either of one party or of the other, we have seen organization and system brought to their climax in American politics. Here, Mr. President, whatever may have been the effect of a change in the manner in which the American Senators are elected, some of the traditions still live, and some of the olden practices still survive.

Senators may say in support of this proposition that it is necessary in order to cut off a filibuster of which less than two-thirds of the Senate does not approve. Some may contend, as did the Senator from Alabama, that it is necessary in order to enable the majority—and not a two-thirds majority—to work its will within a reasonable time and after reasonable debate.

Mr. President, in no other body in our Government, in no other part of our governmental machinery, except here, is there any substantial right for a minority. In most popular assemblies about the only substantial right the minority has is to be outvoted. Not even a reasonable amount of discussion can it secure, except by the consent of the majority. Not even a sensible amount of opportunity for amendments can it obtain, except by grace of the controlling faction. But here the fathers designedly placed a different sort of power. Here the men who framed the Constitution expressly intended and expressly stated that there should be a pause in the Government; that a minority that was strong enough to represent more than an individual prejudice or a personal view should have rights that could not be lightly overridden or carelessly denied, not only the right of reasonable discussion, not only the right of reasonable amendment, but also the right, if they were willing to take the responsibility, of halting for the moment some proposition that appeared to them extraordinary, and possibly extraordinarily dangerous. I am here to assert, with all the earnestness of which I am capable, and with all the sincerity that I

feel on this great question, that it is a right that is most important in a free country, where liberty ordered by law is to prevail.

Ah, my colleagues from Southern States, I can remember when that right of the minority was asserted on this floor and in this body to save you from the odium of a force bill and to save your civilization from the hybridization. How any southern Senator who is acquainted with the history of the Senate and who is not ignorant of the history of this country can contemplate for a moment the awful risk of taking from the minority the right to preserve the section from which he comes and in which he lives from dangers of that sort, which may in the future, as in the past, overhang and overcloud us all, is more than I can comprehend.

I will say this: The filibuster is an extreme weapon, not one to be lightly employed, not one to be generally and carelessly invoked; and yet the instances are rare—I doubt if any well-informed Senator can cite many—in which filibusters have succeeded in which they did not represent the right side of the question involved. So that I am not terrified by the proposition that, possibly, if we adopt no other form of cloture we will not have completely destroyed the filibuster as a parliamentary weapon. On the contrary, while it is the most powerful weapon of the minority, it is, in my judgment, the most indispensable weapon of the minority, if anything like the balance of parliamentary right is to be preserved, nicely adjusted, in this body; and it does seem to me beyond question, beyond challenge, beyond peradventure that, unless we are prepared to surrender some of the basic and fundamental principles upon which this Government and this country of ours were constructed, some of the checks and balances against hasty, intemperate, and sometimes injudicious partisanship, we will not lightly fritter away the rights of the Senate and of individual Senators by agreeing to any such amendment to our rules as this.

Mr. President, there is another and quite an important reason why amendments of this character to our rules ought not to be adopted. For one, I believe in the balance of power planned in our Constitution, or, rather, the distribution of power between the legislative, executive, and judicial branches of the Government. Of course, these powers complement and supplement each other and, taken together, make up and constitute that great whole which is itself the government, the organism, the vitality; but each in its way performing its separate and distinct function, independent, although cooperating and coordinating, is of itself and in itself an independent function. Sad will be the day for this country when the distinction between these powers of the Government is abolished or when any one of them enthrones itself in the popular esteem or the popular confidence at the expense of the others.

Of course, I realize that in time of war the executive power is and must be largely and necessarily increased, because so much is to be executed, because so much is to be done. When it comes to the execution of the laws and policies which may be made by the legislative branch of the Government, then, of course, the executive function is controlling and exclusive; but even in time of war the right and duty of the legislative body to retain its independence and its integrity, to stand for the country and for the best that is in and of the country, to give to that country without fear of consequence, without either hope of reward or fear of punishment, the best that is in and of its heart and its head, is just as sacred and as solemn a duty as is the duty of the soldier on the battle line to face without flinching the bullets of the enemy.

Under the party system of actual and practical control that governs the politics of this country, the House of Representatives will never on this earth be anything else except more or less subservient to the will of the Executive; and I warn this body that whatever party is in power, whoever may be President, when we have as completely shackled the minds and tongues of Members of this body as the minds and tongues of Members of that other body are necessarily constrained by the rule that hard necessity forces upon them, there will be no place in all this Government from which the slightest resistance to real executive autocracy can come.

So that from every standpoint—first, because it is not and can not be shown that there is the slightest necessity for an amendment to the rules of this kind growing out of the war, or because of war conditions; second, because if we gradually, by piecemeal, as it were, adopt cloture in this body we not only destroy the last forum in which a minority, however constituted temporarily, may have and exercise a substantial right, but we also build up here a machine as destructive of independent thought and independent action as could be constructed in any parliamentary body on this earth; third, because if the Senate shall by piecemeal adopt the policy of cloture there will be no balance whatever left between executive and legislative power in the practical operation and conduct of this Government—for all of those reasons I oppose this resolution presented by my distinguished friend from Alabama.

Mr. President, the personal considerations involved in this question do not appeal to me as of any considerable importance compared with the public considerations to which I have just alluded. It is no more pleasant for me and no easier for me than for other Senators to listen to long, disconnected, and rambling discussions of questions not immediately before the Senate. My personal convenience might be promoted just as much as that of the Senator from Alabama or any other Senator if some measure of this sort were adopted; but I would suffer and undergo any reasonable amount of personal inconvenience rather than risk some of the serious public inconveniences that are sure to result to the people of this country if a proposition of this character should be adopted. I can not see, to save my life, the necessity for this sort of thing. I can not see, to save my life, why it should be urged now and why above all things it should be labeled a war measure, unless it is out of deference to the popular fad that is sweeping through all legislative bodies to name everything a war measure, no matter how disconnected with the war, no matter how unrelated to it.

The Senate went a good way when it adopted the resolution adopted at the beginning of this Congress, allowing two-thirds of the Senate to impose a very mild and modified form of cloture in certain contingencies. We know very well that that was done simply because it was considered necessary, and we thought past experience had recently proved it, to have some sort of machinery devised by which we could secure prompt action on any question which affected the Nation, especially with respect to its dealings with other nations, which transactions in and of their very nature require prompt and vigorous action; but I think we have gone fully far enough when we have gone there.

I hesitate to take the step suggested by my friend from Alabama. I want to say, with all personal kindliness toward any Senator who favors it, including the author of the resolution, that it shall not be adopted except after the most earnest and persistent opposition of which I am capable.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama [Mr. UNDERWOOD] that Senate resolution 235 be taken up for consideration.

Mr. GRONNA. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	McNary	Sheppard
Brandegee	Johnson, S. Dak.	Martin	Smith, Md.
Cummins	Jones, N. Mex.	Norris	Sutherland
Curtis	Kellogg	Nugent	Underwood
Fall	Kenyon	Page	Wadsworth
France	King	Phelan	Warren
Gronna	Lenroot	Pomerene	Watson
Harding	McCumber	Shafroth	Wolcott

Mr. CURTIS. I desire to announce the absence on official business of the senior Senator from Maine [Mr. FERNALD] and the junior Senator from Maine [Mr. HALE].

The PRESIDING OFFICER. Thirty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. BORAH, Mr. JOHNSON of California, Mr. JONES of Washington, Mr. KIRBY, Mr. MCKELLAR, Mr. PENROSE, Mr. SWANSON, and Mr. THOMPSON answered to their names when called.

Mr. CULBERSON entered the Chamber and answered to his name.

The PRESIDING OFFICER. But 41 Senators have responded to their names. There is not a quorum present. What is the will of the Senate?

Mr. BRANDEGEE. I move that the Senate adjourn.

Mr. UNDERWOOD. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PENROSE (when his name was called). I am paired with the senior Senator from Mississippi [Mr. WILLIAMS]. I transfer that pair to the junior Senator from Indiana [Mr. NEW] and vote "yea."

The roll call was concluded.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN], who is necessarily absent, to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. MCCUMBER (after having voted in the affirmative). I transfer my pair to the junior Senator from New Jersey [Mr. BAIRD] and will allow my vote to stand.

Mr. CALDER (after having voted in the affirmative). I have a pair with the junior Senator from Rhode Island [Mr. GERRY]. I transfer that pair to the junior Senator from Maine [Mr. HALE] and will let my vote stand.

Mr. KELLOGG (after having voted in the affirmative). Has the senior Senator from North Carolina [Mr. SIMMONS] voted?

The PRESIDING OFFICER. He has not voted.

Mr. KELLOGG. I transfer my pair with that Senator to the senior Senator from Maine [Mr. FERNALD] and will let my vote stand.

The result was announced—yeas 23, nays 26, as follows:

YEAS—23.

Brandegee	Harding	McCumber	Smoot
Calder	Hardwick	McNary	Sutherland
Curtis	Johnson, Cal.	Page	Wadsworth
Dillingham	Jones, Wash.	Penrose	Warren
France	Kellogg	Poindexter	Watson
Gronna	Lodge	Sherman	

NAYS—26.

Ashurst	Kenyon	Norris	Smith, Md.
Beckham	King	Nugent	Swanson
Culberson	Kirby	Owen	Thompson
Cummins	Lenroot	Phelan	Underwood
Johnson, S. Dak.	McKellar	Pomerene	Wolcott
Jones, N. Mex.	Martin	Shafroth	
Kendrick	Myers	Sheppard	

NOT VOTING—47.

Baird	Gore	New	Smith, S. C.
Bankhead	Guion	Overman	Sterling
Borah	Hale	Pittman	Thomas
Chamberlain	Henderson	Ransdell	Tillman
Colt	Hitchcock	Reed	Townsend
Fall	Hollis	Robinson	Trammell
Fernald	James	Saulsbury	Vardaman
Fletcher	Knox	Shields	Walsh
Frelinghuysen	La Follette	Simmons	Weeks
Gallinger	Lewis	Smith, Ariz.	Wilfley
Gerry	McLean	Smith, Ga.	Williams
Goff	Nelson	Smith, Mich.	

So the Senate refused to adjourn.

The PRESIDING OFFICER. Forty-nine Senators are present, according to the roll call, which discloses the presence of a quorum. The question before the Senate, therefore, is the motion of the Senator from Alabama [Mr. UNDERWOOD] that the Senate resolution 235 be taken up for consideration.

Mr. BORAH. Mr. President, I should like to inquire of the Senator in charge of the resolution whether it is his desire to proceed with its consideration this afternoon?

Mr. UNDERWOOD. I should like to have the resolution made the unfinished business. If it is made the unfinished business, and no one desires to proceed with the debate this evening, I will move that the Senate adjourn.

Mr. BORAH. It is immaterial to me whether I speak upon the motion to make it the unfinished business, or after it is made such; but I have no desire to hold the Senate if the Senate, as it seems, desires to go away.

Mr. UNDERWOOD. I shall be perfectly willing to take an adjournment as soon as the resolution is made the unfinished business. I ask that the question may be put.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama [Mr. UNDERWOOD] that the Senate proceed to the consideration of Senate resolution 235.

Mr. BRANDEGEE. Mr. President, I am so much opposed to this resolution that I dislike very much to see the Senate proceed to the consideration of it. The Senator from Alabama understands and so states that if the motion is carried to proceed to the consideration of it, it is done to-day merely to give it the status of the unfinished business of the Senate, and then unless the Senate votes to displace it by proceeding to the consideration of another measure, under the rule of the Senate, it must come up every day two hours after the Senate meets until finally voted upon.

I, myself, see no need whatever for a further attempt to inflict absolute or modified cloture upon speech in the United States Senate. It was only at the last session of Congress that a step was taken providing for a limitation of debate when a certain number of Senators requested it, and even that modified cloture rule has never been appealed to.

The proposed measure, of course, is much more drastic than the one which exists at present, but nothing has happened in the Senate since the question of arming merchant ships came up which at all, in my opinion, has warranted a further restriction upon the right of debate and the freedom of speech in the United States Senate.

As has been well said by the junior Senator from Georgia [Mr. HARDWICK], this is the last forum that I know of in the world where real freedom of speech exists.

We ought to remember this, Mr. President. It is not simply a matter which concerns the Senator himself. A Senator here with his colleague from his own State represents the entire State from which he comes and in all its vast interests. There are many times in this country of great diversified industries, of different habits and inclinations of thought, largely populated by different races of people of different antecedents and different traditions, when a certain number of States will propose a measure where the two Senators from a State which is going to be adversely affected by the passage of that measure can not possibly do justice to the great interests confided to their care in an hour's talk to this body.

Mr. President, if the safety of this Nation can be shown to be at stake and that it would be safeguarded by limiting to a very great degree the time within which Senators from sovereign States could express their views and those of their constituents, I might be willing, if it could be demonstrated that it was for the safety of the country, to allow without protest some such resolution as is reported here to become a rule of this body. But, Mr. President, it is easy to take leaps in the dark, especially when the people are perhaps emotionally stirred, when they are excitable; and it is very difficult to go back, in this country at least, to the place from which we departed.

What is the occasion for limiting a Senator to 1 hour on a bill and to 20 minutes on amendments? I have heard no reason stated here. Nothing has certainly happened at this session of Congress which warrants a reduction of time to a Senator who has heretofore had the right to speak his mind freely and at such length as he chose upon this floor. Nothing in my experience has happened at this session, and I do not think anything will happen, and if it should, it is time then for the Senate in the face of immediate provocation and the abuse or attempted abuse of the privileges of the Senate and the courtesies which are shown by Senators to each other to take action upon the question.

One hour is to be allowed to a Senator no matter what the measure may be before the Senate. It may be upon the question whether we will have an army of 3,000,000 men or whether we will confer upon the President the right which Congress has heretofore exerted and supposed to be its own to raise and maintain armies. It may be we will allow the President to raise and maintain armies, but I do not think we ought. I think it is the business of Congress to raise armies and fix the size of armies and provide for their maintenance. That may be a question that will demand a large amount of debate. There are other questions that will demand serious consideration.

There is no rule in the Senate that provides that an amendment must be germane to the bill to which it is offered. We all remember here when the Agricultural appropriation bill was under consideration some six or eight years ago, whenever it was, all of a sudden when the bill was before the Senate, I rather think up to a third reading, when the debate upon the bill had been exhausted and the subject had been duly and well considered, a Senator rose and offered as an amendment to that Agricultural appropriation bill an entirely irrelevant and unrelated matter, an entirely new subject, consisting perhaps of 10 or 15 pages, that nobody had read or had had an opportunity to read. It was a meat-inspection measure, a matter of country-wide interest and worthy of consideration upon its own merits.

Now, the Senator from Alabama, who is a great parliamentarian and a great statesman, in my opinion, goaded on by some spirit of restlessness or desire to attempt to make haste, which would probably result in making waste, says that no Senator should speak more than 20 minutes upon any amendment proposed to a bill, so that when the revenue bill may come before this body I can get up and offer an amendment to it that the Army shall consist of 5,000,000 men, and precipitate a debate on that question which nobody has considered up to that time, and no Senator can speak more than 20 minutes on it.

What is there in the existing situation which demands that we hamstring ourselves now; that we voluntarily shear ourselves of the power and the opportunity to properly debate the great questions that are pending before us, and perhaps the still greater that are to come?

As I said, I regret sincerely that the Senator from Alabama or the Committee on Rules, for it is a majority report from that committee, has seen fit to bring this subject before the Senate at this time. Is it not a good thing to have freedom of debate, Mr. President? Is it not a good thing to allow a Senator to review a subject comprehensively and to take time, if necessary, to read from the books the precedents, and to give from history and from other authorities information and facts bearing upon every great subject that comes before this body? And if he does, that is all to be crowded into the space of an hour.

Mr. President, this is a debating body, and there are 96 Members of it. The Senator from Virginia [Mr. MARTIN], the distinguished leader of the other side of the Chamber, stated yesterday that because an hour or an hour and a quarter was

allowed each side usually in the Supreme Court of the United States, that ought to be enough time for any Senator to say all he knows upon any subject, or all he wants to say anywhere. I do not believe that the Senator, on mature reflection, will be prepared to adhere to that view. Let us consider it. The Supreme Court is not a debating society nor a debating body. The Supreme Court, as was stated yesterday, has its membership there all the time while they are in session. The case is made up before it comes to the court. The facts are all there sworn to. Testimony, perhaps, can be certified up in certain cases. At any rate, the record is there, and the briefs of both parties are there, which are themselves arguments. Many of the cases are submitted on the briefs alone, with the knowledge that the bar has that the court itself knows its own decisions and knows pretty much all there is connected with the jurisprudence that concerns the matter then pending before it.

Is that the case in this body? Here are 96 different men of different minds, representing 48 different States, with different interests, from the Rocky Mountain States to the desert-land States, from the great northwestern mining States to the tropical States of Mississippi and Louisiana, from the sources of the Mississippi River away up on the Canadian line down to the Gulf of Mexico, and every variety of climate and population and circumstances differentiating the needs of one section from another. We Senators do not know and can not know, as the Supreme Court can know, enough about all the facts and circumstances so as to be able to take judicial notice of it, and it is necessary perhaps that the one Senator who is expert on a certain question should to a certain extent educate his fellow Senators, so that they can act intelligently upon those facts. It has all got to be done within an hour under this rule, or it may be within 20 minutes if the subject matter comes up in the form of an amendment. Is that wise?

What is the impelling motive behind this proposition? Has not the Senate done its share and done it well in the legislation that has been enacted during this world war? As was stated yesterday upon this floor, we all remember how it is when a tariff bill comes before this body. I think when the revenue bill came before this body only last year the distinguished chairman of the Finance Committee, the Senator from North Carolina [Mr. SIMMONS], required two whole days to make his statement, which was a mere synopsis of what the bill contained and a brief review of the reasons for the provisions of the bill.

Were those two days wasted, Mr. President? Should the Senator from North Carolina have been taken by the throat and held down to one hour to tell the Senate and the country of the measure, to rehearse the testimony before his committee which had taken the committee a month to collect, hearing all the great experts of the country, and then forming their conclusions after debate? Should it be so that we sit for a month with a great committee in session and then when its chairman gets up and tells us what it had been doing for a month, what was testified to, what the argument was on each side, he is to be held down to an hour, and then if a Senator, owing to a great demand in his State and their interests that he represents, the business of his community, gets up an amendment to it, that that Senator is to be held down to 20 minutes? The amendment may be more important than the whole bill. It may not be related to the bill.

As I said, Mr. President, I would do almost anything to win this war, and it may be if a Senator shows evidence of obstruction and willfullness and disloyalty, a desire to filibuster on measures necessary to the war which must go through, I would be willing to go a little further than we have gone in the existing cloture rule, which has yet never been appealed to, as there has been no reason for appealing to it. But now why should we throttle ourselves in our right to freedom of speech?

It is a matter of pride to me to belong to a body the Members of which can almost always trust each other to do the right thing, to be gentlemanly and polite and courteous and considerate. I think there are very few cases—I remember only three or four in a period of 13 years' service in this body—where there has been anything like a filibuster, and, in my opinion, all those occasions were justified. But they did not stand, the filibuster was not successful, if the American people really demanded the act. Where they were successful it gave time for a second thought, and the country was not damaged by delay of legislation. In some cases it was abandoned, and wisely abandoned.

I think the Senators who vote for this kind of a resolution will live to regret it. I know that everybody who comes over from the House of Representatives comes with the same idea. I had it myself. You get used to operating under a gag law. You get used to the previous question which cuts off debate as with a carving knife. You get used after years of habit, as the Senator from Alabama was used to it, as the leader of his party, which he led so ably for so many years on the floor of the great House of Representatives, coming from the Ways and Means Committee, for instance, with a tariff bill or some other bill and going to the Speaker and saying, "Here, we have a great body of 450 men," if it be that, "and you never can get anything through this body if you allow all these men to talk all they want.

"Now, I want you to tell the Committee on Rules to bring in a rule for this special occasion which will confine debate to two hours upon each side of the question, and so control the time of debate." And So-and-So on that side of the Chamber to control the time and peddle it out to such persons as he wants to yield to for the negative and a Member upon the other side to do the same for the affirmative, and at the conclusion of four hours' debate the vote to be taken, no matter what the bill—a tariff bill or a bill of the greatest importance—that ought, if possible, to have a month of consideration and intelligent debate, backed up by the study of authorities and real debate of the kind we have here, where a man can ask a question at the time he wants to ask it and get an answer that will have a bearing upon the debate, and it may eliminate the necessity of taking an hour or more.

I say it is very natural for a Member, coming over from the House, having been brought up and lived for 20 years under that system, where the time is divided half and half—two hours to each side—and then the trap is sprung and the previous question considered as ordered, and the Clerk calls the roll, and all amendments are to be considered out of order. That rule is drawn by expert parliamentarians, and it is natural that a gentleman who has operated under that sort of Prussian discipline should be a little restive when he gets among the allies, who do things in a less arbitrary manner. I sympathize with him myself upon certain occasions when the boot is on the other leg, for I am getting somewhat weary of the human voice, especially when it is not accompanied by as much gray matter as some people think they have. But I admit that this is a deliberative body of 96 debaters, and even if they are not debaters when they come here they soon acquire the habit. They ought to be debaters, and their States expect them to be. It is here, after every bill which is put through the House in the arbitrary manner it has to go through, that the flaws are detected and the creases are ironed out, and the unconstitutional features are generally rejected, though not always.

It has been done so for about 130 years, ever since this Government was founded. There has been criticism at times, yes; when perhaps a noisy minority in the country were demanding something and threatening awful things if they did not get it at once; but for 130 years this body has stood here the representative of free thought and free speech.

How much worse the country would have been suppose the Senate had been like the House. What sort of legislation would we get? Well, the conference committee would have had to be both Houses of Congress; that is the truth about it. There would not have been any open consideration of anything which the people and the press of the country should know everything about. Everything would have been done in a corner and behind closed doors; we would have had the privilege of voting yes or no, and that would have been our part in the making of wise legislation.

So I say I regret that the distinguished Senator from Alabama has brought in this proposed rule in addition to the other contentious subjects which have been unloaded upon the country in the midst of this war, which are serving to divide the country into hostile camps instead of unifying them into one great camp of America.

I am pretty strong for liberty in these days, and I understand that is what we are fighting for when we are not fighting, as the President says the Indian said, "to make the whole damn world safe for the Democratic Party." I understand we are fighting for liberty, and one of the bases of liberty is freedom of speech and of thought. If you can not be allowed even to think, if you have got to be neutral even in thought, it is not my idea of liberty at all. If you have got to be neutral in speech, there is no freedom of speech. I believe in saying what you think, and I have said this much this afternoon to let the Senate know that I think we had better go slowly about this matter at this time and let us preserve what liberty we have left now until we see if we can keep the rest of it and, it may be, get a little more.

I hope the Senate will not take up the resolution this afternoon, because it fastens it upon us as the unfinished business for every day until the Senate shall get so sick of it that it will displace it by a motion to proceed to the consideration of some other matter.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McNary	Shields
Bankhead	Johnson, S. Dak.	Martin	Smith, Md.
Beckham	Jones, N. Mex.	Myers	Smoot
Borah	Kellogg	Nelson	Sutherland
Brandegee	Kendrick	Norris	Swanson
Calder	Kenyon	Nugent	Thompson
Cummins	Lenroot	Owen	Underwood
Curtis	Lewis	Page	Wadsworth
Fall	Lodge	Shafroth	Watson
France	McCumber	Sheppard	Wolcott

The PRESIDING OFFICER. Forty Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. PHELAN and Mr. SIMMONS answered to their names when called.

Mr. MCKELLAR entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-three Senators have responded to their names. There is not a quorum present. What is the pleasure of the Senate?

Mr. CUMMINS. Is it in order to make a parliamentary inquiry in the absence of a quorum?

The PRESIDING OFFICER. The Chair thinks it is.

Mr. CUMMINS. The inquiry is this: If the Senate were now to adjourn, would the motion of the Senator from Alabama be the unfinished business?

The PRESIDING OFFICER. The present occupant of the chair thinks not.

Mr. CURTIS. I move that the Senate adjourn.

Mr. UNDERWOOD. If the Senator from Kansas will yield to me for a moment——

Mr. CURTIS. Certainly; I withdraw the motion for that purpose.

Mr. UNDERWOOD. I wish to state, by unanimous consent, that I do not desire to weary the Senate this evening with roll calls, and will not resist an adjournment at this time; but I wish to give notice that to-morrow I shall again move to take up Senate resolution 235, and, believing that a majority of the Senate are in favor of its consideration, I shall insist in the endeavor to have it taken up for consideration. I will not, however, resist the motion to adjourn at this time.

Mr. CURTIS. Does the Senator wish to move to adjourn?

Mr. UNDERWOOD. No; the Senator can make it.

Mr. CURTIS. I renew the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, June 5, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 4, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in Heaven, that the Holy of Holies is always accessible to Thy children. That amid the perplexing problems which confront us, the dangers which threaten us, the anxieties and sorrows which fill our hearts, we may enter in and receive new light to guide us, new strength to sustain us, and comfort to bear us up.

Hence we come praying for that light, that strength, that comfort; that with courage and fortitude we may do the work Thou hast given us to do, assured that all will be well at last.

This we ask in the Spirit of the Lord, Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 12280. An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses and for other purposes.

ORDER OF BUSINESS.

Mr. ALEXANDER. Mr. Speaker, I renew my request for unanimous consent that the bill H. R. 12099, a bill to confer on the President power to prescribe charter rates and freight rates and to requisition vessels, and for other purposes, and the bill H. R. 12100, a bill to amend the shipping act, be given a privileged status, the consideration not to interfere with the consideration of conference reports or appropriation bills. I will say further, Mr. Speaker, it is not my intention to call up these bills to-day. My purpose is that they may have a privileged status. They come from the Committee on the Merchant Marine and Fisheries with a unanimous report. They are essentially war measures. Under one of them, H. R. 12099, the power vested in the President only continues during the war and in certain emergencies for six months thereafter.

Mr. STAFFORD. Does the gentleman intend by his request to exclude reports from the Committee on Rules?

Mr. ALEXANDER. Oh, no.

Mr. STAFFORD. Well, it would if we give the bills a privileged status.

Mr. ALEXANDER. I will say the Committee on Rules, conference reports, and appropriation bills.

Mr. FOSTER. Why not say privileged matters?

Mr. ALEXANDER. I am making it as broad as the universe.

Mr. GARNER. There is a bill on the calendar I think could be called up regardless of unanimous consent.

The SPEAKER. What is it?

Mr. GARNER. It is a bill reported by the gentleman from Kentucky [Mr. HELM] proposing to take a census of this country under the Constitution.

Mr. STAFFORD. That is a privileged matter and can be called up.

The SPEAKER. The Constitution provides for it.

Mr. GARNER. I think the precedents show it could be called up regardless of a unanimous-consent agreement.

Mr. STAFFORD. I believe the great fracas that caused the loss of the control of the House by the Republicans and the control by the Democrats was over the Crumpacker census bill, which kicked the lamp over.

Mr. ALEXANDER. I have conferred with the majority leader, and my purpose is to get these bills up for consideration as soon as I can, not to interfere with other business which may be regarded as important.

Mr. FLOOD. Will the gentleman yield?

Mr. ALEXANDER. I will.

Mr. FLOOD. Do I understand the gentleman to say that it is not his purpose to take up these bills to-day?

Mr. ALEXANDER. Oh, no.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. Mr. Speaker, reserving the right to object, I beg to suggest to the gentleman from Missouri that in his request he state the order in which these measures will be called up.

Mr. ALEXANDER. I think in the order that the bill H. R. 12100 should be taken up first, and then the bill H. R. 12099 second.

Mr. WALSH. If that is understood——

Mr. ALEXANDER. That is the order in which I will call them up.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I want to ask the gentleman if these are all war measures?

Mr. ALEXANDER. Mr. Speaker, the bill H. R. 12099 is strictly a war measure. The bill H. R. 12100 amends the shipping act; some of its provisions are permanent in their nature, but one of them defines a vessel to include a vessel from the time the keel is laid until it is launched. Another provision undertakes to confine ownership in American citizens so as to prevent any possible ownership by foreigners through a trust or in any other form.

Mr. MOORE of Pennsylvania. Would the passage of these bills have a tendency to facilitate the war?

Mr. ALEXANDER. Unquestionably.

Mr. MOORE of Pennsylvania. It seems to me it is important now we should stick to war measures as strictly as we can.

Mr. ALEXANDER. These are.

Mr. HADLEY. If the chairman will permit, I will say in answer to the question of the gentleman from Pennsylvania that as a member of the committee I would not have supported some of the features of the bill last referred to unless I had regarded them essentially as war measures. There are some features of the bill referred to that are not of a war character, but some very essential matters are.

Mr. MOORE of Pennsylvania. It is a matter of shipping, I assume?

Mr. HADLEY. The committee was unanimous.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. If this request is agreed to, it merely gives a privileged status, as I understand it, to these bills, but the question of consideration can be raised against any bill that has a privileged status?

The SPEAKER. Of course.

Mr. ALEXANDER. That is true.

Mr. JOHNSON of Kentucky. Mr. Speaker, I would like to ask the gentleman if he would be willing to qualify his request for unanimous consent by providing that District Day shall not be interfered with?

Mr. ALEXANDER. I have no objection, Mr. Speaker, to that qualification if the gentleman insists upon it.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent to have the two bills he mentioned made privileged, not to interfere with conference reports, appropriation bills, privileged matters, or District of Columbia business. Is there objection?

Mr. FESS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Missouri [Mr. ALEXANDER] whether it would interfere with a request that I understand the floor leader will make very soon for consideration of the bill for the rehabilitation of wounded soldiers, which passed the Senate last week unanimously and has already been reported to the House and is on the calendar and which we are hoping to get up just as soon as possible? Would the request of the gentleman from Missouri shut that out?

Mr. ALEXANDER. I had a conversation with the majority leader and he told me that the migratory-bird bill and the bill to which the gentleman referred would come up next, and it was agreed between us that in no event would I request consideration before those bills were disposed of.

Mr. DYER. Mr. Speaker, the regular order.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

THE JOURNAL.

Mr. ROGERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ROGERS. In order to make a parliamentary inquiry. The Journal which was read from the desk to-day contained the words that were stricken out by the House yesterday. Should the Journal contain words that have been stricken out by the House?

Mr. STAFFORD. Mr. Speaker, if the Chair will indulge me, the usual practice is, when words are expunged from the RECORD, to ask unanimous consent that no reference be made in the Journal to the proceeding. But the Journal should be an accurate record of everything that takes place in the House. The motion was merely that the words be expunged from the RECORD. The Speaker will recall that quite frequently Members rise and ask unanimous consent that no reference to the proceedings be made in the Journal, but that did not take place yesterday.

The SPEAKER. The gentleman from Wisconsin is entirely correct. Some of the most important transactions that have taken place in the House since I have been here were left out of the Journal by unanimous consent.

EXTENSION OF REMARKS.

Mr. WHALEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a patriotic address by my colleague, the gentleman from South Carolina [Mr. BYRNES].

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD by inserting a patriotic address by the gentleman from South Carolina [Mr. BYRNES]. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO ADDRESS THE HOUSE.

Mr. MILLER of Minnesota. Mr. Speaker, I would like to make a unanimous-consent request that after the reading of the Journal next Saturday I be allowed to address the House for 30 minutes.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that after the reading of the Journal and cleaning up of the business on the Speaker's table next Saturday he be allowed to address the House for not exceeding 30 minutes.

Mr. GARNER. Reserving the right to object, would the gentleman mind stating on what subject?

Mr. MILLER of Minnesota. I would rather not. I will state it to the gentleman privately, and will assure him publicly that it is a subject to which he will have no objection at all.

Mr. FOSTER. Reserving the right to object, this ought to be subject to other matters that may come up in the House.

Mr. MILLER of Minnesota. Oh, certainly. If there is an important bill, I will not suggest it at all. There is a baseball game shortly after, and I anticipate the House will not want to work all day.

Mr. FOSTER. I do not know about that.

Mr. MILLER of Minnesota. I will state that I do not anticipate to talk about the ball game. I would like to advertise it a little right now, however.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes if not more. [Laughter.] Is there objection? [After a pause.] The Chair hears none.

Mr. WILSON of Louisiana. Mr. Speaker, on last Friday notice was given that the contested-election case of Steele against Scott would be taken up.

EXTENSION OF REMARKS.

Mr. FLOOD. Will the gentleman yield a moment? I ask unanimous consent to insert in the RECORD a patriotic address delivered by the Secretary of State.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by printing a patriotic address made by the Secretary of State, the Hon. Robert Lansing.

Mr. DYER. Mr. Speaker, I desire to reserve a right to object to the request that has been made. I tried to get recognition——

The SPEAKER. Go on.

Mr. DYER. I want to reserve the right to object because of this fact: The Government Printing Office now is unable to furnish to the Members of Congress important public documents pertaining to the conservation of wheat and things of that kind. A number of bulletins have been printed by the Department of Agriculture, scientific in their nature, and now we are unable to get them without great delay in the Printing Office, and the reason they give is because time is taken up and the machinery is taken up in printing speeches, mostly political speeches, in my judgment, to be sent through the country.

I understand that over 1,000,000 copies of one political speech have been printed and sent out from the Government Printing Office. Therefore for the present I shall object to any more speeches being inserted in the RECORD.

Mr. FOSTER. Why did not the gentleman object to all of them, then?

Mr. HEFLIN. I did not think the gentleman would object to the patriotic speech made by the Secretary of State being printed.

Mr. GARNER. The gentleman did.

The SPEAKER. The gentleman from Missouri objected, and that is the end of it.

LEAVE OF ABSENCE.

Mr. BEAND, by unanimous consent, was granted leave of absence for one week, on account of important business.

CONTESTED-ELECTION CASE OF STEELE AGAINST SCOTT.

Mr. WILSON of Louisiana. Mr. Speaker, the contested-election case of Steele against Scott is fixed for to-day. I have no objection to the gentleman from Pennsylvania [Mr. MOORE] proceeding for five minutes, with the understanding that that case is to be called up and to be proceeded with immediately after.

The SPEAKER. He has already got his five minutes.

Mr. WILSON of Louisiana. I rose before unanimous consent was announced. I have no objection, provided we can proceed with this case immediately after.

The SPEAKER. The Chair assumes that these requests are through with for the day. The gentleman from Pennsylvania [Mr. MOORE] is recognized for five minutes.

GERMAN SUBMARINES.

Mr. MOORE of Pennsylvania. During the discussion of the Army appropriation bill last week I called attention to the fact that rumors were current of German submarines hovering along the Atlantic coast, and I said then that it was possible that we would hear from them before long. I think those remarks were accepted with a grain of salt. I am not here this morning to

say "I told you so," but I am here, through love and devotion to my country, to speak for what I believe is necessary to properly prepare it to assert and defend itself.

The attacking of our ships by German submarines, as reported this morning, brings home to us so directly the menace along our coast that no American, I am sure, can fail to understand the importance of it. No German submarine is ever likely to attack us in the Mississippi River or on the west coast, but it is possible for them to reach us on the Gulf coast. The attack will come—the first attack has come—along the Atlantic seaboard, just where it might be expected that it would come. It came on Sunday last, and since Sunday reports now indicate no less than 15 American vessels have gone to the bottom of the sea. The Secretary of the Navy officially reports six vessels lost. How many lives have gone as yet we are unable to say.

Now, gentlemen, I ask you squarely, are we prepared along the Atlantic seaboard for this foreign invasion? The visitation of these submarines is merely a skirmish. It may be that the purpose behind it is to strike terror into the hearts of the American people, and it may be that these attacks will inflame the American people so that they will rise up as one man to drive out the invader should he ever attempt to land on our shores. Whatever the purpose or the effect, we have problems ahead of us in the matter of preparation, and they are real and vital problems. I ask you, while we are attacking the enemy abroad are we prepared to meet him on our own shores? I have pleaded for preparation in the United States, and I again plead for this practical preparation of our inland waterways.

We study the map of Europe every morning. In the name of God and in the name of our country, why do we not study the map of our own country, the United States?

Here is our problem: Along the New Jersey coast, as shown here on the map before you, on Sunday last, most of this damnable work was done. Six vessels, at least, were sunk within 50 miles of that coast, between the port of New York and the port of Philadelphia. Much of our shipbuilding—most of it, in fact—is being done inside this coast. This shipbuilding, as we well know, is our great reliance in this war emergency. It is to carry our troops, our munitions, and supplies abroad.

The only way for these ships when completed to get to sea is down the Delaware River, down the Delaware Bay, past Cape May and Cape Henlopen. What would an alert enemy do who wanted to forestall the use of those ships? What would an enemy do who wanted to stop our transportation, stop the relief in troops and supplies to our soldiers abroad? Why, he would circle around the mouth of this bay [indicating], just as these arrow heads now point. If he was in sufficient force he might stop those vessels coming out, lie in wait for them, catch them, and sink them as fast as the Shipping Board could turn them out. Without the canal to Norfolk and Baltimore, without the canal to New York, there is no other way for our new ships to get out.

I have indicated time and time again that we should cut this channel through to the port of New York and have that additional entrance and exit; that we should get through here [indicating the Chesapeake & Delaware Canal] to Chesapeake Bay and have that additional entrance and exit. If we cut those canals through or improve the waterways already existing then ships built upon the Delaware River or in New York or at Norfolk may pass out at no less than four points and encircle the enemy at sea. These exits and entrances should be connected inland so that our vessels may go outside to help each other at will. Give us those cuts here and here [pointing to the cuts across New Jersey and Delaware and Maryland] and then we will have a passage from Hampton Roads through to New York and by way of the East River to Long Island Sound into the ocean here [indicating], and from there we can continue our inland strategy to the port of Boston. In all we will have one, two, three, four, five points along the Atlantic coast from Norfolk to Boston, every one of which should be available to pass vessels from navy yard to navy yard inside when the enemy is known to be outside.

But we can not do it now. We have failed to appropriate the paltry few million dollars necessary to make the 13-mile cut through the Maryland-Delaware peninsula, and this 31-mile cut over to New York Bay through the valleys of New Jersey.

I appeal to you Members of Congress who are interested in the welfare of your country to deal wisely with this great problem. We are sending billions of dollars abroad and we are beginning to send millions of men abroad; all the money we can raise is going into shipbuilding to help our forces on the other side. What if our ships are to be bottled up or sunk before they fairly reach the sea? We must heed the demand for ship construction, but we must also provide the facilities upon which our ships are to come and go and be protected. Surely we can not permit the enemy to stand 50 miles off our shore, as he did on Sunday, and laugh in the face of the American people. I beg of Congress to give serious consideration to this subject and to a resolution I have introduced requesting action on these canal propositions. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

CONTESTED-ELECTION CASE OF STEELE AGAINST SCOTT.

Mr. WILSON of Louisiana. Mr. Speaker, on last Friday notice was given that the contested-election case of Steele against Scott, from the eleventh district of Iowa, would be called up to-day. I do not know whether or not there is a desire to discuss this case. The report of the committee, so far as I know, reflects the unanimous judgment of the committee, after a careful investigation extending over a number of weeks. It is not necessary, as I understand, under the rules, to read this report. I feel, however, after discussing the matter with the committee, that it is due to the Members of the House to make a short statement in relation to the facts of this case, because the result is so extremely close, in a district polling more than 52,000 votes, and where the question of the unseating of the sitting Member or withholding from the contestant a seat in this House depends upon a change of 3 or 4 votes, I feel that it is due to the Members of the House, who will probably not have time to read this report, to make a short statement in relation to the work of this committee.

On the official returns from that district in the election of November, 1916, the contestee, the sitting Member, was returned by a majority of 131 votes. After the contest was filed in this case a recount was made in one precinct in Sioux City, Iowa, by the contestant, which showed, according to the recount made on his behalf, a change of 219 votes in his favor, and according to the recount made by the contestee a change of 205 votes, which on the recount of the contestant would have given him, if no further count had been made, a majority of 88; and upon the recount made by the contestee, if no further counting had been done, a majority of 74.

After recounting this precinct where this startling change had been made, the contestant identified and introduced in evidence the returns of the entire district. It is proper to say that in the notice of contest the count of every precinct in the district had been brought in question, the claim being made that certain votes had been counted for the contestee that should not have been counted for him, and that there had been a failure to count certain votes for the contestant that should have been counted for him.

Then upon taking testimony by the contestee it was found that in another precinct over in Buena Vista County practically the same condition prevailed, and upon counting less than 500 votes a gain was established in favor of the contestee of 80 votes on his recount and of 74 votes on the recount made by the contestant. Now, the parties recounted entirely the votes of 5 of the 13 counties in this district. They made no attempt to recount the votes in the other counties, and the result of the recount of these five counties, when tabulated with the vote of the other eight counties, showed that upon this recount the contestant claimed that he had a majority of 94 votes and the contestee claimed that he had a majority of 133 votes.

It was argued before the committee by the parties to the contest that this case might be settled by consideration of the two precincts where those glaring irregularities had developed, where there was apparently no excuse for the gain of more than 200 votes in one precinct for Mr. Steele and the gain of 80 in another precinct for Mr. Scott. But in this recount of five counties the committee found that they had disagreed in the recount of some 72 precincts. And to show you just what a difficult situation faced the committee, if you took the contestant's recount for this second precinct in Sioux City, in the precinct in Buena Vista County, the contestant had a majority of 14; and according to the claim of the contestee, based on his recount of the same precincts, he had a majority of 6. If you take the recount of the contestant at the precinct in Buena Vista County where contestee gained, and the recount of the contestee at second precinct in Sioux City, where contestant gained, the vote in the entire district, where over 52,000 votes were cast, will be a tie. But we found in other precincts where this recount had been made a change in one of 36 votes and in another a change of 31 votes. There was no dispute about that, and in the 72 precincts upon which they disagreed there were several hundred votes involved. So in going over the whole matter the committee decided that the only fair thing they could do, and the only manner in which they could get a result with which they could come before this House, backed by the judgment of the committee as well as its conscience, was to

recount the 72 precincts where the parties to the recount had disagreed. There was no question as far as the record presented to us was concerned as to the vote in the other counties, because no attempt had been made to recount them and the official returns stood. Before the committee each side admitted, as I understood the argument, that it was doubtful as to what the result would be if those precincts were recounted, that it would come right down to a question of one or two votes. So a subcommittee was appointed, and we counted those 72 precincts, involving close to 20,000 ballots. In that recount there was not a disagreement except as to two votes, one that I myself contended that if it should be counted at all it should be counted for Mr. Steele, and the other which the gentleman from Massachusetts [Mr. DALLINGER], who was on the subcommittee, contended that if counted at all it should be counted for Mr. Scott. But the marking on those two ballots was very questionable. As to the others your committee had no trouble at all in reaching the conclusion that those votes ought to be counted.

Now, the differences where the large discrepancies occurred resulted from the careless manner pursued in counting the ballots, a system which we understood from the arguments of the counsel prevailed at all large precincts in the State of Iowa. They have the Australian ballot system there, but it developed before the committee that, there being three election judges and two clerks, instead of the judges all examining each ballot and calling it off to the clerks, who should keep a simultaneous record of the count, the ballots would be divided into two piles, and one judge would call off the ballots to one clerk from one pile and the other judge would call off the ballots to the other clerk from the other pile, and when they got through they would add the totals of the two.

It was evident that all the judges had seen no one ballot and that no one judge had seen all the ballots. So the system of counting the votes was absolutely in violation of the law, and we felt, as I stated, that the only fair way the committee could do would be to go in and examine the ballots in the precincts where these differences had occurred. This we did, with the result, as I have stated, that there was no disagreement except as to two ballots. In rejecting ballots on one side or the other there seemed to have been no well-established rule followed by either party. They have the Australian ballot there, but they have no emblem at the head of the column, and the voter would make a mark opposite the names of the candidates for President and Vice President on the Democratic or Republican ticket and then he would proceed down the column and mark the squares opposite the presidential electors on that ticket, and then on down and vote for his choice for Congressman. In other instances he would make just one large cross opposite the names of the candidates for President and Vice President, perhaps upon the Republican ticket or on the Democratic ticket, as the case might be. Then he would proceed down and vote for State officers and for Congressmen. Of course, tickets marked in that way were not marked in accordance with the law, and they had been rejected pro and con by the parties, as shown in the testimony taken in Iowa. But your committee had no difficulty in reaching the conclusion as to the intention of the voter, and the decisions of the courts of Iowa were very plain that these were not identifying marks, and so we counted them for the Member of Congress for whom they were marked.

There were a number of legal questions that came up. Among them was the vote of the soldiers of the National Guard on the Texas border. There Mr. Steele had a majority of 20. It was contended that the old statute passed in 1862 in the Civil War had been repealed by a revision of the code of that State, but your committee counted those votes. It was contended on the part of Mr. Scott that he should have 13 additional votes on account of ballots lost in additional precincts. We did not count those. In other words, counting the National Guard vote and counting every vote that we felt we had a legal right to count, the result of the tabulation left a majority in favor of the sitting Member, Mr. Scott.

Mr. DENISON. Will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. DENISON. Did I understand the gentleman to say that the respective political parties were not designated at the head of the column?

Mr. WILSON of Louisiana. No; I did not say that; I said there was no emblem—no rooster, no elephant, no bull moose, or anything of that sort.

Mr. DENISON. There was a circle.

Mr. WILSON of Louisiana. There was the name of the candidate for President and Vice President at the head of the ticket, and down further were the presidential electors by name and the square in which the voter shall mark.

Mr. DENISON. Does the voter have to put a mark opposite each name, or can he vote the entire ticket by one mark at the head of the column?

Mr. WILSON of Louisiana. Under the statutes of Iowa he must make a mark or a cross opposite each presidential elector.

Mr. DENISON. He can not make one mark and vote the straight ticket?

Mr. WILSON of Louisiana. Some voters evidently thought they could do so. Under the recount there was no disagreement; perfect harmony prevailed, and under the record, as presented to the committee, there was no doubt that the contestant and the contestee each thought himself honestly elected. After this final sifting out of all disputed ballots and counting and crediting every legal ballot, there is a majority of 4 in favor of the contestee. This is the only result that can be reached from these ballots, for they have all been counted as cast, and we feel that if they had followed the decisions of the Supreme Court of Iowa, as laid down in the recent cases, in the original counting of these ballots this contest might not have come to Congress. Of course, lawyers representing clients do not always look at matters as judges do after the case gets before the court.

As I said, there were a number of legal questions that arose—the Texas-border vote and the lost ballots and some others not necessary to discuss. So after the most exhaustive investigation, which involved the counting and examination of many thousands of ballots, your committee has submitted a unanimous report.

Mr. ROSE. Will the gentleman yield?

Mr. WILSON of Louisiana. I will.

Mr. ROSE. Will the gentleman state to the House where these ballots were marked at the top where it said for President Woodrow Wilson and Vice President THOMAS R. MARSHALL, what did the returning board do with the ballots marked like that?

Mr. WILSON of Louisiana. As a general proposition they refused to count them. Some of them were marked opposite the name of Woodrow Wilson, and then coming down further to the presidential electors they were marked by cross, and also the same with reference to Hughes and Fairbanks and electors on that ticket.

Mr. ROSE. I would like to say that in all these ballots the committee were unanimous in counting them for the parties for whom they were marked. We were all satisfied that it was not a mark for identification, but merely surplusage, and all the ballots were counted for the candidates for which they intended to vote. The committee was unanimous in that.

Mr. WILSON of Louisiana. Mr. Speaker, I now yield 10 minutes to the gentleman from Massachusetts [Mr. DALLINGER], a member of the subcommittee.

Mr. DALLINGER. Mr. Speaker, there has been no better evidence of the absence of partisanship in the present House of Representatives than the unanimous action of the Committee on Elections No. 3 in the contested-election case of Beakes against Bacon, and the unanimous action of this Committee on Elections No. 1 in the case of Steele against Scott.

I desire to add to what the chairman of the committee has said to the effect that throughout the consideration of this case only one motive has actuated the members of the committee, and that was the desire to determine just what actually were the facts in this election. While there were two interesting legal questions involved in the contest, it was not necessary for the committee to consider them, because, even admitting the claims of the contestant, Mr. Steele, on the facts as found by the subcommittee, Mr. Scott is still entitled to his seat.

Mr. Speaker, there has unfortunately arisen in this country for some time past a growing popular feeling in some quarters against our courts of justice, and I think that feeling has been due to the belief that in many cases our judicial tribunals have decided cases on technical grounds instead of on the real merits of the issues involved.

Our subcommittee of Committee on Elections No. 1, in this case composed of two Democrats—the chairman of the committee, Judge WILSON, and the gentleman from Delaware [Mr. POLK]—and one Republican Member, who happened to be myself, voted at the beginning that we would not throw out any ballots in this district in Iowa where the intention of the voter, so far as the election of Congressman was concerned, could be fairly determined. There were hundreds of disputed ballots, ballots where it was perfectly evident for whom the voter intended to vote for Congress; but because the voter had made a mark opposite Mr. Wilson's name or Mr. Hughes's name at the top of the ballot, or because the voter had made a diagonal mark or a check mark instead of a cross against the names of the candidates, these ballots were thrown out and rejected by one

side or the other. We counted all such ballots where it could be fairly determined that the voter intended to vote either for Mr. Scott or Mr. Steele, as the case might be. And I hope and trust that the precedent in this regard which we have established in this case may be followed by future Committees on Elections of this House.

During the five or six weeks that our subcommittee was working, counting, as the chairman has said, over 20,000 ballots and being in session during the sessions of the House, day after day for more than six weeks, there were only two ballots over which there was any controversy in our subcommittee, and these were cases where there was a cross against one candidate for Congress and a single line against the other. It happens that there were two ballots of this kind, one of which I thought ought to be counted for Mr. Scott, and the other, a similar one, that my colleagues on the committee thought ought to be counted for Mr. Steele. Inasmuch, however, as they offset each other, and it did not make any difference in the result, it was not necessary even to report that slight minor difference to the full committee.

Mr. Speaker, I believe that this House and the country ought to be congratulated upon the fact that in this great crisis members of these two committees on elections, where in the past there have been bitter partisan contests in which technicalities have been taken advantage of by one side or the other, have approached the matters in dispute with absolute fairness and with the sole desire to do absolute justice to the parties concerned. [Applause.]

Mr. WILSON of Louisiana. Mr. Speaker, I ask that the resolutions be reported.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 386.

First. That T. J. Steele was not elected a Representative in this Congress from the eleventh district of the State of Iowa and is not entitled to a seat herein.

Second. That George C. Scott was duly elected a Representative in this Congress from the eleventh district of the State of Iowa and is entitled to retain a seat herein.

Mr. WILSON of Louisiana. Mr. Speaker, I move the adoption of the resolutions.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were agreed to.

Mr. SCOTT of Iowa. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Iowa asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. SCOTT of Iowa. Mr. Speaker and gentlemen of the House, I feel that it is incumbent upon me at this time to acknowledge my most high appreciation of the courtesies that have been extended to me at all times during this controversy by the Committee on Elections No. 1, and also to add to the sentiment expressed by the gentleman from Massachusetts [Mr. DALLINGER] my own appreciation of the high sense of duty that has been entertained and evinced by the Committee on Elections during the discharge of their duties in this matter. The House and the country are to be congratulated that the committees of this House in trying contested-election cases can and do rise above partisanship and respond to the great trust and responsibility reposed in them by the Constitution of the country in the discharge of this the highest of all official duties and functions. I want to bear additional witness to the fact that through this entire most arduous proceeding the subcommittee appointed, and to which the case was referred, has assumed an attitude above all thought of partisanship and has directed its attention to the ascertainment of the truth without thought of partiality. I think it fitting also to say at this time with respect to my opponent, Mr. Steele, that during the campaign out of which this contest grew, which was a long and a very sharp one, extending over a period of five months, in which each of us exerted himself to the utmost, not the slightest personal feeling was aroused at any time. [Applause.] Also that during this contest, extending over a period of more than a year, the most cordial relations have continued during the entire period between Mr. Steele and myself, and that immediately upon the report of this committee, as soon as the news was carried to Iowa on the wires, congratulations from Mr. Steele came back to myself. [Applause.]

I think it due to say this also: That it would be a splendid thing, especially during such times as we are now passing through, if all political contests could be carried on in the same spirit and culminate with the same good personal feeling. We are at this time engaged in the discharge of duties which do and ought to raise us above all thought of partisanship, and as the approaching campaign develops, while we may at times, in our zeal for our chosen candidates and political parties, seem to overstep the line temporarily, I believe the country will see in the campaign of 1918 one of the greatest exhibitions of patriotism and lack of undue partisanship which ever existed in this or any other country, and it is to be hoped that this will be the case. [Applause.]

PROTECTION OF MIGRATORY BIRDS.

Mr. POU. Mr. Speaker, I present a privileged report (No. 621) from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 370.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1553, entitled "An act to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August 16, 1916, and for other purposes"; that there shall be not to exceed one hour of general debate, to be divided between those supporting and those opposing the bill. At the conclusion of such general debate the bill shall be considered for amendments under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole House on the state of the Union the same shall be reported to the House with such recommendation as the committee may make, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. POU. Mr. Speaker, I ask unanimous consent that the resolution may be amended by inserting, after the word "hour," in line 9, the words "and one-half," so that an hour and one-half of general debate will be provided.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. WALSH. Is it provided in the resolution that the debate shall be confined to the subject matter of the bill.

Mr. POU. No.

Mr. WALSH. Would that not be a wise amendment?

Mr. POU. I do not believe that will be necessary. In order that there may be 20 minutes' debate on each side, I move the previous question.

Mr. FORDNEY. Before that is done, is the time to be divided between those in favor of the bill and those opposed to it?

Mr. POU. Yes.

Mr. FORDNEY. Half on that side and half on this side?

Mr. POU. Yes.

Mr. FORDNEY. Who is there on this side that wishes to control the time? Is the gentleman in favor of the bill?

Mr. POU. I personally am in favor of it; but, of course, the time upon this side will be under the control of the gentleman from Virginia [Mr. FLOOD], the chairman of the Committee on Foreign Affairs. The question as to who would control the time of those opposing the bill will be determined by the Speaker unless some gentleman on the committee opposes the bill.

Mr. FORDNEY. I only want to see to it that the time is divided equally between those in favor of it and those opposed to it. I suppose the members of the committee then will control the time.

Mr. POU. I presume so, if the committee is divided.

Mr. FLOOD. The committee is divided.

Mr. MOORE of Pennsylvania. Mr. Speaker will the gentleman yield?

Mr. POU. Yes.

Mr. MOORE of Pennsylvania. I was not able to hear whether the gentleman said somebody was opposed to this bill.

Mr. POU. My information is there is some opposition to the bill.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to ask the chairman of the Committee on Foreign Affairs if any member of the committee is opposed to the bill?

Mr. FLOOD. I understand the gentleman from Alabama [Mr. HUDDLESTON] is opposed to the bill. Am I correct?

Mr. MOORE of Pennsylvania. The arrangement is that those opposed to the bill shall have at least half the time?

Mr. POU. That is provided in the resolution.

Mr. MOORE of Pennsylvania. I want to ask the gentleman one more question. This is a war bill, of course?

Mr. POU. Well, some gentlemen consider it a great conservation measure. I do not think I myself should agree to the proposition that it is a war measure.

Mr. MOORE of Pennsylvania. I was wondering what made it a war measure.

Mr. FLOOD. It is carrying into effect a treaty obligation we made with Great Britain some time ago, a treaty that was concluded by ratification and exchange in December, 1916.

Mr. POU. In order that the matter may be discussed——

Mr. MOORE of Pennsylvania. If it is a conservation measure it might mean we will have less food, less game food, at least.

Mr. FLOOD. No; we are protecting by this bill the game which kills the insect pests and protects the crops, so we will have a great deal more to eat than if we do not pass it.

Mr. MOORE of Pennsylvania. Is the gentleman going to explain that situation in his remarks?

Mr. FLOOD. I think the gentleman understands that.

Mr. MOORE of Pennsylvania. If the gentleman can show how it will increase the grain supply by conserving our birds, perhaps that will be a good thing for the House to know.

Mr. FLOOD. All right.

Mr. POU. Mr. Speaker, I move the previous question.

The SPEAKER. All this talk is out of order. The gentleman from North Carolina moves the previous question.

The previous question was ordered.

The SPEAKER. The gentleman from North Carolina has 20 minutes——

Mr. POU. Mr. Speaker, the gentleman from Ohio [Mr. FESS] will control the other 20 minutes.

The SPEAKER. And the gentleman from Ohio has 20 minutes.

Mr. POU. Mr. Speaker, I shall only consume a moment of the 20 minutes which I am permitted to control. As has been said, the purpose of this bill (S. 1553) is to carry into effect a treaty between this Nation and Canada providing for the protection of insect-destroying birds. This measure is considered a most important one by gentlemen who ought to know and who have made a long study of the question, some of them being the greatest bird specialists and bird experts in this country. They have said with great emphasis that this is a conservation measure and that it is of the highest importance to the people of the country. In any event, it would seem that this resolution affording the House opportunity to consider the measure should be adopted. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman reserves 19 minutes.

Mr. FESS. Mr. Speaker, this matter, as I see it, is simply to put into force a treaty between our Nation and the British Government on behalf of Canada. Canada having already taken the step to enforce the treaty, it seemed to us that we have been very derelict, in view of the fact that we initiated the effort which resulted finally in the treaty, and yet we have not taken any steps to put it into operation. Canada listened to our request and has already placed the law in operation, while we have not yet taken the necessary step, and for that reason it seems to me that a rule was justified in making it in order. I admit that while it is a sort of habit with us to-day to call everything a war measure, and it is to be expected that such a claim would be made, I think without doubt this is a war measure. I believe that the conservation of the bird life is a real conservation of food, and while some persons might think that is a little far-fetched I have a statement here of the annual loss to the United States caused by insects on farms, which is backed by the Bureau of Entomology, and this statement is to me quite startling: Cereals, $430,204,600; hay, $116,230,500; cotton, $140,631,100; tobacco, $16,900,800; vegetables, $199,412,600; sugar crop, $8,436,800; fruits, $141,264,300; farm forest products, $22,138,900; other crops, $29,649,300; or a total of $1,104,869,300. Then, in addition, natural-forest products, approximately estimated, $100,000,000; products in storage, $100,000,000; insect-bearing diseases to man, $150,000,000; direct and indirect damage to domestic animals, $100,000,000; or making a grand total of $1,544,869,300. Now, Mr. Speaker, the House has not hesitated on various appropriation bills to appropriate large sums to eliminate insects and other pests that destroy food products, whether it be in the field or the orchard, but if these figures which are given to us by the Bureau of Entomology are at all accurate there is something in the argument that this is a war measure for the preservation of our food products, as the food problem is one of our greatest military concerns in our program to end this war with victory.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FESS. I will.

Mr. MOORE of Pennsylvania. Will the gentleman explain what effect the passage of this law will have upon the right of a State to legislate upon the subject of its game supply?

Mr. FESS. There has been some question of the constitutionality of the bill, and it has been somewhat opposed by some States on that suggestion, which, I think, is what my friend has in mind, that Federal control might prevent the State control of its own matters. I am not so sure but what that is true, that the Federal law will in a sense supersede the State law, which must be permitted in cases of treaties where they come into conflict. This being a migratory question that State laws can not possibly control, simply because not confined to any State, it seems to me that it is strictly a Federal function of legislation.

Mr. Speaker, I am in favor of protecting the birds. My admiration for our little friends of the air makes me unfriendly to the habit of killing off these winged visitors, whether game birds, migratory birds, or other species, if they are not nuisances.

The needs of the farmer call loudly for their protection, as suggested by the figures quoted. The food requirements, if considered from that standpoint, also demand their protection from the market hunter. These two considerations no one will doubt are subjects of legislative consideration. For these reasons this bill is backed by most of the States and many voluntary associations throughout the country. I here insert indorsements of significance:

INDORSEMENTS OF THE MIGRATORY-BIRD TREATY.

1. The executive committee of the National Association of Game and Fish Commissioners indorsed the treaty-enabling bill at a meeting held in Washington, D. C., on June 13, 1917. (Copy annexed.)
2. The National Association of Game and Fish Commissioners indorsed the treaty and bill at its annual convention held at St. Paul, Minn., in September, 1917. (Copy annexed.)
3. The National Grange in 1913 recommended the negotiation of the treaty. (Copy of resolution annexed.)
4. The American Forestry Association approved the treaty by resolution passed January 19, 1917.
5. The governor of Missouri approved the treaty-enabling bill in a telegram to the Secretary July 7, 1917.
6. The State game commissioners of nearly every State, including Illinois, Oklahoma, and Arkansas, have approved the Federal protection of migratory birds.
7. The National Association of Audubon Societies favors the enactment of this legislation.
8. The executive committee of the Missouri Fish and Game League indorsed the treaty by a resolution adopted March 4, 1918, and asserted its belief in the principle of Federal protection of migratory birds.
9. Twenty-four States have made the seasons on waterfowl under State laws conform with the seasons under the Federal regulations. These States are: Maine, New Hampshire, Massachusetts, Connecticut, New York, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Oregon, Washington, Tennessee, Arkansas, Oklahoma, Arizona, California, Nevada, Utah.

THE MISSOURI FISH AND GAME LEAGUE INDORSES THE BILL.

The migratory-bird law: The league believes in the principle of Federal protection of migratory birds and it indorses the treaty with Canada under which these birds are to be protected in both countries. It does not, however, believe that the present Federal shooting season is either necessary for the proper protection of migratory birds or as equally distributed as the reasonable ends of sport in this part of the country demand. With the support of the sportsmen of Missouri and the surrounding country the league will inaugurate a movement to extend the season to March 10, which is the last day upon which shooting is permitted by the international treaty.

NATIONAL ASSOCIATION OF GAME AND FISH COMMISSIONERS.

At a meeting of the executive committee of the National Association of Game and Fish Commissioners held at Washington, D. C., on the 13th day of June, 1917, present, M. L. Alexander, Carlos Avery, John P. Woods, J. Quincy Ward, George H. Graham, and W. E. Barber, the following resolution was unanimously adopted:

"Whereas there is pending in Congress a bill (S. 1553; H. R. 2612) to give effect to the migratory-bird treaty between the United States and Great Britain for the protection of migratory game and insectivorous birds in the United States and Canada; and

"Whereas the conservation and protection of the migratory insectivorous birds is so closely related to the conservation of the food, cotton, and timber crops of the country, and the migratory game birds constitute an important source of the food supply, the conservation of which is so necessary to the success of the United States and her allies in the war upon which we are now engaged: Therefore be it

"*Resolved*, It is the sense of the executive committee of the National Association of Game and Fish Commissioners that the said bill is and should be considered an important war measure, and we respectfully recommend the immediate passage of said bill by Congress as one of the most effective means of conserving the resources so necessary for the welfare of the country;

"*Resolved, further*, That a copy of these resolutions be forwarded to the President of the United States, to each Member of Congress, and to the Secretary of Agriculture."

M. L. ALEXANDER,
President.
CARLOS AVERY,
Secretary.
JNO. P. WOODS,
Treasurer.
W. E. BARBER.
J. QUINCY WARD.
GEO. H. GRAHAM.

RESOLUTION PASSED AT 1913 CONVENTION OF THE NATIONAL GRANGE.

Resolved, That the National Grange favors the negotiations of treaties with other nations, embodying the provisions of our own laws, or such treaties as shall be most favorable for preserving for all time the birds of this country and of this continent, and also the indispensable, useful, interesting, and beautiful birds of the world—this wealth in birds numbering 13,000 species:

Resolved. That the Secretary is hereby instructed to send this resolution to the President.

INDORSEMENT BY THE AMERICAN FORESTRY ASSOCIATION.

Resolved, That the American Forestry Association respectfully urges the present Congress to make effective, through the necessary legislative action, the recently ratified convention between the United States and Great Britain for the protection of useful migratory birds.

Speedy action is desirable in view of the increasing economic loss to all the people which must ensue if action be deferred until the next Congress.

Passed at annual meeting of association January 19, 1917.

[Resolution adopted at meeting of National Association of Game and Fish Commissioners held in St. Paul, Minn., Aug. 27, 28, 29, 1917.]

"Whereas there is pending in the Congress of the United States a bill known as the migratory bird treaty act, for the purpose of giving effect to the treaty ratified on December 6, 1916, between Great Britain and the United States; and

"Whereas these two Governments are allies in the great struggle now being waged to free the peoples of the world from the oppression of autocracy; and

"Whereas it is necessary to utilize every natural resource to the fullest extent for the purpose of accomplishing these ends; and

"Whereas the food supply of the world is one of the most important factors in the present struggle; and

"Whereas our migratory birds constitute one of the greatest agencies in the conservation of the food supply of the world, both directly and indirectly—

"1. Directly in that the migratory game birds furnish an important food for our people.

"2. Indirectly in that the migratory insectivorous birds make possible the growing of crops; and

"Whereas conservation in all of its phases is the most important element necessary for the success of this great world-wide struggle for democracy: Now, therefore, be it

"*Resolved by the National Association of Game and Fish Commissioners in convention assembled*, That we urge upon Congress the early passage of the migratory bird treaty act as an important war measure; and be it further

"*Resolved*, That a copy of this resolution be spread upon the minutes of this association and that the secretary send to each Member of Congress, to the President of the United States, and to the Secretary of Agriculture a copy of this resolution."

I hereby certify that the foregoing resolution is a true and correct copy of resolution introduced and adopted by the National Association of Game and Fish Commissioners in convention assembled, at St. Paul, Minn., August 27, 28, 29, 1917.

(Signed) CARLOS AVERY,
Secretary National Association of Game and Fish Commissioners.

—

[Extract from letter dated Dec. 31, 1917, chairman fish and game commission (Kentucky), Joseph G. Sachs, chairman.]

I am pleased to state that the number of wild fowl killed in our State during this year shows a considerable decrease over the past three years, which, I take it, is a result of the enactment of the migratory-bird law and the regulations thereunder prohibiting spring shooting, shipment, sale, and transportation of wild fowl, and while the Kentucky commission has differed with you in some of your regulations, especially that of jacksnipe, we think the benefit of the law, even where imperfectly enforced, is so evident that we have recommended to the governor in our biennial report the enactment of a law in Kentucky conforming to the Federal regulations.

Very truly, yours,

(Signed) JOS. G. SACHS.

President Wilson has expressed his approval of the measure.

Mr. W. L. McAtee, of the Biological Survey, says:

The number of birds in the United States is enormous and their potentialities for good or harm are correspondingly great. Investigation has shown, however, that most birds must be classed as beneficial, although in varying degrees. Only four or five species are consistently injurious. On a basis of numerous bird censuses it is practically certain that there are nearly 4,000,000,000 breeding birds in the United States each summer. A great majority of these are of migratory species and birds which are purely migratory in the United States, breeding in the northern part of North America, equal in number, if they do not surpass, the population of breeding birds. Estimating the value of each bird in the destruction of insects at 10 cents per year—a ridiculously low figure—and the value of the purely migratory species at one-sixth of that of the breeding migratory and resident species, it is certain that without their services the bill for insect damage in the country would be more than $444,000,000 greater than it now is. This amount is more than a third of the latest estimate of the total damage by insects.

—

MISSOURI INDORSEMENT.

[Telegram from Gov. F. D. Gardner to Secretary of Agriculture, July 7, 1917.]

Missouri is interested in the bill pending in Congress to make effective the bird treaty with Canada. There are special reasons why it should be speedily enacted. If I can assist, command me.

—

ILLINOIS INDORSEMENT.

[Letter, July 19, 1917, from Hon. Ralph F. Bradford, chief game and fish warden, Springfield, Ill.]

This division is not only in favor of the enforcement of the migratory-bird law, but is also in favor of all of the laws. I do not know that I will be an improvement over my predecessors, so far as enforcing the migratory-bird law is concerned, but I certainly will try to have it enforced, and after I have had the experience of seeing what I can do in that regard I can give you some very definite views whether or not it can be enforced in this State.

—

OKLAHOMA INDORSEMENT.

[Letter, May 30, 1916, from Hon. John Chenoweth, State game and fish warden, Oklahoma City, Okla.]

I am certainly in favor of the migratory-bird law.

—

ARKANSAS INDORSEMENT.

[Letter, May 29, 1916, from Hon. D. G. Beauchamp, chairman game and fish commission, Paragould, Ark.]

I am most assuredly heartily in favor of the migratory-bird law as a beneficial measure for the protection of the migratory birds and would very much dislike to see it abandoned, but would like to see the law passed on at an early date by the Supreme Court and declared constitutional and strictly enforced, with such minor modifications as might be necessary to meet the approval of the sportsmen and also conserve the birds.

The treaty which this bill proposes to enforce is as follows:

CONVENTION.

Whereas many species of birds in the course of their annual migrations traverse certain parts of the United States and the Dominion of Canada; and

Whereas many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops in both the United States and Canada, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, Emperor of India, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects, and to the end of concluding a convention for this purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. Sir Cecil Arthur Spring Rice, G. C. V. O., K. C. M. G., etc., His Majesty's ambassador extraordinary and plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and adopted the following articles:

ARTICLE I.

The high contracting powers declare that the migratory birds included in the terms of this convention shall be as follows:

1. Migratory game birds:

(a) Anatidæ or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidæ or cranes, including little brown, sandhill, and whooping cranes.

(c) Rallidæ or rails, including coots, gallinules, and sora and other rails.

(d) Limicolæ or shore birds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, tilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidæ or pigeons, including doves and wild pigeons.

2. Migratory insectivorous birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other migratory nongame birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

ARTICLE II.

The high contracting powers agree that, as an effective means of preserving migratory birds, there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities:

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on Limicolæ or shore birds in the maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period, not exceeding three and one-half months, as the high contracting parties may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murres, and puffins, and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

ARTICLE III.

The high contracting powers agree that during the period of 10 years next following the going into effect of this convention there shall be a continuous close season on the following migratory game birds, to wit:

Band-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shore birds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs); provided that during such 10 years the close seasons on cranes, swans, and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this convention for the respective groups to which these birds belong.

ARTICLE IV.

The high contracting powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

ARTICLE V.

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the high contracting powers may severally deem appropriate.

ARTICLE VI.

The high contracting powers agree that the shipment or export of migratory birds or their eggs from any State or Province during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof, or any eggs of migratory birds transported or offered for transportation from the Dominion of Canada into the United States

or from the United States into the Dominion of Canada shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

ARTICLE VII.

Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the high contracting powers under suitable regulations prescribed therefor by them respectively, but such permits shall lapse or may be canceled at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

ARTICLE VIII.

The high contracting powers agree themselves to take, or propose to their respective appropriate law-making bodies, the necessary measures for insuring the execution of the present convention.

ARTICLE IX.

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for 15 years, and in the event of neither of the high contracting powers having given notification, 12 months before the expiration of said period of 15 years, of its intention of terminating its operation, the convention shall continue to remain in force for one year, and so on from year to year.

In faith whereof, the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their seals.

Done at Washington this 16th day of August, 1916.

[SEAL.] ROBERT LANSING.
[SEAL.] CECIL SPRING-RICE.

Mr. MOORE of Pennsylvania. The gentleman remembers that we passed a bill here recently which prevented the sale or offering for sale of wild duck or wild geese in Washington. In other words, it closed out the use of game birds altogether. There we probably had jurisdiction, but my point is as to the right of the Federal Government to interfere with the laws of the State of Indiana, for instance.

Mr. FLOOD. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. FLOOD. There is no doubt about the fact that this treaty and law which we will enact to enforce the treaty will supersede the State laws, but there is also no doubt about the fact that as a practical question it is not going to interfere with any of the State laws or regulations, because 38 of the States, through laws or regulations, have already agreed to provisions that correspond with the provisions of this treaty.

Mr. BLAND. Will the gentleman yield there?

Mr. FLOOD. In a moment, I will.

All of the game associations of forty and odd States have signified their approval of this treaty and the law that we are about to enact to carry the treaty into effect. The legislation and regulations of 38 States already accord with this, so the suggestion I make is that it will not interfere with any of the State laws or regulations, because in a few months all the States will have acquiesced in it.

Mr. MOORE of Pennsylvania. Leaving out bluejays, and robins, and song birds, which we would all like to preserve, and applying this bill only to game birds, like ducks and geese and brant, will we be prevented in the various States from killing them hereafter for food?

Mr. FLOOD. I will give you a list of the birds that will not be affected by them.

Mr. FESS. Mr. Speaker, my time is running, is it not?

The SPEAKER. It is.

Mr. FLOOD. There are a great many birds not migratory.

Mr. MOORE of Pennsylvania. A wild goose, for instance——

Mr. FLOOD. That is a migratory bird.

The SPEAKER. Will the gentleman from Ohio yield to these gentlemen for debate?

Mr. FESS. A little while.

Mr. MOORE of Pennsylvania. Getting down to brass tacks, if the gentleman from Ohio [Mr. FESS] will permit, men in the fall shoot wild ducks in the State of New Jersey subject to the game laws of that State. Will they be prevented from exercising their privilege under the laws of the State of New Jersey if this bill passes?

Mr. FLOOD. If the laws of the State of New Jersey conflict with this law they will be prevented from doing it. This law will prevail over the laws of the State of New Jersey as to migratory birds and not as to nonmigratory birds.

Mr. MOORE of Pennsylvania. Then it means the cessation of duck hunting and goose hunting as heretofore?

Mr. FLOOD. It does not in New Jersey, because that law——

Mr. HAMILTON of Michigan. May I suggest to the gentleman it does not mean migratory birds in the broad sense, but migratory birds covered by the language of the treaty. I think the distinction ought to be made all the way through.

Mr. BLAND. I would like to ask a question of the gentleman from Ohio [Mr. FESS] or the gentleman from Virginia [Mr. FLOOD].

Mr. FESS. I yield.

Mr. BLAND. In Indiana we did have spring and fall duck shooting, and had for many years, until the recent meddlesome law was passed. As I understand it, it will take away the privilege of shooting these ducks passing in the spring up through Indiana, while down in the swamps of Arkansas they can shoot all they want, although there is only three or five days difference in time. Is that correct?

Mr. FESS. I do not understand that that is correct.

Mr. BLAND. It will happen when this law goes into operation.

Mr. FESS. There are three and one-half months permitted——

Mr. BLAND. As I understand it, if the law of Arkansas permits those birds to be killed, say, in the month of February, they can be killed down there, although we can not kill them as they come across the State of Indiana? Is not that true under this law?

Mr. FESS. If they happen to come at that particular time, during the closed season, it is perhaps true. And the marksman ought not to be permitted to go where they are.

Mr. BLAND. That is the only crack we get at them. Do you not think we ought to have a right to get some of that food?

Mr. FESS. If there is no closed season in Arkansas, this bill makes a closed season.

Mr. BLAND. Let us see. Does this bill make a closed season if they do not nest in Arkansas? They feed there and nest in the North, and come South, and we go down there and shoot them.

Mr. FESS. As to the closed season, it is left to the authorities to specify the closed season.

Mr. BLAND. The State should do that? I want to know if this proposed law prevents ducks from being killed in Arkansas?

Mr. FESS. When the authorities here declare what the closed season shall be, that will cover Arkansas.

Mr. BLAND. That is very indefinite.

Mr. MILLER of Minnesota. Will the gentleman permit me?

Mr. FESS. Mr. Speaker, I promised time to other gentlemen under the rule, and gentlemen are entering the merits of the question here which they can discuss under the bill. How much time have I remaining?

The SPEAKER pro tempore (Mr. CHARLES B. SMITH). The gentleman has consumed 10 minutes.

Mr. FESS. I yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. I will say to the gentleman that the Department of Agriculture has completely prepared a schedule for all the States. The minute this bill becomes a law the Secretary of Agriculture will put those rules into effect that will establish in every locality in the United States an appropriate closed and open season, one that scientifically will do justice to all parts of the country and cut off the pot shooting that has been going on. And I will say now, and I hope the gentleman from Indiana [Mr. BLAND] will forbear with me as I say it, that there is one section of the country that has been the worst offender on this earth, and maybe they have not appreciated how serious it is, and that section has been Indiana, Kentucky, and Missouri.

That section has been Indiana, Kentucky, and Missouri. Why? Because they are in an intermediate position, the ducks going down and back. They have been killing them unceremoniously, and they have been performing acts that you and I would not stand for, I know, and the people in the gentleman's State would not stand for it if they knew the facts.

Mr. BLAND. I will say to the gentleman that the people of Indiana do not kill one duck to a hundred that are killed in the southern resorts. We rarely kill them. There are sections in our country where they do not know what duck meat tastes like.

Mr. PLATT. I want to say to the gentleman from Indiana [Mr. BLAND] that he is wrong about his own State. His State does not allow spring shooting of ducks, according to the synposis of State game laws that I have here.

Mr. BLAND. I understand that the recent legislatures did change our law, in some respects, at the request of the bird cranks and resort-visiting fellows.

Mr. PLATT. Nearly all of the States now conform to the migratory-bird law. If you allow spring shooting, you shoot ducks and geese as they are going to their breeding grounds, and under those circumstances every female bird killed means a loss of a nest and a loss of a considerable number of future birds. If you shoot them in the fall after they have hatched out their young, there are so many more birds to shoot. It is the testimony of the gamekeepers all over the United States—I have a great stack of them—that the number of ducks has increased considerably since the migratory bird act has been put into effect.

It has not been possible to enforce it completely, but it has done a lot of good already.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. FESS. Is it not a fact that sportsmen representing at least 500,000 members are behind this bill?

Mr. PLATT. I so understand.

Mr. BLAND. The sportsmen, so called, may be behind this bill, but the ordinary man out in the country can not go out and get a mess of ducks. That is the fact.

Mr. PLATT. Sportsmen all over the country are in favor of the enforcement of the law, which will increase the number of ducks and give every man who wants to shoot them a better opportunity.

Mr. ANTHONY. Mr. Speaker, I am in favor of the adoption of this rule, and I am in favor of the passage of the legislation.

I do not think there is any question about the great value to agriculture from the protection of insectivorous birds. That has been demonstrated beyond all doubt. I have observed the practical workings of the migratory-bird law that we have had on the statute books in the last few years, and it is my personal observation that it has already resulted in great good in affording more adequate protection to migratory wild fowl up to the present time.

For instance, in my home State of Kansas the great semi-annual flocks of wild ducks and wild geese that 25 years ago used to pass over our State in their annual migrations have perceptibly diminished year by year as a result of merciless slaughter, especially during the spring breeding season.

As a result of the discontinuance of spring shooting, now they are getting fairly plentiful with the protection recent laws have already afforded in the spring and breeding seasons. I have a farm out on the prairies of Kansas. On that farm I built a small artificial lake for the purpose of growing fish and getting a little duck shooting. Formerly we did not have much shooting in the fall. We used to shoot them in the spring. At that time the ducks would come up from the South. In migrating northward in the spring the wild duck seems to cling to the zone of the melting ice; consequently their spring food is scarce and they were poor and scrawny and almost unfit for food. The females were full of eggs. They were on their way up to Canada to rear their broods of young in the northern lakes and marshes. Their bodies were full of duck lice, and their flesh was really unfit for food, yet they were slaughtered in great numbers.

Now, since only a few years of protection, I noticed on my farm this last spring that we have had a great number of wild ducks on the pond. They are no longer shot at in the spring, and they become quite tame. We also had flocks of Canada geese that I had not noticed in our part of the country for years. One morning I saw six great white cranes or wild swans, a species of wild fowl that I had not seen in our country for 20 years. And the white and great brant again made their appearance, resting on the little lakes in their migration to the North, after an absence of many years.

These laws for the protection of migratory wild fowl and insectivorous birds are already producing beneficial results, and for that reason I want to see this bill to carry out our treaty stipulations with Canada put on the statute books to strengthen the law that we already have.

Mr. MOORE of Pennsylvania. I am glad to hear the gentleman's statement, because it is a very strong one and comes right from home. But how are the public to obtain food from these birds, which are increasing in numbers, as the gentleman indicates, and when?

Mr. ANTHONY. Because the birds return on their fall migration, frequenting much the same line of flight as when on their way going North, there is an open shooting season during the fall months in all the States. At that season, too, the birds are fat, in prime physical condition, and make the best food.

Mr. MOORE of Pennsylvania. I wanted to know if we were to be deprived of that altogether.

Mr. ANTHONY. No. There are adequate open seasons. Those seasons, of course, do not please everyone now. There is a controversy throughout the country as to whether the zones are properly defined, but I have every confidence that any not now equitable eventually will be made so. It is my experience that the farmers are in favor of proper protection of the birds and the wild fowl, and to my knowledge, for the most part, the people who are against this bill are the market shooters, who want to go out and kill a lot of birds in the spring, when they ought not to kill them, and some so-called city sportsmen, who want spring shooting just to gratify a lust for slaughter. Most of the opposition to this measure will be from that class of shooters. I hope the rule and the bill will pass. [Applause.]

The SPEAKER. The question is on adopting the rule.

The question being taken, the resolution was agreed to.

CLAIMS OF A FRENCH CITIZEN (S. DOC. NO. 231).

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of France against this Government on account of losses sustained by a French citizen in connection with the search for the body of Admiral John Paul Jones, which was undertaken by Gen. Horace Porter, formerly American ambassador to France, and I recommend that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

WOODROW WILSON.

THE WHITE HOUSE, *4 June, 1918.*

PROTECTION OF MIGRATORY BIRDS.

The SPEAKER. The Chair asked the gentleman from Colorado [Mr. KEATING] to take the chair during the debate on this bird bill, and told him he would have 40 minutes in which to get his lunch; but the debate on the rule was shortened up, so he has not got back, and the Chair will ask the gentleman from Missouri [Mr. RUSSELL] to preside until the return of Mr. KEATING, when he will be called to the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1553) to give effect to the convention between the United States and Great Britain for the protection of migratory birds, concluded at Washington, August 16, 1916, and for other purposes, with Mr. RUSSELL in the chair.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. May I ask the Chair who is to control the time in opposition to this bill? It makes no special difference, except that several gentlemen have asked me.

Mr. COOPER of Wisconsin. Under the ordinary procedure here I suppose I would be in control of the time upon this side, but I am strongly in favor of this bill, and I think I ought to yield that honor to some one else.

The CHAIRMAN. The usual custom is for some one opposed to the bill to control the time in opposition.

Mr. FLOOD. The rule so provides. I will say to the gentleman from Wisconsin that the only member of the Committee on Foreign Affairs who is opposed to the bill is the gentleman from Alabama [Mr. HUDDLESTON].

Mr. MOORE of Pennsylvania. The point is to find out to whom gentlemen who want time in opposition should apply.

Mr. FLOOD. Yes. The gentleman from Alabama [Mr. HUDDLESTON] will yield some time to the gentleman from Wisconsin [Mr. COOPER].

Mr. MOORE of Pennsylvania. The gentleman from Indiana [Mr. BLAND] would like to have some time in opposition. How will he get it?

Mr. FLOOD. I ask unanimous consent that I may control 45 minutes of the time and that the gentleman from Alabama [Mr. HUDDLESTON] control the other 45 minutes.

Mr. WALSH. Is not that provided in the rule?

Mr. FLOOD. It is not provided who shall be in charge of the time.

The CHAIRMAN. The rule simply provides that some one in opposition to the bill shall have control of the time in opposition. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that he control 45 minutes of the time and that the gentleman from Alabama [Mr. HUDDLESTON] control the other 45 minutes.

Mr. MOORE of Pennsylvania. Reserving the right to object, I ask the gentleman from Alabama [Mr. HUDDLESTON] if he will yield some time to the gentleman from Indiana [Mr. BLAND]?

Mr. HUDDLESTON. Oh, yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. FLOOD]?

There was no objection.

Mr. FLOOD. Mr. Chairman, I yield 25 minutes to the gentleman from North Carolina [Mr. STEDMAN]. [Applause.]

Mr. STEDMAN. Mr. Chairman, the purpose of this bill is to give effect to the convention between the United States and Great Britain for the protection of migratory birds. It was concluded at Washington August 16, 1916. Insectivorous migratory birds as well as migratory game birds are embraced in the terms of the treaty. The protection of the insectivorous migra-

tory birds is essential to the preservation of our cotton, grain, and timber crops, whilst the migratory game birds contribute materially to our food supply. The bill may well be considered a measure of importance as affecting the successful prosecution of the war in which we are now engaged.

These migratory birds nest in Canada and winter in the United States. Some nest on both sides of the line. It was deemed expedient and necessary that Canada assent to the convention and its terms. The Parliament of Canada gave its assent thereto the 29th of August, 1917.

The Senate has acted. It remains for the House to complete this most important and necessary legislation by passing Senate bill 1553, now being considered by the House, with the amendments recommended by the Committee on Foreign Affairs, which has given the bill full and careful consideration.

Its inception was in 1913, when Senator McLEAN, of Connecticut, suggested that President Wilson propose to other Governments negotiation to protect migratory birds.

President Wilson, whose sympathies were strongly in favor of such legislation, and whose judgment approved its utility, immediately acted. Great Britain did not hesitate, and the convention was held in this city, as stated.

The treaty is valid. It violates no fundamental principle of our Government. It was negotiated and concluded by the authorities having undisputed power to do so. It has been ratified by both Governments. The power to make treaties extends to all proper subjects of negotiation between our Government and that of other nations.

One of the provisions of the migratory-bird treaty is that the two nations shall enact whatever legislation may be necessary to carry into effect its terms.

As this agreement is contained in the treaty, Congress must execute the contract by legislation to make it effective and enforceable by the courts.

The bill as reported has all essential requisites to enforce the treaty.

You will realize the very great importance of this bill as a conservation measure if you will consider the enormous extent of the destruction of our crops by insects. Few even of the best informed know the vast extent of the damage.

An editorial in the Washington Times of December 25, 1917, from which I quote, states that this destruction is $1,000,000,000 yearly. It costs the United States $5,000,000 yearly to feed its grasshoppers, sixty millions yearly to feed the chinch bug. The Hessian fly costs forty millions yearly; the cotton-boll weevil, eight millions yearly; the potato bug, eight millions yearly; the cabbage worm, five millions yearly.

The Times credits these facts to Mr. C. L. Marlatt, assistant chief of the Bureau of Entomology in the Department of Agriculture.

There can be no doubt of the comparative accuracy of these figures, given by a paper distinguished by its careful research and vouched for by an official whose duty it is to ascertain the truth with reference to these statistics as nearly as it may be possible so to do.

Nor is the injury inflicted by insects restricted to a financial loss, great as it is. They spread far and wide the germs of disease amongst cattle, whilst the lives of many thousands of our people are made useless to themselves and a grievous burden to others by the ravages of yellow fever and malaria, propagated by the mosquito.

The indiscriminate and wholesale slaughter of birds for many years past has been not only a blot upon our civilization, but also a serious blow to our agricultural resources, as appears from the estimated damage to our crops which I have mentioned.

Many of you will recollect—it has not been so many years ago—when immense flocks of wild pigeons darkened the skies in their flight, when the branches of trees upon which they lighted broke beneath their weight.

Where are they now? You will look for their coming in vain. Not one can be found within all the borders of this vast land of ours. Whither have they flown? The answer will be found in the avarice and brutality of man in their slaughter for sale and for sport, unrestricted by regulations of any kind.

Unless legislation is enacted for the protection of bird life with efficient regulations rigidly enforced, the birds of this country, so useful to all in their conservation of food by the destruction of insects and a source of happiness to thousands, aside from their utility, will join the wild pigeons in their last flight.

In the United States there are 1,200 different kinds of birds, a very large percentage of which feed upon insects. Save the birds which destroy the insects and an incalculable service will be rendered to our country by increasing its supply of food so imperatively needed to meet the necessities of the war in which we are now engaged and to the successful issue of which we have pledged our fortunes, our lives, and our honor, which pledge will never be forfeited so long as the Republic lives.

Pass this bill and you have contributed largely to the result so earnestly desired by all.

It is said by those opposed to the bill that it violates the Constitution, first, in that it delegates legislative power to the Secretary of Agriculture. The objection is unfounded. There is no such delegation of power in the bill. The same question arose as to the quarantine laws. The law of 1905 authorized the Secretary of Agriculture when he ascertained that a dangerous cattle disease existed in any locality to quarantine that locality, and that when quarantined it should be unlawful to move any cattle from that area interstate except in compliance with such rules and regulations as the Secretary of Agriculture might make prescribing the manner and method under which cattle might be transported.

The quarantine laws have been repeatedly sustained by the courts. The Secretary ascertains and declares facts upon which the act itself operates.

The same theory applies to the provision as to rivers and harbors which authorizes the Secretary of War to ascertain and declare the facts. In the Union Bridge case it would seem that the Supreme Court disposed of the same question beyond controversy so clearly that none could misunderstand.

The Secretary of Agriculture is the agent of Congress to ascertain the facts. Congress gives the right to hunt when consistent with the facts ascertained and declared by the Secretary, whose judgment is controlling subject to the limitations of the treaty. The Secretary of Agriculture would not legislate in any sense of the word. This bill was drafted, as your committee was informed, upon the same theory as the quarantine laws and the rivers and harbors provision. This is manifestly true, as will appear by reading the bill.

The present migratory-bird law has been declared unconstitutional by five courts—three Federal courts and two State supreme courts, Maine and Kansas—whilst it has been sustained by 15 courts. One of the cases decided by a Federal court was from the eastern district of Arkansas—Shauvers case. That case was removed to the Supreme Court of the United States and was argued in 1915. That court took it under advisement. When the case was called the Attorney General moved that the case be passed subject to be called up by an agreement of counsel. Is it not a fair and legitimate presumption that this action was so taken to give Congress the opportunity to enact a bill to carry out the treaty between the United States and Great Britain?

The bill deals with an international question. There is a marked distinction between the right of Congress to legislate for the protection of birds in the different States, in the absence of any treaty with another nation with reference to the same subject and affecting the interests of that other nation, and the right to so legislate after a treaty is made to carry it into effect.

The cases relied upon as bearing upon the present migratory-bird law and intended to show its violation of the Constitution, in that it interferes with the inherent right of the several States to regulate and control game laws, do not apply to this bill.

The full power of the United States to make treaties, with stipulations affecting matters within State control, and also to enforce said treaties by appropriate legislation, is recognized by many eminent authorities, both Federal and State.

It could not be otherwise, as the States are deprived of all power to make treaties by express constitutional limitations. It is only through the intervention of the Federal Government, exercised in their behalf, that the rights of the citizens of each State with foreign nations can be protected.

At the very commencement of the operation of constitutional power a conflict arose between State sovereignty and the right of the Federal Government to modify State laws under the treaty-making power.

Over 100 years ago this question was before the Supreme Court of the United States in the case of Ware against Hylton, reported in Third Dallas, page 199. This case has been the leading authority from that date, that a treaty made by the constituted authorities of the United States with regard to any matters, whether exclusively within the control of the States or not, was paramount to any State legislation. The point involved was whether the treaty of peace with Great Britain would override State statutes in regard to the collection and confiscation of antebellum debts owed by Americans to citizens of Great Britain.

The doctrine announced in Ware against Hylton was reiterated in Fairfax *v.* Hunter (U. S. Supreme Court, 7 Cranch, 603); also in Hopkirk *v.* Bell (U. S. Supreme Court, 3 Cranch);

in Hunter *v.* Martin (U. S. Supreme Court, 4 Wheat.); in Haunstine *v.* Lynham (100 U. S. Supreme Court); in Chirac *v.* Chirac (U. S. Supreme Court, 2 Wheat.); in Geoffroy *v.* Riggs (133 U. S. Supreme Court; in Carneal *v.* Banks (U. S. Supreme Court, 10 Wheat., 189); in Hughes *v.* Edwards (U. S. Supreme Court. 9 Wheat., 489); and in other cases decided by the Supreme Court of the United States which might be cited.

In Ware against Hylton it was held that the treaty of peace nullified all State laws by its own operation when in conflict with them.

In Hopkins against Bell the treaty was held to repeal the Virginia statute of limitations.

In Hunter against Martin it was held that in a case where the treaty was ratified after the rendition of a judgment in the circuit court, which was impeachable on no other ground than the effect of a treaty, the judgment was revoked on that ground.

To the same effect have been the decisions of the highest courts in many of the States.

The Supreme Court of Tennessee delivered an opinion recognizing the supremacy of treaties over State laws.

In Kentucky it has been decided that the law of the State must give way as soon as a treaty took effect.

The Supreme Court of Michigan adopted the same view as to the far-reaching power of treaties.

Likewise have the courts of New York, Illinois, Iowa, Nebraska, and Massachusetts.

It is proper to state that there are numerous decisions by Federal and State courts to the contrary. But the overwhelming weight of authority is that State statutes must give way when in conflict with treaty stipulations.

These decisions are sustained by the support and concurrence of the illustrious names of John Marshall, Joseph Story, and other eminent jurists, including Justices Jay, Field, Bradley, Miller, Harlan Gray, and Fuller.

It has also been urged that the United States could not exercise its treaty-making power in regard to matters wholly within State jurisdiction to any greater extent than Congress could exercise its legislative powers.

It is sufficient to say in answer thereto that the Supreme Court of the United States has repeatedly held that the treaty-making power could regulate the descent of property as well as other matters under State jurisdiction, and that in so doing it can supersede all conflicting State laws which Congress, in the absence of treaty stipulation, could not possibly do by ordinary legislation.

When the importance of this bill is considered as affecting the interests of our entire country, one can not fail to pause and reflect upon the memorable words of Joseph Story:

> That had the framers of the Constitution done nothing else than to securely vest the treaty-making power in the Central Government they would be entitled to immortality and the unending gratitude of the American people.

[Applause.]

The constitutional objection most strongly urged against the bill is directed to section 5, which gives the power to employees of the Department of Agriculture, authorized by the Secretary of Agriculture to enforce its provisions, authority to search houses other than dwelling houses if they have reason to suspect that there is concealed therein any bird killed or captured contrary to the provisions of the treaty.

It has been said that Congress has not constitutional authority to authorize such search without warrant, and the provision in the fourth amendment is cited in support of this contention. It is respectfully submitted that this proposition can not be sustained.

In deference, however, to the universal sentiment which has ever prevailed throughout our country against search and seizure without a warrant and which is characteristic of every free people, your committee will offer an amendment to section 5 which will entirely remove the constitutional objection just stated. I will not therefore trespass upon your time by a discussion of its merits.

This bill should be enacted into law at once in the interest of our common country. Its constitutionality can be tested afterwards if desired or deemed necessary. The pathway is clear to the forum of the highest court in our land.

In the meanwhile let the boll weevil go to rest amidst the happy hunting grounds of his fathers in that great and splendid region of our land where he first saw the light. Let his onward march of destruction be halted forever, and few there will be, even where the doctrine of State rights is most highly cherished, who will lament his departure or criticize those who have hastened his funeral obsequies, as is intended by this act, and may his allies of the same vicious type likewise share his fate. [Applause.]

Let the song bird live to herald to the world its happy and joyous anthem proclaiming the goodness of God to all his creatures.

I yield to none in my reverence for the Constitution of our fathers, which has been and ever shall be the shield of the people against fanaticism, wrong, and oppression. But I do not wish an erroneous construction of its provisions to interfere with the essential advantages which will be derived from this bill. I have therefore endeavored as best I could to ascertain the truth as to its constitutionality from the opinions of the great judges who have illumined the judicial history of this land.

With very great respect for the opinions of others and speaking for myself alone, I am entirely satisfied that it violates no constitutional provision in any respect.

A supreme sense of duty, high above the selfishness of the commercial age in which we live, demands the passage of this bill.

Civilization, ever advancing along the world's pathway, pleads for humanity, for the birds, so helpless and yet so useful.

The farmers throughout our entire land, through their organizations, both National and State, with no dissenting voice express their approval.

Five millions of sportsmen entertain the same sentiment; very few, if any, to the contrary.

The boys and girls who journey from their country homes to the village schoolhouse, who halt their footsteps and linger on their way as the sweet message of the song bird comes to them from the fields and the hedges, look to you with appealing eyes, which seem to ask, "Why do you so long delay?" [Applause.]

The entire people of our land urge prompt and efficient legislation.

The era in which we live will be the most glorious epoch in the world's history. It will mark the downfall of the most ruthless system of cruelty, of greed, of nameless crimes known throughout all the ages. [Applause.]

To this mighty triumph of civilization, of justice, of humanity no nation will contribute more than this great Republic. Its children upon the battle fields of France will gild with a new and unfading luster the untarnished splendor of its flag. When they lie down at night to rest under the stars of a foreign sky they will be content and happy, undisturbed by the thought of to-morrow, if they know that no want shall come to those whom they have left at home.

Let us so act in all our legislation that they may realize that this great land will protect not only them but those whom they love.

May their dreams ever be of homes across whose thresholds the representatives of the American people will never allow the specter of want and famine to cast their baleful shadows.

If we fail in all else, let us be true to them.

Then shall each one of us have the approval of his own conscience, and the people of every race and every clime whose steadfast gaze is turned toward this Western Hemisphere will rise up and call us blessed. [Prolonged applause.]

Mr. FLOOD. Mr. Chairman, how much time has the gentleman from North Carolina consumed?

The CHAIRMAN (Mr. KEATING). Twenty-two minutes. The gentleman from Virginia has eight minutes remaining.

Mr. FLOOD. Has the gentleman from North Carolina consumed 25 minutes?

The CHAIRMAN. Twenty-two minutes.

Mr. FLOOD. He yields back the balance of his time.

The CHAIRMAN. The gentleman from North Carolina yields back the balance of his time. Does the gentleman from Virginia desire recognition?

Mr. FLOOD. I ask that the gentleman from Alabama yield some time.

Mr. HUDDLESTON. I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I am in favor of the bill.

Mr. FLOOD. It was hoped that he would yield to you, however, after you made that statement——

Mr. COOPER of Wisconsin. I do not intend to occupy more than a minute or two, but it strikes me as well enough to say that unless we are careful all those in favor of the bill will have exhausted the time allotted that side before any of those opposed to it have spoken. I think it would be well to sandwich the arguments.

Mr. HUDDLESTON. I submitted that to the chairman, and he took his own course.

The CHAIRMAN. The gentleman from Alabama controls the time.

Mr. HUDDLESTON. I will say to the gentleman that about two minutes of his time have gone. Out of respect for him, I yielded to him first.

Mr. COOPER of Wisconsin. I do not think that two minutes of my time have gone.

Mr. FLOOD. I will give you five minutes of mine later.

Mr. COOPER of Wisconsin. Mr. Chairman, I have only a word to say.

I have spoken in previous Congresses in favor of the principle and policy embodied in this bill. At this time the President and the Secretary of Agriculture and other men prominent in the administration are urging the enactment of this measure into law to help carry into effect the provisions of the treaty between this country and Great Britain.

I was reminded a moment ago while listening to the eloquent speech of the gentleman from North Carolina [Mr. STEDMAN] when he mentioned wild pigeons that when a boy I often saw flocks of them flying from morning until late in the afternoon by the millions. As he said, the sky would be darkened. But these beautiful birds are gone. Hunters have helped to exterminate them. I remember well two hunters who used to come in with the boxes of their lumber wagons heaped to overflowing with dead pigeons. These found ready sale; pigeon potpie was a frequent and very popular dish.

But this game bird has been utterly destroyed. Only a few months ago the last wild pigeon known to be in existence was in the zoo in Cincinnati, the management of which institution had long offered a reward of $100 to any person who would produce a mate for it. But none ever was found. A few months ago the one in the zoo died—the last wild pigeon on the American Continent.

This bill, if enacted into law—and it ought promptly to be made a law—will, together with the legislation that is to be enacted in Canada and the treaty with Great Britain, prevent the extermination of other birds equally valuable for purposes of food and now fast disappearing. I reserve the balance of my time, Mr. Chairman, to yield it to the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The gentleman from Wisconsin used three minutes, and yields back the balance of his time.

Mr. COOPER of Wisconsin. I reserve the balance of my time.

The CHAIRMAN. The gentleman can not reserve his time. The time is out of his control.

Mr. COOPER of Wisconsin. I have an understanding with the gentleman from Alabama [Mr. HUDDLESTON] that I am to yield back the remainder to the gentleman from New York.

Mr. HUDDLESTON. The gentleman yields back to me three minutes?

Mr. COOPER of Wisconsin. Yes.

Mr. HUDDLESTON. When shall I yield that to the gentleman from New York?

Mr. COOPER of Wisconsin. Whenever the gentleman wishes to speak.

Mr. TILLMAN. Mr. Chairman, we have been entertained and charmed by the eloquence of the gentleman from North Carolina [Mr. STEDMAN]. If he had had a full house there would have been no question about the passage of this bill. It will pass in any event for that matter. I, as much as any man, am in favor of conserving wild life, of protecting the song birds, and I distinctly believe in protecting those birds that destroy insects. But I observe that the wild duck is mentioned as one of the species of birds that is to be protected by this legislation. Now, a wild duck is good for nothing in the world except for the table. It is essentially a food bird. They do not destroy insects. They are not song birds, but they are good for food only. So, if this bill is to be passed, and if they are to be protected for all time to come, they will multiply rapidly, as they do, and so far as I am able to determine will serve no useful purpose whatever.

Now, instead of the wild duck being an insect destroyer, it destroys the very thing we are trying to conserve and protect. In my State there are four or five counties where rice is grown in great quantities. This rice is harvested about the middle of October, and sometimes stays in the shock, like wheat, until the first of January. The wild ducks come there in great numbers and destroy the rice. The rice farmers have quite a time in getting rid of them. They do not destroy the boll weevil, as has been intimated. Wild ducks will not destroy a boll weevil, but they do consume vast quantities of rice.

Our State has passed wholesome laws on that subject of conserving wild birds. We do not allow the sportsmen to kill migratory wild fowl of any kind after sundown, when they nestle on the waters, but it does allow sportsmen to kill a reasonable number in the daytime. It does not permit these wild fowl to be shipped out of the State. I do not understand why sportsmen would want to protect wild ducks forever. The idea of a sportsman is to go out occasionally to kill a wild duck for his table, not for the purpose of shipping it out of the State, but for the purpose of using it himself or giving it to his friends.

Mr. FLOOD. At what time do they shoot wild ducks in the gentleman's State?

Mr. TILLMAN. They fly south from October to December. They pass back again in March. There are no insects for them to destroy at that time, but in the autumn they do destroy the grain. They linger each season for only a day or so as they pass. Judge Trieber, in the eastern district of Arkansas, held the migratory bird law to be unconstitutional. The idea of the proponents of this measure seems to be that, having gotten a treaty with Great Britain, this legislation will not then be unconstitutional. This treaty can not affect the constitutional question raised here. This legislation is a radical interference with the rights of the State.

Furthermore, Mr. Chairman, it is a bad idea to delegate to the Secretary of Agriculture the right to legislate, the right to pass drastic regulations, and the right to invoke a still more drastic enforcement of those regulations. I do not like the provision in this bill that will enable, unless it is corrected, an understrapper of the Department of Agriculture to search a man's premises without an affidavit or even to search his house with an affidavit. I do not want to see men not under bond, perhaps aliens to the State they are operating in, search houses for wild game in the way I have indicated.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. PLATT. Did I understand the gentleman to say something about protecting wild ducks forever?

Mr. TILLMAN. Under the provisions of this bill, if it passes, they will be protected for an indefinite period, provided the Secretary of Agriculture desires to see this done.

Mr. PLATT. You mean there will be no open season at all?

Mr. FLOOD. The bill provides for an open season.

Mr. PLATT. The treaty itself provides for that.

Mr. TILLMAN. When is the open season?

Mr. PLATT. In the fall.

Mr. TILLMAN. The season mentioned is from March 10 to September 1.

Mr. TEMPLE. That is the closed season, from March to September.

Mr. FLOOD. That gives you an open season after that.

Mr. TILLMAN. I do not think it necessarily does give an open season the way I interpret the bill. The Secretary of Agriculture by your bill, Mr. FLOOD, is invested with autocratic authority to close the duck season forever, if he chooses.

Mr. FLOOD. It certainly does, unless the authorities make a different closed season, which they can not do within three months and a half.

Mr. TILLMAN. I have mentioned some of the objections I have to the bill, again insisting that I favor game conservation, song-bird conservation, fish conservation, and all proper legislation on these subjects, but you have offered an unconstitutional measure, full of oppressive and drastic provisions. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HUDDLESTON. Mr. Chairman, I object to this bill both upon principle and upon grounds of policy. I object to it, first, because it is of more than doubtful constitutionality. It is fairly clear that the bill would not be constitutional except for the fact that it is proposed to enact it in carrying out a treaty. Without that treaty the bill is unconstitutional. The gentleman from North Carolina [Mr. STEDMAN] explained that to the House. We have a migratory-bird act already, and that act has been declared unconstitutional by a number of courts. Now, then, in order to get around the decision of these courts and to make something constitutional which otherwise would not be constitutional, the champions of this policy brought forward the plan of having a treaty negotiated with Great Britain, so that Congress might pass a law to carry out the treaty and thereby make such a law that might be constitutional. The real purpose of the treaty was to make constitutional a law which otherwise would not be constitutional. I am reluctant to believe that the police powers of a State may be taken away from it by the National Government by negotiating a treaty with a foreign country. I can not believe that what is otherwise unconstitutional as an unjustifiable invasion of powers reserved to the States may become constitutional merely because the Senate and the President of the United States, acting upon the part of this Government, shall negotiate and approve a treaty with a foreign country. According to the American system certain powers have been delegated by the States to the Federal Government; those powers certainly can not be extended by the negotiation of a foreign treaty.

I believe that when this bill is finally presented to the Supreme Court it will be held that the police powers of a State

are not proper subject matter of a treaty which would take away those powers from the State and vest them in the Federal Government. I do not think that by joining in a treaty the Government of Great Britain can clothe our Government with constitutional functions which it does not otherwise enjoy. If it were possible to do such a thing, I should unhesitatingly oppose it.

Turning from that aspect of the question, I want to call attention to the fact that this treaty was negotiated for the purpose of making this law constitutional. I do not suppose it was ever imagined by anyone that the fact that we had negotiated such a treaty would be used as an argument for Congress passing a law which it had previously passed and which had been held to be beyond its power to pass.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. The gentleman from North Carolina [Mr. STEDMAN] in his very interesting address cited numerous decisions of the Supreme Court of the United States. As I understood the decisions cited by the gentleman from North Carolina, they referred to cases of contracts. I would like to ask the gentleman if he has examined those decisions generally which were cited by the gentleman from North Carolina?

Mr. HUDDLESTON. I have not examined them recently, but I am under the impression that they do not relate to the police powers of the States.

Mr. GARRETT of Tennessee. That was just what I was coming to. I want to say to the gentleman that I feel a very great deal of sympathy with the purposes of this bill, and I do not agree with the gentleman on the policy of it. The only thing that has given me trouble in thinking about it is the question of the constitutionality. I want to ask the gentleman, Does he distinguish as to the power of a treaty under the Constitution in reference to a contract and the force of a treaty under the Constitution in reference to the police power?

Mr. HUDDLESTON. I think such a distinction might well be made. So much for that aspect of the matter. Now, let us consider the policy back of this bill. We are all idealists. I am sure there is no heart in this Chamber that did not respond to the eloquent words of the gentleman from North Carolina [Mr. STEDMAN] upon the song birds. We all love to hear them sing. But as he spoke I thought of myself as a barefoot boy on my way to school listening to the birds sing, and perhaps stopping on the side of the road to see if I could find a bird's nest in a hollow rail or a stump; and I think if I should search my conscience diligently I might perhaps remember some time when I found a bird's nest, and perhaps took out a little speckled egg and carried it with me to school to show it to the other boys. I think perhaps there may be some such incident in the memory of almost every boy who has been raised in the country. I can remember taking an old single-barreled muzzle-loading shotgun and going out hunting for squirrels or quail or whatever else I could find, all the way up to bears. I can not remember that I found anything much to shoot at beyond a sapsucker or something like that. A boy rarely finds any game. Usually he has not got a fancy bird dog, and he is rarely very dangerous to game if he does find it. But I think I can remember at some time perhaps killing a robin or a dove. I may have upon my soul the guilt of some such atrocious and bloodcurdling offense if I have not succeeded in wiping it out by a long life of remorse.

But, Mr. Chairman, much as I love the song birds, I would not be willing to allow a thoughtless boy that may rob a bird's nest or may kill a robin to be haled before a court, sent to jail, or fined the heavy fine provided in this bill. I would like to see the song birds protected, but I am not willing to see our country infested by a lot of game wardens, appointed by the Secretary of Agriculture or somebody else having no responsibility to the people, snooping and spying around people's houses, swearing out warrants, haling boys to court, and interfering with the local affairs of our people.

Practically every State in this Union has reasonable game laws. Those States that have not got them are enacting them as time goes by, and in reality there is very little occasion for this bill. Its provisions are entirely too harsh as they apply to thoughtless offenders and to those who would not seriously interfere with the purpose of it.

But laying that also aside and assuming that no kind of punishment is too severe for the boy who robs a bird's nest, I call attention to the fact that this bill does not protect game birds. Instead of being called a bill for the protection of game birds, it ought to be named "a bill for the protection of game-bird hunters." The real purpose of this bill, so far as it applies to the game birds, is not to protect the birds, is not to give them life, but to fix it so that the ragged boys, the people far away in the country who have not got bird dogs—to fix it so that the common people of the country can not get their fair share of the game and so that only those who are able to afford game preserves and fancy equipment for hunting and all the paraphernalia that goes with it—these 5,000 sportsmen that Maj. STEDMAN speaks about—can get the game. It is for the protection of these sportsmen. It is a sportsmen's bill, not a boy's bill; it is not a farmer's bill. So far as game birds are concerned, it is not a bill that is intended for a moment to promote the interests of the plain people or those who may be interested in taking game in a small way. It is for the benefit of the man who takes his periodical hunt, with his splendid equipment, and who comes home with all the game he can carry, the man for whom you have to have a limit to the quantity of game he may kill. That is the kind of man that the game end of this bill is intended to protect. But they hitch it up with song-bird protection, with the protection of insectiverous birds, in order to get the support of the farmers, who want these birds to live. They hitch it up with other things that are innocent, so as to get the eloquent tribute and support of the gentleman from North Carolina [Mr. STEDMAN]. These fancy bird hunters hitch up their end of the bill, the game-bird end, with insectiverous-bird protection in order to benefit themselves and to provide a source of pleasure and amusement for themselves.

It is not for the protection of game birds; it is to preserve them for the exclusive benefit and pleasure of selfish professional hunters.

I would vote for a bill that I regarded as constitutional which would forbid the killing at any time of any kind of insectivorous birds. I would vote for a bill to protect the song birds. I would vote for a bill to protect the farming people to the utmost in saving those birds that destroy harmful insects. But when it comes to protecting bird hunters, the owners of game preserves, and the man who takes an occasional hunting spree into the woods, and protecting them at the expense of the boys in the country and the common man with the old-fashioned gun who kills a duck or some other bird occasionally, I am unwilling to do it.

This bill ought not to be adopted. It puts it within the power of the Secretary of Agriculture to forbid the killing of game birds as much as the killing of song or insectiverous birds. They are put on the same level. When you kill any kind of bird hereafter you will kill it by permission of the Secretary of Agriculture or some subordinate official, and the regulations will be enforced by a petty game warden whom you had no part in selecting, who may come from some distant community to tell you how to run your little local affairs. That is the purpose of the bill; it is what the bill does. If the Secretary of Agriculture does not want you to do so, you will never kill another duck or any bird protected by this bill, whether it is a game bird or not. Therefore it seems to me that we ought not to adopt the bill. It is too far-reaching. We now have many Federal officials bothering with our local affairs. And yet these men are now dealing with important matters; they are not engaged in searching barns and kitchens for a few bird feathers, to find out whether we have broken the game laws.

Mr. BANKHEAD. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. BANKHEAD. I merely ask for information, because the gentleman is on the committee; but, prompted by the statement he has made—if the Secretary of Agriculture saw fit to do so he could prevent anybody from killing a game bird—could the Secretary of Agriculture by regulation annul or make void the provisions of the treaty?

Mr. HUDDLESTON. No; not annul it or make it void; but the bill provides that it shall be unlawful to take any bird or have in possession any portion of a bird except in accordance with regulations adopted by the Secretary of Agriculture. If he adopts such regulations, you can not kill a bird or have any part of a bird in your possession. That is all there is to that. The treaty provides that "the high contracting parties agree that as an effective means of preserving migratory birds there shall be established the following close seasons, during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities." Then it goes on to provide what close seasons are, but the treaty does not provide that there shall be any "open season." The treaty does not provide that there shall be any time when the killing shall be lawful. The treaty is ineffective without legislation to back it up. There can be no close season without the legislation to put the treaty into effect. The treaty provides for no open season, and therefore the Secretary of Agriculture can make a close season all the year round, and no doubt he will do it as far as some birds are concerned.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. GARRETT of Texas. In regard to the gentleman's argument concerning the constitutionality of the bill, if the treaty is silent as to the close season then would an order of the Secretary of Agriculture making all the year a close season be constitutional?

Mr. HUDDLESTON. I take it that such a regulation would be no more unconstitutional than the rest of the bill.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. GARRETT of Tennessee. The gentleman from Texas covers the thought I had in mind, that if we admit the validity of the gentleman's argument, that only by force of treaty can we give validity to the act under the Constitution, then could we by regulation go beyond that time which is expressly fixed in the treaty as to closed seasons?

Mr. HUDDLESTON. The treaty does not provide that there shall be any open season. The general purpose of the treaty is the protection of these birds, and I take it that it would be entirely legitimate for the Secretary of Agriculture to provide for a close season longer than that provided in the treaty.

Mr. GARRETT of Tennessee. Not if it rests on the treaty.

Mr. FLOOD. No; not at all.

Mr. HUDDLESTON. I did not yield to the gentleman from Virginia.

Mr. FLOOD. I ask the gentleman to yield.

Mr. HUDDLESTON. I am yielding to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. The thought I had in mind is that the treaty provides for a close season during which the migratory game birds shall be protected between March 10 and September 1, except the close season of certain islands, and so on. Now, then, if the validity of this legislation in so far as it affects game birds rests on the treaty, then the legislation could not go further than the treaty itself.

Mr. HUDDLESTON. Not further than the treaty, but further than this provision of the treaty. The general purpose of the treaty is to protect migratory birds, and if further provision is necessary the Secretary of Agriculture would not be confined to this one paragraph of the treaty. The treaty is broad in scope, and many things are included in it. I now yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, there are some features of this bill to which I think exceptions can properly be taken. While of course the House has no prerogative to object to the Senate of the United States ratifying treaties that may be entered into upon any subject, I think there are grave doubts as to the wisdom of seeking to control the birds of the air by entering into a treaty with a foreign power. The law will be the regulation promulgated by the Department of Agriculture. It will not be this act necessarily. We have under the migratory-bird law the regulations that the department issued dividing up the country into zones and saying within what times birds may be killed. I simply want to direct the attention of the committee to the situation that existed in certain sections of New England in the past winter, which, as you know, was particularly severe. Along the seacoast the bays and the sounds were frozen solidly with ice. The birds could not come in close to the shore to feed. The inhabitants could not shoot those birds, and yet those birds were seeking to find a feeding ground and would be found dead of starvation or cold upon the ice along the shores. At the same time one island within the district which I attempt to represent, the island of Nantucket, was frozen up and there was no communication with the mainland and no supply of meat could be procured. These birds were dropping from cold or starvation around the shores, and yet the inhabitants were not permitted to shoot them for their own consumption. In our section of the country it has come to be looked upon as one of the cardinal rights of the inhabitants to take fish and fowl along the shore for their own tables.

Mr. MAYS. Mr. Chairman, if these birds were starving to death they would be rather poor eating.

Mr. WALSH. They were starving to death and dead of cold, but there were plenty of birds that might have been shot by going out on the ice or along the shore that would not be in that condition. They come to feed on the shellfish along the shore, and even though they may have been dying of cold or starvation sea fowl with a little flesh upon their bones could have been used for the various dishes that the inhabitants of that section know so well how to prepare, and they would not have been deprived of this food. As I was about to say, in the New England section the inhabitants have until recent years, comparatively recent years, been accustomed to being permitted to shoot and fish in order to provide food for themselves, but you can not get the department down here to let down on their regulations for that purpose.

As the gentleman from Minnesota so well said earlier in the day, they have this matter on a scientific basis. We all desire to see bird life conserved and the fisheries conserved, but they ought to inject a little commen sense and reason into some of the regulations. A different situation exists in the Western States, because these birds are only available for shooting as they are passing back and forth, while along the New England coast the birds nest off the shore, and miles and miles offshore you will see great flocks of them in the water, hundreds of thousands; but when a cold winter occurs, during a portion of the close season, these people who are in need of food are not permitted under the regulations to kill them. I would not favor letting down the regulations to people who are not residents of the towns or the counties, to permit them to come in and shoot these birds; neither am I in favor of removing all restrictions, because Massachusetts and most New England States have enacted protective laws to conserve fowl and fish. I would confine it, and I think the department could formulate regulations which would permit the inhabitants of the towns to shoot for their own use a certain number of birds every week.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. PLATT. Does the gentleman know what kind of birds they were?

Mr. WALSH. Some of them were ducks and some of them they called coots.

Mr. PLATT. When everything was frozen up? What time of year was it?

Mr. WALSH. February.

Mr. PLATT. Ducks in January or February?

Mr. WALSH. I would not say that they were black ducks, but they were called ducks. I know I have several letters, and they refer to them as ducks—shelldrakes and coots and various other birds—but they called them by the common name of duck or edible wild fowl.

Mr. PLATT. But they were not all ducks.

Mr. WALSH. Oh, I imagine that they were not under the scientific Latin definition given in the treaty.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HUDDLESTON. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman, I have no doubt in my own mind that this bill is as invalid, from a constitutional standpoint, as was the Weeks-McLean migratory-bird law. The courts of our country have uniformly held, as I understand, and in the One hundred and sixty-first United States Report, Chief Justice White held that the matter of the regulation of game was entirely a State matter. That rule has never been departed from, and to-day there is pending in the Supreme Court a case entitled United States against Shauver, in which the question of the constitutionality of that act is involved. It has been delayed and postponed and a reargument has been ordered because, I believe, of the feeling by the law officers of the Government that the act is unconstitutional, and, therefore, no decision has ever been had of that case. We are now called upon to legislate along the same lines that are now under question in the Supreme Court. I differ with those who say that because this is an act to make effective a treaty, that therefore this might be constitutional while the other might not be. If the regulation of game is a State function, it is unconstitutional for the Congress of the United States to take that function away from the States. I would like to ask some lawyer in the House to tell me how the country can effect a treaty with some other country which would be unconstitutional if made into a direct law? In other words, how can we make a treaty and do an unconstitutional thing by it? I do not believe we can. It does not appeal to me as a correct legal proposition.

Mr. TOWNER. Will the gentleman yield?

Mr. GRAHAM of Illinois. If the gentleman has a short question; I only have five minutes and I want to go to another matter.

Mr. TOWNER. I want to call the attention of the gentleman to the fact, and ask him if it is not true, that two and perhaps three district courts of the United States have already decided that this law is unconstitutional?

Mr. GRAHAM of Illinois. They have; three of them; three United States district courts have held the act to be unconstitutional and, as I said, the matter is now pending in the Supreme Court of the United States, and I believe the law officers of the Government—I mean the Attorney General's department—believe that it is unconstitutional, because the case is not being tried but is being postponed. But that is not the principal

objection I have to this law. I want to say to you that I do not believe there is a man in this House who thinks any more of the bird life of the country than I do. I drew the act passed by this House the other day relating to the prohibition of the sale of wild game in this District, which I thought to be a shameful thing, and a bill which I hope will speedily become the law.

But here is the proposition, gentlemen. You are giving to a department of the Government the right to legislate about things, and to do it without notice under a regulation that can be changed overnight, that may be oppressive, and in many instances will be oppressive. Let me illustrate that. Recently there was a new regulation adopted by the Department of Agriculture to this effect: They changed the regulation as to the closing and opening hours of shooting, and made it possible, and it is possible now under that regulation, to begin shooting ducks half an hour before sunrise. You gentlemen who have stood out on the blind know that is simply licensing somebody to slaughter ducks. They rise about sunrise——

Mr. MILLER of Minnesota. Why is that? I do not understand.

Mr. GRAHAM of Illinois. It has been changed by regulation.

Mr. MILLER of Minnesota. Why is that licensing the slaughter of ducks to say a man can begin shooting half an hour before sunrise?

Mr. GRAHAM of Illinois. They are giving you a privilege that is not given by the law of the gentleman's own State and my State, and perhaps any other State of the Union. You are giving a license to go to where the ducks roost and spend the night, and shoot them before they get up.

Mr. MILLER of Minnesota. I can not believe the gentleman has ever hunted ducks in his life.

Mr. GRAHAM of Illinois. I have killed thousands.

Mr. MILLER of Minnesota. I will say to the gentleman every State in the Union, as far as I know——

Mr. GRAHAM of Illinois. I can not yield further.

The CHAIRMAN. The gentleman refuses to yield.

Mr. MILLER of Minnesota. That permission is not given in contravention of the State law?

Mr. GRAHAM of Illinois. It is given in contravention of the State law. I can not yield further. In my own State of Illinois we have a sunrise and sunset law, as in most of the States. The regulation of the United States Government now provides that you can shoot them half an hour before sunrise. They passed that regulation without any consideration by the people of the country. There is no publication required of it. Who is there in this Government who knows about these regulations except those who made them? I dare say when I said this there were hardly half a dozen men in this House who knew there was such a regulation as I have quoted, and yet it is to-day one of those regulations the violation of which inflicts a penalty of $500 upon the person so violating it, and which may result in imprisonment in jail. I submit, gentlemen of the House, there ought to be a law of some kind passed prohibiting spring shooting. There ought to be a law prohibiting the shooting of birds going to their nests. There ought to be written into the law the length of the season, when it opens and when it closes, and it ought not to be left to some department to determine this without notice to the people. That is the principal thing I object to in this act. If these gentlemen will go back and draft an act and provide in it an open and closed season, and bring it in here, there will probably not be a voice raised, I dare say, in this House against it; but the trouble is that regulations can be made subject to changes without notice to the people of the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. Mr. Chairman, I yield eight minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND. Mr. Chairman and gentlemen, I am glad to have the privilege of considering one bill that is not claimed to be a war measure. I think it is generally conceded here that this is not a war measure. If it has anything to do with this war, it must be with the aviation. I believe that this kind of legislation is indefensible. There is a lot of sentiment about it. You will hear of the song of the bird, and a whole lot about the boy coming home from school hearing the whistle of the song birds, but, after all, we are bringing up a very dangerous precedent and bringing a great hardship to a certain class of people. I am like one gentleman who has preceded me. I think there is something behind this bill more than the soft-hearted fellow who loves the song of the bird, more than the fellow who wants to speak from a full heart about the love of nature. The fellow who has the money and can get on a train and go down to a duck-shooting resort is the fellow who wants this bill passed, and he is the fellow who is fighting for it, and if it passes he is the fellow who will go to the Secretary of Agriculture for a rule to be adopted favoring the resort, and the fellow down in Indiana who has no lake, but who has a river running down through his county, and who has a muzzle-loading shotgun and wants to go and kill a couple of ducks for his table, will not get to see the Secretary of Agriculture. The Secretary of Agriculture will say, "Why, in Indiana when these ducks fly over this poor fellow he must not shoot."

As a result, we will not get to kill them as they come or as they go. At present in Indiana the State law generously gives our fellows the right to kill ducks as they fly down South in the fall. There are no lakes there. The way we kill ducks in my part of Indiana is by going in a boat down the river when it is swollen in the spring of the year, and drift under the willows, and when the ducks come out of the willows we get a pair occasionally. In the fall, when the river is low, they can see you 4 miles away. So far as the goose is concerned, she does not need any law to protect her. She does not need any law to protect her any more than the bears of the Rocky Mountains need protection. They protect themselves. An insectiverous bird is not related to ducks and geese, and ought not to be confused with the provisions of this bill.

Why, the ducks down our way in the fall of the year go into the cornfields and eat the corn and wallow it down, and after they have been in the cornfield you would think that hogs had been in there. And you now hear much about his being an insectiverous bird. He devours our crops, saves his body, and goes down South for somebody that has permission to shoot 50 ducks a day in some of the duck-shooting resorts. In Florida they say you can kill 300 a year. I can go down there and spend three days and kill 300 ducks. I could not kill 300 ducks in Indiana if I hunted several entire seasons.

Mr. FLOOD. Will not this prevent that very thing?

Mr. BLAND. I do not think so. Because a man that has the ear of the Secretary of Agriculture is a man that is interested in saving these ducks as they cross the continent, because he has a resort in which to kill them, and the boys with double-barreled guns out in my State will not be there to talk with him. You will find men taking themselves to the Southland from the North in November, December, and January, and getting their dozens and dozens of ducks, while our boys are not permitted to kill one as it goes through Indiana. And somebody was unkind enough to say that that boy was a game hog or a pot shooter. How are you going to pot shoot ducks on an Indiana river any more than when they are in the bayous and swamps of their winter homes?

I am opposed to this bill because it is unfair. It is proposed to give one section of this country the right to kill ducks and geese and not give the same right to other people who should have the same God-given privilege. I say that it is sectionalism. The gentleman from Alabama [Mr. HUDDLESTON] opposes this bill. I am surprised that he does so. Down in his State, if I remember it correctly, he can kill 25 ducks a day from November 1 to January 31, and that is the open season down there. That is when the ducks are down there.

But they are not up our way, then; they are down in the South, and you can just go out and pot shoot them if you want to. And that is why a good many of the fellows are for this bill, namely, because they want to go down there where they will be sure to find them. I am not charging that the southern fellow wants this law worse than the northern duck-hunting sport. They ordinarily both want it. I want our boys over in Indiana to get one little shot at these birds as they go past. They are not very plentiful, and we do not get many of them. As to this pot-shooting story in Indiana, forget about it, because it does not happen.

Now, gentlemen, I have a table prepared here, and I wish to insert it in the RECORD, and ask unanimous consent to revise and extend my remarks:

Open season for ducks.

Alabama	Nov. 1 to Jan. 31
Arizona	Oct. 16 to Jan. 31
Arkansas	Nov. 1 to Jan. 31
California	Oct. 16 to Jan. 31
Florida	Nov. 20 to Jan. 31
Georgia	Nov. 1 to Jan. 31
Louisiana	Nov. 1 to Jan. 31
Mississippi	Nov. 1 to Jan. 31
New Mexico	Oct. 16 to Jan. 31
North Carolina	Nov. 1 to Jan. 31
South Carolina	Nov. 1 to Jan. 31
Texas	Nov. 1 to Jan. 31

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BLAND. I have prepared a table here of the States where these ducks winter. I realize that some of them go on to Central and South America. A great many of them stay down there all winter, and you will find them there during the entire winter,

depending, of course, on the harshness of the winter and the kind of bird.

Do not confuse the arguments and sentiments about the insect bird and the song bird with the goose and the duck. They go down there and stay all winter in some of those States. And they have an open season there. The gentlemen managing this bill say that this law is for the purpose of keeping people from killing them. What are you going to do with them if you do not kill them and let them be eaten? What do you want to save them for if you do not use them for food in time of war? They do not eat insects. You can not hand me that. It is the hunter from the North who goes South who wants this law passed. And I am glad to say that my predecessors in Congress fought this kind of bill. I know you will pass it, but you will not put it over the people of southern Indiana without having a protest from their Representatives. Our people have the natural right to go out and kill those ducks when they come through, and you have no right to stop them. When you attempt to do it, you are contravening their constitutional rights. I know that you will say that the courts have held to the contrary, and that they will do it again, but I know that some of the courts have held that this kind of legislation is unconstitutional.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. BLAND. I will.

Mr. MILLER of Minnesota. I know the gentleman is in earnest about this. I wish to say to the gentleman that the reports that came to us from the investigation we made during the consideration of this bill all agreed that the greatest amount of pot shooting in the country came from the district the gentleman is trying to defend.

Mr. BLAND. I am not responsible for the gentleman's misinformation, but that is not the fact.

Mr. MILLER of Minnesota. I thought I would give the gentleman an opportunity to clear up the charge.

Mr. BLAND. There is nothing to clear up. Let us for a moment consider the idea of pot shooting in Indiana. You go down to Florida, where the ducks winter, and they absolutely darken the sky, and you can go out and shoot until your gun gets so hot that you can not hold it. But go down the Indiana rivers in the fall or spring, and you may see 12 in a flock. You will not get your gun hot there. How are you going to do any pot shooting there? The gentleman has been misinformed. The pot shooting comes in those sections where they have the right to kill 300 a year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. PLATT].

Mr. HUDDLESTON. And I yield to the gentleman two minutes, the remainder of my time.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. PLATT. Mr. Chairman, I have spoken on this subject of birds several times before and feel a diffidence about going over exactly the same ground, and I will endeavor not to do so. It seems to me that some of the gentlemen who have spoken in opposition to this bill have proven themselves ornithologists in the sense that they have been able to discover a great number of mare's-nests in the bill. Now, of course, it is utter nonsense to talk about the little boy going to school with birds' eggs in his hands to show the scholars. He would come under the provision of the bill in regard to providing eggs for scientific purposes. [Laughter.]

The gentleman from Massachusetts [Mr. WALSH] tells about the flocks of ducks off the coast of Massachusetts last January, when everything was frozen up tight and they were nearly starved to death for lack of food. I am not familiar with all the various species of ducks, but I venture to say that there was not a real duck within 500 miles of the coast of Massachusetts at that time. On the other hand, I think they must have been scoters or some species of sea bird from the far north. The ducks at that time were on the lower Chesapeake and farther South. They had not come North yet. They do not come North until the water opens up and the food that they are accustomed to is provided.

Gentlemen who have spoken in opposition to this measure are evidently entirely unfamiliar with birds and do not realize the fact that if Canada wanted to she could destroy practically all the ducks and geese. She has not done so. We have asked Canada for a treaty in order that we may be sure that Canada will protect the ducks in their breeding grounds, which is the most important place in which to protect them. They are more easily killed in their breeding grounds than anywhere else. Canada has agreed to the treaty, has passed an enabling act to put the treaty into effect, and has formulated regulations which are now in effect, in full confidence that we will do the same.

It is futile to claim that birds flying over a specified territory or resting for a day or two are anybody's property. They belong, if anywhere, to the places where the nests are. Nearly all the States already have enacted State laws which conform practically to the terms of this treaty, and already the beneficial results of these laws in increasing game has been recognized, so that there is no reason why there should be any trouble about it.

Besides the game birds—and I am interested personally more in song birds and insectivorous birds—there are a great many birds which nest in Canada and stop only temporarily in this country and go on down through to South America. Some go very far south. Indeed there is one, the Arctic tern, that makes a migration of 11,000 miles, from the Arctic to the Antarctic Ocean. There is another bird, the golden plover, that nests in the far north, and on its southward migration flies from Nova Scotia to the northern shores of South America direct, making a flight of 2,400 miles without a stop. Some of those birds also fly from Alaska to the Hawaiian Islands, a distance of 2,000 miles, with no place possible where they can stop. The golden plover that go down the east coast are sometimes driven onto the shores of the Atlantic in storms, and a few can take refuge in Bermuda, but those that fly from Alaska south must go to the Hawaiian Islands without a stop. I saw a few of them in the Hawaiian Islands myself last winter.

I commend this little department pamphlet on bird migration by Prof. Cook. It is very interesting. It contains maps showing the routes of many of the birds. There is a corps of voluntary reporters connected with the department who record and report the dates of arrival of the birds in all parts of the United States and Canada. These dates are plotted and mapped by the Biological Survey, showing just when the birds arrive at certain places. It is from that information, obtained by the Biological Survey, that they are able to define the zones so as to make the right regulations to apply to each section of the country. If we should undertake to enact a law here fixing the open season, we would have to fix it somewhat differently for the different States, and that would be subject to tremendous criticism. It is much better to have it done by regulation, based on hearings and the information in the possession of the survey. I hope the bill will be passed without amendment as it comes to us from the Committee on Foreign Relations. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLAND. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read the bill.

Mr. FLOOD. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

SEC. 2. That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, or any part, nest, or egg of any such bird.

Mr. TEMPLE. Mr. Chairman, I fear that in some particulars the discussion has gone astray. Some gentlemen have been speaking as if it were a question as to whether this treaty should go into effect. The treaty has already gone into effect and is even now a part of the law of the land. I hardly need cite Article VI of the Constitution, which says that—

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

This treaty is in force. It went into force, according to the terms of the treaty, on the day that ratifications were exchanged. I see one gentleman shaking his head. It may be necessary for me to read a sentence from Article IX of the treaty:

The ratifications shall be exchanged at Washington as soon as possible, and the convention shall take effect on the date of the exchange of the ratifications.

The ratifications have been exchanged. The treaty is in effect and is binding on the judges in every State of the Union, anything in the constitution or laws of any State to the contrary notwithstanding. That being the case, how much legislation is necessary in order that the provisions of the treaty may be

actually enforced? That is a question that has been discussed from time to time in both Houses of Congress.

As long ago as 1816 the question came up as to what legislation might be necessary in certain cases to put into actual operation treaties which legally were already in effect. Of course, if any treaty requires the appropriation of money, the act appropriating money must pass both Houses. There are certain other treaty provisions that may require action by both Houses. But if it were true that all provisions of every treaty require action by both Houses, then the House as well as the Senate would be a part of the treaty-making power. But the House is not a part of the treaty-making power. Treaties become the supreme law of the land when they are negotiated by the Executive and ratified by the Senate. It is true, as I have already said, that when appropriations are required by a treaty, and in certain other cases as well, it is necessary for the House to pass an act appropriating money or an act providing whatever legislative aid may be required for the fulfilment of the treaty obligation. That question was discussed in connection with the treaty between the United States and Great Britain which had been signed on the 5th of July, 1815. There was a dispute between the two Houses, and the disagreeing votes went to conference. The House conferees made a report, a part of which I wish to read. Let me say in parentheses that in those days the reports of the conferees to the two Houses were not necessarily identical. I shall read a portion of the report of the House conferees, made on February 19, 1816. In discussing the question as to whether legislation by Congress was necessary to make the treaty effective the committee reported as follows:

In the performance of this duty the committee of the House of Representatives are inclined to hope that it will sufficiently appear that there is no irreconcilable difference between the two branches of the Legislature.

They are persuaded that the House of Representativs does not assert the pretention that no treaty can be made without their assent, nor do they contend that in all cases legislative aid is indispensably necessary, either to give validity to a treaty or to carry it into execution. On the contrary, they are believed to admit that to some, nay, many, treaties no legislative sanction is required, no legislative aid is necessary.

On the other hand, the committee are not less satisfied that it is by no means the intention of the Senate to assert the treaty-making power to be in all cases independent of the legislative authority. So far from it that they are believed to acknowledge the necessity of legislative enactment to carry into execution all treaties which contain stipulations requiring appropriations or which might bind the Nation to lay taxes, to raise armies, to support navies, to grant subsidies, to create States, or to cede territory, if, indeed, this power exists in the Government at all. In some or all of these cases, and probably in many others, it is conceived to be admitted that the legislative body must act in order to give effect and operation to a treaty; and if in any case it be necessary, it may confidently be asserted that there is no difference of principle between the two Houses; the difference is only in the application of the principle. For if, as has been stated, the House of Representatives contend that their aid is only in some cases necessary, and if the Senate admit that in some cases it is necessary, the inference is irresistible that the only question in each case that presents itself is whether it be one of the cases in which legislative provision is requisite for preserving the national faith or not.

The treaty for the protection of migratory birds does undoubtedly require legislative provision to preserve the national faith. The treaty has gone into effect and is a part of the supreme law of the land, but there is as yet no penalty for the violation of this law and Congress has not as yet empowered the proper authorities to issue the regulations provided for in Article VII of the treaty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from Pennsylvania be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. TEMPLE. I shall drop that point at once and proceed to another. The question has been raised as to whether the bill now under discussion, or even the treaty itself, is constitutional. I should like to read a single sentence from Charles Henry Butler's great work on the treaty-making power of the United States. Mr. Butler says:

The power to legislate in regard to all matters affected by treaty stipulations and relations is coextensive with the treaty-making power, and acts of Congress enforcing such stipulations, which in the absence of treaty regulations would be unconstitutional as infringing upon the powers reserved to the States, are constitutional and can be enforced, even though they may conflict with State laws and provisions of State constitutions.

If the power to legislate in regard to all matters affected by treaty stipulations is, as Mr. Butler says, coextensive with the treaty-making power, then a law to make the treaty operative can not be unconstitutional unless the treaty itself is unconstitutional. There are doubtless limits to the treaty-making power, but no case has yet arisen in which a treaty has been declared unconstitutional by the Supreme Court.

It has been said that the police power is a right reserved by the States and has not been delegated to the General Government; that in its lawful exercise the States are absolutely sovereign, and that such exercise can not be disturbed by any treaty stipulations. It is argued that as the laws for the protection of game birds are such an exercise of the police power, the enactment of such laws by the National Government would be unconstitutional, and even treaty stipulations could not bring them within the jurisdiction of Congress.

On the contrary, the Supreme Court has held that the United States, in the exercise of its treaty-making power, may in certain circumstances enforce laws prohibiting the sale of intoxicating liquors in territory which, but for the treaty, would be in this matter subject only to the police power of a State.

I refer to the case of the United States against Forty-three Gallons of Whisky, reported in Ninety-third United States, 188.

The whisky had been seized in Crookston, Polk County, Minn., under the act of Congress, 1864, which prohibited the possession of spirituous liquors in Indian country. The place where the liquor was seized was not Indian country, and had not been Indian country in 1864, when the act was passed. It was situated in the district which had been ceded to the United States in the treaty of October 3, 1863, between the United States and the Red Lake Band of Chippewa Indians. Article 7 of the treaty is as follows:

The laws of the United States now in force, or that may hereafter be enacted, prohibiting the introduction and sale of spirituous liquors in the Indian country, shall be in full force and effect throughout the country hereby ceded until otherwise directed by Congress or the President of the United States.

The district court of the United States declined jurisdiction, and the question of jurisdiction was taken to the Supreme Court of the United States.

It was contended that the treaty which made the law applicable to this territory was invalid so far as it attempted to extend to an organized county of Minnesota certain United States laws applicable only to Indian country. This contention was based on the ground that a treaty which provides regulations which the Federal Government can not constitutionally impose is to that extent without validity or binding force.

The Supreme Court decided otherwise and held that it is competent for the United States, in the exercise of its treaty-making power, to stipulate in a treaty with an Indian tribe that within the territory ceded by the treaty laws of the United State prohibiting the introduction and sale of spirituous liquors in the Indian country shall be in full force and effect in spite of the fact that the said territory has ceased to be Indian country and has become a part of an organized county of a State.

This applies not only to laws in force at the time the treaty was signed but also to laws that might afterwards be enacted. They, too, would be in full force and effect within the limits of the district covered by the treaty, though in that district, but for the treaty, the laws of the United States for the control of Indian country would not be operative.

The case that was referred to by the gentleman from Virginia [Mr. FLOOD], Geofroy *v.* Riggs (133 U. S., p. 258), is also in point, as showing the wide scope of the treaty-making power. The court said:

The treaty-making power extends to all proper subjects of negotiation between our Government and that of other nations. It, as expressed in the Constitution, is in terms unlimited, except by those restraints which are found in that instrument against the action of the Government or all of its departments and those arising from the nature of the Government itself and that of the States.

Mr. GRAHAM of Illinois. I would like to propound an inquiry right there.

Mr. TEMPLE. I will yield.

Mr. GRAHAM of Illinois. Suppose Canada and the United States, through the proper officers, made a treaty providing that no person should vote at any municipal State or county election unless he had $10,000.

Mr. TEMPLE. If the gentleman will permit me to read the remainder of the paragraph——

Mr. GRAHAM of Illinois. Suppose such a treaty was negotiated, would it be good?

Mr. TEMPLE. I will read the remainder of the paragraph:

It would not be contended that it extends so far as to authorize what the Constitution forbids or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent. But, with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country.

Mr. GRAHAM of Illinois. In other words, it must be a proper and legitimate matter of negotiation between the Governments?

Mr. TEMPLE. Certainly. It seems to me that this is a proper and legitimate matter of negotiation between the Governments. The birds dealt with are of three classes—migratory game birds, migratory insectivorous birds, and migratory nongame birds. These nest in one place and live a part of the year in another place. They cross the international boundary line, and if they are to be protected at all it requires international action to do it. It seems to me that this is a very fit subject for negotiation between the two Governments whose boundary these birds cross, and we need not be afraid that legislation needed to make the treaty fully operative will be unconstitutional.

Mr. LINTHICUM. Mr. Chairman, I am heartily in favor of this bill, known as the migratory-bird bill. I voted for the bill passed in the Sixty-second Congress, and I may say that that bill was largely enforced in the State of Maryland and the people have been loyal and never raised the question of constitutionality of the act.

Mr. RAKER. Will the gentleman yield?

Mr. LINTHICUM. No; I can not yield. The ducks in the State of Maryland have increased largely from the enforcement of the Federal law. In my State we had until the 1st of this month game laws for every county in the State, and only until the last legislature convened were we able to procure a State-wide game law. The difficulty in enforcing State-wide game laws and county game laws is that it is almost impossible to carry out their provisions on account of the friendships that exist between the local authorities and the people who break the laws. They are hard to enforce on account of the political considerations that exist between the people in the county or the State and those in authority practically preventing the carrying out of the local game laws or at least nullifying its provisions. We all know that it is practically impossible to have your own friends arrested for violation of the game law. It is almost impossible to get the witness to so testify as will enable the judge to render a verdict against the accused. It is very difficult for us to carry out such local State and game laws. With a law of this kind, where the Federal Government has a hand in the control of it, everybody has a high regard and a deep consideration of the law and everybody has a fear of violating it. I feel satisfied that with this law, if enacted, we will have no difficulty in carrying it out and that the protection granted will largely increase the game throughout the whole country.

We have on the Potomac this state of affairs. The boundary of the State of Maryland goes to the south shore of the Potomac River. In 1816 very able and distinguished Virginians got the Maryland authorities to agree that the fishing rights should be equal in the river to inhabitants of both States, and from 1816 until two years ago it was absolutely impossible to get Virginia and Maryland to concur in adequate legislation to protect the oyster and fish industry of the Potomac River. Here are two States, the most friendly that they could possibly be, and yet it took over 100 years to get together to protect the oyster industry, and when they did get together the oyster industry had practically expired and was no more.

In my State we have endeavored to protect the fish. The eastern shore of my State and a part of the western shore controls the State, certainly controls the politics of the State, and it is absolutely impossible to get proper protection for fish and oysters in the Chesapeake Bay and its tributaries.

Take shad, the shad is one of the very best fish which we have and certainly the best fish on the Atlantic seaboard, and yet we can not protect the shad. To-day the shad is almost extinct in the upper waters of my State. They once visited the upper sections of the bay and way up into the Susquehanna River to spawn, and the Government had fish hatcheries there. The fish have been taken in such large quantities by the Virginia fishermen at the mouth of the bay that they do not reach the Susquehanna any more. A shad to get into the Susquehanna for spawning purposes would have to have a very accurate compass to get past the nets in the lower Potomac River. The shad is therefore rapidly decreasing and its abundance and cheapness are things of memory only.

The main trouble is due to the great number of large nets that, by the grace of the War Department, are permitted to be stretched at many points, and in which each year shad and other fish are caught by the hundreds of thousands, the result being that each year the number reaching the spawning grounds becomes less and less. Of course, if this is allowed to go on indefinitely the time will come when there will be no shad at all in the Potomac, Susquehanna, Delaware, and other rivers that formerly yielded such great supplies.

Several years ago the Secretary of War had practically made up his mind to have the nets pretty well cleaned out of the Virginia waters. That is where the worst trouble is. But the late Representative WILLIAM A. JONES, of the first Virginia district, yielding to the pleadings of the fishermen, managed to bring sufficient influence to bear to have the order held up. He had a great number of constituents interested in the business. So long as they could make money hauling in shad and selling the roe at fancy figures to canneries up North those thrifty Virginia fishermen did not consider it worth their while to worry, even if what they were doing meant eventually that the people of Baltimore and other cities and towns would not be able to buy shad in the markets.

There used to be an almost unlimited supply of fresh herring during the spring season in the markets of Baltimore and other cities in this section of the country. Not so these days. The charge is freely made that the men who are operating the big nets have been catching herring in untold numbers, the roe is extracted and canned, the oil is pressed out of the fish, and the rest is used for fertilizer. Fifteen or sixteen years ago fresh roe herring—large, fat, and plump ones—could be bought for 25 or 30 cents a dozen. In recent years practically no roe herring are offered for sale. The few that are to be had are the small melts, for which outrageous prices are demanded.

Several months ago the Food Administration urged people to eat more fish in order to save meats for the soldiers who are to fight the Germans in Europe. The Food Administrator received so many complaints from consumers about how the fish dealers had boosted prices that he and his assistants decided to make an investigation. He discovered that the retail dealers were reaping profits of from 400 to 800 per cent over what they paid for certain kinds of fish at wholesale.

It has been estimated that a billion dollars is a low estimate of the loss to this country by virtue of the rapid extermination of bird life. We note on every hand large increases of insect life, which is rapidly destroying many trees of the forest, rendering crops less easy to raise, and doing the farmer an immense injury in both labor and loss of production. The bird life of the country was for years one of its greatest assets, and had we protected it as we should have done it would not be so greatly depleted, and, without legislation, soon to become a thing of the past.

We have enacted legislation for the protection of our forests, the conservation of our coal supply, and the preservation of many of the great resources of the country. Certainly it is high time for bird protection, not only as an enjoyment to all the people but a benefit which can not be derived in any other possible manner.

So I say the only possible way by which we can protect game life, by which we can increase the game of the country and protect the song and insectivorous birds, is by a national law. We will never do it in any other way. We have tried it in every other way and have absolutely failed on all occasions. For that reason I am particularly anxious that this bill should pass and that we should take part in protecting the bird interests of the country, and I hope that before long Congress will find some way of protecting likewise the fishing interests of this country as well. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. TOWNER. Mr. Chairman, I agree with those who have said that the constitutional powers conferred upon the President and the Senate in the negotiation of treaties would reach to any question such as here is to be considered. I agree entirely with the proposition that in so far as it is proper to carry out the terms of a treaty all the necessary powers are given to Congress to carry them out. I agree entirely with the statement that it is necessary for the House of Representatives in instances such as this to join in legislation that shall carry into effect the terms of the treaty. However, I differ from the gentlemen who say that because now we have made a treaty that therefore Congress can pass any law that they may deem necessary for the purpose of carrying out any of the provisions regarding the migration of birds, for instance, as in this bill.

The Supreme Court of the United States has clearly indicated the limit of the action of Congress with regard to the enforcement of treaties. It extends to all of those things that do not raise a constitutional question, that do not affect the rights of the Federal Government or the rights of the States. This rule was expressly laid down in the decision that was quoted by the gentleman from Pennsylvania [Mr. TEMPLE]. It does not extend to those questions affecting the relations of the States to the General Government. It can not take from the States the powers that are theirs under the Constitution. That being true, then we have not removed and will not remove by the passage of this

act the constitutional difficulty, because the constitutional difficulty regarding the present law, and which will remain in this law if it is passed, is the question as to whether the General Government has any right to legislate whatever regarding migratory birds or fishes. The power to legislate concerning game has been from the first exercised by the States and has been confirmed by the courts down to the present day. This bill if passed will take that power away from the States and confer it upon an official of the General Government. Therefore if we commit to the General Government a question that belongs to the jurisdiction of the States, it is an interference with the constitutional rights of the States. We are, therefore, not going to get rid of this constitutional question by this legislation. It will still remain. I do not know what the Supreme Court of the United States will say eventually regarding this proposition, but it is not removed, by any means. It remains, and if the Supreme Court shall follow out the almost unbroken line of authorities, that the control of the wild game, of the birds, and the fishes lies with the States, then this law will be declared unconstitutional, just the same as the United States courts up to the present time have declared the present law unconstitutional.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MILLER of Minnesota. Is it the gentleman's opinion that a treaty could not confer upon Congress the right to legislate on a subject affecting the police powers as heretofore have been exercised and possessed by the States?

Mr. TOWNER. I can not answer that question, because it is too general, but this is what I do say—that it can not interfere with the powers belonging under the Constitution to the States.

Mr. MILLER of Minnesota. I do not think that is involved, if the gentleman will permit. I would like to get the gentleman's viewpoint, because this is a very close question, in my judgment. I am wondering if, by treaty, we can not confer upon Congress the right to legislate upon a subject that is within the power of a State; for instance, this is not a question of taking away from the State a right guaranteed to it by the Constitution as against the Federal Government. There is nothing in the Constitution that speaks about the control of game or the police powers, and by reason of the fact that the Constitution does not give to Congress general police powers, the States have assumed them, and the Supreme Court has sustained the States in that. Is it not possible to give to the Federal Government the right to control those powers?

Mr. TOWNER. I will say this to the gentleman, that it might be proper if legislation that would not interfere with the constitutional rights of the Government or the States were enacted, but I do not think a treaty could give the power to Congress to legislate in a case where the effect of the legislation would be to deprive the States of their constitutional powers.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I care little about this long legal discussion as to the effect of the treaty and at this time what the Supreme Court has done and what the Supreme Court may do, because it seems to me a clear waste of time. This bill should be passed after being properly amended. Section 5 must be properly amended and other slight changes made. I can imagine 40 years ago or 60 years ago the same kind of arguments were made in regard to the protection of the wild game of the West. The buffalo, that was valuable to this country and would be valuable to-day, has been destroyed. The antelope that traversed those plains and mountains of the West by the thousands and tens of thousands, and which could have been sustained there to-day, were ruthlessly destroyed, just like the wild birds are being destroyed to-day, and I suppose the same discussion as to the matter of constitutionality was indulged in by Members of Congress, making fine-spun distinction as to whether or not this would apply there or that would apply to some other case.

But the game is being destroyed just the same; there is no distinction. The same way here to-day. We will waste our time, we will discuss legal features of it, and we all know that the wild game of this country has been and is being destroyed ruthlessly, recklessly, and criminally, and something ought to be done.

Mr. RAYBURN. Will the gentleman yield?

Mr. RAKER. I can not yield at the present time, if the gentleman will excuse me. One condition is presented by this statement:

Not very many years ago vast numbers of waterfowl and shore birds nested within the limits of the United States, especially in the far West, but the extension of agriculture, and particularly the draining on a large scale of swamps and meadows, together with improved firearms and a vast increase in the number of sportsmen, have so altered conditions that comparatively few migratory game birds nest within our limits. The greater part of the supply still remaining, the value of which must be estimated at many millions of dollars, breed largely in the Canadian Provinces and consist of birds that winter within or to the south of the United States and journey back and forth in autumn and spring across our territory.

That a very great number of people in the United States are personally interested in the protection of our migratory wild birds is evidenced by the fact that there are about 5,000,000 sportsmen in this country, and their number is steadily increasing. These men are all dependent upon the continuance of our supply of wild fowl for their sport, and a very large number of them are in consequence taking an active interest in the present treaty. In addition, the value of the proper protection of our migratory insectivorous birds is of the deepest interest to farmers for the practical assistance they give in destroying insects injurious to crops. Furthermore, millions of people in the United States are deeply interested in the conservation and increase of our bird life from an esthetic viewpoint, as well as on account of their practical utility. As a result the number of persons who approve and are deeply interested in the conclusion and enforcement of the present treaty includes many millions. There is no question but that the Federal migratory-bird law and the present treaty for the protection of migratory wild fowl now being negotiated between the United States and Canada are conservation measures of prime importance.

Those who have traveled over the Western States can realize the actual facts in reference to this condition. The swamps that used to extend miles and miles up and down our rivers as the game birds came in the spring and returned in the fall are dried up now. The improvement of guns have been such that they can be reached in all places, and they are slaughtered promiscuously, many of them for the market and shipped away, but many are destroyed just simply for the fun of shooting. The argument is made that this bill is for the sportsman and against the barefoot boy in the country with his old muzzle-loading shotgun. Let me tell you that the boy of this country does not use any muzzle-loading gun. He has the best up-to-date repeating shotgun that the market can afford [applause], and the boy of 10 to 15 years of age can kill more game than the best sportsman—he will beat him 9 times out of 10. So if this is against the boy, there is not anything in it. So the question is whether you are going to protect the wild life of this country, whether you are going to permit these birds to be protected so that they may assist in that way in the protection of the crops, as well as to keep the supply of game birds on hand that the various people throughout the country may have some use of them. There are plenty of places yet, there are plenty of reservations being maintained by the Government, and there are places where they can be provided for:

The treaty is valid. It was negotiated and concluded by the authorities having undisputed power to do so. It has been ratified by both Governments.

The bill as reported has all essential requisites to enforce the treaty.

Its passage is demanded by a sense of patriotic duty to our entire country. By preventing the indiscriminate slaughter of birds which destroy insects which feed upon our crops and damage them to the extent of many millions of dollars, it will thus contribute immensely to enlarging and making more secure the crops so necessary to the support and maintenance of the brave men sent to the battle field by this Republic, to preserve the honor of its flag, and to protect the lives of its citizens wherever engaged in lawful pursuits.

This bill, or one like unto it in all essential features, is demanded by practically all the farmers in our lands, through their different organizations, State and National.

There are approximately 5,000,000 sportsmen in this country who urge prompt action to protect the migratory birds.

Not alone the utility of this measure appeals to many others than farmers and sportsmen, but thousands upon thousands of people—men, women, and children—who have happy memories of their homes made brighter and more attractive by the annual visitation of the robin, the catbird, and other insectivorous birds embraced within the treaty, earnestly request the passage of the bill.

The sentiment of approval is practically universal.

Mr. BLAND. Will the gentleman yield?

Mr. RAKER. In a moment—they can have some care and protection and this promiscuous slaughter can be prevented. I yield to the gentleman from Indiana.

Mr. BLAND. California has an open season from November 1 to January 23.

Mr. RAKER. It depends upon what kind——

Mr. BLAND (continuing). And ducks are there the entire season.

Mr. RAKER. No.

Mr. BLAND. Are they not there the entire season——

Mr. RAKER. California protects its ducks, and intends to protect the wild life of the game so that we will get the highest use of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PLATT. Mr. Chairman, I make the same request, that I may revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. Mr. Chairman, I do not feel like leaving this discussion exactly in the form it was left when the gentleman from Iowa [Mr. TOWNER] had concluded. Ever since this matter has been before the Committee on Foreign Affairs the constitutional question has been to me the most important

one to consider. I am frank to say I think the matter is not at all free from doubt, but I do think the weight of opinion should be on the side of constitutionality, and certainly the purposes of the bill are eminently to be approved. Now, it seems to me the clear assumption must be that by a treaty we can not confer upon Congress authority to legislate on any subject that is exclusively retained to the States by the Constitution; or, to put it the opposite way, we can not by a treaty take from the State any right that the State affirmatively possesses under the Constitution. Or we can not by a treaty confer upon Congress that which is forbidden to Congress by the Constitution, but we can by a treaty, it seems to me, without doubt confer upon Congress power to legislate on a subject which is of national importance which is not prohibited by the Constitution and which is not given specifically to the States by the Constitution. The subject of migratory birds is not in the Constitution, the subject of police power is not in the Constitution, and neither were contemplated by the framers of the Constitution when the wording of that instrument was formed. As a matter of fact, when a country is new the game and fish question is never the important one. There is plenty for the boy who has a gun and rod and for the man of superior intelligence, opportunity, and skill, but as the community becomes thickly settled the question of game and fish becomes important if they are to be preserved at all, and all society has learned without exception that unless it throws safeguards and protection around fish and game they soon will disappear and cease to bless or aid mankind. Now, the subject of migratory birds and the subject of game and fish heretofore has generally been recognized by the Government as belonging to the State, they taking charge of that field in the exercise of the police power of the State. Here, however, we find a situation that the State can not adequately handle. The migratory bird is one that goes from State to State and nation to nation, and it can be reached only, first, by international cooperation, and, secondly, by national legislation covering all States alike. So it seems to me but fair and reasonable inference of all the constitutional considerations that this is a proper subject of the treaty-making power of this Government, and when it has been taken care of by the treaty it then becomes proper for the Congress of the United States by proper legislation to carry out the provisions of the treaty. The jurisdiction is not one specifically reserved to the States by the Constitution; not one specifically forbidden to the Congress by the Constitution; hence is one of the general powers or jurisdictions possessed by the States, and one therefore that may become the subject of the treaty-making power of the National Government, and when a treaty is made legislation by Congress may follow to carry out the terms of that treaty.

Now, I think if the gentleman from Ohio will read carefully the provisions of this bill he will agree with me that they are designed simply to carry out the provisions of the treaty. It is true, as the gentleman from Pennsylvania has stated, that the treaty is in force, but the treaty as it stands in force is valueless because rules and regulations are necessary in order that the treaty may be effective. Consequently this legislation or something similar to it must be enacted. The query then resolves itself to one of whether or not the legislation here goes beyond that which is in the treaty. It seems to me it does not. It seems to me a fair construction of the terms of this bill is that it simply carries out the terms of the treaty, and the terms of the treaty are such as are legitimately within the treaty-making power of the Government. And I think this legislation is on an entirely different footing from that of the migratory-bird bill that has been the subject of some court construction within recent years. The advisability of this legislation can not for a moment be doubted. Many States of the Union, recognizing the importance of protecting the game and fish, have legislated wisely, while some have not. It is most lamentable that some sections of the country have been dead to common decency in the subject of protecting the game that flies across their country. Some sections seem to think that all the birds that fly in the air and all the fish that swim through streams, going from State to State, belong to the little spot where they happen to be found at that time. They do not at all. They are the common possession of humanity and should be allowed to go as nature intended they should go—through the air and along the streams, to benefit and bless mankind. And they will disappear absolutely unless protected in the way this bill aims to protect them.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flights of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President.

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Foreign Affairs if he has any information as to whether or not the regulations which were put into effect, and which were promulgated by the Secretary of Agriculture under the migratory-bird law which is now in force, will be the same regulations that will be put into effect under this bill? That is, will the same zone, or the same classification, or the same season, be incorporated into these regulations that are now in the existing regulations of the department?

Mr. FLOOD. We did not go into detail about that with the gentleman who appeared before the committee, but the general understanding that I got was that so far as the open and closed season and the zones are concerned the regulations will be the same. This is a more far-reaching measure than the present law, and there will be other regulations that are not in the present regulations.

Mr. WALSH. Did the gentleman get any information as to what other regulations might be incorporated into the regulations of the department?

Mr. FLOOD. Just the regulations——

Mr. WALSH. To conform to the treaty?

Mr. FLOOD. To conform to the treaty and the bill.

Mr. WALSH. As I recall it, under the existing regulations, before any change or modification can be secured, the department down here requires some 60 or 90 days to elapse. Now, does not the gentleman think in case of emergency, of great shortage of food, that the department ought to be empowered to suspend the regulations and to permit the householder to shoot one or two birds a week for his own use?

Mr. FLOOD. That is a regulation merely that provides for notice of 60 or 90 days. It is not a law.

Mr. WALSH. I doubt if under the language of this act the department could make such a regulation unless authority is carried herein.

Mr. FLOOD. You mean could make a regulation to give 60 days' notice of changing a regulation?

Mr. WALSH. No. This act prevents people from killing. Now, could they make a regulation under this act to permit that to be done in times of stress or emergency or food shortage?

Mr. FLOOD. Not within the closed season; not within the time specified as the closed season.

Mr. WALSH. Could not such a provision be written into this act?

Mr. FLOOD. No; it could not, because it is in the treaty—the dates of the closed season are fixed by treaty.

Mr. WALSH. The treaty says, under article 7, that "permits to kill any of the above-named birds which under ordinary conditions," and then it says, "may become seriously injurious to the agricultural or other interests in any particular community, may be issued," and so forth. While they would not be seriously injurious to the agricultural or other interests, the prohibition of killing them might be injurious and detrimental to the human family in lessening the supply of food.

Mr. FLOOD. I do not think there could be a change of the closed season on migratory birds, which is fixed in the treaty between March 10 and September 1, except that the season for hunting might be further restricted. I do not think it could be enlarged.

Mr. WALSH. They certainly could shoot the birds during the closed season for scientific purposes.

Mr. FLOOD. Yes. That is provided for.

Mr. WALSH. In article 7 it says they can issue permits to kill them under extraordinary conditions which affect the agricultural interests.

Mr. FLOOD. That is provided for in the treaty. But when you come to kill them for food purposes you must restrict it to the time fixed in the treaty.

Mr. GRAHAM of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. GRAHAM of Illinois offers the following amendment: Page 2, line 21, after the word "determinations," strike out the balance of line 21 and line 22 and insert in lieu thereof the following:

"Such regulations shall thereupon be submitted to the President, and, if approved by him, shall, within 30 days thereafter, be laid before both Houses of Congress, if the same be then in session, or, if not then in session, within 30 days after the first day of the next session thereof. Such regulations shall thereafter become effective and shall be printed under proper caption in the next succeeding volume of the Statutes at Large."

Mr. GRAHAM of Illinois. Mr. Chairman, I mentioned when I was discussing this matter in the general debate, that I thought one of the principal defects of this bill was the fact that sufficient notice was not given to the public at large of these regulations in consideration of the drastic penalties that were provided by the act.

If this act passes—and I presume it will, in spite of any protests to the contrary—there ought to be some safety provision so that there might be adequate publication of the provisions of these regulations from time to time. The provision which I have asked to have inserted as an amendment is copied almost verbatim from a similar act passed in Canada. I have in my hand a certified copy of the Canadian act, which I got from the Department of State, and I submit it herewith, calling special attention to Article IV of the act and the following provision, subsection 3:

[Bill 92, as passed by the House of Commons, 21 July, 1917. 7th sess. 12th Par., 7–8 George V, 1917. The House of Commons of Canada.]

An act respecting a certain convention between His Majesty and the United States of America for the protection of migratory birds in Canada and the United States.

Whereas on the 16th day of August, 1916, a convention was signed at Washington respecting the protection of certain migratory birds in Canada and the United States, and ratifications were exchanged at Washington on the 7th day of December, 1916; and

Whereas it is expedient that the said convention should receive the sanction of the Parliament of Canada and that legislation be passed for insuring the execution of the said convention: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This act may be cited as "The migratory birds convention act."

2. The said convention of the 16th day of August, 1916, which is set forth in the schedule of this act, is hereby sanctioned, ratified, and confirmed.

3. In this act and in any regulation made thereunder, unless the context otherwise requires (a) "close season" means the period during which any species of migratory game, migratory insectivorous, or migratory nongame bird is protected by this act or any regulation made under this act; (b) "migratory game birds" means Anatidæ, or waterfowl, including brant, wild ducks, geese and swans; Gruidæ, or cranes, including little brown, sandhill, and whooping cranes; Rallidæ, or rails, including coots, gallinules and sora, and other rails; Limicolæ, or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs; Columbidæ, or pigeons, including doves and wild pigeons; (c) "migratory insectivorous birds" means bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nuthatchers, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects; (d) "migratory nongame birds" means auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murrers, petrels, puffins, shearwaters, and terns; (e) "minister" means the minister of the interior; (f) "regulation" means any regulation made under the provisions of section 4 of this act.

4. (1) The governor in council may make such regulations as are deemed expedient to protect the migratory game, migratory insectivorous, and migratory nongame birds which inhabit Canada during the whole or any part of the year.

(2) Subject to the provisions of the said convention, such regulations may provide (a) the periods in each year or the number of years during which any such migratory game, migratory insectivorous, or migratory nongame birds shall not be killed, captured, injured, taken, molested, or sold, or their nests or eggs injured, destroyed, taken or molested; (b) for the granting of permits to kill or take migratory game, migratory insectivorous and migratory nongame birds, or their nests or eggs; (c) for the prohibition of the shipment or export of migratory game, migratory insectivorous, or migratory nongame birds or their eggs from any province during the close season in such province, and the conditions upon which international traffic in such birds shall be carried on; (d) for the prohibition of the killing, capturing, taking, injuring, or molesting of migratory game, migratory insectivorous or migratory nongame birds, or the taking, injuring, destruction, or molestation of their nests or eggs, within any prescribed area; (e) for any other purpose which may be deemed expedient for carrying out the intentions of this act and the said convention, whether such other regulations are of the kind enumerated in this section or not.

(3) A regulation shall take effect from the date of the publication thereof in the Canada Gazette, or from the date specified for such purpose in any regulation, and such regulation shall have the same force and effect as if enacted herein and shall be printed in the prefix in the next succeeding issue of the Dominion Statutes and shall also be laid before both Houses of Parliament within 15 days after the publication thereof if Parliament is then sitting, and if Parliament is not then sitting, within 15 days after the opening of the next session thereof.

5. (1) The minister may appoint game officers for carrying out this act and the regulations and may authorize such game officers to exercise the powers of justice of the peace or the powers of a police constable. Such persons shall hold office during pleasure and shall have, for the purposes of this act and the said convention, such other powers and duties as may be defined by this act and the regulations.

(2) Every game officer who is authorized by the minister to exercise the powers of a justice of the peace or of a police constable shall, for all the purposes of this act and the regulations, be ex officio a justice of the peace or a police constable, as the case may be, within the district within which he is authorized to act.

(3) Every such game officer shall take and subscribe an oath in the form following, that is to say:

"I, A. B., a _____ of _____ do solemnly swear that to the best of my judgment I will faithfully, honestly, and impartially fulfill, execute, and perform the office and duties of such _____ according to the true intent and meaning of the migratory birds convention act and the regulations made thereunder. So help me God."

6. No one without lawful excuse, the proof whereof shall lie on him, shall buy, sell, or have in his possession any bird, nest, or egg, or portion thereof during the time when the capturing, killing, or taking of such bird, nest, or egg is prohibited by law.

7. All guns, ammunition boats, skiffs, canoes, punts, and vessels of every description, teams, wagons, and other outfits, decoys and appliances of every kind, used in violation of or for the purpose of violating this act or any regulation, and any bird, nest, or egg taken, caught, killed, or had in possession in violation of this act or any regulation may be seized and confiscated upon view by any game officer appointed under this act or taken and removed by any person for delivery to any game officer or justice of the peace.

8. Any game officer appointed under this act who violates this act or any regulation, or who aids, abets, or connives at any violation of this act or of any regulation, shall be liable, upon summary conviction before any recorder, commissioner of police, judge of the sessions of the peace, police stipendiary, or district magistrate or any two justices of the peace to a penalty not exceeding $500 and costs or six months' imprisonment and not less than $100 and costs or three months' imprisonment.

9. Any person who assaults, obstructs, or interferes with any game officer or peace officer in the discharge of any duty under the provisions of this act, or of any regulations, shall be guilty of a violation of this act.

10. Any person who willfully refuses to furnish information or willfully furnishes false information to a game officer or peace officer respecting a violation of this act or of any regulations, the existence of or the place of concealment of any bird, nest, or egg, or any portion thereof captured, killed, or taken in violation of this act or of any regulation shall be guilty of a violation of this act.

11. Any game officer or peace officer may enter any place or premises in which he has reason to believe there exists migratory game, or migratory insectivorous, or migratory nongame birds, nests, or eggs, or any parts thereof, in respect of which a breach of this act or of the regulations may have been committed, and may open and examine any trunk, box, bag, parcel, or receptacle which he has reason to suspect and does suspect contains any such bird, nest, or egg, or any part thereof.

12. Every person who violates any provision of this act or any regulation shall, for each offense, be liable upon summary conviction to a fine of not more than $100 and not less than $10, or to imprisonment for a term of not exceeding six months or to both fine and imprisonment.

I have substituted "30 days" in order to give more time. Now, the idea of my proposition is this, Mr. Chairman: If these matters are laid before Congress in the way of a report by the department that has this matter in charge it will require no action by Congress, and every individual Member of Congress will have notice of these regulations. They will be printed, no doubt, in the Journal or the RECORD covering this proceeding, and every Member of Congress will know that such a regulation has been put in force, and he can advise his constituents if there are inquiries about the matter.

In addition, if the matter is noted in the next volume of the Statutes at Large there would be notice to the country, the same as in the case of any other statute that has become effective throughout the United States. I think this provision ought to be adopted.

Mr. FLOOD. What is that the gentleman is reading from?

Mr. GRAHAM of Illinois. From the Canadian act.

Mr. FLOOD. Putting this treaty into effect?

Mr. GRAHAM of Illinois. Yes. I have it here.

Mr. FLOOD. And the provisions go into effect when?

Mr. GRAHAM of Illinois. This act was the act of the 21st of July, 1917, bill No. 92 in the Canadian Parliament.

Mr. FLOOD. When does that go into effect?

Mr. GRAHAM of Illinois. I think that is in effect now.

Mr. FLOOD. This provision that the gentleman read did not delay its going into effect?

Mr. GRAHAM of Illinois. No. It simply provides for a method of publication. This is the act itself that puts into effect the provisions of the treaty in Canada that I am quoting from, and it is a similar provision that I insist ought to go into our act that we are passing now, if it is going to be passed.

Now, I want to call the attention of the House to the fact of that matter of publication, and that the consent of the various parts of Canada was sought to be obtained before the passage of this act through the Canadian Parliament—a thing which I dare say has not been attempted to be done in the United States. The statement has been made by the chairman of the committee that the game departments in many of the States of the Union have been talked to about this matter, and that they have consented, to some extent, to it. I think that so far as any action by the States themselves in concerned, there has been nothing of the kind attempted here. I want to quote to the House from the debates of the House of Commons in Canada some small portions of what the argument was there.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Illinois [Mr. GRAHAM] be extended 10 minutes. Is there objection?

Mr. PLATT. Mr. Chairman, will the gentleman yield for a question?

Mr. GRAHAM of Illinois. Yes.

Mr. PLATT. What is the date of the act the gentleman is quoting from?

Mr. GRAHAM of Illinois. July 21, 1917.

Mr. PLATT. The Canadian act is the act of August 29, 1917. I have it here.

Mr. GRAHAM of Illinois. I have a certified copy here from the Secretary of State, printed with Mr. Lansing's certificate attached. I insert it in the RECORD.

Mr. MILLER of Michigan. Are the 10 additional minutes desired for the purpose of discussing the gentleman's amendment?

Mr. GRAHAM of Illinois. Yes; in connection with the publication feature.

Mr. MILLER of Minnesota. Will not the gentleman modify that and make it five minutes?

Mr. GRAHAM of Illinois. If I can quote what I wanted to quote, all right. But I have tried to get more time in the general debate and could not.

Mr. MILLER of Minnesota. Many of us who were anxious to take part in the general debate did not talk at all. We do not want to restrict the gentleman from reading anything.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. I will try to read it in a shorter time.

This bill came up in the House of Commons in Canada first on the 21st of June, 1917. I have obtained, at considerable trouble, the debates that were had in the Canadian House and Senate at that time. I want to quote what Mr. Roche, who offered the bill and stood sponsor for it, said in the House of Commons when he introduced it. He said:

This bill is the result of a treaty that was entered into between His Majesty and the United States Government a few months ago for the better protection of migratory birds. It was found that migratory birds, both game birds and insectivorous birds, that migrate from the United States to Canada, and vice versa, have become very much reduced in numbers owing to the laxness and nonenforcement of game laws, and because some of the States, as well as some of the Provinces of Canada, had not sufficiently effective game laws. It was therefore decided that the only possible way in which these birds could be properly protected was by a treaty between the two countries. Such a treaty was entered into which has been assented to by the various States that have jurisdiction over the game laws in the United States, and by the various Provinces that have jurisdiction over the game laws in Canada.

You see what he is stating to the House of Commons, that these treaty provisions had been agreed to by the various States of the Union.

Mr. PLATT. That is true, as the gentleman knows. Nearly all the States have passed this exact provision.

Mr. GRAHAM of Illinois. I know better. I know that it has never been proposed in my State at all. It has never been proposed in the State of Indiana or in the State of Iowa, to my knowledge.

Mr. PLATT. Has the gentleman ever seen that statement covering all the game laws of the various States?

Mr. GRAHAM of Illinois. I do not yield further. I read:

There is to-day a bill before Congress giving effect to the treaty so far as the United States is concerned, and this bill takes similar action with regard to Canada.

I want to quote again from the proceedings in the house on the 21st of July. Mr. Roche, quoting from page 3805, says:

The draft of the treaty was submitted to all the provincial legislatures and approved. The treaty itself, after it was signed, and the bill were also submitted to the provincial legislatures.

He means the provincial legislatures of Canada. That act was submitted to the provincial legislatures in Canada, every one of them, and has been approved. It has not been done in this country. I read further:

Some of the provincial legislatures have adopted legislation approving the steps taken in this respect and have passed their game acts in accordance with the conditions of the treaty. Others have promised to do so at the next session.

Sir Wilfrid Laurier took part in the debate, and discussed this legislation; and on page 3806 of the House of Commons debate I find a quotation from a letter written by Mr. Loggie, deputy commissioner of lands and mines of the Province of New Brunswick, as follows:

It appears that the laws now in force in this Province for the protection of birds and game embrace almost everything included in the convention proposed, and very little change would be required if a convention were adopted.

I note—

Says the minister—

that the constitutionality of the act of March 4, 1913, passed by the United States Congress was doubtful; whether this question has been settled by the courts I do not know. A similar difficulty will be found in legislating in Canada. The laws upon this subject come within the jurisdiction of the different Provinces.

But in Canada they submitted them to the Provinces before this act was passed by the Canadian House and Senate.

I come now to the debates of the Canadian Senate, and I call attention to what was said there.

Mr. FLOOD. Does the gentleman say it was submitted to all of the Provinces of Canada?

Mr. GRAHAM of Illinois. The gentleman says so in the debate.

Mr. FLOOD. Some of the Provinces of Canada had not acted upon it.

Mr. GRAHAM of Illinois. But they had promised to act upon it.

Mr. FLOOD. All of the Provinces had not approved.

Mr. GRAHAM of Illinois. It had been submitted to them, and some had acted and some had promised to act. Now I call attention to the proceedings of the Senate of Canada, and I quote from the senate debate of July 26, 1917, on page 371:

Hon. Sir James Lougheed moved the second reading of bill 92, an act respecting a certain convention between His Majesty and the United States of America for the protection of migratory birds in Canada and the United States. He said—

I wish gentlemen would notice what he said—

He said: "According to the title of the bill, its purpose is the protection of migratory birds in Canada and the United States. That is the subject matter of a convention between the Governments of the United States and Canada. The subject matter was, I understand, submitted by the United States authorities to the different State governments, and likewise by this Government to the different provincial governments. Consequently there is an explicit arrangement among the different States of the Union and the different Provinces of Canada, who exercise authority in matters of game protection, that this convention should be ratified by the Governments of the United States and Canada."

I tell you, gentlemen, this bill is not getting the consideration here that it got in Canada, nor is it getting consideration by the States of this Union.

Mr. TEMPLE. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. TEMPLE. The gentleman knows that the speaker whom he quoted as saying these things in the Canadian Parliament was wrong when he said this matter had been submitted to the States of our Union.

Mr. GRAHAM of Illinois. Yes.

Mr. TEMPLE. Does the gentleman know that he was right when he said it had been submitted to the Provinces of Canada?

Mr. GRAHAM of Illinois. I think he would have a better chance to know whereof he spoke as to Canada than he would as to the United States, because he was a member of the Canadian Senate and presumably spoke with due knowledge of what he had in mind.

Now, to resume my argument about this amendment, I think it should be adopted. If this bill is to pass, there ought to be some provision made at least to notify the people of the States of this Union what the provisions of this act are. It will be a simple safety provision, it is true, printed in the Statutes at Large that lawyers have in their libraries, and by reference thereto they can find what the regulations are. It will be submitted to the Senate and House not for action, but at least for reference, and in view of the fact that it has never been submitted to the various States of the Union, as I think it should have been, and as it should be before becoming effective, I think this amendment of mine ought to be adopted and this provision written into the bill.

Mr. FLOOD. Mr. Chairman, I hope the committee will not adopt this amendment. It is somewhat different from the provision of the Canadian law, and it may delay the time when this law and the regulations promulgated under it will go into operation. Congress may not be in session and the regulations will lie here until Congress meets again. That was not the case with the Canadian statute.

Mr. GRAHAM of Illinois. I will agree to 15 days or 10 days or anything.

Mr. FLOOD. That will do no good if Congress is not in session. Why not let these regulations go into effect? Many of them are in effect now, and have been in effect for some years, and this is simply an effort to delay the enactment of this law and the enforcement of the regulations which the Department of Agriculture adopts under this law. The gentleman says the States have not been consulted and that the people have not been notified. Ratifications of this treaty were exchanged on the 7th of December, 1916. The people all over the country know about this treaty and this law. Since the 7th of December, 1916, the game departments of 40 States in this Union have approved this treaty and approved this legislation, and the Game Wardens' Association of the country has approved it. They certainly will take the trouble to let the people of their States know of these regulations as soon as they go into effect. I do not think there is any danger of the people being surprised in this matter. I know there is no danger of the Department of Agriculture undertaking suddenly to enforce regulations and penalties under those regulations. The spirit of the Department of Agriculture from the very beginning of this character of leg-

islation has been to try to agree with the State game officials and the State authorities, and I am assured by these gentlemen that that is going to be their future purpose. They are not going to undertake to put into effect a drastic regulation and punish people under it until they give an opportunity to the people to acquaint themselves with the regulations. The present regulations provide that before there shall be a change there shall be, I believe, 90 days' notice given to the country. [Applause.]

Mr. PLATT. As a matter of fact, these regulations will be published in a farm bulletin, which every Member of Congress can get and send to his constituents, will they not?

Mr. FLOOD. They will all be published by the game department of every State, and there is no doubt that the people will be informed about it. This amendment would only obstruct the act.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WALSH. The gentleman states that these regulations have been approved by the game departments of the various States?

Mr. FLOOD. I said this bill and this treaty had been approved.

Mr. WALSH. How long since the game departments had legislative functions?

Mr. FLOOD. The gentleman from Illinois alluded to the Provinces and the States consenting. The consent referred to is the consent of the game departments of the States. None of them indorsed this legislation by State legislative enactment, and neither has this been done in the Canadian Provinces.

Mr. WALSH. You substitute them for the legislature.

Mr. FLOOD. No, I do not; but that is what they mean by the consent here spoken of.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. STAFFORD. I ask unanimous consent that the amendment may be again read.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Virginia a question, not upon the bill but upon the treaty, if he will permit. I direct the gentleman's attention to article 3:

The high contracting powers agree that during the period of 10 years next following the going into effect of this convention there shall be a continuous close season on the following migratory game birds, to wit:

Band-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shore birds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs).

After the parenthesis there is this proviso:

Provided, That during such 10 years the close seasons on cranes, swans, and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this convention for the respective groups to which these birds belong.

Does the gentleman happen to know why that Province was singled out?

Mr. FLOOD. I do not know.

Mr. BLAND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 22, after the word "President," insert the following: "*Provided, however*, That no regulation or rule shall be made by the Secretary of Agriculture which will not give at least two months' open season for ducks and geese during flight, either in the spring or fall, if permitted by State law."

Mr. BLAND. Mr. Chairman, the old-time advocate of the doctrine of State rights must take to his heels when such a law as this comes along. It certainly goes further than any piece of legislation that I know of, at least any coming before this Congress, either this or the last session. You take away the last vestige of the rights of the States on the question at hand. This law will permit one man who may be a bug on some subjects, who may be a one-idea man, to absolutely determine in every State of this Union when they can hunt and when they can not hunt. It is a dangerous precedent.

Mr. FLOOD. What time does the gentleman state the migratory ducks go through Indiana?

Mr. BLAND. Spring and fall.

Mr. FLOOD. What time under the State law do you shoot them?

Mr. BLAND. At present we kill them in the fall.

Mr. FLOOD. What time in the fall?

Mr. BLAND. From November to January.

Mr. FLOOD. That is the time they pass through?

Mr. BLAND. No; not always, and unfortunately you can not kill them when the water is low. You want to float down the river to kill ducks in my district when the water is high; the ducks are in the willows and you can get near them, and when the water is low the ducks are in the middle of the river, and they can see a long distance. Therefore we want to kill ducks in the spring when the water is high. I want this law defeated for the benefit of the boy who wants to kill a few ducks each year. He is as much entitled to them as the rich fellow who can go south.

Mr. FLOOD. Does the State law permit the spring killing of ducks?

Mr. BLAND. I think the propaganda spoken of here succeeded in a recent legislature in having the game warden recommend the passing of a law preventing the spring shooting of ducks. Our game warden is appointed and not elected.

Mr. FLOOD. And the legislature passed it?

Mr. BLAND. I am not sure, but think so.

If you men pass this law, you put it in the hands of the Secretary of Agriculture to say that we shall have neither a spring nor a fall season.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GREEN of Iowa. I ask unanimous consent that the gentleman may proceed for five minutes further.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLAND. And this gentleman in whom you are putting this power to determine whether anyone shall have the right to kill ducks or geese in Indiana may act upon such misinformation as the gentleman from Minnesota gave me a while ago when he said that over in Indiana and Illinois and Kentucky the boys were guilty of pot shooting—so much so as to make this law necessary. I resent that as a slander upon those States, and I would like to see the evidence. In the first place, anyone who knows about the situation, or anybody that gives it careful thought, or anybody that takes time to inquire, would know that there is not the opportunity for pot shooting there that there is elsewhere, and as I said a moment ago——

Mr. MAYS. Mr. Chairman, will the gentleman yield?

Mr. BLAND. Not now. As I said a moment ago, you have the opportunity to pot shoot most where there are the most ducks, and the laws of Florida permit you to kill 300 ducks in a season, and you can go down there and spend three days and kill 100 ducks in a day, and if you do that you sure have the chance to do some pot shooting.

Mr. FLOOD. Mr. Chairman, will the gentleman yield for a statement?

Mr. BLAND. Not now. Do you want to refuse us the right to shoot them as they fly over in order to give you fellows an opportunity to load up your guns and go down to Florida and spend your money and time and bring back 300 ducks? I am for the little duck hunter at home rather than the big duck hunter who can go where the poor fellow can not go. He needs the meat more and enjoys the sport just as much.

Mr. FOCHT. And in addition to that they allow them to fly over Pennsylvania and Indiana and go south where they allow them to shoot them, as you can not drive them out of that State.

Mr. BLAND. Talk about this being a food measure! That is all rabbit tracks. There is no such thing as food conservation about it, as applied to the Middle West, where you only get a chance to shoot at one or two of them, and this law will never be used to prevent killing big bags in the duck's winter quarters. There is something wrong about this. They ring in all the fellows who are interested in the redbirds and the woodpeckers, and so forth, to talk about the beautiful songs of birds at eventide, when all they are driving at is to stop the shooting of ducks and geese as they fly over the Middle West in order to save them for the resorts.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. BLAND. Yes.

Mr. KINCHELOE. I want to ask for information whether the administration of the game warden in Indiana for the preservation of game is satisfactory and a success.

Mr. BLAND. The last account I have of the game warden of Indiana he was a good Democratic friend of mine, and I think he is the same fellow yet.

Mr. KINCHELOE. Then he ought to be a good one.

Mr. BLAND. And he administers the laws as they are on the statute books, and he sometimes gives information to the legislature that is very valuable, but oftentimes, in my opinion, he is affected by this propaganda which is being carried on around here by these resort fellows, and he gives the legislature the wrong advice.

Mr. KINCHELOE. I am not talking about his legislation. Is his administration meeting with the approbation of the people of Indiana who want the game preserved?

Mr. BLAND. The law that this Congress passed sometime ago does not meet the approbation of the people of Indiana, and they are up in arms about it. If I remember correctly, my predecessor voted and spoke against it, and he was right. Last fall we could not shoot ducks, by reason of some understanding about the Federal law, and, believe me, the people of Indiana were much dissatisfied, and they will hold responsible any man, especially from the Northwest, who votes in favor of permitting any one man to determine whether we shall kill duck in the spring and the fall. This amendment that I propose says that we shall have either spring or fall shooting during two months, if the State law permits. We are willing to abide by the decision of the State law, and if we don't like it we will repeal it.

Mr. MAYS. Mr. Chairman, will the gentleman yield?

Mr. BLAND. Yes.

Mr. MAYS. I have the provisions of the Indiana State law in respect to shooting ducks, and find that the gentleman may shoot ducks from September 16 to December 31. Is not that sufficient time.

Mr. BLAND. That does not permit any spring season——

Mr. MAYS. By the gentleman's own laws——

Mr. BLAND. Does the gentleman want me to answer the question?

Mr. MAYS. To answer the question.

Mr. BLAND. I will answer the question which he asked me. We only have about two weeks of fall shooting and sometimes shorter than that, depending upon how cold it gets up North, driving them South.

The climate determines the length of flight in the fall, and sometimes we have only a week, and sometimes the ducks do not stop at all, and all this open season from September to December does not do us any good unless it extends to the spring season.

Mr. MAYS. The laws of the gentleman's own State do not permit him to shoot ducks in the spring.

Mr. BLAND. I have answered that statement several times.

Mr. MAYS. Then the gentleman is against the laws of his own State.

Mr. BLAND. I am criticizing the proposed law that will permit some one to close both the spring and the fall shooting, and that is what this law does.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FLOOD. Mr. Chairman, this amendment does not seem to me to accomplish anything from the reading of the amendment and the explanation of the gentleman from Indiana. It seems to me to be the result of an organized filibuster against this bill. The gentleman has heard it stated here several times that we can not pass a law under this treaty that will lessen the restrictions of a State law. He proposes an amendment the purpose of which is to violate a State law by permitting a lot of people to shoot ducks in the spring.

Mr. BLAND. If the gentleman will yield, I am quite sure the gentleman does not mean to say that my amendment does that. It simply says the Secretary shall not adopt any rule that goes against the law that permits in Indiana both an open season—either in the spring or fall. That is different from the gentleman's statement——

Mr. FLOOD. The gentleman says this prevents it both fall and spring——

Mr. BLAND. It might do so if the Secretary thought proper——

Mr. FLOOD. So far as Indiana is concerned, then, the amendment would have no effect, because Indiana only has a shooting season in the fall for ducks from September 16 to December 31.

Mr. BLAND. No; the gentleman is incorrect there, if the gentleman will pardon me. The gentleman stated, so far as the amendment was concerned the amendment would have no effect. It would prevent the Secretary of Agriculture from adopting a rule closing both the spring and fall seasons.

Mr. FLOOD. The Secretary of Agriculture has no idea of doing that.

Mr. BLAND. He has power to do it; that is what I am objecting to.

Mr. FLOOD. He has no power to do it under this treaty. The treaty fixes the close season; therefore it leaves the rest of it the open season. The Secretary of Agriculture can limit to a great extent the open season, but he can not make a close season as to ducks. He is bound to have three and one-half months, and the open season for ducks is fixed by the treaty, so that the amendment would accomplish nothing so far as Indiana is concerned, and I hope the amendment will be voted down.

Mr. BLAND. Will the gentleman yield for a question?

Mr. FLOOD. Yes; I will yield.

Mr. BLAND. The gentleman finally in his speech contradicted what he originally said by saying that the effect of the amendment would be to permit the Secretary of Agriculture to do something that he would not otherwise do.

Mr. FLOOD. I was not discussing the amendment; I was discussing the treaty.

Mr. BLAND. Well, it permits him to have a close season both spring and fall——

Mr. FLOOD. It does not do any such thing; the treaty provides——

Mr. BLAND. I mean the law; I suspect the gentleman is right.

Mr. FLOOD. The law can not violate the treaty.

Mr. BLAND. Read section 3.

Mr. FLOOD. It has to be in accord with the treaty, and the Secretary of Agriculture can not adopt a regulation in violation of that treaty.

Mr. FOCHT. Mr. Chairman, I assume the object of this measure is, if possible, to conserve the game of this country. That is the ultimate purpose. So far as Pennsylvania is concerned, we need no such law. As chairman of the fish and game committee of the State Legislature of Pennsylvania many years ago I had the honor to be the author of the first piece of State legislation, I believe, in the United States which went to the extent of preventing the shipment of game out of the State. This measure allows hunters to shoot but one deer and one wild turkey a year, and does not allow them to ship under any circumstances game from the State. Now, while there may be States that need further protection, and while I would like to vote for this bill because it has certainly in view the accomplishment of that purpose, I do not like this method, gentlemen, when I know what we have done in Pennsylvania through the instrumentality of our own legislature, and I am here to say to you that I reject and resent the statement that any Secretary of Agriculture has any more common sense about making a game law for Pennsylvania, Indiana, Virginia, or Maryland than the legislatures which represent the people themselves. [Applause.] I found many cranks and people utterly lacking in common sense who had little conception of the habits of birds, of their migratory habits, calling themselves experts. There was one in Pennsylvania at the time we had this beneficent law passed, and he opposed my bill. If you go to McCalls Ferry, you will see a sample of what one fish "expert" of Pennsylvania did when he built a fishway there which no shad could ever go over unless he had wings. It was the same thing at Clarks Ferry, above Harrisburg. Another fishway was built there that stands high in the air, presumably to allow shad to go north. Now, I have not heard any gentleman dwell upon this point, that in migration these birds pass over the States of Maryland, Indiana, and so forth, going north, where they gather them in up in that country, and in the fall, when they go south, they get them at the other end, and thus we are not allowed to take our toll out at all in their migration. It is evident to my mind that this bill is not designed so much to protect the insectivorous birds and benefit the huntsman of the masses as it is to facilitate the incursions of the exclusive hunting clubs.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. FOCHT. I will.

Mr. MILLER of Minnesota. At the time they are north, of which the gentleman speaks, it is the close season, always.

Mr. FOCHT. They are not allowed——

Mr. MILLER of Minnesota (continuing). And they are protected every hour during the time the gentleman mentions.

Mr. FOCHT. Who is to determine that?

Mr. MILLER of Minnesota. Heretofore it has been by the State authorities, and by this it will be by cooperation between the State and Nation.

Mr. FOCHT. I would rather by far have the people themselves determine the open and close season than the uncertainty of the judgment of any single man who may become the Secretary of Agriculture.

In other words, it gets back to me that if there was anything that I really gave you gentlemen of the South credit for and that was anywhere near consistent, it was the upholding of the sovereignty of the State, but you are departing from it again and again, and here you are submitting this question to one man, who may be a crank on this particular subject. No one can answer and tell me why the States of Pennsylvania, New York, Indiana, and Ohio, through their legislatures, can not better regulate the open season for game than the possibly prejudiced Secretary of Agriculture. We have the cock robin protected in Pennsylvania, but he goes down to Florida, Georgia, and South Carolina and is slaughtered by the tens of millions for food.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINCHELOE. Mr. Chairman, the gentleman from Pennsylvania [Mr. FOCHT] in his argument wants to leave it to the States, and takes some of us gentlemen down the road for not standing for State rights, and he says that this obliterates that proposition. If that is true, the gentleman ought to be for it, because he has been against State rights for many years.

Mr. FOCHT. Oh, no; I was against secession and treason and not against the right of State sovereignty. I was against your going out of the Union.

Mr. KINCHELOE. I was for State rights as expounded by the Federal Constitution, a thing evidently the gentleman knows nothing of. I want to show you the folly of his argument as to leaving it to the States. The gentleman from Indiana [Mr. BLAND] admits that the game warden in his State is not enforcing the law. I am from a State that has a State warden, and I say it without State pride, that does enforce the law. I am across the river from the State of the gentleman from Indiana, and the topography of my district is the same as that of southern Indiana, so that if we carry out the argument of the gentleman from Pennsylvania [Mr. FOCHT], there are pot shooters in the gentleman's district in Indiana shooting all they can, while in my State, where the law is absolutely enforced, they are not allowed to shoot. That is the consistency of the laws of the two States.

Mr. BLAND. Where does the gentleman get the information that they do not enforce the law in Indiana?

Mr. KINCHELOE. I got it by my question to him, in answering which he intimated that they were not enforcing the law. I asked the gentleman, "Are they enforcing it in your State"——

Mr. BLAND. We are enforcing that law, but we have had to obey this Federal law.

Mr. KINCHELOE. If they are enforcing it, you ought to be for it, because the State wardens of practically every State in this Union have indorsed this bill. The game warden of Kentucky was before the committee. He is one of the strongest game wardens in the United States, as every member of the Foreign Affairs Committee will admit. He was against the bill as originally drawn, that the Audubon Society was for, because he said the game wardens were not taken into consideration in the enforcement of the same, and he said if you did not give the game wardens some part in the enforcement of this law it would never be enforced. Since the committee of the House has amended it I have received a letter from him, in which he says he is much in favor of it, because it does give the game wardens the right under these rules and regulations to see that it is enforced, and therefore it will be a complete success; and the State wardens in convention assembled in Detroit—and I have a copy of the resolutions here—have unanimously indorsed it; and therefore this contention between the Audubon Society and the game wardens, as it existed in the original bill, has been obliterated by reason of the amendment in this bill proposed by the Committee on Foreign Affairs of the House. If you want the pothunters to disregard this solemn treaty we made with Canada and kill these migratory birds and stop their propagation, then you want to vote against this bill. If you want this law enforced and these birds not only propagated but protected, give the game wardens under this bill the power and the right to administer this law; and when you do it they will be protected like they are in Kentucky, whether it is enforced in Indiana or not. I hope the gentleman from Indiana is right when he says that they are enforcing it there, because we are together so far as the enforcement is concerned.

We have fall shooting in Kentucky. We had more duck shooting there last season than in any other season in the State; and the game warden says in this letter that if you will leave it to the game wardens they will enforce it and have open shooting enough for everybody. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, one of the favorite arguments of the gentleman from Virginia [Mr. FLOOD] and one not entirely conclusive, to my mind, is to say to the gentlemen upon the other side that they have not read the bill. He has used that argument to-day and he has used it on different occasions. In view of the frequency with which the gentleman is inclined to make that statement, I suggest that whether or not the gentleman has read the treaty to which he has made reference, that he read it again in order that he may get the terms of it correct. He stated a moment ago that the treaty provided that there should be three months and a half of open season. On the contrary, it provided that there should not be to exceed three months and a half open season, which is a very different proposition. So far as the treaty is concerned there may be no open season whatever. In fact, the Secretary of Agriculture may make it as short as he desires, but it can not exceed three and a half months. For that reason I think the amendment of the gentleman from Indiana ought to be adopted. Under it the open season could not be less than three months.

But I did not rise to speak upon that feature so much as upon another matter which has been brought up here, and that is the question of State rights, which generally crops out when bills of this kind are brought before the House. It is a singular feature of this discussion that gentlemen upon the other side, many of whom were so insistent when the child-labor bill was before the House that some of the rights of the States were going to be violated by the provisions of that bill and opposed it on that ground, are now most enthusiastically in favor of the rights of the States being thrown to the winds when it comes to the preservation of birds. The purpose is perhaps commendable, but consistency is lacking.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. But when the children were concerned their rights were not so important as those of the States. Now I yield to the gentleman.

Mr. AYRES. Was not the same thing shown on that side of the House as well as on this side when it came up on the question of woman suffrage?

Mr. GREEN of Iowa. The gentleman is in error. That was not a matter of State rights. It was a question of the rights of the ladies rather than of the rights of the States.

Mr. AYRES. Was not that argument used on both sides of the aisle?

Mr. GREEN of Iowa. I do not think it was. I did not hear it on this side. Most of us supported the amendment.

Mr. AYRES. I think it was.

Mr. GREEN of Iowa. Now, Mr. Chairman, I am not so particularly concerned about the general principle of State rights being preserved as I am about the substantial rights of the States being preserved. If those rights were preserved by the regulations made by the Department of Agriculture in this matter, I would not have any opposition to this bill. But, as gentlemen have very well said, here is one man that is given the whole authority to determine just how much shooting shall be done in each State. Apparently he takes no counsel from the States themselves. They have nothing to say about it. I know of no instance where such an autocratic power has been given in any other matter, and I know of no other kind of legislation where we would think of creating one. Why it should be done in this particular instance I do not understand.

The gentleman from Indiana [Mr. BLAND] has offered this amendment, which limits the powers of the Secretary of Agriculture to a slight degree.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. With pleasure.

Mr. MILLER of Minnesota. Just how valuable would this bill be if the amendment of the gentleman from Indiana should be adopted?

Mr. GREEN of Iowa. What substantial difference does it make? I do not think the gentleman has it in mind correctly.

Mr. MILLER of Minnesota. It destroys the bill absolutely, completely, entirely, and perfectly.

Mr. BLAND. It only applies to ducks and geese. You have been talking about birds and insect feeders.

Mr. GREEN of Iowa. The gentleman from Minnesota has a peculiar understanding of the amendment. The amendment, as I read it—and the gentleman from Indiana will correct me if I am in error—simply provides in effect that there shall be an open season for at least two months.

Mr. MILLER of Minnesota. The gentleman's amendment provides that before any rules or regulations can be adopted they must be acquiesced in by the respective States.

Mr. BLAND. That is not in the amendment at all.

Mr. GREEN of Iowa. Really I shall have to ask our friends who are supporting the bill, not only to read the treaty, but to listen, just a little occasionally, to the reading of the amendments. The gentleman is talking about something else altogether.

Mr. MILLER of Minnesota. Acknowledging the facetiousness of the remarks of the gentleman from Iowa, I beg to state that in the confusion and babel of voices incident to the discussion of this bill I think I distinctly heard a provision read in one amendment requiring the submission of these rules and regulations to the States, and providing that no rule or regulation should be adopted contrary to State laws.

Mr. BLAND. I think the gentleman's recollection as to that is as erroneous as his recollection about pothunters in Indiana.

Mr. GREEN of Iowa. What the gentleman heard was part of another amendment. How correctly his remarks apply to it I will not undertake to say.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SMALL. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Indiana, but I wish to make a few observations on the bill, as a whole.

Mr. Chairman, I am in favor of this bill, and ordinarily I would content myself with registering my vote for it. I live in eastern North Carolina, where there are numerous sounds and rivers upon which there is an abundance of game. In fact, in my congressional district is the section tributary to what is known as the Currituck Sound, where the finest duck in the United States prevails, formerly in abundance, but in later years in diminishing numbers. I refer to the canvas-back duck. There they come to their greatest splendor and perfection and their most luscious condition. Hunters from all over the United States, who are genuine sportsmen and not pothunters, repair to that section during the winter season. I see before me the distinguished gentleman from New Jersey [Mr. HUTCHINSON], who spent a short time there during the recent winter.

Now, this migratory game law, which has been in effect during the past few years, has met with some opposition among the people of my district and of eastern North Carolina. When its enforcement first began there was considerable discontent and many protests. Gradually, as its wisdom has been impressed more and more upon substantial citizens of that section, its critics have decreased and its friends have correspondingly increased.

Nevertheless even now it is not received with entire favor, and for that reason I desire to say just a brief word in advocacy of this legislation.

Everyone will admit the necessity of preserving these migratory game and nongame birds and migratory insectivorous birds. How may they be conserved? How may we prevent their wholesale destruction, which in a few years may cause them to become extinct, just as many animals and other birds have become extinct? May the State of North Carolina by its laws effect it, or the State of Indiana? No single State may do so. Perhaps it is not too broad a statement to say that even the United States could not do so, because it so happens that these birds in their migration go between Canada and the United States, and it has become evident that if we are to have any effective law which shall preserve these valuable birds that serve such a useful and necessary purpose it must be through the joint action of both countries.

Mr. BLAND. Will the gentleman yield?

Mr. SMALL. I yield to the gentleman.

Mr. BLAND. I should like to ask the gentleman a couple of questions. As I understand, the gentleman has in his district, or in his part of the country, some of the best fall and winter duck shooting in the United States. Is not that true?

Mr. SMALL. Perhaps so.

Mr. BLAND. And people there can kill them in November, December, and January, and that is your open season, is it not? And that is why you want to stop us from killing them elsewhere, so that your people can get them down there. Is not that true?

Mr. SMALL. I do not concede that to be the situation. I submit that if wise regulations are made applicable to game conditions in eastern North Carolina, likewise they will be made applicable to the State of Indiana and to every other State, and I can not concede that these regulations will discriminate against the State of Indiana or any other section.

So, Mr. Chairman, it is evident that if we are to preserve these insectivorous birds and these game birds, the necessity of which is so obvious that it is unnecessary to argue it, we must adopt some effective means of doing so. I submit that this is the only effective method which has ever been devised, and I think it is not going too far to say, which will be devised.

What are some of the objections to it? Gentlemen say that it is reposing in agencies of the Government the power to make regulations which by reason of this legislation become the law of the land. Is there any other practicable method?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SMALL. Congress, even with the wisest advice which it can garner, can not enact legislation applicable even to existing conditions, to say nothing of conditions that may arise from time to time. And there is nothing in experience which justifies us in shrinking with fear from the resulting regulations which may be promulgated. We have had regulations in force for several years, written from time to time, and instances of alleged injustice under those regulations have been called to my attention. When I investigated them with an open mind and a desire to determine what the best interest of those birds demanded, as well as the interest of my own people, very seldom have I been able to find any substantial ground for criticism. And if in the future in the making of these regulations any injustice, sectional or otherwise, should be perpetrated, Congress still has the power to set aside those regulations or to take away the right to make them. It remains absolutely within the power of Congress to control.

Something has been said about State rights. I flatter myself that when it comes to the preservation of the essential rights of the States, I have a record perhaps as good as that of any Member of this honorable body. But we are not violating any essential rights. In fact, we are trying to provide a law the purpose of which may not be effected by the law of any State in the Union. The fact that we are adopting the only method for carrying into effect a solemn treaty made between the United States and the Kingdom of Great Britain is of itself an argument of the impotency of the States to effectuate the purpose which this law is intended to carry out.

How can you take away an essential right of the State when the purpose to be accomplished by the exercise of the so-called State rights will be nugatory and accomplish nothing? The gentlemen are straining at a gnat. There are some essential rights in the States—rights which involve local self-government—which involve absolute sovereignty, which preserve the integrity of the States, and for such rights gentlemen of this body and the citizens of the country ought to stand; but we disparage the essential rights of the States when we cite such a law as this as one which violates them.

Mr. BOOHER. Mr. Chairman, suppose some of the States have a law that is satisfactory to the people, with which they are absolutely satisfied, which is well enforced, and suppose this law should conflict with that State law, which law will control?

Mr. SMALL. According to the terms of this law, the law of Congress would prevail.

Mr. BOOHER. Then, all of the gentleman's argument about preserving the rights of the States to legislate on that proposition fails.

Mr. SMALL. But the gentleman forgets that if any State makes any law regarding migratory game, if the purpose of the law is to preserve, to conserve game, it does not accomplish this purpose. This does accomplish the purpose and, therefore, it does not violate any right which the people of the States ought, under the authority of their sovereignty, to exercise.

Mr. BOOHER. It absolutely destroys their law, does it not, if it conflicts with the regulations made by the Secretary of Agriculture?

Mr. SMALL. If my friend thinks that a repetition of his statement strengthens it, I will agree with it again.

Mr. BOOHER. I was not making the same statement the second time. What I want to get at is the opinion of the gentleman as to whether or not the State has a right to legislate on this proposition; and if it has, and the law conflicts with the regulations made by the Secretary of Agriculture, then the State law falls, does it not?

Mr. SMALL. Of necessity under this law, if it is to be effective, it must prevail over the State law if there is a conflict between the State and Federal law. I think it is a wise piece of legislation in the interest of the country and ought to be enacted.

The CHAIRMAN. The time of the gentleman from North Carolina has expired. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. WATSON of Pennsylvania. Mr. Chairman, I move to strike out the last three words, for the purpose of asking the chairman a question. I noticed that the bobolinks under article 1 of the convention are classed with the migratory insectivorous birds. In the North the bobolink is a bird of beautiful plumage, a bird of song, but when he migrates to my section he becomes a dark color and a game bird, known as the reedbird, and its flesh is highly flavored. I want to know if article 7 of the convention is so elastic as to permit the shooting of these birds? In the early autumn our State law permits the privilege of shooting those birds for a limited period.

Mr. FLOOD. Does he seriously injure any agricultural interests in the gentleman's community?

Mr. WATSON of Pennsylvania. No. In the North he is an insectivorous bird, but with us he feeds on seeds and not on grain, and is like the robin in that respect. The robin is an insectivorous bird in the North and in the South feeds on grain, and is shot there by the thousands.

Mr. FLOOD. Does he destroy the gentleman's grain?

Mr. WATSON of Pennsylvania. No; but he eats seeds more than he does grain. He does not destroy any of our grains or products, but there are a great many of them in my section, on account of the rivers and the streams, where reeds grow extensively, on which he feeds and lives; thus the name "reedbird."

Mr. FLOOD. Do you object to their being protected?

Mr. WATSON of Pennsylvania. They are protected by the State, with the exception of an open season of a few days.

Mr. FLOOD. Do you object to their protection under this law?

Mr. WATSON of Pennsylvania. I object to their being protected as a game bird. I do not see why they should not be classed as a game bird with us.

Mr. FLOOD. If it is injurious to any interests in the gentleman's community, they could permit them to be killed.

Mr. WATSON of Pennsylvania. On the Jersey coast and on the Delaware River there are a great many of them in the fall of the year.

Mr. FLOOD. Unless they are injurious to agriculture or the interests of the community——

Mr. WATSON of Pennsylvania. They do not injure any interests in our district.

Mr. FLOOD. I do not see how under this treaty there could be any change in the provision.

Mr. WATSON of Pennsylvania. Under article 7, which is rather elastic, permits may be obtained to kill the birds named in the treaty, but only for food and not to be offered for sale.

Mr. FLOOD. Article 7 reads as follows:

Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the high contracting powers under suitable regulations prescribed therefor by them respectively, but such permits shall lapse, or may be canceled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

Mr. WATSON of Pennsylvania. He is well noted there, and has been for years and years, as a food bird entirely. He changes his color, and he is not a song bird with us.

Mr. FLOOD. From the construction the gentleman puts on it, the section would apply to the bobolinks in his district.

Mr. WATSON of Pennsylvania. The bobolink is not known in my section of the State, but when he migrates there his local name is "reedbird."

Mr. FLOOD. I do not see how we can amend. His status is fixed by the treaty. There is no way to amend it.

Mr. WATSON of Pennsylvania. There is no way of amending the convention, but I was hoping that article 7 could be construed as permitting us to shoot the reedbird.

Mr. FLOOD. That is permitted if he is injurious.

Mr. WATSON of Pennsylvania. But he is not injurious.

Mr. FLOOD. Then I do not see how article 7 applies.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.

Mr. RAKER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question, and that is as to whether he intends to try to complete the bill so far as section 5 is concerned to-night?

Mr. FLOOD. We would like to do so; yes, that is what we intended to do.

Mr. RAKER. The only thing in my mind was, it seems to me, that there ought to be quite a good attendance in the House in the discussion of this section 5, for this reason: It is so fundamental and to my mind it seems to overthrow every principle of civil and criminal jurisdiction that has ever been known, and I wondered whether or not the committee intended to ask the adoption of this section. I just want to call the attention to this for just a moment:

That any employee of the Department of Agriculture, authorized by the Secretary of Agriculture to enforce the provision of this act, shall have power—

Now, think of it; stop right there; without oath, without bond, without responsibility, when no State in the Union has ever permitted a police officer to go out and arrest its citizens without at least giving an oath and giving a bond that when the citizen has been invaded or his personal liberty has been jeopardized and he has been taken into custody that he may have some remedy, but here it is thrown wide open that any employee—well, I am for the purposes of this bill—but here is a section I can not conceive how this can be permitted to be enacted into law. Let me read just a little further. Without bond, without oath, without responsibility, without knowledge——

Mr. FLOOD. I thought the gentleman was reading.

Mr. RAKER. Read and you will find this provision——

Mr. STAFFORD. Will the gentleman kindly permit the section to be read? We have not reached that section yet.

Mr. RAKER. I do not know whether it ought to be read or not. I have only five minutes, and this gives me an opportunity—it gives him authority "to arrest any person committing a violation of this act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction."

No relief to the man who has been arrested. If it is found he has been falsely imprisoned, or the facts do not exist that the employee of the Department of Agriculture claims to exist, no remedy on earth is afforded. Now, again:

Shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act.

That power is given to the appointees of a department to use the United States marshal power; the power of the sheriff of the country is turned over to this officer, of the constable and chief of police; every other police officer in the land, Federal and State, county and municipal, is given to an appointee, without oath, without responsibility. Now, I will read again.

Mr. FESS. Will the gentleman yield for a question?

Mr. RAKER. Just let me read this.

Mr. FESS. We all have read it. Will the gentleman yield for a question?

Mr. RAKER. All right; I yield to the distinguished gentleman from Ohio.

Mr. FESS. Suppose that a man exercises that power and takes in charge a man that violated this law.

Mr. RAKER. Yes.

Mr. FESS. The man who was authorized by the Secretary of Agriculture is a Federal officer. If he could not take the evidence which is the bird killed, as evidence of the violation of the law, but he must get a warrant first before he can arrest him, how far would the enforcement of this law go? Suppose you and I were men who killed a bird and my friend MILLER here is the man who would take us in charge, if he has to wait until he gets authority——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask that I may proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. FESS (continuing). You and I will be two witnesses against one. It seems to me it is absolutely necessary to give this authority in order to make the law effective.

Mr. RAKER. The gentleman has confounded the distinction I am trying to make. Any peace officer may arrest a man under the law, when the person arrested is committing an act in his presence, without a warrant of arrest. That is as it should be. But he is an officer; he has taken an oath; he has given a bond. But suppose the very man you name, that has no responsibility, arrests you, and, as a matter of fact, you did not have the bird, you did not do the killing, would have nothing to do with it—and you have the right to sue him for false imprisonment and damages—what remedy have you got?

Mr. FESS. Will the gentleman yield?

Mr. RAKER. In just a moment.

Mr. FESS. When he is authorized by the Secretary of Agriculture then he is in the form of an official officer to exercise this, because he could not do this until he is authorized by the Secretary.

Mr. RAKER. Oh, no. He might be authorized, but what does the authorization mean to the man who has been arrested unlawfully and illegally so far as his remedies are concerned as an American citizen. Whom will he sue?

Mr. FESS. It means a respect for the law.

Mr. RAKER. Whom will he sue if he is arrested and put in jail for three weeks? Nobody can respond.

Mr. MILLER of Minnesota. Suppose the gentleman is illegally and improperly, as would be the case, arrested by a policeman on the street who thinks he has seen him committing a misdemeanor, what redress has the gentleman?

Mr. RAKER. If I can prove that he is lying I have an opportunity to sue him and his bondsmen and get relief.

Mr. MILLER of Minnesota. He has no bondsmen. The gentleman can sue him, and would not that be the exact situation in this case?

Mr. RAKER. He is an officer that they can turn out, and they can put another fellow in.

Mr. MILLER of Minnesota. The gentleman would have an action against the officer.

Mr. RAKER. This is not an officer.

Mr. MILLER of Minnesota. Against the man, then.

Mr. RAKER. Now, again. This says, "And shall have authority without warrant to search any place." Now, just think of that!

Mr. FLOOD. May I interrupt the gentleman?

Mr. RAKER. I am not quite through.

Mr. FLOOD. I want to make a suggestion. The gentleman has not been here during the discussion.

Mr. RAKER. I beg your pardon. I have been here all the day, from the time the gavel sounded and the Chaplain began his prayer, up to the present time.

Mr. FLOOD. The gentleman, then, did not hear what was said.

Mr. RAKER. Yes; I did.

Mr. FLOOD. I said, to reach the point I was going to offer an amendment.

Mr. RAKER. I appreciate that.

Mr. FLOOD. What is the good of discussing this, then?

Mr. RAKER. I want to show to the committee that this committee that had the matter in charge reported that you could search a man's premises without a warrant, and they know that it was so unjustified and so un-American that they came in and asked to strike it out——

Mr. FLOOD. And if the committee is so un-American and so unjustified, perhaps the whole bill ought to be repealed. Does the gentleman agree with that?

Mr. RAKER. No.

Mr. FLOOD. The gentleman agrees with the gentleman about that particular point. The only object he has in discussing this is to lambast the committee.

Mr. RAKER. Do you think that because a committee brings in a bill here and anybody criticizes the bill, you are lambasting it?

Mr. FLOOD. Oh, no.

Mr. RAKER. Is it possible in this House that a bill is above amendment or a committee is above the suggestion that they made a mistake?

Mr. FLOOD. Not at all; and I did not say that.

Mr. RAKER. If that is so, then Congress ought to adjourn and turn everything over to the committees.

Mr. FLOOD. Not at all. I said the gentlemen of the committee were in accord on that proposition.

Mr. RAKER. I know that.

Mr. FLOOD. Then what is the use of discussing it?

The CHAIRMAN. The gentleman from California [Mr. RAKER] has the floor, and the gentleman from Virginia [Mr. FLOOD] must not interrupt him without his consent.

Mr. RAKER. He did not. There is no complaint about that. As to the question of lambasting, you can not get over that, because the calling of the attention of the House to important matters is not lambasting. And I hope the distingushed gentleman from Virginia will not permit such a thing as this.

Mr. MILLER of Minnesota. Mr. Chairman, I raise the point that the gentleman is not addressing himself to his motion.

Mr. RAKER. I will now.

Mr. MILLER of Minnesota. Then, will you kindly yield to me?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more. I am in earnest on this. It ought to be defeated.

Mr. MILLER of Minnesota. Wait until we get to the next section.

Mr. RAKER. Give me five minutes now, and then I will not bother further.

Mr. MILLER of Minnesota. Mr. Chairman, inasmuch as the gentleman is addressing himself to a paragraph that has not been read yet, and inasmuch as he can talk later, I shall have to object.

The CHAIRMAN. The gentleman from Minnesota objects.

The Clerk read as follows:

SEC. 5. That employees of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall, with respect thereto, have the same powers as are conferred by law on marshals with respect to executing the laws of the United States. That any warrant necessary to the enforcement of the provisions of this act, or any regulation made thereunder, shall be issued by the several judges of the courts established under the laws of the United States, and the United States commissioners within their respective jurisdictions, upon proper oath or affirmation showing probable cause for the issuance of such warrants. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

With a committee amendment, as follows:

Page 3, strike out lines 11 and 22, inclusive, and insert in lieu thereof the following:

"SEC. 5. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall have power, without warrant, to arrest any person committing a violation of this act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and shall have authority, without warrant, to search any place other than a dwelling, and, with warrant, to search any dwelling, if he shall have reason to suspect that there is concealed therein any bird, or any part, nest, or egg thereof, which has been captured, killed, taken, shipped, transported, or carried, or which is possessed contrary to the provisions of this act or of any regulation made pursuant thereto. The several judges of the courts established under the laws of the United States and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases."

Mr. FLOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. Is this an amendment to the committee amendment?

Mr. FLOOD. Yes.

The CHAIRMAN. The gentleman from Virginia offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FLOOD to the committee amendment: Page 4, line 7, strike out the word "without," and insert in lieu thereof the word "with." Page 4, lines 8 and 9, strike out the words "other than a dwelling, and, with warrant, to search any dwelling."

Mr. DOOLITTLE and Mr. MILLER of Minnesota rose.

The CHAIRMAN. Does the gentleman from Kansas desire to discuss the amendment?

Mr. DOOLITTLE. I desire to speak in opposition to the amendment.

Mr. MILLER of Minnesota. Mr. Chairman, I do not claim any priority of right in recognition because I am a member of the committee, but I want to arrange, if I can, as to the division of time for the debate.

The CHAIRMAN. The gentleman from Minnesota is a member of the committee and is recognized.

Mr. MILLER of Minnesota. This section, I apprehend, is going to attract the most vital discussion of any part of the bill. I do not think the chairman of the committee was correctly advised when he stated that the committee as a whole, at least, was not approving the amendment as originally proposed. I most heartily favor it, and I think by all means the House should adopt it as originally proposed. The gentleman in charge of the bill and others on the committee have shown a desire to modify it.

Mr. FLOOD. The gentleman is right about that.

Mr. MILLER of Minnesota. Can we not arrange for the time of debate, so that we can get a vote?

Mr. FLOOD. What would the gentleman suggest?

Mr. MILLER of Minnesota. Twenty minutes to a side. That would be 40 minutes. We should be able to accommodate all those who desire to discuss the bill.

Mr. FLOOD. That is just in reference to this amendment?

Mr. MILLER of Minnesota. Yes.

Mr. STAFFORD. Mr. Chairman, I hardly think 20 minutes on a side would be sufficient for the discussion of a provision giving such drastic powers to the Secretary of Agriculture.

Mr. FLOOD. The gentleman from Minnesota suggested, as I understood, that there should be 20 minutes to a side to the two amendments I shall offer. The section now reads, "and shall have authority, without warrant, to search any place other than a dwelling." I propose an amendment so that it would read, "and shall have authority with warrant to search any place." That is the amendment that the gentleman had reference to with respect to the agreement for 20 minutes to a side.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that all discussion on this amendment and all amendments and modifications of it shall close in 40 minutes; 20 minutes to be controlled by the gentleman from Virginia [Mr. FLOOD] to be utilized by those who are in favor of the amendment, and 20 minutes to be controlled by myself to be utilized by those who are opposed to any change.

Mr. RAKER. Reserving the right to object, Mr. Chairman, that takes in part of section 5?

Mr. MILLER of Minnesota. Yes; but it would not preclude any other amendment.

Mr. RAKER. If this amendment were adopted it would take out section 5?

Mr. FLOOD. The gentleman is talking about the amendment to the amendment.

Mr. MILLER of Minnesota. I am talking about the amendment offered by the gentleman from Virginia to the committee amendment.

Mr. RAKER. That is the amendment to the amendment, and not the amendment to section 5?

Mr. MILLER of Minnesota. That is the amendment to the amendment.

Mr. RAKER. Then there will be an opportunity to discuss the amendment to section 5?

Mr. MILLER of Minnesota. Undoubtedly.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the debate on the amendment to the amendment be limited to 40 minutes, 20 minutes to be controlled by the gentleman from Virginia and 20 minutes by the gentleman from Minnesota, the time of the gentleman from Virginia to be given to those who are in favor of the proposed amendment and that of the gentleman from Minnesota to those who are opposed.

Mr. TILLMAN. Reserving the right to object, Mr. Chairman, I have an amendment that I wish to offer, to strike out the entire section.

The CHAIRMAN. The gentleman's amendment would not be affected by this agreement.

Mr. GARNER. Reserving the right to object, I should like to make an inquiry of the gentleman in charge of the bill. If there is to be 40 minutes debate on this paragraph, that will take it up to 5 minutes to 6 o'clock. I should like to know if the gentleman expects to finish the bill this afternoon?

Mr. FLOOD. I suggest to the gentleman from Texas——

Mr. MOORE of Pennsylvania. If the gentleman will pardon me, there are some indications of a desire to call the roll on this bill. I merely want to add that to the suggestion of the gentleman from Texas that the debate will run until 6 o'clock.

Mr. FLOOD. I suggest to the gentleman from Texas that all who desire to offer amendments to section 5 offer them this afternoon, and then I will move that the committee rise.

Mr. RAKER. The only trouble is, supposing one of these amendments is allowed, and then it is desired to offer another amendment, that would be cut off by this agreement.

The CHAIRMAN. The question is on the request for unanimous consent of the gentleman from Minnesota. Is there objection?

There was no objection.

Mr. FLOOD. I yield five minutes to the gentleman from Kansas [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman and gentlemen of the committee, I wish to digress for five minutes from the immediate subject before the House. It is not very often that I think it behooves Members of Congress to bring up on the floor of the House matters that appear in newspapers as editorial comment; but the clipping I have in my hand is so grossly unfair and unjust by innuendo to the former parliamentary clerk of this House, the worthy and distinguished Speaker's son, that I feel that Members on both sides will be glad of the opportunity to vindicate Lieut. Col. Bennett C. Clark from the aspersions and the insinuations which have been made in this little squib which I wish to read to the House. It is printed in the Recorder, a paper published at Westmoreland, in Pottawatomie County, Kans., which county I have the honor to represent here as a part of the fourth district of Kansas. I am informed that the item was framed in Washington as a piece of partisan propaganda and sent broadcast over the country. The editorial reads as follows:

> Bennett Clark, son of Speaker Champ Clark, was appointed a lieutenant last August, and has risen already to lieutenant colonel. That is coming up pretty rapidly, even for a "deserving Democrat."

Gentlemen, I believe we can say with one accord, we who have known Bennett Clark, that this young man has won his spurs. I believe the gentlemen on the Republican side of the House will not for a moment countenance the statement, or believe it, that Bennett Clark received his commission through any political pull. I believe you will agree with me that this young man went into the training camp the same as other young men and that he received his commission by reason of the hard work that he did and the merit of his efforts. I am going to read the military history of Bennett C. Clark, and let the country judge the truthfulness of the newspaper sneer.

He attended the Officers' Training School at Fort Myer for three months. He entered the first day possible and was recommended by those in authority as one of 3 senior captains out of 2,500 young men. This recommendation to the Secretary of War was in the last days of July, 1917—the commissions to be delivered August 13. In the meantime, without request, he was unanimously elected lieutenant colonel of the Sixth Missouri National Guard, now part of the One hundred and fortieth United States Infantry. No unit of that regiment came from the Speaker's congressional district. He was elected lieutenant colonel because first and last, one way and another, he had been much drilled. August 13, along with his fellow students at Fort Myer he received his captain's commission and declined it for the reason that he was already in the service as a lieutenant colonel.

The truth is that he was determined to hold on to his captain's commission, won on merit at Fort Myer, and to decline the lieutenant colonelcy in the National Guard, and only accepted it after five major generals advised him to do so.

President Wilson duly accepted his declination of the captaincy in a formal bulletin.

When the Sixth Missouri was merged with the Third Missouri to make the One hundred and fortieth United States Infantry, the military authorities at Camp Doniphan, without suggestion or request from either Lieut. Col. Clark or his father, the Speaker of the House, made young Clark lieutenant colonel of the One hundred and fortieth Infantry.

After several months' further work at Camp Doniphan, Lieut. Col. Clark, with the other officers of his regiment, went to Fort Sam Houston, at San Antonio, Tex., to attend a field officers' training school. At the close of several weeks' strenuous work there the officers were given a stiff examination, which Clark passed with flying colors, as he has passed every examination, whether in high school, university, law school, or for admission to the bar.

And I may say at this point, gentlemen, that Bennett Clark is a chip off the old block, Speaker CHAMP CLARK. [Applause.] I believe the record will show that Speaker CLARK, when he graduated from the university, graduated with the record grade of 99.8 per cent, which, if I am correctly informed, is the highest grade ever given to a graduate of an American university.

On the occasion of Bennett Clark's admission to the bar he stood first in a class of 161 in taking the Missouri State bar examination.

It was said that the officer in command at the training school suggested that Clark be given 100 as his grade for the work performed. I do not know whether this is true or not; but it happens that in the school there were 18 officers who failed to make the most satisfactory showing. Clark was selected by the higher officers to represent these men in their effort to secure the issuance of their commissions. His work was so successful that 16 of the 18 were commissioned. He then hurried back to Camp Doniphan, but at the railroad station the officers presented him with the best watch that could be purchased in San Antonio.

Then upon crossing the Atlantic to France he was detailed to conduct an officers' training school aboard ship, which he did.

Gentlemen, I submit to you that there never was a case more meritorious, and that anyone who would insinuate that Bennett Clark received his commission by reason of favoritism, persuasion, or suggestion on the part of anybody is stating what is not the fact. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent that it be extended for five minutes.

Mr. FLOOD. Mr. Chairman, I object.

Mr. DYER. I just wanted to state that——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I desire to state to the chairman of the committee that I have an amendment that I desire to offer, but I would rather not be prejudiced by trying to offer it to-night.

Mr. FLOOD. Then I shall move that the committee do now rise.

Mr. MILLER of Minnesota. Mr. Chairman, I ask the gentleman to withhold that for a moment until I can yield one minute to the gentleman from Missouri [Mr. DYER].

Mr. FLOOD. Very well.

Mr. MILLER of Minnesota. I yield one minute to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, I want to add a word to what has been so well and truthfully said concerning Lieut. Col. Bennett C. Clark of my State. The entire people of Missouri, including the officers and men who are in the service, appreciate and admire the ability and courage of Bennett Clark. They all know that what he is comes from his sole merit and worth. Missouri soldiers who have served with him in the camps in that State and in Oklahoma unite in saying that he is a soldier every inch of him, and one of the most efficient officers that they have had

to deal with. His superior officers say the same. So what the gentleman from Kansas [Mr. DOOLITTLE] has said, while handsome of him, is not needed so far as we of Missouri are concerned, because we know that Lieut. Col. Bennett Clark is all true and a yard wide, and is an honor to that great State and its people in the splendid patriotic service he is now rendering. [Applause.]

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. KEATING, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 1553 and had come to no resolution thereon.

VOCATIONAL REHABILITATION OF THE SOLDIER.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that immediately after the disposition of the bill S. 1553, now under consideration, it may be in order to consider the bill H. R. 12212, the soldiers' vocational rehabilitation bill, not to interfere with the appropriation bill or conference reports or, of course, Calendar Wednesday.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that immediately following the bill now under consideration it shall be in order to consider the soldiers' vocational rehabilitation bill, not to interfere with privileged matters. Is there objection?

Mr. MOORE of Pennsylvania. Does that mean that the bird bill goes over until Thursday?

The SPEAKER. It seems so.

Mr. KITCHIN. Yes.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I understand that it is the desire of the Committee on Education, the chairman of which is unavoidably absent, to consider the Senate bill instead of the House bill.

Mr. KITCHIN. I rather think the program is to consider the House bill and when that is reported to lay the Senate bill before the House and strike out all after the enacting clause and substitute the House bill.

Mr. GARRETT of Tennessee. This matter has been discussed with me to some extent as a member of the Committee on Rules, but the gentleman is probably better informed than I. At some time it is desired to substitute the Senate bill?

Mr. KITCHIN. Yes.

Mr. BANKHEAD. That is the purpose of the committee.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

EXTENSION OF REMARKS.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD on the bird bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

Mr. WALSH. The gentleman has already that permission now.

Mr. RAKER. Not on this last portion.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. HENRY T. RAINEY. Mr. Speaker, I ask unanimous consent that after the reading of the Journal and the disposition of matters on the Speaker's table on Friday next I be permitted to address the House for 40 minutes on the subject of platinum.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on Friday next, after the reading of the Journal and the disposition of the matters on the Speaker's table, he be permitted to address the House for 40 minutes on the subject of platinum. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, will the gentleman state whether that request excludes also the consideration of conference reports? It is expected that the conference report on the Post Office appropriation bill may be in Thursday or Friday.

Mr. HENRY T. RAINEY. I do not desire to interfere with conference reports.

The SPEAKER. The way the request is put it will come ahead of conference reports.

Mr. WALSH. Mr. Speaker, reserving the right to object, I wondered if the gentleman knew that next Saturday we are to have one or two speakers after the reading of the Journal, and if it would be just as convenient for him to make his remarks on Saturday?

Mr. HENRY T. RAINEY. I prefer to make them as soon as possible.

Mr. WALSH. All right.

The SPEAKER. Is there objection?

Mr DYER. Mr. Speaker, reserving the right to object, will the gentleman modify his request so it will not interfere with the conference report on the Post Office appropriation bill?

Mr. HENRY T. RAINEY. I have done that.

The SPEAKER. Not to interfere with the conference reports. Is there objection? [After a pause.] The Chair hears none.

Mr. ASHBROOK. Mr. Speaker, the Senate has passed the bill to standardize screw threads, with amendments. I desire to ask unanimous consent to take that bill from the Speaker's table, to agree to the conference asked, and that the conferees be named.

The SPEAKER. The gentleman from Ohio asks to take from the Speaker's table the bill (H. R. 10852) with Senate amendments, to disagree to the Senate amendments, and to agree to the conference asked by the Senate. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, may I have the attention of the gentleman from Ohio? Will the gentleman kindly repeat the subject to which the bill refers?

Mr. ASHBROOK. The standardization of screw threads.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 10852) to provide for the appointment of a commission to standardize screw threads.

The SPEAKER. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. ASHBROOK, Mr. SLAYDEN, and Mr. ROBERTS.

DISPLAY OF WORK OF CANADIAN INVALID SOLDIERS' COMMISSION.

Mr. FESS. Mr. Speaker, I ask unanimous consent to proceed for one-half a minute.

The SPEAKER. The gentleman from Ohio asks unanimous consent to speak for one-half a minute. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Speaker, to-night in the majority room of the House Office Building is to be displayed from 10,000 to 12,000 feet of film representing the work of the Canadian Invalid Soldiers' Commission in the rehabilitation of wounded soldiers since the war opened. This is through the courtesy of this commission in Canada. I simply make the announcement that we would be very glad to have Members of the House, if it is possible, be present and witness that display. I have seen the picture myself, and it is quite remarkable, and it is worth seeing, indicating the character of this work.

The SPEAKER. The time of the gentleman has expired.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 5, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of Commerce submitting supplemental estimates of appropriations required by the Department of Commerce for the fiscal year 1919 (H. Doc. No. 1146); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, together with a report of a special board of officers of the Corps of Engineers on a preliminary examination of the Florida East Coast Canal, from St. Johns River to Key West, with reference to the desirability of purchasing said canal by the United States, with reference to the use of such a waterway for commercial, military, and naval purposes (H. Doc. No. 1147); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LITTLE, from the Committee on Claims, to which was referred the bill (H. R. 5037) for the relief of Frank Hardesty,

reported the same without amendment, accompanied by a report (No. 617), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 746) for the relief of F. W. Schultz, reported the same without amendment, accompanied by a report (No. 618), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 985) for the relief of George F. Weaver, reported the same without amendment, accompanied by a report (No. 619), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 11689) for the relief of Marion Banta, reported the same without amendment, accompanied by a report (No. 620), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3449) for the relief of O. W. Lindsley, reported the same without amendment, accompanied by a report (No. 622), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4287) for the relief of the legal representatives and heirs of George H. Riley, deceased, of Chicago, Ill., reported the same without amendment, accompanied by a report (No. 623), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 744) for the relief of Wilson M. Dent, reported the same without amendment, accompanied by a report (No. 624), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 387) for the relief of John Flanigan, reported the same with amendment, accompanied by a report (No. 625), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 11207) to reimburse Jason J. Green, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 12374) to provide for the revenue of the Government by establishing a graduated rate for payment of a tax on newspapers and periodicals according to rate of subscription price and number of copies circulated through the mails in addition to existing rates; to the Committee on the Post Office and Post Roads.

By Mr. LUNN: A bill (H. R. 12375) to insure the continuous operation of electrical communicating systems, to guard the secrecy of war dispatches, and prevent communications between public enemies; to the Committee on Military Affairs.

By Mr. GODWIN of North Carolina: A bill (H. R. 12376) suspending during the period of the present war the provisions of section 9 of the act of January 16, 1883, known as the civil-service act; to the Committee on Reform in the Civil Service.

By Mr. JAMES: Resolution (H. Res. 384) expressing the earnest sympathy of the United States with the nationalistic aspirations of the Jugoslavs for freedom and self-government, etc.; to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 385) inquiring as to preparedness of inland waterways for purposes of war; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 12377) granting a pension to Kate Peck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12378) granting an increase of pension to Christian S. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12379) granting a pension to Herb Betts; to the Committee on Pensions.

Also, a bill (H. R. 12380) granting a pension to Minnie May Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12381) granting a pension to Elizabeth Bluck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12382) granting an increase of pension to Charles Gretzinfer; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 12383) granting a pension to Orval W. Hiatt; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 12384) granting an increase of pension to Samuel L. Bryant; to the Committee on Invalid Pensions.

By Mr. GRAY of New Jersey: A bill (H. R. 12385) for the relief of Rudolph Ullmer; to the Committee on Reform in the Civil Service.

By Mr. HAWLEY (by request): A bill (H. R. 12386) to reimburse the United Engineering & Contracting Co., Astoria, Oreg., for extras furnished and moneys withheld in the construction of batchelor officers' quarters at Fort Stevens, Oreg.; to the Committee on Claims.

Also, a bill (H. R. 12387) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the claim of Albert Wood arising out of a contract for carrying the mails on star route No. 73195; to the Committee on Claims.

By Mr. PARKER of New York: A bill (H. R. 12388) granting a pension to Orramel T. Bostwick; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 12389) granting an increase of pension to Henry Neutzenhoelzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12390) granting an increase of pension to Reuben S. Bell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ESCH: Memorial of Student Council of Defense of the University of Wisconsin, urging the passage of the war-prohibition bill; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of the Central Electric Co., of Chicago, favoring the Keating minimum wage bill for women (H. R. 12098); to the Committee on Labor.

Also, petition of the Denison Co., of Chicago, opposing the repeal of the zone system for second-class mail; to the Committee on Ways and Means.

Also, petition of A. E. Anderson and others, of Morris, Ill., for war-time prohibition of the liquor traffic to conserve food; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Petition of sundry citizens of Cattaraugus, N. Y., favoring the passage of legislation which will prohibit the manufacture of intoxicating beverages and to limit liquors on hand to nonbeverage uses; to the Committee on the Judiciary.

Also, resolutions of public meetings held at Randolph and at Chautauqua, N. Y., favoring the adoption of an amendment to the Constitution prohibiting the practice of polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Resolutions of the United Brotherhood of Carpenters and Joiners, Local No. 883, Aberdeen, Wash., favoring the Smith-Sears bill; to the Committee on Education.

Also, memorial of the mayor and City Council of Aberdeen, Wash., favoring legislation to abolish profiteering in foodstuffs; to the Committee on Agriculture.

By Mr. KINKAID: Petition of N. H. Hawkins and 29 other citizens of Seneca, Nebr., for enactment of war prohibition; to the Committee on the Judiciary.

By Mr. MAHER: Petition and brief of the pressmen in the pressroom of the Government Printing Office, asking for an increase in wage; to the Committee on Appropriations.

By Mr. SMITH of Idaho: Resolutions adopted by the Trades and Labor Council, Boise, Idaho, urging the enactment of legislation providing for the rehabilitation of wounded soldiers and sailors; to the Committee on Education.